

**THE CONTEMPT JUDGE**

**Case No.:** STL-14-06/PT/CJ  
**Before:** Judge Nicola Lettieri, Contempt Judge  
**Registrar:** Mr Daryl Mundis, Registrar  
**Date:** 18 December 2015  
**Original language:** English  
**Classification:** Public

**IN THE CASE AGAINST**

***AKHBAR BEIRUT S.A.L.***  
**IBRAHIM MOHAMED ALI AL AMIN**

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**PUBLIC REDACTED VERSION OF DECISION ON MOTIONS TO AMEND THE  
*AMICUS CURIAE* PROSECUTOR'S EXHIBIT AND WITNESS LISTS**

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***Amicus Curiae* Prosecutor:**  
Mr Kenneth Scott

**Counsel for *Akhbar Beirut* S.A.L. and Mr  
Ibrahim Mohamed Ali Al Amin:**  
Mr Antonios Abou Kasm



## INTRODUCTION

1. The *Amicus Curiae* Prosecutor (“*Amicus*”) seeks leave to add 17 exhibits to his exhibit list<sup>1</sup> and to amend his witness list, by removing four witnesses and adding three new witnesses, as detailed in two separate confidential annexes.<sup>2</sup> The Defence opposes these requests.<sup>3</sup> The *Amicus* also seeks leave to reply.<sup>4</sup>

2. For the reasons stated below, I grant both requests. I also find it appropriate and necessary to order a postponement of the trial proceedings by four weeks in order to ensure that the Defence has sufficient time to prepare its case in light of these amendments.

## APPLICABLE LAW

3. Consistent with well-established international criminal case-law and that of this Tribunal’s Trial Chamber, I may permit the *Amicus* to amend his witness and exhibit lists in the interests of justice. In making such a determination, I must balance the *Amicus*’s interest in presenting available evidence against the rights of the Accused to adequate time and facilities to prepare for trial. The evidence must be *prima facie* relevant and probative, and I may consider the following factors, among others: (i) whether the *Amicus* has shown good cause for not seeking the amendments at an earlier stage, (ii) the stage of the proceedings and (iii) whether granting the amendments would result in undue delay.<sup>5</sup>

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<sup>1</sup> STL, *In the case against Akhbar Beirut S.A.L. and Al Amin*, STL-14-06/PT/CJ, F0120 Motion to Amend the Prosecution Exhibit List, Confidential, 16 November 2015 (“Exhibit List Motion”); STL, *In the case against Akhbar Beirut S.A.L. and Al Amin*, STL-14-06/PT/CJ, F0120 Addendum to Motion to Amend the Prosecution Exhibit List, Confidential, 25 November 2015 (“Exhibit List Addendum”) (public redacted versions of these filings were submitted on 11 December 2015). All further references to filings and decisions refer to this case number unless otherwise stated.

<sup>2</sup> F0135, Motion to Amend the Prosecution Witness List, Confidential, 7 December 2015 (“Witness List Motion”), p. 1 (a public redacted version of this filing was submitted on 11 December 2015).

<sup>3</sup> F0131, Defence Response to the *Amicus Curiae* Prosecutor’s Motion to Amend the Prosecution Exhibit List dated 1 December 2015, Confidential, 15 December 2015 (“Exhibit List Response”) (a public redacted version of this filing was submitted on 16 December 2015); F0155 *Réponse de la Défense à la Requête du Procureur Amicus Curiae aux fins de modification de sa liste de témoins*, 15 December 2015 (“Witness List Response”).

<sup>4</sup> F0160, Request for Leave to Submit a Short Consolidated Reply to Defence Responses of 15 December 2015, 16 December 2015 (“Reply”).

<sup>5</sup> STL, *In the case against New T.V. S.A.L. and Khayat*, STL-14-05/PT/CJ, F0107, Public Redacted Version of the Decision on the Motion to Amend the Prosecution Exhibit List and Witness List, 11 March 2015, (“*New TV S.A.L./Khayat* Witness/Exhibit List Decision”), para. 7.

