



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:	William Gardner
For the Accused: Eric Koi Senessie:	Ansu B. Lansana
For the Principal Defender:	Claire Carlton-Hanciles

1 [Thursday, 14 June 2012]

2 [Open Session]

3 [Accused enters court]

4 [Upon commencing at 9.46 a.m.]

09:47:18 5 JUSTICE DOHERTY: Good morning. I am informed that we have
6 to swear in an interpreter, and we will do that before we proceed
7 on with the evidence.

8 Mr Court attendant, please arrange for the interpreter to
9 come into the well of the Court.

09:48:34 10 [Interpreter sworn]

11 JUSTICE DOHERTY: Thank you, Mr Interpreter. Does the
12 interpreter need to get into position before we can proceed?

13 THE REGISTRAR: Yes, just a few minutes.

14 JUSTICE DOHERTY: Thank you. Whilst we're doing that, are
09:48:46 15 there any preliminary issues that counsel wish to raise? Or I'll
16 have the witness called.

17 MR LANSANA: I have no preliminary issues.

18 JUSTICE DOHERTY: Thank you, Mr Lansana.

19 MR GARDNER: Nor do I.

09:48:59 20 JUSTICE DOHERTY: Thank you, Mr Gardner.

21 In that case, bring the witness, Mr Combey, into Court.

22 I notice that my machine has gone to "FLO", whoever she is,
23 so other people may have the same problem.

24 MR GARDNER: If you just scroll on the side next to where
09:49:15 25 it says "FLO", it will come to English.

26 JUSTICE DOHERTY: Thank you.

27 MR LANSANA: I am on English.

28 JUSTICE DOHERTY: Thank you, Mr Lansana.

29 [The witness takes the stand]

1 JUSTICE DOHERTY: Good morning, Mr Combey.

2 THE WITNESS: Yes, good morning.

3 JUSTICE DOHERTY: I will remind you again this morning, as
4 I did yesterday this afternoon, that you had taken the oath to
09:50:09 5 tell the truth, and that oath is still binding on you. And I
6 will then now ask Mr Lansana to continue with your evidence.

7 Mr Lansana, please proceed.

8 MR LANSANA: Thank you, Your Honour.

9 WITNESS JOSEPH MORRIE COMBEY: [Resumed]

09:50:24 10 EXAMINATION BY MR LANSANA: [Continued]

11 Q. Good morning, Mr Combey.

12 A. Good morning, Mr Lansana.

13 Q. I hope you slept well.

14 A. Of course, yes.

09:50:37 15 Q. Thank you. We left off yesterday when you were informing
16 this Court about TF1-274 visiting your house at number 5 Council
17 Road, is it?

18 A. Yes, please.

19 Q. Thank you. 5 Council Road, Kailahun, on the 3rd February,
09:51:17 20 2011; is that correct?

21 A. Yes.

22 Q. Thank you. And you informed this Court that using
23 Eric Senessie's phone, he placed a call, came back, and handed
24 the phone over to Mr Senessie, correct?

09:51:29 25 A. Exactly so.

26 Q. I think that will be a convenient stage you can continue
27 from.

28 A. After he had handed over this phone to Eric Koi Senessie --

29 JUSTICE DOHERTY: Continue.

1 THE WITNESS: -- he thanked him. Then Eric Koi Senessie
2 put his phone in his pocket.

3 JUSTICE DOHERTY: Yes.

4 THE WITNESS: So as we sat down discussing, then
09:52:19 5 Eric Koi Senessie, the two of us were discussing.

6 JUSTICE DOHERTY: Yes. Continue, please.

7 THE WITNESS: Then he said, I have to travel to Freetown to
8 meet with a party head, Eldred Collins.

9 JUSTICE DOHERTY: Yes.

09:52:55 10 THE WITNESS: He said that we understand that he has been
11 given some money, so we have to go for ours as well.

12 JUSTICE DOHERTY: Yes, continue.

13 THE WITNESS: After overhearing this message, this
14 conversation, TF1-274 overheard this conversation between myself
09:53:26 15 and Eric Koi Senessie.

16 JUSTICE DOHERTY: Yes.

17 THE WITNESS: So we dispersed. The witness TF1-274 went up
18 to his house at Council Road. Eric Koi Senessie went down the
19 street to his house. The following day I was at my house at
09:54:12 20 about 8.30 to 9.00.

21 MR LANSANA:

22 Q. Was it a.m. or p.m.?

23 A. In the evening hours. In the evening hours.

24 JUSTICE DOHERTY: Yes.

09:54:33 25 THE WITNESS: This same witness, TF1-274 --

26 JUSTICE DOHERTY: Continue.

27 THE WITNESS: -- met me.

28 JUSTICE DOHERTY: Yes.

29 THE WITNESS: He again asked for Mr Senessie, Eric Koi

1 Senessie.

2 JUSTICE DOHERTY: Yes.

3 THE WITNESS: As we were talking --

4 JUSTICE DOHERTY: Yes.

09:55:10 5 THE WITNESS: -- Mr Koi Senessie arrived.

6 JUSTICE DOHERTY: Yes.

7 THE WITNESS: Then I said, Look at Mr Eric Koi Senessie
8 behind you. He, too, is coming.

9 JUSTICE DOHERTY: Yes, continue.

09:55:31 10 THE WITNESS: The light was on. The place was bright. The
11 light was on.

12 JUSTICE DOHERTY: Yes.

13 THE WITNESS: Then I heard TF1-274 saying, Please,

14 Mr Senessie, take this envelope. I understand that you will be

09:56:08 15 travelling to Freetown. Take this envelope for me and drop it to
16 one Prince Taylor's house in Bo. I saw the envelope. It was a
17 brown envelope and it was closed.

18 JUSTICE DOHERTY: Yes, continue.

19 THE WITNESS: Eric Koi Senessie took this envelope and

09:56:50 20 promised that he would drop it off to one Prince Taylor's place
21 in Bo before departing for Freetown.

22 JUSTICE DOHERTY: Continue, please.

23 THE WITNESS: I did not know what it contained. I did not
24 touch it. Eric Koi Senessie did not open it in my presence. I

09:57:25 25 did not know the content. I only knew - I only know that it was
26 a brown envelope that he handed over to him.

27 MR LANSANA:

28 Q. Thank you. After he handed over the envelope to

29 Mr Senessie, did anything else happen thereafter?

1 A. Yes. Everybody went their separate ways. Two days after
2 that --

3 JUSTICE DOHERTY: Yes, please continue.

4 THE WITNESS: Two days after that, Eric Koi Senessie came
09:58:11 5 to the house. He came a little bit earlier than the normal time
6 that he usually comes. He met me sitting down at my usual place
7 in my veranda with my legs outstretched, relaxing, drinking my
8 tea.

9 JUSTICE DOHERTY: Continue, please.

09:58:46 10 THE WITNESS: I said, Eric, didn't you travel? And he
11 said, In God's name, I did not have transport fare. I went to
12 one of my cousins to loan me, but I couldn't find him.

13 JUSTICE DOHERTY: Yes, please continue.

14 THE WITNESS: Then he sat down and I told my wife to serve
09:59:22 15 him tea. As we sat down discussing, Witness TF1-274 arrived at
16 the same time between 8.30 and 9.00 in the evening hours.

17 JUSTICE DOHERTY: Yes, please continue.

18 THE WITNESS: When he saw Mr Eric Koi Senessie, he was
19 shocked --

10:00:12 20 JUSTICE DOHERTY: Yes.

21 THE WITNESS: -- because he was not expecting him, as per
22 their discussion.

23 JUSTICE DOHERTY: Yes, continue.

24 THE WITNESS: Then he said, Where is that document that I
10:00:43 25 gave to you for you to deliver it to Prince Taylor in Bo on your
26 way to Freetown?

27 JUSTICE DOHERTY: Yes.

28 THE WITNESS: He said, Mr Witness, I couldn't go because I
29 hadn't any money, but I gave one of our brothers, Jabbi Sampha -

1 I gave the document to one of our brother's called Jabbi Sampha,
2 or Sampha Jabbi .

3 MR LANSANA:

4 Q. Thank you.

10:01:47 5 JUSTICE DOHERTY: Continue, please.

6 THE WITNESS: Well, Mr Koi Senessie said this --

7 JUSTICE DOHERTY: Yes.

8 THE WITNESS: -- witness TF1-274 --

9 JUSTICE DOHERTY: Yes.

10:02:18 10 THE WITNESS: -- remarked that, Hey, if anything goes
11 wrong --

12 JUSTICE DOHERTY: Yes.

13 THE WITNESS: -- with that document, I will deny knowledge
14 of it. I will even deny my signature.

10:03:06 15 JUSTICE DOHERTY: Continue, please.

16 THE WITNESS: Having said this, I saw him going down the
17 road very angry. Then I turned around and asked Koi Senessie if
18 he opened the envelope and he said, No.

19 JUSTICE DOHERTY: Please continue.

10:03:38 20 THE WITNESS: I said, If you listened to what TF1-274 has
21 said, that if anything comes out of this thing, he would deny
22 knowledge of his own signature. If you did not open it, if Jabbi
23 Sampha had not gone, you should go and take that document - bring
24 it to the police station so that you can open it and see what is
10:04:06 25 inside. By the time this man got out, Jabbi Sampha had gone.

26 That's what I know about all that happened in my house from the
27 1st to the 6th.

28 MR LANSANA:

29 Q. Thank you very much, Mr Combey. I would just ask you a few

1 questions for you to clarify certain issues that TF1-274 had
2 informed this Court about.

3 He, in his testimony, did concede the fact that 5 Council
4 Road, Kailahun, is your house, but he denied the fact that Eric
10:04:49 5 had a room in that house. What's your comment on that?

6 A. Right now, if the Court can call the LUC in Kailahun, for
7 them to go there, they would see that Mr Eric Koi Senessie's
8 house is in the centre. There is my sister, and the student that
9 are going to school on the other side. The LUC knows them. One
10:05:22 10 time someone asked me for a place, and I said - at one time the
11 Witness TF1-274 asked me for a place, and I said no. That place
12 is owned by Mr Eric Koi Senessie. It's not for himself, but his
13 wife. That is his wife's room. That is where he normally
14 sleeps.

10:05:46 15 Q. Thank you very much. There is another issue. When you
16 told the Court that on the 1st of February, 2011, whilst you were
17 discussing, Witness TF1-274 took Eric away for an aside to have a
18 chat with him, not so?

19 A. Yes. They came just like I am sitting in this Court. They
10:06:22 20 just went down the stairs and went to the side - on my left-hand
21 side. It was the witness who called Mr Koi Senessie aside and
22 that he wanted to talk to him.

23 Q. And I take it that that was the only time that he had an
24 aside with him to your knowledge?

10:06:45 25 A. Yes.

26 Q. Thank you very much. Now, on that day did Eric tell the
27 witness TF1-274 that he had been desperately looking for him?

28 MR GARDNER: I believe that's leading, Your Honour.

29 JUSTICE DOHERTY: It is leading, Mr Lansana.

1 MR LANSANA: Your Honour, I - although you ruled on it, but
2 I was thinking these were issues, facts, that the witness TF1-274
3 had put to this Court. I am putting -

10:07:23 4 JUSTICE DOHERTY: You better then preface your questions
5 with some form of indication that evidence has been adduced and
6 asking him to comment, rather than to put an answer into the
7 question that you're asking.

8 MR LANSANA: Very well, Your Honour.

10:07:42 9 Q. Now, TF1-274 has told this Court that when Eric met him on
10 that day, he told him he had been looking for him; is that
11 correct? Did he - did Eric Senessie tell witness TF1-274, I have
12 been looking for you?

13 A. No, no.

14 Q. Thank you.

10:08:04 15 A. What I know, TF1 went to the house three times - on three
16 different occasions. At first he went, this man was not in. He
17 had gone out. The second time he went, this man was not in. He
18 had not yet come. And the third time, he himself volunteered
19 that he was going to sit down and wait for him. In actual fact
10:08:27 20 it was he, the witness, that was looking for Mr Koi Senessie.

21 Q. He also told this Court he --

22 JUSTICE DOHERTY: Just let me clarify. Mr Witness, when
23 you say he went to the house, which house are you talking about?

24 THE WITNESS: My house at number 5 Council Road where I
10:08:52 25 reside.

26 JUSTICE DOHERTY: Thank you.

27 Proceed, Mr Lansana.

28 MR LANSANA: Yes, Your Honour.

29 Q. And this witness TF1-274 also informed this Court that

1 Eric Senessie asked him whether he had provided an authentic
2 document at The Hague. Did you hear Eric Senessie ask TF1-274
3 that?

4 A. No. As they were discussing one argument after the
10:09:31 5 other --

6 JUSTICE DOHERTY: Just a minute, Mr Witness. Mr Witness,
7 please pause.

8 Yes.

9 MR GARDNER: He asked him a question that called for a yes
10:09:40 10 or no answer. The witness said no. Now he's making a speech.

11 JUSTICE DOHERTY: Yes. We have your answer, Mr Combey.
12 Your answer was "No".

13 Please proceed, Mr Lansana.

14 MR LANSANA: Thank you, Your Honour.

10:09:50 15 As matter of fact, Your Honour. That will be all for this
16 witness.

17 JUSTICE DOHERTY: Thank you, Mr Lansana.

18 Any cross-examination, Mr Gardner?

19 CROSS-EXAMINATION BY MR GARDNER:

10:10:07 20 MR GARDNER:

21 Q. Mr Combey, have you read the charges in this case?

22 A. What do you mean by "have I read the charges in this case"?

23 Q. Have you read the piece of paper that describes the nine
24 crimes that Mr Senessie is charged with committing?

10:10:41 25 A. It is at this latter part that Mr Koi Senessie showed me
26 one document, then I said - and I said I did not want to read any
27 document. Whatever happened, I will say exactly what happened.
28 I don't want any document. Nobody give me any document, because
29 I don't want anybody to show me something beforehand. I didn't

1 want any document.

2 Q. Okay. If you didn't look at a document, did anyone tell
3 you that Mr Senessie was charged with five counts of attempting
4 to bribe witnesses to recant their testimony in the
10:11:30 5 Charles Taylor trial, and four counts of interfering with
6 witnesses who testified in the Charles Taylor trial?

7 A. Nobody ever told me that. I am always at my house. Ask
8 all of them. I am always in my house. Nobody ever told me this.
9 I don't just discuss with people.

10:11:55 10 Q. So if Mr Senessie made these statements to these witnesses
11 some place other than your house, you wouldn't know it; isn't
12 that correct?

13 A. The one that happened in my presence at number 5 Council
14 Road, Kailahun, is what I have talked about. Anyone outside, I
10:12:25 15 was not present.

16 Q. Okay. Now getting to your testimony, you described the
17 three days of meetings at your house, February 1st, 2nd, 3rd, and
18 then you talked about the next day 274 asking for Mr Senessie,
19 and then two days later, asking Eric where he was still around,
10:12:55 20 and then 274 comes up.

21 Now, are you aware that on February 4, right in the middle
22 of the times that you describe, 274 called an investigator at
23 this Court and informed him that Mr Senessie had offered to put
24 him in touch with Prince Taylor and pay him some money if he'd
10:13:29 25 recant his testimony; are you aware of that?

