



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

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 [Tuesday, 12 June 2012]

2 [Open session]

3 [Upon commencing at 9.25 a.m.]

4 JUSTICE DOHERTY: I'll take appearances.

09:26:51 5 The accused is appearing. Let him be seated before I take
6 appearances.

7 Mr Gardner, you're appearing for the Prosecution.

8 MR GARDNER: I'm trying to figure out how to identify
9 myself, Your Honour, and the best I can come up with is: This is

09:27:20 10 William Gardner, Independent Counsel for the Prosecutor.

11 JUSTICE DOHERTY: Sounds fine and we will have that on
12 record, Mr Gardner.

13 MR GARDNER: Thank you.

14 JUSTICE DOHERTY: And for the Defence.

09:27:32 15 MR LANSANA: If it please Your Honour, A. B. Lansana,
16 Ansu Lansana for the accused.

17 JUSTICE DOHERTY: Thank you, Mr Lansana.

18 Any preliminary matters?

19 MR GARDNER: Yes, Your Honour.

09:27:42 20 It was brought to my attention yesterday by the ever
21 efficient Court Management that in my pre-trial brief, which was
22 submitted before 274 was afforded protective measures that I
23 referred to him by name, and I'm therefore making an application
24 for the court reporter, an ore tenus application, to allow my
09:28:13 25 pre-trial brief to be redacted to substitute 274 for the
26 witness's name.

27 JUSTICE DOHERTY: Yes.

28 Mr Lansana, have you any objection to that application?

29 MR LANSANA: Absolutely none, Your Honour.

1 JUSTICE DOHERTY: Thank you. In the light of the fact that
2 the pre-trial brief was filed prior to the application and the
3 granting of protective measures to TF1-274, it was -
4 automatically he would have been referred to by name.

09:28:50 5 In the circumstances and in light of the application, I
6 think it is proper for his security that the pre-trial brief be
7 amended, and accordingly I order that the pre-trial brief be
8 redacted with the name of TF1 substituted with his pseudonym.

9 MR LANSANA: Your Honour, I think the same applies to the
09:29:12 10 Defence pre-trial brief.

11 JUSTICE DOHERTY: Indeed. I've more or less given a
12 direction in accordance with that that it be amended and
13 re-filed. It applies not only to TF1-274 but also to 585 and
14 516, so that CMS Court Manager will consult with you in the
09:29:39 15 course of the day to ensure that that's re-filed with the
16 substitution of a pseudonym for the names, Mr Lansana.

17 MR LANSANA: Very well, Your Honour.

18 JUSTICE DOHERTY: Thank you.

19 I note that the accused has appeared from bail, and if
09:29:54 20 there is no other matters we will continue with the evidence of
21 Mr Gbonda, and I will direct that Mr Gbonda be brought in,
22 please.

23 [The witness enters court]

24 WITNESS ARUNA GBONDA: [Resumed]

09:31:18 25 JUSTICE DOHERTY: Good morning, Mr Witness.

26 THE WITNESS: Greetings to you, Mama.

27 JUSTICE DOHERTY: Interpreters in position, or have I -

28 THE INTERPRETER: Yes, Your Honour.

29 JUSTICE DOHERTY: Oh, I think I am on the wrong channel

1 agai n.

2 THE INTERPRETER: Can you hear me, Your Honour?

3 JUSTICE DOHERTY: I can hear you now, Mr Interpreter.

4 Thank you.

09:31:49 5 What did the witness respond because --

6 THE INTERPRETER: He said, "Greetings to you, Mama."

7 JUSTICE DOHERTY: Thank you, Mr Gbonda.

8 Mr Gbonda, I am going to remind you that yesterday you took
9 the oath to tell the truth. That oath is still binding on you

09:32:08 10 today and you must answer all questions truthfully. You
11 understand?

12 Did the witness hear what I said?

13 THE INTERPRETER: He's apparently on the wrong channel.

14 JUSTICE DOHERTY: [Microphone not activated]

09:32:33 15 THE WITNESS: I did not hear the interpreter.

16 JUSTICE DOHERTY: Very well. I am going to repeat what I
17 said, Mr Gbonda. I said that yesterday you took the oath to tell
18 the truth. That oath is still binding on you today, and you must
19 answer the questions truthfully.

09:32:52 20 THE WITNESS: I said yesterday that I will speak Mende, but
21 up to now I have not heard any Mende.

22 JUSTICE DOHERTY: Very well.

23 Mr Interpreter, are the Mende interpreters in position?

24 THE INTERPRETER: Yes we are. Apparently he is on the
09:33:07 25 wrong channel.

26 JUSTICE DOHERTY: I'll have that checked again.

27 THE INTERPRETER: It should be N2.

28 THE WITNESS: I can hear you now.

29 JUSTICE DOHERTY: Oh thank you.

1 Mr Interpreter, I think [microphone not activated].

2 THE INTERPRETER: He is still not getting us.

3 JUSTICE DOHERTY: I had in my - I did not have my
4 microphone pressed on, but I'll - the Court attendant is giving
09:33:53 5 it a trial run.

6 Mr Court Attendant, can you hear what is being translated?

7 THE WITNESS: I can now hear you.

8 JUSTICE DOHERTY: Thank you, Mr Gbonda. I am going to
9 repeat what I said before.

09:34:13 10 What I said was that yesterday you took the oath to tell
11 the truth. The oath is still binding on you today. You must
12 answer the questions truthfully. Did you understand what I said?

13 THE WITNESS: Yes.

14 JUSTICE DOHERTY: Thank you.

09:34:36 15 Mr Gardner, please proceed.

16 MR GARDNER: I'm just going to challenge my memory, Your
17 Honour, and my notes.

18 JUSTICE DOHERTY: My notes are that you were asking about
19 papers read to him by Mr Koroma and Mr Lamin, and he answered:

09:35:07 20 "Yes, when I explained, they read it out to me just as I
21 had explained it to them."

22 Then the witness was asked about contacts, and then he was
23 asked about the demeanor of the accused. And he spoke about
24 other people being present, and he and the accused only spoke
09:35:34 25 when there was no crowd. And he emphasized that he's no fool and
26 he was speaking the truth. He also said he had been - "angry"
27 was the expression he used - with the accused.

28 MR GARDNER: I believe Your Honour admitted his statement
29 as P5?

1 JUSTICE DOHERTY: That is correct.

2 MR GARDNER: Okay.

3 EXAMINATION IN CHIEF BY MR GARDNER: [Continued]

4 MR GARDNER:

09:35:58 5 Q. Mr Gbonda, am I coming through to you in Mende?

6 A. Yes.

7 Q. Mr Gbonda, yesterday I showed you the statement that you
8 gave to the investigators that you put your thumbprint on. Do
9 you recall that?

09:36:24 10 A. Yes.

11 Q. After you gave that statement to the investigators, which
12 was dated January 31 of 2011, in the weeks following that
13 statement, did you have any further meetings or contacts with
14 Mr Senessie?

09:36:49 15 A. He used to go to my house, the house where I was staying.
16 That is where he was going.

17 Q. Did he come to your house in the weeks after you gave your
18 statement?

19 A. After I had given that statement and when people had known
09:37:15 20 that - when Eric had known that whatever - what Eric had done had
21 been exposed, he went to me and asked me about it, and I told him
22 not to ask me about it.

23 Q. What specifically did he say to you?

24 A. He we want and said what he had told me, he's heard that
09:37:43 25 these people who took my statement, he's heard that these people
26 have known about it, and he was wondering who may have told them.

27 Q. Anything else?

28 A. Yes. He said what I said, just like I - just like I told
29 you. These are my exact words.

1 Q. What did - I'm sorry, go ahead.

2 A. After all of that, after he had told me that, there was a
3 time when close to the evening hours, about 7.00, I saw a
4 motorbike coming from the Talia end, my hometown. And that
09:38:42 5 motorbike, when they were coming, they did not use the police
6 station route. They came to me at my house. They said they had
7 come to Talia and they did not find me. They said they had come
8 for me. And I said, Why? They said this Mr Patrick, who was
9 head of the mining, had gone to Mali and now he's reached - and
09:39:19 10 now we've come for you so that we can give you your own share of
11 that money so that you can start some business.

12 I said, At this time? And he said, Yes, we've come for
13 you. We are not going to leave you behind. Then I told them,
14 Well, at this time of the day I can't go. I lied. I said
09:39:43 15 because tomorrow I had to attend a magistrate court, so I can't
16 leave this evening. I said, Let's spend the night then tomorrow
17 in the morning we will go together. I said I have to go to the
18 GP's - I have to go to the JP's to explain to them that I have
19 been asked to go somewhere and I'll be going there.

09:40:06 20 After we spent the night, very early in the morning they
21 told me we should leave early. Then I told them, Well, this
22 morning I can't go. I said yesterday I went to obtain permission
23 but that man did not allow me. And they said, Well, what do we
24 do? And I said, I told them to go ahead. After the Court I will
09:40:31 25 join them. At this time we were talking, this Mr Patrick, I
26 wonder - I was wondering who gave him my number. So he continued
27 calling me. I told him that after the Court I will join them.
28 But I have to go to the court and afterwards I will join them.

29 Then they took me by the house and they said this motorbike

1 had no petrol. They said I should give them some money so that
2 they can buy petrol so that the police cannot meet them on the
3 way.

09:41:12 4 I said, But you people said you have some money. How can
5 you ask me to borrow you money so that you can buy petrol? I
6 said the money that I have, after court, I will hire a motorbike
7 and meet you.

8 THE INTERPRETER: The name of the place is not clear,
9 Your Honour. Can he repeat the name of the place.

09:41:32 10 JUSTICE DOHERTY: Mr Witness, the interpreter did not hear
11 the name of the place clearly. Could you please tell us the name
12 again?

13 THE WITNESS: I'll meet you people at Kokulu Gawula.

09:41:45 14 MR GARDNER: I believe, Your Honour, that that is spelled
15 K-O-K-U-L-U G-A-W-U-L-A.

16 JUSTICE DOHERTY: Thank you, Mr Gardner.

17 MR GARDNER:

18 Q. Please continue, Mr Gbonda.

09:42:12 19 A. When - when - then they left very early in the morning. In
20 the afternoon, my wife was even angry that they've come to summon
21 me for some money. And I refused to go. And I told her but -
22 two people only - that only two people can ride on the bike. Now
23 these people have come for me to take me along.

09:42:36 24 THE INTERPRETER: Your Honour, the witness is speaking very
25 fast.

26 JUSTICE DOHERTY: Mr Gbonda, as I explained to you
27 yesterday, the interpreter must translate everything you say and
28 someone is also writing down everything you say. So can you
29 speak more slowly and pause at the end of each part. Thank you.

1 THE WITNESS: Okay.

2 JUSTICE DOHERTY: Now you were explaining to us that your
3 wife was angry, that you were summoned for money, you did not go.
4 And you said there were only two people on the motorbike. Please
09:43:18 5 continue from there.

6 THE WITNESS: I will sit in the middle and someone will sit
7 at the back, so there will be three of us on the bike and we
8 would go. That was what I saw, and I said, No, this is not
9 normal. Then I refused to go. In the morning, very early in the
09:43:48 10 morning, they boarded their motorbike and returned.

11 MR GARDNER:

12 Q. Do you know who sent those --

13 A. But that motorbike, I looked at the back and I saw - I saw
14 it with the registration number. I am not literate but I wrote
09:44:14 15 that number on the wall of my house. When these my people - when
16 those people who took my statement - the statement from me, I
17 explained to them what had happened. So that man who was called
18 Patrick Bangura in Kokulu Gawula had sent a motorbike for me to
19 go.

09:44:38 20 Q. Who was Patrick Bangura?

21 A. At that time, during the RUF days, he was head of the
22 mining in Giema.

23 Q. Do you know who sent Mr Bangura to you?

24 A. I did not know, but after - that was after Eric's incident.

09:45:10 25 MR LANSANA: Your Honour, I object to that. That is not
26 specifically answering the question put to him. He's introducing
27 something by way of suggestion, which is not a fact.

28 JUSTICE DOHERTY: No, he's not. He said:

29 "I do not know. It was after Eric's days."

1 That's not a suggestion. That's a statement of time. So
2 if you - I will allow that answer to remain on record and you
3 will have a right, of course, to cross-examine.

4 MR GARDNER: I don't believe he had finished his answer,
09:45:46 5 either, Your Honour --

6 JUSTICE DOHERTY: He had not.

7 MR GARDNER: -- so I will ask him to continue.

8 Q. Can you please continue and finish your answer, Mr Gbonda.

9 A. Okay. After that time, when these people went, I explained
09:46:01 10 to them I didn't not know what they did up to this time. I have
11 not heard from that man up to this point that I am sitting here.
12 That's what I know about that.

13 Q. Which man?

14 A. Mr Patrick Bangura that I spoke about.

09:46:17 15 JUSTICE DOHERTY: Mr Gbonda, you said:

16 "I explained to those people ..."

17 Which people did you explain to?

18 THE WITNESS: The people who went to obtain statement from
19 me.

09:46:32 20 JUSTICE DOHERTY: [Microphone not activated]

21 MR GARDNER:

22 Q. Do you mean the investigators?

23 A. Yes.

24 Q. Okay. Do you know why Mr Bangura sent those two men to you
09:46:51 25 on the motorbike? I did not know at all. In fact, that was what
26 caused me to be afraid, and I decided not to go.

27 Q. Do you know whether Mr Bangura belonged to a political
28 party?

29 A. He was RUF.

1 Q. Okay. Do you know whether Mr Bangura had a relationship
2 with Mr Senessie?

3 A. He himself used to know Mr Bangura very well.

4 Q. Was there any connection between Mr Senessie and Mr Bangura
09:47:44 5 coming to you; do you know?

6 A. I did not know. I did not know why this man was out there,
7 just after we had spoken then - because it took a long time and
8 that man was not talking to me. It was after that statement.
9 That was the time that I heard about him. So I was in doubt.

09:48:19 10 Q. Did you have any further or additional conversations with
11 Mr Senessie after that?

12 A. Apart from this, after what had transpired between myself
13 and that man. Up to this moment we never said anything to each
14 other.

09:48:43 15 Q. Did you ever tell anyone you would go to The Hague and
16 recant or change your testimony?

17 A. I can't do that because when they used to take us there,
18 they never exposed us. They never identified us, so I wouldn't
19 tell anybody that.

09:49:08 20 Q. Did you ever meet with Prince Taylor?

21 A. No.

22 MR GARDNER: I have no further questions for the witness,
23 Your Honour.

24 JUSTICE DOHERTY: Thank you, Mr Gardner.

09:49:23 25 Mr Lansana, cross-examination of the witness.

26 MR LANSANA: Yes, Your Honour.

27 JUSTICE DOHERTY: Please proceed.

28 MR LANSANA: Thank you, Your Honour.

29 CROSS-EXAMINATION BY MR LANSANA:

1 Q. Good morning, Mr Gbonda.

2 A. Good morning, old one.

3 Q. You have said in your testimony that you're aware that
4 Eric Senessie was a member of the RUF, not so?

09:50:15 5 A. Yes.

6 Q. And you, too, happen to be a member of the RUF, correct -
7 RUF, correct?

8 A. I was even head among the civilians. I was made head among
9 the civilians in the RUF.

09:50:41 10 Q. And later the RU --

11 JUSTICE DOHERTY: We want to be clear about this now,
12 Mr Lansana.

13 Mr Witness, Mr Lansana has not talked just about the RUF.

14 He's also talked about the RUF Party. His question was:

09:51:01 15 "You were a member of the RUF Party?"

16 Is that correct or is that not correct?

17 THE WITNESS: During the war in the country, I was an RUF
18 member, but at this time I am not a member of any RUF business.

19 MR LANSANA:

09:51:28 20 Q. Does that mean - when you say "any RUF business," does that
21 mean that you are not a member of the RUF, the party that later
22 took the place of the RUF?

23 A. I, sitting here, as long as it had anything to do with RUF,
24 I am not a part of it. It was just because of the war.

09:51:58 25 Q. Haven't you ever attended an RUF meeting in Kailahun?

26 A. Apart from after the war, I am not a part of any RUF thing
27 at all.

28 Q. Now, have you ever visited Eric Senessie at home?

29 A. God forbid. I've never been to his house, except when he

1 called me and we went to Kabbah's house, but I've not been to his
2 house.

09:53:10 3 Q. I am putting it to you that that is not correct. As a
4 matter of fact, you happened to visit Eric at his house sometime
5 in January of 2011?

6 A. I, sitting here, even if I face all sorts of difficulties,
7 I won't go to Eric. I am older than Eric. He wouldn't be richer
8 than me. Even if I face difficulties, I can't go to him. I
9 don't even know his house. That's what I can tell you.

09:53:44 10 Q. I am putting it to you that at the time I am referring to,
11 you went to Eric Senessie's house. You didn't meet him. You met
12 his son, Fick Senessie.

13 A. What I have told you, I said Senessie called me that we
14 should go to Kabbah. I said apart from that, I have never been
09:54:14 15 to Senessie's house. I've never been to his house. From my
16 house to Senessie's house, it's nearly 2 miles.

17 Q. You told this Court a while ago that in fact you don't know
18 his house. Do you still maintain that position?

19 A. He called me and we went to Kabbah's house. We went to
09:54:45 20 Kabbah's house. We did not go to his house. We went to Kabbah's
21 house.

22 Q. My question is: Do you still maintain the position that
23 you don't know Eric Senessie's house?

24 MR GARDNER: Your Honour, I have an objection almost in the
09:54:58 25 form of clarification. The word "no" can mean no in the sense of
26 whether he's been there. It can also mean "no" whether he knows
27 where it is. I am not sure that the witness and Mr Lansana are
28 on that same meaning.

29 JUSTICE DOHERTY: I must say, Mr Lansana, since the witness

1 had said the house was 2 miles away, it did occur to me did you
2 mean the location or the structure. Maybe a clarification.

3 MR LANSANA: Yes, Your Honour.

4 Q. Now you told this Court that: One, you didn't know

09:55:33 5 Eric Senessie's house. I take it to mean that you don't know
6 where it is, the location where it is located; is that correct?

