

UNIVERZA V LJUBLJANI  
FAKULTETA ZA DRUŽBENE VEDE

Jovana Mihajlović Trbovc

Javni narativi o preteklosti v okviru procesov  
tranzicijske pravičnosti:  
Primer Bosne in Hercegovine

Public Narratives of the Past in the Framework  
of Transitional Justice Processes:  
The Case of Bosnia and Herzegovina

Doktorska disertacija

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## IZJAVA O AVTORSTVU doktorske disertacije

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## Summary

### **Public Narratives of the Past in the Framework of Transitional Justice Processes: The Case of Bosnia and Herzegovina**

The concept of transitional justice (TJ) refers to a range of legal and political mechanisms applied in societies transforming from authoritarianism to democracy, and from violent conflict to post-conflict peace-building (Teitel 2002). This hybrid concept reflects the social, political and legal need to address violations of human rights and/or war crimes that occurred in the recent past, with the main goal of (re)establishing a just, democratic and reconciled society. The presumption of TJ literature is that the combined processes of fact-finding and truth-telling eventually lead to recognition and acceptance of knowledge about the troubling past that would help in rebuilding social cohesion. Therefore, TJ literature rests on the underlying assumption that once the ‘truth’ is publicly presented, it becomes a part of public memory. This thesis exactly challenges this assumption by examining whether the processes of transitional justice (war crime trials in particular) have changed narratives about the 1992-95 war that dominate public life in Bosnia and Herzegovina (BiH).

The main TJ mechanism employed in this particular case (and in the other war-torn Yugoslav successor states) has been the prosecution of war crimes perpetrators before the International Criminal Tribunal for the former Yugoslavia (ICTY). The founders of the ICTY embraced an expanded notion of justice (typical for TJ theory) that combines retributive and restorative elements. Consequently the ICTY was founded with the main extra-legal role to “contribute to the restoration and maintenance of peace” in the region of the former Yugoslavia (UN Security Council 1993, preamble 6; UN Secretary-General 1994, §11). This position of ‘judicial romanticism’ (McMahon and Forsythe 2008) presupposes that the creation of an authoritative account of the war would refute attempts to deny the criminal events, whereas the denial is obstructing reconciliation (Akhavan 2001) – a position termed as ‘authoritative narrative theory’ (Waters 2013). Putting aside the issue of peace and reconciliation, this thesis focuses precisely on the ability of the ICTY (and other TJ mechanisms) to create an authoritative historical account of the war that would influence the collective memory of it.

The Dayton Peace Agreement of 1995 created a political arrangement in BiH in which ethno-political elites (of Bosniaks, Serbs and Croats) hold the greatest political power, rendering them the main creators of the official memory (rather than weak central state institutions). Since the political field is deeply ethnified, so are the historical interpretations promoted by the political stakeholders. These parallel ethno-political historical narratives cohere or diverge from the narrative of the ICTY judgements to varying extents.

I detected the main points of divergence among the dominant narratives about the Bosnian war, which constituted four case-studies upon which I evaluated the influence of the ICTY:

whether the war was a product of Serbian aggression or a civil war among the political actors within Bosnia; whether 'ethnic cleansing' was pre-planned by the Serbian side or an imminent consequence of the war (examined through the case of Prijedor); whether genocide was the overall aim of the Serbian side or whether it took place only in Srebrenica in July 1995; and whether the Croatian side was a defender of, or aggressor in BiH (examined through the case of Ahmići).

Relying on the discipline of memory studies, I took commemorative events (including some public holidays) as stages for the reproduction of different interpretations of the past (Connerton 1989; Zerubavel 2003a; Ashplant et al. 2004) and as occasions through which these interpretations emerge in media reporting as coherent narratives. By the same token, I regard and analyse history textbooks as the most representative vehicle of what should be regarded as an 'official narrative' of each ethnic group, since the educational system in BiH is ethnically segregated.

Conceptually, this thesis stands at the intersection between the disciplines of transitional justice and memory studies, which is a novel approach in the context of Bosnia and Herzegovina. The empirical chapters of the thesis (four to seven) have a similar pattern and follow the same methodology: firstly, I reconstructed the historical narrative created by a TJ mechanism (mostly ICTY judgements); secondly, I applied discursive frame analysis (Entman 1993; Scheufele 1999; Tankard 2001) in analysing local media reporting on these TJ mechanisms. Here I take 'frame' as a form of representation of reality, a particular interpretative form of an event (given in media) that relies on the background of a larger historical narrative. This analysis serves in detecting which segment of those narratives penetrated into the public field; and finally, I analysed narratives as presented at the commemorations consecutively, attempting to detect whether particular TJ steps, connected to a particular commemoration, produced a change in the narrative over time. In conducting this I took care to obtain a representative sample of commemorations before and those after important TJ steps, so I could detect possible change in the narrative. Similarly I looked for potential changes in history textbooks used since the beginning of the war until today.

The primary source materials for the analysis were newspaper articles: those reporting on transitional justice, and those reporting on commemorations. In conducting media analysis I bore in mind that media in BiH are largely ethnically defined. In analysing the narrative as presented in media reports (and in history textbooks) I am focusing on several key elements: naming and labelling of the event (or the whole war), actors and places; 'emplotment' (Ricoeur 1984), that is how elements are given meaning through their integration into a narrative plot; and how the narrative adheres guilt and responsibility to the actors. The pool of articles referenced for this thesis is around 4,800, while the overall number of articles collected during the entire three year research amounts to 9,800.

The main findings of the thesis are:

Local media reporting on the TJ processes are not of sufficiently poor quality to justify such a widespread lack of acknowledgement of the crimes committed in BiH. Though the quality of reporting about the ICTY trials improved over time, the media still 'speak' from predominantly ethnic perspectives by emphasising claims of innocence of their 'own defendants' and favouring the victims from the ethnic group that the media outlet targets. Nevertheless, the media do transmit the court's findings with considerable accuracy. Therefore, the adjudicated facts are available in the local public sphere(s) but are not shaping public memory. Instead of media reports from the courtroom, collective memory is created at memorial sites, on memorial dates, and is reproduced through history textbooks.

The dominant ethno-political narratives are similar in their basic elements, though they conflict in historical interpretation: the groups in their narratives invariably adopt the position of a victim under (symbolic or physical) attack, thus framing the war effort as necessary self-defence. The sense of historical justice and righteousness embedded in the image of a victim are legitimising bases for the narration of their own version of the war.

Generally, I found no significant changes in the public narrative about the war, at least not in the ways expected by TJ literature. On few occasions when a change occurred, it was not a result of the ICTY judgements but emerged due to mutual contestations of victims' and perpetrators' narratives, or due to a political decision to acknowledge a particular crime. Similarly, changes in history textbooks are the result of pressures from international institutions rather than a consequence of the process of 'dealing with the past'. However, the TJ mechanisms do influence public narratives, though not in line with expectations of TJ literature. The findings of the judgements (and the investigative commission) impact upon public debates about the past in the sense that they set the parameters for these debates (disabling complete denial that certain criminal events took place) and define critical notions or concepts (such as meaning of internationality of the conflict, ethnic cleansing, genocide) around which the public debates evolve.

This research offers the assertion that the perception of the past is rather a matter of attitude; not knowledge. For political representatives in particular, the reproduction of the past is guided not by what one knows, but by what one wants to perform in public. Therefore, the acting out of certain historical interpretations sends a particular political message or serves a certain social function.

Furthermore, collective memory is a constitutive element of a community, while for an individual, participation in public reproduction of memory is *being* part of a community (Zerubavel 2003a). If the communities of memory are defined by ethnicity, so too will their narratives about the past. This is visible when comparing different types of commemorative events. Commemorations organised, or strongly supported, by officials seem to be focused more on building a certain political identity (ethnic identity and/or statehood project) rather



than memorialising a particular event that is being commemorated. This kind of memorialisation is markedly different from the grass-roots commemorations organised by victims' communities, which are focused on reproducing a particular narrative of the event and are not burdened with an ethno-national pretext.

In the deeply ethnified political, educational and media systems each ethno-national elite employs the hegemonic power within its reach to promote its own interpretation of the war and builds its legitimacy upon this. The three ethno-national political elites obtain a position of sufficient social hegemony to embark on nation-building. In such a situation, historical narratives function as ethnic markers – the promotion of a certain historical interpretation implies the ethnicity of the promoter. Or vice-versa, belonging to a certain ethnicity implies the adoption of a certain historical narrative. An individual who rejects the narrative dominant within his/her own ethnic community may be considered by members of that community to be renouncing their ethnic identity. Historical narratives as ethnic markers intrinsically tie the perception of the past with the sense of national identity, while rendering rejection of the narrative equal to self-excommunication from the national group.

In addition, the Dayton Peace Agreement froze the divisions from the war-time situation by trying to forge a compromise between conflicting statehood projects: that of a unitary Bosnia and Herzegovina, that of the Republika Srpska as a proto-state, and the project of a BiH state that would have assigned territory to the Croatian community. Elements of these projects were incorporated into the post-war constitution, thus gaining legitimacy and continuing to flourish. The memory-making conducted by the ethno-political elites serves to fortify these conflicting statehood projects. Hence, the conflict continued in the field of *interpretation* of the war. The combat battleground was substituted by the memorial one.

It seems that as long as the interpretations of the war bear direct consequences in the field of everyday politics; dominant narratives will be kept under tight control of political stakeholders, regardless of the findings of transitional justice mechanisms. This doctoral thesis refutes the underlying assumption of the field of transitional justice that the disclosing of the truth about the troubling past directly leads to change of collective memory in the targeted societies which would prevent denial of the war crimes and human rights violations. My research in BiH demonstrates that the perception of the past is crafted by the memory-making endeavours of the dominant ethno-national elites, rather than by TJ processes.

Keywords: transitional justice, collective memory, historical narrative, ICTY, Bosnia and Herzegovina.

## Povzetek

### Javni narativi o preteklosti v okviru procesov tranzicijske pravičnosti:

#### Primer Bosne in Hercegovine

Koncept tranzicijske pravičnosti se nanaša na nabor pravnih in političnih mehanizmov, ki se jih uporablja pri tranziciji družb iz avtoritarnih v demokratične oziroma za prehod iz nasilnih konfliktov v post-konfliktno izgradnjo miru [ang. *peace-building*] (Teitel 2002). Ta hibridni koncept odraža družbeno, politično in pravno potrebo po obravnavi kršitev človekovih pravic in/ali vojnih zločinov, ki so se zgodili nedavni preteklosti. Končni cilj procesa tranzicijske pravičnosti pa je vzpostavitev pravične, demokratične družbe in doseganje miru in sprave. Osnovna predpostavka literature o tranzicijski pravičnosti je, da bosta ugotavljanje dejstev in izrekanje resnice sčasoma vodila v priznanje in sprejetje 'problematične' preteklosti, kar pomaga ponovni vzpostavitvi družbene povezanosti. Torej literatura o tranzicijski pravičnosti temelji na predpostavki, da enkrat javno razkazana 'resnica' o zločinih iz preteklosti avtomatično postane del kolektivnega spomina. Pričujoča disertacija postavlja pod vprašaj prav to predpostavko s tem, da preučuje ali procesi tranzicijske pravičnosti (posebej sojenja za vojne zločine) spreminjajo narative o vojni (ki se je dogajala od leta 1992 do 1995), ki dominirajo v javnem življenju Bosne in Hercegovine (BiH).

Glavni mehanizem tranzicijske pravičnosti, ki je uporabljen v tem konkretnem primeru (in v drugih državah prizadetih z jugoslovanskimi vojnami), je kazenski pregon vojnih zločincev pred Mednarodnim kazenskim sodiščem za nekdanjo Jugoslavijo (MKSJ). Ustanovitelji MKSJ so sprejeli razširjen koncept pravičnosti (tipičen za teorijo tranzicijske pravičnosti), ki združuje retributivne in restorativne elemente. Posledično je MKSJ ustanovljeno z glavno zunaj-pravno nalogo, »da prispeva k ponovni vzpostavitvi in ohranjanju miru« na področju nekdanje Jugoslavije (UN Security Council 1993, preamble 6; UN Secretary-General 1994, §11). Ta pozicija 'sodnega romanticizma' [ang. *judicial romanticism*] (McMahon and Forsythe 2008) predpostavlja, da je sodišče zmožno ustvariti avtoritativni zgodovinski zapis, ki lahko ovrže poskuse zanikanja zločinov pod predpostavko, da zanikanje otežuje spravo (akhavan 2001) – pozicija, ki se imenuje tudi 'teorija avtoritativnega narativa' [ang. *authoritative narrative theory*] (Waters 2013). Puščajoč vprašanje miru in sprave ob strani, pričujoča disertacija se osredotoča prav na zmožnost MKSJ (in drugih mehanizmov tranzicijske pravičnosti), da zgradi avtoritativni zgodovinski zapis, ki bi vplival na kolektivni spomin na vojno.

Daytonski mirovni sporazum iz leta 1995 je ustvaril politično ureditev v BiH v kateri imajo etno-politične elite (Bošnjakov, Srbov in Hrvatov) največjo politično moč, ki jim zagotavlja dominantno pozicijo v kreiranju javnega spomina (namesto šibkih centralnih državnih inštitucij). Ker je politično polje globoko etnificirano, tudi zgodovinske interpretacije, ki jih promovirajo politični akterji, nosijo močen etnični predznak. Ti paralelni etno-politični zgodovinski narativi v različni meri podpirajo ali zavračajo narativ sodb MKSJ.

Locirala sem ključne točke, v katerih se dominantni narativi o bosanski vojni razhajajo, kar tvori štiri študije primera, skozi katere sem ocenjevala vpliv MKSJ: ali je bila vojna posledica srbske agresije ali državljanska vojna med političnimi akterji znotraj Bosne; ali je bilo 'etnično čiščenje' vnaprejšnji načrt srbske strani ali neizogibna posledica vojne (preučevano na primeru občine Prijedor); ali je genocid bil splošni politični cilj srbske strani ali se je zgodil le v Srebrenici julija leta 1995; in ali je bila hrvaška stran branilec ali agresor na BiH (preučevano na primeru pokola v Ahmićih).

Zanašajoč se na akademsko disciplino študij spomina [ang. *memory studies*] sem analizirala spominske dogodke (komemoracije, državne praznike) kot prizorišča za reprodukcijo različnih interpretacij preteklosti (Connerton 1989; Zerubavel 2003a; Ashplant in drugi 2004) in kot priložnosti, ob katerih se te interpretacije pojavljajo v medijih kot koherenten narativ. Zaradi tega, ker je izobraževalni sistem v BiH etnično segregiran, sem analizirala tudi učbenike zgodovine (za zadnji razred osnovne šole) kot najbolj reprezentativne artefakte 'uradnega narativa' vsake od etničnih skupin.

Konceptualno se doktorska disertacija nahaja na križišču dveh akademskih disciplin – tranzicijske pravičnosti in študij spomina [ang. *memory studies*] – kar je inovativen pristop za študijo primera Bosne i Hercegovine. Empirična poglavja disertacije (od štiri do sedem) so napisana po podobnem vzorcu in sledijo enaki metodologiji: najprej sem rekonstruirala zgodovinske narative, ki so jih ustvarili mehanizmi tranzicijske pravičnosti (večinoma sodbe MKSJ); potem sem uporabila diskurzivno analizo okvirjanja [ang. *discursive frame analysis*] (Entman 1993; Scheufele 1999; Tankard 2001) za analizo poročanja lokalnih medijev o mehanizmih tranzicijske pravičnosti, da bi ugotovila, kateri segment njihovih narativov dosega javno sfero v BiH; v končni fazi pa sem analizirala narative, ki jih predstavljajo vsakoletne komemoracije z namenom, da ugotovim ali je določeni mehanizem tranzicijske pravičnosti (povezan s to konkretno komemoracijo) spremenil lokalni narativ skozi čas. Pri tem sem skušala ohraniti reprezentativen vzorec komemoracij pred in po pomembnih ukrepih mehanizmov tranzicijske pravičnosti, da bi na ta način lahko opazila spremembe v narativih kot morebitno posledico ukrepov tranzicijske pravičnosti. Podobno sem iskala morebitne spremembe v učbenikih zgodovine, ki so bili v uporabi od začetka vojne do danes.

Primarni vir analize so bili časopisni članki, ki so poročali o tranzicijski pravičnosti, in tisti, ki so poročali o spominskih slovesnostih. Tekom analize medijev sem imela v mislih, da je medijski prostor Bosne in Hercegovine v veliki meri etnično razdeljen. Pri analizi narativov, kot jih predstavljajo medijska poročila in zgodovinski učbeniki, sem se omejila na več ključnih elementov: poimenovanje in označevanje dogodka (ali vojne v celoti), akterjev in krajev; pretvorba dogodkov v fabulo [ang. *emplotment*] (Ricoeur 1984), t.j. proces pripisovanja pomena določenim elementom dogodka ob njihovem vključevanju v neko naracijsko zgodbo; in kako narativi pripisujejo krivdo in odgovornost vpletenim akterjem. Doktorska disertacija sicer referira na okrog 4.800 člankov, vendar je tekom triletnega raziskovanja zbranih kar 9.800 člankov.

Glavne ugotovitve raziskave so:

Poročanje lokalnih medijev ni tako slabo, da bi upravičilo vsesplošno pomanjkanje priznanja zločinov storjenih v BiH. Čeprav se je kvaliteta poročanja o procesih pred MKSJ izboljšala skozi čas, mediji še vedno predvsem 'govorijo' iz etnične perspektive s tem, da poudarjajo trditve o nedolžnosti 'svojih' obdolžencev in da so bolj naklonjeni žrtvam iz etnične skupine katero konkreten medij naslavlja. Kljub temu mediji dejansko prenašajo ugotovitve sodišča s spodobno natančnostjo. Torej dejstva ugotovljena s strani sodišča so dejansko dostopna lokalni javnosti, ampak ne oblikujejo javnega spomina. Namesto preko medijskih poročil iz sodne dvorane, se kolektivni spomin kreira na spominskih slovesnostih, ob spominskih dnevih in se reproducira skozi učbenike zgodovine.

Dominantni etno-politični narativi so podobni v svojih osnovnih elementih, čeprav si nasprotujejo v zgodovinskih interpretacijah: skupine v svojih narativih vedno zavzemajo pozicijo žrtve, ki je pod (simbolnim ali fizičnim) napadom in na ta način uokvirjajo svoje bojevanje kot nujno samo-obrambo. Občutek pravičnosti in poštenosti, ki jo prisposodba žrtve s sabo nosi, predstavlja legitimacijsko osnovo za pripovedovanje svoje verzije zgodovine vojne.

Načeloma nisem zaznala bistvene spremembe v javnih narativih o preteklih dogodkih, vsekakor pa ne na način, pričakovan s strani literature o tranzicijski pravičnosti. V primeru, da so se spremembe pojavile, niso rezultat sodb ampak medsebojnega izpodbijanja narativa žrtev in storilcev ali politične odločitve, da se zločin prizna. Podobno so spremembe v zgodovinskih učbenikih rezultat pritiska mednarodnih inštitucij in ne izid morebitnega procesa 'soočanja s preteklostjo'. Mehanizmi tranzicijske pravičnosti sicer vplivajo na javne narative, a ne na način, ki ga predvideva akademska literatura. Ugotovitve sodb (in preiskovalne komisije) vplivajo na javne debate o preteklosti na način, da postavljajo mejnike teh debat (in s tem onemogočajo popolno zanikanje, da so se določeni dogodki sploh zgodili) in definirajo pomembne pojme (kot so mednarodni karakter konflikta, etnično čiščenje in genocid), okrog katerih se interpretacije križajo.

Pričujoča raziskava ponuja sklep, da je dojemanje preteklosti zadeva, ki se tiče stališča, ne pa znanja. Posebej v primeru političnih predstavnikov, katerih reprodukcija preteklosti ne narekuje tega, kar nekdo zna, ampak tisto, kar želi pokazati v javnosti. Performiranje določene zgodovinske interpretacije tako pošilja določeno politično sporočilo ali opravlja določeno družbeno funkcijo.

Poleg tega pa je kolektivni spomin konstitutivni element vsake skupnosti in za posameznika sodelovanje v skupnem spominjanju pomeni *biti* član skupine. V primeru, da so 'spominske skupnosti' [ang. *mnemonic communities*] organizirane po etničnem principu, bodo tak predznak imeli tudi narativi o preteklosti. To postane očitno, ko se primerjajo različne zvrsti spominskih dogodkov. Komemoracije, organizirane ali močno podprte s strani uradnikov, se bolj osredotočajo na grajenje določene politične identitete (etnične identitete in/ali 'projekta

državnosti') kot na grajenje spomina na določeni dogodek, kateremu je posvečena konkretna spominska slovesnost. Ta način javnega spominjanja je bistveno drugačen od komemoracij »od spodaj« [ang. *grass-roots commemorations*] organiziranih s strani skupin žrtev (kot v primeru Prijedora), ki se fokusirajo na reprodukcijo prav določenega narativa o dogodkih in nimajo etnični/nacionalni predznak.

V globoko etnificiranem političnem, izobraževalnem in medijskem sistemu etno-nacionalna elita uporablja hegemonistično moč (znotraj vsake etnične skupine), da promovira svojo interpretacijo vojne in na njej gradi legitimnost. Vsaka od treh etno-nacionalnih političnih elit je pridobila pozicijo zadostne družbene hegemonije, ki ji omogoča, da se spusti v proces 'ustvarjanja nacije' [ang. *nation-building*]. V takšni situaciji zgodovinski narativi funkcionirajo kot označevalci etničnosti [ang. *ethnic markers*], t.j. podpiranje/promoviranje določene zgodovinske interpretacije implicira etnično pripadnost govorca; in obratno pripadnost določeni etnični skupini zahteva sprejemanje določenega zgodovinskega narativa. Posameznik, ki zavrže dominanten narativ svoje etnične skupine, se postavlja v pozicijo, da se mora odreči svoji etnični identiteti. Takšni zgodovinski narativi, ki postanejo označevalci etničnosti, neizogibno vežejo doživetje preteklosti na občutek nacionalne identitete, pri tem pa zavračanje dominantnega narativa enačijo z izobčenjem iz etnične skupine.

Povrh vsega je Daytonski mirovni sporazum zamrznil politične delitve iz časa vojne poskušajoč da naredi kompromis med nasprotujočimi si projekti državnosti [ang. *statehood projects*]: med projektom unitarne države Bosne in Hercegovine, projektom Republike Srbije kot proto-države in projektom skupne države, znotraj katere bi hrvaška skupnost imela svoje določeno ozemlje. Elementi vseh teh projektov so bili vgrajeni v povojno ustavo, s tem pridobili legitimnost in nadaljevali svojo politično ambicijo. Zaradi tega 'uradno spominjanje', ki ga diktirajo etno-politične elite, služi utrjevanju nasprotujočih si projektov državnosti. Potemtakem se je vojna nadaljevala na področju interpretacije vojne. Vojno bojišče se je spremenilo v boj med (in s) spomini.

Možno je zaključiti, da dokler imajo interpretacije vojne direktne posledice na vsakdanjo politiko, bodo narativi strogo kontrolirani s strani etno-političnih elit neodvisno od tega, kaj so mehanizmi tranzicijske pravičnosti ugotovili o preteklih dogodkih. Pričujoča doktorska disertacija ovrže osnovno predpostavko discipline tranzicijske pravičnosti, ki pravi, da ugotavljanje dejstev in njihovo javno izrekanje direktno vodijo do spremembe v kolektivnem spominu konkretne družbe, kar preprečuje zanikanje zločinov in kršitev človekovih pravic. Moja raziskava na primeru BiH je pokazala, da doživetje preteklosti oblikujejo etno-nacionalistične elite ne pa procesi tranzicijske pravičnosti.

Ključne besede: tranzicijska pravičnost, kolektivni spomin, zgodovinski narativ, MKSJ, Bosna in Hercegovina.

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## Abbreviations\*

\* In this thesis I use abbreviations derived from the local language, except those that have passed into common usage in English (e.g. SFRY and FRY).

ARBiH: *Armija Republike Bosne i Hercegovine* [Army of the Republic Bosnia and Herzegovina]

BiH: *Bosna i Hercegovina* [Bosnia and Herzegovina]

FRY: Federal Republic of Yugoslavia (i.e. Serbia and Montenegro) [*Savezna Republika Jugoslavija*]

HDZ: *Hrvatska demokratska zajednica* [Croatian Democratic Union]

HVO: *Hrvatsko vijeće obrane* [Croatian Defence Council]

ICJ: International Court of Justice

ICRC: International Committee of the Red Cross

ICTY: International Tribunal for the former Yugoslavia

IFOR: Implementation Force

JCE: joint criminal enterprise

JNA: *Jugoslovenska narodna armija* [Yugoslav People's Army]

OHR: Office of the High Representative in Bosnia and Herzegovina

OTP: Office of the Prosecutor at the ICTY

RS: *Republika Srpska*

RSK: *Republika Srpska Krajina*

RTRS: *Radio Televizija Republike Srpske* [Radio Television of the Republika Srpska]

SDA: *Stranka demokratske akcije* [Party of Democratic Action]

SDS: *Srpska demokratska stranka* [Serbian Democratic Party]

SDP: *Socijaldemokratska partija* [Social-democratic Party]

SFOR: Stabilization Force

SFRY: Socialist Federal Republic of Yugoslavia [*Socijalistička Federativna Republika Jugoslavija*]

SNSD: *Savez nezavisnih socijaldemokrata* [Union of Independent Social-Democrats]

TJ: transitional justice

TO: *Teritorijalna odbrana* [Territorial Defence]

UNPROFOR: United Nations Protection Force

UN: United Nations

VJ: *Vojska Jugoslavije* [Army of the Federal Republic of Yugoslavia]

VRS: *Vojska Republike Srpske* [Army of the Republika Srpska]

## 1 Introduction

*“A disclaimer is due at the very beginning: the incentive for writing this book is non-academic. Its author is a member of a social group in whose name grave crimes were committed in the recent past. I am haunted by the ghosts of the innocent people who were killed in my name.”*

– Nenad Dimitrijević (2011, 1)

In the spirit of Prof. Dimitrijević's words, this thesis was (also) a personal journey of dealing with the troubled past of Yugoslav dissolution. Still, there are several underlying questions from the field of practical politics that inspired this particular topic. To say that each nation or ethnic community nurtures a different interpretation, upholds a different 'truth' about the dissolution of Yugoslavia and the wars, is self-evident to anyone familiar with the affairs in the region. As for many issues of inter-ethnic relations, Bosnia and Herzegovina (BiH)<sup>1</sup> represents a 'miniature Yugoslavia'. Not only was the 1992-1995 war in Bosnia the bloodiest episode of the War of Yugoslav Succession, it also raises the fiercest debates regarding its interpretation. 19 years after the end of the war there is a plurality of contesting and disparate public narratives of the recent past. Different actors, public and political, are presenting conflicting interpretations of the war. These debates flourish till today in spite of abundant factual findings that leave few elements in the overall account of the war unknown.

The issues under debate include: how the war should be named, who participated in it, how many people were killed, how many victims suffered other types of atrocities, and by whose hand; who is responsible (both politically and criminally), who started the war and who arguably should have prevented its escalation. Preliminary research has shown that these different interpretations are usually organised into coherent narratives of the recent war, the most dominant being the ones promoted by the three ethno-national political elites (that is, Bosniak, Croatian and Serbian). Apart from them, there are other political actors, such as non-governmental organisations (NGOs), groups of activists and civil society

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<sup>1</sup> I decided to use the abbreviation 'BiH' coming from Bosnian/Croatian/Serbian language [original: *Bosna i Hercegovina* - BiH] as adopted practice by many scholars in the field. When using the adjective 'Bosnian' I refer to the country as a whole (not only the central part which is the original (geographical) meaning of the denominator Bosnia).

organisations (for instance victims' and veterans' organisations) who also participate in the public debates, and from whom alternative interpretations of the past could be also expected.

On the other hand, since the end of the war Bosnia and Herzegovina has been involved in, and conducted, transitional justice (TJ) processes. One of the core elements of these processes is to establish truth about the human rights violations that took place during the war. The main transitional justice mechanism employed in this particular case (and in the other war-torn countries that emerged from the former Yugoslavia) has been the prosecution of war crimes perpetrators before the International Criminal Tribunal for the former Yugoslavia (ICTY).<sup>2</sup> During the course of these trials, various data on serious crimes were publicly disclosed, thus openly refuting or challenging some of the statements of the dominant ethno-nationalist narratives about the war. However, as some previous research show, these 'new facts' have not led to outright change in the public perceptions of the war, still dominated by the narratives of the nationalist elite (Stubbs 2003; Corkalo et al. 2004; Saxon 2005; Ramet 2007a; J. N. Clark 2008a; Orentlicher 2008; J. N. Clark 2009a; Obradovic-Wochnik 2009; Nettelfield 2010; Orentlicher 2010; Pavlaković 2010; J. N. Clark 2013).<sup>3</sup>

The institution of the ICTY was established against the backdrop of two prominent, and mutually interconnected, approaches to thinking about the social role of war crimes trials. The first originates from the vigorous debate (elaborated in chapter 2.2.1) on the question of whether the court should 'write history'. While some argued that court should only render justice, others have demonstrated that 'history' cannot be expelled from courtrooms that deal with wars. It seems that the founders of the ICTY embraced a third stream of argument which regards war crimes trials as inherently historical events: under the limelight of public attention, the courts create an authoritative historical account that shapes collective memory about the events being adjudicated. This position, sometimes labelled as 'authoritative narrative theory', gained prominence in the context of deep divisions that resulted from the dissolution of Yugoslavia, maintaining that judgements create "narratives that serve as the foundation for post-conflict reconciliation" (Waters 2013a, 21). Indeed, in

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<sup>2</sup> Full, but rarely used title is the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.

<sup>3</sup> These studies will be examined in detail in the chapter 3.1.

the Resolution that established the ICTY, the UN Security Council was “convinced that in the particular circumstances of the former Yugoslavia the establishment ... of an international tribunal and the prosecution of persons responsible for serious violations of international humanitarian law ... would contribute to the restoration and maintenance of peace” (UN Security Council 1993, preamble 6).

The other approach to thinking about war crimes trials stems from an understanding of justice, developed within the tradition of transitional justice, which goes beyond mere retribution and seeks to achieve social justice after deep strife. The concept of transitional justice<sup>4</sup> has evolved in the last thirty years to refer to a range of legal and political mechanisms applied in societies transforming from authoritarianism to democracy, and from violent conflict to post-conflict peace-building. It is a hybrid concept that reflects the social, political and legal need to address the violations of human rights and/or war crimes that occurred in the recent past, with goals that range from ending impunity, establishing facts about the violations, restituting victims, achieving societal peace and reconciliation, to the establishment of the rule of law and helping the consolidation of democracy. The presumption of transitional justice literature is that the combined processes of fact-finding and truth-telling eventually lead to recognition and acceptance of knowledge on the troubling past that would help in rebuilding social cohesion.

This is the point from which my research project departed: from this contradiction between normative expectations of TJ literature and information ‘from the field’. Concretely, this thesis will focus on **the questions of whether and how the transitional justice processes influence the public narratives of the recent war**. The main research question will be elaborated via sub-questions: (1) **whether the ‘new facts’ about the war crimes and criminal and political responsibility for them disclosed by the TJ processes really left the dominant ethno-nationalist narratives of the war intact**, and (2) **whether alternative narratives of the war emerged over time**. Additionally, the research will examine (3) **whether the contradictory narratives of the past communicate among themselves (and how)** in the context of transitional justice processes, and (4) **whether this communication**

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<sup>4</sup> “The etymology of the phrase is unclear, but it has already become a term by the 1992 publication of *Transitional Justice: How Emerging Democracies Recon with former Regimes* edited by Neil Kritz” (Bickford 2004, 1045).



**produces any significant change in the narratives and what kind of change that would be.**

For this purpose the research will engage with the internal dynamics of the ethno-nationalist narratives of the past, examining how are they dealing with the cognitive dissonance<sup>5</sup> between ‘unwelcome knowledge’ (Cohen 2001, xiii) or ‘unwelcome factual truths’ (Arendt 2000, 552) and the deeply rooted notions of the recent war.

## 1.1 Research design

This overall assumption, that courts (as transitional justice mechanisms) create authoritative historical accounts that imbue collective memory with recognition and acceptance of knowledge of a troubling past is the cornerstone of the scholarship on transitional justice, within which this thesis is situated. At the same time, this supposition inherently tackles the issue of social memory making, with which various disciplines (from psychology to social-anthropology) have dealt (elaborated in the chapter 2.5), to a large extent independently of the problem of social ‘transition’. This doctoral thesis stands at the intersection of those two approaches, a rare standpoint to take. Only recently has it been noted that, although transitional justice mechanisms usually operate “in a divided population with sharply differing perceptions of the past,” their subsequent influence has been under-researched (Chapman 2009a, 108–9). Additionally, while social-memory making, also called ‘the politics of memory’, is an on-going phenomenon, memory making at the time of transition is “*qualitatively* different from that which occurs in time of peace and normality” (Barahona de Brito 2010, 360).

While a considerable amount of research and literature has examined transitional justice and recent memory making in the Yugoslav successor states, only few adopted this approach of intersecting transitional justice with memory studies examining the cases (Obradovic 2009; Pavlaković 2010; J. N. Clark 2012; Banjeglav 2013; Ljubojević 2013).

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<sup>5</sup> I borrow this term from psychologist and author of cognitive dissonance theory (Festinger 1957). In short cognitive dissonance is an uncomfortable feeling caused by holding two contradictory ideas simultaneously. I will not be applying this theory in my research since it does not deal with the individual level of perception, however I find the very term useful for the description of the phenomena I am analysing.

When stating above that a nation or an ethnic group nurtures a particular interpretation of the past, one needs to be aware of the power relations in knowledge production (Foucault 1980). The narrative interpretations of the war that dominate the public sphere are crafted by the elites in a position of power: they are producers of particular narratives about the past, they are in control of what is to be regarded as an ‘official interpretation’ of the past (e.g. through history textbooks), and their voices are privileged in the public sphere where different interpretations may occur (as in media). This is particularly true for societies in which education is under the tight control of the state (as the public education system in BiH, see section 3.4.1) and the media are constantly on the verge of sustainability, thus needing public subsidies (as is the case in BiH, see section 3.5). In the particular setting of post-war Bosnia and Herzegovina, where the political and social system is organised along the predicament of ethnic belonging, the notion of political and cultural elites is deeply ethnified (as will be explained in detail in section 3.2). Therefore, when dealing with ‘public narratives of the past’ in Bosnia, one necessarily speaks of narratives that are (re)produced and controlled by the three dominant (and privileged) ethnic elites – namely Bosniak,<sup>6</sup> Serbian and Croatian.

This thesis focus on elite-level production of meaning which is reflected in the chosen methodology – discursive frame analysis of the leading newspapers – through which I detect and deconstruct what is publicly spoken about the last war. I take commemorative events (including some public holidays) as stages for reproduction of different interpretations of the past and as occasions upon which these interpretations emerge in media reporting as coherent narratives. By the same token, I regard and analyse history textbooks as the most representative vehicle of what should be regarded as an ‘official narrative’ of each ethnic group, since the educational system in BiH is ethnically segregated (as will be explained in section 3.4.1).

Since the research question deals with the issue of whether transitional justice processes influence these narratives, I chose particular moments in these processes that are prone to

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<sup>6</sup> Bosniak is the denominator for Bosnian Muslims as an ethnic community. It was adopted as an official title by the community in 1993 (Mihajlović Trbovc 2008, 42–3). Beforehand, the group was named Muslims (with the upper case ‘M’, to refer to a national group, contrasting to a lower case ‘m’ which refers to a religious community, in the local language). I generally employ the denominator ‘Bosniak’, but when quoting or referring to sources that use the earlier denominator ‘Muslim’, I use the two titles interchangeably.

produce a change in public perceptions of the war. They are: (a) important moments of the war crime trials (such as the opening of the trial and issuing of the judgements) in cases connected to BiH; (b) public initiatives for truth-seeking (such as investigative commissions); and, (c) acts of political apology (including those conducted by representatives of neighbouring kin states – Serbia and Croatia). Some other mechanisms of transitional justice are not included in this scheme since they did not have a truth-establishing element, such as reparations to the victims, institutional reform of security forces. An additional disclaimer is needed: besides the war crimes trials at the ICTY, the War Crimes Chamber at the Court of BiH, dealt with numerous mid-profile cases (BIRN 2010; OSCE BiH 2011), while lower-profile ones were left to the jurisdiction of local courts (ABA/CEELI 2006). In 2005 the War Crimes Chamber started its work as a ‘hybrid’ court employing both international and domestic judges, while gradually shifting responsibility solely to the nationals (Ivanišević 2008). Though these trials unquestionably contributed to the efforts of creating a detailed account of particular war events, due to the low rank of the accused they haven’t significantly tackled the issues at the heart of the dispute among the conflicting narratives. At the same time, research has shown that even though the War Crimes Chamber is locally situated (Jeffrey 2011), it faces the same challenge as the ICTY of being perceived as biased (J. N. Clark 2010; Lowy and McMahon 2010). Though academics held high expectations in the social impact of a court that is so near to the victims (Kutnjak Ivković and Hagan 2006), it is predominantly perceived as a genuinely international project (Subotić 2009). This is an additional argument as to why this thesis will focus only on the work of the ICTY. Finally, while in TJ literature, commemorations and memorials are as a rule included in the list of TJ mechanisms as a way of publicly acknowledging the victims’ suffering, I decided to approach them from a memory studies viewpoint which does not imbue these memorial events with holism as the TJ literature does (as will be clarified in section 2.5.3).

Therefore, I analysed narratives as presented at the commemorations consecutively, year after year, trying to detect whether particular TJ steps, connected to that particular commemoration, produced a change in the narrative over time. In conducting this, I embraced Olick’s approach that collective memory is rather a process than ‘a social thing’ and should be studied as such (Olick 2003). In addition, I am aware of the process, detached from transitional justice, that each annual commemoration stages at least a slightly different

narrative from the year before, since collective memory is always employed for contemporary political needs.

An important mid-step in transmitting a message from the ICTY to the local publics is taken into account, and that is how the media reported on TJ processes. In this I particularly focused on the way the narrative of the adjudicated matter is being presented. In this way I could detect how the court narrative enters the local public domain and how it is 'translated' for public use. This step could help in answering why the narrative of judgements influenced the public narratives the way they did.

The primary source materials for the analysis were newspaper articles: those reporting on transitional justice, and those reporting on commemorations. In analysing the narrative as presented in media reports and in history textbooks I am focusing on several key elements: naming and labelling of the event (or the whole war), actors and places; 'emplotment' (Ricoeur 1984), that is how elements are given meaning through their integration into a narrative plot; and how the narrative adheres guilt and responsibility to the actors. Since statements of political and social actors (such as victims' representatives) play important role in media reporting, I paid attention to the discursive strategy of a speaker, understanding it as an intentional plan of discursive practice adopted to achieve a particular social or political aim (Reisigl and Wodak 2001, 94).

Now, I will briefly sketch the progress of the work process undertaken for this thesis. During the inception research I detected the following main points of divergence among the dominant narratives about the war in Bosnia:

- Whether it was a product of foreign aggression of Serbia (as Bosniak and Croatian narratives claim) or a civil war among the political actors within Bosnia (as Serbian narrative maintains). Closely related is the question of who is to be blamed for the escalation of the war (examined in the chapter 4).
- Whether 'ethnic cleansing' of the territories was a pre-planned, political aim of the Serbian side (as Bosniak narrative claims), or it was a "natural" consequence of the war when civilians seek a refuge (as Serbian narrative implies). This issue has been examined taking the case of Prijedor municipality (cf. chapter 5).

- Whether the events in Srebrenica of July 1995 signify genocide as the political aim of the Serbian side in the conflict (as the Bosniak narrative holds), or was it “only” a criminal episode which should not be even called ‘genocide’ (as the Serbian narrative argues) (cf. chapter 6).
- What is the position of the Croatian side in the conflict: that of defender (as the Croatian narrative argues) or aggressor (as the Bosniak would imply) (cf. chapter 7).

Each of these issues has been examined in a similar way, which is reflected in the structure of each chapter. First, for each of these questions, I give the overview of the scholarly interpretations offered by the researchers and historians. Then, I present legal considerations in regard of different interpretations, in the sense of translating historiographic discourse into legal categories. Further, I chose the TJ steps that are most relevant for answering the above-mentioned disputed questions. From each of the steps I distil the narrative of the war and particular events. These may be found in war crime trials’ judgements (or indictments and decisions related to indictment charges in the cases of unfinished trials), commission report and texts of political apologies. In the course of the trial, the prosecution and the defence usually present historical narratives as a part of their case; however I examine predominantly the narrative from the judgement<sup>7</sup>, since it is the formal result of a transitional justice process and thus most relevant for evaluating the influence of TJ on collective memory.

Second, I analyse media reporting on the trials, focusing on the most relevant moments of a trial: arrest and/or transfer of the accused to The Hague<sup>8</sup> and issuing of the judgements. By the same token is analysed media reporting on the issuing of commission reports (as in section 6.2) and political apologies (as in the sections 6.2.3 and 7.4.4). In this media monitoring, I examine how media narrate the past in the context of particular TJ mechanisms and especially which segment of the narrative from the judgement/commission report or a statement of apology penetrated into the public field. In each case I followed

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<sup>7</sup> Only in the case where a trial has not ended I analysed the narrative promoted by the prosecution and the defence.

<sup>8</sup> Where the ICTY is situated.

media that could represent the narratives in dispute, providing a table that represents an overview of the media included in the analysis at the end of the section on each of the trials.

Third, the final part of the research's logical framework was to investigate whether, and how, these judicial narratives influenced the collective memory of the local audiences. I followed media reports on annual commemorative events relating to the disputed issue, taking care to obtain a representative sample of those before and those after important TJ steps, so I could detect possible change in the narrative. Here I looked for two types of information: First, these articles were the source of factual information on commemorative events and the way they were organised, relevant for determining sponsorship and social source of the narrative promoted by the commemoration.<sup>9</sup> More importantly, media reports on commemorations are a rich source of narratives of the past, thus I examine through which frames media narrate the past of the last war on these occasions. In each case of media monitoring, I provide a few typical examples (quotes from newspaper articles) of a particular frame and a table which gives a list of newspapers and time frames covered for that particular section. For the first chapter relating to the nature and beginning of the war, I decided to use history textbooks since they presented the three ethnic narratives most coherently. In order to obtain longitudinal temporal dimension, I traced and examined almost all history textbooks used in BiH since the start of the war till now, an endeavour which hasn't been conducted thus far. In analysing history textbooks I also applied the method of frame analysis.

While each section relating to media reporting will end with a table presenting the number of articles analysed for that particular section, the pool of articles referenced for this thesis is around 4,800,<sup>10</sup> while the overall number of articles collected during the entire three year research amounts to 9,800.

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<sup>9</sup> Following the methodological approach suggested by Ashplant et al. (2004) which will be elaborated in section 2.5.3.

<sup>10</sup> The figure is approximate, since the files in the collected data-base are of different format: some pdf/jpg files contain a whole newspaper page sometimes containing more than one relevant article, while some files (articles) have been duplicated in two folders devoted to different topics.

## 1.2 Thesis Limitations

In adopting this particular research design I am aware that the perceptions of the past expressed through chiefly publicly sponsored commemorations and transmitted by the media are those perceptions that elites in power (commemorative sponsors) promote. The same goes for media representation of the war crime trials and transitional justice processes – these representations are largely dependent on editorial policy. Further this editorial policy is conditioned by the political affiliation of the media, financial dependence on international or domestic public funds tying it to certain expectations regarding editorial policy, and the targeted audience in the setting of the ethnically divided readership (explained in section 3.5), to name just a few. Again these are elite-level issues. How ‘ordinary people’, citizens of BiH, actually perceive these memorialisation projects, what they think of the ways justice is rendered, and what is their personal memory and/or perception of recent past is another research topic altogether. This kind of research is scarce (Delpla 2007; Mannergren Selimovic 2010; Nettelfield 2010, chapter 6), while individual perceptions of history (individual memories) have been researched more thoroughly (literature review provided in chapter 3.3) but, in most cases, without direct connection to transitional justice processes. Individual level perceptions would require thorough field research and a large sample of interviewees, which was outside the scope of this thesis research design. Therefore, I remain aware of the limitations of the elite-level approach; however, the elites construct frames of perception within, against, or in communication with which individual perceptions are expressed.

An additional limitation within the scope of this thesis is the choice of the main source materials analysed – newspaper articles. It has been reported that the Bosnian population has the lowest confidence in the print media, compared to radio and TV (Jusić 2004, 73), and due to the “habits and prevailing culture of media consumers, ... television [is] the most available and preferred information source” (IREX 2008, 21). Still, I chose to use newspaper as the main media source since the existing paper and digital archives allow longer temporal research (since the beginning of the war till now) which was indispensable for tracking potential changes in the narratives over time. In the analysis of the most recent media reporting (up till three years back) I tried to include TV reporting, where the internet archives existed.

Finally, the four disputes among the narratives on which I focused hardly exhaust all the interpretative fault-lines that are being debated in contemporary Bosnia and Herzegovina. Many other issues beg future research of the kind conducted here, such as: presumed persecution of Serbs in besieged Sarajevo; presumed attacks on the JNA in retreat (known as Dobrovoljačka Street and Tuzla column/Brčanska malta incidents); interpretation of the conflict among the two Bosniak-led armies in Western Bosnia,<sup>11</sup> just to name a few.

Since this thesis has an aim to explore the social impact of legal processes, I intentionally avoided the heavy legal vocabulary and manner of expression. Since I was dealing with the issue how media and politicians 'translate' legal decisions into everyday language, I first had to 'translate' them for myself. Therefore, in summarising indictments and judgements I did my best to 'interpret' legal language into political so I could see how it corresponds with the lay language of society. For instance, when explaining how the judges in the *Tadić* case applied the *Nicaragua* test for evaluating whether the conflict was international in character (legal level), the question at stake was actually whether the Milošević regime had direct control over the Army of Republika Srpska (VRS) (political level), meaning whether the war was an 'aggression' or a 'civil war' (lay level of interpretation).<sup>12</sup> Here, I apologise to legal scholars if my simplifications may cause them pain.

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<sup>11</sup> The conflict between the regular Army of BiH (ARBiH) and followers of Fikret Abdić and his so called Autonomous Province of Western Bosnia [*Autonomna Pokrajina Zapadna Bosna*].

<sup>12</sup> This question is elaborated in detail in section 4.2. In short, various ICTY judgements found that the Milošević regime exercised 'overall control' over the VRS, thus the VRS acted as an agent of the Federal Republic of Yugoslavia, rendering the conflict as international.



## 2 Theoretical Background

*“Conceptually, we may call truth what we cannot change; metaphorically, it is the ground on which we stand and the sky that stretches above us.”*

– Hannah Arendt (2000, 574)

### 2.1 Justice and Past: History of the Concepts and Choice of Terminology

Two frameworks of approach to the question of how societies face the past wrongdoings of the state have emerged over the time. The two approaches – one around the issue of what is called ‘dealing with the past’, and the other under the umbrella term ‘transitional justice’ – tackle the subject of how societies handle the issue of crimes committed by or within the state in the recent past, with a backdrop of some notion of what is just and fair. Both traditions will be described below, with the aim of unravelling some conceptual frictions and laying the foundations for the chosen theoretical framework of this thesis.

In the aftermath of the World War II (WWII), the Allied Powers established the Nuremberg International Military Court, which tried twenty-four high officials of the Nazi regime, and acted as the backdrop for the process of ‘denazifying’ Germany. But outside the Nuremberg court a cloak of silence covered the issue of the responsibility of German society as a whole – responsibility for allowing such a criminal regime to develop and the responsibility that stems from participation in such a society. This is illustrated by the debate during the first post-war session of the Bundestag, in September 1949. In the opening speech of the oldest Member of Parliament, Paul Löbe of the SPD<sup>13</sup> stated: “not for a moment do we deny the great guilt that one criminal regime burdened our nation with. But external critics should be aware of one thing: the German people endured two evils. They suffered under the German tyrants, and under the war and retaliation of the Allied powers aimed at overthrowing Nazi power” (Dubiel [Dubil] 2002).<sup>14</sup> What is more striking than the narrowing of guilt to the regime (and not the whole of society), is the direction of the heated comments that came from the audience, which went into the issue of which (German) political party had suffered more from the Nazi regime, while none of the speakers mentioned Jewish victims. This

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<sup>13</sup> *Sozialdemokratische Partei Deutschlands* [The Social Democratic Party of Germany].

<sup>14</sup> Translated from German to Serbian language by Aleksandra Bajazetov-Vučen, and from Serbian to English by the author. There is no English translation of Dubiel's book.

vignette exemplifies how, in the immediate post-war political and cultural system, Germans' self-perception was of themselves as the primary victims of the war. "The campaign to release POWs [prisoners of war] and the urgent need to provide help to German victims created a political reality that facilitated the formation of a German memory that focused on German suffering and on the crimes of other nations... In contrast, there were hardly any publications or other representations from the fifties to the seventies by, or of, Jewish victims" (Barkan 2000, 10-11). The increasingly prevalent interpretation at the time was to limit "the blame for Nazi crimes to the narrow band of top Nazi leaders" (Frei 2002, 304). This does not mean that the past hasn't been 'dealt with' – Frei coined term *Vergangenheitspolitik*, "a policy for the past," in order to describe the Adenauer era's policy of amnesty and integration for the millions of former Nazi Party members, while formally demarcating itself from Nazism (Frei 2002, xii). Only in the 1960s, and under pressure from younger generations, was a public debate spurred in West Germany society, known as *Vergangenheitsbewältigung*, most often translated to English as 'dealing' or 'coming to terms with the past'<sup>15</sup>, culminating in *Historikerstreit*, a dispute among historians that erupted in 1986 (*Forever in the Shadow of Hitler? Original Documents of the Historikerstreit, the Controversy Concerning the Singularity of the Holocaust [Historikerstreit: Die Dokumentation der Kontroverse um die Einzigartigkeit der nationsozialistischen Judenvernichtung]* 1993). This debate resulted in a new master narrative in German society, which openly admitted the mass support ordinary citizens gave to the Nazi regime and their wilful participation in the crimes (Olick and Levy 1997).

