

## **Witness Says Hartmann Helped Establish Truth**

**Author:** [Goran Jungvirth](#)

Activist testifies that controversial material in book was already well known despite a confidentiality order of Hague tribunal.

Florence Hartmann's defence team called on war crimes tribunal judges this week to acquit the former Hague spokeswoman of charges of contempt of court over her mention in a book of orders by the Hague court to seal potentially incriminating Serbian military documents. She faces a maximum seven-year sentence and a fine equivalent to 140,000 US dollars.

Hartmann, who covered the Balkan wars of the 1990s as a journalist for the French daily *Le Monde*, was the spokeswoman for Carla Del Ponte, then chief prosecutor of the war crimes tribunal, from 2000 to 2006.

In her 2007 book *Peace and Punishment: The Secret Wars of Politics and International Justice*, she wrote about a series of documents – minutes of Serbia's Supreme Defence Council, a body led by late Serbian autocrat Slobodan Milosevic and including top Serb generals and politicians – given by Serbia to the tribunal to assist the prosecution of Milosevic, on the condition that they were kept confidential.

Milosevic died in his cell in March 2006, a few weeks before the end of his trial for war crimes in Bosnia, Croatia and Kosovo. Activists say those secret documents contain crucial information about the course of the Yugoslav wars and could have helped Bosnia in its lawsuit against Serbia for genocide. Bosnia lost the case in the International Court of Justice, ICJ, in 2007.

Respected Serbian human rights campaigner Natasa Kandic, when cross-examined by the prosecution on July 1, repeated her previous testimony that “it is not good for justice” that the tribunal judges decided to allow Serbia to redact and conceal the documents.

The documents show “the connection of the state of Serbia, its military and police with the institutions, army and police of (Bosnia's) Republika Srpska”, she said.

“The goal of that connection was that Bosnian Serbs are not feeling lonely when murders of prisoners in Srebrenica are taking place, so they feel they are doing it together with Serbia,” she added, alluding to the 1995 Srebrenica massacre of 8,000 Bosnian Muslims by Bosnian Serb troops.

“It is not only the right of the individual to find out the truth, but the right of the entire society,” said Kandic when the panel of judges asked her if she accepted any limitation on the right of the public to know the truth.

“When war crimes are in question, and a state is publicly qualified as a criminal state - I am thinking of Serbia during the Milosevic regime - then I think that truth is important so those responsible for the most serious criminal acts can be punished.”

Kandic said that the existence of the documents and the tribunal's decision to seal them was an open secret and was often discussed in NGO circles. She said she personally had not seen the documents, but was quoting Professor Vojin Dimitrijevic, a Serbian lawyer who was part of the team preparing the Serbian defence against Bosnia's charges of genocide.

According to Kandic, Dimitrijevic confirmed to her openly in public the existence of such documents, a long time before Hartmann published her book.

When the prosecutor asked the witness about a round-table discussion held in mid-2007 in Belgrade, a time when many legal experts from the region discussed the ICJ's ruling dismissing the Bosnian case, Kandic said that again no one from the Serbian legal team tried to hide the fact that those documents exist.

She said that on that occasion Professor Radoslav Stojanovic, the leader of the Serbian legal team, also expressed his wish to make controversial documents public.

"Every country, in this example Serbia, has a responsibility to victims and society to give all the information about responsibility for committed crimes, in this example for genocide in Srebrenica," added Kandic.

Dissatisfied with the answer, the prosecutor said, "Mrs Hartmann described you as a committed fighter for human rights so I can conclude that you will make your stand no matter what the questions you have been asked.

"Your engagement today is to make, as a committed activist for human rights, a message to the court, to public ..."

"I'm saying for years that those documents should be public so the truth can be found," replied Kandic. "Why is Florence Hartmann on trial here, if I and tens of activists, legal experts ... for years are demanding that those documents become public?"

"No country from the former Yugoslavia should misuse [tribunal rules] and hide the relevant documents from the public," said Kandic, leading the prosecutor to complain that the witness was making a speech instead of answering questions.

Kandic told the court she considers Hartmann "a very important person in determining the facts about the truth".

"Many work at the tribunal because it is a challenging job. She was emotionally involved in this work as well. She saw victims. And by determining the facts there will be less lies and less possibility that something like this (the 1995 Srebrenica massacre) can happen again," Kandic said, adding that the tribunal should think again about its decision about the controversial documents.

In its closing arguments, the defence also referred to Hartmann's professional record and dedication to the work of the Hague tribunal to underline its case that she believed she was not violating any confidentiality order when mentioning the documents in her book, due to their existence being already publicly known and published in other sources.

“It is noticeable that the evidence is that Ms Hartmann was known to be a professional and committed employee and a person committed to the ideal of international justice and to the success of the work of this tribunal,” her defence team said. “There is no reasonable basis to conclude that such a person would wish or would even consider interfering with the good administration of justice.”

But, the defence continued, even if Hartmann was mistaken about the lawfulness of what she wrote, she “believed, in good faith, that she was entitled to act as she did” and did not show any intent to defy or obstruct the tribunal, and so should not be held criminally liable.

“The trial chamber should fully consider the fact that there is, at the very least, a great deal of ambiguity and uncertainty as to the scope and effect of the waiver of confidentiality that results from the tribunal’s public references to the impugned information and from the public acknowledgements of these allegedly ‘confidential’ facts by Serbia-Montenegro,” the defence added.

In conclusion, the defence asked for an acquittal for Hartmann, or at the very least that the court take into account the extenuating circumstances and impose a lenient sanction in the form of a conditional discharge.

Goran Jungvirth is an IWPR-trained reporter in Zagreb.

**Location:** [Balkans](#)  
[Serbia](#)  
[Kosovo](#)  
[Croatia](#)  
**Topic:** [Courtside](#)

---

**Source URL:** <https://iwpr.net/global-voices/witness-says-hartmann-helped-establish-truth>