7 A. Where Eric's house is, I don't know there. I don't know
8 his house. It is Kabbah's house that I know. Kabbah's house is
9 on the main road. That's the place that I know. That is the

09:56:00 10 place that we went.

11 Q. Now my question is: If you don't know the location of
12 Eric Senessie's house, how come you know that it's 2 miles away
13 from yours?

14 A. Well, when we were talking, he told me his house was in
09:56:18 15 that area. And from my house to Kabbah's house, he told me they
16 were there together. From my house to that particular place,
17 it's about 2 miles. That's what I thought about when I said so.

18 Q. Thank you. Still on the visit to Eric Senessie's house, I
19 put it to you that you went to the house and you met

09:56:48 20 Fick Senessie, and you asked Fick Senessie about Eric's number
21 when you didn't meet him at home.

22 A. When Eric went to me to ask me to sign the document, I said
23 no because I am not literate. I said, With whom are we in this
24 thing together? And he named Kabbah. And he said we should go
09:57:15 25 to --

26 THE INTERPRETER: Your Honour, can he repeat the last bit
27 of his answer.

28 JUSTICE DOHERTY: Pause, Mr Witness. You're a bit fast for
29 the interpreter. Please repeat your answer. You said:

1 "When Eric came for you to sign the paper ..."

2 Continue from there, please.

3 THE WITNESS: He went to me with a document and asked me to
4 sign it. Then I asked him, What does this document mean? He
09:57:51 5 said, If we sign this document, Mr Prince Taylor would come and
6 speak to us so that we can go and change our statement. That was
7 when I told him that, Look, I am not literate. But to whom have
8 you spoken? And he named Kabbah.

9 Then I told him that I would like us to meet at Kabbah's
09:58:21 10 house. Then I asked him to give me his number so that when I am
11 ready to go there tomorrow, I would call him. Then he wrote down
12 his number and he gave it to me. I am not literate. That was
13 when we went to Kabbah's house. I did not go to Eric's house.
14 We went to Kabbah's house.

09:58:51 15 MR LANSANA:

16 Q. Now you - according to you, you didn't want to sign that
17 document, and yet you went with Eric to Mohammed Kabbah's house.
18 Why did you go to Mohammed Kabbah's house?

19 A. I am happy that you've asked me this question. When I
09:59:11 20 went, he actually told me this Mr Patrick - this Mr Prince Taylor
21 that he spoke about, he said he would call him and would talk
22 with him so that I would know what he wanted to tell us. That is
23 the reason I went.

24 We went and he dialed continuously. I did not hear
09:59:46 25 anybody's voice except his. That's when I told him - then I told
26 him, You are trying to fool me. I am not going sign any
27 document. I said that in my mind. It was not like my people
28 used to come and I will give them statement. They have not
29 brought any statement - they never brought any statement for me

1 to sign.

2 This man said he was coming, but I have to sign a document
3 first before he comes. I said I will not sign that document, and
4 indeed I did not sign it.

10:00:38 5 Let's proceed.

6 Q. Thank you. Now you say you were afraid that Eric had known
7 where you lived in Kailahun, known the location of your house.
8 Can you tell this Court when it was that Eric first knew where
9 you stayed?

10:01:05 10 A. I am telling you now that I don't know the date, but it's
11 written on my - in my document. It's - they have shown it to
12 you. It's there. That date that they showed to you, it's on
13 that date that Eric knew my house. I am not literate. I cannot
14 memorise it, but it was on that day.

10:01:27 15 Q. I would appreciate that, but can you help me with this: I
16 am putting it to you that prior to the day Eric went to your
17 house, according to you, in January of 2011. Prior to January of
18 2011, I am putting it to you that Eric Senessie had been visiting
19 you at your house long before that time.

10:02:05 20 A. I am telling you that I and Eric, there is no - we are not
21 on visiting terms with Eric, no. I, sitting here, I know that
22 this Court - I've been told that this Court here, they had bid me
23 farewell. So even if I fall sick, I shouldn't call here. I
24 sitting here, I wrote a project. I am doing a project job. The
10:02:47 25 name of the project is "War Victim," and it is registered. I am
26 the 25th person. I am the head.

27 If I need help, for instance, that project, I send it to
28 the government, whatever comes out of it I'll take, but I won't
29 seek help from the Court.

1 If you have another question, let's proceed. I just wanted
2 to explain that to you.

3 Q. That's all.

4 MR LANSANA: I have no further questions for this witness.

10:03:33 5 JUSTICE DOHERTY: Thank you, Mr Lansana.

6 Re-examination, Mr Gardner?

7 MR GARDNER: None, Your Honour.

8 JUSTICE DOHERTY: Thank you.

9 I have no questions of the witness.

10:03:43 10 Mr Gbonda, thank you for your evidence. That is the end of
11 your evidence this morning. We thank you for coming all the way
12 from Kailahun and wish you a safe journey home. You are free to
13 leave the Court.

14 THE WITNESS: Amen. Thank you, too. Thank you Mama.

10:04:05 15 JUSTICE DOHERTY: Thank you, Mr Gbonda.

16 Mr Gardner, your next witness please.

17 MR GARDNER: It seems like with the last witness you got a
18 name, Mr Lansana got a name, but I ducked one.

19 The next witness is 516, Your Honour, and he will testify
10:04:57 20 with continued protective measures.

21 JUSTICE DOHERTY: Now if I recall correctly, you told us he
22 had distortion; is that correct? Is my memory correct?

23 MR GARDNER: I am going to check, but I am certain that if
24 I said it, it was the gospel. And pseudonym, screen, and facial
10:05:22 25 distortion.

26 JUSTICE DOHERTY: We may have a problem with facial
27 distortion. Usually we just have the screen in Freetown.

28 MR GARDNER: Yeah, that's what I understand.

29 JUSTICE DOHERTY: Yes. But not voice distortion.

1 MR GARDNER: If that's --

2 JUSTICE DOHERTY: I don't have the original orders for this
3 witness. I mean, the original orders that were made in 2005 it
4 would have been for Kabbah - for TF1-516.

10:05:51 5 MR GARDNER: Yeah, I think I have that actually. And the
6 OTP told me it was pseudonym, screen, and facial distortion. But
7 if we're not going to do facial -

8 JUSTICE DOHERTY: Let me clarify that with CMS to ensure I
9 am giving you the correct information.

10:06:11 10 THE REGISTRAR: Madam, the instructions I got at CMS was
11 pseudonym, screen, and facial distortion. No voice distortion
12 was required.

13 JUSTICE DOHERTY: Can we do facial distortion?

14 THE REGISTRAR: No. In Freetown we use the screens, and AV
10:06:24 15 booth know that they should not focus on the witness.

16 JUSTICE DOHERTY: Well I think in fairness to the witness
17 he should be told. It is a gentleman, isn't it?

18 MR GARDNER: Yes, Your Honour.

19 JUSTICE DOHERTY: I mentioned a name earlier, but I know
10:06:42 20 it's not the name of this witness. I mis-named again. I think
21 that WVS should explain that to the witness before the witness
22 comes in so that he is reassured that his security has been taken
23 care of.

24 MR GARDNER: I have here the decision on this witness, 516,
10:06:58 25 if you'd like to see it, Your Honour.

26 JUSTICE DOHERTY: I would be grateful to see it.

27 MR GARDNER: And perhaps we could substitute the voice
28 distortion for the facial distortion, if that's technically
29 possible. I say that because I think he has a distinctive voice.

1 JUSTICE DOHERTY: I have been informed by CMS that voice
2 distortion can be put in place, and what I would like - a WVS
3 officer here, is there one here? Are you the witness protection
4 officer for this morning?

10:08:49 5 WVS OFFICER: Please repeat that, Your Honours.

6 JUSTICE DOHERTY: What I would like to do is to explain to
7 the witness before he comes in --

8 WVS OFFICER: Yes.

9 JUSTICE DOHERTY: -- that we cannot do facial distortion
10:09:03 10 here in Freetown. He's got the screen, and I am prepared to
11 amend this order to give him voice distortion if he wants it. I
12 would like you to explain that to him first privately, and then
13 come back and report to us what protective measures he wants.

14 WVS OFFICER: I will do that, Your Honours.

10:09:24 15 JUSTICE DOHERTY: Thank you.

16 By the way, there is only one of me.

17 Mr Gardner, if you wish to have a seat while that's being
18 done.

19 MR GARDNER: Your Honour --

10:12:10 20 JUSTICE DOHERTY: Yes.

21 MR GARDNER: -- the witness is back - I mean the WVS.

22 WVS OFFICER: Your Honours, the witness is saying that he
23 would only prefer face distortion. He is comfortable without the
24 box or the screen.

10:12:35 25 JUSTICE DOHERTY: [Microphone not activated]

26 [Chamber and Court Officer Confer]

27 JUSTICE DOHERTY: Does he understand that whilst he's
28 behind the screen the public will not see him? And secondly,
29 there will be no image of him on any camera, or any TV screen, or

1 on any record of the Court.

2 WVS OFFICER: Yes, Your Honours, I explained to him all
3 those conditions. He only said that what he's most concerned
4 about is that he wouldn't like people to recognise his face. I
10:13:34 5 told him being behind the screen will mean that nobody will see
6 him from the gallery and nobody will recognise him. I explained
7 to him.

8 JUSTICE DOHERTY: Well, now we've got to cater for his
9 fears.

10:14:07 10 Mr Gardner, certain thoughts go through my mind. I know
11 how court cases went in Northern Ireland and other places.

12 MR GARDNER: My suggestion, Your Honour, would be that with
13 the screens closed we bring the witness in, and perhaps if you
14 explain that to him, it might give him some comfort and
10:14:33 15 ameliorate what I think is probably more perceived than a real
16 issue.

17 JUSTICE DOHERTY: Well, that might be a practical way
18 forward, and we can then hear from his own mouth what the cause
19 of his fears are. We'll do it that way.

10:16:11 20 [The witness enters court]

21 JUSTICE DOHERTY: I think I will instruct Madam Court
22 Officer to tell the AV booth not to record this part of - we'll
23 have it on transcript, the verbal, but not the videoed so as the
24 witness won't be seen.

10:16:38 25 Mr Witness, what language do you want to be speaking? Do
26 you have your --

27 THE WITNESS: I can speak in English. I speak English.

28 JUSTICE DOHERTY: Well, first of all, Mr Witness, I want to
29 say that the Court and the lawyers are grateful for you coming

1 here.

2 THE WITNESS: Okay.

3 JUSTICE DOHERTY: What I am saying to you now is not being
4 recorded on the video.

10:17:22 5 THE WITNESS: Okay.

6 JUSTICE DOHERTY: My words are being recorded on the tape
7 machine, but not your face or my face.

8 THE WITNESS: Okay.

9 JUSTICE DOHERTY: I want to try and ensure that your fears
10:17:35 10 or concerns for your protection are properly looked after.

11 THE WITNESS: Okay.

12 JUSTICE DOHERTY: I understand that you want to have not
13 your name used, not - and not have your - to have your face
14 distorted; in other words, they won't see your face.

10:17:57 15 THE WITNESS: Okay.

16 JUSTICE DOHERTY: Here in Freetown, we are able to make
17 sure that your name is not recorded to the public. We will hear
18 your name, but the public will not.

19 THE WITNESS: Okay.

10:18:11 20 JUSTICE DOHERTY: Your name will not appear on any of the
21 public records, but our problem is with the machinery for
22 distorting your face.

23 THE WITNESS: Okay.

24 JUSTICE DOHERTY: We can have the machinery to change your
10:18:26 25 voice, so someone listening to your voice might think it's
26 another person. It might even sound like a lady's voice, because
27 that's the way the machine works. They won't recognise your
28 voice. But the problem is we do not have the machine to distort
29 your face. There is a screen behind you. No one can see you

1 from that public gallery.

2 THE WITNESS: Okay.

3 JUSTICE DOHERTY: And we will instruct the technicians not
4 to record your face when they are recording what's happening in
10:19:02 5 court.

6 THE WITNESS: Okay.

7 JUSTICE DOHERTY: But we cannot do the facial distortion.

8 So I wanted to explain this to you on record so that you can
9 think about what you want to do. I am going to allow you to go
10:19:15 10 back outside to think a little bit, or if you want to make a
11 decision, I am happy to hear your decision now.

12 THE WITNESS: Okay. I'm - just leave the voice.

13 JUSTICE DOHERTY: So you will have the voice distortion.
14 We'll have the screen, and your name will only be mentioned once
10:19:34 15 in closed session to record it.

16 THE WITNESS: No. I mean no voice distortion.

17 JUSTICE DOHERTY: You don't want the voice distortion.
18 What about the face?

19 THE WITNESS: Okay. Just that. What is the position for
10:19:47 20 that?

21 JUSTICE DOHERTY: We don't have the machinery, so we are
22 going to have to do something else to cover your face.

23 THE WITNESS: Okay.

24 JUSTICE DOHERTY: If you can step outside with the WVS
10:19:56 25 officer - so you're saying you still want to your face distorted?

26 THE WITNESS: Yes.

27 JUSTICE DOHERTY: Very well. You step outside with the
28 WVS, and I will hear submissions from the lawyers how we can
29 cater for this, and we will then inform you.

1 So if you can step outside with the officer, please.

2 MR GARDNER: Your Honour, could I put just one question to
3 the witness?

4 JUSTICE DOHERTY: Certainly, Mr Gardner.

10:20:20 5 MR GARDNER:

6 Q. Mr Witness, Mr 516, do you understand the Court? She's
7 saying that you will not be photographed.

8 A. Okay.

9 Q. So therefore, there is really nothing to distort?

10:20:34 10 A. Okay.

11 Q. Because there will never been be a picture taken of your
12 face.

13 A. Okay.

14 Q. The cameras in the courtroom will never, ever focus on you.

10:20:43 15 A. Okay.

16 Q. They will only ever be over here.

17 A. Okay.

18 Q. So you'll never have your picture taken. I just want to
19 make that clear.

10:20:48 20 A. I will have no problem with that if that is the case.

21 JUSTICE DOHERTY: So you're happy, then, to have our
22 reassurance that your picture will never be recorded here?

23 THE WITNESS: I hope so.

24 JUSTICE DOHERTY: No, it's not going to be a hope; it's
10:21:04 25 going to be an order.

26 THE WITNESS: Okay. That's okay.

27 JUSTICE DOHERTY: So you are prepared to continue with your
28 evidence on that understanding?

29 THE WITNESS: Yes.

1 JUSTICE DOHERTY: Now, do you want to take another minute
2 break, or do you want to sit where you are and start your
3 evidence?

4 THE WITNESS: I want to continue just as I have entered.

10:21:31 5 JUSTICE DOHERTY: Very good. We will then proceed. We
6 will note that the AV booth, I am sure, have heard - and I now
7 order and direct - that there be no photograph or recording
8 visually of this witness. We will have the witness sworn or
9 affirmed as he so wishes. Then the screen will be left in
10:21:53 10 position, but the - I am going to assume, maybe wrongly, that
11 there will be an application for closed session in order to
12 record the personal details of the witness's name and his
13 residence. If there isn't an application, I will direct it
14 proprio motu under Rule 75.

10:22:14 15 MR GARDNER: I so apply, Your Honour.

16 JUSTICE DOHERTY: Very good.

17 Mr Lansana, I am sure you - no, sorry, do you have anything
18 to say on that?

19 MR LANSANA: I have no objections to that.

10:22:24 20 JUSTICE DOHERTY: Very well. We will go into public
21 session in order to swear the witness. We will then go into
22 closed session to adduce personal details of the witness.

23 Please swear the witness in public session.

24 WITNESS TF1-516

10:23:32 25 EXAMINATION IN CHIEF BY MR GARDNER:

26 JUSTICE DOHERTY: We should have the curtains put back in
27 position but the screen remain, and then I will go into closed
28 session to adduce any particulars of the witness.

29 Mr Court Officer, could you please open the curtains again.

1 Mr Gardner, before I direct a closed session, is there any
2 matter that you wish to put to the witness in public session?

3 MR GARDNER: No, Your Honour. I think I have just a couple
4 of background questions that might tend to identify him that
10:24:50 5 would be more appropriate in closed session, and if we can do
6 those at the time we are doing his name, then I can launch into
7 the regular questioning.

8 JUSTICE DOHERTY: Very well. For purposes of record, in
9 accordance with Rule 75 I note that we will now go into a closed
10:25:05 10 session, which means that the public can look into the - but not
11 hear anything that is said. This is for the protection of the
12 witness and his personal security.

13 Please put the Court in closed session.

14 [Closed session]

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1 [Open Session]

2 THE COURT OFFICER: The Court is now in open session.

3 JUSTICE DOHERTY: Please proceed, Mr Gardner.

4 MR GARDNER: Thank you, Your Honour.

10:31:34 5 Q. Mr Witness, did you testify in the Charles Taylor case at
6 the Hague?

7 A. Yes, I did.

8 Q. You recall what year?

9 A. Yes. It was in 2008.

10:31:50 10 Q. For approximately how many days did you testify?

11 A. I think I spent 12 days in court.

12 Q. Twelve days?

13 A. Yeah, I can remember. About that. Because some days with
14 the Prosecution and some days under cross-examination.

10:32:14 15 Q. Did you - were you called to testify by the Prosecution?

16 A. Yes.

17 Q. I want to direct your attention to early last year and ask
18 you - direct your attention to February 1st of 2011 and ask you
19 whether you had any contact with Mr Senessie on that day?

10:32:38 20 A. Yes.

21 Q. Now, before I ask you about that conversation, let me ask
22 this: Did you - a couple of days before your meeting with
23 Mr Senessie, did you meet with any of the other Prosecution
24 witnesses who were testifying here in court?

10:32:59 25 A. Yes.

26 Q. And who did you meet with?

27 A. Kabbah. Mohammed Kabbah.

28 Q. Would you tell the Court what you said to Mr Kabbah and
29 what he said to you?

1 A. Yes. Kabbah told me that he had been contacted by
2 Mr Eric Senessie and that he should withdraw his statement, and I
3 then told Mr Kabbah that he has to be very careful because that
4 is a dangerous business. Because we went to the Netherlands and
10:33:39 5 we testified under oath, so in fact he should not encourage him
6 too much on that kind of conversation. That is what I told
7 Kabbah.

