



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 [Friday, 15 June 2012]

2 [Open session]

3 [Accused present in Court]

4 [Upon resuming at 9.34 a.m.]

09:24:39 5 JUSTICE DOHERTY: Sorry Counsel, I'm a bit late this
6 morning. Another case in The Hague has cropped up that I had to
7 deal with. So I was - with the differences in time, I was on the
8 phone longer than I should have been.

9 We'll proceed on and I will take appearances first.

09:35:22 10 Mr Gardner, you're for the Prosecution.

11 MR GARDNER: William Gardner, Independent Counsel for the
12 Prosecution, Your Honour.

13 MR LANSANA: Please Your Honour, good morning.

14 JUSTICE DOHERTY: Good morning.

09:35:39 15 MR LANSANA: Ansu Lansana for the accused.

16 JUSTICE DOHERTY: Thank you, Mr Lansana.

17 MR LANSANA: Thank you, Your Honour.

18 JUSTICE DOHERTY: We have set this morning for submissions
19 now that the parties have closed their case and all the evidence
09:35:51 20 is in. Mr Lansana, you led evidence, so in the normal sequence
21 you would submit first and have a right of reply.

22 MR LANSANA: Thank you, Your Honour. Your Honour, the
23 accused before you - before this Trial Chamber stands charged
24 with nine counts: Four counts of offering bribes to witnesses
09:37:10 25 who testified at the trial of Charles Ghankay Taylor in The
26 Hague; and five counts of interfering with the said witnesses.

27 In order to discharge the burden of proof of the guilt of
28 the accused, the Prosecution led five witnesses in evidence:
29 Namely, Mohamed Bereteh Kabbah; TF1-585; Aruna Gbonda; TF1-516;

1 and TF1-274.

2 Your Honour, the Defence first makes a generic submission.

3 It is the Defence allegation that the entire allegations were

4 engendered by a scheme hatched by TF1-274 to pressure the

09:38:13 5 Prosecution of the Special Court into believing that he and other

6 four Prosecution witnesses were exposed to and indeed became

7 vulnerable to undue influences to recant their testimonies in the

8 hope that the Prosecution will attempt to insulate them, to put

9 them in a cocoon and protect them from these undue influences by

09:38:42 10 relocating them from Kailahun. When that scheme or plot

11 backfired, TF1-274 and his co-conspirators, for want of a better

12 word, decided to sacrifice the accused Eric Senessie whom they

13 had used as a conduit, as an entry point, to Prince Taylor and

14 subsequently to the Charles Taylor Defence team.

09:39:13 15 Your Honour, questions will be asked: What are the grounds

16 for such a submission? Also there are several tangible grounds

17 for that submission. Firstly, there is evidence before this

18 Trial Chamber that these Prosecution witnesses were dissatisfied

19 with the Prosecution. There is also evidence before this Trial

09:39:44 20 Chamber that TF1-274 in particular publicly called the Special

21 Court "a nonsense Court". That's courtesy of the second Defence

22 witness JP Combey. Thirdly, there is further evidence before

23 this Court that the same TF1-274 publicly said that the

24 Prosecution had lied to them, that they had relocated Gibril

09:40:21 25 Massaquoi but did not relocate him and his colleagues.

26 JUSTICE DOHERTY: Mr Lansana, does it make any difference

27 whether Gibril Massaquoi gave evidence in the Taylor trial or

28 didn't give evidence in the Taylor trial?

29 MR LANSANA: Your Honour, I'm specifically dealing with

1 evidence before this Court and utterances of TF1-274.

2 JUSTICE DOHERTY: Yes, but of the things that was never -
3 Gibril Massaquoi was definitely named as a person who was
4 relocated.

09:40:59 5 MR LANSANA: Precisely.

6 JUSTICE DOHERTY: But Gibril Massaquoi gave evidence in the
7 AFRC trial not in the Charles Taylor trial so I'm trying to work
8 out why Gibril Massaquoi's relocation will make a difference in
9 your - from your submission. He wasn't a Taylor trial witness.

09:41:21 10 MR LANSANA: Yes, Your Honour, the train basically is not
11 whether Gibril Massaquoi testified at the Taylor trial. The fact
12 remains that Gibril Massaquoi was a Prosecution witness that was
13 relocated.

14 JUSTICE DOHERTY: I see. It's just the fact that he got
09:41:38 15 relocation.

16 MR LANSANA: Precisely, Your Honour. In strengthening this
17 particular aspect of the Defence's submission, I would refer you
18 to exhibit P-2, page 2, lines 21 to 24, in relation to what
19 witness TF1-585 also felt.

09:42:14 20 Your Honour, I am saying that it is not just TF1-274 but
21 also TF1-585 from her utterances and testimony will find out that
22 she also tried to give an impression of insecurity. TF1-585 said
23 in the citation I just gave you, Your Honour, quote unquote,
24 lines 21 to 24 "my main purpose of urgently wanting to contact
09:43:17 25 WVS or OTP was to express my fear for my security that I had been
26 compromised - that I had been compromised by the visit of Eric
27 Senessie to my house." Compromised by the visit of Eric Senessie
28 to my house, but the evidence that is borne out or has been borne
29 out before this Trial Chamber points to the fact that even after

1 TF1-585 had testified or given a statement to the investigators,
2 there were exchanges of visits between her and the accused.

3 This testimony - sorry, this evidence - statement, sorry,
4 was given on 31 January, and yet there is evidence before this
09:44:17 5 Court that on 8 February she visited Eric Senessie, meaning she
6 didn't genuinely entertain any fear of being exposed. Why did
7 she tell that to the Prosecution investigators? That points to
8 my theory - to pressure the Prosecution into relocating her by
9 giving the impression that she was unsafe in Kailahun.

09:44:53 10 JUSTICE DOHERTY: You referred to evidence that she visited
11 Mr Senessie on 8 February. Whose evidence is that now?

12 MR LANSANA: Your Honour, that evidence is the evidence of
13 TF1-585 in cross-examination. I refer Your Honour to exhibit
14 P-2, statement of TF1-585. That's where I got that from. And
09:45:23 15 the visit, I refer you to the Monday transcript - transcript of
16 Monday, 11 June 2011 (sic) page 73, lines 5 to 17. Your Honour,
17 it's page 73.

