



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

Before the Judge:	Justice Teresa Doherty
For Chambers:	Elizabeth Budnitz
For the Registry:	Elaine-Bola Clarkson Thomas Alpha
For WVS:	Tamba D. Sammie
For the Prosecution:	Robert L. Herbst
For the accused Hassan Papa Bangura:	Melron Nicol Wilson
For the accused Samuel Kargbo:	Charles Taku
For the accused Santigie Borbor Kanu:	Kevin Metzger
For the accused Brima Bazy Kamara:	Abdul Serry Kamal
For the Principal Defender:	Claire Carlton-Hanciles

1 [Thursday, 21 June 2012]

2 [Open Session]

3 [Judgement]

4 [Accused enters court]

16:29:50 5 [Upon commencing at 4.29 p.m.]

6 JUSTICE DOHERTY: Before I take appearances, I will check
7 if Independent Counsel, who is taking the judgement from Kigali,
8 can hear me.

9 MR HERBST: I can, I don't think.

16:30:36 10 JUSTICE DOHERTY: Thank you. I will take appearances.

11 Mr Herbst, I understand you are appearing for --

12 MR HERBST: Your Honour, Robert Herbst, standing in for
13 William Gardner, the Independent Counsel.

14 JUSTICE DOHERTY: Yes, Mr Lansana.

16:30:58 15 MR LANSANA: Yes, Your Honour. Ansu Lansana, appearing for
16 the accused Eric Senessie.

17 MS CARLTON-HANCILES: Claire Carlton-Hanciles for the
18 Principal Defender.

19 JUSTICE DOHERTY: Thank you. This is the matter of the
16:31:19 20 Independent Counsel v. Senessie for decision.

21 I will say at the outset that although I've typed most of
22 this, it is still an ex tempore judgement because I have been
23 involved with other decisions and other courts and therefore have
24 not be able to polish it up.

16:31:46 25 I have borne in mind the decisions that preceded this and
26 the Order in Lieu of Indictment, and the provisions of Rule 77 of
27 the Rules of Procedure and Evidence of the Special Court. Having
28 those in mind, I make the following decision.

29 The accused, Eric Koi Senessie, is indicted on four counts

1 of alleging that he knowingly and wilfully interfered with the
2 Special Court's administration of justice by offering a bribe to
3 four witnesses who had given evidence before this Court, and five
4 counts alleging that he knowingly and wilfully interfered with
16:32:40 5 the Special Court's administration of justice by attempting to
6 otherwise interfere with witnesses who had given evidence before
7 the Court. That is as follows:

8 (1), First, Mohammed Kabbah, one count of offering a bribe
9 and one count of attempting to further influence, both of which
16:33:05 10 allegations occurred on the 26th and 29th and the 3rd of
11 February, 2011; (2), of TF1-274, on one count of offering a bribe
12 on or about the 3rd of February, 2011, and two counts of
13 otherwise attempting to influence on or about the 3rd of February
14 and late February 2011; (3), of TF1-516, one count of offering a
16:33:47 15 bribe on or about the 1st of February 2011; (4), TF1-585, one
16 count of offering a bribe and one count of attempting to
17 influence a witness, both of which allegations occurred on or
18 about the 27th of January, 2011; and (5), of Aruna Gbonda, one
19 count of otherwise attempting to influence that witness on or
16:34:29 20 about the 29th, 30th, and 31st of January 2011, in all counts
21 with the intent that they should recant their evidence given in
22 the case of The Prosecutor v. Taylor.

23 The accused categorically denied any contact with any of
24 these five persons at the relevant times and denied each
16:34:57 25 allegation. He attacked the credibility of each witness.

26 Through his counsel he submitted that his "accusers"
27 colluded together in a plan engineered by TF1-247 to have the
28 Prosecutor of the Special Court relocate them, and then when the
29 scheme "backfired", these co-accused decided to sacrifice

1 Senessie, whom they had used as a conduit. I note that the
2 co-accused in question are, in fact, the five witnesses.

3 It is not in dispute that each of the five witnesses gave
4 evidence for the Prosecutor in the case of The Prosecutor v.
16:36:00 5 Taylor in The Hague. 516 and 585 gave evidence under protective
6 measures, and their names and details could not be revealed. A
7 third witness, TF1-274, sought, and was granted, protective
8 measures in this case.

9 Whether those protected witnesses themselves maintained
16:36:25 10 their own anonymity given by the protection orders was challenged
11 by this accused.

12 I now turn to each count and the evidence relating to it.

13 The first witness to give evidence was Mohamed Kabbah in
14 respect of counts 1 and 2. He stated that he was a neighbour of
16:36:54 15 the accused now and during the Sierra Leonean civil war. He
16 testified that in January 2011 the accused visited his house
17 whilst he was absent. He subsequently met the accused, who asked
18 him how much he had been paid "in relation to the travel you did
19 in The Hague." Kabbah responded that he had only been given a
16:37:27 20 subsistence allowance and that he did not sign a contract with
21 the Special Court. The accused told him that others said they
22 were paid and "some were even grumbling" that the Prosecution did
23 not fulfil promises made to them.

24 The accused then told Kabbah that a Mr Prince Taylor had
16:37:49 25 given him a mission, that is, the accused, to talk to them - he
26 did not define who "them" was - because "we did not have any
27 benefit from our travels". Mr Senessie further informed him that
28 if he agreed to return to The Hague and change his evidence given
29 in Court, they - again undefined - were "ready to give us money,

1 and in dollars, and that they would boost us, even."

2 Kabbah argued that he did not go to testify in The Hague
3 for money. Kabbah testified in this case that Senessie mentioned
4 that he was talking to four other Prosecution witnesses who were
16:38:47 5 also staying in Kailahun. Senessie told Kabbah that "they should
6 help the Pa," that is, Charles Taylor, who had been helping them
7 during the war. Kabbah told the accused he was going to consider
8 that and would "give him feedback later," because he knew the
9 Defence had no right to talk to him without going through WVS or
16:39:18 10 OTP and that he had "a place to report him."

11 Kabbah did in fact report this action to WVS, whom he
12 contacted on the 27th of January, 2011, by phone. He spoke to
13 Magnus Lamin, an investigator who had contacted Kabbah earlier to
14 inquire about his security. Approximately two days after the
16:39:56 15 conversation with the accused, the accused returned and told
16 Kabbah he wanted to hear from him, but again Kabbah did not give
17 a response and said he was thinking it over.

18 On the third occasion Kabbah saw the accused, he came along
19 with another person, also a Prosecution witness. In their
16:40:23 20 presence, the accused tried to contact Prince Taylor by phone,
21 but was unsuccessful. The other person became annoyed because he
22 had travelled a long distance. The accused said to both of them
23 that he had spoken to Prince Taylor and produced a draft letter
24 which purported to invite Taylor to visit.

16:40:58 25 Before anything further transpired the accused became aware
26 that Special Court investigators had become involved and told
27 Kabbah this. Kabbah subsequently spoke to another witness,
28 TF1-516, also a complainant in this matter, telling him that
29 Senessie had been in contact and had sought to persuade him to

1 recant his evidence.