26 A. Let me tell you, if the witness ever said that, then he is
27 lying. On the 4th --

28 Q. No. I asked you a question, sir, that called for a yes or
29 no answer. Are you aware that Mr 274 called the investigator on

1 February 4; yes or no?

2 A. No, I don't know. I don't know.

3 Q. Are you also aware that the other four witnesses involved
4 in the case all contacted the investigator even before your -

10:14:15 5 these conversations with Mr 274? One witness called the

6 investigator on January 27; one called the investigator on

7 January 28; one spoke to investigators on January 30; one spoke

8 to investigators on January 30. By the time you are having these

9 alleged conversations in your house, the Court already has

10:14:53 10 allegations and evidence from five witnesses about Mr Senessie's

11 conduct; are you aware of that?

12 A. No. I don't know anything. But what I know, from the

13 1st --

14 Q. You've answered the question. You've answered the

10:15:13 15 question.

16 Now that you know what I have put to you happened in this

17 Court, does that cause you to rethink whether things happened the

18 way you said they did?

19 A. Well, they may be lying, because I and this witness - this

10:15:39 20 witness used to go to me before this time --

21 Q. Mr Combey, my question called for a yes or no answer. Did

22 hearing what I just told you about the evidence cause you to

23 think more about the accuracy of the testimony just gave?

24 A. That does not mean I should think and rethink. What

10:16:09 25 exactly happened at my house from the 1st down to the 6th is what

26 I have explained. Before - after --

27 Q. Okay. You've answered the question. Thank you.

28 Now, Mr Combey, when were you first aware that you would

29 testify in this case in this courtroom? What month; what year?

1 A. It was just two months ago that I saw Mr Ansu Lansana. He
2 went - at first he sent someone who went to my house, but I was
3 not there. I had gone to my farm.

4 Q. Okay. You've anticipated the question. I just want to
10:16:53 5 know when. And you say two months ago, right? So that would put
6 it maybe April of 2012; is that right?

7 A. Well, I can't tell. But definitely the first person that
8 came to me that told me about it was Mr Ansu Lansana.

9 Q. Okay.

10:17:15 10 A. He told me that I was to testify in a case.

11 Q. Thank you.

12 A. He asked me, and I explained to him.

13 Q. Now, Mr Combey, these events that you've described took
14 place in February of 2011, and you don't know until approximately
10:17:40 15 April of 2012, over a year later, that you are going to have to
16 testify about events that took place in your house more than year
17 ago; isn't that correct?

18 A. What I am saying --

19 Q. No, Mr Combey, the question calls for a yes or no answer.
10:18:08 20 Are you aware that you're being asked to testify in April of this
21 year about events that took place more than a year ago at your
22 house on three different nights; isn't that right?

23 A. Repeat that question. Let me get it clearly. Let me get
24 it clearly. I am not getting it clearly.

10:18:30 25 Q. You testified in exquisite detail about what happened in
26 your house the first week of February, 2011, correct?

27 A. Yes.

28 Q. Okay. And you were not asked to remember what happened in
29 the first week of February, 2011, until over a year later in

1 approximately April of 2012; isn't that right?

2 A. No. You have to repeat this question again, because I want
3 to get it clearly. Don't just push it on me like that.

4 Q. Well, it's not had a hard question, Mr Combey, but I will
10:19:26 5 put it to you a third time --

6 JUSTICE DOHERTY: Mr Witness, no one is pushing anything on
7 you. Counsel is setting out dates and asking you about them.

8 Please repeat your question, Mr Gardner.

9 MR GARDNER:

10:19:40 10 Q. You've testified, Mr Combey, have you not, about events
11 that took place in your house in the first week of February 2011,
12 correct?

13 A. That's correct.

14 Q. Now, didn't you just tell me a minute ago that it was not
10:20:00 15 until a few months ago that you were asked to testify in this
16 case?

17 A. Yes.

18 Q. To use a phrase, I put to you, Mr Combey, that even our
19 Lord Jesus could not remember the detail of what happened over a
10:20:33 20 year ago in his house that you remembered in this courtroom?

21 MR LANSANA: Your Honour, I would object to that question.

22 JUSTICE DOHERTY: Why?

23 MR LANSANA: Your Honour, first and foremost, that question
24 is vague. The witness here cannot remember the time Jesus forgot
10:20:53 25 something.

26 JUSTICE DOHERTY: Well --

27 MR LANSANA: Your Honour --

28 JUSTICE DOHERTY: Well, what we'll do then, it's not vague,
29 but we will take the "Lord" out of it.

1 MR LANSANA: As Your Honour please.

2 MR GARDNER:

3 Q. Do you understand, Mr Combey, that I am suggesting to you
4 that no human being can remember that kind of detail about what
10:21:21 5 happened a year ago? Do you understand that?

6 A. I understand the question.

7 [Technical difficulties]

8 JUSTICE DOHERTY: Just pause, Mr Combey.

9 Mr Interpreter, I am not sure if you interpreted, because
10:21:55 10 we were hearing white noise through our earphones. Did you
11 interpret that last answer?

12 THE WITNESS: [No interpretation]

13 JUSTICE DOHERTY: I'll try again.

14 Mr Interpreter, we were hearing noise on our earphones. I
10:22:19 15 think Mr Gardner, Mr Lansana, and myself, so we don't know if you
16 interpreted the last answer because of the noise. Did you
17 interpret?

18 THE INTERPRETER: [No interpretation]

19 MR LANSANA: Your Honour, the defendant wants to use the
10:23:39 20 gents.

21 JUSTICE DOHERTY: Yes, Mr Senessie can be escorted out.

22 It would appear that the problem is between the
23 interpreters' booth and us.

24 [Accused exits court]

10:25:58 25 [Accused enters court]

26 JUSTICE DOHERTY: Mr Interpreter, as you know, I had asked
27 you if you had interpreted the last answer, because none of us
28 could hear it. I think you were telling me something.

29 So I will ask the question again, and if you have

1 interpreted and you can remember, can you please repeat it for
2 us.

3 THE INTERPRETER: No, Your Honour, I did not interpret the
4 last bit. As soon as he started talking, I appealed that he be
10:29:31 5 kindly asked to repeat his answer more slowly. That is the time
6 that you got the noise.

7 JUSTICE DOHERTY: I understand. So what I will do now is -
8 Mr Combey, the interpreter did not hear your last answer,
9 clearly because you were speaking fast, and in case you do not
10:29:48 10 recall all you - first of all, do you recall your answer, or
11 shall I ask Mr Gardner - you recall your answer.

12 THE WITNESS: Yes, I can recall what I said.

13 JUSTICE DOHERTY: Please repeat it and we will hear what
14 you say.

10:30:04 15 THE WITNESS: I told him that I can remember everything
16 that happened eight to nine years ago, and I can explain it
17 clearly. I came not to talk about something that happened
18 yesterday or one year ago.

19 MR GARDNER:

10:30:21 20 Q. Mr Combey, how many times did you and Mr Eric Koi Senessie
21 sit down and go over what your evidence would be in this
22 courtroom today?

23 MR LANSANA: Your Honour, I will object to that. There is
24 no evidence before this Court that in fact this witness and
10:30:40 25 Eric Senessie had gone over the evidence that he was going to
26 give to this Court. There is no evidence of that before this
27 Court.

28 JUSTICE DOHERTY: Mr Lansana, this is cross-examination.

29 MR GARDNER: Exactly.

1 JUSTICE DOHERTY: There is a leeway to ask questions that
2 are not limited to what was said in chief. This is not - we are
3 not bound by those rules. It's cross-examination. I am allowing
4 the question.

10:31:04 5 MR GARDNER:

6 Q. Do you understand the question, Mr Combey?

7 A. Repeat it.

8 Q. How many times did you and Mr Eric Koi Senessie sit down
9 and review and go over the testimony that you would provide in
10 this Court?

10:31:23

11 A. I and Mr Eric Koi Senessie never discussed what I was going
12 to say. What I am saying here is exactly happened in my
13 presence, what I heard and what I saw.

14 Q. Okay. You answered the question. Thank you.

10:31:52

15 Now I - what's the phrase? - I put it to you, sir, that
16 with Mr Senessie having a room in your house and probably hanging
17 around your house almost daily, it defies belief that you never
18 discussed your testimony with him, sir. Now, is it not a fact,
19 Mr Combey -

10:32:26

20 JUSTICE DOHERTY: Were you calling for an answer,
21 Mr Gardner? Because I didn't hear one.

22 MR GARDNER: He didn't give one, Your Honour.

23 JUSTICE DOHERTY: Are you going to answer that question,
24 Mr Combey?

10:32:38

25 THE WITNESS: Yes ma'am.

26 JUSTICE DOHERTY: Please do so.

27 THE WITNESS: In the first instance, even this witness,
28 TF1-297 knows that I am one of those persons who will never
29 entertain anybody into secrecy. We talk, generally, and you go

1 away. When you are talking your own personal business, I will
2 keep quiet. I will lie down like an tortoise. I pretend
3 sleeping.

4 MR GARDNER:

10:33:15 5 Q. Okay, Mr Combey, is it not true that you worked closely
6 with the Prosecutor's investigators during the Charles Taylor
7 period, and helping them when they would come to Kailahun to
8 locate certain witnesses; is that right?

9 A. Let me be honest --

10:33:46 10 Q. Yes or no, and then you can explain?

11 A. I can explain. I can explain.

12 Q. Yes or no answer to my question first. Yes or no, did you
13 assist Office of the Prosecutor investigators in helping
14 witnesses be located in Kailahun during the Charles Taylor trial?

10:34:08 15 A. Yes.

16 Q. And wasn't one of those investigators Mr Magnus Lamin?

17 A. I can't remember the name now, but I can identify them if I
18 see them because they met me more than two times.

19 Q. All right. And they even - you even gave them meals at
10:34:31 20 your house, didn't you?

21 A. Of course. Whoever goes at my house, I will provide meals
22 for them. I am a private gentleman. If you go to me I will give
23 you food to eat. I will welcome you.

24 Q. And in fact you helped the investigators locate Aruna
10:34:50 25 Gbonda and Mohamed Beretay Kabba, isn't that true?

26 A. Yes.

27 Q. Now, you described in your testimony that on February 2nd -
28 I'm sorry, on February 1st - Mr 274 comes to your house and
29 openly talks about going to The Hague and changing his testimony.

1 You recall that testimony? Do you recall saying that?

2 A. I said on the first day they had an argument because they
3 were about 15 or 16. They were arguing about the advantages and
4 disadvantages of the war.

10:35:57 5 Q. You testified to that. Did you tell Mr 247 that if he went
6 to recant it would be a "serious offence," a "diverting the cause
7 of justice"? Do you recall saying that?

8 A. Yes, I told him that.

9 Q. Okay. Well that sounds like a serious crime. Of course,
10:36:19 10 you immediately called up the investigators at the Prosecutor's
11 office that you knew and who had been to your home and you
12 reported 274's conversation, isn't that right?

13 A. Let me get the question.

14 Q. You have testified Mr 274 talked about committing a serious
10:36:44 15 offence. Did you call the investigators that you knew and had
16 worked with and report that 274 was about to commit a serious
17 offence? Did you do that?

18 A. If I called - I told 274 --

19 Q. It asks for a yes or no answer. Did you or did you not
10:37:14 20 call the investigators and tell them that 274 was about to commit
21 a serious offence?

22 A. No, no. They never gave me their complementary cards. I
23 never talked to anybody. I just said that within myself that
24 that was a serious offence because I did not call the

10:37:40 25 Prosecution. I did not know their numbers. Nobody ever gave me
26 their contact numbers that if anything was happening, you should
27 call me. No, I did not call anybody.

28 Q. So in order to report a crime, you can't do that unless you
29 have a complementary card, is that what you're saying?

1 A. No, I can even report at the police station. But for a
2 contact person to whom you can report such cases, you must have
3 the person's contact number and where to report. You can't just
4 call so-and-so and say so-and-so person has said he was going
10:38:23 5 recant his testimony. What are you going to report?

6 Q. Mr Combey, what you in truth - what you are in truth heard
7 was Mr Senessie telling Mr 274 telling that there would be money
8 in it for him if he recanted; isn't that right?

9 A. No, no, no. I did not hear that statement from Eric Koi
10:38:50 10 Senessie.

11 [Technical difficulties]

12 JUSTICE DOHERTY: Mr Interpreter, we are hearing the noise
13 again. Could you say something to see if it's a repetition of
14 the past problem.

10:39:09 15 THE INTERPRETER: [No interpretation]

16 JUSTICE DOHERTY: Yes, it is. We'll have to pause again.
17 Mr Court Attendant, if you can check.

18 MR LANSANA: Your Honour, I think - it seems to me there's
19 a problem that they can't really solve; its intermittent. I
10:40:05 20 would suggest, in the interest of progress, we go on when it
21 comes, we stop. I don't think it's a problem we can overcome.

22 THE REGISTRAR: The interpretation from the English is
23 where the problem is, and that is the main language that needs to
24 be heard, especially by Your Honour and you counsels. So ...

10:40:30 25 MR GARDNER: Is it fixed now?

26 JUSTICE DOHERTY: Mr Interpreter, could you say something?

27 THE INTERPRETER: [No interpretation]

28 THE REGISTRAR: Your Honour, I am advised from the AV booth
29 that the problem is such that they would need a few minutes, but

1 we can go on from now until break time and during break they will
2 be able to sort it out. They will have to move the English
3 interpreter to the Mende system, and then they would change the
4 channels, but we would hear English from the Mende channel. But
10:43:18 5 that will be done at break time.

6 JUSTICE DOHERTY: So we continue [microphone not
7 activated].

8 THE REGISTRAR: So we continue now until break time.
9 Hopefully in another 45 minutes or so, we would hope that it
10:43:28 10 would not get to a point where we have to stop.

11 Yes, Your Honour.

12 JUSTICE DOHERTY: So it may be on and off.

13 THE REGISTRAR: Yes, it may come on and off. But we hope
14 that they will manage it until we get to break.

10:43:41 15 JUSTICE DOHERTY: Well, we'll soldier on then. It sounds
16 as though it will take a bit of time but we'll try our best.

17 Now let me see. The question that was put to the witness
18 was:

19 "What you heard was Eric Senessie telling 274 that if he
10:44:00 20 recant there would be money in it for him ..."

21 And I did not hear the answer to that question.

22 MR GARDNER: Well, he denied it.

23 JUSTICE DOHERTY: I see.

24 Please proceed.

10:44:15 25 MR GARDNER:

26 Q. Mr Combey, you've known Mr Senessie for many, many years,
27 right?

28 A. Yes.

29 Q. And you're very, very close friends, are you not?

1 A. [No interpretation]

2 Q. And you're both very active and leaders in your community,
3 right?

4 A. [No interpretation]

10:44:44 5 Q. And you really, really would like to help your friend,
6 wouldn't you, sir?

7 A. [No interpretation]

8 JUSTICE DOHERTY: Mr Interpreter, I am afraid we didn't get
9 any of that because of the noise. Mr Attendant --

10:45:35 10 THE REGISTRAR: We would work on that, they would just
11 switch.

12 JUSTICE DOHERTY: How long would it take them to switch?

13 THE REGISTRAR: And it will take a few minutes.

14 MR GARDNER: What's a few minutes?

10:45:47 15 THE REGISTRAR: Maybe like 5.

16 JUSTICE DOHERTY: Well, would it be more sensible to take
17 enough time for them to switch properly and maybe even have an
18 early break, let's say a 20-minute break now and then a further
19 break later on and let them switch.

