



**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:** 1<sup>st</sup> 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:

David Crane  
Luc Côté

Court Appointed Counsel for Sam Hinga Norman:

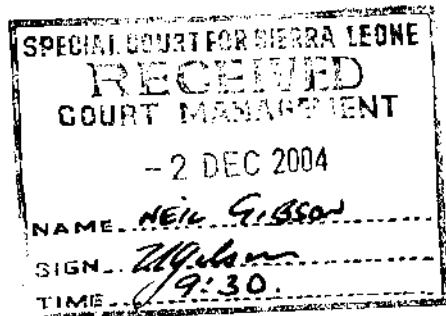
Dr. Bu-Buakei Jabbi  
John Wesley Hall, Jr.  
Tim Owen, Q.C.

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 4<sup>th</sup> 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 8<sup>th</sup> 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 6<sup>th</sup> 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 2<sup>nd</sup> 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 8<sup>th</sup> of November, 2004, where the Prosecution state:

On the 1<sup>st</sup> 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 2<sup>nd</sup> 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 8<sup>th</sup> 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 29<sup>th</sup> of November, 2004;

**NOTING** that the Prosecution made an oral application on the 29<sup>th</sup> 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 8<sup>th</sup> of June, 2004;

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1<sup>st</sup> of December, 2004

CONSIDERING that the Trial Chamber's Decision of the 8<sup>th</sup> 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 8<sup>th</sup> of June, 2004;

AND ORDERS

2. 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 1<sup>st</sup> day of December, 2004.

*Pierre Boutet* *Benjamin Mutanga Itoe* *Bankole Thompson*

Hon. Judge Pierre Boutet

Hon. Judge Benjamin Mutanga Itoe  
Presiding Judge  
Trial Chamber

Hon. Judge Bankole Thompson

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