

## ORDER IN LIEU OF AN INDICTMENT

**NEW TV S.A.L. (AL JADEED TV)** and **KARMA KHAYAT** are charged with two counts of contempt and obstruction of justice pursuant to Rule 60 *bis* (A) and Rule 60 *bis* (A) (iii) of the Tribunal's Rules of Procedure and Evidence.

### THE ACCUSED

**NEW TV S.A.L.**, a legal person doing business as **AL JADEED TV**, having its headquarters in Wata Al Mosaytaba, Beirut, Lebanon, registered before the Beirut Commercial Court, Commercial Registry Section, on 13 December 1990, registration number 57693 (Beirut (B)/public/1990/57693) (hereinafter "**AL JADEED TV**"); and

**KARMA MOHAMED TAHSIN AL KHAYAT**, born in 1983 in Saida, Lebanon (hereinafter "**KARMA KHAYAT**").

### FACTUAL ALLEGATIONS

**AL JADEED TV** is a private television broadcasting company. **AL JADEED TV** broadcasts on television general interest programmes, including news bulletins. **AL JADEED TV** also publishes the content of its broadcasts on its official website ("[www.aljadeed.tv](http://www.aljadeed.tv)") as well as on its own YouTube channel ("[www.youtube.com/user/aljadeedonline](http://www.youtube.com/user/aljadeedonline)").

**KARMA KHAYAT** was, at all times relevant to this Order, **AL JADEED TV**'s Deputy Head of News and Political Programmes Manager. In this capacity, **KARMA KHAYAT** supervised and was responsible for the general outcome of investigative reports on behalf of **AL JADEED TV**.

**KARMA KHAYAT** was also, at all times relevant to this Order, a shareholder of **AL JADEED TV**.

**KARMA KHAYAT** had and has the authority to decide, on behalf of **AL JADEED TV**, which investigative reports would or will be broadcast on *Al Jadeed TV* and transferred onto **AL JADEED TV**'s website and **AL JADEED TV**'s YouTube channel.

**KARMA KHAYAT** had and has the authority, on behalf of **AL JADEED TV**, to remove the contents of investigative reports from **AL JADEED TV**'s website and **AL JADEED TV**'s YouTube channel.



On 28 June 2011, the Pre-Trial Judge confirmed and issued the Indictment in the *Ayyash et al.* case. On 16 August 2011, the Pre-Trial Judge issued a public redacted version of his 28 June 2011 Order confirming the Indictment in the *Ayyash et al.* case. This Order was published on the Tribunal's website and was the object of a press release issued on 17 August 2011.

During the period from February to August 2012, **KARMA KHAYAT** tasked Rami al-Amin, one of **AL JADEED TV**'s reporters, to investigate and prepare a report on purported confidential witnesses in the *Ayyash et al.* case.

During this investigation, Rami al-Amin called and/or met with purported confidential witnesses to establish whether they had been contacted by investigators of the Tribunal or of the Prosecution and, if so, to find out what information they provided the investigators with.

On behalf of **AL JADEED TV**, **KARMA KHAYAT** decided to broadcast and caused to be broadcast on *Al Jadeed TV* on 6, 7, 9 and 10 August 2012 the results of Rami al-Amin's investigative report in the form of five episodes containing information on purported confidential witnesses in the *Ayyash et al.* case ("Episodes").

In addition to broadcasting the Episodes on *Al Jadeed TV*, **AL JADEED TV** transferred them onto **AL JADEED TV**'s website where they remained at least until 4 December 2012.

**AL JADEED TV** also transferred the Episodes onto **AL JADEED TV**'s YouTube channel where they remain accessible to the public to this day.

On 7 August 2012, the Registrar of the Tribunal sent a Notice of Cease and Desist to **KARMA KHAYAT** via e-mail. On 8 August 2012, the Notice was also served on **AL JADEED TV**. In the Notice, the Registrar demanded that "**AL JADEED TV**, its employees and its affiliates, immediately cease and desist from publicizing, in any means, the segments of the [interviews with purported confidential witnesses]".

On 10 August 2012, the Pre-Trial Judge, in a Confidential and *Ex Parte* Order addressed to **AL JADEED TV**, ordered "**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". This Order was served on **AL JADEED TV** on 14 August 2012.

**KARMA KHAYAT** failed to remove the Episodes from **AL JADEED TV**'s website and YouTube channel.

**KARMA KHAYAT** knew that broadcasting the Episodes on **AL JADEED TV** on 6, 7, 9 and 10 August 2012, would undermine public confidence in the Tribunal's ability to protect the confidentiality of information about, or provided by, witnesses or potential witnesses.

**KARMA KHAYAT** further knew that publishing the Episodes on **AL JADEED TV**'s website and/or **AL JADEED TV**'s YouTube channel would undermine public confidence in the Tribunal's ability to protect the confidentiality of information about, or provided by, witnesses or potential witnesses.

**KARMA KHAYAT** also knew that the failure to remove the Episodes from **AL JADEED TV**'s website and **AL JADEED TV**'s YouTube channel violated the Order issued by the Pre-trial Judge in the *Ayyash et al.* case on 10 August 2012.

### CHARGES

**BY THESE ACTS AND/OR OMISSIONS,**

**NEW TV S.A.L. (AL JADEED TV)**

and

**KARMA MOHAMED TAHSIN AL KHAYAT**

committed:

**COUNT 1: Contempt and Obstruction of Justice**, punishable under Rule 60 *bis* (A) of the Rules of Procedure and Evidence of the Tribunal

**NEW TV S.A.L. (AL JADEED TV)** and **KARMA MOHAMED TAHSIN AL KHAYAT** knowingly and wilfully interfered with the administration of justice by broadcasting and/or publishing information on purported confidential witnesses in the *Ayyash et al.* case, thereby undermining public confidence in the Tribunal's ability to protect the confidentiality of information about, or provided by, witnesses or potential witnesses.

**COUNT 2: Contempt and Obstruction of Justice**, punishable under Rule 60 *bis* (A) (iii) of the Rules of Procedure and Evidence of the Tribunal

**NEW TV S.A.L. (AL JADEED TV)** and **KARMA MOHAMED TAHSIN AL KHAYAT** knowingly and wilfully interfered with the administration of justice by failing to remove from **AL JADEED TV**'s website and **AL JADEED TV**'s YouTube channel information on purported confidential witnesses in the *Ayyash et al.* case, thereby violating the Order issued by the Pre-Trial Judge in the *Ayyash et al.* case on 10 August 2012.

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

Dated 31 January 2014

Leidschendam, the Netherlands



Judge David Baragwanath

Contempt Judge

