CASE INFORMATION SHEET



"ČELEBIĆI CAMP" (IT-96-21)

MUCIĆ et al.

The Prosecutor v. Zdravko Mucić, Hazim Delić, Esad Landžo & Zejnil Delalić



ZDRAVKO MUCIĆ



From approximately May 1992 to November 1992, commander of Čelebići prison camp

- Sentenced to 9 years' imprisonment

Crimes convicted of:

Wilfully causing great suffering or serious injury, unlawful confinement of civilians, wilful killings, torture, inhuman treatment (grave breaches of the Geneva Conventions)

- Mucić participated in the maintenance of inhumane conditions for Bosnian Serb detainees at the Čelebići prison camp and was responsible, as commander of the camp, for creating the atmosphere of terror that prevailed, whereby detainees lived in a constant state of anguish and fear of being subjected to physical abuse.
- Under his command, eight detainees died as a result of beatings by guards; a detainee was shot while attempting to escape from a beating; the beating of another detainee was conducted with rifle butts and other wooden and metal objects and continued for a period of several hours; despite being already seriously injured when he arrived at the camp, another detainee was subjected to further beatings during his detention, resulting in his subsequent death.

HAZIM DELIC



From approximately May 1992 to November 1992, deputy commander of the Čelebići camp; and then commander of the camp following Mucić's departure in November 1992 until its closure in December 1992

- Sentenced to 18 years' imprisonment

Crimes convicted of:

Wilful killings, torture, wilfully causing great suffering or serious injury, inhuman treatment (grave breaches of the Geneva Conventions)

- Delić severely beat one detainee over a period of several days, resulting in the detainee's death.
- He imprisoned one detainee in a manhole for at least a night and a day without food or water; the prisoner was then beaten with a number of objects, including shovels and electric wires.

- He controlled the water supply that would come into the camp and placed severe restrictions on the amount which could be drunk by detainees, despite there being no shortage of water available. This was particularly significant during hot summer days.
- He told detainees who had requested medical care that they would die anyway, with or without medical assistance.
- He violently raped two female detainees during interrogations inside the camp. On each occasion, Delić was in uniform, armed and viciously threatening. The purpose of these rapes was to intimidate and coerce his victims into giving information. One of the rapes was conducted in the presence of other guards.

ESAD LANDŽO



Worked as a guard at the Čelebići camp from May 1992 to December 1992

- Sentenced to 15 years' imprisonment

Crimes convicted of:

Wilful killing, torture, wilfully causing great suffering or serious injury (grave breaches of the Geneva Conventions)

- Landžo beat a detainee aged between 60 and 70 years for an extended period of time and nailed a Serbian Democratic Party badge to his forehead. The detainee died soon afterwards as a result of his injuries.
- He forced open the mouth of one detainee in order to insert a pair of heated pincers which he closed on his tongue, causing burns to his mouth, lips and tongue. He then used the pincers to burn the detainee's ear.
- He placed a gas mask over another detainee's face and tightened it to block his air supply. He then burned the detainee's hand, leg and thighs with a heated knife..
- He forced one detainee to do push-ups whilst being kicked and hit with a baseball bat. He also placed a burning fuse cord against the genitals of another detainee.

ZEJNIL DELALIĆ



From May 1992 to July 1992, coordinator of the Bosnian Muslim and Bosnian Croat forces in the Konjic area; from June to November 1992, commander of the First Tactical Group of the Bosnian Army

- Found not guilty

ZDRAVKO MUCIĆ	
Born	31 August 1955 in Spiljani, Bosnia and Herzegovina
Indictment	21 March 1996
Arrested	18 March 1996, by Austrian authorities
Transferred to ICTY	9 April 1996
Initial appearance	11 April 1996, pleaded not guilty to all charges
Trial Chamber judgement	16 November 1998, sentenced to 7 years' imprisonment
Appeals Chamber judgement	20 February 2001, sentencing remitted to Trial Chamber for
	possible adjustment
Second judgement	9 October 2001, sentenced to 9 years' imprisonment
Appeals Chamber judgement on sentence	8 April 2003, Trial Chamber sentence confirmed
appeal	
Sentence served	18 July 2003, granted early release; credit was given for
	time served since 18 March 1996

