

Gotovina Convicted of War Crimes

Author: [Rachel Irwin](#)

Former Croatian army general found guilty of eight out of nine charges against him.

Croatian army general Ante Gotovina was this week convicted at the Hague tribunal of ordering unlawful and indiscriminate attacks on Serb civilians during 1995's Operation Storm offensive and sentenced to 24 years in prison, with credit for time served.

He was also found to be responsible for the deportation of at least 20,000 Serb civilians from the Krajina region of Croatia, as well as for the murder, persecution and cruel treatment of Serb civilians. In addition, he was convicted on counts of plunder and wanton destruction.

The only count that he was acquitted of, out of a total of nine, was forcible transfer.

As the verdict was read out on April 15, Gotovina, wearing a dark suit, sat back in his chair and appeared to be listening intently but displayed little emotion. When his prison sentence was announced, some of those seated in the public gallery cried out in shock.

One of Gotovina's co-defendants, special police commander General Mladen Markac was also convicted on eight out of the nine counts in the joint indictment. He was sentenced to 18 years in prison with credit for time served.

The third co-defendant, Knin garrison commander General Ivan Cermak, was acquitted of all charges.

Reading out the verdict to a packed courtroom and public gallery, Presiding Judge Alphons Orié noted that "the events in this case took place in the context of many years of tension between Serbs and Croats in the Krajina.

"In this regard, the parties agreed that a considerable number of crimes had been committed against Croats in the Krajina....However, this case was not about crimes happening before the indictment period.

"Nor was it about the lawfulness of resorting to and conducting war as such. This case was about whether Serb civilians in the Krajina were the targets of crimes, and whether the accused should be held criminally liable for these crimes."

The indictment focused solely on the period before and after Operation Storm, an offensive launched by Croatian forces on August 4, 1995 to retake the Serb-controlled Krajina region.

Judge Orié said that during the offensive, Croatian forces fired "artillery projectiles" at the towns of Knin, Benkovac, Gracac and Obrovac.

"...The chamber concluded that the Croatian forces deliberately targeted in these towns not only previously identified military targets, but areas devoid of such military targets," the judge said. "As such, the chamber found that the Croatian forces treated the towns themselves as targets for artillery fire."

Thus, the shelling of these towns constituted an "indiscriminate...and unlawful attack on civilians and civilian objects", he said.

The judge said that Serb civilians were already leaving these towns in large numbers by the time Serb Krajina president Milan Martić ordered an evacuation on August 4.

"The trial chamber concluded that the evacuation plans and orders of the Krajina Serb authorities had little or no influence on the departure of the Krajina Serbs," Judge Orié said.

However, in the towns of Benkovac, Gracac, Knin and Obrovac, "the chamber concluded that the fear of violence and duress caused by the [Croatian] shelling created an environment in which those present there had no choice but to leave".

Croatian military and special police forces also committed murder, plunder and other inhumane acts "which caused duress and fear of violence in their victims and those who witnessed them", the judge said, adding, "These crimes added to the creation of an environment in which these persons had no choice but to leave."

Of the Serbs who left the Krajina in August 1995, "the chamber concluded that at least 20,000 were deported", he continued.

The judge also spoke of specific examples of murder and cruel treatment committed by Croatian forces, including one instance where they put some “textiles” under the feet of a Serb man who they had tied to a tree, and then set the material alight.

“In pain from the fire, the witness kicked the textiles away,” Judge Orić said.

In addition, he said there was evidence of a “large number” of incidents concerning plunder and destruction committed by Croatian military forces and special police.

Witnesses had testified about seeing burnt houses and also “military trucks loaded with electronic equipment and furniture leaving Knin on 6 August 1995 without being stopped at Croatian checkpoints”, the judge said.

As for Gotovina himself, judges determined he was part of a joint criminal enterprise, JCE, with other members of the Croatian political and military leadership. The aim of this JCE was the “permanent removal of the Serb civilian population from the Krajina by force or threat or force”.

On July 31, 1995, Gotovina attended a meeting with other high-ranking officials about the upcoming military operation. According to Judge Orić, during this meeting Gotovina said that a “large number of civilians are already evacuating Knin and heading towards Banja Luka and Belgrade. That means that if we continue this pressure, probably for some time to come, there won’t be so many civilians, just those who have to stay, who have no possibility of leaving”.

The judge said that the then Croatian president Franjo Tuđman “was a key member of the joint criminal enterprise.

“Tuđman intended to repopulate the Krajina with Croats and ensured that his ideas in this respect were transformed into policy and action through his powerful position as president and supreme commander of the armed forces,” Judge Orić said.

Gotovina contributed to the “planning and preparation” of Operation Storm, ordered unlawful attacks on the four previously mentioned towns, the judge said.

“Mr Gotovina failed to make a serious effort to prevent and follow up on crimes reported to have been committed by his subordinates against Krajina Serbs,” he continued.

Gotovina’s co-defendant Markac, who was in charge of the special police forces, was also found to have participated in the planning of Operation Storm and to have been a member of the JCE.

Judges found that members of the special police took part in the “destruction” of part of Gracac on August 5 and 6, and also in the looting of Krajina Serb property in Donji Lapac on August 7 and 8.

“The chamber found that Mr Markac knew about the involvement of his subordinates in the commission of these crimes, but that he did not take any steps to identify the perpetrators in order to take appropriate action against them, nor did he take any step to prevent the commission of further crimes,” Judge Orić said.

Markac also “advanced false stories” and “participated in the cover up” of crimes committed by his subordinates against Krajina Serb property.

As for Cermak, who was commander of the Knin garrison, judges found that “the evidence did not establish that Mr Cermak knew or intended that his activities contribute to any goal of populating the Krajina with Croat rather than Serbs”.

The judges found that the prosecution “did not prove its allegations that Mr Cermak permitted, minimised, denied or concealed crimes against Serbs, nor that he provided false, incomplete, or misleading information or false assurances to the international community”.

Cermak was found not guilty on all counts and will be released from the United Nations detention unit after necessary arrangements are made.

The trial began in March 2008 and heard a total of 145 witnesses. Closing arguments were held in late August 2010.

Rachel Irwin is an IWPR reporter in The Hague.

Location: Balkans

Topic: International Criminal Tribunal for the former Yugoslavia

Source URL: <https://iwpr.net/global-voices/gotovina-convicted-war-crimes>