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Tribunal Pénal
International pour
l'ex-Yougoslavie

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REGISTRY

GREFFE

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**IVAN ČERMAK AND MLADEN MARKAČ INDICTED FOR 7 COUNTS OF CRIMES
AGAINST HUMANITY AND VIOLATIONS OF THE LAWS OR CUSTOMS OF WAR**

Today, 8 March 2004, Judge Parker, signed an Order lifting the seal on an Indictment against Ivan Čermak and Mladen Markač. The Indictment was originally confirmed by Judge Parker on 24 February 2004.

The Accused

Ivan Čermak

According to the Indictment, Ivan Čermak was born on 19 December 1949, in the Municipality of Zagreb in the Republic of Croatia, then part of the Socialist Federal Republic of Yugoslavia (SFRY). Between 1990 and 1991, he was Vice President of the Executive Board of the Croatian Democratic Union (HDZ) during which time he also served as an advisor to President Franjo Tudman.

In 1991, Ivan Čermak was appointed Assistant Minister of Defence in the government of the Republic of Croatia. He held this position until 1993. Throughout this period and thereafter, he held the rank of Colonel General. In 1993, he was appointed Minister of Trade, Shipbuilding and Energy. At the end of 1993, he ceased to be a minister of the Croatian government.

On 5 August 1995, Ivan Čermak was appointed Commander of the Knin Garrison by President Franjo Tudman. He held this position until 15 November 1995 when he was succeeded by his Deputy.

Mladen Markač

According to the Indictment, Mladen Markač was born on 8 May 1955 in Đurđevac in the Republic of Croatia, then part of the SFRY. He graduated from the University of Zagreb in 1981. After completing his military service in 1982, he joined the police force of the Ministry of the Interior of the SFRY.

In 1990, Mladen Markač and others, established a police unit for special tasks within the Ministry of the Interior. He was appointed Deputy Commander of the unit which, in late 1990, became the Anti-Terrorist Unit. In 1991, Mladen Markač was appointed head of the Lučko Anti-Terrorist Unit. In 1992, he was promoted to the rank of Major General (reserve).

On 18 February 1994, Mladen Markač was appointed Commander of the Special Police of the Ministry of the Interior of the Republic of Croatia. In the aftermath of Operation Storm, he held the rank of Colonel General.

Individual and Superior Criminal Responsibility

According to the Indictment, both Ivan Čermak and Mladen Markač "*participated in a joint criminal enterprise, the common purpose of which was the forcible and permanent*

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removal of the Serb population from the Krajina region, including by the plunder, damage or outright destruction of the property of the Serb population, so as to discourage or prevent members of that population from returning to their homes and resuming habitation.”

The Indictment states that “*Ivan Čermak and Mladen Markač are individually criminally responsible for the crimes referred to in Articles 3 and 5 of the Statute of the Tribunal and which are alleged in this Indictment pursuant to Article 7(1) of the Statute of the Tribunal. Acting individually or in concert with others, each accused planned, instigated, ordered, committed, or otherwise aided and abetted in the planning, preparation, or execution of such crimes, or foresaw the likelihood that they would be committed.*”

The Indictment further alleges that “*Ivan Čermak and Mladen Markač had the power, authority and responsibility to prevent or punish serious violations of international humanitarian law committed by Croatian forces during and after Operation Storm. Each accused knew, or had reason to know, that all crimes alleged within this Indictment were about to be committed or had been committed by their subordinates and they failed to take necessary and reasonable measures to prevent acts or to punish the perpetrators thereof. Each accused is therefore individually criminally responsible under Article 7(3) of the Tribunal.*”

The Charges

The Indictment charges Ivan Čermak and Mladen Markač with:

- Three counts of crimes against humanity (persecutions on political, racial and religious grounds, deportation and other inhumane acts (forced displacement) punishable under Article 5 read with Articles 7(1) and 7(3) of the Statute of the Tribunal);
- One count of crimes against humanity (other inhumane acts, punishable under Article 5 read with Article 7(3) of the Statute of the Tribunal);
- Two counts of violations of the laws or customs of war (plunder of public or private property and wanton destruction of cities, towns or villages, punishable under Article 3 read with Articles 7(1) and 7(3) of the Statute of the Tribunal).
- One count of violations of the laws or customs of war (murder, as recognised by Common Article 3(1)(a) of the Geneva Conventions of 1949 punishable under Article 3 read with Article 7(3) of the Statute of the Tribunal).

*The full text of the indictment is available upon request from the Public Information Services.
It is also available on the ICTY Internet site: www.un.org/icty*