

**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: 15 December 2015

Original language: English

Classification: Public

DECISION POSTPONING BADREDDINE DEFENCE'S CROSS-EXAMINATION OF PRH089

(Extract from Official Public Transcript of Hearing on 15 December 2015, page 34, line 16 to page 35, line 16)

The Prosecution disclosed to the Defence on Friday, the 11th of December, the statement of a new witness who is not on the Prosecution's witness list. The statement was taken by Prosecution investigators the previous day, Thursday, the 10th of December.

The witness now testifying, Witness 089, was scheduled to testify beginning on Monday, the 14th of December, but for logistical reasons his testimony was held over until today, to start today, which is the 15th of December.

On Monday, the 14th of December, counsel for Mr. Badreddine requested the Trial Chamber to adjourn their cross-examination of Witness 089 because, in their view, the new witness statement they had received on Friday, the 11th of December, was in the nature of a rebuttal statement relating to the evidence of another witness, Witness 416, and it also tied in with the evidence of Witness 89.

The Trial Chamber has examined the new witness statement. It is clear that there is some overlap with the evidence of Witness 89 and some of it directly relates to the witness's

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evidence. The Defence of Mr. Mustafa Amine Badreddine clearly need time to prepare and adjust their cross-examination in light of the new witness statement, and they will evidently need more than a few days to do this.

The Trial Chamber will therefore grant the application to defer the Defence cross-examination of Witness 089 until the new year. The result of this is that no court time will be lost in the remaining days of sitting this year because the Prosecution will call one of its analysts in place of the cross-examination of Witness 89 and the analyst will be available for Defence cross-examination.

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