



SPECIAL COURT FOR SIERRA LEONE

TRIAL CHAMBER II

Before: Justice Teresa Doherty, Presiding Judge
Single Judge, Trial Chamber II

Registrar: Binta Mansaray

Case No: SCSL-2011-01-1

Date: 8 June 2012

PROSECUTOR

V.

ERIC SENESSIE



PUBLIC WITH ANNEXES A AND B

LIST OF DEFENCE WITNESSES AND STATEMENTS

Office of Independent Counsel

William L. Gardener

Counsel for Eric Senessie

Ansu B. Lansana

Office of the Principal Defender:

Claire Carlton-Hanciles

The Defence hereby files the list of witnesses and their statements pursuant to the Trial Chamber's Order made at the Pre-Trial Conference of 8 June 2012.

A. LIST OF WITNESSES	LENGTH OF TESTIMONY
1. Eric Koi Senessie -	2 HOURS
2. Prince Taylor -	2 HOURS
3. Mohamed Siaka Kamara -	45 MINUTES
4. Genna Kpundeh -	45 MINUTES
5. Josephine Sheku -	30 MINUTES
6. Jessica Kaday Senessie -	30 MINUTES
7. Fick Senessie -	30 MINUTES
8. Joseph Morie Combey (J.P) -	45 MINUTES

B. EXHIBITS

The Defence intends to use the following documents at the trial:

1. A photo of Witness TFI 585 and the daughter of the Accused – **Annex A**
2. A receipt of fees paid by the Accused at the Methodist Secondary School, Kailahun dated 4 February 2011 – **Annex B**

The Defence does not envisage an objection from the Prosecution to the said documents being tendered in evidence.

Faithfully submitted,



Ansu B. Lansana – Counsel for Eric Senessie

DEFENCE WITNESS STATEMENTS

1. DW1- ERIC KOI SENESE

I, Eric Koi Senessie, hereby give my reaction to the statement of the Prosecution witnesses and their allegations against me in the said statements.

a) WITNESS TFI 585

Witness TFI 585, is my first cousin, Iye Jusu's daughter. Her family house is about 50 metres away from mine. The Witness had spent a considerable time away from Kailahun.

On 14th February 2010, I lost my son. Two days later, Witness TFI 585 being a relative, called me on the phone to extend her sympathy.

In May of the same year, she relocated to Kailahun and on her arrival, she paid me and my family a visit to again sympathise with me and inform me of her relocation. I was home with some friends and family members namely, Mohamed Kamara, Josephine Sheku, Jessica Kaday Senessie, Wata Senessie and Fick Senessie. During our conversation she mentioned having travelled to The Hague to testify for the Prosecution. That was the time I had knowledge of her having testified in the Taylor Trial.

Sometime after her visit, I met Witness TFI 585 again at the Kailahun Government Hospital where I had gone to a certain Morlai Kamara to recharge my phone. I introduced the Witness as my niece to this Morlai Kamara.

I have been on speaking and visiting terms with this Witness and the relationship between us has been very cordial. In March of 2011, I attended her sister's wedding ceremony.

The Witness visited me on the 8th February 2011 but unfortunately I was not around. She came again the next day, 9th February 2011. This time around I was at home and she asked me for the telephone number of one Prince Taylor an investigator in the Taylor Defence Team. She also told me she once had Prince Taylor's number but lost the phone in which she had stored it. Some few years back this Prince Taylor, together with a certain

Ms. Logan had visited me asking me to become a Defence Witness in the Taylor Trial which I turned down. On their departure they left behind their business card to contact them in the event that I had a change of mind. I referred her to Witness TFI 274 Witness TFI 274 to whom I had given Prince Taylor's number a couple of days back. She pleaded with me and I eventually gave her the number.

The Witness called Prince Taylor but during their conversation I went inside the house so I never heard what they discussed. After she ended the call she told me that Prince Taylor sounded annoyed and did not want to talk to her.

