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19INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIACHURCHILLPLEIN, 1, P.O. BOX 13888
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TÉLÉPHONE: 31 70 512-5000
TÉLÉCOPIE: 31 70 512-8637IT-02-54-R77.5
D8-D9
01 SEPTEMBER 2008**Case No. IT-02-54-R77.5****In the case against Florence Hartmann****PUBLIC****DECISION****THE DEPUTY REGISTRAR,**

NOTING the Statute of the Tribunal as adopted by the Security Council under Resolution 827 (1993), and in particular Article 21 thereof;

NOTING the Rules of Procedure and Evidence as adopted by the Tribunal on 11 February 1994, as subsequently amended ("Rules"), and in particular Rules 74 and 77 thereof;

NOTING the Practice Direction on Procedure for the Investigation and Prosecution of Contempt before the International Tribunal, issued on 6 May 2004 (IT 227) ("Practice Direction");

NOTING that on 27 August 2008, pursuant to Rule 77, a specially appointed Trial Chamber ("Trial Chamber") ordered "the prosecution of Florence Hartmann on two counts of contempt of the Tribunal, punishable under Rule 77(A)(ii) of the Rules, for knowingly and willfully disclosing information in knowing violation of an order of a Chamber" ("Order");

NOTING that in the Order, the Trial Chamber directed the Registrar to appoint an *amicus curiae* prosecutor to prosecute the charges set out in the Annex to the Order;

CONSIDERING that in accordance with Rule 77(E) of the Rules, Parts 4-8 of the Rules shall apply *mutatis mutandis* to contempt proceedings;



CONSIDERING that although neither Rule 74 nor the Information Concerning the Submission of *Amicus Curiae* Briefs (IT 122) stipulate the qualifications that an *amicus curiae* should possess, it is, nonetheless, in the interests of justice to ensure that the *amicus curiae* is a qualified professional who is familiar with the legal and procedural requirements of prosecuting such a case before the International Tribunal, and has relevant investigative or prosecutorial experience;

CONSIDERING further that it would be consistent with the function of and responsibilities of an *amicus curiae* that he/she be bound by the Statute, the Rules, and any other relevant rules, regulations, and orders of the International Tribunal;

CONSIDERING that Mr. Bruce MacFarlane, Q.C. is a qualified attorney, appointed Queen's Counsel by the Government of Canada and possesses substantial experience of criminal law and procedure;

HEREBY DECIDES to appoint Mr. Bruce MacFarlane, Q.C. as *amicus curiae* to prosecute the charges set out in the Annex to the Order, pursuant to the Trial Chamber's order for the prosecution of Florence Hartmann on two counts of contempt of the Tribunal;

HEREBY ORDERS that in the performance of these functions, Mr. Bruce MacFarlane, Q.C. shall be bound by the Statute, the Rules and any other applicable rules and regulations and orders, including the Code of Professional Conduct for Counsel Appearing Before the International Tribunal.


John Hocking
Deputy Registrar


Dated this 1st day of September 2008
At The Hague,
The Netherlands.