

## **Celebici Trial: Defense Witnesses Under Prosecution Fire**

**Author:** IWPR  
ICTY

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"With this time distance, I can't recall..." was the most frequent reply Senadin Bektasevic, a judge from Konjic, gave to Prosecutor Giuliano Turone's questions. The questions concerned the activities of the military-investigative commission of which Bektasevic had been a member and which in January 1993 interrogated 105 Celebici camp detainees--Bosnian Serbs suspected of armed rebellion.

The defense witness could not recall how long the commission had operated, who had written its report, whether he had signed the report, or his own conclusions regarding the culpability of the suspects. Bektasevic also could not remember how many detainees he had interrogated himself or whether some of them had been ill or wounded. He, however, did recall that the interrogations had been in accordance with the law and that the suspects had been informed about their rights.

After the defense submitted to the court 13 interrogation records from January 1993 signed by Bektasevic himself, the prosecutor asked the witness whether he had used statements collected from the detainees in June 1992 by a previous investigative commission (which had interrogated them on the grounds of the Celebici camp). Bektasevic categorically stated that "previous statements were not used by [his] commission."

Prosecutor Turone remarked that some of the former detainees have testified before the Tribunal that they were not interviewed but had to sign ready-prepared statements in January 1993. "That is not possible," Bektasevic replied categorically. Is it possible, Turone asked, for the same suspect to make an absolutely identical statement in two interviews eight months apart?

After the witness replied that it was not possible, Turone produced two statements by a Celebici detainee, one from June 1992 and the other from January 1993, and asked Bektasevic to read them. It turned out that the statements were identical, up to the last word. The witness then remembered that he had probably had in hand "[the detainee's] statement from the previous commission, and used it in the questioning." He could not remember, however, that the previous commission had resigned because of the mistreatment of prisoners.

During the cross-examination of the military expert witness Muhamed Vejzagic, through whom the defense introduced a great number of documents last week, Prosecutor Grant Niemann managed to point out that, besides selective memory, the defense witnesses have a very selective and "creative" attitude toward documents. For example, one of the documents produced by the defense mentions four attachments, but only three are enclosed. The missing attachment happens to be the most interesting one for the prosecution as it describes the conditions in the Celebici camp.

It also turned out that the defense had "altered" some of the submitted documents, that is, erased certain names and signatures. The defense and its witness explained that in that way they had "corrected the mistakes" that had managed to slip into the original documents. Incidentally, it was the defense which supplied the originals to the prosecutor; it probably reasoned that he will not bother to compare them with the documents submitted to the court.

Expert witness Vejzagic offered several "very creative" replies to Prosecutor Niemann's questions. After he was presented with orders signed by the first co-accused Zeljko Delalic in the capacity of "coordinator," Vejzagic replied that Delalic had signed those as a "witness" and not as the person issuing the order!

Commenting on the video recording played at the prosecutor's request, which showed a uniformed Delalic addressing the troops and then ordering a captain to take over the command of the unit, the witness Vejzagic, a Bosnian Army brigadier himself, said that it was a "sort of manifestation, just a ceremony, and not commanding the army on the battlefield."

Then the prosecution played a video recording showing Delalic on the battlefield, issuing orders into a walkie-talkie. Not even that managed to shake the witness who continued to maintain that the accused Delalic, as a "coordinator" of Muslim and Croat forces, did not have any commanding capacity.

Zagreb lawyer Zeljko Olujic, defense attorney to the accused Zdravko Mucic (commander of the Celebici camp) asked Vejzagic whether there was any rule which prevented outsiders from entering the camp since Mucic is, among other things, charged with failing to prevent soldiers and members of paramilitary formations from entering the Celebici. Vejzagic replied that there was not.

Thus, it seems, Celebici was a unique jail where anybody could get in.

**Focus:** International Criminal Tribunal for the former Yugoslavia

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