

Christopher K. Lamont

Contested histories of Croatia's Homeland War

Contested histories of the 1991-1995 armed conflict in Croatia, known domestically as the Homeland War, highlight the role of the historian in both the construction and contestation of official or state sanctioned histories. In this article Lamont explores the interaction between international criminal trials and historians.

Introduction: Tracing Croatia's contested histories

On February 28, 2001 the newly elected president of the Croatian Democratic Union (*Hrvatska demokratska zajednica*), Ivo Sanader, addressed party loyalists in Varaždin, Croatia. Sanader, who had only recently assumed leadership of the party once led by the then deceased autocrat and historian Franjo Tuđman, sought to reassure party members under its new leadership that there would be no contestation of the Croatian Democratic Union official history of the Homeland War.¹ Indeed, Sanader praised Tuđman as both a nationalist historian and politician before lauding General Mirko Norac, who had recently been indicted for war crimes.² To be sure, the Croatian Democratic Union, as a nationalist party that led Croatia through armed conflict (1991-1995) and deepening authoritarianism (1995-1999), was averse to attempts to acknowledge atrocities committed by the Croatian Army (*Hrvatska vojska*) during the wars in Croatia and neighboring Bosnia & Herzegovina.³ For the party, an acknowledgement that criminal acts were perpetrated during the conflict was tantamount to questioning

1 The 1991-1995 armed conflict in Croatia is officially known as *domovinski rat* or Homeland War.

2 Ivo Sanader, "Boljtak Hrvatske i obrana nacionalnih i državnih interesa", speech delivered at an HDZ party gathering in Varaždin on February 28, (2001).

3 Croatian Peoples' Party parliamentarian Vesna Pusić's February 2001 observation in the Croatian parliament that Croatia had acted as an aggressor during the war in

the legitimacy of the Croatian state.⁴

The Croatian Democratic Union's sensitivity to attempts to challenge the state's official history of the Homeland War was amplified in the aftermath of the party's electoral defeat in parliamentary and presidential elections in 2000, which together plunged the party into crisis. In 2000, the communist successor party, the Social Democrats, under the leadership of former Secretary-General of the League of Communists of Croatia (*Savez komunista Hrvatske*), Ivica Račan, secured a majority in parliament with five coalition partners. The return to government of the former leader of the Croatian communists was symbolically highly problematic for the Croatian Democratic Union, which propagated a founding narrative of the Croatian state constructed around a binary that juxtaposed 'liberatory' nationalists against 'repressive' advocates of the Socialist Federal Republic of Yugoslavia.⁵ However, in spite of the Croatian Democratic Union's electoral defeat, the party rallied itself, and its voters, around aggressive assaults upon the Račan-lead government's purported cooperation with the International Criminal Tribunal for the former Yugoslavia. This cooperation was presented as an act of national betrayal perpetrated by a Prime Minister and a party, whose loyalty to Croatian statehood was suspect.⁶ This article will explore Croatia's contested histories of the Homeland War through a reflection upon the role and uses of history and historians in the aftermath of armed conflict. It will be argued that two contested histories of the Homeland War emerged from the 1991-1995 conflict. These contested histories highlight the role of historians in both the construction and contestation of official, or state

Bosnia triggered a vocal backlash among a broad range of rightwing parliamentarians.

- 4 Ivo Sanader, "Osporavanje Franje Tuđmana osporavanje je temelja Hrvatske države" speech delivered on 10 December 2000 on the first anniversary of Franjo Tuđman's death.
- 5 Siniša Malešević, *Ideology, Legitimacy, and the New State: Yugoslavia, Serbia, and Croatia*. (London: Frank Cass, 2002) 232-233. For a more extreme illustration of this binary see Josip Jurčević, *interview in Večernji list*, January 22 (2011) 22-23. Of course, it must be pointed out that many senior members of the HDZ had also been members of the SKH.
- 6 Peskin and Boduszynski. "International Politics and Domestic Politics: Post-Tuđman Croatia and the International Criminal Tribunal for the Former Yugoslavia" *Europe-Asia Studies*, Vol. 55, No. 7 (2003) 1117-1142. Sanader's HDZ returned to government following its electoral triumph in parliamentary elections held in November 2003.