HAZIM DELIĆ	
Born	13 May 1964 in Orahovica, Bosnia and Herzegovina
Indictment	21 March 1996
Arrested	2 May 1996, by the authorities of Bosnia and Herzegovina
Transferred to ICTY	13 June 1996
Initial appearance	11 April 1996, pleaded not guilty to all charges
Trial Chamber judgement	16 November 1998, sentenced to 20 years' imprisonment
Appeals Chamber judgement	20 February 2001, sentencing remitted to Trial Chamber for
	possible adjustment
Second judgement	9 October 2001, sentenced to 18 years' imprisonment
Appeals Chamber judgement on sentence	8 April 2003, Trial Chamber sentence confirmed
appeal	
Sentence served	24 June 2008, granted early release; credit was given for
	time served since 2 May 1996

ESAD LANDŽO	
Born	7 March 1973 in Glavatičevo, Bosnia and Herzegovina
Indictment	21 March 1996
Arrested	2 May 1996, by the authorities of Bosnia and Herzegovina
Transferred to ICTY	13 June 1996
Initial appearance	18 June 1996, pleaded not guilty to all charges
Trial Chamber judgement	16 November 1998, sentenced to 15 years' imprisonment
Appeals Chamber judgement	20 February 2001, sentencing remitted to Trial Chamber for
	possible adjustment
Second judgement	9 October 2001, sentenced to 15 years' imprisonment
Appeals Chamber judgement on sentence	8 April 2003, Trial Chamber sentence confirmed
appeal	
Sentence served	13 April 2006, granted early release, effective 2 May 2006;
	credit was given for time served since 2 May 1996

ZEJNIL DELALIĆ	
Born	25 March 1948 in Ostrožac, Bosnia and Herzegovina
Indictment	21 March 1996
Arrested	18 March 1996, by German authorities
Transferred to ICTY	8 April 1996
Initial appearance	9 May 1996, pleaded not guilty to all charges
Trial Chamber judgement	16 November 1998, found not guilty on all counts
Appeals Chamber judgement	20 February 2001, acquittal affirmed

STATISTICS

Trial days	142
Witnesses called by Prosecution	50
Witnesses called by Defence	Delić: 11
	Delalić:24
	Landžo:16
	Mucić:6
Witnesses called by Chambers	0
Prosecution exhibits	192
Defence exhibits	218
Chambers exhibits	0

TRIAL	
Commenced	10 March 1997
Closing arguments	31 August 1998 - 1 September 1998
Trial Chamber II <i>quater</i>	Judge Adolphus Karibi-Whyte, (presiding), Judge Elizabeth Odio
	Benito, Judge Saad Jan
Counsel for the Prosecution	Grant Niemann, Teresa McHenry
Counsel for the Defence	For Zdravko Mucić: Nihada Buturović and Howard Morrison
	For Hazim Delić: Salih Karabdić and Thomas Moran
	For Esad Landžo: Cynthia Sinatra and Nancy Boler
	For Zejnil Delalić: Edina Rešidović and Eugene O'Sullivan
Judgement	16 November 1998

APPEALS	
Appeals Chamber	Judge David Hunt (presiding), Judge Fouad Riad, Judge Rafael Nieto-
	Navia, Judge Mohamed Bennouna, Judge Fausto Pocar
Counsel for the Prosecution	Norman Farrell, Yapa Upawansa, Rodney Dixon, Christopher Staker
Counsel for the Defence	For Zdravko Mucić: Tomislav Kuzmanović Howard Morrison
	For Hazim Delić: Salih Karabdić, Thomas Moran
	For Esad Landžo: Cynthia Sinatra, Peter Murphy
	For Zejnil Delalić: John Ackerman and Edina Rešidović
Judgement	20 February 2001

