

**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: 6 February 2017

Original language: English

Classification: Public

**DECISION ON DEFENCE REQUEST FOR THE EXCLUSION OF MR GARY
PLATT'S EVIDENCE**

(Extract from Official Public Transcript of Hearing on 6 February 2017, page 48, line 4 to
page 49, line 7)

Defence counsel acting for the four accused asked the Trial Chamber in an oral motion argued in court today, Monday, the 6th of February, 2017, to prevent the Prosecution expert Mr. Gary Platt from providing his expert opinion evidence in relation to the role of the so-called group of “Purple Phones” as pleaded in the amended consolidated indictment.

On the Thursday, 2nd of February, 2017, the Prosecution, acting on the Trial Chamber's oral order of Wednesday, the 25th of January, 2017, provided Defence counsel with notes setting out the ambit of Mr. Platt's anticipated evidence on these issues and in relation to what are termed the “Associate Purple Phones.” Defence counsel claimed inadequate notice that is causing prejudice in their trial preparations.

The Trial Chamber is of the view that in all of the circumstances the notice provided in the letter, although late, is adequate. More specifically, Mr. Platt will not be cross-examined by Defence counsel for at least several weeks. Moreover, Defence counsel should

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not be surprised by Mr. Platt's opinion evidence in relation to the role of the Purple Phones and the conspiracy pleaded in the amended consolidated indictment.

However, even if the late notice of the extent of Mr. Platt's opinion in relation to the role of the Purple Phones potentially prejudices Defence preparation for trial, and the Trial Chamber is not of this view, any prejudice would be cured by the substantial period between Mr. Platt giving his evidence in-chief and Defence counsel cross-examining him. This would provide sufficient time for preparation for cross-examination and to make any appropriate adjustments to the Defence strategy in this regard.

For these reasons, the application is refused.

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