



Case No. SCSL 2011-01-T  
THE INDEPENDENT PROSECUTOR  
-V-  
ERIC KOI SENESSIE

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Before the Judge:	Justice Teresa Doherty
For Chambers:	Elizabeth Bundnitz
For the Registry:	Elaine-Bola Clarkson Thomas Alpha
For WVS:	Tamba D. Sammie
For the Prosecution:	William Gardner
For the accused Eric Koi Senessie:	Ansu B. Lansana
For the Principal Defender:	Claire Carlton-Hanciles

1 [Monday, 11 June 2012]

2 [Open session]

3 [Accused entered Court]

4 [Upon commencing at 9.30 a.m.]

5 JUSTICE DOHERTY: It's my understanding that there are two  
6 interpreters to be sworn in. We will start with that, please.  
7 If they can be brought into the well of the Court.

8 [Interpreters sworn]

9 JUSTICE DOHERTY: Very good. Thank you. Can I have the  
10 names of the interpreters for purposes of record, please.

11 COURT OFFICER: Joyce Johnson and Kai Gbongbor.

12 JUSTICE DOHERTY: Thank you, Madam Court Officer. If  
13 there's no other matters, perhaps we'll proceed with the  
14 evidence. Unless there are some preliminary matters either  
15 counsel wish to raise?

16 MR GARDNER: I would assume I was making an opening  
17 statement; is that correct or not?

18 JUSTICE DOHERTY: Yes, what I often do as a matter of  
19 policy is I always check if there's any issues that have arisen  
20 following the day before and if there aren't, then I would  
21 proceed on in the normal way. That's just my personal modus  
22 operandi over the years.

23 MR LANSANA: Your Honour, I do have an issue.

24 JUSTICE DOHERTY: Very well, Mr Lansana. We'll deal with  
25 this preliminary issue and then we will invite you to make your  
26 opening statement.

27 MR GARDNER: Thank you, Your Honour.

28 JUSTICE DOHERTY: Proceed, Mr Lansana.

29 MR LANSANA: Thank you, Your Honour. Your Honour, on

1 Friday pursuant to your order that I served on the Prosecution,  
2 witness statements and a list of witnesses I have, I  
3 inadvertently did file a list of witnesses and their statements  
4 with disclosure of the names of protected witnesses. My  
5 attention was drawn to that, and I have revisited the filing  
6 record and filed another one using the pseudonyms in compliance  
7 with the protective measures. I do apologise most profusely to  
8 the Prosecution and to the Court for any inconvenience that may  
9 have caused. That's all that I wish to say, Your Honour.

10 JUSTICE DOHERTY: Thank you, Mr Lansana. I read it  
11 immediately it was filed and saw it right away, but apparently so  
12 did somebody in The Hague, so we caught it very quickly. I  
13 accept that you're new to the - not new to the Special Court  
14 system, but should I say maybe not as practised in it as the rest  
15 of us are so I accept that it was by inadvertence rather than  
16 deliberate and I think the reviewed filing will be done -  
17 obviously it was after 5.00 by the time we caught it. Well, it  
18 wasn't after 5.00 by the time we caught it but by the time we  
19 were able to action it, so it'll be done today.

20 MR LANSANA: It's been filed this morning.

21 JUSTICE DOHERTY: Thank you.

22 MR LANSANA: Thank you, Your Honour.

23 JUSTICE DOHERTY: If there's no other matters then I would  
24 proceed Mr Herbst, with your opening statement, please.

25 MR GARDNER: Your Honour, I know you're anxious to proceed  
26 with this case and get into the second case, but I would  
27 respectfully remind you that independent counsel in the second  
28 case is Mr Herbst and I'm Gardner.

29 JUSTICE DOHERTY: I apologise, Mr Gardner. I think every

1 counsel that has appeared before the Special Court has learned  
2 that I have a problem, in common with two of my brothers, with  
3 misspelling people, so please accept that it's not deliberate.

4 MR GARDNER: Not a problem, Your Honour. I share that  
5 problem and just for the record, on some documents my name has  
6 been spelled G-A-R-D-E-N-E-R and on some it's been spelled  
7 correctly as just G-A-R-D-N-E-R. And the latter without the  
8 extra E is the correct spelling for the record. Thank you,  
9 Your Honour.

10 Your Honour, counsel, Mr Senesie, Independent counsel will  
11 call not one, but five witnesses who will testify that early in  
12 2011 they were approached by the defendant and asked to meet with  
13 a representative of the Charles Taylor Defence team and change  
14 their testimony. Four of the five witnesses were told they would  
15 be paid money or some financial reward if they changed their  
16 testimony. These five witnesses were approached not one, not  
17 two, but in some cases as many as more than three years before  
18 they testified at The Hague. They all gave straightforward sworn  
19 statements to investigators for the office of the Prosecutor and  
20 they all have consistently told the same story since.

21 Each of these five witnesses called the Prosecutor's  
22 investigator within hours or a day or two of their contact. The  
23 testimony is going to establish that the defendant is beyond any  
24 reasonable doubt, guilty of all nine counts in the order of  
25 indictment - order in lieu of indictment.

26 Finally, I would say, Your Honour, that the one thing the  
27 evidence in this case will not show - the evidence will not show  
28 that these five witnesses, not all of whom knew each other, just  
29 out of the blue, got together somewhere in rural Kailahun

1 district and decided to have a let's call Prince Taylor party and  
2 invite Eric Senessie to join them. That will not be the evidence  
3 your Honour that's believable. I'm prepared to call my first  
4 witness.

5 JUSTICE DOHERTY: Thank you. And which language will the  
6 witness speak, so I can ensure there's an interpreter available,  
7 and what protective measures also, if any, apply, so I can also  
8 ensure those are in place.

9 MR GARDNER: The first witness is Mohammed Kabbah. He has  
10 not testified and will not testify pursuant to protective  
11 measures and I'm sorry, I do not know the language he would  
12 prefer. I know he speaks some English, but I'm sure he would be  
13 more comfortable with an interpreter. I believe it's Krio. But  
14 if it's all right with the Court, I think we should check when he  
15 comes in.

16 JUSTICE DOHERTY: That will be in order. Please call the  
17 witness.

18 [MOHAMMED KABBAH, ON OATH]

19 [EXAMINATION-IN-CHIEF BY MR GARDNER]

20 MR GARDNER:

21 Q. Good morning, Mr Kabbah. Sir, would you be comfortable  
22 having an interpreter, or would you prefer that I proceed in  
23 English? It's completely your choice.

24 A. I prefer the Krio.

25 Q. I'm sorry, I didn't hear --

26 JUSTICE DOHERTY: I note the witness has elected to give  
27 his evidence in Krio. I heard that. The Krio interpreter is in  
28 place? Is there someone in the booth?

29 THE INTERPRETER: Yes, Your Honour.

1 JUSTICE DOHERTY: They are in a booth, Mr Gardner. We  
2 don't see them immediately.

3 MR GARDNER: I'm not used to hidden interpreters,  
4 Your Honour.

5 JUSTICE DOHERTY: Well, we all got used to a lot of  
6 strange, different things here.

7 MR GARDNER:

8 Q. Mr Kabbah, could you please tell the Court which district  
9 you reside in?

10 A. I am residing in Kailahun District.

11 Q. Are you employed, sir?

12 A. Yes.

13 Q. What is your employment?

14 A. I am working as civil society.

15 Q. Mr Kabbah, did you provide testimony at The Hague in the  
16 Charles Taylor trial?

17 A. Yes.

18 Q. And for whom were you called as a witness; the Prosecution  
19 or the Defence?

20 A. The Prosecution.

21 Q. For approximately how many days did you testify?

22 A. I testified for two and a half days.

23 Q. Do you know a man named Eric Senessie?

24 A. Yes.

25 Q. How do you know him?

26 A. He is my neighbour. We're all living within the same  
27 section in Kailahun and before when we were - during the war we  
28 were together, and after the war we were staying in the same  
29 township. We are staying in the same township.

1 Q. I didn't hear in total --

2 JUSTICE DOHERTY: I understood what was said, but I didn't  
3 get the interpretation. We may have to pause, Mr Gardner, for  
4 the interpretation to come through. It has to be recorded by our  
5 transcribers.

6 MR GARDNER: I think what's happening, Your Honour, is that  
7 he's been responding to the last few questions in English.

8 JUSTICE DOHERTY: Then I've been hearing Krio, so somewhere  
9 along the line there's a problem. And it could be my machine,  
10 that I'm on the wrong channel, because I'm hearing Krio. Let me  
11 just check that. I think I now have it on English, so we'll try  
12 it again. Please continue.

13 THE WITNESS: I said I knew Mr Eric during the war, and  
14 even after the war we've been staying in Kailahun District and in  
15 the same Kailahun Town, and we are staying in the same section in  
16 Kailahun.

17 JUSTICE DOHERTY: Before we go any further, Mr Kabbah, did  
18 you answer that in Krio, or did you answer that in English?

19 THE WITNESS: In Krio.

20 JUSTICE DOHERTY: In that case, I did not get an  
21 interpretation.

22 MR GARDNER: Maybe I'm confusing the voices, but I was  
23 looking at his lips and I could swear he was responding in  
24 English.

25 THE INTERPRETER: Can you hear the English now,  
26 Your Honour?

27 JUSTICE DOHERTY: I can now, thank you very much,  
28 Mr Interpreter. It's very clear. Thank you.

29 Mr Gardner, problem sorted out, so please proceed.

1 MR GARDNER: I will cause the next one, I'm sure,  
2 Your Honour.

3 Q. Have you had good relations with Mr Senessie in all the  
4 years you've known him?

5 A. Yes.

6 Q. Let me direct your attention to January 26 of last year.  
7 Did Mr Senessie come to your house on that day?

8 A. Yes.

9 Q. Please tell the Court what Mr Senessie said to you on that  
10 day when he came to your house?

11 A. On his first - on Mr Senessie's first visit to my house, I  
12 was not present on that very day. When I came back in the  
13 evening, my wife told me that Mr Senessie came to inquire about  
14 me and he told her that he wanted to see me. He did not return  
15 that night. In the morning I had to go to work. When I came  
16 back in the afternoon, my boss came to me at home, and we sat  
17 together for a long while. At around 6.00, going to 7.00, I had  
18 to accompany my boss. After I had accompanied - I had gone to  
19 accompany him. On my return home, on my way I saw Mr Eric coming  
20 from across the street because his own house is across the street  
21 and mine is on the other side. So we met at the junction of the  
22 road, so we had to move to our compound. Then I said, Mr Eric, I  
23 came last night and the wife told me you wanted to see me, and I  
24 asked him why he wanted to see me. Then Mr Eric asked me in  
25 return saying, It's nothing. It's just in relation to the travel  
26 that you did The Hague.

27 How much - he asked me how much they paid me, and I told  
28 him that's unfortunate because I was not paid anything by the  
29 Special Court. I went there and testified, and what I got from

1 my testimony was my daily subsistence allowance. What they used  
2 to give me in Sierra Leone was the same thing they gave me in The  
3 Hague. The number of days that I spent there. When I came back,  
4 that was the money that was given to me. But to say that I  
5 signed a contract with the Special Court, no, that did not  
6 happen. Then he said, But some of your men are saying that they  
7 paid them. Then I said, Well, they were lucky. And if at all  
8 someone said that they paid him, then he was lucky. But I was  
9 not paid by the Special Court, and we did not sign any contract  
10 that when I return they would pay me anything. He said, But that  
11 is what some of your men were saying. Some were even grumbling  
12 that when they went, Prosecution promised them that they would  
13 give them this or that and when they came back, they were  
14 grumbling. And I said, Well, if they made such an arrangement  
15 with the Prosecution, I did not make that kind of arrangement.  
16 Then he said well, you went --

17 JUSTICE DOHERTY: Mr Kabbah, you're going a little fast.  
18 I'm sure the interpreter is keeping up very well, but a little  
19 slower. Pause at the end of each sentence to allow the  
20 interpreter to keep up with you, please.

21 THE WITNESS: Okay.

22 MR GARDNER:

23 Q. So did Mr Senessie say anything about the Charles Taylor  
24 Defence team?

25 A. Yes --

26 MR LANSANA: Your Honour, I hate to interrupt here, but I'm  
27 finding problems with counsel leading the witness. He's  
28 virtually suggesting the answers to the witness.

29 JUSTICE DOHERTY: Mr Gardner, this issue - you must avoid

1 Leading the witness, please. I did note a previous question.  
2 But since no objection was taken I didn't raise it, but at this  
3 point I will raise it. So avoid leading, please.

4 MR GARDNER:

5 Q. Mr Kabbah, what else did Mr Senessie say to you on that  
6 occasion?

7 A. He said - from what the Defence is saying, I'm on my legs.  
8 Not that I have finished talking or the lawyer is leading me.  
9 It's not so. After we had met, myself and Mr - when myself and  
10 Mr Senessie were talking about payment issues, I told him in  
11 clear terms that I was not paid and I did not sign any contract  
12 at any time with the Special Court for any money. He was trying  
13 to say, Well, the Defence, Mr Prince Taylor, had given him a  
14 mission to talk to us, the Prosecution, because he has learned  
15 that we did not have any benefit from our travels.

16 Now the Defence are there. If we agree to join the Defence  
17 to return and change our evidence that we had given in Court,  
18 they were ready to give us money, and in dollars that they would  
19 boost us even, if that was the case, because we had not gotten  
20 any benefit from our travel The Hague. But I told him, I said,  
21 If I wanted any benefit, I wouldn't have gone to testify.  
22 Justice in this country caused me to take up that honour to go  
23 and testify. It was not for money. So I - that is where we  
24 stopped, and I told him that I was going to consider it. If that  
25 is what he had said, then I'll go and consider and give him a  
26 feedback later.

27 Q. Mr Kabbah, let me ask you this. In response to a question  
28 a minute ago, you referred to "we," meaning "you and others,"  
29 about returning The Hague. When you said "we," whom were you

1 referring to?

2 A. The Prosecution witnesses. Because he was trying to talk  
3 about those of us who had gone to testify on the side of the  
4 Prosecution. He mentioned people who were in the town.

5 Q. Excuse me one minute. Just please be very careful,  
6 Mr Kabbah, about using names, because we will not be using names  
7 for some of these witnesses. So I would not like - because they  
8 have protective measures in place. So it's sufficient just to  
9 tell me how many Prosecution witnesses you're talking about when  
10 you say "we"?

11 A. He mentioned about four Prosecution witnesses. Those of us  
12 who were staying in Kailahun. He even spoke about a team who  
13 were also trying to get people from Liberia so that they can  
14 carry out these same activities.

15 Q. Were you told anything about what you would say to the  
16 Court if you returned The Hague?

17 A. He said that we were to go and change our evidence that  
18 we - those of us on the Prosecution, we should say that they had  
19 promised to give us money.

20 THE INTERPRETER: Your Honour, can the witness kindly take  
21 this evidence again slowly.

22 JUSTICE DOHERTY: Mr Kabbah, you're going a little fast for  
23 the interpreter. Just remember that someone is interpreting  
24 everything you say and someone is writing down everything you  
25 say, so start again where you were saying:

26 "Those of us who were Prosecution witnesses..."

27 Please continue from there and speak a little more slowly.

28 THE WITNESS: Okay. We, the Prosecution witnesses, those  
29 of us who were in Kailahun, about four of us whom he had spoken

1 about, okay? After that, he said the group - that is the  
2 Defence - has another group which is trying to talk to people in  
3 Liberia for this same mission because he was saying we should put  
4 hands together so that the Pa, Charles Taylor, if at all he is  
5 convicted, so that he will not have a long sentence, that we  
6 should talk for him so that he would be free because the Pa had  
7 been helping us during the war.

8 MR GARDNER:

9 Q. Did Mr Senessie say anything about why the Defence was  
10 coming to you through him with what you described?

11 A. What Mr Senessie said when we were together was that it was  
12 Prince Taylor who gave him this mission to talk to us, the  
13 Defence - oh, no, us being the Prosecution, so that we should try  
14 very hard to talk on behalf of the Pa so that he will be free, or  
15 even if convicted, his sentence should not be long.

16 JUSTICE DOHERTY: Mr Gardner, we have not for purposes of  
17 record determined who is "the Pa."

18 MR GARDNER:

19 Q. Could you identify the person you said as "Pa"?

20 A. Charles Taylor.

21 Q. Thank you. Why did you tell Mr Senessie that you were  
22 going to think it over?

23 A. You see, the reason why I told Mr Senessie why I was going  
24 to think over what he had say was: One, the Defence from what I  
25 know had no right to talk to the Prosecution without going  
26 through the WVS or OPTS, so if Mr Senessie had the courage to  
27 tell me that the Defence had told him to talk to us, I knew that  
28 that was not the right channel. I had a place to report him.  
29 That was why I said I going to think it over.

1 Q. After this conversation with Mr Senessie on January 26 that  
2 you have just described, did you then call Magnus Lamin the  
3 investigator --

4 JUSTICE DOHERTY: That's leading, Mr Gardner.

5 MR LANSANA: Your Honour --

6 JUSTICE DOHERTY: We have to have something more general  
7 than that.

8 MR GARDNER:

9 Q. Who was the next person that you spoke with after  
10 Mr Senessie?

11 A. After this conversation between myself and Mr Senessie, the  
12 following morning when I went to the office, I bought top-up and  
13 called at the Special Court to Magnus and I told him, I said, Now  
14 Mr Senessie has met me. And he said they were meeting other  
15 Prosecution witnesses in Sierra Leone and also in Liberia in  
16 order to tell them that they had - they have money for us to go  
17 and change our evidence that we had given to the Special Court.  
18 Because that was in - after two days after I had received a call  
19 from the Special Court here. Because after we had testified,  
20 they said they were going to be getting in touch with us to know  
21 about our security. But it was - it had gone past a month  
22 without them talking to us. So two days after Magnus and others  
23 had called me to inquire about our security and how we were  
24 leaving Kailahun and all that, I got this contact from Mr Eric.  
25 So my mind was pricked, and I said, Oh, isn't this something  
26 these guys have detected?

27 Q. Just a minute. This next contact that you are describing,  
28 did that take place on the following Saturday, the 29th, or do  
29 you remember?

1 A. For the call that I made to Magnus?

2 Q. No, did you - after you made the call to Magnus the next  
3 day, did you have a conversation with any of the four other  
4 Prosecution witnesses?

5 JUSTICE DOHERTY: Mr Gardner, I didn't think he had quite  
6 finished his conversation with Magnus.

7 MR GARDNER: I was going to come back to that shortly,  
8 your Honour.

9 JUSTICE DOHERTY: I see.

10 THE WITNESS: After I had called to Magnus, because two  
11 days before that they had called to inquire about our security,  
12 and I told him there was no problem. But when I went back and my  
13 wife told me that Mr Eric wanted to see me, the following day I  
14 met with Mr Eric and he explained this thing to me. That struck  
15 my mind, and I said something was going on. How come? That is  
16 how I came to call Magnus, to tell him that that was the type of  
17 conversation that Mr Eric had had with me with respect to  
18 Prosecution witnesses in this country and in Liberia. So I told  
19 him that they should make very fast move in order to contact all  
20 the Prosecution witnesses; that this was the type of thing that  
21 the Defence was doing in order to fight to free Charles Taylor.

