

Case No. SCSL-2004-16-T
THE PROSECUTOR OF
THE SPECIAL COURT
V.
ALEX TAMBA BRIMA
BRIMA BAZZY KAMARA
SANTIGIE BORBOR KANU

WEDNESDAY, 6 JULY 2005
9.20 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:	Teresa Doherty, Presiding Richard Lussick
For Chambers:	Mr Simon Meisenberg
For the Registry:	Ms Maureen Edmonds
For the Prosecution:	Mr Jim Hodes Mr Alain Werner Ms Maja Dimitrova (Case Manager)
For the Principal Defender:	No appearances
For the accused Alex Tamba Brima:	Ms Glenna Thompson Mr Kojo Graham
For the accused Brima Bazy Kamara:	Mr Mohamed Pa-Momo Fofanah Mr Andrew William Kodwo Daniels
For the accused Santigie Borbor Kanu:	Mr Ajibola E Manly-Spain

1 [TB060705A-EKD]
2 wednesday, 6 July 2005
3 [The accused Kanu and Kamara present]
4 [The accused Brima not present]
09:23:33 5 [Open session]
6 [Upon commencing at 9.20 a.m.]
7 [The witness entered court]
8 PRESIDING JUDGE: Good morning. We have two accused, is
9 that correct?
09:23:53 10 MS THOMPSON: Yes, Your Honour. I received a phone call
11 from the accused Brima this morning. He has seen the doctor, he
12 is not feeling very well. He has problems with his blood
13 pressure and therefore he won't be attending court this morning.
14 PRESIDING JUDGE: Thank you for that advice, Ms Thompson,
09:24:10 15 we will note it accordingly. If there is no other matter, I will
16 call on the Prosecution to proceed. Yes, Mr Werner.
17 MR WERNER: Good morning, Your Honour. The next
18 Prosecution witness will be TF1-169 and we will request for this
19 witness to be heard entirely in closed session. The Defence was
09:24:36 20 informed about our application.
21 PRESIDING JUDGE: Mr Werner, are you actually making a
22 formal application, because you haven't done so? You have just
23 told me the Defence have been advised. We certainly have not
24 been advised and we have no notice of a formal application. What
09:25:17 25 are the grounds for the application?
26 MR WERNER: Your Honour, my application should -- if I need
27 to do an application it will need to be done in closed session
28 because I cannot explain it in open session. The reason I have
29 not requested is because it is my understanding there has been an

1 agreement, but I cannot speak on behalf of the Defence.

2 PRESIDING JUDGE: Or the Bench. So, in the light of what
3 you say, I will first ask Defence if they are aware of this
4 application. I then will deal with the application in closed
09:25:46 5 session and then we will consider all the submissions. First of
6 all, is the Defence aware of this application?

7 MS THOMPSON: Your Honour, yes.

8 PRESIDING JUDGE: In the light of what has been said, I
9 will order a closed session in order to hear the application and
09:26:05 10 my learned brother and I will then rule on it.

11 Mr Werner, there are several grounds in the Rules, Rule 79
12 and Rule 75. Under which heading are you making this
13 application?

14 JUDGE LUSSICK: what is the reason for the closed session?
09:26:51 15 You can give a reason in a general sort of way.

16 MR WERNER: Yes, Your Honour.

17 JUDGE LUSSICK: So we can announce to the public that we
18 are ordering a closed session.

19 MR WERNER: Of course. This witness is a public figure and
09:27:08 20 it is not possible for me to ask any questions of this witness
21 and his identity not to be revealed. The reason why we call this
22 witness is in his capacity. He witnessed something and made some
23 report and he is going to talk about that.

24 JUDGE LUSSICK: You want a closed session to protect his
09:27:34 25 identity; is that correct?

26 MR WERNER: Yes, Your Honour. And there is no way for me
27 to go around that.

28 PRESIDING JUDGE: who is speaking on behalf of the Defence
29 in this matter?

1 MR MANLY-SPAIN: Your Honour, we have been intimated about
2 it and we have no qualms. We have no objection to him giving his
3 evidence in closed session.

4 PRESIDING JUDGE: In the light of the application and the
09:29:26 5 consent of the Defence, I will order a closed session in order to
6 protect the identity and to protect this witness. Madam Court
7 Attendant, please proceed to direct a closed session.

8 [At this point in the proceedings, a portion of the
9 transcript, pages 5 to 99, was extracted and sealed under
09:29:52 10 separate cover, as the session was heard in camera.]

11 [Whereupon the hearing adjourned at 12.50 p.m.,
12 to be reconvened on Thursday, the 8th day of
13 July 2005, at 9.15 a.m.]

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EXHIBITS:

Exhibit No. P28	18
Exhibit No. P29	46

WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-169	5
EXAMINED BY MR WERNER	5
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