

## CASE INFORMATION SHEET

United Nations  
Nations UniesInternational Criminal Tribunal  
for the former Yugoslavia  
Tribunal Pénal International  
pour l'ex-Yougoslavie

“OPERATION STORM” (IT-06-90)

**GOTOVINA***et al.**The Prosecutor v. Ante Gotovina, Ivan Cermak & Mladen Markac***ANTE GOTOVINA***Indicted for, persecutions, deportation, inhumane acts (forcible transfer), plunder of public or private property, wanton destruction of cities, towns or villages, murder, inhumane acts, cruel treatment*

Commander of the Split Military District of the Croatian Army (HV) from 9 October 1992 to March 1996; overall operations Commander of part of "Operation Storm", a military offensive launched by Croatia with the objective of re-taking the Krajina region.

**IVAN ČERMAK***Indicted for, persecutions, deportation, inhumane acts (forcible transfer), plunder of public or private property, wanton destruction of cities, towns or villages, murder, inhumane acts, cruel treatment*

Assistant Minister of Defence in the Croatian Government from 1991-1993; from 5 August 1995, Commander of the Knin Garrison and highest ranking Croatian military authority in the Garrison's jurisdiction (municipalities of Civljane, Ervenik, Kijevo, Kistanje, Knin, Nadvoda and Orlić); held the rank of Colonel General.

**MLADEN MARKAČ***Indicted for, persecutions, deportation, inhumane acts (forcible transfer), plunder of public or private property, wanton destruction of cities, towns or villages, murder, inhumane acts, cruel treatment*

Commander of the Special Police of the Ministry of the Interior of the Republic of Croatia from 18 February 1994, which gave him overall authority and responsibility for the operation and functioning of the Special Police; Assistant Minister of the Interior for Special Police; Following Operation Storm, held the rank of Colonel General.

*Crimes indicted for (examples):*

**Persecutions, deportation, inhumane acts (forcible transfer), murder, inhumane acts (crimes against humanity).**

**Plunder of public or private property, wanton destruction of cities, towns or villages or devastation not justified by military necessity, murder, cruel treatment (violations of the laws or customs of war).**

Acting individually and/or in concert with other members of the joint criminal enterprise, planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation, or execution of persecutions of the Krajina Serb population in the southern portion of the Krajina region.

These crimes include the following:

- Murder of at least 37 Krajina Serbs in the Knin, Orlić, Kistanje, Ervenik and Donji Lapac Municipalities.
- Wanton destruction by systematically setting fire to or otherwise destroying villages, homes, outbuildings and barns belonging to Krajina Serbs, killing their livestock and spoiling their wells in the Municipalities of Benkovac, Civljane, Donji Lapac, Drniš, Ervenik, Gračac, Kijevo, Knin, Lišane, Ostrovičke, Lisičić, Lovinac, Nadvoda, Obrovac, Oklaj, Orlić, Polača, Smilčić, Titova Korenica and Ubdina.
- Systematic plunder of property of the Krajina Serbs, including their homes, outbuildings, barns and livestock, in the towns, villages and hamlets of the Municipalities of Benkovac, Donji Lapac, Drniš, Ervenik, Gračac, Kistanje, Knin, Lišane, Ostrovičke, Lovinac, Nadvoda, Obrovac, Oklaj, Orlić, Polača, Titova Korenica and Ubdina.
- Subjecting large numbers of Krajina Serbs to inhumane treatment, humiliation and degradation by firing on them assaulting, beating, stabbing, threatening and burning them.
- The effect of these violent and intimidating acts was the deportation and/or displacement of tens of thousands of Krajina Serbs to Bosnia and Herzegovina and Serbia.