22 So that morning Magnus told me to wait because they were  
23 going to write it down. They bought top-up and they asked me  
24 what had transpired, and I explained everything to them. On that  
25 day, Magnus himself told me that if I had any phone that they  
26 could record on. Then I said that I had the phone, and it's a  
27 single SIM phone that does not record. That was for me to record  
28 any type of conversation that is going on between myself and  
29 Mr Eric. But unfortunately, I hadn't any phone that could

1 record. After that conversation between myself and Mr Eric, I  
2 think after two days it was, he came again and said that he  
3 wanted to hear from me. I still told him that I was still  
4 thinking it over. I did not give him any response. And each  
5 time he came, he would meet my wife and he used to come with a  
6 small - with a little boy three to four or five years old. He  
7 used to come with that child to my house.

8 The other time that he came, I think that was the third  
9 time, I was inside when my wife sent for me. And when I came  
10 out, I met him and one of the Prosecution witnesses. They were  
11 sitting outside. He said he had come that morning so that we can  
12 talk with Prince Taylor. That was why he brought that other  
13 witness. But he tried Prince Taylor's line, but it did not go  
14 through. So even the Prosecution witness whom he had brought to  
15 my house, that Prosecution witness was angry with him, saying  
16 that he had caused him to come from a long distance on foot for  
17 such a thing. The other time that he came, he said he had spoken  
18 with Prince Taylor, and Prince Taylor had said that if we wanted  
19 him to come, we should make a kind of invitation letter. So he  
20 drafted one letter which he brought on a sheet of paper. They  
21 were some areas that I can remember; that is, a friend wants to  
22 visit or a friend wants to invite a friend. He did not mention  
23 Prince Taylor's name. It was just in that disguised manner. He  
24 just said we should sign it so that it will look like we were the  
25 reason that Prince Taylor was coming. Then I said well, if this  
26 is the case - I was saying that in my mind - that this is the  
27 right time to get this man. If this man comes, he will be here  
28 when we call the Prosecution, that this was the type of game that  
29 Defence was playing with them. But it was so quick that the

1 cover was blown and Prince Taylor did not come. And Mr Eric,  
2 whom I had met with, said well, that thing that he had told me,  
3 one of the Prosecution witnesses - but I did not know his TF  
4 number - he said it could be that he was the one who had blown  
5 the cover. So it did not work. So the man --

6 Q. Before you get to that conversation, I want to ask you.  
7 You've indicated that your first contact with Mr Senessie was on  
8 January 26 and that you called investigator Magnus Lamin the next  
9 day, and then you had another visit with Mr Senessie. Did  
10 Mr Lamin come and take a statement from you very quickly after?

11 JUSTICE DOHERTY: Mr Gardner, you're leading again. I  
12 think rephrase, please.

13 MR GARDNER: Did you sign a sworn --

14 JUSTICE DOHERTY: We've got a couple of steps to go before  
15 we get there. It would be appropriate to ask him what action  
16 Lamin took or something to that effect, if any. Even that's  
17 leading.

18 MR GARDNER: Did Mr Lamin come to see you after you spoke  
19 to him on the phone?

20 A. Yes --

21 Q. [Microphone not activated]

22 A. They came to obtain a statement from me with respect to  
23 what I had told them.

24 MR GARDNER: Your Honour, I would like to mark this as  
25 independent counsel Exhibit P1.

26 JUSTICE DOHERTY: You're holding a document, but I don't  
27 know what it is. If it's a document emanating from the witness,  
28 under our procedure he should identify it, explain what it is,  
29 and then you can move to have it tendered. Obviously it has to

1 also be shown to the Defence. So we'll first of all show it to  
2 the defence, and then it will be put to the witness. Please show  
3 the document to Mr Lansana. Mr Lansana should still see the  
4 original, because it's the original that will be tendered, and  
5 then the copy will be supplied to him for purposes of his record.

6 MR GARDNER: For the Court's information - for the record,  
7 this is the statement that he executed and was produced. The  
8 Court's seen it. It was in the original papers, and it was  
9 produced to Mr Lansana long ago.

10 JUSTICE DOHERTY: You thank you. We understand the  
11 situation. Please proceed now with showing the document to the  
12 witness.

13 MR GARDNER: Would your Honour like a copy of this as well?

14 JUSTICE DOHERTY: It would be helpful, but normally I don't  
15 take those copies until I hear what the witness says. It's part  
16 of my - what would you say - ethos not to reading it until it's  
17 been properly brought before me.

18 MR GARDNER: May I approach the witness?

19 JUSTICE DOHERTY: Please do so.

20 MR GARDNER:

21 Q. Mr Kabbah, I'm going to hand you this document, and tell  
22 the Court if you recognise it, and if you do, what it is?

23 JUSTICE DOHERTY: Mr Gardner, if you wish to have a seat  
24 while the witness is reading it, please feel free to do so.

25 MR GARDNER:

26 Q. What is that document that you just reviewed, Mr Kabbah?

27 A. It's the statement that I gave to the Prosecution.

28 Q. I note that the statement is dated Sunday, January 30,  
29 Mr Kabbah. Would that be about four days after your first

1 contact with Mr Senessie and three days after you called the  
2 investigator?

3 A. Yes.

4 MR GARDNER: Your Honour, I would move the admission of  
5 this exhibit as Prosecution's Exhibit 1 or independent  
6 Prosecution exhibit 1, whichever the Court prefers.

7 JUSTICE DOHERTY: Mr Lansana, you've heard the application.

8 MR LANSANA: Your Honour, I have no objection to that being  
9 admitted.

10 JUSTICE DOHERTY: That is now admitted as P1. It is a  
11 three-page document typed and signed on each page. For purposes  
12 of record, maybe the witness can identify his signature so I can  
13 distinguish between the three signatures on the document. Could  
14 you please ask the witness to hold up the document and indicate  
15 which is his signature for the purposes of the record:  
16 Mr Kabbah, hold the document up and point out your signature to  
17 us so we can all see.

18 THE WITNESS: Okay. This is my signature.

19 JUSTICE DOHERTY: Both counsel have seen that indication?

20 MR GARDNER: Yes, Your Honour.

21 JUSTICE DOHERTY: Mr Lansana

22 MR LANSANA: Yes, Your Honour.

23 JUSTICE DOHERTY: Thank you. I will note that the witness  
24 identified the bottom right-hand corner - toward the bottom right  
25 hand corner as his signature and that the document is signed on  
26 each of the three pages. That will become Prosecution exhibit  
27 P1.

28 [ADMITTED AND MARKED EXHIBIT P1]

29 MR GARDNER:

1 Q. Mr Kabbah, were you surprised that Mr Senessie came to you  
2 on the occasions that you have just described?

3 A. Yes.

4 Q. Would you please explain why?

5 A. I was surprised because Mr Eric Senessie had been in that  
6 area, but we've never had such a conversation. I have never had  
7 a conversation with him with respect to evidence I have given in  
8 The Hague. If I saw Mr Eric Senessie come into my house for such  
9 a conversation, that means he did not like my freedom. Because  
10 when I knew that I had taken an oath, I did so because I knew  
11 what I was going to say was the truth. I was not a child for  
12 somebody to fool me to convince me to change my word. Something  
13 that I had said in the presence of honourable people for money,  
14 because I had never seen money. That was why I was too  
15 surprised.

16 Q. Thank you. Mr Kabbah, after you signed the statement that  
17 you've just read on January 30, did you have any additional  
18 conversation with Mr Senessie after that time on this subject?

19 A. I and Mr Eric did not have any conversation. Because I  
20 think after this thing had happened Magnus and others met us and  
21 told us that we should have no contact or link with him any more.  
22 So we had nothing with respect to what he had told us to go and  
23 change our statement or evidence in Court. That had stopped  
24 between us.

25 Q. I'm talking about the period time after you gave your  
26 statement. Some weeks later did you have a conversation with  
27 Mr Senessie then about the matter being referred to the Court?

28 A. What Mr Senessie said was that what he had said to me has  
29 been exposed and that he himself had been invited to Court. But

1 he was thinking that it was one of the witnesses who had reported  
2 him, because he was not even thinking about me, that I would do  
3 such a thing. That was what he was saying, that he was not even  
4 thinking about me. He said it could be one of those men with  
5 whom I was a witness who had reported him.

6 MR LANSANA: Your Honour, I'm sorry I have to interrupt,  
7 Your Honour. I had indicated in my pre-trial brief that I was  
8 going to object to this particular piece of evidence, and I do  
9 object to it on the ground that it is outside the factual scope  
10 of the charges. Your Honour, I specifically refer you to page 5  
11 of my pre-trial brief - page 6, rather.

12 JUSTICE DOHERTY: Yes, I have that before me.

13 MR LANSANA: As it please Your Honour. The testimony that  
14 this witness now goes into is not covered by the charges  
15 preferred against the accused. The charges preferred against the  
16 accused relate to his attempt to influence evidence adduced  
17 before the Trial Chamber II in the case of the Prosecutor  
18 v. Charles Ghankay Taylor. It has nothing to do with his attempt  
19 to influence evidence or statements that are made to the  
20 investigator of the Prosecutor. It is outside the factual scope  
21 of the charges, and I would object to it being allowed into  
22 evidence.

23 JUSTICE DOHERTY: Can you remind me what is the - in the  
24 order in lieu of indictment, what exactly was the limit that you  
25 were referring to?

26 MR LANSANA: Your Honour, I - one minute, Your Honour.  
27 Your Honour, I can't find my charges right now. I think I forgot  
28 them in the office. But specifically I refer to the charges  
29 created by Rule 7(A)(iv). They do not relate to influencing

1 testimony or statements given to investigators. They  
2 specifically refer to trying to influence statements made to the  
3 Trial Chamber, not any statements made to an investigator. It's  
4 outside the factual scope of the charges.

5 JUSTICE DOHERTY: This appears on the face of it - I  
6 haven't heard the evidence in full yet, but it appears to be a  
7 continuation of an attempt to influence the course of justice,  
8 does it not? I hadn't actually heard him say yet, because of  
9 your objections, that - he said he had been exposed, he had been  
10 invited to the Court, and then I didn't hear anything else. But  
11 if he is going to give evidence, which, by implication from the  
12 beginning of his answer, may follow that Mr Senessie tried to do  
13 something to prevent him going any further, surely that is also  
14 part and parcel of a modus operandi to prevent evidence coming  
15 before a Court or changing evidence to prevent any action being  
16 taken against Senessie. Would that not be an arguable position?

17 MR LANSANA: Your Honour, first and foremost I would like  
18 to suggest we wait until the evidence is virtually voiced to the  
19 fullest; and secondly, my fear is that the prejudicial effect of  
20 this kind of testimony far outweighs the probative value. But I  
21 would wait until the evidence itself is borne out.

22 JUSTICE DOHERTY: Very well then. The witness will  
23 continue his answer. I will not rule on it because it's been  
24 basically withdrawn.

25 Mr Kabbah, please continue with your answer. You have  
26 said, according to my note, "He said he had been exposed and  
27 invited to the Court. He did not even think of me." I think  
28 that was what was said. Please continue your answer from that  
29 point.

1 THE WITNESS: So since then Magnus went back, and they told  
2 us that they have filed that report and that we should not have  
3 any contact with that man, and he too has been told not to  
4 contact us any more. Since then we only met on the street and  
5 say hello. But to say he was talking to us about this particular  
6 change of evidence, no, that never happened again.

7 MR GARDNER:

8 Q. Mr Kabbah, I was asking you about a conversation you had  
9 with Mr Senessie after you gave your statement to the  
10 investigator. You told me that he said to you that the matter  
11 had been referred to the Court and that someone had - some of the  
12 five witnesses had told what he had said, and if there's any more  
13 to that conversation, I would like you to tell the Court what  
14 else was said?

15 A. Just as I've said, that was the conversation that had been  
16 going on between myself and him. Because after this thing had  
17 happened like this, there was no longer any conversation between  
18 us.

19 Q. After your giving the statement to the investigator, to  
20 Magnus, after that, did you have any conversation with  
21 Mr Senessie about calling Prince Taylor? And if so, would you  
22 tell us about that.

23 MR LANSANA: Objection, Your Honour.

24 JUSTICE DOHERTY: Leading, Mr Gardner. Rephrase, please.

25 MR GARDNER: I'm just trying to give him a subject, Your  
26 Honour.

27 JUSTICE DOHERTY: That's what we're objecting to. You can  
28 put it in broader terms. You've already said: After giving a  
29 statement to Magnus, did you have any further conversation...

1 stop at that point, and that's it.

2 MR GARDNER:

3 Q. You testified earlier about a statement, a document you  
4 signed for Mr Senessie, and you explained why you signed it. Did  
5 you have any later conversations with Mr Senessie about that  
6 document?

7 A. I have explained about that document. I said Mr Eric took  
8 that letter on a piece of paper. He himself had written it.  
9 Just like he wrote it, he said I cannot recall everything. He  
10 sent a friend to come and visit. I can still recall that. That  
11 is what he wrote. Many said this is the type of thing that he  
12 had been talking to Prince Taylor about. That we said we were  
13 inviting him to visit us. So if we signed that document -  
14 because he said it was something risky. He was just doing it,  
15 that we should sign that document so it would look like it's a  
16 friend. Even though he did not mention Prince Taylor's name. So  
17 I did not see it to be anything authentic which with cause me to  
18 refuse to sign it. That friend could be any other friend. He  
19 said Prince Taylor, and on that day that he took that paper, he  
20 tried to call Prince Taylor but his line was down. The call did  
21 not go through.

22 Q. Mr Kabbah, did you ever meet with Prince Taylor?

23 A. No.

24 Q. Did you ever tell anyone that you would recant or change  
25 your testimony at The Hague?

26 A. I never told anybody that I would change my testimony.  
27 That was why when I told Eric that I am thinking it over, because  
28 it is not a small thing. Just like I'm sitting in the presence  
29 of big people, I say something and I return and say "No, that's a

1 lie," how would they regard me? How would the world regard me?

2 No.

3 MR GARDNER: No further questions, Your Honour.

4 JUSTICE DOHERTY: Mr Lansana, cross-examination?

5 MR LANSANA: Certainly, Your Honour.

6 JUSTICE DOHERTY: Please proceed.

7 [CROSS-EXAMINATION BY MR LANSANA]

8 MR LANSANA:

9 Q. Good morning, Mr Kabbah.

10 A. Good morning, sir.

11 Q. I would just start with your initial pieces of testimony  
12 before this Court. Now, you told this Court that Eric Senessie  
13 met you on the 26th at home, correct?

14 A. Yes.

15 Q. And when you were testifying this morning, you informed the  
16 Court that he went to your house, you were not there, on the  
17 26th. It was in fact the following day that you met?

18 A. No, that was not what I said. I said he went to my house  
19 twice before the 26th when he finally met me. He went to my  
20 house twice. I was not present. It was on the 26th that I and  
21 Mr Eric met at my house. He went there twice and when I came, my  
22 wife told me that Mr Eric had come. In the afternoon again he  
23 came, but that time I was at work.

24 Q. You told the Court that you met close to your house, not  
25 that he met you at home. That's what you told this Court this  
26 morning, correct?

27 A. In the first instance I said he came and he did not find  
28 me, and when he came the second time, the following day, that was  
29 when Mr Eric met me. After I had accompanied my boss --

1 THE INTERPRETER: Your Honour, the witness is speaking very  
2 fast.

3 JUSTICE DOHERTY: Mr Kabbah, you've speeded up. As I  
4 explained before, the interpreter must interpret all you say and  
5 someone is writing it down. So slow down.

6 THE WITNESS: Okay.

7 JUSTICE DOHERTY: Also when you're answering, please face  
8 me. Because then you're speaking clearly into the microphone and  
9 we can all hear. Do you understand?

10 THE WITNESS: Yes, my Lord.

11 JUSTICE DOHERTY: Good. Now, pick up again. You had been  
12 saying, "He came and did not find me. It was the following..."  
13 Continue from there.

14 THE WITNESS: He came and he did not find me. It was my  
15 wife who told me that Mr Eric had come today to you. He said he  
16 wanted to see you. The following day I went to work. It was  
17 after work. When I came, my boss came to me and we were sitting  
18 together. Then he went and accompanied him. As he was returning  
19 home, Mr Eric was coming from across the street from his own  
20 house. And he was coming from the other side and we met at the  
21 house. The building where we met before, it was an unfinished  
22 building that had only a roof. My own residence was close to  
23 that house. It was close to that street that we were standing  
24 when this conversation was going on.

25 MR LANSANA:

26 Q. And that was not your house?

27 A. It was my house. It was in my compound. And you say it's  
28 not my house? It's my house.

29 Q. You met close to an unfinished building, correct?

1 A. The house is in my compound. It's my house, but we've not  
2 finished. We had just roofed it. Here is my house where I  
3 dwell, so it's close to my house.

4 Q. Thank you. But you agree with me that you've now told the  
5 Court that it was the following day that you met?

6 JUSTICE DOHERTY: I don't quite understand "the following  
7 day". Have you got a specific - the message came to his wife.  
8 His wife relayed the message to Mr Kabbah, and it was - when you  
9 say "the following day", do you mean the day after? Or have you  
10 got a specific date?

11 MR LANSANA: Your Honour, according to the witness, he said  
12 Senessie had gone to him on two occasions. That was the 26th.

13 JUSTICE DOHERTY: According to my notes written down, went  
14 to the house two times before the 26th. That's what I've written  
15 in my notes. It was twice before the 26th, I have recorded.

16 THE WITNESS: Yes.

17 MR LANSANA: I'll leave that angle, Your Honour.

18 Q. Mr Witness, you told this Court that you were paid only  
19 subsistence allowance, correct?

20 A. Yes.

21 Q. I put it to you that after your testimony at The Hague when  
22 you returned to Kailahun, you returned to Kailahun with a brand  
23 new motorbike, a Victor cap motorbike, correct?

24 THE INTERPRETER: Your Honour, the witness's microphone is  
25 switched off.

26 JUSTICE DOHERTY: Madam Court Officer, could you assist us  
27 by putting the witness's microphone on, please. Thank you.

28 THE WITNESS: When they say, it's manufactured lies.  
29 That's it, when they manufacture lies. They say that I have come

1 from the Special Court with a motorbike. That's unfortunate.  
2 When I say unfortunate, I left Kailahun. At that time when I --

3 THE INTERPRETER: Your Honour, can he take this answer  
4 slowly, please.

5 JUSTICE DOHERTY: Mr Kabbah, first of all you've speeded up  
6 again; and secondly, you're not answering the question. The  
7 question was, "Did you return with a new motorbike?"

8 MR LANSANA: A red Victor motorbike.

9 Q. Did you or did you not return with one; yes or no?

10 A. No.

11 Q. You just told this Court that your decision to testify for  
12 the Prosecution against Charles Taylor was out of your concern  
13 for justice, correct?

14 A. Yes.

15 Q. What was your function in the RUF?

16 A. My function in the RUF was that I was a radio operator.

17 Q. And for how long were you with the RUF?

18 A. From the start of the war to the end of the war.

19 Q. Now can I ask this question: When did you start being  
20 concerned with justice?

21 A. From the start of the war I had concern for justice.

22 Q. Even when you were a radio operator for the RUF you were  
23 concerned with justice; can I take it that is your line?

