

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, Registrar

Date: 20 May 2014

Submitted by: *Amicus Curiae*

Original language: English

Classification: Public

IN THE CASE AGAINST***NEW TV S.A.L*****KARMA MOHAMED TAHSIN AL KHAYAT****PUBLIC WITH PUBLIC ANNEXES**

SUBMISSIONS ON *NEW TV S.A.L.*

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

**Counsel for *New TV S.A.L.* & Ms Karma
Khayat:**
Mr. Karim A.A. Khan
Ms Maya Habli
Ms Shyamala Alagendra



The *Amicus Curiae* Prosecutor (“*Amicus*”) respectfully makes the following submissions in response to the Court’s oral order to provide clarification concerning the charged legal person:

1. On 31 January 2014, the Contempt Judge, Judge Baragwanath, issued an Order in Lieu of an Indictment against *NEW TV S.A.L.*, STL-14-05/I/CJ (“Order in Lieu of an Indictment”).

2. The Order in Lieu of an Indictment describes the legal person as follows, based on the referenced registration with the Beirut Commercial Court, which is attached as Annex A and Annex B¹:

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).²

3. Since the initial appearance on 13 May 2014, the *Amicus* has confirmed this registration and discovered no new or additional registration which appears to alter the above registration.

4. The commercial registration describes the company trade name as: AL JADEED TV S.A.L. / NEW TV S.A.L. (N.T.V.).³ Article 1 of the General Provisions of commercial registration reads as follows:

Article 1: Name

A Lebanese joint-stock Company having the name stated below is hereby formed by and between the subscribers and holders of the shares hereby issued:

AL JADEED TV / NEW TV S.A.L. (N.T.V.)⁴

The filed documentation repeatedly refers to both names interchangeably. On page 9, the reference is to “New T.V. S.A.L. (N.T.V.)” See also pages 10, 32, 33, 59 and 60. The matter

¹ Commercial Registration, Al Jadeed S.A.L., Beirut (B)/General/1990/57693, registration number 57693, Annex A (Arabic) (obtained on 24 September 2013) and Annex B (English translation), at 1.

² STL, *Prosecutor v. Ayyash et al.*, STL-11-01/T/CJ/R60bis.1, Order in Lieu of an Indictment, Confidential and *Ex Parte*, 31 January 2014, p. 1.

³ Annex A (Arabic) and Annex B (English), p. 8 (2).

⁴ Annex A (Arabic) and Annex B (English), p. 9, Article 1.

is further complicated by the fact that the two phrases are Arabic and English versions of the same words, as “Al Jadeed TV” in Arabic is “New TV” in English.⁵

5. The company’s own website states:

New TV was established in 1992, was shut down in 1997 because of Syrian interference and governmental suppression and re-launched in October 02, 2001 through a VIP ceremony at the Sheraton Beach Hotel

* * *

Beginning of 2007, an uplift to the brand strengthening the Arabic translation of “NEW” and turning it to “Al Jadeed”

* * *

In 2011, a full revamp of the brand combined by a major development in its identity, news package and programming⁶

6. While the company’s description of its history includes its rebranding (or new marketing) under the Arabic translation of the English word “New” as “Al Jadeed,” there is no indication of a new corporate entity. No registrations or filings have been found of a new, different entity.

7. Inquiries by the *Amicus* to date indicate that no other company is registered under the name *Al Jadeed TV* or variations thereof. To date, no other companies have been found registered under these names.

8. On 15 May 2014, the *Amicus* invited counsel for the corporate accused to assist in clarifying the matter, if minded to do so.⁷ On 19 May 2014, Amicus received an email from defence counsel declining to do so.⁸

⁵ Page references are to the continuous number of pages in the total document, not the internal pagination.

⁶ Annex C, copy of the company’s official website, About Us, History, online: Al Jadeed TV <<http://www.aljadeed.tv/MenuEn/aboutus/AboutUsEn.html?Id=20&CatId=1>> (last verified 19 May 2014) (emphasis added).

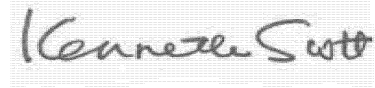
⁷ Annex D, Letter from *Amicus Curiae*, 14 May 2014.

⁸ Annex E, Email from counsel for New TV, 19 May 2014.

9. Amicus will continue to make additional inquiries and will take such actions as appear warranted by the information received.

Word Count: 726 words

RESPECTFULLY SUBMITTED THIS 20 MAY 2014.



Mr Kenneth Scott
Amicus Curiae