SECOND TRIAL CHAMBER JUDGEMENT	
9 October 2001	
Trial Chamber III:	Judge Richard May (presiding), Judge Patrick Robinson, Judge Mohammed
	El Habib Fassi Fihri
Counsel for the Prosecution	Graham Blewitt, James Stewart, Ekkehard Withopt
Counsel for the Defence	For Zdravko Mucić: Tomislav Kuzmanović, Howard Morrison
	For Hazim Delić: Salih Karabdić, Thomas Moran
	For Esad Landžo: Cynthia Sinatra, Peter Murphy

JUDGEMENT ON SENTENCING APPEAL	
8 April 2003	
Appeals Chamber	Judge Theodor Meron (presiding), Judge Fausto Pocar, Judge Mohamed
	Shahabuddeen, Judge David Hunt, Judge Asoka de Zoysa Gunawardana
Counsel for the Prosecution	Norman Farrell, Anthony Carmona, Helen Brady
Counsel for the Defence	For Zdravko Mucić: Tomislav Kuzmanović, Howard Morrison
	For Hazim Delić: Salih Karabdić, Thomas Moran
	For Esad Landžo: Cynthia Sinatra, Peter Murphy

INDICTMENT AND CHARGES

The indictment against the four accused was confirmed on 21 March 1996. On 21 April 1997 and 19 January 1998, pursuant to motions filed by the Prosecution, a total of four of the original 49 counts were withdrawn from the indictment.

The operative indictment charged the accused as follows:

Mucić, on the basis of superior criminal responsibility (Article 7(3) of the Statute of the Tribunal) with:

- Wilfully causing great suffering or serious injury; unlawful confinement of civilians; wilful killings; torture; inhuman treatment (grave breaches of the Geneva Conventions, Article 2),
- Cruel treatment; plunder; murders; torture (violations of the laws or customs of war, Article 3).

Delić, on the basis of individual criminal responsibility (Article 7(1)) and superior criminal responsibility with:

- Wilful killings; torture; wilfully causing great suffering or serious injury; inhuman treatment; unlawful confinement of civilians (grave breaches of the Geneva Conventions, Article 2),
- Murders; torture; cruel treatment; plunder (violations of the laws or customs of war, Article 3).

Landžo, on the basis of individual criminal responsibility with:

- Wilful killings; torture; wilfully causing great suffering or serious injury (grave breaches of the Geneva Conventions, Article 2),
- Murder; torture; cruel treatment (violations of the laws or customs of war, Article 3).

Delalić, on the basis of superior criminal responsibility with:

- Wilful killings; torture; inhuman treatment; unlawful confinement of civilians; wilfully causing great suffering or serious injury (grave breaches of the Geneva Conventions, Article 2),
- Cruel treatment; murders; torture (violations of the laws or customs of war, Article 3).

THE TRIAL

Known as the Čelebići case, the trial of Mucić, Delić, Landžo and Delalić commenced on 10 March 1997 before Trial Chamber II (Judge Adolphus Karibi-Whyte (presiding), Judge Elizabeth Odio Benito and Judge Saad Jan) and concluded on 15 October 1998.

TRIAL CHAMBER JUDGEMENT

On 16 November 1998, the Trial Chamber rendered its judgement. The Chamber found that the Čelebići prison camp was established by Bosnian Muslim and Bosnian Croat forces in mid-1992 and located in a former Yugoslav People's Army (JNA) facility near Konjic in central Bosnia and Herzegovina. The city of Konjic is situated 59 kilometres south-west of Sarajevo and 71 kilometres north of Mostar. The population of the municipality of Konjic, according to the 1991 census, was 43,878, of which 54.3 percent were Muslims, 26.2 percent Croats, 15 percent Serbs, 3 percent Yugoslavs and 1.3 percent others. The city of Konjic housed about a third of the total population of the municipality and was of a similar ethnic mix. It appears that, following the end of the Second World War, all ethnicities in Konjic lived together harmoniously and in an integrated fashion until the outbreak of hostilities in 1992.