24 A. Yes.

25 Q. Thank you. Now, you informed this Court that when Eric  
26 Senessie met you, he disclosed to you that he knew that you and -  
27 I will pass you a piece of paper with the names of people he  
28 called. He said that he knew that you - these two people and  
29 Aruna Gbundema had testified in The Hague. Those two names, you,

1 those two names and Aruna Gbundema had testified in The Hague.  
2 That's what you informed this Court just now?

3 A. Go over that question.

4 Q. Mr Kabbah, I will with pleasure. In your testimony, you  
5 informed this Court that when Senessie met you, he said those two  
6 names I have given you and one Aruna Gbundema testified at The  
7 Hague. He told you that?

8 A. Yes.

9 Q. Thank you. Are you aware that those two names that I've  
10 given you were protected witnesses when they testified at The  
11 Hague; are you aware of that?

12 A. I knew.

13 Q. Yet you in your testimony - or your statement, you asked  
14 Senessie when he met you on 29 January 2011 specifically -  
15 Your Honour, I refer to Prosecutor exhibit P-1, page 2, lines 21  
16 and 22. Exhibit P 1, page 2, lines 21 and 22 --

17 JUSTICE DOHERTY: Yes, I have that before me, Mr Lansana.  
18 Please proceed.

19 MR LANSANA: As your Honour pleases.

20 Q. -- you - in that statement you said you asked Eric Senessie  
21 if he had met with that name, that's TF1-585 - and Aruna Gbundema  
22 and the other one TF1-516. You asked him that he had met them,  
23 not so?

24 A. He said that he has been meeting with these people --

25 MR LANSANA: Your Honour, I really want the witness to  
26 answer the specific questions with specific answers. He goes  
27 rambling around, rambling around, rambling around.

28 JUSTICE DOHERTY: Mr Lansana, I'm hearing the evidence and  
29 if it rambles and I want to hear it, I'll hear it.

1 Mr Kabbah, did you say to Mr Senessie - I'll ask him a  
2 question if you'd met - if he, Senessie, had met TF1-585 and  
3 TF1-516 and Aruna Gbonda. Did you ask him that, yes or no?

4 A. I asked him that, but it was he who spoke about them.

5 MR LANSANA: My question is --

6 JUSTICE DOHERTY: Let me clarify that. When you say it was  
7 he who spoke about them, do you mean he spoke about them before  
8 you asked your question, or after you asked your question?

9 A. He asked me the question. After he had spoken about this,  
10 it was he who asked the question.

11 MR LANSANA:

12 Q. Mr Kabbah, I put it to you that you are not being candid  
13 with this Court?

14 A. Why?

15 Q. Very good --

16 MR GARDNER: Is that a question, your Honour, or is that  
17 argument?

18 JUSTICE DOHERTY: That's very wide, Mr Lansana. If you're  
19 referring to the preceding question, then we need to be more  
20 precise.

21 MR LANSANA: I will, your Honour.

22 JUSTICE DOHERTY: It is very-----

23 MR LANSANA:

24 Q. On the 26th, according to your statement, that was when  
25 Senessie allegedly told you that he had met with these people. I  
26 am talking about the 29th, three days after. It was you -  
27 according to this exhibit, your statement, it was you who asked  
28 him after three days - it was you - you who asked him, Have you  
29 met these people; correct?

1 A. I asked, but I think there is need for me to explain  
2 certain areas because I don't think you are getting my point that  
3 I raised. You are just trying to concentrate on what you were  
4 thinking of. If someone had mentioned people's names, and we  
5 meet again and I ask him if at all he has met these people that  
6 he has spoken about - because the conversation was not just about  
7 me.

8 Q. Thank you. I wanted to be specific, because you give an  
9 impression you asked him whether he had met them. But we'll  
10 proceed. Now, when Senessie told you that he had met these  
11 people and gave you the impression that he had known that they  
12 testified at The Hague, what was your reaction?

13 A. I did not have any reaction towards that, because that was  
14 not my job. If that man knew that those people had testified - I  
15 testified openly like I'm sitting here so everybody in the world  
16 knew that I had testified.

17 Q. Were you not concerned that he had exposed protected  
18 witnesses?

19 A. I - go over the question, please.

20 Q. You've informed this Court that you knew that these people  
21 were protected witnesses and Mr Senessie had told you that he had  
22 met them. Weren't you concerned that he knew about protected  
23 witnesses?

24 A. I don't think - I don't think that was my job. If at all  
25 he tampered with a protected witness that was a job of the WVS,  
26 not mine.

27 Q. Thank you very much. I put it to you that you weren't  
28 concerned because it was open knowledge in the Kailahun Township  
29 that all of you had been going around the town informing people

1 that you had been at The Hague, you witnesses.

2 JUSTICE DOHERTY: Mr Lansana, that's a little vague because  
3 there's four or five witnesses named. Are you asking the witness  
4 that: (a) he, went around the town and; and (b), he knew that  
5 others went around the town? We must be more precise.

6 MR LANSANA: I'll take it one after the other.

7 JUSTICE DOHERTY: Thank you.

8 MR LANSANA:

9 Q. Mr Kabbah, I put it to you first that it was common  
10 knowledge in the Kailahun township that you had gone to The Hague  
11 and testified. Correct?

12 MR GARDNER: Your Honour, I object. He can't possibly know  
13 what knowledge everyone in the community has.

14 JUSTICE DOHERTY: That is a fairly trite observation,  
15 Mr Lansana. I think you'll have to approach it from a different  
16 angle to find out what he knew.

17 Mr Kabbah, stop laughing. This is a serious Court. I'm  
18 not going to have it treated in this way. Approach it  
19 differently.

20 MR LANSANA: As Your Honour pleases.

21 Q. You were going around Kailahun town informing people that  
22 he had gone to The Hague and you were just back from The Hague  
23 and you had testified at the Taylor trial?

24 A. That's a lie. It's a big lie. The world knows he was not  
25 the one who was saying it. The world knows. The international  
26 community knows that Kabbah had testified. Should I be going  
27 around saying it?

28 Q. I further put it to you that you had telling everybody in  
29 Kailahun that this bike is the bike I bought from the Special

1 Court in The Hague?

2 MR GARDNER: Is that a question, Your Honour? I'm not  
3 sure.

4 MR LANSANA: It's a question put to the witness.

5 JUSTICE DOHERTY: The question is despite - basically --

6 THE WITNESS: Let me answer.

7 JUSTICE DOHERTY: Yes, very well. The witness understands  
8 the question. Answer the question.

9 THE WITNESS: Very good. The red bike in question, the one  
10 that is being talked about, it's the organisation that I'm  
11 working for.

12 THE INTERPRETER: Your Honour, can he repeat the acronym of  
13 the organisation slowly?

14 JUSTICE DOHERTY: Mr Witness, please repeat the letters of  
15 the name of this organisation and also tell us its full name for  
16 the record. Please repeat it.

17 THE WITNESS: Centre for the Coordination of Women and  
18 Children Activities, CCWC - CCWCA. That was their bona fide  
19 property, not Kabbah's property.

20 MR LANSANA:

21 Q. Let's go to your testimony. When you returned to Kailahun  
22 from The Hague, did you inform Eric Senessie about the nature of  
23 your testimony?

24 A. No.

25 Q. To your knowledge, did any of your other colleagues inform  
26 Eric Senessie about the nature of your testimony?

27 A. I don't think if at all Mr Eric, who is setting there, will  
28 testify that we used to sit somewhere together. That never  
29 happened. Rather than me sit down to tell him what I had talked

1 about, no.

2 Q. Let's come to just that last bit of your testimony. You  
3 said that you don't normally sit down with Eric Senessie to  
4 discuss - as a matter of fact, you never really met unless to say  
5 "Hi," "Hi"; Is that correct?

6 A. We only met at party head office that we have - but to say  
7 at his house or my house or any other place, no.

8 Q. I'm talking about--

9 MR GARDNER: Excuse me, could we have some clarification as  
10 to whether we're talking about prior to his Hague testimony or  
11 after?

12 JUSTICE DOHERTY: Yes, that would be most helpful,  
13 Mr Lansana.

14 MR LANSANA: Certainly, your Honour.

15 Q. I'm specifically talking about the period after your  
16 testimony at The Hague when you returned to Kailahun. You gave  
17 the impression to this Court that you did not meet Senessie  
18 anywhere, you didn't sit down to discuss anything, unless like  
19 you meet - you happen upon each other and you say "Hi," "Hi" and  
20 you meet. That's the impression you give to this Court?

21 A. Exactly.

22 Q. And I'm putting it to you that you and Mr Senessie are both  
23 executive members of the RUF, the Revolutionary United Front  
24 party. Correct?

25 A. Correct.

26 Q. Thank you. That in fact you have been elected executive  
27 secretary of that party?

28 A. Correct, recently.

29 JUSTICE DOHERTY: How recently?

1 MR LANSANA:

2 Q. How recently? When did you become executive secretary of  
3 the RUF for Kailahun district?

4 A. As executive secretary, one or two months ago when we had a  
5 sort of executive election. That was not even an election, so to  
6 speak. It was an appointment. Because we've not had our  
7 convention yet. We are just acting there. So it's not anything  
8 big.

9 Q. And Eric Senessie happens to go the district chairman of  
10 that party, correct?

11 A. No.

12 Q. He has been, if not as we speak, correct?

13 A. Yes.

14 Q. And coming to the point, you were very, very instrumental  
15 in him being deposed, correct?

16 A. No. No.

17 JUSTICE DOHERTY: Can I have a timeframe for this?

18 MR LANSANA: Thank you, Your Honour.

19 Q. Can you tell this Court up until when was Mr Eric Senessie  
20 the district chairman of the RUF in Kailahun; up until when?

21 A. I think I returned to Kailahun from Kono in 2004 and I met  
22 Mr Eric - they said - because I was not there when he was  
23 elected - they said he was the district chairman. Up until this  
24 present time when we had the regional - let me say the regional  
25 chairman, who came and told us that he has been appointed to take  
26 care of the region and that he was to conduct executive elections  
27 in Kailahun. It was on that basis that we went and met at the  
28 party office and that was where the appointments were made. When  
29 they said they have appointed somebody who was acting there now

1 and I was appointed to act as secretary, this is 2012. This  
2 incident happened in 2012, two months before now. It's not a far  
3 time.

4 Q. Thank you. Two months prior to now will put it to April,  
5 correct?

6 A. Correct.

7 Q. And for all times material to this action I am putting it  
8 to you that Eric Senessie was your district chairman for the  
9 RUF, correct?

10 A. Yes, he was the district chairman.

11 Q. And you being a very active party member, you had regular  
12 dealings with Mr Senessie as district chairman, correct?

13 A. Before answering that question let me make some  
14 clarification. I had been - I had been switching to the SLPP  
15 before, because the party had died. We did not contest the  
16 election in 2007. We had become SLPP. I was not even RUF. It  
17 is only when we revived the RUF that we are now talking about  
18 district or whatever chairman. He too was another party member.  
19 So that's a no.

20 Q. And regardless of the fact that you want to go over - or  
21 you're planning to go over to the SLPP, you have assumed the  
22 mantle of Secretary-General of the RUF, correct?

23 A. Tentatively, yes.

24 Q. So tentatively, I can say that you have a penchant for  
25 switching sides, correct?

26 JUSTICE DOHERTY: I don't really see the relevance of that  
27 political question.

28 MR LANSANA: I'll withdraw it, Your Honour.

29 Q. After you returned from The Hague you've been attending

1 meetings of the RUF, correct?

2 A. Before, no. It was only after the revival of the party I  
3 became a member. I'm still saying this. When the party had been  
4 revived that was when I became an RUF member but before that I  
5 was SLPP so I was not attending any party meeting for the RUF.  
6 RUF was in longer in existence so how could I have attended any  
7 meeting for this.

8 Q. You just informed this Court a moment ago that save for  
9 party activities, you had nothing to do with Eric. Now you're  
10 denying that?

11 A. Yes.

12 Q. Thank you. Now, when you volunteered to testify for the  
13 Prosecution at the Taylor trial, were you promised any financial  
14 reward, or relocation, or both?

15 A. I said no. No. And up until now it's a no.

16 Q. But I put it to you that you personally expected some  
17 financial reward from the whole exercise, correct?

18 A. No.

19 Q. I further put it to you that the entire issue of you  
20 wanting to go back The Hague to recant your testimony did not  
21 emanate from Eric Senessie. I put it to you it did not emanate  
22 from him?

23 A. Um.

24 Q. Please answer the question?

25 A. It came from him. It came from him. Because from the time  
26 of our return from The Hague I'm not sure at all apart from when  
27 the Prosecution used to call me to ask about our security, that  
28 was the only thing that we had in connection to whoever had  
29 something to do with the Special Court. I'm not sure if Eric is

1 the right person if I wanted to go The Hague that I should meet  
2 because I did not know whether Eric was a Defence witness or  
3 whatsoever. I did not think that Eric - I was not sure of the  
4 personality that Eric had - that I would tell him that I was  
5 going The Hague. What influence has he got to take me to The  
6 Hague?

7 Q. I put it to you that it was the plan of you and the other  
8 Prosecution witnesses who had gone to The Hague to testify; it  
9 was a collective plan that you wanted to switch sides to the  
10 Defence because the Prosecution had not rewarded you financially?

11 A. I told you that money is not my problem, so that was not my  
12 intention. When you are talking about collective, I think when  
13 you say collective, that is when people come together. But the  
14 only person whom that man took to my house - and I think that  
15 witness too will come and testify, that it was that man who  
16 invited him to my house and not Kabbah.

17 So maybe you are talking about collective. Not - it was  
18 not Kabbah's invitation. I never had that intention. If I had  
19 that intention, I think I was the person who would have said to  
20 Prosecution that was what is happening. I had a way of doing  
21 things. If I wanted money, I had a way of doing it. But not to  
22 go to Eric for him to cause me to have money. Eric is not  
23 somebody who can enrich me - cause me to be rich.

24 Q. When you, as you say Eric, informed you that he was sent by  
25 the Charles Taylor Defence team, did he give you specific names  
26 of individuals in the Charles Taylor Defence team who had sent  
27 him?

28 A. He said Prince Taylor. And the other witness who came to  
29 my house too will come and tell you that he said Prince Taylor.

1 Not just me. He said it was Prince Taylor who had given him that  
2 mission for him to get in touch with me.

3 Q. Now, when you say Eric went to your house, your wife was  
4 there, correct?

5 A. Yes.

6 Q. Was your wife present when you were discussing?

7 A. The first contact where we met, my wife was not there. The  
8 second time that he went with Pa Aruna, my wife was in the  
9 kitchen. We were sitting outside close to the house between the  
10 first building, that unfinished house, and where the house that  
11 I'm occupying - it was between those two that we were sitting.  
12 Myself, him and the other witness that he took to my house.

13 Q. And you never told your wife what Eric told you, correct?

14 A. I did not tell her, because the evidence I had given, I  
15 wouldn't even tell my wife what I had said there.

16 Q. Somebody who was really alarmed by the approaches of  
17 Senessie, don't you think it was appropriate that you discussed  
18 it with your wife?

19 JUSTICE DOHERTY: Who was alarmed? The wife or--

20 MR LANSANA: The witness. This witness.

21 Q. Didn't you think it appropriate?

22 A. To me it's not correct and it's not important. My wife had  
23 nothing to do with it.

24 JUSTICE DOHERTY: Please pause.

25 MR GARDNER: I believe in the latitude on cross and who he  
26 spoke with is fair game but any conversation between a man and a  
27 wife in my view is privileged and I don't believe that's a proper  
28 topic for exploring.

29 JUSTICE DOHERTY: It is not relevant, Mr Lansana, to the

1 evidence.

2 MR LANSANA: As Your Honour pleases.

3 Q. You say you stay close to Mr Senessie, correct?

4 A. Yes, we are close.

5 JUSTICE DOHERTY: Can you define the of "stay"? Because it  
6 could have several meanings. When you say "stay", do you mean  
7 living accommodation?

8 MR LANSANA: Yes, Your Honour.

9 Q. Where you live, your living premises, is close to where  
10 Eric Senessie lives, correct?

11 A. Let me explain this area. Eric is across the street.  
12 There is a street between myself and Eric. He was on one side  
13 and I was on the other. That was why I said we were nearby. I  
14 could be at my house looking at Eric's house and Eric could be at  
15 his house looking at my house.

16 Q. And for how long have you been staying close to each other  
17 - living close to each other, for how long?

18 A. It's been over four years now, because I was down in  
19 Panguma. It's about four years now that I've been in that area.

20 Q. Are you aware that at some point in time, say 2004, 5, 6,  
21 Eric used to have visits from Special Court personnel?

22 A. I used to see the vehicles with my own very eyes.

23 Q. It's not correct when you say that you didn't know he had  
24 anything to do with the Special Court. You just said that a  
25 moment ago, correct?

26 A. Repeat the question.

27 Q. A while ago you said that you didn't even know he had  
28 anything to do with Defence. To be quite specific, that he had  
29 anything to do with Defence of the Special Court or Special Court

1 generally.

2 JUSTICE DOHERTY: Just let me check that record, please.

3 MR LANSANA: As it pleases, your Honour. About ten minutes  
4 ago.

5 JUSTICE DOHERTY: Mr Lansana, off the top of my head I  
6 couldn't recall that, and looking at my notes I don't see it.  
7 Could you remind me of the question and the answer? I don't have  
8 the transcript in front of me.

9 MR LANSANA: Certainly, your Honour. When I asked the  
10 witness whether he had - the collective decision they had or plan  
11 that they had to get to the Taylor Defence team, and he said they  
12 didn't even need Senessie to get The Hague. He personally didn't  
13 even need Senessie to go The Hague. He wasn't even aware that  
14 Senessie had anything to do with the Defence team at Special  
15 Court. That was his answer.

16 JUSTICE DOHERTY: I haven't got the answer in full. I  
17 would have to go to the transcript for it. But I've got written  
18 down you put to him, "The collective plan was for all the  
19 witnesses to go The Hague because the OTP had not rewarded you?"  
20 Answer: "Money is not my problem."

21 MR LANSANA: It was before that, your Honour.

22 JUSTICE DOHERTY: It was before that?

23 MR LANSANA: Yes, the question before that or the answer.

24 JUSTICE DOHERTY: "If I wanted to go The Hague, then Eric  
25 Senessie is not the right person."

26 MR LANSANA: Yes.

27 JUSTICE DOHERTY: "What influence does he have to take me  
28 The Hague?"

29 MR LANSANA: Yes.

1 JUSTICE DOHERTY: But that doesn't say he's nothing to do  
2 with the Special Court.

3 MR LANSANA: That's the first statement he made, "I didn't  
4 even know Senessie had anything to do with the defence." But  
5 I'll let it go.