The term *Vergangenheitsbewältigung* is sometimes interchangeably used with *Vergangenheitsaufarbeitung* which stems from Adorno's famous lecture of 1959 on "*Aufarbeitung der Vergangenheit*" – literally 'working through the past', but usually translated as 'coming to terms with the past' as well (Adorno 1986). Here, Adorno criticised the lack of genuine dealing with the past, avoiding of the subject and trying to 'leave the past behind' (Olick 1998) in other words to 'sweep under the rug' the unpleasant past. Editors of the English translation of the lecture wrote that he coined this term as "a critique

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<sup>15</sup> There are many versions of English translations, used both academically and colloquially: 'working through', 'coming to terms with', 'reckoning with' or 'overcoming' the past (Cohen 2001, 222). Vodinelić (Vodinić 2002) translated the term as 'coping with the past', while Khazanov and Payne (Khazanov and Payne 2008) 'mastering the past'.

of the parallel notion of 'mastering the past' (*Vergangenheitsbewältigung*), which is tainted, verbally at least, by the idea of some ultimate repression" (ibid, 115). One could conclude that Adorno criticised the practice of *Vergangenheitsbewältigung* conducted by the establishment of the Federal Republic, as avoiding the genuine 'work on the past' and hence created a new expression, describing what dealing with the past actually should be. So, behind both terms is the same idea: an invitation to critically assess the past and morally evaluate the conduct of one's own state, group and its members. The end result of this process should be admitting the crimes and people's suffering, and taking responsibility for wrongdoings committed in 'our' name. Since the term(s) emerged in German public discourse, it was most commonly translated into English as 'dealing with the past', and came to mean a process in which a society reassess the prior conduct of the state (usually some form of mass violation of human rights) and redefines the official stance regarding that conduct.

Independently from the direct legacy of WWII, following the tide of democratisation from authoritarian and discriminatory regimes in Latin America, Eastern Europe and South Africa, various mechanisms have been set up in nascent democracies aiming at establishing the rule of law. These mechanisms combined the aim of holding accountable predecessor regimes, with the aspiration to reconsolidate society after a period of inner strife within the framework of new nation building (Teitel 2003). In this view, the values of social peace and national reconciliation figured equally to the ones of rule of law, thus making compromises with the principle of individual criminal accountability. While shifting focus from the retributive to restorative concept of justice, this paradigm eschewed (legal) trials giving space to new institutional mechanisms, such as the truth commissions. This new type of institution was usually "an official body, often created by a national government, to investigate, document, and report upon human rights abuses within a country over a specific period of time" (ibid, 78). Instead of insisting on sole retribution to the members of the criminal regime, which in the case of a large portion of society being tied into the web of the previous establishment could lead to further social conflicts, this reasoning focused on rebuilding the political identity of the community by constructing the history of the past abuses anew.

Ruti Teitel, who helped transitional justice become a coherent scientific discipline, defines it “as the conception of justice associated with periods of political change, characterized by legal responses to confront the wrongdoings of repressive predecessor regimes” (Teitel 2003, 69). Here the word transition is understood as the “interval between one political regime and another” (O’Donnell and Schmitter 2013, 5), and is usually used in the context of transition from an authoritarian rule to stable democracy, or from situation of war and violent conflict to a democratic peace. Though Teitel’s definition has been widely cited, it “privileges the legal aspect of coming to terms with the past” (Roht-Arriaza 2006, 1). These conflicts are mainly settled by TJ theory and practice agreeing upon a holistic approach in devising TJ measures adjusting them to local needs. Alex Boraine, one of the main architects of South Africa’s Truth and Reconciliation Commission, detects five key pillars of such an approach: (1) accountability (as (r)establishment of the rule of law), (2) truth recovery, (3) reconciliation, (4) institutional reform, and (5) reparations to the victims (Boraine 2006).

Some authors decided to employ the framework of ‘transitional justice’ to the wide range of historical instances when societies devised mechanisms to tackle (unsolved) injustices from the past in building a new democratic regime, since antiquity onwards (Elster 2005). By a similar token, some scholars implicitly equated notions of ‘transitional justice’ and ‘dealing with the past’ (Huyse 1995; Forsberg 2003).

Simultaneously, besides the meaning that emerged in the specific German context, the phrase ‘dealing with the past’ is sometimes understood as a wider notion, lacking the ‘eschatological’ dimension of the TJ approach, meaning that no exact (positive) aim is implied. For instance, in the conclusion of a special edition of a journal on dealing with an authoritarian or totalitarian past, the editors surveyed different approaches: “honest reckoning and repentance, reconciliation and forgiveness, drawing a line between past and present, and forgetting the past or forging a new narrative about it” (Khazanov and Payne 2008). Doing nothing, such as ‘forgetting’, could not be part of transitional justice realm *senso stricto*, which implies pro-active approaches to the past.

In the discourses of the local language(s) of Yugoslav successor states, the most widespread phrasing of the subject is *suočavanje s prošlošću*<sup>16</sup> – ‘confronting the past’ – meaning ‘coming face to face with the past’, but also gaining some impression of the unpleasant or troubling flavour of the conduct. Other terms used are *savladavanja* (or *prevladavanje*) *prošlosti*, close to the meaning of ‘mastering’ or ‘coming to terms with the past’. In the last few years, especially among NGO activists, the term ‘transitional justice’ has gained increasing recognition and use.

The term ‘transitional justice’ may be misleading and narrow, giving the impression that its substance is confined only to states in transition, while many scholars examined cases where in established democracies (such as Spain, France, Austria, Japan and even Sweden) the need to ‘deal with the past’ was expressed. While the concept of transition poses ambiguities around the question of when the transition ends, it is clear from experience that processes of transitional justice usually take longer even than economic transition. Even more, “transitions may happen in bouts or waves, as new generations come of age and as the international context changes” (Roht-Arriaza 2006, 13). For instance, after unification, Germany reopened the issue of dealing with the Nazi past in yet another way. In this process many groups of victims (homosexuals, Roma etc.) persecuted in a similar manner to the ‘primary’ victims, that is Jews, but previously ignored or marginalized in the process of official memorialisation, finally came publicly to the fore, and were included in the narrative, memorialisation and reparation programmes.

However, Elster rightly points out that achieving justice is the main motive for any transitional justice policy, though the conception of justice may vary widely among societies, thereby producing quite different political choices (Elster 2005, chap. 4). Despite its variations, what delineates the concept of transitional justice from the wider understanding of ‘dealing with the past’ is the notion that it is political conduct motivated by the idea of *justice*, which is an indispensable ingredient of the former, but not necessarily of the later. This is probably the most adequate differentiation of the two approaches.

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<sup>16</sup> For instance recent study of Jelena Subotić, subtitled “*Dealing with the past in the Balkans*” has been translated as “*Suočavanje s prošlošću na Balkanu*” (Subotić 2009; Subotić 2010).

The contemporary phase of the development of transitional justice is characterized by increased internationalisation of scope (Teitel 2003). Transitional justice has moved beyond the national context since universal accountability became a norm, as well as international involvement in local transitions (including complementing international and local institutions and mechanisms).

At the same time, one should be cautious in applying the concept of transitional justice to the region of the former Yugoslavia. In the case of Latin American countries, Eastern Europe and South Africa, the motivation to embark upon TJ measures came from within society, as a reflection of social and political needs expressed by local stakeholders. Across Yugoslav successor states, this process took place under international surveillance, pressure and patronage, at many times directly *against* the will of some of the key local stakeholders. The International Criminal Tribunal for the former Yugoslavia (ICTY) was founded by the United Nations Security Council (UN Security Council 1993), and it took more than a decade for the countries in question to start satisfactorily cooperating with it (Peskin 2008). In this development, the conditionality of the European Union accession process, part of which was an evaluation of the level of cooperation with ICTY, played a much greater role than the ideal of the pursuit of justice (Lamont 2008; Batt and Obradovic-Wochnik 2009; Zambelli 2010; Bachmann, Sparrow-Botero, and Lambretz 2013, part I). The transitional justice process, as it took place in the region of the former Yugoslavia, is a perfect example of contemporary, internationalised transitional justice. Thus some scholars chose to use different disciplinary and theoretical frameworks from which to approach the issue of dealing with the past in the Yugoslav successor states, such as 'compliance with international norms', which comes from international relations discipline (Subotić 2009).

While accepting other approaches as equally legitimate, I decided to observe the Yugoslav case from the framework of transitional justice, since the prevailing attitude of the creators of the ICTY and international and local promoters of other justice measures tend to adopt a broader understanding of justice, which goes beyond the narrow legal one. It includes social justice (in the sense of remedying the consequences of crimes and human rights violations from the past, usually entailing some mechanisms of reparation), as well as the idea of consolidated peace within society (often labelled 'reconciliation'), public acknowledgement

of the victims and even the adoption of common memory or creation of a common historical account of the events of the troubled past.

## 2.2 The Key Notions of TJ: Truth, Justice and Reconciliation, and their Mutual Relations

As we have seen, the contemporary concept of transitional justice emerged from experience of post-war and post-authoritarian transition to democracy. Transitional justice was first a social phenomenon, emerging in a range of different historical and social settings, in which different stakeholders (politicians, human rights activists, victims' groups, prominent social leaders, including religious ones) negotiated how TJ mechanisms should look, what their social purpose should be, depending on the aims put before them – aims stemming from negotiated social consensus. Various scholars, ranging from legal ones to anthropologists, grew interested in the evolving process, bringing their own disciplinary perspective and research 'toolkit', going hand in hand with the mainstreaming of postmodern interdisciplinarity. Along the way, scholarly interests often intertwined with activism in the field, mixing advocacy with analysis and critical thinking with policy recommendations (Vinjamuri and Snyder 2004). No wonder the growing literature on transitional justice still keeps its three key notions blurred: truth, justice, and reconciliation. These are all "abstract and ambiguous term[s] that carr[y] a wide variety of connotations and understandings, and so far, there is little consensus what [they] mean or on how to promote [them], particularly in deeply divided societies" (Chapman 2009b).

In the light of the flourishing diversity of understandings of the TJ underlying concepts (truth, justice and reconciliation) across time and space, one could easily agree that the meanings of these terms are socially constructed: they depend on the social setting, history of dominant ideologies, cultural traditions, and many more, and on top of it, in the time of social change (transition), their definition is often (re)negotiated. These three key ideas, solely or in combination, stand behind each TJ mechanism and goal usually put before a TJ project. A group of authors enlisted diapason of these goals as follows:

- *restoring dignity of victims ...; ending violence and human rights abuses and preventing them in the future;*

- *creating a ‘collective memory’ or common history for a new future not determined by the past;*
- *forging the basis for a democratic political order that respects and protects human rights;*
- *identifying the architects of past violence and excluding, shaming and diminishing perpetrators for their offenses;*
- *legitimizing and promoting the stability of the new regime;*
- *promoting reconciliation across social divisions;*
- *educating the population about the past...* (van der Merwe et al. 2009, 3).

I quote these TJ goals because they often recur in TJ literature. However, there seems to be a confusion of means and aims. For instance “to educate the population about the past” does not entail value in itself, since historical education may be divisive, nationalistic, propagandistic etc. (ibid). The authors here were obviously thinking of a particular *kind* of education about the past (a means) which fosters “reconciliation across social divisions” (an aim) (ibid). Therefore, one could conclude that the idea of reconciliation (and peace) is the final goal of transitional justice as a concept, much in the same way that the idea of functional and stable democracy, based on the idea of rule of law, is at the end of the process of democratic transition.

While each case-study has its own specificities, mechanisms to meet these goals in the framework of transitional justice use some combination of institutional devices from the TJ “toolbox” (Roht-Arriaza 2006, 5):

- investigative or ‘truth commissions’;<sup>17</sup>
- prosecution of the violations of human rights or other form of pursuing individual responsibility;<sup>18</sup>
- vetting or ‘cleansing’ members of the criminal regime from public offices;<sup>19</sup>

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<sup>17</sup> A variety of such commissions has been founded, in a variety of institutional form, including also commissions of inquiry, parliamentary investigative bodies and historical commissions (Chapman 2009a, 93).

<sup>18</sup> A good example of rendering justice and establishing individual responsibility outside the form of a legal court is a hybrid institution of *gacaca* in Rwanda – a communal council where victims, perpetrators and witnesses give their account of events. The *gacaca* council decides punishment as a compensation by the perpetrator (usually in form of unpaid work), and puts primarily value in reconciliation within the community (Karekezi et al. 2004; Longman 2006; Clark 2010; for criticism cf. Burnet 2010; Chakravarti 2012).



- institutional reform, especially of the security forces, in the light of establishing rule of law;
- programs of reparations to the victims;
- public acknowledgement of the victims: political apology, public memorialisation (commemorations and public holidays dedicated to the victims);
- efforts in education, aimed at acknowledging the victims, promoting a new narrative about the past and fostering reconciliation.

Each of these mechanisms embodies to some point the idea of ‘truth’ and ‘justice’,<sup>20</sup> in various proportions, but always aiming at some idea of reconciliation and social peace. Inspired by David Mendeloff’s (2004) table of “primary peace-promoting effects of truth-telling,” I briefly sketch the main presumed causal relations between the key terms of transitional justice (see Figure 2.1).

**Figure 2.1: Presumed causal relations between truth, justice and reconciliation**

- A. truth → truth-telling (truth commissions) → emotional healing → reconciliation
- B. truth → truth-establishing (prosecution and truth commissions) → historical record → collective memory → new political consensus → reconciliation
- C. truth → truth-acknowledgement (truth commissions, memorialisation, political apologies, efforts in education) → collective memory → new political consensus → reconciliation
- D. justice → retributive justice (prosecution) → end of impunity → new moral consensus → reconciliation
- E. justice → retributive justice (vetting, institutional reform) → new political consensus → reconciliation
- F. justice → restorative justice → symbolic (memorialisation, political apologies) → acknowledgement → collective memory → new moral consensus → reconciliation
- G. justice → restorative justice → material (reparations to the victims) → new moral consensus → reconciliation

Since the focus of this thesis is to examine how transitional justice processes influence collective memory expressed in public narratives of the past, I will concentrate on the presumed causal process B, C and F. That is how truth-establishing (through prosecution and truth commissions) and truth-acknowledgement (public memorialisation etc.), as well as

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<sup>19</sup> In the region of former Yugoslavia somewhat inadequate term of ‘lustration’ took roots (Hatschikjan et al. 2005).

<sup>20</sup> Martha Minow thinks that “perhaps there are two purposes animating societal responses to collective violence: justice and truth” (Minow 1998, 9).

symbolic reparation (again through public memorialisation) presumably lead to reconciliation. I devote more attention to the idea of 'truth', since it has a crucial bearing on the examination of the interaction between the adjudicated and publicly reproduced perception of the 'truth' about the past events, which is at the centre of this thesis.

### **2.2.1 Transitional Justice: Influence on History**

In the aftermath of violent conflict or the ousting of the regime that systematically violated human rights, there are certain issues with which the society in question has to deal: to reach social stability without violence, to legitimize new regime, (re)establish rule of law, ascertain responsibility for the crimes committed, offer reparation to victims, just to name the main tasks. Transitional justice literature describes a variety of strategies different societies came up with in addressing these tasks. Priorities depended on particular circumstances, such as the type of political consensus that upholds the new regime. Due to inability or political pragmatism, the pursuit of retributive justice towards all perpetrators was not always an option. Instead, some societies devised instruments of restorative justice, such as accounting for responsibility through truth commissions creating reparations programmes, and symbolic ways of acknowledging the victims. The choice of a particular strategy and set of priorities was much debated in the well-known dispute of 'truth versus justice' (Rotberg and Thompson 2000; Sriram 2004) or more precisely "peace versus accountability" (Akhavan 1998, 738). What came out of the discussion is an expanded notion of justice that combines retributive and restorative elements, and consequently a range of extra-legal roles a court of justice is expected to fulfil.

The first and foremost task of every legal court, national or international, is to establish the culpability of the accused. However, in the wake of fierce bloodshed involving numerous civilian victims, many find that it is not enough. Extra-legal roles put before courts in such exceptional circumstances may range from educating the population about the crimes committed in their name, deterring future atrocities, creating an authoritative historical record (educational or pedagogical roles) to de-collectivising the guilt, reconciling the previous warring parties and maintaining the peace (reconciliatory roles).

Reconciliatory roles of law courts have been widely debated. One popular position argues that individualisation of guilt will minimize the desire for vengeance on the part of the

victims, lift collective blame from the community to which perpetrators belong and reinforce respect for the law (Akhavan 1998). A similar one highlights the positive effects of “decoupling ethnicity from the crimes” in mitigating ethnic conflicts (D. MacDonald 2009, 391). Another position sought to define a legal interpretation that would tackle larger segments of society that supported or participated in the crimes, bearing the same reconciliatory aim in mind (Osiel 2005). Some criticised the inherent conflict between different the extra-legal aims put before the courts, but still acknowledging that these aims are needed (Leebaw 2008).

This thesis is, however, interested predominantly in the so called educational roles of courts. While the issues of the ability of a court to prevent future crimes has been refuted both in theory and practice (Akhavan 2001), I will focus on the question of expectations from and ability of the courts to produce an authoritative historical record that would influence collective memory – a record that would explain the origins and cause of mass crimes, and its ideological and political background. This thesis will later examine how a court (concretely the ICTY) performs this function in practice.

At least since the Nuremberg trials, opinions have clashed on the issue whether “courts ought to write an historical narrative of an armed conflict” (R. A. Wilson 2011, ix) or not. But the real theoretical debate regarding the (extra-legal) purpose of a war crime trial and the role of historical narratives was instigated by the critical reporting of a political scholar (not a journalist) following the trial of Adolf Eichmann in Jerusalem in 1961 (Petrović 2005, 17). Hannah Arendt was appalled by the manner in which the Israeli Prosecution aimed at utilizing the trial of a mid-level official in the Nazi regime, to narrate not only the immediate pre-history of the state that conceived the project of the extermination of Jews, but the whole history of anti-Jewish discrimination in Europe and ancient exile (Arendt 1994, 19). In many ways it was a staging of the Israeli identity *par excellence*, and the prosecution employed historical narratives as its main vehicle. This episode indubitably informed her opinion, stated in general terms, that “the purpose of the trial is to render justice, and nothing else ... Justice demands that the accused be prosecuted, defended and judged, and that all other questions of seemingly greater import ... be left in abeyance” (Arendt 1994, 5). For her, questions of history were not legally relevant. All the more, they obfuscated the primary aim of the trial: “For Arendt, the fact that [the prosecution] construed Eichmann’s

crimes as crimes against the Jewish people detracted from seeing them as crimes against humanity at large” (R. A. Wilson 2011, 3).

Tzvetan Todorov arrived at a similar conclusion upon the examination of the trials of Klaus Barbie, Paul Touvier, and particularly that of Marice Papon in 1996-7, a town hall official in Bordeaux during the Vichy regime who was convicted of assisting in the deportation of Jews to Germany, where they were sent to concentration camps. Todorov notes that the trial “was generally taken to be an exercise in public education” that was supposed to teach younger generations “that the anti-Jewish policies of Vichy France had contributed to the Nazis’ ‘final solution’” (Todorov 2003, 208). He concludes that “law courts make poor classrooms. The law deals with a kind of truth that has only two forms – guilty and innocent, black and white, yes and no; but the questions set by history rarely have simple answers of that kind” (Todorov 2003, 209). He concludes that each should operate in its own field: “historians should establish and interpret facts, schools and public media should teach, while the courts should be left to express the law and to apply it to individual cases” (Todorov 2003, 210).

Both Arendt’s and Todorov’s criticisms stem from particular cases of war-related trials that took place in a particular national setting. In both cases the trials were framed by the prosecution and the local media as a stage for narrating national history, particularly in the sense of configuring (a new) national identity. One could pose a question, whether an international court is innately more apt to avoid flaws of national setting and be a proper scene for international, thus more ‘objective’, history writing. Since international courts are not part of a national justice system, “this imparts a distinctive enough character to criminal trials that we need to revisit some of the critiques developed in national settings” (R. A. Wilson 2011, 19).

Nevertheless, criticism remains and could be clustered in two broad schools of thought which argue why courts are inappropriate to ‘write’ a historical narrative. The first is liberal legalism, which goes along with the argument presented above and claims that the “sole function of a criminal trial is to determine whether the alleged crimes occurred and, if so, whether the defendant can be held criminally responsible for them” and not indulge in passing “judgement on competing historical interpretations” (ibid, 3).

While the legalists principally oppose the intention of dealing with history courts itself, the second school of thought, named by Richard Wilson, law-and-society scholars (ibid, chapter 1.2.), shows that “even when courts attempt historical inquiry, they are bound to fail as a result of the inherent limitations of the legal process” (ibid, 2). One strand argues that history and law use different (and incompatible) methods and principles in the evaluation of proof or evidence. They are epistemologically opposite: the legal approach is inherently positivist and realist, while history, especially contemporary history, is pluralistic and interpretative (ibid, chapter 1.2.1.). Another strand focuses on legal exceptionalism, reasoning that courts follow “legal principles and may reduce historical complexities if this serves their aim, thus distorting history” (ibid, 9). A similar point is raised by the so called ‘partiality thesis’ (ibid, chapter 1.2.3.) which draws attention to the fact that courts always have a limited scope. A good example of this was the Charter of the International Military Tribunal in Nuremberg, which reflected the consensus reached by the Allies, “that the crimes against humanity were subordinated and had to be committed in connection with war crimes or the crimes against peace (ibid, 10). This had the practical consequence that the extermination of the Jews and other civilians could be adjudicated only when taking place in the context of international war – that is in the territories occupied by the Third Reich. The persecution of Jews in Germany proper was thus outside the scope of the court in Nuremberg. Further, this initial curb influenced the explanatory framework the court provided: anti-Jewish policies were presented as originating from the “renegade militarism” of Nazi Germany, not from anti-Semitism and racist nationalism (ibid).

Despite these considerations, attorneys before the courts do employ historical narratives in order to support their cases. Every legal trial needs to put collected evidence (facts) into a context that makes them intelligible. A legal proceeding dealing with the culpability of a state official, whose political decisions lay the grounds for the criminal conduct of the operatives on the ground, has to reconstruct individual criminal responsibility within a setting that is inherently *historical*. Cases dealing with crimes against humanity also necessarily invoke contextualization, as in the words of an ICTY Senior Trial Attorney: “[W]e have to prove a widespread and systematic attack upon a civilian population, so we have to explain the whole context of a crime, what was happening around it and how the crime was part of a plan. This cannot be avoided” (Retzlaff-Uertz in Wilson 2011, 19). In crimes of

genocide, a special intent [*dolus specialis*] to exterminate a group has to be proven, meaning there must have been a sustained policy of extermination, of which the accused must have been aware and acting upon. In order to prove the existence of such a policy and the special intent, “the prosecution [may] connect violent methods with long-standing political objectives” (ibid, 21-22). Since the crimes of genocide and persecution target individuals as members of certain unwanted, or ‘excess’ groups, it is these criminal policies that must be put into the context of history of intergroup relations. Wilson concludes that the justifiability of introducing historical context during the trial should be evaluated through the lens of charges in the indictment. If it is necessary for the construction of the prosecution or defence case then it could be valid (ibid, 14).

While these considerations question whether courts should or should not *try* to create a historical account, there are authors that claim that important trials, as war-crimes ones are, unquestionably leave a trace in historical record, public perception and collective memory. Regarding the first, even sceptics like Richard Wilson would agree courts influence the historical record by providing abundant archives of evidence that historians can research (ibid, 18; Minow 1998, 51). Further, the concepts of genocide and crimes against humanity have demonstrated that the law and jurisprudence contribute “to historical and cultural understanding, forging the terms and concepts that have helped fill the conceptual vacuum created by the Holocaust” (Douglas 2001, 259). The trials, such as Nuremberg and Eichmann’s, gave a framework for understanding unimaginable events, and presented “acts of legal and social will” to confront them (ibid, 261). The third point could be summed up as: “war crime trials are inevitably monumental and historical events, and that their extra-legal functions could not be neglected and overseen” (Petrović 2005). These trials are prone to become stages of history making, since they usually take place at times of transition which “are vivid instances of conscious historical production” (Teitel 2002, 70), and because, like the wars, conflicts and genocides that they judge, these trials are momentous events in themselves (Osiel 2000, 19). Ruti Teitel focuses on the context of tectonic social change in which these trials usually take place, thus playing “a role in the process of delegitimizing [sic] the predecessor regime and, relatedly, in establishing the legitimacy of the successor regime” (2002, 72-73). From the view of the social-constructivist, she is aware that this “historical production [is] driven by political purposes”, but she sees it as an opportunity, not

an obstacle. Teitel claims that prominent war crime trials shaped post-war historiography relating to WWII (ibid, 74). In her view, schools of historical explanations followed the tides in war crime prosecution. While the military and political leaders were tried at the Nuremberg tribunal, the 'intentionalist school' of interpretation dominated, casting the responsibility onto the leadership (who had certain intentions). As the later trials before national courts focused on the lower echelons of the state structure (civil servants), adopting a more dispersed understanding of accountability, so the historical paradigm moved to the 'functionalist school' of interpretation "which viewed responsibility as pervasive throughout all sectors of society" (ibid). One could argue also that such interpretative changes were rather a result of shifts in dominant paradigms in the social sciences at large (Moses 1998).

Mark Osiel is the most prominent promoter of the idea that if important criminal trials are inevitably historical events, they should be smartly utilised. He contends that "insofar as they succeed in concentrating public attention and stimulating reflection, such proceedings indelibly influence collective memory of the events they judge" (Osiel 2000, 2). In order for this influence to be guaranteed, "such trials should be unabashedly designed as monumental spectacles" (ibid, 3). This position could be easily opposed by remembering the danger that if trials are turned into pedagogical spectacle they may easily slip into a legal farce (Douglas 2001, 2). As Ian Buruma claims "when the court of law is used for history lessons, then the risk of show trials cannot be far off" (as quoted in Douglas 2001, 2). However, Osiel is not naive, and is aware of the obstacles of history writing in a court, many of which are in line with the criticism pointing to the limitations of the legal account of history as presented above by the law-and-society scholars. Among these obstacles, I will focus on two which are crucial for Osiel's case. As a scholar informed of the legacy of memory studies, he rightly points out that memory cannot be easily constructed intentionally in the same way that the "official campaign of coercive forgetting" in socialist regimes was unsuccessful (Watson in Osiel 1999, 212). But if conducted in an intelligent manner, trials may produce the desired effect of reshaping collective memory. He offers as proof the example of those Western European countries that, judging by opinion surveys and textbook treatment, have the weakest and least accurate collective memory of the Holocaust, to be precise "those societies that did *not* conduct any ... numerically significant post-war trials of collaborators", such as Austria, Poland, Italy and the Netherlands (ibid, 229). For the second obstacle, he

poses the assumptions that if the memory-making is deliberate, it has to be dishonest, since the deliberateness itself has to be concealed from the intended audience. In other words he, questions “whether public memory can be fashioned *publically*” and “must the fact of its fabrication be obscured from public view in order for such a fashioning to be effective?” (ibid, 240). He starts from the point that, whether they intend it or not, prosecutions and judges are inevitably perceived by the audience as being engaged in ‘writing history’. Then he takes the constructivist approach as widely accepted stating that “writing history is now understood as necessarily involving a choice between alternative interpretative framings”; thus courts should behave and should be understood by the public in the same way as contemporary historians (ibid, 241). Accordingly the narrative they produce “ought to ... periodically remind readers that the persuasive coherence they seamlessly present is an illusion, secured only by compliance with disciplinary conventions that must be ... transparent and subject to critical scrutiny” (ibid). In proposing this, Osiel evokes Bertolt Brecht’s ‘alienation effect’ which “allows both players and audience to deliberate upon the action with full awareness how events...” – including the events on stage – “are manipulated” (Brecht, with Osiel’s interception, in ibid, 291). Therefore, the narrative the court produces should be interactive in such a way as to call upon audience to reflect on the conclusions, the way they were made (values by which they were guided) and instigate a meaningful public debate. He draws a parallel to official memorialisation: “whereas war memorials were long secretly designed by elites, today the form that they should take is routinely debated in society at large and in the local communities” where they should take place (246). The last claim is true only for liberal societies, or those striving to be such, but that is precisely the kind of society Osiel has in mind throughout his argument. We should read his point from the perspective of one of his introductory sentences, which states that trials should be pedagogical in stimulating “public discussion in ways that foster the liberal virtues of toleration, moderation and civil respect” (ibid, 2). He had this genuinely moral imperative in mind when advocating utilisation court’s pedagogical role, not a ‘show trial’ as he is sometimes wrongly interpreted as saying.

The claim that war crime trials are monumental events is confronted by the claim that the “law is monumentally boring” (R. A. Wilson 2011, chapter 1.2.4.). Indeed, due to its complexity and procedural details, war crime trials are extremely hard and tedious to follow,



especially when complex and prolonged. After the usual flush of press interest at the opening of a trial, both journalists and public lose interest “alienated by the morass of courtroom rules and regulations” (Ibid, 11). This has been noted by the observers of the trials before the ICTY as well. In an essay with the telling title “Justice Is Boring,” Slavenka Drakulić captures the utter ennui of the courtroom atmosphere:

*... I catch myself growing bored. I look at the accused. Žigić is trying hard to concentrate; after all, this is a witness for his defence. But one can tell by the expression on his face that he is not listening carefully. His eyes are wandering around the courtroom as mine are. Kos is looking at the ceiling. Prćac seems to be devoting his attention to the woman whose job it is to write down every word, maybe because of the lively flower pattern of her dress. One of the defence lawyers is discretely yawning (Drakulić 2004, 21).<sup>21</sup>*

These reflections significantly challenge Osiel’s assumption that legal courts are able to shape collective memory since it rests on the precondition that proceedings attract public attention.

The proponents of the legalist, positivist, approach, which perceives historical narratives as misplaced in a legal proceeding, have no expectations from courts other than to convict or acquit the accused. They do not expect judgments to change public perceptions of the past, and see no role in it for the court. Scholars who are aware that historical considerations are an unavoidable element of war crime trials point out that “courts of law produce mediocre historical accounts” (R. A. Wilson 2011, 1), implicitly suggesting that this task should be properly addressed outside the courtroom. Instead of the proverbial statement that ‘history should be left to historians’, many transitional justice advocates would suggest truth commissions as a suitable venue for collective history making. Indispensably, these authors would make a causal link between the historical record compiled by the commission and the transformation of collective memory in the light of it, as will be presented further in the text. The third position, holding that historical narratives are inevitable and desirable in war crime trials, sees a clear linkage between the narrative produced by the court and the shaping of

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<sup>21</sup> Here Drakulić was following the proceedings of the case *Kvočka et al.* (IT-98-30/1) “Omarksa, Keraterm & Trnopolje camps” which will be analysed later in the chapter 5.3.3.

collective memory. Such anticipation is core to the presumed causal relation between truth-establishing and reconciliation that transitional justice literature applies also to truth commissions.

### **2.2.2 Transitional Justice: Influence on Memory**

If there are doubts whether courts of law should and are able to influence the public perception of the past, there is no ambiguity regarding what is expected from truth commissions. Create a historical narrative that will be the basis for a new political consensus and will create a new collective memory, is one of their main aims. Here I will examine exactly how it is expected this process should unfold.

Within transitional justice literature, creating a common historical narrative and collective memory has been perceived not as an aim in itself, but as a means in achieving a stable (reconciled) and just society. Two, mostly compatible, trajectories describe how this process is envisioned. First, a new historical narrative has to include the experience of various segments of society in order to overcome the social divisions that were created by or were substantial to the conflict. Only in such a way will it be recognised as ‘true’ and accepted by the whole of society, and serve as legitimation of the new political regime. The new collective narrative should “seek to delineate past in a manner that increases social cohesion of the fractured society” (Hinton 2010, 8); this means “to create a common memory that can be acknowledged by those who created and implemented the unjust system, those who fought against it, and the many more who ... claimed not to know what was happening in their country” (Boraine 2006, 22). The idea behind this is that by reshaping memory, the political community may also be reshaped. If the community incorporates the memory of the victims in public realm, it will also incorporate previously deprived (discriminated) citizens into the political realm as well. In this light, participation in the common narrative “has been seen as a form of social empowerment” (Barahona de Brito et al. 2001, 25).

The second trajectory advises that the narrative should not only bridge, but also unite distant parts of society by fostering solidarity on some common principle – often national identity. Practically this means offering “a new official version of [the] nation’s history ... as the basis for a shared national identity” (Chapman 2009a, 109). In deeply divided societies, this would require “reconfiguration of group identities and search for a common

identification, including agreement about unifying memories if not myths” (Weinstein and Stover 2004, 18). The issue of collective memory is intrinsically connected with the issue of identity. The identity of a community is built (also) through (re)constructing what is perceived to be a common set of memories.

While the first trajectory is led by the logic of political legitimacy and could be also applied to an international or interethnic setting, the second is deeply embedded in the idea of nation-state. Indeed, the literature focusing on the second phase of transitional justice (democratisation in Latin America, Eastern Europe and South Africa), deeply rooted in the notions of nation-building and ‘national’ reconciliation, emphasizes this linkage.

Such is the example of the South African TRC Report which promoted an image of the “rainbow nation” and “made the claim that members of all communities suffered under the apartheid order” (Chapman 2009b, 109) even though the record of documented crimes, compiled by the Commissions, clearly showed that the primary victim of the apartheid regime was black youth (Chapman and Ball 2001). While the TRC made a great achievement in discrediting “the apartheid regime in the eyes of its beneficiaries”, in “its eagerness to reinforce the new order ... TRC wrote the vast majority of apartheid’s victims out of its version of history,” thus driving beneficiaries and victims even further apart (Mamdani 2000, 183).

If the case of the multi-ethnic state of South Africa shows inner tensions in the assumption that truth commissions in devising a common narrative of the past should foster nation- (or better to say state-) building, the issue becomes even more problematic in the case of nation-states. Bearing in mind the general diversification between the civic and ethnic concept of nation (Brubaker 1992), and the fact that social fault-lines often entail an ethnic dimension as well, one could rightly ask ‘what if the idea of ethno-national unity collides with the one of unity within the state’? And what if the state borders are such to exclude some groups of victims (due to their population removal or border-shifting)? Nation-building is innately a mechanism of inclusion and exclusion in the domain of the imagined community (Anderson 2006). Depending on particular historical and political circumstances the victims could remain outside this imagined domain. Even more, the logic of nation-building sometimes may directly oppose the pursuit of justice. In the case of the Yugoslav successor

states, the process of new nation(s)-building seems to be the biggest obstacle to transitional justice measures, as will be shown in later.

Without much sensitivity for the difference between the national and international setting, TJ literature assumes that the same logic of collective memory leading to reconciliation could be replicated from the national to the international level. One could argue that the authors focusing on transitional justice in Latin America uncritically devised a notion of pursuing transitional justice for the sake of nation building. Though it may have been a political necessity at the time, the consequence is that these normative notions and expectations permeated the discipline of transitional justice.

### 2.3 Truth within the concept of Transitional Justice

While I intentionally used the term ‘historical narrative’ as the court’s or truth commission’s ‘product’, it should be noted that transitional justice literature abundantly uses the word *truth* where I put the word *narrative*. Here are a few illustrative examples:

“Any measures to deal with past human rights abuses must be adopted in full knowledge of the truth about what happened” (Zalaquett 1995, 6).

A truth commission “can hope to represent a broad – and specific – truth that will be accepted across society” (Hayner 2011, 85).

“Additional truths, [critics] argue, will emerge by encouraging conflict and controversy, not by establishing one truth and declaring a consensus” (Rotberg 2000).

Therefore, we need to ponder the ambiguities in the use of the term ‘truth’ in transitional justice discourse. While many scholars, as well as practitioners, nurture some ideal notion of what truth *is* or *ought* to be, the variety of the answers and their dependence on the case-studies examined, leads me to conclude that, though ontological and epistemological considerations haven’t permeated TJ literature (yet), an (unconscious) silent consensus has grown around adopting *critical realism* in dealing with these issues. Here, a short excursion is needed into the typology of contemporary social science ontology and epistemology, which

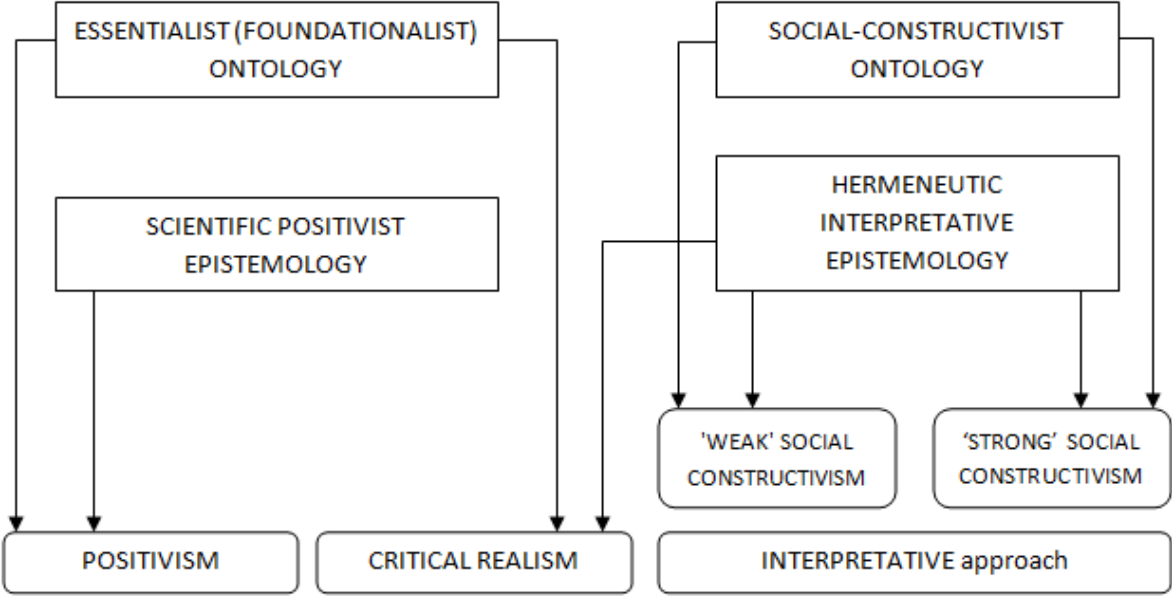
will help us position the distinct approaches adopted by scholars, and deconstruct some of the inner aporias of the transitional justice field.

### 2.3.1 On ontological and epistemological positionality

There are two profoundly different ontological positions in perceiving the world and society. One position claims that “there is a ‘real’ world ‘out there’ that is independent of our knowledge of it,” which is external to agents – that is essentialist or foundationalist ontology (Marsh and Furlong 2002, 18). The other position believes that social phenomena are socially constructed – this is social-constructivist (anti-foundational) ontology (ibid). When answering the question what we can know about the world and society, equally distant positions exist: one stems directly from an essentialist understanding of the world as an ‘objective fact’, which thus can be scientifically researched leading to objective conclusions; this is positivist epistemology. The other position is relativist, suggesting “that no [observers] can be ‘objective’ because they live in the social world and are affected by the social construction of ‘reality’” – known as hermeneutic or interpretative epistemology (ibid, 19). From a combination of these two dichotomies three general approaches to the examination of social phenomena were formed (see Figure 2.2) and many sub-categories. The **positivist** approach, based in essentialism and positivist epistemology, replicates the schema of classical natural sciences in which the aim of social science is to find causes and provide explanations in a value-free manner. Diametrically opposite is the **interpretist** or **social-constructivist** position, which says that “social phenomena do not exist independently of our interpretation of them” and that individuals interpretation/understanding of social phenomena affects the overall outcomes of social phenomena (ibid, 26). Contrary to the positivist stance, interpretists reject any possibility of objective analysis, instead focusing on interpretations and meanings of social phenomena which can only be understood within discourses or traditions. In between lies an approach – *realism* or **critical realism** (Fopp 2008) – which originates from foundationalist (realist) ontology, but adopts elements of interpretative epistemology. While believing in an independently existing social reality, this position acknowledges that human interpretation and understanding of that reality affects outcomes, since people are “reflective agents who interpret and change structures” (Marsh and Furlong 2002, 31). Critical realism takes the stance that besides understanding ‘reality’ one has to understand the way that reality actually appears to people, the way they

understand it. This position makes a difference between the ‘intransitive’ real world, which exists “independently of identification by human beings”, and the transitive nature of human knowledge (Bhaskar in Fopp 2008, 6). As Marsh and Furlong themselves admit, this is but one of the possible typologies of ontological and epistemological divisions in contemporary social sciences; however, it seemed most suitable for the level of simplification/depth needed for this occasion.

**Figure 2.2: Main ontological and epistemological approaches**



To this quite general taxonomy, many further nuances could be added, but most relevant here is the one within the interpretative approach. Postmodernism brought, what is now known as **‘strong’ social constructivism** which rejects “the existence of what is ‘real’ (other than that which is socially constructed), and the possibility of accessing truth and objectivity (Fopp 2008, 4). Over time, a more modest approach developed, that of **‘weak’ social constructionism**, which makes a distinction (alien to the ‘strong’ version) between ideas and concepts which are socially constructed and social phenomena which have a material existence (Fopp 2008), but access to which is mediated through language and discourse (Jacobs et al. in ibid, 7). In this sense ‘weak’ social constructionism ontologically leans away from pure (‘strong’) constructionism by accepting the existence of the material world. It leans away also epistemologically, by accepting the possibility of objective knowledge about the material world.

Though critical realism and 'weak' social constructionism seem to be almost overlapping, there is a slight difference. While both recognise a 'real' world, critical realism holds that we can reveal it by science (through knowledge which is socially constructed by humans), whereas 'weak' constructionism holds that it is mediated (to humans) by language. The difference is basically epistemological. Critical realism believes that the social world could be scientifically examined with the same logical apparatus as the natural world. The 'weak' constructionism is still above all constructionism, holding that the deconstruction of a discourse is the key to understanding.

In order to clarify the difference I will put it into the realm of examination of the past. Here, critical realism considers that a historian can establish an objective and accurate account of a historical event by using scientific methods. Furthermore, he/she needs to take into account how the examined events were understood by the people who were involved in them.<sup>22</sup> On the other hand, 'weak' social constructionism holds that every historian speaks about a past event within a present-day discourse, as well as from present-day understanding of the discourse of the time (and place) in which the event took place. To give an example: the way a contemporary historian narrates the Armenian Genocide is 'burdened' with the notion of genocide (the word and concept that did not exist in 1915). At the same time, a contemporary historian needs to take into account how this event (crime) was understood at the time of its happening – at the time before such an event would be deemed as criminal under universal humanitarian law. Still, the contemporary explanation of the 1915 ethos is 'burdened' with contemporary notion of what humanitarian law is (and what is criminal under its provisions). Therefore, in the view of 'weak' social constructionism is that there is no 'objective' historical account, since it is always given from today's perspective and view on the discourse of the analysed historical moment – both of which change over time (and place). However, by seeing a difference between the socially constructed concepts and materially existing phenomena, the 'weak' social constructionism accepts the possibility of objective knowledge about the material world,<sup>23</sup> i.e. number of the victims of the Armenian Genocide. To conclude, the self-awareness and constant critical examination of the one's

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<sup>22</sup> A dimension that crucially differentiates critical realism from positivism.

<sup>23</sup> A dimension that crucially differentiates 'weak' from 'strong' social constructionism.

vantage-point that ‘weak’ social constructionism imposes upon a historian is alien to critical realism, which believes in the objectivity of knowledge. Where critical realism assumes that a historian can create an objective account of the Armenian Genocide, the ‘weak’ critical constructionism holds that a historian is able to create an accurate list of material facts about (what we call today) the Armenian Genocide, but that his/her account of the killings and death marches to the Syrian Desert is contingent on the present discourses in which “killings” and “death marches” have particular meanings.

### **2.3.1.1 My positionality**

Since I embarked on the ontological and epistemological evaluation of the different positions within transitional justice discourse, I feel obliged to define the positionality from which this thesis is written. In viewing historical and social phenomena, I take the position of **‘weak’ social constructivism**. To illustrate, I start from the stance that during the war in Bosnia certain people were killed, which *can* be undisputedly established as a ‘social fact’ (in the Durkheimian sense). At the same, *why* these people were killed is matter of interpretation, to a certain point. Whether we will call it part of a genocidal or ethnic cleansing plan, or an inevitability of the battles of war, depends on our preconceived notions what ‘genocide’, ‘ethnic cleansing’ or ‘war inevitability’ are. Needless to say, I *do* take facts as ‘real’ and unquestionable, such as the exact number of persons killed, and have no sympathy for calling their denial yet another legitimate interpretation – which grounds me in an ontology that accepts the existence of the material world.

Furthermore, the naming (or labelling) of an event, such as a killing, depends on the motivation we attribute to the agents, which can be ‘objectively’ deduced only to a certain point and with the support of clear evidence (a statement of intention by the killer, or the one who ordered the killing); the rest is a matter of interpretation which is the domain of social constructs. However, I take into consideration that certain of these notions, are (generally) defined in international conventions, and as such their meaning is ‘fixed’ as a norm, which functions as a ‘social fact’ at a given time. Therefore, it is objectively possible to determine and prove that a certain event (a killing) falls under a certain legal definition (e.g. genocide). Still, as the rapid development of international law has shown, these legal norms are subject to revisions; their interpretation (through jurisprudence) and meaning change over time. Thus the overlapping of a certain interpretation with a certain norm is temporally



dependent. As a result, I make a difference between the legal definition of 'genocide' and the socially constructed meaning of 'genocide' assumed by the social actors, as well as scholars (reflected in the on-going tensions in explaining the dissolution of Yugoslavia and the war in Bosnia). To sum up, the people killed could be numbered, named, as well as the place and time of their execution determined. This is the kind of record courts and other institutions *can* (and should) make. *Explanation* of these killings (elaboration why they happened) is a matter of social construct.

This position corresponds with the conceptual problem and research question I put before myself. When departing on this study I expected to find outright denial and intentional lying on the part of politicians who promoted narratives that opposed or contradicted the one presented by the Tribunal for the former Yugoslavia. What I found is that this was the case very early on – during the war and immediately after it. In the later post-war period, there are no, or very few, instances when a public narrative employs provably-untrue facts. Instead, it is an inter-play of silencing and emphasizing certain facts by ethno-political elites, which makes the crucial differences among the narratives. Consequently, I had to dig for deeper ideas and propositions that fed into these narratives. I had to deconstruct what given concepts *mean* to the proponents of different narratives, which made them include or omit certain facts. This is clearly interpretative, social-constructivist epistemology. At the same time, I had to take the incontestability of certain facts, such as exact dates and numbers (of killed or interned), and norms (such as the definition of a civilian, prisoner-of-war and combatant), in order to have a starting point (and some firm ground) of comparison.

I will further explain my understanding of factual truth in the beginning of chapter 2.4, but before I need to present how transitional justice literature approaches the issue of 'truth'.

### **2.3.2 Truth as understood by transitional justice literature**

As noted before, transitional justice literature, predominantly focusing on practicalities, hasn't dealt directly with ontological considerations, with rare exceptions (Chapman and Ball 2001). Most authors juggle with the term 'truth' while not defining it, either obviously keeping in mind some ideal-type notion of it without an explicit need to express it (Kritz 1995; Minow 1998; Aukerman 2002; Leebaw 2008), or taking a rather constructivist attitude, which operates with the concept under the meaning which is commonly accepted in the

society in the question (Teitel 2002; Hinton 2010; Chapman 2009a). Some authors take the position that truth is “an elusive concept that defies rigid definitions” (Parlevliet in Chapman and Ball, 2001, 4), while others call us precisely to question the vocabulary we use and deconstruct the key concepts (Bleeker 2010). Here I will examine how the notion of truth has been understood, predominantly in the context of truth commissions, as a typical TJ mechanism.

Initially, it seems that behind transitional justice projects lies a positivist notion of truth. In this understanding, “reality [is] waiting to be discovered or found” (Chapman and Ball 2001, 3), and a truth commission is there to reveal it, put facts together and present them to the public. The more resources the commission has, the more will be revealed and a more complete picture of the past will be created. Therefore, the issue at stake is that of range: more or less truth, meaning more or less details. José Zalaquett, one of the members of the Chilean National Truth and Reconciliation Commission, put it in the following way: “the truth must be complete, in the sense that it discloses the nature of human rights violations, the manner of planning and execution, including the fate of the victims” (Zalaquett 1995, 6).<sup>24</sup> Though he tackles a problem (specifically “manner of planning”) which could be, and often is, disputed, as the Chilean experience confirms (Wilde 1999), this understanding is grounded in the belief that the past is immediately accessible to human knowledge, and it’s a matter of gathering and assembling facts. One could assert that this is also a logical legacy of the Latin American experience in which military dictatorships “disappeared” civilians, leaving victims’ families in dark. Unravelling the unknown facts was a prime aim of those truth commissions.

Soon, this straightforward positivist position was challenged by experiences from the ground which showed that “documentation and interpretation of truth is more complex and ambiguous than many analysts and proponents of truth commissions assume” (Chapman and Ball 2001, 3). Criticism developed in two directions: one focused on technical aspects of TJ mechanisms, showing how the design of institutions influences the outcome – that is, a

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<sup>24</sup> Later, on a symposium in Harvard Law School in 2000, Zalaquett expressed more nuanced opinion, which differentiated between ‘facts’ and ‘interpretation’, whereas he considered truth commissions should deal with the former, and historians with the later since “differences about historical interpretation will always exist” (Maier 2000, 205).

record compiled by truth commissions. The other strand went into the direction of questioning whether a 'single truth' is possible at all.

A good example of the first, 'technical' approach in untangling the problem is Priscilla Hayner's (2011) research of forty truth commissions around the globe. She found that the scope of their 'truth' depends on mandate (or the terms of reference upon which they are founded), self-imposed restrictions by the commissioners (due to time and resource constraints or due to political pressures), and their perceptions of social priorities (Hayner 2011, 75). Here she implicitly conflates the notion of 'truth' with the record of a commission as a 'material' product.

Though Hayner notes that she is aware of criticism regarding the idea of establishing an 'official truth', she sees it as a problem of mere resources:

*It is impossible for any short-term commission to fully detail the extent and effect of widespread abuses that took place over many years ... However, it can reveal a global truth of the broad patterns of events, and demonstrate without question the atrocities that took place and what forces were responsible. If it is careful and creative, it can also go far beyond simply outlining the facts of abuse, and contribute to a much broader understanding of how people and the country as a whole were affected, and what factors contributed to the violence. This cannot be the whole truth – that is impossible to provide in one report (Hayner 2011, 85).*

Therefore, if a commission has more time and staff, it is able to grasp a larger 'chunk' of past reality, and come up with a 'broader truth'. This opinion, as well, is grounded in positivism, taking as a premise that 'truth' is matter of overlapping our knowledge with the facts.

A subtler version of this technical focus is the questioning methodology a commission applies in gathering and interpreting their evidence. In this light the debate developed between proponents of legalist and anthropological approaches (Chapman 2009a, 106–107).

