

1. This is the reasoned Ruling of the Trial Chamber on the application on the 16th May 2005 by Counsel for First Accused to cross-examine Witness TF1-125 on certain portions of his testimony in closed session relevant to Exhibit 29.

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 having regard to the need to ensure adequate protection of the right of the accused to cross-examine effectively the witnesses against him, and recognising that in the instant situation, effective cross-examination can only be achieved by recourse to closed session while at the same time protecting the identity of the witness, this Chamber rules that the cross-examination on behalf of the First Accused limited to matters relevant to Exhibit 29 shall be conducted in closed session.

3. This exceptional procedure is required because the Chamber is satisfied that the application is made in the spirit of preserving the integrity of the protective measures ordered in respect of this Witness specifically not to disclose his identity or divulge any details that could directly or indirectly reveal his identity.

4. In conclusion, it is the considered opinion of the Chamber that if the cross-examination on matters relating to or arising out of Exhibit 29 is heard in public, it would lead to his identification with possible adverse consequences for him.

Done at Freetown, Sierra Leone, this 16th 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]