6 JUSTICE DOHERTY: No, you're entitled to pursue a question  
7 if it's come up. I'm going to have to look --

8 MR LANSANA: We'll check with the stenographers or the  
9 recording.

10 JUSTICE DOHERTY: -- because I don't have it.

11 Mr Gardner, do you have a note? We need to get the  
12 transcript.

13 MR GARDNER: We have to get the transcript. I don't have a  
14 note, but what I have is a recollection that the question that  
15 was put to him called for him to say look, if I need to go deal  
16 with the Prosecution at The Hague, I know how to do it. I don't  
17 have to contact Eric Senessie. He doesn't have anything to do  
18 with the Court. It's in that context, and so I think the context  
19 in which this present question is being put to him is an apple  
20 and a pear.

21 JUSTICE DOHERTY: I think you are paraphrasing it a little  
22 more liberally than it was said. That's my note. You're  
23 entitled to put to him certain issues, but you're not entitled to  
24 twist his answer or paraphrase it in a way that is not correct.  
25 So reword your question, Mr Lansana.

26 MR LANSANA: Your Honour, I specifically heard him say  
27 that. I would want to depend on the transcription of the  
28 recording.

29 JUSTICE DOHERTY: What we will do is this --

1 MR LANSANA: The recording --

2 JUSTICE DOHERTY: We'll do it this way: We're coming up to  
3 a break in a few minutes because the tape can only run for two  
4 hours. We then have a break. I will check the transcript; you  
5 will check the transcript; Mr Gardner, if he wishes, will check  
6 the transcript; and we will come back to that question. And in  
7 the meantime, you can go to your next issue.

8 MR LANSANA: Your Honour, I don't have further questions  
9 for this witness.

10 JUSTICE DOHERTY: Just a minute. The witness said Eric -  
11 you asked him about visits from the Special Court, and he said,  
12 "I saw the vehicles with my own eyes," and then you were asking  
13 something - you were referring back to the previous answer.

14 MR LANSANA: Yes, Your Honour, that's correct. I was  
15 trying to ask the witness if he knew that Eric Senessie had been  
16 having visits from the Special Court personnel. It would not be  
17 correct for him to say that he did not know he had anything to do  
18 with the Special Court or in fact he was part of any Defence of  
19 the Special Court.

20 JUSTICE DOHERTY: What I have not heard the witness say  
21 clearly and categorically is: "I did not know that Senessie had  
22 nothing to do with the Special Court." He didn't say that in my  
23 hearing, and he didn't say in my hearing: "I did not know  
24 that --"

25 MR LANSANA: He had anything to do with the Defence.

26 JUSTICE DOHERTY: I did not hear him say that. If you are  
27 putting to him that he: (a), had something to do with the  
28 Defence; or (b), had something to do with the Special Court, then  
29 you're entitled to put that if you so wish. You have ascertained

1 for the first time that he saw Special Court vehicles. Now,  
2 where exactly he saw them I don't know, because he said he saw  
3 vehicles "with my own eyes".

4 MR LANSANA: Maybe, your Honour, I would have to clarify  
5 that.

6 JUSTICE DOHERTY: I think that's a good idea.

7 MR LANSANA: As it please your Honour.

8 Q. Mr Kabbah, I put it to you that during period 2004, 2005  
9 and 2006, Special Court personnel had been visiting Eric  
10 Senessie; correct?

11 A. Well, it's that area that I'm still trying to talk about.  
12 I know Special Court vehicles and their registration numbers. I  
13 used it see them at his place when they pass by. But to say I  
14 knew any Defence or whosoever, I never set eyes on them. I used  
15 to see them vehicles parked there when I'm on a motorbike going.  
16 Mr Eric will tell you that I have never - I have never been in  
17 his veranda since we've been in that area. Not a day would he  
18 say that I have sat with him in his veranda to discuss anything.  
19 Not a day. Not a day. We never had that.

20 Q. That is not what we want to ascertain. You've answered the  
21 question --

22 A. I said I saw the vehicle, but I did not set eyes on anyone.

23 Q. Just saw empty vehicles, correct?

24 A. I saw a vehicle. Whether someone was inside or not, I was  
25 just passing by. It's a distance and it's a tinted vehicle. I  
26 did not know whether someone was in there or not.

27 Q. Are you saying you only saw the vehicles once, or you saw  
28 it several times?

29 A. I used to see it there. Not once. Two, three or four

1 times even.

2 Q. Two, three or four times. And on all those occasions it  
3 was an empty vehicle with only one person inside?

4 A. Mr Lawyer, don't cause me to see something I did not see.  
5 When you see, it's better to say it. I was seeing a vehicle. It  
6 was not my concern to go there to know what was going on at  
7 somebody else's house. I'm not that type of person. I'm only  
8 concerned about my own activities. When you are passing by, you  
9 see a vehicle and you wouldn't know who is inside. Would you say  
10 I saw this type of person or that type of person? No. I used to  
11 see vehicles going there. But who was in there or who was not in  
12 there, I did not know.

13 MR LANSANA: That will be all for this witness.

14 JUSTICE DOHERTY: Thank you, Mr Lansana.

15 Mr Gardner, have you re-examination? I ask because I note  
16 the time. And if you have, I will check how many minutes we have  
17 left on the tape.

18 MR GARDNER: I have none, your Honour.

19 JUSTICE DOHERTY: Thank you. I have no questions of the  
20 witness either. I will adjourn. As counsel are aware, the tapes  
21 have a time limit, so we will take an adjournment for 30 minutes  
22 and resume at 12 o'clock, according to my watch. I don't know  
23 what's happened to that clock, but it's certainly not in any  
24 lively form that - before I do, Mr Kabbah, that is the end of  
25 your evidence. We thank you for coming to give your evidence  
26 today. You are at liberty to leave the Court now if you should  
27 wish unless someone from WVS has some message or other for you.  
28 I will now adjourn the Court until 12.

29 [Adjournment 11.30 a.m.]

1 [Upon resuming at 12.01 P.M.]

2 JUSTICE DOHERTY: We appear to be missing a Defence  
3 counsel. Anybody know where Defence counsel is?

4 MR GARDNER: I know where he is, your Honour, and I would  
5 say at home we would start without him. But he'll be right back.  
6 He just went out.

7 JUSTICE DOHERTY: I think he knows my system over the  
8 years, so please call your next witness. We'll get started.

9 MR GARDNER: Your Honour, my next witness is TF1-585, and  
10 she will testify pursuant to protective measures. But I will  
11 have a few preliminary questions by way of background that would  
12 tend to identify her, and I've inquired of the Court about the  
13 procedure. I wondered if we could have maybe have two or three  
14 minutes of closed session and then the session with the  
15 protective measures for the testimony.

16 JUSTICE DOHERTY: Mr Lansana, you heard the application.

17 MR LANSANA: Yes, Your Honour. As a matter of fact,  
18 counsel discussed it with me, and I have no objections to that.

19 JUSTICE DOHERTY: Very well. I will state that the next  
20 witness to be called is a protected witness, and in accordance  
21 with the provisions of Rule 75, part of that witness's evidence  
22 will be given in closed session. This means that members of the  
23 public can see, but not hear, anything that is said. This is for  
24 the security of the witness. We will now draw the curtains and  
25 the witness will come in, and then we will proceed to have the  
26 witness sworn.

27 I think we're already in closed session? Can you please  
28 check that.

29 Just for purposes of the record, if I recall correctly, I

1 was told this witness has voice distortion and face distortion.  
2 Will those also be in position? Very well. The Court is in  
3 closed session so we will now have the witness sworn.

4 [Closed session]

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1 [Open session]

2 MR GARDNER:

3 Q. Madam Witness, the delay was to make sure that the  
4 protective measures were in place and you would not be  
5 photographed. Now I would like to direct your attention to last  
6 year - early last year on Thursday, January 27, and ask you  
7 whether Eric Senessie came to see you?

8 THE INTERPRETER: The witness's microphone is off.

9 JUSTICE DOHERTY: Madam Court Officer, if you can see to  
10 that, please.

11 THE WITNESS: Yes.

12 MR GARDNER:

13 Q. Would you please tell the Court what he said to you on that  
14 occasion?

15 A. Well, I was at my house. It was in the evening. I was  
16 watching DVD inside. Then he entered. There were many people  
17 there. He told me that he had come to me - that Defence had sent  
18 him, that he should come and meet us. But because he knew that,  
19 it was important for him to meet me and that I was the first  
20 person that he should meet - or he had met and that I was the  
21 first person to go with that man to Liberia. So the Defence had  
22 sent him to me with respect to everything that I had gone and  
23 said, that I should go and change what I had said and that I was  
24 forced, and that the people had promised us money, and that they  
25 understand that the money which those people were supposed to  
26 give us have not been given to us and even the relocation. I was  
27 the number 1 person whom they should have met who should have  
28 been able to defend Taylor's case. But the Prosecution were so  
29 smart; they moved fast and they took me up. But they have found

1 out that they have to do something to meet those who will say  
2 something so that we can change our statement, and that there  
3 will be money for us a lot of money. The money that the Defence  
4 had planned for us, they did not give it to us. There was a lot  
5 of money for us so that we can live our lives with the money.  
6 They even gave him a document to the effect that was to be  
7 signed, because they had said that they wanted to talk to us. So  
8 he had the document. If we were able - if either I went to them  
9 or if I signed the document that I accept being with them, I can  
10 either meet them in Freetown or they will meet me where I was so  
11 that we will talk.

12 Q. Okay. What did you - in that first meeting on Thursday,  
13 January 27, that you just talked about, what did you say in  
14 response to what Mr Senessie said?

15 A. Well, I told him that he should give me time to think it  
16 over.

17 Q. After that meeting, whom if anyone did you call?

18 A. Well, at that time they told us that since we had come from  
19 The Hague, they had told us that we should have no affairs with  
20 the lawyers or the Prosecution. They said if we needed anything,  
21 if there is any security threat, we should call WVS. So I was  
22 trying to get WVS, but the phone I had at the time had some  
23 problems and the SIM where the numbers were. I tried over and  
24 over, but I couldn't get them at all. So I started dodging. In  
25 the evening I would leave my house and return late at night,  
26 because when he said that to me I was scared. So I was trying to  
27 call one of them to tell them that that was my situation, but I  
28 couldn't get any of them. Two to three days later I was able to.  
29 The Prosecution called me. They asked about the security on the

1 ground, and I said there is a problem. There was a big problem.  
2 I said at the moment I'm not at my house. I said I was afraid to  
3 go to my house. I told them that I normally return to my house  
4 late at night, and they asked me and I explained to them.

5 Q. Did you have another meeting with Mr Senessie a few days  
6 later?

7 A. Yes. When I told him to give me time to think about it, we  
8 met again.

9 Q. What did he say on that occasion?

10 A. He went to me and when he went, I saw him with a written  
11 document. Written in hand - a written document. He said well,  
12 the letter that he was talking about, it was the letter that he  
13 had brought so that I can sign it. I asked him for the letter.  
14 Then he took out the letter. And he wanted to give it to me, and  
15 I asked him to read the letter, and he read it out to me. After  
16 he had finished reading it, he gave me a pen to sign the letter.  
17 Then I said, This letter that you've read out to me, I said, any  
18 other person could write that letter because it is handwritten,  
19 so I cannot just - if I sign this letter, that would show that I  
20 have agreed, or that I have said so, or I have written that  
21 letter, and it will prove that. But as long as my signature is  
22 not there, I can't sign that kind of a letter. I said, Who sent  
23 you? Then he read the entire letter to me, and he said somebody  
24 from the Defence had send him. I said who was that person? And  
25 he called out the person's name to me.

26 Q. What name did he give you?

27 A. He said he had been sent by Prince Taylor. So when he  
28 called out that name, I said that person's name whom you have  
29 called, I do not know that person. I have never seen that person

1 in person. I don't know him. I don't know his phone number.  
2 I've not spoken to him, and I said I can't sign such a letter.  
3 Then he said well, he would make it possible for me and the man  
4 to talk. I said, Could you give me man's number? He said the  
5 man hasn't got a single number, but he will try. He will try the  
6 man. When he finally got the man - when he got the man, he will  
7 connect me and the man so that we would talk. I said okay. Then  
8 he went with the letter. I did not sign the letter, so he took  
9 it away. He asked me --

10 Q. Sorry, go ahead.

11 A. He asked me when I would be home, because it was at night  
12 that he went to me late in the evening around 7.30. 6 to 7.30.  
13 I said I normally go to the work at 8.30 and I leave work at 5  
14 o'clock. He said well, in the morning - that will happen in the  
15 morning. He said he would come with - whenever he gets the man,  
16 he would bring the phone and he would connect me and the man  
17 before 8.30 a.m. I said okay. That was the following day. He  
18 really tried. Before 8 o'clock that morning he came with the  
19 phone. I and the man spoke. He called the man in my veranda.  
20 When he and the man spoke, he told the man that he was with me at  
21 my house. Then he gave me the phone. Then I heard a voice. He  
22 said oh, he had sent Eric Senessie to me. He said yes. What did  
23 you send him for? And he said all that he had told me is true;  
24 he sent him. And the other word that he said was - is that it  
25 was like they were not supposed to do what they were doing  
26 presently. He said it was out of the law, but that they just had  
27 to do it. He said he just had to do it because the way this  
28 thing has happened, they just had to do it. Then we spoke and I  
29 asked him for his number and he said no, I should give him my own

1 number. So I called out my number to him. Then he said he will  
2 call me later. Since then I never heard his voice and got no  
3 call from him.

4 Q. You never spoke to this Prince Taylor person?

5 A. I spoke with him that day. Since then we never spoke.

6 Q. You've testified that your first conversation with  
7 Mr Senessie was on January 27. Did you have meetings with the  
8 investigators for the Prosecutor's office in the first day,  
9 second day after that conversation with Mr Senessie?

10 A. Yes.

11 Q. Did you give a statement to the prosecutors - I mean, to  
12 the investigators?

13 A. Yes.

14 MR GARDNER: Your Honour, may I pass this - or have the  
15 Court pass this to Defence, and then I would like to show it to  
16 the witness and ask her to identify it.

17 JUSTICE DOHERTY: Yes, certainly.

18 MR GARDNER:

19 Q. Please take a look at this document. You can read it if  
20 you want to, but you don't have to. I just need you to tell me  
21 what it is.

22 Does Mr Lansana need a copy, or is his copy sufficient?  
23 You'd like a copy.

24 Please take a look at this, Madam Witness, and tell us what  
25 it is. Identify it for us?

26 A. Well, this is the document that he was reading out to me.

27 Q. You mean the investigator, Mr Lamin?

28 A. This is the statement that I gave.

29 Q. To whom? To the investigators?

1 A. I do not understand what you mean.

2 Q. Could you turn to the last page of the document. Do you  
3 see the last page?

4 A. Yes.

5 Q. Is that your signature at the top?

6 A. Yes.

7 Q. And if you look just below your name and signature, what do  
8 you see there? Is that the name of the investigator, Magnus  
9 Lamin?

10 A. Yes.

11 Q. If you look at the first three pages at the bottom, do you  
12 see your initials on each page?

13 A. Yes.

14 Q. Can you now tell me what this document is, please?

15 A. This is the statement that I gave.

16 Q. To the investigators?

17 A. Yes.

18 Q. Was this a true statement when you made it?

19 A. Yes, that's why I have sworn, what is here inside.

20 MR GARDNER: I move this into evidence, your Honour, as P2,  
21 I believe.

22 JUSTICE DOHERTY: Mr Lansana, you've heard the application.

23 MR LANSANA: Yes, Your Honour. I have no objections to it.

24 JUSTICE DOHERTY: Thank you.

25 MR GARDNER: Now, in your --

26 JUSTICE DOHERTY: Just allow me to read out the  
27 description, Mr Gardner.

28 MR GARDNER: Thank you, ma'am.

29 JUSTICE DOHERTY: This is a four-page document, typewritten

1 identified by the witness as her statement, and she has  
2 identified her signature and that of an investigator. It becomes  
3 Prosecution exhibit P2:

4 ADMITTED AND MARKED EXHIBIT P2.

5 JUSTICE DOHERTY: Please proceed.

6 MR GARDNER: Thank you, Your Honour.

7 Q. Madam Witness, in your second conversation that you had  
8 with Mr Senessie that you talked about a minute ago, did you make  
9 an attempt to record the conversation with Mr Senessie?

10 A. Yes.

11 Q. How did you do that?

12 A. Well, I did it on my phone. On the phone that I was using  
13 I could record and it also has a memory card. So all the  
14 document that he took to me, the written document, as he was  
15 reading it I was recording it, everything. The conversation  
16 between us, I recorded everything on my memory card. So I  
17 presented the memory card to the Prosecution.

18 Q. Before you get to that point, tell me and tell the Court,  
19 please, did Mr Senessie know that you were recording the  
20 conversation?

21 A. No, I knew that it was a risk. He did not know. He did  
22 not notice at all. And that was my own evidence for the future  
23 so that he wouldn't say he did not go to me or something like  
24 that did not happen.

25 Q. And what did you do with that phone and memory card after  
26 you recorded the conversation with Mr Senessie?

27 A. Well, I gave it to Magnus.

28 Q. And did you and Magnus make a transcript of that call?

29 A. Yes.

1 Q. How did you do that?

2 A. Well, they did it on a computer.

3 Q. You say "they". Who is "they"?

4 A. Myself and Magnus and others.

5 Q. Who typed it on the computer?

6 A. Magnus.

7 Q. Did you give Magnus a copy of the memory card, or did you  
8 give him the original memory card?

9 A. I gave him the original memory card.

10 MR GARDNER: Your Honour, at this point I would like to  
11 have the tape played and have the witness identify it.

12 JUSTICE DOHERTY: Mr Lansana, did you want to say anything  
13 about that procedure?

14 MR LANSANA: Your Honour, not at this stage.

15 JUSTICE DOHERTY: Very good. In that case, we will have it  
16 played. Presumably CMS have the procedure in place for this.  
17 Good.

18 MR GARDNER: Your Honour, there will be a point at which I  
19 will ask to stop.

20 [EXHIBIT P-2 PLAYED]

21 MR GARDNER: I believe that the defendant initially spoke  
22 in Mende; is that correct? Did Mr Senessie start out the  
23 conversation in Mende?

24 A. Well, he was speaking in Mende, but I was forcing him to  
25 mix it up. Sometimes when he spoke in Mende he would go into  
26 Krio and then back into Mende again.

27 Q. In the early part of the conversation when he read to you  
28 the statement that would go to Prince Taylor, what language was  
29 he speaking? You may not remember.

1 A. I do not understand this area.

2 MR GARDNER: I don't know whether it would be possible --

3 JUSTICE DOHERTY: The witness didn't understand the  
4 question. Could you rephrase the question. What was it you  
5 didn't understand, Madam Witness?

6 THE WITNESS: The last question that he asked me.

7 MR GARDNER:

8 Q. In the first part of the conversation that you recorded do  
9 you remember when Mr Senessie read the document to you that he  
10 wanted you to sign; do you recall that?

11 A. Yes.

12 Q. When he was reading that document, do you remember what  
13 language he was using?

14 A. It was in English. The letter was in English. It was  
15 written in English, so he was reading it in English.

16 Q. Perhaps we could - I don't know, your Honour, whether -  
17 I've listened to the tape and I understand some of it but not all  
18 but I don't know whether someone like an interpreter who speaks  
19 Krio or Mende who may get more out of it than I did and if that's  
20 the case, I would ask that we have the interpreter, if the  
21 language spoken is in fact Krio or Mende, at least make a good  
22 effort to interpret it for us?

