

United Nations  
Nations UniesInternational Criminal Tribunal  
for the former Yugoslavia  
Tribunal Pénal International  
pour l'ex-Yugoslavie

“PRIJEDOR” (IT-94-1)

DUŠKO  
TADIĆ

## DUŠKO TADIĆ

*Convicted of wilful killing, torture or inhuman treatment and murder*

President of the Local Board of the Serb Democratic Party (SDS) in Kozarac

- Sentenced to 20 years' imprisonment

*Crimes convicted of (examples):***Wilful killing; torture or inhuman treatment; wilfully causing great suffering or serious injury to body or health** (grave breaches of the 1949 Geneva conventions)

- During the attack on Kozarac and surrounding areas, Duško Tadić participated in the collection and forced transfer of civilians to detention camps.
- As part of a group of Serbs, he beat and kicked one victim until he was unconscious.
- He threatened one victim with a knife and then stabbed him.

**Murder** (crimes against humanity and violations of the laws or customs of war)

- Duško Tadić killed two Muslim policemen in Kozarac on 26 May 1992.
- He participated in the killings of five men in Jaskići, a village near Prijedor.

|   |  |
|---|--|
| <b>Born</b>                                 | 1 October 1955 in Kozarac, Bosnia-Herzegovina  |
| <b>Indictment</b>                           | Initial: 13 February 1995; first amended: 1 September 1995; second amended: 14 December 1995   |
| <b>Arrested</b>                             | 12 February 1994, by German authorities  |
| <b>Transferred to ICTY</b>                  | 24 April 1995  |
| <b>Initial appearance</b>                   | 26 April 1995, pleaded not guilty to all charges   |
| <b>Trial Chamber judgement</b>              | 7 May 1997   |
| <b>Trial Chamber sentencing judgement</b>   | 14 July 1997, sentenced to 20 years' imprisonment  |
| <b>Appeals Chamber judgement</b>            | 15 July 1999, convicted on nine additional counts  |
| <b>Appeals Chamber sentencing judgement</b> | 26 January 2000, sentenced to a total of 20 years' imprisonment  |
| <b>Sentence served</b>                      | Transferred to Germany on 31 October 2000 to serve the remainder of his sentence; credit was given for time served since 13 February 1994; early release granted on 17 July 2008 |

## STATISTICS

|                                 |     |
|---------------------------------|-----|
| Trial days                      | 79  |
| Witnesses called by Prosecution | 86  |
| Witnesses called by Defence     | 40  |
| Prosecution exhibits            | 362 |
| Defence exhibits                | 103 |

| TRIAL                       |   |
|-----------------------------|---|
| Commenced                   | 7 May 1996  |
| Closing arguments           | 25 - 28 November 1996   |
| Sentencing judgement        | 14 July 1997  |
| Trial Chamber II            | Judge Gabrielle Kirk McDonald (presiding), Judge Ninian Stephen, Judge Lal Chand Vohrah   |
| Counsel for the Prosecution | Grant Niemann, William Fenrick, Brenda Hollis, Michael Keegan, Alan Tieger  |
| Counsel for the Defence     | Michail Wladimiroff*, Alphons Orié*, Steven Kay*, Sylvia de Bertodano*, Milan Vujin, Nikola Kostić<br>(* Withdrawn as counsel of record on 1 and 23 April 1997) |

| APPEALS                     |   |
|-----------------------------|---|
| Appeals Chamber             | Judge Mohamed Shahabuddeen (presiding), Judge Antonio Cassese, Judge Wang Tieya, Judge Rafael Nieto-Navia, Judge Florence Mumba |
| Counsel for the Prosecution | Upawansa Yapa, Brenda Hollis, Michael Keegan  |
| Counsel for the Defence     | William Clegg, John Livingston  |
| Judgement                   | 15 July 1999  |

| TRIAL CHAMBER SENTENCING JUDGEMENT |   |
|------------------------------------|---|
| <i>11 November 1999</i>            |   |
| Trial Chamber II <i>bis</i>        | Judge Gabrielle Kirk McDonald (presiding), Judge Ninian Stephen, Judge Lal Chand Vohrah |
| Counsel for the Prosecution        | Upawansa Yapa, Brenda Hollis, Michael Keegan  |
| Counsel for the Defence            | William Clegg, John Livingston  |

