

## Traumatized War Criminal? Documenting the case of Esad Landžo

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Perpetrators' voices have been traditionally ignored in transitional justice field and beyond. Esad Landžo was only 19 when he committed the crimes of wilful killing, torturing and causing serious injury to the detainees of notorious Čelebići camp in Bosnia and Herzegovina. In 2001, Landžo was sentenced to 15 years' imprisonment by the International Criminal Tribunal for the Former Yugoslavia for the crimes he committed in 1992. After serving two thirds of his sentence in 2006 and settling in Finland, Landžo and the Danish filmmaker, Lars Feldballe Petersen, embarked on a project of making a documentary movie about Landžo's traumatic memories, remorse and regret. Landžo had a strong urge to extend his apology to each victim individually and in 2015 went to Čelebići to meet his former detainees. This paper will build on a scarce conversation in scholarly, and legal discourse, as to why psychological trauma is considered to be an experience that belongs to victims (Mohamed, 2015b). It will analyse difficult and untold perpetrator's experiences of criminal acts and explore whether in these experiences there is potential for inner and group understanding. The paper draws on author's interviews with Landžo, the main protagonist in the movie *The Unforgiven: A War's Criminal Remorse*; a film that documents the extraordinary story of Landžo: from his denial to redemption.

**Key words:** war criminal, trauma, remorse, Landžo, ICTY

### Introduction: the voices of perpetrators

*My name is Esad Landžo. I used to be a guard at Celebici prison camp. I wish it never happened. I really did bad things. Would I be able to forgive somebody like me?*

Transitional justice initiatives rarely pick up on perpetrators' remorse and trauma as potential drivers of any peacebuilding or reconciliation efforts. As of December 2019, 59 out of 90 war criminals prosecuted and sentenced by the International Criminal Tribunal for the former Yugoslavia (ICTY) have been released after serving their prison sentence (ICTY, 2019).<sup>1</sup> Some of these individuals have become part of the political elite of their country of origin

(mainly high-ranking war criminals)<sup>2</sup> while others have tried to slip back into the community without much notice. Some perpetrators, for different reasons, stayed to permanently reside in the third countries where they served their sentence.<sup>3</sup> Only 19% of those early released acknowledged their personal responsibility and expressed remorse for the crimes they committed (Hola, van Wijk, Constantini, & Korhonen, 2018).

As with ordinary criminals, war criminals too have diverse relationships with their crimes after the fact: they may regret or embrace them; they may see themselves as having had no choice or they may see themselves responsible for their crimes. How to engage with those perpetrators who feel responsible and even remorseful for their crimes; how to perhaps capitalise on the perpetrator's pain for the purpose of reconciliation are questions yet to be researched in the field of transitional justice.<sup>4</sup> While we expect victims of crimes to suffer trauma, we rarely imagine and ask whether perpetrators could experience the crimes they inflicted upon their victims as traumatic too.

This paper aims to explore how and whether war criminals experience crimes they inflicted either directly or indirectly on their victims as traumatic (Mohamed, 2015b); whether the perpetrator can be, as Pumla Gobodo-Madikizela (2003) argued in her work on Eugene De Kock, "a wounded self?" It builds on a scarce conversation in scholarly, and legal discourse, as to why psychological trauma is an experience that belongs only to victims; and why there is resistance to

acknowledge and value trauma of perpetrators (Mohamed, 2015b). The paper also explores whether perpetrator's trauma can serve as catalyst for inner and group understanding. If justice and reconciliation are both established as ultimate objectives of transitional justice (UN Secretary General, 2004), then perpetrators' remorse should be given more consideration.

Plenty has been said about victims needs to narrate their victimization – be it in the courtroom, film, truth and reconciliation commission – as part of the presumption that such narration will set one free from psychic pain and from trauma of violence (Pemberton, Aarten, & Mulder, 2018; Pemberton, Aarten, & Mulder, 2019; McGarry & Walklate, 2014; Walklate, 2016). In the context of “revealing is healing”<sup>5</sup>, narrating “the truth” of one's experience of victimization or perpetration is understood as a pathway to individual and communal healing (Anders, 2017, p. 45). Shoshana Felman talks about the courtroom as a theater of justice, the stage upon which the public can witness dramatic transformation of the private traumas of victims and witnesses into public narratives. These narratives, Felman argues, help to symbolize, exhume, and contain the ghostly traumas of past atrocities (Felman, 2002, p. 1). The protagonists of the stage are victims and witnesses, not defendants or their crimes (Anders, 2017, p. 44). Transitional justice mechanisms prioritise victims, especially truth and reconciliation commissions, in which victims are the “primary subject and

intended beneficiaries” of their investigations and recommendations (Laplante & Theidon, 2007, p. 237).

The law has made available certain forms for the representation and adjudication of traumatic experience (Crawley & van Rijswijk, 2012) while others have been systematically concealed and ignored. As Megret (2019) argues, “the accused is arguably and paradoxically the great absent figure of trials before international criminal tribunals” (p. 398).