23 JUSTICE DOHERTY: I'm informed we have both interpreters  
24 available and it can be interpreted but we should also hear it in  
25 the original language.

26 MR GARDNER: Oh, yes.

27 JUSTICE DOHERTY: What we've heard for the few minutes just  
28 now was that part of the tape or was that someone back in the  
29 booth getting it sorted out? Because that wasn't clear to me.

1 THE WITNESS: That was the beginning. That's how it  
2 starts. It's the beginning. That's how it starts. As it goes  
3 along it becomes clearer.

4 JUSTICE DOHERTY: Unless either counsel has a contrary  
5 proposal, we can play it in parts and have it interpreted bit by  
6 bit.

7 MR GARDNER: I might be able to shortcut that, Your Honour.  
8 In fact, the part that I would like played in Court is just this  
9 first initial part and then I'm going to want it halted. So if  
10 we could start the tape again and if I could --

11 THE WITNESS: The letter that was read was in English.  
12 Everybody would understand that. It was in English.

13 JUSTICE DOHERTY: Mr Gardner, you're entitled to proceed as  
14 you consider proper. The your evidence. In the event of  
15 Mr Lansana wanting to cross-examine, he of course can have it  
16 replayed and cross-examine as he considers appropriate. So at  
17 this point it's your evidence. You proceed.

18 MR GARDNER: Thank you. Could we start the tape, please,  
19 and once I've gotten to the point that I want, I'll go like this.

20 [EXHIBIT P-2 PLAYED]

21 THE INTERPRETER: Your Honour, it's not audible enough for  
22 us in the booth to be able to give a correct and accurate  
23 interpretation of it.

24 [EXHIBIT P-2 PLAYED]

25 MR GARDNER: Excuse me.

26 JUSTICE DOHERTY: Please stop the tape at that point.

27 MR GARDNER: That's the part that that I wanted  
28 particularly to be read, and I can understand it, but I would  
29 like them to go back to where it says "I want to take this

1 opportunity". Can we start at that phrase? It's just a few  
2 seconds before, "I want to take this opportunity".

3 [EXHIBIT P-2 PLAYED]

4 MR GARDNER: I realise, Your Honour, that this is  
5 difficult. I'm trying to take this in stages. Once I get her to  
6 identify the tape, which I believe she probably could do right  
7 now.

8 Q. Madam Witness, is that the tape that we're listening to, is  
9 that in fact the conversation that you recorded with Mr Senessie?

10 A. Yes, that's the letter he was reading out to me.

11 JUSTICE DOHERTY: Mr Gardner, avoid leading. This is a  
12 very crucial part of the evidence.

13 MR GARDNER: Right.

14 Q. I was going to move the tape into evidence, and then I was  
15 going to ask her further questions about the preparation of the  
16 transcript, get her to identify the transcript, and then move the  
17 transcript into evidence. That would be the logical progression.  
18 However, I appreciate that others in the courtroom are at a bit  
19 of a handicap because they do not have the transcript, which I do  
20 sitting here, and I can track it exactly. I wonder whether,  
21 inasmuch as this is a Judge case and not a jury case and  
22 your Honour is able to keep things separate, if I could  
23 distribute the transcript and let everyone look at the transcript  
24 as they are listening to the tape without prejudice to any  
25 objection they may wish to make when I move the introduction of  
26 that document. That might make it easier?

27 JUSTICE DOHERTY: Mr Lansana.

28 MR LANSANA: Your Honour, at this stage I don't have any  
29 objection to that, but I may have to the tendering of this piece

1 of evidence.

2 JUSTICE DOHERTY: On that note that you're reserving your  
3 arguments to the actual tender, we will have the transcript in  
4 front of us. I haven't lost sight, of course, of the fact that  
5 the witness herself to say what she heard. But let us do it -  
6 proceed as suggested by counsel for the independent counsel.

7 MR LANSANA: As it please your Honour.

8 JUSTICE DOHERTY: Just for counsel. I don't think you  
9 should give it to the witness at this point. I want to hear her  
10 evidence independently.

11 I think we all have the document before us, Mr Gardner, so  
12 please proceed.

13 MR GARDNER: Thank you, your Honour. I would like to have  
14 the audio people begin playing the tape when the transcript  
15 reflects that it's Eric who is speaking and says Eric starts to  
16 speak in Mende, and then I believe he switches to English and  
17 says, "This is the document that I have drafted" and then Eric  
18 reads the document. It is that part that I would like them to  
19 begin with. Can they hear me, your Honour?

20 JUSTICE DOHERTY: I hope so. Can the interpreting booth  
21 hear?

22 THE INTERPRETER: Yes, Your Honour.

23 JUSTICE DOHERTY: Good. And can the tape be played again  
24 at the beginning of the sentence starting, "I want to take this  
25 opportunity"?

26 MR GARDNER: Well, "opportunity". One sentence before,  
27 "This is the document that I have drafted."

28 [EXHIBIT P-2 PLAYED]

29 JUSTICE DOHERTY: Could I say at this point that I noticed

1 a difference in the transcript from what I heard at the very end  
2 there. The transcript says, "You are welcome. Call me or come  
3 to my location." And I heard the witness - I heard the  
4 transcript say, "You are welcome to call me." So whilst this  
5 document is not in evidence, I'll put a note that that's the way  
6 I heard it.

7 MR GARDNER: I can't help the Court on that.

8 JUSTICE DOHERTY: No, I'm just putting on record.

9 MR GARDNER: I would suggest in context that it's not a  
10 material distinction or difference. In any event, that is the  
11 paragraph that I believe has the most evidentiary value. I will  
12 now return to the witness.

13 Q. Is that the tape-recording we just heard - the beginning of  
14 the tape-recording that you made of your conversation with  
15 Mr Senessie?

16 A. Yes.

17 MR GARDNER: Your Honour, I move that recording into  
18 evidence as P3.

19 JUSTICE DOHERTY: I note, Mr Gardner, that there appears to  
20 be more on the tape, if I judge from this transcript, than what  
21 we've heard. So am I taking it you're moving the entire tape in?  
22 Because we've only played this first part.

23 MR GARDNER: I'm moving the entire tape in. I believe  
24 she's identified it as the conversation. Anyone that wants to  
25 hear it, or listen to it, or play it on cross-examination, is  
26 welcome to. I don't need to go through all that for the purposes  
27 of the evidence that I'm trying to submit to the Court.

28 JUSTICE DOHERTY: I understand.

29 MR GARDNER: Just a shortcut.

1 JUSTICE DOHERTY: Mr Lansana, there's an application to  
2 admit --

3 MR LANSANA: Your Honour, the Defence objects to this  
4 transcript, or indeed the recording, being admitted in evidence.

5 JUSTICE DOHERTY: It's only the recording at the moment.

6 MR LANSANA: The recording being admitted into evidence.

7 JUSTICE DOHERTY: Why is that?

8 MR LANSANA: Your Honour, it's a question of evidence -  
9 authenticity of evidence. Defence has a lot of problems with  
10 this tape. First and foremost, the voice on this recording is  
11 blurred, and the Court has only the testimony of this witness  
12 that it is the voice of Eric Senessie. The problem we have,  
13 your Honour, is that there is no independent - and preferably a  
14 voice expert - to indeed certify - professionally certify that it  
15 is the voice of Eric Senessie.

16 Secondly, the transcription of the recording isn't  
17 official. It is not by somebody who has some authority in  
18 linguistics or, indeed, the English language or Mende. We cannot  
19 say that which is on the recording is adequately and faultlessly  
20 represented in the transcript.

21 Thirdly, I wish this had come after I had cross-examined  
22 the witness, but I would go on nonetheless to state that at the  
23 time this recording - alleged recording was made, the defendant  
24 was treated as a suspect by the Prosecution. I say this because  
25 I refer the Court to Prosecution exhibit P2, page 2 thereof at  
26 lines 21 to 24. They are not numbered, but the moment I get my  
27 statements I number them for ease of reference.

28 Page 2 of exhibit P2, lines 21 to 24, which states: "My  
29 main purpose of urgently wanting to contact VWS or OTP was to

1 express my fear for my security that I had been compromised by  
2 the visit of Eric to my house. Someone working for the Taylor  
3 Defence" - this is the bit I'm emphasising - "however, I was  
4 unable to make the call to the OTP and VWS because I lost my  
5 phone." I lost my phone where the contact numbers were stored.  
6 I have been out of communication for a while."

7 Your Honour, this was several days after this day on which  
8 she was unable to contact WWS, but within 48 hours - I don't know  
9 how, but mysteriously this witness had a phone to record on. It  
10 is the Defence submission, if you will, that she - this witness  
11 had contacted the Prosecution and the - and told them that this  
12 had happened, and the Prosecution had provided the phone. So at  
13 the time the Prosecution provided the phone to this witness to  
14 record what she says she was going to record, the position of the  
15 defendant was that of a suspect. That is the submission of the  
16 Defence.

17 Your Honour, I refer your Honour to Rule 43 of the Rules of  
18 Procedure and Evidence, which deals with recording THE  
19 questioning of suspects and lays down certain procedure for  
20 recording people or individuals who are treated as suspects.

21 Specifically, your Honour, I refer you to Rule 43(i) and  
22 43(iv) And 43(v). 43(i) states, "The suspect shall be informed  
23 in a language that he speaks and understands that the question is  
24 being audio recorded or video recorded." That is what it says.  
25 "Whenever the Prosecutor questions a suspect, the questioning,  
26 including any waiver of the right to counsel, shall be audio  
27 recorded or video recorded in accordance with the following  
28 procedure." Then it states the information about the choice of  
29 language.

1           Then (iv) says that the transcript of the recording shall  
2   then be transcribed as soon as practicable after the conclusion  
3   of questioning and a copy of the transcript supplied to the  
4   suspect together with a copy of the recording. (v) says, "After  
5   the copy has been made, if necessary, of the recorded tape, for  
6   purposes of transcription the original recorded tape or one of  
7   the original tapes shall be sealed in the presence of the suspect  
8   under the signature of the Prosecutor and the suspect." These  
9   are procedures that --

10           JUSTICE DOHERTY: Just a minute, Mr Lansana --

11           MR LANSANA: Yes, Your Honour.

12           JUSTICE DOHERTY: Rule 43 refers to the questioning of  
13   suspects. "Suspects" are defined in the definition section of  
14   the Rules as a person concerning whom the Prosecutor possesses  
15   reliable information, et cetera.

16           As I understand the evidence, at this point Mr Senessie was  
17   not a person concerning whom the Prosecution possesses reliable  
18   information which tends to show he may have committed a crime.  
19   At this point in time, according to the evidence, they haven't  
20   been able to get - the Prosecution has not been informed --

21           MR LANSANA: Your Honour, that is basically what the  
22   Defence is saying. That is why I said I would have preferred  
23   that I had made this objection after I had cross-examined the  
24   witness. Because one thing, there is some - something in the  
25   material here that needs to be clarified. First and foremost,  
26   prior to the witness recording this statement she had no phone,  
27   so the Defence would - Defence will want to know where she got  
28   the phone to do this recording.

29           Secondly, it is apparent that before she did the recording

1 she had gotten in touch with the Prosecution, informing them that  
2 Eric Senessie had contacted her on this issue, so at that point  
3 in time the Prosecution got involved in whatever transpired  
4 afterward between this witness and the defendant. So my theory  
5 is this - the Defence theory is this: That at the time this  
6 recording was made, it was made at the behest and facilitation of  
7 the Prosecution and by presumption - by rule of presumption, we  
8 can say constructively that the Prosecution at that stage was  
9 treating Eric as a suspect. That is the Defence theory.

10 JUSTICE DOHERTY: What I'm going to do is this. There are  
11 several issues that you have raised, all of which you say you  
12 would like to have been able to cross-examine on. So I'm not  
13 going to admit it at this point. I will mark it as marked for  
14 identification MFI-1, and if you feel in fairness to the accused  
15 that the questions have to be put before it can be moved as an  
16 exhibit, then at the end of your cross-examination I will invite  
17 counsel for the independent - independent counsel to tender that  
18 document, and in the meantime it is marked for identification.

19 MR LANSANA: Obligated, your Honour.

20 JUSTICE DOHERTY: I will, of course, be expecting, in the  
21 light of what you've said, some submissions on each of these  
22 issues that you've raised. And needless to say, it goes without  
23 saying this does not preclude a proper reply by independent  
24 counsel at the relevant time.

25 MR LANSANA: Certainly, your Honour. Obligated.

26 JUSTICE DOHERTY: That tape in its entirety will be marked  
27 for identification MFI-1.

28 [MARKED MFI-1]

29 JUSTICE DOHERTY: Mr Gardner, the tape has been marked for

1 identification and will be moved in due course, and that - if you  
2 wish to proceed. Or will there also be a moving of the  
3 transcript? You've also heard the objections to it. But are you  
4 moving the transcript as well? Because it will be MFI-2. If  
5 you're not going to move it --

6 MR GARDNER: No, I'm going to move it.

7 JUSTICE DOHERTY: Very well. In order to preclude a  
8 repetition of Mr Lansana's submissions, I'll mark it for  
9 identification MFI-2, and then I will hear both of you in full in  
10 due course when all the evidence relating to this tape and the  
11 transcript is before me.

12 MR GARDNER: Okay. When I passed the transcript around it  
13 was somewhat, as I said earlier, an informal step to move things  
14 along. The witness has not been shown a copy of that, so I  
15 believe that I need to have the witness identify it, authenticate  
16 it, and then I will make the motion, and you will say "marked for  
17 identification" subject to later moving it.

18 JUSTICE DOHERTY: Yes. We will proceed in that way. I  
19 understand I've got the original. I made a slight annotation on  
20 it which I have scrubbed out, so it will be shown to both counsel  
21 because I - the document is not signed. It just appears to be a  
22 copy and if there's an objection, we can run off another copy.

23 MR GARDNER:

24 Q. Madam Witness, I show you a document in the form of a  
25 transcript and ask you to take a look at it and tell us what it  
26 is, please.

27 A. This is the letter that he was reading out to me, the  
28 recording that I did.

29 Q. In the middle of the first page, you mean?

1 A. Yes.

2 Q. My question is when you gave the memory card to Magnus, as  
3 you testified, and he put it in the computer, did he prepare a  
4 transcript?

5 A. Yes, he did. Not me.

6 Q. And did you go over it with him to make corrections?

7 A. Yes.

8 Q. And were those connections inserted into what he typed?

9 A. Yes.

10 Q. And is this document you have now the best written  
11 transcript of the tape-recording that you made of your  
12 conversation with Mr Senessi e?

13 A. Yes.

14 Q. Then I would move the --

15 MR LANSANA: Your Honour, I would object. This witness is  
16 not in a position to say that the document before her right now  
17 represents the document that she worked on with Magnus. She  
18 would have to go through it. She hasn't.

19 MR GARDNER: Well, I can represent to - your Honour  
20 certainly read it, but that's what cross-examination is all  
21 about.

22 JUSTICE DOHERTY: Yes, she has looked at it. She has said  
23 the words, "This is the letter he was reading out to me," so  
24 she's identified that.

25 I will mark it for identification MFI-2 and at the end of -  
26 when the cross-examination is completed, then the tender of it as  
27 an exhibit can be dealt with and I will hear arguments from both  
28 sides.

29 MR LANSANA: As your Honour please.

1 JUSTICE DOHERTY: The three-page document which contains a  
2 typewritten purported transcript of a memory card is now marked  
3 for identification MFI -2.

4 [MARKED MFI -2]

5 MR GARDNER: I just have a little more examination,  
6 your Honour.

7 JUSTICE DOHERTY: Please proceed.

8 MR GARDNER:

9 Q. Madam Witness, did you ever agree to change the testimony  
10 that you gave at The Hague?

11 A. No, because I did not sign the letter.

12 Q. Did you ever meet with Prince Taylor?

13 A. No, we only spoke. I have never known him. We only spoke  
14 over the phone.

15 Q. Did there come a time after you had your conversations with  
16 Mr Senessie that you have been testifying about when you were  
17 living in Panguma?

18 A. Yes, because where I was initially when that thing  
19 happened, I left there and went to another section. So one  
20 morning I saw him there. He went there to me. He asked me if I  
21 had known that the meeting that he had with - that after he had  
22 met us, somebody among us wanted to give him some problems. And  
23 I asked him what he meant, and he said one of us whom he had met  
24 had called the Court and said that he had met with us, and he say  
25 - he said and he believes that it was Mortiga. Then he again  
26 said that in case - he wanted to ask me that since then, if  
27 anybody from the Prosecution had called me. And I said no. He  
28 said if it happens that they have called me, I should tell them  
29 that I and him have not spoken anything. We've not had any

1 conversation. Then I said okay. So he promised to return, but  
2 never returned. Since then I have never seen him.

3 Q. Thank you.

4 MR GARDNER: I have no further questions of the witness,  
5 your Honour.

6 JUSTICE DOHERTY: Thank you, Mr Gardner. I note the time  
7 is almost 20 past 1 and we will break usually at 1.30. But  
8 Mr Lansana, if it is more convenient and you wish to run your  
9 cross-examination as one unit, if might put it that way, then we  
10 can adjourn ten minutes early and allow you to complete your  
11 cross-examination in one - at one flow.

12 MR LANSANA: I'm obliged to your Honour. I would accept  
13 it.

14 JUSTICE DOHERTY: Thank you. In that case, we will adjourn  
15 now until 2.20.

16 Mr Senessie, you're to remain with the security. I will  
17 make sure you get something to eat. Please adjourn Court to  
18 2.20. Of course even when you're with security, Mr Lansana can  
19 come and speak to you, and you are at liberty to speak to him at  
20 any time.

21 MR LANSANA: As it please your Honour.

22 JUSTICE DOHERTY: Madam Witness, we are now taking the  
23 lunchtime adjournment. It's one hour. You understand that you  
24 are under oath, and you are not to discuss your evidence with any  
25 other person until all your evidence is finished. You understand  
26 this, I think.

27 THE WITNESS: Okay.

28 JUSTICE DOHERTY: You will be taken care of in the normal  
29 way by WVS. At least that's my understanding of the system.

1 Please adjourn Court until 2.20.

2 [Luncheon adjournment taken at 1.15 p.m.]

3 [Upon resuming at 2.22 p.m.]

4 [The witness entered court]

5 JUSTICE DOHERTY: Madam witness, I'll remind you that you  
6 took the oath this morning to tell the truth. The oath continues  
7 to be binding on you, and you must answer questions truthfully.  
8 You understand?

9 THE WITNESS: Yes.

10 JUSTICE DOHERTY: Mr Gardner, I understand you finished  
11 your examination-in-chief and unless there is some further matter  
12 I will now invite Mr Lansana to commence his cross-examination.

13 MR GARDNER: Yes. Thanks, Your Honour.

14 JUSTICE DOHERTY: Mr Lansana.

15 MR LANSANA: Yes, Your Honour.

16 CROSS-EXAMINATION BY MR LANSANA:

17 Q. Good afternoon, Madam Witness.

18 A. Good afternoon.

19 Q. Madam Witness, when you were testifying, did you inform  
20 this Court that there was familiarity between your family and the  
21 family of the accused, correct?