8 Q. And after you met with Kabbah, but before your conversation
9 with Mr Senessie, did you have any conversation with any of the
10:33:59 10 investigators from the Court?

11 A. No. I cannot remember.

12 Q. You cannot remember. You don't recall receiving a
13 conversation from one of the investigators on January 30th, two
14 days before you met with Mr Senessie?

10:34:20 15 A. I can remember talking to Magnus together with one other
16 white guy. We drove down to the Moa beach. That was Baylu
17 beach.

18 Q. Was that in connection with giving your statement, or was
19 that before you met with Mr Senessie?

10:34:46 20 A. I think after I met with him. It was within that course
21 that we made that trip to Baylu.

22 Q. And now my question --

23 JUSTICE DOHERTY: Just a minute, Mr Gardner.

24 Mr Witness, after you said "after I met with him", who is
10:35:11 25 the him that you're --

26 THE WITNESS: After I met with Mr Senessie. In fact,
27 Mr Senessie met me at work, at the Methodist Second School.

28 JUSTICE DOHERTY: Please proceed.

29 MR GARDNER:

1 Q. I ask you specifically whether you recall the conversation
2 with Magnus Lamin and Mustafa Koroma on January 30th, two days
3 after you spoke to Mr Kabbah and before you met with Mr Senessie?

4 A. Yes. I can remember.

10:36:14 5 Q. You remember the conversation with the investigators?

6 A. Yes, sir.

7 Q. Do you remember what the investigators said to you and what
8 you said to them?

9 A. Yes, sir.

10:36:23 10 Q. If you need to have your recollection refreshed about that,
11 I can ask the Court for permission to show the investigators'
12 note to you to see if that refreshes your recollection?

13 A. Okay. I will appreciate that.

14 Q. Okay. But I think it would be - first be best for you to
10:36:47 15 tell me as much as you can of what you remember about the
16 conversation between yourself and the investigators, and if we
17 need to refresh your recollection, I'll ask the Court.

18 A. Okay. I can remember telling Magnus and others that a man
19 called Senessie is in search of me, trying to talk to me. And I
10:37:15 20 can remember Senessie talking to me, that I should withdraw my
21 statement made in court in The Hague. And I told him no, I
22 cannot undertake that kind of venture and that in fact I was not
23 interested. And he told me he would be back.

24 And, indeed, he came back for the second time. I said, Oh,
10:37:39 25 no, I am not interested in this kind of thing. It would appear
26 ridiculous if I could take part in that kind of venture.

27 Q. So you're now - what you're telling the Court now is your
28 conversation with Mr Senessie; is that correct?

29 A. Yes, sir.

1 Q. And it was Mr Senessie who said to you that he wanted you
2 to change your testimony at the Hague?

3 A. Yes, sir.

4 Q. Okay. Please continue with describing the conversation
10:38:06 5 with Mr Senessie.

6 A. Yes, sir. I was hostile, in fact. I said, No, if that had
7 been your intention - if I knew that was what you were going to
8 put across, I would not have even left my work, that I was not
9 interested. But he insisted that he would come back for the
10:38:27 10 other day and that he had been in search of me, moving from
11 section to section. I said, Okay, if you want to maintain
12 communication with me on any other basis, I will appreciate it.
13 But on that basis, I beg, don't contact me again. He said he
14 will come back for some other talk.

10:38:46 15 Then I said okay, instead of you moving in search of me,
16 get me your mobile phone so that you remain at distance and talk
17 to me.

18 Q. Did you get the impression he was putting a little pressure
19 on you to change your testimony?

10:39:00 20 JUSTICE DOHERTY: You're leading, Mr Gardner.

21 MR GARDNER: Yes.

22 Q. How many times did Mr Senessie --

23 JUSTICE DOHERTY: Rephrase the question.

24 MR GARDNER: That's what I was doing, Your Honour.

10:39:09 25 JUSTICE DOHERTY: I see.

26 MR GARDNER:

27 Q. How many times did you have this conversation with
28 Mr Senessie?

29 A. Twice.

1 Q. And did he say the same thing in both conversations?

2 A. For the last contact he tried to say that he works with the
3 Defence team and that if I - if I agree or accept to do what he
4 asked me to do, he will give me money. He will link me with
10:39:39 5 people to give me money.

6 Q. Did he say how much money?

7 A. No, did he not come up with any specific amount.

8 Q. And what did you tell him in response the second time?

9 A. I told him I was not interested and that I testified under
10:39:59 10 oath. I see no good reason why I should undertake that kind of
11 venture, because I respect myself as human being. I spent some
12 time in the Court testifying, so I was not interested.

13 Q. Did you have any conversation with the investigators after
14 your two conversations with Mr Senessie?

10:40:23 15 A. Yes.

16 Q. Did you meet with Magnus Lamin and Mustafa Koroma?

17 A. Yes.

18 Q. Did you sign a statement for them?

19 A. Yes, sir.

10:40:43 20 MR GARDNER: I would like to show the witness what I would
21 mark, I guess, as P6 for identification.

22 Q. Do you want to read that document, please, Mr Witness, and
23 identify it for the Court.

24 A. That is the document. I can remember. This is my
10:41:50 25 signature here.

26 Q. That's the statement you gave the investigators?

27 A. Yes, sir.

28 MR GARDNER: Your Honour, I move the admission --

29 JUSTICE DOHERTY: Just a moment. I didn't see - I noticed

1 the witness made a gesticulation saying, "This is my signature,"
2 but I didn't actually see the signature, and Defence counsel
3 should also see where he says he signed.

4 Mr Lansana, have you a copy of the document in question?

10:42:15 5 MR LANSANA: Yes, I've been given a copy, Your Honour.

6 JUSTICE DOHERTY: Mr Witness, you said, "This is my
7 signature" just now. Could you hold the document up and show us
8 where you are, what you are talking about.

9 THE WITNESS: Here I appended my signature.

10:42:32 10 JUSTICE DOHERTY: For purposes of record, I note that the
11 witness is indicating on the right-hand side at the bottom of a
12 typed part of the document.

13 Mr Lansana, would you agree with that description?

14 Mr Gardner, would you agree that description?

10:42:51 15 MR GARDNER: Yes, I would, Your Honour. But I would add if
16 the witness can look at the second page and see if he sees his
17 signature also on the second page and hold that up for the Court.

18 JUSTICE DOHERTY: If there is another page, please do so.

19 THE WITNESS: It's the first signature there.

10:43:11 20 JUSTICE DOHERTY: The witness has indicated a signature to
21 the left and said it's the first signature under a typewritten
22 portion of the second page.

23 Mr Lansana, you have seen that?

24 MR LANSANA: Yes, Your Honour. I have no problems with
10:43:22 25 that.

26 JUSTICE DOHERTY: Mr Gardner, you have moved that that be
27 put into evidence as an exhibit.

28 Mr Lansana, you have heard the application.

29 MR GARDNER: Yes, Your Honour.

1 MR LANSANA: I have no objections to that being tendered.

2 JUSTICE DOHERTY: Thank you very much. And so in that
3 case, if my memory serves me correctly, this will become
4 Exhibit P7?

10:43:50 5 MR GARDNER: I thought it was P6. I could be wrong.

6 JUSTICE DOHERTY: Let's have a look - I am going to look
7 right --

8 MR LANSANA: I think it should be 6.

9 JUSTICE DOHERTY: Oh, I'm ahead of myself.

10:44:10 10 P6 is a two-page document, typewritten, which the witness,
11 TF1-516, has identified his signature on each of the two pages.

12 ADMITTED AND MARKED EXHIBIT P6

13 JUSTICE DOHERTY: Please proceed, Mr Gardner.

14 MR GARDNER:

10:44:31 15 Q. Mr Witness, how long have you known Mr Senessie?

16 A. I got to know Mr Senessie before the war. I can remember
17 Mr Senessie being in-law - I cannot refer to that as marriage -
18 with one of our sisters in the village, the same village.

19 Q. Okay. And did you know him during the war?

10:45:05 20 A. Yes, sir.

21 Q. And did you have friendly relations with him over all those
22 years?

23 A. We were in the same revolution. I had no problem with him.
24 The relationship was cordial.

10:45:22 25 Q. Did your relationship change after he approached you early
26 last year?

27 MR LANSANA: Your Honour, I must object to that. It's
28 leading.

29 JUSTICE DOHERTY: I think that we could rephrase it

1 slightly, Mr Gardner.

2 Let me have the question exactly, because I hadn't written
3 it down.

4 MR GARDNER: It was:

10:45:51 5 "Did your relationship with Mr Senessie change after the
6 meeting early last year?"

7 JUSTICE DOHERTY: In actual fact, I am going to overrule
8 the objection. Because there is a "yes" and a "no" answer to
9 that. There is no actual answer within the question, so the
10:46:07 10 witness could answer either way, in which case I will allow the
11 question.

12 MR GARDNER:

13 Q. Did you understand the question?

14 A. Go back to that again.

10:46:15 15 Q. Did your relationship with Mr Senessie change after you had
16 the meeting with him last year that you have testified about?

17 A. After explaining - or after reporting to the OTP, we were
18 told to cease communication and we should avoid and stay as we
19 are. But he still went to my residence there in New London

10:46:41 20 after --

21 Q. [Overlapping speakers]

22 A. From Kulula to - he went back there after my absence and
23 I left a message with my younger brothers. And at that time I was
24 sent down to Kenema to produce some chemicals. He went there in
10:47:07 25 my absence and I left a message with my brothers that when I come,
26 they should tell me that he went there and that he needed to talk
27 to me.

28 Q. Did you ever talk to him?

29 A. No. I refused.

1 Q. But he attempted to reach you?

2 A. Yes.

3 Q. Did you ever agree to recant and change your testimony?

4 A. No.

10:47:27 5 Q. Did you ever meet with Prince Taylor?

6 A. No.

7 Q. In the community where you live, did most people know, to
8 your knowledge, who testified at the Hague?

9 A. Yes. Like in my own case, after my departure I learned the
10:48:00 10 then vice-principal made an announcement in assembly that I have
11 left for The Hague to testify and when I came back, people were
12 provoking and mocking at me. I even reported the matter to the
13 police. The record is there. And I had so many other
14 confrontations with people in that community, and each time I
10:48:26 15 reported the matter. In fact, the last confrontation I had was
16 with the people we were staying together. In fact, a team had to
17 leave from Freetown to get down to Kailahun to assist me to
18 pursue the matter.

19 Q. Do you know, of your own personal knowledge, whether other
10:48:49 20 witnesses in the area who testified for the Prosecution had
21 similar treatment to the treatment you had?

22 A. Nothing like that was reported to me when I was in
23 Kailahun.

24 MR GARDNER: I have no further questions, Your Honour.
10:49:10 25 Thank you.

26 JUSTICE DOHERTY: Thank you, Mr Gardner.

27 MR LANSANA: Certainly, Your Honour.

28 JUSTICE DOHERTY: Please proceed.

29 MR LANSANA: Thank you.

1 CROSS-EXAMINATION BY MR LANSANA:

2 Q. Good morning, Mr Witness.

3 A. Good morning, sir.

4 Q. I will start with your last bit. You just informed this
10:49:47 5 Court that after you've left for The Hague there was an
6 announcement - at the school, I presume?

7 A. Yeah, at school.

8 Q. Thank you. That there was an announcement that you had
9 gone to The Hague to testify at the Charles Taylor trial?

10:50:12 10 A. Yes.

11 Q. But you agree with me that the protective measures you had,
12 you did not have before you left Kailahun to testify, correct?

13 A. There was a breach of security. In fact, my movement was
14 only, you know, made known to the two officers - that is the
10:50:48 15 principal and the vice. So it was rather embarrassing for
16 somebody to have informed the children and that a lie number.
17 But the man was called in the police station and cautioned that
18 it was wrong for him to have done that.

19 Q. I have a feeling that you didn't understand my question.
10:51:12 20 It was after you had gone to The Hague that the Court ordered
21 that your identity should not be disclosed, correct?

22 A. Yes.

23 Q. And at the time you were leaving Kailahun, that order had
24 not been given?

10:51:29 25 A. I had not got in contact with the Court --

26 Q. Thank you.

27 A. -- so I was not in court to testify.

28 Q. Thank you. So it was known among your colleagues in the
29 school, or maybe some other people, that you were leaving

1 Kailahun for The Hague, correct?

2 A. No, that happened in my absence. I was not there when the
3 announcement was made.

4 Q. I am talking about before you left Kailahun.

10:51:58 5 A. Before my departure --

6 Q. People knew that you were going to The Hague, correct?

7 JUSTICE DOHERTY: Mr Lansana, I think we may be confusing
8 some dates here. The order giving certain protection to the
9 witness was made by a written order, and that was dated March
10:52:22 10 2008, and it was a result of an application made in January 2008.
11 But prior to that, from the records he always had the pseudonym.
12 The orders made in March 2008 were extra protective measures.

13 So I think we should - I think I would like you to be clear
14 what dates, because, for example, I don't know exactly when he
10:52:50 15 left to travel from Sierra Leone to The Hague, so I cannot
16 correlate the dates of the orders with the dates of his leaving.
17 Although he seems to be going to clarify it for us.

18 THE WITNESS: Yeah. I left on the 23rd March, 2008.

19 JUSTICE DOHERTY: And at that point Mr Lansana, there was
10:53:13 20 already quite extensive protection measures in place on the 23rd
21 of March, 2008. That may assist you in your questioning.

22 MR LANSANA: Thank you, Your Honour.

23 Q. I put it to you that before you left Kailahun in 2008, you
24 informed people that you were going to The Hague to testify at
10:53:44 25 the Charles Taylor trial.

26 A. It would have been my wife.

27 Q. Apart from your wife?

28 A. I couldn't remember. The two officers I informed before my
29 departure, at least my - from my area of work. I did tell

1 Mr Saffa, the principal, my wife, before my departure.

2 Q. Thank you. Do you know a certain Genna Kpundeh?

3 A. Yes. He's a colleague of mine. A close friend.

4 Q. Thank you. That's correct.

10:54:30 5 MR GARDNER: Could we have a spelling Your Honour, please.

6 JUSTICE DOHERTY: That would be helpful. Particularly of
7 the first name, Mr Lansana.

8 MR LANSANA: For the record, it's G-E-N-N-A, and the
9 surname is K-P-U-N-D-E-H.

10:55:08 10 JUSTICE DOHERTY: Thank you.

11 MR LANSANA: Thank you, Your Honour.

12 Q. Now, before you left for The Hague, you told Genna Kpundeh,
13 your colleague at the school, that you were going to The Hague to
14 testify against Charles Taylor, correct?

10:55:26 15 A. He might have heard, after my departure.

16 Q. My question, Mr Witness, is did you or did you not tell
17 Genna Kpundeh you were going to testify?

18 A. I might have spoken about that to him, being a friend,
19 close friend.

10:55:39 20 Q. I would want us to avoid speculations. Did you or did you
21 not?

22 MR GARDNER: Well, he's testified he wasn't sure.

23 JUSTICE DOHERTY: I am going to allow the question. It's
24 cross-examination. He hasn't been - he said "I might have," so
10:56:00 25 that's not clear to me.

26 MR LANSANA: As it pleases Your Honour.

27 JUSTICE DOHERTY: If he knows or if he doesn't.

28 Put the question again, please.

29 MR LANSANA:

1 Q. Mr Witness --

2 A. Thank you.

3 Q. -- before you left for The Hague, did you or did you not
4 inform Genna Kpundeh, your colleague at the school, that you were
10:56:21 5 going to The Hague to testify at the Charles Taylor trial?

6 A. I cannot remember really. Kpundeh you are talking about is
7 my close friend. We sat in the [redacted]. We are employed as
8 teachers. And up to now, in fact, even when I'm here I used to
9 call to talk to other people through him.

10:56:47 10 Q. Mr Witness --

11 JUSTICE DOHERTY: Mr Lansana, I am going to order a
12 redaction of the expression "we sat in the class" and the class
13 number. Please redact that part of the evidence.

14 MR LANSANA: As it pleases Your Honour.

10:57:05 15 Q. Mr Witness.

16 A. Yes, Your Honour.

17 Q. When you answer my question questions, please remember you
18 are a protected witness. Don't establish relationships that
19 might disclose your identity, correct?

10:57:18 20 A. Okay.

21 Q. All right. Let's move on. I also put it to you that when
22 you were at the Lungi International Airport, you called Kpundeh
23 again and told him that you were about to board the plane?

24 A. Not. Not. Not. Not. I can remember talking to one
10:57:48 25 Joe F Salliya, who was close to my residence, and I needed to
26 transmit a message to my wife. I tried my wife's phone number,
27 it was down. So I had to call through Joe F Salliya to inform my
28 wife, and I gave the message to Joe F Salliya which was delivered
29 to my wife and not Kpundeh.

1 Q. And when you called Joe - the Sallia, you informed him that
2 you were at Lungi International Airport didn't you?

3 A. Yes.

4 Q. Thank you.

10:58:23 5 A. And not only that, in addition to that the message which I
6 had for my wife was related to Joe F Sallia to be delivered to my
7 wife. Yes.

8 Q. Thank you. Thank you. I also I put it to you that you
9 flew - when you flew, one of the - the airport you disembarked
10:58:49 10 was an airport in Brussels, correct?

11 A. Yes.

12 Q. And when you were in Brussels, you called Kpundeh again to
13 say you were in Brussels?

14 A. Never. Because I was not having the facility to
10:59:06 15 communicate from Brussels. My phone, personal phone, which I
16 carried was all down, and the woman who travelled with me from
17 the Netherlands hadn't any means of communication to have allowed
18 me to communicate with anybody from there.

19 Q. The day before you testified at the Hague, you called
10:59:32 20 Kpmudeh to say you were testifying the following day, correct?

