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31 July 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: 31 July 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: 31 July 2009

IN THE CASE

AGAINST

FLORENCE HARTMANN

PUBLIC

ORDER ON STATUS OF DEFENCE EXHIBIT

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 “Defence Motion for Admission of Exhibits from the Bar Table”, filed publicly by the Defence for Florence Hartmann on 29 June 2009 (“Motion”);

NOTING that in paragraph 6 of the Motion, the Defence submitted that documents 43, 44, 48 and 55 should be admitted confidentially;¹

NOTING that on 30 June 2009, the Chamber issued its “Decision on Defence Motion for Admission of Exhibits from the Bar Table” (“Decision”) designating therein that documents 43, 44, 48 and 55 should be admitted under seal;²

NOTING that on review, document 25 attached to the Motion is a confidential order;³

NOTING that in paragraph 6 of their Motion, the Defence omitted to include document 25 in the list of exhibits that should be filed confidentially;

NOTING further that a discussion of document 25 in the public hearing of 15 June 2009 in the trial against Florence Hartmann was the subject of a confidential redaction order issued by the Chamber;

REQUESTS that the Defence file a corrigendum to its Motion in which it includes document 25 in paragraph 6;

REQUESTS the Registry to place document 25 (Exhibit D25) under seal.

¹ Motion, para. 6.

² Decision, p. 2.

³ The Chamber notes that while originally this order was *ex parte* and confidential, the *ex parte* status was lifted by the Chamber’s “Decision on Defence Motion Requesting Provision of Additional Documents, and in the French Language” dated 1 December 2008.

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



Judge Liu Daqun

Dated this 31st day of July 2009

At The Hague

The Netherlands

[Seal of the Tribunal]