The other position of criticising optimistic expectations from truth commissions takes a step further in the direction of epistemological scepticism. It became clear that every truth commission has to indulge in some kind of interpretation of the gathered facts, and that this

interpretation is anything but a straightforward process. It involves creating “an interpretative framework that explains the antecedents, circumstances, and contexts of violations, as well as the perspectives of the victims” and motives of the perpetrators (Chapman 2009a, 94). Over time, many authors adopted a differentiation between ‘factual truth’ (Hazan 2006; Roht-Arriaza 2006; Futamura 2007), as the bulk of proved and methodologically gathered facts, and some form of interpretation. Stemming from the experience of deeply divided societies, which most post-authoritarian and post-conflict societies are, the connection between positionality and interpretation became ever more clear, since “facts may be ‘loaded’ with different meaning when considered from divergent perspectives” (Parlevliet in Chapman and Ball 2001, 6). In differentiating the facts about the real world (which can be objectively established and proved, about which we can make right or wrong statements) from interpretations (which are the product of humans, and depend on their beliefs and experience), this position falls into critical realism. The commission that most self-consciously applied this approach was the Truth and Reconciliation Commission (TRC) of South Africa. Its final report distinguished four kinds of truth:

- (1) objective, factual or forensic truth – based on collected evidence;*
- (2) personal or narrative truth – through which both victims and perpetrators give meaning to their experiences;*
- (3) social or dialogical truth – truth established through interaction, discussion and debate;*
- (4) healing or restorative truth – meaning acknowledgement and acceptance of accountability which affirms human dignity of the victims (Boraine 2006, 20–21).*

Nevertheless, commentators noted that “the definitions seem post-hoc,” have little connection to historical analysis given further down the report (Chapman and Ball 2001, 9), and inherently contradict each other (ibid, 34). Another researcher found that “the *meaning and interpretation* of truth ... shifted over time as different sets of agents became involved at several stages of the overall process and located their ideas within different *framing narratives*” (du Toit 2000, 130, emphasis in original). This is no singular example, the Sierra Leone TRC also distinguishes between factual/forensic truth, personal/narrative truth, and

social/popular truth, and the Commission relied on the forensic one when compiling the report (Chapman 2009a, 104).

We could conclude that the only clearly defined notion here is that of 'factual truth' while what is exactly (or should be) an interpretation remains blurred. Paradoxically, it is precisely this interpretative part of a commission's work that is crucial for many authors, and that often raises high expectations from a commission's social impact. The expectation is that these kind of commissions should create some form "a shared past" (Forsberg 2003, 73), "a common narrative or common understanding" of it (Roht-Arriaza 2006, 4–5), "a new 'collective memory' or common history" (Chapman 2009a, 99), that will become a basis for a new political consensus which will lead to social reconciliation. So, even the author who on one page states that truth commissions, consciously or not, "'shape' or socially construct the truth" (Chapman 2009a, 99), on another demands that the commissions provide an answer to "why the violence and human rights violations occurred, how such crimes were possible, what the causal links were, and what the societal and moral context of the conflict was that enabled crimes to take place" (Chapman 2009a, 97), and finally expects the commission to offer "a new official version of a nation's history ... as the basis for a shared national identity and political culture" (ibid, 109). Therefore, even when completely aware of the constructivist nature of the process of interpreting the past, it is expected for such an interpretation to be widely accepted 'as true' among the population, which, as already said, usually nurtures "sharply conflicting and politically freighted versions of the past" (Chapman and Ball 2001, 6). Even more, precisely because these divisions exist it is expected that a truth commission bridge them, and is often seen as most apt to the task. Since in a time of transition, as a period of radical political change, "when shared notions of political truth and history are largely absent," it is precisely transitional justice mechanisms that are expected to create such a new social consensus (Teitel 2002, 71).

Finally, there is the minority of authors who are aware of the therapeutic and cohesive social function a truth commission may conduct, but expect no 'final truth' from it. First, from the position of social constructionism they leave the subject to interpretations and debates among professional historians (Mendeloff 2004, 374), and second, they are wary of the traps of wanting to 'institutionalise' one and only truth, giving it an official stamp and authority, which "raises Orwellian alarms about doublespeak" (du Toit 2000, 130).

To conclude, whether taking the positivist, critical-realist or ‘weak’ social constructivist approach, almost all authors agree on the presumed causal relation between truth-establishing and reconciliation, as shown in Figure 2.1, section B. That is: a court or a truth commission establishes truth about troubling past events, thus creating a historical record, which influences creation of a new collective memory; that new memory, which incorporates certain values (such as democracy and respect of human rights) is foundation for a new political consensus, which leads to reconciliation of previously confronted segments of society. Still, there is another, equally if not more important, goal put before almost every truth commission, and that is to “acknowledge [the] legacy of conflict and human rights violations” (Chapman and Ball 2001, 2).

### ***2.3.2.1 Truth as acknowledgement***

In contrast with some early truth commissions, such as the Argentinean National Commission on the Disappearance of Persons, in many later cases victims already knew what human rights violations happened and by whom they were perpetrated, and the actual role of a truth commission “might be described more accurately as *acknowledging* the truth rather than finding the truth” (Hayner 1994, 607, emphasis in original). In these cases the commission confirmed beliefs widely held among the victims, but gave them an official seal, and more important, did so publicly. The public nature of the process is crucial here. First, there is the dimension of airing previously oppressed voices, through what is called in TJ lingo ‘truth-telling’. Truth commissions usually involve some form public testimony by victims, and even perpetrators, in which they are able to express their individual experience. The therapeutic role of such processes in restoring victims’ dignity, giving an opportunity to perpetrators to repent and ‘healing’ the whole of society, has been extensively discussed in the field of transitional justice (Minow 1998, chapter 4; Hayner 2011, chapter 11), but it is outside the focus of this thesis. The second dimension is the striving “to achieve open and shared acknowledgement of the injuries suffered and the losses experienced” (Chapman 2009a, 109), in other words to achieve a common moral judgement of the past in which the suffering of the previously deprived is publicly admitted. This is what the South African TRC named ‘restorative truth’ (Boraine 2006, 20–21). It becomes ever more important in light of the previous regime’s denial of atrocities, violence and abuses of human rights, often shared by parts of society (van der Merwe et al. 2009, 3).

While establishing a truth about the past events is a cognitive act, publicly acknowledging it is a performative one. Not just 'knowing' what happened, but 'showing' that you know and that you condemn it. Coming from an expert on the issues of denial, "acknowledgement is what happens to knowledge when it becomes officially sanctioned and enters the public discourse" (Cohen 2001, 225). Since it is done by an official body it bears the meaning of recognising official responsibility. In this regard, the issuing of a truth commission's report plays a similar social role as a political apology or official memorialisation (erecting a monument to the victims or officially commemorating them), all being highly symbolical events (Hinton 2010, 8). Therefore, truth-acknowledgment is within the field of moral not epistemological considerations; it is within the "realm of 'doing justice'" (Barahona de Brito et al. 2001, 13), not within the 'pursuit of truth'. While truth-establishing – that is research, documentation and interpretation of past events – is motivated by some notion of truth (as diverse as they may be), truth-acknowledgement is motivated by what is perceived as 'just'. This consideration, though seemingly 'philosophical', bears consequence to and creates inner tensions in expectations of the role truth commission should accomplish.

### ***2.3.2.2 Truth as a human right***

Establishing the truth about past atrocities is often framed as a moral obligation by the state. In other words "victims and their relatives have a moral right to know at whose hands they or their loved ones suffered" (Garton Ash in Minow 1998, 118-119), since "for survivors ... there is the value ... of truth in itself" (Cohen 2001, 225). Over time, investigation and publication of the facts about past abuses came to be considered an obligation of the states in question (Hayner 2011, 23), as newly emerging international customary law (Naqvi 2006). The first such ruling happened before the Inter-American Court of Human Rights in the 1988 *Velásquez Rodríguez v. Honduras* case, where it was stated "that the state has a duty to investigate the fate of the disappeared and disclose the information to relatives" (Méndez 2009). In 2001, the European Court of Human Rights (ECHR), in the case *Cyprus v. Turkey*, interpreted Article 3 of the European Convention on Human Rights in such a way that depriving missing persons' family members of information is considered as inhuman and

degrading treatment. The Human Rights Chamber for Bosnia and Herzegovina<sup>25</sup> referred to this jurisprudence when deciding upon the application of the families of Srebrenica victims and ordered the Government of Republika Srpska to conduct an investigation about these events and provide information to the families (Picard and Zinbo 2012).<sup>26</sup> Thus, ‘the right to know’ is being promoted from a moral imperative to the level of human right.

## 2.4 Delineation of Differences between Truth, Narrative and Frame

Transitional justice literature, especially the one embedded in the context and building upon the heritage of truth commissions, developed underlying assumption that once the ‘truth’ is publicly presented it becomes a part of public memory. The logic behind this is that the narrative created at a legal court or truth commission should be appealing to the population in question in such a way that it would change their perception of the troubling past and construct a new collective memory. Reading through the historical record arrived at the legal proceedings revealed all the limitations of creating an authoritative historical account (see section 2.2.1), while its influence on collective memory is based on circumstantial inference. For truth commissions, the expectation that they will foster a new collective memory is based on claims that the new narrative legitimizes the post-conflict political arrangement, and the new narrative fosters solidarity and national unity. By accepting this narrative people will become willing to participate in the reformed political community, and they will feel that they belong to it. But these claims are tautological: they presume that the new narrative will have a cohesive and reconciliatory effect on the assumption that people will accept such a narrative, because it is cohesive and reconciliatory. What if individuals and groups do not agree with, or do not see themselves as part of, the new narrative? Few authors tried to respond to this question by calling for a nuanced, inclusive and multidimensional narrative. Even if possible, another paradox is connected to it.

The majority of authors agree that interpretation of the past is to some extent a social construct, but at the same time they expect such a construct to be treated as a material fact

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<sup>25</sup> It was a specialised independent legal body, established by the Dayton Agreement (Annex 6), in charge of implementing the European Convention on Human Rights. In 2004 it was incorporated into Constitutional Court of Bosnia and Herzegovina.

<sup>26</sup> Will be presented in detail in the chapter 6.2 of this thesis.



by the public, as something that will indelibly change people's perception of the past. On the one hand there is the ontologically constructivist notion that collective memories or a common history *can* be constructed, on the other hand there is the (epistemologically positivist) expectation that once these constructs are created or agreed upon, they should be regarded as 'objective facts' producing intended social outcome (reconciliation). For example, when a court or a truth commission, produces a particular narrative about past events, this narrative is expected to be accepted as a 'truth'. However, the very idea that there is one truth, one undeniable interpretation of events that exists independently from actors is deeply imbedded in essentialist foundationalist ontology, not the social constructivist one. While the critical realist approach combines essentialist ontology with interpretative epistemology, the ontology of social constructivism denies any possibility of positivist epistemology, any idea of an 'objective knowledge'. Thus the ontological-epistemological combination suggested by the first proposition (that courts and truth commissions write collective history/memory which should be regarded as 'truth' afterwards) is philosophically and logically impossible! This expectation ignores the logic that if one version of the events can be wilfully constructed, then other, different and mutually contradictory versions may be constructed by other social agents as well. Therefore, if a court, or a truth commission, creates a narrative about a war, this cannot simply discourage members of society (or their political representatives) from nurturing and reproducing their own and different narratives about the war. This is precisely what is taking place in Bosnia and Herzegovina, as well as many other societies. Individuals, social groups (communities of victims and veterans), civil society organisations, and most of all, political representatives, promote markedly different and mutually-conflicting interpretations of the last war, the majority of which do not completely conflate with the narratives of the ICTY judgements.

The process of perceiving the past does not take place in vacuum between the existence of facts and our knowledge about them; instead, it takes place in the political field among people as political individuals. In addition, truths about crimes bear legal, moral and political consequences: they cast responsibility to an individual, they condemn the community of witnesses who stood by and did nothing, and they de-legitimise political projects that commissioned crimes. The position of an individual (or a group) vis-à-vis those consequences (of a truth) preconditions their attitude towards measuring validity of that truth. It is not

matter of knowing or not knowing facts about the past event, since they are established and publicly presented by a legal court or a truth commission, it is an issue of accepting the known facts as truthful.

I adopted the notion of truth as presented by Hannah Arendt (2000), who understands truth as ‘what happened’ – that unique variation of contingency that took place in contrast to the whole universe of various options that did not. In this sense truth is inexorable – it cannot be anything else but what exactly happened.

However, factual truth about a criminal event usually is not value-blind; it inherently contains moral judgement about the crime.<sup>27</sup> A factual statement about a particular event can of course be given in value-free manner (i.e. “General Mladić ordered the execution of 8,000 Bosniak men and boys”), however, such a statement hardly reflects entirety of the event. Adding explanatory sentences before and after this simple factual statement (i.e. “General Mladić ordered...”) would probably require making a moral judgement (i.e. that the execution was unlawful). In a practical sense, it is impossible to talk about violations of human rights, killings or planning of it without a moral imperative in mind (Dimitrijevic 2011). The very nature of events demands that from the one who speaks about something criminal or morally wrong. And precisely because of this ethical dimension of a truth about a crime, I employ the notion of narrative in my examinations, as an operational term. I use term ‘narrative’ as a form of representation in which facts are organised in terms of a plot (which will be further elaborated below in section 2.4.1). Therefore narrative is a form (of representing the past) which may be constructed out of truthful or false statements about the facts. Narrative in itself is neutral to the validity of what it is presenting. Thus, the concept of narrative enables me to compare different representations of the past, without necessarily suggesting truthfulness of their elements – which is most helpful when walking in the slippery field between truth and its denial. While I accept that factual findings of the ICTY (established with legal scrutiny and corroborated with abundant evidence) as most proximate reflection of what happened in reality (thus closest to the truth), I relate to the ICTY judgements as social construct, as one, of many forms (narratives) in which set of truthful facts may be presented.

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<sup>27</sup> I thank Vlasta Jalušić for this important observation.

Therefore, I assert that the term ‘truth’, “so commonly used it seems to be a transparent notion” (Parlevliet in Chapman and Ball, 2001, 4) in the field of transitional justice, is not a suitable one for the purposes of this thesis which deals with nuanced comparisons of various perceptions of the past in the present day. Instead I adopted the concept of ‘narrative’ to denote the presentation of the past in court and in truth commissions, as well as the product of mnemonic practices. This chapter will offer an examination of the concept of *historical* narrative, since the very term is used in literature theory and psychology to indicate form of speech, while various social sciences employ it for individual experience as well.

This research compares historical narratives in the ICTY judgements and public narratives of the adjudicated events as they are presented at commemorative occasions. I reconstruct these narratives from media reports on annual commemorations and public holidays. In order to evaluate which segment of the complex legal narrative has penetrated public arena I also pay attention to how media cover the important moments on the route of a trial. Since the media scene in BiH is to a large extent ethnically divided and to a lesser extent plural within each of these ethnic clusters, I pay attention to how each media outlet presents the historical narrative by utilizing the method of frame analysis. Thus the second section of this chapter will explain the approach of frame analysis.

#### **2.4.1 The Concept of Narrative**

How to present the past, what is the right mode of presentation, and equally important, how to evaluate the quality and ‘truthfulness’ of different historical accounts has been at the forefront of debates among historians. During the constitutive process of transformation of historiography into the ‘objective’ academic discipline, it embraced positivistic understanding of history as the adequate mirror of the past, thus attributing historians with the role of objectively ‘unearthing’ that innate narrative from past reality (White 1987, chapter 1). The idea embedded in traditional historiography was that real events ‘speak for themselves’ and should be presented by historians as ‘telling their own story’ (White 1987, 3). The postmodern turn in humanities opposed this notion on two counts: first, it discarded the idea that real events naturally offer themselves as stories (ibid, 4), and second, different schools of thought challenged the usefulness of narrative as a form of historical representation. Among them one group still sees narrative as the mode of explanation most suitable for presenting historical processes, but seeks to develop measures for its epistemic

validation; the other school deems narrativity a “non-scientific, even ideological representational strategy”; the third group perceives narrative as “one discursive ‘code’ among the others, which might or might not be appropriate for the representation of reality” (White 1987, 31). These approaches diverge predominantly on the issue of narrativity as mode of representation in historiography as a scholarly discipline, and since this thesis deals with lay representations of the past, I will deal only with general considerations, and will leave the disciplinary concerns of proper ‘scientific’ historiography aside.

Even the French *Annales* group led by Fernand Braudel, which rejected the tradition of narrative historiography, chiefly did so for the reason of shifting historians’ focus to *longue durée* historical processes (ibid, 31-33), and actually did not negate the general recognition of the “psychological impulse behind the apparently universal need ... to give to events an aspect of narrativity” and to tell them as stories (ibid, 4). To conclude, even if narrative is not the most suitable way of scientific presentation of the past, it still figures in human consciousness.

Indeed, what Eviatar Zerubavel said for human remembering, that it functions as a process of transformation of an unstructured series of events into a seemingly coherent narrative (Zerubavel 2003a, 2–13), could be extrapolated to the general human practice of presentation of the past. Paul Ricoeur argues at length that temporality, as a structure of human existence, is manifested through language in narrativity, hence narrative enables humans to grasp the concept of time (Ricoeur 1984). Characteristics which are usually attributed to a narrative are basically the same as the ones of a fictional story: central topic, well-marked beginning, middle and end, peripeteia, and the voice of the narrator, but the key feature is the process of emplotment – namely the way elements are given meaning through their integration into a narrative plot (ibid, chapter 2). Additionally, White insists that each narrative is inherently imbedded in certain values, and each “has its latent or manifest ... desire to moralize events ... which it treats” (White 1987, 14). The course of emplotment necessarily involves selection of some elements of reality (events, agents) which will be included into the narrative at the expense of myriad others which will remain neglected. This process is necessary in order to make an abundance of facts intelligible, in other words forgetting is necessarily part of remembering (Ricoeur 2004). However, how this

process will evolve, which facts will be incorporated and which will be omitted, and who will take the position of the narrator, is everything but a self-evident endeavour, postmodernists would claim.

The traditional positivist historiography assumed that events are naturally given as 'real' stories which historians should only "uncover or extract from evidence" and their truth will be immediately and intuitively recognised by the reader; thus "narrative is regarded as a neutral 'container' of historical fact" (White 1992, 37). Hayden White, who refers to himself as 'formalist' but is perceived as being close to the postmodern approach to history (Friedlander 1992, 6), maintains that it is possible to establish facts about reality with exactitude, but that every creation of a historical narrative unavoidably puts them into a particular frame of interpretation. Since emplotment is based on the subjective decisions of the narrator, there is no 'objective' criterion to establish true and false interpretation (ibid), thus "there is an inextinguishable relativity in every representation of historical phenomena" (White 1992, 37).

White's stance is a typical example of the position that is commonly attacked by more positivist-oriented historians on two grounds. One is epistemological, maintaining that variations in or varieties of interpretation must be curbed by the given proved facts; thus any process of emplotment narrows down to selection of evidence (Friedlander 1992, 7–8). Generally, historians of the interpretative school concur with this position, but it is less prominent in their argument which focuses on the very practice of selection by which a narrative is construed.

Fiercer is the ethical criticism, which rejects the idea that all possible interpretations may be equally valid and/or legitimate, especially in the light of grand atrocities, such as the Holocaust. In the face of immense number of victims and survivors of such 'unspeakable crimes', certain narratives, like revisionist accounts of the Holocaust, are deemed unacceptable, insulting, offensive and false. From the ethically rooted standpoint, the lack of a determinant that would gauge which version of reality is more valid is ultimately pernicious (Cohen 2001, 280–1). Though aware of accusations that he "promote[s] a debilitating relativism" (White 1987, 76), White sticks to the rule that "'competing narratives' can be assessed, criticized, and ranked on the basis of their fidelity to the factual

record, their comprehensiveness” and coherence of their arguments (White 1992, 38). He fails to directly refute accusations of being ethically blind, but a careful reading of his argument may provide an answer.

My understanding of his position presented in the essay “Politics of Historical Interpretation” is as follows: If we deem a certain historical interpretation as preposterously immoral (such as Holocaust-deniers) then we introduce moral categories as a measure of validation of a historical account, and already step outside the imagined realm of historiography as science. White gives this presupposition without a judgement that such introduction of moral consideration in historical examination is either good or bad (since anyway he rejects positivist ‘scientification’ of historiography as a discipline and would not seek to keep it scientifically ‘pure’). This is understandable given that White perceives moral considerations as an inevitable feature of narrativity as manner of presentation, since each story (narrative) ends with a moral point (White 1987, 21). Therefore, if moral judgement is unavoidable, then let us be frank about it. He’s mistrustful of historiographic endeavours that promise politically disinterested research of the past, seemingly promoting tolerance instead of reverence and vengefulness. He claims that this kind of thinking usually comes from and is the luxury of the political and social elites in power (White 1987, 80–82). Advising this kind of tolerance to subordinated and resisting social groups, whose experience is marginalised in the dominant narrative is hypocritical (ibid).

One may conclude that the interpretative approach to history, of which Hayden White is the most prominent example, claims that there is no historical narrative without taking a certain political, ideological, and thus inherently moral position. I distance myself from White’s claim that *each* historical narrative requires ideological and political positionality, however, I do agree with his point when referring to narratives that describe crimes. From the position of moral universalism, which I share, a narrative that would construe genocide or ethnic cleansing as morally acceptable would be deemed unethical (hence unacceptable). In other words, a narrative about genocide or ethnic cleansing requires a moral judgement about these crimes.

This discussion of narrative exposed the inherent selectivity in historical representation, the way this selectivity functions (emplotment), and that each representation is embedded in

certain moral values and is given from a particular vantage point. Nevertheless, the above debate was undertaken with a historical text in mind. Now, I will deal with the issue how is a historical, or any other subject represented through media, since that is the main source material of this thesis research.

#### 2.4.2 Frame Analysis

In the analysis of media texts (and images) the concept of the 'frame' figures similarly to the way the concept of 'narrative' shapes the perception of the past in historical discourse. In communication theory, the 'frame' is most generally understood as a way of presenting reality, as a particular pattern of interpretation. The most comprehensive definition informs us that "to frame is to *select some aspects of a perceived reality and make them more salient in a communicating text, in such a way as to promote a particular problem definition, causal interpretation, moral evaluation, and/or treatment recommendation* for the item described" (Entman 1993, 52,). Thus word 'frame', as both a noun and a verb, denominates both the process (framing) and its result (Reese 2001, 7).

The concept of the frame has been often used in the study of media effects, discourse analysis, and theories of social movements, to denote both the *manner of representation* and the *way of understanding* the reality, causing many ambiguities. The concept originated in this later meaning as the founder of the framing approach, Erving Goffman, envisioned frame as "internal cognitive maps" (Bacchi 2005, 204). However, the notion of the frame as a partially structured element of discourse which helps people comprehend information that surrounds them, found fertile ground in those disciplines that were interested in how the meaning of information is shaped. One of them was the study of social movements which examined how social actors intentionally frame their political claims (Fischer 1997, section 3; Bacchi 2005, 203). The other tradition of framework theory developed within communication studies, particularly the examination of so called 'media effects'.

The study of media effects deals with the issue of how mass media affect their audience's thinking and behaviour, and in different phases of its development attributed larger or smaller capacity of mass media in shaping public opinion (McQuail 2010). In these studies framing was the main indicator through which the effect of the media was evaluated, precisely to which extent the frame of events presented in the media conflates with the way

individuals in the audience frame the same events, and whether the causal correlation can be drawn between the two.

The framing that media conduct entails the selection of particular aspects of reality (an event or an issue), and presentation of this reality in a particular interpretative way, which “directs attention away from other aspects” and obscures other possible interpretations (Entman 1993, 54-55). Genuinely it is the same process of cognitive ‘directing’ that collective memory and historical narrative conduct, all of which have the potential to marginalise, ‘silence’ or ‘blackout’ segments of reality deemed less important. However, Entman shows that frames produced by the media are not omnipotent, since the success of their influence on the audience depends also on the degree to which these frames overlap with the individuals’ “mentally stored clusters of ideas that guide [their] processing of information,” often called schemata (ibid, 53). Thus a frame in the text will be noticed only if there is a corresponding schemata in readers' mind. A particular frame is more prone to gain recognition if it is often repeated and culturally salient, meaning if it refers to culture, which he understands as “stock of commonly invoked frames” (ibid).

Scheufele offers a more nuanced description of framing, which he perceives as a circular process which entails four phases (1999). Starting with *frame building*, he relied on previous studies that pointed to various factors that influence the way journalists frame the news: “social norms and values, organizational pressures and constraints, pressures of interest groups, journalistic routines and ideological and political orientations of journalists” (Shoemaker & Reese, and Tuchman in Scheufele 1999, 109). To this I could add media interventions by foreign actors as one of the ‘external sources of influence’ (Scheufele 1999, 115), such as development aid and training given by foreign and international bodies in post-conflict and transitional societies (cf. Price and Thompson 2002). Such intervention played an important role in changing the media scene in Bosnia and Herzegovina (Thompson and De Luce 2002; Price 2002; Hozic 2008; Ahmetašević 2012), and one could argue, consequently the frames these media produced. The second phase of *frame setting* refers to how audiences receive media frames (i.e. to which frames is the audience more receptive, and which frames gain more salience), continued by the next phase of *individual level effects of framing*. In explaining these two processes, Scheufele invokes Entman’s argument.



The final segment that circles the loop back is the *feedback from individual-level framing to media framing*. Since journalists and elites are part of the media audience, they are equally susceptible to the very frames they produce (journalists) or influence in making (elites). “Although the process of framing is commonly conceptualized as a hierarchical process originating from elites, interest groups, or mass media” (Rhodebeck in Scheufele 1999, 117), there is reciprocity in framing from the bottom-up since media react to public opinion polls, and oppositional elites may pick up particular suitable news frames – the process described by Entman (2003) as ‘cascading activation’. Previous studies relevant to my research showed, for instance, that Croatian journalists appropriated contemporary global discourses of the ‘war on terror’ and ‘Europeanness’, much developed and reproduced by the international media, for justification of the crimes (as adjudicated by the ICTY) committed by the Croat army (HVO) in the Bosnian war (Erjavec and Volčič 2007; cf. my analysis of the Croatian media reporting in section 7.3). Along these lines was also crafted a study which analysed how media frames influenced the way ICTY judges, as a small and specific audience, frame interpretations in their judgements (Bachmann et al. 2013, part II), and though finding variance across the cases, assessed that media factor is valuable enough to be taken into account when assessing the court’s judgements.

Scheufele’s and Entman’s considerations in a way solved the false dilemma of whether the ‘frame’ is a *form of representation or away of understanding* reality, showing how the two are inherently intertwined.

There are different approaches to examining, comparing and ‘measuring’ media frames. One is the so called ‘media package’ approach devised by Gamson and Modigliani who “measured framing ‘devices’ – metaphors, catchphrases, exemplars, depictions, and visual images” (Reese 2001, 16). They suggested a method in which a researcher develops a ‘media package’ - a group of keywords, common phrases, paraphrased material and direct quotations from the sources, all of which identifies a particular frame (Tankard 2001, 99). I adopt this approach and combine it with elements of the ‘list of frames’ methodology developed by Tankard and his colleagues.

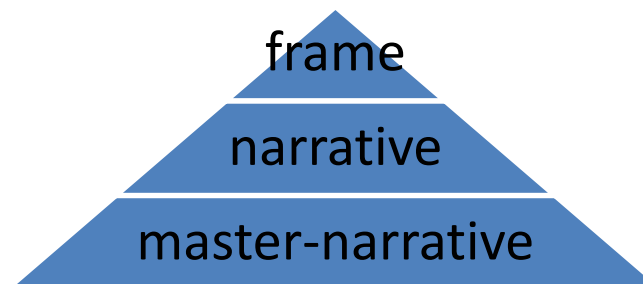
Though I will not use the mechanism of coding they further suggest, I will pay attention to particular “focal points for identifying framing”: headlines, kickers (small headlines over the

main headlines) and subheads; photographs and photo captions; leads (the beginning of news stories); selection of sources and quotes, including pull quotes (quotes that are blown up in size for emphasis); identification of the particular series an article belongs to; statistics, charts and graphs; and concluding statements of the article (Tankard et al. in Tankard 2001, 100). Therefore I treat the newspaper article as not a linear but a multidimensional text, in which different parts have greater 'message' value.

In this research, which deals with the representation of the past in the media, I take 'frame' as a form of representation of reality, a particular interpretative form of an event (given in media) that relies on the background of a larger historical narrative. Historical narratives, in all the complexity of their elaboration, are rarely present in the media, especially in short news forms. However, the way that the news is framed gives us a hint as to how to understand it by recalling and referring to the historical narrative which is presumably known and accepted by the consumers of the media. For example when a pro-Bosniak newspaper represents the arrest of Naser Orić as a conspiratorial attack on a peaceful citizen, and a pro-Serbian one as the long-awaited capture of a criminal, these frames invoke two different historical narratives, not told in the particular articles: in the Bosniak narrative, Serbian forces sought to exterminate the Bosniaks of Srebrenica (and Orić tried to defend the victims), while in Serbian narrative, Serbian forces were defending Serbian population from Bosniak attacks (and Orić was the criminal leading those attacks). Both of these narratives are embedded in larger master-narratives about the war. In this example, Bosniak master-narrative claims that extermination of the Bosniaks was the very aim of Serbian aggression, while the Serbian presents the conflict as civil war (not an aggression) between ethnically-defined armies.

To conclude, a frame is a smaller discursive form than narrative, while in a cognitive sense it is incomplete (does not provide the whole message) and functions as 'technical assistance' to comprehending a narrative, as a more coherent cognitive form. While 'narrative' provides description of the event by emplotting elements of the story, the 'frame' is particular way in which each of these elements may be viewed. Furthermore, narratives about particular events or segments of the Bosnian war are situated within larger narrative constructions (meta-narratives) about the Yugoslav dissolution and causes of the war's eruption (see Figure 2.3).

Figure 2.3: Hierarchical relation between frame, narrative and master-narrative



## 2.5 Collective Memory

After investigating the concept of transitional justice, I will move to the second concept in the title of this thesis – how transitional justice processes influence collective memory expressed in *public narratives of the past*.

The concept of collective memory was created by Maurice Halbwachs in 1925 in order to differentiate it from the memory of an individual, as a set of memories that individuals share with other members of their group (Halbwachs 1992). In the literature that has emerged since then (Olick et al. 2011), collective memory, or as some authors refer to it ‘social’ memory (Cattell and Climo 2002, 4–5), has come to refer to a phenomenon which is ontologically more complex than a mere aggregation of individual recollections (Olick 1999). Some authors attribute conceptual differences to the terms *collective* and *social*, when referring to group memory, others use them interchangeably. I choose to settle for the former since the concept of society is hard to use in the context of the divided *society* of Bosnia and Herzegovina, as will be explained in the chapter 3.2.

Within the memory studies discipline, one school of thought understands collective memory “as a social fact *sui generis*, a matter of collective representations” (Olick 2003, 6). In this understanding, collective memory provides a framework for individual memories (Gross 2000, chapter 4). The other school of thought perceives it as a process, rather than a ‘social fact’. Since the ‘content’ of memory comes out of the process of social interaction, we should grasp “processual aspects of *remembering*, not the static aspects of *memory*” (Olick 2003, 6). Thus Olick suggests that we should refer to the phenomenon as a ‘mnemonic

practice' rather than 'collective memory'. Though his point gained strong support in the discipline of memory studies, the suggested notion didn't as much. Within this approach to memory as a process (rather than a social fact), there is no sharp division between collective and individual memory, since they are in constant communication. However, this interaction is conditioned by power relations in a society (Müller 2002), in which different social groups and individuals have different bearing in this "on-going process of negotiation through time" (Olick and Levy 1997, 921). As the outcome of social mnemonic practice, the content of memory changes over time, since new meanings are added to previous memories, and the memory of a memory (traditions of memorialisation) is constructed (Olick and Robbins 1998).

Precisely these two dimensions of collective memory – that mnemonic practice is subject to social hierarchies and that this practice constantly produces new meanings– are pivotal to understanding the relation between the past, present and power. Social elites, like those in positions of power, have a decisive role in the course of the constant reinterpretation of the perception of past, and they model the image of the past in the light of the present. Thus, dominant ideological projects provide the lens through which the past is perceived. More than that, this image of the past, framed by the present, is guided by the idea of future. Those in positions of power legitimise present policies, which are future-orientated, by evoking themes of collective memory (Müller 2002, 26). Thus they present an image of continuity of the group over time, and save the privileged position for themselves in such an image in the future.

This is intuitively understandable to the majority of transitional justice scholars and advocates. They see the path to reconciliation involving a change of collective memory, and ponder how to guide it. The underlying logic, as presented in section 2.2.2, is that 'national reconciliation' is possible only on the basis of a new political consensus within the community, and this consensus includes (a new) common perception of the past. The nexus between change of regime and change of the frame through which past is to be perceived is self-evident to TJ specialists. In addition, Teitel (2002, 70) argues that the process of reconstructing the past is markedly different in a time of transition. In a time of 'normality' the elites strive to keep image of continuity with the past, in order to guarantee continuity in the future. Times of transition are marked by the need to construct discontinuity with the

past, but again for the same purpose of legitimizing the emerging regime for the future (ibid).

### 2.5.1 Memory and identity

As collective memory is an intra-group process, it unites the remembering collective or mnemonic community (Zerubavel 2003a, 4) on several levels. By engaging in the mnemonic practice an individual confirms and 'practices' his/her belonging to the community, and by constant repetition of this process the lines of the community get demarcated. The content of the memory, as a repository of the narratives about the past, paints the image of the group's continuity over time, as "a sense of sameness over time and space" (Gillis 1994, 3). As collective memory is processual, this repository is constantly changing, adding new meanings to the narrative in constant slight alterations, but keeping the seeming image of consistency and firmness. Precisely this chimera provides the feeling that imagined communities have material existence (Anderson 2006). It is a paradox of constant change that manages to represent itself as unchangeable, that made the early memory studies scholars perceive memory as durable (Olick and Levy 1997, 921). Also, this impression of the group's continuity over time offers a feeling of transcendence to the individual, and reaffirms his/her sense of belonging. This is why the collective memory is intrinsically connected with and an indispensable part of any conception of collective identity, and shared memories function as differentiation makers between social groups (Olick and Robbins 1998, 111).

In each of the main paradigms of explanation of the phenomena of nation and nationalism, memory plays a certain role. While primordialists see nations as naturally existing, and perennialists consider them as existing since ancient times (Smith 1999, 3–5), both theories perceive collective memory from a positivist prism, as objectively existing. Though modernist theory perceives the nation as socially constructed at the tide of modernization, they would agree that transmission of collective memory, and participation in memorialisation, are important elements of socialisation into the nation (Smith 1991, 9; Smith 1999, 6). The approach of ethno-symbolism, which says that nations are historically novel, but created with the use of pre-existing cultural heritage, sees in memory a source of emotional power that keeps nationalism reoccurring, thus "the cultivation of shared memories is essential to the survival and destiny of [cultural] collective identities" (Smith 1999, 10).

### 2.5.2 Divided memories

However, nations are not the only, though they are the dominant, mnemonic community. While hegemonic narratives, what is usually called 'official memory', "help organise the remembrance ... at the level of the nation state" (Ashplant et al. 2004, 22), at the same time a range of 'counter-memories' are nurtured by sub-national and marginalised social groups (Levy 2010, 15). A group that feels completely excluded and alienated from the official memory, may become cohesive enough to mobilise 'oppositional narrative' (Ashplant et al. 2004, 22). 'Sectional narratives' are those "memories that achieved the level of open public articulation, but still have not yet secured recognition within the existing framework of official memory" (ibid, 20). Such an example could be the memory of rape in BiH, which is generally publicly recognised, but is not articulated into some organised form of memorialisation and its position within the dominant official narratives is dubious. The weaker and more marginalised group have less resources and ability to influence the dominant narratives or promote their own in the public arena (ibid, 21). For instance, the Roma community as the most deprived in the Yugoslav successor states, hardly ever got the opportunity to express their experience during the wars, though they were reportedly under attack by various warring sides following long-standing multiple discrimination. The dialogue between the 'dominant' and 'dominated' memory is also determined by the level of pluralism allowed in the interpretation of the past and the internal conflicts within the society.

Some authors have pondered the perspective of international, cosmopolitan memory constructed in the process of globalisation (Margalit 2002; Bickford and Sodaro 2010; Levy 2010; Misztal 2010), but while noting certain tendencies, concluded it is premature to claim the existence of international mnemonic community.

### 2.5.3 Commemorations and public holidays

What is considered to be national memory is presented, embodied and reproduced at various *lieux de mémoire* [sites of memory] (Nora 1989): in museums and monuments, official histories and history-textbooks for schools, through commemorations and public holidays, through media and cultural production. Annual events, such as commemorations and public holidays are especially apt to serve this function, as their rhythmical repetitiveness, in itself provides the sense of historical continuity.

Connerton suggested “if there is such a thing as social memory, we are likely to find it commemorative ceremonies” (1989, 71). On a memorial occasion, it is not only the event that is being remembered, but “the community is reminded of its identity as represented and told in a master narrative ... as a kind of collective autobiography” (ibid, 70). The event that is memorialized is only the immediate pretext for acting out group identity. The consolidation of the identity is the actual cause for such enactment. Even more, this act of collective remembering is staged and collectively performed. The very performativity is the key to their understanding in Connerton’s view. It is of less importance which exact historical event is commemorated; what is actually crucial is the collective participation in the commemoration. Through participation, the individual declares his/her membership, and the participating collective gets constituted as a community. Thus, what is remembered is not history, but belonging. One learns to remember that he or she is part of the community that perceives history in a particular way in order to preserve the sense of common identity.

Though he states it in general terms, it is clear Connerton had official national commemorations in mind. However, other social groups employ commemorations as a vehicle of expressing, and seeking recognition for their counter-narratives (Ashplant et al. 2004, 16). They get organised through a variety of social agencies, such as official bodies or civil society organisations, as well as ‘fictive kinship’ (e.g. groups of survivors) and face-to-face groupings. In promoting their narrative, they may decide to address networks of families and kinship, local or interest communities to national and transnational public sphere. Thus, when analysing a particular commemorative event we should ask ourselves which social group, through which agency promotes which particular narrative addressed to which arena (ibid, 17). However, all of these sectional or oppositional commemorations operate within the frame set out by the official national narrative, as they relate and communicate with it (ibid, 53).

Similarly to commemorative events, public holidays, by defining particular historical moments as memorable are fixing the narrative that should be remembered within the community. After conducting a vast comparative study, Zerubavel concluded that “calendars generally tend to reflect the collective identities of those who use them” (Zerubavel 2003b). Not surprisingly, he found striking similarities in the outlook of national calendars (meaning the list of public holidays), which usually incorporate two clusters of events: those from

religious history which took place in the distant past, and those politically significant ones from the last two hundred years (ibid, 327). These political “calendrical commemorations” memorialise the same type of watershed historical moments, which are, across the globe and cultures, invariably connected with “nations’ symbolic birth as sovereign polities” (ibid, 322) or significant redefinition of that polity. By choosing particular events to celebrate or commemorate, the nation shapes, and annually confirms, the realms of its identity.

In the framework of transitional justice, commemorative events and memorials are seen as mechanisms for conducting the role of public recognition of the harm done to victims and acknowledgement of their victimhood, thus creating a new collective memory. While memory studies noted the exceptional identity- and community-making function commemorations play, this is not directly opposite to the transitional justice perspective, as long as victim-acknowledgement goes hand in hand with the state building that seeks to include victims in the realm of the official narrative. Still, every state-sponsored commemoration is prone to play a national-cohesive role to some extent, even if organised for another educational purpose. Thus, such public rituals may slip into serving a different, or diametrically opposite, role from the one of acknowledging the victims.

When evaluating whether a particular commemoration has served the role envisioned by transitional justice, we should evoke the framework of analysis suggested by Ashplant et al., asking: who is organising and sponsoring the commemoration, what is the historical narrative it conveys and to which audience is it directed? Aleida Assmann (2011) highlights that the only true acknowledgement, in the spirit of transitional justice is that conducted by the perpetrators directed towards victims’ community.

#### **2.5.4 History textbooks as politics of memory**

Another embodiment of what is considered to be, or should be, national memory are history textbooks used in schooling the general public. Writing a textbook, like any other historical narrative, involves selection, interpretation and emplotment, based on some underlying values. However, this particular narrative is subordinated to the state’s control mechanisms (which devise general curricula and certify textbooks) thus stamped as ‘official’, and it is written particularly for an ‘audience’ within the borders of national educational system. This narrative as a rule claims to be objective and neutral (Apple 2000), in the same way schools



are presented as neutral institutions of society; however we should look for “social interests embodied in the knowledge” taught at schools (Apple 2004, 15).

Knowledge, teaching practices and the design of curricula reflect structural relations that dominate cultural life and the ideological orientation of those in power (Apple 2004). Actually, it could be argued that it is precisely schools as “institutions of cultural preservation and distribution” (Apple 2004, 2) that sustain and reproduce the structural relations, by socialising students into internalising the hegemonic organisation of meanings and values. In clearer terms, knowledge provided in schools both “promote[s] a certain belief system and legitimize[s] an established political and social order” (Podeh 2000, 66). It is particularly so for history teaching, which has been recognised as one of the main vehicles in the process of nation-building and transformation of subjects into citizens (Berghahn and Schissler in Podeh 2000, 68; Soysal and Schissler 2005). Since the times when education has been understood as socialisation of youth into loyal citizens of the nation (Anderson 2006), history teaching has been designed as a practice of instilling collective memory in pupils. In this light, national historical memory consolidates the community in the present, by rooting and legitimising it in the past, and giving guidance for the future. Thus, textbooks “became yet another arm of the state, *agent of memory* whose aim is to ensure the transmission of certain ‘approved knowledge’ to the younger generation” (Podeh 2000, 66 my emphasis), and do so in most authoritative manner (Olson 1980).

The immense importance of textbooks in civic socialisation and shaping collective and individual perceptions of the past may be challenged on several grounds. Classroom experience may add additional meanings to the textbook narrative, and students may accept, negotiate or reject the given interpretations (Apple 2000). Further, large part of course material may be forgotten soon after passing the exams.<sup>28</sup> It could be also argued that mass media and cultural production play a much more important role in shaping people’s opinion on the path from childhood to adulthood (Misztal 2003, 61–67; Gutman et al. 2010). Family memories, especially when suppressed by the official narrative, may become relevant when employed in political battles, as in the time of Yugoslav dissolution

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<sup>28</sup> Christine Counsell (2002, 66) differentiates ‘fingertip’ or ‘working’ knowledge of historical details, which are usually soon forgotten, and deeper layer of ‘residue’ knowledge, which remains in students as ‘a sense of particular historical period’.

(Denich 1994; for nuanced approach see Jansen 2002). While what we learn in school about historical events and persons provides a foundation for our later understanding in adulthood, there can be also other influences which contribute to our understanding of the past, particularly after finishing school. The influences coming from popular culture and mass media are especially prominent in shaping the perception of the *recent* past, that is still hotly debated and the interpretation of which is relevant for the everyday politics (cf. Keren and Herwig 2009).

While warning against attribution of a straightforward causal link between textbook content and shaping the public perception of the past, I side with those who examine textbooks as representative of the historical narrative elites in power strive to promote as legitimate and truthful account of the past (Apple and Christian-Smith 1991, 4). Thus, by examining school textbooks one examines elites, not students; one examines what present elites want to be known, not what the students will learn or will “know” when they grow up.

Though this process is more visible in the closely state-monitored type of education, even in less regulated contexts, where the textbook market is generally free, this claim holds true (Apple 2000). In the light of critical studies and the shift of dominant paradigms in the historiography, many arguments about the need for less ethno-centric and more multicultural teaching, as well as advocacy for more ‘skill’ (of thinking and judging) and less factual ‘knowledge’, found their way into reforms of curricula and teaching methods in Western countries in the last several decades (Berghahn and Schissler 1988; Arthur and Phillips 2002; Stradling 2003; Schissler and Soysal 2005; Kitson, Husbands, and Steward 2011). However, as the review of previous studies below will show, in Bosnia and Herzegovina the old teaching tradition, reflected in textbook content, still prevails.

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From this sub-chapter on collective memory I take the following categorical apparatus which I will apply in the analysis of my four case studies (cf. chapters 4 to 7). I approach collective memory not as a social fact but as a process of constant (re)memorialisation that is subject to power relations in society. While I recognise that those in position of social power (in my case ethno-national elites in BiH) create and dictate *official* memory (as ‘hegemonic narrative’), I pay attention to *sectional* and *alternative* memorialisations developed by sub-

national and marginalised social groups. In this I am aware that each mnemonic community (re)produces its identity precisely through practice of memorialisation, and that each individual performs his/her identity by taking part in these mnemonic practices. In analysing the *practice* of creation of collective memory, I take commemorations and public holidays as most typical sites in which memory is (re)constructed and performed. In addition, through participation in commemorative events and individual confirms his/her belonging to mnemonic community. Finally, I take history textbooks as epitome of official memory, since the education in my case study of Bosnia and Herzegovina is under tight control of ethno-national elites as dominant memory entrepreneurs in Bosnian society.

### 3 State of the Art in the Previous Research

This chapter will provide a literature review of the studies previously conducted on the topic of this thesis, as well as structural conditions relevant for the empirical research that will be presented in the chapters to follow. First, I will present the state of the art regarding research on the question whether transitional justice measures influence the perception of history among the local population and political elites. The vast majority of this research focuses on the International Criminal Tribunal for the former Yugoslavia. At the end of the chapter I also give a brief overview of the findings of the studies that analysed media reporting of the war crime trials. Further, in order to make my research and analysis understandable I am presenting the structural set-up of contemporary Bosnia and Herzegovina, particularly the system of institutionalized ethnicity in post-Dayton BiH, which in many ways determines pattern of collective memorialisation, segregation of the educational system (and the history textbooks they use) and media landscape and profile of particular media.

#### 3.1 Previous Studies on Influence of the ICTY

In this section I will provide an overview of the academic analysis and empirical research so far conducted on the topic of this thesis. In the majority of these studies the issue of the ICTY's influence on official or popular representations of the past has been tackled through the framework of the Tribunal's contribution to peace in the region of the former Yugoslavia and reconciliation among its ethnic groups. Such a frame of evaluation is set by the formulation of proclaimed aims put before the court: "to do justice, to deter further crimes and to contribute to the restoration and maintenance of the peace" (UN Secretary-General 1994, §11, [The First Annual Report of the ICTY]).<sup>29</sup> Within this framework, often referred to as 'judicial romanticism' (McMahon and Forsythe 2008), the court's work on creating an account of the past is perceived as contributing to reconciliation in two ways: first by

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<sup>29</sup> While no one would dispute the aim of the Tribunal prosecuting those responsible for war crimes and violations of international humanitarian law (doing justice), there were considerable debates about the ability of an international court to deter commission of crimes on the ground, since it is obvious that the mere establishment of the ICTY did not stop the war. However, there are arguments that the deterrence should be understood in general long-term manner, because enforcement of international law contributes to eradication of "the culture of impunity that has prevailed in international community for so long" (Akhavan 1998, 744), and leads to "gradual internalisation of values that encourage habitual conformity with the law" (ibid, 747) in world in general, and transformation of popular values in former Yugoslavia in particular.

discarding the idea of presumed 'collective responsibility' of the ethnic groups, and second, by creating an objective record of the events that is seen as favourable to societal peace.

First, the vision of the Tribunal, in the words of its first President Antonio Cassese, as "a tool for promoting reconciliation and restoring true peace" (UN Secretary-General 1994 [The First Annual Report of the ICTY], §16), is based on the presupposition that the prosecution of individuals establishing their individual responsibility refutes the accusations of the presumed 'collective responsibility' of ethnic groups and nations. Thus individualization of the guilt halts the vicious circle of the blame-game and lays the ground for genuine reconciliation among groups.

Second, the contribution to peace and reconciliation is predicated on the belief that the Tribunal's proceedings "build an impartial and objective *record of events*" rigorously testified by judicial scrutiny, which remains "as a historical account of events" (Cassese 1998, 9–10). Richard Goldstone, the first chief prosecutor of the ICTY, further states that the historical record of the court assists reconciliation between people, through public "acknowledgement of the truth" that drives people away from "nursing grievances ... exacerbated by false denials" (Goldstone 2010, 59).<sup>30</sup>

The two contributions of the ICTY, to individualize guilt and create an objective account of events, in the view of Payam Akhavan are one and the same thing, in that both are part of the revelation of the 'truth' about the war. Since the Yugoslav conflict was caused, in his opinion, by the elites who incited hatred and organised systematic violence, for peace to occur "it is necessary to reveal the way in which elites manipulated ethnic identity to ferment violence and consolidate political power" (Akhavan 1998, 765). Therefore, the process of reconstructing the leaders' manipulative conduct that led to the commission of crimes – the process of 'exposing the truth' – shows that ethnic hatred was organised and that "there was nothing inevitable about the war" (ibid). Thus, condemning the warlords will "help internalize values of peaceful interethnic coexistence" (ibid).

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<sup>30</sup> Here I would avoid giving impression that *all* ICTY judges and prosecutors share such opinions on the extra-legal roles of the ICTY. For instance, Theodor Meron, the ICTY President from 2003 to 2005 and again since 2011, holds strictly legalist approach stating that the Tribunal cannot be "expected to address all the effects of serious crimes" (Meron 2006, 578).

Some authors additionally take the position that the Tribunal provides justice to the victims, not only by punishing the perpetrators (retributive justice), but also by vindicating and acknowledging the suffering of the victims thus confirming their human dignity (restorative justice) (Akhavan 1998, 766–7; Goldstone 2010, 59). By public acknowledgement, victims get psychological redress, but also practical support of their argument when opposing widespread denial.

While putting aside the issues of social and psychological reconciliation as being outside the topic of this thesis, I will focus on the ability of the ICTY to produce change in public opinion about the past, such as to confront denial.

### **3.1.1 The ability of the ICTY to create an authoritative historical record**

In section 2.2.1, I described general criticism to the expectations that courts should have extra-legal (historiographic, pedagogical, reconciliatory) functions. Here I will present some critical voices that were developed particularly on the case of the ICTY and its extra-legal effects, focusing on Bosnia and Herzegovina. The first point of challenging the statements of judicial romanticism, is to note that their claims are hardly supported by empirical evidence (McMahon and Forsythe 2008; Weinstein and Stover 2004, 4). For instance, when Goldstone states that “the testimony of many hundreds of witnesses before the ICTY *effectively put an end to the widespread denials of war crimes*” (Goldstone 2010, 60 my emphasis), he does not feel the need to corroborate it with tangible evidence.

