

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

NOTING the Prosecution Oral Application for Closed Session for Witness TF2-218, made during Court’s closed session proceedings on the 3rd of June, 2005 (“Motion”);

NOTING the Defence Oral Response to the Motion, made during court proceedings in closed session on the 3rd of June, 2005, opposing the application (“Response”);

MINDFUL of the Chamber’s Oral Ruling on the Motion, delivered on the 6th of June, 2005, granting the Motion;

MINDFUL of Article 17(2) of the Statute which provides that the “accused shall be entitled to a fair and public hearing, subject to measures ordered by the Special Court for the protection of victims and witnesses”;

CONSIDERING that the Chamber, in granting closed session hearings, is mindful of the Accused to a fair and public hearing, and as such, has granted closed session testimony only in very limited circumstances;

CONSIDERING that witness TF2-218 is a former employee of an international organization, and continues to enjoy privileges and immunities, including immunity from legal process in respect of all words spoken or written and all acts performed by him in the course of the performance of his official functions;

CONSIDERING that the evidence which witness TF2-218 is called to give includes sensitive and confidential information which he allegedly obtained in the course of the performance of his official functions;

CONSIDERING that his former employer has waived witness TF2-218’s immunity from legal process on the condition that he be allowed to testify in closed session in view of the nature of his evidence;

CONSIDERING that testifying on relevant, sensitive and confidential information in a closed session, would, in this case, not prejudice the interests of the Accused or the conduct of the trial as a whole;

MINDFUL of the necessity to protect the interests of justice from prejudicial publicity as stipulated in Rule 79(A)(iii) of the Rules;

THE TRIAL CHAMBER FINDS:

- (1). That based upon the information provided to the Court it would appear that the evidence of this witness would be relevant to some allegations in the Consolidated Indictment; and
- (2). That such evidence was obtained by the witness in the course of his employment with an international organization;
- (2). That it would be in the interests of justice that the evidence be heard in the course of this trial; and finally;

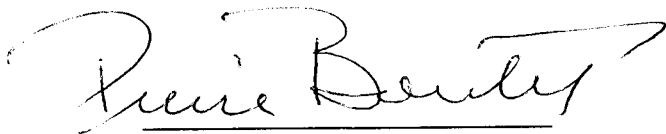



(3). That no unfair prejudice to any of the Accused would result from such evidence being adduced in a closed session.

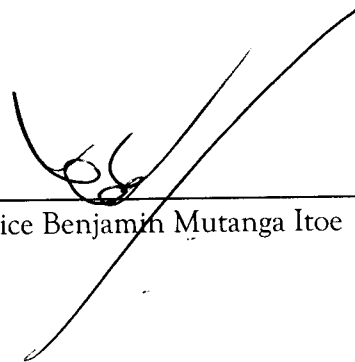
ACCORDINGLY, THE TRIAL CHAMBER GRANTS the Motion.

Hon. Justice Bankole Thompson appends a Dissenting Opinion to this Decision.

Done in Freetown, Sierra Leone, this 15th day of June, 2005.



Hon. Justice Pierre Boutet
Presiding Judge,
Trial Chamber I



Hon. Justice Benjamin Mutanga Itoe