Still, breaking the silence about crimes may be necessary route for recovery of perpetrators too. Can a perpetrator become the victim of his crimes? Can an articulation of his crimes and an apology bring inner peace to his victims and to himself? Perpetrators are not uniform. *The Unforgiven: A War's Criminal Remorse* (*The Unforgiven*) elucidates this point: Landžo breaks stereotypes that we hold about perpetrators as “monsters” not capable of humane feelings; as the ones who are not “‘like us’” (Jensen & Sneznmann, 2008, p. 1).

The scholarly literature acknowledges “complex perpetrators”, usually child soldiers whom criminal system finds difficult to deal with.<sup>6</sup> Although Landžo was not a child soldier, he shares similar traits: he is sincerely remorseful for his crimes and now psychologically suffers from them. He became a victim of his own crimes. Landžo was drafted into the war when he just turned 19. He grew up sharing a one-bedroom unit with his three brothers, one sister and parents. His father was a working-class man, a bread winner employed in a local sawmill. His

mother was a housewife who occasionally cleaned *haustors* [hallways, stairs] and other common areas in local apartment blocks to earn some pocket money. Today Landžo regrets that he did not desert together with other people from Bosnia and become a refugee “somewhere in Western Europe”, which at the time was embracing refugees from former Yugoslavia (E. Landžo, personal communication, November 27, 2019). Though he had already been drafted into the war, his father decided that Landžo would leave his hometown with his mother and siblings. However, his mother did not want to break up the family, so they all stayed. Landžo staggered while remembering this and told me, “damn, it was the worst decision to be made. I should have left” (E. Landžo, personal communication, November 27, 2019).

With possible exception of Nazi,<sup>7</sup> and to some degree Rwandan perpetrators,<sup>8</sup> war criminals have largely been overlooked (Clark, 2009). As Olowu notes, international criminal justice has “near total disregard for the psychological conditions, sociological realities, and historical situations of the indicted and convicted perpetrators of grave international crimes” (Olowu, 2007, p. 139). While more recent scholarship has focused on studying some aspects of perpetrators of international crimes,<sup>9</sup> there is still lack of studies on war criminals in general and specifically on their positive potential. *The Unforgiven* documents such potential: an extraordinary story of Landžo, who after committing hideous crimes towards his neighbors is remorseful and offers them apologies.

## Note on Methodology

My research is qualitative and includes primary and secondary research. It also uses legal resources and documentary. It usually is field based work involving semi-structured interviews relating to war crimes, transitional justice and peacebuilding. The research method I used is a case study approach, which involves in-depth and detailed examination of complex issues in a case. The value of case studies has long been recognized in socio-legal studies (Miller, 2018). Landžo's case is significant since he was the youngest perpetrator prosecuted before the ICTY and the only one who directly confronted his victims and apologised for his actions. What is unique about Landžo is that he had no reason to do so since he had already served his sentence. He did not apologise because he wanted to mitigate his sentence. On the contrary, by doing what he did he risked being further ostracized from his community. Ultimately, ostracism and stigma are exactly what he encountered after the movie had been released.

This paper draws on seven hours of face-to-face and four hours of phone interviews with Landžo. The research is on-going, and I have gained permission to contact Landžo at any time in order to write about his war and post-war related experiences. In November 2019, I travelled to Helsinki, Finland to spend two days with Landžo and talk to him about his crimes, prison time, post-sentence life in Finland and the movie *Unforgiven* that was released in October 2017. Not many scholars have been doing empirical research with perpetrators of war

crimes in Bosnia. As Staub broadly argues, “there has been little direct study of either decision makers or direct perpetrators...Social scientists have rarely approached them” (Staub, 2007, p. 67). This may be with good reason: there are, as some scholars have identified, specific ethical challenges in undertaking qualitative research with perpetrators.<sup>10</sup>

In Bosnia and former Yugoslavia, one of the reasons for not directly approaching perpetrators is the difficulty in gaining access or physically locating them.<sup>11</sup> Many perpetrators in Bosnia, after serving their sentence, do not want to be under the spotlight. Some change their identity, others hide their private contacts, so it is difficult if not impossible to reach them. Contrary to victims, convicted war crime perpetrators do not have their associations and civil society working on their recovery and reintegration back into the community to which most of them return. Practically speaking, this category of subjects is therefore much harder to empirically study than victims.

I gained access to Landžo through a colleague of mine who put me in touch with the people who had his personal contact details. After several months and couple of conversations with Landžo’s acquaintances and friends, I finally received a green light to approach to him directly. He immediately agreed to talk to me and said he has never been contacted by any researcher or academic before. I am originally from Bosnia, speak the official languages of the country<sup>12</sup> and have a wide network of contacts within the civil society activists. After our initial phone

conversation, we exchanged a few emails and I flew to Helsinki to meet Landžo in person. According to Landžo, I was the first academic to express desire to sit down and talk to him.<sup>13</sup> This study serves to open a conversation about remorseful perpetrators and their potential to fill in the empirical gap in existing literature in studies of international perpetrators.

