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*Jurisprudence of the  
International Criminal Tribunal  
for the Former Yugoslavia  
Case Note: Prosecutor v.  
Delalic, Mucic, Delic and  
Landzo (Part I)*

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*Prosecutor v. Delalic, Mucic, Delic and Landzo* ('*Celebici*') is one of the most complicated cases to be brought before the International Criminal Tribunal for the Former Yugoslavia ('Tribunal'). It involved the joint trial of four defendants (three Bosnian Muslims and one Bosnian Croat), who were charged with 49 counts covering grave breaches of the Geneva Conventions and/or violations of the laws and customs of war for killing, torturing and sexually assaulting detainees in a prison camp in central Bosnia, known as Celebici camp.

The *Celebici* case was a particularly difficult joint trial because the four accused occupied very different positions: Landzo was a camp guard, Mucic was the camp commander, Delic was the camp's deputy commander (who took over from Mucic as commander) and Delalic was the coordinator of the Bosnian Muslim and Bosnian Croat forces in the area and later a commander in the Bosnian Army. Delalic, Mucic and Delic were charged with command responsibility and Delic and Landzo were charged with individual responsibility. In light of their different positions and the charges against them, it was foreseeable that problems relating to contradictory defence strategies and the protection of each defendant's right to a fair trial would be raised.

The accused were arrested and transferred to The Hague between March and June

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1996; they all pleaded not guilty to the charges against them. Their trial started on 10 March 1997 and came to a close on 15 October 1998. Over 1,500 exhibits were admitted into evidence during the trial and the transcript of the proceedings ran to more than 16,000 pages in the English version. The final judgment was rendered on 16 November 1998. Mucic, the commander of the Celebici camp, was found guilty of command responsibility for, *inter alia*, murders, acts of torture and ill treatment. Delic and Landzo were found guilty of individual criminal responsibility for, among other things, wilful killings, torture and cruel treatment. One defendant, Delalic, was found not guilty on all counts because the Prosecutor failed to establish command responsibility.

Prior to and during the trial, the Trial Chamber issued a number of interlocutory decisions which addressed a variety of complex procedural issues. In addition to the run of the mill procedural issues that have been or could be raised in practically every trial before the Tribunal (e.g., objections to the form of the indictment; requests for provisional release; difficulties with the assignment of defence counsel; requests for the protection of witnesses; disclosure obligations of the Prosecution and the defence; standards for the admissibility of evidence), the Chamber had to address many issues relating specifically to the joint trial of four defendants charged with varying levels of responsibility (requests for separate trials; the order of presentation of evidence in a joint trial; appropriate ways to limit duplicative testimony put on by different defendants).

These interlocutory decisions are the focus of Part I of the case note. On its part, the *Celebici* judgment which will be discussed in Part II of the case note made important contributions to the development of the law on determining the character of an armed conflict, the standards for the imposition of direct criminal liability for aiding and abetting in the commission of a crime, the criteria for the imposition of command responsibility, and the elements of several crimes within the Tribunal's jurisdiction.

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