10:46:05 20 Sorry, Mr Gardner.

21 MR GARDNER: I just have one more question to the witness,
22 and that's all.

23 JUSTICE DOHERTY: Well, maybe if we could deal with that
24 question it would be helpful and any re-examination and then that
10:46:16 25 would be a clean break.

26 Mr Interpreter, I'm sorry, we did not hear the
27 interpretation of the last answer. You had been - have you got
28 the last answer that you can repeat for us, please?

29 THE INTERPRETER: Your Honour, I can't clearly remember the

1 Last answer. We may have to ask the witness to repeat it.

2 JUSTICE DOHERTY: Very well.

3 Mr Witness, can you please repeat your last answer?

4 THE WITNESS: Pardon?

10:46:43 5 JUSTICE DOHERTY: Because there is a problem with the
6 machines, we did not hear the interpretation of your last answer.
7 If you can remember, can you please repeat it, otherwise I will
8 step back. I will remind you of the question, and you can answer
9 it again.

10:47:02 10 THE WITNESS: Yes, I can remember my answer. I said even
11 if it's my blood brother, if he does something wrong, I won't
12 help him. But if I see him struggling, if he didn't do anything
13 wrong, I'll help him. But not after he has done something wrong
14 and he says because I am his friend he would want me to help him.
10:47:32 15 No.

16 MR GARDNER: I have no further questions, Your Honour.

17 JUSTICE DOHERTY: Thank you.

18 Re-examination, Mr Lansana.

19 MR LANSANA: Your Honour, no questions in re-examination.

10:47:44 20 JUSTICE DOHERTY: Thank you.

21 I want to clarify something with you, Mr Combey.

22 QUESTIONED BY THE COURT:

23 JUSTICE DOHERTY: You have described to us your house and
24 the social aspects of your house. People come to visit. They
10:47:57 25 have drinks, they spend the evening. Does that happen every day
26 of the week?

27 THE WITNESS: In my house, where my sister serves drinks?
28 It's right round the clock. Right round the clock. Every day,
29 every night. People will be there sometimes up to 2.00 to 3.00.

1 They always came there from morning and they stayed there until
2 night-time. Before this time, it was at that time that I knew
3 this witness, TF1-274. He's been coming there six months before.
4 He would come there in the morning, in the afternoon, and in the
10:48:43 5 evening. Morning, afternoon, and evening. Six months before I
6 have known him.

7 JUSTICE DOHERTY: You see, you have described three days or
8 three evenings very clearly, and you have now told me that this
9 social aspect of your home happens every day right round the
10:49:19 10 clock, morning, noon, and evening. Yet when Mr Gardner asked you
11 about meeting Mr Lansana, you couldn't remember the precise date
12 or even the month. Why, when you meet - you can remember those
13 days so precisely, could you not remember the one important
14 meeting with a lawyer that was more recent?

10:49:43 15 THE WITNESS: The reason I said I can't remember, at this
16 time I had come from my farm and I had - I was down with heavy
17 malaria. Heavy malaria. So when I came, they said someone had
18 come to you. And I asked who? And they said a lawyer. And I
19 just laid down and slept. At the morning they took me from there
10:50:16 20 and brought me to Segbwema until when I met with Mr Lansana along
21 the way. I was coming from Segbwema and he was coming. And he
22 told me that he's being to me for an incident that happened at
23 your house, when he said you are a witness. And he said, All
24 right. I'll come back.

10:50:38 25 JUSTICE DOHERTY: Questions arising from the Court's
26 questions? No.

27 And for purposes of record, I think maybe I'll ask the
28 witness to spell Segbwema. Can you please spell Segbwema for us
29 Mr Combey so that now have the correct spelling.

1 THE INTERPRETER: From the interpreter easy booth.

2 THE WITNESS: S-G-B-W-E-M-A.

3 MR LANSANA: That's not true.

4 THE WITNESS: S-E-G-B-W-E-M-A.

10:51:32 5 JUSTICE DOHERTY: Mr Combey, I thank you for your evidence.

6 Your evidence is now completed. You're at liberty to leave the

7 Court and we wish you a safe journey home. Thank you.

8 THE WITNESS: Thank you.

9 JUSTICE DOHERTY: Please release the witness.

10:52:16 10 And gentlemen, I am uncertain as to whether we should keep
11 going in light of the problem or take a break now. Maybe someone
12 more qualified than me can assess the problem.

13 Mr Gardner, what do you think?

14 MR GARDNER: Well, the only advantage to trying to press
10:52:32 15 ahead or stay around here for five minutes is that if the guy
16 cannot fix the problem we'd know it a lot sooner than we would if
17 we took a break.

18 JUSTICE DOHERTY: That's true. So maybe we press on and
19 hope for the best.

10:52:46 20 Mr Lansana, your next witness, please. And perhaps you can
21 indicate the language so we can ensure there is someone in place.

22 MR LANSANA: Thank you, Your Honour.

23 This witness will be testifying in the English language.
24 Unfortunately, we are having problem with that channel. I don't
10:53:02 25 know. The next witness will be Mr Jinna Kpundeh. He will be
26 testifying in English.

27 THE REGISTRAR: Your Honour, that shouldn't really pose a
28 problem because he will be speaking directly from there and there
29 is no need for interpretation, so.

1 [The witness withdrew]

2 MR LANSANA: Right. I am assured.

3 JUSTICE DOHERTY: Please bring in the witness.

4 [The witness enters court]

10:54:54 5 [Witness sworn]

6 WITNESS: JINNA KPUNDEH

7 EXAMINATION-IN-CHIEF BY MR LANSANA

8 Q. Mr Kpundeh, good morning.

9 A. Good morning.

10:55:13 10 Q. You say your name is Jinna Kpundeh, correct?

11 A. Mr Lansana, for purposes of the record I think it will be
12 very helpful to have Mr Kpundeh spell his name for us.

13 Q. Yes, especially the surname.

14 A. The surname is spelled K-P-U-N-D-E-H, Kpundeh. And the
10:55:40 15 other namely is J-I-N-N-A-H, Jinnah.

16 JUSTICE DOHERTY: Thank you.

17 MR LANSANA:

18 Q. Where do you live, Mr Kpundeh?

19 A. I live in Kailahun, Kailahun township, that is the Kula
10:56:07 20 section.

21 Q. Thank you. And what's your occupation?

22 A. I am a teacher and also a practicing journalist.

23 Q. A teacher at what school?

24 A. Methodist Secondary School, Kailahun.

10:56:23 25 Q. And what kind of journalism do you practice?

26 A. I am a local journalist and also a continuity announcer in
27 one of the local radio stations - Radio Moa FM 105.5, Mount
28 Kenewa, Kailahun.

29 Q. Thank you very much.

1 A. You're welcome, My Lord.

2 Q. Do you know this individual - I'll write his name and I
3 would write a number, letters and number beneath his name, and
4 when you're referring to him you refer to him by those letters
10:57:03 5 and numbers, not by his name. Yes?

6 A. Okay.

7 Q. I thought you keep it in case you forget.

8 A. I will.

9 Q. Thank you. Do you know that individual?

10:57:56 10 A. I know him.

11 Q. But before we get to that, I want you to tell this Court
12 whether you know any Eric Senessie?

13 A. Oh, yes, I know somebody by the name of Eric Koi Senessie.

14 Q. Do you see him in Court this morning?

10:58:17 15 A. I actually see somebody at my right-hand side that
16 resembles him.

17 Q. Resembles him?

18 A. I believe he is the same man.

19 Q. Where do you see him?

10:58:39 20 A. I see him in Kailahun.

21 Q. No, where do you see him now?

22 A. I see him in the Court.

23 Q. Where?

24 A. In the Special Court.

10:58:48 25 Q. Where now? His position in this Court?

26 A. Well, I can see him after -

27 MR GARDNER: Your Honour, I can stipulate to this in the
28 interest of moving along.

29 JUSTICE DOHERTY: I think we know the witness is clear who

1 he is.

2 MR LANSANA: We will take it Your Honour that the accused
3 has identified the defendant. Thank you.

4 Q. Now you say you know Mr Eric Senessie. How do you know
10:59:17 5 him?

6 A. I know Mr Senessie as a preacher in one of the churches.
7 He's a priest. And I also know him as an artist. He draws up
8 people. He produces the portrait of people and other objects.
9 And I also know him as one of the important people in national
10:59:41 10 secondary school Kailahun as a board member in the national
11 secondary school Kailahun; it's the senior school anyway.

12 Q. Thank you very much. Now on the 4th of February, 2011, why
13 were you in the - between the morning and the afternoon of that
14 day?

11:00:10 15 A. On the 4th of February, and that was on Friday, in the
16 morning I was in school, and I just came to buy food in one of
17 the local restaurants, just a short way from the school.

18 Q. And when you say the school, you mean the Methodist
19 Secondary School?

11:00:30 20 A. Methodist Secondary School. That is correct.

21 Q. Thank you.

22 A. Welcome sir.

23 Q. On the day did you happen to see Mr Senessie?

24 A. I did see him when I was sitting.

11:00:42 25 Q. Now can you tell this Court the circumstances of that
26 meeting and precisely what happened when you saw Mr Senessie?

27 A. Right. So I was busy eating when I saw Mr Koi, and I was
28 sitting with TF1-516, and he is my best friend. I usually or
29 usually we do things in common, any school. So I saw him and he

1 was called upon by TF1-516 to enter the booth, and I invited him
2 to eat with us. And he said no, he was okay that morning.

3 Q. Just pause this. When you said you invited him, who do you
4 mean "him"?

11:01:27 5 A. I did invite Mr Senessie to eat with me.

6 Q. Thank you. Continue.

7 A. After I have invited him and he refused eating the food, I
8 saw TF1-516, I saw him holding Mr Koi's hand, and then they went
9 out, and they moved a bit further from where I was eating, and

11:01:57 10 TF1-516 obtained permission from me to continue eating, and I was
11 sitting. I never knew what they discussed. And upon their

12 return back to where I was eating, I only saw them laughing. I
13 saw TF1-516 ask him, Mr Senessie, to give him one of his mobile
14 phones. And then I even came to realise that he used to call him

11:02:26 15 "in-law" you know, and that I don't know who give - if he is
16 calling a woman but used to call him my in-law please you can
17 give me one of these mobile phones, and Mr Senessie refused that.

18 He had two mobile phones, but one was meant for his wife and the
19 other one was meant for him. And if he decides to give him one
11:02:47 20 of these mobile phones, it's like he may be cheating his wife or
21 himself.

22 Q. Thank you. You say that TF1-516 is your friend.

23 A. Indeed.

24 Q. Do you know whether TF1-516 had anything to do with the
11:03:14 25 Special Court for Sierra Leone?

26 A. Oh, yes. More than the word. I do know.

27 Q. When you say "more than the word," what exactly do you
28 mean?

29 A. I know him personally as somebody who was a very prominent

1 man during the war upon my return in Sierra Leone, and I attended
2 school with him just after the war, that was in 2003 in SS-1, up
3 to SS-3, where we sat afterwards. So it's like I know him, the
4 centre where he knows me.

11:03:52 5 Q. When you say he was a prominent man during the war, I want
6 you to tell this Court how - what you mean by prominent.

7 A. He was one of those guys we are responsible for
8 communication, you know working for RUF. That was what he told
9 me when I met him 2003. And before this time also, he has been a
11:04:15 10 friend to me before the war. So prior to our return in the
11 country, and I straight away knew that - and he explained to me
12 the role that he was playing in the war.

13 Q. Thank you very much. In - let's come back to you saying
14 that you knew he had - or more than knew that he had something to
11:04:35 15 do with the special Court for Sierra Leone. Can you give the
16 Court information to your knowledge?

17 A. Yes.

18 Q. [Overlapping speakers]

19 A. Upon my return when the war was declared over, and he being
11:04:51 20 one of those who are level headed during the war, that was 2003,
21 SSS-1 up to SSS-3 where we sat our WASSCE. So it's like I know
22 him, the same way he knows me.

23 Q. When you say he was a prominent man during the war, I want
24 you to tell this Court what you mean by prominent.

25 A. He was one of those guys who are responsible for
26 communication, you know, working for communication, working for
27 RUF. That is what he told me when I met him 2003. And before
28 this time also, he has been a friend to me, before the war. So
29 prior to our returning to the country and I straight away knew -

1 he explained to me the role he was playing in the war.

2 Q. Thank you very much. Let's get back to you saying that you
3 knew, or more than knew, that he had something to do with the
4 Special Court for Sierra Leone. Can you give the Court
5 information to your knowledge regarding that?

6 A. Oh yes. Upon my return when the war was declared over, and
7 he being one of those who we are, been level-headed in the war, I
8 mean people who are reading and writing, and he told me that he
9 was one of those that the Special Court has chosen to go and - I
10 mean, make some proves in the Court in The Hague that

11:05:04

11 Charles Taylor was someone who was helping them there, to go and
12 proof him either right or wrong that he was indeed helping them.

13 Q. You mean that he was going to be a witness at The Hague?

14 A. Definitely.

11:05:21

15 Q. Continue, please?

16 A. And he told me that was what we are going to do. And I can
17 still recall when one time when we are in the school, and I saw a
18 white vehicle, you know, and he told me those are the personnel
19 from this noble court that wanted to obtain information from him.

11:05:45

20 That was what he told me. And after they have spent the rest of
21 the day. The other day when he went to school he did explain to
22 me what had transpired. And that they went asked which had him
23 whether he would be chanced and he would being willing to go to
24 The Hague and testify whether against Charles Taylor, that he was
25 part of those who we are helping them in the war.

11:06:06

26 Q. Thank you. And was it to your knowledge that, in fact, he
27 did leave Kailahun to go to The Hague?

28 A. One day before he left Kailahun, he did inform me that they
29 were coming for him, for him to go to The Hague. And even when

1 they came to Freetown, at the Freetown International Airport,
2 that is Lungi, he did call me that that is his first time to set
3 eyes on one of the biggest planes that is going to take him to
4 The Hague. And when he arrived at Brussels he also called me.

11:06:49 5 And before even he left, if I can take myself back, he is someone
6 who is very proud because he speaks a bit good English. He told
7 us that when he goes there he was going to speak in English. And
8 when he went there, proud to the day he was going to investigator
9 he was going to give his testimony, he did call me that, Kpundeh,
11:07:11 10 tomorrow morning, just listen, by 9.00 to somewhere around 10.00
11 I have to talk and I have to speak in English. And in the
12 morning we did listen and we heard his voice. I myself heard his
13 voice.

14 Q. So he alerted you that he was going to testify?

11:07:30 15 A. He did alert me, yes.

16 Q. And that you were to listen to him speaking the English
17 language?

18 A. Absolutely correct.

19 Q. Thank you very much. Now he has testified before this
11:07:41 20 Court and he has denied calling you when he was at Lungi. He has
21 denied calling you when he was at Brussels, he has denied calling
22 you the day before his testimony, and he's denied calling you on
23 his arrival in Freetown, after he had testified. What's your
24 reaction to that?

11:07:54 25 A. If TF1-516 can stand or sit before this noble Court to deny
26 all what transpired before myself and him, I can say he's not
27 only a liar but a great traitor.

