

Defence Says Croat General Unaware of Atrocities

Author: [Katharina Goetze](#)

United Nations only told Ivan Cermak of war crimes after Operation Storm, says lawyer. Lawyers for a Croatian general argued this week that he was not informed by the United Nations about war crimes committed during a major offensive in 1995 early enough to have stopped them.

General Ivan Cermak's defence counsel Steven Kay challenged the testimony of prosecution witness Hussein al-Alfi, who was the highest-ranking civilian representative of a UN mission based in the area during the operation.

Al-Alfi told the Hague tribunal that he had discussed lootings, burnings and other war crimes with Cermak on a number of occasions throughout August 1995.

But Kay told the witness that none of the reports based on their meetings held in the first half of August supported this interpretation.

Holding up a document relating to a meeting on August 18, he said, "This is the first time that you raised this issue with General Cermak. You may have spoken with other people [about crimes that were] happening, but this is the first time you raised it with him."

According to the indictment, Cermak was appointed as Knin garrison commander on August 5, 1995, on the second day of Operation Storm – a four-day Croatian military offensive aimed at regaining Serb-held territories in eastern Croatia.

Prosecutors are trying to prove that Cermak had effective control over the Croatian army units attached to the Knin garrison, and was responsible for disciplining and supervising them.

He is charged along with two other generals, Ante Gotovina and Mladen Markac, with orchestrating the permanent removal of Serbs from Croatia between July and September 1995.

The indictment accuses the three men of presiding over the "deportation and forcible transfer, destruction and burning of Serb homes and businesses, plunder and looting of public or private Serb property; murder [and] other inhumane acts".

While it is agreed by all sides that Croatia had the right to reintegrate the Krajina region within its internationally recognised borders, prosecutors say the tactics used by its troops left behind a "wasteland".

To try and prove that Cermak was not informed of war crimes until later in August 1995, Kay produced a number of reports of meetings between his client and Al-Alfi, including one from August 10.

“At this meeting, there [was] no discussion of the crimes, lootings, burnings, and killings. No discussion there of lootings, burnings and crimes between you and General Cermak,” Kay told the witness.

“You were discussing normalisation of civilian life and the displaced persons in the UN camp.”

Kay also read out the report written by Al-Alfi about a meeting held on August 18.

The report stated that he had told Cermak about houses and farms being set on fire in the villages and about looting. According to the document, Cermak “shared his concern” and promised to take “tough action” against the perpetrators.

“We have been through all your reports and this is the first time you mention bringing to General Cermak’s attention the issue of crimes,” Kay told the witness.

“The first report by you of speaking to him about crimes is here on the August 18.”

The witness denied that was the case.

“This was not the first time I mentioned it to him,” replied Al-Alfi.

He said that during an earlier meeting, he had asked Cermak whether his own house would be safe.

“He gave me the advice [that it was better to] go and take [my] things from [my] house. That means he was aware of what was going on,” said the witness.

The defence also wanted to know whether the witness believed the defendant had actually been in a position of authority to be able to deal with complaints.

“We were informed formally that he is the first man in the sector, [so] I would believe so,” replied Al-Alfi. He said the only question had been whether Cermak could impose his authority.

“When I took issue with Cermak, he did not say: ‘I have no command over the military.’ He said ‘yes, I will deal with it’ and sometimes he was even talking to his subordinates in their local language as if he was giving instructions.”

But Kay tried to show that Cermak did not have the authority to stop war crimes being committed by Croatian soldiers.

“He informed you that he had already issued strict orders to civilian and military personnel to stop such acts. Were you aware that he had to refer those matters to others and ask them to issue orders to stop

crimes or to enforce the law?" Kay asked the witness.

"This confirms that he had the authority. He issued these orders to others," replied Al-Alfi.

In his cross-examination, Mladen Markac's defence counsel Tomislav Kuzmanovic wanted to know whether Al-Alfi had actually seen any arson being committed.

Al-Alfi replied that while he had not seen arsonists, he had certainly seen houses on fire. He also confirmed that, although he had seen goods in vehicles, he did not see any actual looting take place.

As the hearing drew to a close, the witness asked presiding judge Alphons Orie to allow him to make a personal request.

"Because General Cermak is a man I dealt with, can I shake hands with him?" he asked.

Cermak, who was present in the court room, smiled while Judge Orie explained that this was not usually done.

"The mere fact that you asked for it is certainly understood by Mr Cermak. Whether you would call that a virtual handshake, I do not know... But it is on the record and he heard what you said," said the judge.

The trial continues.

Katharina Goetze is an IWPR reporter in London.

Location: Croatia

Topic: Courtside

Focus: International Criminal Tribunal for the former
Yugoslavia

Source URL: <https://iwpr.net/global-voices/defence-says-croat-general-unaware-atrocities>