sanctioned histories. To be sure, contested histories of the recent past were more than just reflections of constructed ethnic identities or nationalist narratives, as often posited in scholarship on the former Yugoslavia; they also constituted a salient political and social cleavage within the Croatian polity, which in turn constituted symbolic markers of domestic political identity: ‘partisan’ (Yugoslav) vs. ‘state-building’ (Croatian). Here, I will use the terms ‘post-nationalist’ vs. ‘nationalist’ to refer to the cleavage in the Croatian polity mentioned above.⁷

In order to reflect upon Croatia’s contested histories, this article will begin by exploring contested histories of the recent past before turning to the Homeland War. Then the role of historians in consolidating and contesting the Croatian Democratic Union’s official history of the Homeland War will be explored in the context of a discussion of how transitional justice mechanisms, such as trials and truth commissions, increasingly became perceived as forums in which history was written. In conclusion, it will be argued that transitional justice and ‘writing history’ are mutually reinforcing processes in which dominant narratives on the past can either be reproduced or challenged.

The war(s) before the Homeland War

Often narratives of the Homeland War do not begin in 1991 – the year armed conflict broke out on the territory of the Republic of Croatia. Instead, nationalist narratives make reference to the ‘1000 year dream’ for Croatian statehood, which chronicles the myth that a Croatian national body had been denied statehood, and struggled to survive under a series of foreign rulers.⁸ Croatia’s emergence as an independent state in the twentieth century was thus framed as the embodiment of a millennium old national aspiration. Of course, it would be the emergence of the first ‘independent’ Croatian state during the Second World War and Croatia’s inclusion within the Socialist Federal Republic of Yugoslavia at the end of the War that would

7 Of course, the reduction of nationalist and post-nationalist narratives to a simple binary obscures the diversity of discourses on the past within Croatia; however, this is done here for the purposes of illustrating a broad contestation between official history, which will be defined, and narratives which are perceived as contesting this official history.

8 See Marcus Tanner, *Croatia. A Nation Forged in War*. (Yale, 1997). Also see Malešević, 226.

set the context for the contested histories discussed here.⁹

The Second World War figures prominently in both post-nationalist and nationalist narratives. For post-nationalists, the partisan resistance constituted a multi-ethnic liberation movement that waged a successful proletarian national liberation war against occupying Nazi German and fascist Italian forces and their domestic collaborators that culminated in the liberation of Zagreb in May 1945. For nationalists, the Second World War is in principle viewed through a different lens. The Nazi German invasion of the authoritarian, but multi-ethnic, Kingdom of Yugoslavia, is memorialized as a moment of liberation, and the establishment of the Independent State of Croatia, is generally described as having been a legitimate expression of Croatian statehood.¹⁰

In the aftermath of the partisan movement's triumph in 1945, the Socialist Federal Republic of Yugoslavia (1945-1991) was established as a single party state and the post-nationalist narrative of the Second World War was incorporated into the official history of the Yugoslav state. Monuments to victims of fascist atrocities and partisan victories rapidly populated Yugoslav territory. For historians, even indirect challenges to this official history, such as attempts to study partisan atrocities against suspected fascist collaborators in 1945-46, would trigger state sanction.¹¹ It was within this context that Franjo Tuđman, a former Yugoslav National Army general, assumed the directorship of the influential Institute for the History of the Workers' Movement in Croatia, where both the Archive for the History of the Workers' Movement in Zagreb and the Historical Department of the Central Committee of the League of Communists of Croatia were located.¹² Indeed, Tuđman's prominence as a historian, who challenged

9 The Independent State of Croatia (Nezavisna država Hrvatska, NDH) was established in April 1941 following Nazi Germany's invasion of the Kingdom of Yugoslavia. As a puppet state of Nazi Germany, the NDH could hardly be described as independent or even exercising sovereignty over its own territory.

10 In 1996 Tuđman called for the remains of Croatia's fascist dictator Ante Pavelić to be returned to Croatia for burial. Sabrina P. Ramet, "Politics in Croatia since 1990" in *Croatia since Independence: War, Politics, Society, Foreign Relations*, eds. Sabrina P. Ramet, Konrad Clewing, and Reneo Lukić (2008) 41.

