

Lawyers Claim Gotovina Helped End Wars

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But prosecutors say his tactics resulted in a “scarred wasteland of destroyed villages and homes”. Defence lawyers for Ante Gotovina opened their case in the Hague this week by claiming that his campaign against Serb rebels brought peace to the former Yugoslavia.

According to them, the Croatian army general was the “one person who brought about the demise of the Serb army and the end of the war in the former Yugoslavia”.

His lawyers contend that Operation Storm was launched to prevent Bosnian Serbs from taking total charge of the region by connecting Serb-controlled areas of Bosnia with the Krajina in Croatia.

They said that immediately after the take-over of the Krajina, Gotovina went to Bosnia where he was in charge of two big military operations which led to the Dayton peace talks and the end of war in Bosnia.

Gotovina 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 most senior Croatian to be brought before the tribunal, Gotovina was the commander of the campaign known as Operation Storm which allegedly forced up to 200,000 Serbs to flee the Krajina region.

Earlier this week in its opening statement, the prosecution described how the operation caused the death of 350 Serb civilians.

It accused 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 the Krajina within its internationally recognised borders is not disputed. But prosecutors condemn the tactics used which, they say, left behind a “scarred wasteland of destroyed villages and homes”.

Prosecutor Alan Tieger said the Croatian army knew the Krajina region lacked proper fortifications, and used excessive shelling to “demoralise civilians and get them to flee”.

“Hundreds and hundreds and hundreds of shells and rockets were fired into Knin (the regional capital),” Tieger told the court.

Allegedly at the forefront of this operation was the now deceased Franjo Tudjman, then president of Croatia and commander-in-chief of its armed forces during the conflict.

The prosecution presented recordings of Tudjman's meetings with Gotovina and Markac in the summer of 1995, saying they showed how officials wanted to ethnically cleanse the Krajina.

In one recording, the court heard Tudjman tell his senior generals, "We have to inflict such blows that the Serbs will to all practical purposes disappear."

"There is still something missing," continued Tudjman. "Please remember how many Croatian villages and towns have been destroyed but that's still not the situation in Knin today."

Prosecutor Stefan Waespi then outlined the brutal measures taken by Croatian troops to force the Serbs to flee.

"Civilians who refused to leave were killed by members of the [Croatian army] and special police while relatives and neighbours watched. The perpetrators sometimes publicly announced their crimes for the remaining civilians to hear, knowing that that would influence them to leave," he told the court.

The prosecution also used video footage to demonstrate how an elderly woman was burnt in her own home and a deaf man was shot in the head by Croatian troops.

While the defence teams of Cermac and Markac made no statement at this early stage of the trial, Gotovina's lawyers took the opportunity to respond to the allegations. They told the trial chamber that this military campaign was the only way to "bring [the Bosnian Serb army] to the negotiating table".

Lawyer Gregory Kehoe referred to the words of then US president, Bill Clinton, who wrote in his book that "diplomacy could not succeed until Serbs had sustained some serious losses on the ground".

Co-counsel Luka Misetic further argued that rather than the Croatian army forcing the Krajina Serbs to flee, it was the Bosnian Serb commander Ratko Mladic who told them to evacuate in anticipation of the Croatian attack.

Misetic also pointed to evidence previously used by tribunal prosecutors that showed there was "an intense media campaign" directed from Belgrade to deliberately convince Serbs in Krajina of an imminent threat of genocide and this is what caused them to flee.

"There was no excessive shelling," said Misetic, quoting a report by the head of UN military observers in Knin. The report stated that "in general shelling was concentrated against military objectives".

The prosecution this week also accused the former Croatian generals of making only lukewarm attempts to prevent or punish crimes conducted by Croatian soldiers, such as murder, looting, and the burning of villages.

Tieger said Gotovina knew he was sending in troops who were aggrieved by the atrocities their own families had suffered at the hands of the Krajina Serbs earlier in the war and this should led him to anticipate the vengeful acts that occurred.

“That information alone would have been enough to trigger more than customary or standard admonitions to abide by Geneva conventions or international humanitarian law,” said Tieger.

The defence team denied the crimes were systematic, and said a number of measures had been taken to prevent them. He said Gotovina set up an officer training school where international law was taught and troops were instructed by Catholic bishops to wage war “ethically, honestly and morally”.

The counsel then read out the attack order of the Split Military District under Gotovina’s command which focused on “preventing torching and destruction of larger populated areas and towns and advising on conduct with prisoners of war in accordance with the Geneva conventions”.

Presiding Judge Alphons Orié became briefly frustrated by Gotovina’s defence team, and questioned the relevance of a 15-minute, emotionally charged video. He warned Kehoe against “transforming the court room into a theatre”, in a reference to the live television audience watching in Croatia.

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