### **Esad Landžo: a remorseful perpetrator**

Landžo was a young guard in one of the most notorious detention camps in Bosnia during the war. He was the youngest perpetrator tried by the ICTY. It has been argued that young adults are cognitively and psychologically most suitable to be recruited to army and attracted to the prospect of combat (Degroot, 2001, p. 37) and of proving their manhood.<sup>14</sup> Landžo likewise reported:

The commander of camp has chosen only young men not older than 20 for the guards. He told us that we were not there to think, but to execute the orders. He told us that we could shoot, kill, do whatever comes to our mind and that we won't be punished for our actions. I wanted to be the best soldier; I invested all my energy into that aim. My commander was my role model, a man without emotions, strong (Keković, 2018).

Landžo was drafted with no pre-war criminal record but committed willful crimes. He was an ordinary young man growing up in a big working-class family, sharing his one-bedroom unit with his parents and three siblings. *The Unforgiven* depicts Landžo the perpetrator as “a fully thinking, feeling human being”, allowing in this way the viewer “to imagine the range of experiences that perpetrators could have”; experiences that are “occluded in the courtroom” (Mohamed, 2015b, p. 1162). Landžo is a killer who is humanized by the movie.



The criminal trial pays attention to the perpetrator only to instrumentalise his role in the crime, while literature and movies can particularise and materialize individual perpetrator experiences.<sup>15</sup>

We are taught to see perpetrators in the courtroom differently and to treat them as such. As Stolk (2018) argues, while international criminal law is based on the idea that defendants are part of the human community, speaking about mass atrocity involves a dimension of “inhumane evil that places the accused outside the realm of humanity” (p. 677). This paradoxical inhumanity has received ample theoretical attention in the international criminal justice literature (Mohamed, 2015b, p. 1157; Mohamed, 2015a, 1628; Arendt, 2006; Bikundo, 2014, p. 42; Baumeister, 1997). We now all know that perpetrators are not simply monsters, but real people who do terrible things. As Rick Hampson (as cited in Jensen, 2008) argues, “decades of research” makes it clear that “under certain circumstances, most normal people will treat their fellow man with abnormal cruelty” (p. 3).<sup>16</sup> Landžo also blames “circumstances” and situational context for his deeds,

I would not be able to do the things if community did not praise my acts. At that time [while he was a guard] when I would enter into the *kafana* [pub] everyone would call the shots. I never had to pay for anything. They were all telling me ‘why are you feeding those chetniks [prisoners in Čelebići camp] kill them all, curse their mothers’... In the village Čelebići there were houses around the prison. When you beat someone outside, in front of the prison in the evening every kick and scream of the prisoners’ echoes in the night so all people who lived around the prison could hear that every single night. Still, no one ever came in the morning to tell us ‘hey people what are you doing here, my children and I cannot sleep from the noises you make’. No one. I think if someone complained we would act differently (E. Landžo, personal communication, November 28, 2019).

The role of bystanders has been thoroughly examined in the context of Nazi Germany<sup>17</sup> and to lesser degree in Bosnia (Lucic, 2013; Broz, 1999; Vetlesen, 2000; Neuffer, 2003). Landžo does not deny responsibility for his crimes but is convinced that the social context gave him impetus to behave as he did. As he puts it, “You cannot be normal in abnormal society” (E. Landžo, personal communication, November 28, 2019). He still receives comments from his friends back home when he goes to visit his family such as, “it is good that you killed them [detainees]”. But as Landžo said, “I now get up and leave the table I was sitting at if I hear such comments. I do not want to listen to these anymore. Our society is still sick” (E. Landžo, personal communication, November 28, 2019). Still, the idea that perpetrators of mass atrocity are different from the rest of us thrives in legal and popular opinion. Acknowledging their humanity may be frightening; it forces us to reckon with the idea that, if they are capable of committing these horrible crimes, then perhaps we are capable of the same.<sup>18</sup>

The movie draws our attention to what has been neglected in mass atrocity studies and what still remains a blind spot in transitional justice studies: “the idea that *perpetrators can experience their crimes as trauma* [original emphasis]– that is that commission of the crime itself causes a psychological injury to the perpetrator”, which can result in specific antagonistic social, physical or emotional consequences (Mohamed, 2015b, p. 1162).

The movie provides no context, no excuse, no justification for Landžo's crimes, it follows his post-sentence story: his redemption for the crimes he committed. It was not scripted by either film director or Landžo himself. It was organically developed by film crew who followed Landžo's ideas as they were emerging. Some archival footage of the detention camp from 1992 and a few scenes filmed of Landžo at various times over the years as he has gone through dealing with his past were also inserted in the movie. The scenes of Landžo's direct confrontation with victims were filmed over the four days the crew and himself spent in Bosnia. Landžo was only 19 when committed crimes of wilful killing, torturing and causing serious injury to the detainees of infamous Čelebići camp. He was arrested in 1996 and brought to the Hague to face the trial for the crimes he and his fellow soldiers committed in 1992.

The movie offers an alternative understanding of trauma since the law and criminal trials only recognise traumatic experiences that are linear – victim's experiences. It may offer a way of conceiving a more nuanced approach to trauma, resisting binary legal categories of villains and victims and drawing our attention to the endemic trauma that belongs to both categories. As Lambourne (2018) argues, international criminal justice is seen as inadequate for its emphasis on retributive justice or punishment which essentially "excludes the perpetrator from society and offers no chance for reintegration" (p. 55).