## DISCUSSION

### **I. Position of the *Amicus***

#### ***A. Exhibit Motion***

4. In his Exhibit Motion, the *Amicus* seeks leave to add 15 exhibits to his exhibit list under Rule 95 (G) (iii) including four media articles and broadcasts, two items obtained from [REDACTED], and nine items [REDACTED].<sup>6</sup>

5. With respect to the media articles and broadcasts, the *Amicus* avers that they were obtained in the course of his continued monitoring of the media and were translated and disclosed to the Defence on 1 July 2015.<sup>7</sup> In the *Amicus*'s view, these documents are probative and relevant, as they relate to the content of *Al Akhbar*'s articles and/or the ongoing contempt proceedings.<sup>8</sup>

6. In regards to the two items [REDACTED], the *Amicus* submits that [REDACTED] was subsequently disclosed to the Defence on 1 July 2015. The second item [REDACTED] was disclosed to the Defence on 30 October 2015.<sup>9</sup> The *Amicus* argues that these items are relevant and probative because they provide up-to-date information about the two Accused.<sup>10</sup>

7. The *Amicus* further seeks authorization to add to his exhibit list eight items [REDACTED]. These consist of [REDACTED] seven public [REDACTED]<sup>1112</sup>. The *Amicus* avers that these items are relevant and probative and were promptly disclosed to the Defence on 30 October 2015.<sup>13</sup>

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<sup>6</sup> Exhibit List Motion, paras 4-6.

<sup>7</sup> *Id.* at paras. 3-4.

<sup>8</sup> *Id.* at para. 9.

<sup>9</sup> *Id.* at para. 5.

<sup>10</sup> *Id.* at para. 9.

<sup>11</sup> [REDACTED].

<sup>12</sup> [REDACTED].

<sup>13</sup> Exhibit List Motion, para. 9.

8. Additionally, the *Amicus* seeks to add a document [REDACTED]<sup>14</sup> and will help me understand the facts of the case regarding the 15 and 19 January 2013 articles (“*Akhbar* articles”), which form the basis for the contempt charge.<sup>15</sup>

9. The *Amicus* submits that adding these documents to his exhibit list will cause no undue prejudice to the Defence as it will have sufficient time to prepare, especially since they have had prior knowledge of the majority of these items.<sup>16</sup> He avers that the total quantity of exhibits at issue is small and concerns allegations known by the Defence.<sup>17</sup> The *Amicus* states that the Defence received disclosure of most of these items months ago.<sup>18</sup>

10. In the Addendum, the *Amicus* requests that I authorize him to add to his exhibit list two additional documents: a further statement of witness [REDACTED] and a document [REDACTED].<sup>19</sup> The *Amicus* argues that [REDACTED] statement is relevant with respect to the [REDACTED].<sup>20</sup> The *Amicus* avers that this statement was obtained on 17 November 2015 and disclosed to the Defence [REDACTED]. In the *Amicus*'s view, there is no undue prejudice to the Defence. He argues that while this statement provides additional detail, it does not change the nature of the case or witness [REDACTED] core testimony.<sup>21</sup>

11. The second exhibit included in the Addendum is a document which the *Amicus* received [REDACTED] on 25 November 2015, [REDACTED] and which was disclosed to the Defence on that same day. The *Amicus* states that the document is relevant and probative concerning the past and current security, political and safety context in which actual, potential and alleged witnesses give or consider giving testimony; [REDACTED].<sup>22</sup> In the *Amicus*'s view, this evidence does not change the fundamental nature of the case [REDACTED].<sup>23</sup>

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<sup>14</sup> Exhibit List Motion, para. 6.

<sup>15</sup> *Id.* at para. 10.

<sup>16</sup> *Id.* at para. 13.

<sup>17</sup> *Id.* at para. 12.

<sup>18</sup> *Id.* at para. 11.

<sup>19</sup> Exhibit List Addendum, para. 1.

<sup>20</sup> *Id.* at para. 2.

<sup>21</sup> *Id.* at para. 3.

<sup>22</sup> *Id.* at para. 4.

<sup>23</sup> *Id.* at para. 4.

## ***B. Witness Motion***

12. In his Witness Motion, the *Amicus* seeks to amend his witness list under Rule 95 (G) (ii) by removing four witnesses (AP05, AP08, AP10 and AP11) and adding three new witnesses (AP13, AP14 and AP15).<sup>24</sup>

13. The *Amicus* reasons that in light of the similarities between the *New TV S.A.L./Khayat* case and the present contempt proceedings, various rulings from the *New TV S.A.L./Khayat* case have led the *Amicus* to adjust its overall approach to the evidence and to continue its investigation in diligence and good faith.<sup>25</sup>

14. The *Amicus* asserts that AP13 is [REDACTED].<sup>26</sup> The *Amicus* expects that AP13 will provide evidence on [REDACTED].<sup>27</sup> Further, the *Amicus* explains that AP14 is [REDACTED].<sup>28</sup> The *Amicus* states that as a result of the permissions, waivers and steps required to be taken before other components of the Tribunal, [REDACTED].<sup>29</sup>

15. In contrast, AP15 is a witness who the *Amicus* is still in the process of identifying as previously identified individuals, who would have provided this evidence, had proved unavailable or unsuitable during the ten days preceding the filing of the Witness Motion.<sup>30</sup> The *Amicus* proposes that this witness will [REDACTED] give evidence on [REDACTED].