First of all, the idea that the Tribunal will create a comprehensive historical record is challenged by the practice of plea bargaining that increased with time. The *Rules of Procedure and Evidence* of the ICTY (ICTY 2013a) allow the Prosecution and the Defence to negotiate the points of the indictment to which the defendant pleads guilty, by rule involving discarding some of the charges. This means that no further evidence regarding the subject of the indictment (the charges) is presented, and the trial process further deals only with the adjudication of the sentence. Therefore the historical record of such cases falls onto what has been written in the indictment; the ‘theatrical aspect’ (Osiel 2000) of the trial is avoided. The positive aspects of the plea bargain practice are speeding up the case completion and presumed reconciliatory effect the statement of guilt (by the defendant) will have on the local population, especially victims. However, excluding the *Erdemović* (Minow 1998, 36) and

*Plavšić* (Žikić 2011) cases, generally the admissions of guilt have been perceived as phoney among scholars (J. N. Clark 2009b; Orentlicher 2010, 57–65). It is also a widespread belief among the local population that guilty pleas are dishonest,<sup>31</sup> though the explanation differs among the groups. While the majority of citizens in Croatia and the Federation firmly believe that the reason for guilty plea is pragmatic expectation of milder sentence,<sup>32</sup> the Serbian population, to which the majority of such defendants belong, finds that it is equally due to the pressure of the Prosecutor,<sup>33</sup> thus less because of defendants' pragmatism. To sum up, admissions of guilt by the defendants neither serve the creation of a complete historical record, nor do they foster acknowledgement (and consequentially reconciliation) among the local populations.

Opinions of the local population about the ability of the Tribunal to provide impartial history of the region differ significantly among the ethnic groups. A small number of Serbs from Serbia believes that trials before the ICTY contribute to knowing 'the whole truth' about the wars<sup>34</sup> (BCHR 2009, 31), similarly so in the RS<sup>35</sup> (BCHR 2010b, 21). By contrast, citizens of the Federation believe in a large proportion (70%) that the ICTY contributes to 'knowing the truth' (BCHR 2010b, 21; such is the finding also in Orentlicher 2010, 42), similarly so Bosniaks/Muslims from Serbia<sup>36</sup> (BCHR 2009, 31). In Croatia the answer is most even<sup>37</sup> (BCHR 2010a, 18). However, it seems that the direct victims of the war, especially Bosniak, are most inclined to believe in the truth-establishing ability of the ICTY (Orentlicher 2010).

Still, even if one takes for granted the premise that the Tribunal creates an objective historical record of the Yugoslav wars, several empirical studies showed that it is hard to

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<sup>31</sup> The belief that confessions are genuine expressions of remorse, was shared only by 16% of the population in Serbia in 2005 (BCHR 2005, 37), which dropped to 8% in 2009 (BCHR 2009, 21); such a position was held by 10% of the population in Croatia (BCHR 2010a, 20) and Republika Srpska (BCHR 2012, 37); and only 5% in the Federation (ibid).

<sup>32</sup> 71% in Croatia (BCHR 2010a, 20) and 70% in the Federation (BCHR 2012, 37), similarly 73% of Bosniaks in Serbia (BCHR 2009, 21).

<sup>33</sup> Serbs from Serbia believe it is 39% due to lesser sentence and 41% due to the Prosecution pressure (BCHR 2009, 21), and in the RS 37% and 34% respectively (BCHR 2012, 37).

<sup>34</sup> 3% fully believes, 32% partially, 59% believes that we will never know the whole truth about the war (BCHR 2009, 31).

<sup>35</sup> 23% believes, 52% not (BCHR 2010b, 21).

<sup>36</sup> 20% fully believes and 53% partially (BCHR 2009, 31).

<sup>37</sup> 42% believes and 46% not (BCHR 2010a, 18). The results for the next year are similar: 40% believes and 49% not (BCHR 2011, 25).

claim a direct link between the adjudication of the ICTY and public acknowledgement of the crimes, especially in the perpetrators' community.

### 3.1.2 The ICTY's influence on acknowledgement

Most studies dealt with popular attitudes in Serbia since its political leadership is predominantly held (by the international academic community) as most responsible for the outbreak of the wars and most culpable in them. Even after the fall of Slobodan Milošević and his regime, that participated in the wars, in the year 2000, the dominant atmosphere in the society was still one within the range of denial (Ramet 2007a; McMahon and Forsythe 2008; J. N. Clark 2008b; J. N. Clark 2008a). While the Milošević era was marked by the outright denial that the events for which the Serbian side is responsible even took place, the post-Milošević period is marked by different strategies of evasion (Obradovic-Wochnik 2009). While democratic and declaratively pro-western political forces avoided the subject, nationalistically oriented ones employed some of the mechanisms of denial (Cohen 2001) with the aim of presenting the Serbian community as the primary victim. In this light, the cooperation of Serbia with the ICTY (in arresting indictees and handing classified documents for evidence) was framed as an international demand (Spoerri and Freyberg-Inan 2008) that has to be pragmatically fulfilled in order to gain financial (and political) support from the West (Kerr 2007; Subotić 2009). Formally, there have been some important official steps towards acknowledgement of the atrocities of the Bosnian war and responsibility of Serbia for them. In 2010, the President of the Republic of Serbia, Boris Tadić attended the 15<sup>th</sup> anniversary commemoration in Srebrenica, the place of the most brutal crime committed by Serbian forces during the war, the same year Serbian parliament adopted declaration "condemning all crimes, with special emphasis on Srebrenica", and even the politicians, who were once Milošević's apparatchiks or radical ultra-nationalists, adopted the pacifying language of general condemnation of the crimes (Ostojić 2013, 239).

Beside the explanations which traced the change of attitudes in political pragmatism (Subotić 2009; Lamont 2010), some authors pointed to a particular moment, associated with the ICTY, as the watershed that influenced the shift in public opinion in Serbia. It was the broadcasting of the notorious *Škorpioni* [*Scorpions*] video, a self-documentation of Serbian forces (from Serbia proper) executing Bosniak civilians in the region of Srebrenica, which was exhibited as evidence by the Prosecution in the *Milošević* case in 2005. The video spurred



public reactions and debates about the responsibility of Serbia for the crimes committed by Serbian forces in Bosnia, a topic previously on the margins of political forum (McMahon and Forsythe 2008, 424). Initially, commentators ascribed great importance to this episode supporting the argument that trials *do* influence public perceptions (Zveržhanovski 2007). However, the above-mentioned declaration and all public statements of the leading politicians regarding Srebrenica, persistently and carefully avoided calling the event 'genocide' even though it was adjudicated as such as early as 2001, in the *Krstić* Judgement, and confirmed in several later cases.

In the case of the Republika Srpska, the entity of BiH and direct successor of the war-time statelet, whose political and military officials are being accused (and gradually convicted) for war crimes in the largest degree, the trajectory from denial to acknowledgement (and back) is even more oscillating, as my analysis in chapters 5 and 6 will show.

However, the lack of acknowledgement of the crimes committed 'in our name' and the practice of evasion and relativisation are not limited only to Serbian official representatives. There is another side of the coin, noted by Bosnian intellectuals, who "widely believe that Bosniak political leaders have nurtured victims' suffering to entrench their own political positions" in the same manner that the "Serb leaders [in BiH] have perpetuated an anti-ICTY stance to advance a self-serving political agenda" (Orentlicher 2010, 98). All previous analysis of the contemporary Bosnia and Herzegovina agree on the point that public discourse is permeated by the 'three truths' (Orentlicher 2010, 89), three irreconcilable narratives of the past (J. N. Clark 2009a) which are associated to the three main ethnic communities. It is a widespread opinion in Bosnia that political leaders are the one to blame for "perpetuating ethnic perspectives" (Orentlicher 2010, 98) and many attribute "Bosnians' tendency to view issues ... through an ethnic prism" to the legacy of the political arrangement set up by the Dayton Peace Agreement (ibid, 99), which will be elaborated on in the next section (3.2). Diane F. Orentlicher concludes that in this political setting "it is unlikely that establishing facts at trial can by itself dispel denial" (ibid).

We should note here studies that analyse acknowledgement and denial not (only) as policies of state officials, but from the bottom-up perspective of ordinary citizens. There are a few studies that examined the direct effects of war crimes trials on the perception of the

adjudicated events among the 'ordinary people'. For instance, a field-research interview study of 'ordinary people' found that some elements of denial may be found among members of all ethnic communities (J. N. Clark 2009a, 476–478). The detailed micro study conducted by Lara Nettelfield (2010) analyses and compares conflicting narratives of war events shared by the local population of Konjic municipality in central Bosnia, when confronted with the narrative presented in the so-called *Čelebići* case. The trial exposed the facts about Čelebići prison camp, in which members of the Army of Bosnia and Herzegovina (ARBiH) were held accountable for violations of international humanitarian law and customs of war based on command responsibility against Bosnian Serbs (ICTY 1998). The narrative presented in the indictment and judgement challenged both the narrative of Bosniak and Serbian local communities, as well as the general interpretation of the war in BiH which Bosniak and Serbian political elites publicly promulgated. On the one hand, the trial disturbed the tidy image of ARBiH as a purely defensive and victimized party in the war, on the other hand, though seemingly feeding the Serbian nationalist interpretation of a civil-war conflict of three equal parties, it also disclosed the organised pre-war campaign of arming Serbian civilians (Nettelfield 2010, chapter 6). After following the public debate that the trial provoked, Nettelfield concludes that elite views regarding the ICTY changed slightly: the Serbian side moderated their stance, while the Bosniak embraced part of their responsibility. However, compared to the detailed analysis of the narratives presented by Bosniak and Serbian individuals during the war and during her research in 2005, her conclusion of the post-judgement effect of the *Čelebići* case is not so strongly supported with clear evidence.

Some studies give us a more nuanced and less judgemental picture of individual strategies through which people cope with the past in Yugoslav successor states. These studies inform us that denial is not necessarily a rejection of unwanted information, but should be understood as a cognitive process through which individuals gradually comprehend and understand troubling knowledge (Obradovic-Wochnik 2009; on denial in general cf. Cohen 2001). Along the same line, avoiding the problematic political and moral questions related to the war, especially in everyday contact between the people of different ethnicities, may be understood as a concession to peaceful co-existence, rather than the lack of reconciliation (Stefansson 2010; Eastmond and Mannergren Selimovic 2012). One could conclude that

precisely the monopoly of the political elites on the politics of memory, who profit from the politicisation of ethnic differences *ad infinitum*, hinders individuals from speaking about the crimes committed in the name of their community. The section 3.2 (Institutionalised Ethnicity in Post-Dayton BiH) explains the context in which it is easy for ethno-political elites to claim and exercise the monopoly on memory-making. However, this monopoly may be (and to a point indeed is) challenged by the individuals and groups who chose not to agree with the dominant position, as a few cases will show in the analytical part of the thesis.

Critically-oriented Bosnian intellectuals and activists agree with the assertion of ‘judicial romanticism’, presented earlier, that individualization of guilt helps people transcend the perspective of viewing war crimes in ethnic terms (Orentlicher 2010, 44). Nevertheless, empirical studies of ‘ordinary people’ reveal a much more complex and mutually conflicting set of opinions. In the focus-group study of citizens of different nationalities in Vukovar, Mostar and Pijedor researchers found that though most participants declaratively agreed that courts individualize guilt, “members of the national group from which the convicted persons originated often personalized those trials and experienced them as trials directed against ‘their’ collective” (Corkalo et al. 2004, 148). In connection to it, though they agree that individualization of guilt counters perceptions of collective responsibility, they “tended to regard crimes of their own ranks as ‘individual excesses’, while crimes committed by the other side ... [as] premeditated,” thus attributed to a larger structure than an individual perpetrator (Corkalo et al. 2004, 149).

### **3.1.3 Popular perceptions of the ICTY**

A statement with which everybody agrees is that *members of all ethnic communities* committed some crimes, which should be punished. However, in the discourse of many Bosnian Serbs, it is used as a preface to an “effort to equalize crimes committed” by all ethnic groups (Orentlicher 2010, 91–92) implying that all sides are equally guilty. Further, this argument serves as ‘evidence’ in support of the opinion that the Tribunal is biased against Serbs, and that “only Serbs are being prosecuted in The Hague,” while the number of the accused for crimes against Serbs is almost “negligible” (ibid, 92). The trust in the credibility of the Tribunal is consistently lowest among Serbian population (see Table 3.1) compared to others with the main reason being the large number of accused co-nationals (BCHR 2003, 33). As a long-time reporter from the ICTY remarked “the ‘popularity’ of the

ICTY in the former Yugoslavia is inversely proportional to the number of accused that come from these ... ethnic communities” (Klarin 2009, 92). In the words of one of the court’s critics, “the very unpopularity of the Tribunal ... means that its findings are not given great credence” (Hayden 2006), thus they cannot be expected to make changes of opinion among the local people. The opinion that the ICTY is a ‘political court’ is widespread among Serbs in Bosnia, as well as in Serbia, where the “perception of the ICTY as an instrument of victor’s justice and a symbol of Serb humiliation” dominates public discourse (Spoerri and Freyberg-Inan 2008, 375). As illustration, a survey showed that two thirds of Serbian citizens understand the Tribunal’s mission as some kind of ‘conspiracy theory’ (BCHR 2004, 40).

**Table 3.1: Population surveys relating to trust in the ICTY as institution**

Time of the survey	The research question	Croatia	Federation of BiH	Republika Srpska	Serbia	Source
1999	The ICTY is a credible institution		78% (among NGO members)	17% (among NGO members)		(Nettelfield 2010, 163)
2002	Trust in the ICTY	21%	51%	4%	8%	(IDEA 2002, 7)
2004	The ICTY is a credible institution		88% (among NGO members)	65% (among NGO members)		(Nettelfield 2010, 163)
2009	Generally positive opinion about the ICTY		(cf. 73% Bosniaks in Serbia)		14% <sup>38</sup> (cf. 8% ethnic Serbs)	(BCHR 2009, 7)
2010		21%				(BCHR 2010a, 6)
2010			54%	16%		(BCHR 2010b, 6)
2011		21%				(BCHR 2011, 7)
2012				59%	15%	

The mirroring effect of this myth, as Bosnian (critically-oriented) intellectuals warn, is that “many Bosniaks have been unwilling to condemn abuses committed by the Bosnian Army against Serbs and Croats, concerned that ‘this could be seen as equalizing guilt’” (Orentlicher

<sup>38</sup> It should be noted that 8% of ethnic Serbs and 73% of ethnic Bosniaks in Serbia shared positive attitude towards the ICTY (BCHR 2009, 7).

2010, 43) and creating false ‘national balance’ among the perpetrators (ibid, 97). In addition, the Bosniak population tends to perceive ICTY sentences as too lenient, which they often understand as result of political levelling in the adjudication process (Biro et al. 2004, 193). Another study of Sarajevans of all ethnicities showed that they increasingly observe the ICTY as “politically influenced in its decision-making” (Kutnjak Ivković and Hagan 2006, 402).

In order to tackle this issue, a group of international and local scholars embarked upon an investigation of the claim that the court is biased, through analysis of its case-law. Their conclusion is “that there is no evidence of systematic bias – certainly not of deliberate bias – on the part of the ICTY against any ethnic groups in the former Yugoslavia” (Allcock 2009, 378). Nevertheless, the perception of partiality and unfairness on the part of the Tribunal, widespread and consistent among the Serbian, and to lesser extent Croatian population (see Table 3.2) prevails invariably of the courts conduct. This popular belief refutes the presumption that individualization of guilt counters perceptions of collective responsibility.

**Table 3.2: Population surveys relating to perception of bias against defendants from respondents’ ‘own’ population in the conduct of the ICTY<sup>39</sup>**

Time of the survey	The research question	Croatia	Federation of BiH	Republika Srpska	Serbia	Source	
2003	The ICTY treats the defendants from ‘own’ population with negative bias				69%	(BCHR 2003, 31)	
2004					69%	(BCHR 2004, 44)	
2005					69%	(BCHR 2005, 38)	
2006					63%	(BCHR 2006, 44)	
2009			(cf. <1% Bosniaks in Serbia)		70% (cf. 75% ethnic Serbs)	(BCHR 2009, 26–28)	
2010		51%				(BCHR 2010a, 14)	
2010				9% <sup>40</sup>	56%		(BCHR 2010b, 18–20)
2011		49%					(BCHR 2011, 19)
2012			13% (Bosniaks) <sup>41</sup>	63%		(BCHR 2012, 30–32)	

<sup>39</sup> For the need of comparison I chose unfavourable simplifications in which I considered as “own population” Croats in Croatia, Serbs in Serbia and the Republika Srpska, and Bosniaks in the Federation of BiH.

<sup>40</sup> The percentage is the same in the two questions on perception of negative bias against Bosniaks and Croats. However, since the survey did not include ethnic category, the given figure is more representative of Bosniak opinion, which is by far largest majority in the Federation of BiH.

Part of the explanation usually offered is the generally quite low knowledge about the way the ICTY functions. In the early post-war years, the lack of information and misconceptions about the Tribunal were widespread not only among the general public, but also among those that are supposed to be experts in the field, namely local judges and prosecutors (Human Rights Center and Centre for Human Rights 2000, 103) and NGOs dealing with the issues of reconciliation (Cibelli and Guberek 2000). A consecutive mirroring study showed significant improvement in the level of information about the ICTY among the local civil society organisations (Nettelfield 2010, 161), and one could expect a similar improvement in the amount of knowledge and understanding among the local legal professional, due to the extensive training which they were given by international organisations (Barria and Roper 2008).

Regarding the general public, though the majority of the population admit they are poorly informed about the ICTY, its procedures and on-going cases, an even larger majority holds strong opinions about it. The pattern of poor information is similar across the region (cf. BCHR 2003, 27; BCHR 2004, 40; BCHR 2010a, 5–6; BCHR 2010b, 5–6), only the evaluation of the Tribunal differs. While among Serbian and Croatian communities the negative attitude prevails, the positive one dominates only in the Federation of BiH. The overall impression is that the stance towards the ICTY is based on prejudice and favouring of one's own group, not on the level of understanding about its conduct. Lack of information obviously hinders no one from being opinionated.

However, more nuanced analysis inform us that views differ not only among ethnic groups, but rather among the segments of society (Obradovic-Wochnik 2009; Nettelfield 2010; Obradovic-Wochnik 2013; Ostojić 2013). These studies indicate that urban critically-oriented intellectuals and civil society activists, invariably of ethnic affiliation, hold a favourable opinion of the ICTY, its mission and general need that political leaders and citizens “accept that members of their own ethnic group committed atrocities and acknowledge that this

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<sup>41</sup> These figures represent the percentage of the Federation population that believes the ICTY treats Bosniaks with negative bias. The perception of negative bias against Croats is shared by 13% of the same population. I find it unrepresentative of the opinion of Croatian ethnic community, since they are small minority in the Federation, and comparing to the results in Republic of Croatia, one would expect much larger perception of negative bias against Croat defendants.

was wrong” (Orentlicher 2010, 90). They express dissatisfaction due to insufficiently fulfilled hope that the “*truth*’ about wartime atrocities established in ICTY judgments [would] be publicly accepted as factual truth and condemned without reservation or equivocation” (ibid, 89). The starkest discrepancy between the prevalent popular and NGO activist opinion is visible in the Republika Srpska, which may be illustrated by the shift in opinions about the credibility of the ICTY. While the general population of the RS remained largely mistrustful regarding the Tribunal, the NGO members increasingly started perceiving the Tribunal as a credible institution (see Table 3.1).

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To conclude, extensive studies conducted on the case of the ICTY challenged and largely refuted the basic assumptions upon which the court was founded. While the practice of plea bargaining does not contribute to a comprehensive account of the war, it does not help reconciliation either. The whole idea that the Tribunal will create an objective, impartial historical record that should be trusted seems to be widely shared only in the Federation of BiH. The Croatian, and particularly Serbian population nurture the belief that the court is biased; thus, its findings lack credibility and are not trustworthy. This in many ways explains why the Tribunal’s judgements do not change popular perceptions about the past, as its proponents expected. Bearing all this in mind, the presumed reconciliatory effect of the ICTY is quite disputable. Nevertheless, over time a significant cohort of intellectuals, legal professionals and civil society activists internalised its basic values. Precisely these segments of society are the ones that push for change in public perceptions of the last war, calling for acknowledgement of the crimes committed ‘in our name’ and challenging dominant official narratives of the war.

### **3.2 Institutionalised Ethnicity in Post-Dayton BiH**

In order to understand the pattern of mnemonic practices, one needs to understand the structural conditions that shape it. The majority of the literature on collective memory, memorialisation, politics of memory and history textbooks, situates itself within the framework of nation-states. This is natural, since the state is the usual bearer of supreme political and social power and controller of its symbolic resources. However, in the case of

Bosnia and Herzegovina, the political and social system that emerged on the foundations of the Dayton Peace Agreement, invested the greatest political power in the representatives of the ethnic communities, rather than the central state, making the ethnic representatives the main entrepreneurs in public memory-making.

In the post-Dayton political and social system of BiH, ethnicity got 'institutionalised' (Malešević 2006, chapter 7) as the primary organising principle of political participation (legislature and executive), judiciary, public administration and education. The constitution of BiH, as Annex 4 to the General Framework Agreement for Peace in Bosnia and Herzegovina [hereinafter the Dayton Peace Agreement], devises a political system, which results both from the legacy of warfare and the principle of consociationalism driven to extremes. The constitutional arrangement reflects political pragmatism typical for a peace agreement, combining elements that would satisfy (and pacify) each of the sides. It recognised the Republika Srpska [literally meaning 'Serbian republic'], the nation-statelet that declared independence from BiH at the beginning of the war (with a political (and military) aim to unite with other 'Serbian lands'<sup>42</sup>), as one of the two entities of the State of BiH. On the other hand survival of Bosnia and Herzegovina as an internationally recognised state was most welcomed by Bosniak representatives and those who pledged allegiance to BiH as a civic state. Finally, the composition of the second entity – the Federation of BiH, which is also a relict of another peace agreement<sup>43</sup> – which divides it into 10 cantons with large autonomy, was a concession to demand of the Croat leaders to get a form of group representation. Five cantons obtain a Bosniak majority, and three have a Croatian majority (cf. Table 4.4 in Bieber 2006, 63), while the cantons as such have large prerogatives, including regulation of education. In addition Croats have reserved seats in the branches of government and legislation.

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<sup>42</sup> In the discourse of Serbian Democratic Party [*Srpska Demokratska Stranka* - SDS] 'Serbian lands were considered to be the *Republika Srpska Krajina* [Serbian Republic of Krajina] – insurgent proto-state formed by Serbian rebels within the Republic of Croatia from 1991 to 1995 – and the remnant Federal republic of Yugoslavia, comprising Serbia and Montenegro.

<sup>43</sup> The Washington Agreement of 18 March 1994, ended the war-inside-the-war between Croatian Republic of Herceg-Bosna (ethnically exclusive statelet that was founded in the first year of the war and supported by Republic of Croatia, further details will be given in the chapter 7) and forces loyal to the only internationally recognised representatives of the Republic of BiH.



On the top of the state level is the Presidency, comprised of three representatives of the ethnicities whose chairing rotates and which decides on the basis of consensus. Beside this complex structure is the special position of the District of Brčko (the city of Brčko and nearby area, strategically situated in north-east corner of the state on tripoint border with Croatia and Serbia), which does not belong to any of the entities and has autonomous branches of government. The fragile and to a large extent dysfunctional system of government is monitored by the Office of the High Representative (OHR), mandated by the international Peace Implementation Council to oversee civilian implementation of the Dayton Peace Agreement. The OHR has power to impose legislation when necessary in situations when lack of political consensus reaches a deadlock, and has the prerogative to dismiss public officials when finding that they endanger the peace process.

Designed to guarantee group representation so none of the three main ethnic groups would feel outvoted, the constitution of the post-Dayton BiH devised an arrangement that could be described as a “triple power-sharing system, with power-sharing in the entities and cantons, as well as at the state level” (Bieber 2006, 44). Thus, each canton, entity and state has a parliament (bicameral in the case of the latter two) in which “each [ethnic] community has the right to *veto* decisions” (ibid.) that it esteems as negatively affecting its ‘national interest’. At the state level, “only one third from each entity can block a law in either of the two chambers of parliament” (ibid, 44-45). In this set up the group representation permeates to all levels of parliament, government and public administration, creating a situation of *ethnopolitics* (Vlaisavljević 2006), and three different *ethnopolities* (Mujkić 2008). Consequentially, dominant political parties are ethnically defined, with the exception of Social Democratic Party (SDP BiH), which also succumbs to the principle of ethnic balance and parity.

This political pattern was not new. All of the previously offered political solutions to Bosnian political crisis were taking for granted ethnicity as the primary political organising principle and intra-state territorial demarcation of the ethnic groups as a remedy for the conflict (Campbell 1999; Turčalo 2012). In a way, this recognised and legitimised the concept of ethnic purity put forward by the nationalist leaders. On the other hand, it should be noted that throughout history, ethnicity often did play a role as an important organising principle in Bosnian political life (M. Imamović 2006; M. A. Hoare 2007). Ethno-national categories

were embedded in the SFRY [Socialist Federative Republic of Yugoslavia] constitutional and political arrangement as well. Yugoslavia was no exception among communist states who devised “organisational mechanisms for the institutionalisation of ethnicity and nationhood as a category of everyday experience” (Brubaker 1996 in Malešević 2006, 161).

On the basis of the Dayton constitution of obligatory ascribed status the educational system is administratively organised along ethnic division lines, under the idea of providing cultural autonomy to the communities, but at the same time allowing and supporting segregation of students and curricula (Torsti 2003; Pašalić Kreso 2008, 360–362). In a similar way, and under the same political incentives, the media sphere is largely organised by and for ethnic, not state-wide, audiences (Jusić 2004; Jusić 2010). Thus, in order to understand the dynamics within the public and political spheres of Bosnia and Herzegovina, strong arguments hold in favour of approaching and analysing it as merely the institutional framework of a state in which three (or two) parallel communities function separately (Vlaisavljević 2006; Ćurak 2007; Mujkić 2008); as a state of “multiple mono-ethnic societies” (Dudouet et al. 2008, 9).

### **3.3 Collective Memory in BiH**

The conflict in Bosnia and Herzegovina (and other regions of the former Yugoslavia) has often been explained in the framework of different, and often conflicting, collective memories of the past, especially the WWII (Denich 1994; Simić 2000; Bet-El 2002; Boose 2002). This line of description refers to ‘suppressed memories’ of atrocities committed by Ustashes, Chetniks, Partisans and other military formations and their factions, during the civil war against the backdrop of the Axis occupation and formation of the Independent State of Croatia.<sup>44</sup> After the war, the Communist party promoted public reproduction of only one straight forward narrative of the war which was employed both for consolidation and the legitimisation of power of former Partisans, and for fostering an ideology of ‘brotherhood and unity of all Yugoslav nations and nationalities’. Therefore, historical interpretations that went outside the firm party line were not tolerated in the public field,

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<sup>44</sup> An Axis puppet state created on the territory of Croatia and Bosnia and Herzegovina from 1941-1945.

and were reproduced in the private sphere of family and like-minded circles (often connected with political émigrés). Many of these interpretations ('suppressed memories') were locked in a clearly nationalistic discourse, and once the firm hand of Tito was gone they started surfacing in the gradually pluralising political field that preceded dissolution of Yugoslavia. However, as Stef Jansen warned, it was not the actual people's memory that (deterministically) led to wars, but the historical representations manipulated in nationalist political programs (Jansen 2002; see also Bougarel [Bugarel] 2004; Gagnon 2004). Indeed, some authors noted it was precisely the incongruence of ongoing ethnic war with the memories of peaceful (co)existence (the time when ethnic background was less important or irrelevant) that appalled the local population, leaving them in dismay with the question 'how this could have happen to us?' (Bringa and Christie 1993; Weine 1999; Ben Lieberman 2006; Sorabji 2006). Going beyond the previous simplistic understanding of collective memory as a given fact, most analyses of individual and communal memories (in post-Yugoslav societies) approach them as constructions mediated through the social context which ascribes them with meanings and modifies them (Jansen 2002; Bougarel 2007; Duijzings 2007; Horelt and Renner 2008; Kardov 2008; Pavlaković 2008; Baker 2009; Gregulska 2009; Marinov 2009; Bolton and Muzurović 2010; Halilovich 2010; Schäuble 2011; Širok 2012). As "social groups ... need to maintain and preserve a positive self-image" they are "especially motivated to remember events" in such a way to sustain a positive image (Baumeister and Hasting in Corkalo et al. 2004, 148). In their research of citizens' opinions about the last war conducted in Vukovar, Mostar and Prijedor, Dinka Čorkalo and her associates found the pattern that reflects the need to sustain a positive image of one's own community in the interpretation of the wars. They found three apparent forms of self-deception: "denial of what happened during the war, biased memories of the events or embellishment of particular historical episodes, and downplaying of war crimes committed by members of their own national group" (Corkalo et al. 2004, 149). Other researchers agree with these findings, stating that some level of self-victimisation is present in the narrative of all ethnic groups (Ramet 2007a; J. N. Clark 2009a).

As elaborated before, memory and identity are mutually constitutive, and as explained in the previous section the post-Dayton political setting ascribes ethno-political elites with the greatest political and social power. Thus, mnemonic practices organised and supported by

the official bodies serve the purpose of building ethno-national identities and lead to the 'ethnization' of memories, meaning that the "memory itself and interpretation of the past becomes ethnically exclusive" (Corkalo et al. 2004, 157). Therefore, the social context of memorialisation seems to be of profound importance and this thesis tries to shed additional light on that issue, by examining how the media translate the ICTY's decisions into 'memory making' for local consumption.

Bearing all that in mind, I would like to make a clarification when referring to 'ethnic memories', stressing that collective memories are not 'ethnic' in and of themselves, but are 'ethnized' through consciously devised practices, such as organising public commemorations and writing history textbooks. While there have been only few studies on the pattern of officially organised memorialisation in contemporary BiH, the field of history textbooks has been given much greater scholarly attention as will be presented in the next section.

The studies of commemorative practices agree on the two points: that the "memory landscape is fragmented" (Moll 2013), and that narratives about the last war are embedded in the narratives about the more distant past, especially revising the once commonly-built memory of WWII (Karačić 2012). There has been abundant research on the specific case of the Srebrenica memorial and commemorations held there (Pollack 2003; Bardgett 2007; Bellou 2007; Duijzings 2007; Leydesdorff 2010; Braun 2013; Nettelfield and Wagner 2013). However, due to the exceptionality of the Srebrenica atrocity, as the single largest slaughter during the war, and its symbolically highly charged importance as the only event adjudicated as genocide, it holds a special position in the memory culture of Bosnia. Besides the 'ethnification' of memory, Srebrenica's symbolism ascribes many additional meanings to its memorialisation, which will be analysed in section 6.4.

### **3.4 History Textbooks as the Bearers of the National(ist) Narratives in BiH**

In order to understand the content of the history textbooks used in Bosnia and Herzegovina, one has to understand the structural setting in which they operate and factors that influenced their change. On the one hand, the post-war organisation of the state, creating the setting in which the educational system is divided along ethnic lines, allowing

national(ist) entrepreneurs in power to promote their version of history. In such a set-up history textbooks were (and still are) designed to create a continuity of national memory “upon which a collective identity is founded and the future is predicated” (Soysal, Bertilotti, and Mannitz 2005, 14). On the other hand, international organisations and the Office of the High Representative alarmed by the nationalistic content in the textbooks pushed for the reform of textbook content and succeeded in it to a certain point.

For this research I analysed only textbooks for the final year of primary education, following the logic that it is compulsory for all citizens and represents what educators find to be minimum common knowledge of history a citizen should share. Previous analysis compared only textbooks in use at the time of the study or with narrow focus of evaluating the effects of the educational reform.

### **3.4.1 Segregation in BiH education**

The educational system of Bosnia and Herzegovina is extremely complex (Pašalić Kreso 2008, best exemplified by the table on p. 361), and is probably the worst collateral damage of the post-Dayton political system. Under the flag of protecting the collective cultural rights of the three constituent nations, it brought ethnic segregation as its main principle. In practice it means that the ‘national group of subjects’ (such as language, history, geography and culture) is defined by the ‘language’ the parents choose their child is going to be educated in – Bosnian, Croatian or Serbian. Linguistically, this is one polycentric language, with several cultural centres (Kordić 2010), which used to be named Serbo-Croatian/Croato-Serb in Yugoslav times. After the dissolution of Yugoslavia, the common language has been standardized by each successor country into: Bosnian, Croatian, Montenegrin and Serbian. In the post-Dayton BiH, Bosnian, Croatian and Serbian are recognized as the three official ‘languages’, practically meaning that Serbian and Croatian languages follow codifications set-out in Belgrade and Zagreb, respectively. In the fervency of nationalism both language standards tried to maximize the ‘difference’ between the two, insisting on imagined ‘linguistic purity’ (ibid). As a reaction, linguists in Sarajevo also started devising a Bosnian language, which is grammatically somewhere in between, but adding to the code Turkish-

origin words, in order to emphasize their Muslim origin of Bosniaks as a nation.<sup>45</sup> Thus by choosing the language, parents are forced to declare the child's ethnicity and, of course, by this BCS<sup>46</sup> tripartite offer, individuals having multiple, minority or non-ethnic identity are forced to conform to the majority they live in. Therefore, by the selection of a language schools (and classes) are organized as mono-ethnic. Even in formally multi-ethnic schools, pupils are dividedly thought, creating a paradoxical situation known as 'two schools under one roof' (Hromadžić 2008).

Separate educational programmes and curricula are devised for each of the ethno-national groups, but which significantly differs only in the 'national group of subjects'. In the Republika Srpska, which is centrally organised, the Ministry of Education regulates the educational plan and program and one public publisher (*Zavod za udžbenike i nastavna sredstva*) provides one textbook for all Serbian classes in the RS and in those schools in the Federation where classes in Serbian language exist. On the other hand, the structure in the Federation of BiH is multileveled. Since the prerogative for educational policy lies on the cantonal level, each of the ten respective Ministries of Education creates its own educational program. In practice, the four cantons with large Croatian communities by rule approve the textbooks recommended by the Institute of School affairs in Mostar. At the same time the Federation Ministry devises its own plan and program for teaching in the Bosnian language, and approves textbooks which are then used in cantons and schools with Bosniak majority or plurality – thus I will refer to these textbooks as 'Bosniak'. Therefore, there is a central body for each national community which approves their textbooks. The only exception is the Brčko District, where schools and classes are not ethnically pre-determined. Here 50% of the history teaching is organised in mixed classes using the common curricula of all three educational programs, while the other 50% is taught in divided lectures where textbook content differs significantly across ethnicities (OSCE BiH 2007). Finally, another small enclave of genuinely mixed multiculturalism is the small chain of Catholic School Centres. In spite of the title that would suggest that these schools are oriented only to Croatians, the content of

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<sup>45</sup> It should be noted that codifiers of Bosnian language declaratively devised it as a common language of all people who live in Bosnia and Herzegovina (Halilović 1991), however it is predominantly considered as their 'own' by those who declare themselves as Bosniaks.

<sup>46</sup> BCS is the acronym for Bosnian-Croatian-Serbian language, the term used in most of the foreign countries to refer to the local language.

its history textbook is telling – it is a slightly moderated version of probably the most inclusive textbook written for pupils attending Bosnian language classes.

### **3.4.2 Short history of textbook use in BiH**

It was a long and meticulous process to reconstruct the 'history' of history text-books use in Bosnia and Herzegovina, as presented in the Table 3.3. I collected information from previous research, and extensively compared catalogue items in libraries in Bosnia and Herzegovina, Serbia, Croatia and Slovenia. Further, I used information obtained from researchers who dealt with education in Bosnia and Herzegovina before me,<sup>47</sup> some publishers, authors and librarians. So far nobody thoroughly investigated the genesis of textbook use in BiH, and I believe this is the first such endeavour, with a focus on the development of the narratives about the Yugoslav dissolution.

#### **Table 3.3: Use of history textbooks in Bosnia and Herzegovina since 1991**

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<sup>47</sup> Tamara Pavasović Trošt, Goran Batić, Azra Hromadžić, Alenka Bartulović.

	Federation of BiH				Croat majority cantons				Republika Srpska
1973	Perazić, Stanko, Husein Serdarević. <i>Povijest: Udžbenik za VIII razred osnovne škole</i> . Sarajevo: Svjetlost. Editions: 1973 ... <b>1990</b>								
1990									
1991	1991 edition: <i>Istorija – Povijest 8: Udžbenik za VIII razred osnovne škole</i> . Sarajevo: Svjetlost.								
1992	1992 edition: Ljubljana: Ministrstvo za šolstvo in šport Republike Slovenije (Exclusively for children, temporary refugees from BiH to Slovenia).				From Croatia: Perić, Ivo. <i>Povijest za VIII. razred osnovne škole</i> . Zagreb: Školska knjiga. Editions: <b>1992 (1st)</b> to <b>1995 (4th)</b> .				From Serbia: Mladenović-Maksimović, Ljiljana. 1992. <i>Istorija: za VIII razred OŠ</i> . Beograd: Zavod ...
1993									From Serbia: Gačeša et al. <i>Istorija za 8. razred OŠ</i> . Beograd: Zavod za udžbenike... Editions: 1993, <b>1994 (2nd)</b> , <b>2000 (8th)</b> .
1994	Imamović, Mustafa, Muhidin Pelesić and Muhamed Ganibegović. <i>Historija: 8. razred osnovne škole</i> . Sarajevo: Ministarstvo obrazovanja, nauke i kulture. Editions: <b>1994</b> (printed in Slovenia), 1996 (printed in Sarajevo).								Pejić, Ranko. 1997. <i>Dodatak udžbeniku istorije: za 8. razred OŠ</i> . Srpsko Sarajevo: Zavod za udžbenike ...
1995									
1996									
1997									
1998									
1999									
2000									
2001	Ganibegović, Muhamed, Enes Durmišević and Muhidin Pelesić. 2001. <i>Historija - Povijest: za 8. razred osnovne škole</i> . Sarajevo: Svjetlost.				From Croatia: Matković, Hrvoje. <i>Povijest 8: udžbenik za VIII. razred osnovne škole</i> . Zagreb: Školska knjiga. Editions: 2000, 2001, <b>2002</b> .				Pejić, Ranko. <i>Istorija za VIII razred osnovne škole</i> . Srpsko Sarajevo: Zavod za udžbenike ... Editions: 2000, <b>2002</b> .
2002									
2003	Ganibegović, Muhamed. <i>Historija - Povijest: za 8. razred OŠ</i> . Sarajevo: Svjetlost. Editions: <b>2003 (1st)</b> , 2006 (3rd).	Šehić, Zijad and Zvezdana Maričić-Matošević. <i>Historija/Istorija/Povijest: udžbenik za 8. razred OŠ</i> . Sarajevo: Sarajevo Publishing. Editions: 2003, 2004, <b>2005</b> .			Matković, Hrvoje, Božo Goluža and Ivica Šarac. <i>Povijest 8: udžbenik za VIII. razred osnovne škole</i> . Mostar: Školska naklada. Editions: 2003 (1st), 2007 (3rd), <b>2009</b> .				Pejić, Ranko. <i>Istorija: za IX razred OŠ</i> . Istočno Sarajevo: Zavod za udžbenike i nastavna sredstva. Editions: <b>2003 (1st)</b> , <b>2006 (4th)</b> .
2004									
2005									
2006						Miloš, Miljenko. 2006. <i>Povijest novoga doba: udžbenik povijesti za 8. razred OŠ</i> . Mostar: Znanje.			
2007		Šehić, Zijad, Zvezdana Maričić-Matošević and Alma Leka. 2007. <i>Historija/Istorija/Povijest: udžbenik i čitanka za 8. razred osnovne škole</i> . Sarajevo: Sarajevo Publishing.	Hadžlabdić, Hadžija, Edis Dervišagić, Alen Mulić and Vahidin Mehić. 2007. <i>Historija: udžbenik za osmi razred OŠ</i> . Tuzla: Bosanska knjiga.	Valenta, Leonard. 2007. <i>Historija - Povijest: za 8. razred osnovne škole</i> . Sarajevo: Bosanska riječ.					Pejić, Ranko, Simo Tešić, Stevo Gavrić. <i>Istorija: za 9. razred osnovne škole</i> . Istočno Sarajevo: Zavod za udžbenike i nastavna sredstva. Editions: 2007 (1st), <b>2009 (3rd)</b> , <b>2013 (7th)</b> .
2008									
2009									
2010									
2011									
2012	Šabotić, Izet and Mirza Čehajić. 2012. <i>Historija 9</i> . Tuzla: NAM & Zenica: Vrijeme.					Miloš Miljenko. 2008. <i>Povijest novoga doba: udžbenik povijesti za 8. razred OŠ</i> . Mostar: Znam.	Bekavac, Stjepan, Mario Jareb and Miroslav Rozić. <i>Povijest 8: udžbenik za osmi razred osnovne škole</i> . Mostar: Školska naklada.	Erdelja, Krešimir, Igor Stojaković, Ivan Madžar and Nikolina Lovrinović. 2010. <i>Tragom prošlosti 8</i> . Mostar: Školska naklada.	
2013									

### Legend:

	Ethnically non-defined textbooks for BiH
	BiH textbooks for lectures in Bosnian language
	Textbooks directly imported from the Republic of Croatia
	Textbooks from Croatia adjusted for BiH
	BiH textbooks for lectures in Croatian language
	Textbooks directly imported from the Republic of Serbia
	Textbook supplement for the RS to accompany textbooks from Serbia
	The RS textbooks for lectures in Serbian language

The text written in grey refers to the textbooks which I was notable to get hold of.

In cases when several editions of the same textbook exist I **bolded** the year of the edition in my possession.

Beginning in 1973, the Socialist Republic of Bosnia and Herzegovina used the same textbook, which was a perfect example of the official narrative about the 'National Liberation War' (*narodnooslobodilački rat – NOR*) of the partisans, and creation and the development of the



SFRY. While in Serbia and Croatia, nationalistically-scented revisionism started penetrating textbooks as early as 1988 and 1991, respectively (Pavasović Trošt 2012, chapter 4), the Bosnian textbook kept the firm communist party line (Perazić and Serdarević 1990). After the first multiparty elections, the government formed by the coalition of nationalist parties, SDA, SDS and HDZ, in a manner of saying “we agree that we disagree” kept the old socialist-time textbook with minimal, but, from this perspective, interesting changes. The textbook was renamed *Istorija-Povijest* reflecting the already on-going battle of the nationalisations of the common language (Kordić 2010) in which ‘*istorija*’ was recognised to be proper Serbian, and ‘*povijest*’ the Croatian word for ‘history’. Soon after, in the process of ethnification of Bosnian Muslim to Bosniak national identity (Mihajlović Trbovc 2008), the word ‘*historija*’ came to be recognised as an adequate Bosnian word for the same subject. Paradoxically (or not) the portion of text that was excluded from the last common textbook of 1991 was the definition of a “just war” (cf. Perazić and Serdarević 1990, 202; Perazić and Serdarević 1992, 167).<sup>48</sup> At the time when the different claims of national sovereignty clashed with each other, one could imagine why these lines came to sound ‘problematic’: “if a war is fought for the liberation of a people (*narod*) from a foreign power or in self-defence – then it is a just war” as opposed to a conquering one (Perazić and Serdarević 1990, 202). What was inserted in the textbook might reflect the rising militarism of the time: “in the defence of the country, there must be no hopeless situations, regardless of the enemy’s military power: it is unacceptable that an enemy would win and enslave our country” (Perazić and Serdarević 1992, 168). Again paradoxically or not, the 1991 textbook ends with Tito’s words: “We should work and live as if there is going to be a century of peace, but we should prepare for defence as if a war will break out tomorrow” (ibid, 169). And it did.

As the war broke out, “the choice of curriculum in any given school depended on the dominant army (i.e. nationality) in the territory in which the school was located” (Pašalić Kreso 2008, 357–8). On the territory controlled by the nascent Republika Srpska, textbooks from the Republic of Serbia, with an already well-formed ethno-national narrative, were imported, accompanied with a policy of favouring the Ekavian dialect<sup>49</sup> and Cyrillic script, as

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<sup>48</sup> 1992 edition that I hold is the exact copy of the 1991 one.

<sup>49</sup> A group of dialects of the common Serbo-Croatian language, spoken primarily in Serbia, distinguished by reflecting the common Slavic *jat* sound as /e/, instead of /ije/ typical for most of Bosnia and Croatia. During the

symbols of Serbianhood. In a similar manner, the 'Croat Community of Herceg-Bosna' took power over education in 1992 (Baranović 2001, 15) and started using various editions of the openly-nationalistic textbook published in the Republic of Croatia (Torsti 2007). In the territory under the control of the internationally-recognised government of BiH, where the majority of Muslims/Bosniaks lived, the old textbook remained in use and was (even) reprinted in the states where refugees fled to.<sup>50</sup> Only in 1994, did a textbook come out written by authors in besieged Sarajevo (M. Imamović et al. 1994).<sup>51</sup> Though framed within the concept of a multi-ethnic Bosnian state and copying much of the material from the old common textbook, it revealed clear trends of pro-Muslim discourse.

The textbooks from Serbia were used in the Republika Srpska until 2000, being supplemented with a modest addendum (*Dodatak*) for local use after the war (Pejić 1997). The textbooks from the Republic of Croatia were being imported in Croatian schools up until 2003, when the local versions started to be published.

### 3.4.3 History textbook reform

A statistical content analysis of the textbooks used from 1996 to 1999 concluded that "Croatian textbooks were most ethnically coloured, followed by the Serbian textbooks," while the Bosnia[k] textbooks contained the least number of the units that mentioned the ethnic aspects of national history" (Baranović 2001, 24). Another study of textbooks used in the school-year 1999-2000 found that "'the others', the members of other national groups of the country, are typically presented through enemy images" (Torsti 2007, 77). The presence of textbooks from Serbia and Croatia in which Bosnia and Herzegovina was being "treated as a 'foreign' country" (Lenhart et al. for UNESCO report in Low-Beer 1999, 2) and the pervasive nationalism in the narrative, alarmed international organisations and the OHR as endangering nascent peace and pushed them to react. The urge to intervene in history education as one of the means to transform post-war societies was not new. For instance, the Allied occupation authorities saw "eradication of nationalism in textbooks as a key part

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war, there were even initiatives to enforce Ekavian pronunciation as the official one in Republika Srpska (*Oslobođenje* (Banja Luka) 1995).

<sup>50</sup> I hold such a copy, printed "exclusively for children, temporary refugees in Slovenia" (Perazić and Serdarević 1992, back cover).

<sup>51</sup> Again, it was printed in the country of refuge – Slovenia.

of demilitarisation and democratisation policy” in post-WWII Germany and Japan (Hein and Selden 2000, 7).

In 1999, under international pressure, the 13 education ministers<sup>52</sup> started consulting in order to harmonise curricula and textbook content, but soon faced stalemate. At the time when Bosnia and Herzegovina was applying for membership in the Council of Europe (CoE), its Parliamentary Assembly seized the opportunity to influence the sensitive issue of textbook-writing (Council of Europe 2000). Bearing in mind the obvious inability (and lack of will) of the local official historians to reach even basic common ground in the portrayal of the last war, the CoE called for a moratorium on teaching about this period (ibid, §iv). In addition, “the withdrawal of potentially offensive material from textbooks before the start of the school year 1999/2000 was made one of the minimum requirements for accession” (Low-Beer 2001, 3). Since the time to write and adopt new textbooks soon ran out, the local ministers agreed to remove ‘objectionable material’ from existing textbooks, either by blackening it with a non-transparent marker or sealing a stamp next to it stating that “the following passage contains material of which the truth has not been established, or that may be offensive or misleading” (ibid). This act of censorship led to rather unfortunate outcomes: there were reports that the teachers who were supposed to ‘purify’ the textbooks commissioned students to do so (ibid), that the blackened text only teased teenager curiosity (field researchers noted children putting the paper against the light in order to read what is forbidden)<sup>53</sup> and that there was quite some ridicule about the whole affair aimed at international officials. The year 2000 brought agreement in the tedious process of inter-ministerial negotiations that all textbooks should be produced and printed in BiH (and not imported) (ibid, 4). Thus, formally the new Serbian textbook was published in Srpsko Sarajevo [Serbian Sarajevo],<sup>54</sup> which was basically compilation of former textbooks’ texts.<sup>55</sup>

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<sup>52</sup> These are two entity ministers, plus one from Brčko District and ten from each canton within the entity of Federation of BiH.

<sup>53</sup> Observation given by Azra Hromadžić from her field-work.

<sup>54</sup> The name of part of the former Sarajevo municipality that is part of the Republika Srpska, which was later renamed to Istočno Sarajevo [East Sarajevo].

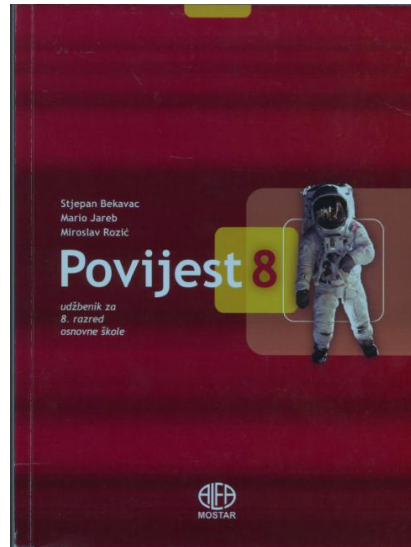
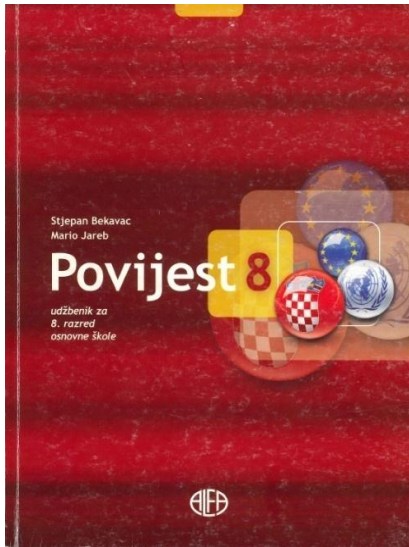
<sup>55</sup> The author of the supplement (*Dodatak*) to Serbian textbook in the RS, published the first history textbook for Republika Srpska in 2000 (and reprinted two years after) (Pejić 2002), whose text represents the mixture of the previous textbook from Serbia (Gaćeša, Mladenović-Maksimović, and Živković 2000) and the supplement, thus it is *not* genuinely new narrative.

The ban of textbooks import (though it was never fully implemented)<sup>56</sup> started a practice, that we can trace till today: Croatian textbook-authors take on board some local historians from Herzegovina to fill bits of BiH history here and there in order to fulfil minimal requirements of the curricula, and get it published in the Mostar branch of their Zagreb publisher as a 'local' textbook (such are Matković et al. 2009; Bekavac et al. 2010; Erdelja et al. 2010). The process of 'adjustment' involves exclusion of overtly problematic symbols, such as replacement of Croatian coat of arms (symbolizing 20<sup>th</sup> century as the time of nation-building) with a neutral generic material (symbolizing 20<sup>th</sup> century as the time of ethnic progress) on the book's cover (see Figure 3.1).