Later in our discussion, she also made mention of a document signed by Witness TFI 274 Witness TFI 274, and expressed a desire to sign it too. I referred her to Witness TFI 274. One Mohamed Kamara and Jessica Kaday Senessie were present throughout my discussion with Seibatu.

b) WITNESS TFI 274

I met Witness TFI 274 at the house of one J.P. Combay on 1st February 2011. The house doubles up as both a dwelling house and a bar where people converge in the evenings for drinks. I also happen to have a bedroom in the same house. It was on this occasion that Witness TFI 274 disclosed to me, in the presence of several other friends and customers at the bar that he had testified for the Prosecution in the Taylor Trial including having also worked with Foday Sankoh during the Sierra Leone rebel war.

Whilst sipping his Marula Fruit Wine, he disclosed information about his participation in the war and also his testimony at the Taylor Trial in The Hague. The Witness also openly expressed his disappointment over the promises made to him by the Prosecution Team. He told us that the Prosecution had promised to financially reward him and to relocate him after his testimony which he said the Prosecution had up until then failed to do.

At this stage, Witness TFI 274 asked me to assist him with the telephone number of Prince Taylor or Logan, who were members of the Taylor Defence team. I told Witness TFI 274 that I did not have the telephone numbers, but that I would check for the complimentary card they had given me when they contacted me to be a Witness for Charles Taylor – a request I had turned down.

I again met with the Witness the following day, 2nd February 2011 at the same place. On this day the Witness enquired whether I had found the complimentary card I had promised to search for the previous day. I told him I had not found it, but will continue looking for it. At this point the Witness bought me a bottle of Marula Fruit Wine.

On 3rd February 2011, we met again at the same spot and I gave him the complimentary card which had Prince Taylor's number. The Witness told me he hadn't a phone and asked to use mine. I obliged him.

The Witness did make a call which he said was to Prince Taylor. From my end I heard him call out his name and a code attached to it, which I later came to know was his pseudonym. The Witness then moved away from us and only came back when he was done talking. On his return the Witness told us that Prince Taylor had asked him to put his opinion, reactions or whatever he had in mind in writing and forward it to him (Prince Taylor).

Some two days or so later (5th or 6th February) the Witness gave me an envelope. The envelope was addressed to Prince Taylor. He asked me to deliver the documents to Prince Taylor since I had plans of travelling to Freetown. I took the package and promised to deliver it. Unfortunately, I could not travel to Freetown as planned. I, however, sent the documents through one Sampha Jabbie.

Three days later, the Witness came to my place asking me to return the documents to him. I told him I had sent them to Prince Taylor as instructed. He informed me that if the documents are not returned to him and if they were in anyway brought to the limelight he would have no option but to deny ever signing such documents. This disclosure was done openly.

c) **WITNESS TFI 586 - MOHAMED BARATAY-KABBA**

This Witness' house is located along the foot path leading to my house, and I ply it often. It was on one such occasion after service on Sunday that the Witness stopped me and asked for Prince Taylor's number and about the document Witness TFI 274 had asked me to deliver to Prince Taylor. I told him I had sent the documents and referred him to Witness TFI 274. He told me he was also putting his own documents together to also send to Prince Taylor. He later brought a document to my house but I was not at home. He gave it to my son, Fick, with instructions that I send it to Prince Taylor, together with those Witness TFI 274 had given me. However, I had already sent Witness TFI 274's documents; so I did not forward Kabba's document to Prince Taylor. I have never tried to persuade this Witness to go to The Hague to recant his testimony.

Upon this witness' return to Kailahun after a long absence, he bought a motorbike and told every individual he had the opportunity to talk to, that the bike was bought out of the allowances he received when he travelled overseas to testify for the Prosecution at the Taylor Trial.

d) **WITNESS TFI 330 – GBONDA**

I regularly contact this Witness on political issues, as I am the Regional Chairman of the Revolutionary United Front Party (RUF) and he, one of the Party's active members. This Witness had, on several occasions expressed his dissatisfaction with the Prosecution's failure to fulfil the promises of financial reward and/or relocation after his testimony at The Hague.

