

SPECIAL COURT FOR SIERRA LEONE
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TRIAL CHAMBER I

Before: Hon. Justice Benjamin Mutanga Itoe, Presiding Judge
Hon. Justice Bankole Thompson
Hon. Justice Pierre Boutet
Registrar: Robin Vincent
Date: 8th of March 2005

PROSECUTOR **Against** **Alex Tamba Brima**
Brima Bazy Kamara
Santigie Borbor Kanu
(Case No.SCSL-04-16-T)

**ORDER REGARDING THE DISCLOSURE OF THE IDENTITY
OF A PROTECTED WITNESS TF1-081**

Office of the Prosecutor:

Luc Côté
Lesley Taylor

Defence Counsel for Alex Tamba Brima:

Kevin Metzger
Glenna Thompson
Kojo Graham

Defence Counsel for Brima Bazy Kamara:

Wilbert Harris
Pa. Momo Fofanah

**Defence Counsel for Santigie Borbor
Kan:**

Geert-Jan Knoops
Carry Knoops-Hamburger
Abibola E. Manley-Spaine

TRIAL CHAMBER I (“Trial Chamber I”) of the Special Court for Sierra Leone (“Special Court”) composed of Hon. Justice Benjamin Mutanga Itoe, Presiding Judge, Hon. Justice Bankole Thompson, and Hon. Justice Pierre Boutet;

SEIZED of the request by Hon. Justice Teresa Doherty, Presiding Judge of Trial Chamber II to examine the Defence Request for Disclosure dated the 2nd of March 2005 by Defence Counsel Kevin Metzger and Glenna Thompson which disclosed the identity of a protected witness, TF1-081;

NOTING the Oral Decision on Prosecutions Motion for Protective Measures Pursuant to Order to the Prosecution for Renewed Motion for Protective Measures Dated 2 April 2004 of the Presiding Judge of Trial Chamber II of the 3rd of February 2005^[1];

NOTING the Orders of this Trial Chamber concerning protective measures relating to this witness, including the Decisions on the Prosecutor's Motion for Immediate Protective Measures for Witnesses and Victims and for Non-Public Disclosure for each individual accused in the AFRC^[2] and RUF^[3] trials and the Decision on Prosecution Motion for Modification of Protective Measures for Witnesses filed on the 5th of July 2004^[4];

NOTING that in these Orders this Chamber ordered that a series of measures, including the use of a pseudonym, be adopted in order to protect the identity of witnesses in this trial;

NOTING Rules 69, 75(F) and 77 of the Rules of Procedure and Evidence of the Special Court ("Rules");

FINDS that the Defence Request for Disclosure filed by Defence Counsel Kevin Metzger and Glenna Thompson does reveal the identity of TF1-081, a protected witness for the Prosecution, in clear violation of the Orders of this Chamber regarding protective measures;

REMINDS all Counsel for the Defence and Prosecution that identifying protected witnesses is in violation of the Court Orders and could amount to a contempt of court, punishable in accordance with Rule 77 of the Rules;

ORDERS that the Defence Request for Disclosure be removed from all public records of the Court Management Section of the Special Court.

Done at Freetown, Sierra Leone this 8th day of March, 2005

Hon. Justice Pierre Boutet

Hon. Justice Benjamin Mutanga
Itoe

Hon. Justice Bankole
Thompson

Presiding Judge
Trial Chamber I

[Seal of the Special Court for Sierra Leone]

[1] *Prosecutor v. Brima, Kamara and Kanu*, SCSL-04-16-PT, Oral Decision on Prosecutions Motion for Protective Measures Pursuant to Order to the Prosecution for Renewed Motion for Protective Measures Dated 2 April 2004, 3 February 2005.

[2] *Prosecutor v. Brima*, SCSL-2003-06-PT, Decision on the Prosecutor's Motion for Immediate Protective Measures for Witnesses and Victims and for Non-Public Disclosure, 23 May 2003, *Prosecutor v. Kamara*, SCSL-2003-10-PT, Decision on the Prosecutor's Motion for Immediate Protective Measures for Witnesses and Victims and for Non-Public Disclosure, 23 October 2003, and *Prosecutor v. Kanu*, SCSL-2004-13-PT, Decision on the Prosecution Motion for Immediate Protective Measures for Witnesses and Victims, 24 November 2003.

[3] *Prosecutor v. Sesay*, SCSL-2003-05-PT, Decision on the Prosecutor's Motion for Immediate Protective Measures for Witnesses and Victims and for Non-public Disclosure, 23 May 2003, *Prosecutor v. Kallon*, SCSL-2003-07-PT, Decision on the Prosecutor's Motion for Immediate Protective Measures for Witnesses and Victims and for Non-public Disclosure, 23 May 2003, and *Prosecutor v. Gbao*, SCSL-2003-09-PT, Decision on the Prosecutor's Motion for Immediate Protective Measures for Witnesses and Victims and for Non-public Disclosure, 10 October 2003.

[4] *Prosecutor v. Sesay, Kallon and Gbao*, SCSL-04-15-T, Decision on Prosecution Motion for Modification of Protective Measures for Witnesses, 5 July 2004.
