

## **Defence Teams for Croatian Generals Appear in Court**

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At the first joint status conference held this week at the Hague tribunal, only Gotovina was present, as Cermak and Markac were on provisional release.

The three generals are charged with crimes allegedly committed during and after Operation Storm – a Croatian military offensive to reclaim the Serb-held Krajina region in August 1995.

All three of them are appealing against a trial chamber decision from July this year to join their war crimes trials together.

Having surrendered voluntarily in March 2004, Cermak and Markac were originally indicted separately from Gotovina, who was only caught in late 2005 after having spent four years on the run.

The defence teams representing Markac and Cermak, who appealed in August say they have already done two years' preparation for the trial, would have to wait for Gotovina's team to catch up. Gotovina's defence counsel appealed shortly afterwards, claiming there could be a conflict of interest if the trials were combined.

Since the case was joined, a new pre-trial chamber has been appointed. Judge O-Gon Kwon of South Korea will preside over the pre-trial chamber along with Kimberly Prost from Canada and Norway's Ole Bjorn Stole. Judge Stole presided over this week's status conference.

At the status conference, the prosecution confirmed that it had handed over most of the statements it wants to use to the defence, as part of the procedure of disclosure. Prosecutors also confirmed that the disclosure of material in the Gotovina case had reached a similar stage to that of Cermak and Markac.

Gotovina's counsel, Gregory Kehoe, noted that the lack of "some settlement of the final indictment" in the case against the three defendants made it difficult to "make final decisions" on preparations for their defence. Defence counsels for Cermak and Markac agreed with this position.

Judge Stole gave Gotovina and the defence counsels of Cermak and Markac an opportunity to raise any problems related to their detention. Speaking on Gotovina's behalf, Kehoe said his client had nothing to report "with regard to his state of health".

However, Cermak's counsel Cedo Prodanovic said his client was experiencing "chronic problems with his spine and high-blood pressure". But he said the problems were under control and were being monitored by doctors, so there were "no major problems... in terms of being able to follow the trial".

Defence lawyer Miroslav Separovic reported that Markac, too, was experiencing chronic health problems, but that following medical treatment, his condition was now stable.

There are no indications as to when the trial might start.

**Topic:** Briefly Noted

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