

TRIAL CHAMBER II (“Trial Chamber”) of the Special Court for Sierra Leone (“Special Court”);

SEISED of the “Public Prosecution Motion to Allow Witness TF1-303 to give Testimony by Video-link”, filed on 28 October 2008 (“Motion”),¹ wherein the Prosecution requests that the Trial Chamber issue an Order allowing it to present the testimony of Witness TF1-303 by video-link² on the grounds that:

- (1) Witness TF1-303 is unable to give evidence directly in court as she recently gave birth and is thus not in a physical state to travel to The Hague;³
- (2) Testimony via video link would be in the interests of justice, as the witness is an important crime base witness and her testimony is relevant to the charges against the Accused;⁴
- (3) Video-link testimony does not infringe the rights of the Accused;⁵

NOTING the “Public Defence Response to Prosecution Motion to Allow Witness TF1-303 to Give Testimony by Video-Link”, filed on 6 November 2008 (“Response”),⁶ wherein the Defence submits that it does not oppose the Prosecution’s request for video-link testimony in relation to Witness TF1-303;⁷

MINDFUL of Article 17 of the Statute of the Special Court (“Statute”), Rules 73, 85(D), and 90(A) of the Rules of Procedure and Evidence (“Rules”);

RECALLING the previous ruling of the Trial Chamber in this case that:

In our opinion, the onus is on the party applying for an order under Rule 85(D) to give evidence by video-link to establish to the satisfaction of the Trial Chamber that the witness concerned is unable to give evidence directly in court. Any order made by the Trial Chamber in the exercise of its discretion under Rule 85(D) would, as a matter of course, take into account the interests of justice. Applications made under Rule 85(D) would be considered on a case by case basis, taking into account the particular circumstances of the witness or witnesses concerned.⁸

SATISFIED that the Prosecution has adequately established that Witness TF1-303 is unable to give evidence directly in court, as she recently gave birth and is unable to travel from Freetown to The Hague,⁹ that the video-link testimony would not infringe the rights of the Accused, and that it would therefore be in the interests of justice to allow Witness TF1-303 to testify via video-link, pursuant to Rule 85(D) of the Rules;

DIRECTING the Registrar to ensure that, before any video-link testimony is heard, the following arrangements in Freetown are in place:

¹ SCSL-03-01-T-648.

² Motion, para. 19.

³ Motion, para. 8.

⁴ Motion, paras 9, 10.

⁵ Motion, paras 11-13.

⁶ SCSL-03-01-T-658.

⁷ Response, para. 2.

⁸ *Prosecutor v. Taylor*, SCSL-03-1-PT-217, “Decision on Prosecution Motion to Allow Witnesses to Give Testimony by Video-Link”, 30 March 2007, para. 26.

⁹ Motion, para. 8.

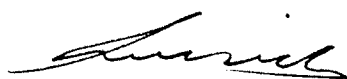
- 1) The Witness shall testify from one of the courtrooms of the Special Court in Freetown, and the safety and solemnity of the proceedings must be guaranteed;
- 2) There must be a Courtroom Officer present at all times during testimony in order to ensure that the testimony is given freely and voluntarily. The Courtroom Officer shall identify the Witness and explain the nature of the proceedings and the obligation to speak the truth. He shall inform the Witness that she is liable to prosecution for perjury in case of false testimony, shall administer the taking of the oath and shall keep the Trial Chamber informed at all times of the conditions at the location;
- 3) The Parties may each have a representative present in the courtroom from where the witness is testifying but such representative shall take no active part in the proceedings;
- 4) The Witnesses and Victims Section may have a staff member on hand throughout the testimony, but not seated in the courtroom, in the event that the Trial Chamber directs that assistance be provided to the Witness;
- 5) The Witness must, by means of a monitor, be able to see, at various times, the Judges, the Accused and the questioner;

FOR THE ABOVE REASONS

GRANTS the Motion;

DIRECTS the Registry, in consultation with the parties, to make arrangements for the testimony of Witness TF1-303 via video-link, as set out above.

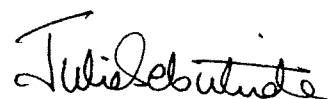
Done at The Hague, The Netherlands, this 18th day of November 2008.



Justice Richard Lussick



Justice Teresa Wobert
Presiding Judge



Justice Julia Sebutinde

[Seal of the Special Court for Sierra Leone]

