

Face to face

CROATIA INVESTIGATES COMMAND RESPONSIBILITY

DRAMA, INTRIGUES, POLITICS

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Behind the scanty statement of the State Attorney's Office of the Republic of Croatia saying that at the beginning of February the Bjelovar's County Prosecutor submitted a request to open investigation procedures against two colonels of the Croatian army because of reasonable doubt that they had committed war crime against civilian population, there is actually concealed a dramatic war story, but what is concealed is primarily also a major political issue which could have serious repercussions for the Headquarters of the Croatian armed forces as well.

At the beginning of February this year the County Prosecutor in Bjelovar submitted a request to start investigation against two colonels of the Croatian army, Ivan Husnjak (1951) and Goran Sokol (1968), because of reasonable doubt that they had committed crime against humanity and international law – war crime against civilian population.

This news in itself would have not been unusual had it not contained a part which clearly says that investigation against Husnjak and Sokol is conducted because of their possible responsibility in the chain of command. The official statement to this effect can be found on the web-site of the State Attorney of the Republic of Croatia and it says that Husnjak and Sokol (the State Attorney's Office published only their initials) are accused because "on February 1, 1992, during the international armed conflict in the territory of the Republic of Croatia between the regular armed forces of the Croatian army and the police on the one side, and the former Yugoslav People's National Army on the other, although they knew that in the course of cleansing operations in the villages Pusina and Slatinski Drenovac – contrary to the Geneva Convention on the protection of civil persons in wars and the Additional Protocol to the Geneva Conventions – the abandoned houses which belonged to ethnic Serbs were set on fire they, as officers of the Croatian Army, did not undertake any action to suppress and punish such unlawful actions. By doing so they agreed that units subordinated to them continue with their unlawful actions which resulted in targeted arson and deliberate destruction of 43 houses in the villages Pusina and Slatinski Drenovac".

Such wording makes it fully clear that the Croatian judiciary is now investigating something that The Hague is so much insisting upon, and what in Croatia, in regard to war crimes, has not been brought to court up to now. This is the delict of omission, i.e. failure to undertake measures against certain soldiers which behaved contrary to the law of armed conflict and the Geneva conventions.

Insider

Behind the short and scanty statement concealed is not only this fact, as well as an exceptionally dramatic war story, but primarily also a major political issue which, should the case be fully untangled, could have also serious repercussions for the Headquarters of Croatian Armed Forces. Namely, the statement of the County Prosecutor from Bjelovar makes it obvious that Husnjak and Sokol are accused of omission ("did not undertake anything to suppress and punish such unlawful actions") which, then, implies their command responsibility. However, Husnjak and Sokol were just part of the chain of command, somewhere at its very end – lower ranking unit commanders in the 132nd brigade of the Croatian army under the command of General Slavko Baric, nowadays the Deputy Chief-of-Staff of the Armed Forces of the Republic of Croatia. And it is this fact that makes this case a particularly intriguing one, because it will be interesting to see what is going to happen should the thread of the investigation lead to such a high military function, practically to one of the five most powerful men in the system of Croatian defence forces.

The Deputy Chief-of-Staff of Croatia's Armed Forces, General Slavko Baric, while commanding over the 132nd brigade of the Croatian army during the Croatian War of Independence, was every day getting on his desk written reports on regular military activities, as well as on crimes committed in the area. These documents are preserved, and the insider who reported everything to the State Attorney supported his criminal charges with original documents and copies which clearly confirm this. A part of these documents came also to journalists' hands, so that papers from military archives which until yesterday were confidential also became public.

The situation in some parts of the 132nd brigade under the command of general Baric is best illustrated by the report that on January 7, 1992, was sent under the number SP-112-2/92 to the headquarters of the 132nd brigade by the military intelligence officer Zlatko Mesic: «the battalion's reconnaissance unit situated in Orahovica, a part of which is on the front line, is getting increasingly compromised on a daily bases. Individuals indulge in large quantities of alcohol, they call themselves ustashas, they disrupt public order and peace in pubs and restaurants, they are inclined to quickly draw their weapons and seriously threat and the like. When warned about such behavior, they say that Tudjman allowed or ordered such behavior.»