16. The *Amicus* avers that the proposed amendments are in the interests of justice and do not prejudice the Defence. In particular he notes that the introduction of witness AP13 [REDACTED],<sup>31</sup> while the existence and availability of the other two witnesses have only recently come to the knowledge of the *Amicus* and are both necessary to address [REDACTED].<sup>32</sup> The *Amicus* argues that all of the evidence to be presented by these three

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<sup>24</sup> Witness List Motion, para. 3.

<sup>25</sup> *Ibid.*

<sup>26</sup> Witness List Motion, para. 4.

<sup>27</sup> *Ibid.*

<sup>28</sup> Witness List Motion, para. 5.

<sup>29</sup> *Id.* at para. 7.

<sup>30</sup> Witness List Motion, para. 6.

<sup>31</sup> *Id.* at para. 8.

<sup>32</sup> *Id.* at para. 9.

witnesses is straightforward, presents no unknowns for the Defence and does not add any new dimensions to the Prosecutor's case.<sup>33</sup>

## II. Position of the Accused

### A. Exhibit Motion

17. The Defence opposes the addition of the 17 documents to the *Amicus's* exhibit list. It argues that the late amendment of the prosecution exhibit list would be prejudicial to the right of the Accused to a fair trial, as the Defence would have no time to conduct a proper investigation with only three weeks before the commencement of the case.<sup>34</sup>

18. The Defence argues that most of the exhibits which the *Amicus* seeks to add to his exhibit list were at his disposal years ago.<sup>35</sup> The Defence also rejects the *Amicus's* argument that the judgment in the *New TV S.A.L./Khayat* case obliged him to re-evaluate his strategy.<sup>36</sup> The Defence recalls that the judgment was rendered on 18 September 2015 and avers that the *Amicus* should have requested any necessary amendments to his exhibit list immediately thereafter.<sup>37</sup>

19. The Defence states further that the OTP summary document is not reliable as it is impossible to ascertain its date, author and source and that it contains obvious errors.<sup>38</sup>

20. Finally, the Defence argues that should the *Amicus* be authorized to add new elements to its exhibit or witness list, the Defence would have no choice but to request an adjournment in order to properly prepare for trial. This would result in a delay of the proceedings and would subsequently violate the Accused's right to an expeditious trial.<sup>39</sup>

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<sup>33</sup> Witness List Motion at paras 6, 9.

<sup>34</sup> Exhibit List Response, paras 10-12. The Defence vehemently opposed any amendments to the witness and exhibit lists as well as any postponement of the trial in its oral submissions at the Pre-Trial Conference, see STL, *In the case against Akhbar Beirut S.A.L. and Al Amin*, STL-14-06, Pre-Trial Conference, 11 December 2015, Confidential, 11 December 2015, p. 3, p. 5, p. 10.

<sup>35</sup> Exhibit List Response, para. 15.

<sup>36</sup> *Id.* at para. 15.

<sup>37</sup> *Id.* at para. 15.

<sup>38</sup> *Id.* at paras 16-17.

<sup>39</sup> *Id.* at para. 18.

## ***B. Witness Motion***

21. Given the late stage in the proceedings, the Defence categorically opposes the addition of any new witnesses to the *Amicus*'s witness list.<sup>40</sup> The Defence argues that the Witness Motion must not be viewed in isolation but rather in light of the *Amicus*'s 10 December 2015 Motion to Amend the Order in Lieu of an Indictment.<sup>41</sup> In the Defence's view, the three new proposed witnesses are offered in support of the charges proposed to be added to the Order in Lieu of an Indictment in a separate and recent filing, even if the *Amicus* has not stated so explicitly.<sup>42</sup>