28 JUSTICE DOHERTY: Sorry, I didn't hear the last word Mr -
29 not only a liar but what?

1 THE WITNESS: A great traitor.

2 Q. Now let's come to Eric Senessie and the 4th of February?

3 MR GARDNER: Did he say "great traitor"?

4 JUSTICE DOHERTY: Yes, he did.

11:08:33 5 THE WITNESS: Indeed, My Lord.

6 MR LANSANA:

7 Q. Now let's come to Eric Senessie and the 4th of February,
8 2011. Have you any idea what Mr Senessie went to a Methodist
9 Secondly School Kailahun to do?

11:08:50 10 A. Yes. In our church I am the secretary general for the
11 youths, and I play a very important role. So when Mr Koi went to
12 the school, after they have walked out of me they went and talked
13 a lot when they came. He did ask me and they went to have their
14 lunch when they came. He did ask me that - he went to the school
11:09:10 15 for something and I said what was that? He said that his son was
16 driven on Thursday, that was the 4th, the 3rd rather, that the
17 sone was driven for school fees. And he asked me where he can
18 locate JSS-2 white, and I led him there, because I teach them
19 English language and French. So I led him, and he met the boy
11:09:35 20 and I think the name of the boy will be Ansu Morrie, something
21 like that.

22 Q. [Overlapping speakers]

23 A. Morrie Jusu.

24 Q. Correct. Thank you.

11:09:54 25 MR LANSANA: Your Honour, that will be all for this
26 witness.

27 JUSTICE DOHERTY: Thank you, Mr Lansana.

28 CROSS-EXAMINATION BY MR GARDNER:

29 Q. Mr Kpundeh, do you know what Mr Senessie is charged with in

1 this case?

2 A. I can manage to know, yes.

3 Q. I'm sorry?

4 A. Oh yes. I can try to know.

11:10:23 5 Q. I didn't quite understand what you just said, sir.

6 A. I want you to come for the second time.

7 Q. Are you aware that Mr Senessie is charged with approaching
8 five witnesses who testified in the Charles Taylor case and
9 suggesting that if they would recant their testimony at The Hague

11:10:48 10 they would be paid money. Do you understand that?

11 A. I do.

12 Q. Did you really say that Mr 516 was your best friend?

13 A. He was my best friend, and even up to now he is my best
14 friend. In fact, to prove to this particular noble court he is
11:11:14 15 my best friend, in fact -

16 Q. Now you don't need to prove it. You just need to answer my
17 question yes or no?

18 A. Yes. He is my best friend and up to now he is.

19 Q. Okay. And is he no longer your best friend?

11:11:26 20 A. He is my best friend up to now.

21 Q. Is he your best friend as you sit here today in this
22 courtroom at 11.15 in the morning on June 14, yes or no?

23 A. He is.

24 Q. If you call your best friend a liar and a great traitor,
11:11:48 25 what do you call your enemies?

26 A. Someone will be your enemy if the person does not speak the
27 truth.

28 Q. What do you call your enemies?

29 A. I call someone my enemy when he is not able to speak to

1 truth and he wants to put me in - let me say in problems and then
2 I can call him my enemy.

3 Q. Do you know that Mr Senessie's defence in this case?

4 A. Come again?

11:12:16 5 Q. Are you aware that Mr Senessie's defence in this case is
6 that the witnesses approached him because they wanted to recant
7 their testimony. Are you aware of that?

8 A. No.

9 Q. No? Your good friend Mr Senessie hasn't told you that
11:12:32 10 ever?

11 A. Not yet.

12 Q. You sure? Think hard. Are you sure?

13 A. Yes.

14 Q. Mr 516 was not a popular man in your community because he
11:12:54 15 testified in Charles Taylor, was he?

16 A. Come again, please.

17 Q. Isn't it true that Mr 516 has not been a popular man in
18 your community as a result of his testifying in the
19 Charles Taylor case?

11:13:15 20 A. He has been a popular man.

21 Q. Excuse me?

22 A. He has been a popular man, even after he has testified.

23 Q. So popular that on not one, not two, but three occasions he
24 had to go to the police station to report how people were
11:13:35 25 harassing him because he testified in Charles Taylor. Do you
26 know that?

27 A. I do.

28 Q. You do know that. And in fact, it happened in your school,
29 didn't it?

1 A. That people attacked him because he went to testified.

2 Q. That happened in your school, didn't it?

3 A. That would have been a very different story. Not because
4 he went to testify.

11:13:58 5 Q. Well -

6 JUSTICE DOHERTY: I find that answer rather confusing. Are
7 you saying that, (a) he was attacked in the school; and (b) he
8 was attacked for a different reason?

9 THE WITNESS: The attack that I know that - as an attack -
11:14:19 10 I don't even think it to be an attack. It's not because he went
11 to testify in the Charles Taylor trial but because of his
12 personal behaviour and attitude, somebody who thinks - I think
13 that everything is always correct. I mean, even in the school
14 where we are attending, he is always, very, very, you know - I
11:14:37 15 mean, he's a confusionist. I mean someone who is not brave can -
16 just taking himself to be a bit - a lion for him, you know? So
17 it's not that he went to testify that he has been attacked, but
18 because he does not speak the truth and he just wants to take
19 himself above everybody. That is why he finds it a bit difficult
11:15:02 20 to live among the people.

21 MR GARDNER:

22 Q. And you took sides against your best friend in this
23 situation, didn't you?

24 A. If everybody does -

11:15:12 25 Q. Yes or no?

26 A. No, no, no.

27 Q. Did you take sides against your friend?

28 A. I would never.

29 Q. Excuse me? You would never take sides against your

1 friends?

2 A. I would never.

3 Q. Well what you do you think you are doing in this courtroom
4 today, sir?

11:15:28 5 A. I am speaking the truth, nothing but the truth.

6 Q. Did you call Mr 516 just after the Taylor trial, and did
7 you tell him that you heard in the media that Charles Taylor
8 himself said the school teacher, referring to 516, is a traitor
9 and a liar. Did you call 516 and tell him that?

11:15:57 10 A. Not today.

11 Q. Not today but back after the testimony you did that, didn't
12 you?

13 A. I never called him even.

14 Q. You never what?

11:16:09 15 A. I never called him. I've never attempted to call him about
16 any - what he went for to do in The Hague. I think that is not
17 my problem. It's not my business.

18 Q. Did you ever call 516 or tell 516, whether it's in person
19 or a telephone, did you ever tell him that you heard on the radio
11:16:33 20 that Charles Taylor called 516 a traitor and a liar? Did you
21 ever say that?

22 A. I never said that.

23 Q. Even if you deny saying it, do you know as you sit here
24 whether Charles Taylor ever said that about Mr 516?

11:16:54 25 A. TF1-516 repeatedly has said this to me, that he was sitting
26 and facing Charles Taylor, and Charles Taylor called him: That
27 teacher who came from Sierra Leone who called himself a teacher
28 is not only a liar, but a traitor. And he said this time without
29 number to me.

1 Q. Well you seem to have a lot in common with that man don't
2 you, you both refer to 516 as a traitor?

3 A. Come again?

4 Q. It's all right. Don't you think that it took a lot of
11:17:36 5 courage for 516 to go to The Hague and testify?

6 A. Well -

7 Q. Yes or no.

8 A. No.

9 Q. You don't think it took a lot of courage?

11:17:47 10 A. Absolutely not.

11 MR GARDNER: I have no further questions, Your Honour.

12 JUSTICE DOHERTY: Mr Lansana.

13 MR LANSANA: And I have no re-examination.

14 JUSTICE DOHERTY: I have a few questions.

11:17:57 15 QUESTIONED BY THE COURT:

16 JUSTICE DOHERTY: Now, Mr Kpundeh, you told us that 516
17 phoned you from Lungi airport and said about a big plane and that
18 he phoned you from Brussels and that he phoned you from the
19 Hague. That's three phone calls; is that correct.

11:18:18 20 A. Correct.

21 JUSTICE DOHERTY: What did he use to phone you.

22 A. He used his mobile phone.

23 JUSTICE DOHERTY: And do you, since you know him and he's a
24 good friend, I am sure you know what kind of mobile phone service
11:18:33 25 he uses?

26 A. He was using mobile phone tied to - I think 1600 something
27 like that.

28 JUSTICE DOHERTY: But is it with a Sierra Leone -

29 A. Sierra Leone code when he was at the Lungi airport.

1 JUSTICE DOHERTY: And if it's a Sierra Leone server, how
2 can he phone from Brussels?

3 A. In Sierra Leone he used the Sierra Leone code, and when he
4 was in Brussels he used a foreign number. In fact, I was
11:19:11 5 surprised that morning to have seen such a number in my phone.

6 JUSTICE DOHERTY: Can you remember what the number was?

7 A. I cannot recall now.

8 JUSTICE DOHERTY: So what you're saying is that at Brussels
9 airport he was able to get a foreign phone?

11:19:33 10 A. He did call me, yes.

11 JUSTICE DOHERTY: No, that's not my question. You're
12 saying he called you and you said it was from a phone with a
13 foreign number.

14 A. Correct.

11:19:44 15 JUSTICE DOHERTY: So can I safely infer from what you're
16 telling me that he got a foreign phone at Brussels airport.

17 A. Correct.

18 JUSTICE DOHERTY: Was it the same phone that called you
19 from The Hague?

11:20:01 20 A. You mean the same phone, the same number?

21 JUSTICE DOHERTY: Yes.

22 A. I cannot recall whether it was the same number again he
23 used to call me when he was at The Hague, but it was also a
24 foreign number.

11:20:21 25 JUSTICE DOHERTY: Questions arising, counsel?

26 MR LANSANA: None, Your Honour.

27 MR GARDNER: None, Your Honour.

28 JUSTICE DOHERTY: Okay.

29 Thank you, Mr Kpundeh. That is all of your testimony, and

1 we're grateful for you coming to give that testimony. WVS will
2 assist you to leave the Court now.

3 THE WITNESS: Thank you very much.

4 JUSTICE DOHERTY: Now, Mr Lansana, things seem to be
11:21:12 5 working and we've got a bit of time, so I think we should take
6 advantage of that and listen to your next witness please.

7 MR LANSANA: Yes Your Honour. I think I agree with you.
8 The only problem I have, Your Honour, is that I would have to
9 check with WVS because I told them that I would need the next
11:21:30 10 witness at noon. Yes, I would have to check with them. If he's
11 available, I have no problem or objection to taking him right
12 now.

13 JUSTICE DOHERTY: I will ask Mr Court attendant to assist
14 us by going to check.

11:21:46 15 MR LANSANA: Yes, Your Honour. The Defence calls Musa
16 Si aka Kamara next.

17 JUSTICE DOHERTY: The language, Mr Lansana?

18 MR LANSANA: He will testify in Krio. Mohammed Si aka
19 Kamara.

11:23:15 20 Maybe we should be realistic. How long does it take to
21 come from the office?

22 THE REGISTRAR: Five minutes.

23 JUSTICE DOHERTY: Well, if it's five minutes we'll be up to
24 break time, so maybe the more sensible thing would be to break
11:23:27 25 now and start at 11.55, and then that will allow the witness to
26 be brought down without rushing him off his feet.

27 MR LANSANA: I appreciate that, Your Honour. And I would
28 also endeavour to have all the available witnesses brought so
29 that when once we start -

1 JUSTICE DOHERTY: Very well, that's a - I'll ask -

2 MR LANSANA: They are very, very short witnesses.

3 JUSTICE DOHERTY: I'll ask Mr Court attendant to inform WVS
4 accordi ngl y.

11:23:56 5 MR LANSANA: As it pleases Your Honour.

6 JUSTICE DOHERTY: Please adjourn Court until 11.55.

7 [Break taken at 11.24 a.m.]

8 [Upon resumi ng at 12.10 p.m.]

9 JUSTICE DOHERTY: I'm advised the reason that we are
12:10:32 10 resumi ng late is that the witness had just been brought from up
11 country - I don't know which area - only this morning and was
12 trying to get himself sorted out or herself sorted out, and that
13 you are attempting to interpose another person other than the
14 person named. Is that correct, Mr Lansana?

12:10:53 15 MR LANSANA: Yes, Your Honour, that's correct. In the
16 interest of expedi ti ousness, also I decided we could bring the
17 other ones up whi lst we waited for the other one to refresh
18 himself because he travelled overni ght. Mohammed Si aka Kamara.
19 On the list, Your Honour, he was number 6, but I decided to bring
12:11:22 20 him up to number 4, but we're having di ffi cul ti es wi th hi m. He's
21 having hi s bath and a change of clothes.

22 In the interest of progress, I would have the Defence call
23 Jessi ca Kaday Senessi e.

24 JUSTICE DOHERTY: Very well. I do recall you menti oni ng
12:11:40 25 thi s l ady. What language wi ll the witness speak?

26 MR LANSANA: Ei ther Kri o or Mende. I understand that the
27 new interpreter is getting some orientati on, and in that vein I
28 would have Jessi ca Kaday Senessi e testi fy in Kri o.

29 JUSTICE DOHERTY: Provi ded, of course, she is comfortabl e

1 with that. That's an important --

2 MR LANSANA: I would establish that first, Your Honour.

3 JUSTICE DOHERTY: Yes. Please bring in the witness, and
4 then we will ensure that she is comfortable with that language.

12:12:16 5 MR LANSANA: Certainly, Your Honour.

6 [The witness enters court]

7 THE INTERPRETER: Can we first ascertain the language,
8 please.

9 JUSTICE DOHERTY: Mr Court attendant, the interpreter needs
12:13:22 10 to know what language in order to swear in the witness.

11 MR LANSANA: Good morning, Jessica. The Court wants to
12 know which of the two languages you prefer, Krio or Mende?

13 THE WITNESS: Krio.

14 JUSTICE DOHERTY: Yes. You heard, Mr Interpreter.

12:13:45 15 Very well. Please swear in the witness in Krio.

16 JESSICA KADAY SENESSIE, ON OATH

17 EXAMINATION IN CHIEF BY MR LANSANA:

18 Q. Jessica.

19 A. Sir.

12:15:32 20 Q. What is your full name?

21 A. Jessica Kaday Senessie.

22 Q. Where do you live?

23 A. Kai lahun.

24 THE INTERPRETER: Your Honour, can she repeat the section,
12:15:57 25 please?

26 JUSTICE DOHERTY: Please, Madam witness, tell us the
27 section again. The interpreter needs to hear you, so you should
28 speak a little louder.

29 THE WITNESS: Kebawana section, Kai lahun.

1 MR LANSANA: Your Honour, I think I will help you with
2 that. K-E-B-A-W-A-N-A, Kebawana.

3 JUSTICE DOHERTY: Thank you, Mr Lansana. Please proceed.

4 MR LANSANA: Thank you, Your Honour.

12:16:30 5 Q. How long have you been in Kailahun, Jessica?

6 A. It's been long. Since the end of the war I've been there.
7 I have been there - I was there when the war ended.

8 Q. [Overlapping speakers] You know Mr Eric Senessie?

9 A. Yes, sir.

12:17:06 10 Q. How do you know Mr Senessie?

11 A. Well, Mr Senessie is my biological father. He's my dad.

12 Q. Thank you. And where you stay in Kailahun? Who do you
13 stay with in Kailahun?

14 A. I was first staying with my dad, but now I built a
12:17:52 15 structure close to the same compound. That's where I'm staying
16 now.