### Figure 3.1: Zagreb and Mostar editions of virtually the same textbook

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<sup>56</sup> For instance, the Government of the Herceg-Bosna Canton (a.k.a. Canton 10, the first name is used by the Croats, the latter by the Bosniaks and international community) approved a textbook from Croatia (Bekavac et al. 2007) in 2008 and 2009 (Vlada Hercegbosanske županije 2008; Vlada Hercegbosanske županije 2009), though it was not recommended by the Institute of School affairs in Mostar. I found it still being used in one of the primary schools in the main city of the canton (Osnovna škola "Ivan Goran Kovačić" Livno 2013, 8). Nevertheless, since this is insignificant number of pupils and the textbook is off the market and in no local library, I did not include it into the analysis and it is not included in the Table 3.3.



(Source: Left: Bekavac and Jareb 2009. Right: Bekavac et al. 2010)

The process of republishing falls down onto inserting small patches of text in an otherwise coherent Croatian national narrative. For instance, in titles and subtitles “and BiH” is added to the practically unchanged chapters on “Croatia’s Path to Sovereignty” (Matković et al. 2009, 119) and “Establishment and Development of Independent Croatia” (Bekavac et al. 2010, 185). The similar pattern is visible in the textbook for Republika Srpska, where much more space is allocated to narrating the recent history of Serbia and Serbs in Croatia (Republika Srpska Krajina) than the history of BiH (see Table 3.4).

**Table 3.4: Number of pages devoted to Bosnia and Herzegovina as compared to Croatia- and Serbia-related material in contemporary Croatian and Serbian textbooks**

Croatian textbooks from BiH:	Generally on Yugoslav crisis	Pages relating to political processes and the war in Croatia	Pages relating to political processes and the war in BiH
Bekavac et al. 2010	2,5	27,5	3
Erdelja et al. 2010	2,5	10,5	5
Matković et al. 2009	0,5	7	2,5
Miloš 2008	1	11,5	5
Serbian textbook from BiH:	Generally on Yugoslav crisis	Pages relating to political processes in Serbia, Republika Srpska Krajina and the NATO bombing	Pages relating to political processes and the war in BiH
Pejić et al. 2009	0,5	6,5	1

Further progress in educational reform, facilitated by the international community, led to the creation of the 'Common Core Curricula', accepted by the local ministers. While the common curricula amounted to 70-90% in natural sciences, in history it was merely 50% and almost exclusively limited to international events, delegating almost complete national history to entity and cantonal level of government (D. MacDonald 2009, 411), thus making no substantial progress in this field. The peak of the pressure to change history-teaching was when the local officials adopted the *Guidelines for writing and evaluation of history textbooks for primary and secondary schools in BiH* (the *Guidelines*) in 2005, which should have influenced the textbooks published from next year on (text of the Guidelines can be found in Karge 2008, 47–52). The three main points of the *Guidelines*, relevant here are: eradication of open hate speech, taking BiH state as a framework for narrating history (instead of an ethnic perspective) and avoiding writing about the last war (along the earlier Recommendation of the Council of Europe).

The new Bosniak textbooks conformed to the rule and uniformly ended the narrative with the international recognition of BiH of May 1992 (Hadžiabdić et al. 2007; Šehić et al. 2007; Valenta 2007). There was no change in the Serbian textbook, which remained almost the same as in 2000. The narrative about the war in BiH was already reduced to its beginning and the end. Nevertheless, the elaborate narratives about Serbian suffering in Croatia and under the NATO bombing of Serbia were (and still are) pervaded with emotionally charged and ethnically biased discourse (cf. Pejić 2003, Pejić 2006, Pejić et al. 2009).<sup>57</sup> Croatian textbooks completely ignored this rule and contain an extensive narrative of the 'Homeland war'<sup>58</sup> in which a much shorter, narrative of Bosnian war is situated. Therefore, the same officials that declaratively adopted the new rules were the ones to approve (or commission)<sup>59</sup> textbooks that were clearly breaking those rules. Further deviation from the accepted norm is visible in the newest Bosniak textbook that, in a manner of backlash, returned the narrative about the last war into the subject material (Šabotić and Čehajić

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<sup>57</sup> The newest unrevised edition of the 2009 textbook is in use for the school-year 2013/14 (see Table 3.3).

<sup>58</sup> Particularly Croatian title for the 1991-1995 war in Croatia.

<sup>59</sup> In case of the Republika Srpska we can only speak of 'commissioning' rather than 'adopting' textbooks, since one governmental agency (the official public publisher) commissions and the other (Ministry of education) adopts a textbook.

2012). This is only to illustrate the ongoing competition in memorialisation that takes place in the textbook battlefield, while I will leave proper content analysis for the later chapters.

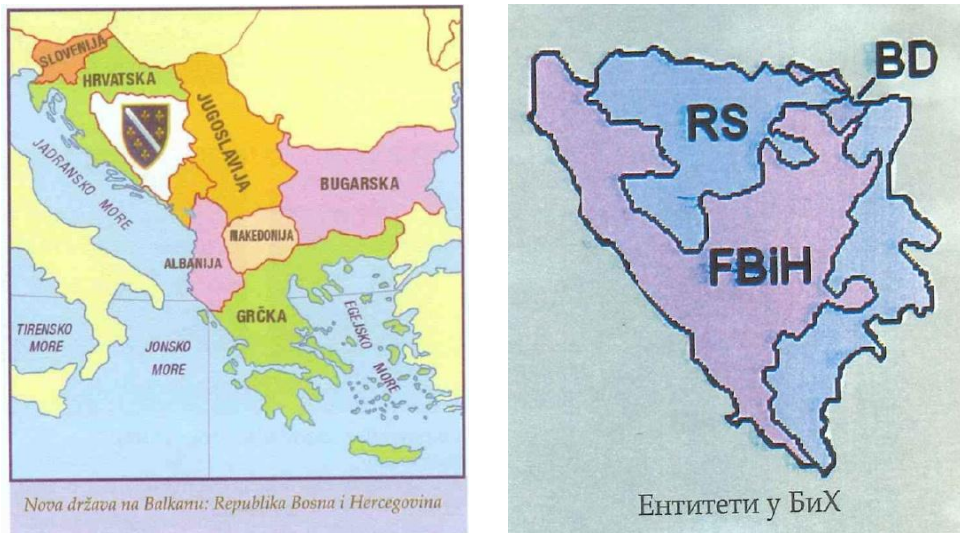
However, the textbook reform did partially succeed especially on the point of ousting a hard nationalistic tone and demonization of the Other. While Bosniak textbooks completely adjusted to the standards of political correctness, Serbian and Croatian ones only lowered the scale (Karge 2008, 14).

The final point of the reform was the demand to write historical narratives with Bosnia and Herzegovina “as the main reference point” in mind (point 1.2 of the *Guidelines*). This was required in light of the visible tendency of the Croatian and Serbian textbooks to be written from the position of their kin-states. Such an approach disables common identity formation, and is viewed by the international community and Bosnian unitarists most unfavourably. Bosniak textbooks always took the framework of BiH in narrating history, within which they shifted between a more civic-Bosnian and ethnic-Bosniak conception of identity. On the other hand, Serbian and Croatian textbooks, though paying some attention to the history of Bosnia as a region, invariably take for the point of reference ethnicity and the trajectory of its political institutionalisation in nation-states *outside* of Bosnia (as presented in Table 3.4). This is no hidden strategy: the author of all history textbooks in Republika Srpska since its inception regards the reform under international supervision as an aggressive intention to create unitary BiH, which is framed as something negative. (*Glas Srpske* 2012a). Pejić finds unacceptable that the Serb children are expected to “cherish patriotism regarding BiH, and not towards the Republika Srpska and Serbian nation” (ibid). Grievances have been expressed on other sides as well, for instance, the Bosniak oriented paper *Dnevni avaz* on several occasions complained that avoiding the topic of the last war in the textbooks undermines national identity among young Bosniaks (e.g. Čorbo-Zećo 2013).

The textbooks ‘imagine’ the preferred collective by discursively creating group boundaries and employing mechanisms of ‘banal nationalism’, that is the use of symbols that remind us of nationhood, which are so pervasive as to become almost unnoticeable (Billig 1995). When the Bosnian-Croatian textbooks mention ‘we’ as a community, it is the community of the Croatian nation; when it refers to statehood it is the statehood of Croatia. Until the most recent one, no Bosniak textbook gave the image of administrative division within post-

Dayton BiH as presenting the image of a unified state, the Serbian textbooks invariably presented the internal border as firm demarcation lines of separate political entities (see Figure 3.2).

**Figure 3.2: Visual representation of post-Dayton Bosnia and Herzegovina**



(Source: Left: Valenta 2007a, 187. Right: Pejić et al. 2009, 195)

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To conclude, though the text-book reform softened the style of expression, it did not change the pattern of historical narrative represented. The main narrative lines remain imbedded in ethno-centric perspectives, which set the scene for mutually diverging interpretations. The ethnic segregation of the educational system feeds the perpetuation of perceptions of history from ethnic viewpoint. In such a setting, the textbooks offer themselves as reliable material for analysing the historical master-narrative within each community and the way it is connected with the conceptualisation of the political identity of the community. These two aspects should help us comprehend how the narratives of the ICTY's decisions are situated in larger historical conceptions of each community and the role these historical memories have in future-oriented identity-building.

### 3.5 Media in Bosnia and Herzegovina

In order to understand how media mediate the message sent by the ICTY's decisions, we need to grasp what are the factors that influence the way the message is mediated. The



widespread misconceptions about the Tribunal among the local populations may be illustrative of the quality of local media reporting. Even more, world-wide experience showed that “the media have frequently played a negative role by polarizing or inflaming identity issues during transitional justice processes” (Price and Stremlau 2012, 1080; a similar point in Laplante and Phenicie 2009). Thus, the very fact of the media coverage of a trial does not necessarily provide the desired positive fruits of increased awareness and public acknowledgement of the atrocities from the past, as has been noted by the observers of Yugoslav case (Subotić 2009). It has been suggested that in order to assess the role of the media in transitional justice, one needs “to describe a unique pattern of information flow that characterize a particular state or society” (Price and Stremlau 2012, 1082). To get hold of this pattern I will pay attention to the structural conditions that shape the media sphere, with particular focus on print media.

In annual evaluation reports, one theme is constantly recurring theme in the is that the media landscape in Bosnia and Herzegovina is ethnically fragmented (cf. Thompson [Tompson] 2000; IREX 2001; IREX 2013; Jusić 2010), meaning that the media have an obvious ethnic prefix or rather clear ethnically profiled audience. This division has its roots in war-time partitions (Thompson [Tompson] 2000, chapter 8 and 9), but is maintained to a large extent by the post-war territorial and institutional arrangement of the state.

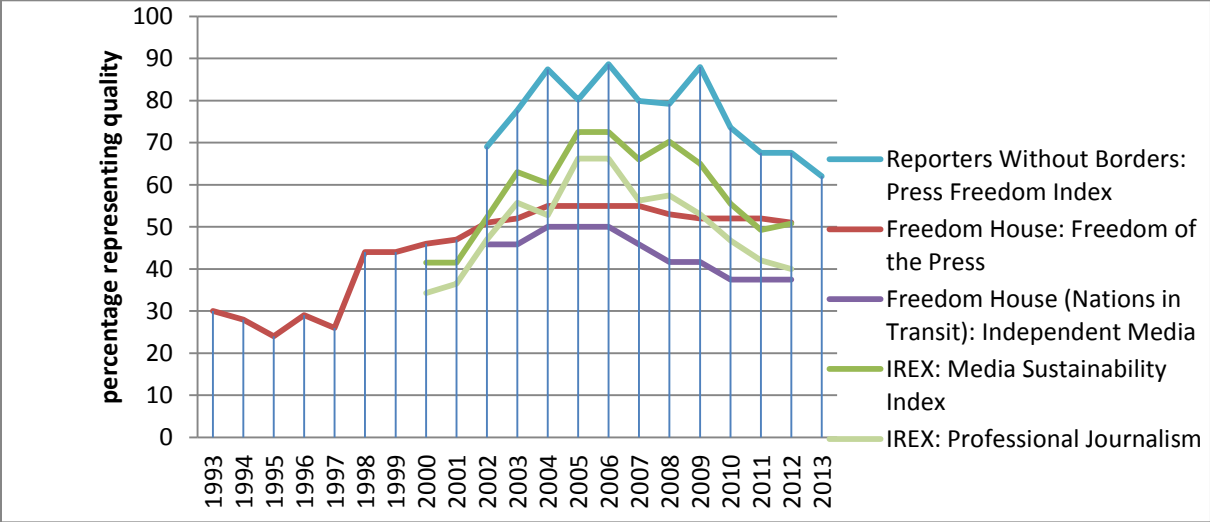
In the immediate post-war period, ethnic differentiation was ascribed to still-strong political control over the media, and the torn social fabric imposed by the war that clustered audience preferences into ethnic cohorts (Kurspahić 2003). Thus, significant media intervention was directed to “to create a plural media scene as a counter-balance to those media that were under strong control of nationalists during and just after the war” (Jusić 2004, 77). Part of the international intervention was also the development of legislation and control mechanisms of the ethical standards (Ahmetašević 2012). In addition, international organisations and foreign donors invested capital, technical support and training in the elevation of professional standards (OSF BiH 1996; International Crisis Group 1997; FOD BiH 1997; FOD BiH 1999). Still, while the majority of the print media were distributed throughout the country, “media remain[ed] largely tied to their respective entities and ethnic groups,” failing to provide information relevant to the larger state-wide audience (IREX 2001, 68).

Though independent media observers noted the issue since the end of the war, the ethnic division of the media was not constantly equally extreme. While some grandiose projects of the international community in broadcasting media failed grandiosely (Thompson and De Luce 2002, 226–7; Kumar 2006, 93–108; Jusić and Ahmetašević 2013, 43–7), it seems that less demanding support to the local *print* media produced favourable results for a time. The most cited positive example was the case of the *Nezavisne novine*, an independent newspaper from Banja Luka (the largest city in the Republika Srpska) that expressed open intention through its editorial policy, as well as distribution and advertising patterns, to cover and appeal to the majority of BiH's population. In the first half of the 2000s, *Nezavisne* had also the most comprehensive coverage of the ICTY trials (cf. Udovičić et al. 2005, 35). This was noted on several occasions and openly supported by international media interventions (De Luce 2003, 7). However, when the financial sustainability of the newspaper seemed secure, donor support withered away (Jusić and Ahmetašević 2013) leaving it to the fate of the local market. Over time, political pressure transformed from a direct one to a more oblique form, as political elites, intertwined with the centres of economic power, levelled their preferences through advertising. Since roughly 2007, editorial policy of the *Nezavisne novine* slowly curbed towards an openly pro-Serbian attitude, and a clear appeal to the Serbian audience could be also observed through content analysis in the presentation of war crime related issues (Ahmetašević and Tanner 2009, 51–53; Mačkić 2012, 17, 21–22). The paper grew dependent on favourable contracts and subsidies from the Republika Srpska government headed by Milorad Dodik, ending in a merger with the government owned paper *Glas Srpske* in 2008. It was precisely Milorad Dodik, later and incumbent president of the RS who was most often named in the context of political pressures and hostility to critical journalism (IREX 2008, 17–18, 21). This vignette about *Nezavisne novine* could be informative about the correlation between foreign donor support to media (often named 'media intervention'), independent and responsible journalism and leverage of political pressure.

In order to observe the evolution of media freedoms over the time, I compared annual reports conducted by the three monitoring organisations: Reporters Without Borders, Freedom House and International Research and Exchange Board (IREX) supported by the USAID. Bearing in mind all the criticism regarding the criteria of these measurements

(Burgess 2010), the three independent evaluations follow a similar tendency: the rise of media freedoms since the immediate post-war period, peaking in the middle of the 2000s and deteriorating since (see Figure 3.3).<sup>60</sup>

**Figure 3.3: The state of the media in Bosnia and Herzegovina**



**3.5.1 Media profiling**

With occasional exceptions, ethno-political division of the local media was more or less extreme, but the dominant trait of the local print media. In presenting the positionality of each media outlet, I consulted the reports of independent media evaluators, organisations and media experts.

**3.5.1.1 Oslobođenje**

Literally meaning *Liberation*, the oldest ongoing daily newspaper in BiH, was established as a partisan informative leaflet in 1943. Owned by the Socialist Alliance of Working People (SSRN), it completely reflected the orthodox stance of the Bosnian League of Communists (Thompson [Tompson] 2000, 258), following to the letter the principles of brotherhood and unity. This mind-set was genuinely shared by the editorship (and 2000 employees) who, for

<sup>60</sup> The data have been extrapolated from four series of annual evaluation of the state of the media in BiH: Press Freedom Index, conducted by the Reporters Without Borders; Freedom of the Press and Independent Media (as part of Nations in Transit report), conducted by the Freedom House; and Media Sustainability Index, conducted by IREX, from which I present separately the marks on professional journalism. All of these evaluation have different marking range, for instance, the Independent Media report gives mark 1 as the highest and 7 as the lowest, while Media Sustainability Index gives mark 4 as the highest and 0 as the lowest. In order to compare various evaluations, I recalculated all of the marks into percentage, whereas 100% represents the highest mark and 0% the lowest one (as given in the vertical axis of the chart in Figure 3.3).

instance, rejected the initiative of the nationalistic coalition government to break the paper into three national editorial units in March 1991 (ibid). Up until the outbreak of the war in Croatia, the editorship was extremely pro-Yugoslav and pro-JNA in the style of “antinational dogmatism” (ibid, 259). During the war, the paper “took on a role of a living symbol of Bosnian resistance to the craziness of the ethno-politics” (ibid, 260), and even managed to be critical of the rump Bosnian establishment during the very war (though following its stance in general). It was, and still is, an institution “whose identity and purpose were inseparable from the legitimacy, continuity and survival of the Republic [of BiH]” (ibid, 274). Thus, it is no surprise that *Oslobođenje* always devoted most time in covering memorial events connected to the civic Bosnian nationhood.

Though declaratively writing for the whole of BiH, *Oslobođenje* is read predominantly in the Federation of BiH, and consequentially it is less widespread among general Serbian population. A comparative study of media reporting from 2005 found that *Oslobođenje* tended to cover war crime themes relevant for all three nations. However the newspaper expressed a clear connection between the war crimes committed by Serbian side and the Republika Srpska as a result of it (Udovičić et al. 2005, 13). Though *Oslobođenje* is an exception from the clear ethnic division rule, it confirms that the media are divided along entities as well.

It was state-owned until privatisation in April 2000, when its shares were distributed among several of its employees (Jusić 2004, 84), but soon the largest owner became a Slovenian investment group (ibid, 85). This change in ownership did not significantly alter ideological stance of the media, which remained loyal to the idea of civic Bosnia and Herzegovina, generally opposing nationalisms and favouring the strongest non-ethnically defined party – Social Democratic Party (SDP BiH) (Marko et al. 2010, 91). In 2007, MIMS Group (owned by powerful tycoon Mujo Selimović) bought the majority of *Oslobođenje* shares (Pećanin 2007), as well as the weekly magazine *Dani* in 2010.

### **3.5.1.2 Dnevni avaz**

Literally the *Daily voice*, the title uses the Turkish word *Avaz* [voice], a common name in Arabic media, which makes clear reference to the Bosniak orientation of this media outlet. It

is privately owned by local businessman (once journalist) Fahrudin Radončić and his family,<sup>61</sup> and part of a growing business empire. Founded in 1995, “it has been claimed that *Avaz* was initially supported by the ruling Bosniak nationalist party SDA (*Stranka Demokratske Akcije*),<sup>62</sup> which has ensured the rise of this paper” (Kemal Kurspahić in Jusić 2004, 74), which was denied by the company owner, though its pro-SDA stance was obvious. In 2000, *Dnevni avaz* suddenly distanced itself from the SDA party, in an attempt to establish [itself] as an independent daily” (Jusić 2004, 74).<sup>63</sup> The move was severely punished by the SDA which tried different types of pressure, but with international support the paper managed to keep its independence, though still having populist pro-Bosniak orientation (ibid). In 2009 Fahrudin Radončić openly entered politics by founding a party – Alliance for a Better Future of BiH [*Savez za bolju budućnost BiH*] – of which he has been the leader ever since. While hitherto Radončić often used *Avaz* as a vehicle for personal vendettas, since 2009, the paper is clearly serving political propaganda of the owner’s party (Marko et al. 2010, 86–90). Though figures on circulation have been disputed (IREX 2008, 23; IREX 2013, 27), it is undisputable that *Dnevni avaz* is most widely read in Bosnia and Herzegovina (Jusić 2004, 73; Udovičić et al. 2005, 30; Marko et al. 2010, 8), which reflects the fact that Bosniaks are the largest ethnic group.

### 3.5.1.3 Glas srpski/Glas Srpske

Established as a Partisan publication during WWII and later formally owned by the SSRN (just like *Oslobođenje*), *Glas*<sup>64</sup> was the main paper published in Banja Luka, and the region of Bosanska Krajina, during the time of the SFRY. After the first multiparty elections of 1990, it came under the ownership of the Municipality of Banja Luka, which was controlled by the Serbian Democratic Party (SDS). In August 1992 the previous editor was ousted for “not being a good Serb” and the paper became a fully-fledged organ of nationalist hardliners (Thompson [Tompson] 2000, 264). The adjective *srpski* (Serbian) was added to the original

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<sup>61</sup> Just before he was appointed Minister of Security of BiH, Radončić transferred formal ownership over to his wife Azra, whom he simultaneously divorced. In this way Radončić formally fulfilled legislative requirements concerning conflict of interest, but genuinely remained in control of the paper.

<sup>62</sup> The paper had a head-start with access to the computers of the Army of BiH and special permission for paper supplies via air, claimed independent weekly *Dani* (Thompson [Tompson] 2000, 286).

<sup>63</sup> This assertion was confirmed by another study (SEEMO 2008, 297).

<sup>64</sup> For short periods the paper was titled *Banjalučke novine* [Banjaluka newspaper] and *Krajiške novine* [Krajina newspaper].

neutral name making clear its ethnic profile.<sup>65</sup> At some point (during the war) the paper came under the official ownership of the Government of the Republika Srpska, and since always reflected the official position of the government. In 2003, due to international pressure, the Assembly of Republika Srpska changed its name into *Glas Srpske* [Voice of the (Republika) Srpska] which only superficially sounded more neutral.<sup>66</sup> In 2008, 49% of the shares were sold to *Nezavisne novine*, the largest private newspaper in the RS (SEEMO 2008, 299). However, what was presented as ‘privatisation’ of the publicly owned media, was rather a merger, since at this time *Nezavisne novine* received large subsidies from the Government of the RS. This formal shift of ownership brought more change in editorial policy of the private buyer (as explained above) than it influenced the purchased paper.

*Glas* was and still is perceived as the voice of those in power in the RS. In the words of RS president Milorad Dodik, on the occasion of the 70<sup>th</sup> anniversary of *Glas*, “today, ‘*Glas*’ is the symbol of the Republika Srpska” (*Nezavisne novine* 2013b). Interestingly enough, the formal speakers at the event mentioned the heroic inception of the paper by the partisans, but omitted the war period when *Glas srpski* indulged in the most vulgar Serbian nationalistic propaganda. This is even more interesting, since the present-day leaders were the formal opposition in the RS Assembly during the war. Therefore, I feel confident in estimating that *Glas Srpske* is most accurately presenting the official narrative about the war at any given point in time.

#### 3.5.1.4 *Nezavisne novine*

*Nezavisne novine* [literally ‘Independent Newspaper’] was founded (and owned) by its editor in chief Željko Kopanja at the very end of the war. Though it lacked technical professionalism, it was the only media in the Republika Srpska that dared to write about the war crimes committed by the Serbian side, which resulted in an attempt to assassinate

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<sup>65</sup> I found untrue the information given by Mark Thompson in 1994 publication (which remained unchanged in revised edition of 1999, cf. Thompson [Tompson] 2000, 264) that the newspaper gave itself a name *Glas zapadne Srbije* [Voice of the Western Serbia], referring to Republika Srpska as only western part of the imagined Greater Serbia. However the phrase “Western Serbia” was seriously debated as potentially more adequate name of the Serb-controlled territory of Bosnia and Herzegovina.

<sup>66</sup> This was part of efforts of the OHR to purge ethnonymic changes of the names of public institutions and toponyms introduced during the war (for instance adding adjective Serbian to a name of a town). These changes in toponyms were declared unconstitutional by the Decision of Constitutional Court of BiH U 44/01 as “not representing all three constituent peoples of the Republika Srpska” in September 2004.

Kopanja in 1999. As presented above, the paper gained significant international (financial) support with an aim of becoming a state-wide independent daily. Thus, it was the only paper with newsrooms in Banja Luka and Sarajevo, and a smaller one in Mostar, which “through its content attempt[ed] to be a truly BiH paper” (SEEMO 2008, 298). In 2004 it was described as “the most serious [daily newspaper], in terms of its content and journalistic quality” (Jusić 2004, 75) with the most comprehensive and unbiased coverage of the war crime trials (Udovičić et al. 2005, 35). In addition, *Nezavisne* openly expressed support for the endeavours to arrest fugitives accused of war crimes (especially Radovan Karadžić and Ratko Mladić), allocating large amounts of space to war crimes issues (ibid, 34). At that time it was seen as “an opposition paper” to the government of Republika Srpska, which exercised pressure by guiding state-related institutions not to advertise in *Nezavisne* (Jusić 2004, 75). For long time *Nezavisne novine* was perceived as a success story of international intervention in media, until the foreign funds ceased supporting it in abundant amounts. Since then, as described above, the paper has fallen under the financial and political control of the Government of the RS, particularly the economic and political network controlled by Milorad Dodik. This change of political allegiance was reflected also in the manner of reporting on war crimes trials and related issues, in which *Nezavisne* gradually shifted from neutral (and pro-justice) to exclusively pro-Serbian point of view, starting to resemble *Glas Srpske* (Ahmetašević and Tanner 2009; Mačkić and Kumar Sharma 2011; Igrić and Tanner 2012).

### **3.5.1.5 Croatian daily newspapers**

While Croatian newspapers were widely read in Herzegovina region, where the majority of Croats live, the first newspaper with a special edition for Herzegovina was *Slobodna BiH*. It was a subsidiary of *Slobodna Dalmacija* [Free Dalmatia], a newspaper from the Croatian coastal town of Split, published from August to January 2000.

*Slobodna BiH* was published at the time when *Dalmacija* was formally state-owned and firmly reflected the policy of the ruling *Croatian Democratic Union* [*Hrvatska demokratska Zajednica* – HDZ],<sup>67</sup> and at that time, also the main Croatian party in Bosnia and Herzegovina. It was published until HDZ lost the parliamentary elections in the Republic of Croatia.

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<sup>67</sup> Led by the president Franjo Tuđman, until his death in 1999.

However, after *Slobodna Dalmacija* stopped issuing *Slobodna BiH*, the paper from Split still contained a section named 'Herceg-Bosna',<sup>68</sup> up until July 2001 when the section was renamed 'BiH'.

*Dnevni list* [Daily newspaper] has been published in Mostar since 2000, being the only Croatian newspaper authentically from BiH. It has an openly pro-Croatian profile and is the main chronicle of Croatian commemorations (Udovičić et al. 2005, 10).

Another subsidiary of a Zagreb-based newspaper, with slight modification for the Herzegovina market came in 2010, when *Večernji list BiH* [Evening newspaper BiH] started being published in Mostar. In the 1990s, the paper was practically under Government control (Malović 2004, 126–7) and always kept a firm HDZ line, unquestionably loyal to Croatian president Franjo Tuđman (Thompson [Tompson] 2000, 219). Austrian company Styria bought *Večernji list* in 2000 (Malović 2004, 123), but this did not alter the paper's profile as traditionally nationalistic and supportive of the Catholic Church (Udovičić et al. 2007, 144–6).

In 2006, due to differences on positions about constitutional reform, as well as due to personal animosities, the leading national(ist) party of Croats in BiH (HDZ BiH) split in 2006, from which a new party was formed – HDZ 1990 (Sebastián 2007, 6). During the 2010 elections, *Večernji list BiH* openly supported the former and *Dnevni list* the latter (Marko et al. 2010, 81 and 75). Though both papers take the 'Croatian' framework of reporting about the issues of war crimes – devoting most attention to Croat defendants and victims – *Dnevni list* is much milder in ethnic bias (Udovičić et al. 2005, 10–11, 49–52). Its professionalism in reporting about the war crime trials improved significantly over time, however, *Večernji list* seems to be slightly more popular among the Bosnian Croats.

#### 3.5.1.6 Dani

Among the weekly magazines, profile of *BH Dani* [Bosnian-Herzegovinan Days] (later renamed just as *Dani*) is most similar to *Oslobođenje* among the daily newspapers. It originated from the biweekly *Naši dani* [Our Days] published by the Association of the

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<sup>68</sup> This title clearly referred to 'Croatian Community (later Republic) of Herceg-Bosna', war-time Croatian statelet on the territory of Herzegovina region (see footnote 43). The name considered to be politically offensive by Bosniaks.



Socialist Youth of BiH [*Savez socijalističke omladine BiH*], which became the leading critical media in Bosnia in the 1980s (Thompson [Tompson] 2000, 262). As *Oslobođenje*, it gained a reputation for rather fair reporting from besieged Sarajevo, especially for writing about the crimes against civilians committed by the members of the Army of BiH – quite a risky and courageous endeavour at the time. For a long time the journalists and editor-in-chief Senad Pećanin owned the shares of the magazine (with financial help from expatriates) until it was bought by the MIMS corporation in 2010. *Dani* was always considered the most independent quality media in BiH, always openly critical towards the establishment and touching upon subjects that nobody else would (ibid). Compared to other media, *Dani* holds the best-evaluated record of analytical writing on war crime trials (Ahmetašević and Tanner 2009; Mačkić and Kumar Sharma 2011; Igrić and Tanner 2012) which manages to be ethnically unbiased and takes a victim-centered approach.

#### **3.5.1.7 Slobodna Bosna**

Established and owned by editor-in-chief Senad Avdić in 1991, *Slobodna Bosna* [*Free Bosnia*] nurtured a style of writing that is fearless but sensational, wrapping investigative reporting into a rather populist package, contrary to *BH Dani* which is considered to be more intellectual. In the early days, *Slobodna Bosna* “embraced Bosnian Muslim (political) nationalism” (Thompson [Tompson] 2000, 261), which became more politically-correct over the time, but still revealing a recognisable Bosniak orientation. Nevertheless, it is an independent political magazine that is “extremely critical of the establishment” (Jusić 2004, 76). Though the magazine advocates pursuit of justice for all, it holds an interpretative framework similar to that of *Dnevni avaz*, in which war crimes committed by Serbian forces in BiH are evidence against the legitimacy of the Republika Srpska (Udovičić et al. 2005, 53).

#### **3.5.1.8 Reporter**

At the beginning, *Reporter* was a Belgrade-based magazine with only a correspondence office in Banja Luka. It had an anti-Milošević reputation, opposing his authoritarian rule in Serbia in the late 1990s. Due to oppression in Serbia, the editorship moved to Banja Luka in 1997, and the magazine, in its new form as *Novi Reporter*, gained more focus on Bosnia and Herzegovina, especially its Serbian entity. In this period it gained substantial international support. However, being anti-Milošević in the late 1990s did not mean the magazine was completely rejecting postulates of Serbian nationalism; on the contrary, it continuously

wrote from what it considered to be the Serbian point of view (Ahmetašević and Tanner 2009, 53; Mačkić and Kumar Sharma 2011, 26–7; Mačkić 2012, 21). The magazine ceased to exist in 2013.

### **3.5.2 Previous studies of media reporting on the ICTY**

The bulk of research has been conducted on the way local (and international) media reported on transitional justice processes, in most cases war crime trials (Udovičić et al. 2005; Ahmetašević and Tanner 2009; Volčič and Erjavec 2009; Džihana and Hodžić 2011; Jakovčić and Kunac 2011; Mačkić and Kumar Sharma 2011; Marković and Subašić 2011; Žikić 2011; Denisov 2012; Tanner et al. 2012; Ristić 2012; Bachmann 2013). These studies analysed in various ways which frames dominate the discourse on war crimes trials and particularly how the ICTY is framed. A common assertion, found in all of these studies, is that media generally frame war crimes as a political topic, intertwined with power relations, both domestically and internationally, and inherently connected with the process of EU integration. It is less framed as a process of fact-finding, establishing truth or writing history. Consequently, media reporting is strongly tinted with an ethnic perspective which overlaps with the division among perpetrator and victim communities, thus creating, even unintentionally (as in the case of civic oriented media), groupist perceptions of ethnic perpetrator and ethnic victim. Another common conclusion is that media superficially report on the war crime trials, picking up sensationalistic details when such opportunity occurs, while giving little space to the issues actually relevant for the process of dealing with the past. However, none of these analyses of media reporting particularly focused on the way media present historical narratives about the war while reporting on transitional justice processes. This thesis aims to fill this research gap.

## 4 Narratives about the Nature of, and Responsibility for, the War

*Dialogue from the film No Man's Land:*

*Bošnjak: - Koji vas je kurac tjerao da rasturate ovu lijepu zemlju? Jel' bilo mjesta za sve? Jel' bilo mjesta za sve?*

*Srbin: - Mi rasturili?*

*- Ja, vi rasturili!*

*- Pa ti nisi normalan, pa nismo mi htjeli da se odvajamo, nego vi.*

*- Pa normalno da smo htjeli da se odvajamo kad ste vi počeli rat.*

*- Pa vi ste počeli rat, vi ste htjeli da se odvajate!*

*- Ko je počeo rat? Vi! Vi ste počeli rat!*

*- Ma, vi ste počeli rat!*

*- (repetira pušku, upire u drugog) Ko je počeo rat? Ko je počeo rat?*

*- (posle oklevanja, skrušeno) Mi smo počeli rat.*

*- (klima glavom potvrđujuće) Vi ste počeli rat i ne seri više!*

– Danis Tanović (2001)

As in the Oscar-winning Bosnian film *No Man's Land*, where two 'ordinary guys', a Bosniak and a Serb, entrenched in the middle of an unwanted armed conflict, quarrel over the question of "who started the war," so the quarrel continues throughout Bosnia and Herzegovina to this today. While Bosniak and Croat popular narratives present the war as being planned and instigated by the Serbian leadership in Belgrade and Bosnia, the Serbian narrative frames their conduct to be a necessary reaction to the presumably illegitimate proclamation of independence of the former Yugoslav republics. In the light of these disputes, many scholars, activists and 'common people' expected the International Criminal Tribunal for the former Yugoslavia (ICTY) to provide some elucidations.

It would be hard to claim that the ICTY intentionally formed a coherent narrative of the Yugoslav breakup, wars and their origins (R. A. Wilson 2011; Waters 2013b, 73). Contrary to popular perceptions, the court is not a homogeneous monolithic body presenting one will and one opinion. 'History' finds its place in the trials as the element that provides the background to particular events that are being adjudicated and as explanation of the motives and intentions of the accused. Thus each of the judgements contains a section that sets out the historical context, and they do not necessarily conflate in the narrations of the conflict.

It is time to explain how 'history' is produced at an individual trial before the ICTY. The prosecution proposes a certain historical narrative already in the indictment, and the

defence often develops its own while presenting its arguments. Both parties may invite historians as expert witnesses (cf. Petrović 2009), who prepare reports on certain topics commissioned by the sides in the process, or provide contextual information and comment when a piece of documentary evidence is being introduced (cf. R. A. Wilson 2011). From all this information, and based on weighing of the evidence presented, the judicial panel crafts its own historical narrative, presented in the Trial Judgement. The Appeals Chambers generally do not conduct further factual investigation, therefore the Appeals Judgements rely on the same set of factual evidence, and may only differ in their legal interpretation of them. A close examination of the ICTY's conduct noted a shift in its approach towards 'history' in trials over the years (ibid). During the early trials the prosecution showed a clear intention to write 'monumental history', which was recognised by the judges, and extended historical narratives found their place in the judgements. Such an approach culminated (and largely failed) in the trial of Slobodan Milošević, prime political leader of the Serbs. Many commentators argue that precisely this intention to write history was detrimental to the course of the *Milošević* trial (Waters 2013b). In subsequent trials, a more modest strategy was adopted by the prosecution – to 'weave the web of context' – that is to present just enough historical background to support the case (R. A. Wilson 2011).

Constant comparison between different narratives forces a writer into self-reflection about the terms he/she is using. There is no value-neutral label for what I usually refer to (throughout this thesis) as the 'dissolution of Yugoslavia' or 'Yugoslav breakup', equivalent to the term '*raspad Jugoslavije*' in the local language. Each label suggests or implies a certain direction of interpretation. Terms like 'meltdown', 'dissolution', 'disintegration' or 'falling-apart of Yugoslavia' signify decomposition of a structure into smaller parts, while avoiding the issue of agency in the process.<sup>69</sup> The interpretation that went farthest in this direction is Dejan Jović's description of Yugoslavia as "a state that withered away" due to intrinsic features of its political system (D. Jović 2009). On the other hand, there are labels that imply some agency and violence such as 'collapse' or 'breakup of Yugoslavia', suggesting that somebody has broken up the state intentionally, that it did not fall apart of itself. The best

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<sup>69</sup> However, the four mentioned terms differ along another line of interpretation. While the labels 'dissolution', 'disintegration' and 'falling-apart' describe only the decomposition of the common state, the term 'meltdown' implies specifically that the country broke up and went into war. I thank prof. Sabrina P. Ramet for this elucidation.

illustration of just how much labelling may be sensitive is the changing title of the memoirs of the former Croatian President Stipe Mesić, from ‘How we brought Yugoslavia down’ [*Kako smo srušili Jugoslaviju*] in 1992, through ‘How Yugoslavia was brought down’ [*Kako je srušena Jugoslavija*] in the second edition of 1994, to ‘the demise of Yugoslavia’ in the English translation of the book (cf. Mesić 1992; Mesić 1994; Mesić 2004). Similarly, wars/conflicts on the territory of the former Yugoslavia have been called differently, quite often as ‘War of Yugoslav Succession’, which could be understood as ‘war(s) that came after Yugoslavia had ended’ (e.g. Stokes et al. 1996; Ramet 2005)<sup>70</sup> or as ‘war for Yugoslav heritage’ – meaning in which ‘Yugoslav succession’ phrase is usually translated in the local language [*ratovi za jugoslovensko nasleđe*] (e.g. Bakić and Pudar 2008) – implying that there is a legacy of Yugoslavia over which the parties fought, a notion with which many would not agree. Another early name for the conflict was ‘the Third Balkan War’ proposed by a journalist Misha Glenny (1996), which never gained salience since it implied continuity of historical processes since the First and the Second Balkan Wars of 1912-13 and consequential historical determinism. Finally, the war in Bosnia and Herzegovina is called by local history-makers aggression or civil war, depending on the master narrative they are writing within, as will be analysed in the sections of this chapter. Therefore my intention was to employ expressions as neutral as possible, precisely in order to be able to compare different narratives and expose inherent interpretative implications of terms they use.

The literature on the dissolution of Yugoslavia, and particularly the war in BiH and its aftermath is large, still growing, and immensely variegated, both in disciplinary focus and quality. In outlining the interpretative frameworks among scholarly authors, predominantly drawn from historians and political scientists, that are relevant for the focus of this thesis, I relied on previous endeavours to compile a wide literature review (Campbell 1998, 44–78; Ramet 2004a; Ramet 2005; Ramet 2007b; Dragović-Soso 2008; D. Jović 2009, chapter 1).

In scholarly interpretations, explaining the beginning of the war in Bosnia is intertwined and dependent on the way Yugoslav dissolution is explained. Various analytical approaches have been adopted in explaining the disintegration of Yugoslavia. One of the possible

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<sup>70</sup> Whereas Sabrina P. Ramet views the armed fighting in Slovenia, Croatia and BiH as constituting one war, starting in 1991 and ending in 1995 (2005, 1), Stokes et al. (1996) refer to the same set of conflicts as ‘wars of Yugoslav succession’ (in plural).

classifications, by Jasna Dragović-Soso (2008) identifies the following categories of explanation: (1) those explanations which search for the roots of the conflict in distant history, emphasizing presumed 'ancient ethnic hatreds', 'clash of civilisations', legacy of imperial rule in the Balkans (e.g. Kaplan 2005; Warren Christopher in J. N. Clark 2009c, 425). Nowadays, this line of explanation has been cast as too deterministic and generally rejected, especially the 'ancient hatred thesis' for adopting essentialist stereotypical representation of the Balkans. (2) In the second group are the explanatory lines that find answers in the romanticist national ideologies of the 19<sup>th</sup> century and historical legacy of the first inter-war Yugoslavia (e.g. Banac 2006). Again these interpretations bear a scent of determinism deeming Yugoslavia an "'impossible' country from the start" (Dragović-Soso 2008, 7) either because of inherent Serbian 'hegemonism' in creating the Yugoslav state (envisioned as a country uniting all Serbs, effectively becoming 'Greater Serbia') or because of continual Croatian and Slovene 'separatist' nationalism which hindered the functioning of inter-war Yugoslav state. (3) The third cluster focuses on the structural problems of socialist Yugoslavia, such as the constitutional and political structure of the federation (e.g. Dimitrijević 2000; Hayden [Hejden] 2003), the breaking of the Yugoslav ideological project (e.g. D. Jović 2009), systematic weaknesses of the socialist economy (e.g. Woodward 1995), or a combination of all these factors (Ramet 2006, 363). Common to all of them is the notion that the "Yugoslav system contained in itself the seeds of its own destruction" (Dragović-Soso 2008, 11). As far as their approach is successful in explaining the failure of the Yugoslav system, they are weak in explaining the violence with which Yugoslavia fell apart. (4) Fourth are the explanations emphasizing political and intellectual agency as proximate causes of Yugoslav disintegration. Since this approach assumes that the dissolution of Yugoslavia was not foreordained, it analyses the policies and strategies of political and intellectual leaders of the dissolving Yugoslav Republics. Within this scholarship "there is a near consensus concerning the centrality of the role played by Serbia's leader Slobodan Milošević in the disintegration process" (Dragović-Soso 2008, 14). However, there is much less agreement on the issue to what extent his conduct was a matter of some premeditated master plan (such as the creation of a 'Greater Serbia'), and to what extent it was political pragmatism, i.e. an improvised (though authoritarian) reaction to the acts of other political stakeholders. While many scholars would agree with the view that perceives the notorious Memorandum of the Serbian Academy of Science and Arts (SANU) as the Serbian nationalist 'blueprint for the

war' (ibid, 18; examples of such approach: Magaš 1993; Sells 1998; Anzulović 1999), again there is dispute over the issue of whether this document (crafted by a group of intellectuals) could be directly connected with Milošević's policy of the 1990s. Within this body of scholarship there is also an on-going debate whether the conflict was elite-led or grassroots-driven. (5) Finally, there are accounts which give greater importance to the impact of international factors; though no scholar would claim they alone would provide a complete explanation of Yugoslav dissolution.

Of course, this is one of the possible ways to differentiate the approaches, and many others might be equally legitimate.<sup>71</sup> Although structural causes are indispensable for understanding the Yugoslav dissolution, in order to answer the colloquial question "who started the war" one needs to focus on the issue of agency. Additionally, agency, i.e. the importance of individual political leaders' conduct, is at the heart of judicial scrutiny. The judges might bear in mind certain structural conditions (and some of the ICTY judgements elaborate on them), but at the end of the day they deal with individual criminal responsibility. Thus the narrative that could be extracted from the judgements inherently falls into the fourth category of explanations from the above classification.

This chapter will deal with the issue of responsibility for the Bosnian war – posing the question of who started it and why. It will examine the findings of the ICTY and compare them with narratives of the war reproduced in Bosnia. Since the interpretations of the origin and cause of the Bosnian war depend on the overall interpretation of the dissolution of Yugoslavia, I examined the trial of Slobodan Milošević because of his prominent role in the disintegration process. However, this trial never came to an end, due to Milošević's death, and there is no judgement from which I could deduce the court's narrative about the war. Thus, I will present the historical narratives developed by the Prosecution and Defence, so we can compare them with the interpretations 'on the ground', most clearly given in history textbooks.

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<sup>71</sup> For instance, Sabrina Ramet recognises five categories "according to the explanatory variable that receives the most stress: (1) external factors, (2) internal/remote factors, (3) internal/proximate factors, (4) emotional factors, and (5) a combination of factors" (2004a, 732). Dejan Jović identified "eight major types of arguments on the reasons for the collapse of Yugoslavia: (1) the economic argument; (2) the ancient ethnic hatred argument; (3) the nationalism argument; (4) the cultural argument; (5) the international politics argument; (6) the role of personality argument, (7) the fall of the Empires argument, and (8) the constitutional and institutional reasons argument" (2009, 13).

## 4.1 The *Milošević* Trial

This case was envisioned as the flagship trial of the ICTY: “no figure more prominent was ever brought before the Tribunal; ... no other case ... made such consequential claims about the causes and course of the [Yugoslav] wars” (Waters 2013c, xv). It was perceived “as the culmination of the Tribunal’s work, an indictment of the Serbian war project, and a summation of Yugoslavia’s dissolution” (ibid, xviii).

Initially, separate Indictments were written for Kosovo, Croatia and Bosnia and Herzegovina, containing different charges. For instance, only the Bosnian one included the count of genocide. In the pre-trial process the Prosecution requested and was allowed to join the three separate cases. In this thesis we will predominantly focus on the ‘Bosnia’ part of the Indictment.

Though the trial did not reach a verdict, the Trial Chamber did make a ‘midway judgement’ which “assumed retrospective importance” (Waters 2013a, 313) given the lack of a final one. Specifically, Rule 98*bis* of the ICTY ‘Rules of Procedure and Evidence’ provides for Trial Chamber to acquit the defendant on one or more offences charged in the Indictment if it finds that the prosecution’s evidence is insufficient to sustain a conviction (ICTY 2013a).<sup>72</sup> Therefore, after the prosecution rests its case, the Trial Chamber may throw out the charges that haven’t been supported with enough evidence, and narrow down the indictment against which the defence has to build its case.

In the *Milošević* trial, Rule 98*bis* Decision allowed each count of the Indictment to stand, but discarded hundreds of individual charges (Waters 2013a, 300). These charges had to be removed from the Indictment, but the Prosecution made no changes in the main text of the Indictment, which is the one that bears the historical narrative frames (ibid, 2013a, 304–5; cf. ICTY 2001f; ICTY 2002d). Therefore the Rule 98*bis* Decision “signifies that the Chamber *could* convict, not that it [*would*] convict” (Nielsen 2013a, 333) Milošević on the following counts (in the ‘Bosnia’ part of the Indictment): genocide, crimes against humanity, grave breaches of the Geneva conventions and violations of the laws or customs of war.

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<sup>72</sup> Though the Rule 98*bis* text and procedure changed over time, the essence remained the same (cf. “Previous versions” in ICTY 2013a).



#### 4.1.1 The Prosecution's master-narrative

Though the Indictment of Milošević involved “charges [which] were largely derivative of crimes of other indictments and trials” (Waters 2013c, xvii; a similar point made by Klarin in Schabas et al. 2009, 118), the importance of this particular indictment was that it created an interpretative construction that sewed all these charges together in which they appeared mutually interconnected and stemming from one source – the person of Slobodan Milošević. This master narrative has four main constitutive elements, the four narrative frames: first of all it assumes that there was a master plan shared by Serbian leaders (including Bosnian and Croat ones), implying that their actions were jointly premeditated. Furthermore, this master plan was based on the idea of Greater Serbia, aiming “to preserve maximally imagined Serb-populated territory within one state” (Waters 2013b, 22); the plan had the objective of destroying Bosnian Muslims living on the territories that were envisioned as part of Greater Serbia. Finally, the Prosecution's case endeavoured to demonstrate that the criminal master plan was conceived and directed from Belgrade, that the Bosnian Serb leadership was informally subordinate to the political will of the kin-state leadership.

Therefore, the idea of Greater Serbia served as the overarching theme that linked up the disparate conflicts and crimes (in Croatia, Bosnia and Kosovo), and enabled the joinder of the three cases. Some authors suggest that “it was the desire for joinder that drove the choice of this narrative, rather than the other way around” (Waters 2013b, 62; cf. Boas 2007; van der Wilt 2013). The decision to join the three indictments was widely criticised, not only for creating a too large and unmanageable case – “trying to prove too much” (Boas 2007), but also for prioritising the narration of a history of the Yugoslav conflict over the due process (Gow and Zveržhanovski 2004). On the other hand one could argue that the joinder was a logical necessity, and that separate trials would have lasted even longer.

##### 4.1.1.1 Historical Narrative Frame: “there was a master plan”

The Prosecution's case rested on the assumption that Slobodan Milošević sat on the top of the Serb leadership pyramid which acted coherently, with a deliberate purpose and plan. The essence of the plan was to create a Greater Serbia, by joining designated parts of Croatia and BiH to Serbia proper, from which non-Serbs would be forcibly and permanently removed.

While some scholars agree with such an interpretation of what James Gow (2003) labelled the ‘Serbian project’,<sup>73</sup> the other line of interpretation sees Milošević as acting more on a contingency basis. As one of the authors noted: “so far, no official government document or transcript of a meeting has been discovered that would incontrovertibly implicate Milošević in a coherent, premeditated strategy of a breaking up Yugoslavia in order to create Greater Serbia” (Dragović-Soso 2008, 16). Though Milošević acted from 1991 onwards in manner that appeared to be consistent with the goal of achieving a larger state centred on Serbia “there is little definitive evidence to suggest that the goal was ever articulated or the steps along the way were planned” (Gordy 2008, 296). Though Milošević gave statements that supported the idea of an enlarged Serbian state (as presented at the trial, see below), there is a lack of hard evidence that he devised a detailed plan. Eric Gordy concludes that “there was no long-term political vision, nationalistic or otherwise. [Milošević] was carried by events. He was sure of his ability to use force. And he did not know what he was getting into” (Gordy 2008, 297). Therefore, this group of scholars opposes the interpretation that Milošević as an individual acted premeditatedly, let alone that the whole group of Serb leaders acted in such a manner or in complete coordination (e.g. Caspersen 2010; Prelec 2013).

However, the Prosecution’s description of a coherent ‘Serbian project’ perfectly fitted the purpose of supporting the claim that Milošević was part of joint criminal enterprise (JCE) together with other Serb political and military leaders.<sup>74</sup> Indeed, the concept of a joint criminal enterprise was the interpretative novelty developed through ICTY case law: in various cases the Prosecution advanced, and different Chambers accepted the concept of JCE. It is commonly traced to the doctrine of “conspiracy” created at the Nuremberg Tribunal (Danner and Martinez 2005), but came to mean “the idea that liability for the crimes ... could be assigned to individuals who joined together in a common plan or purpose that either itself was criminal or encompassed criminal activity, and that each individual in the enterprise could be liable for all the crimes of the others” (Waters 2013b, 38). The

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<sup>73</sup> It should be noted that James Gow was the first historian expert witness at the first trial proceedings before the ICTY, who presented the historical background for the Prosecution (cf. R. A. Wilson 2011, 72).