22 A. Yes.

23 Q. But at some point in time that relationship, that  
24 cordiality, waned or deteriorated when you learned that the  
25 defendant was with the Defence of the Special Court; correct?

26 A. More especially on the day that he met me and said that  
27 word to me. It was from that day.

28 Q. Do I take you to mean that prior to the alleged meeting of  
29 the 27th of January 2011, the relationship was cordial?

1 A. What I am trying to say is we had a familiar relationship  
2 before, but since I knew that he was with the Defence, I  
3 distanced him. When the - the day that the family relationship  
4 broke, the day that I realised that he was not a family to me, it  
5 was on that day that he met me. It was then that I stopped him  
6 and I told my relatives that this is what he had said to me. It  
7 was on that day.

8 Q. Thank you.

9 A. Yes.

10 Q. In May of 2010 you relocated to Kailahun from Freetown; is  
11 that correct?

12 A. I can't remember the month now anyway. It is not about my  
13 going to Kailahun.

14 Q. Let me get this straight. At some point in time you were  
15 in Liberia; correct?

16 A. Yes.

17 Q. Thank you. And when did you get to Kailahun or return to  
18 Kailahun from Liberia?

19 A. If I have not forgotten, it was in late 2002 to 2003. I  
20 have forgotten. It's taken a long time.

21 Q. We'll take 2003, thank you. And when you came back to  
22 Kailahun from Liberia, you were on visiting terms with  
23 Eric Senessie, correct? He visited you sometimes and sometimes  
24 you visited his house, correct?

25 A. Where?

26 Q. I mean when you came back to Kailahun town, you sometimes  
27 used to visit the accused at his house and sometimes the accused  
28 used to visit you at your house, correct?

29 A. Personally, I can't remember. The time that I can

1 remember - I can't remember when we used to see each other. We  
2 have a hotel there, a resort. I used to see him with furniture.  
3 We used to see each other there. And when I came back, we had a  
4 wedding. My sister was getting wedded. He went there. The town  
5 is a small town. We used to meet in some areas, but to say  
6 personally on a personal basis to say that we had conversations,  
7 no, no. We had nothing personal.

8 Q. When you talk about your sister's wedding, you are  
9 referring to this particular individual?

10 MR LANSANA: Your Honour, may this name be - I wouldn't  
11 want to infringe on.

12 THE WITNESS: Yes.

13 MR LANSANA:

14 Q. Thank you.

15 JUSTICE DOHERTY: For purposes of record, I've been given a  
16 name which has been acknowledged by the witness, and I will have  
17 that name put in the transcript after the Court rises this  
18 afternoon.

19 MR LANSANA: As it pleases Your Honour.

20 JUSTICE DOHERTY: It is confidential by the way.

21 MR LANSANA: Yes, Your Honour.

22 Q. When that sister was getting wedded, Eric Senessie was  
23 there at the wedding representing the family of the bride,  
24 correct?

25 A. Yes.

26 Q. And I put that to be sometime in March of 2011, correct?

27 A. It's likely so.

28 Q. Thank you. And you would agree with me that this incident  
29 that you say allegedly occurred between you and Eric Senessie

1 took place sometime in January and February, thereabouts?

2 January and February of 2011, correct?

3 A. What incidents do you mean?

4 Q. The alleged visit and the - the attempt to influence you to  
5 recant your testimony. This took place sometime in January of  
6 2011, correct? Or is it January and February of 2011?

7 A. Well, it's within that time. I can't recall now. Within  
8 that time.

9 Q. Thank you. Now I am putting it to you that on the 8th of  
10 February 2011, you went to Eric Senessie's house. He was not at  
11 home.

12 A. Myself?

13 Q. Yes.

14 A. He was not at home, his own house?

15 Q. You visited him. You wanted to see him, but he wasn't at  
16 home on the 8th of February, 2011.

17 A. I can't recall. I never visited him. I can't recall.

18 Q. On the 9th of February 2011, you went to Eric Senessie's  
19 house again, correct?

20 A. Well, I went to his house. At the time that I went to his  
21 house, he was there, he was working. He told me - that was after  
22 he had seen me. After he had told me that night about the  
23 particular incident. After I had gone to his house - that is,  
24 after he had told me about the incident, and I said I was going  
25 to think it over. In two days' time I went to meet him at his  
26 house. That is the first visit I am telling you about. I found  
27 him working. He was carving furniture. We were talking. But I  
28 couldn't record anything because there were other people around.  
29 His child were there and other people were there. Then he told

1 me that he would go to my house. It was at that night that he  
2 went with the document. It was at that time that the recording  
3 took place.

4 Q. Thank you. I am more specific about the fact that you  
5 visited him.

6 Now I would want to ask you, did you tell the Prosecutor's  
7 investigator that Eric Senessie has never been visiting me before  
8 while in Kailahun town? Did you say that to the investigator who  
9 took your statement?

10 A. Yes, personally at my house. Not today.

11 Q. Thank you. And did you also tell the same investigator, "I  
12 was therefore shocked and angered for my security, for  
13 Eric Senessie to have located where I stay in Kailahun." Did you  
14 say that?

15 A. Yes, because the house where I was - I had rented, he had  
16 never visited me there, we had never spoken for me to have told  
17 him where I was. And so I was so surprised. He didn't just go  
18 to my house. He marched straight into my bedroom. And I was in  
19 bed when I turned around and I saw him. So I was shocked.

20 Q. And that was on the 27th of January 2011, not so?

21 A. Yes. I can recall that. Yes.

22 Q. And here you are agreeing that on the 9th of February 2011,  
23 you paid Eric Senessie a visit, correct?

24 A. I can't recall the date now, but I remember visiting him  
25 once at his house.

26 Q. You just told this Court, in very clear terms, that you  
27 recall visiting Eric Senessie on the 9th of February 2011. I  
28 will let that go.

29 Now - -

1 A. No, I have not still confirmed the date. That date. I  
2 have not confirmed it yet. But I can still recall that I visited  
3 him in the afternoon, but I cannot recall the date at all. I  
4 cannot recall.

5 Q. We will take notice of that. But you agree with me, like  
6 you rightly said, that this visit you are talking about - though  
7 you don't know the date thereof - this visit you are talking  
8 about came after he visited you on the 27th of January? You just  
9 said that, not so?

10 A. Yes.

11 Q. Thank you very much. Let's proceed.

12 Now when you visited Eric Senessie on this day, the date of  
13 which you can't recall now, I put it to you that you met him in  
14 the company of one Mohammed Kamara and another individual called  
15 Jessica Kaday Senessie who happens to be his daughter, not so?

16 A. No, it's not like that. The place where I found him  
17 carving those things, he was the only person there. I don't know  
18 if it's a tree just after the veranda. That name that you call  
19 is a girl. She was there. And another lady. They was braiding  
20 hair. I don't find him with any man with whom they was talking.  
21 I didn't find any man there. I only met the girls there. I did  
22 not find any man there.

23 Q. Apparently you did not notice that there was a man around,  
24 but let's concentrate on the ladies. You agree with me that one  
25 of the ladies was Jessica Kadi e Senessie, daughter of the  
26 accused, correct?

27 A. Yes. I met her there.

28 Q. Thank you. On this occasion I put it to you that you  
29 requested Prince Taylor's number from the accused.

1 A. Yes.

2 Q. Thank you. The accused gave you Prince Taylor's number.

3 A. He did not give it to me at all. He said, The man is a  
4 security person and they do not have any single number. But he  
5 would like linked-up with the man so that the two of us could  
6 talk. He did not give me his number at all.

7 Q. I would say initially he was reluctant, but eventually on  
8 your persuasion, on your insistence, he did give you that number?

9 A. Well, if I told you he give me the number, I wanted the man  
10 himself - the man's number himself, because if I had gotten hold  
11 of it, it should have been here. I actually wanted the man's  
12 number for evidence, but he did not give it to me at all. I  
13 wanted to keep that number until a day like today, to produce it  
14 here, but he refused to give it to me.

15 Q. I further put it to you that in fact when he gave you the  
16 number you said you didn't have a phone, you asked to make use of  
17 his phone.

18 A. No, I had a phone. It was a phone. I wanted to do some  
19 recording, but because there was some few people around, I  
20 refused to risk myself, so I did not do the recording. I have a  
21 laptop. It was the same laptop that was giving me battery  
22 problems that I used to do the other recording, because I had  
23 sent for a battery.

24 Q. Now -

25 MR GARDNER: Excuse me, excuse me.

26 Your Honour, I am hearing the word "laptop" in translation.

27 Can that be right? I don't -

28 JUSTICE DOHERTY: I heard "laptop" as well.

29 MR GARDNER: Can we have clarification on that, because I

1 don' t --

2 JUSTICE DOHERTY: Mr interpreter, what word did the witness  
3 use and what word was interpreted, please.

4 THE INTERPRETER: She used "laptop."

5 THE WITNESS: The laptop mobile phone that I was using, the  
6 laptop mobile phone that I was using was giving me some problems.

7 MR LANSANA: Your Honour, I understand it to be flip mobile  
8 phones. Flip - like a laptop you open and close.

9 JUSTICE DOHERTY: I noticed the witness using a hand  
10 movement. So whilst we will not take any evidence from the bar  
11 table, we'll record that as counsel has described.

12 MR LANSANA: As Your Honour pleases.

13 Q. Now when you were giving testimony or statement, you're  
14 making a statement to the investigator, you did inform the  
15 investigator that you were unable to contact the OTP and WVS  
16 because you lost your phone, not so? You told them that.

17 A. I said I was unable to get them. I couldn't then get them  
18 at all because my phone was giving me some problems. It was  
19 coming on and going off. It was giving me some problems. It was  
20 giving me some problems. So I tried to call them, but couldn't  
21 get them at all. And seeing that I was using - because each time  
22 you approximate the battery and removed it, I would borrow  
23 somebody's phone and make calls there, so there the scene - the  
24 particular.

25 Q. Thank you. Are you then saying that what the investigator  
26 wrote in your statement is not correct? You did not tell him  
27 that? You did not tell him that you had lost your phone?

28 A. I don't think that you still understand what I am saying.  
29 He is 100 per cent correct. He is correct. Because if I do not

1 have a SIM where the number is, it's missing, so it was like I  
2 did not have phone. I did not have any access to call them. I  
3 tried over and over and couldn't get them, because I didn't have  
4 their numbers offhand. It was on the SIM card. So if that gets  
5 missing then I've lost everything.

6 Q. Now I still maintain the fact that you placed a call  
7 through Eric Senessie's phone. You placed a call to Prince  
8 Taylor through Eric Senessie's phone?

9 A. It was Eric Senessie who made the call. That was the  
10 morning after - the day after I had done this recording on my  
11 phone. The following morning he rushed to my house where I was  
12 staying. That was before 8.00. It was he who took the phone  
13 there. He was on the veranda. As soon as he got there he  
14 announced himself. As soon as he got on to my veranda, he called  
15 and he said he was with me. That is to the person he was  
16 speaking to. I heard him say yes. He said, Let me give you the  
17 phone, and he said, Who? He said Prince, and he gave me the  
18 phone. It was then that I spoke with Taylor. But to say that I  
19 saw his number on the screen, that I knew his number, or that I  
20 took his own phone and dialed his number, it was only when he  
21 called and then I answered, yes. It was he, after he had spoken,  
22 he gave the phone over to me. I did not take his phone from him  
23 to say, Please let me put a call through. It was he who called  
24 and connected me to him through his own phone. That was at my  
25 house when he went there. It was - that was the first day when -  
26 that was the first day that I spoke to Prince.

27 Q. And when you spoke to Prince Taylor, he was not receptive.  
28 He didn't like the idea of calling him, correct?

29 A. I am still correcting you that I never called him. I was

1 not the one who called him. It was Eric Senessie who called him.  
2 Maybe he was not happy that Eric Senessie connected him to me.  
3 But when he got the phone, what he said to me was that whatever  
4 Eric Senessie had told me, he had sent him.

5 Q. So you agree that Prince Taylor was not happy to talk to  
6 you?

7 A. Why wouldn't he be happy? It was he who had said the man  
8 should bring his own phone to my house early in the morning. He  
9 came from his own house to mine. He was happy. What he told me  
10 was that what he was doing - he said what he was doing - or what  
11 they was doing, they had no right to do what they was doing.  
12 They was not to do it, but they just had to do it. That was the  
13 second thing that he told me after he had told me that he had  
14 sent Senessie. He said what they was doing they had no right to  
15 do, but they just had to do it. That was the second thing that  
16 he told me.

17 Q. You met Eric Senessie on the 27th of January, 2011, and you  
18 had problems with a phone. You were not in communication.  
19 That's why you couldn't get WVS or to the OTP. And yet on the  
20 30th of January, three days after that, you had a phone good  
21 enough to allegedly record a conversation between yourself and  
22 Eric Senessie, correct?

23 A. Yes. It was the same phone that I was using, so I was able  
24 to get a battery and I was able to use it to communicate.

25 Q. I put it to you that you told the investigator you had lost  
26 your phone, and the phone you say you used to record that  
27 conversation was a phone that was provided by the OTP?

28 A. Well, since that time when I left Freetown to that place we  
29 were not talking, and they had said that we were not to talk to

1 them. Whatever problem you had - we had, we were to contact WVS,  
2 so I was right there and they was here. So we had nothing.

3 Q. But you urgently wanted to contact the OTP nonetheless?

4 A. Well, I wanted to tell WVS that - because the kind of  
5 threat that I had, if I had tried over and over not getting them,  
6 it was like my life was going to be - but I wanted them to know  
7 about my problem. But because it was a rule not to call them,  
8 and I couldn't get to WVS, that is why I did the recording. Just  
9 in case anything happened in future, that would be my security to  
10 prove it today that at so and so time I had such and such a  
11 problem, such a threat. That is why I did that recording, for my  
12 own security.

13 Q. You talk about security - security and personal safety. I  
14 put it to you that based on your early testimony, there was no  
15 need for you to be afraid of your security by Eric Senessie  
16 visiting you in your house.

17 A. Well, I had - I have a right to say so, because I did not  
18 know how he knew that I had testified before, and I was on the  
19 opposite side. And I did not know the individual who directed  
20 him to me to approach me with such an issue when, in fact, I had  
21 not discussed that with nobody. So I was quite surprised. He  
22 and I had never spoken about that. So he just approached me on  
23 that subject, so I was afraid. That is why I'm emphasizing on my  
24 security and I'm still saying so.

25 Q. Now talk about the fact that you don't know how  
26 Eric Senessie got to know that you testified at the Hague. Can  
27 you tell this Court when it was that you testified at the Hague,  
28 the month and year?

29 A. If I have not forgotten, it was in 2008.

1 Q. Thank you. And in May of 2010 you had relocated to  
2 Kailahun, correct?

3 A. Yes.

4 Q. Thank you. And when you relocated to Kailahun, you paid a  
5 visit to Eric Senessie's house to sympathise with him over the  
6 loss of his son, Prince Senessie, correct?

7 A. Yes.

8 Q. I further put it to you that when you went on that occasion  
9 in May of 2010, you told those that you met there - let me go  
10 through those that you met there. You met Mohammed Kamara,  
11 correct?

12 A. Who is Mohammed Kamara?

13 Q. It means that you may not have noticed he was there.  
14 But you also may have met one Josephine Sheku?

15 A. I know one Josephine, but I don't know if that's the person  
16 you are talking about. I did not see her. I can't remember  
17 seeing her.

18 Q. You may not have noticed that she was there, but you - can  
19 you recall seeing Jessica Kadié Senessie there?

20 A. Yes. That's his daughter.

21 Q. Do you also recall seeing Wata Senessie?

22 A. Well, she's this man's wife, so I know --

23 Q. Thank you. Thank you?

24 A. -- her.

25 Q. That is correct?

26 JUSTICE DOHERTY: That doesn't actually answer the question  
27 whether she saw her there. Did you see her there that day?

28 MR LANSANA:

29 Q. Please answer the question. Did you see Wata Senessie

1 there at the house?

2 A. Well, I can't recall her. I can't recall seeing her.

3 Q. What about Fick Senessie?

4 A. Who is that?

5 Q. Fick happens to be the last son of Eric Senessie.

6 A. Well, I can't remember those things. I know the boy, but I  
7 cannot recall him being there. I can't recall all of those  
8 people that you are talking about now, that my attention was  
9 focused on them that they was there.

10 Q. He had just lost a brother and they was all at the funeral  
11 house when you went there, that notwithstanding. Now, when you  
12 went to that house in May of 2010, you openly told them that you  
13 were not in Kailahun, but that you had gone to The Hague to  
14 testify at the Taylor trial. You told them that. As --

15 A. I never told them that. At the time that that boy died,  
16 when his son died, I had not gone anywhere. At that time I was  
17 in Freetown here. I even called him over the air because my  
18 brother had come to the house. I called him and we talked and he  
19 said he'd - his son had been in prison when he died. And I  
20 asked, How come he did that? He said that he hung himself. So  
21 when I went there, I knew that I knew them, so I went to visit  
22 them at the time the boy had died, and it was over - I don't know  
23 if it was up to a year or how many months, I can't recall now.  
24 But to say that when the funeral happens, you know, people who  
25 were there - no it had taken a long time. The fact that they had  
26 known that I had gone there and I was not there when the boy  
27 passed away, that is why I went to visit them at the house, to  
28 sympathise with them.

29 Q. Now, you say you called. I put it to you that the call you

1 placed was a call to your mother, and it was through that call  
2 that you got in touch with them to sympathise, correct?

3 A. Well, that's correct, because I did not even have his  
4 number. It was my mother who told me. And he went to the  
5 funeral house, so I spoke to her. Then she told me if the  
6 funeral had taken place.

7 Q. Thank you. What I am trying to establish is that giving  
8 the kind of cordiality, familiarity, between you and the family  
9 of the accused, your expression to the OTP that your life was in  
10 danger because Eric Senessie had found out you had testified at  
11 the Hague was unfounded. That fear was unfounded.

12 A. Well, that's what you say. But to me it was necessary for  
13 such a discussion. You know, you can't like a family that way  
14 if that was your own child, you wouldn't tell --

15 THE INTERPRETER: Your Honour, can the witness take this  
16 answer more slowly.

17 JUSTICE DOHERTY: Witness, you are going very fast. The  
18 interpreter has to interpret what you're saying and someone has  
19 to write it. So answer the question, but slow down a little bit.

20 You were saying in an answer, "That's what you say ..." and  
21 then you were cut off.

22 THE WITNESS: What I am trying to say it is not like he  
23 liked me. If it was his God child whom he had called who went  
24 and did that, he wouldn't have gone to her and told her all what  
25 he'd gone there and said, you should say it's lies because of  
26 money. So it was like he was endangering my life. There is no  
27 love.

28 MR LANSANA:

29 Q. Endangering your life vis-a-vis the Prosecution or the

1 Special Court, or endangering your life from more violence? Let  
2 us know what kind of danger you envisaged.

3 A. Endanger my life in a sense, what I had taken an oath to do  
4 what I had sworn to do. I was not told by somebody. And I went  
5 and spoke. Now come to me and try to convince me because of  
6 money that I should go and say what I had said was a lie and that  
7 I was forced to do so, so that we will give you money. I will  
8 give you a lot of money. It was like to say that kind of lie,  
9 it's not easy.