21 A. Never. Never. In fact, when I was there in The Hague, the
22 only person I had communication link with was my wife and then
23 Mr Saffa, who is the vice-principal, because Mr Saffa told me
24 they were missing me quite a lot in my area of work, that the
11:00:02 25 children who were preparing for the [i ndi scerni ble] were missing
26 me so much. So I had to tell him we were pleased with - I will
27 not be here for too long. And before my departure those were the
28 people I spoke to. Kpundeh, he made mention of, he might have
29 heard maybe during the announcement. So I don't know.

1 Q. But when you had problems with access to phone - but when
2 you came back to Lungi International Airport after testifying,
3 you had access to phone, not so -

4 JUSTICE DOHERTY: Mr Lansana, I am not sure -

11:00:39 5 THE WITNESS: At the airport, never.

6 JUSTICE DOHERTY: Just a minute, Mr Witness.

7 What is the relevance for this line of question? It's
8 quite hysterical and it doesn't seem to be pertinent to the
9 evidence, the issue before me.

11:00:54 10 MR LANSANA: Your Honour, the pertinence is that this
11 witness is a protected witness, and it's in line with the Defence
12 instructions that after his return from the Hague, he - like
13 we've been trying to establish with the other witnesses -
14 disclosed to people that they had gone to The Hague to testify.

11:01:23 15 JUSTICE DOHERTY: So what follows from that?

16 MR GARDNER: Your Honour, I would just like to join the
17 chorus on that. I am not sure I understand the relevance of it
18 either, and I would just like to point out that there is no
19 charge against the defendant for revealing the identity of a
11:01:46 20 protected witness. It's not in the case.

21 MR LANSANA: Your Honour, I would - I am almost done with
22 that.

23 Q. Now, Mr Witness, I put it to you that on the 4th of
24 February, 2011, you were at Methodist Secondary School, Kai Lahun,
11:02:20 25 correct?

26 A. The date?

27 Q. 4th February, 2011?

28 A. Well, I am always there. Even during weekends I am at the
29 Methodist --

1 JUSTICE DOHERTY: Mr Witness, were you there on that day?

2 THE WITNESS: On the 4th? I'm always at Methodist.

3 MR LANSANA:

4 Q. Thank you. Specifically, do you recall that you happened
11:02:42 5 to be in the company of Genna Kpundeh when Eric Senessie went to
6 Methodist Primary School - Methodist Secondary School?

7 A. Yes.

8 Q. And specifically, you were at a restaurant across the
9 street from the school eating?

11:03:09 10 A. No, we were at the gate when Eric Koi Senessie approached.
11 When he came, we had two makeshifts across the street, and that
12 were being used as a restaurant. And he then the called me. I
13 had to walk across the street to meet him. Kpundeh others were
14 standing at the gate. I led them there. And when he called me,
11:03:33 15 I then told him, Wait, somebody has come to talk to me.

16 Q. On that day, you asked him to give you one of the two the
17 phones he had, not so?

18 A. No.

19 Q. In your testimony you informed this Court that he - you
11:03:58 20 requested a phone from him?

21 A. Not the phone he had. I told him, You are getting it
22 difficult to talk to me. At that time he had not even
23 established what he had in mind. I told him, I end me a phone so
24 that you remain at distance ask talk to me. And not the phone he
11:04:17 25 had.

26 Q. It was after you requested that he give you one of the
27 phones he had, after he refused saying it is his wife's phone,
28 that you said, Get me a phone.

29 A. I cannot remember engaging in that kind of conversation.

1 Q. Thank you. Now on that occasion you informed Eric Senessie
2 that this individual, whose name I am writing on this piece of
3 paper --

4 MR LANSANA: Your Honour, for the information of the Court,
11:05:05 5 I am referring to TF1-274.

6 Q. Can you understand my handwriting?

7 A. Yes.

8 Q. Thank you. Are you familiar with that individual?

9 A. Yes.

11:05:24 10 Q. Thank you. Now on that occasion, you informed
11 Eric Senessie that that individual had informed you that an
12 invitation had been sent to Prince Taylor to visit you Kailahun,
13 correct?

14 A. No. In fact, the time you are talking, being in contact
11:05:55 15 with this man, I hadn't any link. There was no means to
16 communicate with him, because I hadn't phone. When I returned,
17 it was from 2008 I lost my mobile phone. I purchased another
18 one. That also was stolen, so I decided not to purchase any
19 other phone. From 2008 through 2010 I hadn't any phone to
11:06:22 20 communicate. It was very recently that I had managed to get the
21 phone. So the idea of me remaining in a distance and talking to
22 DAF, I don't see to be anything.

23 JUSTICE DOHERTY: We will redact that nickname that has
24 just been mentioned by the witness.

11:06:45 25 MR LANSANA: Yes, Your Honour.

26 JUSTICE DOHERTY: Please redact that.

27 MR LANSANA: As Your Honour pleases.

28 Q. Please don't refer to the name.

29 A. Okay.

1 JUSTICE DOHERTY: Perhaps we should have explained to the
2 witness that the gentleman whose name is written on that piece of
3 paper has now got protective measures.

4 THE WITNESS: Okay.

11:07:08 5 JUSTICE DOHERTY: You may not have been aware of that
6 because it's just happened recently.

7 THE WITNESS: Okay.

8 JUSTICE DOHERTY: So I will ask you not to name that
9 person.

11:07:15 10 MR LANSANA: As it pleases Your Honour.

11 Q. Now you know that individual is well known is Kailahun
12 town, correct?

13 A. He's a journalist. He talks to people in different areas.
14 He moves in different areas. He goes out of Kailahun. He goes
11:07:32 15 on the air and speak, identify himself.

16 Q. And you were at the Hague together with him?

17 A. Not. Not.

18 Q. You weren't?

19 A. Not.

11:07:49 20 Q. Now I'm putting it to you that - before I get there, let me
21 ask you: How many statements did you make to the investigators?

22 A. I did not understand that.

23 Q. How many times did you talk to the investigators and they
24 wrote down what you said to them?

11:08:12 25 A. Several times.

26 Q. And how - when they put everything together, how many
27 times - on what document did you sign on? One, twice, several
28 documents?

29 A. I cannot remember that. I can remember signing document

1 with Magnus and others. I can remember signing document with
2 Jussuf Saffa, I can remember signing document with Connaught, the
3 first investigator who met me.

11:08:46 4 Q. Now let me ask you this: The statement that you have
5 identified just now that is tendered with the Court, is that the
6 only statement you made?

7 A. There may be other document I signed.

8 JUSTICE DOHERTY: Just a minute, Mr Witness.

11:09:05 9 Mr Lansana, are you referring to a statement in relation to
10 the matter of the independent counsel in Senessie only? Because
11 obviously he signed other statements here in relation to the
12 Taylor trial. But only this trial.

13 You're clear on that now, Mr Witness. It's not -

14 THE WITNESS: Yes. It's -

11:09:25 15 MR LANSANA:

16 Q. I am specifically talking with any statements you made in
17 connection with Eric Senessie. Not any statements you may have
18 made before. All right?

19 A. All right.

11:09:33 20 Q. Now a statement has been tendered in Court today, which you
21 identified before it was tendered, I am asking whether that was
22 the only statement which you made?

23 A. I used to sign documents. Each time we had - I had
24 conversation with the - the investigators, I had to sign.

11:09:55 25 Q. Now, in answer to questions from the Prosecutor, you
26 informed this Court that Senessie contacted you twice, correct?

27 A. Yes. Before getting in touch by means of reporting to the
28 OTP.

29 Q. And you also went on to say that he attempted to visit

1 you - or visited at your house but you were not home?

2 A. At home. That was after January after I had made the
3 report to the OTP. That was the time he went there.

4 Q. And that was after you had made the statement?

11:10:34 5 A. Yes.

6 Q. Now, in your statement you - you state here, last sentence,
7 as a matter of fact, that since that time he has not contacted me
8 again, nor did - you said, nor did he give me a phone. You mean,
9 nor did he give you a phone call?

11:11:05 10 A. Yeah.

11 Q. Which one is it?

12 A. I didn't have any phone with me, so how was he going to
13 call me? How was I going to get on to him?

14 Q. Don't ask me questions. I am asking you questions. You
11:11:18 15 said, last sentence, since that time he has not contacted me
16 again.

17 A. He attempted but I was not there. He did not contact me as
18 he did before when we were together eye-to-eye talking to each
19 other.

11:11:31 20 Q. Yet you said he contacted you twice?

21 A. No. We met twice in person, yes. And after the report, he
22 again went to my house in my absence. That is, he attempted to
23 get in contact with me again but that was not possible since I
24 was not there.

11:11:53 25 Q. Now let me ask you this: What was your motivation for
26 testifying for the Prosecution?

27 JUSTICE DOHERTY: Which case are we talking about,
28 Mr Lansana?

29 MR LANSANA:

1 Q. We are specifically talking about the testimony you gave at
2 the Hague.

3 JUSTICE DOHERTY: What is the relevance of the motivation.

4 MR LANSANA:

11:12:23 5 Q. What was your motivation?

6 JUSTICE DOHERTY: What was the relevance to this case.

7 MR LANSANA: Your Honour, it goes to the route of our
8 Defence, that this idea of contacting the Prince Taylor and
9 subsequently the Taylor Defence team was an attempt by them -

11:12:41 10 JUSTICE DOHERTY: [Microphone not activated]

11 MR LANSANA: - to recant their testimony in hope of
12 financial reward from the Defence, from the Taylor Defence.

13 JUSTICE DOHERTY: In that case I will allow the question.

14 MR LANSANA: As Your Honour pleases.

11:12:59 15 THE WITNESS: I went to The Hague to testify because I am a
16 Sierra Leonean, and one of the features or the characteristics of
17 a patriotic citizen is to testify and bring up the truth. So it
18 was basically my right as a Sierra Leonean to really move out and
19 speak the truth.

11:13:26 20 MR LANSANA:

21 Q. Now when you testified, didn't expect financial reward for
22 testifying?

23 A. That was never the agreement that I should be given money.

24 In fact, when I returned from The Hague, they spoke of a what -

11:13:46 25 DSA or what have you? I did not even wait, because I knew I had
26 an obligation to carry in my school, and missing it for quite too
27 long. I did not feel good within myself. I left, in fact, one
28 month before WVS could get down to Kailahun to contact me for
29 anything. I did not even wait. I went out of patience. So the

1 idea of somebody thinking that I went out there to for money, to
2 me, it sounds - it does not sound anything sensible. Otherwise,
3 I would have kept myself here. I would have waited until I am
4 paid before I could have got down to Kailahun. But that was
11:14:34 5 never the case. I - I only asked them to pay my way back to
6 Kailahun. I did not even wait, because I knew what I had behind
7 me was very more important, and not talking about money.

8 Q. Now forget about financial reward. Didn't you expect that
9 after testifying, being in Kailahun, close to the Liberian
11:15:06 10 border, didn't expect that the Prosecution would relocate you?

11 A. I was thinking of my security and that I put to Komeh
12 (phonetic), the only investigator I assisted talking about my
13 security. That was the only person I remember. We are here for
14 security, our security should be paramount.

11:15:27 15 Q. And did he do anything about your security?

16 A. I was told that if there was any confrontation I should
17 rush to the police, and that I did several times. Any time there
18 was an attack either in words or whatever means, I had to go to
19 the police. If you can go down to Kailahun, the police officer,
11:15:53 20 there Elusie (phonetic) can bear me witness that I have made
21 several reports about people trying to mock at me and do other
22 things.

23 MR LANSANA: Your Honour, that will be all for this
24 witness.

11:16:07 25 JUSTICE DOHERTY: Thank you, Mr Lansana.

26 Re-examination, Mr Gardner?

27 MR GARDNER: Just a quick question or two on one topic,
28 Your Honour.

29 JUSTICE DOHERTY: Certainly. Please proceed.

1 RE-EXAMINATION BY MR GARDNER:

2 Q. Mr Witness, Mr Lansana asked you questions about an
3 individual named Genna Kpumdeh?

4 A. Yes, sir.

11:16:32 5 Q. Yes, sir is he still a close friend today?

6 A. Yes, even today. In fact, when I came to this Court a few
7 minutes before I entered here, I received a phone call from him,
8 that he's sorry that I have been calling him without responding
9 and that he's in town.

11:16:53 10 Q. Do you know why he's in town?

11 A. I can remember Kpumdeh telling me last that he was
12 contacted by a lawyer, that somebody made mention of him that he
13 was there when that witness was contacted. I told him, Really?
14 He said, Yes.

11:17:18 15 Q. So he's in town now; is that correct?

16 A. Yeah, that is what he told me.

17 Q. And do you know what he's going to do here?

18 A. He revealed to me that was contacted as a witness. That
19 somebody told him that he was at present when he contacted that
11:17:37 20 person to withdraw his statement.

21 Q. I'm sorry. Say that last part again? I am not clear on
22 that. What was the last thing you said about withdrawing - what
23 you said as a witness?

24 A. Kpumdeh said that he was contacted by a lawyer, that he's a
11:17:58 25 witness, and that he, Kpumdeh, was there when Eric Senessie
26 contacted him to withdraw his statement.

27 Q. When Eric Senessie contacted Kpumdeh - or -

28 A. Not Kpumdeh but that witness. He did not tell me the name
29 of that person.

1 Q. I see. That he was present when another witness was -

2 A. Contacted by Eric Senessie.

3 Q. Eric Senessie?

4 A. Yes, sir.

11:18:27 5 Q. And do you know whether Mr Kpmuduh is willing to testify
6 for the Prosecution or for the Defence?

7 A. Yes, for the Defence, because that is what I gathered from
8 his statement.

9 Q. Okay. And you still consider him a good friend today?

11:18:44 10 A. Yes.

11 MR GARDNER: No further questions, Your Honour.

12 JUSTICE DOHERTY: Mr Witness, I've one question.

13 A. Okay.

14 Q. You have told us that you moved house?

11:18:59 15 QUESTIONED BY THE COURT:

16 JUSTICE DOHERTY: And after Mr Senessie contacted you and
17 that he went to that new residence that you had. This was
18 after - tell me why, why did you move house?

19 A. In Kailahun, lodging is a little bit difficult for one to
11:19:25 20 maintain. So, in fact, there in Kula (phonetic) I fell off with
21 my wife, so I had to move to another section, so that influenced
22 me to leave Kula to go to New London to stay with my sister.

23 JUSTICE DOHERTY: Thank you. That was my only question.

24 Any questions arising from the Court's question?

11:19:54 25 MR LANSANA: None, Your Honour.

26 MR GARDNER: None Your Honour.

27 JUSTICE DOHERTY: Thank you, Mr Gardner.

28 Mr Witness, we thank you for your evidence and coming here
29 to give that evidence. Your evidence is now finished. You're

1 free to leave the Court -

2 THE WITNESS: Thank you.

3 JUSTICE DOHERTY: - and safe journey home.

4 THE WITNESS: Yes. Thank you.

11:20:18 5 JUSTICE DOHERTY: Please assist the witness.

6 Mr Witness, we have to draw the curtains so that you can
7 leave without anyone seeing you. But don't worry, you didn't go
8 mind the screen so there is no problem.

9 [The witness withdrew]

11:20:51 10 THE ACCUSED: Yes, Your Honour. I want to go and relieve
11 myself.

12 JUSTICE DOHERTY: Please escort Mr Senessie out.

13 [Accused exit court]

14 JUSTICE DOHERTY: Counsel, I'm just conscious of the time.

11:22:18 15 We are just checking how many minutes are left in the tape
16 because there may be not enough to even bring in the next
17 witness. If you just bear with me for a moment while we clarify.

18 MR GARDNER: Your Honour, while we're waiting, can I ask a
19 question?

11:22:36 20 JUSTICE DOHERTY: Certainly.

21 MR GARDNER: I handed up to you my copy of the order
22 relating to 516, and you're welcome to keep it, but if you do,
23 coy just have copy?

24 JUSTICE DOHERTY: I will return it to Mr Gardner, because
11:22:54 25 once I've read it, and particular my own contribution to it, it
26 all comes flooding back to me. So you're welcome to have it
27 back. It's a public document, of course, so.

28 We do have a few minutes left on the tape. We normally
29 adjourn at 11.30 because everyone needs a break. So given the

1 time I'm open - maybe it would be more sensible to start after
2 the break, given that it is only a few minutes to go. I think it
3 might be more practical.

4 MR LANSANA: As Your Honour pleases.

11:23:37 5 MR GARDNER: That would be my preference, Your Honour.

6 JUSTICE DOHERTY: So we will adjourn now and we will resume
7 at 12.00. And since - and we will then commence with a new
8 witness.

9 May I assume that the next witness may also require the
11:23:54 10 screens? In which case, I will instruct that they be left in
11 position.

12 MR GARDNER: The next witness is - the next witness is 274,
13 and he's the one that we had the motion and decision about
14 yesterday.

11:24:09 15 JUSTICE DOHERTY: Yes. So I will ask the people here in
16 Court to leave the screen in position.

17 MR GARDNER: Yeah I think --

18 JUSTICE DOHERTY: -- and leave the curtains in position.

19 MR GARDNER: I think it's screen and pseudonym unless I am
11:24:23 20 mistaken.

21 JUSTICE DOHERTY: That was my recollection. So we leave
22 those in position and we resume at 12.00.

23 [Break taken at 11.25 a.m.]

24 [Upon resuming at 11.57 p.m.]

11:58:17 25 JUSTICE DOHERTY: I note the accused missing. I note the
26 excused absent. Can you bring in Mr Senessie, please. Thank
27 you.

28 And in the meantime, Mr Gardner, while Mr Senessie is being
29 brought in, if you can arrange to call your next witness. What

1 I language would that witness speak?

2 MR GARDNER: I believe I was told Mende. Is that correct,
3 Sam? Mende? Mende, the language?

4 MR TAMBA: Let me just confirm.

11:58:58 5 MR GARDNER: That's what I was informed this morning, Your
6 Honour. And that's what I informed Court Management, so if I am
7 wrong, I am going to be in trouble.

