

## **Tadic Appeals Against His Former Lawyer**

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The accepted ground one is based on the assertion that "the proper presentation of the appellant's [Tadic's] case was frustrated by the civic authorities in Prijedor and the Central Government in Republika Srpska generally, who did not co-operate with the Trial Chamber or with [Tadic's lawyers]". This meant that the Defence team, led at the time by Dutch lawyer Michail Wladimiroff, "was unable to identify and call all relevant and material witnesses," and there was thus "no equality of arms" between Prosecution and the Defence.

Ground three, also accepted, relates to a Prosecution witness whose testimony was key to the Trial Chamber's conclusion that the accused was guilty of the murder of two Muslim policemen. Clegg and Livingston question the credibility of that witness, saying that he was "introduced by the government of Bosnia and Herzegovina," just like the false [discredited] witness "L" who was subsequently identified as Dragan Opacic.

Most interesting was, however, ground two, which the Appeals Chamber rejected. In this section of his appeal, Tadic had complained against his former Counsel, Belgrade lawyer Milan Vujin! A short reminder of the Tadic case: Dusko Tadic was sentenced to 20 years' imprisonment for war crimes committed in 1992 in the region of Prijedor in North-Western Bosnia and the two prison-camps situated there, Omarska and Keraterm. At the beginning of the trial, Milan Vujin was on the team lead by Michail Wladimiroff, but pulled out shortly afterwards due to his alleged poor knowledge of the English language.

After the trial proceedings were completed and shortly before the judgment was pronounced, Tadic unexpectedly discharged Wladimiroff and placed Vujin as his lead counsel. Vujin represented him in the pre-sentencing phase of the trial and lodged the appeal against the judgment after the sentence was passed. Late last year Tadic suddenly dismissed Vujin too, and named British barrister William Clegg Q.C. as his new lead counsel. To work alongside John Livingston who was in the team with Vujin.

On 8 January this new team submitted an Amended Notice of Appeal, which was partly allowed last Monday, except for the above-mentioned ground two.

Ground two was thus formulated in the Appeal: "The right of the appellant to a fair trial was gravely prejudiced by the conduct of one of his former counsel Milan Vujin." Clegg and Livingston submitted the following allegations in support of their accusation against their Belgrade colleague, who is also President of the Serbian Bar Association:

As the lead-counsel, they say, "Mr Vujin was acting in a manner designed to frustrate the proper presentation of the case of the appellant by:

(i) Instructing witnesses to withhold certain evidence that would identify the person who had in fact committed the crimes that the appellant had been convicted of committing; (ii) Instructing witnesses to give false evidence; (iii) Withholding evidence from the other counsel (..) and from the appellant himself; (iv) Taking steps to frustrate the attempts of other counsel instructed from gathering evidence to support the appellant's defence."

This, however, is not all. Clegg and Livingston further claim that the list of Tadic's Defence witnesses was given to the notorious chief of Prijedor Police, Simo Drljaca, who was killed in July 1997 during an attempt to arrest him by SFOR. Mr Vujin, they claim, gave a copy of that list "in the full knowledge that it would be harmful to the legitimate attempts of trial counsel to obtain evidence in support of the appellant's case."

All in all, Clegg and Livingston conclude, "Mr Vujin was more concerned to protect the identity of other Serb nationals who had committed crimes..[and] this concern prompted him to compromise the proper presentation of the Defence case." The only possible conclusion of that, they say, is "that the trial process was corrupted by the pre-trial conduct of Mr Milan Vujin, and that as a consequence the appellant's right to a fair trial was lost."

Last Monday's hearing on this appeal ground was held in a closed session, so that it remains unknown exactly which arguments were used by the Appeals Chamber to deny Tadic's appeal against his former counsel. We shall therefore return to this case when the Appeals Chamber decision is made available in writing.

A public hearing on Tadic's appeal has been scheduled to begin on 19 April 1999, and is expected to last

for five days.

**Location:** Bosnia and  
Herzegovina

**Focus:** International Criminal Tribunal for the former  
Yugoslavia

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