

IT-02-54-R77.5
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UNITED
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International Tribunal for the Prosecution of
Persons Responsible for Serious Violations of
International Humanitarian Law Committed in
the Territory of Former Yugoslavia since 1991

Case No. IT-02-54-R77.5

Date: 11 June 2009

Original: English

IN A SPECIALLY APPOINTED CHAMBER

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

Registrar: Mr. John Hocking

Order of: 11 June 2009

IN THE CASE

AGAINST

FLORENCE HARTMANN

PUBLIC

**ORDER REGARDING STATUS OF ADMITTED
EXHIBITS**

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”);

NOTING the “Decision on Prosecution Motion for Admission of Evidence From the Bar Table Pursuant to Rule 89(C)” dated 19 May 2009 (“Decision”);

NOTING the Registrar’s Internal Memorandum assigning exhibit numbers to documents admitted by the Decision, dated 19 May 2009 (“Internal Memorandum”), and the Corrigendum to this Internal Memorandum dated 29 May 2009 (“Corrigendum”), whereby all admitted exhibits were accorded confidential status;

NOTING that the Chamber informally requested submissions from the parties with regard to the status of the admitted material;

CONSIDERING that Article 21 of the Statute of the Tribunal provides that an accused shall be entitled to a fair and public hearing;

CONSIDERING that the Appeals Chamber decisions admitted as exhibits P6 and P7 were filed confidentially;

CONSIDERING, further, that portions of the interviews conducted with Florence Hartmann (“the Accused”) on 22 May 2008 and 9 June 2008 admitted as exhibits P1.1 and P2.1 refer to the confidential Appeals Chamber decisions;

CONSIDERING that while exhibits P3, P3.1 and P4 – excerpts of the Accused’s book and the Bosnian Institute Article authored by her – likewise contain references to the confidential Appeals Chamber decisions, these exhibits were not generated in the course of judicial proceedings and the Chamber, therefore, does not have the authority to withdraw such references from the public domain;

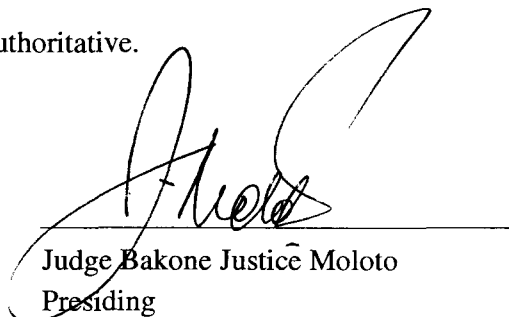
CONSIDERING, finally, that Exhibits P5 and P8 – the order appointing the *Amicus* Prosecutor and the Flammarion publishing contract respectively – do not contain any information that may be deemed confidential;

ORDERS the Prosecution to identify and redact those portions of exhibits P1.1 and P2.1 in which the confidential Appeals Chamber decisions are discussed and to file the redacted version with the Registry no later than Friday 12 June 2009, 16:00 hours;

ORDERS the Registry

1. Upon having received the redacted versions of exhibits P1.1 and P2.1, to assign new exhibit numbers to the redacted versions of exhibits P1.1 and P2.1; and
2. To reclassify exhibits P3, P3.1, P4, P5 and P8 as public exhibits.

Done in English and French, the English version being authoritative.



Judge Bakone Justice Moloto
Presiding

Dated this eleventh day of June 2009
At The Hague
The Netherlands

[Seal of the Tribunal]