8 JUSTICE DOHERTY: I think we have got a few Mende speakers
9 in the booth, I hope.

11:59:15 10 [Accused enters court]

11 MR TAMBA: Your Honours.

12 JUSTICE DOHERTY: Yes.

13 MR TAMBA: The witness will testify in Krio.

14 JUSTICE DOHERTY: In Krio.

12:00:01 15 MR TAMBA: Yes.

16 JUSTICE DOHERTY: Thank you. Are the Krio interpreters in
17 position?

18 THE INTERPRETER: Yes, we are.

19 [The witness enters court]

12:01:49 20 [Chamber and registrar confer]

21 JUSTICE DOHERTY: Please swear the witness.

22 JUSTICE DOHERTY: Thank you. Please take your seat.

23 THE INTERPRETER: Your Honour, the Court Officer might have
24 to change the channel to Krio.

12:02:59 25 JUSTICE DOHERTY: Very well. I instruct him,
26 Mr Interpreter. Thank you.

27 WITNESS TF1-274, SWORN

28 EXAMINATION-IN-CHIEF BY MR GARDNER:

29 JUSTICE DOHERTY: We are just confirming that the witness

1 is hearing the language in correct language, is on the correct
2 channel.

3 THE WITNESS: Yes, I can hear you.

4 JUSTICE DOHERTY: Mr Gardner, please proceed.

12:04:15 5 MR GARDNER: Would you like a closed session to examine the
6 witness's name and a few particulars?

7 JUSTICE DOHERTY: I think it would be prudent, if that's
8 what we normally start with.

9 And Mr Lansana, have you any objection to closed session?

12:04:29 10 MR LANSANA: None, Your Honour.

11 JUSTICE DOHERTY: Very well. I will just put on record in
12 accordance with this Rules that we will be hearing some
13 preliminary matters in closed session that will not - the public
14 will not be able to hear. This is for reasons of the protection
12:04:45 15 of the witness and his security.

16 I will, however, have the curtains drawn back. But the
17 screen is in position, Mr Witness. You will not be seen by
18 anyone and your face will not be recorded on any of the videos.
19 You understand this?

12:05:04 20 THE WITNESS: Yes, of course.

21 JUSTICE DOHERTY: Please proceed, once we are in closed
22 session. Would you put the Court in closed session,
23 Mr Attendant.

24 JUSTICE DOHERTY: We just have to wait for the notice to
12:05:44 25 come from the recorders that we're in closed session.

26 [Chamber and registrar confer]

27 [Closed session]

28

29

1 [Open Sessi on]

2 THE REGISTRAR: The Court is now in open session.

3 JUSTICE DOHERTY: Please proceed, Mr Gardner.

4 MR GARDNER: Thank you, Your Honour.

12:13:50 5 Q. Mr Witness, did you testify at the Hague in the
6 Charles Taylor case?

7 A. Yes.

8 Q. Were you called as a witness by the Prosecution or the
9 Defence?

12:14:07 10 A. I testified for the Prosecution.

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

12 A. Well, roughly around 11 days.

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

14 A. Yes. I know him very well.

12:14:40 15 Q. Do you see him in the courtroom?

16 A. Yes. If you can allow me, I can point at him.

17 Q. Please.

18 A. [Indicates] Look at Eric sitting down there, second from
19 the right at the back. Right here. From where I am sitting
12:15:05 20 down.

21 Q. How long have you known Mr Senessie?

22 A. Well, I have known him for more than 15 years.

23 Q. Did you know him during the war?

24 A. Exactly. It was during the war that I knew Eric.

12:15:23 25 Q. Were you on the same side during the war?

26 A. Well it was not at all times that we were on the same side,
27 because we were not residing at the same place all the time. We
28 used to move from one place to another. He was in a different
29 unit and I was in a different unit.

1 Q. How would you describe the relationship you had with
2 Mr Senessie in terms of how friendly it was?

3 A. Well, to the best of my knowledge, officially I and Eric
4 were operating. Apart from that, I never recall that Eric did me
12:16:19 5 anything wrong or anything good, or if I did anything good or bad
6 to him that I can recall. I cannot remember that kind of
7 relationship. But it was not like we were close friends. No, it
8 was not that kind of relationship. That kind of relationship was
9 not between myself and Eric, but we've been friends for quite a
12:16:47 10 long time.

11 Q. Mr Witness, I would like to direct your attention and your
12 memory back to early last year, on February 2nd of 2011 and ask
13 you if you recall meeting with Eric Senessie on that day?

14 A. Yes, of course. You're right.

12:17:23 15 Q. Where did you meet with him?

16 A. Well he met me, Eric met me to one JP Combey's house in the
17 evening at some relaxation part, although it is not a popular
18 one. It is an indoor relaxation place at JP Combey's place, that
19 is where Eric met me sometime in February 2011. To be precise,
12:17:55 20 on the 2nd.

21 Q. And please tell the Court the conversation you had with
22 Mr Senessie on that first meeting?

23 A. Eric met me and some group of - and a group of people.
24 That night there was a dance in the town. I think there was an
12:18:18 25 artist in that town. And Eric met with us conversing about -
26 discussing about political party activities, and Eric joined in.
27 After some time, he came in and said, Oh, [redacted], I want you
28 and I to talk about something --

29 JUSTICE DOHERTY: Don't mention your name. That has to be

1 redacted. Please redact that name.

2 Take care when you name yourself, Mr Witness.

3 And also redact what I've just said, that last sentence of
4 mine.

12:19:03 5 Please continue.

6 THE WITNESS: Then Eric met me and said, Fellow, I'd like
7 us to talk. There was a truck on the road opposite JP Combey's
8 house. We went a distance away from the house. He asked me,
9 he's been looking for me to discuss something with me. And I
10 said what --

12:19:29

11 THE INTERPRETER: Your Honour can this witness be advised
12 to speak slowly.

13 JUSTICE DOHERTY: Mr Witness, you've speeded up without
14 realising it, and you know the interpreter is trying to keep up
15 with you, and the transcribers are trying to write down
16 everything you say. So slow down, stop at the end of each
17 sentence.

12:19:40

18 Please continue. And if think you're speaking up again,
19 I'll make a hand movement like that to show you to slow down.

12:20:00

20 THE WITNESS: Yes, My Lady.

21 JUSTICE DOHERTY: You go ahead now.

22 THE WITNESS: Eric called me outside from the veranda where
23 I was, he called me outside and asked me. He said --

24 THE INTERPRETER: Your Honour, he's calling his name again.

12:20:24

25 JUSTICE DOHERTY: You've mentioned your name again. It's
26 not been put on public record, but it might have been heard.

27 Thanks, Mr Interpreter. I'll rely on you to keep track on
28 that please.

29 THE INTERPRETER: I will.

1 JUSTICE DOHERTY: Please go ahead.

2 THE WITNESS: Eric told me that, Look, fellow, did you
3 produce any document, any authentic document, during your
4 testimony for the Prosecution in The Hague? And I asked him what
12:21:04 5 he meant by "authentic." I said I provided a document, but how
6 authentic it is, that's not my place to tell. But, indeed, I
7 produced a document including pictures. But why are you asking?

8 MR GARDNER:

9 Q. You asked him why he was asking; is that what you're
12:21:34 10 saying?

11 A. Yes.

12 Q. What did he reply?

13 A. He said he told me that he had something that he would like
14 to know about, and I asked him what that was exactly. Then I
12:21:47 15 told him that I have come here to enjoy myself. Leave me alone
16 and we will talk about any other thing the following day.

17 Q. Did you meet with him the following day?

18 A. Yes, indeed. We met.

19 Q. Did you have a conversation with him?

12:22:11 20 A. Yes.

21 Q. Where did that conversation taking place?

22 A. Well, at the same entertainment area. We met there. He
23 called me --

24 THE INTERPRETER: Your Honour, he's calling his name again.

12:22:30 25 JUSTICE DOHERTY: Mr Witness, you're going to have to be
26 careful. Before you mention a name, think. I know you've
27 substituted the word "fellow," and I think you've substituted it
28 for your name. Take care --

29 THE WITNESS: Okay.

1 JUSTICE DOHERTY: I don't think it's been - please
2 continue. You said you met at the same entertainment place.
3 Please pick up from there.

4 THE WITNESS: Then he told me that he, he was the Defence
12:23:08 5 for Charles Taylor. He has been earmarked - he has been
6 identified as a focal person in Kailahun to look for people who
7 had testified to that they can go and change what they had said
8 in The Hague. He continued by saying that, Look, fellow, they
9 just misused you. There are so many things that those people are
12:23:48 10 supposed to do for you that they have not done for you. So if
11 you agree to go now and change what you had initially said in The
12 Hague, they would make it possible for you to leave this country.

13 And, in fact, if you agree, they would start giving you
14 some money every month. He said, So I would really want you to
12:24:13 15 go and retract what you had said in The Hague because it would
16 benefit you because they just misused you. He used a lot of
17 adjectives that night to describe the way he said they have
18 abandoned us. How they, as the Defence, are able to take care of
19 us, so that we will feel lively.

12:24:41 20 He said he had discussed that with some other witnesses who
21 had already testified. But among those witnesses whom he called,
22 one of them, whose name - there was one of them whose name was
23 very clear whom I did not know. Whom I did not know. I don't
24 know if - if I can call that one's name here because it's a
12:25:15 25 complicated - I don't know if I could call that name out here,
26 the person whose name I am not clear about.

27 MR GARDNER: Could we have the witness write on a little
28 Post-It or something on a piece of paper.

29 JUSTICE DOHERTY: Yes. Mr Witness, if you know the name -

1 I am not sure if you're saying - but if you know the name, please
2 write it on a paper and it will be shown to counsel and to me.

3 MR GARDNER: And to give it the best spelling that you can,
4 Mr Witness.

12:26:30 5 THE WITNESS: This is one and this is two.

6 So while the list is going around ...

7 MR GARDNER:

8 Q. I'm sorry, were you saying something, Mr Witness?

9 A. Yes.

12:27:01 10 Q. Wait just a moment so the Court is ready, please.

11 JUSTICE DOHERTY: I've seen the document. I just want to
12 make sure, is this one person or two people with an - is it the
13 same person with the surname spelled differently? Because one of
14 the spellings is Mende and the other is not.

12:27:27 15 THE WITNESS: Well, it's the same person but I did not
16 understand the name properly but it's the same person, and very
17 recently I have known the person.

18 JUSTICE DOHERTY: I understand.

19 THE WITNESS: And this person that I am talking about --

12:27:50 20 JUSTICE DOHERTY: I have before me a handwritten paper with
21 two names written on it, but I understand that it - from the
22 evidence that it refers to one person with the name spelled in
23 two different ways.

24 Counsel has seen this document?

12:28:12 25 MR LANSANA: Yes, Your Honour. I have.

26 THE WITNESS: I think - I think you did in the understand
27 me well. They did not spell the name in two ways. I am trying
28 to make something clear. The real name that I gave to - which
29 the investigators wrote is the one that is up. That's the real

1 name that I gave. It is that particular name that I gave. If
2 you check my script, the interview that they had with me, you
3 would find that name there. It is that very name that is there.
4 I even stated that I do not - I did not know much about this
12:29:01 5 person. I do not know whether this person testified or not.
6 It's there. Because I never knew that person.

7 JUSTICE DOHERTY: Thank you, Mr Witness. I just want to
8 make sure that - before I admit this as a document, I am going to
9 put it into evidence because it's your handwriting and your
12:29:22 10 evidence - but it's clear that there is only one person and I'm
11 going to put it in as a Prosecution Exhibit P7.

12 ADMITTED AND MARKED EXHIBIT P7

13 THE WITNESS: But really, the real person who Eric - whom
14 Eric is referring to is the second name. It's the second name.
12:29:53 15 I am sure that's the name Eric was referring to.

16 JUSTICE DOHERTY: If counsel wish me to recirculate this
17 document, I will do so to ensure that you fully appreciate what
18 the witness means.

19 MR LANSANA: Obligated, Your Honour.

12:31:00 20 JUSTICE DOHERTY: Please proceed, Mr Gardner.

21 MR GARDNER:

22 Q. Do you remember the question originally that caused you to
23 mention this man's name, and if so could you continue with your
24 answer?

12:31:12 25 A. Yes. Then Eric told me that - he said some people, up to
26 four of them. And he called out their names and this particular
27 name that I have given you. They were among the list of people
28 whom Eric had said, he had spoken to go and refute what they had
29 said in Holland, and he said they had accepted. He said, I was

1 one of the persons they was looking for for me to go and refute
2 what I had said. Then I told Eric, Look, Mr Man, everywhere we
3 are you can hear the type of music that is here. I came here to
4 enjoy myself. Please give me some chance. If you want to do
12:32:20 5 something serious, don't come and meet me here because I really
6 wanted to understand what Eric was up to and what he wanted to
7 tell me.

8 I said, So, I am pleading with you, stop tormenting me and
9 go away. I left him there and went to a different place that
12:32:44 10 very night.

11 Q. And did you call any investigator two days later?

12 A. Yes, I called an investigator. And apart from that, we
13 were standing there when Eric called someone. He said it was
14 that person, someone has sent him to look for us. And the name
12:33:17 15 of that person is Prince Taylor. He said that was the Defence
16 man who had sent him to - to talk to us so that we can go and
17 change what we had said. I was there when he called.

18 Q. Mr Witness, I think you're answering a different question.
19 My question is whether you called investigator Joseph Saffa two
12:33:46 20 days after the conversation with Mr Senessie that you've just
21 described?

22 A. Yes, yes. I called Joseph in the OTP and told him that was
23 the situation that I was under. I said that was the situation
24 that he has made me. I called the investigators and told them.

12:34:05 25 Q. And did you tell Mr Saffa - what else did you tell
26 Mr Saffa?

27 A. Exactly - I told him exactly what I and Eric had discussed.
28 Then Saffa told me he would make sure that he channeled it to the
29 right - in the right way; that is, by sending people there to

1 take care of it.

2 Q. You said a moment ago that Eric told you he was the contact
3 person for the Charles Taylor Defence; is that correct? Did I
4 hear you correctly?

12:34:47 5 A. Yes.

6 Q. Did you tell that to Mr Saffa?

7 A. Yes. And I even revealed to Mr Saffa the person whom he
8 said had told him, because initially Eric refused to call the
9 person's name who had sent him for him to talk to us. Initially,
10 Eric did not reveal that name.

12:35:12

11 Q. And did he subsequently reveal the name to you?

12 A. Yes.

13 Q. What was the name?

14 A. He told me that it was one Prince Taylor, which was not a
15 strange name to me.

12:35:32

16 Q. Why isn't a strange name?

17 A. Because I had heard attempts from that very fellow, that
18 Prince Taylor. For him to play on my mind, I had made series of
19 complaints about that very fellow, many of them, and I said this
20 is not something I should dally about. I should continue making
21 my complaints to the OTP.

12:36:03

22 Q. On how many prior occasions had you complained about
23 Prince Taylor?

24 A. I can remember Prince Taylor first contacted me sometime in
25 2007 or 2006, something like that. I made so many complaints,
26 but he met me once, maybe we will come to how we met later.
27 Maybe it's - Eric's conversation with me in Kailahun, it was - it
28 is there that I want to go directly, but what I and Prince Taylor
29 went - so the OTP do have a record of that. When he met me I was

12:36:28

1 Looking at pictures, and he asked me whose picture is that. Is
2 this Gibril? Is this this? Is this that? And he told me to
3 give him the pictures, and I asked him why I should give him
4 those pictures. Then he said I should borrow them so that I can
12:37:05 5 scan them and give them back to me. And I said why? From there
6 I called and made that complaint, yes.

7 Q. And that was in 2007, did you say?

8 A. Well, sometime around that I can recall that the Court
9 wrote him a letter that on no account should he meet me on issues
12:37:34 10 like that. Since then he no longer came to me on any other
11 issue. That was for the RUF case. He was trying to go around
12 me. Yes.

13 Q. Okay, now. Let's come back to the present, meaning early
14 February of last year and continue telling us about the
12:37:55 15 conversation you had with Mr Senessie in which he mentioned
16 Prince Taylor.

17 A. When I and Eric - when Eric had taken out the phone from me
18 to talk to somebody, this person that had sent him. As he was
19 having the phone, that was at night. It could have been midnight
12:38:18 20 because where I was living is - where I am living is close to the
21 canteen where this occasion normally is. The canteen is not too
22 far away from where we used to sit, sometimes to JP, to my
23 workplace I pass through that place. That is where I spent time.
24 That is where Eric met me. And he gave this phone. He called
12:38:43 25 and I was talking to this person and he gave me the phone for me
26 to talk to this person. As soon as I got the phone, the guy -
27 the person simply say, oh, I don't have credit now. I don't have
28 credit now. And the phone went off.

29 So at that particular moment I was unable to talk to that

1 person, so we couldn't continue any successful communication.

2 Q. Did you ever speak personally on the phone with
3 Prince Taylor during that time period?

4 A. Yes, spoke to that particular person. But that night he
12:39:19 5 never revealed to me that that was Prince Taylor until sometime
6 around - after sometime during our third meeting, he met me at my
7 office. That is where Eric told me that, Oh, man, that guy who
8 you spoke to you was Prince Taylor. He said, in fact, I have
9 facilitated a meeting. Maybe he will come here. And I said,
12:39:59 10 Eric, can't you get away from me the problem you are looking for?
11 Then I entered his office.

12 Q. Does that complete your answer?

13 A. Then he told me it was Prince Taylor whom you spoke to the
14 last time. He's trying to come.

12:40:21 15 Q. And you didn't recognise Prince Taylor's voice on the
16 telephone from your earlier encounters with him?

17 A. No, no. Because we were not able to talk for long.
18 Indeed, my wish was for him, Prince Taylor, to come there and he
19 would know what would befall him. If he had come there, we would
12:40:47 20 have - we would have arrested him in the first place. Him,
21 Prince Taylor. If I told you he had gone there, I - the only
22 thing I would have done is to call the police and tell them that
23 this man is creating problems. I warned Eric but he wouldn't
24 listen. And we have been making these complaints for a long time
12:41:07 25 now.