11 For example, in 1982 Franjo Tuđman was charged with "subverting the Yugoslav state" due to his work as a historian. James J. Sadkovich, "Franjo Tuđman: an Intellectual in Politics" in *Croatia since Independence: War, Politics, Society, Foreign Relations*, eds. Sabrina P. Ramet, Konrad Clewing, and Reneo Lukić (2008) 60.

12 James. J. Sadkovich. "Franjo Tuđman: An Intellectual in Politics" in eds. Sabrina P. Ramet, Konrad Clewing, and Reneo Lukić, *Croatia since Independence: War,*

the official history of the Second World War by questioning the number of victims in the fascist-era concentration camp Jasenovac, led to him being purged from his position and being described as a ‘dissident’ by nationalist Croatian émigrés in 1989.¹³ Tuđman’s personal migration from the post-nationalist to nationalist camp is perhaps surprising given that Tuđman had also been Professor of Socialist Revolution and of Contemporary National History at the Faculty of Political Science in Zagreb.¹⁴ Nevertheless, Goran Čular, a Professor of political science at the University of Zagreb, described Tuđman’s political views as fairly unidimensional and consistent – Tuđman was a nationalist.¹⁵

Bounded history: constructing a just war

The Homeland War began in 1991 when separatist Serbs, with the assistance of the Yugoslav National Army, seized one-third of the Republic of Croatia’s territory. After a negotiated agreement that allowed for the introduction of a United Nations peacekeeping force (UNPROFOR) in January 1992, the frontlines of the conflict remained relatively stable, until 1995. In May and August 1995, the Croatian Army carried out two offensive military operations, Operation Flash and Operation Storm, which brought about the termination of the Croatian Serb republic and the exodus of its Croatian Serb inhabitants.¹⁶

It was in the immediate aftermath of this armed conflict that the Croatian state acted to bolster a ‘just war’-narrative of the war in Croatia which served the dual purpose of legitimizing the governing Croatian Democratic Union, which viewed itself as the guardian of Croatian statehood as being the party which won Croatia’s first post-communist elections in 1990, and

Politics, Society, Foreign Relations, (2008) 62.

13 Anthony Knezevic. *A Short History of the Croatian Nation* (Philadelphia: Croatian Catholic Union, 1989).

14 Ibidem.

15 Field work interview. Zagreb, September 2010. On the other hand Sabrina Ramet described Tuđman as “the communist general turned anti-communist historian turned nationalist politician” Sabrina P. Ramet. “Politics in Croatia since 1990”, 41.

16 The Vance Plan established United Nations protected areas within Croatia and was signed on 3 January 1992. Operation Storm would be later characterized by the International Criminal Tribunal for the former Yugoslavia as a ‘joint criminal enterprise’ carried out with the aim of permanently removing the Krajina Serb population in its judgment in Gotovina case.

exculpating Croat participants in atrocity.¹⁷ The 'just war'-narrative of the Homeland War, as recounted by political actors and historians consists of three principal tenets:

1. Emancipatory: The war waged by Croatian forces was a war of national liberation for the establishment of a Croatian nation state. A Croat nation state was therefore imagined as having been 'emancipated' from the multi-national Socialist Federal Republic of Yugoslavia.

2. Liberatory: Croatian territory seized by Croatian Serbs in 1991 was seized in the context of a 'war of aggression' waged by Belgrade. Croatian Serbs therefore were considered to be acting as agents of a foreign state, Serbia, while Croatian armed forces were cast as waging a war to liberate 'occupied' territory.

3. Defensive: Zagreb did not initiate hostilities, but Croatian security forces were attacked in 1991 by rebel Serbs with the assistance of the Yugoslav National Army. Croatia was therefore engaged in a defensive armed conflict.

The above three tenets are drawn from parliamentary resolutions, official statements, and the Croatian Democratic Union party program. To be sure, Croatia's parliamentary Declaration on the Homeland War of October 2000 described the 1991-5 war as having been,

...a legal, legitimate, defensive, liberatory' armed conflict in which Croatia 'defended its territory from Greater Serbian aggression within its internationally recognized borders.'¹⁸

The Declaration's characterization of the war in Croatia as both defensive and legitimate established Zagreb's official history of the conflict as state policy. Public officials were now under a legal obligation to defend the Declaration's understanding of the Homeland War. Its principle claim was

17 For a broader discussion of 'just war'-theory, see Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*. (New York: Basic Books, 1977).