<sup>74</sup> The JCE in ‘Bosnia’ part of the Indictment involved: Radovan Karadžić, Momčilo Krajišnik, Biljana Plavšić, General Ratko Mladić, Borislav Jović, Branko Kostić, Veljko Kadijević, Blagoje Adžić, Milan Martić, Jovica Stanišić, Franko Simatović ‘Frenki’, Radovan Stojičić ‘Badža’, Vojislav Šešelj and Željko Ražnatović ‘Arkan’ (among others) (ICTY 2002d, §7).

Prosecution described Milošević not only as participator in, but also as “the architect and the presiding genius of the JCE” (Prelec 2013, 359). The Rule 98*bis* Decision stated that it is possible to infer that Milošević participated in the joint criminal enterprise (ICTY 2004b, §288).

#### *4.1.1.2 Historical Narrative Frame: the Idea of Greater Serbia*

The idea of Greater Serbia is usually understood as “a plan to expand the Serbian state into all [adjacent] territories inhabited by Serbs” (R. A. Wilson 2011, 101), or in other words to unite ‘all Serbs in one state’, as the nationalistic slogan exclaimed in the early ‘90s (Živković 2011).

It would be hard to describe how precisely the Prosecution understood the idea of Greater Serbia, since it is not clearly defined in the Indictment or in the Prosecution’s Opening Statement. As one of the close observers of various trials noted, “the Prosecution’s use of Greater Serbia – and hence various trial chambers’ understanding of the concept – was far from rigorous or consistent” (Nielsen 2013a, 339). Furthermore, the exact phrase ‘Greater Serbia’ is mentioned in the Indictment of Milošević only as part of a description of the extreme-nationalist Serbian politician Vojislav Šešelj, an alleged participant in the JCE, (ICTY 2002d, §22), while in the Opening Statement the Prosecution admitted: “We don’t particularly associate [‘Greater Serbia’] as a title with the approach of the accused” (ICTY 2002a, 50). Nevertheless, the Prosecution referred to the idea when explaining the motivations and aims of those participating in the joint criminal enterprise, including Milošević himself.

As the trial progressed, one of the judges on the panel – Judge Robinson – “noted that the prosecution’s position had backed away from its reliance on Greater Serbia to an ‘extended Serbia’, a reduced, and less ideologically motivated notion” (R. A. Wilson 2011, 107). Whatever was meant by that, the Trial Chamber accepted the Prosecution’s argument that Slobodan Milošević advocated and supported the concept of a Greater Serbia (ICTY 2004b, §288 (2)). To add to the confusion, the judges used the expression ‘Serbian state’ interchangeably or instead of ‘Greater Serbia’ in the Rule98*bis* Decision (e.g. *ibid*, §249), but generally accepted the theory put forward by the Prosecution that the overall political aim of the joint criminal enterprise in Bosnia was to create a state for Serbs that would

encompass part of the territory of BiH, and as such this idea was the foundation for the commission of genocidal and persecutory crimes.

No document was presented at the trial of Milošević which would directly ‘incriminate’ him for planning or envisioning a Greater Serbia. Judges inferred Milošević’s support for the idea from his public statements, for instance: “On 15 January 1991, the Accused made a speech during which he asserted that the Serbian people wanted to live in one State, and therefore, a division that would force them to live in separate sovereign states was unacceptable” (ibid, §251). In addition, the Trial Chamber allowed that Milošević might have been in the JCE together with Bosnian Serb politicians who undoubtedly sought to put the idea of Greater Serbia into practice. A document that is utmost proof for such a claim, colloquially known as ‘Six Strategic Goals’, was introduced during *Milošević* trial, and in virtually every other case concerning the Bosnian Serb leadership. Specifically, ‘Six Strategic Goals’ were the official war aims proposed by the President<sup>75</sup> of the Republika Srpska, Radovan Karadžić, and approved at the 16<sup>th</sup> session of the RS Assembly (in Banja Luka) on the 12<sup>th</sup> of May 1992. The judges summarised it as:

*... a guide for Serbian unification within the following four years. These steps were (1) separation from the other two national communities and a separation of states, (2) establishment of a corridor between Semberija and Krajina, (3) establishment of a corridor in the Drina Valley, (4) establishment of a border on the Una and Neretva rivers, (5) division of Sarajevo into Serbian and Muslim parts, and (6) establishment of access of the RS to the sea (ICTY 2004b, §147).*

These Goals clearly outline the borders of the envisioned Serb state on the territory of Bosnia and Herzegovina. Their imperative is to secure geographical continuity with Serbia, by controlling Semberija (in North-East Bosnia) and the Drina Valley (which is the natural border to Serbia), as well as with the territories in Croatia at that point controlled by Serbs (*Republika Srpska Krajina – RSK*), by controlling the North-West of Bosnia (Bosnian Krajina). Therefore, ‘Six Strategic Goals’ implicate Bosnian Serbs with planning to create a Greater

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<sup>75</sup> At that point in time he was chairing collective Presidium, other members of which were Biljana Plavšić and Nikola Koljević. Soon after, Presidium was replaced by the position of individual President of the RS, position which was again occupied by Radovan Karadžić. Throughout the whole war-time period Karadžić remained the most influential political figure in the Republika Srpska.

Serbia, plan to which Milošević was connected by his participation in the joint criminal enterprise.

#### ***4.1.1.3 Historical Narrative Frame: genocide against Bosnian Muslims***

The Indictment claimed that “widespread killing of thousands of Bosnian Muslims during and after the take-over of territories within BiH” constituted genocide in certain municipalities (ICTY 2002d, §32), while in many more municipalities – practically all of the Republika Srpska – joint Serbian forces (VRS, JNA/VJ, police and paramilitaries) and local Serb authorities “established a regime of persecutions designed to drive the non-Serb civilian population from these territories” (ibid, §34). The Prosecution argued that the take-over of the municipalities and subsequent criminal actions were executed in a systematic pattern (ICTY 2004b, §144), implying planned action, as proved by another document that regularly appeared in all Bosnian-Serb cases before the court – so called “Variant A and B” document. Thus, on the 19<sup>th</sup> of December 1991 a meeting of the RS Assembly was held (in Holiday Inn Sarajevo), which was attended also by the Presidents of the Municipal Boards of the Serbian Democratic Party (SDS), as well as its leaders Radovan Karadžić, Momčilo Krajišnik and Biljana Plavšić (ibid, §145). At this meeting, a document titled “Instructions for the Organization and Operation of the Serbian People in Bosnia and Herzegovina in Emergency Conditions” was handed out, containing precise steps to be taken in order to establish Bosnian Serb control in municipalities in times of crisis: “Plan A applied to municipalities in which the Serbs had a majority, and Plan B applied to municipalities in which the Serbs were a minority. There is little variance between the two plans, except that Plan A emphasised the need to respect the rights of nations, and Plan B emphasised the need to rally together with larger Serbian territories to protect the Serbian population” (ibid). On the basis of this and other evidence, in the Rule 98bis Decision the judges concluded “beyond reasonable doubt that there existed a joint criminal enterprise, which included members of the Bosnian Serb leadership, whose aim and intention was to destroy a part of the Bosnian Muslim population, and that genocide was in fact committed in Brčko, Prijedor, Sanski Most, Srebrenica, Bijeljina, Ključ and Bosanski Novi” (ibid, §246). Through his participation in the JCE, the majority of judges concluded that it *could be inferred* that Milošević personally held an intent to destroy a part of the Bosnian Muslims as a group (genocidal intent) within the territory envisioned to be included in Serbian state (ibid, §288). Therefore, Milošević could

have been held accountable for genocide only on the basis of his cooperation with the Bosnian-Serb leadership and his general support to the idea of Greater Serbia, as argued by the Prosecution, and to large extent accepted by the Trial Chamber. As an analysis of this trial noted, the Prosecution constructed argument of Milošević's special intent<sup>76</sup> to commit genocide as a "culmination of the century-old ideological program to carve a Greater Serbia from the patchwork of minorities in the Balkans" (R. A. Wilson 2011, 100). Therefore, the idea of Greater Serbia served as replacement for the non-existent documented plan, signed by Milošević, to commit genocide against Bosnian Muslims (ibid).

Bearing in mind later jurisprudence of the ICTY, Christian A. Nielsen (2013a, 340) concluded that it could be reasonably expected that a judgement in the *Milošević* trial "would not have reached a genocide conviction for the period of 1992 in Bosnia."

#### **4.1.1.4 Historical Narrative Frame: the master and the puppets**

The Prosecution built its case on the underlying assumption that Milošević was the centrally culpable figure in Yugoslav conflicts – "the wizard behind his curtain" (Prelec 2013, 358). The theory of JCE that the Prosecution has constructed implied "a systematic relationship between the actors in these, otherwise discrete conflicts [in Croatia, Bosnia and Kosovo], and positioned Milošević at the centre of that web" (Waters 2013c, 62).

The Rule 98bis Decision "portrayed Milošević as being consistently well-informed about the military and political situation in Bosnia" (Nielsen 2013a, 336). In addition, the Trial Chamber adopted argument that Milošević's behaviour at the peace negotiations in Dayton, where he was able "to accept provisions which the Bosnian Serbs themselves regarded as unacceptable and to impose such conditions on them," could be "taken as reasonably plausible evidence of his superior leadership role vis-à-vis Bosnian Serbs" (ibid). Yet, it could not be proven during this, or other trials, that "Milošević had direct authority over the forces committing the crimes" (Prelec 2013, 362). Evidence presented at the *Milošević* trial "showed that Serb leaders and armed forces in Bosnia were much more independent than commonly thought" (ibid), one of the researchers for the Office of the Prosecutor (OTP) commented in retrospective. The ICTY judgements regarding the overall control exercised by

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<sup>76</sup> The 'special intent' [Legal Lat. *dolus specialis*], as an element of the crime of genocide, is explained in detail in the section 5.1.1.

Milošević regime over the army of Bosnian Serbs (VRS) is examined in detail in the section 4.2.

#### 4.1.2 Narrative of Milošević's Defence

If the Prosecution perceived the trial as a 'theatre of justice', Milošević definitely perceived it as a 'theatre of politics and history', which was emphasised by his decision to represent himself. Milošević used the courtroom to promote his version of recent Yugoslav history and “to score political points with the audience watching the spectacle on television in Serbia” (R. A. Wilson 2011, 105). In his Opening Statement, Milošević declared the Prosecution was asserting the collective responsibility of Serbia and the Serbs (ICTY 2002b, 248); thus, he saw as his role to defend the whole nation, “identifying himself and the Serbian nation as co-defendants” (Waters 2013b, 59; also Bieber 2013).

Milošević argued there was no policy, or plan to, create a Greater Serbia (ICTY 2002c, §420), as he said in the Opening Statement: “the notion of a Greater Serbia never existed among the Serbs as some kind of responsible programme undertaken by the government or any other relevant political force” (ICTY 2002c, 425). In his interpretation, the allegation of wanting to create a Greater Serbia was in fact a fabrication of the Austro-Hungarian Empire at the end of the 19<sup>th</sup> century in order to claim legitimacy for its dominance over the Balkan Peninsula. Allegedly this propagandist fabrication was used in the same way by the subsequent foreign powers who wanted to dominate the region, leading up until the 1990s when it was the countries of the West which sought to create the ‘new world order’ (ibid, 421-2). In his discourse, the notion of Greater Serbia is given in a negative tone.

Furthermore, Milošević rejected the idea that there ever was any kind of a master plan shared by Serb leaders, as well as the claim of participating in a joint criminal enterprise, or that such enterprise ever existed. He framed his conduct as a pure reaction to the offensive acts of other parties in Yugoslav crisis and armed conflicts that ensued. He argued that his aim was not to create Greater Serbia, but instead to preserve Yugoslavia: “everybody knows that I advocated whole-heartedly that Yugoslavia should be continued and that as a basis for this continuity we established a Federal Republic of Yugoslavia [FRY] when the former Yugoslavia fell apart” (ICTY 2002b, 278), whereas the FRY had no “territorial aspirations towards any one of the former Yugoslav republics” (ICTY 2002c, 425). Milošević’s

explanation of his motivation to sustain the common country did contain what is usually recognised as a Greater-Serbia theme: “Yugoslavia is the only option under which Serbs can live in a single state because they live in all the republics” (ICTY 2002b, 278), but he immediately relativised its nationalistic potential: “in this way, all the Croats live in one state, all the Muslims live in one state, all the Macedonians live in one state” (ibid).

Precisely with the aim to dissassociate himself from the idea of a Greater Serbia, Milošević called Vojislav Šešelj, a radical Serbian nationalist and a fellow indictee in The Hague, to testify in his defence. Šešelj wilfully admitted that he, and not Milošević, advocated the creation of Greater Serbia (though he naturally rejected that such a creation implied commission of crimes). In his understanding “the concept of Greater Serbia implies a unified Serbian state including all Serbian lands where Serbs are a majority population”; however, under ‘Serbs’ he subsumed Muslims and part of the Croats, who were allegedly ethnic Serbs before they converted (ICTY 2005, 43217). One could understand such an ‘understanding’ of who ‘Serbs’ are, not only as an essentialist and primordialist understanding of national identity, but also as a lame cover-up for territorial expansionism. In the wilderness of explanations and waterfall of legally-irrelevant historical references Milošević presented, combined with the Prosecution’s inconsistent usage of the term, judges “eventually lost track of exactly what Greater Serbia meant in the prosecution’s argument and specifically whether it conformed to an ideology of malice and extermination or whether it merely justified a common garden variety land grab” (R. A. Wilson 2011, 106–7).

Finally, in reply of ‘master and puppets’ theory of control the prosecution promoted in its case, Milošević claimed that he had no control over the Bosnian-Serb forces on the ground. He framed the financial and logistical support of the official Belgrade to the Bosnian Serbs in terms of a moral duty to the people whose legitimate sovereign rights were violated.

Throughout the trial Milošević argued “that the prime responsibility for the dissolution of Yugoslavia and the crimes ... lay with the Western powers and their political leaders” (Bieber 2013, 430). He presented this “not as a personal interpretation or defence, but a collective one on behalf of the Serb nation” (ibid). The theme of western conspiracy against Serbia was omnipresent in Milošević’s discourse at the trial in which he portrayed himself “as a martyr for the anti-globalisation movement” (Kari Osland in Ramet 2004b, 114).



### 4.1.3 Reporting of the media

Here I will present in short the method of frame analysis I adopted in this and every subsequent section in which a media reporting of a trial is presented. Particular articles of each media are numerated in the table, which is usually at the end of every section devoted to a trial. After reading all of the articles gathered in a sample, I detected the prevailing and reoccurring frames in media reporting usually typical for the one of the ethnically-defined groups of media outlets. Then, I would note how the same issue is framed in the opposing group of media outlets. The frames are selected on the basis of their relevance to the historical narrative developed by the court or present 'on the ground'. Many other frames that are not narrative-related are generally excluded from this particular analysis. Where significant for the comparison between narratives I also noted and described manner of reporting.

The *Milošević* trial was probably the most thoroughly followed trial in local media (at least until the trial of Radovan Karadžić). Initially raising expectations among scholars that the close-up view of the trial would inform the larger public about the functioning of transitional justice (Subotić 2009, x–xi), the media coverage of the trial failed to do so,<sup>77</sup> and even temporarily raised Milošević's popularity among the Serbian public (Bieber 2013). The fact that Milošević represented himself had tremendous impact on the public image of the trial, and court in general: he used the Defence bench as a speakers' corner, and by constantly confronting with the Presiding Judge (over violation of the courtroom order and atypical questioning of the witnesses) he tried to present the court as biased against him. This was not unique behaviour, since other tyrants also misused the media spotlight in the courtroom as a public stage to rant about topics irrelevant to the due process (Wald 2009, 47–49).

#### 4.1.3.1.1 Manner of reporting: guilty as charged

The media reporting focused on Milošević as an individual, rather than on the historical narratives debated before the court and charges on which he was indicted. The Bosniak and Croatian media reported as if beginning the trial of Milošević meant his outright conviction (for the Bosniak media cf. Swimelar 2013), implicitly conflating the Prosecution with the

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<sup>77</sup> A large majority of the population in Serbia considered itself poorly informed about the institution of the ICTY: 33% stated that they knew very little, 35% knew little, while 26% were ambiguous (BCHR 2003, 14). Similar results were found in subsequent surveys (cf. BCHR 2004, 15; BCHR 2005, 13; 2006, 12).

ICTY. For instance, the claims of the Prosecution are often presented as already proven facts, such as in the title: “Milošević knew about the crimes” (*Slobodna Dalmacija* 2002). The narrative of the Indictment is given as accurate reflection of reality (e.g. Suljagić 2002a). By a similar token the Serbian media put under quotations text of the Rule 98*bis* Decision as if implying dubious validity of the statement, like in the titles ““Enough evidence for genocide in BiH”” (Knežević 2004, 6) and ““Confirmation’ of genocide indictment”” (Durmanović 2004, 24).

The local newspaper reported on virtually every day of the trial, especially in the early stages of the trial, when the public attention was still high. The public interest withered away over time, to the point that, for instance, the Croatian media did not report at all about the Rule 98*bis* Decision of June 2004 (see Table 4.1), while only one Bosnian television covered it (*Dani* 2004).

**Table 4.1: Media reporting on the Milošević trial\***

Dates observed:	Bosniak media	Croatian media	Serbian media
Opening Statements: 12-15 February 2002	<i>Dnevni avaz</i> 7, <i>Oslobođenje</i> 2, <i>Dani</i> 3	<i>Slobodna Dalmacija</i> 4	<i>Nezavisne novine</i> 10
Rule 98 <i>bis</i> Decision: 16 June 2004	<i>Oslobođenje</i> 1, <i>Dani</i> 1	<del><i>Dnevni list</i>,</del> <del><i>Slobodna Dalmacija</i></del>	<i>Nezavisne novine</i> 1, <i>Reporter</i> 1
Beginning of the Defence case: 31 August 2004	<i>Oslobođenje</i> 2, <del><i>Dani</i></del>	<i>Slobodna Dalmacija</i> 1	<i>Nezavisne novine</i> 2

\* The strikethrough line over the title refers to those newspapers for which I am positive no article on the topic has been published.<sup>78</sup> This marking applies to all subsequent tables.

#### 4.1.3.1.2 Historical narrative frame: Milošević omnipresent and omnipotent

In the reporting of Bosniak and Croatian media, all the historical narrative frames of the Prosecution case are present. However, there is a particular focus on the personality of Slobodan Milošević – in which his boastful and superior-like behaviour in courtroom is given as yet another proof of his character. Milošević’s personality is central in the frame which describes him as having complete control over the Serbian leadership in Croatia and Bosnia, complete knowledge of the crimes conducted on the ground. Milošević is framed as having a

<sup>78</sup> This practically means that I went through the whole newspaper on the day of the expected commemoration, and the days before and after.

clear intention and plan as a “creator of the three wars” (Suljagić 2002a), and personally nurturing hate against non-Serbs, as “ideological creator of genocide” [*idejni tvorac genocida*] (Suljagić 2002a) – all of it conflated in the often-repeated label “Balkan butcher” (e.g. *Dnevni avaz* 2002; Jergović 2002).

On the other hand, the Serbian media underlined that Milošević was not led by an ideology or racism, but by the desire for political power (*Nezavisne novine* 2002a, 4) – though this sentence of the Chief prosecutor Opening Statement was transmitted in other media as well, the Serbian media gave special emphasis to it.

All media transmitted part of Milošević’s Opening Statement in which he denied knowing about the nature of camps in Prijedor where civilians were held in inhumane conditions<sup>79</sup> and being informed these were regular prisoners-of-war camps. However, the Bosniak media instantly framed this as an outright lie (e.g. Suljagić 2002b), the Serbian media present it without comment, thus giving the impression of a plausible statement (e.g. *Nezavisne novine* 2002b).

#### 4.1.3.1.3 Historical narrative frame: collective guilt of the Serbs

Though *Nezavisne novine* reported accurately presented the arguments of the Prosecution and Defence, it seems that the paper wanted to underline the difference between accusations of Milošević as a politician from the potential accusation of Serbian nation as a collective. This was the only media to transmit part of the Opening Statement of the Chief Prosecutor Carla Del Ponte in which she stated that “Milošević is accused as an individual. No state or organisation is facing a trial here. The Indictment does not attribute collective guilt to the whole nation. Collective guilt is not part of the charges, and it does not exist in the rules of this court, and I discharge that idea”<sup>80</sup> (*Nezavisne novine* 2002a, 4). Though both Bosniak and Serbian newspapers quoted words from the Opening Statement of the Chief Prosecutor Del Ponte, they chose quite different sentences: while *Dnevni avaz* quoted the Prosecutor in saying that Milošević “is guilty of the worst crimes known to mankind”,

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<sup>79</sup> These camps are described in detail in the chapter 5.2.

<sup>80</sup> Translation of the quote from the newspaper which is not identical to the original statement given in English before the court.

*Nezavisne novine* underlined that “the Tribunal is judging an individual, not a state or nation” (see Figure 4.1).

Figure 4.1: Media reporting on the Prosecution's Opening Statement in the Milošević case



(Source: Left: *Dnevni avaz*. Right: *Nezavisne novine*. Date: 13 February 2002)

The untimely death of Milošević, and speculations about the supposed inadequacy of his medical treatment in the ICTY Detention Unit, reinforced the image of him as a victim of international community that was quite widespread among Serbian population at the time (J. N. Clark 2007; Erjavec and Volčič 2009). However, while the political significance of Slobodan Milošević declined over time, the narrative he has popularised remained dominant in Serbia (Bieber 2013).

## 4.2 Legal Considerations: Aggression or Civil War?

The ICTY was not formed to answer the question “who started the war” since ‘the crime of waging a war of aggression’<sup>81</sup> was not put into its mandate, as defined by the Statute (ICTY 2009a). As one of the early Judgements states “the International Tribunal is a criminal

<sup>81</sup> For instance this crime was part of the mandate of the International Military Tribunal in Nuremberg (Scharf 1997; Overy 2003).

judicial body, established to prosecute and punish individuals for violations of international humanitarian law, and not to determine State responsibility for acts of aggression or unlawful intervention” (ICTY 1998, §230). However, the Tribunal had to deal with the issue of aggression indirectly due to Article 2 of the Statute which stipulates Grave breaches of Geneva Conventions of 1949. Since one of the Geneva Conventions protects civilian persons (and property) who “find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals” (*Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War 1949*, Article 4), the Convention may be applied only in the case of an *international* conflict. Thus the first Judgement that had to deal with the criminal counts under this article – that is the *Tadić* case – had to evaluate whether the conflict was international in character, in other words, whether it was one state attacking another (aggression) or conflict of forces *within* the state (civil war).

Duško Tadić was pre-war small café owner in Kozarac, a town in the municipality of Prijedor in North-west Bosnia. As the president of the local board of the Serbian Democratic Party (SDS), he obviously was not highly positioned, nor a mastermind of the infamous camps for non-Serbs in Prijedor region, in connection with which he was indicted. The mere banality of being accidentally recognised by some victims in Germany where he had fled in 1994 (Scharf 1997, 97), and thus being tried in one of the first cases before the ICTY,<sup>82</sup> paved his way into legal history.

The issue of internationality of the conflict came up as early as pre-trial process in the *Tadić* case. The pre-trial Appeals Chamber Decision on Jurisdiction, found that the conflict was generally of a mixed character:

*As the members of the Security Council well knew, in 1993, when the Statute was drafted, the conflicts in the former Yugoslavia could have been characterized as both internal and international, or alternatively, as an internal conflict alongside an*

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<sup>82</sup> Formally, the first Judgement before the ICTY was the one sentencing Dražen Erdemović (on the 29<sup>th</sup> of November 1996), upon him pleading guilty to the murders as a crime against humanity, as part of the 1995 Srebrenica massacre of Bosniaks. Later, he re-pleaded to the murders as a violation of the laws or customs of war (Communications Service of the ICTY, 2014a, 1). In both instances, the international or internal character of the armed conflict was irrelevant to the merits of the judgements. The *Tadić* case was also the first full-length trial before the ICTY.

*international one, or as an internal conflict that had become internationalized because of external support, or as an international conflict that had subsequently been replaced by one or more internal conflicts, or some combination thereof. The conflict in the former Yugoslavia had been rendered international by the involvement of the Croatian Army in Bosnia-Herzegovina and by the involvement of the Yugoslav [People's] Army ("JNA") in hostilities in Croatia, as well as in Bosnia-Herzegovina at least until its formal withdrawal on 19 May 1992. To the extent that the conflicts had been limited to clashes between Bosnian Government forces and Bosnian Serb rebel forces in Bosnia-Herzegovina, ... they had been internal (unless direct involvement of the Federal Republic of Yugoslavia (Serbia-Montenegro) could be proven) (ICTY 1995c, §72, emphasis added).*

Since the "the conflicts in Yugoslavia [had] both internal and international aspects", this Decision concluded that each new case, obtaining charges from the Article 2 of the Statute, has to determine whether an international armed conflict existed at a particular time and place based on specific circumstances of each individual case (ibid, §77).

On the first such occasion, in the *Tadić* Trial Judgement, the judges applied the test set out in the *Case Concerning Military and Paramilitary Activities in and against Nicaragua* [hereafter the *Nicaragua* case] before the International Court of Justice (ICJ). It evaluated whether a "rebel forces fighting a seemingly internal conflict against the recognised government of a State, but dependent on the support of a foreign Power in the continuation of that conflict" should be regarded as an agent or de facto organ of that foreign Power (ICTY 1997a, §585), thus implying that the 'seemingly internal conflict' is actually an international one. The essence of the test is in determining whether there is relationship of dependency and control between the foreign power and local rebels (ibid). Therefore, the question is whether leadership in Serbia (formally the Federal Republic of Yugoslavia – FRY) effectively controlled the leadership of Serbs in Bosnia, or military-wise, whether the JNA (later Yugoslav Army – VJ) had command control over the nascent Army of Republika Srpska (VRS).

The Judgement has established that the JNA formally withdrew from the territory of BiH on the 19<sup>th</sup> of May 1992, by "transferring to [BiH] all Bosnian Serb soldiers serving in JNA units elsewhere while sending all non-Bosnian soldiers out of [BiH]" (ibid, §114). However, the

majority of the command officers,<sup>83</sup> as well as the weapons and the equipment on the ground, remained on the territory of Bosnia forming the basis for the Bosnian-Serb army (VRS). Further, the staff of the VRS “continued to receive their salaries from the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro)” and the supplies for the VRS “continued to come from Serbia” even after the formal withdrawal (ibid, §115).<sup>84</sup>

Therefore, the army of Bosnian Serbs (VRS) was to a large extent dependent on the government of the FRY, that is the regime of Slobodan Milošević. Nevertheless, the majority of the judges at the bench (the presiding Judge McDonald dissenting) interpreted the *Nicaragua* test in such a way as to demand proof of *effective* control of the foreign power over the local rebels. In their opinion, it is irrelevant whether the VRS was sufficiently or even fully dependent on the help from the FRY, what matters is whether the FRY “exercised the potential for control inherent in that relationship of dependency” (ibid, §588), in other words, whether the leadership in Serbia effectively controlled the leadership of the Serbs in Bosnia. While the judges recognised that there was a coordination between the VRS Main Staff and the VJ main Staff in Belgrade, and that all senior VRS commanders, as former JNA officers, continued to receive pay-cheques from Belgrade, there was no formal chain of command (ibid, §598) and not enough evidence to prove that the VJ ever directed actual military operations of the VRS (ibid, §605). The judges concluded that the Bosnian-Serb forces were allies with, not agents of, the foreign power (Serbia and Montenegro); thus, the conflict was not of an international character after the JNA’s formal withdrawal on the 19<sup>th</sup> of May 1992. Hence the Judgement implied the conflict was an internal thenceforth.

Regarding political control, the Judgement noted that the political leaders of Republika Srpska, who effectively controlled the Serbian forces in Bosnia, “were popularly elected by the Bosnian Serb people” and were not installed from Belgrade (ibid, §599). At the same time, the Trial Chamber noted that the military and political objectives of the RS and of the FRY were “largely complementary” and aiming to “unify ... the territories in which Serbs lived in former Yugoslavia” into a Greater Serbia (ibid, §603). “This was also the desire of the

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<sup>83</sup> Regardless whether they were Bosnian Serbs in origin or not.

<sup>84</sup> In addition various Serbian paramilitary forces “operated in conjunction with the JNA and were used as infantry shock troops” in Bosnia in 1992, while the JNA “liberally supplied them with arms and equipment” (ibid, §110).

majority of the Bosnian Serb people, who feared, rightly or wrongly, their fate in the hands of a State controlled or dominated by other ethnic groups” (ibid). Therefore, there was little need for a formal control, beyond the coordination, since the both political and military organisations had congruent aim, the Trial Chamber concludes (ibid, §604).

The Presiding Judge in the *Tadić* case, Judge Gabrielle Kirk McDonald, dissented from the majority decision in evaluating the character of the conflict. In her opinion the appropriate interpretation of the *Nicaragua* test was only to establish the existing relation of dependency and control between the party in the conflict and a foreign power. All judges agreed on the point that such a relation existed between the VRS and the FRY. However, Kirk McDonald insisted that the effective control should be demanded only when establishing whether a particular act could be attributed to a foreign power, not necessarily the whole war conduct of the local rebels. She contended that the majority of the Trial Chamber created much more demanding standard than the one set out in *Nicaragua* (ICTY 1997a, 288 [Separate and Dissenting Opinion of Judge McDonald]). Therefore, in her opinion, the Army of Republika Srpska (VRS) acted as an agent of the Milošević regime (FRY), thus interpreting the Bosnian war as an international conflict. Furthermore, she supports the argument by explaining that the “creation of the VRS was a legal fiction,” since the troops and equipment of the JNA were just transferred to the control of newly established Main Staff of the VRS which was anyways staffed with the JNA officers (ibid, 289). With merely insignia changed, the whole infrastructure remained the same. “Importantly, the objective remained the same. To create an ethnically pure Serb State by uniting Serbs in Bosnia and Herzegovina and extending that State from the FRY (Serbia and Montenegro) to the [Republika Srpska Krajina in Croatia]” (ibid, 289-290).

Therefore, both argumentations, for and against the international character of the conflict, rest on the interpretative construction which adopts the assumption that the idea of ‘Greater Serbia’ stood behind the political and military conduct of Serb leadership, both in Serbia and in Bosnia.

The Appeals Judgement in *Tadić’s* case however refuted the Trial Chamber conclusion regarding the nature of the war. Basing on the same factual findings of the Trial Judgement, the Appeals Chamber set out the problem of the conflict’s nature in different terms.



Applying the norms and logic of international humanitarian law, the judges offered a new appropriate test for assessing the control a foreign power has over a local armed force involved in the conflict— that of an ‘overall control’.<sup>85</sup> The ‘overall control’ would involve the foreign state having a “*role in organising, coordinating or planning the military actions of the military group, in addition to financing, training and equipping or providing operational support to that group*” (ICTY 1999d, §137). Bearing in mind that the VRS was actually a re-designed part of the JNA (soon renamed the VJ) with the unchanged command, control and logistical structure, and that the JNA “directed and supervised the activities and operations of the VRS,” the Appeals Judgement states that “the VRS and VJ did not, after May 1992, comprise two separate armies in any genuine sense” (ibid, §151). Actually, the formal withdrawal of the JNA “was in fact designed to ensure that a large number of ethnic Serb forces were retained in Bosnia,” while “the establishment of the VRS was undertaken to continue the pursuit of the FRY’s own political and military objectives ... [through] military and political operations that were controlled by Belgrade and the JNA/VJ” (ibid). The *Tadić* Appeal Judgement concludes that “the armed forces of the *Republika Srpska* were to be regarded as acting under the overall control of and on behalf of the FRY”; hence the armed conflict between the Bosnian Serbs and the central authorities of Bosnia and Herzegovina must be classified as an *international* armed conflict” (ibid, §162).

As said above, in each case dealing with the charges relating to the IV Geneva Convention the Prosecution has the burden of proving the internationality of each segment of the conflict each time anew. Thus, the adjudications of the previous judgements – e.g. that the conflict was international in that particular case – are not sufficient proof at face value for another case. For instance, the *Simić et al.* Trial Judgement demanded that the Prosecution provide its own evidence on the existence of an international armed conflict in the region of Bosanski Šamac, beyond just referring to previous cases. Since the Prosecution did not do so, the Trial Chamber in the case dismissed charges relating to Article 2 (ICTY 2003b, §120). In order to follow the further discussion more easily, I made an overview of all ICTY cases

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<sup>85</sup> The legal source for rejecting *Nicaragua* test and devising their own is based on the “Draft on State Responsibility as provisionally adopted by the International Law Commission” (ICTY 1999d, §121).

relating to Bosnia and Herzegovina, and extracted those where the judgement<sup>86</sup> included charges from the Article 2 of the Statute (see Table 4.2 and Table 4.3).

**Table 4.2: The cases in which the conflict was international since the VRS acted on behalf of the FRY (Serbia and Montenegro)**

Case	Trial Judgement	Appeals Judgement
<i>Duško Tadić</i> (IT-94-1) "Prijedor"	Internal (7 May 1997)	International (15 July 1999)
<i>Mucić et al.</i> (IT-96-21) "Čelebići"	International (16 November 1998)	International (20 February 2001)
<i>Slobodan Milošević</i> (IT-02-54) "Bosnia"	Rule 98bis Decision: International (16 June 2004)	
<i>Brđanin</i> (IT-99-36) "Krajina"	International (1 September 2004)	International (3 April 2007)

**Table 4.3: The cases in which the conflict was international since the HVO acted on behalf of the Republic of Croatia**

Case	Trial Judgement	Appeals Judgement
<i>Aleksovski</i> (IT-95-14/1) "Lašva Valley"	Judges could not agree (25 June 1999)	International (24 Mar. 2000)
<i>Blaškić</i> (IT-95-14) "Lašva Valley"	International (3 March 2000)	International (29 July 2004)
<i>Kordić &amp; Čerkez</i> (IT-95-14/2) "Lašva Valley"	International (26 February 2001)	International (17 December 2004)
<i>Naletilić &amp; Martinović</i> (IT-98-34) "Tuta & Štela"	International (31 March 2003)	International (3 May 2006)
<i>Bralo</i> (IT-95-17) "Lašva Valley"	Plea agreement: International (19 July 2005)	
<i>Rajić</i> (IT-95-14/1) "Stupni Do"	Plea agreement: International (26 October 2005)	
<i>Prlić et al.</i> (IT-04-74)	International (29 May 2013)	Still on-going

At the beginning of 1993, the conflict in Bosnia and Herzegovina became more complex since the regular forces of the internationally recognised authorities of BiH (the Army of the Republic of Bosnia and Herzegovina – ARBiH) entered into conflict with the self-organised forces of Croats (Croatian Council of Defence – HVO), with whom they were previously allied

<sup>86</sup> There are few cases where indictments included the charges from Article 2, but the cases were either terminated before being finished (*Kovačević, Ražnatović "Arkan", Talić*) or the charges were dropped in the plea agreements (*Simić, Todorović*).

against Serb forces (the JNA and the VRS). The Washington Agreement of the 1<sup>st</sup> of March 1994 ended the conflict. Since the HVO was closely connected with the government and the military of the Republic of Croatia (HV), the issue of the internationality of this part of the conflict has been handled in the relevant cases as well.

In the first judgement dealing with this conflict, in the *Aleksovski*<sup>87</sup> case, the judges could not agree whether the conflict was internal or international. At the beginning of the war the HVO was “formally under the direction of” the ARBiH, but actually the two formations were fighting side by side (ICTY 1999a, §23), while the HVO kept the close ties to the Republic of Croatia. The cooperation between the two military formations in central Bosnia gradually broke down during the autumn of 1992, and open armed conflict broke out by the end of January 1993. Though acknowledging a close connection between the HVO and the HV, such as joint command and mutual transfer of the officers, the Majority (of the Trial Chamber) held there is no indication that the “conflict between the ARBiH and the HVO [was] supported by the HV” (ICTY 1999b, §25). Furthermore, the Majority opinion relied on the evidence that the Croatian president Franjo Tuđman appealed against the conflict and brokered the agreement between the Bosnian Croat representative (Mate Boban) and the formal president of BiH (Alija Izetbegović) (ibid, §24). However the dissenting judge regarded the Croatian leadership in Herzegovina as being under complete political control from Zagreb, and the HVO as an extension of the HV (ICTY 1999c, §12), thus considering the conflict to have been international (ibid, §15). Here the judges disagreed on both the interpretation of the facts presented before the bench, and the legal reasoning. While the Majority followed the argumentation of the *Tadić* Trial Judgement, as presented above, the dissenting judge held that the given evidence proved the international character of the conflict “beyond a reasonable doubt” (ibid, §15).

The *Aleksovski* Appeals Chamber, using the same factual evidence, followed the legal test set out in the *Tadić* Appeals Judgement (ICTY 2000b, §134) implying that the conflict was international (ibid, §§150-1). All subsequent judgements relating to the HVO generally concurred (see Table 4.3), some adding more detail. For instance the *Blaškić* Trial Judgement

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<sup>87</sup> Zlatko Aleksovski was the commander of Kaonik camp for Muslims, established by the HVO, near Busovača in the Lašva Valley in central Bosnia.

made the difference between direct and indirect intervention. The first was the very “presence of HV soldiers or units in Bosnia and Herzegovina [which] has been amply demonstrated” (ICTY 2000a, §84) from the very beginning of the conflict. The indirect intervention, on the other hand, is what in the spirit of the *Tadić* Appeals Judgement is called ‘overall control’ that Croatia exercised over the HVO (ibid, §113). The Trial Chamber concluded that each claim, both of direct and indirect intervention, would suffice on their own in characterising the conflict between the Bosnian Croats and the Bosnian government forces as an international one (ibid, §94 and §123). The same was the conclusion of the Majority in the Trial Judgement, in the last case dealing with the issue, the case of highest political and military officials of the Bosnian Croats and the HVO – *Prlić et al.* (TPIY [ICTY] 2013a, §568).

The later judgements evaluating the internationality of the conflict(s) followed the argumentation of the *Tadić* Appeals Judgement and settled on the ‘overall control’ test, which each time leading to rendering the conflicts as international, involving Serbia and Montenegro and Croatia, respectively. While all final instance judgements observed here agree that the VRS acted as an agent of the Federal Republic of Yugoslavia and the HVO as an agent of Croatia, the nature of this agency is different. In a way, the situation was mirrored bearing in mind that in both cases the foreign states had control over the two military forces in Bosnia and Herzegovina, while all the judgements recognised the Army of BiH as the only legitimate military organisation within the country. However, the role of Croatia changed as the attitude of the HVO towards the ARBiH changed over time, shifting it from the ally to the hostile intervener (aggressor) and back to an ally again. We will deal in more details with the narrative of Croatian responsibility in the war in the chapter 7.

Therefore, the war was considered to be international from the beginning due to the hostile involvement of the FRY (Serbia and Montenegro). The same type of hostile involvement of the Republic of Croatia came only in the second year of the war. However, in answering the colloquial question “who started the war,” the judgements are much more in accord. Even the judgements concerning HVO officials, start the narrative of the Bosnian war by blaming “Serb aggression” (ICTY 2000a, §140) and Serbian territorial aspirations for its outbreak (ICTY 2001b, §465).

### 4.3 The Bosnian War in History Textbooks

The war in Bosnia and Herzegovina is named, framed and explained in profoundly different ways in the history textbooks used since the beginning of the war. The three master-narratives differ in the way underlying causes of the Yugoslav crisis and Bosnian conflict are rationalized, in the way the progression towards the war is emplotted and finally in the way they distribute responsibility for the Yugoslav dissolution and the outbreak of the war in BiH. The narratives of particular episodes in, and segments of, the war are situated within these master-narratives.

Bosniak textbooks, though written by different combinations of authors (M. Imamović et al. 1994; Ganibegović et al. 2001; Ganibegović 2003),<sup>88</sup> have exactly the same text<sup>89</sup> about the Yugoslav dissolution and the outbreak of the war in BiH from 1994 to 2003, until additional textbook entered the market (Šehić and Maričić-Matošević 2005). The textbook published in 2007 (Hadžiabdić et al. 2007; Šehić et al. 2007; Valenta 2007a), respecting the *Guidelines for writing and evaluation of history textbooks* (see chapter 3.4.3), do not even mention the word 'war'. The last textbook (Šabotić and Čehajić 2012) offers an extensive narrative about the war, much more detailed and nuanced than the first one. Though the narratives of Bosniak textbooks differ among themselves, they do have some common traits.

From 1993 until today, Serbian textbooks generally keep the same narrative pattern in explaining the Yugoslav dissolution, and likewise, from 1997 until today, in explaining the outbreak of the war in Bosnia. The only significant change is the eradication of open hate speech which was present in the first post-war textbook. The contemporary textbook (Pejić et al. 2009) contains a virtually identical text (in the chapters observed here) to the previous ones (Pejić 2003 and Pejić 2006). Therefore, the differences between the textbooks are stylistic variations within one highly consistent narrative.

The textbooks imported from Croatia bring very modest (Perić 1996) or no narrative about the war in Bosnia and Herzegovina (Perić 1992; Perić 1995; Matković 2000). The Croatian

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<sup>88</sup> Obviously, one author, Muhamed Ganibegović, participated in writing all three textbooks.

<sup>89</sup> In this and other cases where the same text reoccurs in different textbooks I quote the oldest one.

textbooks adapted for the BiH market (Matković et al. 2009; Bekavac et al. 2010; Erdelja et al. 2010) provide more information about the Bosnian war and, though differing in the manner of narration, they all follow the same story-telling 'red line'. The only textbook actually written in BiH (Miloš 2008) bears a remarkable resemblance to the text of Matković's editions (often with exact quotations).

Generally, we may conclude that there are three narrative patterns that overlap with the ethnic divides – the stylistic or substantial variations that exist among the textbooks within one ethnic cluster are insignificant compared to the large divergence between the narrative threads typical for each cluster.

The goal of this section is to provide a comparative analysis of the narratives presented in the textbooks, focusing on particular points of contestation. Hence, the historical overview provided below is not comprehensive one, and does not intend to be. The selection of the events that will be analysed in more detail is predicated by the events' prominence in the textbook narratives. Consequentially, many aspects of Yugoslav meltdown and Bosnian war, which are the focus of international and political history, will not be mentioned, simply because they are not treated in the textbooks. However, where necessary for matter of clarification, I do refer to the international historiographic historiography of Yugoslav dissolution.

#### **4.3.1 Explaining Yugoslav crisis: nationalism as the cause**

All textbooks agree that some form of nationalism exacerbated the dissolution of Yugoslavia; however, they markedly differ in claiming *whose* nationalism is to blame. It is important to note that, though all textbooks are to some extent ethno-centric and, though some textbooks promote values which could be easily described as nationalistic, generally, the term 'nationalism' is considered a 'bad word'. In the discourse of these textbooks, to describe somebody as 'nationalist' means portraying him/her in a negative light.<sup>90</sup>

Both Bosniak and Croatian narratives blame the Serbian leadership, particularly the Republic's President, Slobodan Milošević, for the Greater-Serbian nationalism which ruined

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<sup>90</sup> Though the textbooks generally do not provide a definition of the term 'nationalism' (I could not find a single one in the usual section where the less-known terms are defined, nor in the glossary) it is always mentioned in negative context, as a trait of the Other, and not of the 'own' group.

the Yugoslav federation and instigated the wars. In this interpretation, Milošević and his followers were led by a vision of Greater Serbia and intended first to turn Yugoslavia into such a Serb-dominated state, and after failing, then to seize territories in order to create it.

In the Serbian narrative, the Yugoslav crisis is framed as a problem of rising nationalism and separatism among, first Albanians in Kosovo, then Croats and Slovenes. In this discourse, 'separatism', i.e. the political intention to separate from a federal state, is equated with the concept of nationalism. In other words, no room is left for the idea that separation from or dissolution of the country could be a legitimate political agenda.

The Serbian narrative represents the Constitution of 1974 as the critical moment which created the setting that allowed nationalist and separatist tendencies to grow, and was the most damaging act for the fate of Yugoslavia. By granting the Republics state-like attributes, the Constitution "shattered the Yugoslav federation as a state union" (Gaćeša et al. 1994, 153). But the hallmark of the Constitution is the particular aim to cause the Socialist Republic of Serbia to "disintegrate" [*dezintegracija Srbije*] by creating Autonomous Provinces within it,<sup>91</sup> which is described in victimizing discourse (Gaćeša et al. 1994, 153; Pejić 2003, 181). Serbian textbooks present this as an unjust arrangement, in which the Provinces were illegitimately promoted to the level of republics, since the Republic of Serbia lost the majority of its prerogatives over the regions.<sup>92</sup> Further, the textbooks describe the powers given to the Provinces as being manipulated for nationalistic aims, especially in Kosovo. Thus, in the Serbian narrative, the 1974 constitution was "the victory of nationalistic and separatist forces" (Gaćeša et al. 1994, 153–154).

By contrast, the Croatian narrative perceives centralism as *the* 'chronic disease' from which the Yugoslav system suffered. Presenting Yugoslavia as innately heterogeneous country, with a tint of (cultural and economic) superiority of its western republics – Slovenia and Croatia – a federal system that provides large autonomy to its units is given as the only

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<sup>91</sup> Indeed, the Constitution created Autonomous Provinces of Vojvodina (in the north, with plurality of various minorities) and Kosovo (in the south, with Albanian ethnic majority), as formal parts of the Socialist Republic of Serbia (one of the six republics), but with representation in the federal governing bodies, on the same parity with other Republics.

<sup>92</sup> For matter of comparison of various perspectives, the Albanians viewed the creation of the 'autonomous region' (the official status until 1966, transformed later into an 'autonomous province', and in 1974 into 'Socialist Autonomous Province') of Kosovo as a concession to Serbs political interests (cf. Mišović 1987; Daskalovski 2003).

appropriate, and fair, solution. In addition, Croatian textbooks claim that Yugoslavia suppressed the expression of ethnic identities [*nacionalna pripadnost*] in order to promote a Yugoslav variant of a melting-pot (Perić 1992, 134) which was merely a cover-up for the advancement of Serb culture (Matković 2000, 119–120; Miloš 2008, 181; Bekavac et al. 2010, 177). Thus, in the Croatian narrative, the Constitution of 1974, which introduced confederal elements, is presented as a remedy to Yugoslavia's 'chronic disease'. Hence, the Serbian criticism to the Constitution is framed as illegitimate.

In Serbian discourse, decentralisation is framed as a factor that necessarily weakens any state, not only the Yugoslav one; in Croatian discourse, centralism is equated with authoritarianism and described as a mechanism of oppression. Further, the Croatian narrative presents the prospect of a more centralist unitary state as the actual dominance of the Serbs as the largest ethnic community in Yugoslavia, labelling such aspirations as a desire to impose 'Greater-Serbian hegemony' [*velikosrpska hegemonija*] (Perić 1992, 136; Matković 2000, 119). In Bosniak textbooks, this issue is not so prominent, but the narrative follows the interpretation that the Constitution of 1974 created a political balance in Yugoslavia which was disturbed by Serbian centralist tendencies (M. Imamović et al. 1994, 128; Šehić and Maričić-Matošević 2005, 128). Only the most liberal Bosniak and Croatian textbooks avoid tying all problems of the Yugoslav system to the presumed Serbian intention to dominate (Valenta 2007a; Erdelja et al. 2010).

#### **4.3.2 Emplotting Yugoslav breakup**

Textbooks used in the Republika Srpska start the narrative line by explaining the Yugoslav dissolution from the earliest point historically (1964) when the communist party [League of Communists of Yugoslavia] started functioning on principles of equal representation of federal republics (Pejić 2003, 181). This is framed as "opening the path to the disintegration of Yugoslav society" (Gaćeša et al. 1994, 155–6).

Bosniak and Croatian textbooks generally start the narrative of Yugoslav dissolution with the death of Tito in 1980, after which a political crisis ensued, exacerbated by economic crisis. For both narratives the point of no return was the ascent of Slobodan Milošević to power in Serbia in the late 1980s. He is generally portrayed as a fierce nationalist, driven by the idea of 'Greater Serbia'. However, there seems to be a slight shift in understanding about what



Milošević's intentions in the late 1980s were. The textbooks from the 1990s frame the Serbian leadership as wilfully aiming to ruin Yugoslavia in order to create a Greater Serbia (M. Imamović et al. 1994, 128), or to impose centralism as an intermediate step in creating a Greater Serbia "under the Yugoslav name" (Perić 1992, 140). The latter accounts are more nuanced. They see the Serbian desire to restore hegemonic dominance in Yugoslavia as the force that actually demolished it. Therefore, the Serbian agenda is framed as the intention to dominate, not directly destroy, Yugoslavia (Matković 2000, 124; Šehić and Maričić-Matošević 2005, 128; Miloš 2008, 189; Bekavac et al. 2010, 180; Šabotić and Čehajić 2012, 179 and 183; Erdelja et al. 2010, 229). What led to the dissolution of the common state was the refusal of other republics to submit to Serbian domination.

Since the Serbian narrative frames the 1974 Constitution as illegitimate, the changes in the Serbian political leadership that opposed the Constitution are presented as a remedy to this injustice. Thus, the takeover of the Serbian (communist) party<sup>93</sup> after internal strife by Slobodan Milošević is framed as a victory of the "democratic option" that wanted to "bring back" sovereign rights to Serbia (Gaćeša et al. 1994, 157; Pejić 2003, 182). Indeed, soon after his ascent to power, Milošević forced a change in the constitution of the Republic of Serbia, which significantly limited the autonomy of the two provinces. Since the provinces were represented in the federal bodies, this constitutional change on the level of Serbia gave it control over additional two votes, which were important in the complex decision-making of the federation. Bosniak and Croatian textbooks interpret these developments as the disruption of fragile equilibrium created by the 1974 Constitution, hence destabilising Yugoslavia. According to this interpretation, Milošević exploited the rising tensions in the Province of Kosovo for a nationalist mobilisation among Serbs, while his actual intention was to attack and modify the federal arrangement.

All narratives agree that one of the crucial moments was the last congress of the League of Communists of Yugoslavia [*Savez komunista Jugoslavije*] in January 1990, when the Yugoslav communist party fell apart, heralding the disintegration of the state of which it was a pillar.

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<sup>93</sup> Parallel to the League of Communists of Yugoslavia, each of the federal Republics had its own League of Communists, which was actual focus of political power after the Constitution of 1974. These party organisations reformed in 1990, each one competing in the first democratic elections in their republic as a separate and nominally social-democratic party. The first plural elections took place in each of the Republics at a different time, all of them during the year 1990.

Croatian textbooks claim that due to the Serbian representatives' intention to dominate the debate, the Slovene and Croatian delegations had no option but to leave the congress (Perić 1992, 140; Matković 2000, 124; Bekavac et al. 2010, 187). Most Bosniak textbooks, as well as the Croatian liberal one, avoid assigning direct responsibility for the walkout: "due to quarrel with Serbian representatives ... the delegates left" (Hadžiabdić et al. 2007, 139; cf. Erdelja et al. 2010, 229), only the most recent one is open: "Due to severe accusations by the Serbian Communists" Slovene and Croatian delegates walked out of the congress, after which the Bosnian and Macedonian delegates left as well "not wanting to participate in an incomplete session" (Šabotić and Čehajić 2012, 180). In the Serbian narrative, the walkout of Slovene and Croat delegates is given as the proof of their intention to ruin the SFRY (Gaćeša et al. 1994, 156; Pejić 2003, 181).

