

Hrvati pod KOS-ovim krilom by Višnja Starešina

Presentation at book-launch

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I was honoured to be invited to speak at the launch of this important book.

Višnja Starešina is a knowledgeable and authoritative commentator on the activities of the International Criminal Tribunal for the Former Yugoslavia – the ICTY – and on the political background. She is a fearless journalist of great integrity, and her conclusions should be studied by those in charge of the affairs of this country.

The book could not be more timely or more necessary. Croatia today feels stunned and abandoned, a sensation only increased by the clearly well planned international move to crush dissent in the social media. It is natural that people are asking why Croatia finds itself in this position. *Hrvati pod KOS-ovim krilom* provides at least part of the answer.

I shall summarise the arguments of Višnja's book, adding a few observations of my own. But before that I cannot avoid commenting on the orgy of self-congratulation with which the ICTY terminated its twenty-four years of work. The Croatian President spoke tactfully though eloquently in defence of Croatia on that occasion. But the picture that the ICTY judges and officials painted of their own achievements is so grotesquely misleading that it cannot go unchallenged.

The ICTY has been an expensive failure. It has done the bare minimum that was expected of it – but slowly, incompetently, working through dishonest compromises, heavily politically influenced, following an immoral programme of equalising guilt between the constituent parties. From starting out as a modest attempt to uphold standards of justice that the international community was too weak and divided to impose by force – it became – as those recent vainglorious speeches show – a self-declared paradigm for future conflict-resolution by international courts. The judgements of the Tribunal, even if sometimes merited on other grounds, were not in fact reached by processes, or according to standards, which would have been acceptable in any developed country – let alone in Britain, which so heartily endorsed the ICTY conclusions.

A classic example is the creation of the concept of the Joint Criminal Enterprise, which in its most extended - and least defensible - form, was used to achieve a guilty verdict in the recent case against the Croat Six from Bosnia and Hercegovina. That was an unjust judgement. It may be accepted – just as the weather tomorrow may be accepted – but it does not need to be respected, and neither does the institution which delivered it.

Two other brief preliminary points:

First, contrary to the claims of the Tribunal's admirers, its record does not demonstrate that international justice is a useful means of righting international wrongs. Only one significant indicted war criminal was delivered to the court before Operation Storm. It was only after Croatia, with US support, achieved military victory against the Serbs, that the ICTY had any chance of operating at all. This makes it ironic, to say the least, that the Tribunal then sought to indict the very political and military figures whose success made its work possible.

Second, the work of the Court, as Višnja shows, was subject to sustained manipulation by outsiders, not least by the JNA Military Intelligence, the KOS. The assumption that the further away justice is delivered from the concerned parties, the purer it will be, has been shown to be false. That lesson extends beyond the realm of courts. Even small countries, like Croatia, cannot expect better, but rather worse, treatment, if they surrender their interests to multilateral, international bodies, than if they seek bilateral, state-to-state agreements. Sovereignty is important, however small your state.

So let me turn directly to the book. There are eleven chapters and a final and important epilogue. The book examines events on the ground and arguments in the Tribunal both chronologically and thematically.

Chapter one describes the origins of the Hague Tribunal, an organisation which from its modest beginning in 1993 expanded to an annual budget of 270 million US dollars with a staff of a thousand people.

Chapter two provides an overview of the close but murky relationship between the Tribunal and the different state intelligence services. An especially important role seems to have been played by British, Australian and Canadian personnel. Particular focus applies here to Graham Blewitt, an Australian, with an anti-Croat track record, who from the Tribunal's establishment in 1994 to the raising of the last indictments at the end of 2004, was the effective chief of

investigations. Višnja suggests that Blewitt served as a guarantee that „the British policy of sharing Serbian and Croatian guilt for the war, as a precondition for the new erection of some new Balkan state association under Serb hegemony “would prevail (p.27). [*..jamstvo da će se u politici optuživanja provoditi britanska politika podjele srpsko-hrvatske krivnje za rat, kao preduvjet za ponovnu uspostavu neke nove balkanaske državne asocijacije pod srpskom hegemonijom*].

I shall offer a comment on that subject later.

The other intelligence service whose plans and interests were of great importance was the JNA Kontra-obaveštajna služba, or „KOS“. Its head, General Aleksandar „Aca“ Vasiljević, it is suggested, had, well before the outbreak of hostilities in 1991, inserted key agents into what would soon be warring entities. From these positions, KOS agents could do far-reaching damage, while putting the blame onto someone else. A well-known instance is Operation Labrador – the bombing of the Zagreb Jewish graveyard and attempted bombing of the Jewish Community Centre in August 1991. But there were kennelfuls of Labradors, only some of which have ever been tagged and identified.

