

United Nations
Nations UniesInternational Criminal Tribunal
for the former Yugoslavia
Tribunal Pénal International
pour l'ex-Yougoslavie**"MEDAK POCKET" (IT-04-78)****ADEMI
& NORAC****RAHIM ADEMI***Indicted for persecutions on political, racial and religious grounds;
murder; plunder of public or private property;
wanton destruction of cities, towns or villages*

Acting Commander of the Gospić military district, in southern Croatia in 1993

- Transferred to Croatia on 1 November 2005
- Acquitted of all charges by the Zagreb District Court

MIRKO NORAC*Indicted for persecutions on political, racial and religious grounds;
murder; plunder of public or private property;
wanton destruction of cities, towns or villages*Commander of the 9th Guards Motorised Brigade of the Croatian Army in 1993

- Transferred to Croatia on 1 November 2005
- Sentenced by the Zagreb District Court to seven years' imprisonment

Crimes indicted for:

**Persecutions on political, racial and religious grounds; murder (crimes against humanity)
Murder; plunder of public or private property; and wanton destruction of cities, towns or villages
(violations of the laws or customs of war)**

Before and during the Croatian military operation in the Medak Pocket, from 9 September to on or about 17 September 1993, Rahim Ademi and Mirko Norac, acting individually and/or in concert with others including Janko Bobetko, planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of persecutions of Serb civilians of the Medak Pocket on racial, political or religious grounds. The crime of persecutions was perpetrated through the following:

- The unlawful killing of Serb civilians and of captured and/or wounded soldiers from the Medak Pocket;
- Cruel and inhumane treatment of Serb civilians and captured and/or wounded soldiers from the Medak Pocket, by 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 terrorising of the predominantly Serb civilian population of the Medak Pocket by mutilating and desecrating victims' bodies, publicly killing and burning them alive, expressing an intention to kill all civilians, placing racist graffiti on buildings, leaving sinister and menacing messages on a destroyed building, and other similar activities; all of which resulted in the civilian population being forced to abandon their homes and property and to leave the area permanently;

- The destruction of personal property belonging to Serb civilians from the Medak Pocket by systematically destroying up to 164 homes and approximately 148 other buildings (and their contents) through the use of explosives and fire;
- The systematic plunder of Serb civilian property during and after the military operation by elements of the Croatian forces in conjunction with Croatian civilians, who unlawfully removed personal goods such as electrical goods and furniture from buildings that were destroyed or about to be so; removed animals and farm equipment; dismantled buildings and carried parts thereof away by truck.

RAHIM ADEMI	
Born	30 January 1954 in the village of Karač, Kosovo
Indictment	Initial: 8 June 2001; first amended: 26 November 2001; second amended: 1 February 2002; consolidated: 30 July 2004
Surrendered	25 July 2001
Transferred to ICTY	25 July 2001
Initial appearance	26 July 2001, pleaded not guilty to all charges
Provisionally released	20 February 2002
Case files transferred to Croatia	1 November 2005

MIRKO NORAC	
Born	19 September 1967 in Otok, Croatia
Indictment	Initial: confirmed on 20 May 2004 and made public on 25 May 2004; consolidated: 30 July 2004
Transferred to ICTY	8 July 2004 (from a prison in Croatia where he was serving his sentence imposed by a local court)
Initial appearance	8 July 2004, pleaded not guilty to all charges
Case files transferred to Croatia	1 November 2005

REFERRAL PROCEEDINGS	
Motion by the Prosecutor	2 September 2004
Decision by the Referral Bench	14 September 2005
Referral Bench	Judge Alphons Orié (presiding), Judge O-Gon Kwon and Judge Kevin Parker
Counsel for the Prosecution	Mark Ierace
Counsel for the Defence	For Rahim Ademi: Čedo Prodanović For Mirko Norac: Željko Olujić

RELATED CASES <i>by geographical area</i>	
BOBETKO (IT-02-62) "MEDAK POCKET"	
GOTOVINA <i>et al.</i> (IT-06-90)	

INDICTMENT AND CHARGES

The initial indictment against Rahim Ademi (IT-01-46) was confirmed on 8 June 2001. The indictment was amended twice, on 26 November 2001 and on 1 February 2002.