22. The Defence recalls my earlier ruling, in which I ordered the *Amicus* to disclose the identities and unredacted statements of protected witnesses to the Defence, and in which I found that the month of December is not a favourable month in which to undertake investigations given the festivities taking place in Lebanon and elsewhere.<sup>43</sup> The Defence avers that this ruling is all the more applicable to this Motion as it has been filed in the midst of December when the addition of new witnesses will require additional investigation and preparation on the part of the Defence team.<sup>44</sup> The Defence evokes the right of the Accused to adequate time and facilities to prepare their defence as enshrined in article 16 (4) (a) of the Tribunal's Statute and asserts that it would be wholly unfair and unacceptable to further burden the Defence during this critical period leading up to trial.<sup>45</sup>

23. The Defence further argues that the *Amicus*'s actions demonstrate a lack of diligence and that he has not explained his failure to seek out these particular witnesses at an earlier date.<sup>46</sup> The Defence rejects the *Amicus*'s justification for the amendment on grounds that the judgment in the *New TV S.A.L./Khayat* case has obliged him to review his trial strategy, given that the present Motions have been filed well after the 18 September 2015 judgment date. The defence rejects the argument advanced by the *Amicus* that the Defence has until the end of February 2016 to prepare his case, asserting rather that in a brief trial where the *Amicus* has but four days to present its

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<sup>40</sup> Exhibit List Response at paras 1, 3 and 28; *see also* STL, *In the case against Akhbar Beirut S.A.L. and Al Amin*, STL-14-06, Pre-Trial Conference, 11 December 2015, Confidential, p. 3, p. 5, p. 10.

<sup>41</sup> Exhibit List Response, para. 4.

<sup>42</sup> *Ibid.*

<sup>43</sup> Witness List Response, paras 31-32.

<sup>44</sup> *Id.* at para. 33.

<sup>45</sup> *Id.* at para. 34.

<sup>46</sup> *Id.* at para. 36.

case, the Defence must undertake its investigations of the *Amicus's* witnesses before the commencement of trial.<sup>47</sup>

24. Finally, the Defence acknowledges that an adjournment of the trial could have a remedial effect on the prejudice inured to the Defence as a result of the late amendment of the witness list. However, he asserts that this would only further postpone already protracted proceedings, encourage the *Amicus* to continue to act without diligence and violate the Accused's right to a trial without undue delay.<sup>48</sup>

### III. Reply from the *Amicus*

25. The *Amicus* has requested leave to submit a consolidated reply to the Defence's Responses of 15 December 2015, submitting that new issues have arisen which relate to the fair and expeditious conduct of the proceedings. He avers that it is in the interests of justice to grant leave as the Defence has repeated inaccurate and false characterizations of the requests made by the *Amicus*, including those to which this Decision relates.<sup>49</sup> The *Amicus* then provides submissions which reiterate arguments presented in the very Requests to which the Defence has responded.<sup>50</sup>

### IV. Discussion

#### A. Request for Leave to Reply

26. The Appeals Chamber has held that a reply ““must generally be limited to circumstances where new issues arise out of the [response]””.<sup>51</sup> I find that none of the *Amicus's* reasons satisfy this requirement. Each expresses mere disagreement with Defence arguments made in response to the Motions and in turn reiterates submissions already set out in the initial Requests. The *Amicus* does not identify any new issues arising out of the Response. Nor does the *Amicus* demonstrate any exceptional basis justifying a reply. I therefore reject the Request for Leave to Reply.

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<sup>47</sup> Witness List Response, para. 41.

<sup>48</sup> *Id.* at paras 42-43.

<sup>49</sup> Reply, para. 3.

<sup>50</sup> *Id.* at paras 4-7.

<sup>51</sup> See STL, *Prosecutor v. Ayyash et al.*, STL-11-01/T/AC/AR126.7, F0012, Order by Judge Rapporteur on Request for Leave to File a Reply, 8 May 2014, para. 4.



## **B. Exhibit List**

27. After reviewing the Parties' submissions and the proposed amended exhibit list, and balancing the *Amicus*' interest in presenting available evidence against the rights of the Accused to adequate time and facilities to prepare for trial, I find that permitting the *Amicus* to add the exhibits in question to his exhibit list is in the interests of justice.