Chapter three is about Vukovar. Vukovar is crucial to the work – and to the failure – of the Hague Tribunal, for as Višnja notes:

„Uz malo truda, sintezom zločina nad Vukovarom, nad ratnim zarobljenicima i civilima poslije zauzimanja grada i etničkog čišćenja na cijelom okupiranom području istočne Slavonije i Baranje nakon uspostave lokalnih vlasti, moglo se napraviti i vrlo uvjerljiv slučaj genocida – najtežeg zločina koji podrazumijeva politički planirano istrebljenje nekog naroda ili etničke grupe s određenog teritorija“. (p. 43)

Responsibility for the crimes was quickly transferred to local Serb officials – notably Slavko Dokmanović, who conveniently later committed suicide. JNA involvement, by contrast, was minimised, while the role of Četnik paramilitaries was stressed.

Chapter four deals with events and investigations in the Lašva Valley and in Northern Hercegovina.

I found this chapter extremely revealing. Having read Charles R. Shrader's excellent book, *The Muslim-Croat Civil War in Central Bosnia*, and having

interviewed many Bosnian Muslim and Croat refugees in 1993, I thought that I knew the situation pretty well. But I did not, until now, grasp the full military rationale for the Muslim military campaign in Northern Hercegovina. Nor, despite at the time hearing various unsubstantiated allegations, did I grasp the extreme and extensive savagery of the mujahedeen – who were imported, deployed and controlled by the Army of BiH in its campaign to expel Croats. The Bosniak intelligence service, the AID, sought to conceal that connection. But their success in doing so raises other large questions - about the seriousness of the work of the Tribunal Prosecutor's investigative team 9; about the involvement of other agencies – including the British - in downplaying the mujahedeen atrocities; and about the total failure of Croatia, then and since, to publicise the persecution of Croats.

By contrast the (equally real) crimes committed by Croat forces in the military campaign in the Lašva Valley, notably at Ahmići, were vigorously pursued by the Prosecution. The cases relating to these operations were used first to assert a degree of command responsibility unwarranted by realities, resulting in the 45 year sentence (later sharply reduced) against the HVO general Tihomir Blaškić. They then served to allege, in the judgement against Dario Kordić, the existence of a politically-determined plan of ethnic cleansing of non-Croats. This was the foundation of the indictment against „Prlić and others“, which involved President Tuđman and the Croatian state.

As is described in chapter five, no such extended line of responsibility was established by the Prosecution against Serbia for crimes committed in pursuit of ethnic cleansing in Bosnia and Hercegovina. The Serb concentration camps were an embarrassment because they were created and commanded by JNA, including KOS, officers. Višnja Starešina provides documentary proof of the responsibility of the KOS and of General Vasiljević for these camps. It was necessary to ensure, therefore, that investigation of these facts was frustrated, as indeed it was – by a series of politically convenient and timely deaths.

Chapter six deals with the background to another equally timely death – that of Slobodan Milošević.

The Tribunal's investigative staff had invested suspiciously little effort in the case against Milošević and Serbia. The Prosecution was, therefore, now desperate for convincing evidence, and when this became available through the good offices of Vasiljević and the KOS networks concessions were willingly

made. Instead of sitting beside Milošević on the bench of the accused, as had originally been envisaged, Vasiljević now appeared in 2003 as a major prosecution witness. Moreover, reliance on Vasiljević and on the new post-Milošević government in Serbia for documentation – the Tribunal's own efforts having been so limited and fruitless – allowed Belgrade to provide just what was necessary and no more. Documentation was redacted and filtered – unlike that supplied wholesale by Croatia under President Mesić. Great efforts were made to deflect blame away from the Yugoslav state, military and intelligence authorities onto Milošević. And then Milošević, himself, on Saturday 11 March 2006, obligingly died before a judgement was reached.

With chapter seven the story returns to Vukovar. The Hague Prosecutor was less interested in pursuing this case, once the Serbian state, the JNA and the KOS became the Prosecutor's allies in the case against Milošević, of which Vukovar was now just one element. In Belgrade, a criminal case was also now brought. But significantly – as the book notes - while that in The Hague was entitled „Vukovar hospital“ which involved the whole process of identifying and selecting patients up to and including their liquidation, that before the Belgrade court was entitled simply „Ovčara“, in other words removing the first part of the crime in which the JNA and the KOS, that is the Yugoslav state, were the perpetrators. This would not have mattered so much if the Belgrade trial had not been the scene for the preparation – and suppression and distortion – of evidence for the trial in The Hague. This soon became apparent in the way the ICTY indictments were framed.

This chapter also covers the detailed circumstances of the Vukovar Hospital crime, as vividly described in Višnja's documentary. It shows JNA involvement right up to the moment of the executions. It describes the performance orchestrated by the KOS for media consumption.

To my mind the key fact is the arrival on the evening of 19 November at about eight o'clock of General Vasiljević and other JNA military intelligence officers at Negoslavci, a few miles from Vukovar. The JNA already had a full list of all those inside the hospital. The next day they were to be evacuated. There is, naturally, no evidence of what was actually said at this meeting. But it is as clear as day that its purpose was to decide on which categories of enemy – all of course were regarded as „Ustaše“ anyway – should be subjected to particular kinds of torture and interrogation, and then liquidated.