26 So this time now, when this Court is seeking this action,
27 it's a very good one. Yes.

28 Q. Now after these conversations with Mr Senessie that you
29 have just described, did you meet with the Court investigators,

1 Mustafa Koroma and Magnus Lamin and sign two statements for them?

2 A. Yes.

3 Q. And was that on February 17 of last year?

4 A. Yes, sometime around mid-February, sometime.

12:41:46 5 Q. I am going to show you these two documents and ask you to
6 look at them and then identify them for the Court, please. The
7 first is a two-page document, a statement of February 17. And
8 the second is a one-page document, a statement of February 17.
9 And I believe they are both signed by you, but if you would take
12:42:14 10 a look at them. And this is for the --

11 MR GARDNER: And I think, Your Honour, I would ask that the
12 first statement, the two-pager, be marked as P8 for
13 identification, and the one-pager as P9.

14 THE WITNESS: Yes.

12:43:50 15 MR GARDNER:

16 Q. Let's take the two-page statement first. Do you see your
17 signature on that statement, Mr Witness?

18 THE INTERPRETER: Your Honour, I learned counsel's microphone
19 is not switched on.

12:44:04 20 JUSTICE DOHERTY: Mr Gardner, your microphone.

21 MR GARDNER: Excuse me, please.

22 Q. Mr Witness, please look first at the two-page document and
23 tell us if you see your signature on either or both of those two
24 pages?

12:44:21 25 A. Yes.

26 Q. Would you hold up the paper and point where your signature
27 is so the Court can see it?

28 A. [Indicates] This one. This one.

29 Q. And then the next page -

1 JUSTICE DOHERTY: Just a moment, Mr Witness. Point again
2 so I can record what you are looking at and also pointing at, and
3 ask counsel that he sees it.

4 Mr Lansana, you see where the witness is pointing at?

12:44:49 5 MR LANSANA: Yes, Your Honour.

6 JUSTICE DOHERTY: Thank you. So the witness is indicating
7 right-hand side at the bottom of print.

8 Please proceed.

9 Now the witness was about to identify the second document.

12:45:13 10 MR GARDNER: Has you - are you satisfied that the signature
11 on the second page has been adequately [overlapping speakers] --

12 JUSTICE DOHERTY: I haven't seen it yet. Could you please
13 show us the signature on the second page.

14 MR GARDNER: Second page of the first document.

12:45:37 15 THE WITNESS: [Indicates] It's up here, this one.

16 JUSTICE DOHERTY: The witness is indicating to the left,
17 about a third of the way down the page.

18 MR GARDNER:

19 Q. Now would you pick up the second document, the one-page
12:46:11 20 document, which is the February - second February 17 statement
21 and would you identify and point to your signature on that page?

22 A. This is my signature here [indicates]. This one.

23 JUSTICE DOHERTY: Turn it to so you understand for the
24 Defence can see clearly.

12:46:35 25 THE WITNESS: [Indicates] This here.

26 JUSTICE DOHERTY: So the witness is indicating to the left
27 of the page, at the bottom of some typed script.

28 MR GARDNER:

29 Q. Are these the two statements you signed for the

1 investigators on February 17?

2 A. Yes.

3 MR GARDNER: Your Honour, I move the admission of P8 and
4 P9, please.

12:47:17 5 JUSTICE DOHERTY: Mr Lansana, you've heard the application.

6 MR LANSANA: No objections, Your Honour.

7 JUSTICE DOHERTY: Very well. I will note then that the two
8 statements which the witness has identified his signature on,
9 first is a two-page document headed "Witness Statement." It
10 becomes P8. And the second is a one-page document headed
11 "Witness Statement"; it becomes P9.

12 ADMITTED AND MARKED EXHIBITS P8 AND P9

13 MR GARDNER:

14 Q. Okay, Mr Witness. Now moving forward in time, in the weeks
12:48:05 15 after you gave those two statement on February 17, did you have
16 another meeting with Mr Senessie?

17 A. Well, Mr Eric Senessie met me again at a point in time.
18 That was after I had forwarded my compliant to the OTP and they
19 had taken that statement from me. After some time Eric told me -
12:48:40 20 Eric met me and told me --

21 THE INTERPRETER: Your Honour, he's calling his name again.

22 JUSTICE DOHERTY: Witness, what did I say about your name?
23 Take care.

24 THE WITNESS: Okay.

12:48:57 25 JUSTICE DOHERTY: Has it been put on record? No. Very
26 well.

27 MR GARDNER:

28 Q. Where did this conversation take place, the one that was
29 several weeks after you gave your statement?

1 A. Well, this was along - around the same area, that
2 entertainment centre. That is where we met again.

3 Q. And please describe that conversation with Mr Senessie.

4 A. Eric told me that he had sent to Prince Taylor for him to
12:49:36 5 come and meet me in Kailahun. He said he had sent him a letter
6 for him to come and meet me in Kailahun. I said, On what note?
7 I brushed him off and walked off.

8 JUSTICE DOHERTY: I'd just like to be clear about that
9 answer.

12:49:59 10 "He said he sent me a letter to come to Kailahun ..."

11 Is that what you --

12 THE WITNESS: Eric told me that he has invited Mr Prince
13 Taylor directly to come and talk to us in Kailahun. I said, You?
14 You on what grounds. I said, Don't ever say that to me. Then we
12:50:25 15 did not continue our conversation, and I walked away from him.

16 MR GARDNER:

17 Q. Did you tell Mr Senessie in that conversation whether you
18 would change your testimony as a result of the approach that he
19 and Prince Taylor were making?

12:50:47 20 A. Well, if I did that, how you, with a single eye, would
21 follow someone who is blind? Eric never knew the implications
22 involved, that is why. But I had known that if at all the
23 Defence wanted to talk to me, they were to go through the WVS
24 Unit, The Witnesses And Victims Support Unit. That had been
12:51:27 25 established to us ever since, that if the Defence wanted to talk
26 to us, they were to go through that process. That's the unit
27 they should go through. Otherwise, if we did that, it wouldn't
28 be nice, of course. So why should I tell - why should I tell -
29 why should I give okay for him to call anybody?

1 Q. In this conversation with Mr Senessie, did you discuss the
2 investigators at all?

3 A. About the - the OTP?

4 Q. Yes.

17:09:06 5 A. Well, I told the investigator - the second investigator who
6 met me, the other investigator - you were the last investigator,
7 I put this to you again, in Kailahun.

8 Q. Specifically, did you talk to Mr Senessie about his
9 approach to you to attempt you to change your testimony at the
17:10:37 10 Hague?

11 A. The only thing was - the only thing that I told him was
12 that no, I was not in place. I was not ready for that. But he
13 still continued to chase me. Still - in fact, that is why I
14 called to make the complaint against him.

17:10:59 15 Q. This conversation that you've just described, did you make
16 an attempt to tape record that conversation?

17 A. Yes. I even sent the tape, but the place was noisy. The
18 place was noisy. When Eric was trying to tell me this thing on
19 that particular night, the place was noisy. I recorded it, but
17:12:05 20 it was not very clear, but you can get his voice and my voice.

21 The tape recorder was there that I sent out of the recording that
22 I got from my workplace. I recorded it and I surrendered it to
23 the investigator.

24 MR GARDNER: [Microphone not activated].

17:13:34 25 JUSTICE DOHERTY: Thank you, Mr Gardner.

26 Cross-examination, Mr Lansana?

27 MR LANSANA: Thank you, Your Honour.

28 CROSS-EXAMINATION BY MR LANSANA:

29 Q. Good afternoon, Mr Witness.

1 A. Good afternoon.

2 Q. Now, you've informed this Court that you testified at the
3 Hague?

4 A. You're right. Yes.

17:15:03 5 Q. I take it that that was in 2008?

6 A. Yes.

7 Q. Do you agree with me that that trial, the Charles Taylor
8 trial, was a high profile trial. You agree with me, not so?

9 A. Yes.

17:15:26 10 Q. And before you volunteered to testify at that trial, you
11 were ordinarily resident in Kailahun; that's correct?

12 A. I did not understand your question.

13 Q. At the time you volunteered to testify at that trial, you
14 were resident in Kailahun; is that correct?

17:15:50 15 A. You're wrong.

16 Q. I would rather you prefer that that is not correct.

17 A. Absolutely wrong.

18 Q. Where were you residing at the time?

19 A. In Bo.

17:16:10 20 Q. At the time you testified, did you have any idea that you
21 would reside in Kailahun?

22 A. Well, I was working in Kailahun. My original residence was
23 in Bo, but I used to go on and off with [redacted]. Yes. I used
24 to go on and off with [redacted]. But to say I was based there
17:16:46 25 permanently --

26 JUSTICE DOHERTY: Mr Witness [Overlapping speakers].

27 MR GARDNER: I think that's going to have to be redacted,
28 Your Honour.

29 JUSTICE DOHERTY: Yes, I think it has.

1 The last part of the answer referring to an organisation
2 will have to be redacted.

3 MR GARDNER: There were two references, Your Honour.

4 JUSTICE DOHERTY: Yes. It was repeated twice, I agree.

17:17:09 5 Both those names are to be redacted forthwith.

6 THE WITNESS: Oh God.

7 JUSTICE DOHERTY: Don't you worry, Mr Witness. We'll keep
8 you right. We've been at this longer than you.

9 THE WITNESS: Okay.

17:17:28 10 JUSTICE DOHERTY: Sorry, Mr Lansana. We had to intervene
11 there.

12 MR LANSANA: That's fine.

13 JUSTICE DOHERTY: Please proceed.

14 MR LANSANA: That's right, Your Honour.

17:17:39 15 Q. You say you were making occasional trips to Kailahun; not
16 so?

17 A. Yes, I used to go to Kailahun at that time from one
18 organisation before I ever started working with the current
19 organisation. But you're wrong as you're alleging.

17:18:05 20 Q. We're done with that. At the time you were testifying at
21 the Hague, you did not entertain any fear of harm or danger to
22 your person, correct?

23 A. Pardon me?

24 Q. At the time you testified at the Hague, you did not
17:18:25 25 entertain any fear of harm to your person?

26 A. Well, of course that fear was present before I ever
27 testified. The fear was there gravely, the fear of harm, that
28 somebody should not use my testimony against me. There were so
29 many concerns that I raised.

1 Q. Thank you. You said you raised those concerns. To whom
2 did you raise those concerns?

3 A. To the Court, OTP.

4 Q. And can you tell this Court whether any action was taken in
17:19:12 5 that regard?

6 A. Well, at the time that I raised the concern, and the
7 concern was that nobody should ever use my statement in any other
8 thing. I even received a letter from Stephen Rapp that he signed
9 that I would not be hurt and nobody would ever use my statement
17:19:38 10 against me or for any other reason to hurt me or to harm me.

11 Q. Thank you. And following up on that, you have not
12 experienced any danger or harm to your person since then?

13 A. Well, physically, physical danger is something I have not
14 experienced. Just some threats. Some security concerns.

17:21:50 15 Q. Now, at this contempt trial you have sought to hide your
16 identity.

17 A. Yes.

18 Q. And why is that?

19 A. Well, because -

17:22:27 20 JUSTICE DOHERTY: Yes.

21 MR GARDNER: I admit I'm on foreign territory here on
22 protective measures, but it seems to me that Your Honour has
23 already ruled, and so I don't see the point of exploring that.

24 JUSTICE DOHERTY: Mr Lansana, your response?

17:22:49 25 MR LANSANA: Your Honour, I know you've ruled on that. And
26 I --

27 THE WITNESS: I can explain.

28 MR LANSANA: I am pursuing this one to establish the fact
29 that this witness is not well intentioned and has not been well

1 intentioned with regards to his protection. I would even refer
2 this Chamber to the fact that he has been giving problems with
3 regards to the very protection that he had sought.

4 He's - I wouldn't say it's inadvertent, but he's repeatedly
17:24:26 5 been referring to his own name and he has to be cautioned several
6 times. It shows that he never really had any good intention or
7 proper reason for asking for the protection measures at all.

8 JUSTICE DOHERTY: But how is that relevant to the evidence
9 in the trial?

17:24:52 10 MR LANSANA: Your Honour, it goes to this witness's
11 demeanor and credibility.

12 JUSTICE DOHERTY: Your question, which I hadn't written
13 completely, was:

14 "At this trial you hid your identity ..."

17:25:37 15 And what else were you --

16 MR LANSANA: He sought --

17 JUSTICE DOHERTY: Yes.

18 MR LANSANA: He sought to hide his identity. And I asked:

19 "Why was that?"

17:26:10 20 JUSTICE DOHERTY: First I would observe that the naming and
21 the employment are inadvertent. People talk and it's very hard
22 to remember that you cannot name yourself, so I put no weight on
23 that at all.

24 I will allow this one question, but if I think it's getting
17:27:07 25 into the relevance, because this is cross-examination then it may
26 go to his credibility. But if it seeks to traverse an order that
27 I've already made, I will stop it.

28 MR LANSANA: As Your Honour pleases.

29 THE WITNESS: Your question once more.

1 MR LANSANA:

2 Q. I would - I will have to paraphrase that, as a matter of
3 fact.

4 You testified openly at the Charles Taylor trial, but
17:29:21 5 you've sought to hide your identity at this contempt hearing.
6 Why is that?

7 A. Well, I decided to go openly in Charles Taylor's trial
8 because I thought that I didn't have anything to do in Liberia
9 and that the people needed to know exactly, and there was no way
17:29:51 10 that I had anything to do with Charles Taylor's family or
11 whatever. I am a Sierra Leonean. The reason I decided to go
12 close is because where I am presently working is not where I was
13 born. It's a place where Eric's family are. I accept - if Eric
14 goes and tell people, it is this or that. That's the first
17:30:19 15 reason. I and Eric are not in the same place. I can leave there
16 at any time. I can move from that Kailahun at any time and go to
17 any other place. Now he has a lot of other people. That's the
18 primary reason why I said I was going close, because I am just
19 there temporarily, and knowing the type of area where we are,
17:30:46 20 these are people we know. Even to one another, we know how they
21 do things in Kailahun. They are very strong to one another. But
22 as a stranger, no, they know how to deal with people.

23 Q. Thank you. Now let's come to the start of your evidence.
24 You said that it was Eric who met you at the entertainment spot
17:33:16 25 in Kailahun, correct?

26 A. Yes.

27 Q. Can I put it to you that that is not correct?

28 A. Well, you're wrong to tell me it's not correct.

29 Q. As a matter of fact, your first meeting with Eric at that

1 entertainment point was on the 1st of February, 2011?

2 A. Well --

3 JUSTICE DOHERTY: Mr Lansana, can you [Overlapping
4 speakers] a moment. There are some administrative matters I have
17:34:01 5 to deal with.

6 MR LANSANA: As it pleases Your Honour.

7 JUSTICE DOHERTY: Counsel, I'm just trying to get the
8 redactions in place. I'm concerned that there's been a delay.
9 If we could just pause for a moment while I try and get this
17:35:32 10 drafted properly.

11 MR LANSANA: Your Honour, the accused wants to use the
12 gents.

13 JUSTICE DOHERTY: He may go out under escort.

14 [Accused exits court]

17:36:40 15 [Accused enters court]

16 JUSTICE DOHERTY: Sorry, Mr Lansana. Please continue.

17 MR LANSANA: As Your Honour pleases.

18 JUSTICE DOHERTY: The line of questioning related to you
19 were challenging the witness as to where he met Eric and
17:37:47 20 basically who met who.

21 MR LANSANA: As Your Honours pleases, that's correct.

22 Q. Mr Witness, I was putting it to you that it wasn't the case
23 that Eric met you there. You met Eric there on the 2nd.

24 A. It was Eric who met me there.

17:38:16 25 Q. As a matter of fact, on the first day you went to that
26 entertainment spot in search of Eric Senessie.

27 A. How important is - how important is Eric to me that I could
28 abandon my duties to look out for him? Why?

29 Q. You have not answered my question.

1 A. Well, no.

2 Q. Thank you. On the 2nd of February you made two attempts to
3 see Eric Senessie at that entertainment spot.

4 A. Absolutely wrong.

17:39:07 5 Q. As a matter of fact, it was on the third attempt that you
6 succeeded?

7 A. Well, if Eric told you that, I am telling you that he has
8 misled you. He has misled you and himself, because I had nothing
9 to find Eric about.

17:39:28 10 Q. Are you aware that Eric has a bedroom in the house where
11 that bar is located?

12 A. Well, I don't know about that. I don't know if Eric has a
13 bedroom there.

14 Q. Let's go to the 1st of February.

17:39:46 15 A. But what I know is that it's an entertainment centre.
16 That's where we sit to relax after work. That's where he met me.

17 Q. On the 1st of February you were at that entertainment spot,
18 and I'm giving you a number of names who were present at that
19 entertainment spot, and if you recognise the names, would you
17:42:11 20 please let this Court know.

21 One Eric Senessie was there, correct?

22 A. It was Eric who met me there. To say that I went there and
23 met him, no. It was Eric who met me there. That's the first
24 time we met there, and he approached me with this topic.

17:42:33 25 Q. I have forgotten who met who a long time ago. I am asking
26 whether you know if the following people were present there.

27 One, Eric Senessie was there, correct?

28 A. I know Eric. Yes.

29 MR GARDNER: It's been asked and answered three times, Your

1 Honour.

2 JUSTICE DOHERTY: We've established Eric was there. Please
3 proceed with your other names, Mr Lansana.

4 MR LANSANA: As Your Honour pleases.

17:43:04 5 Q. Second, JP Combey was there?

6 A. Please, the earphone is not working.

7 JUSTICE DOHERTY: If the Krio interpreter can say something
8 to the witness so that we can know if it's working.

9 THE WITNESS: Yes. It's working now. You can carry on.

17:44:29 10 JUSTICE DOHERTY: Mr Witness, counsel had put a name to
11 you. Did you hear the name?

12 THE WITNESS: Yes, this name I have said it in this Court,
13 that I know that name very well. I know him in person. And look
14 at the man sitting there.

17:44:43 15 MR LANSANA:

16 Q. I am not talking about Eric Senessie. I've gone to the
17 second, but of course you didn't hear that put to you by the
18 interpreter. The second person that was present there was JP
19 Combey, wasn't he?