Amid the descent into armed conflict across Bosnia and Herzegovina in March and April 1992, Konjic was no exception to the prevailing trends of increasing tension and mutual suspicion amongst the ethnic groups making up the population. This led to frequent armed attacks, defensive action, population displacement and food shortages. Of particular note in this municipality were: its perceived importance to the Bosnian Croats and the consequent presence of armed and organised Croatian Defence Council (HVO) units; the existence of various military facilities manned by the JNA and of potential value to the local, under-equipped, Territorial Defence (TO) forces; the arming of the minority Serb population by the

Serbian Democratic Party (SDS) and the JNA, and the propaganda campaign directed against their Muslim and Croat neighbours; and the necessity for control of the vital road and rail links which connected the municipality with Sarajevo, Mostar and the coast.

By April 1992, the normal administrative bodies in Konjic had ceased to function, following the withdrawal of the Serb representatives from the municipal assembly and executive council. An interim "Crisis Staff" was formed by the Muslim and Croat officials to continue administering the municipality.

By mid-April 1992, Konjic was effectively surrounded by Bosnian Serb forces and cut off from both Sarajevo and Mostar. Bosnian Muslims and Croats from the surrounding villages began to arrive, having fled their homes, which further heightened the sense of panic and siege. In addition, displaced persons from other parts of Bosnia and Herzegovina began arriving with stories of killing and ethnic cleansing. Reports of the arrival of the Croatian Defence Forces (HOS) soldiers in Konjic seem to have further contributed to the sense of fear and panic, and Serb residents began to leave the town for the villages in the municipality with a majority Serb population.

On 4 May 1992, the first shells landed in the town of Konjic, apparently fired by the JNA and other Serb forces from the slopes of Borasnica and Kisera. This shelling, which continued daily for over three years until the signing of the Dayton peace agreement, inflicted substantial damage and resulted in the loss of many lives, as well as rendering conditions for the surviving population even more unbearable.

Initial attempts by the Konjic Defence Forces, which at the time consisted of the TO, the local HVO and the police under the control of the ministry of the interior (MUP), to negotiate with the SDS and other representatives of the Serb people, were unsuccessful and plans were made to launch a military campaign against the Serb forces. However, the resulting military operations were ultimately unsuccessful, and by June 1992 open conflict had begun to emerge between the HVO and TO forces.

The military operations had resulted in the detention of many members of the Serb population, leading to a decision to create a facility where they could be housed. Those persons detained during the operations were held in the Čelebići prison camp. Detainees held at the camp were killed, tortured, sexually assaulted, beaten and otherwise subjected to cruel and inhuman treatment.

The Čelebići barracks and warehouses that comprised the camp were located on the outskirts of the village and were a relatively large complex of buildings covering an area of about 50,000 square metres, with a railway line running through the middle. The facility had been used by the JNA for the storage of fuel, so besides various hangars and assorted buildings the complex also contained underground tunnels and tanks.

The majority of the prisoners who were detained between April and December 1992 were men captured during and after military operations in the villages of Bradina and Donje Selo and their surrounding areas. At the end of May 1992, several groups were transferred to the camp from various locations. For example, a group of around 15-20 men from Cerići were captured on 23 May 1992 and taken to Čelebići that day. Another group was detained near Bjelovčina on or around 22 May and spent one night at the sports hall at Musala before being transported to the camp. Military police also arrested many members of the male population of Brđani at the end of May and took them in a truck to the camp. A larger group was arrested in the centre of Bradina on 27 May and made to walk in a column along the road to Konjic. When these people reached a tunnel in the road, which had been blown up, they were searched and beaten by their captors before being loaded into trucks and taken to the camp. Others were arrested individually or in smaller groups at their homes or at military check points, in, amongst other places, Bradina, Vinište, Ljuta, Kralupi and Homolje, or upon surrender or capture during and after the operation in Donje Selo. Upon arrival at the camp, they were lined up against a wall near the entrance and searched and made to hand over valuables. In addition, several witnesses stated that they were severely beaten at that time by soldiers and guards.

