

**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: 5 September 2016

Original language: English

Classification: Public

**DECISION IN RELATION TO PROSECUTION REQUEST TO ADMIT A
RESPONSE TO AN RFA RELATED TO CALL DATA RECORDS PURSUANT TO
RULE 154 GRANTING LEAVE TO ADD RESPONSE TO RFA 143 TO THE
PROSECUTION'S RULE 91 EXHIBIT LIST**

(Extract from Official Public Transcript of Hearing on 5 September 2016, page 101, line 9 to
page 102, line 13)

The other thing is the motion filed by the Prosecution on the 30th of August, last Tuesday, filing F2706, entitled “Prosecution request to admit a response to an RFA related to call data records pursuant to Rule 154.” Now, normally it relates specifically to a request for assistance sent to Touch on the 21st of July 2016 and a response written by Touch on the 19th of August 2016 in relation to some of the paragraphs in Witness 705's evidence in which he was going to seek confirmation of the provenance of various paragraphs in his statement. There are 20 paragraphs referred to, 15 of them the answer is “confirmed/IT department.”

In relation to paragraphs 167 and 168, the answer is still in process. In relation to paragraphs 173 and 174, the answer is partially confirmed from IT department, with a further explanation. And in relation to paragraph 176, there is an answer that it doesn't [...] say it's confirmed but it would appear on that that that's probably as good as it's going to get.

Interpretation serves to facilitate communication.
Only the original speech is authentic.

Now, normally Defence would have two weeks to respond to this. There are two applications in the motion. One is to amend the Prosecution's exhibit list to add this, the response to the request for assistance, and of course the request for assistance to its exhibit list, and the next one is to admit the request for assistance into evidence.

In relation to the first request, that is to amend the exhibit list to include it, I take it there would be no objection to that given that it arose during the cross-examination of the witness. Defence counsel are shaking their heads meaning they don't object, so the Trial Chamber will make the following decision.

To grant leave to add response to RFA 143 to the Prosecution's Rule 91 exhibit list, as requested in filing F2706, "Prosecution request to admit a response to an RFA related to call data records pursuant to Rule 154."

Interpretation serves to facilitate communication.
Only the original speech is authentic.