

IT-02-54-R77.5
D3309 - 03307
17 SEPTEMBER 2009

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**UNITED
NATIONS**



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: 17 September 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: 17 September 2009

IN THE CASE

AGAINST

FLORENCE HARTMANN

PUBLIC

**ORDER ON RE-FILING OF PUBLIC FINAL BRIEFS
AND REQUEST TO THE REGISTRY**

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 that the public version of the Defence final brief was filed on 2 July 2009 (“Defence Final Brief”), and the public version of the Prosecution’s final brief was filed on 25 August 2009 (“Prosecution Final Brief”);

NOTING the redactions in the Defence Final Brief of footnotes 1, 14, 68, 103 and 168 as well as the first two sentences of paragraph 120 referring to Exhibit P10;

NOTING the discussion of the content of Exhibit P10 in private session at T. 301-304 of the trial hearing of 16 June 2009;

NOTING the Chamber’s decision on 31 July 2009 granting public status to Exhibit P10;¹

CONSIDERING that these redactions are unnecessary under these circumstances, and that further, the mere reference to confidential filings, reports and decisions does not in and of itself require confidentiality;

NOTING the redactions in the Prosecution Final Brief in paragraphs 4, 8, 16, 22 and 42;

CONSIDERING that the redacted information in the Prosecution Final Brief is discussed in the Judgement on Allegations of Contempt rendered on 14 September 2009;

PURSUANT to Article 21(2) of the Statute of the Tribunal and Rule 54 of the Rules of Procedure and Evidence;

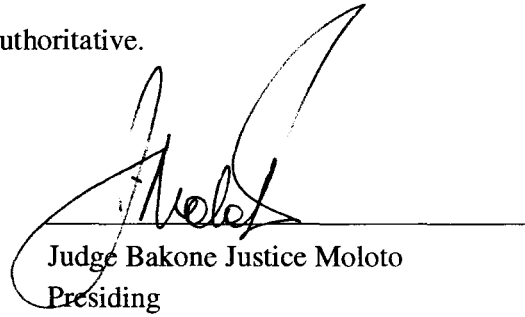
REQUESTS the Registry to mark as public transcript pages T. 301-304 of the hearing on 16 June 2009;

ORDERS the Defence to make public: (i) footnotes 1, 14, 68, 103 and 168; and (ii) the first two sentences of paragraph 120, and to re-file its public Final Brief accordingly;

ORDERS the Prosecution to make public: (i) the last sentence of paragraphs 4 and 16; (ii) the end of the penultimate sentence of paragraph 8 and the end of the sentence in paragraph 22, which read “[...] that were, in fact, marked confidential”; and (iii) the first sentence of paragraph 42, and to re-file its public Final Brief accordingly.

¹ Order on Status of Defence Exhibit, 31 July 2009.

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



Judge Bakone Justice Moloto
Presiding

Dated this seventeenth day of September 2009

At The Hague,

The Netherlands

[Seal of the Tribunal]