10 Q. But it has nothing to do with your personal safety?

11 A. It has something to do with it because even that recording  
12 that I did, if he had noticed it, it wouldn't have been good. It  
13 wouldn't have been good at all.

14 Q. Now I put it to you that you let the Prosecution know that  
15 your life was in danger because you wanted to use it as a ploy to  
16 the Prosecution for them to relocate you from Kailahun to an  
17 overseas county?

18 A. Well, that was what he said. But that's not how I feel.

19 Q. I am not talking about what he said. I am --

20 THE INTERPRETER: Your Honour, they are speaking over each  
21 other. We can hardly hear them.

22 JUSTICE DOHERTY: Mr Lansana, Madam Witness, one person  
23 speaks at a time.

24 Now a question has been put to you, Madam Witness, that, I  
25 quote: "I put to you that you wanted to use fear to OTP to  
26 relocate to another country." What is your answer to that  
27 question?

28 THE WITNESS: No, no, no.

29 MR LANSANA:

1 Q. Wasn't it your expectation when you volunteered to testify  
2 for the Prosecution against Charles Taylor, wasn't it your  
3 expectation that you will be relocated after your testimony at  
4 the Hague?

5 A. No. I know that I am a peaceful citizen. What I am saying  
6 is that what I felt was my right to say it. I didn't say it for  
7 money. I was born here and this is where I am.

8 Q. Given the proximity between Kailahun District and Liberia,  
9 didn't you envisage a possible danger to your life when you  
10 agreed to testify for the Prosecution against Charles Taylor?

11 A. Well, I felt that that would happen. I felt that I would  
12 have come across a lot of challenges, like this that happened.  
13 But the truth is the one that God sees. So what I felt was the  
14 truth was what I said, and I know that God will protect me as  
15 long as I spoke the truth and did not tell lies. These are some  
16 of the things.

17 Q. And didn't you brush the subject of your insecurity with  
18 the Office of the Prosecutor when they wanted you to testify?

19 A. It was my right to tell them. I told them.

20 Q. And when you told them that, what did they say or do?

21 A. They said they will take care of my security.

22 Q. Did they suggest what they were going to do by way of  
23 taking care of your security?

24 A. When?

25 Q. When you told them that. When you told the Prosecution  
26 that, that you were concerned about that. You say they told you  
27 they would take care of your security. What did they tell you  
28 they were going to do by way of taking care of your security?

29 A. That's not just once or twice that I said it. I had been

1 telling them over and over. Since the time that we met, I had  
2 been telling them over and over.

3 Q. That is even before you testified in 2008?

4 A. Yes, I said it then. Since then.

5 Q. Thank you. And they didn't tell you anything? They didn't  
6 promise you anything? They just said they would take care of  
7 your security, that is all? They didn't tell you exactly what  
8 they were going to do by way of taking care of your security?

9 A. Well, they said they will take care of my security and  
10 nothing would happen to me. They would take care of my security  
11 and that nothing would happen.

12 Q. Were you given bodyguards when you went back to Kailahun?

13 A. They did not give me bodyguards.

14 Q. Weren't you disappointed by that?

15 A. I was not disappointed because I knew that the police were  
16 there. If anything happens, I will rush to them. I will rush to  
17 the police station.

18 Q. And when Eric Senessie went to meet you and you said here,  
19 I was shocked and angered for my located where I stayed in  
20 Kailahun. Did you go to the police?

21 A. At that time I did not go because I had no authority to go  
22 to the police station.

23 Q. You wanted OTP to instruct you to go to the police?

24 A. If I have any security threat, they was the ones I should  
25 have told. If they say I should go to the police station - but I  
26 wouldn't just go to the police station on my own accord.

27 Q. Then I put it to you that, as a matter of fact, you didn't  
28 entertain a shred of fear. You told the Prosecution this, like I  
29 said, because you wanted to pressure them to relocate you.

1 A. No.

2 Q. Now, you say you know Jessica Kadi e Senessie, correct?

3 A. Yes.

4 MR LANSANA: Your Honour, I want to put a particular  
5 document to the witness. I would show it to the Prosecutor.

6 Q. Madam, I see you are giggling. Do you recall that  
7 document, that photograph?

8 A. Yes, that was way back.

9 Q. So many years ago.

10 A. Yes. What?

11 Q. Do you recognise the people in that photograph?

12 A. Yes.

13 Q. Who is on the left side of that photograph?

14 A. It's me.

15 Q. And who is on the right side of that photograph?

16 A. Kadi e.

17 Q. Jessica Kadi e Senessie, correct? The daughter of the  
18 accused.

19 A. Yes.

20 Q. Thank you. And that was a festive occasion, wasn't it?

21 A. At the beach.

22 Q. Yes. Baylou Beach wasn't it? I know Kailahun beach. And  
23 it was Easter, correct? It was an Easter outing at the Baylou  
24 Beach. In those areas that is when people go to the beach in the  
25 provinces. It was Easter, wasn't it? Easter of 2005, correct?

26 A. I can't recall that it is Easter.

27 THE INTERPRETER: Your Honour, can learned counsel and the  
28 witness be advised to wait for each other, because two  
29 microphones are on in our booths and it's giving the stenographer

1 some di ffi cul ty.

2 JUSTICE DOHERTY: I see. First of all, I repeat what you  
3 said earli er, which is that you must wait for each other - the  
4 witness to fi ni sh and counsel to start and vice versa. Madam  
5 witness, you must wait for the questi on to be fi ni shed. And the  
6 witness's mi crophone is on all the time -

7 MR LANSANA: Yes, I --

8 JUSTICE DOHERTY: -- Mr Lansana, you have to learn to  
9 practise that's all. Practise that's all you need.

10 MR LANSANA: I am not perfect yet. Sorry about that, Your  
11 Honour.

12 Q. My last question was that that was in Easter - during  
13 Easter of 2005. What's your answer to that?

14 A. I can't recall now whether it was Easter but what I can  
15 remember is that it was at Baylou Beach.

16 Q. Around Kailahun townshi p?

17 A. After Kailahun.

18 Q. Thank you.

19 MR LANSANA: Your Honour, I want to have that document  
20 admi tted in evi dence.

21 MR GARDNER: 2005 beach photo, Your Honour, seems to me  
22 completel y and total ly irrelevan t to the issues in the case.

23 JUSTICE DOHERTY: I think the relevance will be a matter  
24 for submi ssi on in due course, but for the moment I will admi t it.  
25 It becomes Exhi bi t D1.

26 MR LANSANA: As Your Honour pl eases.

27 JUSTICE DOHERTY: For purposes of record, that is a  
28 photograph i denti fi ed by the wi tness as portrayi ng hersel f and  
29 another lady she called - she named as Kadie, otherwi se known as

1 Jessica Kadi e Senessi e.

2 MR LANSANA: As it pleases Your Honour.

3 Q. Madam Witness, I put it to you that regardless of the  
4 events, the alleged events of January 2011 and February of 2011,  
5 you nonetheless happened to be close, have close familiarity with  
6 the accused.

7 A. I do not understand.

8 JUSTICE DOHERTY: I am glad you said that, Madam Witness,  
9 because I did not understand it either. What do you mean,  
10 Mr Lansana?

11 MR LANSANA:

12 Q. You have indicated to this Court that after January of  
13 2011, when the accused allegedly tried to influence you to recant  
14 your testimony, you had not been on cordial terms with the  
15 accused, correct?

16 A. Yes. We were no longer close.

17 Q. But you were on visiting terms?

18 A. I am still telling you that I visited him once.

19 Q. And in March of 2011, he was at your sister's wedding?

20 A. But that's not a person visit that he made to me. If he  
21 went to the wedding, so many people were there, but I and him did  
22 not stand somewhere to talk about any different matters. He went  
23 there.

24 Q. And he was there in the capacity different from what you  
25 are describing? I won't go into that now because of protective  
26 measures.

27 MR LANSANA: Your Honour, that will be all for this  
28 witness.

29 JUSTICE DOHERTY: Thank you, Mr Lansana.

1 Re-examination, Mr Gardner?

2 MR GARDNER: No questions, Your Honour.

3 JUSTICE DOHERTY: Thank you. I have a few questions of the  
4 witness.

5 QUESTIONED BY THE COURT:

6 JUSTICE DOHERTY: Now, Madam witness, it's been put to you  
7 that in March 2011 there was a wedding that you were at and the  
8 accused person was at. Can you remember roughly how many people  
9 were at that wedding?

10 A. There was a huge crowd there. There were a lot of people.  
11 Just imagine at a wedding. There were a lot of people there.

12 JUSTICE DOHERTY: Did you speak to Mr Senessie at that  
13 wedding?

14 A. Yes. I greeted him. I served him.

15 JUSTICE DOHERTY: We have heard evidence that it would  
16 appear from at least 2005 you knew Mr Senessie's family. Do you  
17 know Mr Senessie's voice?

18 A. Yes.

19 JUSTICE DOHERTY: If you heard it on a telephone, would you  
20 recognise it?

21 A. Well, that's - yes.

22 JUSTICE DOHERTY: Those are my questions.

23 Questions arising, Mr Gardner?

24 MR GARDNER: None, Your Honour.

25 JUSTICE DOHERTY: Thank you.

26 MR GARDNER: I would just renew my motion to admit the tape  
27 and the transcript into evidence. There has been nothing that's  
28 come up on cross-examination that would --

29 Now Mr Lansana, questions arising?

1 MR LANSANA: None, Your Honour.

2 JUSTICE DOHERTY: Very good.

3 I now come to the tender. There are two actual documents  
4 before the Court to be tendered. MFI-1, which is the tape, and  
5 MFI-2, which is the transcript. So what we'll start with is the  
6 tape.

7 Mr Gardner, you started your - I think maybe given the  
8 indication from Mr Lansana that he was objecting and you've  
9 already started to tender, I will hear the objection and then I  
10 will hear your response to the objection.

11 Mr Lansana, you have indicated that you will object to the  
12 tender of this tape?

13 MR LANSANA: Yes, Your Honour. And I did indicate to this  
14 Court that I had three grounds for objecting to the admission of  
15 both the recording, that's the tape, and the transcript thereof.

16 JUSTICE DOHERTY: We will deal with the tape first please,  
17 Mr Lansana.

18 MR LANSANA: As it pleases, Your Honour.

19 Your Honour, I adopt my earlier submission on this one for  
20 purposes of expedition. And I will just reiterate that the best  
21 evidence rule in such a circumstance where counsel for the  
22 Prosecution is attempting to tender a recording, that recording  
23 has to pass the test of authenticity. It has to be shown to this  
24 Court, beyond reasonable doubt, that: One, the recording was a  
25 recording by this witness; secondly, that it was a recording of a  
26 conversation between herself and the accused; thirdly, that the  
27 voice on the tape is undoubtedly, undoubtedly, the voice of the  
28 accused.

29 And, Your Honour, all we have before this Chamber is the

1 word of the witness. There is no independent witness to testify  
2 as to the authenticity of the voice on the tape or, indeed, the  
3 recording itself. I'll refer this Court to my submission in the  
4 pre-trial brief, Defence pre-trial brief; specifically, Your  
5 Honour, to paragraphs 17 and 18 on page 7 thereof. That is the  
6 pre-trial brief, Defence pre-trial brief filed on the 28th May,  
7 2012.

8 JUSTICE DOHERTY: Yes, I have that before me. Thank you.

9 MR LANSANA: As Your Honour pleases.

10 Your Honour, I would - I would suppose that if the  
11 Prosecutor wants to tender the tape and the transcript thereof,  
12 first and foremost there has to be a voice, an expert voice  
13 analyst listening to the recording and giving his professional  
14 view as to whose voice it is on the tape. When that is done,  
15 I'll rest assured that that is an authentic tape and the voice on  
16 it is the voice of the accused.

17 Secondly --

18 JUSTICE DOHERTY: Just a moment. Have you any  
19 jurisprudence to support this submission that it has to be an  
20 expert?

21 MR LANSANA: Your Honour, not at the moment. I don't at  
22 the moment. But it is the jurisprudence in most Commonwealth  
23 jurisdictions that for a voice on a recording to be admitted as  
24 the voice of an accused person, there has to be an independent  
25 analysis of that voice. It is not just the person who supposed  
26 or who is saying to the Court that this is the voice of Mr X. It  
27 does not suffice.

28 JUSTICE DOHERTY: I thought the Commonwealth jurisprudence  
29 was more in the case of R v Smith, which applied the rules in R v

1 Turnbull to voice identification. The 1976 case of R v Turnbull.

2 MR LANSANA: Your Honour, yes. But at this moment I  
3 wouldn't want to go into that because I would be missing out on  
4 some little details that I think would be very important if I  
5 attempted to go into that particular case.

6 JUSTICE DOHERTY: Well, then we'll move onto your next  
7 point.

8 MR LANSANA: Yes, Your Honour. The second part is the  
9 transcript. The transcript of the recording.

10 JUSTICE DOHERTY: We are only dealing with the tape. We  
11 are only dealing with the - I am dealing with the two MFIs  
12 separately. At the moment I am dealing with the tape. I will  
13 come to the transcript in due course.

14 MR LANSANA: Yes, Your Honour. I have spoken about the  
15 fact that there has to be an independent witness - or analyst to  
16 substantiate the fact that it is the voice of the accused. I  
17 don't have anything else to say about that recording.

18 JUSTICE DOHERTY: [Microphone not activated]

19 MR LANSANA: As it pleases Your Honour.

20 Your Honour, I have problems with the transcript, too. The  
21 problem I have with it is that is the translation or transcript  
22 of a tape in one language, which is the Mende language to the  
23 English language. And, Your Honour, there are certain nuances in  
24 the Mende language that may not be captured by somebody who is  
25 not a professional linguist, especially somebody versed in both  
26 languages, in which case I am speaking of the Mende language and  
27 the English language. The transcription is not an official one.  
28 It's not done officially, and there are certain utterances that  
29 may not be adequately captured in a transcript that may be in the

1 recording.

2 JUSTICE DOHERTY: Mr Gardner, when he sought to tender the  
3 tape, said that he was only tendering that part which goes from -  
4 which was in English, which goes from the words: "This is  
5 document ..." et cetera, down to the words, "Call me or come to  
6 my location for any discussion." And that was in English. Does  
7 that affect your submission?

8 MR LANSANA: Well in so far as it deals with the entirety  
9 of the transcript --

10 JUSTICE DOHERTY: Just a second, Mr Lansana.

11 Mr Gardner, did I miss you on your feet there?

12 MR GARDNER: No, Your Honour. I just had to get up to look  
13 at the document again. That's why I got up.

14 JUSTICE DOHERTY: Mr Lansana, I interrupted. Please  
15 continue.

16 MR LANSANA: That's all right, Your Honour.

17 Your Honour, I was just saying that it will affect my  
18 submission in so far as the entirety of the transcript is  
19 concerned. But if counsel is limiting himself to just that bit  
20 that is in English, then it doesn't.

21 JUSTICE DOHERTY: Well, we'll short circuit this then, and  
22 I'll ask Mr Gardner if he is limiting his submissions or his  
23 tender to the part that he said he was only putting forward in  
24 evidence of the transcript. We are talking now of MFI-2.

25 MR GARDNER: The one paragraph is the one I was trying to  
26 emphasise to the Court for evidentiary reasons, but my motion  
27 relates to the transcript as a whole --

28 JUSTICE DOHERTY: Very well.

29 MR GARDNER: -- which is why I asked the witness if it was

1 accurate.

2 JUSTICE DOHERTY: In that case, you should pursue your  
3 entire objection, Mr Lansana.

4 MR LANSANA: As Your Honour pleases.

5 In that light, Your Honour, I am still insisting that we  
6 have an official transcript of that recording so as to ascertain  
7 that that which is in the recording is adequately and accurately  
8 captured in the transcript.

9 Your Honour, that's all I wish to say for now.

10 JUSTICE DOHERTY: Your response, Mr Gardner.

11 MR GARDNER: Thank you, Your Honour.

12 First of all, with respect to the tape, I believe that  
13 counsel confuses two issues: Admissibility and weight. The tape  
14 was made by this witness. She has testified to its authenticity.  
15 She has said it's his voice. She says she recognises his voice.  
16 In response to Your Honour's question, she said she could  
17 recognise his voice over the telephone. There doesn't exist any  
18 better evidence of the admissibility of a tape recording than  
19 testimony of the person who made the tape.

20 The notion that there should have to be an independent  
21 voice expert is a nonsequitur. The only reason you have an  
22 independent voice expert is in a myriad of cases where there is  
23 an issue as to authenticity. A proponent of evidence of this  
24 nature cannot do any better than put on the witness who made  
25 their recording. It's up to the Defence to challenge it, test  
26 it. There are a lot of ways on cross-examination that lawyers do  
27 that, but that wasn't done in this case and there was no dent  
28 made in the admissibility argument.

29 Mr Lansana says it's only the testimony of this witness.

1 Well, that's like saying the only evidence that the sun rose in  
2 the east is the testimony of the person who saw it. You don't  
3 get much better.

4 With respect to the transcript, he says it's unofficial.  
5 Well, an official or unofficial is a name - that a document has  
6 unofficial on it because of the circumstances under which it was  
7 made, but the witness testified that the investigator typed it  
8 into his laptop, and then she went over it with him, with the  
9 tape, and made corrections and clarifications so that the tape  
10 reflected - I'm sorry, transcript reflected the tape to the best  
11 of her judgement and knowledge. That's what official means.  
12 She's testified that it's accurate.

13 I don't know what else I could say on the issue, Your  
14 Honour. It seems to me clearly admissible, both of them.

15 MR LANSANA: Your Honour, the accused wants to use the  
16 gents.

17 JUSTICE DOHERTY: He should be escorted out.

18 MR LANSANA: Thank you.

19 [Accused exits court]

20 [Accused enters court]

21 JUSTICE DOHERTY: This is a ruling on an application -  
22 sorry, I'll start again from the beginning as I didn't have my  
23 microphone on.

24 This is a decision on an application to tender two  
25 documents, one a tape and the other a transcription. MFI1 is a  
26 type of recording made by the witness on a memory on a mobile  
27 phone, and MFI2 is the transcript of that tape recording.

28 The evidence shows that the witness consciously and  
29 deliberately operated the machine to record the conversation

1 between herself and the accused. She knew the accused and had  
2 known him for some time - from the evidence, for some years, an  
3 unspecified period. I am satisfied that she knew his voice, that  
4 she heard him speak in person.

5 I do not agree that this is a situation where an expert is  
6 required. This is hardly even a situation of recognition because  
7 the witness was fully aware of who she was recording and the  
8 circumstance of recording. However, for elimination of doubt, I  
9 add that I am satisfied that she knew the voice, that she  
10 recognised it, and when it came to recognising it for purposes of  
11 transcription, that she was competent and qualified to recognise  
12 it again.

13 For that reason, I admit the tape MFI1 as an exhibit and I  
14 mark it as P3, Prosecution Exhibit 3.

15 I now come to the transcript, MFI-2. MFI-2 is a three-page  
16 document headed: "Confidential Unofficial Transcript of the Phone  
17 Recording of the Discussion Between TF1-585 and Eric Koi  
18 Senessie." I have heard evidence that part of the tape was in  
19 English, part in Mende, and part in Krio. The English has been  
20 played in Court and was clear.