It also has the potential to reinforce the identity of victim and perpetrator “rather than survivors who need to live together in close proximity and engage in new polity as equal citizens” (Lambourne, 2018, p. 55). Reducing victims to the traumatised and innocent individual and perpetrators to the “monster” does not reflect the complex social realities on the ground. Legal reductionism to a stereotypical portrayal of victim and perpetrator in mass atrocity crimes leaves no room for nuance and humanising of the perpetrator, which is important upon a defendant’s release from prison after serving his sentence.

### **The trial, denial and repentance**

Landžo’s actions were of the more disturbing crimes committed within detention camps in Bosnia.<sup>19</sup> In 2001 Landžo was sentenced to 15 years’ imprisonment by the ICTY (Prosecutor v. Zdravko Mucic, Hazim Delic, Esad Landžo, 2001).<sup>20</sup> He did not plead guilty nor did he express remorse publicly during the trial. From May to December 1992, Landžo worked as a guard at the Čelebići prison-camp, which was established by the Bosnian Muslim and Bosnian Croat forces in mid-1992 and located near Konjic in central Bosnia. On 16 November 1998, the ICTY convicted Landžo of grave breaches of the Geneva Conventions and violations of the laws or customs of war.

He was convicted of wilfully killing, torturing and causing serious injury to the detainees of Čelebići camp. As Judge Karibi-Whyte noted, his crimes were “suggestive of significant imagination and a perverse pleasure” (Prosecutor v Mucic, Delic, Landžo, 1998, p. 438) in the infliction of great pain and humiliation.<sup>21</sup> He appeared before the court for the first time in June 1996 and pleaded not guilty to the 24 counts with which he was charged. In October 2001, Landžo’s sentence was reviewed and maintained at 15 years imprisonment. On 8 April 2003, the Appeals Chamber rejected his appeal against this conviction. A few months later he was transferred to Finland to serve the rest of his sentence.

About his time in prison, Landžo stated that “it is easier to stay in denial, if you are not willing to change” (E. Landžo, personal communication, November 27, 2019). In that case, he said, “you have one opinion, one thought, but if you want to change your life the time in prison becomes much more difficult because you need to face your reality. But, at the end of that you become better man” (Finnish interviews, 2017, October 9). During his time in detention (in the Hague) and prison (Finland), Landžo was regularly paying visits to the prison psychologists who helped him deal with his traumatic past. Apart from psychologists who played an enormous role in helping him to come to terms with his deeds and eventually regretting them, Landžo also praises his attorney Cynthia Sinatra who, according to Landžo, made a huge impact on his life. He reported, “Cynthia was like a mother to me. I was very young at that time. She was treating me as a

human, taking care of me not just as her client, but as someone whose life really matters to her” (E. Landžo, personal communication, November 27, 2019). He said that no one else had given him any support during his time in prison, or after serving his sentence.

What Landžo is conveying was that staying in denial, not apologising and not showing remorse may have helped war criminals to fit in with their peer group in the detention unit in The Hague where the vast majority of them found themselves, but also to reintegrate back into their community once they were back home.

There is actually a real threat and danger in showing remorse, or expressing attitude “to change” as Landžo said, which perpetrators face paradoxically within their own community and the community they apologise to. Once Landžo apologised for his actions most of his own Bosniak community members turned their backs on him. He received many comments such as “You should have not done that” (E. Landžo, personal communication, November 27, 2019). Landžo is disappointed and disheartened by such reactions; he did not really expect them. Remorse and redemption however may be a pre-requisite for any change in beliefs and opinions (Hayner, 1994). It is also pre-requisite not only to come to terms with the harm one has caused; but also to seek to repair that harm, and to change one’s own future behaviour (Bandes, 2016).

I succeeded in bringing myself to understand myself and my acts and this is why I feel comfortable to do what I am doing. I know I am doing the right thing. Still, I feel that the ICTY failed. They punished people, but did not change their beliefs, their ideology. What is the point of punishing them if they still preach the same thing they ended up in prison for? It is a total failure (E. Landžo, personal communication, November 27, 2019).

After the war, Landžo was troubled. He tried to commit suicide and was in a coma for two weeks. He was haunted by his past; he had nightmares and flashbacks. He was out of control and even tried to kill his own brother. Landžo told me “the whole town was in fear from me” (E. Landžo, personal communication, November 28, 2019). During our conversations, he told me a few times “The Hague saved me”, meaning if he was not arrested he would have killed someone or someone would have killed him (E. Landžo, personal communication, November 28, 2019). He suffers from depression and posttraumatic stress disorder (PTSD) and has been taking medication and receiving counselling for most of his convicted and post sentence life.