| JUDGEMENT IN SENTENCING APPEALS |   |
|---------------------------------|---|
| <i>26 January 2000</i>          |   |
| Appeals Chamber                 | Judge Mohamed Shahabuddeen (presiding), Judge Antonio Cassese, Judge Wang Tieya, Judge Rafael Nieto-Navia, Judge Florence Mumba |
| Counsel for the Prosecution     | Upawansa Yapa, Brenda Hollis, Michael Keegan  |
| Counsel for the Defence         | William Clegg, John Livingston  |

| JUDGEMENT ON ALLEGATIONS OF CONTEMPT AGAINST PRIOR COUNSEL MILAN VUJIN |   |
|--|---|
| <i>31 January 2000</i>   |   |
| Appeals Chamber  | Judge Mohamed Shahabuddeen (presiding), Judge Antonio Cassese, Judge Rafael Nieto-Navia, Judge Florence Mumba, Judge David Hunt |
| Counsel for the Respondent   | Vladimir Domazet  |
| Counsel for the Interested Parties                                     | For the Prosecutor: Upawansa Yapa, Brenda Hollis, Michael Keegan<br>For Duško Tadić: Anthony Abell                              |

| APPEAL JUDGEMENT ON ALLEGATIONS OF CONTEMPT AGAINST PRIOR COUNSEL MILAN VUJIN |  |
|---|--|
| 27 February 2001  |  |
| Appeals Chamber   | Judge Claude Jorda (presiding), Judge Mohamed Bennouna, Judge Patricia Wald, Judge Fausto Pocar, Judge Liu Daqun |
| Counsel for the Appellant   | Vladimir Domazet   |
| Counsel for the Interested Parties  | For the Prosecutor: Upawansa Yapa, Brenda Hollis, Michael Keegan<br>For Duško Tadić: Anthony Abell               |

| RELATED CASES<br><i>by geographical area</i>                            |  |
|---|--|
| BANOVIĆ (IT-02-65/1) "OMARSKA CAMP & KERATERM CAMP"                     |  |
| BOROVNICA (IT-95-3) "PRIJEDOR"  |  |
| BRĐANIN (IT-99-36) "KRAJINA"  |  |
| KARADŽIĆ & MLADIĆ (IT-95-5/18) "BOSNIA AND HERZEGOVINA" & "SREBRENICA"  |  |
| KRAJISNIK (IT-00-39 & 40) "BOSNIA AND HERZEGOVINA"                      |  |
| KVOČKA <i>et al.</i> (IT-98-30/1) "OMARSKA, KERATERM & TRNOPOLJE CAMPS" |  |
| MEJAKIĆ <i>et al.</i> (IT-02-65) "OMARSKA CAMP & KERATERM CAMP"         |  |
| MILOŠEVIĆ (IT- 02-54) "KOSOVO, CROATIA & BOSNIA"                        |  |
| MRĐA (IT-02-59) "VLAŠIĆ MOUNTAIN"                                       |  |
| PLAVŠIĆ (IT-00-39 & 40/1) "BOSNIA AND HERZEGOVINA"                      |  |
| SIKIRICA <i>et al.</i> (IT-95-8) "KERATERM CAMP"                        |  |
| STAKIĆ (IT-97-24) "PRIJEDOR"  |  |
| STANIŠIĆ, MIĆO (IT-04-79)   |  |
| ŽUPLJANIN (IT-99-36) "KRAJINA"  |  |
| KOVAČEVIĆ & DRLJACA (IT-97-24) "PRIJEDOR"                               |  |

## INDICTMENT AND CHARGES

Duško Tadić was originally indicted with Goran Borovnica on 13 February 1995 and the first amended indictment was confirmed on 1 September 1995. The second amended indictment of 14 December 1995 also named both Duško Tadić and Goran Borovnica. In April 2005, the indictment against Goran Borovnica was withdrawn, without prejudice. In the Order, the Judge considered documents presented by the Prosecutor indicating that Goran Borovnica had been declared missing since 20 March 1995 and declared officially dead on 22 November 1996.