The Witness came to my place on two occasions (11th & 12th February 2011). On both occasions I was not around. On his second visit, he asked my son, Fick, whom he met at home, for my telephone number. According to my son he gave him my Africel number, but he asked him if I had another number, preferably an Airtel number as that is the

company he subscribed to. My son gave him the number and he called me. Again he wanted Prince Taylor's number. I referred him to Witness TFI 274. He never contacted me again.

e) **WITNESS TFI 516 – WITNESS TFI 516**

On the 4th of February 2011, I met the Witness at the Methodist Secondary School, Kailahun when I went to pay School fees for my nephew Morie Jusu. The Witness told me that Witness TFI 274 had disclosed to him that an invitation for Prince Taylor to visit Kailahun had been sent through me and that he merely wanted to confirm that information. I confirmed having sent two documents to the said Prince Taylor.

The Witness, being my in-law, asked me to give him one of my phones as I had two in my possession. I told him one of the phones belonged to my wife and as a result I could not grant his request. At this point he pleaded with me to buy him a phone. I out rightly told him I was not in the position to buy him a phone. On this note we parted ways.

DW2 - PRINCE TAYLOR

I deny all allegations of the Prosecution. The Taylor Defence Team was initially very united but somewhere along the line, due to individual differences and misgivings, there was a split within the Team. With these differences the possibility of a scheme among the Defence Team members as alleged by the Prosecution is farfetched.

Witness TFI 274 was the one who originally contacted me at a time when Logan was around sometime in October of 2006 at Yea Kama's Guest House in Bo. Witness TFI 274 expressed interest in being a Witness for the Taylor Defence. At our first meeting I had no idea he was already a Witness for the Prosecution.

After Witness TFI 274 had expressed his interest, I later contacted Witness TFI 274 at his King-Street residence in Bo. He had some photographs in his possession which I found were very important to the Defence of Taylor. The photos included a photo of Taylor at a

peace conference for Sierra Leone. He also had a video clip in which Foday Sankoh was shown declaring Charles Taylor as an enemy to the Revolutionary United Front (RUF). Witness TFI 274 promised to hand the photos and the video over to me.

Two days after this meeting, the Prosecution got a wind of our meetings and identified him to the Taylor Team as one of their Witnesses. I immediately discontinued communication with him and stopped contacting him.

In the same 2006, Witness TFI 274 again met me at the After Work Entertainment Centre in Bo where I was with Logan. He requested a drink on me. He took a bottle of Guinness and told the waitress it was on me. I paid for the drink as I did not want to spark further discussions or create a scene with him. I only saw him again on screen testifying for the Prosecution after a long while.

In December of 2007, several potential Defence Witnesses visited me at my Prince Williams Street home in Bo. On one evening in the same month, Witness TFI 274 also visited, though uninvited. Since I did not want the other guests to raise suspicious eyebrows I asked my wife to entertain him - though I was a bit upset. I never discussed any issues relating to the Taylor trial with either Witness TFI 274 or the rest of the guests. I also did not notice anything unusual about Witness TFI 274's behaviour he was absolutely normal.

I did not see or hear from Witness TFI 274 until February of 2011 when he called me on my phone. He told me that Eric Senessie had given him my number and that he wanted to contact the Taylor Defence Team to discuss issues he claimed were not only important to the defence of Taylor but also to Sierra Leone as a nation.

On the receipt of his call he identified himself firstly by his name followed by his pseudonym. He also intimated during our discussions that the Prosecution had lied to him. He claimed the Prosecution had promised him financial reward and relocation after testifying at The Hague, but they had failed to keep to their promises.

Witness TFI 274 further told me in Mende that he wanted to go back to The Hague and expose the Prosecution by informing the world that the Prosecution had deceived him and, as a result, he intended to recant his testimony. He insisted that I assist him to contact the Taylor Defence Team. I intimated him of the fact that I was no longer working with the Taylor Defence Team as my contract had expired. I gave him Logan's number in The Hague, but he retorted that he did not have the finances to make an overseas call. It was on that note that I asked him to put his intentions in writing so I would forward it to Courtenay Griffiths.