17 Q. Thank you. You seem to be doing well. Now, you see
18 Mr Senessie in our Court today?

19 A. Yes.

12:18:07 20 THE INTERPRETER: Your Honour, it seems there is no need
21 for interpretation, as learned counsel is speaking Krio.

22 JUSTICE DOHERTY: Mr Lansana, the interpreter has noted, as
23 I have, that you're asking the questions in Krio. So they really
24 should go through the interpreter. Automatic pilot, Mr Lansana.

12:18:32 25 MR LANSANA: I don't know what's happening to me. It must
26 be trial fatigue.

27 Your Honour, the witness has identified the defendant.

28 Thank you, Your Honour.

29 JUSTICE DOHERTY: Thank you.

1 MR LANSANA: Thank you, Your Honour.

2 Q. Now, I am going to write a name here and some letters and
3 some figures underneath, and I would want you to refrain from
4 calling out that name, because she's a protected witness.

12:19:05 5 Whenever you want to refer to her, you refer to her by the
6 letters and figures below her name. I'm sending that now to you.
7 Do you understand?

8 A. Yes, sir. Okay.

9 Q. Now, do you know that individual?

12:19:55 10 A. Well, yes, sir. I know --

11 THE INTERPRETER: Is the individual male or female?

12 MR LANSANA:

13 Q. That person --

14 JUSTICE DOHERTY: Madam Witness, is the person whose name
12:20:08 15 is written down there, is that a lady or a gentleman?

16 THE WITNESS: Woman. I know her very well.

17 MR LANSANA:

18 Q. Thank you very much. Now can you tell this Court how you
19 know that lady?

12:20:32 20 A. Yes, sir.

21 Q. Please go ahead.

22 A. This woman who is 585, I've known her for a long time now.
23 During the war we all used to see. And I just do not know her
24 because we were in the same movement, but this woman is my

12:21:01 25 sister. She is my sister from the same village. She's even more
26 than a cousin. Because I am close to this woman I usually go to
27 them, and even my dad introduced this woman to me as my sister.
28 She is my dad's niece. She calls my dad "uncle" and I call her
29 mother, [redacted], aunt. So I know her entire family, her

1 sisters, her brothers, her dad, everyone. Because even in
2 Kailahun we live very close. Her younger sister, who is
3 [redacted].

4 JUSTICE DOHERTY: That name will be redacted.

12:22:06 5 MR LANSANA: Yes, your Honour.

6 Q. Don't refer to that sister by name, because that will be
7 exposing witness 585; correct?

8 A. Okay. So her sister, during that time she was not there,
9 but she was there with us. So in --

12:22:33 10 THE INTERPRETER: Your Honour --

11 JUSTICE DOHERTY: I'm a little confused, Madam Witness.
12 You said, "During that time she was not there, she was with us."
13 What does that mean?

14 THE WITNESS: Her sister that does my hair, I'm referring -
12:22:53 15 she's the one I'm referring to. In 2097 [sic] she came, her
16 younger sister. She had been with us. We had all been together.
17 Through the beginning of the war we were together and we were
18 moving together, and sometimes we would leave each other and go
19 away. In short, I really know this woman. I know her. Even up
12:23:20 20 to the time when the war was ending, she decided to go to
21 Liberia. After that she returned, and when she returned, even at
22 the time that she went, I was finding out about her from her
23 sister, asking her where she'd been. I would ask them, Where is
24 my sister? Because we would call each other sister.

12:23:52 25 MR LANSANA:

26 Q. Can you please help us out with timelines here? You are
27 talking about 585 going to Liberia. Can you recall the time she
28 came back from Liberia?

29 A. Yes.

1 Q. Please tell the Court.

2 A. It was from 2004 to 2005.

3 Q. Thank you. Now proceed with what happened when 585 came
4 from Liberia.

12:24:25 5 A. So when she came, she had deteriorated. That's the best
6 way I can describe her. She met me as a sister, and we were all
7 moving together. Even at one time we had a program because at
8 Easter and Boxing Day we usually have our things. I even took
9 her out - we even went on an outing so that she could feel lively
10 her. We went to that outing, and we took a snapshot.

11 Q. Now, can you please hold it there. When you say you went
12 to an outing and you had a snapshot --

13 MR LANSANA: Your Honour, I just want the witness to be
14 shown Defence Exhibit D1 for identification.

12:25:15 15 JUSTICE DOHERTY: Mr Court attendant, have you got that?

16 MR LANSANA: It was tendered as D1.

17 JUSTICE DOHERTY: Yes, I recall that.

18 MR LANSANA: Yes, Your Honour.

19 MR GARDNER: I think it's in evidence, not just for
12:25:27 20 identification.

21 JUSTICE DOHERTY: Yes, it is in evidence indeed.

22 MR LANSANA: Yes, Your Honour. I said I want the witness
23 to identify it as being the photo that she is familiar with.
24 Thank you.

12:26:14 25 Q. Madam witness, you are familiar with that --

26 A. Yes.

27 Q. -- photo?

28 A. Yes.

29 Q. When you refer to a snapshot, is that the snapshot you are

1 referring to?

2 A. Yes, sir.

3 Q. Thank you very much. And you said it was at a beach. Can
4 you recall the name of that beach?

12:26:33 5 A. Yes, Baylu beach, just 2 miles away from Kailahun.

6 Although we have two beaches, but it was at that particular beach
7 that we took that picture, Baylu beach.

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

9 A. So after we had taken that snapshot, she was in Kailahun
12:27:02 10 for a while. She became pregnant. She gave birth to a baby boy.

11 Can I name the name of the baby boy?

12 JUSTICE DOHERTY: I think we should not name the --

13 MR LANSANA: Exactly.

14 JUSTICE DOHERTY: Actually, I'm beginning to wonder the
12:27:20 15 relevance of this history. I think we've determined that the
16 witness knows TF1-585 quite well, so I don't think we require any
17 more history.

18 MR LANSANA: Yes, Your Honour. I share that view. It
19 would be a surplusage.

12:27:41 20 Q. Madam Kaday Senessie, is it to your knowledge Witness 585
21 had anything to do with the Special Court? Is that to your
22 knowledge?

23 A. Yes.

24 Q. What do you know about Witness 585 and the Special Court
12:28:07 25 for Sierra Leone? Please tell the Court.

26 A. Well, after Witness 585 had left us and came to town,
27 because at the time she had given birth --

28 THE INTERPRETER: Your Honour, the witness is not clear in
29 her answer. Can she take it slowly again.

1 JUSTICE DOHERTY: Madam --

2 MR LANSANA:

3 Q. Kaday, I will just ask you to push a little closer to the
4 mic and speak a little louder.

12:28:48 5 JUSTICE DOHERTY: And the interpreter doesn't clearly
6 understand some of the things you are saying. So if you speak
7 slowly and close to the microphone, I think that will make it
8 easier for him. Continue, please. You said she had come to
9 town.

12:29:06 10 THE WITNESS: She left us in Kailahun and came to town.
11 She said her husband had told her to come to town to him. So
12 after a while I was asking her sister about her, and she usually
13 told me that she was in town.

14 MR LANSANA:

12:29:24 15 Q. Excuse me. When you say "town," what do you mean by
16 "town"?

17 A. Freetown City.

18 Q. Please continue.

19 A. So my younger brother lost his life, and during that time
12:29:42 20 all of them - all of us were gathered together as a family at the
21 funeral. Then I saw her mother arrived crying. She said, Kaday,
22 Witness 585 just called and said she wanted to talk to you and
23 that she had told her about our brother's demise. So I took the
24 phone. She cried on the phone. She sympathised with me and
12:30:14 25 inquired about how my brother had lost his life, and from there
26 my brother took the phone to my dad, that is, Mr Eric
27 Koi Senessie. They also spoke. From there she came back - I
28 mean, from there her mother went back. We were at this ceremony.
29 After some time --

1 JUSTICE DOHERTY: Madam witness, the question was about 585
2 and the Special Court, but you're telling us about an incident
3 involving the sad loss of your brother. Where does the
4 Special Court fit into this?

12:31:00 5 THE WITNESS: I am coming to it, where the Special Court
6 comes in. That's where I'm coming.

7 So after some time she called - after the time that she
8 called her mother, she came back from Freetown to Kailahun. At
9 the time that she came, she herself came to the house and spoke
10 with us. She sympathised with us. She met all of us, most of
11 the family. She cried and she sat down. She greeted those who
12 were in the kitchen. At the time I was sitting down on the
13 veranda. She came there and we sat down, and she inquired
14 about --

12:31:53 15 JUSTICE DOHERTY: Madam Witness, please get to the answer
16 to the question. What was her association with the
17 Special Court?

18 THE WITNESS: Okay. So it was at that time that my dad
19 asked her, he said, You've been out of here for a long time.
12:32:12 20 I've not been seeing you. Where have you been? Then she said,
21 Uncle, we went to that place. We were fortunate to go to that
22 place in The Hague to testify for Charles Taylor's trial.

23 It was during that time that I knew that she went - that
24 she was with the Special Court, that they went, because she
12:32:45 25 herself said so.

26 MR LANSANA:

27 Q. Thank you very much. Now let me ask you: In February of
28 2011, did 585 visit your house?

29 A. Yes.

1 Q. Please tell the Court in what circumstance that was?

2 A. Well, she went to our house. She first went but did not
3 find my father there. She met me there. She inquired after my
4 dad. Then I said my dad had gone out, and the following day she
12:33:27 5 came and she found my dad and she greeted him and told him,
6 Uncle, I have come to you. I want you to help me with a number
7 which - the man's name is Prince Taylor. She said, I want you to
8 help me with his number. I want to talk to him.

9 Then Papa started thinking. Then he said, This man, it's
12:34:04 10 been long since they last came here. It's been long. I don't
11 know. But let me go and check inside. Maybe I'll see - they
12 gave me - when he was going, he gave me a complimentary card.
13 Let me go and search for it. Then he went in.

14 After some time, I was sitting down with other people.

12:34:26 15 Then he came out with a card, that is, my dad. He came out with
16 a card and gave it to - and gave it to Witness 585. Then he
17 said - then she said, Uncle, I want you to help me with a phone
18 so that I can talk to this man. Then my dad asked her, Don't you
19 have a phone? Then she said, No, I don't have a phone. I don't
12:34:55 20 have a phone. Then my dad gave her the phone and she made the
21 call. She dialed a number. She moved away a little from us and
22 she started calling a name. She was struggling to identify
23 herself to the individual that she was calling. The man's number
24 that she had dialed, Prince Taylor, she was trying to identify
12:35:24 25 herself. She called her name and I heard her say TF1, then with
26 the 85-something. I do not recall the number. I do not know
27 whether it's the same number that she is carrying here that I
28 should call. But she called that name, and from there I went
29 inside.

1 But when the Pa gave her the card, he left us on the
2 veranda and went inside. From there she went outside, but not
3 too far away. So I left her there and entered the room. When I
4 came back - by the time I - when I came back outside, I wouldn't
12:36:09 5 say what exactly she said.

6 Q. Thank you very much.

7 MR LANSANA: Your Honour, that will be all for this
8 witness.

9 JUSTICE DOHERTY: Thank you, Mr Lansana.

12:36:20 10 Cross-examination, Mr Gardner?

11 MR GARDNER: I don't have anything, Your Honour.

12 JUSTICE DOHERTY: Thank you.

13 Ms Senessie, that is the end of the your evidence. I thank
14 you for your evidence, and you are now free to leave the Court.
12:36:38 15 Someone from WVS will help you out. Have a safe journey home.

16 [The witness withdrew]

17 [Chamber and legal officer confer]

18 JUSTICE DOHERTY: Mr Lansana, I'm just dealing with the
19 redaction order, but please call your next witness. That should
12:38:03 20 not delay matters.

21 MR LANSANA: Very well, Your Honour. I will do exactly
22 that.

23 Your Honour, the Defence calls Fick Senessie.

24 [The witness enters court]

12:39:07 25 JUSTICE DOHERTY: Just a minute now. What age is this
26 child?

27 Just a minute, Mr Court officer.

28 What age is the child?

29 MR LANSANA: He's 12, going 13.

1 JUSTICE DOHERTY: He looks younger than that to me. Are
2 you sure?

3 MR LANSANA: Yes, yes.

4 JUSTICE DOHERTY: I am not convinced he's --

12:39:40 5 MR LANSANA: Maybe you want to hear it from the horse's
6 mouth.

7 JUSTICE DOHERTY: Yes.

8 Now, Fick, can you hear my voice? Can you hear the
9 interpreter speaking to you?

12:39:55 10 THE WITNESS: Yes.

11 JUSTICE DOHERTY: Tell me what age are you?

12 THE WITNESS: Thirteen.

13 JUSTICE DOHERTY: What year were you born?

14 THE WITNESS: 2001.

12:40:11 15 JUSTICE DOHERTY: What month?

16 THE WITNESS: 2000.

17 JUSTICE DOHERTY: No, don't start contradicting yourself.

18 What month were you born?

19 THE WITNESS: I don't know the year.

12:40:43 20 JUSTICE DOHERTY: Well, if it was 2001, that makes you
21 about 11. Maybe not even 11; maybe only 10.

22 So the question arises, Counsel, if this child is old
23 enough to be sworn. I don't think he's - I am not even punting
24 that he's 10.

12:41:06 25 Does either counsel wish to make a comment on this?

26 MR LANSANA: Yes, Your Honour, certainly.

27 JUSTICE DOHERTY: Okay.

28 MR LANSANA: The instructions as to age came not only from
29 the father, but from him himself when I personally interviewed

1 him. But that notwithstanding, but if the Court is of the view
2 that he's not old enough to make a sworn statement, I have no
3 aversion to that.

12:41:38 4 JUSTICE DOHERTY: Mr Gardner, have you got any comment on
5 that?

6 MR GARDNER: Well, you know, far be it from me to interfere
7 with the defendant's case, but it seems to me that the testimony
8 as outlined in the pre-trial submission is so tangential and so
9 relatively insignificant, I don't see why we need to go through
12:41:59 10 this. But --

11 JUSTICE DOHERTY: I am going to - obviously I am not going
12 to pre-determine the evidence.

13 Now, Fick, I want you to listen to me very carefully. Your
14 dad says that you're an intelligent boy, and I've no doubt that
12:42:26 15 you are a very intelligent boy. But do you know where you are?

16 THE WITNESS: Yes.

17 JUSTICE DOHERTY: Where you now?

18 THE WITNESS: I'm in Kailahun.

19 JUSTICE DOHERTY: No, you got that wrong. You're in
12:42:38 20 Freetown.

21 Do you know what this --

22 MR LANSANA: Your Honour, maybe the interpreters will have
23 to be a little careful how they put their interpretation to him.
24 Maybe they just asked him "usai u dae?" That is "Where do you
12:42:58 25 stay?" in Krio.

26 JUSTICE DOHERTY: True.

27 Mr Interpreter, ask him does he know where he is now this
28 minute?

29 THE WITNESS: Yes.

1 JUSTICE DOHERTY: Where are you?

2 THE WITNESS: I am in Freetown.

3 JUSTICE DOHERTY: And what this place?

4 THE WITNESS: It's a court.

12:43:18 5 JUSTICE DOHERTY: And do you know what a "court" means?

6 THE WITNESS: Yes.

7 JUSTICE DOHERTY: And do you know that when you're in a
8 court, you have to tell the truth?

9 THE WITNESS: Yes.

12:43:39 10 JUSTICE DOHERTY: And do you know what it means to promise
11 to tell the truth?

