

Norac Conviction Provokes Mixed Reaction

Author: [Goran Jungvirth](#)

Veterans embittered but Zagreb analysts praise Croatian court's handling of first case transferred by Hague tribunal.

Judgements rendered in the trial of Croatian generals Mirko Norac and General Rahim Ademi at a Zagreb court last month have provoked a mixed response in the region.

While war veteran associations have slammed Norac's conviction for war crimes at the Croatian court, political analysts say the case was professionally run and have hailed it as a sign of democratic progress in the country.

The trial, which started in June last year and finished last week, has been closely followed by the international community and human rights groups to gauge how Croatia is dealing with prosecutions of war crimes allegedly committed by its military leaders during the country's 1991-1995 war of independence.

Norac and Ademi were originally charged with command responsibility for war crimes committed by Croat troops against ethnic Serbs during and after the Medak Pocket operation – a major offensive that retook control of part of Croatia held by Serb rebels in 1993.

On May 30, Norac was sentenced to seven years in prison, after being found guilty of failing to prevent and punish the perpetrators of crimes committed against Serb prisoners. Ademi was acquitted on all charges.

“With this verdict, every single soldier who liberated the homeland with Norac is condemned as well,” Ivan Psenica, vice president of the joint Homeland War Defenders associations in Zagreb, BUDRGZ, told a news conference attended by 29 veteran groups on June 3 in Zagreb.

However, Norac's conviction did not spark the same outcry as his previous indictment for war crimes by a Croatian prosecutor in 2001. His arrest was met with widespread demonstrations by thousands of veterans and nationalists.

In 2003, Norac was handed a 12-year sentence by a Croatian court after being found guilty of war crimes against civilians in the town of Gospic in 1991.

Responding to news of his more recent conviction, even the most powerful and radical group – the Croatian Disabled Homeland War Veterans Association, HVIDRA – only issued a written statement expressing its “bitterness” at the verdict.

“There is not much shouting, which means that Croatia...has changed enough for critics [of the trial] to stay on the sidelines,” said president of the Croatian Helsinki Committee Ivo Banac.

“Croatia showed it can accomplish the task [of prosecuting war crimes suspects].”

Prosecutors said that 23 Serb civilians and five prisoners of war were killed in the Medak Pocket operation between September 9 and 17, 1993. Other crimes committed by Croat troops against civilians included torture, the deliberate destruction of 300 houses, the poisoning of wells, the killing of livestock and looting.

While the legality of the operation itself was not in question, the generals were accused of not taking action when they discovered crimes were being committed.

Ademi, a brigadier, was technically the higher-ranking of the two and, according to the indictment, played a central role in developing, planning, ordering and executing the offensive. Norac was commander of the 9th Guards Motorised Brigade with the rank of colonel.

Ademi's defence centred on his claim that a dual chain of command existed during the offensive, with chief of the general staff Janko Bobetko and Admiral Davor Domazet in overall command, while Norac ran Sector One, a combat group prosecutors said was set up to run the operation.

According to some witnesses, Norac was a favourite of Bobetko and former defence minister Gojko Susak, who used him to command the action, thus sidestepping Ademi.

"Ademi cannot be held responsible due to his restricted and reduced authority," said presiding judge Marin Mrcela, explaining the verdict.

Ademi's request for military police to be present during the operation was not granted, which Mrcela said "proved that he did not have the command authority which would be the basis of his sentence".

Ademi, an ethnic Albanian and a former Yugoslav People's Army, JNA, officer, said he was not trusted by the new Croatian authorities, who had used him as a scapegoat when the Hague tribunal started to investigate allegations of war crimes.

Norac, on the other hand, was found guilty of failing to prevent the murder and torture of civilians and war prisoners by Croatian troops.

"As the commander of Sector One, Norac failed to prevent his subordinates from killing and torturing civilians and from destroying and ransacking their property and killing their cattle, both during and after the operation," said Mrcela.

"By not taking legal action against soldiers after learning they had committed war crimes, a commander was in fact providing a pattern for how soldiers should behave."

Norac did not receive the maximum 20-year sentence because the court did not find him guilty of ordering the atrocities. The Zagreb county court verdict is not final and can be appealed.

"Norac's verdict doesn't have any legal base," veterans said in a statement.

However, international law expert Ivo Josipovic told IWPR he felt the case was correctly conducted and could lead to further investigations into others involved in the Medak Pocket operation.

“The state attorney will have to take Mrcela’s verdict seriously and investigate it further... The verdict is a serious indicator. Now it is up to the state’s attorney to decide what will follow,” said Josipovic.

Independent political analyst Davor Genero said the trial had served to heighten people’s awareness that terrible crimes had been committed by Croats.

“I think the general public took the verdict very calmly,” he told IWPR.

But Brigadier Miodrag Demo, who also attended the veteran’s conference, called on Croatian prime minister Ivo Sanader “to correct the injustice done”. Demo pointed to a speech Sanader made in 2001, when he was in opposition, in which he supported veterans’ demands that the generals should not face trial.

While another conference attendee General Zeljko Sacic said that if the Croatian courts release further indictments, they would just be doing the tribunal’s “dirty work”.

The state’s attorney office made no comment about the possibility of further charges being made.

“The state’s attorney office will scrutinise the verdict when it gets it... As to everything else, it is too early to say,” said spokesperson Martina Mihordin.

While tribunal officials have said they were monitoring the trial closely, they did not want to comment on the verdict.

Goran Jungvirth is an IWPR-trained reporter in Zagreb.

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