18 JUSTICE DOHERTY: Thank you, that's very helpful,
19 Mr Lansana.

09:46:06 20 MR LANSANA: As it pleases Your Honour. Your Honour, there
21 is also evidence before this Trial Chamber that TF1-274 said if
22 he had the opportunity to go back to The Hague, he would abscond.
23 There is also evidence before this Trial Chamber that TF1-274
24 took a brown envelope to Eric Senessie to deliver to Prince
09:46:42 25 Taylor. The Prosecution referred to certain documents that were
26 alleged to have been given by Eric Senessie to the Prosecution
27 witnesses to sign. However, the Prosecution did not tender any
28 of these documents that had been referred to, but then the
29 Defence links it up to the fact that indeed witness TF1-274

1 delivered a brown envelope to Eric Senessie to deliver to Prince
2 Taylor in Bo on his way to Freetown.

3 There is also evidence, Your Honour, that a few days later
4 when TF1-274 met Eric Senessie at JP Combey's house he was
09:47:38 5 shocked that Eric Senessie had not travelled alone. He exclaimed
6 that if the documents had got into the hands of the Prosecution,
7 he would deny his signature. It is therefore the submission of
8 the Defence, Your Honour, that TF1-274's outburst was occasioned
9 by the fact that he had learned that his plot had leaked to the
09:48:05 10 Prosecution and he was afraid that those documents could be used
11 as evidence against him.

12 JUSTICE DOHERTY: That evidence was Mr Combey's evidence,
13 wasn't it?

14 MR LANSANA: It was.

09:48:17 15 JUSTICE DOHERTY: What did 274 say about it in his
16 evidence?

17 MR LANSANA: He denied. And that brings me, Your Honour,
18 to the question of credibility. I will now come to the question
19 of the credibility of these witnesses.

09:48:35 20 Your Honour, I'll start with Mohamed Bereteh Kabbah. This
21 witness informed this Chamber that he was not going around
22 Kailahun telling people he had testified at The Hague. I refer
23 you to the Monday transcript, page 30 thereof, lines 21 to 25.
24 The testimony of DW-6 did expose that lie. According to DW-6,
09:49:27 25 Mohamed Bereteh Kabbah was in the habit of informing people in
26 the Kailahun Township that he had come from The Hague and that
27 the motorbike - the red motorbike he had was a motorbike that he
28 bought after testifying at The Hague.

29 Secondly, Mohamed Bereteh Kabbah denied having returned

1 from The Hague with a red Victor motorbike. Later he admitted
2 having a red motorbike. But then he said it was the property of
3 an NGO he was working for. However, according to DW-6, Mohamed
4 Kamara, apart from the fact that he had been going around telling
09:50:30 5 people that he had bought that motorbike after testifying at The
6 Hague, he had on that motorbike the logo of that NGO he was
7 working for, Centre for the Coordination of Women and Children's
8 Affairs and further, this witness testified that Mohamed Bereteh
9 Kabbah had loaned or hired off that bike to the NGO.

09:51:09 10 JUSTICE DOHERTY: I don't recall that being put to Mohamed
11 Kabbah that he lent - was that put to him?

12 MR LANSANA: Your Honour, that evidence came after he had
13 testified, Your Honour. That's the position. Mohamed Kamara,
14 DW-6, did further inform this Court that he had something to do
09:51:35 15 with motorbikes in Kailahun. I don't know whether he was
16 provider or something of motorbikes in Kailahun, and that at some
17 particular spot where motorbike mechanics repair motorbikes, he
18 was one time present when Mohamed Bereteh Kabbah took this red
19 bike for repairs, and at that spot he informed people that he
09:52:05 20 owned that bike and that he had bought that bike after his trip
21 The Hague.

22 Your Honour, I come to TF1-585. In her statement, this
23 witness never, ever informed the investigators of the Prosecutor
24 that Eric Senessie was her uncle. It was after disclosure by the
09:52:41 25 Defence that the Prosecutor had her disclose that relationship in
26 preliminary evidence-in-chief. TF1-585 in her statement said -
27 or created the impression: (A) that Eric Senessie never knew
28 where she stayed in Kailahun. Never knew where she stayed in
29 Kailahun; (b), that Eric Senessie and herself were never on

1 visiting terms.

2 However, it took rigid cross-examination and, to some
3 extent evidence-in-chief, to establish the following: One, that
4 TF1-585's family and Eric Senessie's family had a long-standing
09:53:41 5 familiarity and interaction; two, that they had been interacting
6 over a bereavement at one time and a wedding at another; three,
7 that even after the alleged, unwanted, and surprise visit by
8 Eric Senessie on January 27, 2011, TF1-585 visited Eric Senessie
9 in February of that same year, the very next month, and she had
09:54:14 10 informed the investigators of the Prosecutor that she feared that
11 Eric Senessie had contacted her and she was afraid for her
12 safety. That was most dishonest and most - I won't say.

13 Your Honour, for that I will refer you to the Monday transcript -
14 Monday, 11 June 2011 (sic) page 73, lines 5 to 17. I think I
09:54:52 15 referred to that earlier on. Four, that in the following month,
16 March of 2011, Eric Senessie was at her sister's wedding
17 representing the family of the bride.

18 JUSTICE DOHERTY: But isn't the evidence that there were a
19 lot of people at that wedding?

09:55:17 20 MR LANSANA: The emphasis, Your Honour, is that
21 Eric Senessie represented the family of the bride. And I refer
22 you to the Monday transcript under cross-examination, page 72,
23 lines 18 to 23.

24 "Q. When the sister was getting wedded, Eric Senessie
09:55:50 25 was there at the wedding representing the family of the bride,
26 correct?"

27 "A. Yes. "

28 "And I put" - and I assume it is wrongly said here, I
29 didn't actually say "put. "

1 "And I take that to be sometime in March 2011, correct?"

2 Answer:

3 "It's likely so."

4 Your Honour, I would ask this question: How come - how
09:56:31 5 come - that this witness could state in her statement of
6 January 31st that her security was compromised by Eric Senessie's
7 visit, when even after the said visits in February - even after
8 the said visit, she visits him in February of that same year, and
9 he represents her family at her younger sister's wedding in
09:56:56 10 March?

11 Was --

12 JUSTICE DOHERTY: Mr Lansana, I know I don't have any
13 evidence, but surely the facts of life are that weddings don't
14 happen all of a sudden. Weddings are usually planned in advance,
09:57:17 15 and we don't know when this wedding was arranged and more than
16 likely Mr Senessie's position as the family representative had
17 also been well arranged in advance. As I said, I don't have
18 direct evidence, but surely that's the normal situation.
19 Weddings, you don't decide them - to have a wedding in March on
09:57:46 20 the 31st of January.