12 THE WITNESS: I did not hear that.

13 MR LANSANA: Your Honour, I do not know - sorry for cutting
14 in on you. I had listed this witness for Mende, but I don't know
12:44:04 15 this - they are talking Krio to him now. He had preferred Mende.

16 JUSTICE DOHERTY: Well, he is entitled to the language he
17 is best able to speak in, and that is a very important aspect.

18 All right, Mr Interpreter, is there a Mende interpreter in
19 place?

12:44:21 20 THE INTERPRETER: Yes, there is one. And we had no prior
21 notice that this witness was going to speak Mende.

22 JUSTICE DOHERTY: Oh, I see. You were not informed.
23 That's a problem. In that case, Mr Interpreter, can you ask the
24 Mende interpreter.

12:44:35 25 THE INTERPRETER: I just need a moment to bring a Mende
26 interpreter to the microphone.

27 JUSTICE DOHERTY: Very well. Please inform me when he is
28 available or she is available. [Microphone not activated].

29 MR GARDNER: And unless I failed to understand one of the

1 prior problems, perhaps the Mende interpreter couldn't get too
2 close to the mic.

3 JUSTICE DOHERTY: Are we ready to go? Good.

4 Now I want the interpreter to ask the young lad, does he
12:46:13 5 understand what it means to be in a court?

6 THE WITNESS: Yes.

7 JUSTICE DOHERTY: What does it mean if you don't tell the
8 truth in a court?

9 THE WITNESS: Yes.

12:46:58 10 JUSTICE DOHERTY: "Yes" what? What happens to you if you
11 do not tell the truth in a court; do you know that?

12 THE WITNESS: Yes. You'll get mad.

13 JUSTICE DOHERTY: I see. And do you know what it means to
14 promise - I'll withdraw that question. I'll start - you go to
12:47:37 15 church, too?

16 THE WITNESS: Yes.

17 JUSTICE DOHERTY: And do you know what it means if you make
18 a promise in church?

19 THE WITNESS: No.

12:47:54 20 JUSTICE DOHERTY: I am of the view that the witness is too
21 young to be sworn, and I am therefore going to direct that
22 instead of being sworn, he will have to promise to tell the
23 truth, and I'll just formulate - we don't have any provision in
24 our rules for affirming a child.

12:48:28 25 Fick, you're here in a court today.

26 THE WITNESS: Yes.

27 JUSTICE DOHERTY: You're going to tell us about something
28 that happened. I want you to understand that you must tell the
29 true story of what happened. Did you hear me?

1 THE WITNESS: Yes.

2 JUSTICE DOHERTY: If you answer any - if you're asked any
3 questions, you must answer them truthfully; do you understand?

4 THE WITNESS: Yes.

12:49:05 5 JUSTICE DOHERTY: And you're quite right: If you do not
6 tell the truth, that is a very wrong thing and people will get
7 very cross. I am not so sure that "mad" is what I would say --

8 THE WITNESS: Yes.

9 JUSTICE DOHERTY: But it would be a very wrong thing to do.
12:49:26 10 So do you understand what I am telling you?

11 THE WITNESS: Yes.

12 JUSTICE DOHERTY: Very well. I rule that the witness
13 too young to be sworn, but I believe that he understands the
14 implications of telling the truth in a court, and we will proceed
12:49:42 15 with his evidence.

16 Now, is he comfortable there? Are you comfortable?

17 THE WITNESS: Yes.

18 JUSTICE DOHERTY: Good.

19 Proceed, Mr Lansana.

12:49:56 20 MR LANSANA: Very well, Your Honour.

21 MOHAMED SIAKA KAMARA, UNSWORN

22 EXAMINATION-IN-CHIEF BY MR LANSANA:

23 Q. Now, Fick Senessie, good afternoon.

24 A. Good afternoon.

12:50:14 25 Q. Are you going to school?

26 A. Yes.

27 Q. Which school do you attend?

28 A. Methodist Primary School.

29 Q. Methodist Primary School where?

1 A. Kailahun.

2 Q. What class are you in?

3 A. Class 5.

4 Q. Who is your teacher?

12:50:47 5 A. His name? His name is Mr Sande.

6 Q. Thank you. Do you know Mr Eric Senessie?

7 A. Yes.

8 Q. Who is Mr Senessie to you?

9 A. He's my father.

12:51:13 10 Q. In Kailahun, with whom do you live?

11 A. To my father.

12 Q. Do you know a certain Mr Aruna Gbonda?

13 A. Yes.

14 Q. How do you know Mr Aruna Gbonda?

12:51:43 15 A. He came to my father.

16 Q. And when he came to your father, do you recall the time,
17 the date, the month, or the year; can you recall that?

18 A. I don't know the time now.

19 Q. Now, you say he came to your father. When he came to your
12:52:16 20 father, tell the Court what happened.

21 A. When he came to my father, he came twice. At the first
22 time that he came, he didn't meet my father. The following day
23 he came again and he didn't find my father. And he used to ask
24 me about my father, and I would tell him that my father has gone
12:52:42 25 out. The following day he came again and asked me about my
26 father, and I told him again that my father has gone out. Then
27 he asked me for my father's phone number.

28 Q. Okay. So one after the other, after the other. When you
29 go on and on, they are writing. So slowly, slowly; yeah? Now,

1 you say he came to your twice and you told him your father was
2 out. Continue from there.

3 A. When he came, he asked me for my father's phone number.
4 Then I - he asked me for my father's phone number. Then I said,
12:53:15 5 Yes. At first he said I should give him the Africell, then he
6 asked me again for the Airtel, then I said yes and I gave it to
7 him: 076522322. The Africell is 077742891.

8 Q. Thank you. And you gave him the Africell number first and
9 he preferred the Airtel number, not so?

12:53:47 10 A. Yes.

11 Q. And when you gave him the Airtel number, what happened?

12 A. He asked if my father had sent - he asked my father if he
13 had sent a document to Prince Taylor.

14 Q. Now, Fick, you said he came and he did not meet your
12:54:08 15 father, correct?

16 A. Yes.

17 Q. Now, you say he asked your father. Did he speak directly
18 to your father? Tell the Court what happened.

19 A. When he came, he asked my father - he inquired about my
12:54:28 20 father, and I'd said my father had gone out.

21 Q. Yes, I know. You gave him the number - the telephone
22 number. You say he spoke to your father, but your father was not
23 at home, not so?

24 A. Yes.

12:54:44 25 Q. How did he speak with your father?

26 A. He asked me for my father's phone number and I gave it to
27 him. Then he called my father.

28 Q. Thank you. How did he call? You mean he called through
29 his phone, correct?

1 A. He called my father on his own phone.

2 Q. Thank you very much.

3 Now, that Aruna Gbonda, he has come before this Court and
4 informed the Court that he had never gone to your father's house.

12:55:25 5 What's your reaction to that?

6 A. I've not understood properly.

7 Q. Aruna Gbonda has spoken in this Court, and when he spoke to
8 this Court he informed the Court that he has never gone to your
9 house; is that correct?

12:55:56 10 A. He went to the house.

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

12 JUSTICE DOHERTY: Thank you, Mr Lansana.

13 Mr Gardner.

14 MR GARDNER: I have nothing, Your Honour.

12:56:17 15 JUSTICE DOHERTY: Tell me, Fick, what does Mr Aruna Gbonda
16 look like?

17 THE WITNESS: Yes. He's short and he's black in
18 complexion.

19 JUSTICE DOHERTY: Anything else?

12:56:46 20 THE WITNESS: He's got grey hair. He's an elderly man.

21 JUSTICE DOHERTY: Thank you.

22 Questions arising?

23 MR LANSANA: None, Your Honour.

24 JUSTICE DOHERTY: Thank you, Fick. That's all of your
12:57:15 25 evidence. That's all the story we will hear.

26 The gentleman from WVS will help you to leave the Court
27 now.

28 THE WITNESS: Okay.

29 [The witness withdrew]

1 JUSTICE DOHERTY: Mr Lansana, another witness? We did ask
2 that they all come down.

3 MR LANSANA: Yes, Your Honour. I seem to have second
4 thoughts about the initial position. May I consult with my
12:58:13 5 client?

6 JUSTICE DOHERTY: Yes. Do you wish to consult in private?

7 MR LANSANA: No.

8 JUSTICE DOHERTY: Very well.

9 [Defence consults accused]

12:59:12 10 MR LANSANA: Your Honour, it pleases me to inform the Court
11 that my client is on the same wavelength with me regarding
12 calling the witness Josephine Sheku, precisely because of the
13 fact that the evidence that her testimony her evidence seeks to
14 establish, the Defence is already satisfied with and we think it
12:59:49 15 would be a waste of time to have her testify. And if we need
16 anything at all in this Court, right now, it's time.

17 In that regard, Your Honour, if WVS is ready with Mohammed
18 Siaka Kamara, I would --

19 JUSTICE DOHERTY: It's number 3 on your list.

13:00:09 20 MR LANSANA: Yes. Yes, Your Honour.

21 JUSTICE DOHERTY: I would ask Mr Court Attendant to check
22 for us.

23 I'm advised by Mr Court Attendant that the witness is here,
24 and I would therefore ask that he be brought in.

13:01:00 25 MR LANSANA: Very well, Your Honour.

26 [The witness enters court]

27 JUSTICE DOHERTY: Mr Lansana, what language will the
28 witness give his evidence in?

29 MR LANSANA: I think it's Krio, but I don't know whether he

1 would agree with me. It's his choice.

2 JUSTICE DOHERTY: Mr Witness, what language would you like
3 to speak in?

4 THE WITNESS: I will speak Krio.

13:02:53 5 MR LANSANA: But Mr Witness, if you are comfortable in
6 Mende, fine. Perfect. We have a Mende interpreter.

7 THE WITNESS: Okay. Fine. But I believe I will be fine in
8 Krio. I will be more comfortable in Krio.

9 JUSTICE DOHERTY: Very good.

13:03:24 10 MOHAMED SIAKA KAMARA, SWORN.

11 EXAMINATION-IN-CHIEF BY MR LANSANA:

12 Q. Now, you've informed the Court that you're Mohammed Si aka
13 Kamara, correct?

14 A. Yes, I am Mohamed Si aka Kamara.

13:04:07 15 Q. Please tell the Court where you live?

16 A. Currently I'm living in Kailahun in the Kebawana section.

17 MR LANSANA: Your Honour, that comes again, Kebawana, same
18 spelling like I gave the Court.

19 JUSTICE DOHERTY: Thank you, Mr Lansana.

13:04:34 20 MR LANSANA:

21 Q. Now, tell the Court what you do for a living.

22 A. Well, I was a student. I finished my schooling and I just
23 graduated. And luckily for me, I secured a job that I am doing
24 with NEC. It's just a short-term job that I secured. That's
13:04:57 25 where I am getting my living.

26 Q. Thank you very much. Do you know Eric Senessie?

27 MR GARDNER: Your Honour, what does "NEC" mean?

28 JUSTICE DOHERTY: The organisation called NEC that the
29 witness mentioned.

1 MR LANSANA:

2 Q. Please tell the Court what "NEC" means?

3 A. National Electoral Commission.

4 Q. Thank you very much. Now, I did ask you whether you know
13:05:37 5 Eric Senessie.

6 A. Yes. I know Mr Eric Koi Senessie. I've known him for
7 quite a long time. That was in 2002, if my memory serves me
8 well. Before this time, I used to work for Medecines Sans
9 Frontieres, where I was working as an administrative logistics
13:06:08 10 officer, where I was fortunate to be sent to Kailahun to work
11 there. It was at that time that I knew Mr Eric, because he was
12 giving us a helping hand to establish our work by then because it
13 was a relief programme - an emergency programme that we were
14 taking to the people who were beyond the boundary. It was at
13:06:33 15 that time that I knew Mr Eric.

16 Q. Thank you very much. Now I'm going to give a piece of
17 paper, because you - in your testimony you might be tempted to
18 call these names. But we inform you that they are protected, and
19 you can only refer to them by the letters and the figures below
13:07:12 20 their names. So you keep it there, and whenever you want to
21 refer to them by name, please caution yourself and call them by
22 the numbers and letters under their names. Two names.

23 A. Okay.

24 Q. Now first of all, let me ask you: Do you know those two
13:07:29 25 people?

26 A. Yes. I know TF1-585 and I know TF1-274. I know both of
27 them.

28 Q. Thank you very much. For a start, let's start with
29 TF1-585. You say you know her. How do you know her?

1 A. TF1-585 is a young woman and I am a young man. When I went
2 to Kailahun, half - I used to come across her family because we
3 were doing an emergency relief work for Medecines Sans
4 Frontieres. So I came to know this family. And later I came to
13:08:42 5 know TF1-585. I knew her better as a young and energetic lady in
6 town, because by then in competition in Kailahun in terms of
7 young men and young woman, it was good to see such people of that
8 age.

9 TF1-274, I came to know him when I was doing some work with
13:09:10 10 Talking Drum Studio. At that time they built a radio station.
11 After MSF had folded up, they built a radio station and I was
12 fortunate to become one of the staff members at the radio
13 station. So this TF1-274 was always visiting the radio station.
14 It was at that time that I came to know him, because he used to
13:09:36 15 come for training and other things with us at the radio station.

16 Then I also - I've also known him now because he's working
17 in the community. I've known him now in - on one or two
18 occasions I have met him and we've been talking. We've met at
19 the bar, which is a small --

13:10:13 20 Q. Mr Witness, I'm sorry, my mistake. Can I have that paper
21 back. I want to add another name. You might be tempted to call
22 that name now that you are talking about a bar.

23 If you are saying anything and you want to mention that
24 third name, call him by the letters and numbers under his name.

13:11:11 25 Yeah? Now --

26 A. Okay.

27 Q. You've mentioned TF1-585. You know TF1-585. You know
28 TF1-274. Do you know the third person?

29 A. Yes. He, too, is a young man, and he is teaching at one

1 secondary school in Kailahun. He is a very bogus man and
2 outspoken. He talks. Sometimes we meet at football matches and
3 other things. We normally meet at pubs.

13:11:59 4 Q. Now, if I could risk this: When you say he is a bogus man,
5 what do you mean?

6 A. He is a man who is outspoken. That's what I mean, really.
7 He talks frankly. He's not afraid to talk. That's how I know
8 him.

9 Q. Very outspoken. Okay. I take you there. Now let's go
13:12:19 10 back to TF1-585. What, in your knowledge, is the relationship,
11 if any, between TF1-558 and Eric Senessie?

12 A. Before this time, I have come to know that TF1-585 is a
13 relative to Mr Eric Koi Senessie. At one time when Mr Eric Koi
14 Senessie lost his child, I was at the house together with some
13:13:07 15 other people, and I was present when this woman came to
16 sympathise with them. She was really crying. And at one time
17 Mr Eric Koi Senessie headed a wedding, which was TF1-585's
18 sister's wedding. He was the family leader for that wedding. So
19 I came to know that they were family.

13:13:34 20 Q. Thank you very much. Now in February of 2011, where were
21 you?

22 A. In February 2011, I was in Kailahun.

23 Q. Now whilst you were in Kailahun in February 2011, did
24 witness TF1-585 visit Eric Senessie?

13:14:05 25 A. Yes. I can still remember sometime in February this
26 woman - in fact, before February. That was in May 2010 she
27 visited, but sometime in February, I can still remember that this
28 TF1-585 visited the house, and I was fortunate to be present with
29 Mr Eric Koi Senessie.

