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SCSL-03-01-T  
(37571-37576)

37571



SPECIAL COURT FOR SIERRA LEONE

TRIAL CHAMBER II

Before: Justice Teresa Doherty, Presiding Judge  
Justice Richard Lussick  
Justice Julia Sebutinde  
Justice El Hadji Malick Sow, Alternate Judge

Registrar: Binta Mansaray

Case No.: SCSL03-1-T

Date: 24 May 2011

SPECIAL COURT FOR SIERRA LEONE	
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NAME	ALHASSAN FORWANI
SIGN	<i>[Signature]</i>
TIME	16:57

PROSECUTOR

v.

Charles Ghankay TAYLOR

DECISION ON THE REPORT OF THE INDEPENDENT COUNSEL

Office of the Prosecutor:

Brenda J. Hollis

Independent Counsel:

William L. Gardener

Counsel for the Accused:

Courtenay Griffiths, Q.C.

Terry Munyard

Morris Anyah

Silas Chekera

James Supuwood

**TRIAL CHAMBER II** (“Trial Chamber”) of the Special Court for Sierra Leone (“Special Court”);

**RECALLING** the Trial Chamber’s “Decision on Public with Confidential Annexes A to E & Public Annex F Urgent Prosecution Motion for an Investigation into Contempt of the Special Court for Sierra Leone and Public with Confidential Annexes A & B Urgent Prosecution Motion for an Investigation into Contempt of the Special Court for Sierra Leone”, dated 25 February 2011,<sup>1</sup> wherein the Trial Chamber directed the Registrar to appoint an experienced independent counsel to “investigate the allegations that a person or persons, including Eric Senessie and/or Prince Taylor, may be in contempt of the Special Court” and to report to the Trial Chamber as to whether there are sufficient grounds for instigating contempt proceedings;

**RECALLING FURTHER** the Trial Chamber’s “Decision on Public with Confidential Annexes A & B Urgent Prosecution Motion for an Investigation into Contempt of the Special Court for Sierra Leone and on Prosecution Supplementary Requests”, dated 17 March 2011,<sup>2</sup> wherein the Trial Chamber directed the Registrar to further direct Independent Counsel to investigate a further allegation of contempt against Senessie, and directed the Registrar to provide the Independent Counsel with supplementary materials;

**NOTING** that the Registrar appointed William L. Gardner as Independent Counsel (“Independent Counsel”) on 18 March 2011;<sup>3</sup>

**CONSIDERING** the Confidential and Under Seal “Submission of Confidential Report of Independent Counsel”, dated 12 April 2011 (“Independent Counsel’s Report”),<sup>4</sup> wherein the Independent Counsel reports the findings of his investigations;

**COGNISANT** that pursuant to Rule 77(A) of the Rules of Procedure and Evidence (“Rules”) the Special Court in the exercise of its inherent power, may punish for contempt any person who knowingly and wilfully interferes with its administration of justice, including any person who offers a bribe to or otherwise interferes with witnesses who have given evidence in proceedings before the Trial Chamber;

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<sup>1</sup> SCSL-03-01-T-1218.

<sup>2</sup> SCSL-03-01-T-1231.

<sup>3</sup> SCSL-03-01-T-1232.

<sup>4</sup> SCSL-03-01-T-1240.

COGNISANT ALSO that pursuant to Rule 77(C)(iii) of the Rules, a Trial Chamber may issue an order in lieu of an indictment and direct the independent counsel to prosecute the matter, if it considers that there are sufficient grounds to proceed against a person for contempt and that pursuant to Rule 77(D) the proceedings “may be assigned to be heard by a single judge of any Trial Chamber or a Trial Chamber”;

FINDING that there are sufficient grounds to proceed against Eric Senessie for contempt of court, but that there are insufficient grounds to proceed against any other person;

FOR THE ABOVE REASONS;

ORDERS THAT an Order in lieu of Indictment as contained in Annex A be issued in respect of Eric Senessie;


DIRECTS Independent Counsel to prosecute Eric Senessie for contempt of court in accordance with the Order in lieu of Indictment;

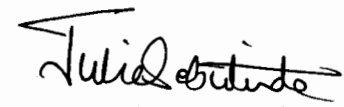
ASSIGNS the contempt proceedings pursuant to the Order in lieu of Indictment to Justice Teresa Doherty, in accordance with Rule 77(D) of the Rules;

DIRECTS the Registrar to serve the Decision and the Order in lieu of Indictment on Eric Senessie

Done at The Hague, The Netherlands, this 24<sup>th</sup> day of May 2011.

  
Justice Richard Lussick

  
Justice Teresa Doherty  
Presiding Judge

  
Justice Julia Sebutinde



## Annex A:

## Independent Counsel v. Eric Senessie

## Order in Lieu of Indictment

Charges

ERIC SENESE, a resident of Kailahun District, is charged with the following offences:

**COUNT 1:** Knowingly and wilfully interfering with the Special Court's administration of justice by offering a bribe to a witness who has given evidence in proceedings before a Chamber, in violation of Rule 77(A)(iv).