21 MR LANSANA: Your Honour, I see the reason for your
22 question. But then I agree with you, we can only speculate when
23 it comes to that. But my emphasis is that if somebody fears for
24 her life, fears for her personal safety, and her younger sister
09:58:18 25 is getting wedded, the person that is the cause of that fear for
26 her personal safety, I would presume, will be prevented from
27 representing the family of that person. She will by all means
28 say, No, I don't want this person to have anything to do with
29 this wedding. And his very presence intimidates me. She didn't

1 say that. She didn't do that.

2 Your Honour, I'll come to the next witness, TF1-516. I'm
3 still on credibility, your Honour.

4 JUSTICE DOHERTY: Yes, I appreciate that.

09:58:50 5 MR LANSANA: Thank you, your Honour. This witness TF1-516
6 misinformed this Trial Chamber that Eric Senessie went in search
7 of him at the Methodist Secondary School, Kailahun, on the 1st of
8 February 2011. It turned out, however, that the visit was in
9 fact on the 4th of February. But I don't make heavy weather of
09:59:23 10 that, because times and dates are not as important as facts, and
11 I know my learned colleague on the other side will agree with me
12 on that score.

13 The date 4th February 2011 was attested or proved or
14 authenticated by Exhibit D2, Defence Exhibit 2, which is the
09:59:53 15 receipt of the school fees paid by the accused when he went to
16 pay the school fees of his ward, Morrie Jusu. And also that was
17 corroborated by evidence of DW-3, Jinnah Kpundeh. And in fact it
18 was Jinnah Kpundeh who established that when the accused went to
19 that school to pay school fees for the ward who had been sent out
10:00:24 20 of school the previous days, the 3rd of February, and that in
21 fact it was he who showed the accused where to pay the fees and
22 that in fact he was seated at the cookery shop - we call it here
23 a cookery shop. It's a restaurant, local restaurant - eating
24 when Eric Senessie went to that school.

10:01:03 25 Two, TF1-516 denied informing Jinnah Kpundeh that he was to
26 fly to The Hague to testify in the Charles Taylor trial. He
27 further denied, Your Honour, that he called Jinnah Kpundeh from
28 Lungi International Airport or that indeed he called him from
29 Brussels. Or that he called him from The Hague the day before he

1 testified. However, DW-3, Jinnah Kpundeh, exposed these lies
2 when he informed the Court that TF1-516 told people at the school
3 of his trip to The Hague even before he left. And also that he
4 called him from Lungi, from Brussels, and from The Hague.

10:01:56 5 JUSTICE DOHERTY: Mr Lansana, I'm still intrigued as to how
6 somebody from Sierra Leone could step off an airplane in Brussels
7 and get a foreign numbered mobile phone.

8 MR LANSANA: I'm equally intrigued, Your Honour, but this
9 is the world. Things happen. Like I told you the other day - I
10:02:19 10 told this Court the other day, it could well have been that he
11 could have borrowed a phone from somebody around, somebody who
12 was with him, to place a call. But we can only speculate.

13 But the question I he would ask Your Honour at this stage
14 is: How did Jinnah Kpundeh in Kailahun inform me when I met him
10:02:50 15 and interviewed him that Brussels was one of the stops for going
16 to The Hague? I candidly tell this Court that when he said that,
17 I started believing him. How could he in Kailahun know that you
18 have to stop off at Brussels before you go The Hague if he hadn't
19 been told? Who could have told him? For the Defence, it was
10:03:14 20 TF1-516 and nobody else. After all, they are best of friends.

21 I will come - if there are doubts here, I will come to the
22 Court witness, Akimbobola. What this witness established when he
23 was questioned by Your Honour is that phone communication by
24 transported witnesses to The Hague was regulated and restricted.
10:03:48 25 But not that TF1-516 did not make those calls. I would say he
26 did, and I would give an example. I'll refer this Trial Chamber
27 to the transcript of Tuesday, 12th June - unfortunately, the
28 transcript of 12 June is not - there are no page numbers,
29 Your Honour. But I did flag my copy of the transcript. If Your

1 Honour wants to have a look at it, because not - it will help
2 you --

3 JUSTICE DOHERTY: What it may have on it, you can tell me,
4 is the times. Sometimes the time is at the side.

10:04:44 5 MR LANSANA: Absolutely nothing.

6 JUSTICE DOHERTY: Oh that's unfortunate, but I'll take a
7 note of the bits before and after so as that I can trace it
8 myself.

9 MR LANSANA: As it please your Honour.

10:05:18 10 JUSTICE DOHERTY: Mr Court Officer is going to photocopy
11 that page. It's a public document so --

12 MR LANSANA: Yes, Your Honour.

13 JUSTICE DOHERTY: I note you have highlighted it, but that
14 makes little difference.

10:05:30 15 MR LANSANA: I appreciate that, Your Honour.

16 JUSTICE DOHERTY: Please continue, Mr Lansana.

17 MR LANSANA: I'd wanted to read it.

18 JUSTICE DOHERTY: I'm sorry. What we'll do is this:
19 Please return the document to Mr Lansana, and at the end of the
10:05:41 20 day we'll borrow the document back.

21 MR LANSANA: I'm obliged, Your Honour.

22 Your Honour, what I was saying was that to prove that
23 indeed he placed a call at Lungi International Airport, although
24 the Court witness, Akimbobola, was saying that it was restricted
10:06:04 25 and regulated, he did make a call at the Lungi International
26 Airport, and he said it himself under cross-examination.

27 "Q. All right. Let's move on. I also put it
28 to you that when you were at the Lungi International Airport, you
29 called Kpundeh again and told him that you were about to board

1 the plane?"

2 "A. Not. Not. Not. I can remember talking to
3 one Joe F Sallya [phoen] who was close to my residence. I needed
4 to transmit a message to my wife. I tried my wife's number. It
10:06:44 5 was down, so I had to call through Joe F Sallya to inform my
6 wife, and I gave the message to Joe F Sallya which was delivered
7 to my wife and not Kpundeh.

8 "Q. And when you called Joe - Joe Sallya, you
9 informed him that you were at the Lungi International Airport,
10:07:08 10 didn't you?"

11 "A. Yes."

