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SCSL-04-14-T
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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

TRIAL CHAMBER I

Before: Hon. Justice Benjamin Mutanga Itoe, Presiding Judge
Hon. Justice Bankole Thompson
Hon. Justice Pierre Boutet

Registrar: Robin Vincent

Date: 24th of May, 2005

PROSECUTOR **Against** **SAM HINGA NORMAN**
MOININA FOFANA
ALLIEU KONDEWA
(Case No.SCSL-04-14-T)

DECISION ON PROSECUTION REQUEST FOR LEAVE TO CALL ADDITIONAL WITNESSES AND FOR ORDERS FOR PROTECTIVE MEASURES

Office of the Prosecutor:

Luc Côté
James Johnson
Kevin Tavener

Court Appointed Counsel for Sam Hinga Norman:

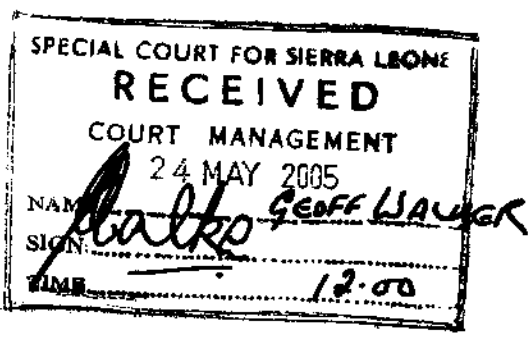
Dr. Bu-Buakei Jabbi
John Wesley Hall, Jr.

Court Appointed Counsel for Moinina Fofana:

Michiel Pestman
Arrow Bockarie
Victor Koppe

Court Appointed Counsel for Allieu Kondewa:

Charles Margai
Yada Williams
Ansu Lansana



TRIAL CHAMBER I ("The Chamber") 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 *Prosecution Request for Leave to Call Additional Witnesses and for Orders for Protective Measures Pursuant to Rules 69 and 73bis(E)*, filed on the 15th of February, 2005 ("Motion"), including the *Confidential Attachment Outlining Witness Protection Measures Necessary for Child Soldier Direct/Expert Witness ("Annex A")* and the *Confidential Curriculum Vitae of Child Soldier Direct/Expert Witness ("Annex B")*;

NOTING the *Joint Defence Response to Prosecution Request for Leave to Call Additional Witnesses and for Orders for Protective Measures*, filed on the 25th of February, 2005 ("Response");

NOTING the *Prosecution Reply to "Joint Defence Response to Prosecution Request for Leave to Call Additional Witnesses and for Orders for Protective Measures"*, filed on the 2nd of March, 2005 ("Reply"), including the Confidential Annex A containing two letters from the Prosecution to the Defence, dated the 8th of February, 2005 and the 7th of June 2004 ("Second Annex A");

NOTING the *Order to Prosecution to File Military Expert's Curriculum Vitae*, issued by the Trial Chamber on the 24th of February, 2005;

NOTING the *Curriculum Vitae of Expert Witness Colonel Richard Iron*, filed by the Prosecution on the 28th of February, 2005 ("CV");¹

SEIZED OF the *Urgent Prosecution Request to Disclose and File Expert Reports Pursuant to Rule 94bis Pending Decision on "Prosecution Request for Leave to Call Additional Witnesses and for Orders for Protective Measures"*, filed on the 17th of May, 2005 ("Motion II");

NOTING the *Joint Reply of First and Third Accused to the Urgent Prosecution Request to Disclose and File Expert Reports Pursuant to Rule 94bis Pending Decision on "Prosecution Request for Leave to Call Additional Witnesses and for Orders for Protective Measures"*, filed on the 20th of May, 2005 ("Response II");

PURSUANT TO Rules 54, 66(A)(ii), 69(A) and (C), 73bis(E), 75(A) and (B) and 94bis of the Rules of Procedure and Evidence of the Special Court for Sierra Leone ("Rules");

ISSUES THE FOLLOWING DECISION:

1. Having carefully considered the merits of the Motion by the Prosecution, requesting the Chamber to grant leave to add two additional witnesses to the Further Revised Witness List² that include a Military Expert Witness, Colonel Richard Iron and a Direct and Expert Child Soldier Witness³ and pursuant to Rule 69 of the Rules, further requesting an order for protective measures for the Child Soldier Witness;⁴

¹ In their Request the Prosecution lists the name of the expert as Richard Irons [sic!].

² On the 23rd of May, 2005, the Prosecution filed further "Revised List of Prosecution Witnesses", thereby reducing the number of witnesses on the "core" list to 77 by moving five witnesses to the "back-up" list.

³ Motion, paras 5 and 10.

⁴ Motion, para. 6.

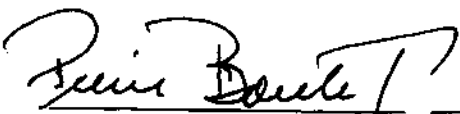
2. And having further carefully considered the Response by the Defence to the aforesaid Motion, and the Prosecution Reply thereto;

THE CHAMBER GRANTS the Motion and **ORDERS** that:

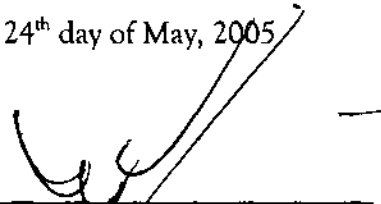
- 1) the Prosecution add the Military Expert Witness, Colonel Richard Iron, and the Direct and Expert Child Soldier Witness to their Further Revised Witness List and disclose to the Defence and file with the Trial Chamber their expert reports immediately;
- 2) the Defence within fourteen days of the receipt of the expert reports, file a notice to the Trial Chamber indicating whether they accept the expert reports or wish to cross examine these witnesses;
- 3) the Prosecution call these witnesses to testify at the end of the presentation of their case, i.e. last week of the fifth trial session, if the Defence wish to cross examine these witnesses;
- 4) the protective measures, as outlined in sub-paragraphs 2.) (b) to (k) of the Chamber's *Decision on Prosecution Motion for Modification of Protective Measures for Witnesses*, dated the 8th of June, 2004, be applied for the Child Soldier Witness;
- 5) the entire testimony of the Child Soldier Witness be heard in closed session, as a protective measure granted to this witness.

A reasoned written Decision will be published in due course.

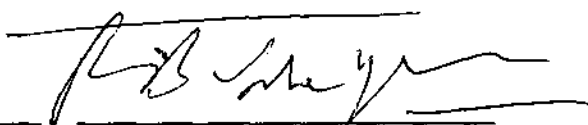
Done in Freetown, Sierra Leone, this 24th day of May, 2005



Hon. Justice Pierre Boutet



Hon. Justice Benjamin Mutanga Itoe
Presiding Judge,
Trial Chamber I



Hon. Justice Bankole Thompson

[Seal of the Special Court for Sierra Leone]

