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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

Case No. IT-02-54-R77.5
Date: 6 May 2009
Original: English

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

DECISION ON REQUESTS PURSUANT TO RULE 74

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”);¹

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;²

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.”³

¹ Joint Request, p. 1.

² Joint Request, p. 2.

³ 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;

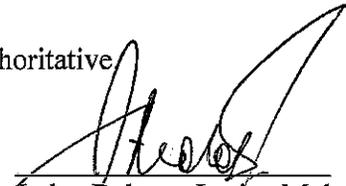
CONSIDERING that the issue before the Chamber in the current case concerns the allegations of contempt committed by the Accused, Florence Hartmann;

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]