The same document makes it clear that there was reliable knowledge on who was committing these evils. Zlatko Mesic writes further: «After some units of this battalion were moved to locations beyond Orahovica there were no more mines and explosive devices put to private houses, which has very much restored peace among the population». However, since the Headquarters of the 132nd brigade of the Croatian army did not do anything to punish the perpetrators, violence and arson continued in other parts where these formations were active, so that more than 200 houses were set on fire in the villages Pusina and Slatinski Drenovac.

These quoted documents – and they can be found in the State Attorney's file – show clearly that general Baric, through reports of lower-ranking commanders as well as the military intelligence, was regularly informed in writing about everything that was happening in the field. However, there are no documents which would testify that he had undertaken anything to stop such conduct and punish the perpetrators. So Husnjak and Sokol, too, remained unpunished, and soon after the villages Pusina and Slatinski Drenovac were set on fire, because of which the investigation was now initiated, they were promoted to higher ranks.

Beautiful Villages...

The story regarding the arson of Slavonic villages Slatinski Drenovac and Pusina goes back to February 2000, hence six years ago, when the County Prosecutor in Slatina got a number of documents from the archives of the Croatian army – as attachments to criminal charges filed by an insider, a Croatian army officer – which make it clear that war crime was committed in Slatinski Drenovac and Pusina. The charges were not anonymous, they were submitted by the then active military officer of the Croatian army, who knew about these events before as well because he himself was also in the mentioned area, but he got the documents only later, by coincidence.

Since February 18, 2000, when the documents in this case were handed over to the County Prosecutor in Slatina and registered under DO-KR-50/2000, a few years nothing was undertaken. The charges were transferred to Virovitica, whose county prosecutor has territorial jurisdiction, then for some reasons to Bjelovar, where it was left to rest in a drawer, and only after the then county prosecutor in Bjelovar retired, the thick layer of dust was finally removed from it.

Charges which six years ago were filed by the then active officer of the Croatian army from Nasice contained also a video shooting made on December 16, 1991, in which it is clearly visible that members of a squad of the Croatian police – after the Croatian army completed its action in this area held by the local rebel Serbs, and left – were securing the absolutely untouched villages Pusina and Slatinski Drenovac. There were no significant fights there, the majority of the rebel Serbs and the Yugoslav People's Army were retreating, so that units of the Croatian army entered the area without major effort. Afterwards two villages were given over to the Croatian police who was to secure them.

How these villages looked like after the Croatian army regained them and then withdrew is clearly seen in the mentioned VHS video tape. All houses are intact, with preserved glasses and curtains on windows, with no flaming debris, with no destruction nor mining.

The houses were set on fire (preceded by plunder) later, on February 1, 1992, when around 1 p.m. – says one of the documents attached to DO-KR-50/200 – “around a hundred members of the Croatian Army, with their commanders, Mr. Husnjak and the commander Mr. Sokol” came to Puzine. “Then started arson of houses which did not burn before started”, says the document, “and when members of the police resisted to such unbridled conduct of the Croatian army saying that this must not be done, soldiers threatened with their weapons, so in order to prevent the escalation of the conflict, and that the worst would not happen, the members of the police, some twenty of them, retreated to their posts. On this occasion 34 houses were set on fire”.

This document was in military archives, and it seriously accuses Husnjak and Sokol of commanding over troops which entered villages in the zone of responsibility of the Croatian police, and a month and a half after the villages were returned under the control of the Croatian state, began to set houses on fire without any reason or cause. In the report, signed by authorized officials Zdenko Minarik and Miroslav

Buneta who transferred it to the commander of the special police Mirko Pongrac in the police office in Osijek, they listed all 34 burnt houses meticulously writing down the house numbers from the number 2 to 149. At the end of the report it is written also that the soldiers, after burning the houses, "began to shoot at the church-tower of the Orthodox church".

