

SPECIAL TRIBUNAL FOR LEBANON

المحكمة الخاصة بلبنان

TRIBUNAL SPÉCIAL POUR LE LIBAN

**THE TRIAL CHAMBER**

**Case No.:** STL-11-01/T/TC

**Before:** Judge David Re, Presiding  
Judge Janet Nosworthy  
Judge Micheline Braidy  
Judge Walid Akoum, Alternate Judge  
Judge Nicola Lettieri, Alternate Judge

**Registrar:** Mr Daryl Mundis, Registrar

**Date:** 17 April 2015

**Original language:** English

**Type of document:** Public

**THE PROSECUTOR**

v.

**SALIM JAMIL AYYASH**  
**MUSTAFA AMINE BADREDDINE**  
**HASSAN HABIB MERHI**  
**HUSSEIN HASSAN ONEISSI**  
**ASSAD HASSAN SABRA**

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**DECISION ON *AMICUS CURIAE* PROSECUTOR'S REQUEST TO LIFT THE  
CONFIDENTIALITY OF AN ORDER**

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**Office of the Prosecutor:**

Mr Norman Farrell, Mr Graeme Cameron  
& Mr Alexander Milne

**Legal Representatives of  
Participating Victims:**

Mr Peter Haynes, Mr Mohammad F. Mattar  
& Ms Nada Abdelsater-Abusamra

***Amicus Curiae* Prosecutor**

Mr Kenneth Scott

**Counsel for *Al Jadeed* S.A.L./ New T.V.  
S.A.L. and Ms Kharma Khayat**

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Mr Rodney Dixon  
Ms Dato' Shyamala Alagendra

**Counsel for Mr Salim Jamil Ayyash:**

Mr Eugene O'Sullivan, Mr Emile Aoun &  
Mr Thomas Hannis

**Counsel for Mr Mustafa Amine Badreddine:**

Mr Antoine Korkmaz, Mr John Jones &  
Mr Iain Edwards

**Counsel for Mr Hassan Habib Merhi:**

Mr Mohamed Aouini, Ms Dorothee Le Fraper  
du Hellen & Mr Khalil Jad

**Counsel for Mr Hussein Hassan Oneissi:**

Mr Vincent Courcelle-Labrousse, Mr Yasser  
Hassan & Mr Philippe Larochelle

**Counsel for Mr Assad Hassan Sabra:**

Mr David Young, Mr Guénaél Mettraux  
Mr Geoffrey Roberts



1. The Pre-Trial Judge issued a confidential and *ex parte* Order for Immediate Removal of Disseminated Material and Cessation of Dissemination on 10 August 2012, ordering, in particular, ‘*Al Jadeed* TV, its principals, employees, agents and affiliates immediately to remove any confidential information or material allegedly related to witnesses before the Tribunal, from their websites and from any other resource accessible to the public’.<sup>1</sup>
2. On 26 March 2015, the *Amicus Curiae* Prosecutor confidentially requested the Contempt Judge *in the case against Al Jadeed [Co.] S.A.L./ New T.V. S.A.L. (N.T.V.) and Karma Mohamed Tahsin al Khayat (Al Jadeed case)* to lift the confidentiality of the order.<sup>2</sup> The Contempt Judge referred the *Amicus Curiae* Prosecutor’s request to the Trial Chamber on 31 March 2015 since the Trial Chamber is seized of the proceedings in the *Ayyash* case.<sup>3</sup> The Defence did not respond.
3. Having considered the request, the Trial Chamber is satisfied that the reasons for maintaining the confidentiality of the order—namely, safeguarding the ongoing investigations by not disclosing the techniques that have been employed and the information that has been gathered<sup>4</sup>—no longer exist. The information it contains relates to the subject matter of the *Al Jadeed* case.<sup>5</sup>

### **DISPOSITION**

**FOR THESE REASONS**, the Trial Chamber:

**GRANTS** the *Amicus Curiae* Prosecutor’s request to lift the confidentiality of the Order for Immediate Removal of Disseminated Material and Cessation of Dissemination dated 10 August 2012; and

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<sup>1</sup> STL-11-01/PT/PTJ, *Prosecutor v. Ayyash, Badreddine, Oneissi, and Sabra*, F0372, Order for Immediate Removal of Disseminated Material and Cessation of Dissemination, 10 August 2012. Public redacted version dated 5 June 2013.

<sup>2</sup> STL-14-05/PT/CJ, *In the case against Al Jadeed [Co.] S.A.L./ New T.V. S.A.L. (N.T.V.) and Karma Mohamed Tahsin al Khayat*, F0113, Request to Lift Confidentiality of the 10 August 2012 Order, Confidential, 26 March 2015.

<sup>3</sup> STL-11-01/T/TC, *Prosecutor v. Ayyash, Badreddine, Merhi, Oneissi, and Sabra*, F1891, Decision on the *Amicus Curiae* Prosecutor’s Request to Lift the Confidentiality of an Order, 31 March 2015.

<sup>4</sup> STL-11-01/PT/PTJ, F0372, Order for Immediate Removal of Disseminated Material and Cessation of Dissemination, 10 August 2012, para. 2.

<sup>5</sup> The Trial Chamber informed the Parties in the *Al Jadeed* case of its decision by email from the Senior Legal Officer dated 15 April 2015.

**INSTRUCTS** the Registry to reclassify both the Order and the *Amicus Curiae* Prosecutor's Request to Lift the Confidentiality of the 10 August 2012 Order as public.

Done in Arabic, English, and French, the English version being authoritative.

Leidschendam,  
The Netherlands

17 April 2015

David Re

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Judge David Re, Presiding

Janet Nosworthy

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Judge Janet Nosworthy

Micheline Braidy

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Judge Micheline Braidy