Vukovar deserves to be regarded as a crime on the level of, and with similar purposes to, that of Srebrenica - which is the subject of chapter 8. Again the connection with former JNA and KOS officers is evident. The methods and chains of command are similar – in the Srebrenica case via Mladić to Karadžić. But while *that* chain of command was exposed, it was concealed in the case of Vukovar.

Chapter nine examines why the KOS was such an important player. The answer is: because the JNA was indeed, as the book says, „the last defence-bunker of communism and Yugoslavia“ (p. 205). As the rest of the structures started to crumble, particularly in Croatia and Slovenia, the JNA, and what can be described as its „brain“, the KOS, became effectively the new power centre.

Chapter ten deals with the indictments against Croats connected with the military operations, Medački džep in 1993 and Storm/Oluja in 1995. It illuminates the unprofessional practice of the Hague Prosecution, notably in the use made of Savo Štrbac and his misnamed NGO „Veritas“ in researching alleged crimes. Chapter eleven deals with the recent case of the Croatian six.

What strikes me in these cases is the complete absence of realism. Wars are never completely clean. But there are degrees of dirt. Moreover, a set of moral rules apply - the rules that over centuries became known as „the laws of war“, from which the different Geneva and Hague Conventions and eventually the ICTY emerged. According to these traditional understandings, there is a difference between aggression and defence, between regaining one's own territory and capturing someone else's, and between letting civilians leave a potential battle field and driving them out of their homes. That residuum of moral good sense and legal tradition was effectively discarded in the first instance hearing of the case against Gotovina and others.

Similarly, in the case of the Croat Six, an elaborate, artificial structure of decision making and blame was devised to entangle in shared criminality people who had little or nothing to do with events on the ground. There is no credible evidence that President Tudjman sought to recreate the Croatian Banovina, or that he organised ethnic cleansing, or that he ever agreed with Milošević to divide up Bosnia – which is, indeed, a lie worthy of and perhaps stemming from the KOS. Again one is struck by the lack of understanding of the real significance of decisions made and the limited range of options available. No allowance was made by the Tribunal when assessing Croatian state policy for

the fact that Croatia received no assistance from Bosnia when its territory was attacked - nor that without the HVO, and the operationally independent unit of Herceg-Bosna, the new Bosnian state would have been totally overrun in the first months of Serb aggression. No credit was given for the fact that without Croatia's military action in 1995, Bosnia would now probably be a Serb fiefdom, with much of the Muslim population cowering in camps. No mention was made, except in passing, that even during Muslim-Croat hostilities half a million Muslim refugees were being fed and housed in Croatia – an extraordinary humanitarian gesture demonstrating practical good will from the Croatian state and people.

The book touches in many places on the role of British policy. I would like to add my own comment on this.

British state policy in the early 1990s was, indeed, as is described in this book, a continuation of that traditionally pursued by Britain of resisting German influence in South Eastern Europe, which had for many years also involved looking favourably on Serbia and Serb-dominated Yugoslavia. This was reflected in British Government hostility to Croatia, to which a certain amount of wartime nostalgic sympathy for the Partisans and the Serbs also contributed. It was, however, a quasi-automatic reaction rather than a thought out response, a result of laziness in the absence of leadership. The proof is that had Mrs Thatcher been Prime Minister in 1991 not John Major it would have been different. So explanations of state behaviour dependent on traditions of state interest are never entirely satisfactory.

Under Tony Blair, for example, there *was* a change in attitude – not towards the new Croatian state, which was now viewed – as I am sure Mr Blewitt viewed it – as a kind of Ustaša revival – but towards the Muslims in Bosnia. Previously, London had viewed the Muslims with no sympathy at all, as at the time of Srebrenica. I remember the military briefings blaming the Muslims for their own predicament.

Britain was also the main political force behind bringing and pursuing the Gotovina case. This, though, was not driven by British state interest, but rather a desire to spite the Americans, who had been proved right in pushing for the military option against Belgrade. Britain is now well disposed towards Croatia. This is not primarily because of a change in interests but a change in UK government personnel.

Finally, in assessing the motivation of the Tribunal, particularly in later years, it is important not to forget that ideology became increasingly dominant. The doctrine and practice of universal jurisdiction, as a central element of global governance, has been pressed by America – until the election of President of Trump – and by the EU. It is also backed by powerful international financial interests. This globalist anti-national programme is arguably the single most important factor driving world events. Its adherents regard Croatia as the antithesis of what they want the new world order to look like. Croatia is a small, recently created, state, committed to national identity and to the Catholic faith and tradition. Today's doctrinaire internationalists certainly view Croatia with at least as much contempt and hostility as did Karl Marx. That should be a badge of pride; but the badge is also, and will always be, a target.