

NOTING the Order to the Prosecution for Renewed Motion for Protective Measures of 1 April 2004 (“Order”) by Trial Chamber I, composed of Judge Bankole Thompson, Presiding, Judge Pierre Boutet and Judge Benjamin Mutanga Itoe;

SEIZED of the Renewed Prosecution Motion for Protective Measures Pursuant to Order to the Prosecution for Renewed Motion for Protective Measures Dated (“Motion”) filed on 4 May 2004 by the Office of the Prosecutor (“Prosecution”);

NOTING the Responses to the Motion filed by Defence Counsel for the Accused Kanu and by Defence Counsel for the Accused Brima, on 14 May 2004;

NOTING further that no Response was filed on behalf of the Accused Kamara;

NOTING the Consolidated Reply to the Responses filed by the Prosecution on 18 May 2004 (“Consolidated Reply”);

NOTING the Decisions for protective measures^[1] rendered in each individual case prior to being joined as Case No. SCSL-04-16-PT by an order of Trial Chamber I;^[2]

NOTING in particular the decision by Judge Itoe on the Prosecution’s Motion for Immediate Protective Measures for Witnesses and Victims and for Non-public Disclosure on 24 November 2003 in the case of the Accused Kanu, which under reference (a) ordered that: “The Prosecution should withhold identifying data of the persons the Prosecution is seeking protection for as set forth in paragraph 16 or any other information which could lead to the identity of such person to the Defence until twenty-one (21) 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 (21) days before the witness is to testify at trial, unless otherwise ordered;”

CONSIDERING Articles 16 and 17 of the Statute of the Special Court (“Statute”) and Rules 53, 69 and 75 of the Rules of Procedure and Evidence (“Rules”);

CONSIDERING the commencement of the Trial on 7 March 2005 pursuant to the Order of this Trial Chamber on 20 January 2005;

MINDFUL of the need to guarantee the protection for the rights of the victims and witnesses, while ensuring the respect of the rights of the Accused to a fair and public hearing, and seeking to balance those rights with the competing interests of the public in the administration of justice;

MINDFUL that several witnesses will testify on facts that affect all Accused in this case;

HEREBY ORDERS that until final deliberation on the Motion and Order by the Trial Chamber:

1. The “rolling disclosure period” of unredacted witness statements to the Defence in the case of the Accused Kanu pursuant to Paragraph 44 of the Protective Measures Decision^[3] order (a) shall be modified from 21 (twenty-one) to 42 (forty-two) days prior to the testimony of the witnesses at trial;
2. The Prosecution commence with such disclosure procedure in all cases on 24 January 2005;
3.
 - a) The Prosecution may file supplementary submissions, if any, on the Motion by 4:00 p.m. on Monday, 24 January 2005;
 - b. The Defence may file any supplementary submissions by 4:00 p.m. on Thursday, 27 January 2005; and
 - c. Any further Reply is to be filed by the Prosecution by 4:00 p.m. on Monday, 31 January 2005;

FURTHER ORDERS the Court Management Section of the Registry to serve this Order by electronic means to all parties exceptionally on this public holiday, Thursday 20 January 2005.

Done at Freetown this 20th day of January 2005

Judge Teresa Doherty
Presiding Judge
Trial Chamber II

[Seal of the Special Court for Sierra Leone]

^[1] *Prosecutor v. Alex Tamba Brima*, SCSL-03-06-PT, Decision on the Prosecution’s Motion for Immediate Protective Measures for Witnesses and Victims and for Non-public Disclosure, 23 May 2003; *Prosecutor v. Brima Bazzy Kamara*, SCSL-03-10-PT, Decision on the Prosecution’s Motion for Immediate Protective Measures for Witnesses and Victims and for Non-public Disclosure, 23 October 2003; *Prosecutor v. Santigie Borbor Kanu*, SCSL-2003-13-PT, Decision on the Prosecutor’s Motion for Immediate Protective Measures for Witnesses and Victims and for Non-public Disclosure, 24 November 2003 (“Protective Measures Decisions”).

^[2] Decision and Order on Prosecution Motions for Joinder, 27 January 2004, SCSL-2003-06-PT; SCSL-2003-10-PT; SCSL-2003-13-PT.

^[3] *Prosecutor v. Santigie Borbor Kanu*, SCSL-2003-13-PT, Decision on the Prosecutor’s Motion for Immediate Protective Measures for Witnesses and Victims and for Non-public Disclosure, 24 November 2003, para. 44.