12 He placed a call when he was alone.

13 I come to Aruna Gbonda.

14 This witness said he never - he had never gone to

10:07:24 15 Eric Senessie's house. However, Defence witness five,

16 Fick Senessie, a small boy, informed this Trial Chamber that

17 Gbonda went to the house and asked the small boy to give him

18 Eric's number. And I am fortified in my belief that indeed he

19 went there, because a question from the Bench to Fick Senessie

10:07:58 20 was answered, I would say very succinctly. He was asked to

21 describe Aruna Gbonda. He described Aruna Gbonda and from my

22 estimation it was a very good description of Aruna Gbonda. So

23 I'm satisfied in my mind that he knows him and that in fact he

24 went to Eric's house. Having put all these together, Your

10:08:38 25 Honour, I am of the fervent conviction that these Prosecution

26 witnesses are not reliable witnesses. They have stated facts to

27 this Trial Chamber that have been controverted by credible

28 evidence. If it is proved that they have stated untruths before

29 this Trial Chamber, how sure are we in our minds that what they

1 have told this Court - what they have testified before this Trial
2 Chamber against the defendant before this Court, is true? How
3 sure are we? Can we be sure enough to say that it satisfies the
4 burden of proof beyond a reasonable doubt that could make the
10:09:39 5 Prosecution secure a conviction against the accused? Are we sure
6 in our minds?

7 Your Honour, I will come to the tape-recording now in the
8 transcript. The Defence is in outright denial that the voice on
9 that tape is the voice of Eric Senessie. The only proof that
10:10:16 10 this Trial Chamber has to the contrary is the evidence of TF1-585
11 whom I have just informed this Trial Chamber is most unreliable.
12 As for that transcript, the rendition of the tape from the
13 transcript is questionable. Is that proof beyond reasonable
14 doubt? I will now come to the actus reus and the mens rea of the
10:11:16 15 offences charged under Rule 77A (iv). I'll start off with a
16 Latin maxim actus non facit reum, nisi mens sit rea.

17 JUSTICE DOHERTY: Mr Lansana you know I belong to the
18 simple English legal language school.

19 MR LANSANA: I will translate that in English.

10:11:41 20 JUSTICE DOHERTY: I'm very grateful.

21 MR LANSANA: I belong to the conservative school.

22 JUSTICE DOHERTY: I remember Latin.

23 MR LANSANA: Actus non facit reum, nisi mens sit rea means
24 in English an act does not make a man guilty until it is
10:11:56 25 accompanied by a criminal intent. The Prosecution throughout the
26 proceedings concentrated on the actus reus or the alleged actus
27 reus of the offences created by 77A (iv) the alleged actus reus
28 of the accused. The conduct constituting the said offences.
29 However, no attempt was made to establish the mental element of

1 the offence, the mens rea, of the accused. The Prosecution
2 indeed does have the legal burden of proving that at the time the
3 accused did what he may have done, he had the requisite and
4 concurrent mental and criminal disposition that what he was doing
10:13:06 5 he did consciously to interfere with the Special Court's
6 administration of justice. The Prosecution have not proved that
7 specific intent and the operative word, Your Honour, is specific
8 intent. Specific intent. It was established in the ICTY case of
9 the Prosecutor v. I'm not too good at she's Slavic names. I will
10:13:46 10 just spell it. B-R-D-J-A-N-I-N. It's a case number IT/99/36/R
11 77, contempt allegations against Milka Maglov as a Trial Chamber
12 decision on the motion for acquittal pursuant to Rule 98 *bis* of
13 19 March 2004 at paragraph 16. Your Honour, in that case it was
14 stated as follows in that decision: "For each criminal contempt,
10:15:36 15 it has to be established that an accused acted with a specific
16 intent to interfere with the administration of justice."

17 I submit, Your Honour, that the Prosecution in this case
18 have not proved specific intent. The closest the Prosecution got
19 to that is in cross-examination of the accused where it was put
10:16:12 20 to the accused that the accused knew the intention of the
21 Prosecution witnesses to recant their testimonies. The answer to
22 that question, of course, after some objection from me that
23 there's no act to finalise construction in the face, the accused
24 answered, "I was not in the position to know what was in the
10:16:37 25 minds of the Prosecution witnesses." Specific intent has not
26 been proved, and it's a prerequisite for securing a conviction in
27 contempt.

28 Your Honour, I will end by informing this Court that in the
29 administration of justice it is paramount - very paramount - that

1 ten guilty persons go free, get acquitted, than for one innocent
2 individual to be convicted. For to do that will be a slap in the
3 face of justice. I rest my case.

10:17:52 4 JUSTICE DOHERTY: Before you do, Mr Lansana, you have again
5 raised the issue of the identification of the voice of the
6 accused on the tape. You said the only proof is 585, who is most
7 unreliable and therefore the transcript that was admitted as an
8 exhibit is questionable.

10:18:19 9 I gave a ruling on the admissibility and so on of that, and
10 I referred to some case law. Are you saying that that ruling was
11 - is now being raised again? You're going behind that ruling?
12 Or what is your --

10:18:48 13 MR LANSANA: Your Honour, two things: It's a ruling of
14 this Court, and I bow to that ruling, but what I'm saying - like
15 my learned friend on the other side said the other day, when it
16 comes to evidence, there is admissibility on one hand, and there
17 is weight on the other. I cannot question the admissibility
18 because you have ruled on it and you are the President of this
19 Court. But as to weight, I reserve my doubts. That's all I wish
10:19:14 20 to say.

21 JUSTICE DOHERTY: Thank you. I'm clear on the point now.
22 Mr Gardner.

10:19:54 23 MR GARDNER: Thank you, Your Honour. Your Honour, this is
24 not remotely a close case. The evidence of guilt on all nine
25 counts is overwhelming. I will review that evidence briefly, but
26 I want to start with the irrefutable evidence that goes to the
27 heart of the case. What could be more damning than the proof of
28 guilt from the defendant's own mouth: The tape and the
29 transcript, the document that this defendant wanted 585 to give

1 to the Charles Taylor Defence counsel. "I want to take this
2 opportunity to call upon defenders of the above counsel that I am
3 certainly ready to defend Charles Taylor in the Special Court The
4 Hague."

10:20:51 5 That, Your Honour, pretty much sums up the core of what the
6 Prosecution is alleging the defendant did. I would like to
7 review the five Prosecution witnesses, starting with Mohamed
8 Kabbah, who was the first witness contacted by the defendant on
9 January 26. He testified succinctly, clearly, unequivocally and
10:21:15 10 consistently with the statement he gave to the investigators.
11 The defendant said that he had just met with the Charles Taylor
12 Defence team and that he and three other witnesses should return
13 to The Hague and recant their testimony.