The concept of the “self-traumatized perpetrator” emerged in the US in the 1970s, in response to the Vietnam War. By the 1980s self-traumatized perpetrators composed a clinical sub-population of American veterans diagnosed with PTSD, and were the subject of psychological, psychophysiological, and epidemiological research. It was noticed that a certain number of veterans continued to exhibit feelings of shame, guilt, self-hatred and a sense of being interminably unforgivable for the crimes they committed (Singer, 2004, p. 377). Many of these men still suffer from painful emotions related to the atrocities. Some have committed suicide and others remain at risk. As Singer (2004) argues, it is the guilt that ties the soldier to his sadism; his guilt that turns his aggression toward himself and this time he may feel it is he who must die (p. 381).

The self-traumatized perpetrator is distinguished from other cases of PTSD in that he is said to be the psychological victim of his own violence and unlawful behaviour (Young, 2006). He is the victim of his own act. The concept was based on the idea that extreme circumstances can induce ordinary men to commit atrocities.

As such a war criminal may be both: a perpetrator and a victim of physical or psychological violence that he inflicted on someone else. The perpetrator's emotional experience at the time of the traumatic event can be different from the way he re-experiences the event as part of his disorder. Rape, torture, or murder may have been positively experienced at the time of the perpetrator's traumatic event but re-experienced symptomatically in a state of distress and intense anxiety (Young, 2006, p. 106).

Landžo is a classic example of traumatised person, except that he is the perpetrator of a crime not the victim (Mohamed, 2015b). He is also the one who is deeply traumatised but makes no claim on the status of victim, apart from perhaps that he was a victim of circumstances and his superiors.<sup>22</sup> Prior to his appearance before the Trial Chamber, Landžo did not, in any of his interviews or written statements, admit his guilt. This remained the case despite the fact that Landžo watched and listened to many victims of his mistreatment as they testified in the courtroom and were subjected to gruelling cross-examination on his behalf. On the contrary, while in the courtroom, according to Neuffer (2003), "Landžo, the young guard, laughed and giggled in a high, whinnying voice" (p. 301).

Landžo's testimony included repetitive explanations about his restricted choices, many of which demonstrate ways he felt constrained by rank. He was mouthing a common plea, 'I just followed orders' or 'I did as I was told'.<sup>23</sup> He denied his crimes and his testimony was focused on diminishing his violent actions. But, as



Landžo reported, despite his inappropriate demeanour in the courtroom, once he started to listen to the witnesses his thinking shifted.

The wall of denial that he carefully constructed around him had started to crumble and Landžo started to question his actions in 1992. As he reported,

I started to fight with the demons, I had lots of mental problems, I could not sleep, I heard voices, I heard people laughing at me, pointing fingers at me... When I started hearing witnesses in the court, only then I realised it was not like I thought it was. In the Hague, in my cell, I read a pile of papers about crimes committed against Serbs. Only then I realised what happened, before I always thought I didn't do anything wrong. Only then I realised, it cannot be a lie if ten people are saying the same thing (Finnish interviews, 2017, October 9).

Judith Herman (2015) makes the point that the perpetrator must seek and earn forgiveness through confession, repentance and restitution from their victims (p. 7). Landžo longed for forgiveness while at the same time feeling unforgivable. He knew that none of the victims would forgive him but nevertheless it was important for him to apologise, to say “I am really sorry for what had happened” (E. Landžo, personal communication, November 27, 2019). As Singer (2004) argues, a heartfelt expression of remorse usually serves as a socially acceptable way to express guilt and seek forgiveness (p. 382). Exploring and allowing such expressions to both victims and perpetrators is conducive to reconciliation (Karstedt, in press).<sup>24</sup>

In his interview with a Swedish journalist, Landžo talks of feeling haunted by his victims, who manifest in recurring nightmares and even hallucinations in which he hears their cries and sees their faces (Finnish interviews, 2017, October 9).

Despite the passage of years since the war, he may still feel as though he is being hunted down for his crimes. As Singer (2004) notes, these paranoid projections are consonant with the combatant's depression (p. 381).

*The Unforgiven* is a thought-provoking and important documentary. The audience is left wondering if Landžo should actually be forgiven. In fact, one might even wonder if it is right to give so much airtime to a convicted war criminal, instead of focusing more heavily on his crimes and the lives of his victims. While transitional justice and dealing with war crimes centres on the needs of the victims, what *The Unforgiven* emphasizes is that the perpetrators are human beings too. Some of them have never accepted their guilt, but others have, and they have to cope with life as a convicted war criminal, with a history of causing pain and suffering, and with their own internal demons. One cannot help but feel that what happened in the prison camp where Landžo worked not only ruined and changed the lives of the prisoners forever, but it also changed Landžo's life for good.

### **Going back to the crime scene**

In 2006, after serving two thirds of his sentence and settling in Finland, Landžo was approached by the Danish film maker, Lars Petersen, who wanted to make a movie about his feelings of traumatic memories, remorse and regret.

Petersen met Landžo for the first time while he was still serving his sentence in the Finish prison. Out of the five ICTY prisoners that Petersen and his colleague contacted during their imprisonment to ask whether they would be interested in participating in the movie production about their lives (as war criminals), Landžo was the only one who agreed to face cameras with his personal story. The rest were rather annoyed with the proposition and said “there is nothing to talk about because they did nothing wrong, they were just foot soldiers and did what they had been asked to do” (E. Landžo, personal communication, November 28, 2019).