Duško Tadić was charged on the basis of individual criminal responsibility (Article 7(1) of the Statute) with:

- Persecutions on political, racial or religious grounds; rape; murder; inhumane acts (crimes against humanity, Article 5),
- Wilful killing; torture or inhuman treatment; wilfully causing great suffering or serious injury to body or health (grave breaches of the 1949 Geneva conventions, Article 2),
- Cruel treatment; murder (violations of the laws or customs of war, Article 3).

## THE TRIAL

The trial commenced on 7 May 1996. The closing arguments took place on 25 and 26 November 1996 for the Prosecution, and 26 to 28 November 1996 for the Defence. The trial took place before Trial Chamber II (Judge Gabrielle Kirk McDonald (presiding), Judge Ninian Stephen, and Judge Lal Chand Vohrah).

## TRIAL CHAMBER JUDGEMENT

On 30 April 1992, the Serb Democratic Party ("SDS") conducted a bloodless takeover of the town of Prijedor with the aid of the military and police forces. The takeover was conducted in the early hours of the morning when armed Serbs took up positions at checkpoints throughout Prijedor, with soldiers and snipers on the roofs of the main buildings. Military posts were erected all over the city and the Serbian flag with four Cyrillic S's was flown from the City Hall. Yugoslav People's Army ("JNA") soldiers, wearing a variety of uniforms, occupied all of the prominent institutions such as the radio station, medical centre and bank. They entered buildings, declared that they had taken power and announced their decision to rename the Prijedor Municipality "Srpska opština Prijedor" (Serb Municipality of Prijedor). Muharem Nezirević, the Editor-in-Chief of Radio Prijedor at the time, was summoned to the radio station in the early morning of 30 April 1992. When he arrived, the radio station was surrounded by soldiers. Milomir Stakić, who before the takeover had been Vice Chairman of the Municipal Assembly and afterwards became the Chairman of the Serb Municipal Assembly, explained on the radio both what had happened and the SDS's intentions with regard to Prijedor municipality.

The attack on the nearby town of Kozarac on 24 May 1992, which included two days of artillery barrage and an assault by a mechanised brigade of troops, resulted in the killing of some 800 civilians out of a population of around 4,000. When the town had been captured, the Bosnian Serb forces proceeded to round up and drive out of the area on foot the entire non-Serb population. During the course of the ethnic cleansing of Kozarac, many more civilians were beaten, robbed and murdered by Bosnian Serb paramilitary and military forces.

During the occupation of Kozarac, Duško Tadić participated in the collection and forced transfer of civilians. As the refugees were herded down the old Prijedor-Banja Luka road in the direction of Kozaruša, many of them were singled out and, once removed from the column, were shot by members of the Bosnian Serb forces.

After the takeover of Prijedor and the outlying areas, the Serb forces confined thousands of Muslim and Croat civilians in the Omarska, Keraterm and Trnopolje camps. The establishment of these camps was part of the "Greater Serbia plan" to expel non-Serbs from the Prijedor Municipality.

During confinement, both male and female prisoners were subjected to severe mistreatment, which included beatings, sexual assaults, torture and executions. They were also subjected to degrading

psychological abuse, by being forced to spit on the Muslim flag, sing Serbian nationalist songs or to give the Serbian three-fingered salute. Drinking water was often denied to the prisoners in the Omarska camp for long periods and was, in any event, unsuitable for human consumption, causing sickness. There was very little in the way of lavatories; prisoners had to wait hours before being allowed to use them, and sometimes risked being beaten if they asked to use them. Prisoners were often forced to defecate and urinate in their rooms. There were no effective washing facilities, and men and their clothes quickly became filthy and skin diseases were prevalent, as were acute cases of diarrhoea and dysentery.

The crowded rooms were stifling in the summer heat and often guards refused to open windows in rooms crowded to overflowing, or demanded the handing over of any possessions prisoners had managed to retain as the price of an open window or a plastic jar of water.

On 7 May 1997, the Trial Chamber rendered its judgement, convicting the accused as follows:

Duško Tadić on the basis of individual criminal responsibility (Article 7(1) of the Statute of the Tribunal) with:

- Crimes against humanity (Article 5 of the Statute - persecutions on political, racial or religious grounds; inhumane acts), and
- Violations of the laws or customs of war (Article 3 thereof - cruel treatment).

