

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 Hon. Justice Bankole Thompson
Itoe
Presiding Judge
Trial Chamber I

[Seal of the Special Court for Sierra Leone]