

Case No. SCSL-2004-15-T
THE PROSECUTOR OF
THE SPECIAL COURT
V.
ISSA SESAY
MORRIS KALLON
AUGUSTINE GBAO

THURSDAY, 17 JANUARY 2008
9.46 A.M.
TRIAL

TRIAL CHAMBER I

Presiding

Before the Judges:	Benjamin Mutanga Itoe, Bankole Thompson Pierre Boutet
For Chambers:	Mr Felix Nkongho Ms Sandra Brown
For the Registry:	Mr Thomas George
For the Prosecution:	Mr Vincent Wagona Mr Reginald Fynn
For the accused Issa Sesay:	Mr Wayne Jordash Ms Sally Longworth
For the accused Morris Kallon:	Mr Kennedy Ogeto
For the accused Augustine Gbao:	Mr John Cammegh

1 [RUF17JAN08A- MD]
2 Monday, 17 January 2008
3 [Closed session]
4 [The accused present]
5 [Upon commencing at 9.46 a.m.]
6 [The witness entered Court]
7 WITNESS: DIS-214 [Continued].

8 [At this point in the proceedings, a portion of the
9 transcript, pages 2 to 126, was extracted and sealed under
10 separate cover, as the proceeding was heard in a closed
session]

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1 [Open session]

2 [Upon resuming at 4.42 p.m.]

3 PRESIDING JUDGE: We know the witness is not yet there.

4 MR JORDASH: The witness is here but I have an application

16:40:10 5 to make before the witness comes in. And the application is to

6 adjourn for the day on the basis that our stenographer looks
7 rather green around the gills and I think is ill and would, I
8 think, appreciate the time to recover.

9 I think one of the problems has been the witnesses have
16:40:41 10 been speaking in English, there has been no delay, so it has
been

11 constant work. I have spoken to the stenographer and,
12 reluctantly, she asked me to make this application, and I make
13 it, therefore. I won't say anything more at this stage but I
14 would like to say something tomorrow, when our stenographer
is, I

16:41:05 15 hope, better.

16 PRESIDING JUDGE: Thank you. Yes, Mr Cammegh.

17 MR CAMMEGH: Your Honour, it's ironic, if not perverse,
18 that at a stage of the trial where everybody is rightly being
19 asked to focus one's mind on expediency, we have only one
16:41:34 20 stenographer in the entire Court complex.

21 PRESIDING JUDGE: Are we in open session already?
Sorry,

we 22 Mr Cammegh, would you sit down a while, please. Let us -- are

23 in the open?

24 MR GEORGE: We are, Your Honour.

16:42:02 25 PRESIDING JUDGE: Okay, Mr Cammegh, you may continue,
26 please.

at 27 MR CAMMEGH: As I said, it's ironic if not perverse that

28 this particular stage, given all that's been said in this

29 Courtroom and outside, this Court is equipped with only one

1 stenographer and, speaking for myself, I made some effort to
2 bring this to the attention of Court Management on the last
day
3 of last session, when I could not for the life of me
understand
4 why another stenographer's contract was apparently not going
to
16:42:33 5 be renewed, leaving us in this position. Here we are.

6 I will also want to have something to say tomorrow, Your
7 Honours. This is a very unfortunate situation and I am sorry
to
8 keep the stenographer busy but these are matters about which
we
9 feel very very strongly indeed.

16:42:55 10 PRESIDING JUDGE: Well, the Chamber is -- cannot but
11 indicate its sadness at what has happened, and to commend at
the
12 same time the resilience of the court reporter for accepting
to
13 take on the duties, even in very difficult moments like this.
14 We've said, made comments on this, you know, before now and
for

16:43:33 15 now, honestly, I don't know what to say except to say that we
16 have no further comments than what you have said, you know, on
17 the records now, as far as this particular incident is
concerned.

18 So we would only want to present at this point in time
our

19 ruling on the closed session application, that was made by
16:44:05 20 Mr Jordash in relation to this witness. And, in making, in
21 delivering this ruling, we are now in a public session, and
this
22 is the ruling of the Chamber, on the closed session
application
23 by learned counsel for the first accused, Mr Jordash, and
24 consistent with the general requirement that criminal
proceedings
16:44:33 25 are to be conducted in public as enjoined by Rule 78 of the
Rules
26 of Procedure and Evidence of this Court, and taking into
27 consideration Article 17(2) of the Statute, but exceptionally
as
28 authorised by Rule 79(A)(ii) of the said Rules, and the need
to
29 protect witnesses as provided for in Rule 75, the Chamber, on
the

1 application of learned counsel for the first accused, for the
2 entire testimony of witness number DIS-214 to be heard in
closed
3 session did, by way of an exceptional procedure, grant the
said
4 application for the reasons advanced in support thereof.

16:45:22 5 We would now, and we are at a stage where we, after
6 delivering this, we would like to release the witness and at
the
7 same time to adjourn the proceedings to tomorrow, in the hope
and
8 expectancy that our court reporter would find the strength to
be
9 here tomorrow, and we wish her all the best. We regret this

16:45:56 10 incident and our sympathies go with her for what has happened
and
11 that we hope it is not a very very serious hitch to her
health.
12 We cannot afford that at this time and we wish her a very very
13 calm and speedy recovery. We would now adjourn and resume
this
14 session tomorrow at 9.30.

16:46:40 15 The Chamber will adjourn, please.
16 [Whereupon the hearing adjourned at 4.45
p.m.,
17 to be reconvened on Friday, the 18th day of
18 January, 2008 at 9.30 a.m.]
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WITNESSES FOR THE DEFENCE:

WITNESS: DIS-214

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EXAMINED BY MR JORDASH

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CROSS-EXAMINED BY OGETO

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CROSS-EXAMINED BY MR CAMMEGH

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CROSS-EXAMINED BY MR FYNN

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RE-EXAMINED BY MR JORDASH