18 Deklaraciju o domovinskom ratu. Croatian Parliament, 13 October 2000. After parliament's adoption of the Declaration on the Homeland War, Ivo Sanader suggested that the Declaration was one of the most important resolutions adopted by the Croatian parliament. Ivo Sanader, *HDZ za hrvatsku* (Zagreb: HDZ, 2001).

that the war in Croatia was not a civil conflict against Croatian Serbs but rather an aggressive war of conquest waged by Belgrade. Characterizing the war as a war of aggression waged against Croatia would play an important role in later attempts to exculpate Croat participants in atrocity.¹⁹

Prior to the October 2000 parliamentary declaration on the Homeland War, the Croatian parliament adopted a resolution in 1999 on cooperation with the International Criminal Tribunal for the former Yugoslavia. Its principle claim was twofold. First, Croatia's 1995 military operations were 'legitimate'. And second, this legitimacy meant that Croatian courts had the sole authority to adjudicate crimes committed during the course of these operations. The declaration of cooperation with the Tribunal stated,

‘...given the unquestionable legitimacy of these counter-terrorist actions [Operations Flash and Storm] on our own state territory, the Croatian parliament considers possible individual criminal acts carried out in their respect to be exclusively [under the jurisdiction of] the Croatian courts.’²⁰

Nationalist challenges to indictments from the International Criminal Tribunal for the former Yugoslavia against Croats have for the most part employed ‘just war’-arguments, rather than directly contest allegations of individual responsibility for specific crimes. This served an important function because proponents of the ‘just war’-narrative argued that it was not possible for war crimes to be committed by an individual engaged in a defensive war.²¹ For example, Mile Bogović, a Croatian historian and Bishop of Gospić-Senj argued ‘a war crime is committed by the side that started the war in the event that they commit a crime.’ Bogović’s pseudo-legalistic attempt to combine ‘just war’-rhetoric with notions of individual criminal liability brings us to our next discussion of trials and history.

19 Mile Bogović, “Is The Hague Tribunal Interested in the Complete and Objective Picture of the Events of the Past War” in ed., Hrovje Hitrec, *Croatian Generals are not Guilty* 51 (2011).

20 *Rezoluciju o suradnji s međunarodnim kaznenim sudom u Haagu*. Croatian Parliament, 5 (March 1999).

21 This is inconsistent with the practice of contemporary international criminal law, but was rhetorically compelling in the context of domestic debates on war crimes.

Trial and history: courtrooms as contested history

With the emergence of transitional justice as a field of study, there is a growing body of scholarly inquiry that examines the way in which international criminal courts produce history.²² Nielsen argues such interaction occurs in a number of ways. From the perspective of a domestic audience in Croatia, the most important of these is that court decisions pass judgement on the role of actors during conflict. Another is that prosecutions produce vast amounts of documentation which is put on display during trial processes.²³

During the 1990s and 2000s, it was the International Criminal Tribunal for the former Yugoslavia which was initially perceived as constituting a threat to the 'just war'-narrative of the Homeland War through its failure to secure a judgement against Slobodan Milošević for the war in Croatia and through its prosecutions of Croatian generals Ante Gotovina, Ivan Čermak and Mladen Markač. This perception reflects a belief that the Tribunal's indictments against Croats constitute an attempt to criminalize Croatia's war for independence and the Croatian nation state through deconstructing the *jus ad bellum* narrative of the Homeland War.

The Croatian Democratic Union, and a number of vocal nationalist historians, saw the Tribunal as pronouncing judgement not just upon individual defendants, but potentially, through its judgements challenging its official history of the Homeland War. On the other hand, the Democratic Union and nationalist historians also argued domestically that trial processes involving Croats could be strategically deployed to reaffirm official histories. Contributors to the pro-government daily *Vjesnik*, Tomislav Grdić and Davor Matić, argued Gotovina's transfer to the International Tribunal

22 Christine Bell. "Transitional Justice, Interdisciplinarity and the State of the 'Field' or 'Non-Field'," *International Journal of Transitional Justice* Vol. 3 (2009) 5-27. See for example Richard Ashby Wilson, *Writing History in International Criminal Trials* (Cambridge: Cambridge University Press, 2011).

