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SCSL-2003-08-PT-

(6465-6467)

**SPECIAL COURT FOR SIERRA LEONE**

OFFICE OF THE PROSECUTOR  
FREETOWN - SIERRA LEONE

**BEFORE THE PRESIDENT OF THE TRIBUNAL**

Before: Justice Robertson, President

Registrar: Mr. Robin Vincent

Date filed: 8 December 2003

**THE PROSECUTOR**

**Against**

**SAMUEL HINGA NORMAN**

CASE NO. SCSL - 2003 - 8 - PT

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**MOTION TO CORRECT THE RECORD  
CONCERNING THE DECISION FOR THE MODIFICATION OF THE  
CONDITIONS OF DETENTION**

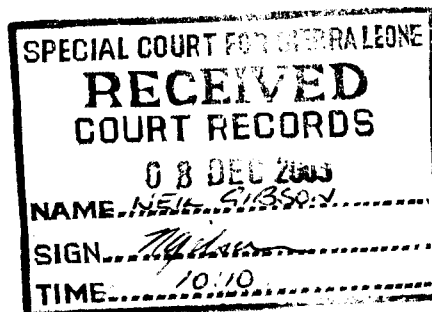
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Office of the Prosecutor:

David M. Crane, The Prosecutor  
Luc Côté, Chief of Prosecutions  
James C. Johnson, Senior Trial Counsel  
Charles A. Caruso, Trial Counsel

Defence Counsel:

Timothy Owen  
Quincy Whitaker  
James Blyden Jenkins-Johnston  
Sulaiman Banja Tejan-Sie



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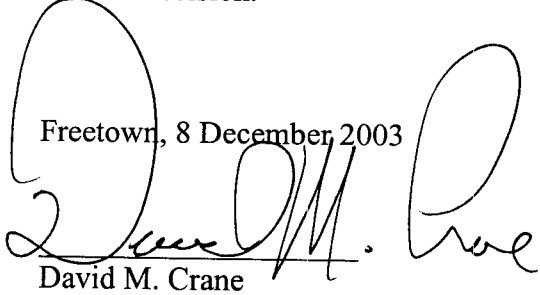
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1. On 23 July 2003, the Defence brought before the President of the Tribunal a Motion for the Modification of the Conditions of Detention. The Prosecution responded to the Motion on 31 July 2003 and the Defense filed a reply on 4 August 2003
2. An informal hearing before Justice Robertson was held in the Special Court Law Library on 5 November 2003. At the hearing the Prosecution was represented Luc Côté, James Johnson and Charles Caruso.
3. On 26 November 2003, Justice Robinson issued his Decision on Motion for Modification of the Conditions of Detention (the Decision). In the paragraph 14 of the Decision Justice Robertson stated “*The Prosecution accepts that its charges against him 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*

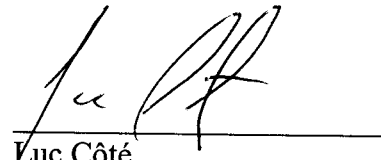
circumstances". The foregoing is apparently an attempt to paraphrase the Prosecution response to the President's *sua sponte* suggestion of a hypothetical defense available to the Accused.

- 4. During the informal hearing, Luc Côté, Chief of Prosecutions, expressly stated, concerning the issues related to the degree of force used by the Civil Defence Forces (CDF), that "*this is a matter which may be discussed at trial*", or words to that effect. The Prosecution, at this informal hearing, neither expressly nor by implication, accepted, admitted or acknowledged the existence of any defence the accused may potentially raise at trial. This recollection of the statements made on behalf of the Prosecution is confirmed by all members of the Prosecution team present at the hearing.
- 5. Therefore, in accordance with Rule 73(A) of the Rules of Procedure and Evidence of the Special Court for Sierra Leone, the Prosecution requests that the sentence "*The Prosecution accepts that its charges against him 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*" be stricken from the Decision.

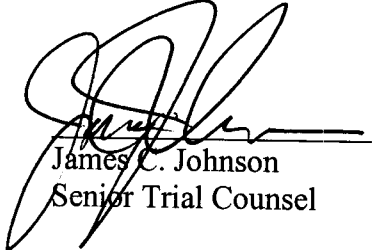
Freetown, 8 December 2003



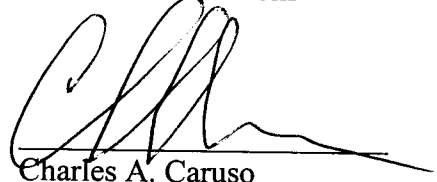
David M. Crane  
The Prosecutor



Luc Côté  
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James C. Johnson  
Senior Trial Counsel



Charles A. Caruso  
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