Sentence: 20 years' imprisonment.

## APPEALS CHAMBER JUDGEMENT

The Appeals Chamber handed down its judgement on 15 July 1999, denying Duško Tadić's appeal on all grounds. However, allowing the Prosecution's cross-appeal, the Appeals Chamber reversed the judgement of the Trial Chamber and found the accused guilty on the basis of individual criminal responsibility (Article 7(1) of the Statute) with:

- Grave breaches of the 1949 Geneva conventions (Article 2 of the Statute - wilful killing; torture or inhuman treatment; wilfully causing great suffering or serious injury to body or health),
- Crimes against humanity (Article 5 thereof - murder), and
- Violations of the laws or customs of war (Article 3 thereof - murder).

Sentence: the issue of sentencing for the nine additional counts of which Duško Tadić was convicted by the Appeals Chamber was referred to a Trial Chamber assigned by the President.

## TRIAL CHAMBER SENTENCING JUDGEMENT

The Prosecution and Defence counsel for Duško Tadić filed their sentencing briefs on 1 October 1999 and 30 September 1999 respectively. The Trial Chamber held the sentencing hearing on 15 October 1999.

On 11 November 1999, the Trial Chamber handed down its sentencing judgement on the additional counts. Holding that each of the sentences was to be served concurrently and in relation to each of the sentences imposed in the sentencing judgement of 14 July 1997, Duško Tadić was sentenced to 25 years' imprisonment. The Defence filed an appeal against the sentencing judgement on 25 November 1999.

## SENTENCE ON APPEAL

On 14 January 2000, the Appeals Chamber heard the oral arguments on the Defence appeals against the sentencing judgement handed down by Trial Chamber II on 14 July 1997 and that handed down by Trial Chamber II *bis* on 11 November 1999.

On 26 January 2000, the Appeals Chamber sentenced Duško Tadić to a maximum of 20 years' imprisonment.

On 31 October 2000, Duško Tadić was transferred to Germany to serve his sentence.

## • CONTEMPT OF COURT PROCEEDINGS

Contempt hearings against Milan Vujin, who was lead counsel for the Defence during Duško Tadić's first instance trial, commenced on 30 March 1999 before the Appeals Chamber and concluded on 18 November 1999. Between September 1997 and April 1998, Milan Vujin was alleged to have instructed witnesses preparing to make statements to his co-counsel to lie; nodded his head to indicate to witnesses during their interviews when to say yes and when to say no; intimidated witnesses in a manner which dissuaded them from telling the truth; knowingly instructed a witness to make false statements to the Tribunal; and paid a person giving a statement money when pleased with the information provided. The Appeals Chamber delivered its judgement on 31 January 2000, finding Milan Vujin in contempt of the Tribunal and fining him 15,000 Dutch Guilders (6,817.50 euros) (which was the maximum fine available to the Chamber at that time) to be paid within 21 days. Milan Vujin filed a confidential application for leave to appeal on 7 February 2000.

On 27 February 2001, the Appeals Chamber (Judges Jorda (presiding), Bennouna, Wald, Pocar and Liu) dismissed Milan Vujin's appeal against the finding of contempt. Affirming the previous judgement, the Appeals Chamber imposed a fine of 15,000 Dutch Guilders to be paid within 21 days and directed the Registrar to consider striking Milan Vujin off the list of assigned counsel or suspend him for a given period and report his conduct to the professional body to which he belonged. On 12 June 2001, the Registrar ordered that Milan Vujin be withdrawn from the list of assigned Defence counsel "in order to safeguard the administration of justice before the Tribunal".

On 12 September 2001, the President of the Tribunal dismissed a request for review of the Registrar's decision filed by Milan Vujin on 25 June 2001.

## REQUEST FOR REVIEW

On 18 June 2001, in light of the above-mentioned Decision on contempt of the Tribunal, Duško Tadić filed a request for a review of his complete case, including all of the Trial Chamber and Appeals Chamber proceedings. His request for review was dismissed by the Appeals Chamber on 30 July 2002.

On 17 July 2008, Duško Tadić was granted early release.