

## **Witness Says Gotovina Tried to Discipline Troops**

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Military expert said that general conducted Operation Storm “well and successfully”.

An expert witness in the war crimes trial of Ante Gotovina said this week that the Croatian general “did as much as he could” to discipline soldiers in units under his command at the time of the Croatian military’s Operation Storm.

Gotovina “as a commander, conducted his mission extremely well and successfully”, said witness Anthony Ray Jones, a retired United States general who gave evidence for the defence at Gotovina’s trial at the Hague tribunal.

Gotovina is accused of responsibility for crimes committed around the time of the military operation, which took place in August 1995, and was a successful drive by the Croatian army to reclaim the Krajina region of Croatia from Serb control.

The general, who was overall operations commander of the operation in the southern part of the Krajina region, is on trial along with General Mladen Markac, who led the special police and General Ivan Cermak, who commanded Knin garrison during the assault.

The three generals are accused of taking part in a joint criminal enterprise, the purpose of which was “the permanent removal of the Serb population from the Krajina region by force, fear or threat of force, persecution, forced displacement, transfer and deportation, appropriation and destruction of property or other means”.

Gotovina’s defence presented Jones as an expert with 36 years of military service, which he carried out at the Pentagon, and in overseas operations in Bosnia and Hercegovina and in the Middle East.

He also led the investigation into crimes committed by US troops in Abu Ghraib prison in Iraq.

The defence team had asked the witness to prepare a report about the duties of an operational military commander in which Jones looked at Gotovina’s activities during the war, including orders given by him.

Jones told the court that he had observed Operation Storm at the time because he had been intrigued to see how it would develop. He explained that he had been unsure of how Gotovina would go about leading such a new army into battle.

“What happens when a commander doesn’t have a professional army and the constant support of his forces, but mostly untrained soldiers and a young army which he engages in war?” he asked in court this week.

Jones said Gotovina did not participate in a joint criminal enterprise to expel the Serbs from the region, as the prosecution asserts in the indictment.

Instead, according to Jones, “[Gotovina] directed his efforts to conduct the country’s strategic goals ... to lead the offensive with a purpose to liberate territory ... and in the end, to enable the signing of Dayton agreement”, which ended the war in Bosnia and Hercegovina in 1995.

During the case, the defence has argued that Gotovina did not have time to check what was going on in a particular area after it was reclaimed from the Serbs.

This week, the witness stressed that Gotovina was mainly concerned with advancing the front line in the conflict by capturing a place and then moving on, and was not responsible for ensuring that law and order was restored afterwards.

“[Operation] Storm was only a middle goal, between the initial and the final goal. Although recapturing Knin was a very valuable goal [Gotovina] needed to cross the battlefield and move forward, rather than handle the back. He had elements he could count on and those that he couldn’t count on, and he underlined the importance of discipline in his ranks,” Jones said.

However, while Jones said several times that Gotovina was not responsible for establishing order and civilian government, he added that it was evident that the general had taken steps to resolve problems with soldiers’ discipline.

To support the argument made by both the witness and the defence that Gotovina had done everything in his power to prevent Croatian soldiers’ misbehaviour, the accused’s defence lawyer, Gregory Kehoe, played a video recording of a Croatian commanders’ meeting during the controversial operation on August 6, 1995.

The clip showed Gotovina yelling at a group of his subordinates that he had heard of soldiers’ involvement in criminal incidents and that such behaviour would not be tolerated.

After the video was played in court, the witness noted that in the clip, Gotovina was speaking not just to one or two commanders, but to a large group.

“He had recalled them all from the field so they could hear loud and clear what was expected from them ... Gotovina was one of the few who understood that the outcome of the entire operation would affect the country’s future,” Jones said, adding that in the footage it was clear that the general had tried to stop crimes.

During cross examination, the prosecution put it to the witness that a commander carries the responsibility for all of his units – old and new – until an area is placed in the hands of the civilian authorities, who then take over responsibility for implementing law and order.

Jones agreed with this statement.

While questioning the witness, the prosecution also challenged the idea that Gotovina had tried to prevent his troops from committing crimes.

The prosecution mentioned as an example one commander named Slaven Zdilar, who it said had been discharged from service by Gotovina himself during the first day of Operation Storm after he was caught looting in the towns of Grahovo and Glamoc.

However, according to the prosecution, only a month later, Zdilar was reinstated and also promoted to the rank of brigadier.

The prosecutor asked Jones if this promotion had been a reward for looting, or if it was not the case that Zdilar had been discharged as a result of committing crimes.

The witness did not reply directly to the question, merely stating that conditions in the Croatian army were difficult at that time.

“From my perspective, sometimes ... if someone had a leadership problem, and you didn’t have a lot of resources to draw from in the past and you need to form another command, [it is not unusual] to give that person another chance,” said the retired general.

The prosecution then asked the defence witness to explain why Gotovina had employed the 4th and 7th guards brigades of the Croatian army in Knin, when it had been reported to him that some of these soldiers had looted and burned property in the Bosnian town of Grahovo in the run-up to Operation Storm.

Jones replied that in his opinion, these units were the best forces Gotovina had at his disposal.

“[Gotovina] needed them and he had trained them, and he thought that they could execute the mission. Replacing them on the front line at that time was probably too high a risk to achieve his mission,” Jones said.

To support its argument that the destruction of Serbian property by Croatian forces was tolerated, the prosecution produced an order that was addressed to low-ranking commander Mladen Fuzul from commander-in-chief Zvonimir Cervenko.

When presented with this order, Jones noted that Cervenko had demanded in the order that buildings that had already been damaged by Croatian troops should not be destroyed further.

Jones said that this order did not mean that Cervenko believed that military units had deliberately destroyed and burned property.

The trial continues.

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**Location:** Middle East

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