

Celebici Trial: Hearings Completed

Author: IWPR
ICTY

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The last week of the trial dealt with the pre-sentencing procedure, in which both parties pointed to mitigating (Defence) and aggravating (Prosecution) circumstances, which might be of significance for determining the sentence, should the judges find the accused guilty. According to the latest amended version of the Rules of Procedure and Evidence, the procedure of establishing the guilt and that of determining the sentence - for the sake of the efficiency of the proceedings - has been joined into one, so that both Judgement and Sentence (if applicable), will in future, be pronounced at the same time.

Two dozen character witnesses, mostly relatives and friends of the accused, appeared in front of the court last week to describe the defendants as "quiet", "decent", "honest" and "tolerant people", who "could never harm anyone in any way", or as people who committed some of the things claimed only because they found themselves in "difficult (war) conditions" or out of "patriotism".

The most remarkable moment in the Celebici trial last week, came with the unexpected appearance of Zoran Jelusic, the so-called 'Serbian Adolph' as a character witness for the accused, Esad Landzo. Jelusic, who is charged with genocide against Bosniaks and Bosnian Croats in the Luka camp, in Brcko, described how Landzo approached him immediately upon his arrival at the Tribunal's Detention Unit when he was still traumatised from the unexpected arrest by members of SFOR in Bijeljina, Republika Srpska in January this year, and told him: "Come, brother Serb, don't be afraid."

Landzo then took him to his cell, showed him his computer and explained him the initial appearance procedure. He proceeded to give Jelusic his shirt, tie and a jacket so that he could appear before the judges decently dressed. He further described Landzo as 'a good cook', 'a sociable person', a joker' and as one of the 'cleanest' detainees in the Detention Unit. Guided by the questions of the defence, Jelusic stated that Landzo was "very anxious and was taking sedatives" before his testimony - in which he admitted some of the crimes. Jelusic stated that Landzo justified his actions, claiming that he committed them only on the orders of co-accused Hazim Delic. After the testimony, Jelusic said, Landzo was an altogether "different person" as if he had ridden himself of a big burden.

In order to describe the atmosphere reigning in the Detention Unit, Landzo's American lawyer, Cynthia McMurray read before the court part of a poem written by detained Bosnian Serb, Simo Zaric (Bosanski Samac indictment):

It is not important what happened there
It is important what we feel here.
Good harmony reigns here
among us
Everybody would say it is the way it used to be.

They say we are war criminals
And we are just like little kids here.
There is fun, there is nice gang
No way that we are the bad ones.

If our compatriots over there only knew
How harmoniously we live here
They would lie down on their stomachs
And they would destroy their rifles for peace.

May this poem be a lesson
For all nice and decent people:
If there is harmony now in The Hague
Follow us - it will be good for everybody.

As even the best translation fails to fully reflect the spirit of Zaric's poem. For the benefit of those Tribunal Update readers who understand BSC (the Tribunal's official acronym for the Bosnian-Croatian-Serb language), the original poem is included here and runs as follows:

Nije bitno sta je bilo tamo neg je vazno kako nam je amo.
Medju nama dobra sloga vlada svak bi reko to je ko nekada.

Kazu da smo mi ratni zlocinci a mi ovdje kao mali klinici.
Tu je igra tu je druzba fina nema pojma da nas losih ima.

Kad bi znali oni nasi tamo kako slozno mi zivimo vamo.
Svi bi oni legli potruske i za mir bi unistili puske.

Ova pjesma nek pouka bude za sve fine i cestite ljude.
Ako sloge sad u Hagu ima sledite nas bice dobro svima.

The good mood that spread from the Detention Unit to the courtroom did not affect Hazim Delic, who,

when the turn for his defence came, requested to address the court with an unsworn statement. His request granted, Delic first expressed his satisfaction about having an opportunity to address the judges after two years and said: After Esad Landzo's testimony I can't sleep any more. I never ordered Esad Landzo to kill someone or set someone on fire.

He then turned towards Landzo, at the other end of the bench for the accused and carried on, now I look you in the eyes. Aren't you ashamed? You can lie for some time, but you cannot trick these people. Then he turned towards the judges again and concluded, I have spent enough time in jail because of Esad Landzo. Do not keep me in prison for one more second because of Esad Landzo's lies.

Both Landzo's Defence and the Prosecutor demanded that Delic's statement be deleted from the transcript. The judges rejected their demands.

The four Defence counsels then made submissions on the duration of the sentences, which should be handed down to their defendants. As regards (first co-accused), Zejnil Delalic, who, as military commander in the area of Celebici, is charged with command responsibility for events in the camp, the defence argued that the most just sentence would infact be his acquittal.

The Defence counsel of second co-accused, Zdravko Mucic, the commander of the Celebici camp, limited themselves to requesting a "just sentence", without specifying, what this might be. For the third co-accused Hazim Delic - the camp's deputy commander and direct executioner of some of the gravest crimes including murder and rape, the sentence of 15 years imprisonment would be just, according to the Defence. Finally, for Esad Landzo, the camp guard and direct executioner of the majority of crimes from the indictment, some of which he admitted, the Defence offered 5 years in prison - a term the Prosecution could not even contemplate. The Defence submissions contrast sharply with the sentences demanded by the Prosecution. Concluding that "the sentences of the accused in the Celebici case should reflect the magnitude of horrendous crimes that occurred in the Celebici camp, and the suffering caused by the accused...", Prosecutors Grant Niemann and Teresa McHenry assessed the extent of responsibility of the four accused in the following way: Zejnil Delalic, 10 year imprisonment; Zdravko Mucic, 20 years; Hazim Delic, life imprisonment, with a possibility of parole only after 35 years; Esad Landzo, life imprisonment, with a possibility of parole after 25 years.

Concluding the Celebici trial, the judges (presiding Adolphus Karibi-Whyte; Elisabeth Odio Benito and Saad Saood Jan) thanked all participants in the proceedings and announced that they would reach their verdicts and pass sentences (if applicable) "very soon."

Location: Bosnia and Herzegovina

Focus: International Criminal Tribunal for the former Yugoslavia

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