

Gotovina Link to Military Police Examined

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Defence contest report by expert witness that general was in charge of force supposed to act on reports of atrocities.

Lawyers for Ante Gotovina this week denied that military police tasked with preventing and investigating war crimes were under the general's command during a Croatian military offensive in the summer of 1995.

Defence counsel Luka Misetic was contesting a report written by Belgian military expert Reynaud Theunens which concluded that Gotovina was in charge of military police units that were supposed to act on reports of atrocities.

Prosecutors are trying to show that the accused failed to identify and punish the perpetrators of war crimes committed during Operation Storm.

Gotovina commanded the Split Military District of the Croatian Army, HV, during the operation, which was launched by Croatia to take back the Serb-held Krajina region, and during which up to 200,000 Serbs were allegedly forced to flee.

He is charged along with two other former senior generals, Ivan Cermak 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 "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".

According to the prosecution, Croatia's right to reintegrate Krajina within its internationally recognised borders is not disputed. But prosecutors condemn the tactics used which they have alleged left behind a "scarred wasteland of destroyed villages and homes".

In their cross-examination of Theunens this week, Gotovina's lawyer produced a document dated August 16 1995 to demonstrate that the military police were under the command of military police chief Mate Lausic, rather than Gotovina.

The document ordered that military police units should report to the police administration overseen by Lausic, rather than the district command headed by the accused.

Yet Theunens replied that this was an irregular situation in which a "special arrangement" had been made, and maintained that it did not affect the formal chain of command.

When asked who commanded the 72nd Military Police Battalion, he said it was subordinate to both Gotovina and Lausic. However, he also emphasised that it was a unit of the Split Military District, which was commanded by Gotovina.

Theunens went on to explain that Gotovina was in control of the “operational chain” of command and gave orders to the military police. Lausic, meanwhile, controlled the “professional chain”, implementing these orders.

Gotovina’s defence team also set out to show that the military police under the command of its chief Lausic were responsible for preventing all offences committed during the war, including war crimes.

It presented the court with a statement in which Gojko Susak, the then Croatian defence minister, seemed to confirm this.

Yet when questioned, Theunens replied that it was the responsibility of a military commander to enforce discipline among his troops.

“Only when he fails is the military police called upon,” he said.

The expert witness said he thought that the defence was “trying to depict the role of the military police as one of a civilian police force”.

“Obviously, if in civilian life there is a problem between people, you call the police and they solve it. In the military, it is first through the chain of command, whereby the responsibility of commanders at all command levels is... to maintain discipline,” he said.

The defence then tried to show that Gotovina had no knowledge of war crimes and so could not have prevented them.

Theunens conceded that he had not seen any documents to prove that the accused had been told about murders committed by Croatian soldiers. However, he insisted that Gotovina might have obtained such information orally.

The witness also maintained that it was “not only an issue of receiving the information, but also of informing himself”.

“So your position is, if General Gotovina had notice, he should have acted, and if he didn't have notice, he should have acted?” asked Mistic.

“My conclusion is that the commander has to be familiar with the situation in the zone of his responsibility. That does not only apply to the enemy situation, but also the situation of his own forces,” replied the expert.

The trial continues next week.

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