2 On the 30th of January, 2011, Kabbah made a statement to
3 investigator Lamin. This report was recorded in writing by Lamin
4 and tendered as Exhibit P1. Whilst the content is self-serving
16:41:49 5 of Mohamed Kabbah's evidence, the record clearly shows that he
6 made the complaint on the 30th of January.

7 I find that Kabbah lodged a complaint with Lamin on the
8 30th of January alleging a contact from Senessie. Following the
9 contact with the investigator, Kabbah and others were advised not
16:42:14 10 to have any further contact with the accused, and no further
11 conversations took place between him and the accused.

12 On cross-examination, Kabbah was challenged that
13 notwithstanding his evidence that he had been paid only a
14 subsistence allowance by the Special Court, he returned to
16:42:35 15 Kailahun from the Hague with a new motorbike. He denied this and
16 subsequently said that the motorbike belonged to his employer.
17 The accused was later to say in his own evidence that Kabbah had
18 purchased the motorbike and leased to his employer.

19 Kabbah also confirmed in his written Exhibit P1 that he had
16:43:09 20 met TF1-585, TF1-516, and Aruna Gbonda. He denied telling people
21 that he had testified in The Hague, observing that "the world
22 knows" that he testified.

23 It was put in cross-examination to Kabbah that both he and
24 Senessie were members of the Revolutionary United Front Party and
16:43:36 25 that he was instrumental in deposing Senessie from his position
26 as district chairman of the RUF for the Kailahun District. The
27 witness denied being instrumental in deposing Senessie, but
28 conceded that they had met at the party office and that he was
29 appointed as secretary in 2010. That is several months after the

1 times alleged on the indictment.

2 On the face of it, this line of questioning appears
3 irrelevant. I note the submission by Defence counsel that these
4 allegation against Senessie were, in fact, a plot to blame
16:44:26 5 Senessie when Kabbah and other complaints were not relocated by
6 the Prosecution.

7 Given the time difference between the lodging of complaints
8 with WVS and the party politics in question, I do not find any
9 relationship that supports the allegation that these two
16:44:45 10 incidents were in some way connected.

11 It was put also to Kabbah in cross-examination that "the
12 entire issue of wanting to go back to The Hague to recant
13 testimony" did not emanate from Senessie, but was "a plan to
14 switch sides with the Defence because the Prosecution had not
16:45:18 15 rewarded him".

16 This was convincingly denied by Kabbah. In his own
17 evidence the accused alleged that Kabbah, TF1-274, TF1-585, and
18 TF1-516, had plotted against him whilst they were all members of
19 the Revolutionary United Front and the war was ongoing. During
16:45:40 20 the war, the machinations of these four led to the accused and
21 his brothers being arrested and being sent to the front lines
22 with, he stated, an intention to execute him there. The accused
23 stated that he hid, but his brothers were killed.

24 This allegation of an older dispute was not put to any of
16:46:07 25 the Prosecution witnesses.

26 Senessie in his evidence went on to deny meeting Mohamed
27 Kabbah on the 26th of January, 2011, or talking to him. He
28 agreed that they lived close together in the same area, but
29 stated that the allegation was baseless and incredible.

1 The accused described the relationship within the RUF as
2 not "not cordial," and stated that Kabbah would have deposed him
3 if there had been a convention. It is not apparent to me from
4 the evidence of the accused when exactly he says that these
16:47:00 5 political machinations took place. But in any event, given the
6 dates stated by Kabbah, which have not been refuted, and as I
7 have already stated, I do not consider that they had any
8 connection at all with the complaints made by Kabbah.

9 Kabbah in his testimony was at times surly and had to be
16:47:22 10 instructed not to laugh; however, he was clear in his evidence
11 and convincing in his description of his indignation about
12 Senessie's talk of payments that should have been made to him by
13 the Prosecution.

14 I find the proposition that he was not paid what he was
16:47:43 15 promised by the Prosecution and the suggestion that he received
16 enough funds to buy a motorbike to be inherently contradictory.
17 I find Kabbah's statement that if he were returned to The Hague
18 and say that his evidence was a lie, how would others regard him,
19 how would the world regard him? as a consistent statement to his
16:48:13 20 attitude to recanting his evidence.

21 I have no doubt that on or about the 26th of January, 2011,
22 at Kailahun, Eric Senessie visited Mohamed Kabbah and asked him
23 to "change all evidence that we have given in Court, and they
24 were ready to give as money and dollars."

16:48:40 25 I find that this approach was made, and the words spoken by
26 Senessie were intended to convey to Kabbah that if he recanted
27 his previous evidence, he would be paid.

28 I further find that Senessie again visited the witness
29 Mohamed Kabbah for a second and third occasion and asked him to

1 consider the previous offer and attempted to persuade him to sign
2 a document to bring Prince Taylor - who it was stated to be a
3 member of the Defence for Charles Taylor - to Kailahun.

16:49:20 4 I also find that these conversations were intended to
5 influence Mohamed Kabbah, a witness who had given testimony, to
6 recant his previous testimony.

7 Accordingly, I find the accused guilty of Count II of the
8 order in lieu of the indictment of knowingly and willingly
9 interfering with the administration of justice of the
16:49:46 10 Special Court.

11 I am satisfied on the evidence that the accused
12 Eric Senessie deliberately approached the witness Mohamed Kabbah,
13 and by his actions and words clearly indicated to Mohamed Kabbah
14 that he was aware that Kabbah had given evidence and wanted
16:50:04 15 Kabbah to recant that evidence.

16 I also find that Senessie offered a bribe to Kabbah, and he
17 did so with the intention of interfering with the Special Court's
18 administration by having Kabbah recant.

19 Accordingly, I find that he knowingly and wilfully
16:50:26 20 interfered with the witness Mohamed Kabbah, who had given
21 evidence in the proceedings of The Prosecutor v. Taylor and find
22 the accused guilty of Count I of the indictment.

23 The accused is further indicted of knowingly and wilfully
24 interfering with the administration of justice by offering a
16:50:53 25 bribe to protected Witness TF1-585 in return for her recanting
26 her testimony in the trial of The Prosecutor v. Taylor on the
27 27th of January, 2011, and a further count of knowingly and
28 wilfully interfering with the Court's administration of justice
29 by interfering with TF1-585 to have her recant her previous

1 testimony.

2 I say in parenthesis that I've moved onto 585, although
3 it's not the next count, but because that was the next witness.

4 Witness 585 gave evidence before the Court. It is common
16:51:39 5 ground between both the accused and the witness that they have a
6 family connection. The witness stated that the accused is her
7 uncle and that their relationship was good over some years until
8 "lately."

9 The witness stated that the accused entered her home when
16:51:59 10 many other people were present. He told her he had come to see
11 her and the Defence had sent him to meet "us." The accused also
12 stated that the Defence knew of her background and had sent him
13 so that she would go and change what she had said in The Hague
14 and that she would state that she had been forced. He promised
16:52:29 15 her money and relocation. The accused further conveyed to her
16 that she was a person that the Taylor Defence team had intended
17 to meet but that the Prosecutor "had moved fast and took her up."
18 If 'they' could change her statement, there would be "money for
19 us, a lot of money."