14 They should say their earlier testimony was false. The
10:21:40 15 defendant said there would be good cash reward if you did so.
16 Then there's some damning Rule 93 evidence that was introduced by
17 Mr Kabbah. He had a conversation subsequent to the
18 investigator's statement in which the defendant said 274 rang the
19 alarm. The whole thing backfired. What was the
10:22:10 20 cross-examination of Mr Kabbah? Oh, the red motorbike. If
21 anything - if any cross-examination could fit the definition of
22 de minimis and insignificant, it's the cross-examination on the
23 red motorbike. It also seems to me it illustrates one of the
24 many contradictions in the Defence evidence. On the one hand
10:22:45 25 they say that the witnesses were complaining as to how they were
26 treated by the Prosecution. On the other hand, the Defence says,
27 Well, the witness got favours from the Prosecution. He got a red
28 motorbike. Well, I say you can't have it both ways. Of course
29 the defendant denied having that conversation with Kabbah. He

1 says he didn't have a cordial relationship with Kabbah, and he
2 said Kabbah caused him to be deposed as district chairman of the
3 RUF. Okay, so he deposed him as chairman of the RUF.
4 Certainly doesn't seem to me that it diminishes his Court
10:23:40 5 testimony.

6 JUSTICE DOHERTY: I wasn't very clear on when exactly this
7 removal or outvoting or whatever led to Mr Senessie not being the
8 district secretary. It wasn't clear to me when exactly that
9 happened.

10:23:57 10 MR GARDNER: Well, it wasn't clear to me either,
11 Your Honour, and frankly, my impression from the testimony was
12 that it happened before this encounter. But I couldn't find, you
13 know, a timeline in the transcript, so I can't claim that. But I
14 certainly do claim it's irrelevant.

10:24:18 15 The two witnesses that the Defence hammered on the most, of
16 course, are 585 and 274. And 585 was the next witness to be
17 contacted on January 27, and of course she testified
18 unequivocally, clearly, succinctly, consistently with her
19 statement and without any impeachment that the defendant said the
10:24:48 20 Defence team wants to meet with you. Defence team wants to
21 discuss unfulfilled promises to you. The Defence team wants you
22 to change your testimony and say that you lied. Finally, that
23 the Defence team will give you a huge financial benefit.

24 She too has Rule 93 evidence. The defendant came to her
10:25:19 25 subsequent to her giving her statements and said, Someone
26 reported me. Do you know who it was? He didn't come to her and
27 say, Who made this false allegation against me? He came to her
28 and said, Who reported me?

29 And of course, too, we have a denial by the defendant.

1 That's to be expected. And a huge amount of cross-examination of
2 the witness and direct examination by the defendant and testimony
3 by Defence witnesses about how close the family relationship was
4 between 585's family and the defendant's family and when. I
10:26:07 5 don't understand how this helps the Defence, Your Honour. It
6 seems to me that it cuts the other way. If she's so close to the
7 defendant, she's hardly likely to do him harm. What motive does
8 she have for that? And besides, she's already cooperating with
9 the investigators by the time the acts that the defendant alleges
10:26:37 10 occurred took place.

11 She was attacked again and again for having said, I want
12 Charles Taylor's number. Please give me Charles Taylor's number.
13 There was a chorus of testimony that she said, Please give me
14 Charles Taylor's number.

10:26:59 15 JUSTICE DOHERTY: I think it was Prince Taylor.

16 MR GARDNER: I'm sorry, Prince Taylor's number. Did I
17 say --

18 JUSTICE DOHERTY: You said Charles Taylor. I'm not sure
19 that he's actually available on the phone.

10:27:08 20 MR GARDNER: Well, actually I've heard that he's more
21 available on the phone than people might think, Your Honour.

22 JUSTICE DOHERTY: I do recall something being said and
23 certain allegations that came before another trial.

24 MR GARDNER: Yeah. That's right.

10:27:24 25 Well, Mr Kamara sang that song. He sang the refrain,
26 Please give me Prince Taylor's number. I think the daughter sang
27 that song. Mr Kamara said the famous line:

28 "I too want to join that team and write that letter."

29 That sentence plucked out of the obscurity of memory. The

1 problem that the Defence has here is that there's no motive why
2 585 would join a conspiracy and no evidence there was ever a
3 conspiracy in the first place. To the contrary, they bring
4 evidence about how close the families were.

10:28:18 5 Well, the conspiracy makes no sense. If the theory is that
6 these five witnesses want to pressure the prosecutors, why all of
7 a sudden do they get this notion years after they have testified,
8 and not until January, February of 2011? And how does turning in
9 Eric Senessie pressure the prosecutors? I don't understand that.

10:28:44 10 There's no evidence that the prosecutors ever received a
11 request for money or relocation from these witnesses, much less
12 pressure. And if you look at the chronology, Your Honour, that I
13 used in cross-examining most of these witnesses to show how
14 quickly each witness went to the investigator after the contact
10:29:12 15 and it makes even less sense.

16 And even to this day, we're now almost a year and a half
17 after these events, there is no evidence that any of the five
18 asked for even a single Leone, if I pronounce it correctly, of
19 the Prosecution.

10:29:35 20 And then we come to the next witness to be contacted,
21 Aruna Gbonda. He too is succinct, straightforward, unequivocal,
22 consistent with his prior statement, unimpeached. The defendant
23 came to him and said, I'm working with the Defence team. The
24 Defence team wants you to speak - wants to speak to you regarding
10:30:02 25 unfulfilled promises. They want to talk to you about changing
26 your evidence. They want you to say you testified because of the
27 Prosecutor's promises. Well, he too came back with some Rule 93
28 evidence about a conversation with Mr Senessie about who said
29 what about being exposed to the Court.

1 The cross-examination and the challenge to Mr Gbonda was
2 minuscule, one single point: Did he or did he not ever go to the
3 defendant's house. I say, derisively, intentionally, big deal,
4 Your Honour. And frankly, I think dragging that young man - that
10:30:59 5 small child to this Court to make that point was pitiful,
6 disgraceful, and cynical.

7 To the contrary with Aruna Gbonda, he seemed to me to be
8 one of those witnesses - and every trial has one - that captures
9 the moment. You see that man - little man sitting there in that
10:31:24 10 chair. He's certainly the poorest of the five witnesses. He's a
11 cassava farmer. He's openly illiterate. He used a thumbprint to
12 make the statement. His demeanour in that chair was dignified.
13 His outfit was touching. This is a cassava farmer out in the
14 country land. He walked in this Court, Your Honour, with brown
10:31:55 15 and white shoes that were immaculately polished. He had on white
16 flannel pants that were pressed. He had on a baggy suit coat
17 that was easily eight sizes too big for him. The sleeves hung
18 down to his knees. And he testified with as much credibility as
19 anyone has ever testified in a courtroom.

