

AMENDED ORDER IN LIEU OF AN INDICTMENT

AL JADEED [CO.] S.A.L. / NEW T.V. S.A.L. (N.T.V.) and **KARMA MOHAMED TAHSIN AL 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

AL JADEED [CO.] S.A.L. / NEW T.V. S.A.L. (N.T.V.) (additional name NTV, NTV S.A.L. and/or New TV), sometimes written "Al Jadeed S.A.L. (NTV)" or "Al Jadeed S.A.L. New TV", a legal person, registered before the Beirut Commercial Court, Commercial Registry Section, on 13 December 1990, registration No. 57693 (Beirut(B)/public/1990/57693) (sometimes doing business or known as *Al Jadeed TV* and/or *NEW TV S.A.L.*), having its headquarters in Wata Al Mosaytaba, Beirut, Lebanon (hereinafter "***AL JADEED S.A.L.***"); and

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

FACTUAL ALLEGATIONS

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

KARMA KHAYAT was, at all times relevant to this Order, ***AL JADEED S.A.L.***'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 S.A.L.***

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

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



KARMA KHAYAT had and has the authority, on behalf of **AL JADEED S.A.L.**, to remove the contents of investigative reports from **AL JADEED S.A.L.**'s website and **AL JADEED S.A.L.**'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 S.A.L.**'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 S.A.L.**, **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 S.A.L.** transferred them onto **AL JADEED S.A.L.**'s website where they remained at least until 4 December 2012.

AL JADEED S.A.L. also transferred the Episodes onto **AL JADEED S.A.L.**'s YouTube channel where they remained accessible to the public until at least 31 January 2014.

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 S.A.L.** 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 S.A.L.** 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 S.A.L.** on 14 August 2012.

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

KARMA KHAYAT knew that broadcasting the Episodes on **AL JADEED S.A.L.** 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 S.A.L.**'s website and/or **AL JADEED S.A.L.**'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 S.A.L.**'s website and **AL JADEED S.A.L.**'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,

AL JADEED [CO.] S.A.L. / NEW T.V. S.A.L. (N.T.V.)

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

AL JADEED [CO.] S.A.L. / NEW T.V. S.A.L. (N.T.V.) 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

AL JADEED [CO.] S.A.L. / NEW T.V. S.A.L. (N.T.V.) 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 17 October 2014

Leidschendam, the Netherlands



Judge Nicola Lettieri
Contempt Judge

