

Former Yugoslav war crimes tribunal spokeswoman indicted for contempt

Paul Mitchell
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The International Criminal Tribunal for the former Yugoslavia (ICTY) has indicted Florence Hartmann, the spokeswoman of the tribunal's former Chief Prosecutor Carla Del Ponte from 1999 to 2006, on two charges of contempt of court. Hartmann has been ordered to appear before the court on September 15, charged with revealing information relating to confidential decisions made by judges in the trial of the late Serbian leader Slobodan Milosevic. If found guilty, she could face seven years in jail or a fine of €100,000 (US\$150,000).

According to the contempt charges, Hartmann—who has been critical of Western power—“knew that the information was confidential at the time of the disclosure was made, that the decisions from which the information was drawn were ordered to be filed confidentially, and that by her disclosure she was revealing confidential information to the public.”

The charges relate to Hartmann’s disclosure of the confidential information in her book *Peace and Punishment: The Secret Wars of Politics and International Justice* (Paix et Châtiment) published on September 10, 2007, and in an article entitled “Vital Genocide Documents Concealed,” published by the Bosnian Institute on January 21, 2008.

The charges say her book gives details of decisions by the appeals court between September 20, 2005, and April 6, 2006, and the confidential nature of those decisions. Lead prosecutor Sir Geoffrey Nice said he was denied “fundamental information.” The court also refused to hand the same evidence over to the International Court of Justice in a genocide case brought by Bosnia against Serbia for the massacre of 8,000 Bosnian Muslims at Srebrenica in 1995 by VRS units under the command of General Ratko Mladic—officially the largest mass murder in Europe

since World War Two. The ICJ could not prove the Serbian government’s direct responsibility for the actions of the VRS, finding instead that Serbia had violated the Genocide Convention by failing to use its influence to prevent genocide or arrest Mladic.

In her article, Hartmann criticises the ICTY for contributing to “concealing the truth” and violating the UN Security Council resolution that established the tribunal in 1993, which states “the work of the ICTY shall be carried out without any prejudice to the rights of the victims to seek compensation for damages incurred as a result of international humanitarian law.”

Hartmann denies the contempt charges, saying, “For me and my lawyers, it’s a question of free speech and the right to inform, with transparency, the public on a subject of public interest.

“We cannot say international justice is not a subject of public interest; it’s a subject even of humanity interest.”

Hartmann says she found out about the charges from a news release before she had been officially notified, explaining, “The registry sent me a copy yesterday night [August 27], three hours after the press was informed, and my lawyer who was representing me at the point I was a suspect had not been informed yet.”

Her lawyer, William Bourdon, denounced the charges, saying that they were “motivated by non-legal concerns,” and added, “Taking action against Ms. Hartmann means that all those who, legitimately, in the interest of the public and of history, wish to bear witness to their actions in the service of international penal justice will be muzzled.”

Hartmann also expressed surprise at the timing of the charges a year after her book was published. They come less than a month after her outspoken criticism of the Western powers following the arrest of fugitive

Bosnian Serb leader Radovan Karadzic hit the world's headlines. She accused the West of protecting Karadzic, who was arrested in July for genocide and other war crimes allegedly committed during the war in Bosnia-Herzegovina between 1992 and 1995, when he was president of the Bosnian Serb Republic and supreme commander of the Bosnian Serb army (VRS). Karadzic is also accused of responsibility for the 44-month shelling of the Bosnian capital, Sarajevo, and the Srebrenica massacre.

Karadzic asserts that he was granted an immunity deal by former US Ambassador to the UN Richard Holbrooke, who brokered the Dayton Accord that ended the Bosnian War, provided he disappeared from public life. He has asked the Tribunal to order the appearance of Holbrooke and former US Secretary of State Madeleine Albright and two other officials allegedly involved in the deal. Holbrooke and Albright deny the accusations.

Hartmann claims that the US, Britain and France "blocked" the arrest of Karadzic and Mladic in order to prevent them putting "the blame for the crimes they have committed on the international community by saying that they have been given a green or orange light to take over the Srebrenica enclave."

"Sometimes arrest operations were halted by [former French President Jacques] Chirac personally, other times by Clinton.

"Western powers created the conditions for mass killings to happen," she declared.

Hartmann also maintains that from the day the ICTY was created, "there was an effort to steer justice to justify the actions of the big powers in their response to the war, the genocide."

"They consistently tried to overlook who was indicted, and then selectively provided evidence and even altered it depending if the Tribunal mandate to establish the truth would harm them or not."

To date, Hartmann's book has only been published in French and Bosnian. As a result of the charges, publishers will be less inclined to publish it in English and other languages, denying the book a wider audience. They also serve as a warning to anyone else before the Karadzic trial opens to keep quiet about the role of the Western powers at Srebrenica or in the break-up of Yugoslavia.



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