

Cermak Wanted Crimes Stopped in Knin

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His lawyer said he tried to encourage Serbs to remain in region.

As the defence case began this week in the trial of three former Croatian generals, a lawyer for one of the defendants, Ivan Cermak, told Hague judges this week that rather than seeking to expel Serbs from the Krajina region in August 1995, his client had called for an end to such atrocities.

“[Ivan] Cermak admitted crimes took place at that time,” British barrister Stephen Kay told judges at the Hague tribunal.

“He was angry about that fact. He mentioned to many people he wanted [them] stopped but he had no power [to do this] himself.”

Cermak was the commander of the garrison in the Croatian town of Knin in the region of Croatia known as the Autonomous Serb Krajina, after it was taken by Serb forces early on in the wars of the former Yugoslavia.

The ex-general is charged at the International Criminal Tribunal for the former Yugoslavia, ICTY, along with Ante Gotovina and Mladen Markac, for crimes committed during a military offensive known as Operation Storm – carried out on August 4, 1995 – and subsequent atrocities committed throughout that summer.

The prosecution alleges that Croatian forces bombarded towns across the Krajina region as part of a joint criminal plan conducted by the defendants, before embarking on a campaign across 16 municipalities – which included the killing of civilians, the burning of houses and looting of property in an attempt to drive Serbs out of the area and prevent their return.

Although prosecutors do not contest Croatia’s right to bring the Krajina region back within its borders, they denounce the tactics of the military operation which they say left behind a “scarred wasteland of destroyed villages and homes”.

About 200,000 Serbs were allegedly forced to flee their homes in Krajina as a result of the offensive.

However, this week, Kay said rather than trying to drive Serbs from the area, Cermak was involved in restoring basic amenities to the region and in helping them to remain there after Operation Storm.

“[Mr Cermak] went to the [United Nations] camp [for displaced people] to encourage [Serbs] to stay and work,” said Kay. “This stands in great contradiction of any allegation which asserts that he did not want Serbs to remain in this area.”

“If Mr Cermak was there as a member of a [joint criminal plan], a person showing bad intent, why would he be going to the UN camp to persuade people [Serbs] to stay?” Kay asked the court.

To support this, he pointed to the statement of one witness – who will later testify – in which he said that he went with Cermak to the camps for such a purpose.

Prosecutors allege that Cermak was in charge of the civilian and military police in Knin following Operation Storm, and was complicit in the crimes being committed against Serbs in the area through his denial that these took place or in allowing them to go unreported.

According to the indictment, he was responsible for “the reporting of false, incomplete or misleading information regarding crimes committed, while knowing that widespread destruction and plunder of property belonging to Serb civilians and the unlawful killing and inhumane treatment of Krajina Serbs were ongoing”.

However, Kay sought to show that Cermak had limited authority, telling judges that witnesses from within the Croatian administration at the time deny his client was in control of the civil or military police in Knin.

“We heard a very narrow base of evidence on this matter [in the prosecution case],” said Kay, noting that most witnesses heard were from the international community.

“All the evidence the court has received to date has been from the UN side,” he said. “It’s important that the court does not have the impression that ascribes [to Cermak] a level of authority that he simply did not have.”

Kay presented the court with extracts from witness statements that showed his client in a very different light from that cast by the prosecution.

Recounting the statement of one witness set to testify, Kay sought to show Cermak demonstrated compassion towards the Serbs by – among other examples – arranging an ambulance to take an elderly Serb man to hospital for treatment after he fell victim to the crimes of Croats.

“[Cermak’s] whole conduct was of a man not in denial of such [criminal] events but of a man who wanted [them] stopped,” said Kay.

Kay said that evidence to be presented by witnesses would show that while Cermak was concerned by the crimes taking place in the aftermath of Operation Storm, it was not his job to stop them.

Referring to one witness who will testify, Kay said, “What is of great significance is [the witness] does not taint Mr Cermak with...responsibility [for crimes] or even [with] being a supporter [of] or sympathetic [to] such treatment of people in that region. Quite the opposite, as the court will hear.”

“This has been a trial based on theory rather than evidence so far,” he told judges, inviting them to focus on the testimony of witnesses that the defence would bring to the court.

If such witnesses had been heard during the prosecution’s case, they “would have led to a different understanding of the case against Cermak”, said Kay.

During the presentation of its case, the Cermak defence is set to call a total of 42 witnesses.

The court also heard an opening statement this week from the defence of Mladen Markac.

Lawyers representing Ante Gotovina gave their statement at the opening of the prosecution's case at the start of the trial on March 11, 2008.

Gotovina's team will be the first to present witnesses to the court, starting on June 2.

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