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SCSL-2003-08-PT-033

315

**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

**THE TRIAL CHAMBER**

**Before:** Judge Bankole Thompson  
Presiding Judge, Trial Chamber  
Designated Judge Pursuant to Rule 28 of the Rules

**Registrar:** Robin Vincent

**Date:** 23<sup>rd</sup> May 2003

**The Prosecutor Against:** Samuel Hinga Norman  
(Case No. SCSL-2003-08-PT)

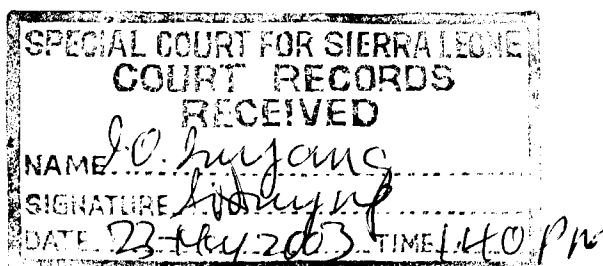
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**DECISION ON THE PROSECUTOR'S MOTION FOR IMMEDIATE PROTECTIVE  
MEASURES FOR WITNESSES AND VICTIMS AND FOR NON-PUBLIC DISCLOSURE**

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**Office of the Prosecutor:**  
Luc Côté, Chief of Prosecution  
Brenda Hollis, Senior Trial Counsel

**Defence Counsel:**  
J.B. Jenkins-Johnson Esq.



**THE SPECIAL COURT FOR SIERRA LEONE (“the Court”)**

**JUDGE BANKOLE THOMPSON**, sitting as a single Judge designated Pursuant to Rule 28 of the Rules of Procedure and Evidence (“the Rules”) on behalf of the Trial Chamber;

**BEING SEIZED** of the Motion by the Office of the Prosecutor for Immediate Protective Measures for Victims and Witnesses and for Non-Public Disclosure (“the Motion”) and of the “Briefs” (Written Submissions) with attachments in support of the said Motion, filed on the 7<sup>th</sup> April 2003;

**CONSIDERING** also the Response filed by the Defence Counsel on behalf of the Accused Samuel Hinga Norman on 23<sup>rd</sup> April 2003, to the aforementioned Prosecution’s Motion (“the Response”);

**CONSIDERING** the Prosecutor’s Reply filed on 29<sup>th</sup> April 2003 to the aforesaid Response (“the Reply”);

**WHEREAS** acting on the Chamber’s Instruction, Court Management Section advised the parties on 29<sup>th</sup> April 2003 that the Motion, Responses, and Reply would be considered and determined on the “Briefs” (Written Submissions) of the parties **ONLY** pursuant to Rule 73 of the Rules;

**COGNISANT OF** the Statute of the Court (“the Statute”) particularly Articles 16 and 17 thereof, and specifically Rules 53, 54, 73, and 75 of the Rules;

**NOTING THE SUBMISSIONS OF THE PARTIES**

**The Prosecution Motion:**

1. By the aforementioned Motion, the Prosecutor seeks orders for protective measures for persons who fall into three categories (paragraph 16 of the Motion):
  - (a) Witnesses who presently reside in Sierra Leone and who have not affirmatively waived their rights to protective measures;
  - (b) Witnesses who presently reside outside Sierra Leone but in other countries in West Africa or who have relatives in Sierra Leone, and who have not affirmatively waived their rights to protective measures;
  - (c) Witnesses residing outside West Africa who have requested protective measures.
2. By the said Motion, the Prosecutor also requests that the Defence be prohibited from disclosing to the public or media any non-public materials which are provided to them as part of the disclosure process.
3. Further, the Prosecutor requests that the persons categorised in paragraph 16 of the Motion and the prohibition as to non-public disclosure sought in paragraph 17 of the Motion be provided protection and effected respectively by the sought Orders set out below (as contained in paragraph 20 of the Motion):

