



ASSOCIATION OF DEFENCE COUNSEL

PRACTISING BEFORE THE ICTY

Churchillplein 1 • 2517 JW • Den Haag • Netherlands • www.adcicty.org • tel. +31 70 512 5418 • fax +31 70 512 5718

ASSOCIATION OF DEFENCE COUNSEL PRACTISING BEFORE THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

PRESS RELEASE

DEFENCE COUNSEL PRACTISING BEFORE THE ICTY ARE CONCERNED BY THE APPEALS CHAMBER'S JUDGEMENT FINDING GUILT AND INCREASING PUNISHMENT WITHOUT ANY FURTHER REVIEW

The ADC-ICTY expresses serious concern regarding the continuing deviation of the Appeals Chamber's previous well founded practice of remanding the question of sentence to the Trial Chamber when reversing an acquittal of an accused by the Trial Chamber.

Decisions by the Appeals Chamber imposing a much harsher sentence without remanding the question of sentencing to the Trial Chamber or otherwise providing the accused further judicial hearing or review dangerously encroaches upon an accused's fundamental right to have this new conviction and much higher sentence reviewed by a '*higher tribunal according to law*' enshrined in Article 14(5) of the International Covenant on Civil and Political Rights (ICCPR). In this regard, the ADC-ICTY concurs with the former ICTY President, Judge Pocar, who holds that such a practice by the Appeals Chamber is *ultra vires*.

As a United Nations judicial institution and subsidiary organ of the Security Council, the ICTY must set the example and apply the highest standard of human rights.

The Hague, 12 May 2009