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SCSL-2003-08-PT-021
(190-195)

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SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR
FREETOWN - SIERRA LEONE

Before: Judge Bankole Thompson,
Designated Judge

Registrar: Robin Vincent

Date filed: 7 April 2003

THE PROSECUTOR

Against

Samuel Hinga Norman

CASE NO. SCSL - 2003 - 08 - PT

EXTREMELY URGENT

**PROSECUTION MOTION TO ALLOW DISCLOSURE
TO THE REGISTRY AND TO KEEP DISCLOSED MATERIAL UNDER
SEAL UNTIL APPROPRIATE PROTECTIVE MEASURES ARE IN PLACE**

Office of the Prosecutor:

Luc Côté, Chief of Prosecutions
James C. Johnson, Senior Trial Counsel

Defence Counsel:

J.B Jenkins - Johnston

Justace Thompson

9-4-03 4:26pm

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1. Consistent with Articles 16 and 17 of the Statute of the Special Court for Sierra Leone (the Statute) and pursuant to Rules 53, 54, 66, 69, 73 and 75 of the Special Court's Rules of Procedure and Evidence (Rules), the Prosecution respectfully submits a Motion to allow disclosure of the initial Rule 66(A)(i) materials to the Registry.
2. By motion, dated 7 April 2003, the Prosecution requested immediate protective measures for witnesses and victims and for non-public disclosure. That motion is incorporated by reference in this motion.
3. In the motion for immediate protective measures, the Prosecution has requested the Designated Judge or Trial Chamber to order immediate measures to protect the identity of witnesses and to protect confidentiality of all non-public materials disclosed to the Defence. Those measures include:
 - allowing the Prosecution to withhold identifying data of Prosecution's witnesses or any other information which could lead to the identity of such a person to the Defence until twenty-one (21) days before the witness is to testify at trial;
 - prohibiting the Defence from sharing, discussing or revealing, directly or indirectly, any disclosed non-public materials of any sort, or any information contained in such

documents, to any person or entity other than the Defence;

- ensuring that the Defence does not interview Prosecution witnesses without the consent of the Chamber and reasonable prior notice to the Prosecution.

4. The first appearance of the Accused was 15 March 2003. Although the initial appearance continued beyond this date, in an abundance of caution the Prosecution is using this date as the beginning date of its initial disclosure obligations pursuant to Rule 66(A)(i). Accordingly, the initial Rule 66(A)(i) disclosure must be completed no later than 14 April 2003.

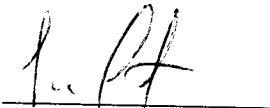
5. On information and belief, the Prosecution has determined it is necessary to take immediate measures to safeguard the security and privacy of witnesses and victims, Prosecution investigations, the integrity of the evidence and of these proceedings. In the event appropriate orders have not been issued by 14 April 2003, interim measures will be required to allow the Prosecution to meet its disclosure obligation as well as to meet its obligation to protect witnesses, victims, the integrity of Prosecution investigations and the integrity of these proceedings.

6. Therefore, absent appropriate protective measures, the Prosecution requests the Designated Judge to issue:

- (a) an Order allowing the Prosecution to make its initial Rule 66(A)(i) disclosure to the Registry;
- (b) an Order to the Registry to keep the disclosed material under seal until the Designated Judge or the Trial Chamber has issued orders for appropriate protective measures for witnesses, victims and non-public materials.

Freetown, 7 April 2003.

For the Prosecution,



Luc Côté,
Chief of Prosecutions

DRAFT ORDER

DRAFT
SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR
FREETOWN – SIERRA LEONE

Before: Judge Bankole Thompson,
Designated Judge

Registrar: Robin Vincent

Date filed: 7 April 2003

THE PROSECUTOR

Against

CASE NO. SCSL – 2003 – – PT

ORDER ALLOWING DISCLOSURE
TO THE REGISTRY AND PLACING DISCLOSED MATERIAL UNDER
SEAL UNTIL APPROPRIATE PROTECTIVE MEASURES ARE IN PLACE

Office of the Prosecutor:

Defence Counsel:

Luc Côté, Chief of Prosecutions
[Brenda J. Hollis] [James C. Johnson], Senior Trial Counsel

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THE SPECIAL COURT FOR SIERRA LEONE (the "Special Court"),

PRESIDED OVER by Judge Bankole Thompson, designated in accordance with the provisions of Rule 28 of the Rules of Procedure and Evidence ("the Rules");

BEING SEISED of the Motion to allow Disclosure to the Registry and to Keep Disclosed Material Under Seal Until Appropriate Protective Measures are in Place filed by the Prosecutor on 7 April 2003;

CONSIDERING that the Presiding Judge takes very seriously the rights and concerns of victims and witnesses, is genuinely concerned for their safety, protection and welfare, and will take all appropriate measures to ensure their protection and privacy, and is further concerned for the protection of non-public materials provided to the Accused;

HEREBY ORDERS as an interim measure that:

- (1) The Prosecution make its initial Rule 66(A)(i) disclosure to the Registry;
- (2) The Registry keep the disclosed material under seal until the Designated Judge or the Trial Chamber has issued orders for appropriate protective measures for witnesses, victims and non-public materials.

Done in Freetown, Sierra Leone this ?? day of April 2003

Judge Bankole Thompson
Designated Judge

Seal of the Special Court for Sierra Leone

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