16:53:00 20 The accused also told her that the Defence had planned for
21 them, and there was a lot of money, and "they could live their
22 lives with it." 585 further averred that Senessie told her that
23 he had a document that he wished her to sign and to show it to
24 her if she agreed.

16:53:38 25 This initial meeting took place on January 27, 2011. 585
26 had been informed by Court officials that she was not to have
27 contact with lawyers, and if there was a security threat, she
28 should call WVS.

29 She told Senessie to give her time to think. Her intention

1 was to contact WVS, but she did not have an immediate phone
2 connection available, so she was unable to do so until two or
3 three days later, when WVS called her. At that point, she
4 informed officials she had a problem and was afraid to go to her
16:54:28 5 house.

6 The accused came and met her a few days later and brought
7 with him a written document. He informed her that this was the
8 letter he had brought for her to sign. She asked him to read it,
9 and he read it out to her and then gave her a pen to sign.

16:54:50 10 She protested, saying that signing this document, which
11 shows she had agreed. When she inquired, the accused informed
12 her that the letter had been sent by the Defence, and, more
13 specifically, by Prince Taylor. She again protested, and the
14 accused offered to connect her with Prince Taylor so that she may
16:55:15 15 speak to him. She did not sign the letter, and the accused took
16 it away.

17 The accused came later in the evening bringing a phone,
18 made a call, and passed the phone to her. 585 heard a voice on
19 the phone, and the speaker confirmed that he had sent Senessie
16:55:38 20 and that what they was doing was "out of the law." He asked her
21 for her phone number. She gave him her number and the man
22 undertook to call her, but did not do so ever again.

23 The witness recorded the incident to a Special Court
24 investigator, Magnus Lamin. Prosecution Exhibit P2 shows that a
16:56:06 25 statement was recorded from 585 on the 29th and 30th of January
26 and the 1st of February, 2011. I again note that the contents of
27 the statement which records her allegations against Senessie are
28 self-serving, but the statement dates are a matter of record and
29 show that she lodged a complaint on the 29th of January and

1 recorded the statement on the 29th and 30th of January and the
2 1st of February. This corroborates her version of when these
3 events occurred.

4 The witness further testified that in the second
16:56:52 5 conversation with Senessie when he came to her house with the
6 document, she recorded her conversation with him using her mobile
7 phone. Hence, all that was said between them, including the
8 wording of the document that she was asked to sign, was recorded
9 on her mobile phone's memory card. She testified that she
16:57:11 10 subsequently gave the memory card to Magnus Lamin, who in turn
11 made a transcript of the record on the card.

12 The memory card and the conversation recorded on it were
13 played in Court and admitted in evidence. Voices can be clearly
14 heard, and Witness TF1-585 testified that she recorded this
16:57:43 15 conversation and that the voices are hers and Eric Senessie's who
16 was speaking to her.

17 The admission of the memory card and the transcript
18 prepared by Magnus Lamin are the subject of a separate ruling in
19 which the Court held that only part of the transcript was
16:58:00 20 admissible.

21 The accused continued to dispute in his evidence-in-chief
22 and cross-examination that the voice was his. He testified that
23 he did not speak to 585 and that he did not say the words
24 recorded by her. Through his counsel's submissions, he said that
16:58:21 25 there was no one to identify the voice as an expert.

26 I remind myself, as mentioned in the Interlocutory Ruling,
27 that where voice identification is in issue, the jury, in this
28 case, the Court, should warn itself of the terms set out in the
29 case of R v Turnbull. There is a special need for caution before

1 convicting an accused when the reliance is on the correctness of
2 the identification of the perpetrators. The Court examines the
3 circumstances of the identification, the distance between the
4 witness and the accused, whether they knew each other before,
16:59:10 5 whether this was a recognition rather than an identification, and
6 the time they were together. Recognition is considered to be
7 more reliable than identification of a stranger, although
8 mistakes can be made. I apply this criteria to the facts before
9 me.

16:59:33 10 I am satisfied on the evidence of both TF1-585 and the
11 accused that they knew each other over many years and had a close
12 family relationship. There was a time during the war when they
13 was not living in the same community, and I am satisfied on the
14 accused's evidence that 585 returned to Kailahun and they knew
16:59:54 15 each other well thereafter. I am also satisfied that 585 and the
16 accused were in close proximity to each other when the recorded
17 conversation was made and that she was able to clearly identify
18 the accused and to see him and to hear his words, which were
19 simultaneously recorded. For that reason, I have no doubt that
17:00:32 20 the accused spoke to TF1-585 in the terms that have been
21 described and admitted into evidence in the Prosecution Exhibit
22 P4. The words were as follows:

23 To: The Charles Taylor Defence Council.

24 "I want to take this opportunity to call upon the Defence
17:00:55 25 counsel of the above Council that I am certainly ready to defend
26 Charles Taylor in the Special Court in The Hague and all what I
27 said last before the Special Court for Sierra Leone was
28 maliciously arranged and to deceive you by a special Defence
29 department for the Special Court beyond reasonable condition

1 which made me agree with to give false evidence against Charles
2 Taylor of which these promises were not fulfilled. It was not my
3 co-operation and confidence, but I swear to defend Charles Taylor
4 before the Special Court. You are welcome/call me to come to my
17:01:39 5 location for any discussion."

6 TF1-585 stated that this visit and the exchange between
7 herself and the accused took place a few days after she made a
8 statement to the investigator. I accept that it occurred after
9 the 1st of February, 2011. On a date after this interaction
17:02:07 10 between her and the accused, 585 did not specify the date, the
11 accused went on to speak to her and told her that "one of us,
12 whom he had met," had called the Court and told the Court of
13 their meetings. He asked her to contact him, if the Prosecution
14 called him. She did not meet the accused thereafter.

17:02:35 15 In cross-examination she was asked, and confirmed, the
16 family relationship between herself and the accused. She noted
17 that their town was a small one and they both attended her
18 sister's wedding and that the accused represented the family of
19 the bride. She confirmed she visited Senessie's house not as put
17:03:02 20 to her on the 9th of February, 2011, but on the times when the
21 document was produced and the recording of their conversation was
22 made. She conceded that there were others present when she
23 called upon the accused, including the daughter of the accused,
24 but denied that a person named Mohamed Kamara was present. She
17:03:38 25 conceded that this was on an occasion when she asked for Prince
26 Taylor's number, which she said she wanted for evidence.

27 She denied making a call to Taylor on her own phone, having
28 explained that the SIM card was missing. She insisted that
29 Senessie made the call. It was put to the witness in

1 cross-examination that she visited Senessie's house in May 2010
2 to offer her sympathy on the death of Senessie's son. She agreed
3 but could not recall those who were allegedly present. She
4 denied telling those present that she had been to The Hague to
17:04:35 5 give evidence in the Charles Taylor trial. I put no weight on
6 either of these matters, given the lapse of time it is
7 understandable that she did not recall precisely who was present.
8 I understand the challenge as to whether she told those present
9 she had been in The Hague is a challenge to her credibility.