That the quoted document is fully authentic although without stamp and official number, prove two other documents – also attached to the criminal charges – officially registered and stamped by the army division (ZNG) of the municipality Orahovica. The first one, signed by Mirko Koic, ZNG commander of the Orahovica squad, was registered on February 3, 1992, as 98/02-92. This document, which was written two days after the villages were set on fire, admits that the army was burning the houses in Pusina ("I believe the reports of the members of ZNG Orahovica, as well as the figures on the number of objects they set on fire", writes commander Koic), but it also claims that it is not true that the army had burnt as many of them as is written in the police report.

"I claim that the statement that 34 (thirty four) houses were set on fire by the members of ZNG Orahovica is not a correct one, and that 80 percent of this misdeed was done by others". This is what Koic says, indirectly transferring responsibility for the arson to members of the police. Koic sent this writing to the commander of the second battalion of the 132nd brigade of the Croatian Army, the brigade under Slavko Baric's command, who is today Deputy Chief-of-Staff of the Armed Forces' Headquarters.

That the army was setting these houses on fire is unequivocally said also in point 6 of Koic's report: "I say that the guardsmen, who participated in arson, are ready to take responsibility for what was done, but I am also asking myself: 'Should not somebody be responsible for all those misdeeds committed in the territory of the municipality Orahovica'?", writes commander Koic and comes to the conclusion: "I personally think that the perpetrators should be traced – in order to make the truth overcome the LIES!".

However, this truth was never established, although there is documentation on everything, as well as witnesses who participated in these events. In the writing of the Intelligence Department of the Second battalion of the 132nd brigade of the Croatian army, sent under SP-112-9/92 on February 10, 1992, to the headquarters of the 132nd brigade in Nasice under the command of Slavko Baric, arson is again admitted. This document says word for word: "On February 1, 1992, the soldiers of this battalion searched the terrain known as 'Mala i Velika Radetina', not far away from Pusina, and a number of soldiers really was in Pusina. They really did set on fire 3-4 family houses, but not 34 as the Squad of the special police wrote in the report".

Mesic and Milosevic

After the testimony of the Croatian President Mesic in The Hague Tribunal in the trial against the former Yugoslav and Serbian president Slobodan Milosevic on October 2, 2002, during the cross-examination there was an interesting conversation related to the burning of the villages Pusina and Slatinski Drenovac. Here is this part of Milosevic's cross-examination of Mesic, written down word to word:

DEFENDANT MILOSEVIC – QUESTION: In accordance with your instructions, the Serb villages Pusina, Kokoca, Gornja Pistanam, Slatinski Drenovac were destroyed. Is this correct or not?

WITNESS MESIC – ANSWER: This has nothing to do with real facts. I heard about arson in these villages and I protested. I filed a protest with President Tudjman.

DEFENDANT MILOSEVIC – QUESTION: With whom?

WITNESS MESIC – ANSWER: With President Tudjman. You have also associated with him.

From this part of Mesic's testimony contained in the document related to the trial against Milosevic it is, hence, unequivocally clear that President Mesic, too, was informed about arson in the villages Pusina and Slatinski Drenovac at the foot of Papuk, and that he filed protests in this regard with President Tudjman.



Lulic's Order

However, particularly interesting is the end conclusion of the report written by the Intelligence Department of the Second battalion of the 132nd brigade. "Therefore, the question is who set on fire the rest of the houses, as well as the houses which burnt late in the afternoon, and also the houses which were burning the next days both in Pusina and in Slatinski Drenovac, when in these places there were no members of the Croatian Army". Hence, this report, too, alludes that the rest of the houses were set on fire by members of the police who were in charge of securing these abandoned villages.

Although the confession is more than clear - that the members of the second battalion set on fire only "3-4 houses", or as it says in the first report "that 80 percent of these misdeeds were committed by others", because the other houses which on February 1, 1992, "burnt late in the afternoon", or "the next days both in Pusina and in Slatinski Drenovac" were set on fire by someone - the investigation on who burnt down two hundred houses in these two villages was never conducted. Only the allusion remained that it were the members of the police, who were securing this area and who reported arson. And why would they report a crime, if they themselves carried out arson? And why would the members of the Second battalion set on fire those "3-4 houses", i.e. only 20 percent, as the first report says, and leave the others to someone else, for instance the police to whom there is clear reference?

