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## **Bosnia-Herzegovina: Judgment on \_elebi\_i trial a step towards justice**

The verdict by the International Criminal Tribunal for the former Yugoslavia (Tribunal) in the so-called "\_elebi\_i" trial confirms Amnesty International's long held view that those exercising authority are also responsible for ensuring that crimes are not committed by their subordinates, the organization said.

"However, any assessment of whether justice has been done will have to await the completion of the process when all appeals against the verdict have been heard," Amnesty International added.

The "\_elebi\_i" trial was of three Bosniacs (Bosnian Muslims) and one Bosnian Croat, accused of killings, torture including rape, and other inhumane acts against prisoners in a detention centre in \_elebi\_i, Konjic municipality, Bosnia-Herzegovina in 1992. All of the accused were loyal to Bosnian Government forces at the time of the crimes. Three of them were found guilty of some charges and one acquitted of all charges.

Zdravko Mu\_i\_ was found by the Tribunal to be criminally responsible as former camp commander of the \_elebi\_i detention centre for the killings by those under his command of nine people, the torture of six others and other acts of cruel and inhuman treatment, although he did not directly participate in the acts himself.

"Such a verdict should send a message to other human rights violators that they will not be able to hide behind the excuse that it was not they who carried out the acts," Amnesty International commented.

Although the verdict in the \_elebi\_i case reaffirms that there should be no impunity for crimes committed by all sides in the conflicts in former Yugoslavia, tens of thousands of victims have yet to see justice.

"All those responsible should be brought to justice, whether by the Tribunal or in trials before national courts which meet international fair trial standards," the organization added.

In May this year, the Tribunal prosecutor withdrew indictments against 14 Bosnian Serb suspects to concentrate the Tribunal's resources on those exercising superior authority or those responsible for particularly brutal acts. The Prosecutor announced that she expected national courts to pursue the prosecutions of the so-called "small fish", as the indictments were not withdrawn for any lack of evidence. To Amnesty International's knowledge, few steps have been taken to do so.

The \_elebi\_i trial, which has been going on for more than a year and a half, is one of the few where all the suspects indicted together stood trial together. In other trials, the arrest and surrender process has meant that suspects have been brought into the Tribunal's custody in a

random fashion. This has meant that to ensure speedy trials, indictments for related acts have had to be separated.

"This expensive duplication of the Tribunal's efforts could mean that ultimately it will be able to try fewer cases," Amnesty International said.

"Governments, including those contributing personnel to the multinational Stabilization Force (SFOR) in Bosnia-Herzegovina, should not consider their obligations to be fulfilled after they have participated in one arrest. They should continue their efforts to bring all those indicted into the Tribunal's custody, bearing in mind that for the Tribunal to prosecute war crimes effectively and efficiently, trials should include as many of the co-indicted as possible," the organization added.

This verdict is the Tribunal's third, but the first in a case where the defendants were not serving with Bosnian Serb civilian or armed forces. Although 26 people are awaiting trial or appeal procedures in the Tribunal's custody, 29 publicly-indicted suspects remain at large. All but two of them were loyal to the Croatian or Bosnian Serb leadership.

### **Background information**

The Tribunal found that Zdravko Mu\_i\_ had been derelict in his duty as camp commander, and allowed others to commit offences described by the court as "heinous" without taking any disciplinary action. He was sentenced to seven years' imprisonment.

Hazim Deli\_, the deputy camp commander, was found guilty of acts including the killing of two Bosnian Serb men, the rape of two Bosnian Serb women, and torture of others, including by electric shocks. The Tribunal stated that he appeared to take "a sadistic pleasure" in causing the detainees pain and suffering, and that he displayed a "calculated cruelty" in the torture and ill-treatment of many others. He was sentenced to 20 years' imprisonment.

Esad Land\_o, who partially confessed to some of the crimes for which he was accused in August 1998, was found guilty of three killings, cases of torture, and causing great suffering. According to monitors present at the trial, he confessed to carving crosses into the palms of prisoners with a white-hot knife, and explained how he forced two brothers to perform oral sex on each other after which he tied slow-burning fuses to their genitals. Despite his expression of remorse and testimony that he had only been acting under orders, one of the Tribunal judges stated that his crimes were "suggestive of significant imagination and a perverse pleasure in the infliction of pain and suffering." The sentence he received --15 years' imprisonment -- was described by the Tribunal as less than that demanded by the gravity of the crimes he committed, owing to his age. He was 19 years old at the time the crimes were committed.

Zejnir Delali\_, who was an Army of Bosnia-Herzegovina commander, was acquitted of all charges on the basis that he did not have "command and control" over camp guards. The Tribunal Prosecutor has stated that the acquittal will be appealed. ENDS.../