17:05:08 10 Given it was almost a year between the meetings that gave rise to
11 this indictment, and the meeting in 2010, I find no connection
12 between these incidents other than to confirm that the accused
13 and 585 had a long standing family relationship. These visits
14 are not a foundation for the events in January and February 2011,
17:05:43 15 and if the witness did say she was in The Hague, it is no reason
16 to ask her or any witness to recant their evidence. If anything,
17 it indicates that the accused was well aware that TF1-585 was a
18 witness in the Taylor trial.

19 585 was also challenged, and the accused gave evidence, of
17:06:14 20 a family wedding that took place in March 2011. I have noted
21 above that she agreed that she did attend this event as did the
22 accused. Given that the wedding was at least one month after she
23 recorded her allegations against the accused, and given that
24 other people were there present, I do not see why, as the accused
17:06:43 25 says in evidence, and as a challenge to 585, that she should have
26 been too afraid to come. The bride was her sister and was there.
27 Others were present. I do not consider that this affects her
28 credibility.

29 The accused also said in his evidence-in-chief that 585

1 came to his house on the 8th of February, i.e., a week after she
2 reported to the Court. He did not meet her that day but saw her
3 the following day. 585 asked for the phone number of Prince
4 Taylor and asked him for use of his phone.

17:07:31 5 The accused concedes that he lent her the phone. He
6 testified that the witness went outside, and on her return to the
7 veranda, returned both a card she had borrowed from the accused
8 with Taylor's number on it and the phone to him. The accused did
9 not hear the call. The witness informed the accused that she had
17:08:18 10 met with 274 who wanted her to sign a document that he had
11 prepared, as she had an interest in this as well. The accused
12 referred her to 274. She then left.

13 As noted above in cross-examination, 585 stated that it was
14 Senessie who placed the call and she agreed to speak to Prince
17:08:47 15 Taylor. The accused sought to corroborate his version of events
16 by adducing evidence from Jessica Kaday Senessie, his daughter,
17 who testified that in February 2011, 585 visited her home when
18 her father was absent. 585 returned the following day and asked
19 for Prince Taylor's number and for help with the use of the
17:09:21 20 accused's phone. She dialed a number, moved away from the
21 witness Kaday Senessie and others, and the witness heard her call
22 her name and say 585. Jessica Kaday Senessie testified that 585
23 subsequently returned a card and a phone to the accused.

24 I am satisfied on the evidence of all three witnesses that
17:09:54 25 585 visited the home of the accused on a date on or about the 8th
26 or 9th of February and that a call was made to Prince Taylor. At
27 issue is who initiated the phone call. It is clear that the
28 phone call was made, and that it was made about one week after
29 585 already had been spoken to by the accused and after she

1 reported this to investigators. I find her explanation, that she
2 intended to acquire further evidence, is more consistent with the
3 report that she made to WVS, which I find was made on the 28th
4 and 29th of January, and the 1st of February.

17:10:44 5 Whether she initiated the phone call or the accused
6 initiated the phone call, cannot detract from this clear sequence
7 of events. The witness Jessica Kaday Senessie also persisted in
8 giving what appeared to be a well rehearsed detail in testimony
9 of the relationship between 585 and the accused and their contact
17:11:11 10 prior to the 27th of January, 2011. I've already found that this
11 was not in dispute, but the persistence of Jessica Senessie in
12 reciting it, despite being told that it was not the answer to the
13 questions that were asked, did not impress me with Jessica's
14 credibility.

17:11:38 15 I find on the evidence that Senessie approached 585 and
16 spoke to her seeking her recantation of her evidence in the
17 Taylor trial and informing her that if she would change her
18 statement made in the Court, there would be a lot of money has
19 been proved beyond a reasonable doubt. It is corroborated by the
17:12:08 20 recording which I find is of the accused's own voice. I find on
21 the evidence that the accused willful and knowingly interfered
22 with the Special Court's administration of justice by offering a
23 bribe to 585 to recant her evidence and that he is in violation
24 of Rule 77 of the Rules. Accordingly, I find him guilty of
17:12:32 25 contempt of Court and of count 7.

26 I find that the attempt to persuade TF1-585 to sign a
27 document in which she would say that her previous evidence was
28 maliciously arranged to deceive is willful and knowing
29 interference with a witness by trying to persuade her to recant

1 her testimony given in the trial of Charles Taylor.

2 Accordingly, I find the accused guilty of knowingly and
3 wilfully interfering with TF1-585 on or about the 27th of
4 January, 2011, so that she might recant her previous testimony in
17:13:41 5 the proceedings of Prosecutor and Taylor, and I find him guilty
6 of count 8.

7 Count 9. The accused is further indicted on one count of
8 knowingly and wilfully interfering with the Special Court's
9 administration of justice on the 29th, 30th, and 31st of January,
17:14:02 10 2011, by attempting to influence Aruna Gbonda's testimony in the
11 case of The Prosecutor v. Taylor and to recant his testimony in
12 that trial.

13 The Independent Counsel called Aruna Gbonda, who confirmed
14 that he had testified in the Taylor trial for the Prosecution,
17:14:27 15 and he is now living in Talia in the Kailahun District. Gbonda
16 testified that he is a farmer. He is an elderly man who made it
17 clear throughout his evidence that he is unable to read and
18 write. He knew and had seen the accused Eric Senessie and
19 testified that the accused went to his house when Gbonda himself
17:14:56 20 was absent, leaving a message with his wife that he, Senessie,
21 would return.

22 The accused returned the following evening and the accused
23 said to him, "chief Aruna, it looks like you will be returning to
24 The Hague." The accused went on to say that they "were supposed
17:15:21 25 to give him money and that they did not do so. But when he
26 returns, the money will be given to him."

27 The accused told him that it was Prince Taylor's people who
28 would give him money when he returned.

29 The witness stated that he would repeat what he had already

1 said in the Taylor trial, and the accused then said to him, "No,
2 they wanted me to go - they wanted me to go and change that." The
3 witness refused.

4 The accused returned and on each time would talk about "the
17:16:04 5 same thing." There was a time when he came with a document that
6 he asked Gbonda to sign and explained that if the witness were to
7 sign this document, he would be asking Prince Taylor to come and
8 to talk to the witness. The witness referred to somebody called
9 Kabbah and stated that they should take the document to Kabbah to
17:16:38 10 see if Kabbah signed, and then the witness would state what he
11 had in his mind.

12 The following morning Gbonda went to Kabbah's house, the
13 accused having paid his fare. The accused was there, and the
14 witness asked the accused to speak to the person who had sent him
17:17:12 15 so that the witness himself could hear the voice and know who had
16 sent the accused to him. The accused used his phone, but no one
17 responded to the call. The witness stated he had been fooled and
18 that he was very angry to be taken from his home for this.

19 I notice the witness Kabbah described another person being
17:17:41 20 present when there was an attempt to contact Prince Taylor by the
21 accused, and that other person became very angry. I find that
22 Mr Gbonda was the person Kabbah was referring to and that this is
23 corroborative of both witnesses' version of events.

24 Initially Gbonda did not contact Special Court personnel
17:18:15 25 because he had been told the Court was closed. But subsequently
26 they summonsed him, and he went and explained the conversation
27 that he had with the accused.

28 The Independent Counsel has tendered a document through the
29 witness which the witness identified as his statement and on

1 which the witness recognised his thumbprint. The document
2 records that the witness made a statement to WVS investigators on
3 the 31st of January, 2011. The document was tendered as
4 Prosecution Exhibit 5.

