

(7716 - 7718)



SPECIAL COURT FOR SIERRA LEONE

JOMO KENYATTA ROAD • FREETOWN • SIERRA LEONE

PHONE: +1 212 963 9915 Extension: 178 7000 or +39 0831 257000 or +232 22 295995

FAX: Extension: 178 7001 or +39 0831 257001 Extension: 174 6996 or +232 22 295996

TRIAL CHAMBER II

Before: Judge Teresa Doherty, Presiding Judge
 Judge Richard Lussick
 Judge Julia Sebutinde

Registrar: Robin Vincent

Date: 15 April 2005

PROSECUTOR Against Alex Tamba Brima
 Brima Bazy Kamara
 Santigie Borbor Kanu
 (Case No.SCSL-04-16-T)

DECISION ON CONFIDENTIAL PROSECUTION MOTION FOR PROTECTIVE
 MEASURES FOR WITNESS TF1-272

Office of the Prosecutor:

Luc Côté
 Lesley Taylor
 Boi-Tia Stevens

Defence Counsel for Alex Tamba Brima:

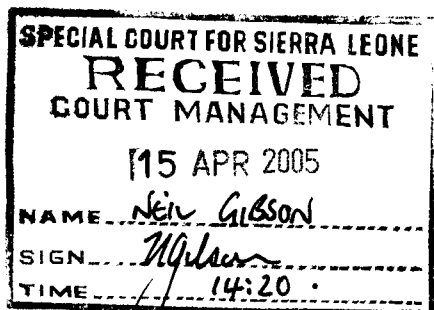
Kevin Metzger
 Glenna Thompson
 Kojo Graham

Defence Counsel for Brima Bazy Kamara:

Wilbert Harris
 Mohamed Pa-Momo Fofanah

Defence Counsel for Santigie Borbor Kanu:

Geert-Jan Alexander Knoops
 Carry Knoops
 Abibola E. Manley-Spaine



TRIAL CHAMBER II (“Trial Chamber”) of the Special Court for Sierra Leone (“Special Court”), composed of Judge Teresa Doherty, presiding, Judge Richard Lussick and Judge Julia Sebutinde;

SEISED of the “Confidential Prosecution Motion for Protective Measures for Witness TF1-272” filed on 15 March 2005 on behalf of the Prosecution (“Motion”);

CONSIDERING the “Confidential Joint Defence Response to Confidential Prosecution Motion for Protective Measures for Witness TF1-272” filed on 17 March 2005 on behalf of the Defence (“Response”) and the “Prosecution Letter Regarding Confidential Prosecution Motion for Protective Measures for Witness TF1-272” filed on 4 April 2005 on behalf of the Prosecution;

DECIDES AS FOLLOWS.

1. The Prosecution seeks an order for protective measures for expert witness TF1-272. The Prosecutor submits that, with respect to this witness, no protective measures have previously been requested or ordered by the Special Court. The Prosecutor argues that the anticipated testimony of the witness could seriously endanger his safety and security if his identity became known to the public. In its confidential Motion, the Prosecution indicates in detail the reasons for these concerns.
2. The Defence does not oppose the proposed protective measures as sought by the Prosecution.
3. The Trial Chamber, noting that there are no issues between the parties, in exercise of the provisions of Rules 75(A) and (B) and Rule 79 grants the following protective measures:
 - “(i) The witness shall be referred to by the pseudonym TF1-272 at all times during the course of the proceedings whether during the hearing or in documents, including the transcript of proceedings;
 - (ii) The names, addresses, whereabouts or any other identifying information of witness TF1-272 shall be sealed and not included in any public records of the Special Court;

(iii) To the extent that the names, addresses, whereabouts or other identifying data concerning witness TF1-272 is contained in existing public documents of the Special Court, that information shall be expunged from those documents;

(iv) Witness TF1-272 will testify with the use of a screening device from the public;

(v) Evidence of witness TF1-272's nationality and employment will be heard in closed session and/or admitted under seal;

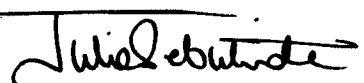
(vi) The public and media shall not photograph, video-record, sketch, or in any other manner record or reproduce images of witness TF1-272 while the witness is in the precincts of the Special Court."

4. However, the Trial Chamber is of the view that the Prosecution's request for an order to the Trial Chamber to "move into closed session as necessary and appropriate" is premature at this stage and accordingly it is refused.

Done at Freetown this 15th day of April 2005


Judge Richard Lussick




Judge Julia Sebutinde