<b>ANTE GOTOVINA</b>	
<b>Born</b>	12 October 1955 on the island of Pašman, Zadar municipality, Republic of Croatia
<b>Indictment</b>	Initial: 8 June 2001, made public on 26 July 2001; amended: 24 February 2004, made public on 8 March 2004; joinder: 14 July 2006; reduced: 21 February 2007
<b>Arrested</b>	7 December 2005, in Spain
<b>Transferred to ICTY</b>	10 December 2005
<b>Initial and further appearances</b>	12 December 2005, pleaded not guilty to all charges; 5 December 2006, pleaded not guilty

<b>IVAN ČERMAK</b>	
<b>Born</b>	19 December 1949 in the municipality of Zagreb, Croatia
<b>Indictment</b>	Initial: 24 February 2004, made public on 8 March 2004; amended: 14 December 2005; joinder: 14 July 2006; reduced: 21 February 2007
<b>Surrendered</b>	11 March 2004
<b>Transferred to ICTY</b>	11 March 2004
<b>Initial and further appearances</b>	12 March 2004, pleaded not guilty to all charges; 5 December 2006 (by video link), pleaded not guilty

<b>MLADEN MARKAČ</b>	
<b>Born</b>	8 May 1955 in Đurđevac, Croatia
<b>Indictment</b>	Initial: 24 February 2004, made public on 8 March 2004; amended: 14 December 2005; joinder: 14 July 2006; reduced: 21 February 2007
<b>Surrendered</b>	11 March 2004
<b>Transferred to ICTY</b>	11 March 2004
<b>Initial and further appearances</b>	12 March 2004, pleaded not guilty to all charges; 5 December 2006 (by video link), pleaded not guilty

## STATISTICS

TRIAL	
<b>Trial Chamber II</b>	Judge Alphons Orie(presiding), Judge Christine Van den Wyngaert, Judge Bakone Justice Moloto
<b>Pre-trial judge</b>	Judge Bakone Justice Moloto
<b>Counsel for the Prosecution</b>	Alan Tieger. Laurie Sartorio
<b>Counsel for the Defence</b>	Luka Mišetić, Gregory Kehoe, Payam Akhavan for Ante Gotovina Steven Kay for Ivan Čermak Goran Mikuličić and Tomislav Kuzmanović for Mladen Markač

RELATED CASES <i>by geographical area</i>	
NO RELATED CASES	

## INDICTMENT AND CHARGES

The joinder indictment, filed on 24 July 2006, alleges that, from 4 August 1995 to 15 November 1995, Croatia launched a military offensive known as Operation Storm (or "Oluja"), with the objective of re-taking the Krajina region. All three accused appealed the Trial Chamber's 14 July 2006 Decision on Prosecution's consolidated motion to amend the indictment and for joinder. On 25 October 2006, the Appeals Chamber affirmed the Trial Chamber's decision, making the joinder indictment the operative indictment in the case.

During the Status Conference on 9 February 2007, the presiding judge ordered the Prosecution to reduce the indictment pursuant to Rule 73*bis*, followed by the written order on 21 February. Subsequently, the Prosecution filed the reduced joinder indictment on 6 March 2007.

The indictment alleges that Ante Gotovina, Ivan Čermak, Mladen Markač and others including President Franjo Tuđman, participated in a joint criminal enterprise, the common purpose of which was the forcible and permanent removal of the Serb population from the Krajina region, including by the plunder, damage or outright destruction of property of the Serb population, so as to discourage or prevent members of that population from returning to their homes and resuming habitation. It is further alleged that during Operation Storm and its aftermath, Croatian forces attacked and took control of towns, villages and hamlets in the southern portion of the Krajina region. Pursuant to the orders of Ante Gotovina, these forces allegedly carried out the acts as charged in the indictment. According to the indictment, Ante Gotovina, by his acts and omissions, encouraged others, including Croatian civilians, to also perpetrate those acts that are mentioned in the indictment. Further, the accused had a duty to restore and ensure public order and safety and he failed to fulfil this duty.

It is alleged that Croatian forces committed numerous violations of international humanitarian law, including the unlawful killing of at least 150 Krajina Serbs and the plunder and destruction of property, thereby forcing the Krajina Serbs to flee.

According to the indictment, Ante Gotovina, Commander of the Split Operative Zone (which in 1993 was re-named the Split Military District) of the Croatian Army (HV), from 9 October 1992 to March 1996, was overall operations Commander of part of Operation Storm. On 30 May 1994, he was promoted to the rank of Major General. By early August 1995, he had been promoted to the rank of Colonel General. As such, Gotovina exercised *de jure* and *de facto* command and control over all Croatian forces during Operation Storm. In the aftermath of Operation Storm, Ante Gotovina retained command and control of HV forces that continued to be deployed in the southern portion of the Krajina region.