The initial indictment against Mirko Norac (IT-04-76) was confirmed on 20 May 2004 and then made public on 25 May 2004, while he was in custody of the municipal court in Rijeka, Croatia.

Mirko Norac is currently serving a sentence of 12 years of imprisonment in Croatia, for war crimes unrelated to the indictment in the case before the Tribunal.

The indictments against Rahim Ademi and Mirko Norac were joined pursuant to a decision of Trial Chamber I of 30 July 2004, confirming the consolidated indictment attached to the Prosecution's motion for joinder on 27 May 2004.

The indictment alleges that, in the early morning of 9 September 1993, the Croatian forces commenced their attack on the Medak Pocket, an area to the south of the city of Gospić in Croatia. The Croatian forces, comprising of Croatian Army (HV) units from the Gospić military district and units of the special forces of the Ministry of Interior (MUP), entered the Pocket. After approximately two days of fighting, they had taken control of the villages of Divoselo, Čitluk and a part of Počitelj, after which the Croatian advance halted.

According to the indictment, the accused held the following positions during the relevant period:

- Rahim Ademi was appointed chief of Staff of the Gospić (Lika) military district under the command of Brigadier Izidor Češnaj on 5 December 1992. In April or May 1993, following Brigadier Češnaj being on sick leave, Rahim Ademi was appointed acting commander. He held this position throughout the Medak Pocket military operation.
- Mirko Norac was appointed commander of the 6th Guards Brigade of the HV in November 1992. The 6th Guards Brigade was renamed the 9th Guards Motorised Brigade in 1993. Mirko Norac remained in this position at the time of the Croatian military operation in the Medak Pocket. During this operation he was appointed commander of Sector 1 - a combat group formed for operational purposes.

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

According to the indictment, before and during the Croatian military operation in the Medak Pocket, from 9 September to on or about 17 September 1993, Rahim Ademi and Mirko Norac, acting individually and/or in concert with others including Janko Bobetko, planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of:

- the unlawful killing of Serb civilians and captured and/or wounded soldiers from the Medak Pocket;
- cruel and inhumane treatment of Serb civilians and captured and/or wounded soldiers from the Medak Pocket;
- the destruction of personal property belonging to Serb civilians of the Medak Pocket, on or after 9 September 1993; the Croatian forces in the area systematically destroyed up to 164 homes and approximately 148 other buildings;
- the systematic plunder of Serb civilian property during and after the military operation in the Medak Pocket by elements of the Croatian forces in conjunction with Croatian civilians.

The accused are also held responsible for terrorising the predominantly Serb civilian population of the Medak Pocket by, among other things, mutilating and desecrating the body of Boja Pjevać; for the public killing of Boja Vujnović by burning her alive whilst mocking her; for expressing an intention to kill all civilians; for placing racist graffiti on buildings; and for 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.

The indictment charges Rahim Ademi and Mirko Norac on the basis of their individual criminal responsibility (Article 7(1) of the Statute) and on the basis of their superior criminal responsibility (Article 7(3) of the Statute) with:

- Persecutions on political racial or religious grounds, murder (crimes against humanity, Article 5), and
- Murder, plunder of public or private property and wanton destruction of cities, towns or villages (violations of the laws or customs of war, Article 3).

On 20 February 2002, the Trial Chamber granted Rahim Ademi's motion for provisional release, filed on 14 December 2001.

REFERRAL IN ACCORDANCE WITH RULE 11*bis*

For a case to be referred pursuant to Rule 11*bis* 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 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.

The Prosecution filed a motion for referral of the case against Ademi and Norac on 2 September 2004. A referral hearing was held on 17 February 2005. The Referral Bench rendered its decision to refer the case on 14 September 2005. The case files were transferred to Croatia on 1 November 2005 (Rahim Ademi was on provisional release in Croatia and Mirko Norac is serving a prison sentence in Croatia).

On 30 May 2008, the Zagreb District Court sentenced Mirko Norac to seven years' imprisonment whereas Rahim Ademi was acquitted of all charges.