28. Each of the exhibits is *prima facie* relevant and of probative value in regards to the *actus reus* and/or *mens rea* of the crime charged in the Order in Lieu of an Indictment. I note that of the total of 17 items that the *Amicus* seeks to add to his exhibit list, five were disclosed to the Defence on 1 July 2015,<sup>52</sup> nine were disclosed on 30 October 2015<sup>53</sup> and three were disclosed in November 2015, namely the OTP summary document (P101), the additional statement of witness AP02 (P110) and the Registry statistics on protective measures (P111).<sup>54</sup>

29. Although the latter three exhibits were disclosed at a later juncture than the former exhibits, I find that the *Amicus* has shown good cause for not seeking to add these items at an earlier stage. I note that the OTP summary document and witness AP02's additional statement are intrinsically linked as the former corroborates the latter. I find that these documents are *prima facie* relevant and of probative value in regards to the *actus reus* of the crimes charged in the Order in Lieu of Indictment<sup>55</sup>. The *Amicus* has explained that he only recently obtained these two documents from the OTP and immediately disclosed them to the Defence. I am also persuaded by the *Amicus*'s argument that witness AP02's additional statement does not change the nature of the prosecution case or the core of witness AP02's testimony.

30. The Defence objects that the OTP summary document is unreliable and contains errors. However, I find that this document bears sufficient indicia of reliability as it originates from the OTP and its content is addressed by witness AP02 in his statement. Moreover, the Defence will have the opportunity to challenge both the reliability and the content of these exhibits during witness AP02's testimony in court. I therefore find that authorizing the *Amicus* to add the OTP summary document and the witness AP02's additional statement is in the interests of justice and does not unduly prejudice the rights of the Accused.

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<sup>52</sup> P095, P096, P097, P098 and P099.

<sup>53</sup> P100, P102, P103, P104, P105, P106, P107, P108 and P109.

<sup>54</sup> P101, P110 and P111.

<sup>55</sup> F0001, Order in Lieu of an Indictment, 31 January 2014.

31. With respect to the statistics on protective measures in the *Ayyash et al.* case as of November 2015, I find this exhibit relevant and of probative value with respect to the *actus reus* of the crime charged in the Order in Lieu of Indictment. This document contains the most comprehensive and up-to-date statistics on protective measures and it was promptly disclosed to the Defence. The *Amicus* therefore has good cause to have made the amendment request at this stage. Consequently, I find that authorizing the *Amicus* to add this exhibit to his exhibit list is in the interests of justice.

32. With respect to the remaining proposed exhibits, I find that they are relevant and probative, and furthermore, were disclosed months ago. I accept that the media exhibits relate to the content of the impugned *Akhbar* articles and were discovered by the *Amicus* as part of his continued investigation and monitoring of the media. I also accept that the documents obtained from the Lebanese authorities represent up-to-date information in respect of the Accused. Finally, the remaining exhibits originate from this Tribunal and therefore bear sufficient indicia of reliability.

33. The weight, if any, I afford these exhibits, will be determined in due course after both parties have the opportunity to test the reliability of any evidence presented at trial.

### ***C. Witness List***

34. Having reviewed the Parties' submissions and in balancing the *Amicus's* interest in presenting available evidence against the rights of the Accused to adequate time and facilities to prepare for trial, I find that it is in the interests of justice to permit the *Amicus* to amend his witness list.

35. The witnesses proposed include [REDACTED]. Such evidence is *prima facie* relevant and of probative value. Indeed, the evidence could plausibly be central to the *Amicus's* case and important in informing my final determination in these proceedings.

36. I reject the assertions advanced by the Defence that the new witnesses are proposed only in support of additional charges that the *Amicus* seeks to add to the current Order in Lieu of an Indictment. On the contrary, the evidence expected from these witnesses plainly relates to the current single charge that the two Accused face and there is no justification to link my decision on the amendment of the witness list to the *Amicus's* other recent motions.

37. I also find that the *Amicus* provides good cause for not seeking to amend his witness list earlier as he states that he only recently came to know of the evidence of these individuals, and in the case of witnesses AP14 and AP15, [REDACTED].

38. Moreover, as the *Amicus* has not indicated the precise reasons why witness AP15 is yet to be identified, I find that further delayed disclosure of the identity of this witness would unduly prejudice the Defence's right to have adequate time and facilities to prepare its case. Therefore, I require as a condition precedent to the addition of this individual to his witness list that the *Amicus* disclose the identity of witness AP15 no later than 4 January 2016.