During the initial interview which Petersen filmed, he befriended Landžo, and once Landžo was released from prison Petersen talked to him again about possibility of making a full-length movie on his new life in Finland: settlement in a new society, finding his feet in the newly gained freedom and his remorse. Landžo was involved in the production of the movie and insisted upon going back to Bosnia and meeting with some of his victims, those who would agree to meet with him. He had a strong urge to extend his apology to each victim individually and in 2015 he went to Čelebići<sup>26</sup> to meet the former detainees, the victims of his torture: right there at the crime scene. Petersen and the film crew followed him to capture these moments.

The movie is unique in its perspective perhaps not only in the Balkans, but beyond: it focuses on a perpetrator who is seeking forgiveness by directly

confronting his victims. As Keil (2018) argues, this is very different from other documentaries and portrayals of the Balkan region (and beyond) - usually it is the victims who seek answers, they are looking for their loved ones, and they want to know what happened to them before they died.

It is common that victims seek justice, the punishment of those perpetrators who have killed, tortured, and raped. Landžo, as portrayed in *The Unforgiven*, is one of those perpetrators. He has been punished and served his sentence. And he seems fully remorseful for what he has done. The other relatively unique perspective about the movie is that Landžo is a Bosniak, who served as a guard in a Bosniak prison camp for Serbs. While the ICTY has proven that all three sides in the Bosnian war committed war crimes, a clear majority of these crimes were committed by Serbs. While these crimes have been the focus of much of the scholarly analysis, *The Unforgiven* demonstrates the often forgotten fact that that Bosniaks were also perpetrators, and Serbs were also victims.

Popular and scholarly literature too has commonly portrayed Serbs as perpetrators and Bosniaks as victims.<sup>27</sup> This movie turns this widely accepted binary around and for the first time we see a Bosniak as a perpetrator and Serbs as victims.

By choosing this perspective, the documentary goes beyond a well-established portrayal of the Bosnian war and highlights that the difference is not so much

between ethnic groups, but between those who committed crimes and those who were victims (Keil, 2018).

What this film does is enable the viewer to imagine that the person who chooses to kill (and Landžo did choose) – even brutally and sadistically – may also be haunted by his acts. However, the choice to highly appreciate and respect traumatic experiences of victims and downplay and/or deny that of perpetrators may intuitively feel appropriate.

Why should we recognise and respect their pain and wounds? As much as perpetrators may have the capacity to bear witness, it is not clear that anyone wants to hear them. And indeed, similar to the critics of the movie *The Act of Killing* (2012), the critics for *The Unforgiven* remain split: some condemned the producers of the movie for giving a mouthpiece to those murderers instead of giving space to victims (S. B. Sørensen, personal communication, May 19, 2019).<sup>28</sup>

There is no need, no reason to give screen time to this murderer and even less to allow him to direct the movie himself. Is Landžo's remorse genuine or staged? It seems that the public are divided in their thinking of what may be true. In online comments the majority of people condemn him, but some while condemning him for his acts still congratulate him for "having courage to publicly apologise" (Anonymous, 2019).

Landžo decided not to apologise in the courtroom, but to do so after serving his sentence. He wished to personally meet survivors of his torture and apologise to them face-to-face. He reported:

I could say sorry to these people [witnesses] in the court, but I did not say it because I thought that would not be sincere. They would say ‘you say this only because you want less jail sentence’. So, I did not want to do that because I thought it was not the right time. I wanted to do that personally to say in their face that I am really sorry for what happened (E. Landžo, personal communication, November 28, 2019).

Landžo said that he has been haunted by images from the war and that he will never find peace. Caruth (1996) argues that “to be traumatized is precisely to be possessed by an image or an event” (p. 4-5). Caruth (1996) believes that the traumatic crisis must “be spoken in a language that is always somehow literary: a language that defies, even as it claims our understanding” (p. 5).

By humanising the transgression and its consequences, face-to-face interaction can break down pride, fear, pain, anxiety, and other barriers to accepting responsibility and thus pave the way for genuine repentance (Garvey, 2003, p. 314-315). Offenders can come to see that their crimes have real-world consequences and that their victims want and need to understand why the crime happened (Garvey, 2003, p. 314). In that way, perpetrators may begin to see their victims view, which they could not see before (Gobodo-Madikizela, 2003, p. 2).

Asking forgiveness without an attempt to appreciate the other’s pain, without making a human connection with the other person, has an empty ring to it. By this act the perpetrator is seeking to affirm to himself that he is still part of the human universe. When perpetrators apologize and experience the pain of remorse, showing contrition, they are acting as human beings (Gobodo-Madikizela, 2003, p. 20). This is how Landžo acted.

The movie portrays Landžo as remorseful and deeply moved by what he had done. Solomon (1978) argues that remorse is a form of self-inflicted punishment. Remorseful perpetrators look back and confront the reality that what was defined at the time as professional or “moral” duty toward their country was actually murder (Gobodo-Madikizela, 2003, p. 25). Landžo’s decision to face his victims and to say sorry for the things he had done supports Tavuchis’s (1991) argument that contrite offenders do not just apologise *for* something; they also apologise *to* someone – their victims, their community, their family and their friends (p. 47). His public repentance serves both as a declaration that the evil path he has taken so far is wrong and as an admission that the victims were right (Statman, 2007, p. 257).

