

I, JUDGE OF THE APPEALS CHAMBER OF THE SPECIAL COURT FOR SIERRA LEONE;

SEIZED of the Motion to Correct the Record Concerning the Decision for the Modification of the Conditions of Detention filed by the Prosecution on 8 December 2003 requesting a corrigendum to the Decision on Motion for Modification of the Conditions of Detention (“the Decision”) filed on 26 November 2003;

NOTING that the Decision was rendered by me in my capacity as President of the Special Court for Sierra Leone;

NOTING that paragraph 14 of the Decision, as objected to by the Prosecution, states: “The Prosecution accepted that its charges against him [Norman] arise out of his leadership of forces which acted in defence of the democratically elected government, sometimes at its request, and that it would fail if it could not prove that the degree of force used was unreasonable in all the circumstances”;

CONSIDERING that the sentence quoted from paragraph 14 was not intended to represent that there had been a concession on the part of the Prosecution, since the matter arose from its provisional acceptance of a hypothetical suggestion I made in the course of argument, during a hearing at the Special Court Law Library on 5th November, 2003.

AGREEING with the Prosecution position that it neither expressly nor by implication accepted or conceded that the Accused Norman was entitled to rely upon any such defence at trial;

HEREBY GRANT the request to the extent that I

ORDER that a footnote (footnote 9a) be appended to the sentence quoted above to the effect that “this was a reaction by Prosecution Counsel to a hypothetical question and did not constitute an agreement or concession for the purposes of any future legal proceedings. Whether Chief Norman is entitled to raise this or any similar defence will be a matter for the Court at his trial.”

Done at Freetown this twenty-fifth day of November 2004.



Justice Geoffrey Robertson