Witness TFI 274 called me again. This time around I was in Bo watching a football match. He claimed he was in Kailahun. He informed me that a certain Gbonda had spoken to the Prosecution alerting them that the Taylor Defence was ready to help them, (Prosecution Witnesses), if the Prosecution was not in a position to keep their promises of financial reward and relocation. The Witness, in desperation, asked about the documents he had sent to me and asked me to destroy them if they were still in my possession. He further threatened that if those documents should fall in the hands of the Prosecution he would deny any knowledge of them.

After my conversation with the Witness, I called Eric and asked him if Witness TFI 274 had given him any documents. He answered in the affirmative, and told me that he had dispatched them with someone whose name I cannot now recall. He gave me the telephone number of the person and I contacted him the following day. The person told me he was in Kenema. I met him in Kenema and took delivery of the documents.

Few days later I was contacted by the Principal Defender that a Motion had been filed against me and Eric Senessie.

Mrs. Hanciles called me again this time informing me that William Gardner was in Kailahun and that I should travel to Freetown on the return of William to be interviewed. I out rightly told her I was not in the position to travel to Freetown and that William was charged with the responsibility to meet and interview me in Bo where I reside.

After several arguments regarding travelling to Freetown I was finally persuaded by the Principal Defender and William Gardner on the promise that my hotel and travelling bills would be paid by them.

On my arrival in Freetown, I not only narrated my experience with Witness TFI 274, I also presented William Gardner with original copies of the documents the Witness had sent me via Eric. It was during the interview with William that I came to know the identity of Witness TFI 585. William informed me that this Witness TFI 585 was a Prosecution Witness. She had prior to this meeting contacted us through Ansumana Fowai and Sheku Coomber wanting to testify for the Defence Team. They told me that Witness TFI 585 was one time radio operator for the RUF and as such a very good Witness for the Taylor Defence Team.

Sometime in December of 2010 I had a call from an unknown number, and the caller spoke to me in Mende. The caller later disclosed her name and identity to be Witness TFI 585. She wanted to meet with me, but I refused her request. Upon her disclosure of being a prosecution Witness I dropped the line.

I have never contacted Eric Senessie in relation to recruiting any Witness and was also only contacted by Eric when I once had a call from him in February 2011 informing me that they were in an RUF meeting and that his "Brothers" were urging him to give them my contact number and also Logan's. I told Senessie not to give out my contact as I was no longer on the Taylor Defence Team. A moment later I heard the voice of a lady from the other end of the line. She again identified herself as Witness TFI 585, and I told her out rightly that I was not supposed to be in contact with her. She persisted, and I dropped the line.

Since 2006, besides the telephone calls from Eric I hadn't met with him personally until after his meeting with William Gardner in 2011 when he came to my house in Bo. He couldn't even recognise me then.

DW3 - MOHAMED SAIKA KAMARA

I have seen Eric with all the witnesses in question. Sometime in May of 2010 Witness TFI 585 came to Eric's house where I also live to sympathise with him on the loss of his son.

Sometime also in February of 2011 Witness TFI 585 came to Eric's place where she met Eric, Jessica Kaday Senessie and I. I overheard her asking for a certain Prince Taylor's number. Eric entered the house and came out with a small card which, from their conversation, I later found out to be a complimentary card with Prince Taylor's cell phone number at the back.

Eric gave a number he told Witness TFI 585 was that of Prince Taylor's, at which instance Witness TFI 585 asked to make use of Eric's phone, which Eric agreed to. She moved a few yards away from us, but I heard her mention her name and that she was TFI ...and also mentioned a few digits which I can't remember. From her end I heard her mention that she wanted the person from the other end to help her sign the documents which a certain individual he addressed as "XXXXXX" (Witness TFI 274) had sent to him. After the phone conversation she informed Eric that she too wanted to sign the document Witness TFI 274 had sent to Prince Taylor.

On another encounter with Witness TFI 585 sometime in February 2011 she asked after Eric. She also pleaded with me to prevail on Eric to help her reach the Taylor Defence Team to ask for assistance as the Prosecution had failed to keep their promises made to them.

I was once with Witness TFI 516 at a bar with several others when Witness TFI 516 disclosed he was a Prosecution Witness at the Taylor trial and that he was expecting to leave the country at anytime. At this juncture Witness TFI 274 came along and he also disclosed his identity as a prosecution witness. Both Witness TFI 516 and Witness TFI 274 continued with the conversation regarding their testimonies at The Hague.

