



[15 April: judgement rendered for Gotovina, Markač and Čermak](#)

On 15 April, ICTY Trial Chamber I convicted two Croatian Generals, Ante Gotovina and Mladen Markač, and acquitted one, Ivan Čermak, of charges of crimes against humanity and violations of the laws or customs of war committed by the Croatian forces during the Operation Storm military campaign between July and September 1995.

Gotovina, who held the rank of Colonel General in the Croatian army and was the Commander of the Split Military, and Markač who held the position of Assistant Minister of Interior in charge of Special Police matters, were convicted of persecution, deportation, plunder, wanton destruction, two counts of murder, inhumane acts and cruel treatment. They were sentenced to 24 and 18 years' imprisonment respectively. Čermak, who was the Commander of the Knin Garrison, was acquitted of all charges.

The Chamber found that the crimes committed by the Croatian military forces and the Special Police were part of a joint criminal enterprise whose objective was the permanent removal of the Serb population from the Krajina region by force or threat of force, which amounted to and involved deportation, forcible transfer, and persecution through the imposition of restrictive and discriminatory measures, unlawful attacks against civilians and civilian objects, deportation, and forcible transfer.

The Chamber further found that Gotovina's conduct, including his order to unlawfully attack civilians and civilian objects through the shelling of Benkovac, Knin and Obrovac on 4 and 5 August 1995, amounted to a significant contribution to the joint criminal enterprise. Additionally, the Chamber found that other charged crimes, although not part of the common purpose, were natural and foreseeable consequences of the execution of the joint criminal enterprise, including to Gotovina.

In the judgement, the Chamber stated that Markač ordered the Special Police's shelling of Gračac on 4 and 5 August 1995, which constituted an unlawful attack on civilians and civilian objects and brought about the forcible displacement of persons thus making a significant contribution to the joint criminal enterprise. The Chamber also found that the Special Police also participated in the destruction and looting of Krajina Serb property in Donji Lapac on 7 and 8 August 1995. In addition, on 25 August 1995, members of the Special Police murdered several elderly villagers in the hamlet of Grubori. On that and the following day, the same unit also burned property in Grubori and in Ramljane village.

With regard to Ivan Čermak, the Chamber found that he did not have effective control over Croatian army units outside of his own subordinates at the Knin garrison, and the Chamber found no reliable evidence that those subordinates committed any crimes. Furthermore, evidence presented did not establish that Čermak was a member of the joint criminal enterprise or that he intentionally or significantly contributed to it. The Chamber ordered that Čermak be released as soon as possible.

Both the Prosecution and the Defence have the right of appeal.

4 April

Stanišić & Župljanin trial: pre-Defence conference

In the trial of Mićo Stanišić and Stojan Župljanin, a pre-Defence conference was held on the morning of 4 April. The Defence case will commence on Monday 11 April, with the opening statements of the Defence.

The Prosecution case against Stanišić and Župljanin commenced on 14 September 2009 and called 125 witnesses over the course of 243 trial days. Stanišić was, from April 1992, the Minister in the Serbian Ministry of Internal Affairs in Bosnia and Herzegovina (RS MUP), and Župljanin was Chief of the Regional Security Services Centre (CSB) of Banja Luka, as well as a member of the Autonomous Region of Krajina (ARK) Crisis Staff, and an advisor on internal affairs to the President of Republika Srpska. They stand accused of involvement in a campaign to eliminate and permanently remove Bosnian Muslims and Bosnian Croats from the areas over which they presided between April and December 1992.

7 - 12 April**Stanišić and Simatović: Rule 98 bis hearing**

At the beginning of the hearing, counsel for Jovica Stanišić announced that they would not be making any Rule 98 bis submissions. The hearings therefore continued with submissions only from counsel for Franko Simatović and the Prosecution.

The Chamber's decision on the Rule 98 bis submissions will be announced in due course.

Rule 98 bis: After the Prosecution concludes the presentation of its evidence, the Defence can ask for the dismissal of the case, if it believes that the presented evidence was insufficient to prove the charges. If the Trial Chamber believes that the Prosecution has not presented sufficient evidence, it can dismiss the case or certain charges and enter a judgement of acquittal before the beginning of the presentation of defence evidence.

11 – 13 April**Prosecutor in Bosnia and Herzegovina**

Prosecutor Serge Brammertz was in Sarajevo from Monday 11 April to Wednesday 13 April. In Bosnia and Herzegovina, Prosecutor Brammertz met with members of the country's Presidency, officials from the State Court, and representatives of the international community. He also met with victims' representatives.

The Prosecutor also plans to travel to Belgrade and Zagreb in the coming weeks, prior to submitting his next report to the UN Security Council. He will address the Security Council early June.

11 April**ICTY delivers new set of transcripts to Bosnia and Herzegovina and Serbia**

On 11 April, the Tribunal delivered approximately 2,000 pages of transcripts produced in local languages to the authorities in Bosnia and Herzegovina and Serbia.

