

**THE TRIAL CHAMBER**

Case No: STL-11-01/T/TC

Before: Judge David Re, Presiding
Judge Janet Nosworthy
Judge Micheline Braidy
Judge Walid Akoum, Alternate Judge
Judge Nicola Lettieri, Alternate Judge

Registrar: Mr Daryl Mundis

Date: 4 February 2014

Original language: English

Classification: Public

DECISION GRANTING PROSECUTION'S MOTION (F1378) TO RESTORE TWO EXHIBITS (R91-606801 & R91-602885) TO ITS EXHIBIT LIST

(Extract from Official Public Transcript of Hearing on 4 February 2014, page 25, line 14 to page 26, line 14)

The two exhibits in question are R91-606801. The first one is described as a brown paper bag containing ten rusty metallic fragments, inadvertently withdrawn on the 10th of July, 2013. The second is R91-602885, described as metal fragment bearing writings "8," "732," "MK," "C2" on the body and "7" on screw head, which was inadvertently withdrawn on the 18th of December last year.

The Trial Chamber, in view of the urgency of the application shortened the dead-line and asked Defence counsel to respond by this morning at 9. 00 a. m., indicating whether they agreed or disagreed. There was no response from any of the counsel for the Defence.

The Trial Chamber has previously held that it may in the interests of justice allow a party to amend an exhibit list in balancing the Prosecution's interest in presenting available evidence against those of the rights of an accused person to have adequate time and facilities to prepare for trial. We must consider factors including whether the proposed evidence is prima facie relevant and probative, whether the Prosecution has shown good cause for not

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seeking the amendments at an earlier stage, the stage of the trial, and whether granting the amendment would result in an undue delay.

The Trial Chamber has considered the Prosecution's application and is satisfied in the circumstances that it was an inadvertent omission and that the Prosecutor has provided good cause for restoring these two exhibits to its exhibit list and that it would be in the interests of justice to do so. And the Trial Chamber, accordingly, grants the application to restore those two exhibits to the Prosecution's exhibit list. And that is filing 1378.

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