

Your Honours,

September 14 will remain as a black day in the history of International Justice.

According to your own words, by finding Florence Hartmann guilty, you wanted to send a "strong signal". And we indeed have received a "strong signal".

The signal of a dangerous attempt to establishing case law that is in opposition with both the mission of this Tribunal and to the case law that has been established by international tribunals and by the European Court for Human Rights.

By extending the privilege of confidentiality to the legal reasoning or arguments that drew to the decision of classifying evidential material, you turn back on two fundamental principles essential for the well functioning of any judicial body: transparency and public scrutiny to ensure control of the legality of the judicial decisions and actions. The judges must account for their decisions to the public so that there can be public scrutiny. It is legitimate and necessary that the public can discuss, comment or even challenge the legality of court decisions.

By breaking these international standards, you are trying to impose a "secret justice".

The signal of a dangerous attempt to curtail free-speech.

You admit that Florence Hartmann's writings did not reveal anything unknown about the way in which the documents of the Serbian Supreme Council of Defence were censored. You admit that her writings just echo numerous public writings and debates that took place long before the publishing of her two impugned texts. However Florence Hartmann is the only one to be indicted and convicted.

You create new curtailments to the freedom of speech by assuming the right to prevent the publication of information that has been, partially or entirely, already in the public domain. Yet you know that such interference is contrary to the fundamental rights guaranteed in democratic societies.

By doing so you try to deny the journalist's rights to inform and communicate the truth when this latter questions your decision, thus prompting self-censorship to the whole profession.

A disastrous signal to the victims on whose behalf you are supposed to act.

The grounds of your decision gives a much higher care to the interests of the States compared to those of the victims, whom you do not even refer to in the judgement.

You also take part, nolens volens, to a rewriting of the conflict in the former Yugoslavia that tends to exonerate Serbia and deprive victims from their legitimate

rights.

Yet, soon after the judgment, your President, Judge Robinson, outlined before the U.N. General Assembly the utmost importance of compensation to victims of war crimes recalling that meting out justice is not only about punishing perpetrators but also about restoring dignity to victims by ensuring that they have concrete means to rebuild their lives. President Robinson insisted that failure to address the needs of victims would be contrary to international law in which their right to such compensation is firmly rooted and would undermine efforts to contribute to long-term peace and stability in the region.

But it is precisely for condemning the violation of these very principles, subsequently eloquently defended by your President, that you have convicted Florence Hartmann.

More than anyone else's, it was your mission to establish the truth so that there could be reconciliation in the region. You owed it to the victims and to History.

This is what we, lawyers, diplomats, journalists, historians and citizens of the World, were awaiting from you.

At a time when denial comes increasingly virulent and prevents lasting peace, it is more important than ever to establish the truth, that is to say that this war and aggression was driven by an ethnic cleansing policy, with crimes committed that the International Court of Justice qualified as genocide.

For all these reasons, Florence Hartmann should have never been indicted and convicted and must be acquitted in appeal