5csl-04-14-T (10923-10925)



SPECIAL COURT FOR SIERRA LEONE

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THE TRIAL CHAMBER

Before:

Hon. Judge Benjamin Mutanga Itoe, Presiding Judge

Hon. Judge Bankole Thompson

Hon. Judge Pierre Boutet

Registrar:

Robin Vincent

Date:

1st of December, 2004

PROSECUTOR

Against

Sam Hinga Norman

Moinina Fofana Allieu Kondewa

(Case No.SCSL-04-14-T)

DECISION ON PROTECTIVE MEASURES FOR WITNESS TF2-067

Office of the Prosecutor:

SPECIAL COURT FOR SIERRA LEONE

COURT MANAGEMENT

-2 DEC 2004

NAME NEIL GIBSON

David Crane Luc Côté Court Appointed Counsel for Sam Hinga

Norman:

Dr. Bu-Buakei Jabbi John Wesley Hall, Jr. Tim Owen, Q.C.

Court Appointed Counsel for Moinina

Fofana:

Michiel Pestman Arrow Bockarie Victor Koppe

Court Appointed Counsel for Allieu

Kondewa:

Charles Margai Yada Williams Ansu Lansana THE TRIAL CHAMBER ("Chamber") of the Special Court for Sierra Leone ("Special Court") composed of Hon. Judge Benjamin Mutanga Itoe, Presiding Judge, Hon. Judge Bankole Thompson and Hon. Judge Pierre Boutet;

NOTING the Motion for Modification of Protective Measures for Witnesses, filed by the Prosecution on the 4th of May, 2004, and Annex 38 - Category B Witnesses, where the Prosecution classified Witness TF2-067 as a child and a Sub-Category B witness, and requested that he testify with the use of closed-circuit television;

NOTING the Trial Chamber's Decision on Prosecution Motion for Modification of Protective Measures for Witnesses ("Decision"), delivered on the 8th of June, 2004, that granted, inter alia, the request of the Prosecution for Witness TF2-067 to testify with the use of closed-circuit television;

NOTING that at the Status Conference held on the 6th of September, 2004, Hon. Judge Pierre Boutet stated that it would be useful in future, when the Prosecution files its List of the Order of Witnesses to Call, to provide a column in this list that identifies the particular protective measures to be applied to each witness;

CONSIDERING the Confidential Prosecution Revised Order of Witnesses to be Called in the Third Trial Session, filed by the Prosecution on the 2nd of November, 2004, where the Prosecution represented that basic protective measures would be applied to Witness TF2-067, and that the Prosecution did not state that this was a child witness to be subject to the additional protective measure of testifying with the use of closed-circuit television;

NOTING the Confidential Corrigendum of Prosecution Order of Witnesses to be Called in the Third Trial Session ("Confidential Corrigendum"), filed by the Prosecution on the 8th of November, 2004, where the Prosecution state:

On the 1st November 2004 the Prosecution filed order of witnesses to be called in the third trial session. This gave the Trial Chamber the order of presentation and unredacted statements for witnesses numbered 37 to 43 in the witness trial order. In addition to this, an amended witness list was filed on the 2nd November 2004. With both these lists the Prosecution also informed the Trial Chamber whether it intended to ask for any additional protective measures to individual witnesses in addition to those already granted to all Prosecution witnesses.

Witness TF2-067 was classed in both the above mentioned orders as needing 'basic protection'. However this witness is a child under the age of eighteen and therefore a Sub-Category B witness as laid out in the Trial Chamber's 'Decision on Prosecution Motion for the Modification of Protective Measures for Witnesses' handed down on the 8th June 2004. As a result the Prosecution will be seeking to have the protective measures granted to Sub-Category B witnesses extended to witness TF2-067;

NOTING that on the basis of the Prosecution's submission in its Confidential Corrigendum, the Trial Chamber invited the Prosecution to make an oral application for additional protective measures to be applied for Witness TF2-067, on the 29th of November, 2004;

NOTING that the Prosecution made an oral application on the 29th of November, 2004, and clarified that the Trial Chamber had already granted for Witness TF2-067 the protective measure of testifying with the use of closed-circuit television in its Decision of the 8th of June, 2004;

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2.

1st of December, 2004

CONSIDERING that the Trial Chamber's Decision of the 8th of June, 2004 has granted Witness TF2-067 the protective measure of testifying with the use of closed-circuit television;

THE TRIAL CHAMBER CONFIRMS AS FOLLOWS:

1. That Witness TF2-067 will testify with the use of closed-circuit television, a protective measure granted to him by the Decision of the Trial Chamber on the 8th of June, 2004;

AND ORDERS

The Prosecution, when submitting to the Trial Chamber its List of the Order of Witnesses to be Called, should provide an accurate record of the protective measures to be applied to witnesses who testify.

Done in Freetown, Sierra Leone, this 1st day of December, 2004.

Benjamin Mutanga Itoe Hon. Judge

Hon. Judge Bank de Thompson

Presiding Judg Trial Chamber O!

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