- (a) An Order allowing the Prosecution to withhold identifying data of the persons the Prosecution is seeking protection for as set out in paragraph 16 or any other information which could lead to the identity of such a person to the Defence until twenty-one days before the witness is to testify at trial; and consequently allowing the Prosecution to disclose any materials provided to the Defence in a redacted form until twenty-one days before the witness is to testify at trial, unless otherwise ordered;
- (b) An Order requiring that the names and any other identifying information concerning all witnesses, be sealed by the Registry and not included in any existing or future records of the Court;
- (c) An Order permitting the Prosecution to designate a pseudonym for each witness, which was and will be used for pre-trial disclosure and whenever referring to such witness in the Court proceedings, communications and discussions between the parties to the trial, and the public; it is understood that the Defence shall not make an independent determination of the identity of any protected witness or encourage or otherwise aid any person determine the identity of any such persons;
- (d) An Order that the names and any other identifying information concerning all witnesses described in paragraph 20 (a), be communicated only to the Victims and Witnesses Unit personnel by the Registry or the Prosecution in accordance with the established procedure and only in order to implement protection measures for these individuals;
- (e) An Order prohibiting the disclosure to the public or the media of the names and any other identifying data or information on file with the Registry, or any other information which could reveal the identity of witnesses and victims, and this order shall remain in effect after the termination of the proceedings in this case;
- (f) An Order prohibiting the Defence from sharing, discussing or revealing, directly or indirectly, any disclosed non-public materials of any sort, or any information contained in any such documents, to any persons or entity other than the Defence;
- (g) An Order that the Defence shall maintain a log indicating the name, address and position of each person or entity which receives a copy of, or information from, a witness statement, interview report or summary of expected testimony, or any other non-public material, as well as the date of disclosure; and that the Defence shall ensure that the person to whom such information was disclosed follows the order of non-disclosure;
- (h) An Order requiring the Defence to provide to the Chamber and the Prosecution a designation of all persons working on the defence team who, pursuant to paragraph 20 (f) above, have access to any information referred to in paragraph 20 (a) through 20 (e) above, and requiring the Defence to advise the Chamber and the Prosecution in writing of any changes in the composition of this Defence team;
- (i) An Order requiring the Defence to ensure that any member leaving the Defence team remits to the Defence team all disclosed non-public materials;

- (j) An Order requiring the Defence to return to the Registry, at the conclusion of the proceedings in this case, all disclosed materials and copies thereof, which have not become part of the public record;
- (k) An Order the Defence Counsel shall make a written request to the Trial Chamber or a Judge thereof, for permission to contact any protected witnesses or any relative of such person, and such request shall be timely served on the Prosecution. At the direction of the Trial Chamber or a Judge thereof, the Prosecution shall contact the protected person and ask for his or her content or the parents or guardian of that person if that person is under the age of 18, to an interview by the Defence, and shall undertake the necessary arrangements to facilitate such contact.

#### The Defence Response:

4. On behalf of Samuel Hinga Norman, the Defence Counsel states that in principle, it “would not object to measures designed for the protection of Witnesses and Victims provided that such measures are consistent with the rights of the Accused” (paragraph 1 of Response). The overall position taken by the Defence on behalf of Samuel Hinga Norman is summed at paragraph 8 of the Response as follows:

The Defence opposes the Prosecution Motion in respect of Orders (a) (b) (c) (e) (g) (i) and (k) for immediate protective measures as these measures are oppressive and will not ensure equality of arms between the Prosecution and the Defence. The Defence has set out the applicable tests regarding the granting of protective measures as established by the Trial Chamber of the ICTY in the *Tadic* Case. The Defence has also shown that the affirmations in support of the Prosecution’s Motion are insufficient and do not rise to the criteria established by the *Tadic* jurisprudence.

In conclusion, it is submitted that whilst the SCSL follows the ICTR case law, it does not follow the ICTR’s factual findings and the question of the security situation in Rwanda is a factual question which has nothing to do with the security situation in Sierra Leone. The necessary security measures are quite independent of what was necessary in Rwanda.

