

IT-02-54-R77.5  
D39-D37  
27 October 2008

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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: 27 October 2008**  
**Original: English**

**IN A SPECIALLY APPOINTED CHAMBER**

**Before: Judge Carmel Agius, Presiding  
Judge Alphons Orié  
Judge Christine Van den Wyngaert**

**Registrar: Mr Hans Holthuis**

**Decision of: 27 October 2008**

**IN THE CASE AGAINST  
FLORENCE HARTMANN**

***PUBLIC***

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**DECISION ON MOTION TO AMEND THE ORDER IN LIEU OF INDICTMENT ON  
CONTEMPT**

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**Amicus Curiae Prosecutor**

Mr Bruce MacFarlane

**Counsel of the Accused**

Mr William Bourdon

**I, JUDGE CARMEL AGIUS**, Presiding Judge in a Specially Appointed 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 Motion to Amend the Order in Lieu of an Indictment of Contempt pursuant to Rule 50 of the Rules of Procedure and Evidence and the Practice Direction on Procedure for the Prosecution of Contempt Matters, filed on 17 October 2008 (“Motion”);

**NOTING** the Order in Lieu of an Indictment on Contempt in the case against Florence Hartmann, Case No. IT-02-54-R77.5, filed on 27 August 2008 (“Order”);

**NOTING** that on 21 October 2008, the Defence was ordered to submit a response, if any, to the Motion, by 17.00 on 23 October 2008;

**NOTING** that on 23 October 2008, in an informal communication to the Chamber, the Defence for Ms Hartmann expressed that it did not object to the changes proposed in the Motion;

**RECALLING** that pursuant to Rule 50 (A)(i)(c) of the Rules of Procedure and Evidence (“Rules”), the Prosecutor may amend the indictment after the assignment of a case to a Trial Chamber, with the leave of that Trial Chamber or a Judge of that Chamber, after having heard the parties;

**CONSIDERING** that the Motion seeks to make minor corrections to the text of paragraph 1 of page 4 of the Order, which do not affect the substance of the Order and do not include any new charges;

**PURSUANT** to Rule 50(A)(i)(c) of the Tribunal’s Rules, grant the Motion, and;

**ORDER** that the Order be replaced by an Amended Order in Lieu of an Indictment, filed separately by the Chamber, implementing the proposed changes in paragraph 1 of page 4 of the Order accordingly.

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



Judge Carmel Agius  
Presiding Judge

Dated this 27th day of October 2008  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**