17:18:55 5 I find the date of these records corroborative of the
6 witness's statement that he reported to Court officials on or
7 about the 31st of January, 2011.

8 After Gbonda signed his statement with WVS the accused
9 returned to speak to him, stating that he had been "exposed to
17:19:22 10 the Court." The witness told him not to ask about that. They
11 had no further conversations.

12 The witness stated that any time he had met Senessie he
13 would start this topic, even when there were a lot of people
14 around. Whether there was a crowd in or not, he talked about the
17:19:42 15 witness - about changing his statement.

16 Several times in the course of his evidence the witness
17 insisted that he was not a fool, and his evidence clearly
18 conveyed that he did not trust Senessie.

19 The witness also gave evidence of people coming on a
17:20:02 20 motorbike to say that a Mr Patrick, who was the head of mining,
21 had come and "we can give you your own share of the money so that
22 you can start some business." He testified that Mr Patrick,
23 later named as Patrick Bangura, was a member of the RUF involved
24 with the RUF mining during the war. The witness was not happy
17:20:34 25 with this proposition and refused to go, notwithstanding his
26 wife's anger at his refusal to do so. The witness did not know
27 if there was any connection between the accused and Mr Patrick.

28 I do not find that this amounts to say sufficient evidence
29 to connect this incident with the approaches the accused made to

1 Gbonda. In cross-examination the witness was asked whether he
2 was a member of the RUF. He denied this and denied visiting
3 Senessie. In particular, he denied visiting Senessie in January
4 2011 and stated he did not know where Senessie's house was
17:21:28 5 located. But he did state that they met at Kabbah's house.

6 The witness also stated that he went to Kabbah's house and
7 repeated what he had said in chief, that Senessie tried to
8 contact Prince Taylor, and that he would not sign any document,
9 and that he considered that Senessie was trying to fool him.

17:21:55 10 The accused in his own evidence stated that he knew Gbonda
11 well and that Gbonda told him that he had been to The Hague and
12 testified for the Prosecution. The accused stated that Gbonda
13 told him that Gbonda felt that they would give him some good
14 amount of money and even relocate him, otherwise he would not
17:22:22 15 have gone. "He was grumbling all over the place."

16 I note that this was not put to Gbonda in
17 cross-examination.

18 The accused also said that Gbonda had come to his house,
19 did not find him, and returned the following day, apparently on
17:22:43 20 the 12th of February when the accused was still absent, and asked
21 his son Fick Senessie for the accused's phone number, which the
22 boy gave him.

23 The accused stated that the boy saw the number dialled and
24 heard Gbonda say, "Mr Senessie, have you sent that document to
17:23:08 25 Prince Taylor that 274 gave you?" The accused then told Gbonda
26 on the phone to go to 274. The accused denied telling Gbonda to
27 recant his testimony and added that he did not know "the Charles
28 Taylor Defence and did not work for them."

29 The child Fick Senessie see, a boy younger than 13 years,

1 as stated by the accused, said that he knew Aruna Gbonda, that
2 Gbonda came to his home looking for his father, but that he did
3 not know the time or the date that Gbonda came. His father, the
4 accused, was absent so Gbonda did not meet his father. Gbonda
17:24:05 5 came again the following day, when again his father was absent.
6 Then Gbonda asked for the accused's phone number. Gbonda
7 insisted that it should be an Africell number and then asked for
8 the Airtel number.

9 I note that this was not put to Gbonda in

17:24:34 10 cross-examination.

11 Gbonda called the accused on his phone and then asked if he
12 had sent a document to Prince Taylor. It was not even apparent
13 to me if Gbonda had a phone, as he was not asked this.

14 Fick Senessie see did not know the details of the day or year
17:24:51 15 when this visit was made. But from the accused's evidence, it
16 was after the date that Gbonda had made his statement to the
17 Court investigators.

18 When I asked the child to describe Gbonda, he stated that
19 he was short and black in complexion. I would not have described
17:25:17 20 Gbonda as short. Certainly he was not tall, but it was only with
21 prompting that the boy said that Gbonda was old, an elderly man.

22 Given the fact that Gbonda clearly stated his own illiteracy, and
23 the fact that it was never clarified that he had a mobile
24 photocopy, I am very skeptical of this evidence. It appears to
17:25:48 25 have been adduced to challenge the credibility of Gbonda;

26 however, I do not consider that it rebuts the evidence of events
27 that occurred on or about 20 January 2011, when Senessie came to
28 Gbonda's home and asked him to recant his evidence. Nor does it
29 rebut the evidence of a meeting at Kabbah's house, which I find

1 is corroborated by Kabbah. The witness Gbonda was emphatic, even
2 vehement, in his recollection of these incidents. I find as a
3 fact that they did occur and that the witness's credibility was
4 not impeached on these facts.

17:26:32 5 In any event, if Gbonda did call the accused, it was some
6 ten or eleven days after he had already filed a complaint with
7 the investigators alleging that Senessie had come to him and
8 asked him to recant his testimony.

9 I find the accused's denial of that contact to be
17:26:56 10 unconvincing. Not only was the witness Aruna Gbonda a clear and
11 credible witness, but the record of his report to WVS
12 corroborates that he made his complaint well before the time
13 Senessie said he wanted to sign a paper.

14 I do not accept the submission that all the witnesses,
17:27:28 15 including Gbonda, were in a conspiracy against the accused. This
16 was not put to Gbonda, and he made it clear that he would not
17 seek relocation.

18 Given his age and circumstances, I believe that he would
19 not want to leave his home. I find that Senessie did approach
17:27:49 20 Aruna Gbonda on or about the 28th of January and the 29th of
21 January and spoke to him again at Kabbah's house all with a view
22 to attempting to have Aruna Gbonda recant the testimony he gave
23 in the case of the Prosecutor and Taylor in The Hague.

24 Accordingly, I find the accused guilty of knowingly and willfully
17:28:19 25 interfering with the administration of the Special Court by
26 attempting to influence Aruna Gbonda to recant his evidence that
27 he gave in the case of the Prosecutor and Taylor, and accordingly
28 I find him guilty of count 9.

29 I turn to count 6. As I've already explained, these were

1 the way the witnesses were called.

2 The accused is further indicted on one count that he
3 knowingly and willingly interfered with the Court's
4 administration of justice by offering a bribe to protect Witness
17:29:02 5 TF1-516 in return for the witness recanting his testimony in the
6 case of the Prosecutor and Taylor.

7 TF1-516 gave evidence that he had testified in the Taylor
8 case under protective measures. However, he later found out that
9 there had been an announcement at the school in which he worked,
17:29:32 10 that he had travelled to The Hague to give evidence. This
11 perturbed him. In the current trial he testified that he was
12 contacted by Mohamed Kabbah, who told him that the accused had
13 approached him and that he, Kabbah, should withdraw his
14 statement.