#### The Prosecution Reply:

5. The Prosecution, in its Reply filed on the 29<sup>th</sup> April 2003 to the Response of the Defence in respect of Samuel Hinga Norman, submits as to the applicable jurisprudence that (paragraphs 21 and 22) :

Defence Counsel omits very key language when he asserts that the Statute of the Special Court states that the Trial Chamber shall be guided by the jurisprudence of the Supreme Court of Sierra Leone. Article 20 of the Statute states that “The Judges of the Appeals Chamber of the Special Court shall be guided by the decisions of the Appeals Chamber of the International Tribunals for the former Yugoslavia and for Rwanda. In the interpretation and application of the laws of Sierra Leone, they shall be guided by the decisions of the Supreme Court of Sierra Leone.” The Prosecution concurs with

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the premise which apparently underlies Defence Counsel's assertion, i.e, the law which guides the Trial Chamber and those who practice before it.

However, the Prosecution submits the above quoted language means that, in deciding cases brought under Articles 2, 3 and 4 of the Statute, the applicable jurisprudence is that of the international ad hoc tribunals. That is appropriate since those articles encompass internationally recognised crimes, and the body of international law that develops regarding such crimes should be consistent and international in character. However, in deciding cases brought under Article 5 of the Statute, the Court would appropriately be guided by the law as determined by the highest Court of Sierra Leone, the Supreme Court. As the charges brought against this Accused are alleged as violations of Articles 2, 3, and 4, the international jurisprudence provides the guidance.

#### AND HAVING DELIBERATED AS FOLLOWS

6. Pursuant to Article 16 of the Statute, the Court is authorized to provide in its Rules for the protection of victims and witnesses. Such protective measures shall include, without being limited to, the protection of a witness's identity. Rule 75 provides, *inter alia*, that a Judge or a Chamber may, on its own Motion, or at the request of either party, or of the victims or witnesses concerned, or of the Victims and Witnesses Unit, order appropriate measures to safeguard the privacy and security of victims and witnesses, provided that the measures are consistent with the rights of the Accused.
7. According to Rule 69 of the Rules, under exceptional circumstances, either of the parties may apply to a Judge of the Trial Chamber or the Trial Chamber to order the non-disclosure of the identity of a witness who may be in danger or at risk until the Judge or Chamber otherwise decides.
8. Article 17 of the Statute of the Court sets out the Rights of the Accused including *inter alia*, the right "to have adequate time and facilities for the preparation of his or her defence and the right to examine, or have examined the witnesses against him or her" As designated Judge, I also take cognisance of Rule 69 (C) of the Rules whereby the identity of a witness shall be disclosed in sufficient time before a witness is to be called to allow adequate time for preparation of the Defence.
9. Pre-eminently mindful of the need to guarantee the utmost protection and respect for the rights of the victims and witnesses, and seeking to balance those rights with the competing interests of the public in the administration of justice, of the international community in ensuring that persons accused of violations of humanitarian law be brought to trial on the one hand, and the paramount due process right of the Accused to a fair trial, on the other, I am enjoined to order any appropriate measures for the protection of the victims and witnesses at the pre-trial stage that will ensure a fair determination of the matter before me, deciding the issue on a case-by case basis consistent with internationally recognised standards of due process. Such orders are to take effect once the particulars and locations of the witnesses have been forwarded to the Victims and Witnesses Support Unit.

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10. In determining the appropriateness of the protective measures sought, I have evaluated the security situation affecting concerned witnesses in the context of the available information attached to the Prosecutor's "Briefs" (Written Submissions), more particularly the Declaration of Dr. Alan W. White dated 7<sup>th</sup> April 2003 and the Declaration of Tamba Gbekie dated 4<sup>th</sup> April 2003. Despite some formal defects, generalities and unsubstantiated matters, rightly pointed out by the Defence, in respect of those documents, it is my considered view that, in terms of substance, the combined effect of those affirmations is to demonstrate, within the bounds of reasonable foreseeability and not absolute certainty, the delicate and complex nature of the security situation in the country and the level of threat from several quarters of the ex-combatant population that participated in the conflict to witnesses and potential witnesses. It is significant to note that there was no affidavit in opposition. The irresistible inference, therefore, is that such threats may well pose serious problems to such witnesses and the effectiveness of the Court in the faithful discharge of its international mandate.
  
