

INTERNATIONAL CRIMINAL TRIBUNAL
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Case No. IT-02-54-R77.5

*In the case against Florence Hartmann*PUBLIC
DECISION

THE 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 44 and 45 thereof;

NOTING the Directive on Assignment of Defence Counsel as adopted by the Tribunal on 28 July 1994, as subsequently amended ("Directive"), and in particular Articles 6, 7, 8, 9, 10 and 11(A)(i) thereof;

NOTING the Code of Professional Conduct for Counsel Appearing Before the International Tribunal (IT/125 REV.2);

NOTING that on 27 August 2008, a specially appointed Trial Chamber issued the Order in Lieu of An Indictment On Contempt for the prosecution of Ms. Florence Hartmann ("Accused") for contempt of the Tribunal under Rule 77 of the Rules;

NOTING that the Rules in parts four to eight apply *mutatis mutandis* to proceedings under Rule 77 of the Rules;

CONSIDERING that the Accused applied for Tribunal legal aid pursuant to Article 7 of the Directive on the basis that she does not have means to remunerate counsel, submitted a declaration of means pursuant to Article 7(B) of the Directive and also requested the assignment of Mr. William Bourdon, attorney at law from France, as her counsel;

CONSIDERING that on 23 September 2008, acting pursuant to Article 11(B) of the Directive, the Registrar assigned Mr. Bourdon as counsel to the Accused for a period of 120 days, determining that an interim assignment of counsel was necessary to ensure that the Accused's right to counsel was not affected while the Registry examined her ability to remunerate counsel;

CONSIDERING that the Registry has examined the information provided by the Accused in her declaration of means and has completed an inquiry into the Accused's means pursuant to Article 10(A) of the Directive;

CONSIDERING that the Accused enjoys an equitable ownership interest in a dwelling, but the Registry is unable to consider that ownership interest for the purpose of calculating the Accused's ability to remunerate counsel because the dwelling does not exceed the reasonable needs of the Accused and the persons with whom she habitually resides;

CONSIDERING that the Accused owns an automobile which is of low value, that does not exceed the Accused's reasonable needs and which, therefore, cannot reasonably be considered for the purpose of calculating the Accused's ability to remunerate counsel;

CONSIDERING that the Accused holds modest funds in her bank accounts which are insufficient to provide for the basic needs of the Accused and her family, and that it would therefore be unreasonable for the Registry to take these funds into account in determining the Accused's ability to remunerate counsel;

CONSIDERING that pursuant to a contract with a Serbian publisher for her book *Paix et Chatiment*, the Accused receives a small percentage of the retail price of each copy sold;

CONSIDERING further that the earnings of the Accused pursuant to the said contract are relatively low and are not likely to amount to a significant value in the following months, and that it would therefore be unreasonable for the Registry to take these funds into account;

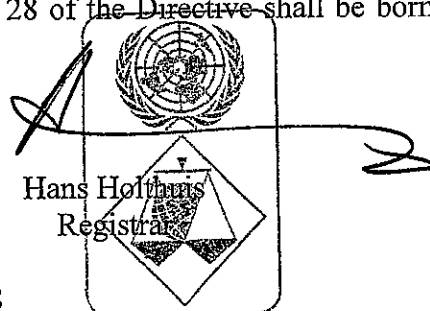
CONSIDERING that with the exception of the above items, the Registry is satisfied that the Accused has no assets or income and does not have sufficient means to pay for the costs of her defence before the International Tribunal;

REMINDING the Accused of her obligation under Article 7(E) of the Directive to update her declaration of means at any time a change relevant to her declaration of means occurs;

DECIDES in light of the above and in accordance with Article 11(A) of the Directive that the Accused is eligible for full legal aid;

DECIDES without prejudice to Article 19 of the Directive and pursuant to Article 11(A)(i) of the Directive to assign Mr. Bourdon as counsel to the Accused, effective as of the date of this decision;

INFORMS the Accused and her counsel that the expenses relating to the Accused's defence referred to in Articles 23, 26, 27 and 28 of the Directive shall be borne by the International Tribunal.



Dated this 13th day of November 2008
At The Hague,
The Netherlands.