

## **Ademi Acquitted of Medak Pocket Crimes**

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Zagreb war crimes court hands down verdict in first case referred to Croatia by Hague tribunal. Croatian general Rahim Ademi has been cleared of responsibility for atrocities committed against Serb prisoners by Croat troops during a 1993 military operation.

However, his co-accused General Mirko Norac was sentenced to seven years in prison, after being found guilty of failing to prevent and punish the perpetrators of these crimes.

According to the verdict handed down by Presiding Judge Marin Mrcela on May 30 at a Zagreb court, Norac knew the crimes were committed, yet did nothing to stop them.

While Ademi and Norac were originally indicted by the Hague tribunal, their case was referred to Croatia for trial in 2005.

Their indictment alleged that at least 29 Serb civilians were killed and dozens more wounded during the operation, which was carried out to regain control of a part of Croatia held by Serb rebels from 1991. Many of the victims were women or elderly.

Norac and Ademi were also accused of responsibility for the unlawful destruction of civilian property. The majority of prosecution witnesses testified that after the offensive, people wearing Croatian army uniforms looted and burnt Serb houses.

During the trial, which lasted almost a year, around 100 witnesses testified, many of them giving evidence via video link out of concern for their safety.

The generals were in conflict from the start, each seeking to downplay their own involvement while stressing the commanding role played by the other.

Although Ademi was the higher-ranking of the two generals, he claimed he did not control Norac, who instead took orders from a parallel chain of command headed by chief of the general staff Janko Bobetko, and minister of defence Gojko Susak – both of whom are now dead.

At the time of the offensive, Norac held the rank of colonel and was commander of the 9th Guards Motorised Brigade of the Croatian army, the main unit involved in the operation. However, prosecutors said he also commanded “Sector One”, a combat group set up specifically to run the operation, which Norac claimed never existed.

In his closing statement last week, chief state prosecutor Antun Kvakan repeated the charges against the generals, underlining what he argued was their “failure to secure enough military policemen in the field when it was obvious that crimes could easily occur”.

Kvakan dismissed Ademi's defence that the operation was commanded by Bobetko.

"If it is even true that Bobetko planned everything, it is logical that he sent people to control how the operation was conducted," he told the court.

The prosecutor also dismissed Norac's claims that Sector One did not exist, reminding the court about the large number of documents and statements that mentioned it.

Throughout the trial, defence witnesses gave very different statements about the chain of command. Some said Norac and Ademi were only nominally in charge.

The defence teams presented their closing arguments on May 26, each calling for its own client to be acquitted.

Lawyer Cedo Prodanovic said the charges Ademi were groundless.

"The prosecution charges Ademi with having command responsibility; however, there is no evidence to support that he commanded the action and the retreat," he said.

Instead, Prodanovic said responsibility for the crimes lay with Bobetko, Norac as well as Admiral Davor Domazet-Lošo, who has been investigated for war crimes, but never charged.

"Ademi wrote the order to attack and to form Sector One, according to Bobetko's decree. And the request to retreat [from Medak Pocket] he wrote according to the decree of [General] Petar Stipetic who gave that command orally," said Prodanovic.

Prodanovic argued that the prosecution did not have access to all the facts, and was under particular pressure to secure convictions because the case was the first to be referred by the Hague tribunal to the Croatian courts.

"The defence had evidence that the prosecution didn't - war diaries and commands. But [on seeing this evidence] the prosecution did not react, but accepted the case as it is," said Prodanovic.

"With this evidence the facts changed significantly and the indictment against Ademi, which was already groundless, became absolutely unsupported. The evidence showed that others should be sitting in the dock."

Meanwhile, Norac's defence asked that the charges against him be dropped. "Not one single soldier under Norac's command committed a crime," said his lawyer Zeljko Olujic.

To support this, he added that not a single witness had said he or she informed Norac about the crimes that were committed. According to Olujic, Norac “couldn’t have known about the crimes because he was engaged in combat operations all the time”.

Regarding looting charges, Olujic said the local population had already left the area before the Croatian army arrived, “So property couldn’t be stolen from anyone.”

Norac’s second lawyer Vlatko Nuic said his client didn’t have jurisdiction over the special police units and stressed that there was neither a parallel chain of command nor a Sector One.

His defence contended that politics had influenced the trial, the gathering of evidence and the decision to transfer the case from The Hague to Zagreb.

“The tribunal judges, like Pontius Pilate, washed their hands of my defendant and said, ‘Here, you have him, you try him if you want’,” said Nuic.

Norac, who has already been convicted by a Croatian court of war crimes committed by his troops in the Gospic area in 1991, and is currently serving his 12-year sentence in Croatia, has the right to appeal the judgement.

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**Location:** Croatia

**Topic:** Briefly Noted

**Focus:** International Criminal Tribunal for the former Yugoslavia

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