11. Concerning the need for the protection of witnesses' identities, *at the pre-trial phase* as distinct from *the trial phase*, I have sufficiently advised myself on the applicable body of jurisprudence. Without meaning to detract from the precedential or persuasive utility of decisions of the ICTR and the ICTY, it must be emphasized, that the use of the formula "shall be guided by" in Article 20 of the Statute does not mandate a slavish and uncritical emulation, either precedentially or persuasively, of the principles and doctrines enunciated by our sister tribunals. Such an approach would inhibit the evolutionary jurisprudential growth of the Special Court consistent with its own distinctive origins and features. On the contrary, the Special Court is empowered to develop its own jurisprudence having regard to some of the unique and different socio-cultural and juridical dynamics prevailing in the *locus* of the Court. This is not to contend that sound and logically correct principles of law enunciated by ICTR and ICTY cannot, with necessary adaptations and modifications, be applied to similar factual situations that come before the Special Court in the course of adjudication so as to maintain logical consistency and uniformity in judicial rulings on interpretation and application of the procedural and evidentiary rules of international criminal tribunals.
  
12. Instructive though, from a general jurisprudential viewpoint, some of the decisions of ICTR and ICTY relied upon by both Prosecution and Defence Office on the subject of delayed disclosure and confidentiality of witnesses and victims may be in terms of the principles therein enunciated, the issue is really one of contextual socio-legal perspective. Predicated upon such a perspective, one can reach various equally valid conclusions applying a comparative methodology into: (a) whether the security situation in Sierra Leone can, at this point in time, in relation to Rwanda be objectively characterized as really more or less volatile; (b) whether the security situation in Rwanda during the grant or denial of the protective measures sought in those cases, was more or less volatile than the present security situation in Sierra Leone; or (c) whether there is any logical basis for comparison at all. Indeed, perhaps, Defence Counsel got it absolutely right when he observed at paragraph 8 of his Response that (i) "the question of the security situation in Rwanda is a factual question which has nothing to do with the security situation in Sierra Leone" and that (ii) "the security measures for Sierra Leone are quite independent of what is necessary in Rwanda." Evidently, it takes no stretch of the legal imagination to discover that in such matters speculation can be endless and quite fruitless. It depends on one's analytical or methodological approach. They are not matters that can be determined with any mathematical exactitude.

13. With all due respect to learned Counsel for the Defence, it must be pointed out that the five-fold criteria enunciated by the ICTY in the case of *The Prosecutor vs. Tadic*, IT-4-I-10, Decision on the Prosecutor's Motion Requesting Protective Measures for Victims and Witnesses, 10<sup>th</sup> August 1995, cannot logically be applied to the instant Motion. In that case, the Trial Chamber was confronted with a request by the Prosecution to provide anonymity for one of its witnesses in testifying by withholding the identity of the witness from the Accused. A majority of the Trial Chamber held that it had to balance the right of the Accused to a "fair and public trial" against the protection of victims and witnesses. Observing that the right to a "fair trial" was not absolute but was subject to derogation in exceptional circumstances such as a state of emergency and that the situation of on-going conflict in the area where the alleged atrocities took place constituted such exceptional circumstances, the Chamber took a "contextual approach" and held that it was justified in accepting anonymous testimony if: (1) there was real fear for the safety of the witness or his or her family; (2) the testimony of the witness was important to the Prosecution's case; (3) there was no *prima facie* evidence that the witness is untrustworthy; (4) the measures were strictly necessary (see May and Wierda, *International Criminal Evidence*, 2002 at page 282). It is evident that the situation in *Tadic* concerning that of a witness seeking to testify anonymously and that (as in the instant Motion) of an order for delayed disclosure of identifying data in respect of certain categories of prosecution witnesses at the *pre-trial stage* are clearly distinguishable both as a matter of fact and law.
14. Which principle, then, is applicable here? The answer is that it is the general principle propounded by the ICTY, in the case of *The Prosecutor v. Blaskic*, IT-95-14, Decision on the Application of the Prosecution dated 17<sup>th</sup> October 1996 Requesting of Protective Measures for Victims and Witnesses, 5<sup>th</sup> November 1996. It states that:

