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SCSL-2004-15-T
(11876 - 11878)

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SPECIAL COURT FOR SIERRA LEONE

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TRIAL CHAMBER I

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

Registrar: Robin Vincent

Date: 11th of May 2005

PROSECUTOR **Against** **ISSA HASSAN SESAY**
MORRIS KALLON
AUGUSTINE GBAO
(Case No. SCSL-04-15-T)

**RULING ON THE PROSECUTION'S APPLICATION FOR THE ENTIRE TESTIMONY OF
WITNESS TF1-129 TO BE HEARD IN CLOSED SESSION**

Office of the Prosecutor:

Luc Côte
Lesley Taylor
Peter Harrison

Defence Counsel for Issa Hassan Sesay:

Wayne Jordash
Sareta Ashraph

Defence Counsel for Morris Kallon:

Shekou Touray
Melron Nicol-Wilson

Defence Counsel for Augustine Gbao

Andreas O'Shea
John Cammegh

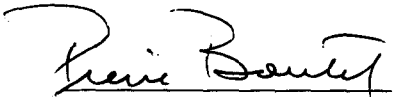
THE SPECIAL COURT FOR SIERRA LEONE
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13 MAY 2005
NAME: MAUREEN EDMONDS
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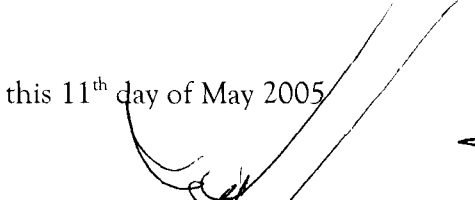
REASONED RULING ON THE PROSECUTION'S APPLICATION ON 10/05/05 FOR THE
ENTIRE TESTIMONY OF WITNESS TF1-129 TO BE HEARD IN CLOSED SESSION

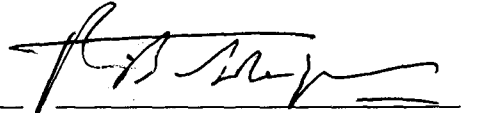
1. This is the reasoned Ruling of the Trial Chamber on the Prosecution's application on 10th May 2005 to hear the entire testimony of Witness TF1-129 in closed session.
2. Mindful of Article 17(2) of the Statute of the Special Court for Sierra Leone which provides that the "accused shall be entitled to a fair and public hearing, subject to measures ordered by the Special Court for the protection of victims and witnesses"; and in pursuance of Rules 75 and 79 of the Rules of Procedure and Evidence of the aforesaid Special Court, this Trial Chamber rules that, considering the submissions of the Prosecution in support of the application and the submissions of the Defence in opposition to the said application, the entire testimony of Witness TF1-129 shall be heard in closed session, but that after the said testimony, those portions of his evidence which would not disclose his identity or that of members of his family shall be made public after close scrutiny of the Court.
3. This exceptional procedure is required because the Chamber is satisfied that if the testimony of the witness is heard in public, his identity and the high profile nature of his profession will thereby be revealed with a high potential of his safety and security and that of members of his family being endangered.
4. However, this Chamber opines very strongly, as to the merits of the application, that other relevant portions of the Witness' testimony which do not touch and concern his identity and professional profile but are germane to relevant charges in the Indictment shall, in keeping with the norm requiring that criminal trials be conducted in public, be made public after close scrutiny by the Court. The Chamber rules accordingly.

5. This ruling is consistent with the letter and spirit of the norm requiring public hearing while at the same time affording protection to the witness as to his identity.

Done at Freetown, Sierra Leone, this 11th day of May 2005


Hon. Justice Pierre Boutet


Hon. Justice Benjamin Mutanga Itoe
Presiding Judge
Trial Chamber I


Hon. Justice Bankole Thompson

