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SCSL-04-14-T

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SPECIAL COURT FOR SIERRA LEONE

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TRIAL CHAMBER I

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

Registrar: Mr. Lovemore G. Munlo, SC

Date: 5th of February 2007

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

Public Document

ORDER TO VARY PROTECTIVE MEASURES FOR TF2-223

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SPECIAL COURT FOR SIERRA LEONE
RECEIVED
COURT MANAGEMENT
05 FEB 2007
NAME MAUREEN EDWARDS
SIGN M Edwards
TIME 16:49

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

HAVING RECEIVED a confidential Memorandum from Mr. Lovemore Munlo, Registrar of the Special Court on the 30th of January 2007 regarding Prosecution Witness TF2-223 ("Memorandum");

NOTING that the Memorandum seeks a variation of the protective measures of protected Witness TF2-223 in order to include certain identifying information of the witness, such as, the names and current and past accommodation, in a report he is proposing to make to the Attorney-General and Minister of Justice of the Republic of Sierra Leone in response to a request for information received from that office;

MINDFUL of the Decisions and Orders of The Chamber concerning protective measures for witnesses and victims for each individual accused in the CDF trial,¹ and, in particular, the "Decision on Prosecution Motion for Modification of Protective Measures for Witnesses" filed on the 8th of June 2004² and the "Order on Protective Measures for Additional Witnesses" filed on the 1st of October 2004;³

NOTING that under these Decisions and Orders Witness TF2-223 was granted protective measures, including, *inter alia*, that "the names and any other identifying data or information on file with the Registry, or any other information which could reveal the identity of Witnesses and Victims, shall not be disclosed to the public or the media and this order shall remain in effect after the termination of the proceedings in this case",⁴ and he testified in closed session for reasons of witness protection during the trial of *Prosecutor v. Norman, Fofana and Kondewa*, Case No. SCSL-04-14, on the 28th, 29th and 30th of September 2004;

¹ *Prosecutor v. Norman*, SCSL-03-08-PT, "Decision on the Prosecutor's Motion for Immediate Protective Measures for Witnesses and Victims and for Non-Public Disclosure", the 23rd of May 2003, *Prosecutor v. Fofana*, SCSL-03-11-PT, "Decision on the Prosecutor's Motion for Immediate Protective Measures for Witnesses and Victims and for Non-Public Disclosure", the 16th of October 2003, and *Prosecutor v. Kondewa*, SCSL-03-12-PT, "Ruling on the Prosecution Motion for Immediate Protective Measures for Witnesses and Victims and for Non-Public Disclosure and Urgent Request for Interim Measures Until Appropriate Protective Measures are in Place", the 10th of October 2003.

² *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-PT, "Decision on Prosecution Motion for Modification of Protective Measures for Witnesses", the 8th of June 2004; see also *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, "Ruling on Motion for Modification of Protective Measures for Witnesses", the 18th November 2004.

³ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, "Order on Protective Measures for Additional Witnesses", the 1st of October 2004.

⁴ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-PT, "Decision on Prosecution Motion for Modification of Protective Measures for Witnesses", the 8th of June 2004, Disposition para. (e); *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, "Order on Protective Measures for Additional Witnesses", the 1st of October 2004, p. 6.

CONFIRMING that the requested disclosure of any information identifying Witness TF2-223 to the Attorney-General and Minister of Justice of the Republic of Sierra Leone would be prohibited under the current applicable protective measures regime;

CONSIDERING that orders for disclosure of confidential material involving protected witnesses require that the subject in receipt of the confidential material shall be bound, *mutatis mutandis*, by the applicable witness protection orders;³

SATISFIED that, in the circumstances, a variation of the current applicable protective measures is justified and is necessary in order to allow the Registrar to provide the necessary information to the Attorney-General and Minister of Justice of the Republic of Sierra Leone, as further particularised in the Memorandum;

PURSUANT to Article 16 of the Statute and Rules 26bis, 34, 54 and 75 of the Rules;

THE CHAMBER HEREBY ORDERS that the Registrar of the Special Court be authorised to provide the necessary information in relation to Witness TF2-223, to the Attorney-General and Minister of Justice of the Republic of Sierra Leone, and if such information could reveal the identity of Witness TF2-223, it shall only be then provided confidentially to the Attorney-General and Minister of Justice of the Republic of Sierra Leone, and shall be accompanied by clear direction about the application of the protective measures in force with respect to Witness TF2-223 and the obligation of compliance with these protective measures;

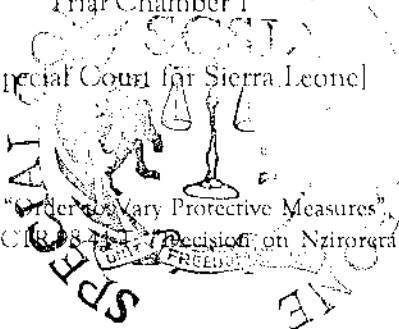
Done in Freetown, Sierra Leone, this 5th day of February 2007.

[Handwritten signatures of Hon. Justice Benjamin Mutanga Itoe, Hon. Justice Bankole Thompson, and Hon. Justice Pierre Boutet]

Hon. Justice Benjamin Mutanga Itoe Hon. Justice Bankole Thompson Hon. Justice Pierre Boutet

Presiding Judge
Trial Chamber I

[Seal of the Special Court for Sierra Leone]



³ *Prosecutor v. Sesay, Kallon and Gbao*, SCSL-04-15-T, "Order on Vary Protective Measures", the 22nd of November 2006, p. 3 referring to *Prosecutor v. Bagosora et al.*, Case No. ICTR-98-41-T, "Decision on Nzirorera Request for Access to Protected Material", the 19th of May 2006, para. 4.