23 Christian Axboe Nielsen, "Can We Salvage a History of the Former Yugoslav Conflicts from the Milošević Trial?" in ed., Timothy Waters, *The Milošević Trial: An Autopsy* (Oxford: Oxford University Press, forthcoming 2013). Manuscript provided to author. In relation to media debates on International Criminal Tribunal for the former Yugoslavia trial processes related to Croatia, the primary concerns expressed related to the implications of verdicts on Croatia's official history of the conflict. The role of the trial process itself may be less salient simply because of the relative lack of interest in viewing trials (with the exception of opening statements and closing arguments).

was part of an effort to defend the governing party's history of the conflict. Grdić and Matić argued,

‘trust is needed in the Croatian government, which knows what needs to be done and in what manner the truth about the Homeland War needs to be defended’. Grdić and Matić thus make the act of transferring Gotovina to the custody of the International Tribunal as consistent with the Democratic Union's party program, which committed the party to defending the integrity of the Homeland War and to contesting attempts at what the party alleges to be forging the historic ‘truth’.²⁴

Despite Nielsen's observed documentary effect of Tribunals, in terms of recording history, there remains a significant disconnect between discourses on the recent past within Croatia and within the International Criminal Tribunal for the former Yugoslavia. A full page advertisement published on May 6, 2002 in the Croatian daily *Večernji* lists a group of three hundred ‘influential Croats’, which included a mix of politicians, conservative activists, historians and athletes who signed a petition demanding the Croatian government not to honor the Tribunal's Gotovina indictment.²⁵ Further illustrative of this gap was Sanader's speech mentioned in the introduction to this article in which Sanader praised General Mirko Norac. In February 2001, Sanader declared:

‘We take (Norac) this evening as a symbol of all those young Croats, all Croatian men who, believing in their nation, in the right to resistance, to freedom, to their state, said ‘no’ to the aggressor and demonstrated that we could ... defend and free this country’.²⁶

Furthermore, in 2002, Sanader praised Gotovina at the VII Party Congress of the Croatian Democratic Union in which he fended off a leadership challenge from Ivić Pašalić. Sanader's praise of indicted Croatian Army officers was aimed at ‘defending’ Croatia's role in the conflict rather than denying specific crimes contained within these indictments. Zagreb's primary concern was that negative judgements from the International Tribunal

24 Tomislav GrdićT. & Matić, D., “Premijer Sanader u Kravarskom o reakcijama na uhihiia generala Ante Gotovine: znat ćemo obraniti istinu o Domovinskom Ratu”, *Vjesnik* (2005) 1005.

25 *Večernji list* May 6 (2002) 5.

26 Ivo Sanader, “Boljtak Hrvatske i obrana nacionalnih i državnih interesa,” speech delivered at an HDZ party gathering in Varaždin on 28 February 2001. Quoted in Lamont 2010.

could challenge the state's officially sanctioned history of the conflict and therefore usurp Zagreb's authority to write its own history. Indeed, when the Tribunal's Chief Prosecutor Serge Brammertz suggested that the events dealt with in the Gotovina, Čermak and Markač trials were an important part of Croatia's recent history and expressed his hope that the judgement in this trial would assist the Croatian public to better understand what took place in 1995, Ante Gotovina's defense counsel reacted angrily questioning the authority of Brammertz to 'give lessons' on Croatia's recent past.²⁷

Consolidating and contesting history

In 2007 the official history of the 1991-1995 conflict, as articulated by the governing Croatian Democratic Union, continued to frame the war in Croatia as an emancipatory armed conflict, which brought about Croatia's independence. Much like the International Criminal Tribunal for the former Yugoslavia, the emergence of an initiative to establish a Regional Truth Commission (REKOM) in that same year provoked a number of condemnations on the part of proponents of the nationalist history of the Homeland War. One of the more extreme condemnations of transitional justice initiatives came from Croatia's first post-independence Minister of Interior, Ivan Vekić, who referred to transitional justice advocates as *Yugo-communists* and ominously warned that further attempts to 'falsify history' – or, in other words: to contest the state's official history of the conflict – would result in another war.²⁹ Historians also intervened in these transitional justice debates. Professor Josip Jurčević, a right-wing historian at the Zagreb based Ivo Pilar Institute and author of the *Black Book of Communism in Croatia*³⁰, also commended the initiative to establish a regional truth commission.³¹ Jurčević accused the Regional Truth Commission of attempting to re-write the history of the recent conflict so as to deny that the war in Croatia was a defensive armed conflict and to acknowledge that Croatia too bore responsibility for the conflict.³¹ Jurčević went on to argue

27 "Mišetić: Neće nas Brammertz učiti o istinu o Oluji i Gotovini", *Večernji list* January 3 (2009).