**Particulars:** On or about 26 and 29 January 2011, in Kailahun Town, Kailahun District, Eric Senessie offered a bribe to Mohamed Kabba, a witness who has given testimony before Trial Chamber II in the proceedings of *Prosecutor v. Taylor*, in return for recanting his previous testimony in that trial.

**COUNT 2:** Knowingly and wilfully interfering with the Special Court's administration of justice by otherwise interfering with a witness who has given evidence in proceedings before a Chamber, in violation of Rule 77(A)(iv).

**Particulars:** On or about 26 and 29 January 2011 and 3 February 2011, in Kailahun Town, Kailahun District, Eric Senessie attempted to influence Mohammed Kabba, a witness who has given testimony before Trial Chamber II in the proceedings of *Prosecutor v. Taylor*, to recant his previous testimony in that trial.

**COUNT 3:** Knowingly and wilfully interfering with the Special Court's administration of justice by offering a bribe to a witness who has given evidence in proceedings before a Chamber, in violation of Rule 77(A)(iv).

**Particulars:** On or about 3 February 2011, in Kailahun Town, Kailahun District, Eric Senessie offered a bribe and relocation to Dauda Aruna Fornie, a witness who has given testimony before Trial

Chamber II in the proceedings of *Prosecutor v. Taylor*, in return for recanting his previous testimony in that trial.

**COUNT 4:** Knowingly and wilfully interfering with the Special Court's administration of justice by otherwise interfering with a witness who has given evidence in proceedings before a Chamber, in violation of Rule 77(A)(iv).

**Particulars:** On or about 3 February 2011, in Kailahun Town, Kailahun District, Eric Senessie attempted to influence Dauda Aruna Fornie, a witness who has given testimony before Trial Chamber II in the proceedings of *Prosecutor v. Taylor*, to recant his previous testimony in that trial.

**COUNT 5:** Knowingly and wilfully interfering with the Special Court's administration of justice by otherwise interfering with a witness who has given evidence in proceedings before a Chamber, in violation of Rule 77(A)(iv).

**Particulars:** In about late February 2011, in Kailahun Town, Kailahun District, Eric Senessie attempted to influence Dauda Aruna Fornie, a witness who has given testimony before Trial Chamber II in the proceedings of *Prosecutor v. Taylor*, to recant the statement he gave to the Prosecution on 17 February 2011

**COUNT 6:** Knowingly and wilfully interfering with the Special Court's administration of justice by offering a bribe to a witness who has given evidence in proceedings before a Chamber, in violation of Rule 77(A)(iv).

**Particulars:** On or about 1 February 2011, in Kailahun Town, Kailahun District, Eric Senessie offered a bribe to protected witness TF1-516 who gave testimony before Trial Chamber II in the proceedings of *Prosecutor v. Taylor*, in return for recanting his previous testimony in that trial.

**COUNT 7:** Knowingly and wilfully interfering with the Special Court's administration of justice by offering a bribe to a witness who has given evidence in proceedings before a Chamber, in violation of Rule 77(A)(iv).

**Particulars:** On or about 27 January 2011, in Kailahun Town, Kailahun District, Eric Senessie offered a bribe to protected witness TF1-585 gave testimony before the Trial Chamber in the proceedings of *Prosecutor v. Taylor*, in return for recanting her previous testimony in that trial.

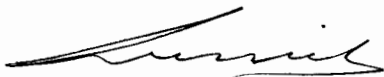
**COUNT 8:** Knowingly and wilfully interfering with the Special Court's administration of justice by otherwise interfering with a witness who has given evidence in proceedings before a Chamber, in violation of Rule 77(A)(iv).

**Particulars:** On or about 27 January 2011, in Kailahun Town, Kailahun District, Eric Senessie attempted to influence protected witness TF1-585, a witness who gave testimony before Trial Chamber II in the proceedings of *Prosecutor v. Taylor*, to recant her previous testimony.

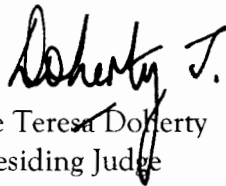
**COUNT 9:** Knowingly and wilfully interfering with the Special Court's administration of justice by otherwise interfering with a witness who has given evidence in proceedings before a Chamber, in violation of Rule 77(A)(iv).

**Particulars:** On or about 29, 30 and 31 January 2011, in Kailahun Town, Kailahun District, Eric Senessie attempted to influence Aruna Gbonda, a witness who has given testimony before Trial Chamber II in the proceedings of *Prosecutor v. Taylor*, to recant his previous testimony in that trial.

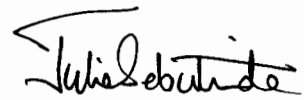
Done at The Hague, The Netherlands, this 24<sup>th</sup> day of May 2011.



Justice Richard Lussick



Justice Teresa Doherty  
Presiding Judge



Justice Julia Sebutinde