Sometime in January of 2011 I was at a photo studio when I saw Mohamed Kabba, Witness TFI 516 and a certain elderly man who I can identify if seen. They were coming

down the road discussing. On seeing me, I distinctly heard Mohamed Kabba tell the others in Mende that they should discontinue the conversation. It was after the indictment of Eric that I started putting these incidences together.

DW4 - GENNA KPUNDEH

Not a single individual has ever met me regarding Special Court issues (neither the Prosecution nor the Defence Team of the Taylor Trial).

One of the Prosecution Witness by the name of "XXXXXX" (Witness TFI 516), before leaving the country told me was travelling to The Hague to testify for the Prosecution in the Taylor Trial. He even called me when he was at the Lungi Airport.

He is a very close friend of mine. Witness TFI 516 even called me when he was in Brussels. A day prior to him testifying, He also called me again, I was in school with my colleague teachers and I even placed my phone on speaker so we all heard him telling me that his testimony was scheduled for the following day.

Ellie's travelling to The Hague as a Prosecution Witness for the Taylor Trial is an open secret in this community.

Two days before Witness TFI 516 travelled back to Sierra Leone he again called me and on his arrival he showed me his passport and told me he was to leave the country again.

Another Prosecution Witness commonly called "XXXXX" (Witness TFI 274), also intimated me on the fact that he had testified at The Hague. He also told me that he was paid a huge sum of money by the Prosecution for testifying and that money he was using to put up a four bed room apartment in Bo.

Sometime back at Pa Gin's Bar, Witness TFI 274 and Witness TFI 516 openly boasted of being prosecution witnesses in the Taylor Trial. Witness TFI 274 even boasted of contributing to the stability and democracy of Sierra Leone by testifying against Taylor the enemy of this country and most wanted around the world. He concluding with the fact that he was to leave the country at anytime.

DW5 - JOSEPHIE SHEKU

Witness TFI 585 came back to Kailahun sometime in May of 2010, and visited Eric to sympathise with him on the loss of his son. I was at Eric's house with a few other women doing some cooking.

After a few minutes when Witness TFI 585 had settled down we asked her how she was faring as she had been away for a while. She told us she was at The Hague testifying for the prosecution in the Taylor Trial.

Few months after the return of Witness TFI 585 to Kailahun her sister got married. We were all present at the ceremony, together with Eric, Witness TFI 585 and a few other relatives.

To the best of my knowledge, Eric is very close to Witness TFI 585 and her family and I know that they are in constant touch. Prior to the Witness TFI 585's younger sister's wedding, I met Eric at Witness TFI 585's family house chatting with her dad and relatives.

DW6 - JESSICA KADAY SENESSIE

Witness TFI 585 is more like a sister to me than a cousin as she is a niece to my dad Eric. She calls my dad uncle. The relationship between my dad and Witness TFI 585 is very cordial as far as my knowledge goes. As a matter of fact, our two families have always been in close contact and familiarity. We normally attend social functions together. For instance, in 2004/2005 when Witness TFI 585 returned from Liberia after the war, it was the two of us who attended the Easter outing at the Baylu Beach, some two miles from Kailahun.

Also, in 2010, when Witness TFI 585's younger sister was getting married, my dad was one of the people who represented the family of the bride.

At the return of Witness TFI 585 from The Hague sometime in May of 2010 she visited us to sympathise at the loss of my younger brother, but prior to her return, she had called us from Freetown through her mother's line when she heard of the loss of my younger brother.

It was on her visit that she disclosed to us that she had travelled to The Hague as a Prosecution Witness at the Taylor Trial, after been asked by my dad of her long absence from Kailahun.

Witness TFI 585 came to our house one morning asking my dad for the contact number of a certain individual she referred to as Prince Taylor. My dad then went into his room and after a while came back with a small card which he handed to Witness TFI 585 and told her the number she asked for was on it. She then asked to make use of my dad's phone as she hadn't got one of her own. My dad gave her his phone and she moved a few yards away and placed a call. From my end I heard her call out her name and some number to the person at the other end. The rest of her conversation I paid no heed to.

