

Tadic Receives A 25 Year Sentence

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The sentences will be served concurrently and are deemed to have started from November 8, 1994 - the date on which the Trial Chamber issued a formal request to the German authorities to defer his case to the ICTY jurisdiction.

The longest sentence - 25 years imprisonment - was passed for Tadic's part in the killing of 5 Bosnian men in the village of Jaksici, which was deemed a crime against humanity. On two other charges relating to the same killings - grave breaches of the Geneva Conventions and violations of the laws or customs of war - Tadic was sentenced to 24 years imprisonment for each.

In the opinion of the Trial Chamber, Judge McDonald, presiding for the last time, said, "retribution and deterrence serve as a primary purposes of sentence."

As aggravating factors in determining the appropriate sentence, the Trial Chamber has considered Tadic's "awareness of, and support for, the attack on the non-Serb civilian population of municipality Prijedor by Bosnian Serb forces and the Republika Srpska authorities operating in that area."

Reviewing Tadic's interviews with OTP investigators, the Trial Chamber turned down the defence's request that his "substantial co-operation" be considered as mitigating circumstances, finding that the (reviewed) "material does not amount to evidence of substantial co-operation."

However, the Chamber did take into account the report on his conduct in the UN Detention unit, according to which Tadic "during the last eighteen months has behaved as a model detainee."

The Trial Chamber (Judge McDonald, presiding, Judges Lal Chand Vohrah and Patrick Lipton Robinson), was unanimous in sentencing Tadic to an additional five years in prison.

However, Judge Patrick L. Robinson attached a separate opinion on two issues. First, with regard of the relative gravity of crimes against humanity and war crimes, Judge Robinson was of the view that, as a matter of principle and all things being equal, they deserve the same sentence.

Secondly, Judge Robinson did not find the killing of five men in Jaskici to be more heinous than the murder of the two Bosnian policemen. Tadic was originally sentenced to 20 years imprisonment for the latter offence and Judge Robinson believed this discrepancy to be unjustified and the sentence should therefore be increased to 25 years.

Tadic's British Defence Counsel, John Livingston, told the journalists, after the sentence was pronounced, he would appeal. "Bearing in mind his place in the scheme of things in Bosnia at the time, the sentence was too high" - said Livingston, describing Tadic as a "tadpole in a pool of sharks", and asking what sentence "the sharks" may expect... if they ever get caught."

In an interview with Tribunal Update - to be carried in full in the next issue - Judge McDonald dismissed the 'tadpole' image as irrelevant.

"We sentence persons based upon those persons who are before us. I, as a Judge, will not reserve a particular sentence for someone who is not here, because that person has not even been tried yet and a person does have a presumption of innocence.

"If he said he was a tadpole in the pool of sharks, I don't know? You talk to the individuals who suffered at his hands and you ask them whether he was a tadpole? I don't think that they will say he is a tadpole.

"I listened to 120 witnesses during the trial and many of them testified about the violent and egregious behaviour of Mr. Tadic. And this sentence was what the Judges decided to impose unanimously."

The OTP spokesman, Paul Riskey, expressed satisfaction over the fact that the Trial Chamber considered the Prosecutor's request that Tadic's sentence be increased, as well as the Judges' point that "retribution and deterrence serve as the primary purposes of sentence."

Location: Bosnia and Herzegovina

Focus: International Criminal Tribunal for the former Yugoslavia

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