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Tribunal Pénal
International pour
l'ex-Yougoslavie

PRESS RELEASE

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CHAMBERS

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APPEALS CHAMBER AFFIRMS DECISION TO JOIN CASES AGAINST ANTE GOTOVINA, IVAN ČERMAK AND MLADEN MARKAČ

The Tribunal's Appeals Chamber yesterday confirmed the Trial Chamber's decision of 14 July 2006 to join two cases involving Ante Gotovina, Ivan Čermak and Mladen Markač in one indictment and accepted the proposed amendments to the indictment. The three are charged with the crimes committed against Serbs in 1995, during and in the aftermath of the Croatian military offensive known as "Operation Storm", conducted in the Krajina region of Croatia. At the time, Gotovina and Čermak were senior military commanders on the ground, while Markač was the commander of Croatian Special Police.

The Appeals Chamber upheld the earlier decision by reasoning that the alleged crimes took place in the same geographic area, in the same time period and in the course of the same military operation and that they were committed pursuant to the same joint criminal enterprise of which all three accused are alleged to have been members.

The Appeals Chamber also upheld the Trial Chamber's findings that joining the cases will not cause a specific conflict of interest, that the benefits of a joint trial outweigh those to be gained from separate trials and that a joinder will promote judicial economy and minimise hardship to witnesses.

The Appeals Chamber accepted all amendments to the indictments proposed by the Prosecution except those alleging "direct or indirect co-perpetration" as a mode of liability. The joinder indictment filed by the Prosecution on 24 July 2006 is now the operative indictment in the case.

The accused are charged with participation in a joint criminal enterprise the purpose of which was the permanent removal of the Serb population from the Krajina region of Croatia by force, fear or threat of force, persecution, forced displacement, transfer and deportation, appropriation and destruction of property or other means. Specifically, Gotovina, Čermak and Markač are charged with murder, persecutions, deportation and forcible transfer, plunder of public and private property, wanton destruction of cities, towns or villages and inhumane acts and cruel treatment.

Courtroom proceedings can be followed on the Tribunal's website.

Internet address: <http://www.un.org/icty>

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