28 Croatian Democratic Union *Party Program* (Zagreb, 2007).

29 "Vekić: Ako nastave krivotvoriti povijest bit će opet rata", *Glas Slavonije*, January 14 (2011).

30 For more on Jurčević see "Novi glas hrvatske desnice", *Nacional* May 29 (2006).

31 Josip Jurčević, interview in *Večernji list*, January 22 (2011) 22-23.

that transitional justice initiatives such as the Regional Truth Commission and the International Tribunal undermined the legitimacy of the Croatian state and sought to bring about Croatia's reintegration into a new post-war Yugoslavia. The binary between 'nationalist' and 'post-nationalist' here illustrates how nationalists view challenges to state-sanctioned history as a threat to the Croatian nation-state itself.

In 2012, the Croatian Democratic Union, for only the second time since Croatia's independence in 1991, found itself in opposition following electoral defeat in parliamentary elections in 2011 and the election of Ivo Josipović, a Zagreb University law Professor, as Croatia's third post-communist president in 2010. While these transfers in power marked a deepening consolidation of the post-conflict state, the contestation of Croatia's recent past remains a salient marker of domestic political identity with nationalist and post-nationalist histories of the Homeland War, Yugoslavia and the Second World War.

Ivo Josipović's election as president of the Republic of Croatia in 2010 and the Croatian Democratic Union's electoral defeat in parliamentary elections in 2011 signaled a change in tone in Croatia's official pronouncements concerning its role in the Yugoslav conflicts of the 1990s, and in particular Croatia's involvement in the war in Bosnia & Herzegovina. In April 2010, during a state visit to Bosnia & Herzegovina, Josipović expressed regret for Croatia's complicity in the attempt to break-up the Bosnian state during the 1990s and atrocities committed by the Croatian Defense Council (*Hrvatsko vijeće obrane*, HVO), a paramilitary armed force that operated in Bosnia & Herzegovina under the command and control of Zagreb. Significantly, Josipović's message of remorse was delivered in Ahmići, the site of one of the HVO's worst wartime massacres.³² However, there has also been a decoupling of the memories of the war in Bosnia – where atrocities perpetrated by Croatian armed forces are more readily acknowledged – and the war waged on Croatian territory. For example, after the Ahmići expression of regret, Josipović also expressed disappointment at the conviction of Croatian generals Ante Gotovina and Mladen Markač in April 2011.

32 Dejan Jović and Christopher K. Lamont. "Introduction Croatia after Tuđman: Encounters with the Consequences of Conflict and Authoritarianism", *Europe-Asia Studies*, Vol. 62, No. 10 (2010) 1610.

Conclusions: contested history and transitional justice

In 2002, Sanader declared, 'Ante Gotovina is not a war criminal, but a hero and commander.'³³ Sanader's party and like-minded historians, did not limit themselves to rhetorical endorsements of Tuđman or individuals suspected of serious violations of International Humanitarian Law. The Croatian Democratic Union also played a central role in advancing a 'just war'-history of the Homeland War through parliamentary resolutions and its own party programs. The three central tenets of this official history of the Homeland War – emancipatory, liberatory, and defensive – were argued by the Democratic Union and its supporters to be inextricably linked to the legitimacy of Croatian statehood. Meanwhile, challengers to this official history were cast as at best undermining the Croatian state and at worst promoting Croatia's inclusion into a new Yugoslavia. Transitional justice mechanisms that problematized this 'just war'-narrative through recording the experiences of non-Croat victims and Croat perpetrators of war crimes were therefore perceived not just as an attempt to do justice, but as an attempt to write history.

33 Ana Plišić, Snježana Pavić and Robert Valdec. "Sanader Pobijedio", *Jutarnji list* April 22 (2002) 2-3.