1 Q. Now tell this Court exactly what happened when TF1-585
2 visited Eric Senessie's?

3 A. She went to his house. I can't remember the very day, but
4 it was sometime in February when she first went it. At that time
13:14:55 5 I was at the house too. I was doing some cleaning around Mr Eric
6 Koi Senessie's place. This woman went and asked for Mr Koi
7 Senessie, but he was not in. He went again the following day.

8 Just after that day, the following day, she went again, and
9 fortunately for her, she met Mr Eric Koi Senessie. I can still
13:15:20 10 remember that she asked Mr Eric Koi Senessie for a phone number,
11 and Mr Eric Koi Senessie went into his house and brought a small
12 card which I can remember he gave to her and told her that the
13 number you are asking me for is on that card. He gave it to her.

14 Then after she had looked at it, she said, Uncle, I've
13:15:49 15 forgotten my phone at home. Let me use your phone to make a
16 call. She put a call through, but after she made the call - I
17 don't know. Mr Eric Koi Senessie entered inside, but I was just
18 a yard away from her when she was making this conversation on the
19 phone. I heard her saying, I, too, want to join that team to
13:16:14 20 write that letter, and I really want my - my letter to go to
21 those people. I can still remember what she said.

22 Q. [Overlapping speakers]

23 A. I did not know who she was talking to.

24 Q. Please pause there for a while. You are saying that
13:16:40 25 TF1-585 was speaking into a phone to a person you cannot
26 remember, correct? And what you're saying - and what you're
27 saying is that that was what she said in the phone, correct?

28 A. I heard her saying that on the phone. I heard. Because it
29 was not like a fine distance away from me where she was saying

1 this - that.

2 Q. Thank you very much. Now before I give you the third name
3 on that list before you, you were talking about an occasion where
4 you met TF1-274 and somebody else at a bar. Can you please go
13:17:28 5 back on that and tell this Court what you wanted to say?

6 A. Yes. In fact, it was TF1-516 who was talking at the bar.
7 Later, TF1-274 came in. TF1-516 was saying that he had been to
8 The Hague -

9 Q. [Overlapping speakers] before you go there. Please tell us
13:17:54 10 the name of the bar and the location.

11 A. It's a small pub located at the - located in the centre of
12 Kailahun. They call the place - it's to Pa Gin. They call the
13 place Baghdad. That's the name of the bar. The owner of the bar
14 is Pa Gin. He owns the bar, but it's just adjacent to the petrol
13:18:26 15 station in Kailahun, by the Buedu Road.

16 Q. Thank you. Now just continue what you were saying.

17 A. Yes, we were at this bar, and the TF1-516, was - an
18 argument ensued and he stood and proudly said he had been to The
19 Hague. And, in fact, they testified for - they testified at the
13:18:57 20 Charles Taylor trial. He was saying that at the bar. This
21 TF1-274, he, too, came in and said the same thing at the same
22 bar. He said that is why - in fact, he said that is why he's not
23 hiding himself, TF1-274. He said it. He said he's not hiding
24 himself. He said that at the bar, at the pub.

13:19:27 25 Q. Thank you very much. Now one last thing, do you know
26 Mohamed Beretay Kabba?

27 A. Yes, I know him. In fact we call him Kabba.

28 Q. Do you know anything or do you know whether he has or had
29 anything to do with the Special Court for Sierra Leone?

1 A. Kabba, he - he, too, it was at one time he told us.
2 Because I normally go - because the house where Kabba was before
3 this time, the family house i used to go this on visits to some
4 other relatives who were staying at the house. At one time he
13:20:30 5 was saying that he's been, he's come from The Hague, and he
6 bought a motorbike. A red Victor. He said he got the money from
7 there that he used to buy this motorbike. And at one time I saw
8 this Kabba and this TF1-516. They were coming from up by from
9 the end of one radio station that we have in the community.

13:20:57 10 There is a pub where we go to record news and at the end of the
11 day they would take it to the radio station because it's a
12 distance away from the town. I saw them coming from that end.

13 I was at a photo studio. I saw them coming towards the
14 police station. But as they came, they were talking. As they
13:21:16 15 were approaching me, then Kabba said, eh, let's stop this
16 discussion. And they stopped the conversation. But I do know
17 Kabba, Mohamed Beretay Kabba. I know him.

18 Q. Now I didn't ask you about a motorbike, but you said
19 something about a motorbike, which invariably happened to be part
13:21:40 20 of the testimony before this Court. Mohamed Beretay Kabba indeed
21 owned up that he owned a bike but that bike is a bike that
22 belongs to an NGO he works for. Do you know about that?

23 A. Well, it is written on the bike, the NGO's name is written
24 on the motorbike, but it is Kabba who bought that bike. And he,
13:22:12 25 himself, said that he bought that bike. I believe that the NGO -
26 it's like, it's like he rented it to the NGO. But he himself
27 said it in my presence at the house.

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

1 JUSTICE DOHERTY: Just let me clarify: He said what? That
2 he owned the bike or what did he say?

3 THE WITNESS: Well he said owned a bike. He said he had
4 bought a bike. He said he got the money to buy the bike from his
13:22:48 5 travels to The Hague.

6 MR LANSANA:

7 Q. And you were saying something about renting the bike. Can
8 you go over that?

9 A. Well, I believe that he rented that bike to the NGO for
13:23:01 10 which he was working, because he, too, was working there. I
11 believe that he rented it to the NGO. But he was the one who was
12 using the bike in most cases. He was entitled to the bike. But
13 he himself said it that had he had bought a bike when he came
14 back from The Hague and he was pointing at that bike, because at
13:23:20 15 one time - I was once bike riders' chairman. Sometimes I'd be
16 present at the garage where he would go to maintenance the bike.
17 So sometimes when he goes there I would be fortunate to be
18 present at that garage.

19 Q. And I presume that was one of the occasions where you heard
13:23:35 20 him say that?

21 A. Yes, when he said he bought that bike.

22 Q. Thank you very much.

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

13:23:52 25 JUSTICE DOHERTY: Thank you.

26 Cross-examination, Mr Gardner.

27 CROSS-EXAMINATION BY MR GARDNER:

28 Q. Mr Kamara.

29 A. Yes.

1 Q. When did you first learn that you would be called to
2 testify as a witness in this case?

3 A. It was Mr Lansana who went there three months ago when he
4 went to Kailahun. He met me and told me about this.

13:24:37 5 Q. Three months ago, is that right?

6 A. Well, I can't really remember the date. I can't remember
7 the time. But I think so.

8 Q. When did you first learn Mr Senessie was in trouble?

9 A. Well, that is the time that I really knew that
13:25:10 10 Mr Senessie - of course, I heard it on the radio but I did not
11 know exactly if it was this Mr Senessie. But I was hearing it on
12 the radio, even before Mr Lansana went and met me and approached
13 me as one of the witnesses for Mr Eric.

14 Q. Did you have any conversations with Mr Senessie about his
13:25:38 15 troubles before you met with Mr Lansana?

16 A. When I heard this on the radio, I came to cross-check it
17 with Mr Eric. I asked him. And it was at that time that I
18 really knew that it was Mr Eric Koi Senessie, when I heard it on
19 the radio. The radio was saying it, about - they were talking
13:26:07 20 about five people.

21 Q. What did Mr Senessie tell you about what was on the radio?

22 A. Well, he asked me if I haven't heard it on the radio. But
23 I asked him. He did not tell me. I asked him that I heard them
24 calling Mr Eric Koi Senessie of the Special Court. I don't know
13:26:35 25 if it is you or which other Mr Eric Koi Senessie. It was at that
26 time that he told me, after I had asked him that I heard the name
27 on the radio. Up to the next morning, I even heard it on the
28 community radio, which is the Radio Moa. They made an
29 announcement with respect to it.

1 Q. Did you understand from what you heard on the radio that
2 Mr Senessie had been charged with a crime?

3 A. Yes, I heard. They said "contempt of court." I heard
4 that.

13:27:15 5 Q. Did you hear anymore detail about what specifically the
6 contempt of court was?

7 A. Well, I am not - I am not legally minded. I don't have any
8 legal background in terms of the law, but I believe contempt of
9 court is something that has to do with the court anyway. Maybe
13:27:40 10 you would have done one or two things that the court doesn't
11 like. That's what I knew. I didn't get any detail about it.

12 Q. Did Mr Senessie tell you what he did or what he's - what he
13 was charged with doing that constituted contempt?

14 A. No, he did not tell me. The only time that I and Mr Eric
13:28:12 15 got detailed discussions was when I asked him. I asked him, Is
16 it related to do what [redacted] was saying on the phone here?

17 JUSTICE DOHERTY: That name will be redacted.

18 THE WITNESS: Yes.

19 JUSTICE DOHERTY: Continue with your answer, Mr Witness.

13:28:39 20 THE WITNESS: It was at that time that TF1-585, when I
21 asked him if it was in relation to that conversation that they
22 heard - that she had on the phone. Then he said, yes. It was at
23 that time.

24 MR GARDNER:

13:28:59 25 Q. How could you possibly connect what you heard 585 talking
26 about on the phone, that you say you did, with Mr Senessie's
27 charge?

28 A. Well, it was when Mr Lansana went when he asked me about -
29 when he asked me if I have any preknowledge of what he's asking

1 me about TF-585. It was at that time that I related it to what I
2 am here for.

3 Q. So it was three months ago when you met with Mr Lansana
4 that you connected 585 with this phone conversation you testified
13:29:48 5 about, is that right?

6 A. Well -

7 Q. Yes or no?

8 A. Yes, because it was at that time that I got a clear
9 picture.

13:30:04 10 Q. Okay. You got the clear picture three months ago. Now, do
11 you know Mr JP Combey?

12 A. Yes. JP Combey is our Justice of Peace.

13 Q. Have you - have you ever gone to school to take lessons in
14 how to have a good memory? Did you ever take a course in good
13:30:29 15 memory? Serious question.

16 A. Yes. Yes.

17 Q. And do you think you've got a really, really good memory?

18 A. Oh yes.

19 Q. And you really want this Court to believe that you remember
13:30:50 20 specifically that 585 said:

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

22 You had that stored in your memory cells?

23 A. Yes. Over a phone conversation.

24 Q. Okay. Do you have any idea what team she was talking
13:31:12 25 about?

26 A. Repeat the question.

27 Q. Do you have any idea what team 585 was talking about when
28 she said that?

29 A. Well, I only came to have an idea when I had a

1 cross-examination with Mr Lansana.

2 Q. So you remember three months ago that more than a year
3 before that 585 said:

4 "I, too, want to join that team."

13:31:59 5 And you didn't have any idea what that team meant until
6 three months ago; is that right?

7 A. Well, was it was during the cross-examination with
8 Mr Lansana and the radio conversations, the radio conversations.
9 It was at that time that I got that knowledge.

13:32:25 10 Q. As you sit here today, what do you think the term "that
11 team" means?

12 A. Team? I didn't get the question proper.

13 Q. Well, that's your word, Mr Witness. Mr Kamara, you said
14 that 585 said:

13:32:48 15 "I, too, want to join that team."

16 So my question is: As you sit here today in this
17 courtroom, what do you understand "that team" to mean?

18 A. Okay. The team that she meant was those who wrote the
19 letter. She said it was a letter that they wrote. She, too,
13:33:12 20 wanted to join the team that wrote that letter because she talked
21 about a letter. She referred to the letter that the team wrote
22 so she, too, wanted to join that team.

23 Q. Do you know what the letter said?

24 A. No.

13:33:29 25 Q. Do you know who the letter was to?

26 A. Well, I did not know to whom the letter was written, but I
27 heard when she talked about letter that she wanted to talk about
28 that. She wanted to join that team, that team that wrote that
29 letter. She wanted to join them.

1 Q. Do you know that in this case, in this courtroom,
2 Mr Senessie is charged with contempt of court, and specifically
3 with respect to 585 with offering her a bribe if she would recant
4 her testimony at The Hague. Do you understand that?

13:34:13 5 A. No, I don't have any understanding about that.

6 Q. Okay.

7 A. It's only the conversation. When TF1-585 came to the house
8 and the conversation she had on the phone. That's what I know
9 about --

13:34:32 10 Q. And you --

11 A. -- because --

12 Q. And you testified that was in February, right?

13 A. Yes.

14 Q. Are you aware that there's been testimony in this Court
13:34:49 15 that Mr Senessie approached 585 and talked to her about this
16 bribe on January 27 last year? And there's been testimony in
17 this Court that she called the investigators on January 28 and
18 that she gave a sworn statement under oath about what Mr Senessie
19 did on January 28 and 29 and February 1. Are you aware of that?

13:35:16 20 A. I don't know anything about that.

21 Q. And do you know that 585 was attempting to try to get
22 corroborative evidence of what Mr Senessie had done?

23 A. I don't know anything about that.

24 Q. So you don't know whether it's possible that when she came
13:35:39 25 and asked for a phone number that she was trying to get evidence
26 against Mr Senessie? Do you know that?

27 A. Well, if she did that, I believe it was just to complicate
28 him or to get whatever she wanted from him, but I don't know that
29 she would do that.

1 Q. You don't know whether she'd do that? There is no reason
2 for her to do that. She was a close friend of the family, right?

3 A. I don't know about that, but I know that she is a family
4 friend. They are family. I know about that.

13:36:21 5 MR GARDNER: I have no further questions for the witness,
6 Your Honour.

7 JUSTICE DOHERTY: Thank you.

8 MR LANSANA: No questions in re-examination.

9 JUSTICE DOHERTY: Thank you.

13:36:29 10 I have no questions of the witness. And that will be the
11 end of your evidence, Mr Witness. We thank you for coming to
12 court. You are now free to leave the Court and wish you a safe
13 journey back.

14 Please assist the witness to leave the witness box.

13:36:48 15 [The witness withdrew]

16 JUSTICE DOHERTY: Counsel, I note the time. We've gone
17 slightly over our usual lunch-time break, but as it appeared that
18 it seemed to be neater to finish the witness's evidence. We will
19 take the lunch-time adjournment now, and we will resume Court at
13:37:06 20 2.40.

21 Please adjourn the Court.

22 MR GARDNER: Your Honour --

23 JUSTICE DOHERTY: Oh, sorry.

24 MR GARDNER: Could I inquire what the schedule is for this
13:37:16 25 afternoon?

26 JUSTICE DOHERTY: Certainly. I note there was at least one
27 name that I recall on the list.

28 MR LANSANA: Yes, Your Honour. Let me oblige my colleague.
29 We intend to call Prince Taylor as our last witness. But we've

1 been having difficulties getting him over to Freetown. I tried
2 to call him this morning. His phone was on recharge, and the
3 person just informed me that he had left the phone for recharge.

13:37:49 4 I wanted to know whether it was in Bo that the call was
5 received or in Freetown and the phone went off, and I was rushing
6 to come to Court. I will endeavour to find out during the
7 lunch-time, during the lunch break, and I will inform the Court
8 as soon as we resume.