The philosophy which imbues the Statute and Rules of the Tribunal appears clear: the Victims and Witnesses merit protection, even from the Accused, during the preliminary proceedings and continuing until a reasonable time before the start of the trial itself; from that time forth, however, the right of the Accused to an equitable trial must take precedence and require that the veil of anonymity be lifted in his favour, even if the veil must continue to obstruct the view of the public and the media.

Applying this general principle to the totality of the affidavit evidence before me, it is my considered view that a reasonable case has been made for the prosecution witnesses herein to be granted at this preliminary stage a measure of anonymity and confidentiality. In addition, in matters of such delicacy and sensitivity, it would be unrealistic to expect either the Prosecution or the Defence, at the *pre-trial phase*, to carry the undue burden of having each witness narrate in specific terms or document the nature of his or her fears as to the actual or anticipated threats or intimidation. Such an approach would frustrate, if not, (using a familiar legal metaphor) drive a horse and coach through the entire machinery created by the Founding Instruments of the Court and its Rules for protection of witnesses and victims.

15. Further, as designated Judge under Rule 28 of the Rules, my judicial evaluation of the measures requested by the Prosecution pursuant to Articles 16 and 17 of the Statute and Rules 53, 54, and 75 of the Rules, is also predicated upon the reasoning that even though the Court must, in such matters, seek to balance the right of the Accused to a fair and public trial with the interest of the witnesses in being given protection, such a right is subject to derogating exceptional circumstances (Article 17(2) of the Statute) and that the existing context of the

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security situation in Sierra Leone does justify, at this point in time, delaying the disclosure of the identities of witnesses *during the pre-trial phase*.

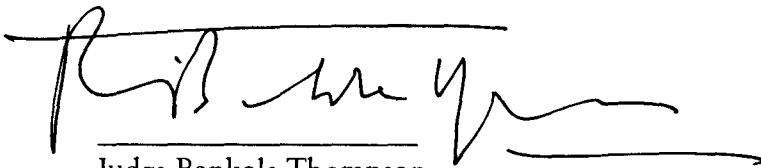
16. As regards the 21 (twenty-one) day time limit prayed for by the Prosecution in sought Order (a), despite the existence of some instructive ICTY and ICTR decisions supporting the 21 day rule limitation for disclosure, it is my considered view that there is no legal logic or norm compelling an inflexible adherence to this rule. In the context of the security situation in Sierra Leone and in the interest of justice, one judicial option available to me, at this stage, in trying to balance the interest of the victims and witnesses for protection by a grant of anonymity and confidentiality with the pre-eminent interest of effectively protecting the Accused's right to a fair and public trial is to enlarge the time frame for disclosure beyond 21 (twenty-one) days to 42 (forty-two) days. And I so order.

AND BASED ON THE FOREGOING DELIBERATION,

I HEREBY GRANT THE PROSECUTION'S MOTION AND IN PARTICULAR SOUGHT ORDERS (a) TO (k) as specified and particularised therein with the necessary modification to Order (a) in respect of the time frame for disclosure prior testimony at trial, which said ORDERS, for the sake of completeness, are set out *in extenso* in the annexure hereto.

