

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

MONDAY, 11 JULY 2005
9.50 A.M.
TRIAL

TRIAL CHAMBER I

Before the Judges:	Pierre Boutet, Presiding Bankole Thompson Benjamin Mutanga Itoe
For Chambers:	Mr Matteo Crippa
For the Registry:	Mr Geoff Walker Ms Maureen Edmonds
For the Prosecution:	Mr Peter Harrison Ms Melissa Pack Ms Suzanne Mattler (Intern) Mr Mark Wallbridge(Case Manager)
For the Principal Defender:	Mr Abdul Rahman Mansaray
For the accused Issa Sesay:	Mr Wayne Jordash Ms Elizabeth Shackelford Ms Ellen Rogers
For the accused Morris Kallon:	Mr Shekou Touray Mr Melron Nicol-Wilson Ms Rachel Irura Mr Charles Taku
For the accused Augustine Gbao:	Mr John Cammegh

1 Monday, 11 July 2005

2 [RUF11JUL05-AD]

3 [Open session]

4 [The accused Sesay and Kallon present]

5 [The accused Gbao not present]

6 [Upon commencing at 9.50 a.m.]

7 PRESIDING JUDGE: Good morning, counsel.

8 MS PACK: Good morning, Your Honour, the next witness is
9 TF1-361, the 39th Prosecution witness. He will be testifying in
09:59:43 10 Krio. Your Honour, before the witness comes in, I would like to
11 make an application in closed session for this witness to testify
12 in closed session. He presently stands as a witness protected
13 under Category C by this Chamber's order of the 24th of November
14 of last year. I have raised the possibility of an application
10:00:03 15 with my learned friends for the Defence and my understanding is
16 that counsel for the first and third accused have no objection to
17 the application being made and granted. I have not heard from my
18 learned friend for the second accused what his position is yet.

19 JUDGE THOMPSON: Are you on your feet to respond to the
10:00:37 20 application?

21 MR JORDASH: No, to raise two other applications.

22 JUDGE THOMPSON: Before we deal with her own application?

23 MR JORDASH: Your Honour, yes.

24 JUDGE THOMPSON: All right.

10:00:50 25 MR JORDASH: The first application concerns an additional
26 statement served this morning relating to TF1-361. I don't know
27 if that statement has found its way to Your Honours. I don't
28 think it has.

29 MS PACK: Your Honour, my apologies to the my learned

1 friend. If the application my learned friend is going to make is
2 going to go to the substance of this witness's testimony which I
3 anticipate it may do, then perhaps that application might also be
4 dealt with in closed session just simply because to have the
10:01:34 5 application about a part of the witness's testimony in open
6 session might defeat the application that I am asking Your
7 Honours to make for the purpose of that.

8 JUDGE THOMPSON: Mr Jordash, what is your response?

9 MR JORDASH: I see my learned friend's point.

10:01:49 10 JUDGE THOMPSON: Right. Okay, in other words, the standard
11 practice is for us to hear an application for closed session in
12 closed session. Before we proceed to that application, may we
13 have an idea - just an estimation - of how long, if the
14 application is granted, this witness will be testifying under
10:02:14 15 examination-in-chief.

16 MS PACK: I would expect a day or so.

17 JUDGE THOMPSON: A day. So that means we will have to ask
18 the members of the public gallery to retire for two days.

19 PRESIDING JUDGE: [Microphone not activated]

10:02:34 20 JUDGE THOMPSON: Yes. In other words, not to come back
21 here until Wednesday morning. Would that be a fair estimation
22 from your perspective? And in case we grant the application,
23 would that be fair also from the perspective of cross-examination
24 that we need the public to stay away from these proceedings in
10:02:57 25 until Wednesday morning.

26 MR JORDASH: I would suggest longer than that. I can't
27 imagine --

28 PRESIDING JUDGE: Wednesday normally we don't sit in the
29 afternoons, so can we say including Wednesday or even longer than

1 that?

2 MR JORDASH: I can imagine being two days cross-examining
3 this witness.

4 PRESIDING JUDGE: Only for yourself.

10:03:19 5 MR JORDASH: Only for myself.

6 JUDGE THOMPSON: So we are on the right track. If that is
7 the case then -- I can see there has been a pre-emptive behaviour
8 by the press -- the public. They have already disappeared. I
9 gave no dictate. In the circumstances may we then have the
10:03:39 10 technology adjusted to move us from open session to closed
11 session. Courtroom -- Ms Edmonds, could you advise us when you
12 are ready.

13 PRESIDING JUDGE: Judge Itoe, you had something?

14 JUDGE ITOE: Yes, I had something. I mean, I understand
10:03:58 15 and I know that closed session testimonies are part of the
16 procedure, you know, of this Court, but I think it is important
17 that the Prosecution puts not only the Defence but the Court on
18 notice that this is how this witness will be treated so that we
19 can programme our time. I hear of this application, you know,
10:04:26 20 for the first time now. I am not saying that we will do away,
21 you know, with closed sessions. I know people have been
22 complaining about closed sessions. We ourselves are very uneasy
23 with closed session testimonies even though they are part of the
24 process. It would be nice to put everybody on notice and in
10:04:51 25 advance so that we can know what we expect and how to plan our
26 calendar as far as proceedings are concerned. That is my
27 observation on this.

28 Mr HARRISON: It was done at the status conference. And if
29 I can just add, I will make an announcement now that the next

1 witness the Prosecution anticipates for the next witness again
2 being an application for closed session.

3 JUDGE THOMPSON: Yes. It is my recollection that some
4 indication was given at the last status conference. It is just
10:05:27 5 that we don't normally have the status conference minutes with us
6 in court here. But I am sure that the learned brother's
7 observations are quite in place.

8 Are we now in closed session.

9 MS EDMONDS: Not yet, sir.

10:05:48 10 JUDGE THOMPSON: Right.

11 [At this point in the proceedings, a portion of the
12 transcript, pages 6 to 108, was extracted and sealed under
13 separate cover, as the session was heard in camera.]

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WITNESSES FOR THE PROSECUTION:

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