

# Tadic case: Defence Counsel appeals against Sentencing Judgment of 14 July 1997.

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## **TADIC CASE: DEFENCE COUNSEL APPEALS AGAINST SENTENCING JUDGMENT OF 14 JULY 1997**

On Saturday 9 August 1997, Defence counsel for the accused Dusko TADIC filed a Notice of Appeal against the Sentencing Judgment handed down by Trial Chamber II on 14 July 1997.

### **Grounds of Appeal**

Defence appeals on grounds of errors of law invalidating the decision and errors of fact which has occasioned a miscarriage of justice. According to the Defence, the Trial Chamber has made the following errors:

1. The Chamber failed to take sufficient account of the "*relative unimportance*" of the accused in the overall campaign in Opstina Prijedor;
2. Since "*the punishment should fit the offender not merely the crime*", the Chamber failed to take sufficient account of the accused's personality, his "*ruined future*" both in Republika Srpska and in any other country, his "*inevitable isolation*" while serving the sentence in a foreign country, and his family status;
3. The Chamber could not pronounce a sentence of 20 years imprisonment since this is the longest possible sentence as an alternative to the death penalty under Yugoslav law;
4. The Chamber erred in principle in assessing that the minimum period of imprisonment should be 10 years;
5. The Chamber erred in principle in not ensuring that the accused was given full credit for the time spent in custody in Germany.

### **Conclusion**

The Defence proposes that the Appeals Chamber "*reverse or revise the Judgment rendered by the Trial Chamber*" in accordance with Article 25(2) of the Statute

The Defence also states that the Notice of Appeal is "*without prejudice to the accused Dusko Tadic's contentions in the Notice of Appeal against conviction*" and "*keeps the right to expose some other reasons in the Appeal Brief*".