The Chamber found that the evidence demonstrated that an atmosphere of fear and intimidation prevailed at the camp as a result of the beatings meted out indiscriminately upon the prisoners. Each of the former detainees who testified before the Chamber described acts of violence and cruelty which they themselves suffered or witnessed.

The Trial Chamber stated that, though they were presented with extensive evidence regarding the physical and psychological abuse to which the detainees in the Čelebići were continually subjected, the evidence clearly demonstrated that those individual acts specifically proven by the Prosecution in no way represented the totality of the cruel and oppressive acts committed against the detainees in the camp. The evidence further demonstrated how the detainees in the crowded detention conditions were obliged to helplessly observe the horrific injuries and suffering caused by this mistreatment, as well as the bodies of detainees who had died from the abuse to which they were subjected. The Chamber further found that the detainees were deprived of adequate food, access to water, medical care and sleeping and toilet facilities.

From May until December 1992, individuals and groups were released from the Čelebići camp at various times, some for continued detention at Musala, some for exchange, and others under the auspices of the International Committee of the Red Cross, which visited the camp on two occasions in the first half of August. Several also appear to have been released upon the personal intervention of influential persons in Konjic or through family connections. The last prisoners to leave Čelebići were a group of around 30 individuals who were transferred to the sports hall at Musala on 9 December 1992.

Delić and Landžo, in their respective positions as deputy commander and guard at the camp, were found guilty of being personally responsible for their direct participation in the crimes committed against detainees. Mucić, the *de facto* commander of the camp, was found guilty for crimes committed by his subordinates.

Delalić was acquitted of all charges. The Chamber found that he did not have command and control over the camp or over the guards who worked there, and therefore could not be held criminally responsible for their actions.

On 16 November 1998, the Trial Chamber rendered its judgement, convicting the accused as follows:

Mucić, on the basis of superior criminal responsibility (Article 7(3) of the Statute of the Tribunal) with:

- Wilfully causing great suffering or serious injury; unlawful confinement of civilians; wilful killings; torture; inhuman treatment (grave breaches of the Geneva Conventions, Article 2),
- Murders; cruel treatment; torture; (violations of the laws or customs of war, Article 3).

Sentence: 7 years' imprisonment.

Delić, on the basis of individual criminal responsibility with:

- Wilful killings; torture; wilfully causing great suffering or serious injury; inhuman treatment; (grave breaches of the Geneva Conventions, Article 2),
- Murders; torture; cruel treatment; (violations of the laws or customs of war, Article 3).

Sentence: 20 years' imprisonment.

Landžo, on the basis of individual criminal responsibility with:

- Wilful killing; torture; wilfully causing great suffering or serious injury (grave breaches of the Geneva Conventions, Article 2),
- Murder; torture; cruel treatment (violations of the laws or customs of war, Article 3).

Sentence: 15 years' imprisonment.

Delalić was acquitted of all charges and was released from the Detention Unit immediately.

APPEALS CHAMBER JUDGEMENT

Counsel for Delić filed a notice of appeal against the judgement and sentence on 23 November 1998. On 26 November 1998, the Prosecution also filed an appeal against the judgement on a number of grounds, including some relating to the acquittal of Delalić. On 27 November 1998, counsel for Mucić filed a notice of appeal against the judgement and sentence. Counsel for Landžo filed a notice of appeal against the judgement and sentence on 1 December 1998. The four appellants between them filed a total of 48 grounds of appeal. The Appeals Chamber determined that the grounds of appeal of the three convicted appellants related to the same subject matter, and thus dealt with them together in the hearing of oral submissions and in the written judgement.

