

Prosecution Proposes Joint Trial for Generals

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The Croatian generals are charged with atrocities against Serbs during the 1995 war in Croatia. They face nine counts of crimes against humanity and war crimes relating to Operation Storm – a military offensive by Croatian forces against Serb-occupied towns and villages in the Knin Krajina region.

They deny all the charges.

Gotovina was commander of Operation Storm. Cermak was in charge of the Knin garrison, and Markac commanded the interior ministry's special police.

Cermak and Markac were indicted in March 2004 and voluntarily surrendered to the tribunal. They received provisional release, and are currently awaiting trial in Croatia.

The pair were already due to be tried jointly, and their indictment was thoroughly revised at the end of last year, just as the high-profile indictee Gotovina was arrested in Tenerife.

Once he was in custody, the prosecutors said that they would seek to try him with his two former comrades in arms.

The prosecution says that the changes to Gotovina's indictment are “to cure what could be perceived as vagueness” in the current document, and to bring it in line with that of his former colleagues.

It says most of the proposed changes are the same as those already agreed by the trial chamber in the Cermak and Markac case.

The changes include two new counts against Gotovina, which the prosecution contends do not change the fundamental basis of their case.

Defence lawyers had objected strongly to the amendments in the Cermak and Markac case, saying they made the issue more unclear.

They are all accused – either alone or with the others named on the indictment – of planning, ordering, committing and aiding and abetting the persecution of the Krajina Serbs. They have each been charged with crimes against humanity – persecution, deportation and forcible transfer and violations of the laws and customs of war; plunder, murder; and wanton destruction in relation to the actions of forces allegedly under their control.

The prosecutor says the amended indictment specifies in more detail those forces under the effective control of general Gotovina, and provides more detailed evidence about how Gotovina knew about the

crimes committed or planned by those forces.

It also names the members of the alleged joint criminal enterprise to cleanse ethnic Serbs from parts of Croatia, including former Croatian president Franjo Tudjman and other unnamed Croatian government and security officials.

Prosecutor Alan Tieger argues in his motion for the amendments that “a joint trial will serve the interest of justice by guaranteeing judicial economy”. The tribunal is under pressure to complete its work by 2010.

No date has yet been set for a trial, so the prosecution argues that bringing the three indictees together will serve the “interest of justice” and “not interfere with the right of the accused to a fair and expeditious trial”.

The defence teams have two weeks in which to respond.

Location: Croatia

Topic: Court News

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