

**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:** 7 February 2017

**Original language:** English

**Classification:** Public

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

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(Extract from Official Public Transcript of Hearing on 7 February 2017, page 84, line 17 to page 85, line 25)

The Defence of Mr. Ayyash has moved the Trial Chamber to exclude slides 18 through to 44 of Exhibit P1807, entitled “Chronology, Saturday 01 January 2005,” and specifically in relation to alleged surveillance of Mr. Hariri's visit to Mr. Marwan Hamade's residence on the 1st of January, 2005, arguing that this is not specifically referred to in Mr. Platt's chronology report, which is Exhibit P1783 marked for identification, prepared on the 20th of February, 2014.

The Chamber in its decision on the 12th of January, 2017, on a Defence motion to exclude the PowerPoint slides decided, and I quote: “In the Trial Chamber's view, the slides only draw out the points of evidence that the Prosecution wishes to present in court. The slides themselves are not primary evidence but are merely a visual aid to its better comprehension. The content of the slides derived from disclosed evidence and things that are already in evidence. They are also interpretive as is Mr. Platt's evidence. The Trial Chamber is not convinced that excluding the slides is the appropriate remedy but remains of the view that

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any prejudice to the Defence caused by late disclosure of any information is cured by providing Defence counsel with adequate time to prepare for cross-examination and here specifically, as the Trial Chamber has emphasized on a number of occasions in its decisions in relation to Mr. Platt's evidence, that he will not be cross-examined for several weeks. Defence counsel, of course, may make an application for further time to prepare for cross-examination at the relevant time.”

The Trial Chamber is satisfied that the evidence referred to in slides 18 through to 44 is contained in call sequence tables which are already in evidence and in the testimony of Mr. Marwan Hamade, and the Defence are on notice of the evidence but not necessarily until these slides were provided to the Defence of the significance which the Prosecution was giving to them. In these circumstances, the Chamber will not exclude the slides from their admission into evidence as a visual aid but will view sympathetically, if necessary, any Defence application in the future for additional time to prepare for cross-examination if real prejudice can be demonstrated.

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