

THE TRIAL CHAMBER ("Trial 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;

SEIZED of the Prosecution's declaration of intent entitled *Protective Measures for Additional Witnesses* filed on the 15th of September 2004, in which the Prosecution "informs the Trial Chamber of its intention to extend the existing protective measures applicable to its existing witnesses to six additional witnesses."

NOTING that Rule 75 (A) and (B) of the Rules of Procedure and Evidence ("Rules") provides that:

- (A) A Judge or a Chamber may, on its own motion, or at the request of either party, or of the victim or witness concerned, or of the Witnesses and Victims Section, 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.
- (B) A Judge or a Chamber may hold an *in camera* proceeding to determine whether to order:
 - (i) Measures to prevent disclosure to the public or the media of the identity or whereabouts of a victim or a witness, or of persons related to or associated with him by such means as:
 - (a) Expunging names and identifying information from the Special Court's public records;
 - (b) Non-disclosure to the public of any records identifying the victim or witness;
 - (c) Giving of testimony through image- or voice- altering devices or closed circuit television, video link or other similar technologies; and
 - (d) Assignment of a pseudonym;
 - (ii) Closed sessions, in accordance with Rule 79;
 - (iii) Appropriate measures to facilitate the testimony of vulnerable victims and witnesses, such as one-way closed circuit television;

CONSIDERING that decisions about protective measures are solely within the discretion of the Court;

CONSIDERING that a party may request that a judge or Chamber order appropriate measures to safeguard the privacy and security of victims and witnesses;

CONSIDERING that the Prosecution has just informed the Trial Chamber of its intention to extend protective measures to witnesses;

CONSIDERING therefore that the Trial Chamber is not properly seized of an application for protective measures;

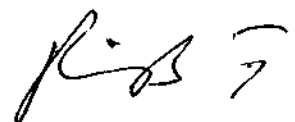
Case No. SCSL04-15-T



2.



22 October 2004


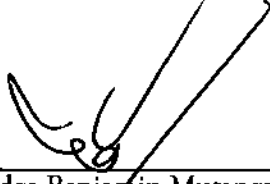
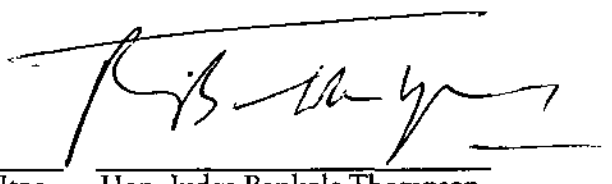


FOR THESE REASONS, THE TRIAL CHAMBER:

DISMISSES the Prosecution's declaration of intent of Protective Measures for Additional Witnesses;
and

DIRECTS the Prosecution to file an appropriate application for protective measures to the Trial Chamber in conformity with Rule 75 (A) of the Rules.

Done in Freetown, Sierra Leone, this 22nd day of October 2004

		
Hon. Judge Pierre Boutet	Hon. Judge Benjamin Mutanga Itoe Presiding Judge, Trial Chamber	Hon. Judge Bankole Thompson

