

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

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THE PROSECUTOR

v.

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

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

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**

Mr Karim A.A. Khan
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,
Hassan & Mr Philippe Laroche

Counsel for Mr Assad Hassan Sabra:

Mr David Young, Mr Guénaél
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’.¹
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.² 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.³ 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 gathered⁴—no longer exist. The information it contains relates to the subject matter of the *Al Jadeed* case.⁵

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

¹ 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.

² 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.

³ 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.

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

⁵ 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

Judge David Re, Presiding

Janet Nosworthy

Judge Janet Nosworthy

Micheline Braidy

Judge Micheline Braidy