The indictment alleges that Ivan Čermak was appointed as Knin Garrison Commander on 5 August 1995, and continued as such until approximately 15 November 1995. At the same time, he was also acting as a representative of the Croatian Government in dealing with members of the international community and media concerning Operation Storm in areas that extended beyond the boundaries of the Garrison command. Ivan Čermak, in his combined capacities, participated in various structures of power and responsibility, and possessed effective control over members of Croatian Army units or elements who comprised or were attached to, or operated in the Knin Garrison, and also over civilian police who operated in the garrison area and areas adjacent to it. The Croatian Army units comprising or operating in the garrison and adjacent areas included the 4th and 7th HV brigades, the 1st Croatian guards brigade, the 113th infantry brigade, 142nd infantry brigade, 144th infantry brigade, 126th home guard regiment (HGR), the 6th HGR, the 7th HGR, the 134th HGR, and a combined military police company (consisting of units from the 72nd and 73rd military police battalions). Members of the Zadar Knin and Kotar Knin Police administrations (including various stations and posts) also operated in the same area as the garrison.

As Garrison Commander, Ivan Čermak was responsible, *inter alia*, for maintaining order; disciplining and supervising the conduct of military personnel; organising duty services in the garrison; and establishing cooperation and coordination between or among the Knin Garrison and area police forces, for the purposes of establishing and maintaining law and order.

According to the indictment, Mladen Markač was appointed Assistant Minister of the Interior on 18 February 1994, and as such also became the Commander of the Special Police of the Ministry of the Interior of the Republic of Croatia, giving him overall authority and responsibility for the operation and functioning of the Special Police. As Commander of the Special Police, Mladen Markač possessed effective control over all members of the Special Police who were involved in Operation Storm. He also possessed effective control over all members of the HV rocket and artillery units attached to his forces or

subordinated to his command during Operation Storm and the continuing related operations. Following Operation Storm, Mladen Markač held the rank of Colonel General.

Ante Gotovina, Ivan Čermak, Mladen Markač are charged on the basis of individual criminal responsibility (Article 7(1) and 7(3) of the Statute of the Tribunal) with:

- **Persecutions on political, racial and religious grounds, deportation and other inhumane acts (forced displacement)** (crimes against humanity, Article 5),
- **Plunder of public or private property and wanton destruction of cities, towns or villages** (violations of the laws or customs of war, Article 3).
- **Murder** (violations of the laws or customs of war, crimes against humanity, Articles 3 and 5)
- **Other inhumane acts** (violations of the laws or customs of war, crimes against humanity, Articles 3 and 5)

## PRE-TRIAL

On 12 March 2004, Ivan Čermak and Mladen Markač filed separate motions for provisional release. The Trial Chamber denied the motions on 29 April 2004. Ivan Čermak and Mladen Markač then filed separately their second motions for provisional release on 23 July 2004. The Trial Chamber denied the motions on 14 September 2004.

On 20 September 2004, the accused filed a joint motion for leave to appeal the Trial Chamber's decision. On 29 September 2004, the Prosecutor filed a response in which "The Prosecutor joined in the accused's motion for leave to appeal the Trial Chamber's decision denying their second motions for provisional release." After the Bench of the Appeals Chamber granted the motion for leave to appeal the impugned decision on 13 October 2004, the accused each filed an interlocutory appeal against the Trial Chamber's decision on the second motion for provisional release on 22 and 26 October 2004, respectively.

On 2 December 2004, the Appeals Chamber granted the provisional release of Ivan Čermak and Mladen Markač.

On 5 December 2006, the accused made further appearances to enter pleas to the new counts in the joinder indictment. Ante Gotovina, Ivan Čermak and Mladen Markač all pleaded not guilty.

On 26 January 2007, the Trial Chamber suspended the provisional release of the accused and ordered them to be present at a Status Conference in order to discuss Ivan Čermak's compliance with his provisional release conditions. After the Conference, Mladen Markač was provisionally released again on 10 February 2007 whereas Ivan Čermak's provisional release was reinstated as of 16 February 2007.

On 10 October 2007, the Trial Chamber suspended the provisional release of Ivan Čermak and Mladen Markač and ordered the two accused to be present at the Status Conference on 26 October 2007. On 27 October 2007, both accused were provisionally released again.

## THE TRIAL

The commencement of the trial has not been scheduled yet.

