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Tribunal Pénal
International pour
l'ex-Yougoslavie



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REGISTRY

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RAHIM ADEMI AND MIRKO NORAC CASE TRANSFERRED TO CROATIA

Today, 1 November 2005, the Rahim Ademi and Mirko Norac case was officially transferred to the Republic of Croatia by the ICTY.

This is the first case in which persons already indicted by the Tribunal have been referred to Croatia. It is the only case, out of 10, that the Tribunal's Prosecution has requested be transferred to Croatia.

The indictment charges Rahim Ademi and Mirko Norac with two counts of crimes against humanity and three counts of violations of the laws or customs of war for crimes allegedly committed against the ethnic Serb population during the Croatian attack on the so-called Medak Pocket from 9 September to on or about 17 September 1993.

The Medak Pocket was situated within the self-proclaimed "Republika Srpska Krajina" and prior to the attack, approximately 400 Serb civilians inhabited the area. The indictment states that as a result of the Croatian military operation, "*...the Medak Pocket became uninhabitable. The villages of the Pocket were completely destroyed, thereby depriving the Serbian civilian population of their homes and livelihood.*"

During the operation, the indictment alleges "*cruel and inhumane treatment of Serb civilians and captured and/or wounded soldiers from the Medak Pocket, by inter alia, causing serious injuries by means of shooting, stabbing, cutting of fingers, severe beatings with rifle butts, burning with cigarettes, jumping on bodies, tying bodies to a car and dragging them along the road, mutilation and other forms of mistreatment.*"

The indictment further alleges that the terrorizing included "*the mutilation and desecration of the body of Boja Pjevać, the public killing of Boja Vujnović by burning her alive whilst mocking her, expressing an intention to kill all civilians, placing racist graffiti on buildings, and leaving sinister and menacing messages on a destroyed building. All of which resulted in the civilian population being forced to abandon their homes and property and to leave the area permanently.*"

At the time of the operation, Rahim Ademi served in the Croatian Army (HV) as Acting Commander of the Gospić Military District, a position he held throughout the operation. Mirko Norac also served in the HV as Commander of the 9th Motorized Guards Brigade and during the operation he was appointed Commander of Sector 1, a combat group formed for the purposes of conducting the operation.

Both accused are charged on the basis of their individual criminal responsibility and their criminal responsibility as a superior for the acts of their subordinates.

Background

For a case to be referred pursuant to Rule 11bis of the Tribunal's Rules of Procedure and Evidence, the Referral Bench, comprised of three judges, has to order a referral of its own accord or following a request from the Prosecutor. A decision to refer a

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case is rendered only if the Bench is fully satisfied that the accused would be tried in accordance with international standards and that neither the level of responsibility of the accused nor the gravity of the crimes alleged in the indictment were factors that would make a referral to the national authorities inappropriate. Currently, there are six cases involving 12 accused being considered under the *11bis* procedure by the Referral Bench, the majority for referral to Bosnia and Herzegovina.

On 2 September 2004, the Prosecution requested that the Ademi and Norac case be transferred to Croatia according to Rule *11bis* and a hearing was then held on 17 February 2005. The Referral Bench rendered its decision to refer the case on 14 September 2005.

In its findings, the Referral Bench found that all requirements according to Rule *11bis* had been satisfied, including for the protection of witnesses, a fair trial for the accused, and the assurance that the death penalty would not be imposed.

The Tribunal Prosecution was ordered to hand over all material supporting the indictment and other appropriate evidentiary material to the Prosecutor of the Republic of Croatia no later than 30 days after the decision.

*Courtroom proceedings can be followed on the Tribunal's website
www.un.org/icty.*