



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

THE TRIAL CHAMBER

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

Registrar: Robin Vincent

Date: 1st of December, 2004

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

**DECISION ON MOTION REQUESTING REASONS FOR DECISION ORDERING WITNESS
TF2-201 TO TESTIFY IN CLOSED SESSION**

Office of the Prosecutor:

Luc Côté
James Johnson

Court Appointed Counsel for Sam Hinga Norman:

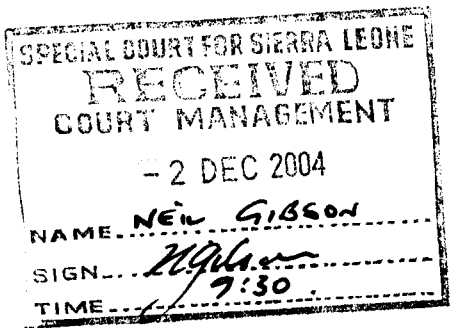
Dr. Bu-Buakei Jabbi
John Wesley Hall, Jr.
Tim Owen, Q.C.

Court Appointed Counsel for Moinina Fofana:

Michiel Pestman
Arrow Bockarie
Victor Koppe

Court Appointed Counsel for Allieu Kondewa:

Charles Margai
Yada Williams
Ansu Lansana



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

SEIZED of the *Motion Requesting Reasons for Decision Ordering Witness TF2-201 to Testify in Closed Session*, ("Motion") filed by Court Appointed Counsel on behalf of the First Accused on the 9th of November, 2004;

NOTING the *Prosecution Response to Motion Requesting Reasons for Decision Ordering Witness TF2-201 to Testify in Closed Session*, filed by the Prosecution on the 16th of November, 2004;

NOTING the Oral Decision delivered by the Trial Chamber on the 4th of November, 2004, ordering that Witness TF2-201 would testify in closed session, where the Trial Chamber ruled:

After listening to the parties and giving due consideration to the arguments presented by counsel on both sides, we are satisfied, given the provisions of Article 17(2) of the Statute of the Special Court for Sierra Leone and Rule 79 of the Rules of Procedure and Evidence, that the implication presented by the Prosecution for the evidence of Witness TF2-201 to be heard in closed session is granted and consequently, therefore, Witness TF2-201 shall testify in closed session.¹

CONSIDERING Article 17(2) of the Statute of the Special Court for Sierra Leone ("Statute") and Rules 75 and 79 of the Rules of Procedure and Evidence for the Special Court for Sierra Leone ("Rules");


CONSIDERING THE ABOVE MOTION, THE TRIAL CHAMBER:

FINDS that it delivered its reasons for ordering that Witness TF2-201 would testify in closed session on the 4th of November, 2004, by way of Oral Decision during open session, and that this Decision was rendered in accordance with the applicable provisions of the Statute and Rules of the Special Court, giving due consideration to the submissions of the parties, and therefore **DISMISSES** this Motion.

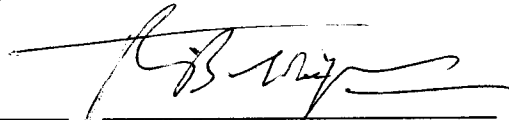
Done in Freetown, Sierra Leone, this 1st day of December, 2004.



Hon. Judge Pierre Boutet

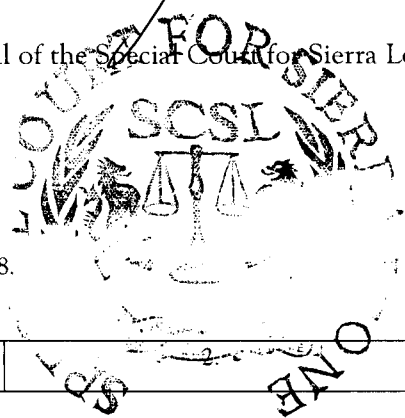


Hon. Judge Benjamin Mutanga Itoe
Presiding Judge,
Trial Chamber



Hon. Judge Bankole Thompson

[Seal of the Special Court for Sierra Leone]



¹ Transcript, 4 November, 2004, Page 68.