

Tadic Appeals Against 25 Year Sentence

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down to Dusko Tadic. In July 1997 he was sentenced to 20 years imprisonment

by the Trial Chamber, but in November 1999, following a decision by the

Appeals Chamber that he was guilty of an additional nine counts, Tadic's

sentence was increased to 25 years.

As the defence has appealed to both sentences, the Appeals Chamber decided

to hear the cases jointly.

At Friday's (January 14) hearing Tadic's defence counsel, William Clegg,

stated that Tadic's sentence should be reduced, though he did not suggest by

how much. Clegg argued the sentence should be compared to other sentences

before this Tribunal. That, in his opinion, would demonstrate that Tadic, as

a "small fish", ought to receive a lighter punishment.

"It is highly desirable that the Tribunal develop a recognisable sentencing

tariff which reflects the position of those convicted", said the defence

lawyer.

But the prosecutor contends that it is impossible for the Tribunal to

announce a pre-existing table of sentencing criteria and create a complete

table of punishment. It also noted that Tadic must have had some power since he had access to the camps around Prijedor where Moslem and Croat detainees were maltreated and killed.

The former president of the Tribunal, Gabrielle Kirk McDonald, had noted in her last interview with Tribunal Update that Tadic was not a "small fish" in the eyes of his victims.

Tadic's defence also believes the judges placed too much emphasis on deterrence when delivering such a severe sentence. The defence is of opinion that lengthy sentences handed down to foot soldiers do not work as a deterrent to any would-be perpetrator of war crimes.

But the prosecutor argued that sentencing does have a deterrent effect. Many individuals responsible for war crimes are still walking free and once the likelihood of potential prosecution by this Tribunal is recognised, the possible severity of punishment could act as a significant deterrent to any future commission of such crimes the prosecutor argued.

The Appeals Chamber announced that their decision on this appeal would be delivered "fairly quickly." Tadic's trial is the lengthiest so far: it began in May 1996 and almost four years later the appeals process is still not complete.

Focus: International Criminal Tribunal for the former Yugoslavia

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