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PRESS RELEASE

ICTY: ARTICLE 19 Submits an Amicus Brief in Florence Hartmann's case

ARTICLE 19 has today submitted an *amicus curiae* brief in the case of a French journalist, Florence Hartmann, who has been convicted of contempt of court by the International Criminal Tribunal for Former Yugoslavia (ICTY) for disclosing confidential information.

On 14 September 2009, a Specially Appointed Chamber of the ICTY found Hartmann guilty of disclosing the contents of two Appeals Chamber Decisions from the case against Serbian leader Slobodan Milošević in a book and an article.

These decisions granted confidential status to documents of the Serbian State's Supreme Defence Council related to the 1995 Srebrenica massacre. The exact content of these documents has never been disclosed but they are reported to contain details of contact between the Serbian government and the Bosnian Serb army, which would establish a link between the government in Belgrade and war crimes such as those committed at Srebrenica. Hartmann had served for a number of years as spokesperson for the Chief Prosecutor for the ICTY.

The ICTY Specially Appointed Chamber found that Hartmann's conduct could deter sovereign states from cooperating with the Tribunal where the provision of evidentiary material is concerned, and sentenced her to a fine of 7,000 Euros.

While recognising that the tensions between the principles of freedom of expression, and the need for some degree of confidentiality to protect the administration of justice, ARTICLE 19's *amicus* brief maintains that the judgment of the Specially Appointed Chamber departs in significant ways from well-established principles of freedom of expression.

By referring to the international standards justifying restrictions on media freedom to safeguard the administration of justice, the *amicus* brief maintains that any conviction of contempt of court must be justified on the ground of necessity and proportionality. Accordingly, it states that freedom of expression can be invoked to excuse an accused person's conduct, even if valid orders have been breached.

The *amicus* brief claims that, in the circumstances, the restriction of Hartmann's freedom of expression was unnecessary. ARTICLE 19 points out that the disclosures were a serious and well-informed contribution to a debate about international justice.

They were made a long time after the Milosevic trial ended and concerned information which was already in the public domain. The *amicus* brief claims that the Specially Appointed Chamber failed to apply the proportionality test and to consider the potential chilling effect on freedom of expression of imposing criminal liability on journalists reporting on matters of public interest.

NOTES TO EDITORS:

- For more information please contact: David Banisar, Senior Legal Consultant, Banisar@article19.org or +44 20 7324 2500.
- The full text of the amicus brief and the leave for amicus brief can be found at <http://www.article19.org/pdfs/analysis/icty-amicus-brief-in-the-case-of-florence-hartmann.pdf>.
- ARTICLE 19 appreciates the assistance of Guy Vassall-Adams, Barrister with Doughty Street Chambers, who is acting as counsel for ARTICLE 19 in this case.
- ARTICLE 19 is an independent human rights organisation that works around the world to protect and promote the right to freedom of expression. It takes its name from Article 19 of the Universal Declaration of Human Rights, which guarantees free speech.