Eventually, the year 1990 was marked by the first multi-party elections held at the level of the republics. All Croatian and Bosniak textbooks mention that these elections brought new political forces to power in all former republics, except in Serbia and Montenegro where the former (communist) leadership remained in power. In Bosnia and Herzegovina, the three ethnically defined parties won the elections: the Muslim-dominated Party of Democratic Action [*Stranka demokratske akcije – SDA*], the Serbian Democratic Party [*Srpska demokratska stranka – SDS*] and the Croatian Democratic Alliance [*Hrvatska demokratska zajednica – HDZ*].

Bosniak and Croatian narratives frame the proclamation of independence of the Yugoslav successor states as the result of the inability to come to an agreement regarding reorganisation of the common state.<sup>94</sup> The textbooks present these negotiations as doomed to fail in light of intransigent Serbian nationalism, supported by the hate-mongering propaganda emitted by the Belgrade media under Milošević's control. However, there is a difference between the two narrations: though Croatian textbooks present stakeholders' intentions to 'save' Yugoslavia, the underlying assumption is that the independent state was Croats' long-standing desire; thus, the secession from Yugoslavia is presented as a natural and favourable course of history. This is part of the overall Croatian meta-narrative in which

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<sup>94</sup> Slovenian and Croatian representatives called for confederal arrangement, Serbian and Montenegrin for a unitary model, while Bosnian and Macedonian presidents offered a middle-way solution which was largely ignored.

the disintegration of Yugoslavia is given as ‘the end of the history’ in *Fukuyaman* sense (Fukuyama 1989) – as an inevitable penultimate step in historical progress towards an independent state. On the other hand, Bosniak textbooks present the dissolution of the common state as an unfavourable course of events. Within this framework BiH independence as being predicated by the circumstances – as the only logical solution after Slovenia and Croatia seceded and the rest of Yugoslavia was ‘hijacked’ by Serbian nationalists.

The “marathon-like negotiations” about the future of Yugoslavia (Valenta 2007a, 187; Šabotić and Čehajić 2012, 181) are completely omitted from the Serbian textbooks, thereby presenting the secessions as if coming ‘out of the blue’. In the Serbian narrative, Slovenia and Croatia, followed by Bosnia and Herzegovina and Macedonia, conducted a “violent secession from Yugoslavia”, while Serbia and Montenegro “remained together ... carrying on the continuity of Yugoslavia” (Gaćeša et al. 1994, 157; Pejić 2003, 184). When narrating the events in BiH, the Serbian narrative holds that the Bosniak and Croatian politicians intentionally worked on breaking up Yugoslavia ever since the elections in November 1990 (Pejić 2003, 183).

The underlying theme of the Serbian narrative is to regard the Yugoslav state with a value in itself, which is presupposed as a self-evident fact. Earlier textbooks presented an additional nationalist argument for the protection of Yugoslavia – “so all Serbs could live in one country” (Pejić 2002, 149). This was excluded in later editions, but the general positive tone remained. In Bosniak textbooks, the Yugoslav idea is presented as a generally positive concept; however, the description of the SFRY as a state is much more critical than the Serbian narrative represents. In Croatian textbooks, a generally negative portrayal of Yugoslavia pervades, as the mechanism of oppressions.

In the Serbian narrative, the break-up of Yugoslavia is framed as a result of some “pre-planned and well-prepared scenario (inspired and helped by some international actors)” (Gaćeša et al. 1994, 156). The impression of international conspiracy is created by statements such as: “the immediate recognition of the seceded Republics makes clear that the Western states had planned and abetted the breaking-up of Yugoslavia” (Pejić 2003, 181). The earlier textbooks openly stated that this conspiracy especially targeted the Serbs,

demonizing them in the international media, since they opposed the breakdown of Yugoslavia, and allegedly in this way challenged “the new world order” (Gaćeša et al. 1994, 158; Pejić 1997, 30).<sup>95</sup> The later textbooks were more subtle in sending an ideologically identical message: the concept of globalization is defined as a “social process for establishing a new world order” in which the United States politically and economically dominates the world, thus creating violent hegemony (Pejić 2006, 238–9). Though the text does not mention local affairs within this new world order, the message is clear enough from the chapter’s title: “Globalization, the Balkans and the place of Serbs” (Pejić et al. 2009, 200).

### 4.3.3 Emplotting Bosnian conflict: independence and/or secession

All Bosniak textbooks outline the path toward independence as being paved with legitimate and democratic decisions. When stating that the Assembly of BiH “enacted a Memorandum on independence” (Hadžiabdić et al. 2007, 141), (or as other textbooks refer to it: “the Act on reaffirmation of sovereignty” (Valenta 2007b, 187) and the “decision on proclamation of independence and sovereignty of BiH” (Šabotić and Čehajić 2012, 181)) on the 15<sup>th</sup> of October 1991, the textbooks omit to mention the controversial course of this enactment. Indeed, the declaration proposed by the Muslim (SDA) and Croatian (HDZ) parties was opposed by the Serbian one (SDS). The SDS demanded that the declaration be vetted by the ‘Council for Questions of the Establishment of Equality of the Nations and Nationalities’ [*Savet za pitanja uspostavljanja ravnopravnosti naroda i narodnosti Bosne i Hercegovine*] (ICTY 2006d, §63), which was envisioned by the Constitution, but never came to existence. The Serbian representatives’ argument was that a simple parliamentary majority was not sufficient for such an important decision, and that the majority within all three nations should be required instead. That night from the 14<sup>th</sup> to the 15<sup>th</sup> of October 1991 was remembered also due to the infamous speech given by the leader of the SDS, Radovan Karadžić, which was often framed (by the ICTY judgements as well) as a death threat: “You want to take Bosnia-Herzegovina down the same highway of hell and suffering that Slovenia and Croatia are travelling. Do not think that you will not lead Bosnia-Herzegovina into hell,

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<sup>95</sup> The earlier textbooks saw as prime villains in this conspiracy Germany, as “the most influential and aggressive member of the EC,” and the Vatican, who is “targeting the Orthodox faith and the Serbs through the Catholic Church and its fanatic believers” (Gaćeša, Mladenović-Maksimović, and Živković 1994, 157). After the NATO intervention in 1995 and 1999, the USA is added to the list of international conspirators against the wellbeing of Serbia and the Serbs.

and do not think that you will not perhaps lead the Muslim people into annihilation, because the Muslims cannot defend themselves if there is war” (Silber and Little 1995, 237; mentioned also in Bennett 1995, 184; Lukic and Lynch 1996, 204; M. A. Hoare 2007, 353). In the course of the night, Momčilo Krajišnik, then chairman of the Assembly, adjourned the session and Serb members of parliament (MPs) walked out, but the SDA and HDZ enacted the declaration in their absence (ICTY 2006d, §64). Thus, the Serbian narrative frames the decision as illegitimate, since the Bosniak-Croat coalition “made decisions without the consent of the Serbian representatives” (Pejić 1997, 29; Pejić 2003, 183). In those Bosniak textbooks that mention the Serbian MPs’ walk-out (Hadžiabdić et al. 2007, 141; Šabotić and Čehajić 2012, 181), it is given as the consequence of their dissatisfaction with the result of the democratic process, not with the violation of the democratic procedures (of equal national representation) as the Serbian narrative tends to imply. Croatian textbooks do not mention this episode.

The Serbian narrative claims that because of this development, most of the Serbian MPs (predominantly from the SDS) left the BiH Assembly and established their own – “Serbian National Assembly” (Pejić 1997, 29; Pejić 2003, 183). In November 1991, the ‘Serbian Assembly’ (in fact the Serbian Democratic Party – SDS) organised “plebiscite of Serbian people in which more than 97% of Serbs declared that they would remain in Yugoslavia” (Pejić 1997, 29).<sup>96</sup> Newer textbooks claim that also “some Bosniaks and Croats” (Pejić 2003, 183) participated in this plebiscite giving the impression that not only Serbs wanted to ‘remain’ in the Yugoslav state.<sup>97</sup> On the basis of the plebiscite, the narrative goes, the Serbian Assembly proclaimed the Serbian Republic of Bosnia and Herzegovina in January 1992, later to be renamed the Republika Srpska (Pejić 2002, 151; Pejić 2003, 183), which covered parts of BiH where Serbs were in the majority. No Bosniak or Croatian textbook

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<sup>96</sup> Christopher Bennett (1995, 185) states that “99 per cent of voters in an estimated 85 per cent turn out backed the creation of a Serb republic within Bosnia-Herzegovina if the republic tried to break away from Yugoslavia.”

<sup>97</sup> In fact, there were two sets of ballots, for Serbs and non-Serbs with different questions. The question for Serbs asked whether Serb people of BiH should join remaining of Yugoslavia, which would comprise Serbia, Montenegro and territories in Croatia which have been under Serbian control at the time – in fact the question referred to the outlines of the imagined Greater Serbia, without directly mentioning the ‘problematic’ term. The ballot for non-Serbs asked whether BiH should remain in common state with all others who wish so as well (Čekić 2005, 576). However, this interesting detail is not mentioned in textbooks.

mentioned this 'plebiscite', and their narrative leaps directly onto the Bosnian referendum for independence.

The referendum was called by the BiH Assembly (for the 29<sup>th</sup> February – 1<sup>st</sup> March), again without participation of Serb MPs, and the SDS campaigned among the Serbs to boycott the referendum, which many of them did (Bennett 1995, 186; Ramet 2002, 206). The Bosniak and Croatian narratives frame the referendum in a straightforward manner, as an unproblematic democratic procedure. Among them, only the most recent textbooks mention that Serbs boycotted the referendum (Bekavac et al. 2010, 216), or that the SDS urged Serbs not to participate in it (Erdelja et al. 2010, 233; Šabotić and Čehajić 2012, 181). Of the two-thirds of the electorate that participated, nearly all voted for independence. Here Bosniak and Croatian narratives generally cohere; however, there is a minor, but significant addition in the Bosniak interpretation. Though the referendum question asked whether one supports a "sovereign and independent Bosnia and Herzegovina" (ibid), virtually all Bosniak textbooks state that the electorate supported an "independent, sovereign and integral [cjelovit]" country (M. Imamović et al. 1994, 129; Valenta 2007b, 187; Šabotić and Čehajić 2012, 182) – implying that the country's independence excluded its division, which was the Serbian agenda at the time.

In the Serbian narrative, the events regarding the 'Serb plebiscite' are given matter-of-factly, as if their logic and legitimacy are self-evident, while the narrative about the referendum is given in a disputing tone: the Bosniak and Croatian leaderships "with no consent and participation of the Serbian people, organised a referendum in which the *relative majority* of Croat and Muslim voters voted for secession" (Pejić 2002, 151; Pejić 2003, 183, my emphasis). The majority at the referendum was actually an absolute one – 63.4% of the total eligible voting population went to the polls, and 99.7% of the valid ballots voted for independence (Commission on Security and Cooperation in Europe 1992). Indicatively, all Serbian textbooks refer to the referendum as enacting *secession*, while all the rest use the word *independence*. Therefore, while the Serbian plebiscite is given as an objective, undisputed fact, the BiH referendum is presented as an illegitimate act.

Bosnia and Herzegovina was internationally recognised on the 6<sup>th</sup> of April 1992. While Bosniak textbooks present this as a historical moment of state-building, newer Serbian

textbooks omit even to mention the date. Instead, they state that the international recognition of BiH “caught Serbs by surprise” (Pejić 2003, 184), suggesting imprudence or conspiracy in the course of events.

#### 4.3.4 Casting responsibility for the outbreak of the war

In narrating the War of Yugoslav Succession, the Serbian narrative implies responsibility of the seceding parties; first in Slovenia, then in Croatia and BiH. The older Serbian textbook clearly states that the cause of the war lay in “Muslims and Croats want[ing] to separate BiH from Yugoslavia, thus turning Serbs into a national minority” (Pejić 1997, 30). It should be understood here, that, in the context of the Yugoslav system of nations [*narodi*] and nationalities [*narodnosti*], “the concept of minority lost its neutral meaning and acquired negative – and occasionally insulting – connotations” (Stokes 2009, 84; cf. D. Jović 2001).<sup>98</sup> The same textbook emplots the beginning of the war in the following terms: due to “frequent attacks of Muslim fundamentalists and Croatian cleric-nationalists [*kleronacionalisti*], the Serbian people had to organise and defend their life, national identity, honour and human dignity with arms” (Pejić 1997, 29). Additionally, in May 1992, “Muslim and Croatian leaders organised the shameful and bestial attack” (ibid) on the forces of the JNA that were retreating, under the agreement, from BiH territory in Sarajevo and Tuzla.<sup>99</sup> Therefore, this textbook attributes responsibility for both cause and pretext of the war to Bosniak and Croat leaders. Serbian textbooks issued after 2000 avoid casting judgements on the outbreak of the war in Bosnia,<sup>100</sup> but they implicitly tie the war’s eruption to the alleged prematurity of BiH’s international recognition.

On the other hand, Croatian and Bosniak narratives blame Serbs for having pulled the first trigger in BiH. The Bosniak textbooks (that mention the war) narrate how the Serbian side “silently occupied” BiH in the year before the war, by deploying additional JNA forces across BiH (M. Imamović, Pelesić, and Ganibegović 1994, 129–130; Ganibegović 2003, 125–126;

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<sup>98</sup> As Dejan Jović explained, the Yugoslav concept of self-management was based on the notion of consensus in which there were “no-majority-no-minorities” (D. Jović 2001, §1) and its replacement with representative democracy, which is based on the concepts of majority and minority, “fundamentally disturbed inter-ethnic relations in Yugoslavia” (ibid).

<sup>99</sup> Here the textbook is referring to the incidents in Dobrovoljačka Street and Tuzla column/Brčanska malta of the 3<sup>rd</sup> and 15<sup>th</sup> of May 1992 respectively.

<sup>100</sup> Interestingly enough, the narrative about the war in Croatia and the nature of the Republika Srpska Krajina remained untouched by the textbook reforms that obviously made the narrative about Bosnia more neutral.

Šabotić and Čehajić 2012, 184). By that time, the JNA of rump Yugoslavia was completely under the control of the Serbian leadership; thus, when the JNA issued a mobilisation order in Bosnia, the BiH Presidency recommended that citizens not comply, and only Serbs mobilised (Šabotić and Čehajić 2012, 184). Such a modified JNA, together with the forces loyal to the Serbian Democratic Party, attacked Sarajevo on the day of Bosnia's international recognition, thus conducting an "open military aggression" in which paramilitaries from Serbia also participated (M. Imamović et al. 1994, 129).

Croatian textbooks present a narrative in which Serbian aggression on BiH actually started in September/October 1991 with the JNA and Serbian paramilitaries attacking the Croat-populated village Ravno in Eastern Herzegovina at the time of fighting in Dubrovnik (Miloš 2008, 205; Matković et al. 2009, 124).<sup>101</sup> The newest Bosniak textbook mentions it as a prelude to the war (Šabotić and Čehajić 2012, 184).

#### 4.3.5 Nature of the war

Bosniak and Croatian narratives are in agreement in referring to the Bosnian war as "aggression," or "Greater-Serbian aggression" in the case of the more nationalistic textbooks. On the other hand, earlier Serbian textbooks called all the fighting associated with the Yugoslav dissolution "civil wars" (Gaćeša et al. 1994, 157; Pejić 1997, 29; Pejić 2002, 150). The later ones avoid characterising the nature of the war in Bosnia. I assume that this change resulted from the pressure of text-book reform, which ordered the omission of 'problematic terms' in the text relating to BiH (see chapter 3.4.3), since the textbook retained problematic characterisations of other Yugoslav conflicts.<sup>102</sup> Thus, the avoidance to specify the nature of the war did not result from a genuine change in the narrative, because then one would also expect the same change in regard to the war in Croatia.

In support of the underlying assumption that the Bosnian war was a civil, rather than an international conflict, the Serbian narrative presents the Bosnian war as being fought

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<sup>101</sup> Miloš's textbook (2008, 205) states that the attack took place on the 5<sup>th</sup> of September, Matković et al. (2009, 124) gives the date of the 5<sup>th</sup> of October (the same in Čekić 2005, 872), while international authors usually quote Reneo Lukic and Allen Lynch (1996, 203) who give the date of the 25<sup>th</sup> of September (cf. Ramet 2002, 205).

<sup>102</sup> For instance, they name the Croatian Army's takeover of the territories in Croatia controlled by the Serbs in 1995 as the "occupation of the Republika Srpska Krajina" (Pejić 2003, 183). These operations, known under the codenames Skylight and Storm, are considered in Croatia and internationally to be a legitimate armed seizure of control over the whole territory of the internationally recognised state of Croatia.



between three “national armies: Muslim (the Green Berets),<sup>103</sup> Croatian (Croatian defence council – HVO) and Serbian (the Army of the Republika Srpska)” (Pejić 1997, 29). Furthermore, the most nationalistic Serbian textbook frames Serbian soldiers in Bosnia as having been mere “armed civilians” who had to organise themselves and defend themselves from Croat and Muslim paramilitaries, the latter being staffed also by “paid mujahedin”<sup>104</sup> (Pejić 1997, 29). Framed like this, Serbian forces are presented as being completely grass-root – the military support that came from Serbia is never mentioned in the Serbian narrative – while the opposite side is presented as cunning and supported from abroad. However, this emotionally-charged discourse was excluded from the later editions of the textbooks.

In the Bosniak narrative, the Army of the Republic of BiH (ARBiH) is represented as the only legitimate army within the state. It was officially formed in the first months of the war, gathering already formed paramilitary formations – Green Berets and the Patriotic League – loyal to the state of BiH (Šabotić and Čehajić 2012, 185). In those Bosniak textbooks that do not directly mention the last war, the conduct of the Sarajevo government is presented as democratic and legitimate, which creates the impression that the war against them could only have been unjust. So, even when the war is not explicitly narrated, textbooks conveyed the ‘hidden message’ of its nature, such as here: “the hard and terrible war [was] waged *against* [BiH] using all means at disposal” (Hadžiabdić et al. 2007, 8, emphasis added).

The framing of the HVO is examined in chapter 7.5.

#### **4.3.6 Main points of contention between the narratives in the textbooks**

The topics presented (explaining the Yugoslav crisis, emplotting the Yugoslav breakup and the Bosnian conflict, assigning responsibility for the outbreak of the war and describing its nature) are critical points where the three national narratives collide. They are embedded in different conflicting understandings of what was the main problem in the functioning of Socialist Yugoslavia (SFRY), and therefore in different understandings of the changes that the

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<sup>103</sup> ‘The Green Berets’ was Muslim paramilitary formation founded in months before the war, which was later incorporated into the Army of the Republic of BiH. In given context this referral may be understood as derogatory.

<sup>104</sup> Though some mujahidin – Muslim guerrilla warriors engaged in jihad – did voluntarily joining forces under the command of Sarajevo (Army of the Republic of BiH), historians dispute that it significantly contributed to the Bosniak war-effort (M. A. Hoare 2004, 131–2).

Constitution of 1974 brought. The Serbian narrative holds the underlying assumption that a strong state is something positive, and implicitly equates the strength of that state with centralism. On the other hand, the Croatian and (to lesser extent) Bosniak narratives regard Yugoslavia as a genuinely heterogeneous country to which only the mechanisms providing large autonomy to the constitutive parts would apply. In this perspective the Constitution of 1974 was a solution to the 'Yugoslav problem', while in the Serbian view the 'problem' was the Constitution itself, which eventually led to the state's collapse.

The narratives present diametrically opposite frames about the causes of dissolution of Yugoslavia. Serbian textbooks portray forces that intentionally worked on breaking up Yugoslavia: separatist Republics and the conspiracy of international community. On the other hand, Croatian and Bosniak narratives claim that Serbian hegemonism led to the disintegration of Yugoslavia, since other Republics did not want to submit to the desire of the Serbian leadership to dominate the federation. Within this divergence, contradicting frames about the overall Serbian intent (in the course of Yugoslav dissolution) are epitomised in the portrayal of Slobodan Milošević. The Bosniak and Croat narratives perceive him as seeking to create a Greater Serbia, while the Serbian textbooks argue that he only wanted to save Yugoslavia from demise, even if only in shrunken form.

After the Croatian and Bosniak narratives depict the failed attempts to find a solution to the Yugoslav crisis, they describe the process of democratically arriving at the decision on BiH independence as a reflection of the will of the people. In this description, Serbian political representatives are presented as unwilling to cooperate in the democratic process. Instead, they prepare the terrain for the takeover of parts of Bosnian territory in order to join them to Greater Serbia. The Serbian narrative, on the other hand, presents acts of the Serb leadership as legitimate (founded in the plebiscite of Serb population in BiH) and as a response to Bosniak and Croat neglect of the Serb popular will to remain in Yugoslavia. In Serbian textbooks, the term 'Greater Serbia' is not mentioned anywhere, but the term 'Yugoslavia' is used to refer to both Yugoslavia of SFRY size (spreading from Slovenia to Macedonia) and the 'rump Yugoslavia' that would encompass Republics (and territories) that wanted to remain in the common state. In other words, the Serbian discourse conflated notions of 'Yugoslavia' and a new state formation that would actually encompass Serbia, Montenegro and 'Serbian lands' in Croatia and Bosnia. In Croatian and Bosniak discourse,

the toponym 'Yugoslavia' is used solely for the SFRY, while the aspirations to craft new borders cutting across the Republics is called 'Greater Serbian nationalism'.

Each of the narratives keeps silent about facts that would disrupt the coherence of its narrative line. The Serbian narrative avoids mentioning the negotiations between the Presidents of the Yugoslav Republics which sought a solution to the Yugoslav crisis in 1991 (since this information would contradict the Serbian claim that the Republics planned their secession well in advance in the intention to break up the common state). By the same token, as described above, Bosniak textbooks say nothing about the controversy around the enactment of the 'Memorandum on independence', presenting it as straightforward democratic procedure, and avoid mentioning the Serb plebiscite. Thus, all three narratives choose particular elements of the common history as it suits each of them to support what they perceive as their rightful political claims.

#### **4.4 Conclusion**

Longitudinal analysis of the post-war history textbooks demonstrates that narratives have not significantly changed over time. In regard to the topic of this chapter, only minor changes could be detected. As examined above, I noted a slight shift in the way Milošević's political motivation was described in Bosniak and Croatian textbooks: from framing him as wilfully aiming to ruin Yugoslavia in order to create a Greater Serbia, to a more nuanced description of him wanting to dominate the Yugoslav federation (and impose the domination of the Serbs within it), thus creating unbearable conditions for everybody else, driving them to seek independence. In Serbian textbooks there is also a minor, but not irrelevant change by erasing the term 'civil war' from description of Bosnian conflict. As I explained above, this change, which came in the 2003 edition of the textbook (cf. Pejić 2002; Pejić 2003), seems to be the result of the textbook reform, and not the first ICTY adjudication (issued in 1998) according to which the conflict was international in character (see Table 4.2). The more substantial changes in textbook materials happened on the level of vocabulary, not narrative. They were the result of international pressure demanding a reduction of offensive and insulting language and have not challenged the emplotment thread of each narrative. Nevertheless, textbook analysis is informative for the development of the argument of this

thesis. It reveals the master-narratives which form the foundation for the narratives of particular events that will be examined in subsequent chapters.

In academic and scholarly literature, “there is a notable absence of claims that the [Rulse98*bis*] Decision – really, the *Milošević* trial in general – has contributed to an authoritative narrative, despite the hopes ringed around what was the most important of the ICTY’s trials” (Waters 2013a, 312). This claim rests on the critique of the Prosecution’s ambition to narrate the history of Yugoslav dissolution and course of the three wars, all within one monumental trial. This ‘historiographic’ ambition drove the Prosecution to create ‘theory of the case’ that many historians have problem agreeing with, as presented above.

The untimely termination of the *Milošević* trial prevents me from comparing the narrative of the Judgement to the narratives in the field, using the same methodology I have adopted and implemented in the subsequent chapters. However, examination of this case reveals significant overlapping among the meta-narratives presented in the history textbooks and the argumentation developed by the Prosecution and Defence. The Bosniak and Croatian narratives concur with most of the arguments presented by the Prosecution. They see the main cause for the Yugoslav dissolution and the outbreak of the wars in the idea of Greater Serbia, which they also view as a coherent master plan of the Serbian leadership. The historical narrative presented in Serbian textbooks supports the arguments of Milošević’s defence that he wanted only to save Yugoslavia, that his subsequent reactions were provoked by the illegitimate secessionist acts of other Republics. By the same token by which Milošević conflated the ‘saving of Yugoslavia’ with the protection of what he perceived as ethnic-Serb national interest, the Serbian textbooks conflate the notion of pre-war Yugoslavia (SFRY) with the one of ‘rump Yugoslavia’, which every other narrative (except for the Serbian one) regards as equivalent to the idea of Greater Serbia. Finally, Serbian textbooks are saturated with the same theme of an ‘international conspiracy against Serbs’, which was the main contra-argument of Milošević’s defence.

## 5 Ethnic Cleansing: Criminal Enterprise or “Natural” Consequence of the War

Another crucial point of divergence between the dominant national narratives of the Bosnian war is related to the issue of ethnic cleansing committed by the Serbian forces. During the war, the Serbian official position either publicly ignored the fact that the majority of non-Serbs left the areas constituting Republika Srpska, or framed it as a war-time necessity, the personal choice of those who were leaving; in any case, it was not presented as a forced expulsion. When international journalists found out that Serb forces had been massively detaining non-Serb men, the official Serbian stance was that these were regular prisoners-of-war camps and “interrogation centres” where combatants were screened (ITN 1992; Silber and Little 1995, 274–6). The internationally-recognised Bosnian government, which as early as May 1992 started warning of the existence of “concentration camps” (Silber and Little 1995, 278), considered ethnic cleansing to be part of larger plan to exterminate the Muslim population, and annul the Bosnian state for the sake of creating “Greater Serbia”. Bosnian official representatives, as well as Sarajevo-based media, argued that “ethnic cleansing” was not only criminal in itself, but part of larger campaign of genocide (Izetbegović 2005).

In fact, the divulging of the camps’ existence (and the inhumane conditions in which the inmates were kept) by the foreign press, caused public outrage in Western societies (which exercised pressure on their governments), eventually leading to the establishment of the ICTY (Scharf 1997). The Press Release upon the ending of the first trial before the ICTY stated that this was the “first ever judicial condemnation of the ‘ethnic cleansing’ policy” (ICTY 1997b, 1). It was the trial of Duško Tadić, and it was relating to the camps in the region of Prijedor. Thus, I chose Prijedor as the case study for examining the relation between jurisprudence of an instance of ‘ethnic cleansing’ and its public understanding.

### 5.1 Lack of Legal Definition

Though often used even by legal professionals, ‘ethnic cleansing’ is not a legal category. It is generally accepted that the English term ‘ethnic cleansing’ comes from Serbo-Croatian (or BCS) *‘etničko čišćenje’* entering the international use during 1992 in connection with

Yugoslav wars (Petrović 2007, 220–1). As in almost all European languages, in the local language(s) the term 'čišćenje' [*cleansing*] was used "to signify the removal of political opponents" throughout history (ibid, 221), but it gained an 'ethnic' dimension in relation to the intra-Yugoslav conflicts during WWII (ibid, 224). It denoted various forms of repression and elimination of a perceived enemy, and since the political confrontations of WWII were often conflated with ethnic divisions, the 'cleansing' included the "members of an allegedly hostile ethnicity" (ibid).

When this compound word started being used by international journalists and diplomats, it referred to "the expulsion, detention, deportation, torture and killing of civilians, in an attempt to systematically drive away the undesired population of a certain ethnicity from a certain territory, predominantly non-Serbs from Bosnia" (ibid, 232). The term also entered the legal sphere, for instance, through reports of the International Commission of Experts commissioned by the UN Security Council in 1992 to investigate the crimes taking place on the territory of the former Yugoslavia (UN Security Council 1992). In its interim report of February 1993, the Commission, described 'ethnic cleansing' as "rendering an area ethnically homogeneous by using force or intimidation to remove persons of given groups from the area" (UN Security Council 1994, §129). The Commission's Final Report defined ethnic cleansing as "a purposeful policy designed by one ethnic or religious group to remove by violent and terror-inspiring means the civilian population of another ethnic or religious group from certain geographic areas" (ibid, §130). In practice, ethnic cleansing was "carried out by means of murder, torture, arbitrary arrest and detention, extra-judicial executions, rape and sexual assault, confinement of the civilian population in ghetto areas, forcible removal, displacement and deportation of civilian population, deliberate military attacks or threat of attacks on civilians and civilian areas and wanton destruction of property" (ibid, §129). The Commission's work paved the way to establishing the ICTY (Scharf 1997), during the creation of which serious discussions evolved around the issue of legal substance of the term. Due to its imprecision and the politically charged context of its use in nationalist propagandas, ethnic cleansing was not included as a distinctive crime in the ICTY Statute (Petrović 2007, 236). Legally, this is of less importance, since the notion 'ethnic cleansing' encompasses practices which already constitute crimes against humanity or could be

assimilated to specific war crimes. Nevertheless, it was often mentioned during the court's proceedings and even in the narrative part of some judgements.

Since the 'ethnicisation' of the term 'cleansing', it was brought into connection with genocide, often used interchangeably both in media and academia, giving the impression that they share the same meaning (Petrović 2007, 224, 236). As Vladimir Petrović has observed, "the term ethnic cleansing was employed where the term genocide sounded too heavy, and the term atrocity too unsystematic" (ibid, 238).

The Commission of Experts stated that the acts constituting ethnic cleansing "could also fall within the meaning of the Genocide Convention" leaving it to future courts to judge (UN Security Council 1994, §129). Even the General Assembly of the United Nations stated in one of its resolutions on the situation in Bosnia and Herzegovina that "the abhorrent policy of 'ethnic cleansing' ... is a form of genocide" (UN General Assembly 1992).

### **5.1.1 The difference between ethnic cleansing and genocide**

However, the concept of genocide bears, not only a different etymology, but also a different aetiology – it relates to somewhat different motives. This is observable from the definition of genocide in the Statute of the ICTY:

*Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:*

- (a) killing members of the group;*
- (b) causing serious bodily or mental harm to members of the group;*
- (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;*
- (d) imposing measures intended to prevent births within the group;*
- (e) forcibly transferring children of the group to another group (ICTY 2009a, Article 4, §2)*

Therefore, while the *actus reus* [legal Latin: "guilty act"] of the crime of genocide is similar to the material elements of the 'crimes against humanity' – murder, extermination, enslavement, deportation, imprisonment, torture, rape, persecutions on political, racial and religious grounds, and other inhumane acts against civilian population (ibid, Article 5) – there

is additional *mens rea* [legal Latin: “guilty mind”] in genocide perpetrators: the intention to destroy the group as such. Thus, genocidal intent must include both the intention to destroy the members of the group *and* the intention to destroy the group *as such*. ‘As such’ refers to the aim to annihilate group as a distinct community of people. As the ICTY Trial Chamber explained in a Decision:

*... the ultimate victim of genocide is the group ... [and] this is what differentiates genocide from the crime against humanity of persecution. Even though they both have discriminatory elements, some of which are common to both crimes, in the case of persecution, the perpetrator commits crimes against individuals, on political, racial or religious grounds. It is this factor that establishes a demarcation between genocide and most cases of ethnic cleansing”* (ICTY 2001d, §89, emphasis added).

I would add another significant difference between the concepts of ‘ethnic cleansing’ and ‘genocide’. While genocide targets an unwanted population with the aim to exterminate it, the ethnic cleansing targets the ‘superfluous’ (Arendt 1973) people with aim of purging them from a territory. Whereas the crime of genocide focuses on particular group, ethnic cleansing focuses on particular territory (Benjamin Lieberman 2010). To put it sardonically, the perpetrators of an ethnic cleansing do not care what will happen to the ‘superfluous’ population, whether they are going to be killed or deported, as long as they are moved away from the given territory for good. From a moral point of view, there is no genuine difference between the two intentions. They are both based on mechanisms of exclusion and dehumanisation of a designated group which puts its members “outside the political and legal order” (Jalušič 2007, 1179), depriving them of attributes of a human and a citizen, depriving them of “right to have rights” (ibid, 1180). However, the two terms denote two different processes and refer to two different political agendas of the perpetrators, which may or may not go hand in hand.

The difference between disparate or conflating understandings of ethnic cleansing and genocide could be elucidated with difference that Dirk Moses (1998, 199) noted between two approaches in examination of Holocaust: ideological-intentionalism and structural-functionalism, which are expressed in the so-called ‘particularist’ and ‘universalist’ narratives about the Holocaust. The first approach regards the Holocaust as a unique, historical



phenomenon contingent on given historical setting. It finds the causes of Holocaust in ideology of anti-Semitism, and emphasises the intention of the culprits that planned Holocaust as a mass crime. From this tradition stems the notion that genocide must be founded on some premeditated intention to destroy a group. And it seems that this tradition inspired those who crafted the Genocide Convention. The second approach regards Holocaust as a universal phenomenon that could happen anywhere, and is not specifically a German-Jewish issue. On this understanding, genocide stems from certain features of the modern state, such as idea of a nation-state. It emphasises that the Holocaust was in fact conducted by bureaucrats – such as Adolf Eichmann<sup>105</sup> – who had no personal intention to annihilate the Jews although they participated in it. Therefore, the key is not in the intention but in the system of modern society in which such a mass crime is possible and sanctioned. According to such an understanding, genocide is not a one-time event, but rather a process which starts with seemingly unsuspecting acts, which gradually lead to unthinkable crimes. If one adopts such an understanding than what we know as 'ethnic cleansing' is just one step in the *process* of genocide.

To summarise, while certain academics understand ethnic cleansing only as a stage in genocide if understood as a process (e.g. Cigar 1995; Mann 2005; Semelin 2007; E. Bećirević 2010), others insist on their genuine difference (e.g. Benjamin Lieberman 2010; Nielsen 2013b), whereas the majority tends to regard them as separate notions. These considerations depart into the realm of the ontology of crime, which is not the topic of this thesis. Instead, I take the definition given by the Tribunal as a starting point (which obviously adopts the intentionalist approach) and analyse to what extent the facts 'on the ground' fit that definition.

## 5.2 Narrative of the Trials

In reconstructing the narrative of the trials, I first recapitulated the earliest judgement, then added the details from the subsequent ones. The narratives of the observed judgements generally concur, with differences appearing only on the level of details. Where particular

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<sup>105</sup> Hans Mommsen labelled this type of bureaucrats (and individuals) as *Eichmen* (quoted in Moses 1998, 204).

facts would not overlap (such as a date of a particular event) I decided to quote the judgement which provided better supported evidence. Still, none of these differences were relevant for the core narrative.

Already the first judgement relating to Prijedor region – that convicting Duško Tadić – found that the camps had been established with the aim of facilitating ethnic cleansing of the area. Tadić, in particular, was indicted and convicted, among other things, for having participated in persecution of non-Serbs in Prijedor municipality. In order to put Tadić's individual acts in the framework of the systematic and widespread campaign of persecution of the non-Serbs, the Prosecution presented its case in a wide historical context, explaining the policy of the Serbian side as being driven by the idea of creating a 'Greater Serbia'.

In narrating the disintegration of Yugoslavia, the Judgement stated that "the objective of Serbia, the JNA and Serb-dominated political parties, primarily the SDS ... was to create a Serb-dominated western extension of Serbia, taking in Serb-dominated portions of Croatia and ... Bosnia and Herzegovina" (ICTY 1997a, §84). However the obstacle to forming this new "smaller Yugoslavia with a substantially Serb population" was the significant Muslim and Croat population living in BiH. "To deal with that problem the practice of ethnic cleansing was adopted" (ibid).

The Judgement also provides an extensive narrative of the events taking place in the municipality of Prijedor before the outbreak of the war. Since this judgement took the form of an "extended lecture in history" (R. Wilson 2005, 71) it gave the context of immediate pre-war events at the backdrop of previous historical layers. In the part that narrates the ethnic conflict that took place in this region during the Second World War, it states that "many of the outrages against civilians, especially though by no means exclusively by Ustaša forces against ethnic Serbs" took place specifically in the region of Prijedor "where the Partisans were especially active" (ICTY 1997a, §62). The policy of the Axis puppet Croatia [*Nezavisna Država Hrvatska* – NDH] "promised to kill a third of the Serbs in this territory, deport a third and convert the remaining third to Catholicism [by force]" which resulted in "wholesale massacres of Serbs" (ibid). On the other hand, "Partisans [killed] many prominent Muslims and Croats in 1942 [in Prijedor] and again, in nearby Kozarac, in 1945"

(ibid). In the post-war period of Tito's Yugoslavia "multi-ethnic population of Bosnia and Herzegovina apparently lived happily enough together" (ibid, §64).

Bearing in mind that "the outcome of the elections was ... little more than a reflection of an ethnic census of the population" (ibid), the Judges found it important to note that in the "1981 census there were 5% more Serbs than Muslims" which reversed by 1991 (ibid, §128). Thus, in the first multi-party elections, in both local and Republic-level ballots, "the SDA party gained a narrow margin over the SDS" (ibid, §81). On the basis of the Serbian plebiscite of November 1991, "the SDS and military forces ... began to establish physical and political control over certain municipalities where it had not already gained control by virtue of elections", as was the case in Prijedor (ibid, §101).

On the 7<sup>th</sup> of January 1992, following the direction of the central SDS, the local SDS clandestinely established a separate Serb Municipal Assembly,<sup>106</sup> whose President became Milomir Stakić, the incumbent Vice President of the official Municipal Assembly (ICTY 2003a, §61). In addition, a separate police forces were formed, staffed exclusively with Serbs (ICTY 1997a, §134). The existence of these parallel institutions "was kept secret from non-Serbs" (ibid). Soon after, this local Serbian Assembly joined Autonomous Region of Krajina, which became fully effective upon the seizure of power. The *Tadić* Judgement presents these developments as a silent preparation for the take-over of control in the Prijedor municipality.

### 5.2.1 The take-over of Prijedor

On the 30<sup>th</sup> of April 1992, "the SDS conducted a bloodless take-over of the town of Prijedor with the aid of the military and police forces" (ibid, §137). In the early morning hours, "armed Serbs took up positions at checkpoints all over Prijedor," including "snipers on the roofs of the main buildings" (ibid). The JNA soldiers "occupied all of the prominent institutions ... [entering] buildings, [declaring] that they had taken power" (ibid). This was "the final stage of a long-standing plan" (ibid, §138).

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<sup>106</sup> The Serb Municipal Assembly of Prijedor constituted out of 28 Serb members of the Prijedor Municipal Assembly and 41 presidents of the local boards of the SDS (ICTY 2003a, §61).

Immediately upon the take-over, the Prijedor Crisis Staff was formed as the point of actual decision-making power in the municipality. It started implementing “restrictive measures against non-Serbs,” (ibid, §150). Non-Serbs were forced to leave prominent positions in public institutions and the economy, were fired from their jobs, children barred from schools, and were prevented from travelling outside the municipality. Their apartments were searched daily, telephone lines and electricity shut-down (ibid). The local media (radio and newspaper) were disseminating fierce anti-Muslim propaganda, while only Serb-controlled television stations were available since early spring 1992 (ibid, §92).

### **5.2.2 Attack on Hambarine**

At the same time when “nearly all Serbs had been mobilised,” calls were made to the civilian population to surrender their weapons, which was enforced only in respect to Muslims and Croats (ibid, §139). “As a result of the increased tensions ... checkpoints were established and run by different groups” (ibid, §140). On the 22<sup>nd</sup> of May the first armed incident occurred at a Muslim checkpoint in the village of Hambarine, situated in Prijedor municipality. It “provided a pretext for the attack by Serb forces on that outlying area” (ibid). The Judgement narrates this incident as follows:

*A car driven by a Croat and containing four uniformed Serbs, possibly members of a paramilitary unit, was stopped at that checkpoint, at which point the passengers were ordered to give up their weapons. Apparently they refused and a shooting incident occurred, as a result of which two Serbs and one Muslim died. Following the incident the Prijedor Crisis Staff issued an ultimatum on Radio Prijedor for the residents of Hambarine ... to surrender to the Prijedor authorities the men who had manned the checkpoint as well as all weapons (ibid).*

The Hambarine residents decided not to comply, and the following day as the ultimatum expired, the Serb forces started shelling the village and entered the area supported by tanks. After several hours, local Muslims leaders of the village surrendered most of the weapons (ibid).

### **5.2.3 Attack on Kozarac**

On the same day a similar ultimatum was directed to the TO and police in Kozarac, whose population was 90% Muslim, requiring that they “pledge their loyalty” and subordinate to

the new authorities of the Serb Municipality of Prijedor (ibid, 143). After the expiration of the ultimatum on the 24<sup>th</sup> of May the village was attacked, again with heavy shelling, followed by infantry which began plundering, setting houses on fire, intentionally avoiding Serb property (ibid, §144). In four days, half of the village was completely destroyed. As the Serb infantry entered Kozarac, Muslim civilians were gathered and separated. Men were being taken to the Omarska and Keraterm camps, and women, children and elderly to the Trnopolje camp (ibid, §146).

#### **5.2.4 30<sup>th</sup> of May in Prijedor**

On the 30<sup>th</sup> of May, “a small group of poorly armed non-Serbs ... [unsuccessfully attempted] to regain control of the town of Prijedor” (ibid, §151). The resistance was swiftly crushed by the Serb forces. The Muslims of Prijedor were subsequently ordered by radio to mark their homes with white sheets, thus indicating that they surrendered. The non-Serbs were systematically captured. As in Kozorac men were generally taken to the Omarska and Keraterm camps and the women to the Trnopolje camp. “After the cleansing of Prijedor any remaining non-Serbs were required to wear white armbands to distinguish themselves” and their “disappearance became an every-day experience” (ibid).

#### **5.2.5 Omarska**

The Prijedor Chief of Police, Simo Drljača, issued the official order to establish the camps on the 31<sup>st</sup> of May 1992, though the camps started operating a few days prior to this date (ICTY 2001e, §17). Officially, the Omarska camp was “a provisional collection centre [*sabiralište*] for persons captured in combat or detained on the grounds of the Security Services’ operational information” (ibid). All staff involved in the running of the camp were strictly forbidden to provide any information about it.

The Omarska camp was located within the Ljubija iron-ore mine, holding around 3,000 prisoners at one time, primarily men, but also 36 to 38 women (ICTY 1997a, §155). The conditions at the camp were horrendous, prisoners were held in large numbers in very confined spaces, which were kept closed even in the summer heat, with only one poor meal a day (on the way to which the prisoners were beaten), often denied or given faulty water and were restricted in way of lavatories (ibid, §157-161). Not only were the detainees kept in

inhumane conditions, but “an atmosphere of extreme mental and physical violence pervaded the camp” (ICTY 2001e, §45).

Prisoners were called out for interrogations during which they were ruthlessly beaten and abused (ICTY 1997a, §163). In the evenings, groups outside the camp were free to engage in sessions of brutal violence against the inmates and the rape of women. A separate small ‘white house’ was “a place of particular horror” (ibid, §166), which was “reserved for especially brutal treatment of selected prisoners”, often ending in murder (ibid, §156). Another judgement confirms: “within Omarska, an atmosphere of sweeping impunity and consuming terror prevailed” (ICTY 2001e, §43).

The interrogations were primarily focused on the political activities (and opinions) of the detainees, in order to identify opponents of the Serb regime (ibid, §69). As a result of the questioning, the detainees were divided into three categories: those who directly participated in the armed rebellion, those who abetted them and supplied arms, and those “of no security interest”. While the first two groups were supposed to be sent to the ‘prisoners of war’ camp Manjača (near Banja Luka), the third was to be sent to Trnopolje or (theoretically) released (ICTY 2001e, §19). However, the release of detainees was generally prohibited (ibid, §36). In any case, the prisoners stated they “were often made to sign false statements regarding their involvement in acts against Serbs” (ICTY 1997a, §163).

#### **5.2.6 Keraterm**

The situation in the Keraterm camp, a ceramic factory at the outskirts of Prijedor, was even worse. The captives were closed in the unlit storage rooms, without windows (ICTY 1997a, §168), with even less food and no lavatories. The beatings, as part of the interrogations or on a whim, were regular (ibid, §170).

#### **5.2.7 Trnopolje**

The Trnopolje camp was designated for women, children and older men, situated in a former school building and local cultural centre in a hamlet near Kozarac. It was “at times at least, an open prison,” and actually served as a gathering centre for civilians who were to be deported to other parts of Bosnia (outside Serb control) or third countries (ICTY 1997a, §176). The conditions were insanitary. Inmates were forced to camp outdoors in makeshift shelters, and hunger and dysentery were constant (ibid, §177). At first, no food was supplied

in the camp, so some inmates were allowed to gather food in neighbouring deserted settlements (a dangerous task as they could be attacked by hostile groups). Later the ICRC provided some aid. Initially, the Serb soldiers told the inmates “that they were being held there for their own protection against Muslim extremists” (ibid). There were no organised interrogations in the camp, but beatings and killings did occur as did rapes (including those of young girls) (ibid, §175).

The *Tadić* Judgement states that the camp was “surrounded by barbed wire” (ICTY 1997a, §172), but the later *Stakić* Judgement, did not find evidence “that the entire camp was fenced off deliberately as such” (ICTY 2003a, §187). However, this was of less importance since, as one of the witnesses stated, “even if there had been just a line on the ground, nobody would have dared to cross it” (ibid).

### **5.2.8 The character of the camps**

The *Tadić* Judgement was firm on the position that “the establishment of these camps [by the Crisis Staff] was part of a Greater Serbia plan to expel non-Serbs from [the municipality of] Prijedor” (ICTY 1997a, §154). Relying on this interpretation, though not explicitly mentioning ethnic cleansing, the *Kvočka et al.* Judgement concluded that “abusive treatment and inhumane conditions in the camps were standard operating procedure” (ICTY 2001e, §116), “imposed as a means of degrading and subjugating” the detainees (ibid, §117). Although they were not formally told why they had been arrested, the detainees “knew that it was on the basis of their non-Serb ethnicity” (ibid, §70).

Most Defence witnesses during the *Tadić* trial “stated they had no knowledge of the existence of the camps, or if they did, they referred to them as ‘collection centres’” (ICTY 1997a, §179). However, by the time of *Kvočka et al.* trial, even the Defence witness admitted that the conditions in the camps were “extremely bad” (ICTY 2001e, §64).

### **5.2.9 Historical narrative frame: ‘ethnic cleansing in order to create Greater Serbia/Serbian state’**

To conclude, the *Tadić* Judgement found that the take-over of Prijedor was planned a long in advance and “was part of a coordinated effort ... between politicians, police and military” (ICTY 1997a, §135). Though the Judgement notes instances of Muslims’ armed resistance, on the 22<sup>nd</sup> of May in Hambarine and the 30<sup>th</sup> of May in the town of Prijedor, they are clearly

not framed as the cause of the Serbian forces' attacks and policy of persecution. If at all, these instances were used as a pretext for previously planned attacks. The persecution was a matter of a policy "in the attempt to achieve the creation of a Greater Serbia" (ibid, §660). Therefore, the Judgement concluded that the ethnic cleansing of non-Serbs took place in the region of Prijedor "pursuant to a recognisable plan" (ibid).

The later judgements relating to individuals who acted as guards in the Prijedor camps in general confirmed the narrative set out in the *Tadić* Judgement. For instance the *Kvočka et al.* Judgement states the parties involved in the process agreed to a series of facts recounted in this previous Judgement, thus avoiding repetition (ICTY 2001e, §8). However, the later judgements avoided use of the term 'Greater Serbia' as an explanatory framework for the conduct of the joint Serbian forces, in a similar way that the Rule 98bis Decision in the *Milošević* trial did (cf. Section 4.1.1.3). For instance in the *Brđanin* Trial Judgement, the idea that there was a plan (as a basis for the joint criminal enterprise) was sustained, but the aim of that plan is not any more presented as the creation of a 'Greater Serbia'; instead it is given as the creation of an "ethnically pure Serbian state" (ICTY 2004d, §9) "within BiH" (ibid, §100; also §77). This difference had no bearing on the examination of Brđanin's culpability; however it demonstrates a shift in the general historical record created by the court.

### 5.2.10 Charge of genocide

The Initial Indictment against Željko Mejakić,<sup>107</sup> the commander of the Omarska camp saw him charged with genocide against Bosnian Muslims and Croats in the municipality of Prijedor (ICTY 1995a). However, this charge was dropped during the later revisions of the Indictment. In another case, the Trial Chamber acquitted Duško Sikirica, a security commander at the Keraterm camp, from the charge of genocide during the trial (pursuant to the Rule 98bis).<sup>108</sup> The judges could not infer whether the intent to destroy a part of the Bosnian Muslim or Bosnian Croat population existed, nor did they find evidence of a specific intent to target these populations as such (ICTY 2001d, §55–97). The first Indictment to obtain such a charge throughout the trial is that of Milomir Stakić, the President of the Serb

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<sup>107</sup> This Indictment included few other members of the Serb forces active in the camps, some of whom were later tried separately before the ICTY (as *Kvočka et al.* case) and before the state Court of Bosnia and Herzegovina (as *Mejakić et al.* case).

<sup>108</sup> On Rule 98bis see introduction to the section 4.1 and footnote 72.



Municipal Assembly of Prijedor. He was initially charged together with Simo Drljača, the Chief of the Public Security Station (the Police) for the municipality of Prijedor, and Milan Kovačević, the president of the executive Board of the Serb Municipality of Prijedor (the local government), all three being members of the Prijedor Crisis Staff. Eventually, Drljača was killed while resisting arrest in July 1997, and Kovačević passed away in the ICTY detention, soon after the beginning of the trial proceedings, in August 1998.

The Trial Chamber could not find ample evidence that Milomir Stakić personally had held any intention to participate in the genocide against the Bosnian Muslims of Prijedor (ICTY 2003a, §554). Though the Trial Judgement found that “the common goal of the members of the SDS in the Municipality of Prijedor ... was to establish a Serbian municipality” by eliminating any perceived threat (especially by Muslims) and by forcing non-Serbs to leave the area, the Judgement pointed out that “the intention to displace a population is not equivalent to the intention to destroy it” (ibid, §§553-554). The Appeals Chamber concurred with this conclusion (ICTY 2006a, §56).