Done at Freetown

23<sup>rd</sup> May 2003



Judge Bankole Thompson  
Presiding Judge, Trial Chamber  
Designated Judge Pursuant to Rule 28 of the Rules





## **SPECIAL COURT FOR SIERRA LEONE**

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### **THE TRIAL CHAMBER**

**Before:** Judge Bankole Thompson  
 Presiding Judge, Trial Chamber  
 Designated Judge Pursuant to Rule 28 of the Rules

**Registrar:** Robin Vincent

**Date:** 23<sup>rd</sup> May 2003

**The Prosecutor Against:** Samuel Hinga Norman  
 (Case No. SCSL-2003-08-PT)

### **ANNEX TO THE DECISION ON THE PROSECUTOR'S MOTION FOR IMMEDIATE PROTECTIVE MEASURES FOR WITNESSES AND VICTIMS AND FOR NON-PUBLIC DISCLOSURE:**

### **ORDERS FOR IMMEDIATE PROTECTIVE MEASURES FOR WITNESSES AND VICTIMS AND FOR NON PUBLIC DISCLOSURE**

**Office of the Prosecutor:**  
 Luc Côté, Chief of Prosecution  
 Brenda Hollis, Senior Trial Counsel

**Defence Counsel:**  
 J.B. Jenkins-Johnson Esq.

**THE SPECIAL COURT FOR SIERRA LEONE** (the “Special Court”)

**PRESIDED OVER** by Judge Bankole Thompson designated in accordance with provisions of Rule 28 of the Rules of Procedure and Evidence (“the Rules”);

**BEING SEIZED** of the Motion for Immediate Protective Measures for Witnesses and Victims and for Non-Public Disclosure filed by the Prosecutor on 7<sup>th</sup> April 2003 (“the Motion”) for an order requesting various protective measures to safeguard the security and privacy of victims, witnesses and to safeguard the integrity of the prosecution’s evidence and of these proceedings;

**CONSIDERING** that non-public material is disclosed to the Accused primarily for the purpose of allowing him to prepare to meet the charges against him and for no other purpose;

**CONSIDERING FURTHER** that the Designated Judge takes very seriously the interests and concerns of victims and witnesses, is genuinely concerned for their safety, protection and welfare, is authorised to take all appropriate measures to ensure their protection and privacy, and is judicially obliged to safeguard non-public materials provided to the Accused in order to enable him to prepare for trial, where the interests of justice so demand;

**CONSIDERING ALSO** that it is of paramount importance to protect the right of the Accused to a fair and public trial and that only in exceptional circumstances should such a right be derogated from;

**HAVING METICULOUSLY EXAMINED** the merits of the submissions by the Defence in response to the said Prosecution Motion and sought to balance the interests of the victims and witnesses for protection and privacy with the right of the Accused to fair trial in the context of the specific measures requested;

**CONVINCED** that despite the Defence submissions, in the specific context of this case, there is clear and convincing evidence submitted by the Prosecution for protective measures for witnesses and victims and for non-public disclosure of the material in this case at the pre-trial stage;

**NOTING** that Articles 17 (2) and 16 (4) of the Statute of the Special Court for Sierra Leone (“the Statute”) envisage that the Trial Chamber shall, where expedient in the interests of justice, issue appropriate orders for the protection of victims and witnesses;

**COGNISANT** of the provisions of Rules 69 and 75 of the Rules concerning the protection of witnesses;

**ACTING IN ACCORDANCE WITH** Articles 16 and 17 of the Statute and pursuant to Rules 53, 54, 56, 69, and 75 of the Rules;