17:45:12 20 A. I know JP Combey.

21 Q. Not that you know him, but that he was there.

22 A. Yes. It's his house. He's there at all times. Almost at
23 all times. It's JP's house.

24 Q. Thank you. The third person that was there was somebody
17:45:48 25 called Jacob aka Obama. He was there, not so?

26 A. Well, I can't recall that Obama person, whether he was
27 there. That particular time that Eric met me there, when he
28 called me, I cannot recall that Obama person was present.

29 Q. Thank you. The next person that was present was Mamatorma,

1 not so?

2 MR GARDNER: Could I have a spelling, Your Honour, please?

3 JUSTICE DOHERTY: Yes, please spell it, Mr Lansana.

4 MR LANSANA: M-A --

17:46:30 5 JUSTICE DOHERTY: Mr Witness, we need to get the spelling
6 down.

7 MR LANSANA: M-A-M-A-T-O-R-M-A. Mamatorma. Mamatorma.

8 JUSTICE DOHERTY: Thank you. That's two words, is it?

9 MR LANSANA: One word, Mamatorma.

17:46:49 10 JUSTICE DOHERTY: Thank you.

11 MR LANSANA:

12 Q. Mamatorma was present, correct?

13 A. Yes. She sells to us. She sells to us. She was there.

14 All of them used to sit there.

17:47:06 15 Q. Thank you. Then there was one ex-combatant present.

16 A. I don't know if any ex-combatant was present. I don't know

17 which ex-combatant was present, because Eric himself is an

18 ex-combatant. Eric is an ex-combatant. I don't know whether JP

19 Combey was - is an ex-combatant or not or whosoever. The only

17:48:27 20 person who was there who was an ex-combatant was Eric. So to say

21 that another ex-combatant was there, I'm not sure that question

22 is correct. Ask it properly so that I can answer it.

23 Q. We will go to another one. There was one SLA personnel

24 present, Sierra Leone army personnel present?

17:49:45 25 JUSTICE DOHERTY: Now, in fairness, Mr Lansana, there were

26 thousands of combatants and there were thousands of SLAs, both

27 AFRC and AF - SLA. You're going to have to be a bit more precise

28 than that. If you're saying there was someone in uniform, all

29 right, I will hear that. But otherwise you must be more precise.

1 MR LANSANA: And that is precisely what I want to emphasize
2 for the sixth person. The SLA personnel was in uniform - in
3 Sierra Leone army uniform.

4 JUSTICE DOHERTY: Put it that way then, please.

17:50:22 5 MR LANSANA:

6 Q. Mr Witness, the SLA personnel I am talking about was an SLA
7 personnel who was in uniform. He was present, too?

8 A. Was it a male person?

9 MR LANSANA: Yes, yes, Your Honour. A male SLA personnel
17:50:39 10 in army fatigue.

11 THE WITNESS: Well, I don't recall that very night. That
12 night that Eric met me there, I don't remember seeing an SLA
13 person in uniform on that particular night that Eric called me
14 for us to stand aside and talked. I didn't - I can't remember an
17:50:58 15 SLA being there.

16 Q. Now, talking about you saying Eric called you aside to
17 talk, in fact, it was the reverse. It was you who called Eric
18 aside to share a moment with him.

19 A. That is baseless and unfounded. To talk about what? To
17:51:19 20 talk about what?

21 MR LANSANA: Criticizing, may I ask that the witness stop
22 being a little hostility.

23 JUSTICE DOHERTY: Mr Witness, you know yourself. You're
24 here to answer questions. Don't engage in an argument with
17:51:36 25 counsel.

26 MR LANSANA: Thank you, Your Honour.

27 JUSTICE DOHERTY: Please answer the question as put.

28 MR LANSANA: Thank you, Your Honour.

29 Q. Now, I am putting it to you --

1 JUSTICE DOHERTY: I haven't got an answer. The question
2 was that it was the reverse, you called Eric aside to talk.

3 What is your answer?

4 A. No.

17:52:07 5 THE WITNESS: No.

6 MR LANSANA: Thank you.

7 MR GARDNER: Your Honour, not to condone the witness's
8 combativeness on the issue, but it was the third time, at least,
9 that that point was made.

17:52:20 10 JUSTICE DOHERTY: Thank you, Mr Gardner. I'll be more
11 vigilant on this point.

12 MR LANSANA:

13 Q. Now, Mr Witness, on that day, the 1st day of February, you
14 openly boasted about having testified at the Charles Taylor trial
17:52:42 15 at that entertainment spot. I put that to you.

16 A. I am telling you - in fact, why should I be boasting to?
17 To whom? Why should I boast? No, I never boasted to anybody. I
18 went open and those who had heard that I had gone open, that's
19 well and good. But they strictly warned us not to go around
17:53:12 20 boast to go anybody. Why should I boast? What would I reap out
21 of boasting? So your answer is no, I never boasted to anybody
22 that I went to testify. Why? So that someone would know? For
23 what reason?

24 Q. You did not only boast, you informed the people around that
17:53:41 25 you and four other witnesses had testified at the Hague and that
26 you were currently all resident in Kailahun.

27 A. I don't know what you mean by I was going around informing
28 other people that four other witnesses had testified within
29 Kailahun. I don't know what you mean by that. What I had to do

1 in Kailahun, shouldn't I go about that? You're wrong. You're
2 wrong. So it's a lie. It did not happen like that. I never did
3 that.

4 JUSTICE DOHERTY: Mr Lansana, when you say "you informed
17:54:27 5 the people around that you and four others ..." Are you speaking
6 about that precise evening at that entertainment centre?

7 MR LANSANA: Yes, Your Honour.

8 JUSTICE DOHERTY: [Overlapping speakers].

9 MR LANSANA: - that is why I keep repeating - sorry about
17:54:44 10 that. Yes, Your Honour, that is why I keep repeating on the 1st
11 of February, at that entertainment spot. I am still on the 1st
12 of February, Your Honour.

13 JUSTICE DOHERTY: Mr Witness, this is a precise time and
14 place, so please address your answer to a precise time and place.

17:55:00 15 MR LANSANA:

16 Q. And I did not say you were moving around. I said at that
17 spot, at that entertainment spot.

18 A. No.

19 Q. I further put it to you that in the same venue, the same
17:55:17 20 night, you expressed - you openly expressed dissatisfaction over
21 the way the Prosecution had treated you at the Special Court;
22 specifically, disappointment over the fact that they were to
23 financially reward you; they didn't, and you were to be
24 relocated; you weren't.

17:55:39 25 A. It did not happen like that. You're wrong.

26 Q. Can you put it to you: It is true that you expected
27 financial reward for having testified at the Hague, correct?

28 A. I did not sign any bond with anybody that after I had
29 testified in The Hague and returned, they should give my money.

1 I did not sign anything, and nobody signed any document to me
2 that they should give me money.

3 Q. Mr Witness, I am talking about your expectation. I am not
4 talking about the fact that having received or signed any
17:56:24 5 document regarding financial transactions. I am simply asking
6 you, you expected financial reward for having testified at the
7 Hague? Address my question.

8 A. Of course. And I had it.

9 Q. Thank you very much. And with that, you were building a
17:56:45 10 four-bedroom flat in Bo, correct?

11 A. Not a four-bedroom. You've been misinformed. I built in
12 Bo, but not only from what I got from my travelling allowance or
13 what have you. But I built in Bo.

14 Q. Can I ask you this question: What --

17:57:08 15 A. In fact - in fact, you've started implicating yourself.
16 You are saying that I have expressed dissatisfaction, saying I am
17 dissatisfied that they were to give me this and did not give me
18 this and I am going around grumbling. And at the same time you
19 are saying that I reap something from this very programme. You
17:57:32 20 say now that I have been able to build a structure, a
21 four-bedroom house. Right there I don't know, but you try - you
22 are just implicating yourself. You alone are saying one thing,
23 and you are contradicting yourself again. Yes. You said that
24 what they was going to give, they they did not give to me. And
17:57:49 25 at the same time you are saying that he gave me something and now
26 I have built with it. So I don't know where you are trying to
27 drag yourself.

28 Q. I am not dragging myself anywhere.

29 MR LANSANA: Your Honour, I --

1 JUSTICE DOHERTY: Mr Lansana, don't you start arguing with
2 the witness.

3 MR LANSANA: Your Honour, the issues - the witness is
4 quoting me out of context. I am not saying that I am dragging
17:58:13 5 myself or misunderstanding myself or misinforming myself. I know
6 precisely the questions I am putting to the witness, and I want
7 the witness to answer precisely those questions.

8 JUSTICE DOHERTY: Mr Witness, you started off saying, "It
9 was not a four-bedroom ..." So I don't know what that means, "it
17:58:34 10 is not a four bedroom."

11 THE WITNESS: It is wrong. I do not have any four-bedroom
12 house in Bo. It is wrong.

13 MR LANSANA:

14 Q. But it is true that you have a four-bedroom house in Bo?

17:59:01 15 JUSTICE DOHERTY: You originally put "a flat," Mr Lansana.
16 It's now "a house."

17 MR LANSANA: Yes. Yes, Your Honour. I recall that.

18 Q. You are building a flat - or according to you, you finished
19 building it?

17:59:04 20 A. According to me, I had built in Bo. I built in Bo.

21 Q. Thank you. Can I ask you this question: What was your
22 motivation for testifying at the Hague?

23 A. What motivated me was to see that the people of
24 Sierra Leone got the truth how the war was fought. Because
17:59:38 25 initially some of us were afraid because of our security and that
26 not all of us would be taken to the Court. So when they used to
27 approach us, we were - we used to be afraid. But what motivated
28 me was that people needed to know and people needed to account
29 for what they had done. That was what induced me to go and

1 testify in The Hague.

2 Q. I also put it to you that you say you got some money from
3 the Court, but I put it to you that you were not satisfied with
4 what you got from the Court. You wanted more. And more,
18:00:21 5 especially, you wanted relocation. You, specifically --

6 JUSTICE DOHERTY: Mr Witness, this is not an amusement
7 arcade. Listen to the question and stop giggling and laughing.
8 Put the question. And it's actually after the lunch break,
9 but I wanted you to finish you this line of questioning.

18:00:42 10 So put the question.

11 JUSTICE DOHERTY: As Your Honour pleases.

12 Q. You specifically - you specifically wanted the Prosecution
13 of the Special Court to relocate you.

14 A. Wrong.

18:00:53 15 Q. And because you did not have that relocation or enough
16 financial reward, you were ready to switch sides to the Defence
17 and recant your testimony in the hope that the Defence would
18 financially reward you or relocate you?

19 A. Well, I am telling you that you are lying. I never
18:01:16 20 requested any external relocation, and I never requested for
21 that, and nobody promised me that. This Court never promised me
22 that. I never requested for external relocation from this Court.

23 MR LANSANA: Well, before the break, Your Honour, just one.

24 Q. I am putting it to you that this is not the first time you
18:01:38 25 are informing the Prosecution that somebody had attempted to
26 influence you to recant your testimony. This is not the first
27 time.

28 A. Yes, this is not the first time. In fact, on the phone
29 line somebody called, and I forwarded that and I --

1 THE INTERPRETER: Your Honour, can he repeat the last bit.

2 JUSTICE DOHERTY: Mr Witness, the interpreter needs you to
3 repeat the last part of your answer. You said:

4 "Yes, this is not first time. There was a phone ..."

18:02:08 5 So please pick up from there.

6 THE WITNESS: That was not the first time. I had been
7 forwarding those complaints. That was even before I went to
8 Kai Lahun.

9 MR LANSANA:

18:02:20 10 Q. And I put it to you that those complaints were baseless,
11 they were ill-founded.

12 A. Well, that's what you say, but I have facts that indeed
13 helped. Yes.

14 Q. It was a ploy to have the Prosecution under pressure to
18:04:09 15 relocate you.

16 A. What you are claiming is not right. It's not true. What
17 you are saying is not true. It is you who is manipulating that,
18 and you and your client.

19 MR LANSANA: Your Honour, again, I want the witness to
18:04:34 20 refrain from that line of answers.

21 JUSTICE DOHERTY: Mr Witness, I've already told you: Don't
22 get into arguments with counsel. Counsel's duty is to put
23 questions to you. If I could they are not relevant, I will stop
24 him, but you should answer and not get into a combative mood.

18:04:55 25 It is actually after the usual lunch break, so I'm going to
26 break for an hour to allow us all to get some fresh air and calm
27 down.

28 Now, Mr Witness, you know that you are now under oath; that
29 you should not discuss your evidence with anyone else during the

1 break.

2 Mr Gardner, you're on your feet, and I feel I've prevented
3 you from maybe making an application earlier on or an
4 observati on.

18:06:06 5 MR GARDNER: Nei ther, Your Honour. It was more of a
6 clari fi cation. I just wanted to state that what I jumped up and
7 made the objecti on about asked and answered three times, and you
8 said, "well, I'll be more vi gil ant," I assume that was tongue in
9 cheek. Because I wasn't remotely suggesting the Court wasn't
10 being vi gil ant. It's my job to jump up when I have an objecti on.

11 JUSTICE DOHERTY: I had actually noticed that it was asked
12 before, but in a slightly di fferent way. But rest assured, there
13 has been no offence taken.

14 We will adjourn for one hour. Mr Senessie will remain with
18:07:13 15 the escort, and we will resume at 20 to 3.00. My goodness, we
16 are getting later every day.

17 Mr Wi tness, I remind you again not to discuss your evidence
18 with anyone else.

19 Please adjourn Court.

18:07:33 20 THE WITNESS: Yes, My Lady.

21 [Luncheon adjournment taken at 1.35 p.m.]

22 [Upon resumi ng at 2.40 p.m.]

23 JUSTICE DOHERTY: The wi tness is not here.

24 [Wi tness enters courtroom]

14:39:54 25 TF1-516, conti nui ng cross-exami nati on:

26 JUSTICE DOHERTY: Mr Wi tness, I will again remind you of
27 the oath and we will proceed on with the cross-exami nati on.
28 Mr Lansana.

29 MR LANSANA: Very well, your Honour. Your Honour, I just

1 wanted to be clear as to my last question.

2 JUSTICE DOHERTY: I have a note here that you were saying
3 it was his actions were to apply pressure to OTP to relocate him,
4 and the answer is, "It is not true. That is not right. You are"
14:41:03 5 something "saying that."

6 MR LANSANA: Thank you, your Honour.

7 Q. Good afternoon again, Mr Witness.

8 A. Good afternoon. You're welcome, Mr Lawyer.

9 Q. My last question was about your complaint to the OTP that
14:41:37 10 you had been influenced to recant your testimony was a ploy to
11 pressure them into relocating you. You've answered that
12 question. My next question is that I am putting it to you that
13 that was your plan A. Your plan B was that in the events that
14 the OTP did not relocate you, you decided to switch sides to the
14:42:05 15 Defence in the hope that by promising to recant your testimony,
16 they will relocate you.

17 A. Very impossible. It's wrong. There is no need to even
18 think like that.

19 Q. Now, there was a point in time - I think it was in 2006 -
14:42:32 20 in October 2006. I put it to you that you met Prince Taylor at
21 Yeakema's Guesthouse in Bo, correct?

22 JUSTICE DOHERTY: Can we have a spelling of the guesthouse,
23 please.

24 MR LANSANA: Very well, your Honour. It is Y-E-A-K-E-M-A.

14:43:11 25 JUSTICE DOHERTY: Thank you.

26 MR LANSANA: Very well, your Honour.

27 Q. Mr Witness, I'll go over that question again. In October
28 2006 I put it to you that you met Prince Taylor at the Yeakema
29 Guesthouse in Bo, correct?

1 A. Absolutely wrong. My first time that I met Prince Taylor
2 was in a club. That is at the After Works Relaxation in Bo.

3 Q. Mr Witness, I'm not asking you about the first time you met
4 Prince Taylor. I'm specific that in 2006 - October 2006 you met
14:43:58 5 Prince Taylor at the Yeakema Guesthouse in Bo?

6 A. No.

7 Q. Thank you?

8 A. I have never.

9 Q. And the purpose of you meeting Prince Taylor at the
14:44:19 10 guesthouse was to express the intention of being a Defence
11 witness, correct?

12 A. Who is Prince Taylor that I would tell that I want to
13 become a Defence witness? On what grounds? On what grounds? In
14 fact, the time that you're indicating, that October 2006, I never
14:44:41 15 knew who Prince Taylor was. Let me tell you this, I didn't know
16 who Prince Taylor was. And I can tell you the instance in which
17 I knew Prince Taylor. Yes. It was through some criminal
18 business. He sent some men to call us, and they just selected me
19 to go to a club wherein they were just friends. I can't name

14:45:09 20 them here. When we went there, they took me to After Works, and
21 after some time after we had taken one or two pints, he told me,
22 Oh, fellow, this is our plan. This is what we are here for. So
23 at the end of day we would want you to give us some information.

24 And I told them, Look, gentlemen is this something serious? You
14:45:33 25 are all under the influence of alcohol like me, and now you are
26 telling me I should go and talk something on a sensitive issue
27 like that. I said, Oh, man, this is not in place. And from
28 there we went our separate ways after spending some time, and I
29 went to my house. So that was the first instance that I ever set

1 eyes on that Prince Taylor man. From there I forwarded my report
2 to OTP. I called OTP and told them.

3 Q. I put it to you that there was another contact with Prince
4 Taylor, and this was at his King Street residence in Bo?

14:46:24 5 A. Thank you. It was after that night that Prince Taylor, he
6 and one of the people who had led him, that they went to my house
7 again. They met me watching - looking at some pictures - I
8 mention that instance here - and he said I should give him the
9 pictures. And I asked him, On what ground? He tried to persuade
14:46:45 10 me. Prince Taylor - they went to my house again, you are
11 correct. They went to my house. They met me there. They asked
12 me for my picture, and I refused to give it to them.

13 Q. Now, in February 2011 when you were in Kailahun, I put it
14 to you that you put a call through to Prince Taylor.

14:47:24 15 Specifically the 3rd of February 2011 you put through a call to
16 Prince Taylor, correct?

