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 <b>UNITED NATIONS</b>	<b>International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991</b>	<b>Case No.</b>	<b>IT-02-54-R77.5</b>
		<b>Date:</b>	<b>6 May 2009</b>
		<b>Original:</b>	<b>English</b>

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**IN A SPECIALLY APPOINTED CHAMBER**

**Before:** Judge Bakone Justice Moloto, Presiding  
Judge Mehmet Güney  
Judge Liu Daqun

**Acting Registrar:** Mr. John Hocking

**Decision of:** 6 May 2009

**IN THE CASE AGAINST  
FLORENCE HARTMANN**

*PUBLIC*

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**DECISION ON REQUESTS PURSUANT TO RULE 74**

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**Applicants**

Association of the Concentration-Camp Detainees in Bosnia and Herzegovina  
Association of Mothers of the Srebrenica and Zepa Enclaves  
Association of 'Women Victims of War'

**Amicus Curiae Prosecutor**

Mr. Bruce MacFarlane, QC

**Counsel for the Accused**

Mr. Karim A. A. Khan, Counsel  
Mr. Guénaél Mettraux, Co-counsel

**THE SPECIALLY APPOINTED CHAMBER** (“Chamber”) of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (“Tribunal”);

**BEING SEIZED** of the request pursuant to Rule 74 of the Rules of Procedure and Evidence (“Rules”), from the “Association of the Concentration-Camp Detainees in Bosnia and Herzegovina” submitted on 2 February 2009 (“2 February 2009 Request”); the request submitted pursuant to Rule 74 of the Rules by the “Association of Mothers of the Srebrenica and Zepa Enclaves” on 10 February 2009 (10 February 2009 Request”); and the request submitted jointly on 13 March 2009 by the “Association of the Concentration-Camp Detainees of Bosnia and Herzegovina”, the “Association of Mothers of the Srebrenica and Zepa Enclaves” and the “Association of ‘Women Victims of War’” (“Applicants”), whereby the named associations seek the status of a party to the proceedings in order to provide information to the Chamber which they consider relevant for the current trial (“Joint Request”);

**NOTING** that the Joint Request incorporates the submissions in the previous requests by the “Association of the Concentration-Camp Detainees” and by the “Association of Mothers of the Srebrenica and Zepa Enclaves”;

**NOTING** that the Joint Request sets out that as a party to the proceedings, the Applicants wish to provide the Chamber with information that would contribute to a fair trial of Ms. Florence Hartmann (“the Accused”);<sup>1</sup>

**NOTING**, in this respect, that the Applicants seek to “supply information that relate[s] to the damages that both the victims and all the communities in the region have suffered because of the so-called protected archives and documents” as well as to inform the Chamber about the impossibility to prosecute suspected war criminals and compensate victims because of these protected archives and documents;<sup>2</sup>

**NOTING**, further, that the Applicants also wish to demonstrate that the proceedings against the Accused may “destabilize relations in the region, inflame victims’ frustrations, endanger the founding principles of the work of the ICTY” and that as a result of the proceedings, “the trust in the ICTY and international justice might be lost.”<sup>3</sup>

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<sup>1</sup> Joint Request, p. 1.

<sup>2</sup> Joint Request, p. 2.

<sup>3</sup> Joint Request, p. 2.

**CONSIDERING** that Rule 74 of the Rules provides that a Chamber may, if it considers it desirable for the proper determination of the case, invite or grant leave to a State, organization or person to appear before it and make submissions on any issue specified by the Chamber;

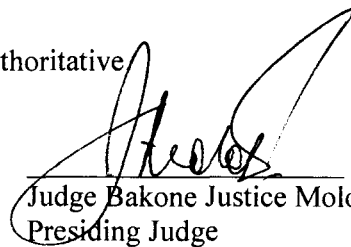
**CONSIDERING** that the issue before the Chamber in the current case concerns the allegations of contempt committed by the Accused, Florence Hartmann;

**CONSIDERING** that the Chamber is of the view that it would not be desirable for the proper determination of this matter to consider the submissions proposed by the Applicants;

**PURSUANT TO** Rule 74 of the Rules;

**DENIES** the 2 February 2009 Request, the 10 February 2009 Request, and the Joint Request.

Done in English and French, the English version being authoritative



Judge Bakone Justice Moloto  
Presiding Judge

Dated this sixth day of May 2009  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**