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International pour
l'ex-Yougoslavie

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APPEALS CHAMBER

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APPEALS CHAMBER REDUCES MOMIR NIKOLIĆ'S SENTENCE TO 20 YEARS

The Tribunal's Appeals Chamber today reduced the sentence against Momir Nikolić, a Bosnian Serb army officer convicted of crimes committed in Srebrenica in 1995, to 20 years.

On 7 May 2003, Momir Nikolić, Assistant Commander for Security and Intelligence of the Bosnian Serb Army Bratunac Brigade, pleaded guilty to persecuting Bosnian Muslim civilians in Srebrenica in 1995. Specifically, Momir Nikolić admitted that he was involved in coordinating and organizing the Bosnian Serb army operation to kill over 7,000 Bosnian Muslim men and boys, and deport many thousands of women and children to Muslim-held territory. The Trial Chamber sentenced him to 27 years imprisonment for this crime.

Momir Nikolić appealed his sentence, arguing that the Trial Chamber made errors in determining it. Specifically, Momir Nikolić submitted twelve grounds of appeal. The Appeals Chamber accepted three of them. First, it found that the Trial Chamber considered Momir Nikolić's role in the crimes he committed both in determining the seriousness of the crime and, again, as an aggravating circumstance. The Appeals Chamber agreed with the defence that Momir Nikolić's role in the crimes was thus considered twice in determining the sentence. In the opinion of the Appeals Chamber, this was an error by the Trial Chamber.

Second, the Appeals Chamber agreed with both parties that the Trial Chamber relied significantly upon a false translation of remarks made by Momir Nikolić's defence counsel during his closing argument. The defence counsel said that "around 7.000 men were killed" and the translation read that "only 7.000 persons were killed in this campaign". The Appeals Chamber concluded that the Trial Chamber's expression of 'shock' at this statement shows that the translation error had a negative influence on the determination of Momir Nikolić's sentence.

Third, the Appeals Chamber agreed that the Trial Chamber made mistakes when assessing Momir Nikolić's cooperation with the Prosecution and thus attached insufficient weight to this mitigating circumstance.

Momir Nikolić remains in the custody of the Tribunal until arrangements for his transfer to the state in which he will serve his sentence are finalised.

Momir Nikolić is one of six individuals convicted for crimes in Srebrenica in 1995. In addition to Momir Nikolić, two other Bosnian Serb army members pleaded guilty. They are among the 21 individuals the Tribunal indicted for these crimes. Former Yugoslav and Serb President Slobodan Milošević is currently on trial for these among other crimes, while eleven others are in the pre-trial phase of proceedings. Of the six accused who remain at large, three are charged with crimes committed in Srebrenica: Ratko Mladić, Radovan Karadžić and Zdravko Tolimir.

The full text of the Judgement can be found on the ICTY website at:
www.un.org/icty/mnikolic/appeal/judgement/nik-aj060308-e.htm

Courtroom proceedings can be followed on the Tribunal's website.

Internet address: <http://www.un.org/icty>

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