#### ***D. Remedial Measures***

39. Having decided that in principle it is in the interests of justice to permit the *Amicus* to amend his exhibit and witness lists, I must consider any potential prejudice for the Defence arising from this. In the *New TV S.A.L./Khayat* case, I ruled that adding exhibits and witnesses to the prosecution's respective exhibit and witness lists up to two months before the commencement of the trial did not prejudice the accused's right to adequate time and facilities to prepare.<sup>56</sup> Furthermore, I noted that the total number of documents at issue was relatively small.<sup>57</sup> I found that the *Amicus's* decision to use material in his case that had been publicly available for quite some time did not compel the conclusion that he had lacked diligence, as he had not acted improperly in continuing with his investigations and preparations.<sup>58</sup>

40. In the present case, the concerned exhibits and witnesses, with the exception of AP15, were disclosed to the Defence no later than two months prior to the start of the trial and their total number is also relatively small. However, I find that the circumstances differ somewhat in respect of the time frame available to the Defence to prepare its case. In particular, I have to take into account that the holiday recess is approaching, and that the Defence will have to carry out its preparations in what amounts to an effectively shorter time period.<sup>59</sup>

41. In these circumstances, and balancing the *Amicus's* interest in presenting probative and relevant evidence with the fundamental rights of the Accused, I consider that adding new

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<sup>56</sup> *New TV S.A.L./Khayat* Witness/Exhibit List Decision, para. 22.

<sup>57</sup> *Id.* at para. 24.

<sup>58</sup> *Id.* at para. 25.

<sup>59</sup> F0114, Decision on Urgent Request for Review of the Decision on the *Amicus Curiae* Prosecutor's Application for Protective Measures of 20 March 2015, 4 November 2015, para. 14.

elements to the prosecution exhibit and witness lists at this late stage before the commencement of trial would be unduly prejudicial to the right of the Accused to have adequate time and facilities for the preparation of their defence. I find that the addition of new exhibits and witnesses is only warranted if I also grant a brief postponement of the trial to permit the Defence to adequately prepare in light of the *Amicus*'s amended witness and exhibit lists. While the Defence has unhelpfully declined to provide me with any specifics on the length of time that it would require, I find that a postponement of approximately one month is sufficient to enable the Defence additional time to investigate while also ensuring that the trial commences without undue delay.

42. Furthermore, in order to address concerns raised by the *Amicus* in respect of what he views as insufficient time allotted for the presentation of his case,<sup>60</sup> and in light of my decision to postpone the dates of this trial, I also order that a fifth day be scheduled in reserve for the presentation of both cases.

## V. Confidentiality

43. The *Amicus* has filed the Exhibit List Motion, Exhibit List Addendum and Witness List Motion confidentially, citing the general protective measures already in place in accordance with my previous order of 3 July 2014.<sup>61</sup> The *Amicus* further notes that he will seek protective measures for [REDACTED]. Upon a request by the Defence I ordered the *Amicus* to submit public redacted versions of all three filings.<sup>62</sup> The *Amicus* complied with this order; the Defence has also submitted public redacted versions of its submissions. I will also issue a public redacted version of this Decision. However, in line with Tribunal practice, the material I have permitted to be added to the respective Exhibit and Witness lists will remain confidential until used in the course of the trial proceedings.

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<sup>60</sup> Email from *Amicus* to Chambers Legal Officer, 7 December 2015.

<sup>61</sup> Witness List Motion, para. 11.

<sup>62</sup> F0144, Urgent Defence Motion to Lift the Confidentiality of the *Amicus Curiae* Prosecutor's Motions, 10 December 2015; STL, *In the case against Akhbar Beirut S.A.L. and Al Amin*, STL-14-06, Pre-Trial Conference, 11 December 2015, Confidential, p. 2.

## **DISPOSITION**

### **FOR THESE REASONS;**

**I**

**GRANT** the Exhibit List Motion;

**GRANT** the Exhibit List Addendum;

**GRANT** the Witness List Motion;

**ORDER** the *Amicus* to disclose to the Defence the name and any statements of witness AP15 by 4 January 2016;

**ORDER** that the trial in these proceedings be rescheduled as follows:

The Parties shall make opening statements and the *Amicus* shall present his case-in-chief from 24-26 and from 29 February 2016 to 1 March 2016, as needed; and

The dates for the presentation of the Defence's case, if any, will be determined as soon as practicable, in consultation with the parties; and

**DISMISS** the Request for Leave to Reply.

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

Dated 18 December 2015

Leidschendam, the Netherlands



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Judge Nicola Lettieri  
Contempt Judge