**I HEREBY GRANT THE PROSECUTION MOTION AND ORDER** as follows:

- (a) The Prosecution may withhold identifying data of the persons the Prosecution is seeking protection as set forth in paragraph 16 of the Motion and any other information which could lead to the identity of such a person to the Defence, until 42 (forty-two) days before the witness is to testify at trial; and may not disclose any materials provided to the Defence in a redacted form until 42 (forty-two) days before the witness is to testify at trial, unless otherwise ordered.
- (b) That the names and any other identifying information concerning all witnesses be sealed by the Registry and not included in any existing or future records of the Court;
- (c) The Prosecution may designate a pseudonym for each witness, which was and will be used for pre-trial disclosure and whenever referring to such witness in Court proceedings, communications and discussions between the parties to the trial, and the public; it is understood that the Defence shall not make an independent determination of the identity of any protected witness or encourage or otherwise aid any person to attempt to determine the identity of any such persons;
- (d) That the names and any other identifying information concerning all witnesses described in order (a) be communicated only to the Victims and Witnesses Unit personnel by the Registry or the Prosecution in accordance with established procedure and only in order to implement protection measures for these individuals;
- (e) That the names and any other identifying data or information on file with the Registry, or any other information which could reveal the identity of Witnesses and Victims, shall not be disclosed to the public or the media and this order shall remain in effect after the termination of the proceedings in this case;
- (f) That the Defence shall not share, discuss or reveal, directly or indirectly, any disclosed non-public materials of any sort, or any information contained in any such documents, to any person or entity other than the Defence;
- (g) That the Defence shall maintain a log indicating the name, address and position of each person or entity which receives a copy of, or information from, a witness statement, interview report or summary of expected testimony, or any other non-public material, as well as the date of disclosure; and that the Defence shall ensure that the person to whom such information was disclosed follows the order of non-public disclosure;
- (h) That the Defence provide to the Chamber and the Prosecution a designation of all persons working on the Defence team who, pursuant to order (f) above, have access to any information referred to in order (a) through (e) above (reference herein being made to the Motion), and requiring the Defence to advise the Chamber and the Prosecution in writing of any changes in the composition of this Defence team;

- (i) That the Defence ensure that any member leaving the Defence team remits to the Defence team all disclosed non-public materials;
- (j) That the Defence return to the Registry, at the conclusion of the proceedings in this case, all disclosed materials and copies thereof, which have not become part of the public record;
- (k) That the Defence Counsel make a written request to the Trial Chamber or a Judge thereof, for permission to contact any protected witnesses or any relative of such person, and such request shall be timely served on the Prosecution. At the direction of the Trial Chamber or a Judge thereof, the Prosecution shall contact the protected person and ask for his or her consent or the parents or guardian of that person if that person is under the age of 18, to an interview by the Defence, and shall undertake the necessary arrangements to facilitate such contact.

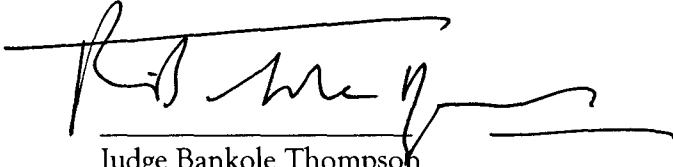
**HEREBY FURTHER ORDER** that consistent with Order (a) above, the Prosecutor shall disclose the names and unredacted statements of the witnesses to the Defence in at least 42 (forty-two) days before the witness is to testify at trial to allow the Defence sufficient and reasonable time to prepare effectively for trial, having regard to the gravity of the charges against the Accused persons and the magnitude of the Prosecutor's allegations against them.

For the purpose of this Order:

- (a) "the Prosecution" means and includes the Prosecutor of the Special Court for Sierra Leone (the Court) and his staff;
- (b) "the Defence" means and includes the Accused, the Defence counsel and their immediate legal assistants and staff, and others specifically assigned by the court to the Accused's trial Defence team in conformity with Rule 44;
- (c) "witnesses" means and includes witnesses and potential witnesses of the Prosecution;
- (d) "protected witnesses" means and includes the witnesses in the categories as set forth in paragraph 16 of the Motion;
- (e) "victims" means and includes victims of sexual violence, torture, as well as all persons who were under the age of 15 at the time of the alleged commission of the crime;
- (f) "the public" means and includes all persons, governments, organisations, entities, clients, associations, and groups, other than the Judges of the Court and the staff of the Registry, the Prosecution, the Defence, as defined above. "The public" specifically includes, without limitation, family, friends and associates of the Accused, and the Defence in other cases or proceedings before the court;

- (g) “the media” means and includes all video, audio, print media personnel, including journalists, authors, television, and radio personnel, their agents and representatives.

Done at Freetown, 23<sup>rd</sup> May 2003

A handwritten signature in black ink, appearing to read 'Bankole Thompson', with a long horizontal line extending to the right.

Judge Bankole Thompson  
Presiding Judge, Trial Chamber  
Designated Judge Pursuant to Rule 28 of the Rules