These are questions which the investigation is now trying to answer. At the first hearing, on February 23rd this year, in front of Anka Turek Novak, the investigatory judge of the County Court in Bjelovar, Sokol and Husnjak defended themselves by keeping silent. However, the investigation has many documents which accuse them, but which to the same extent accuse also their higher ranking commanders, including also the actual Deputy Chief-of-Staff of the Armed Forces of the Republic of Croatia, general Slavko Baric.

One of the documents which show how the Croatian civil and military authorities did react to such events stems from the beginning of March 1991. After Slavko Baric had a car accident at the end of January 1992, the position of the commander of the 132nd brigade was temporarily taken by Mile Lulic. It is exactly he who on March 2, 1992, will issue as "military secret, highly confidential" a writing printed in 18 copies with a dramatic command regarding the "prevention of terrorism and crime in the Croatian Army", which was sent to all commanders of the 132nd brigade's units.

This document contains a warning that "a number of offences was noticed, setting of explosives, arson of family houses, bombs thrown at houses, shooting from automatic weapons at family houses belonging mostly to citizens of Serb ethnic affiliation, but also at those belonging to Croats and other nationalities". The newly appointed commander Lulic mentions also concrete steps through which this is to be ended. He demands undertaking of "special measures for a quick and energetic suppression of members of the Croatian army's units to commit or participate in committing of any criminal or unlawful act against the property of the citizens of Croatia".

In the second paragraph of this command Lulic strictly orders what is to be done in order to stop such unwanted, albeit up to then tolerated activities: "Units of the military police and other units and members of the Croatian army engaged to restore order and discipline in the Croatian army are obliged to directly cooperate with the organs of the Ministry of the Interior of the Republic of Croatia in preventing the committing of criminal and other unlawful acts, in identifying the perpetrators and preventing any incidents". Lulic's order further says that "perpetrators of crimes, members of the Croatian army", are to be "disarmed, arrested and criminally charged".

However, particularly interesting in this order is point 3, which clearly indicates command responsibility - so disputable when it comes to Croatian trials for war crimes attributed to individuals from Croatia. Lulic makes it clear that the commanders of units "are obliged to inform the entire commanding structure and staff" and "make them responsible for the actions of the members of the Croatian army in their units".

It is exactly this point which clearly says that for what is going on in their units, responsible are also the commanders if they fail to undertake necessary measures, and not only the perpetrators of crimes. However, the fact is that at the time when Slavko Baric was commanding over the 132nd brigade of the Croatian army, there were no such orders, and that crimes were tolerated in spite of many written field reports in which there were warnings on arson and mining of cars, and also on killing civilians. This is why it could happen that for the setting on fire of two complete villages, not only is there nobody

responsible, but also that those who tolerated this could be militarily promoted.

Everybody who even today transits this outlying region, on the turning of the road towards the natural park Papuk, when leaving the main road Orahovica – Slatina for the Slavonic hills, can see for himself the efficiency of the arson which occurred in villages Pusina and Slatinski Drenovac. Both villages, as well as the nearby Gornja Pistana, are completely burnt down. Well, reconstruction began here as well, so that thanks to the money of the Croatian tax-payers, some ten new houses were built there and another ten are waiting their turn. Many mainly elderly people returned to these villages, they live here without electricity, without shops with basic necessities and with no traffic connections with the surrounding towns. A great lot of money will be needed for investments which would bring back the life that existed here before the war – more precisely, before the arson committed by the forces subordinated to general Baric.

The investigation in the case of arson of Pusina and Slatinski Drenovac, which finally has started, could give a very reliable answer on who has the main responsibility, having in mind that there are many witnesses alive who know the details on events in this area.

However, the question is how far the investigation will be able to come when it stumbles over the high names. Anyway, everything will depend on political will, as was the case so many times before.