17:29:55 15 He, 516, counseled Kabbah that this "is a dangerous
16 business," and that they had both testified under oath. 516
17 testified that Senessie came to him and tried to talk to him,
18 saying that 516 should withdraw his statement in Court. 516
19 refused and said that he was not interested. TF1 (sic) said he
17:30:34 20 was "hostile," but the accused "insisted," he would come back.
21 TF1-516 agreed to speak to Senessie only on another topic,
22 otherwise Senessie should not contact him any further. He
23 suggested that the accused give him a mobile phone and remain at
24 a distance.

17:30:58 25 In the second conversation the accused said he worked for
26 the Defence and that if TF1-516 agreed to do what was asked, he
27 would give TF1-516 money or "a link with people who would give
28 him money." He did not specify an amount. The witness refused,
29 adding that he respected himself and would not undertake such a

1 venture. The witness met two investigators of the Special Court
2 and gave a statement. He recognised and acknowledged the
3 statement admitted as Exhibit P6. It is dated the 18th of
4 February, 2011, and states that he was contacted by Senessie on
17:31:48 5 the 1st of February, 2011.

6 The report is self-serving but it is corroborative of the
7 evidence that a report was made to WVS concerning the accused.
8 The witness was advised to stop any communications with the
9 accused, but the accused called at the witness's home leaving a
17:32:14 10 message that he wished to talk to TF1-516. In cross-examination.

11 Ms Carlton-Hanciles, are you feeling all right? I've
12 noticed several times you've covered your face and appear to be
13 unwell. I am okay, Your Honour. I am just a bit tired.

14 JUSTICE DOHERTY: Aren't we all.

17:32:51 15 In cross-examination it was put to the witness that he told
16 Jinnah Kpunbeh, a friend and colleague, that he was going to The
17 Hague. The witness could not recall doing so. It was further
18 put to the witness that he called Kpunbeh from Lungi airport in
19 Freetown, from Brussels, and from The Hague. The witness
17:33:14 20 conceded calling a Joe Salya from Lungi but not Kpunbeh. He also
21 denied calling Kpunbeh from Brussels or The Hague. Given the
22 evidence of Mr Akinbobola Of procedures and travel of witnesses,
23 I accept the evidence of TF1-516 that he did not call from
24 Brussels.

17:33:34 25 In any event these matters arose some two or three years
26 prior to the contact with Senessie that have given rise to these
27 charges, and if this evidence is intended - and that of Kpunbeh
28 who was called by the Defence was intend to impeach the
29 credibility of 516 it has not succeeded.

1 It was put to 516 in cross-examination that he was at the
2 school in which he worked on the 4th of February, 2011, when the
3 accused arrived. The witness agreed and said that Senessie
4 called him. The witness did not recall the detail of a
17:34:19 5 conversation about a mobile phone, but again stated that he told
6 Senessie to give him a phone and to "remain at a distance." The
7 witness's own mobile phone had been stolen.

8 He also denied contact with 274. He denied giving evidence
9 in the Prosecutor and Taylor for financial reward. He said he
17:34:47 10 missed his school to the extent that he did not even wait for the
11 settlement of his travel costs to Kailahun. He went to the
12 police if he had any security issues. Notwithstanding the tenure
13 of the questions put in cross-examination, the accused testified
14 that he went to the same school on the 4th of February 2011 to
17:35:16 15 pay school fees and produced a receipt.

16 I have no doubt that the accused did go to the school to
17 pay fees, but this does not preclude his meeting with TF1-516.
18 In fact, the accused went on to say he met with TF1-516 and it
19 was TF1-516 himself who said that he and 274 had prepared a
17:35:42 20 document to be sent to Prince Taylor. I note the accused's
21 evidence is the first mention of Prince Taylor in relation to
22 516. I also note the suggestion that 516 was instrumental in a
23 conspiracy to have the accused killed during the war or a
24 conspiracy to blame him when a scheme to get money from OTP
17:36:10 25 back-fired were not put to 516.

26 Witness Jinnah Kpunbeh, a fellow teacher and friend of 516
27 gave evidence of a phone call from Lungi, from Brussels, and The
28 Hague. I have already dealt with that evidence. He testified he
29 saw the accused and 516 talking but did not know what was

1 discussed. He "saw TF1-516 asking the accused for a mobile
2 phone". Despite the close friendship that both 516 and Kpunbeh
3 shared and acknowledged, Kpunbeh was quite insulting of 516's
4 integrity. I did not find Kpunbeh a convincing witness, but he
17:37:17 5 did serve to corroborate what 516 said, i.e., that he asked
6 Senessie for a mobile phone.

7 I find that TF1-516 was a calm, measured, and careful
8 witness. I would go as far as to say that he was the most
9 straightforward of those who appeared in this case. I found his
17:37:39 10 evidence credible and compelling. Defence witnesses, if
11 anything, tended to corroborate him. I find that Senessie did go
12 to 516 on or about the 1st of February and asked him to recant
13 his evidence and said there would be money or a link to get
14 money. He followed this up with visits to TF1-516's home. I
17:38:05 15 find the accused made these visits and the offer of money with
16 the intention of having 516 recant his evidence and accordingly I
17 find that the accused knowingly and willfully interfered with the
18 Special Court's administration of justice by offering a bribe to
19 Witness TF1-516 who gave testimony in the Prosecutor and Taylor
17:38:32 20 in return for recanting his evidence, and accordingly I find him
21 guilty of count 6.

22 Counts 3 and 4 and 5.

23 The accused is indicted on three counts related to witness
24 274 of knowingly and willfully on or about the 30th of February,
17:38:52 25 2011, interfering with the Court's administration of justice by
26 offering a bribe and relocation to witness TF1-274 who had given
27 testimony in the Prosecutor and Taylor in return for recanting
28 his evidence; and further of knowingly and willfully interfering
29 with the Court's administration of justice by otherwise

1 interfering with a witness by attempting to influence 274 who had
2 given evidence in the Prosecutor and Taylor to recant his
3 previous evidence, and thirdly of knowingly and willfully on or
4 about late February 2011, interfering with the Special Court's
17:39:37 5 administration of justice by otherwise interfering with a witness
6 by attempting to influence 274, a witness who had given testimony
7 in the Prosecutor and Taylor to recant his evidence. 274 gave
8 evidence. He was cross-examined. The accused gave evidence in
9 rebuttal and called a witness, JP Combey.

17:40:02 10 274 testified he had been in the RUF during the war and is
11 presently working as a journalist. He is employed by a local
12 radio station. I note that this was also the evidence of the
13 accused and Mr Combey. The witness was originally living in Bo
14 and was then transferred to Kailahun. The witness also confirmed
17:40:30 15 that he testified for the Prosecution in the Prosecutor and
16 Taylor in The Hague. He stated he knows the accused very well
17 and has known him for more than 15 years, including during the
18 war. They was not together throughout the war. He testified
19 that the accused never did anything wrong and never did anything
17:40:57 20 good to him, and he likewise did not do anything good or anything
21 bad to the accused.

22 274 testified that he met the accused at JP Combey's house
23 in the evening. Combey's house was a local place of relaxation
24 and drinks were available for sale. This is confirmed by both
17:41:26 25 the accused and Combey's evidence, and I find that it is not in
26 dispute, that Combey's house was a local venue for the sale of
27 drinks and social meetings.

