

BEFORE THE CONTEMPT JUDGE
SPECIAL TRIBUNAL FOR LEBANON

Case No: STL-14-05/PT/CJ
Before: Judge Nicola Lettieri, Contempt Judge
Registrar: Mr Daryl Mundis
Date: 13 March 2015
Filing Party: *Amicus Curiae* Prosecutor
Original language: English
Classification: Public

IN THE CASE AGAINST
AL JADEED [CO.] S.A.L. / NEW T.V. S.A.L. (N.T.V.)
KARMA MOHAMED TAHSIN AL KHAYAT

TABLE OF AGREED FACTS

Amicus Curiae Prosecutor:
Mr Kenneth Scott

Counsel for *Al Jadeed* S.A.L and
Ms Karma Khayat:
Mr Karim A.A. Khan Q.C.
Mr Rodney Dixon Q.C.
Ms Dato' Shyamala Alagendra



The *Amicus Curiae* Prosecutor (“*Amicus*”) respectfully submits this Table of Agreed Facts.

The parties agree as follows:

TABLE OF AGREED FACTS

The parties make no agreement or admission about the circumstances in which the following facts occurred, nor about the inferences (if any) that may be drawn from them, individually or collectively. *Amicus* is not limited by the following facts and he may prove other facts or introduce other evidence related to these facts and their circumstances.

	Agreed Facts
1	At all times relevant to the Order in Lieu of an Indictment of 31 January 2014 (“Order in Lieu”), <i>Al Jadeed</i> S.A.L., registered before the Beirut Commercial Court on 13 December 1990, registration number 57693 (Beirut(B)/public/1990/57693), was licensed to own, manage and operate <i>Al Jadeed</i> TV, a television/establishment of category A as per provision of Lebanese law no. 382 dated 4/11/1994 (together and hereafter “ <i>Al Jadeed</i> TV”).
2	At all times relevant to the Order in Lieu, <i>Al Jadeed</i> TV was a television or media business broadcasting general interest programmes, including news bulletins.
3	Ms. Karma Mohamed Tahsin al Khayat was born in 1983, in Saida, Lebanon (hereinafter “Karma Khayat”).
4	At all times relevant to the Order in Lieu, Karma Khayat was a shareholder of <i>Al Jadeed</i> S.A.L.
5	At all times relevant to the Order in Lieu, through at least the end of 2013, Karma Khayat was Deputy Head of News and Political Programs at <i>Al Jadeed</i> TV.
6	At all times relevant to the Order in Lieu, Ms. Mariam al Bassam was Head of News and Political Programs at <i>Al Jadeed</i> TV.
7	Rami al Amin is the <i>Al Jadeed</i> reporter credited for the 6, 7, 9 and 10 August 2012 series of reports titled “Witnesses of the International Tribunal” broadcast on <i>Al Jadeed</i> TV.
8	On 5 August 2012, <i>Al Jadeed</i> TV announced that it would broadcast a series of reports titled “Witnesses of the International Tribunal”, to be broadcast starting the next day.
9	On 6 August 2012, <i>Al Jadeed</i> TV broadcast, during a news bulletin, the first report of the series of reports titled “Witnesses of the International Tribunal”.

10	On 7 August 2012, <i>Al Jadeed</i> TV broadcast, during a news bulletin, the second report of the series of reports titled “Witnesses of the International Tribunal”.
11	On 7 August 2012, <i>Al Jadeed</i> TV broadcast, during a news bulletin, the third report of the series of reports titled “Witnesses of the International Tribunal”.
12	On 7 August 2012, Marten Youssef sent an email, with an attached Arabic language letter from the Registrar dated 7 August 2012, entitled “بالتوقيف إخطار” and “والام تناع” to Karma Khayat’s email account “kkhayat@aljadeed.tv”.
13	On 8 August 2012, the Registrar’s letter entitled “بالتوقيف إخطار” of 7 August 2012 was presented and read during the broadcast of an <i>Al Jadeed</i> TV news bulletin.
14	On 8 August 2012, <i>Al Jadeed</i> employee Ibrahim Dsouki received four copies of the Registrar’s English language letter dated 7 August 2012 entitled “Notice of Cease and Desist”, and four copies of the Registrar’s Arabic language letter dated 7 August 2012 and entitled “بالتوقيف إخطار”, and signed four documents entitled “Acknowledgement of Receipt of Letter”, stating on each document that he was signing for, respectively, Mr. Tahseen Khayat, Ms. Karma Khayat, Ms. Mariam al Bassam and Mr. Rami al Amin.
15	Ms. Maya Habli, in her capacity as attorney for <i>Al Jadeed</i> S.A.L., sent to the STL a letter dated 9 August 2012 in response to the Registrar’s letter entitled “Notice of Cease and Desist” of 7 August 2012.
16	On 9 August 2012, <i>Al Jadeed</i> TV broadcast, during a news bulletin, the fourth report of the series of reports titled “Witnesses of the International Tribunal”.
17	On 9 August 2012, a response to the Registrar’s letter entitled “Notice of Cease and Desist” of 7 August 2012 was presented and read during a news bulletin broadcast by <i>Al Jadeed</i> TV.
18	On 10 August 2012, <i>Al Jadeed</i> TV broadcast, during a news bulletin, the fifth report of the series of reports titled “Witnesses of the International Tribunal”.
19	At all times relevant to the Order in Lieu, YouTube’s website address was ‘www.youtube.com’.
20	Pursuant to <i>Al Jadeed</i> TV’s standard operating procedure and business plan, <i>Al Jadeed</i> TV uploaded and stored the “Witnesses of the International Tribunal” reports broadcast on <i>Al Jadeed</i> TV on 6, 7, 9 and 10 August 2012, on <i>Al Jadeed</i> TV’s YouTube channel (https://www.youtube.com/user/aljadeedonline), where they were available at certain times.

21	Pursuant to <i>Al Jadeed</i> TV's standard operating procedure and business plan, <i>Al Jadeed</i> TV made available on its website (www.aljadeed.tv) at certain times the "Witnesses of the International Tribunal" reports broadcast on <i>Al Jadeed</i> TV on 6, 7, 9 and 10 August 2012 by embedding the videos from <i>Al Jadeed</i> TV's YouTube channel.
22	Pursuant to <i>Al Jadeed</i> TV's standard operating procedure and business plan, the Facebook page on which <i>Al Jadeed</i> TV posted, up to a certain time, the links to the "Witnesses of the International Tribunal" reports broadcast on 6, 7, 9 and 10 August 2012 on <i>Al Jadeed</i> TV was AljadeedOnline (https://www.facebook.com/aljadeedonline).

RESPECTFULLY SUBMITTED THIS 13 MARCH 2015.



Mr Kenneth Scott
Amicus Curiae

AGREED BY THE DEFENCE:



Mr Karim A.A. Khan Q.C.
**Counsel for *Al Jadeed* S.A.L and
Ms Karma Khayat:**