21 The witness testified that she heard the entire transcript  
22 played and recorded and had it recorded in her presence on a  
23 computer and that parts of it were corrected on her instructions.  
24 However, I have no evidence who translated the Mende or the Krio  
25 or the qualifications of the person who so interpreted them.

26 I accept the witness speaks Krio, but I have no evidence  
27 before me on her fluency in English to allow me to find that she  
28 is qualified to interpret it.

29 There is an interpretation clause at the end of the

1 document, indicating who interpreted it and their qualification  
2 of the person.

3 For that reason, I consider it unsafe to admit the  
4 transcript where it has been interpreted. Likewise, paragraphs 1  
5 and 2 of page 1 of the document are not actual transcriptions but  
6 explanations which are not part of the recording. For these  
7 reasons, I therefore sever the following parts of the transcript:  
8 Paragraphs 1, 2, and 3 of page 1, and all that part of the  
9 document that commences on page 1 at the paragraph starting, and  
10 I will not repeat the name but I will instead say TF1-585 (in  
11 Krio), now that they have come - not come yet to the end of the  
12 document.

13 I admit that the remainder of the transcript which is at  
14 the paragraph starting 2: "The Charles Taylor Defence  
15 Counsel...", and ends at the line saying, "Come to my location  
16 for any discussion."

17 I note that counsel for the Defence did not pursue his  
18 earlier argument under Rule 43 of the Rules of Procedure and  
19 Evidence and therefore I do not need to rule upon it. But,  
20 again, for illumination of any doubt, I note that the accused was  
21 not a suspect within the meaning of part 1 of the general  
22 provisions of the Rules of Procedure and Evidence at the relevant  
23 time of this recording, and accordingly Rule 43 does not apply.

24 That is the end of my ruling.

25 Mr Court officer, MFI1 will be admitted in its entirety,  
26 and MFI2 will be severed as I have described.

27 If there are no -

28 MR LANSANA: As it pleases Your Honour.

29 JUSTICE DOHERTY: Thank you, Mr Lansana.

1 MR GARDNER: Your Honour, the - if I understand you  
2 correctly, you're allowing into evidence the Taylor - I mean the  
3 paragraph beginning:

4 "I want to take this opportunity ..."

5 JUSTICE DOHERTY: Actually it's the line above that.

6 MR GARDNER: "To the Charles Taylor Defence counsel ..."

7 And will that be marked as P4?

8 JUSTICE DOHERTY: That will be Prosecution Exhibit P4.

9 MR GARDNER: Thank you.

10 JUSTICE DOHERTY: Okay.

11 If there are no other matters, I will release the witness.

12 Mr Gardner, I can release the witness?

13 MR GARDNER: Yes, Your Honour.

14 JUSTICE DOHERTY: Thank you.

15 Madam Witness, that is the end your evidence. There are no  
16 other matters before us. Thank you for coming to give your  
17 evidence today. I would ask you to sit where you are. The  
18 curtains will be drawn, and that will allow you to leave the  
19 Court with your security in place. Thank you.

20 THE WITNESS: Thank you.

21 [The witness withdrew]

22 JUSTICE DOHERTY: Now, Mr Gardner, your next witness,  
23 please.

24 Just before that witness is called, can we check on his or  
25 her status as a protected witness, Mr Gardner, what we need to  
26 have in place.

27 MR GARDNER: Yes, Your Honour, and he's not testifying with  
28 protective measures. He testified in The Hague by name and he'll  
29 do so here. And the witness is Aruna Gbonda, spelled

1 G-B-O-N-D-A.

2 JUSTICE DOHERTY: Thank you. What we'll do, therefore, is  
3 we'll have the curtains pulled back so the Court is public and  
4 the witness is brought in.

5 And what language will the witness speak, Mr Gardner?

6 MR GARDNER: Well, again, I am not sure, Your Honour. I am  
7 pretty sure it's Krio, and I'd be shocked if he doesn't want an  
8 interpreter, but perhaps we can inquire.

9 JUSTICE DOHERTY: Are the Krio interpreters in place? I  
10 think they are.

11 THE INTERPRETER: Yes, Your Honour.

12 JUSTICE DOHERTY: I think there may be a need for some  
13 help.

14 MR GARDNER: Can they bring in the next witness, Your  
15 Honour?

16 JUSTICE DOHERTY: Yes. He should be brought in, please.

17 Gentlemen, it may be that we have only 20 minutes because  
18 the tape is two hours, but we will be alerted to the situation  
19 when the tape runs out.

20 [The witness entered court]

21 JUSTICE DOHERTY: Will the witness be sworn? Please swear  
22 the witness.

23 THE REGISTRAR: Your Honour, the witness says he speaks  
24 Mende.

25 JUSTICE DOHERTY: Do we have the Mende interpreters in  
26 position?

27 THE INTERPRETER: Yes, Your Honour.

28 JUSTICE DOHERTY: Very good. Please proceed.

29 [The witness is sworn]

1 THE WITNESS: My name is Aruna Gbonda.

2 JUSTICE DOHERTY: Thank you, Mr Gbonda. Please take a seat  
3 down.

4 Please proceed, Mr Gardner.

5 WITNESS ARUNA GBONDA:

6 EXAMINATION IN CHIEF BY MR GARDNER:

7 Q. Good afternoon, Mr Gbonda. Can you see me here?  
8 Mr Gbonda?

9 A. I'm seeing you.

10 Q. Okay. Mr Gbonda, where do you live, sir?

11 A. I'm living in Kailahun, but my hometown is Talia.

12 Q. What is your --

13 THE INTERPRETER: Your Honour, can the Court officer please  
14 adjust the witness's microphone because we are not getting him  
15 clearly.

16 JUSTICE DOHERTY: Please proceed.

17 MR GARDNER:

18 Q. Where do you live, Mr Gbonda?

19 A. I'm living in Kailahun now.

20 Q. Where did you live prior to your being in Kailahun?

21 A. My hometown is Talia.

22 Q. What is your occupation, Mr Gbonda?

23 A. I'm a farmer.

24 Q. Did you testify at the Hague in the Charles Taylor case?

25 A. Yes.

26 Q. Did you testify as a Prosecution or Defence witness?

27 A. These people, this man standing here, it was on their side  
28 that I testified. This man that I am talking with.

29 Q. Are you referring to me?

1 A. Yes. It's your own people that I worked with.

2 Q. And that would be the Prosecution; is that correct?

3 A. Yes. I think so.

4 Q. Okay. How many days did you testify at the Hague for the  
5 Prosecution, approximately?

6 A. When I went - when I went there it was almost getting close  
7 to the evening and I started, and I continued the other day.  
8 Then I completed it the following day.

9 Q. Mr Gbonda, I would like to direct your attention to last  
10 year, January 29 of 2011, about a year and a half ago, and ask  
11 you if you were contacted by Eric Senessie on that day.

12 MR LANSANA: I object, Your Honour. It's leading.

13 JUSTICE DOHERTY: It is leading, Mr Gardner. Please  
14 rephrase.

15 MR GARDNER:

16 Q. Mr Gbonda, do you know a man named Eric Senessie?

17 A. Yes.

18 Q. How long have you known him?

19 A. We were living together in Kailahun. I've been seeing him  
20 there.

21 Q. For approximately how many years?

22 A. It could be up to three years.

23 Q. Do you recall a conversation with him in January of last  
24 year?

25 A. Yes.

26 Q. Would you tell us where that conversation took place?

27 A. He went to me at my house.

28 Q. What did he say to you, Mr Gbonda?

29 A. When he went, initially the first day that he went and met

1 me at my house, I had gone to my village. Then he left a message  
2 with my wife that when I return, she should tell me that he came  
3 and I was not in, and the following day he would be coming in the  
4 evening.

5 Q. Did he come the next day?

6 A. Yes, he came in the evening. That was the time that I came  
7 from the village and we met at my house.

8 Q. What did he say to you?

9 A. He came and he said, Chief Aruna, it looks like you'll be  
10 returning to The Hague. Then I asked him, Why? Then he said,  
11 The evidence that you gave there, the Defence have said that some  
12 people had spoken to you to go and testify. He said that was why  
13 you will return. He said the money that they was supposed to  
14 have given to you, they did not give to you. He said when you  
15 return now - when you return, all the money that you were not  
16 given, they now will give the money back to you.

17 Q. When you say "they," who were you referring to, Mr Gbonda?

18 A. Eric himself was telling me this that when we return, those  
19 people who will be taking us back, the money that was supposed to  
20 be given to us, they would give that money to us when we return.

21 Q. Did he say whether that was the Prosecution or the Defence?

22 A. Just - he just told me that they was Prince Taylor's  
23 people. They was the ones taking us.

24 Q. What did you say to Mr Senessie in response?

25 A. I told him that what I said in Freetown and what I said in  
26 The Hague, if that is what I am going to repeat, then I told him  
27 I would be ready to repeat that. He said no, they wanted me to  
28 go - the statement that I made here, in Freetown here, and the  
29 one that I made in The Hague, they wanted me to go and change

1 that. Then I said, No, I won't do that. I said if that is the  
2 only reason, then I won't go.

3 Then he said, that's fine. There are people I have been  
4 talking with who will come back. He used to come to me, and each  
5 time he came he would talk about the same thing. There was a  
6 time he came with a document that he asked me to sign. Then I  
7 asked him what the letter was about, and he said if you sign this  
8 document, then you will be asking Prince Taylor to come and talk  
9 to you. And I said, since I started going to that Court, started  
10 taking me to Freetown, nobody had given me a document for me to  
11 sign before I could go. Then I asked with whom I was in this  
12 thing. Then he named someone called Kabbah. Then I said if I  
13 was to sign this document with Kabbah, then let's take this  
14 document to Kabbah for him to sign first. If he signs first,  
15 then what I have in mind I will say.

16 So in the morning he gave me my transport fare, 2.000  
17 Leones, then we went to Kabbah. Then he explained the same  
18 thing, that he would like us to go there to change our statement.

19 Q. When you went to Mr Kabbah's house, was Mr Senessie with  
20 you?

21 A. He was there. He was there. We were together with Kabbah's  
22 wife. We were four.

23 Q. Tell the Court about the conversation at Kabbah's house,  
24 please.

25 A. When we went at that house, then I said, this man that you  
26 said that you want to come and talk to us, I want you to call him  
27 so that we can talk to him so that I can understand his voice and  
28 to know exactly if he's the one that has told you to come and  
29 tell us to go and change our statement. Then he touched the

1 phone for some time, and then the person did not pick up the  
2 call. Then I told him not to fool me. I told him I was not a  
3 fool, so he shouldn't fool me.

4 Q. Why did you --

5 A. The person who wants us to talk, he couldn't come for us to  
6 talk, then he start fooling me. You have taken me from my house  
7 and brought me here. And I was very angry and I expressed that  
8 to him, then I returned.

9 Q. Why did you express an interest in talking to the  
10 Prince Taylor fellow?

11 A. I said I wanted to ask him why he had sent Senessie to me  
12 for him to come and tell me to go and change what I had said.  
13 That is what I wanted to ask him.

14 Q. After you had this conversation - these conversations with  
15 Mr Senessie and the conversation at Mr Kabbah's house, did you  
16 speak to anyone at the Court?

17 A. At this time that we said this, I did not say anything to  
18 those people, those people who used to bring me here. I was not  
19 able to talk to them, the reason being that they had said that  
20 the Court has closed. Everybody has gone away, and I hadn't a  
21 phone. So that is why I did not talk to anybody here, but I was  
22 there one day when I saw them.

23 Q. When you said --

24 A. Not knowing that he had said this to many people.

25 Q. When you say you saw "them," who are you referring to?

26 A. Those people who had brought me here to talk. They are the  
27 ones I say.

28 Q. The investigators?

29 A. Yes. They are the ones who went to investigate this

1 things.

2 Q. Did you give a statement to the investigators?

3 A. Indeed.

4 Q. Did you give that statement on January 31, 2011, two days  
5 after your first conversation with Mr Senessie?

6 A. When I went and they summoned me, I went there and it  
7 was the very day that I explained everything with respect to what  
8 the conversation I had with Senessie.

9 THE INTERPRETER: Your Honour, can he kindly repeat the  
10 last bit of his answer.

11 JUSTICE DOHERTY: Mr witness the interpreter needs you to  
12 repeat the last part of what you have just said. You said:

13 "When they went and they summoned me ..."

14 Continue from there, please.

15 THE WITNESS: I said when we went, they asked me that they  
16 had heard something and that was what they had gone to  
17 investigate, if anybody had spoken now, and I said, yes. And  
18 they asked me who had spoken to me, and I said Mr Eric Senessie.  
19 I said he was the one who had spoken to me for me to go and  
20 change my statement.

21 MR GARDNER: I would like to show the statement to the  
22 witness at this point, Your Honour.

23 JUSTICE DOHERTY: Yes, please do so.

24 MR GARDNER: Would Mr Lansana like a copy of the original?

25 MR LANSANA: Certainly.

26 JUSTICE DOHERTY: Yes, please give the copy to counsel.

27 THE WITNESS: I am not literate but my thumbprint is there.  
28 That's my thumbprint. I am not literate but I signed it. After  
29 I had spoken, they asked me to sign to show that what I said was

1 true. Yes, that's my signature on that document.

2 MR GARDNER:

3 Q. And did Mr Lamin and Mr Koroma read the statement to you  
4 before you put your thumbprint on it?

5 A. Yes, when I explained to them and after I had written it,  
6 they read it out to me just as I had explained it. Then I signed  
7 it.

8 MR GARDNER: I move the admission of Mr Gbonda's statement,  
9 Your Honour, as the next exhibit, which I believe is -

10 JUSTICE DOHERTY: Mr Lansana, any objections?

11 MR LANSANA: I have no objections, Your Honour.

12 JUSTICE DOHERTY: That therefore, will be Exhibit P5, I  
13 think. And that is a three-page document which the witness has  
14 identified by way of his thumbprint and stated it was read to  
15 him. It will be admitted accordingly.

16 MR GARDNER:

17 Q. Mr Gbonda, after you --

18 A. Yes.

19 Q. After you gave this statement that has your thumbprints on  
20 it, on January 31, did you have any additional contact or  
21 contacts with Mr Senessie?

22 A. After I had signed that document, after that, he came back  
23 to me. He said he did not know whether what he had told me had  
24 been exposed to the Court. He was wondering who had exposed it  
25 to the Court. That was what he was inquiring about. Then I told  
26 him not to ask me that. You have said so. Maybe you have spoken  
27 to so many people, and I told him not to ask me. So we had no  
28 further conversations.

29 Q. What was Mr Senessie's attitude or demeanor when he said

1 this to you?

2 MR LANSANA: Your Honour, I don't understand that question,  
3 his attitude or demeanour.

4 JUSTICE DOHERTY: There is a possibility of two questions  
5 in one there, Mr Gardner, so the witness can obviously attest to  
6 the demeanour, so I will allow what was his demeanour when he  
7 said that.

8 MR GARDNER: I was about ready to ask you to strike  
9 "attitude" Your Honour. If that word can be adequately translated  
10 into Mende, I'd be happy.

11 Q. Mr Gbonda, what was Mr Senessie's demeanor when he had that  
12 conversation with you and made those statements?

13 A. From what I saw, Eric Senessie did not know anything about  
14 this Court, because those who were going to me, each time they  
15 wanted us to talk, we did not talk amongst people. But when we  
16 went, he would talk in the presence of people. Wherever he met  
17 me, he would start his topic this. When he used to go, even the  
18 veranda where we used to sit, there was always a lot of people  
19 there. When we were going initially, those people before they  
20 could obtain statement from me, sometimes they would call me,  
21 just the two of us, then they would go away. What they wanted to  
22 ask me, they would ask me, then I would explain. But for him,  
23 wherever he met me, whether there is a crowd or no crowd there,  
24 he would just tell me about his intention for me to go and change  
25 my statement. I am not a fool. How could I have spoken the  
26 truth then I return there and go and say no, did I not speak the  
27 truth now?

28 JUSTICE DOHERTY: Mr Gardner, we've just been advised that  
29 there is only about a minute left on the tape, so I'm afraid I'll

1 have to curtail any further examination-in-chief at this time.

2 We'll resume the evidence tomorrow morning. So I will now  
3 give the witness the usual warning and we will adjourn court.

4 Mr Witness, it's time for us --

5 THE WITNESS: Yes.

6 JUSTICE DOHERTY: It's time for us to finish for today.  
7 Therefore, we are going to continue to hear the rest of your  
8 story tomorrow morning at 9.30. Since you have sworn to tell the  
9 truth, you must not discuss your evidence with any other person  
10 between now and the time that it is finished. You understand?

11 THE WITNESS: Yes. I'll explain very well for you to  
12 understand. Everything that we said, I will explain everything  
13 for you to understand. I won't tell no lies.

14 JUSTICE DOHERTY: Thank you, Mr Gbonda.

15 If the witness can be assisted from the witness box,  
16 please.

17 We'll be adjourning now. And the question, of course, that  
18 arises is the position of the accused now that the case is opened  
19 against him.

20 Mr Lansana.

21 MR LANSANA: Yes, Your Honour. I would implore the Court,  
22 Your Honour, that this Chamber's orders to bail continue, because  
23 like I informed the Court that I would make an undertaking to the  
24 Court that I would personally impress upon my client that he has  
25 to observe, strictly observe the conditions of his bail; not to  
26 interfere with Prosecution witnesses, their friends or relations  
27 or in what way - in whatever way, that he adheres strictly to  
28 that. And, of course, he is a guest of the Court. He is being  
29 taken care of by WVS. And I would want this Court to have this

1 bail continue throughout these proceedings.

2 That's all I wish to say, Your Honour.

3 JUSTICE DOHERTY: Thank you.

4 Mr Gardner.

5 MR GARDNER: Well, the complexion of things, Your Honour,  
6 certainly is different than it was 24 hours ago. I think there  
7 has been some strong evidence adduced against him today, and  
8 that, obviously, is an issue. Any conditions that the Court  
9 imposes that preclude the possibility of flight I am perfectly  
10 happy with. Whatever the Court orders is fine.

11 JUSTICE DOHERTY: Where is Mr Senessie staying, Mr Lansana?

12 MR LANSANA: Your Honour, he stays at a guesthouse they  
13 call the Golden --

14 JUSTICE DOHERTY: You don't have to give me the name, but  
15 is it under the control of WVS?

16 MR LANSANA: Yes. Yes, Your Honour.

17 JUSTICE DOHERTY: Well I will extend the bail on the  
18 understanding that the terms and conditions will be adhered to,  
19 that he will remain within the overview of the WVS.

20 MR LANSANA: As Your Honour pleases.

21 JUSTICE DOHERTY: Mr Senessie, I am sure you heard what I  
22 said.

23 THE ACCUSED: Quite loud and clear, My Lord.

24 JUSTICE DOHERTY: Thank you.

25 Please adjourn the Court until 9.30 tomorrow morning.

26 [Whereupon the hearing adjourned at 4.25 p.m.  
27 until 9.30 a.m. the following day]

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