28 Senessie met TF1-274 when a group of people were present.
29 They initially spoke about politics, and then the accused asked

1 TF1-274 to speak to him. They moved away from the house and off
2 the veranda. The accused asked him if he produced "any authentic
3 document during his testimony in The Hague." There was an
4 exchange between them concerning what was meant by that, and the
17:42:09 5 accused told 274 there was something he wanted to know. 274
6 rebuffed him and said they would talk the following day. These
7 events occurred on the 2nd of February, and the accused and 274
8 met the following evening at the same place.

9 The accused told 274 that he was one of the "Defence for
17:42:35 10 Charles Taylor." He had been "ear-marked," to look for people
11 who had testified so that they would go and change what they said
12 in The Hague. The accused told 274 that "they," misused him and
13 that those people, were supposed to do things for him but did
14 not, and if would agree to change what he had said in The Hague
17:43:06 15 it would be possible for him to live in another country. He
16 further stated that if 274 agreed "they" would start giving him
17 some money every month. He emphasized that he really wanted him
18 to go to The Hague to retract and asked if he would do so because
19 he had previously been "misused." TF1-274 said the accused "used
17:43:32 20 a lot of adjectives," to describe the way TF1-274 had been
21 abandoned and how the Defence was able to take care of them.

22 The accused also informed TF1-274 that other witnesses who
23 had already been testified had already been contacted, and among
24 these one of them, whose name was unclear to TF1-274, but was
17:44:00 25 named in writing as Aruna Gbonda. The accused proceeded to tell
26 TF1-274 that he had spoken to up to four people, asking them to
27 go and recant what they had said in The Hague. The accused went
28 further and stated that these four had accepted and he, the
29 accused, was looking for TF1-274 to recant what he had already

1 said. TF1-274 again rebuffed him, saying he had come to hear the
2 music and enjoy himself but, in fact, that he wanted to
3 understand what the accused was "up to." TF1-274 asked the
4 accused to stop tormenting him and left.

17:44:47 5 Two days later, TF1-274 called the Special Court
6 investigators and informed them of his situation and exactly what
7 Senessie and he had discussed. Among the matters reported to
8 investigators included the accused's statement made to TF1-274
9 that he was in contact with a person for this entity and that the
17:45:11 10 accused tried to contact Prince Taylor.

11 When the accused and TF1-274 met the following evening at
12 JP Combey's building, the accused produced a phone and asked
13 TF1-274 to talk to the person who had sent him. The accused gave
14 him the phone and he called, and TF1-274 spoke to a person who
17:45:41 15 said he did not have credit, and the phone went dead. There was
16 to further communications. On that occasion, TF1-274 was not
17 informed that the person speaking was Taylor. That information
18 did not come to him until the third meeting. The accused stated
19 then that he had been sent "to look for us" by a Defence man
17:46:03 20 whose name was Prince Taylor in order to talk so that "we can go
21 and change what we had said."

22 TF1-274 stated he'd been contacted by Prince Taylor before
23 in 2006 or 2007, and he had reported this to OTP. He did not
24 recognise Taylor's voice on the night in question. Two days
17:46:31 25 later the witness reported the incident to the Special Court
26 Investigator Joseph Saffa, and Joseph Saffa informed him that
27 people would be sent to take care of him.

28 The Prosecution has tendered a document, Exhibit P8, which
29 states on the 17th of February the witness made a statement

1 concerning the meetings with the accused on the 2nd and 3rd of
2 February, 2011. As with other statements, I consider them
3 self-serving. But they are corroborative of the fact that the
4 witness complained of contact by the accused and had lodged a
17:47:12 5 complaint by or before the 17th of February, 2011.

6 The witness identified a further document tendered into
7 evidence as Exhibit P9, dated the 17th of February, 2011,
8 recording the details of a meeting between the accused and
9 himself on February 10th, 2011, at his office, when the accused
17:47:36 10 revealed that the person he spoke to on the phone was Prince
11 Taylor.

12 In his oral evidence, TF1-274 the not refer to a meeting in
13 his office; however, he did state, as I already recited, that the
14 accused told him the person on the phone was Prince Taylor. In
17:47:57 15 cross-examination, TF1-274 was questioned in respect of the
16 testimony that he had given and that he had initiated the contact
17 and that he was the one who wanted to speak to Taylor and had
18 requested the information from the accused.

19 It was further put that he had called Prince Taylor on the
17:48:20 20 3rd of February 2011. The witness described this as "a black
21 lie," and denied calling Taylor. The accused gave direct
22 evidence that not only did TF1-274 ask for the number to call
23 Prince Taylor, but actually did call him at JP Combey's house and
24 also brought a document which he wanted delivered to Taylor. The
17:48:50 25 document was in a sealed envelope. The accused did not see the
26 contents of the envelope, and, as he did not go to Bo himself,
27 gave the envelope to another person. He further stated that
28 TF1-274 was agitated when he saw the accused still at Combey's
29 house and asked about the delivery of that envelope.

1 The Defence also called JP Combey as a witness. He is the
2 owner of the premises where the accused has a room and used the
3 premises, including his veranda, as a relaxation and social
4 place. Mr Combey's sister sells drinks to people who come there.
17:49:42 5 Combey confirmed that he is there every day sitting on his
6 veranda and talking to everyone who comes by. TF1-274
7 acknowledged that Combey's premises were close to his workplace,
8 and it is a place where he and others spent time. He also stated
9 he had respect for Mr Combey.

17:50:01 10 Mr Combey gave emphatic and detailed evidence of three
11 consecutive visits to his premises by TF1-274 on the 1st, 2nd,
12 and 3rd of February, 2011, and said that TF1-274 spoke of the
13 Special Court in derogatory terms as "a nonsense Court" and
14 stated he was going to recant his evidence. In Combey's presence
17:50:34 15 he asked for Prince Taylor's phone number. Combey testified that
16 TF1-274 returned the following night, i.e., the 2nd of February,
17 and again asked for Taylor's phone number of the accused. It was
18 on the 3rd of February that TF1-274 was given a card by the
19 accused, and Combey heard him calling someone and moving down the
17:50:58 20 steps of the veranda to do so.

21 On cross-examination, TF1-274 acknowledged that there were
22 many people present in the veranda of Combey's house and clearly
23 presented a picture of a crowded and noisy social gathering. It
24 was put to TF1-274 that when he was speaking to the unidentified
17:51:20 25 person on the phone, he expressed dissatisfaction with the way
26 the Prosecution had treated him and that he said he wishes to
27 retaliate. He denied this, but it was not put to him that he
28 moved away from Combey to testify. Nor was he questioned about a
29 document being sent to Taylor in Bo or that he was agitated when

1 he thought the accused had not delivered it.

2 The combination of Mr Combey's great precision to pick out
3 three evenings of the 365 per year he spends on the veranda
4 causes me to call into question just how much he remembered and
17:52:07 5 how much he embroidered. In cross-examination TF1-274 was
6 challenged about his revelation that he gave evidence in The
7 Hague, about his personal advocacy, and that he made several
8 very vocal statements of his dissatisfaction with the OTP's
9 treatment of him.

17:52:30 10 On the other hand, it was also put to him that he received
11 enough money from giving evidence in the Court in the Taylor
12 trial to enable him to erect a building in Bo. This latter part
13 of the challenge is inherently contradictory.