The transcripts were delivered as part of the War Crimes Justice Project (WCJP), which aims to enhance the capacity of regional judiciaries to handle complex war crimes cases by assisting in the transfer of knowledge and materials from the ICTY to legal professionals in the region.

Commenting on the transcription project, Boris Grubešić, Head of the Public Relations Department of the BiH Prosecutor's Office, said: *"Transcripts in the languages of the region make it easier for local judiciaries to use the testimonies given before the ICTY. These testimonies are related to events that occurred during the war in Bosnia Herzegovina which the Prosecutor's Office is currently dealing with. Many of our cases include witnesses that testified before the ICTY previously. Their transcripts are therefore very useful in our analysis and investigation of war crimes. We support the continuation of this project, which greatly contributes to increasing the efficiency of the process of determining guilt for war crimes."*

Approximately 7,000 pages of B/C/S transcripts already produced as part of the project are now available on the Tribunal's Internet Court Records database (ICR). Additional transcripts will be uploaded on the ICR in the coming months, with the aim of publishing the targeted 60,000 pages of transcripts by the end of 2011. Transcripts can be accessed via the following link on the ICTY's website: <http://icr.icty.org>.

The War Crimes Justice Project is a 4-million euro regional project funded by the European Union and carried out by the OSCE Office for Democratic Institutions and Human Rights (ODIHR), in partnership with the ICTY, the UN Interregional Crime and Justice Research Institute, and OSCE field operations.

COURTROOM SCHEDULE: 18 APRIL – 29 APRIL

Public proceedings are broadcast with a 30-minute delay on the ICTY website.

MONDAY 18 APRIL

Courtroom I 09:00 – 13:45, **Stanišić & Župljanin**, Trial
Courtroom III 14:15 – 19:00, **Tolimir**, Trial

TUESDAY 19 APRIL

Courtroom I 09:00 – 13:45, **Stanišić & Župljanin**, Trial
Courtroom III 09:00 – 13:45, **Tolimir**, Trial

WEDNESDAY 20 APRIL

Courtroom I 09:00 – 13:45, **Stanišić & Župljanin**, Trial
Courtroom III 09:00 – 13:45, **Tolimir**, Trial

THURSDAY 21 APRIL

Courtroom I 09:00 – 13:45, **Stanišić & Župljanin**, Trial
Courtroom III 09:00 – 13:45, **Tolimir**, Trial

FRIDAY 22 APRIL

UN HOLIDAY: Good Friday

MONDAY 25 APRIL

UN HOLIDAY: Easter Monday

TUESDAY 26 APRIL

Courtroom III 14:15 – 19:00, **Tolimir**, Trial

WEDNESDAY 27 APRIL

Courtroom III 09:00 – 13:45, **Tolimir**, Trial

THURSDAY 28 APRIL

Courtroom III 09:00 – 13:45, **Tolimir**, Trial

FRIDAY 29 APRIL

UN HOLIDAY: Queen's Day

FACTS & FIGURES

161 INDIVIDUALS INDICTED

Since the very first hearing (a deferral request in the Tadić case) on 8 November 1994, the Tribunal has indicted a total of 161 individuals, and has already completed proceedings with regard to 125 of them: 12 have been acquitted, 64 sentenced (four are awaiting transfer, 25 have been transferred, 31 have served their term, and three died while serving their sentence), 13 have had their cases transferred to local courts.

125 Total number of accused whose proceedings have been completed.

36 Another 36 cases have been terminated (either because indictments were withdrawn or because the accused died, before or after transfer to the Tribunal).

36 Proceedings are on-going with regard to 36 accused: 14 are at the appeals stage, 17 are currently on trial, and three are at the pre-retrial stage. Two fugitives are still at large.

33 A further 33 individuals have been or are the subject of contempt proceedings.

THE WAR CRIMES JUSTICE PROJECT

aims to facilitate the transfer of knowledge and materials from the ICTY to legal professionals in the former Yugoslavia, thereby enhancing the capacity of judiciaries in the region to handle complex war crimes cases.

The project is funded by the European Union and implemented by the ICTY in partnership with the Organisation for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the United Nations Interregional Crime and Justice Research Institute (UNICRI), and OSCE field operations in the region.

www.icty.org/sections/Outreach/CapacityBuilding

27,000 Total number of pages of ICTY court hearing audio material transcribed into B/C/S to date.

9,000 Total number of transcript pages delivered to the regional judiciaries between October 2010 and April 2011.

7,000 Total number of pages publicly available on the ICTY Court Records Database to date: <http://icr.icty.org/>

75 Total number of legal professionals from regional judiciaries who have so far received training on searching and accessing publicly available ICTY material.

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www.icty.org

Extracts of, and/or quotes from, legal documents are not authoritative; only the Order, Decision or Judgement in its entirety reflects the opinion of the Trial Chamber and/or the Appeals Chamber.

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