

THE APPEALS CHAMBER OF THE SPECIAL COURT FOR SIERRA LEONE;

COMPOSED OF Justice Winter, Justice King, Justice Ayoola and Justice Fernando;

SEIZED OF the Motion Seeking Clarification of the Decision on Defence Motion Seeking the Disqualification of Justice Robertson from the Appeals Chamber, filed on 20 April 2004 ("Motion");

NOTING the Prosecution Response filed on 22 April 2004 and the Defence Reply filed on 29 April 2004;

NOTING the Decision on Defence Motion Seeking the Disqualification of Justice Robertson from the Appeals Chamber of 13 March 2004 ("Disqualification Decision");

NOTING the Defence argument that the appearance of bias is "indivisible as regards the numerous functions and decisions of Justice Robertson both as a judge and member of the Plenary Council of judges, insofar as they relate to and impact upon the cases of the RUF";¹

NOTING the Defence request that Justice Robertson be barred from taking any part in any decision, including decisions taken in the course of plenary sessions of the judges concerning the rules of the Special Court for Sierra Leone, insofar as any such decision relates to or concerns in any way the trials of defendants formerly members of the RUF;²

CONSIDERING that the Disqualification Decision was clear, explicit and unambiguous in disqualifying Justice Robertson from adjudicating on the following matters:


1. Those Motions involving alleged members of the RUF for which decisions are pending, in this Chamber; and
2. Cases involving the RUF if and when they come before the Appeals Chamber.

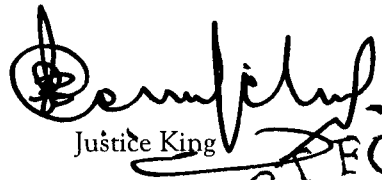

¹ Motion, para. 5.


² Motion, para. 9(i).

HEREBY DISMISSES the Motion in its entirety as being without merit.

Done at Freetown this 25th day of May 2004


Justice Winter
Presiding

 
Justice King Justice Ayoola


Justice Fernando