Such face-to-face interaction between offender and offended is essential to effective expressions of remorse and apology (Bibas & Bierschbach, 2004, p. 114). According to Pavlick (2003), only by doing so can the remorseful offender “seek to re-affirm shared values with the receiver and look for re-certification of membership in the moral community” (p. 836). As such, the values of the victims are reaffirmed, and there is a possibility that the wounds caused by the traumatic experience may be healed (Pavlick, 2003). Such a change in the heart of the offender is not easy to attain; it requires a long process of reflection through which the criminal realizes how terrible his acts were, experiences a deep remorse and renounces his wrongful behaviour (Statman, 2007, p. 257). Landžo went through this journey for almost 20 years before he stood before his victims and apologised for his actions.

However, maybe not surprisingly, none of Landžo’s victims in the movie told him that he is forgiven for his deeds. They still seem full of resentment and anger. One of them seemed on verge of forgiving but he finally said, “I cannot. I cannot do it because of them [his dead comrades who died from Landžo’s

hand].” Each survivor asked Landžo whether he remembers particular people that he killed. One of them also asked “Do you remember me? Do you know what my name is?” He wanted Landžo to tell him that he remembers him as a human being. But Landžo could not.

Landžo reported that it was very difficult for him to face survivors and that he expected that they wouldn’t forgive him for what he had done to them. “I confess that I decided to apologise primarily for selfish reasons: I wanted to find peace myself. I then also wanted to help victims to find some peace themselves too” (E. Landžo, personal communication, November 28, 2019). At least one of the survivors reported to film maker’s assistant that “this is the first time [after meeting Landžo] since war that I can sleep in peace” (“Efter Nio”, 2017). Landžo commented on this survivor by reporting that “that perhaps means that they needed such encounter and conversation” (E. Landžo, personal communication, November 28, 2019) as much as he did. Not only knowledge about the crime: who was responsible, how it happened but also acknowledgment of the loss, pain and suffering caused can contribute to a psychological process of healing and building of inner peace (Lambourne, 2018). Combining this inner transformation with relational transformation provides the foundation for reconciliation which is seen as a process of relationship building and conflict transformation (Lambourne, 2018, p. 63).

## **Conclusion**

Perpetrators are much more often denied the privilege of testimony; omitted from the world of witnesses and victims. We are not accustomed to hearing their stories. And even when we hear them reactions are always through mixed lenses: coloured by assumptions of good and evil, ordinary and abnormal; capacity or incapacity to feel/empathise. Maybe we need to start treating them as ordinary people who were capable of doing horrible things and some of whom now repent



for what they had done. We still feel uncomfortable to admit their humanity; to see them as human. Perhaps the fear lies in thinking that understanding people like Landžo will lead to forgiveness, forgiveness to forgetfulness and forgetfulness to repetition of crime.

But if we consider that remorse can only come from a “deep feeling of pain about what one has done” (Gobodo-Madikizela, 2002, p. 22) then remorse can “transform the image of victim as object, to victim as human other” (Gobodo-Madikizela, 2002, p. 23). Paradoxically, while Landžo has transformed the image of his victims from objects to humans, his victims, in their encounter with him, were still paralysed in their victim self-image while Landžo stayed frozen in his perpetrator/“monster” image. The process of transformation must be mutual in order to work. Although Landžo is well-aware that what he has done with movie is “one drop in the sea of efforts towards mutual understanding” (E. Landžo, personal communication, November 27, 2019) he hopes that some would follow into his footsteps. He, at least, has managed to shift the perspectives of some of his victims and some of the film’s audience. In 2017, he met two young Bosniak women at the premiere of his movie in Denmark who approached to him to introduce themselves. One of them told him bewildered “Until I saw this movie, I thought that Serbs are not humans”. “If I managed to change the thinking of at least that young woman, the whole effort was worthwhile” (E. Landžo, personal communication, November 27, 2019), Landžo told me with a grin on his lips.