DW7 - FICK SENSSIE

I know a certain man by the name of Gbonda. He has twice come asking after my father. On his first visit he asked after my father but I told him my father had gone out, and he left. On his second visit too, my dad was out but this time around he asked for his telephone number. I first gave him an Africell number 077-742891 but asked whether my dad had an Airtel contact as that was the network he subscribed to. I then gave him my dad's Airtel number which is 076-522322.

He called my dad and I heard him ask of a certain document. He continued by saying that he had gone to Witness TFI 274 who referred him to my Dad. He also wanted to know whether my dad had sent the documents to Prince Taylor.

DW8 - J. P. COMBAY

On 1st February 2011, Eric came to my house in the evening hours. He also happens to have a room at the said house. I was with a few friends including Witness TFI 274, Jacob (aka Obama), Mamatorma (the sales lady) and one ex-combatant and one Sierra Leone Army personnel. Eric took the seat next to mine. An argument ensued regarding the Sierra Leone rebel war and it was at this point that Witness TFI 274 came in. He told us that the Special Court was a nonsense court as the Court had promised them relocation after their testimony for the Prosecution at The Hague which they had not kept.

He further intimated us that he and his colleagues were five in number in Kailahun. That being prosecution witnesses, they were looking for an opportunity to travel back to The Hague where they will recant their testimonies and later abscond. I cautioned Witness TFI 274 regarding his outburst. I also told him of the illegality of his intended action. They continued with the arguments and the ex-combatant left shortly after.

A while later, Witness TFI 274 called Eric aside and they moved a few yards away. From where I was seated, I could vividly hear their conversation and I heard Witness TFI 274 ask for the contact number of one Prince Taylor and another he called Logan. Eric promised to check for the complimentary card of the persons in question as it had been a long time they last contacted him.

On the next day, 2nd February 2011, Witness TFI 274 met me at the same place and enquired after Eric. I told him Eric had not come. Witness TFI 274 went back and came a second time. Eric had not come. On the third try, Eric had still not come. Witness TFI 274 sat down and waited. A while later, Eric came and Witness TFI 274 asked him if he had found the complimentary card he had promised to search for. Eric told him he had not found it, but will continue searching for it. Witness TFI 274 then bought him a Marula Fruit Wine.

The following day, 3rd February 2011, Witness TFI 274 came to my place asking about Eric. I told him Eric was not around, he left and returned 30 minutes later but Eric had not come. Finally on his return the third time he met Eric. Witness TFI 274 asked Eric whether he was able to locate the complimentary card he had asked him for. Eric handed

over the card to him and Witness TFI 274 asked to make use of Eric's phone. He used it to place a call. From my end I heard him say "I am XXXXXXXX prosecution Witness TF1..." As he continued his conversation he moved away and as a result I was unable to hear the rest of his side of the conversation. At the end of his conversation he handed over the phone and card to Eric. We continued discussions and it was during these discussions that Eric mentioned travelling to Freetown. Witness TFI 274 then asked Eric whether he could deliver a document to Prince in Bo on his way to Freetown.

The next day, Witness TFI 274 came along with a brown envelop which he handed over to Eric. Three days later Witness TFI 274 met Eric at my place and asked him why he was still around. Eric told him he couldn't travel to Freetown as planned as he had no money but that he had sent the document with one Sampha Jabbie. It was at this stage that Witness TFI 274 told Eric that he would deny responsibility of any issues arising from the documents. I was shocked at Witness TFI 274's utterance and I asked Eric whether he had ascertained the content of the envelope. Eric told me he never opened the envelope.

ANNEX A



ANNEX B

METHODIST JUNIOR SECONDARY SCHOOL
KAILAHUN

FEE RECEIPT

Date: 4.2.11

No: 1233

RECEIVED with thanks

From: Monte Jusu of JSS II White

The sum of: Twenty five thousand Leones

Being fees for: Second Term(s)

of the: 2011 Academic year

Le 25,000

