

Croatia: Aggressive Tactics in Ademi-Norac Trial

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Observers following the trial of two indicted Croatian generals in Zagreb are surprised by the ruthless strategy chosen by their defence teams.

If the first few weeks of proceedings against two Croatian wartime generals are anything to go by, this will be a very dramatic trial, full of unexpected twists and back-stabbing.

The case of generals Rahim Ademi and Mirko Norac, whose trial opened in Zagreb on June 18, is the first to be referred to Croatia by the Hague Tribunal and has been seen as a test of the country's judicial capacity to run war crimes trials in an unbiased manner..

Those following the case were somewhat puzzled by the ferocity with which the defence teams for the two men attacked each other's clients. It seems the strategy of each team is to load as much blame onto the other co-defendant as possible.

Supporters of the two generals and Croatian war veterans are particularly disappointed with this strategy, as they cannot understand how former friends and colleagues could have become enemies overnight.

Ademi and Norac are charged, on the basis of command responsibility, with crimes committed by the Croatian army against ethnic Serbs during a 1993 military operation in an area known as the "Medak Pocket" to regain control over Serb-held parts of Croatia.

According to the indictment originally brought by the Hague tribunal, at least 29 local Serb civilians were killed and dozens were seriously injured during this operation. Many of the killed and wounded civilians were women and elderly people. The indictment also alleges that Croatian forces killed at least five Serb soldiers who had been captured or wounded.

More than 300 homes and barns were destroyed in villages within the Medak Pocket after Croatian forces had taken effective control of the area. Most of the destruction took place between September 15 and 17, 1993.

The indictment further says that property belonging to Serb civilians was plundered by the Croatian military, or by persons in civilian clothes under the supervision of Croatian forces, and that anything of value was stolen, including personal belongings, household goods, furniture and farm animals.

It is alleged that Rahim Ademi, by virtue of his high-ranking position as a brigadier and acting commander of the Gospić Military District, played a central role in planning, ordering and executing the Medak Pocket operation on 9-17 September, 1993.

At the time of the events in question, Norac was commander of the 9th Guards Motorised Brigade - the main unit involved in the Medak Pocket Operation - and held the rank of colonel.

The Hague tribunal referred the case against the two officers to Croatia in September 2005 at the request

of prosecutors, and the case files were transferred in November the same year.

While observers expected the defence teams of the two accused to use their opening briefs to focus on justifications for the Medak operation, each instead started by openly attacking the other's client.

The key question in this trial is who was in charge of the military forces that committed crimes in the courts of the operation. Ademi's defence claims it was Norac, who was in command of the Croatian army's "Sector One", which they say included the Medak Pocket and was in fact established only to carry out the operation.

However, Norac's defence counsel Zeljko Olujic claims that Sector One did not exist at the time, and was it was invented after the operation was over, specifically in order that Norac would be held responsible for crimes that occurred there. He said there was no official order establishing Sector One or putting his client in charge if it. Ademi's defence rejected that argument.

Olujic insists that Ademi was in command of the whole Gospic area, including the Medak Pocket, and was solely responsible for the crimes committed by his troops in this area.

Ademi's defence team will try to prove that in addition to Norac, who they claim had control of the troops on the ground, there was another individual responsible for events in the Medak Pocket - General Janko Bobetko, formerly chief of staff of the Croatian army, who died in 2003.

The first two prosecution witnesses to testify at the trial - former Croatian interior minister Ivan Jarnjak and special forces police commander Mladen Markac - seemed to place all the blame on Ademi. They both appeared in court on July 16.

Asked by prosecutor Antun Kvakan which officer the police special police commanders were subordinated to, Jarnjak replied, "I don't know for sure, but... I think they were subordinated to Ademi".

Jarnjak, too, said he had never heard of Sector One.

The question of who commanded the police special forces was central to the Hague tribunal's investigation into crimes committed in Medak Pocket, and both Markac and Jarnjak were suspects at one point.

Markac is currently awaiting trial at the Hague tribunal on charges relating to another Croatian military offensive - Operation Storm of 1995 - together with two other generals, Ante Gotovina and Ivan Cermak. The tribunal granted permission for him to testify in the Ademi-Norac trial.

In his testimony, Markac claimed that the entire operation in the Medak Pocket was commanded by Ademi, "to whom the special police were subordinated".

At one point, Ademi stood up and shouted out that Markac was lying.

Markac, visibly shaken, responded, "I am very sorry that my friend General Ademi said I was. I don't lie; I came here to tell the truth".

Observers in Croatia were surprised at the accusations traded by the Ademi and Norac teams.

Speaking to reporters few weeks into the trial, Ademi's counsel Cedo Prodanovic refuted allegations made by Norac's team that Sector One was invented with the sole purpose of transferring ultimate responsibility from Ademi to Norac.

"When we get to the end of this trial, we'll know what the real truth is," said Prodanovic.

A war veteran watching the trial from the public gallery, who asked to remain anonymous, told IWPR he was "disgusted by them all".

"We all supported them when we knew they were as one, fighting together and on the same side," he said, "But now...who and what should one support?"

"I'm surprised at these generals arguing in court. I was an ordinary soldier and I don't know what is behind this" said another war veteran Sasa Simic, interviewed by the Jutarnji List newspaper shortly after Markac gave his testimony in court.

Assessing the effects the trial might have on Croatians' perception of the conflict, Danijel Ivin, head of the Croatian Helsinki Committee, told IWPR that the proceedings themselves "won't change much" although they will at least "reveal the truth".

Unlike most observers of the Norac-Ademi trial, Ivo Josipovic, professor of international law at Zagreb University, thinks the strategy adopted by the two defence teams is understandable, however unpalatable it might seem to outsiders.

"This is what happens when you have trials with multiple accused. The public sympathises with the defendants and may disapprove of such an aggressive approach by their defence teams," he said. "But that's not important. What matters is that the accused have good counsel who defend their interests in court."

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