

Fugitive General to be Tried for Role in Operation Storm

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Gotovina faces charges relating to Croatian army's capture of rebel Serb territory.

Ante Gotovina, the Croatian general who has been on the run since 2001, is set to face tribunal judges to answer charges about his part in Operation Storm, one of the biggest military offensives of the war in former Yugoslavia.

Gotovina is charged with four counts of crimes against humanity and three counts of violations of the laws and customs of war for his alleged involvement in the operation that ended four years of Serb control in the southern Krajina region.

According to the indictment, Gotovina was in command of soldiers of the Croatian army, HV, who are alleged to have killed at least 150 Serbs from Krajina between August 4 and November 15, 1995. HV forces are also accused of plundering property and destroying villages belonging to Krajina Serbs, forcing tens of thousands to flee to Bosnia and Hercegovina and Serbia.

The prosecution claims that Operation Storm was part of a joint criminal enterprise in which Gotovina, along with Generals Ivan Cermak, Mladen Markac and former Croatian president Franjo Tudjman attempted the "forcible and permanent removal of the Serb population from the Krajina region".

Tudjman died in 1999 but Cermak and Markac, who are jointly indicted, surrendered to the tribunal voluntarily in March 2004, three days after the indictment was made public. Both are currently on provisional release.

Lawyers for Cermak and Markac have told the press that Gotovina's arrest will probably lead to a joint trial with their clients, which they believe could begin as early as autumn 2006. Croatian minister of justice Vesna Skare-Ozbolt told IWPR that joining the trials would be "logical", because their indictments concerned the same military operation.

Edgar Chen, a long-term observer of the tribunal for the Coalition for International Justice, also agrees that a joint trial seems "obvious" considering that the tribunal is increasingly aware of its 2008 completion strategy.

However, Hague-based tribunal commentator Heikelina Verriijn Stuart warns that the trial could prove to be "huge" and not particularly expedient.

"The defence will insist that [US president Bill] Clinton was involved and there was US support in all kinds of ways," she said. "The judges could say...that they don't want to hear witnesses talk about this, but I can't imagine them doing that."

Chen also acknowledges that "there are issues of international intrigue present" in which case it will be "up to the judges to run a tight ship" to ensure that only relevant evidence is presented.

Gotovina was one of six generals sent into early retirement by the then Croatian president Stjepan Mesić in 2000, when they refused to support Croatia's pledge to investigate war crimes and hand over suspects to the UN.

During the four years that Gotovina was at large, the tribunal's chief prosecutor, Carla del Ponte, repeatedly appealed for the cooperation of Croatian leaders in tracking him down but with mixed success.

In 2002, Croatian officials confirmed off the record that government elements had been complicit in the general's disappearance, but by early 2003, it was clear that the failure of Croatian authorities to surrender Gotovina to the Hague would prove a serious barrier to their application for membership of the European Union.

In a sudden show of willing in May 2003, the interior ministry offered a 50,000 euro award to anyone who could provide information leading to Gotovina's arrest. This move infuriated right-wing Croats who consider the general to be a national hero for his efforts in protecting Croatia from Serb invasion.

Gotovina responded in June 2003 when, during an interview with a Zagreb-based magazine, he said that the tribunal should withdraw their indictment against him until they had heard what he had to say.

The Croatian government still had not handed over the fugitive in time for the tribunal's November 2004 deadline, and in September this year, Del Ponte suggested that Gotovina was in fact being kept safe in a Franciscan monastery in Croatia. This announcement came amidst various media rumours that Gotovina had been hiding in Bosnia, Africa, Canada, Italy, Austria, France and Ireland.

Gotovina was born in 1955 on the island of Pasman in Croatia's Zadar municipality. He served as a French legionnaire in Africa and Latin America and obtained French citizenship in 1979. He was jailed in France in 1986 on charges of robbery, kidnapping and extortion.

In June 1991, he returned to Croatia to join the National Guards Corps, ZNG, before moving to the HV in 1992. He moved quickly through the ranks, and at the time of Operation Storm had been promoted to Colonel General.

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