10:32:18 20 And when he finished - oh, and during that testimony, it
21 was very touching. He referred to learned counsel as "old one,"
22 which is, I'm told, meant as a term of respect in Mende, and then
23 he referred to Your Honour as "Mama," which I'm told is also a
24 term of respect in Mende.

10:32:38 25 Then we come to 516. His testimony too, Your Honour,
26 straightforward, succinct, unimpeached, consistent with his
27 earlier statement. The defendant came to him at the Methodist
28 school where he teams, said I'm working with the Charles Taylor
29 Defence team. I want you to recant your testimony.

1 Charles Taylor will - I'm sorry the Charles Taylor Defence team
2 will give you money if you agree to recant. And of course the
3 defendant denied that testimony.

10:33:24 4 But here we had the great phone squabble. I don't know
5 where the answer is there, Your Honour, and I credit the Court
6 with trying to get some clarity on the issue by calling
7 Mr Akimbobola, who had the I'm sure rare distinction of having
8 testified twice in one trial. He testified well, I would say.

10:33:55 9 Mr Kpundeh was quite adamant that he was the one who got
10 the call and not his colleague. Well, I don't know who got the
11 call. Maybe his nose was out of joint because he didn't get the
12 call. I don't know if a call was made, but I will submit to the
13 Court it doesn't make an ounce of difference to whether 516's
14 testimony was credible. And if anyone lacked credibility on this
10:34:14 15 issue, I submit it was Mr Kpundeh just by looking at him and
16 listening to him on the witness stand, Mr My Best Friend is a
17 Liar and Traitor.

18 And last, of course, was 274. 274 is the witness who
19 received most of the ammunition from the Defence. But he too
10:34:40 20 gave direct testimony with clarity, precision, consistent with
21 the Prosecution's case, not impeached on cross-examination at
22 all. He said the defendant came to him on February 2 and asked
23 him whether he had submitted legal documents. He was shooed
24 away, the defendant was, and the next day the defendant came to
10:35:11 25 him again and said, I'm the contact person for the Charles Taylor
26 Defence team. They asked me to contact witnesses and convince
27 them to come The Hague on behalf of the Defence. Which is to say
28 the Defence of Charles Taylor. And if you recant, you will get
29 money and relocation. The defendant adamantly denies 274's

1 evidence. To be expected.

2 Then we had a series of cross-examinations and testimony
3 from Defence witness that I call quibbles, quibbles on when and
4 where there were meetings, quibbles on whether the defendant did
10:36:03 5 and did not have a bedroom at JP Combey's, quibbles about whether
6 274 had complained about the Prosecutors. Which brings up
7 another condition in the Defence case: They want it both ways.
8 On the one hand, they want testimony that 274 was always
9 criticising and complaining about the Prosecution; on the other
10:36:31 10 hand, they want to say, Well, 274 has a history of making false
11 allegations that he's been tampered with. That's a contradiction
12 to me.

13 Defendant says 274 is the conspiracy leader. Well, of
14 course, there's no meat on the conspiracy bone in any testimony.
10:37:01 15 And on this point as to what 274 said about recanting, I can
16 certainly understand why Mr Prince Taylor - trying to think of
17 the British phrase: Did a runner? Went a runner?

18 I'll turn briefly to the Defence case, Your Honour, which I
19 would characterise as blowing into a 100 mile an hour wind. I
10:37:32 20 credit learned counsel, whom I have come to like very much in
21 this trial, with trying to make chicken salad from chicken bones,
22 but I submit it just can't be done. One thing I have never
23 understood in this case is why the defendant would do something
24 as demonstrably stupid as he did in this case. But of course, I
10:37:57 25 don't have to explain that, because I only have to prove the act
26 and the intent. I don't need to prove the motive.

27 I'm reminded of the famous American bank robber
28 Willy Sutton who robbed hundreds of banks and served many
29 sentences in prison. Of course there's a lot of reasons you rob

1 the bank: You need the money; you're mad at the bank; you're
2 crazy; and they asked Willy Sutton why he robbed all these banks
3 and Willie Sutton said, "because they were there." Well, I can't
4 explain this. But I am anxious to get, in the closing, to the
10:38:43 5 discussion of the JP Combey memory machine. Mr Marula Fruit Wine
6 and his 24-hour around the clock saloon where he sits in his
7 chair with his feet up and pontificates. For a moment
8 Your Honour I thought we were - the Defence was an advertisement
9 for Marula fruit wine we heard so much about it. Mr JP Combey
10:39:11 10 was certainly no fan of 274. The testimony that he gave about
11 his conversations and meetings with 274 on February 1, 2, 3 and 5
12 or 6 was the most remarkable feat of memory I've seen in a
13 courtroom in 40 years. The only thing he didn't tell us were how
14 many buttons were on 274's shirt. Then Your Honour, I had a real
10:39:42 15 surprise for closing examination. I was going to point out to
16 the Court how can you remember all that detail about something
17 that long ago that was not significant to you at the time and not
18 even know when you met with this lawyer over here? And then you
19 stole my thunder by asking the question, Your Honour. But I
10:40:01 20 don't blame the Court. Indeed, I welcomed it once I heard the
21 answer, because it was a lot of gibberish Your Honour, as you'll
22 see from the transcript. And then as I'm looking at this Defence
23 case I'm thinking of Kailahun and all the testimony about
24 Kailahun and what the evidence suggests life must be like in that
10:40:26 25 community and I see a power structure centred on people of
26 stature and influence in the community like the defendant and JP
27 Combey, both possessed of the arrogance that occasionally
28 typifies that breed of person. Then I see the five witnesses who
29 testified for the Prosecution, Who had the courage to testify

