

**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:** 26 August 2015

**Original language:** English

**Classification:** Public

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**DECISION ADJOURNING THE SABRA DEFENCE'S CROSS-EXAMINATION OF MR PHILIPS (PRH435)**

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(Extract from Official Public Transcript of Hearing on 26 August 2015, page 90, line 6 to page 91, line 13)

Counsel for Mr. Sabra, Mr. Young, has sought an adjournment of his cross-examination of the expert Mr. Philips as a result of the Prosecution disclosing to the Defence during the luncheon adjournment today, a document called "Initial Response Quote and Work Plan for Preparing Expert Reports." It's a nine-page document in which the Prosecutor sent a series of questions to the witness, their expert, asking him for some responses, and Mr. Philips responded to those.

The Prosecution disclosed it today during the luncheon adjournment as a result of Mr. Philips referring to this document in his evidence in cross-examination for Mr. Young. The Defence were not aware of its existence until that point, and the Chamber asked the parties to discuss it during the break. As a result, the Prosecution disclosed it.

Having read the document, the Defence counsel for Mr. Sabra, supported by -- other Defence counsel supported Mr. Young's application to adjourn his cross-examination on the

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points covered in this particular document which included whether there could have been manipulation of call data records and some other matters.

The Trial Chamber has been provided with a copy of the document. We have read it and heard submissions on it. And having heard the submissions, we will grant the request by Defence counsel, Mr. Young. And we note it also affects the cross-examination of the expert, Mr. Philips, by counsel for Mr. Oneissi and Mr. Courcelle-Labrousse who is not present in court today, but his co-counsel, Mr. Hassan, is. Mr. Hassan will have to consult Mr. Courcelle-Labrousse before giving a final view on whether they - that is, counsel for Mr. Oneissi - need to cross-examine Mr. Philips on the points covered in this particular document.

Because of that, we will therefore adjourn further cross-examination by Defence counsel of Mr. Philips on this first general part of his evidence, and we note that he will be returning in the near future for, it now transpires, further cross-examination on this point and the Prosecutor will then examine him on other parts of his subsequent reports for the Prosecution.

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