

War crimes tribunal drops charges against Croatian general

Keith Lee, Paul Mitchell
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The International Criminal Tribunal for the Former Yugoslavia (ICTY) has dropped war crime charges against the former Chief of the Croatian Army, General Janko Bobetko. Medical experts appointed by the tribunal have declared the 83-year-old Bobetko too ill to stand trial.

Bobetko was the most recent of a number of top ranking Croatian military officers to be accused of war crimes during the Homeland War. This conflict erupted soon after Croatia declared independence from Yugoslavia in June 1991 and the Serb majority in the Croatian Krajina region responded by establishing an independent Serb Republic.

As the war escalated the United Nations sent peacekeeping troops into the Krajina in February 1992. The following year Croatian Army units attacked an area close to the UN patrolled area called the Medak Pocket. Canadian UN troops reported how the Croatian Army laid waste to the area killing unarmed Serb civilians.

In May 2001 the ICTY indicted General Rahim Ademi, commander of the Medak Pocket troops, with unlawful killing of at least 38 Serb civilians and the destruction of hundreds of buildings. Late in 2002 the ICTY charged Bobetko with “command responsibility” for the attack.

In his autobiography *All My Battles* Bobetko boasts of his role in the Medak Pocket as proof of his military ingenuity. The indictment points, however, that the most intense killing and destruction took place after a ceasefire had been agreed.

The ICTY has also charged another Croatian general, Ante Gotovina, with “command responsibility” for war crimes committed during the August 1995 Croatian offensive code-named *Operation Oluja* (Storm) which recaptured the Krajina and led to the biggest single act of ethnic cleansing in the Yugoslav civil war. Between 150,000-200,000 Krajina Serbs were displaced, about 150 murdered and hundreds more disappeared.

The indictments have caused a political crisis in Croatia because they question the claim that the Homeland War was a progressive war of liberation and undermine the Western powers’ claim that the Balkan conflict was entirely the product of former Yugoslav President Slobodan Milosevic’s drive for a Greater Serbia. The atrocities detailed in the indictments show that the upper echelons of the Croatian military promoted a brand of nationalism every bit as reactionary as Milosevic’s Serbian nationalism; one that glorifies the Nazi puppet regime in Croatia during the 1940s and speaks of regaining Western Bosnia.

The crimes committed during the Homeland War were never investigated during the ten years that President Franjo Tudjman’s Croatian Democratic Union (HDZ) governed Croatia after its separation from Yugoslavia. Following threats to stop an International Monetary Fund loan, the HDZ did pass a law on cooperation with the ICTY and handed over ten Bosnian Croats accused of war crimes in Bosnia in 1997. However the HDZ regarded those involved in the Homeland War as untouchable heroes.

When HDZ rule collapsed in January 2000, the Western powers claimed the new coalition government led by Ivica Racan’s Social Democratic Party (a successor to the former Communist Party) heralded a break with the extreme nationalism of the Tudjman era and that it would agree to Croatian war crimes investigations. These investigations were particularly necessary to bolster the new and fragile pro-Western Serbian government that was faced with a crisis over its decision to hand over Milosevic to the ICTY.

After meeting Croatian officials, ICTY Chief Prosecutor Carla del Ponte declared, “The whole tone is different... Finally we have a partner in the Balkans and not just another problem.”

However, the indictments caused severe difficulties in Croatia. In 2000, the HDZ organised massive demonstrations and blockaded the Zagreb-Split highway after the indictment of General Mirko Norac for war crimes committed in 1991. Twelve generals, including Bobetko, signed an open letter criticising Racan’s attempts to “devalue” the Homeland War, sparking off rumours of a coup. In July 2001, four ministers in Racan’s government belonging to the Social Liberal Party resigned after Gotovina and Ademi were indicted causing a vote of no confidence to be taken in the Croatian Assembly.

By the time of her appearance at the UN Security Council last year, del Ponte appeared exasperated. “In June 2001 ... as an expression of trust, I gave the Croatian Government advanced notice of a sealed indictment against General Ante Gotovina, a commander of forces who was accused of crimes against humanity. My trust was misplaced—he was allowed to evade arrest and according to various reliable sources he is now enjoying a safe haven in the territory of Croatia,” she said. Del Ponte continued, “In May this year I again provided the Croatian authorities with advanced notice of an imminent indictment against General Bobetko, former Chief of Staff of the Croatian Army.... Instead of compliance with the Tribunal’s order, the Croatian Government has taken upon itself to seek to challenge the warrant and the

indictment itself. We next heard that the General's health does not permit his travel to The Hague. More delay and obstruction. The attitude of Croatia is unacceptable."