1 against Charles Taylor at The Hague and I see that they are
2 regards pariahs in the community. Well, I see the defendant as
3 the Svengali as testified to by the evidence of Mr Comeby, Jinnah
4 Kpunbeh, and Mohamed Kamara. Of course the defendant mounts a
10:41:17 5 family and friends Defence. It's a vain attempt to peck away at
6 the credibility of the five Prosecution witnesses but I submit,
7 Your Honour, they didn't put a dent in the credibility of those
8 witnesses. Their chore allegation of bribery and witness
9 tampering was simply not successful. The defendant is a
10:41:39 10 manipulator, and a mendacious one at that. The best reflection
11 of that was his demeanour on this witness stand and his
12 disgraceful dragging of a small boy into Court. He used him in
13 the most cynical way possible, all to say Aruna Gbonda came to
14 his house. Your Honour, this story ends where it started. Eric
10:42:07 15 Koi Senessie's crime was recorded in his own voice. The tape is
16 there and the transcript is there. Consider the defendant's
17 feeble explanation: It's not my voice. It's a conspiracy. And
18 the villainous is my own niece and my daughter's good friend.
19 Well Your Honour, the nail in the coffin of guilt here, as is if
10:42:41 20 another one is needed, is this. Did the Defence play the tape
21 for JP Combey, their buddies Genna Kpundeh and Mohamed Kamara?
22 Did they play it for his own son and daughter? Did he ask them
23 is this the voice of Eric Koi Senessie? No, they did not, Your
24 Honour. And the reason they didn't is because they know it was
10:43:11 25 his voice. It was his voice. And that proves his guilt on all
26 nine counts, Your Honour. I have nothing further.

27 JUSTICE DOHERTY: Mr Gardner, Mr Lansana raised this tape
28 and identification matter again. I'll just look at my notes of
29 what he said. He said that he raised what I consider an

1 identification issue and that basically it has no weight. He
2 said I ruled that it was admissible but there's no weight to it.
3 Have you anything further to say on that? I have heard what you
4 already mentioned, that it was his voice and no Defence witness
10:44:07 5 was asked. But have you anything further to say in reply to that
6 submission?

7 MR GARDNER: Well, only to repeat what the Court's already
8 said: The tape and the transcript is in evidence, and therefore
9 it's evidence to be considered by the trier of fact - which is
10:44:26 10 you. And you can listen to the tape. A jury could do that. My
11 point is the evidence is absolutely clear that it's his voice.
12 The witness who made the tape-recording testified that it's his
13 voice. And the failure of the Defence - and I appreciate they
14 have no burden, but they certainly had the opportunity to call
10:44:51 15 any of those witnesses and deny that it was his voice. They
16 could have done, and they didn't do. And the reason they didn't
17 do it is that once you're familiar with his voice, which I
18 certainly am after having sat in this Court and I listened to
19 this tape, there isn't any doubt in my mind whose voice that is,
10:45:14 20 Your Honour.

21 JUSTICE DOHERTY: Thank you. Mr Lansana, I mentioned that
22 you had a right of reply. Normally that right of reply is
23 restricted to points of law, but are there any points you wish to
24 make in reply?

10:45:35 25 MR LANSANA: Your Honour, thanks for the exceptional --

26 JUSTICE DOHERTY: Defence always has the last say.

27 MR LANSANA: Yes, I know it's an exceptional gift in this
28 case. I appreciate it. The only thing maybe I would want to
29 have this Court realise is that the Prosecution is mistaken as to

1 the fact of the Defence's submission regarding dissatisfaction of
2 the Prosecution witnesses. They say we have a contradiction. I
3 would say they have a misunderstanding. Saying somebody is
4 dissatisfied does not mean he was not giving anything. It simply
10:46:26 5 means even if he was given something like in this case financial
6 reward, he wanted relocation. They got financial reward, yes.
7 TF1-274 built a flat in Bo. He admitted that in this Court.
8 TF1-516 had a motorbike - sorry, Mohamed Bereteh Kamara had a
9 motorbike. He admitted it. But the Defence is saying that over
10:47:00 10 and beyond that they wanted relocation and that is the thrust,
11 according to the Defence, that is the motive - that is what the
12 motivation is for all this scheme, for all this plot. Barring
13 that, I would also say that notwithstanding the Prosecution's
14 cynical and melodramatic resumé of the evidence, I would say to
10:47:29 15 this Court that they have a burden of proof in this Court that
16 they have not discharged. I insist on that, because it is a sine
17 qua non for conviction of the accused. That's what I ended upon,
18 and they have not addressed that. The other burden they think
19 they want to shift to us is not an evidential burden, it's a
10:47:57 20 legal burden: The burden to prove that the voice on that tape is
21 Eric Senessie's voice. To have us - have the Defence witnesses
22 to listen to the tape and say oh, yes it's my father's voice.
23 Oh, yes, it's my uncle's voice. Oh, yes, it's my friend's voice,
24 would be self-serving and I really don't expect them to sit down
10:48:21 25 there and say yes, it is his voice. I rest my case.

26 JUSTICE DOHERTY: Mr Lansana, you have said - and I quote
27 from my notes - the witnesses got financial contribution but they
28 wanted relocation. Was it put to Aruna Gbonda that he wanted to
29 be relocated? I'm bearing in mind the Rule in *Brown v. Dunne*,

1 very popular here.

2 MR LANSANA: Your Honour, I don't quite get that.

3 JUSTICE DOHERTY: Are you saying - you said the witnesses
4 wanted relocation.

10:48:59 5 MR LANSANA: Yes, Your Honour.

6 JUSTICE DOHERTY: There were five witnesses.

7 MR LANSANA: Yes, Your Honour.

8 JUSTICE DOHERTY: That was put to 274. But was it put to
9 Aruna Gbonda that he wanted to be relocated to another country?

10:49:15 10 MR LANSANA: It wasn't put.

11 JUSTICE DOHERTY: Well what about the Rule in Brown v.
12 Dunne?

13 MR LANSANA: It had to be put for us to know whether he
14 wanted to be relocated, but what we're saying is that's the
10:49:26 15 Defence theory, that these people wanted relocation. We got that
16 from the - their actions - their interaction with the defendant.
17 They wanted to sign a document. They wanted to get in touch with
18 Prince Taylor. They wanted to get in touch with Prince Taylor
19 because they wanted to get in touch with the Taylor Defence.
10:49:50 20 They got financial reward. What else would they have wanted.

21 JUSTICE DOHERTY: You're asking me to believe that all five
22 witnesses wanted relocation even though it wasn't put to all five
23 witnesses.

24 MR LANSANA: Your Honour, I would be very straight on that
10:50:03 25 especially with regards to Aruna Gbonda. I concede that point.
26 But then we are subsuming the particulars to the general.