On 20 February 2001, the Appeals Chamber rendered its decision on the appeals of the four parties in a judgement which:

- Affirmed the acquittal of Delalić.
- Upheld the Defence appeal against cumulative convictions based upon the same acts giving rise
 to convictions for both grave breaches of the Geneva Conventions and violations of the laws or
 customs of war and dismissed the charges for the violations of the laws or customs of war.
- Upheld an appeal by Delić against his convictions under Counts 1 and 2 of the indictment, and found him not guilty of those counts.
- Upheld an appeal by the Prosecution against the inadequacy of the sentence imposed upon Mucić.
- Upheld a complaint by Mucić that the Trial Chamber had erred when sentencing him by making an adverse reference to the fact that he had not given evidence at the trial.

The Appeals Chamber remitted to a new Trial Chamber a number of issues relating to the adjustment of sentences as a result of the rulings made in the appeal judgement.

SECOND TRIAL CHAMBER JUDGEMENT

The oral hearing on the submissions of the parties took place on 21 September 2001. On 9 October 2001, the Trial Chamber rendered its judgement.

The new Trial Chamber determined that:

- No adjustment to sentence should be made for the dismissal of the cumulative convictions.
- The 20-year sentence imposed upon Delić should be reduced to 18 years to reflect the quashing of his conviction on one count of wilful killing.
- There should be "a small reduction" given to Mucić as a result of the adverse reference by the original Trial Chamber when sentencing him to the fact that he had not given evidence at the trial.

The judgement convicted the accused as follows:

Mucić, on the basis of superior criminal responsibility (Article 7(3) of the Statute of the Tribunal) with:

• Wilfully causing great suffering or serious injury; unlawful confinement of civilians; wilful killings; torture; inhuman treatment (grave breaches of the Geneva Conventions, Article 2).

Sentence: 9 years' imprisonment.

Delić, on the basis of individual criminal responsibility with:

• Wilful killings; torture; wilfully causing great suffering or serious injury; inhuman treatment; (grave breaches of the Geneva Conventions, Article 2).

Sentence: 18 years' imprisonment.

Landžo, on the basis of individual criminal responsibility with:

• Wilful killing; torture; wilfully causing great suffering or serious injury (grave breaches of the Geneva Conventions, Article 2).

Sentence: 15 years' imprisonment.

JUDGEMENT ON SENTENCE APPEAL

Following the second Trial Chamber judgement, all three appellants appealed again to the Appeals Chamber on a number of issues. All three appellants challenged the power of the Appeals Chamber to remit limited issues to a new Trial Chamber and the ruling by the Trial Chamber that further evidence upon the issue of sentencing was unnecessary. They also challenged the finding by the Trial Chamber that no adjustment of sentence was appropriate despite the dismissal of the cumulative convictions.

Mucić challenged the finding of the new Trial Chamber that there should be a "small" reduction to his sentence as a result of the adverse reference by the original Trial Chamber to the fact that he had not given evidence at the trial. He also challenged the nine year sentence imposed by the new Trial Chamber in substitution for the original Trial Chamber's sentence of seven years.

Delić challenged the reduction to his 20 year sentence by only two years following the quashing of one conviction for wilful killing. Delić also sought reconsideration by the Appeals Chamber of its judgement in the previous appeal, when it rejected his appeal against his conviction on three other counts.

On 8 April 2003, the Appeals Chamber delivered its judgement and ordered the following:

- The appeals against sentence were dismissed.
- The sentences imposed by the Trial Chamber on 9 October 2001 were confirmed.
- The application by Delić to have his appeal against conviction reconsidered was rejected.

REQUEST FOR REVIEW

On 15 January 2002, Defence counsel for Delić filed a confidential request for review of proceedings and that his conviction on count three of the indictment be quashed.

The Appeals Chamber dismissed the request on 25 April 2002.

On 9 July and 10 July 2003, respectively, Delić and Landžo were transferred to Finland to serve their sentences. Credit was given to both of them for time served since 2 May 1996.

On 18 July 2003, Mucić was granted early release, since he had served two-thirds of his sentence at the ICTY Detention Unit in The Hague.

On 13 April 2006, Landžo was granted early release.

On 24 June 2008, Delić was granted early release.