With unemployment in Croatia over 20 percent and public expenditure more than 50 percent of GDP—the highest in Europe—the government has speeded up the HDZ programme of privatisations, layoffs and reductions in welfare. Croatia's has joined the World Trade Organisation and applied for membership of NATO and the European Union.

To head off the widespread strike action these policies are provoking the government is playing the nationalist card. In June 2001 Racan announced plans to erect a huge monument to the Homeland War saying "At this time of difficult decisions and self-sacrifice ... we should remember and be inspired by the strong unity of the Homeland War ... [when] ... there was no left, no right, there were no political, social, cultural or other differences."

Racan is no stranger to the use of nationalism to divert the working class. A former Stalinist bureaucrat like Milosevic, he was elected president of the ruling Croatian Communist Party in 1989 and played a key role in the break up of the Yugoslav federation. In 1990 he clashed with Milosevic, declaring that Croatia would no longer "provide bread to Serbia" and organised the first multi-party elections specifically to approve his separatist line.

Racan defends the Medak Pocket attack as a "legitimate military operation" and states that Bobetko performed his "constitutional duty to liberate Croatian territory" and so cannot be considered guilty of "command responsibility". However, he is happy to accuse Milosevic of "command responsibility" for Serbian atrocities and sanctioned Croatian President Stipe Mesic's appearance as a witness for the prosecution at Milosevic's trial. For his part, Milosevic claims the atrocities were also individual acts of violence that occurred whilst he was trying to preserve the Yugoslav federation and its constitution.

The case has highlighted divisions between Europe and the United States. Recently US Ambassador for War Crimes, Pierre-Richard Prosper, told the ICTY it should focus on the arrest of four remaining key suspects and then halt its investigations and hand over existing cases to local courts. Prosper said that during a visit to the Balkans he would aim to "press" the governments in Serbia, Bosnia, and Croatia to arrest all remaining fugitives, but he cancelled his visit to Croatia at the last minute as a slap in the face to del Ponte and her efforts to indict the Croatian generals.

The US has reason to be concerned at a high profile trial of the generals. The Croatian army acted as Washington's proxy army against Milosevic and there is plenty of evidence that the Clinton administration provided vital support to Croatia during Operation Storm. In his book *To End A War*, Clinton's special envoy Richard Holbrooke described the Croat forces as his "junkyard dogs" and recounts his conversation with the Croatian defence minister during the battle, saying, "We can't say this publicly but please take Sanski Most, Prijedor and Bosanski Novi. And do it quickly before the Serbs regroup."

The US government endorsed a contract between the Croatian army and the US military consultancy firm Military Professional Resource Incorporated to provide military training.

Franjo Tudjman's son Miro, who was head of Croatian intelligence at the time, claims the relationship went further—with the Croatian and US governments enjoying a "de facto partnership". He says the US provided \$10 million worth of listening and intercept equipment and all "intelligence in Croatia went on line in real time to the National Security Agency in Washington."

Gotovina seemed especially close to US officials, which may explain his ability to evade capture for so long. It is alleged that US drone aircraft operated out of his headquarters in order to spy on Yugoslav army movements. Photographs show Gotovina with US military personnel in front of a computer screen showing "Battle Staff Training Program" and "Welcome to Training Center Fort Irwin". According to Nenad Ivankovic, former army commander and Gotovina's biographer, Gotovina "feels betrayed by the silence of the US today and by the people he knew. The CIA saw everything that happened during Operation Storm and never objected then." Washington has refused all requests from the ICTY for documents and satellite photographs relating to this period.

Another concern of US officials is to prevent the concept of "command responsibility" becoming a definition for war crimes. Lawyers for the Croat generals have pointed out that Clinton, Holbrooke and other US officials could also be charged with command responsibility for Operation Storm because "they knew the attack was coming and gave it the green light."

This threat is taken seriously. In 2002 Henry Hyde chairman of the House Committee on International Relations warned that the ICTY could investigate officials who were "formulating and carrying out US government policy" for command responsibility in connection with Operation Storm. Gotovina's indictment was the "best example of the ICTY's politicised and inaccurate prosecution," a Senate inquiry was told.

In a series of articles in September 2002, journalists in the *Washington Times* repeated Hyde's warning and attacked the concept of command responsibility as "a threat to US national interests". In effect, the *Times* pronounced, the concept made "war itself a crime" and illegalised the use of "overwhelming force", that is, the foundation of US military strategy. The *Times* pointed out that Operation Storm was the model for Operation Enduring Freedom in Afghanistan, where the Northern Alliance acted as a US proxy army. If command responsibility is made a definition of a war crime then "the United States can be made accountable for the actions of its allies around the world. There will be nothing preventing the International Criminal Court from making US officials responsible for isolated criminal acts that have been committed by Northern Alliance troops."

The Operation Storm indictment, the *Times* concluded, "threatens to limit Washington's ability to project its power around the world."



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