27 JUSTICE DOHERTY: I'm talking about evidence. In any
28 event, I'm clear on the point you're making.

29 MR LANSANA: As Your Honour pleases.

1 JUSTICE DOHERTY: Counsel, I would like to consider the
2 submissions and of course review the evidence before reaching a
3 decision. I bear in mind the accused's right - the defendant's
4 right to have a decision within a reasonable time. I will
10:50:46 5 therefore endeavour to render a decision as quickly as that duty
6 and fairness allows. I'm unwilling to give a date, but I will
7 give enough notice when I will give the decision to allow
8 Mr Lansana to appear and I understand, Mr Gardner, from your
9 remarks in Court that you will be traveling tonight, and I am
10:51:19 10 happy to have someone represent you if that can be arranged.

11 MR GARDNER: It has been arranged, Your Honour. I was
12 going to inform the Court of that. I spoke with the Registrar
13 this morning, and we both agree it would be perfectly logical for
14 my fellow independent counsel Mr Herbst who will be here to take
10:51:42 15 the verdict if that will be agreeable to Your Honour.

16 JUSTICE DOHERTY: Yes, that is quite acceptable.

17 MR GARDNER: I have to negotiate his fee. I see him
18 sitting up there.

19 JUSTICE DOHERTY: I see he's here listening. He hasn't
10:51:53 20 sort of waved and said no or anything like that.

21 MR GARDNER: He just came in last night Your Honour but I'm
22 sure he'll want to negotiate the fee.

23 JUSTICE DOHERTY: But that at least is something I do not
24 have to adjudicate upon. I thank you, counsel, for your
10:52:09 25 submissions, which are most helpful, and I will reserve my
26 decision to a date to be fixed. Unless there's some other
27 matter, we'll adjourn the Court to a date to be fixed.

28 MR LANSANA: Your Honour, yes, there is. Your Honour, I
29 would have to make this application again at the risk of being

1 boring to you.

2 JUSTICE DOHERTY: No, you're entitled to make it every time
3 the accused appears.

4 MR LANSANA: Your Honour, it deals with the question of the
10:52:40 5 accused's bail. Your Honour, I adopt all the reasons I had
6 proffered for his bail to be restored vis-a-vis his comportment,
7 his demeanour, his respect for this Court, the fact that - like
8 my learned friend agrees - his status in the Kailahun community,
9 and also in consonance with the golden principle of the
10:53:17 10 presumption of innocence that his liberty be not restricted
11 unless for exceptional circumstances or proven circumstances that
12 he's a flight risk, which I think he's not given the record of
13 his voluntary appearance, his punctual appearance before this
14 Trial Chamber.

10:53:47 15 And like I informed this Court, I think yesterday it was,
16 that we do not mind if an order is made under Rule 65(D) that
17 someone enters recognisance on his behalf, taking into
18 consideration the amendment to Rule 74 dealing with a sentence.
19 I wouldn't mind the quantum under that amendment that goes to
10:54:33 20 fine, that same quantum - or even a greater amount is imposed as
21 recognisance. We really didn't mind. What we're imploring this
22 Honourable Court to do is to restore his bail regardless of what
23 the conditions may be.

24 Your Honour, when the - even when the accused was at
10:55:01 25 liberty, the rumour mill in Kailahun was churning. He's been
26 remanded. He's in the cells. He's going to die in the cells.
27 Even when he was at liberty. What will happen when they find out
28 that indeed he has been incarcerated or his bail has been
29 cancelled. And I had a talk with the Principal Defender a few

1 days ago, I think it was the day before yesterday, and she told
2 me that my client was complaining sick, and she in fact had to
3 arrange - I don't know whether it was the President of the Court
4 Management, I'm not too familiar with the personalities here,
10:55:52 5 Mr Leon, that a resident sister be made available to see to his
6 health condition. I don't know how far after this. I would have
7 to check on the Principal Defender to see whether any means have
8 been made in that regard. But basically, Your Honour, what I'm
9 doing is craving your gracious indulgence that the bail of the
10:56:22 10 accused be restored. That's all I wish to say.

11 JUSTICE DOHERTY: Mr Gardner, your response.

12 MR GARDNER: My response is twofold, Your Honour: One is I
13 don't have any different view on this subject than I did the last
14 time I expressed it. But second, I would say if it was
10:56:43 15 Your Honour's decision to remand him at the time, which it was, I
16 see nothing that's changed in the intervening circumstances to
17 warrant a change in what Your Honour did.

18 JUSTICE DOHERTY: The fact that a person is remanded in no
19 way challenges the presumption of innocence. If you look at the
11:03:20 20 prisons across the world, it's usually - the population is
21 usually more than 50 per cent remandees and usually only about 50
22 per cent of those are convicted. I acknowledge that the accused
23 was of good behaviour and adhered to his bail conditions
24 throughout the period from arraignment to appearance, but the
11:03:52 25 trial has now been completed and evidence taken, and I consider
26 that the risk of nonappearance is therefore heightened.

27 In those circumstances, I am not prepared to reinstate the
28 bail, and the accused will be remanded. If the accused needs
29 medical treatment, he may be escorted to an appropriate facility

1 by the Court officials and they will not require an order from
2 the Court to do that. That's within their purview. But if
3 there's any doubt about it, I will be available throughout the
4 period over the weekend and beyond to sign any appropriate orders
11:04:33 5 to take him for medical treatment. It will not be the first time
6 I've been got up at 1.00 in the morning to sign a Court order.

7 MR LANSANA: Your Honour, the Defence bows to your
8 decision.

9 JUSTICE DOHERTY: Thank you, Mr Lansana, for your courtesy.

11:04:48 10 It's not always easy to make those sort of decisions.

11 I will therefore adjourn the Court to a date to be fixed
12 and due notice will be given of that date.

13 Mr Gardner.

14 MR GARDNER: Yes, Your Honour. I would like to put just
11:05:04 15 one question to the Court on a totally unrelated matter to this
16 case and in the presence of Mr Lansana, but after the defendant
17 has left the courtroom, if I can.

18 JUSTICE DOHERTY: Yes. Please escort --

19 MR LANSANA: Your Honour, just on behalf of the accused,
11:05:21 20 the Defence, we only want to register the fact that we have been
21 very touched by your objectivity in these proceedings. Thank
22 you.

23 JUSTICE DOHERTY: I'm grateful for that observation,
24 Mr Lansana. Thank you. Please escort Mr Senessie out.

11:05:43 25 [Accused exits Court]

26 JUSTICE DOHERTY: Please adjourn Court to a date to be
27 fixed.

28 [Whereupon the Court adjourned at 11.11 a.m.
29 to a date to be fixed]