9 In the event that he is not in Freetown, I would not call
13:38:05 10 him. I will just strike him from the list.

11 JUSTICE DOHERTY: You can tell me what you want to do when
12 you find out where he is.

13 MR LANSANA: Certainly, Your Honour.

14 JUSTICE DOHERTY: I am not going to preclude any actions on
13:38:18 15 your part.

16 MR LANSANA: Certainly, Your Honour.

17 JUSTICE DOHERTY: We will adjourn Court until - oh, let's
18 make it 2.45.

19 Adjourn Court, please.

13:38:25 20 [Luncheon recess taken at 1.39 p.m.]

21 [Upon resuming a resuming at 2.45 p.m.]

22 [Accused present]

23 JUSTICE DOHERTY: Mr Lansana, you had indicated you had one
24 outstanding witness.

14:45:06 25 MR LANSANA: That's correct, Your Honour, but I now inform
26 the Court that that position has changed. The last witness is
27 supposed to be Prince Taylor, but like I informed this Court, I
28 was trying to get in touch with him by phone. I couldn't. I
29 eventually happened to get in touch with him with a phone, but

1 not him, because he had left it for recharge. And I went back
2 during the lunch break. I tried the phone. It was off. I
3 reckon I have to do without him.

4 JUSTICE DOHERTY: He is aware the case is on, isn't he ?

14:45:51 5 MR LANSANA: He is aware the case is on. That is correct,
6 Your Honour, and we had problems telling him exactly when he
7 would be needed. We couldn't tell him when he was needed, but at
8 the time my client and I wanted to get in touch with him, his
9 phone was off. We understood that he had a relation who had
14:46:18 10 fallen into a well or something or the child of a relation had
11 fallen into a well and that was close to Bo. He had gone there
12 but we left a message that he get in touch with us when he came
13 back to Bo, but he didn't. That's the predicament we have. But
14 that notwithstanding I'm comfortable with the evidence I've led
14:46:41 15 so far on behalf of the Defence and it will not make any material
16 difference to my case if this witness is not called, so I would
17 apply that that witness be struck off my list of witnesses.

18 JUSTICE DOHERTY: Well well. You've obviously given it
19 your consideration and weight. I would have entertained an
14:47:00 20 application, but in the circumstances if there is no application,
21 I will accept that you have weighed up the situation and made a
22 professional assessment.

23 MR LANSANA: Very well, Your Honour.

24 JUSTICE DOHERTY: In the circumstances does this mean you
14:47:22 25 are closing Mr Case, Mr Lansana?

26 MR LANSANA: Yes, Your Honour. I now inform this Chamber
27 that that is the case for the Defence.

28 JUSTICE DOHERTY: Thank you. The Court is going to call a
29 witness in accordance with the provisions of Rule - I think it's

1 85. In accordance with Rule 85A(iv) the Court will call a
2 witness. I'm going to call a member of VWS to give me evidence
3 concerning the transfer of witnesses from Sierra Leone to The
4 Hague and the procedures that relate to their ability to make
14:48:11 5 phone calls. Yes, Mr Gardner, you're on your feet.

6 MR GARDNER: I'm sorry, which Rule, Your Honour.

7 JUSTICE DOHERTY: 85A(iv). The witness is here, and I will
8 therefore call Mr Akimbobola to give evidence in accordance with
9 the Rules of the Court.

14:49:40 10 [THOMAS KONIE AKIMBOBOLA, sworn and examined by
11 the Court]

12 JUSTICE DOHERTY: Please give the Court your full name,
13 your position within - can you hear me? I would ask the witness
14 to please give us his full name, his position and his years of
14:50:35 15 experience before I ask him further questions.

16 A. I am Thomas Koni e, K-O-N-I -E, Akimbobola,
17 A-K-I-M-B-O-B-O-L-A. I am the senior protection officer attached
18 to the Witness and Victims' Section of the Special Court of
19 Sierra Leone. I've been in the witness and victims' section for
14:51:28 20 the past eight years.

21 Q. Thank you, Mr Akimbobola. Have you experience of the
22 escort and transport of witnesses from Sierra Leone to The Hague
23 where they would give evidence in the Charles Taylor trial?

24 A. I do, My Lord.

14:51:59 25 Q. Can you explain to the Court the procedures, if any, that
26 permit a witness to communicate by phone between here and
27 The Hague, starting with their arrival at the airport here, and
28 then proceed to the next airport.

29 A. With regards to the transfer of witnesses from Freetown The

1 Hague, we do not allow any communication from the point - from
2 the exit point up to the point of arrival. That is from Lungi
3 airport up to either Brussels or Schipol Airport.

14:53:23 4 Q. Is it possible, therefore, for a witness to telephone from
5 Lungi airport within Sierra Leone?

6 A. It is not allowed, My Lord.

7 Q. Is a witness permitted to acquire a phone with a foreign
8 number on arrival in Brussels Airport?

9 A. No, My Lord.

14:53:45 10 Q. Has a witness who is under - perhaps I should step back and
11 ask: What is the procedure for escorting or bringing a witness
12 from here to Brussels or Schipol? Are they under escort, or are
13 they alone?

14 A. They are always under escort, My Lord.

14:54:11 15 Q. So can a witness make a phone call from Brussels Airport
16 when they are being escorted to The Hague?

17 A. From my experience, no, My Lord.

18 Q. Are you aware of the procedures for witnesses to make phone
19 calls from The Hague?

14:54:52 20 A. Yes, My Lord.

21 Q. Can you please explain to the Court?

22 A. When they're in the care in The Hague, we normally allow
23 them to make phone calls to their immediate relatives, and the
24 call is normally logged in a logbook which is maintained at the
14:55:49 25 safe house in The Hague. The time of the call is recorded. And
26 the - we always ask the witness - we are always present to know
27 the conversation. That's all I know, My Lord.

28 Q. Thank you. The Court has heard evidence relating to a
29 protected witness, TFI-516. Did you escort that witness?

1 A. I did not, My Lord.

2 Q. Thank you.

3 JUSTICE DOHERTY: Those were the Court's questions of its
4 witness. Now cross-examination.

14:57:09 5 Counsel?

6 MR LANSANA: Certainly, Your Honour. A few questions.

7 [Cross-examination by Mr Lansana]

8 MR LANSANA:

9 Q. Mr Akimbobola, I would start asking you from your last
14:57:24 10 statement you made in this Court just now that you specifically
11 were not in charge of the transportation of Witness TF1-516?

12 A. Yes, My Lord.

13 Q. Now, according to your testimony just now when Her Honour
14 asked you whether it was possible for these witnesses during
14:57:59 15 escort - or under escort to make phone calls. She said: Was it
16 possible? Your answer was: It was not allowed. Correct?

17 A. Yes, My Lord.

18 Q. It is not allowed, but I would put it to you that that does
19 not preclude the fact that those regulations could be breached?

14:58:31 20 A. So long as they are under escort, we don't allow them. And
21 in my own experience, it is very difficult for an escort officer
22 to compromise that position.

23 Q. Mr Akimbobola, you agree with me that difficulty is not
24 impossibility, correct?

14:58:57 25 A. Yes, My Lord.

26 Q. Thank you. And you also talked about - Her Honour asked
27 you about acquisition to a phone by these - acquisition of phones
28 by these witnesses, and I put it to you that they may not acquire
29 the phone, but there is a possibility that they could access a

1 phone?

2 A. If I'm going by my own experience, the people that I
3 escorted to The Hague did not have or did not acquire any phone.

4 Q. My question is I'm putting to you that it is possible that
14:59:41 5 they could access a phone one way or the other?

6 JUSTICE DOHERTY: Do you mean any old phone, or a mobile
7 phone? Because I think it's fair to tell the witness that the
8 evidence before the Court was that the call emanated from a
9 foreign number.

15:00:00 10 MR LANSANA: Yes, Your Honour. I'm putting it to him that
11 they may not be able to acquire phones.

12 Q. But it is possible that they could access, either like
13 saying, Please lend me your phone, let me place a call or
14 something. It's possible that they may access a phone, not so?

15:00:23 15 A. That I cannot tell, My Lord.

16 Q. Thank you very much. One last question. You say when they
17 place calls - when they are in the safe house in The Hague - when
18 they place calls, those calls are logged in, correct?

19 A. Yes, My Lord.

15:00:42 20 Q. And when they are logged in, I presume that the name of the
21 recipient of that call is also logged in that logbook, isn't it?

22 A. Yes, My Lord.

23 Q. Now, isn't it possible that when the witness calls after
24 logging in one recipient, there's a possibility that other
15:01:08 25 recipients at the other end will also get the phone passed on to
26 them and they talk to this witness, isn't that possible?

27 A. That I cannot tell.

28 Q. Thank you very much. That will be all for this witness.

29 JUSTICE DOHERTY: Thank you, Mr Lansana.

1 Mr Gardner, questions?

2 MR GARDNER: No questions, Your Honour.

3 JUSTICE DOHERTY: Thank you. Thank you, Mr Akimbobola.
4 I'm grateful for your assistance, particularly at such short
15:01:35 5 witness.

6 [The witness withdrew]

7 JUSTICE DOHERTY: Counsel, it would appear that that
8 completes the evidence in the case as both Prosecution and
9 Defence have closed the case and the Court has called a witness.

15:01:59 10 It's not our normal procedure in these courts to have
11 submissions. They do not need to be lengthy, but I would
12 appreciate any submissions on fact or law that arise. Given that
13 it's late in the day, it may be prudent to do them tomorrow
14 morning if that is a practical consideration.

15:02:22 15 Mr Lansana, you're for the Defence. I would give you some
16 preference.

17 MR LANSANA: Yes, especially against the background that I
18 led witnesses and I have to start.

19 JUSTICE DOHERTY: Yes.

15:02:31 20 MR LANSANA: Yes, that's certainly fine with me. It's a
21 perfectly reasonable proposal.

22 JUSTICE DOHERTY: Very well.

23 And Mr Gardner?

24 MR GARDNER: It's fine, Your Honour.

15:02:40 25 JUSTICE DOHERTY: I think oral submissions would be
26 appropriate. I don't see the need to put a lot of things in
27 writing. And in that case, I will adjourn the Court for oral
28 submissions. Obviously I'm not expecting a learned treatise on
29 the law of contempt, but some - the evidence is a relevant issue,

1 I think, in the case. If there's no other views, I will adjourn
2 to 9.30.

3 MR LANSANA: Your Honour, certainly there is.

4 JUSTICE DOHERTY: Yes, please.

15:03:11 5 MR LANSANA: Thank you, Your Honour.

6 Your Honour, yesterday we closed on a note from the Chamber
7 that the defendant will stay in custody. And I may have gotten
8 you perfectly wrong, but I think I heard you say that now that
9 the Prosecution had closed, the defendant would be remanded in
10 custody. And if I got [overlapping speakers] --

15:03:45

11 JUSTICE DOHERTY: I actually said now that the Prosecution
12 had closed and the defendant had given evidence, I was
13 remanding --

14 MR LANSANA: Yes, precisely. Yes. Those are the precise
15 expressions you used. Yes, Your Honour.

15:03:55

16 Your Honour, I would only want to revisit this one because,
17 Your Honour, both the Prosecution and the Defence have rested
18 their case, and in my mind I reckon that there will be no further
19 witnesses for which there will be fear of interference from the
20 defendant. That is one. And secondly, Your Honour, I am yet to
21 be aware of any adverse report either from the police station in
22 Kailahun or from Prosecution or from the WVS of any untoward
23 conduct on the part of the defendant. And I would want to also
24 reiterate the reasons that were adduced by my predecessor when he
25 was making his application for bail for the defendant on the 15th
26 of July 2011.

15:04:25

15:05:11

27 He started off on a note of him being a family man, very
28 important member of the Kailahun community and township. The
29 fact that he was a pastor at the new apostle church with about

1 300 to 400 members of his congregation. And also the fact that
2 to his mind, which I think has been proved, he is a respecter of
3 this Court. He has tremendous respect in regard for the Special
4 Court for Sierra Leone, and I presume that is even why he - all
15:05:57 5 the time he's been summoned by this Chamber, he had come
6 voluntarily, starting with the Independent Prosecutor summoning
7 him on to the time when he appeared when he was arraigned before
8 this Trial Chamber.

9 And also after the scheduling order I informed him that he
15:06:18 10 had to be here for a pre-trial conference. I didn't even need to
11 ask him to come. He said when do I come? That was the first
12 question he asked me. When do I come? Do I come a day or two
13 before or what do you suggest? What do you advise that I do? I
14 said, Okay, come a day before so you'll be in a good frame of
15:06:38 15 mind to be in Court.

16 For all these reasons Your Honour, I have a feeling that
17 this defendant is not a flight risk. He definitely is not in my
18 mind. But that notwithstanding, in the event that Your Honour
19 thinks or has any misgivings about him being a flight risk, I
15:07:00 20 would want to apply that although he was granted bail on his own
21 recognisance, I would apply under Rule 65(D), which states that:

22 "A Judge or Trial Chamber may impose such conditions upon
23 the granting of bail to the accused as it may determine
24 appropriate including," and this is the rider, "including the
15:07:31 25 execution of a bail bond and the observance of such conditions
26 that are necessary to ensure the presence of the accused at trial
27 and the protection of others."

28 If Your Honour is so minded, you could revisit the
29 conditions of his bail from self-recognisance, for instance, to a

1 requirement of a bail bond. But the overriding concern I have,
2 Your Honour, is I implore this Court that given the reasons I
3 have canvassed, and given the comportment of the defendant, that
4 the defendant will be - the defendant's bail be restored.

15:08:28 5 Thank you very much, Your Honour.

6 JUSTICE DOHERTY: Your response, Mr Gardner, please.

7 MR GARDNER: Well, the first thing I would say,
8 Your Honour, is I differ with counsel about the defendant's
9 circumstances in two significant respects: First of all, I don't

15:08:52 10 believe he has shown a lot of respect for this Court. The
11 testimony established - my interpretation of it - he kind of
12 ducked out of testifying at The Hague, where this Court was
13 sitting; and second, I could tell you that the circumstances
14 leading up to my finally interviewing him when I was doing my
15:09:18 15 investigation could only be characterised as a cat-and-mouse
16 game.

17 Having said that, I misheard the Court last night and I
18 thought Your Honour was continuing him under the previous bail
19 conditions. And so obviously I didn't jump up last night and say
15:09:41 20 to remand him. And I would also say in the system that I'm used
21 to, at this stage of the proceeding, which is before argument and
22 so forth, it would be highly unusual not to consider - I mean,
23 not to continue the conditions of release. But all that does is
24 explain why I didn't take any position.

15:10:05 25 But I'm not that familiar with how this Court handles those
26 release issues, and so I finally sit quiet on the issue,
27 Your Honour.

28 JUSTICE DOHERTY: The accused is actually the first person
29 ever to be allowed bail by this Court, and he was allowed bail

1 for the reasons that Mr Lansana has reminded us of. I accept
2 that Mr Senessie has conformed with his bail conditions, and he
3 has surrendered to the Court to answer the charges against him.
4 Notwithstanding the confirmation with the bail conditions, now
15:16:26 5 that the case has closed against him, I consider the risk of
6 nonappearance increases and therefore the defendant will be
7 remanded in custody to appear tomorrow at 9.30.

8 MR LANSANA: As it please Your Honour.

9 JUSTICE DOHERTY: Please adjourn Court until tomorrow at
15:16:50 10 9.30.

11 [Whereupon the Court adjourned at 3.17 a.m.
12 until 9.30 a.m. the following day]

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