14 Revealing the identity of a person, or revealing a person's
17:52:55 15 own identity, or talking about what happened in The Hague, is not
16 tantamount to evidence of a witness's intention to recant, nor is
17 it an invitation to others to assist a witness in recanting
18 evidence.

19 Likewise, cross-examination on prior contact with Prince
17:53:23 20 Taylor in 2007, 2006 - that is well before TF1-274 gave evidence
21 in the Prosecutor and Taylor trial - is not probative of an
22 intention to assist the Defence. These may be issues that go to
23 credibility.

24 As noted, the accused gave evidence of TF1-274 coming and
17:53:50 25 asking him to deliver a document and his agitation when he saw
26 the accused on the veranda of JP Combey's building and thought it
27 had have been not been delivered. Again this was not put to the
28 accused. We have no evidence of the content of the document, and
29 if it was given, it was given after the approach by the accused

1 to TF1-274.

2 There have been several challenges to 274's evidence in
3 cross-examination. Defence counsel competently put many issues,
4 and I have examined those and the accused's own evidence and that
17:54:30 5 of JP Combey.

6 TF1-274 was provocative in his demeanour in this Court and
7 at times became even dramatic. His evidence was disjointed in
8 parts. JP Combey was not a witness to what was said between the
9 accused and TF1-274 on the 3rd of February, but clearly it is
17:55:03 10 common ground that they both met.

11 I consider Senessie's evidence of a plot against him and
12 his attempt to portray the conversation with TF1-274 is not
13 credible. I believe he met TF1-274 on the 2nd of February and
14 again on the 3rd of February, and on the 3rd of February he made
17:55:23 15 it clear to TF1-274 that money and relocation would be given to
16 him if he recanted his evidence in The Hague.

17 I further find that the accused persisted in urging TF1-274
18 to reconsider, making various arguments and "agitating." TF1-274
19 was clear and unshaken in his evidence on these points.

17:55:49 20 Accordingly, I find that the accused, on or about the 3rd
21 of February, 2011, offered a bribe and relocation to TF1-274 in
22 return for recanting his evidence, and accordingly I find him
23 guilty of wilfully and knowingly interfering with the
24 Special Court's administration of justice by offering a bribe to
17:56:17 25 TF1-274 and relocation in return for recanting his testimony, and
26 accordingly I find him guilty of count 3.

27 I also find, over and above that bribe offer and the offer
28 of relocation, that the accused persisted in trying to have
29 TF1-274 agree to recant his evidence, and this amounted to

1 attempting to influence TF1-274 to recant his previous testimony,
2 and that this amounts to knowing and wilful interference with the
3 Court's administration of justice by seeking to attempt to
4 influence a witness to recant - to influence TF1-274 to recant
17:57:09 5 his previous testimony in the Taylor trial.

6 Accordingly, I return a verdict of guilty on count 4.

7 As I have noted, TF1-274's evidence was at some times
8 disjointed, and having reviewed it, I am unable to pinpoint any
9 precise evidence of influencing or attempting to influence
17:57:41 10 TF1-274 by the accused in late February 2011.

11 Accordingly, I return a verdict of not guilty on count 5.

12 Mr Senessie, please stand up. Mr Senessie, did you hear
13 what I said?

14 THE ACCUSED: I heard it quite loud and clear, My Lord.

17:58:06 15 JUSTICE DOHERTY: Thank you.

16 Mr Senessie, I find you guilty of count 1, knowingly and
17 wilfully interfering with the administration of justice by
18 offering a bribe to Mohamed Kabbah.

19 I find you guilty of count 2, knowingly and wilfully
17:58:24 20 interfering with the Special Court's administration of justice by
21 attempt to go influence Mohamed Kabbah in both cases to recant
22 previous testimony.

23 I find you guilty of count 3, of knowing and wilfully
24 interfering with the Special Court's administration of justice by
17:58:43 25 offering a bribe and relocation to TF1-274.

26 I find you guilty of count 4, knowingly and wilfully
27 interfering with the Special Court's administration of justice by
28 attempting to influence TF1-274, in both cases a witness who had
29 given testimony before the Trial Chamber in the Prosecutor and

1 Taylor with the intent that he recant his testimony.

2 I find you not guilty of count 5.

3 I find you guilty of knowingly and wilfully interfering
4 with the Special Court's administration of justice by offering a
17:59:27 5 bribe to protected Witness TF1-516 with a view to him recanting
6 his testimony in the trial of the Prosecutor and Taylor.

7 I find you guilty of knowingly and wilfully interfering
8 with the Special Court's administration of justice by offering a
9 bribe to protected Witness 585.

17:59:54 10 I find you guilty of knowingly and wilfully attempting to
11 influence a protected witness, 585, in both cases with the intent
12 to have the witness recant previous testimony given in the case
13 of the Prosecutor and Taylor.

14 I find you guilty of knowingly and wilfully interfering
18:00:21 15 with the Special Court's administration of justice by attempting
16 to influence Aruna Gbonda, a witness who had given testimony in
17 the case of the Prosecutor and Taylor with a view that he recant
18 his previous testimony.

19 Mr Senessie, I find you guilty of those eight counts.

18:00:41 20 Please sit down.

21 THE ACCUSED: Thank you, My Lord.

22 JUSTICE DOHERTY: Thank you.

23 Mr Lansana and Mr Herbst are well aware that our procedure
24 calls for information to be filed and that it gives time for both
18:01:03 25 parties to file that information. In the case of the Prosecutor,
26 he has to file first and he has seven days; and thereafter,
27 Mr Lansana, you have seven days in which to file your
28 information.

29 I therefore will not ask you to say anything at this point

1 because you have the entitlement to make those submissions. I
2 will, however, wait until those submissions are filed and I will
3 also allow the convicted person, Eric Senessie, to say anything
4 he wishes at a sentencing hearing after those submissions are
18:01:54 5 filed. Of course he is not obliged to do so, but if he wishes
6 to, I will certainly hear him.

7 I will not fix a date because I will have to wait until the
8 submissions are filed.

9 Mr Lansana, I trust you accept that vague timetable.

18:02:17 10 MR LANSANA: Thank you, Your Honour.

11 I was just wondering when you talk about the seven days,
12 when does time start counting?

13 JUSTICE DOHERTY: For the Independent Counsel, it starts
14 counting right now, and in your case, it starts counting as soon
18:02:40 15 as he files his submissions. So it could be a maximum of 14 days
16 and it could be much less.

17 MR LANSANA: Thank you very much.

18 And in respect of Rule 100(B).

19 JUSTICE DOHERTY: Yes.

18:02:58 20 MR LANSANA: That's the sentencing hearing. I suppose that
21 that would be after the two filings?

22 JUSTICE DOHERTY: In actual fact, it is after the two
23 filings, and it has been a policy of this Court to set a
24 time-limit for those submissions. I will await the receipt of
18:03:37 25 the submissions before I set the sentencing hearing and before I
26 set a time-limit, if I sit a time-limit.

27 MR LANSANA: Very well, Your Honour.

28 JUSTICE DOHERTY: Thank you.

29 If there are no other matters.