17 A. That's a black lie. That's a black lie. I never called
18 Prince Taylor. I never attempted even to call Prince Taylor at
19 that time. Not a day. It's a black lie.

14:47:55 20 Q. I further put it to you that you indeed called and you used
21 Eric Senessie's phone to call?

22 A. Mr Lawyer, I think this fact is one that I had established
23 in this Court today, that Eric called this person whose name he
24 did not call to me. It was Eric who used his own phone to put
14:48:28 25 this call through. How could I take Eric's phone to call
26 whosoever, someone I did not know he was talking about? So this
27 is just a fabricated lie and it has no basis.

28 Q. In your statement --

29 MR LANSANA: Your Honour, I am referring to exhibit P8.

1 Q. In that statement you state here, and I quote, "The person
2 only said he may like to speak to me, but he does not have enough
3 credit on his phone."

4 A. Were you --

14:49:26 5 Q. My question is on whose phone were you speaking with this
6 person?

7 A. I had told you earlier it was Eric that called that person.
8 After they had spoken he passed the phone over to me, and we did
9 not even talk up to a minute or even 30 second. Then the phone
14:49:46 10 went off. Then the person told me, Oh, Mr Man, I do not have
11 enough credit, so we'll talk later. I had established this. I
12 think this is the third or fourth time that you're asking me this
13 question.

14 Q. Are you saying that was after the phone went off that the
14:50:02 15 person continued talking to you?

16 A. I am telling you that the person said that he did not have
17 enough credit to continue talking to me and that he will call me
18 later. He said he will call Eric to talk to me later. Then the
19 phone - the call went off. Since then we never spoke until Eric
14:50:26 20 met me the other time and told me the man that you spoke with was
21 Prince Taylor, and he would want to really talk to you. He would
22 like to visit you here, and I said, You and who?

23 Q. Now, I want to put it to you that when you spoke to this
24 individual, you disclosed your identity and your pseudonym to
14:50:55 25 that person?

26 A. Already Prince - already Eric had told that person. Eric
27 had told that person that he and that person - that we were
28 together. I cannot remember telling that man whom I was. I can
29 never remember. Because he and I did not talk for long.

1 Q. You expressed to this person your dissatisfaction with the
2 way the Prosecution had treated you?

3 A. Wrong.

4 Q. And you further informed this individual that you intended
14:51:43 5 to get back at the Prosecution for that, correct?

6 A. To go back to the Prosecution for what? Make the question
7 clear.

8 Q. That's a phrasal expression. To get back at somebody is to
9 revenge; that's what I mean?

14:52:10 10 A. Ask your question once again.

11 Q. When you were talking to this person over the phone, you
12 expressed your dissatisfaction with the way the Prosecution had
13 treated you, and you said that you wanted to retaliate for that
14 treatment the Prosecution had given you?

14:52:35 15 A. Wrong.

16 Q. Now, do you know any Genna Kpundeh?

17 A. Yes, I know one Genna Kpundeh.

18 Q. He is a teacher at the Methodist Secondary School, correct?

19 A. Yes, the one that I know is a teacher at Methodist
14:53:05 20 Secondary School in Kailahun. Not only Methodist Secondary
21 School in Kailahun, but she is also my co-worker. We were
22 working for the same --

23 Q. [Overlapping speakers]

24 A. Okay.

14:53:18 25 JUSTICE DOHERTY: I didn't hear the last question,
26 Mr Lansana.

27 MR LANSANA: I told the witness that Genna Kpundeh is a
28 teacher at the Methodist Secondary School in Kailahun, and he's
29 answered that question. He wanted to volunteer, but I just

1 stopped him.

2 JUSTICE DOHERTY: Did I hear the witness say "she" is my
3 co-worker?

4 MR LANSANA: The witness will have to clarify that.

14:53:48 5 JUSTICE DOHERTY: Mr Witness, when you answered that
6 question you said, "Yes, and she is also my co-worker."

7 THE WITNESS: I said "he".

8 MR LANSANA:

9 Q. I put it to you Genna Kpundeh is one person to whom you had
14:54:16 10 disclosed that you testified at The Hague?

11 A. Well, I think my testimony in The Hague was not in hiding
12 for me to start putting it on megaphone telling people that I had
13 testified in The Hague. I went open, so everybody beyond
14 Sierra Leone know that indeed I attend openly. So I did not see
14:54:39 15 any reason to start broadcasting it to people, so that has no
16 grounds. Wrong.

17 MR LANSANA: Your Honour, that will be all for this
18 witness.

19 JUSTICE DOHERTY: Thank you, Mr Lansana. Re-examination,
14:55:18 20 Mr Gardner.

21 MR GARDNER: Thank you, your Honour.

22 RE-EXAMINATION BY MR GARDNER:

23 MR GARDNER:

24 Q. You've mentioned the name JP Combey, and Mr Lansana asked
14:55:38 25 you questions about JP Combey. Could you tell the Court who JP
26 Combey is and what he does in Kailahun?

27 A. Well, this man I can say maybe the context in which I
28 understood that JP, it means justice of the peace. I know that
29 he was a former justice of the peace. I only knew him very

1 recently when he was working for the Magistrate's Court in
2 Kailahun, but for certain reasons I have not been able to find
3 out about why he was removed as JP. But I understand that he was
4 involved in some practice in the Court. That is why they removed
14:56:23 5 him as JP in Kailahun Magistrate's Court. That's all I know
6 about this JP.

7 Q. How would you characterise how well you know him, from
8 really close friend to hardly at all?

9 A. Well, JP Combey is a man I had respect for, because I met
14:56:52 10 him at a time in Kailahun - at the time I was living very close
11 to where he was. I would pass through his house before I go to
12 my workplace, and it was around there that I was sleeping. It
13 was one of my co-workers who took me to that place and said, This
14 is the place where we spend time to ease ourselves. If at all
14:57:11 15 you have time, you can come here. So we were interacting at one
16 time. Then I understood that JP Combey were from the same alma
17 mater, from the same school, so I have my respect for him. We
18 have our own way we call each other, but I can't say that here.
19 We're from the same school. That's how I came to know JP. Since
14:57:35 20 then I always greeted him with respect and dignity. I always
21 have full respect for him.

22 Q. Would you call him a close friend?

23 A. Well, he's not much of a close friend. If he were, he
24 would have known much of what I do. But I consider him an elder.
14:57:56 25 I consider him an elder.

26 Q. Do you know what relationship Mr Senessie has with JP
27 Combey?

28 A. Well, I used to see Senessie and Combey going together.
29 Senessie used to go to JP. He goes there frequently since the

1 time I used to go there. They were - they are all born in that
2 Kailahun. I don't know what connection they have, but I can't
3 tell how - both of them are related anyway.

4 Q. You think that Mr Senessie and JP Combey are related?

14:58:41 5 MR LANSANA: Objection. He's asking the witness's opinion.

6 JUSTICE DOHERTY: No, he's asking do you think. It's not
7 an opinion. It's within his knowledge.

8 MR LANSANA: I would rather he said if he knows, but --

9 MR GARDNER: I thought he just testified that he was a
14:58:56 10 relation, and I was trying to nail it down.

11 THE WITNESS: Well, to the best of my knowledge, I
12 considered they are very close, and they were born in that same
13 locality. And before this time I've been seeing them going
14 together, but I've never asked to know how these two people are
14:59:19 15 related. But I know that they are all from the same family, the
16 same home. You know, in our homes we normally have that nuclear
17 family, but I don't know how close their relationship is with
18 respect to the family.

19 MR GARDNER:

14:59:39 20 Q. Is JP Combey's home also an entertainment centre? Is that
21 the word?

22 A. It is not a complex. It's just a common house, but there
23 is someone there who serves something in those - like drinks. So
24 when you go there, you either sit in the veranda or the sitting
15:00:03 25 room. Sometimes you go in the back yard. It's not a lousy
26 entertainment centre. It's just a cool and quiet area where the
27 person sells some drinks. So if you want to relax after work,
28 meet with your friends in a very intelligent place, then you can
29 go there just to refresh yourself. But there is nothing written

1 there to describe it as an entertainment centre really.

2 Q. But is it also Mr Combey's home?

3 A. Yes, it's Mr Combey's home. That's where this woman this,
4 this Mama Torma that the lawyer was asking me about if I know
15:00:45 5 her, and indeed I told him that I know her, and she's the one
6 that is selling at that place.

7 Q. The woman sells beverages at that place; is that what
8 you're saying?

9 A. Yeah. Not just beverages, but she sells assorted drinks,
15:01:08 10 refined drinks. Refined drinks. Bottled drinks, canned drinks.

11 Q. Are you talking about Mr Combey, he sells these things?

12 A. No, it's not Mr Combey. It's this woman who this lawyer
13 named here, Mama Torma. She's the one that sells there. It's at
14 Combey's house. From what I know, it's JP Combey's house.

15:01:43 15 Q. Is Mama Torma related to JP Combey?

16 A. I don't know about their relationship in any way. I don't
17 know. But they all hale from there. I don't know how they are
18 connected. I don't know the relationship between them really,
19 but they all regard one another as brother and sister. I don't
15:02:06 20 know what the connection is.

21 Q. They are very close; is that right?

22 A. Yes, because the woman is living at the house. Of course I
23 know that Mama Torma is from Daru. That's her hometown, but
24 she's at present in Kailahun. I don't really know how their
15:02:26 25 family ties are.

26 Q. They sell food there?

27 A. No, I did not see them selling food there. They only sell
28 drinks there.

29 Q. Are the drinks alcoholic drinks, or nonalcoholic drinks, or

1 both?

2 A. Mixed. Both.

3 Q. So you could buy beer there?

4 A. Yes, if you want to, it's there.

15:02:51 5 Q. I believe Mr Lansana said in his questioning of you - I
6 believe I got it right: Eric has a bedroom in the bar. Does
7 Mr Senessie have a bedroom --

8 MR LANSANA: Your Honour, may I, please. I didn't say that
9 Eric Senessie has a bedroom at the bar. I said in the house
15:03:21 10 where the bar is.

11 MR GARDNER: Okay.

12 Q. Did you know that --

13 A. I think both of you are speaking the same language. The
14 house where the bar is is the bar. You are saying the same
15:03:35 15 thing. One thing that I know, I know the people who have rooms
16 in that particular place. After Mama Torma there is another
17 elderly woman close to Mama Torma. It's Combey. Combey's in his
18 room alone, and there are lactating mothers in their own rooms.
19 I don't know any room for Eric in that place, because it's a
15:03:59 20 place that I frequent, and I can tell you that that's a black
21 lie. If you go beyond, you'll find out it is unfounded. You'll
22 never be able to justify that kind of claim at all. I know the
23 people. I know the people because I visit there often. It's my
24 route that I use. I don't know about Eric owning a room there.

15:04:19 25 Q. You don't know about his owning a room there?

26 A. Not at all.

27 MR GARDNER: I have no further questions of the witness,
28 your Honour.

29 JUSTICE DOHERTY: Thank you, Mr Gardner. I do not have any

1 questions of the witness.

2 Mr Witness, thank you for your evidence. Your evidence is
3 now completed. You will be at liberty to leave the Court, but
4 first of all we will pull over the curtains to allow you to leave
15:04:50 5 without being seen. So if you can just sit where you are for a
6 few moments more.

7 THE WITNESS: You're welcome. Thank you very much, my
8 lady.

9 [The witness withdrew]

15:06:34 10 JUSTICE DOHERTY: Mr Gardner, have you got another witness
11 for us?

12 MR GARDNER: I had intended to call Magnus Lamin with
13 respect to the 585 tape and transcript, but the tape has been
14 admitted into evidence and part of the transcript that I'm
15:06:58 15 interested in has been admitted into evidence, so I have no
16 further witnesses and the Prosecution rests, your Honour.

17 JUSTICE DOHERTY: Thank you, Mr Gardner. I will make a
18 note of that and I will now ask Mr Lansana.

19 Mr Lansana, you're well aware of the Rules. The accused is
15:07:15 20 under no obligation to give evidence. But if he so decides, then
21 he must give evidence first before any other witnesses. I think
22 you know the provisions of the Rules.

23 MR LANSANA: Yes, Your Honour, I do.

24 JUSTICE DOHERTY: And so if you can indicate to us if he
15:07:30 25 intends to give evidence or if he intends to call other
26 witnesses. Obviously I've read the pre-trial brief, but you're
27 not bound by that.

28 MR LANSANA: Yes, Your Honour. Your Honour, the accused
29 intends to give evidence and he intends to call witnesses. The

1 only difficulty I have is that I had intended taking him tomorrow
2 because I thought the Prosecution would take the rest of the day
3 today.

15:08:23 4 Secondly, I've been informed by Court Management that they
5 will need to have my witnesses, who came yesterday, last evening,
6 they will have to go through courtroom briefing with them.
7 Whatever that means, I don't know. But it means making them
8 familiar with procedures in Court, things to do and don'ts.
9 That's what I suppose that means, courtroom briefing. That's the
15:08:48 10 only problem I have.

11 I was thinking of imploring your gracious indulgence for
12 the rest of this afternoon to be dedicated to that, so that first
13 thing tomorrow morning the Defence will start.

14 JUSTICE DOHERTY: Mr Gardner, have you any comment or
15:09:12 15 objection on that application?

16 MR GARDNER: Well, I have first of all a comment, and that
17 is Mr Lansana is correct. I think he assumed that I was going to
18 call that next witness, and I did too. It wasn't until I got
19 thinking around lunchtime that I didn't need to do it. So he's
15:09:33 20 very correct on that point.

21 Second, I've been in his position. I'm sympathetic with
22 counsel, and I have no objection if he wants to start in the
23 morning. Having been soaked in the rain, I wouldn't mind a
24 break.

15:09:48 25 JUSTICE DOHERTY: That makes two of us, if not three.

26 The usual question arises, of course, not - who has a
27 mobile in the Court? What happens to the accused? The
28 Prosecution has now closed its case.

29 MR LANSANA: Your Honour, I will say this at the risk of

1 being repetitive. I still crave your indulgence that the bail
2 conditions continue. Like I informed this Chamber yesterday, I
3 continue admonishing the witness to strictly adhere to the bail
4 conditions, because any violation of the bail conditions will
15:10:52 5 have him forfeit bail. His bail will be forfeited. I will
6 continue impressing that on him, and I would assure the Court
7 that there will be no untoward conduct on the part of the accused
8 in that regard, either by way of interfering with the Prosecution
9 witnesses, or having indirect influence or whatever on them. He
15:11:25 10 has been well to keep completely away from them, not contact them
11 directly nor indirectly, and I would plead with the Court that
12 his bail conditions continue for as long as he adheres to the
13 conditions of bail. As it pleases your Honour.

14 MR GARDNER: When we had this exchange yesterday,
15:11:58 15 your Honour, there were two issues: One was the issue of
16 contacting witnesses; and the other was risk of flight. I think
17 that the risk of flight certainly didn't diminish after today's
18 testimony. If anything, it might have increased. Not that I
19 have any objective basis for believing he will flee. But when
15:12:23 20 this issue came up, I understood Mr Lansana to say that he
21 thought that the guesthouse where the defendant was staying was
22 under the control, or direction, or supervision, or some such
23 word, of the WVS.

24 I was approached by the WVS after Court yesterday, and they
15:12:48 25 expressed their concern to me that they are not guarding or
26 watching over the defendant, that that's not their role, and that
27 they are not in control of that guesthouse.

28 I don't take any position on his release. If your Honour
29 wants to continue the bail, as I said, I have no objection -

1 objective basis for believing that he would violate it. But I
2 just want to eliminate any confusion about the conditions of his
3 confinement.

4 JUSTICE DOHERTY: Mr Lansana, I do recall this thing about
15:13:30 5 the guesthouse and WVS, and I recall in particular that I said he
6 was to be under the jurisdiction of WVS. What exactly is the
7 position?

8 MR LANSANA: Your Honour, I am saying what instructions I
9 got from the defence office, that they were going to contact WVS
15:13:54 10 to take care of his accommodation and whatever. I haven't been
11 to that guesthouse. I don't know the house security or whatever,
12 and unless I try to find out.

13 But your Honour, I am not adverse to any orders from this
14 Court by way of ensuring that he does not jump bail. The only
15:14:21 15 concern I have is that this Court had thought it fit to grant him
16 bail, and I implore this Court to continue granting him bail. I
17 assume that Court that he has not indicated to me even remotely
18 that he's afraid of this trial or this proceeding and he intends
19 to jump bail or whatever. He's not even remotely given me that
15:14:49 20 impression. I am sure in my mind that he is not the kind of
21 person that would do that, because he is very pleased with the
22 proceedings so far. He's not complained about anything. He's
23 not expressed any fear about anything. He's not even doubted his
24 witnesses. He's very sure that his witnesses will come and tell
15:15:17 25 this Court the truth. He's reliant on those, and I am pretty
26 sure that he's not contemplating any untoward conduct.

27 JUSTICE DOHERTY: As I have no concrete evidence or
28 indications to the contrary, I will extend the bail of the
29 accused on the clear understanding that he will appear tomorrow,

1 and obviously the Prosecution witnesses have given their
2 evidence, but that does not preclude any form of interference or
3 contact that is to continue.

4 MR LANSANA: Very well, your Honour.

15:16:20 5 JUSTICE DOHERTY: Mr Senessie, did you hear what I said?

6 DEFENDANT: Quite loud and clear, my Lord.

7 JUSTICE DOHERTY: I'm relying on you as a senior member of
8 the community to lead by example and respect the orders of the
9 Court.

15:16:43 10 DEFENDANT: Thank you, your Honour.

11 JUSTICE DOHERTY: I will also accede to the application to
12 adjourn early to allow counsel for the Defence to take
13 instructions and to allow the witnesses for the Defence to have
14 the procedures in Court explained to them. So we will adjourn
15 now until 9.30 tomorrow morning. Please adjourn the Court.

15:16:58

16 [Whereupon The Court adjourned at 3.17 p.m.
17 until 9.30 a.m. the following day]

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