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## Notes

1. All defendants were released after serving two thirds of their sentence.
2. For example, Veselin Šljivančanin, a former officer in the Yugoslav People's Army who was sentenced to 10 years in prison by the ICTY for aiding and abetting the torture of prisoners (Prosecutor v. Šljivančanin, 2010). Šljivančanin is very active in political life of Serbia (Prusina, 2018). Vladimir Lazarevic, who was sentenced to 14 years in prison by a U.N. war crimes tribunal for atrocities committed by Serb troops in Kosovo during the 1998-99 violence that left over 10,000 people killed and nearly 1 million chased from homes. He now teaches at a military academy in Serbia (Stojanovic, 2017; Andonovska, 2017). Vojislav Šešelj, convicted war criminal, is now leader of the Serbian Radical Party in Serbia (Petrović, 2018).
3. Such as Esad Landžo and Dražen Erdemović who has changed his identity under the witness protection program. See Prosecutor v. Erdemović, 1998.
4. Some work has been done with war veterans on reconciliation but not with war criminals. See for example, CNA work with war veterans from all three warring parties, (CNA, 2019); See e.g. Simić & Milojević, 2014; Wils, 2004; Simić, 2013.
5. This was the motto of the South African Truth Commission.
6. For example, see the case of Dominic Ongwen before the ICC and on-going debates about whether he should be considered a victim or perpetrator since he was abducted as a child to the Lord Resistance Army. Ongwen is at once victim and perpetrator and the criminal system fails to deal with such ambiguities; individuals who hold both identities. See, Baines, 2009; Fox, 2016; Moffett, 2015.
7. See for example, Staub, 2007; Browning, 2001; Goldhagen, 1997; Hilberg, 1992; Karstedt, 2018, Karstedt, 2015.
8. See for example Straus, 2004; Straus, 2006; Fujii, 2004; Hatzfield, 2005; McDoom, 2005; Mironko, 2006.
9. See Smeulers, Weedesteijn, & Holá, 2019; Simić, 2011; Smeulers & Simic, 2019; Williams & Buckley-Zistel, 2018; Simić & Holá, 2018; Holá & Wijk, 2014; Knittel and Goldberg, 2020; Anderson, 2017; Houge Bringedal, A. (2016); Rauschenbach, M., C. Staerklé & D. Scalia (2015).
10. See for example Sriram, 2019; Rauschenbach, 2019. As far as author is aware, Rauschenbach and Staerklé have been the only researchers to interview some individuals accused by the ICTY.
11. See for example, Clark, 2009.
12. Bosniak, Serbian and Croatian.
13. The project under which I interviewed Landžo has received ethical approval. (Human Research Ethics Committee, "Life after Punishment of a War Criminal", GU. Ref No.: 2017/651).
14. See for example, Laurence & Matthews, 2012.
15. *The Act of Killing* does this too. *The Act of Killing* is a 2012 documentary film about individuals who participated in the Indonesian mass killings of 1965–66. The film is directed by Joshua Oppenheimer.
16. See also, Frank, 2006.
17. See for example, Bar-On, 2001; Barnett, 1999; Hilberg, 1992; Staub, 1989; Cesarani & Levine, 2002; Baum, 2008; O'Donnell, 2005.
18. See e.g., Mohamed, 2015b; Drakulic, 2004, p. 166; Smeulers, 2008, p. 234; Smeulers & Werner, 2010, p. 24; Corrias, 2014; p. 42; Browning, 2001; Klabbers, 2001, p. 249.
19. The judgement under which Landžo was prosecuted and sentenced is The Prosecutor against Delalić, Mucić, Delić and Landžo also known as the "Čelebići case". It was the

second Judgement upon trial to be rendered by the ICTY and it was ground-breaking and significant for a couple of reasons. First, it was the first time since Nuremberg and Tokyo that the International Criminal Court made judgment on command responsibility.

20. Secondly, it was the first judgement to be completed involving more than one accused person or multiple defendants. Landžo was indicted together with Zdravko Mucić, Hazim Delić and Zejnil Delalić. Third, the judgement also entails the first conviction of an accused person for rape as torture by the International Tribunal and the first and only judgement where victims were Serbs and perpetrators Bosnian Muslims. The Serbs usually refer to Čelebići judgement as “the only Serb judgement” despite the ICTY’s repetitive attempts to highlight that the court does not prosecute ethnic groups but individuals. See Simic, 2018b.
21. See Neuffer, 2001, p. 311.
22. In our conversations Landžo would often return to question of the role of society support for his actions.
23. For one out of many examples of this, see Prosecutor v. Mucić, Delić & Landžo, 1998, 15087-15088. This is a classic example of what Hannah Arendt called ‘banality of evil’ where people followed instructions and orders by their superior without questioning. There has been lots of literature about this phenomenon, see for example, Solis, 2000, p. 481; Milgram, 1967; Osiel, 1999, p. 26; Lippman, 1996; Mohammed, 2009. See also recent work of Alette Smeulers (2019) which suggests that many low-ranking perpetrators do not always necessarily recognise such orders as manifestly illegal.
24. See also other work of Karstedt on importance of emotions in studying mass atrocity, e.g. Karstedt, 2019.
25. The movie titled *Crossing the Line* (2003) is not available online.
26. Čelebići is a village near Konjic, Landžo’s hometown, where the notorious detention camp where he served as a guard was established and run by Bosniak and Croat forces from May to December 1992. It was used to detain Bosnian Serb prisoners of war, most of whom were civilians. The exact number of prisoners that were held in camp is unknown but estimates range between 400 and 700. See Nettlefield, 2012, p. 22, 197.
27. See Simić, 2018; Erjavec, Volčič, Kovačič, & Vobič, 2012, p. 101; Morus, 2015, p. 191; Subotić, 2009; Stiglmayer, 1994; Toal & Dahlman, 2011; MacKinnon, 1993.
28. In my conversations with the producer of *The Unforgiven* he told me he has met with such comments. I had one phone conversation with him on May 19, 2019.

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