For the charge of genocide to be adjudicated the number of killed persons is not the decisive factor (though it is relevant for weighting *actus reus* i.e. the material element of the crime). It needs to be specifically proven that the targeted group in a certain area (e.g. the municipality of Prijedor) was exterminated in whole or in part (the latter meaning either a substantial number or a significant section of the targeted population, such as the leadership). In the *Stakić* case, the Prosecution held him responsible “for the deaths of approximately 3,000 people” in the municipality of Prijedor (ICTY 2003a, §535), while the Trial Chamber found “that based on a conservative estimate, more than 1,500 persons were killed” (ibid, §654). However, the number of non-Serbs, primarily the Muslims, who fled or were deported from the municipality, is much greater. Up to 5,000 left prior to the outbreak of the armed conflict and by September 1992 the number of those registered by the Serb authorities grew to more than 15,000, while they estimated that the actual number was around 20,000 (ibid, §705). These figures should be noted in the light of the numbers mentioned in the media reporting.

Though the Trial Chamber noted “a number of indicia” that the higher officials of the Republika Srpska being part of the joint criminal enterprise<sup>109</sup> might have had genocidal intent, at the time of both the Trial and Appeals Judgements of *Stakić* none of those officials were convicted of genocide (ICTY 2003a, §§547 and 550). Some had already died, some were at large (such as Radovan Karadžić), some were still at trial (such as Momčilo Krajišnik), while Biljana Plavšić entered a plea bargain in which she pleaded guilty to persecutions, but was freed from charges of genocide.

The judgements of another member of this joint criminal enterprise, Radoslav Brđanin, the leading political figure in the Autonomous Region of Krajina (ARK), made a similar conclusion as in the *Stakić* case. The *Brđanin* Trial Judgement found that the evidence supports the conclusion that there was an intent to forcibly displace non-Serbs in the area of ARK (to which municipality of Prijedor belonged) rather than to destroy them as a group (ICTY 2004d, §§976–977). Though substantial sections of Bosnian Muslim and Bosnian Croat populations of the area had been targeted (ibid, §967), again the Trial Chamber could not infer the genocidal intent: neither through the sheer number of those victimised (ibid, §974), nor through the examination of the accused’s statements (ibid, §§985-987). In addition, the Judgement noted an additional factor which undermined the thesis of genocidal intent which was the fact that “in camps and detention facilities, were [kept] predominantly, although not only, military-aged men” (ibid, §979).

A point raised in the *Stakić* Trial Judgement was repeated here: since the Serb forces had full control over the given territory, if they had had the intention to destroy the non-Serb population, they could easily have done so (ibid, §978; cf. ICTY 2003a, §553). Since the Serb government consistently expelled rather than exterminated the unwanted population, genocide was thus not the only reasonable inference that could be drawn from the presented evidence. The Trial Chamber identified that the Strategic Plan, as described above, “contained elements that denote its genocidal potential” – the intention to create an ethnically homogeneous state in a multi-ethnic setting and a readiness to achieve this goal by the use of force (ibid, §981). However, it was not possible to conclude that this potential

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<sup>109</sup> See the definition of ‘joint criminal enterprise’ (JCE) in section 4.1.1.1.

actually materialised in the territory of the ARK, including Prijedor. This point in the Judgement was not appealed.

Finally, Radovan Karadžić, war-time President of the Republika Srpska, and Ratko Mladić, war-time Commander of the Army of Republika Srpska, had been indicted for genocide on the territory of Bosnia and Herzegovina, including the three detention facilities in Prijedor (ICTY 1995b, §§17–20). The Indictment was later amended several times, and the case was separated for the two defendants, but in both cases the charge of genocide was narrowed down to seven municipalities,<sup>110</sup> including Prijedor. Pursuant to the Rule 98*bis*, the Trial Chamber in *Karadžić* case found “that the evidence even if taken at its highest, does not reach the level from which a reasonable trier of fact could infer that genocide occurred in the Municipalities”, thus leaving only the charge of genocide in Srebrenica (ICTY 2012). However, this decision has been reversed by the Appeals Chamber (ICTY 2013b), and Karadžić is at the moment defending himself against these charges as well. In *Mladić* case, the Prosecution is still presenting its case. Those two cases will be among the last ones to be finished before the Tribunal’s closure.

To conclude, thus far, the judgements relating to the notorious Prijedor camps running during the summer of 1992 consistently adjudicated that more than 3,000 non-Serbs were unlawfully imprisoned and kept in inhumane condition, regularly tortured and often killed, as part of a systematic policy of persecution. The judgements frequently label this policy as ‘ethnic cleansing’. Thus far, no judgement found proof that what happened in Prijedor fits the legal definition of genocide. It remains to be seen what will be the judges’ merit on this issue at the *Karadžić* and *Mladić* trials.

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<sup>110</sup> In *Karadžić* case these are: Bratunac, Foča, Ključ, Prijedor, Sanski Most, Vlasenica and Zvornik (ICTY 2009b, §38). In *Mladić* case they are: Foča, Ključ, Kotor Varoš, Prijedor, Sanski Most and Vlasenica (ICTY 2011, §37).

## 5.3 Media Reporting on the Trials

### 5.3.1 The Tadić trial

#### 5.3.1.1.1 Manner of reporting: 'the sound of silence'

Throughout the course of the *Tadić* trial *Glas srpski* focused on framing the ICTY as a political court, questioning its fairness and justness from the very beginning (cf. Figure 5.1, right). The claim that the court is biased against Serbs is given in a matter-of-fact manner, often supported by reference to the fact that the Serbs are indicted in greatest number. Much more space is devoted to the comments criticising the court in general than to reporting on the trial proceedings or reproducing the Judgements. Such a framing is in contrast with reporting of the Bosniak media which framed the trial as 'doing justice' (cf. Figure 5.1, left).

Figure 5.1: The opening of the Tadić trial



(Source: Left: *Dnevni avaz*: "The first war criminal facing justice." Right: *Glas srpski*: "Severe accusations with no proof." Date: 8 May 1996)

Since the Defence insisted that Duško Tadić never even visited the camps, and *Glas srpski* fully supported such an interpretation, the narrative of the events in the area of Prijedor in 1992 was virtually absent from their reporting. The Indictment was constantly presented as a fabrication and thus the most coherent historical narrative stated that "Tadić has been

charged with the alleged killings and torture of Muslims and Croats in the region of Prijedor” (*Glas srpski* 1996). The crimes, if mentioned, are always referred to as “alleged”.

As already noted, the reporting of *Nezavisne novine* during the *Tadić* trial did not differ significantly from the one of *Glas srpski*. However, in the beginning of 2001, *Nezavisne* started publishing a long feuilleton about the ICTY recapitulating the course of *Tadić* case. Though the newspaper meticulously quotes the Judgement, it generally avoids naming the acts of persecution under the colloquial, and emotionally much more potent, term of ‘ethnic cleansing’, which the Judgement actually uses in its narrative part. The term ‘ethnic cleansing’ was not employed once in the headlines, ‘kickers’ (small headlines over the main headline), subheads or pulled quotes (quotes that are blown up in size for emphasis). It was very rarely mentioned in the text, which is even more illustrative considering that part of the feuilleton relating to *Tadić* case ran for two months and included 49 installments, each covering a full page of the newspaper.

#### 5.3.1.1.2 Historical narrative frame: ‘ethnic cleansing in order to create Greater Serbia’

The Bosniak media presented the entire trial of Duško Tadić as a process of proving the existence of the policy of ethnic cleansing conducted by Serbian forces in order to create a Greater Serbia. They fully embraced the interpretation of the Prosecution (or the Prosecution’s interpretation conflated with the narrative promoted by the Bosniak media), and treated the trial as a process of proving what ‘we all already know’. Hence, even before the first Judgement, the charges from the Indictment were often presented as facts. The accused was treated as already convicted, referred to as a ‘war criminal’ during the course of the process, especially in the reporting of *Dnevni avaz*. In the Bosniak narrative, the interpretation that the Serbian forces launched campaign of ethnic cleansing during the Bosnian war always held the status of common-sense knowledge.

In the Bosniak media ethnic cleansing is framed as an ideological project and a systematic policy of Serbian nationalism: “greater-Serbian barbarogenius [*barbarogenij*] conducted institutionalised crime on Bosnia and Herzegovina” (Hodžić 1997). In this crime machinery *Tadić* was but a small screw. Such a policy resulted with “about 50,000 Bosniaks and more than 6,000 Croats being evicted from the area [of Prijedor]” (Smajić 1997).

At the opening of the trial, the Bosniak media portrayed Duško Tadić as a bizarrely brutal figure, described through vivid episodes of bestial (often sexualised) violence. These media framed him as representative of the whole system rather than a deviation: “Tadić was only one among the thousands of members of the aggressor’s formations which systematically conducted terror upon the non-Serb population in BiH. Proving his guilt will also prove that that genocide was the basis of greater-Serbian policy” (*Dnevni avaz* 1996a).

### 5.3.1.1.3 Historical narrative frame: ‘genocide’

Though Duško Tadić was not indicted for genocide (neither in initial or the amended indictments), *Dnevni avaz* created the impression that it was one of the charges (see Figure 5.2). For instance, after the Trial Judgement, *Dnevni avaz* announced the rendering of the sentence in following words: “Tadić participated in mass persecution and genocide against Bosniaks and Croats in the region of Prijedor” (*Dnevni avaz* 1997).

Figure 5.2: Use of word 'genocide' in media reporting on the Tadić trial



(Source: both *Dnevni avaz*. Left: “The first trial for genocide after the Second World War: The message to the criminals”, date: 8 May 1996. Right: “The sixth day of the trial of Duško Tadić in The Hague: Two witnesses of a genocide”, date: 15 May 1996)

#### 5.3.1.1.4 Historical narrative frame: 'concentration camps'

In the Bosniak media, the camps of Prijedor are regularly referred to as 'concentration camps' [*koncentracioni logori* or *konclogori*], expressions otherwise used in the local language(s) exclusively in the context of WWII extermination camps. Thus a clear historical analogy is made between fascism and the Serb conduct in Bosnian war.

*Glas srpski* hardly ever mentions Omarska, Keraterm and Trnopolje camps, and if, it refers to them only by their name, e.g. "Tadić stated he never set his foot in Omarska" (*Glas srpski* 1996), whereas it is clear the paper refers to the camp, and not the nearby village of Omarska (which Duško Tadić must have visited at some point, as a local of the region). This phrasing indicates an awareness of what 'Omarska' stands for, but at the same time avoids expressing this knowledge. Less often Omarska was referred to as a "collection centre" [*sabirni centar*] (*Glas srpski* 1997b), a phrase used also for refugee shelters elsewhere thus implying a "humanitarian" character of the camp (such a reference was also promoted by the Tadić's Defence).

In their reporting during the trial, *Nezavisne novine* generally followed this pattern, but in 2001 the paper issued a large feuilleton which presented, almost quoting word by word, the Indictment, the trial proceedings and the Judgement, including a detailed description of the situation in camps. However, the author ended the quotation with a comment which suggests doubt of the Judgement's claims:

*Though this description [of the camps] borders on boredom we decided to quote it in full, with no comments, so the readers could observe by themselves many contradictions in the claims about the existence and the conditions in the camps. However, it is well known that the government and public of Republika Srpska never adopted such accusations and negated the existence of classical camps [logori].*

*The official explanation states that instead of these camps existed collection centres [sabirni centri], which served for transportation of the inhabitants who did not recognise the [Serb] local government, and due to the lack of loyalty to it asked for resettlement to other countries, which in the context of armed conflict demanded a special regime of their transport.*

*That official position, which the RS still holds [in 2001], could not be heard during the trial of Duško Tadić, one of the possible reasons being the lack of direct cooperation [on the part of the RS] with the Hague Tribunal (R. Jović 2001, 24).*

It is noteworthy that after spending weeks analysing the *Tadić* trial and all the evidence presented during its course, the author of this feuilleton still framed the interpretation of the Serb official as accurate, and was not ready to call it a lie or denial.

**Table 5.1: Media reporting on the Tadić trial**

Dates observed:	Bosniak media	Serbian media
	Croat media	
Opening of the trial: 7 May 1996	<i>Dnevni avaz</i> 12,	<i>Glas srpski</i> 6, <i>Reporter</i>
Trial Judgement: 7 May 1997	<i>Dnevni avaz</i> 1, Ljiljan 1, <i>Dani</i> 1	<i>Glas srpski</i> 13, <i>Nezavisne novine</i> 1, <i>Reporter</i>
Trial Sentencing Judgement: 14 July 1997 (20 years)	<i>Dnevni avaz</i> 6, <i>Oslobođenje</i> 2	<i>Glas srpski</i> 8, <i>Nezavisne novine</i> 1, <i>Reporter</i>
Appeals Judgement: 15 July 1999	<i>Dnevni avaz</i> 2, <i>Oslobođenje</i> 3	<i>Glas srpski</i> 1, <i>Nezavisne novine</i> 2, <i>Reporter</i> 1
Second Trial Sentencing Judgement: 11 November 1999 (25 years)	<i>Slobodna BiH</i> 1	<i>Glas srpski</i> 2, <i>Reporter</i>
Judgement in Sentencing Appeals: 26 January 2000 (20 years)	<i>Dnevni avaz</i> 2, <i>Oslobođenje</i> 1	<i>Glas srpski</i> 2,

### 5.3.2 Arrest of Drljača and Kovačević

The first ICTY indictees to be arrested by the SFOR<sup>111</sup> in BiH were the leading members of the Prijedor Crisis Staff: Milan Kovačević, the head of the local government, and Simo Drljača, the head of the local police. Their arrest was unannounced (named in 'lyrical' NATO style as Operation Tango), based on a sealed Indictment, and was first such instance in BiH after the war. Drljača resisted the arrest and was killed by SFOR, while Kovačević was transferred to the ICTY Detention Unit.

<sup>111</sup> The Stabilisation Force (SFOR) was a multinational peacekeeping force deployed to BiH under the supervision of the NATO in December 1996. It succeeded much larger Implementation Force (IFOR) which was present in the year after the war, and replaced by the European Union's Forces (EUFOR) in 2004.



Due to the unexpected arrest and the killing, the media reporting was predominantly focused on the arrests as such. The Bosniak media presented arrests in the ‘end of impunity’ frame, as a long awaited start to arrests in the Republika Srpska, which at that time refused cooperation with the ICTY and acted as a safe-house for the Serbs suspected of war crimes. The Serbian media, on the other hand, framed the arrest as part of ‘anti-Serb conspiracy’, supporting the claim with the fact that the arrests came without warning and an insinuation that Drljača was intentionally killed (see Figure 5.3).

Figure 5.3: *Glas srpski* reporting on the funeral of Simo Drljača



(Source: *Glas srpski*, both titles: “Nonhumans killed a Man!” Date: 17 July 1997)

### 5.3.2.1.1 Historical narrative frame: ‘genocide’

On this occasion, the Bosniak media framed the genocide from the Indictment as being already confirmed and adjudicated. This assertion was further supported by *Dnevni avaz* with the claim that “25,000 Bosniaks were liquidated in Prijedor” (Kozar 1997). The number is actually much closer to the estimated figure of those deported, not killed (however, this was established only by Judgements from 2001 on). Here, the Bosniak media also used the frame of ‘concentration camps’ as described above. A bitter element that pervades the narration is the participation of the local Serbian population, the victims’ neighbours, in the campaign of ethnic cleansing.

### 5.3.2.1.2 The manner of reporting: framing perpetrators as victims

While the Bosniak media framed the arrest as ‘doing justice’, the Serbian media, especially *Glas srpski*, framed it as “manslaughter”, and in regard of Drljača’s fate as “execution” and “liquidation” (Anušić 1997). Within this framework, the Serbian media underlined that Kovačević was “a humanitarian”, being arrested at his work place as the chief of Prijedor hospital, and that Drljača was “brutally murdered” while fishing with his son, portraying him as a martyr while obliterating that he resisted arrest. Both the president of the RS at that time, Biljana Plavšić, and the Serb member of the BiH Presidium, Momčilo Krajišnik, treated Kovačević and Drljača as innocent men in their statements, and the whole event as a preposterous performance of violence. The RS Government interpreted these arrests as an attack on the Republika Srpska, “which wants to take away the natural right of self-determination from Serbian people” (*Glas srpski* 1997a). The politicians succeeded in heating up the atmosphere and some protests were organised in Prijedor. At the same time, the Serbian media did not utter a word about the actual events that took place in Prijedor in 1992.

Simo Drljača was buried with the highest honours in the presence of RS and local officials. *Glas srpski* transcribed all the pious speeches at the funeral of “the patriot and freedom-fighter”, spreading across the entire cover-page and second page. Within the overall image of an ordinary decent man who had to defend his people in “the war forced upon Serbs”, Drljača is portrayed as a devoted professional who helped in establishing “Serbian police which was the guarantee for the survival of our people beneath the Kozara Mountain” (Mihajlović and Radović 1997, 2). The orator continued: the police forces under Drljača were “a model of lawful ... and humane conduct of Serb police forces in the worst war-time situation” (ibid).

Illustrative of the fragile post-war setting is the fact that at that very time, Milomir Stakić, who had been initially indicted together with Kovačević and Drljača, but due to the sealed Indictment which became public upon his arrest in 2001, was still serving as the mayor of Prijedor and continued to do so until 2000. The local power relations remained to a large extent intact until that point.

**Table 5.2: Media reporting on the arrest of Kovačević and Drljača**

Dates observed:	Bosniak media	Serbian media
Milan Kovačević arrested, Sima Drljača killed during arrest: 10 July 1997	<i>Dnevni avaz</i> 11, <i>Oslobođenje</i> 18, <i>Dani</i>	<i>Glas srpski</i> 21, <i>Nezavisne novine</i> 1, <i>Reporter</i>

### 5.3.3 The *Kvočka et al.* trial

#### 5.3.3.1.1 Manner of reporting: changes in the Serbian media

Compared to the heated reporting on the arrest of the leading officials of war-time Prijedor, the arrest of the Omarska camp guards, one year later, provoked much less attention. The arrests and the trial were still framed in the Serbian media (*Glas srpski* and *Reporter*) as unfounded, but with less nationalistic fervour. Nonetheless, more attention was given to the physical assault experienced by a person who was accompanying Dragoljub Prcać at the time of his arrest, framing him as a victim of the violent SFOR rather than stating the reason why Prcać was arrested in the first place (*Glas srpski* 2000a; Javorac and Gajić 2000). Again on the occasions of all these arrests, *Glas srpski* avoided giving any substantial narrative about the camps.

Contrary to *Glas srpski*, *Nezavisne novine* presented the counts of the Indictment in detail, describing the crimes that took place within the camp as well as the inhumane conditions and systematic torture that prisoners experienced (cf. Trkulja 1998). This marks an important shift in the manner of this paper's reporting, which up until that point usually cohered with the line taken by *Glas srpski*. However, by the time of *Kvočka et al.* Trial Judgement in 2001, *Glas srpski* also softened its nationalistic rhetoric to the point that it would actually sometimes quote phrases from the Judgement, a practice that was unthinkable before. So, for instance, it would report that the judge "stated that there is no doubt that the camps [*logori*] Omarska, Keraterm and Trnopolje were part of the political decision to systematically discriminate the non-Serbs in Prijedor" (*Glas srpski* 2001c).

**Table 5.3: Media reporting on the Kvočka et al. trial**

Dates observed:	Bosniak media	Serbian media
Miroslav Kvočka and Mlađo Radić arrested: 8 April 1998	<i>Dnevni avaz</i> 3	<i>Glas srpski</i> 5, <i>Nezavisne novine</i> 1, <i>Reporter</i> 1
Zoran Žigić surrendered: 16 April 1998	<i>Dnevni avaz</i> 2	<i>Glas srpski</i> 2, <del><i>Nezavisne novine</i></del>
Milojica Kos arrested: 28 May 1998	<del><i>Dnevni avaz</i></del>	<i>Glas srpski</i> 2, <del><i>Nezavisne novine</i></del>
Dragoljub Prcać arrested: 5 March 2000	<i>Dnevni avaz</i> 1	<i>Glas srpski</i> 5, <i>Reporter</i> 1, <del><i>Nezavisne novine</i></del>
Trial Judgement: 2 November 2001 (all guilty)	<i>Dnevni avaz</i> 1, <i>Oslobođenje</i> 1, <del><i>Dani</i></del>	<i>Glas srpski</i> 2, <i>Nezavisne novine</i> 1, <i>Reporter</i> 1
Appeals Judgement: 28 February 2005 (confirmed)	<i>Oslobođenje</i> 1, <del><i>Dani</i></del> , <del><i>Slobodna Bosna</i></del>	<i>Glas Srpske</i> 2, <i>Nezavisne novine</i> 1, <i>Reporter</i>

### 5.3.4 The Stakić trial

After the arrest of his war-time colleagues in July 1997, Milomir Stakić went on “permanent vacation” (Belloni 2007, 137). He left for Serbia, where he had the ‘honour’ to be the first ICTY fugitive to be arrested by the new democratic post-Milošević government of Serbia.

#### 5.3.4.1.1 Manner of reporting: from silencing to marginalising

Through the covering of this trial (arrest and judgements) we can again note a shift in reporting in the Serbian media. *Glas srpski* provided marginal and dry reporting, but accurate in its substance and without using earlier euphemisms (such as referring to the camps as “collection centres”). The paper did not avoid quoting the Indictment: “genocide against non-Serb population of the municipality of Prijedor where the violently imposed Serb forces established a system of camps for physical extermination of the part of Bosniaks and Croats and expulsion of the rest” (*Glas srpski* 2001a). However, there are no other narratives produced by the paper itself, and no editorials or commentaries by experts. It seems that the practice of avoiding troubling topics had transformed from silencing to marginalising war crimes conducted by the Serb forces.

An even more significant shift could be observed in the reporting of the magazine *Reporter*: compared to reporting on the previous arrests (and the lack of reporting on the

judgements<sup>112</sup>) which focused on the mistakes of SFOR (i.e. when an indictee was killed or his associate mistakenly arrested) and presented the accused as innocent martyrs, by 2003 *Reporter* provided informed account of *Stakić* trial and points on which he was convicted (cf. Danijel Kovačević 2003).

#### 5.3.4.1.2 Historical narrative frame: ‘genocide’

Though all media noted that *Stakić* was acquitted for genocide, this did not provoke much debate in the local media. The Bosniak media expectedly showed some dissatisfaction: “if what *Stakić* did is not genocide, then the definition of genocide should be altered” (*Dani* 2003b). As far as victims were concerned, for them genocide took place in Prijedor. For them, equally insulting to the lack of adjudicated genocide was the fact that some of the members of the Prijedor Crisis Staff still held prominent positions in public offices (Zgonjanin 2006; B. Kahrmanović 2006) and that the journalists that participated in war-mongering propaganda in the local media (*Radio Prijedor* and *Kozarski vjesnik*) continued to live as respected citizens (Obradović 2006).

#### 5.3.4.1.3 Historical narrative frame: ‘the Serb take-over of the municipality was unlawful’

As said before, the *Stakić* Judgement provided the most detailed and best documented narrative of the political developments in Prijedor in 1992 in which it undeniably cast the Serb take-over of the municipality as unlawful. However, this was not the central frame in the reporting of both Bosniak and Serbian media. Though *Oslobođenje* and *Nezavisne novine* noted in passing that the Serbian take-over was a “sort of a coup”, planned for months in advance, they did not develop a larger historical narrative on the topic (Bešlija 2006; cf. N.N. 2003).

**Table 5.4: Media reporting on the *Stakić* trial**

Dates observed:	Bosniak media	Serbian media
Milomir <i>Stakić</i> arrested: 23 March 2001	<i>Dnevni avaz</i> 1, <i>Oslobođenje</i> 4, <i>Dani</i>	<i>Glas srpski</i> 3, <i>Nezavisne novine</i> 3
Trial Judgement: 31 July 2003	<i>Dnevni avaz</i> 1, <i>Dani</i> 1	<i>Glas Srpske</i> 1, <i>Reporter</i> 1, <i>Nezavisne novine</i> 3
Appeals Judgement:	<i>Dnevni avaz</i> 3, <i>Oslobođenje</i> 5,	<i>Nezavisne novine</i> 2, <i>Reporter</i>

<sup>112</sup> The only report on a judgement, that is *Kvočka et al.* Trial Judgement, was merely factual with no narrative of the adjudicated events.

### 5.3.5 The *Brđanin* trial

#### 5.3.5.1.1 Historical narrative frame: 'ethnic cleansing'

The Bosniak media frame Brđanin as “one of the organisers of the ethnic cleansing” (Tucaković 1999, 10). His notorious statements (noted in the judgements) that “only three per cent of non-Serbs should remain” on Serb territory were frequently repeated in the Bosniak media. For the Bosniak media, the *Brđanin* Judgement testifies to the ideology and project of persecution “as the pure Nazi-fascism in the aim of achieving Greater Serbia” (Dizdarević 2004, 2). In this light, the Republika Srpska is framed as an “anti-constitutional” and “Quisling entity” (ibid).

*Glas srpski*, again lamented the sealed Indictments and the arrest of individuals without prior knowledge that they were accused by the ICTY. This is framed as a part of a continual negative bias the Tribunal had against Serbs. At the time of the arrest Brđanin was a member of the Republika Srpska Assembly and active politician and the Serbian media wrote about him in a dignified manner, primarily describing his political career. While *Glas srpski* completely silenced the counts of the indictment, *Nezavisne novine* presented it most accurately.

Among all Serbian media, *Reporter* provided the most extensive narrative about the atmosphere of discrimination against non-Serbs at the beginning of the war. The magazine describes the “Serbization” of the public offices and companies, i.e. the systematic dismissal of Muslims and Croats from work, which was introduction to their persecution (Gajić and Vasković 1999). The publication also presented the ‘Serbian side of the story’ which framed the Serb policy as brutal but necessary.

#### 5.3.5.1.2 Historical narrative frame: 'genocide'

While Stakić’s acquittal for genocide gained little media attention the acquittal of Radoslav Brđanin, a more prominent political figure garnered far more coverage.

Again, the victims of Prijedor felt disappointed as in the words their political representative: “if the events in Prijedor are not casted as genocide, than I ask what is genocide at all?” (B. Kahrmanović 2004, 5). Commentators of Bosniak newspapers shared the acrimony rooted in

a common belief that genocide in the Prijedor region is an undisputable fact. As one of them ironically noted, with the exception of Prijedor where small Muslim minority returned by that time, Brđanin succeeded in diminishing Muslim population to three per cent, “but that is obviously not enough for genocide” (E.S. 2004, 7). Serbian commentators kept silent on this issue.

**Table 5.5: Media reporting on the Brđanin trial**

Dates observed:	Bosniak media	Serbian media
Arrested: 6 July 1999	<i>Dnevni avaz</i> 3	<i>Glas srpski</i> 3, <i>Nezavisne novine</i> 4, <i>Reporter</i> 1
Trial Judgement: 1 September 2004	<i>Dnevni avaz</i> 2, <i>Oslobođenje</i> 3, <i>Slobodna Bosna</i> 2, <i>Dani</i> 1	<i>Glas Srpske</i> 1, <i>Nezavisne novine</i> 1, <del><i>Reporter</i></del>
Appeals Judgement: 3 April 2007	<i>Dnevni avaz</i> 1, <i>Oslobođenje</i> 2, <del><i>Slobodna Bosna</i></del> , <i>Dani</i>	<i>Glas Srpske</i> 1, <i>Nezavisne novine</i> 1, <i>Reporter</i>

#### 5.4 Commemorations in Prijedor

By the end of 1992 Prijedor municipality had been ‘successfully cleansed’ of non-Serbs. Bosnian Muslims and Bosnian Croats sought refuge in third countries and the territories controlled by the Bosnian government. There was nobody present to remember Prijedor camps at the sites where they operated.

The first mass visit of the refugees to Prijedor municipality was organised a year after Dayton. The refugees expressed an interest to return, but most of their property was completely devastated (Besima Kahrmanović 2006). Many houses in Muslim villages were mined in 1996, after the war formally ended but before the first large visit of the refugees, in order to prevent their return (ibid). An author asserted that the arrest of the two Serb war-lords, Simo Drljača and Milan Kovačević, in July 1997 played a role in opening the way for refugee return (Belloni 2005). Still in 1998, Prijedor was cited as an example of local government’s obstruction of the return of Bosniak refugees (ONASA 1998). However, in 2000 SNSD, which was at the time perceived as the most democratic and least nationalistic party in the Serbian political mainstream, won the local elections. It changed the policy regarding the return of Bosniaks, gaining the trust of some of the returnees, international donors and even media from Sarajevo (Sirječić 2004). By the early 2000s Prijedor was often

cited as an example of good practice regarding refugee return (Maričić 2004c) and was perceived by foreign diplomats as an example of multi-ethnic peaceful coexistence (Maričić 2004b). Nevertheless, beneath this seemingly peace-building success story lay deep divisions regarding perceptions of the recent past.

#### 5.4.1 The pattern of victims' commemorations

Every year in May attendants of the international peace workshop "Through the heart to peace" [*Srcem do mira*] in Kozarac would pay visits to camp sites, but the first organised commemorations in Prijedor took place in 2003. Since then the commemorative events grew in number, forming a yearly repetitive pattern. Put in chronological order, they narrate the victims' perspectives of important events in Prijedor: the 24<sup>th</sup> of May 1992 attack on Kozarac and opening of the Trnopolje camp; the 21<sup>st</sup> of July attack on the Muslim villages in Brdo area (the last Muslim enclave in Prijedor municipality) and the massacre of men in the Keraterm camp; the 6<sup>th</sup> of August when British journalists visited the Omarska camp publicising its existence internationally which in few days led to its closure; and the 21<sup>st</sup> of August execution of the detainees (transported from the camps) at the Korićani Cliffs [*Korinćanske stijene*]. In addition, in July, the month when former Bosniak refugees now living across the world return to their hometown, collective funerals are organised for those victims whose remains have been exhumed during the year. All of these commemorations are organised by victims' families and former detainees, with no institutional support. Outside of the commemorative days there are few physical reminders at these sites beyond withered flowers. The first victims' site of memory was a small memorial plaque which in 2003 the victims' association placed in front of the building where Keraterm camp operated in. The plaque laid on the ground in a small green area is hardly visible next to the parking space of the nowadays functioning business. The only memorial dedicated to the victims which occupies a significant public space is in the centre of Kozarac, which is again inhabited predominantly by the Bosniaks. To sum, in general, Bosniak victims' memories are "invisible" in the public space of Prijedor.

The largest of the commemorations is held at the site of the Omarska camp, specifically in the area between the management building, the 'white house', canteen and hangar, whose premises were used for detainment. On these occasions, the organisers (associations of victims' families and former detainees) would lay wreaths in front of the 'white house', the



place where the most severe tortures and killings took place, while survivors (and occasionally peace activists) would hold a speech. Compared to many other commemorations, it stands out since no high profile religious or political representatives are present. Praying El-Fatiha is individual or in smaller groups, but it is neither collective nor organised by the Islamic community (unlike many other commemorations). The event never had an official stamp of the Federal BiH institutions, the national anthem is not played and no official state symbols are present.<sup>113</sup> On three occasions, from 2009 to 2011, Bosniak and Croat members of the state Presidium were present but held no political speeches. Occasionally representatives of international organisations would attend as well. The only representatives of the Prijedor institutions are the local Bosniak politicians, one of whom was former detainee himself. No prominent Serb politician has ever attended. Therefore, this and all other 'Bosniak' commemorations in Prijedor are genuinely grassroots. In addition, they are predominantly financed through the private donations of the former inhabitants of the region scattered around the world by the war, who themselves apparently will never return.

Since the first visits of the returnees and their first commemoration, as well as during many peace workshops and conferences organised by activists working with local victims, survivors have constantly pleaded for the creation of a memorial on the site of Omarska camp (B.Ka. 2005). They obtained general consent from the previous mayor, but the promise was not realised by the end of her mandate (Mulić 2005) which coincided with the privatisation of the *Ljubija* mines.<sup>114</sup> Previously publicly owned, 51% of the shares were sold to a British-Indian company, LNM Holdings in 2004 (later Mittal Steel and now called Arcelor Mittal). The victims' organisations and their supporters petitioned to the company demanding that the notorious 'white house' be turned into a memorial (Ahmetašević 2004b).

Since the remains of the majority of the victims have not been found, there were reasonable suspicions that the mass graves are situated somewhere in the mines' property. The victims feared that the privatisation would hinder the exhumation process and the Bosniak media

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<sup>113</sup> These observations are made on the basis of newspaper articles, interviews with the organisers and a personal visit to the site.

<sup>114</sup> The company "Iron Ore Mines 'Ljubija' Prijedor" comprised mines Ljubija, Tomašica and Omarska, all named by the neighbouring villages (ArcelorMittal Prijedor, Istorijat).

framed the privatisation as the Serb government's intention to hide and ruin the evidence (Mulić 2005). These fears were inflamed by the new owners' ignorant statements and failure to take a principled stand. Adding insult to injury, the economic revival of the mine excluded all those Bosniaks and Croats who were dismissed from work at the beginning of the war, while it brought profit to the government of the Republika Srpska (*Oslobođenje* 2005).

Faced with victim outrage and pressure from international activists, the LNM Holdings commissioned a religious (Anglican) peace organisation "The Soul of Europe" [*Duša Evrope*] to facilitate consultations between stakeholders on the question of a memorial in Omarska (Lovrenović 2005). The organisation understood its mandate as mediating between the three ethnic communities in order to come to a common basic concept as to how the memorial should look like. The mediation involved management of the mine, former detainees, local politicians and youth of the three ethnicities (D. Kovačević 2005b). Some victims' representatives later complained that this initiative in a way was an "attempt to reconcile the victims and perpetrators" (D. Kovačević 2006). Nevertheless, the main obstacle was the mayor of Prijedor Marko Pavić, who objected that "the official institutions have not been consulted", including the Serb veteran organisation [*boračka organizacija*] (D. Kovačević 2005b). Therefore, the mayor considered that the members of the former Serb forces, including those that ran the camp, should be consulted on a memorial to the camp's victims. Eventually, the Mittal Steel company decided to halt the memorial centre project since "it has not been accepted by the wider community in Prijedor" (D. Kovačević 2006). Clearly the company appreciated the maintenance of good relations with the local government (and co-owners, i.e. the RS) more than with the victims.

**Figure 5.4: Proposal for a memorial centre resulting from consultations led by “The Soul of Europe”**



(Source: D. Kovačević 2005b)

The victims continued pleading to be given custody over the ‘white house’, but in vain. As a concession, the mine owners left the (otherwise useless) house in the same condition as before (with blood stains still visible in the rooms) but it was not turned into a memorial. In order to visit it one needs special permission to enter the property of the mine as it is otherwise closed for the public. Therefore, only organised groups have the access, which is usually granted (although there have been occasions when it was not, especially outside of the main commemoration day – 6<sup>th</sup> of August (M.Z. 2010)). This situation of being dependant on the goodwill of the foreign company deeply grieves the victims.

#### **5.4.2 The victims’ narrative**

The victims describe Omarska camp with the same or similar epithets as did Bosniak media reporting on the relevant trials: “concentration camp” [*koncentracioni logor*] (B.Ka. 2004), “the first concentration camp after the Second World War” (Katana 2010b), “factory of death” (*Dnevni avaz* 2006). Bosniak journalists compared it to Auschwitz (Hadžović 2007; Katana 2009) and the Holocaust (Ahmetašević 2004b). The message is clear – the camp was a site of extermination.

The aim of the camp is described as “captivation and liquidation of the non-Serbs of Prijedor” (B.Ka. 2004). As one of the female interns stated: “nobody could mistakenly think that Omarska was just a badly run prison. It was a criminal enterprise which deliberately functioned with the aim to destroy the mind, body and soul of the people who were held captive” (Zgonjanin 2005). Reading Bosniak newspapers and magazines one could hardly

gather that the two of the camps (Omarska and Keraterm) were formally established as “interrogation centres” (ICTY 2001e, §17).

A significant part of the victims’ narrative is the participation of the local Serb population in the crimes and the general ‘silent approval’ the Serb public gave to the persecution of non-Serbs. They often remarked that the local population must know where the remaining mass graves are. Victims also drew attention to the fact that many of the direct perpetrators still have not been prosecuted and are employed in police and security forces. Many war-time officials, including the members of the Prijedor Crisis Staff which founded the camps, still hold prominent public positions. For example, in 2009 one of the former guards in the camp held the post of head of the local social-security department responsible for evaluating whether an individual fulfils requirements for the ‘civilian war victim’ status, a basis for social benefits and means of public recognition (Katana 2009). It is not a surprise that the majority of non-Serb former detainees have not managed to attain this status (M.Z. 2008). The victims also hold the war-time managers of the mine accountable for staffing the compound and providing machinery in service of the camp.

Drawing from the longitudinal media reporting one can observe how the persecution of non-Serbs has been framed in various ways. It was initially Bosniak (and international) journalists and commentators who named the events in Prijedor as ‘ethnic cleansing’, ‘extermination’ and ‘genocide’. The narrative of the detainees who survived primarily focused on their suffering in the camp, ruthless guards’ behaviour and brutality of the torture which they endured. Sometimes they narrated the systematic discrimination of non-Serbs in Prijedor, such as harassment and dismissal from work. Occasionally, they would frame Serbian conduct as “pure fascism”.

In reporting about the events related to Prijedor, the Bosniak media often reproduce photographs of emaciated detainees foreign journalists took upon the visit to the camps in August 1992 (an example given in Figure 5.5), sending a strong emotional message. For comparison, among 74 articles of *Nezavisne novine* that I gathered, which report on various commemorative events in Prijedor, there is not a single photograph from 1992.

**Figure 5.5: Exemplary article on Prijedor camps in the Bosniak media**

## GODIŠNJICE STRADANJA U LOGORIMA



# I ove godine bez Memorijalnog centra

Mada je od pokretanja inicijative prošlo sedam godina, u Omarskoj još uvijek ni spomen-obilježja stradalim u konc-logoru nema

Piše: **Duška Jurišić**

traženje nestalih BiH zbog ukazivanja na nepravilnosti, smatra da država BiH treba uspostaviti pravila obilježava-

se tiče obilježavanja logora, problem je što udruženje lo- ooraša nisu napravila zajedničku klasifikaciju šta su bi-

(Source: Jurišić 2011)

While *Dnevni avaz* and *Oslobođenje* treat this news as important in itself – they inform that commemoration will take place on that day, and they report about it day after. *Nezavisne novine* ascribes less importance to the commemoration: the article is less central, often without a photograph and written in a formalistic reporting style. *Glas Srpske* simply ignores victims' commemorations and never reports on them, which prompted me to analyse the reporting of the Republika Srpska's public broadcaster – *Radio-Televizija Republike Srpske* (RTRS)<sup>115</sup> – in order to get a better impression of reporting in the RS (see Table 5.6). On the day of the Omarska commemoration, the Serbian media devote their attention to the Serbs exiled from Croatia during Operation Storm led by the Croatian Army in August 1995. When reporting on Bosniak commemorations the Serbian media do not present the narrative in an emotionally charged tone as the Bosniak media (or as the Serbian media do when reporting on Operation Storm). While *Nezavisne novine* refers to Omarska as a camp [*logor*], common to the Bosniak media as well, the RTRS often or interchangeably uses the phrase 'collection center' [*sabirni centar*] (RTRS 2009, 6 August).

**Table 5.6: Media reporting on victims' commemorations in Omarska**

Date observed: 9 <sup>th</sup> of May, 24 <sup>th</sup> of May, and 6 <sup>th</sup> of August		
	Bosniak media	Serbian media
2003	<i>Dnevni avaz</i> 1	
2004	<i>Oslobođenje</i> 2, <i>Slobodna Bosna</i> 1	<i>Nezavisne novine</i> 1

<sup>115</sup> The RTRS as a public broadcaster of the entity fits most closely the profile *Glas Srpske* has among the print media, meaning ethno-centric, often nationalistic, discourse and always pro-(RS)-government (cf. Jusić 2004; Udovičić et al. 2005; Jusić 2010; Marko et al. 2010; Marko 2012).

2005	<i>Dnevni avaz 4, Oslobođenje 3</i>	<i>Nezavisne novine 2</i>
2006	<i>Dnevni avaz 3, Oslobođenje 5</i>	<i>Nezavisne novine 2</i>
2007	<i>Dnevni avaz 4, Oslobođenje 3, Dani 2</i>	<i>Nezavisne novine 1</i>
2008	<i>Dnevni avaz 3, Oslobođenje 2, Dani 1</i>	<i>Nezavisne novine 3</i>
2009	<i>Dnevni avaz 3, Oslobođenje 2</i>	<del><i>Glas Srpske</i></del> , <i>Nezavisne novine 3</i> , RTRS 1
2010	<i>Dnevni avaz 4, Oslobođenje 2, Dani 1</i>	<del><i>Glas Srpske</i></del> , <i>Nezavisne novine 1</i> , RTRS 1
2011	<i>Dnevni avaz 5, Oslobođenje 7, Dani 2</i>	<del><i>Glas Srpske</i></del> , <i>Nezavisne novine 6</i> , RTRS 2
2012	<i>Dnevni avaz 1, Oslobođenje 1, Slobodna Bosna 1</i>	<del><i>Glas Srpske, Nezavisne novine</i></del> , RTRS 2, <i>Kozarski vjesnik</i>
2013	<i>Dnevni avaz 2, Oslobođenje 1</i>	<del><i>Glas Srpske, Nezavisne novine</i></del> , <i>Kozarski vijesnik 1</i>

### 5.4.3 Denying while acknowledging

In the period immediately after the war, the best way to describe the reaction of the local Serb officials to any initiative to remember the fate of non-Serbs in Prijedor is ‘offensive denial’. For instance, in 1996 a group of international activists from women’s peace conference “Through the heart to peace”, wanted to visit a humanitarian organisation in Prijedor and plant a ‘tree of peace’ in Kozarac. Upon the call of the mayor Milomir Stakić on local radio, “to prevent the visit of Muslim fundamentalists”, some local Serbs violently attacked the group, while the local (Serb) police did not react (Tabaković 1996).

However, over time the denial changed from an ‘offensive’ to a more passive one. An example could be the position of the management of the local theatre building, the main cultural centre in the town. In 2005, the survivors’ association *Izvor* wanted to organise an exhibition at the theatre of artistic photographs made at the sites of mass graves during the exhumations. They were denied permission under the phony excuse that the institution “does not house political events”. However, two years later, the same association was granted approval to organise a memorial event about one of the prominent Prijedor citizens who was detained in Omarska and executed upon the camp’s closure (A. Bećirević 2007).

Since the start of his mandate in 2003, the incumbent mayor Marko Pavić constantly navigated his position between formally acknowledging, but actually denying the systematic persecution and killing of the non-Serbs in Prijedor municipality. This is reflected in his reactions to the many appeals turn the ‘white house’ in Omarska into a memorial, for which his authorisation is needed. While generally supporting the idea that everybody has a right to commemorate, he asserted that the creation of the memorial would disturb otherwise

good multi-ethnic relations and the high ratio of returning refugees (D. Kovačević 2005b), implying that a memorial to Bosniak victims would “hurt Serbs’ feelings”. He opposed the creation of an Omarska memorial with the requirement that Bosniak victims would need to collect signatures of (predominantly Serb) Prijedor residents and deliver the civil petition to the municipality (cf. D.K. 2005; B.Ka. 2005), which is quite cynical given that no such condition was made when memorials dedicated to Serbs were erected. Furthermore, the Municipality even sponsored such memorials (Lj.M. 2002). At the same time, he protested that a memorial to Serbs killed in Sarajevo had not yet been erected and stating that this was condition for the construction of an Omarska memorial to Bosniak victims (cf. Keulemans 2007; S.T. 2009).

Aside the political games regarding the memorial, Pavić avoids openly speaking about the camps. Once he responded to a foreign journalist: “You and I don’t know what happened in Omarska and Trnopolje. I wasn’t there, and neither were you. The accused are facing the trial at the moment.<sup>116</sup> Until it is established who were the perpetrators and who are the victims, people in Omarska do not want a memorial centre. Only after the history is established, the place may be marked” (Keulemans 2007). Needless to say, by that time, twelve individuals had been convicted on final instances before the ICTY, five of which pleaded guilty. Additionally, the individuals on trial to which the mayor was referring in 2007 have been convicted in the meantime (Alić 2010, 80–81), but this fact did not alter the mayor’s position. It should also be noted that the incumbent mayor was the head of the local postal service, which financially helped the Serb take-over of the municipality (Keulemans 2007), hence his claim of not knowing what had happened in the camps is more than dubious.

The complexity of the clash between the Bosniak victims’ and Serbian official perception of the past is best illustrated by the following anecdote. Namely, the 9<sup>th</sup> of May, the Day of the victory against fascism, is one of the rare holidays that is celebrated in both entities of

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<sup>116</sup> Here he refers to *Mejakić et al.* case which was transferred from the ICTY to the Court of the BiH at the time of the interview. Željko Mejakić, the commander of the Omarska camp, and his co-defendants were convicted for the torture in the camp as the crime against humanity in May 2008, confirmed by the Appeals in February 2009 (Alić 2010, 80–81).

BiH.<sup>117</sup> However, since 1999 (M.Z. 2011), the date has been additionally named as the Day of the detainees [*Dan logoraša*] in the Federation of BiH, making a symbolical connection between the fascism of the Second World War with ‘Serbian fascism’ of the 1990s. Hence, for the former detainees, this one more temporal *lieu de mémoire* on which they regularly visited the sites of Prijedor camps (cf. M.Z. 2006). Nevertheless, in 2011 mayor Pavić called the act a “political provocation” since he regarded as offensive the parallel between the two fascisms (A.B. 2011). In his perception, the date should be devoted to the Partisans<sup>118</sup> and civilians killed in WWII, the majority of whom were Serbs in this particular region. He argued that the ‘provocative’ commemoration of the Omarska detainees “wants to deny the freedom-fighting spirit” of the Partisans from the Kozara region (D. Kovačević 2011). Since commemorations on this date were previously held without any objection, it seems that this particular occasion was perceived as ‘problematic’ due to a larger number of peace activists from Serbia who showed support to the Bosniak victims’ claims. It proved once more that the level of acknowledgement acceptable to the mayor has very narrow limits.

#### 5.4.4 The Serb commemorations in Prijedor

The 30<sup>th</sup> of April, the day when the SDS took over the local government and declared the ‘Serbian municipality of Prijedor’, was celebrated as the Day of Prijedor municipality from 1993 to 2003. For instance in 1997, “the day of Prijedor’s liberation”, as it was then named, was marked with a commemorative service to the ‘fallen soldiers of the fatherland wars’ and with the laying of wreaths to both VRS soldiers and the Partisans from the Second World War. In the commemorative ceremony in the local parliament, Milomir Stakić (then mayor) “refreshed his memory of the 30<sup>th</sup> of April 1992 when Serbian rule was established without spilling a drop of blood” (P.D. 1997). Therefore, during and immediately after the war the local Serbs regarded the 30<sup>th</sup> of April as a day they should be proud of. After mayor Stakić was indicted, the celebrations were less lavish, but still the Municipality invested more than 100,000 KM (app. 50,000 euro) to build a memorial in the city centre dedicated to the fallen Serbian soldiers (Lj.M. 2002).

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<sup>117</sup> The state of BiH does not have law on public holidays due to lacking consensus over which days should be celebrated (Bošković 2011). Instead each entity celebrates its own holidays reflecting conflicting perceptions of the past and concepts of statehood.

<sup>118</sup> Partisans were pan-Yugoslav anti-occupation movement organized by the Communist Party of Yugoslavia (KPJ) and led by Josip Broz Tito.



In March 2003 Bosniak members of the local parliament initiated the change of the official holiday, arguing that the 30<sup>th</sup> of April was the day when “democracy was torn down and when persecution, torture and killing of Bosniaks and Croats started” (D. Kovačević 2005a). The initiative resulted in conflict which led the local parliament speaker, an ethnic Bosniak, Muharem Murselović to resign (M.Z. 2005). Eventually, the issue ended up before the Constitutional Court of the Republika Srpska which ordered the date to be changed since it was discriminatory, not representing all three ‘constituent nations’ – that is Bosniaks, Croats and Serbs (ibid). Bosniak representatives suggested that the pre-war official holiday – the the Day of the liberation of Prijedor from fascist occupation on the 16<sup>th</sup> of May 1942 – should be readopted (Maričić 2004a). That year they organised an unofficial commemoration in front of the monument to a local partisan hero, the same one, where just a year before the official municipal delegation laid a wreath as part of commemoration of the ‘1992 liberation’ (D.M. 2004). Thus the Bosniaks also claimed the inheritance of the heroic Partisan anti-fascist tradition.

For a few years Prijedor did not have a public holiday, until the 16<sup>th</sup> of May was re-enacted as an official holiday in 2006. Though Serbian politicians were otherwise practicing the (re)memorialisation of the (Serbs’) suffering during WWII, it seemed that in this particular case they were reluctant to adopt an old anti-fascist holiday both because the initiative came from Bosniaks and perhaps even more so because it annulled the memory culture they had been creating since 1992. Mayor Marko Pavić gave a conciliatory tone to the first old/new commemoration by stating that “as in the years before the last war, we are again gathered in freedom, peace [and] unity” (D.K. 2006). Nevertheless, the pattern of the commemoration sent another message: again by laying wreaths to both Partisan and the VRS fallen soldiers, the local officials again turned a presumably anational and anti-fascist commemoration into an exclusively Serbian one.

Here some contextual background is needed. The region beneath the Kozara Mountain, where Prijedor is situated, bears a strong mark of WWII trauma. Here, the Serb population was forced into mass exodus. Many perished in the nearby Jasenovac concentration camp, the largest site of extermination within the quisling Independent State of Croatia. While Tito’s Yugoslavia narrated this persecution in the framework of the Partisans anti-fascist struggle (Karge 2009), the Serb nationalistic narrative framed it in ethnic terms, as genocide

against Serbs (P. J. Marković et al. 2004). Indeed, the Serb population massively supported and participated in the Partisan forces (M. A. Hoare 2011), and contemporary Serb officials thus have a fully legitimate right to remember it. However, by commemoratively tying the Partisan to the Serb Army from the last war, they not only piggyback on the glorious tradition of the Partisans, they also transplant onto them the meaning of Serbian freedom-fighters. Hence the Serbian narrative reinterprets anti-fascism as a predominantly (Serbian) ethno-national project.

The same year when the old/new municipal public holiday was enacted, the local Serb Organisation of the Families of the Interned and Fallen Soldiers and Missing Civilians together with the local Serb veterans started memorializing the 30<sup>th</sup> of May as the “defence of Prijedor” from the attack of Muslim paramilitaries –the “Green Berets” (*Nezavisne novine* 2006). Though it is not an official holiday, the mayor and a range of higher political officials regularly attend the event, giving it prominence. This is a perfect example of an ‘invented tradition’ (Hobsbawm 1992), never celebrated beforehand (see Table 5.7) and obviously created to substitute the previous day of Prijedor’s “liberation” in 1992. The organizers of the commemoration saw it as a reminder “that other ethnicities in Prijedor also possessed an army which had sought to force certain political aims through arms” (*Nezavisne novine* 2006). Therefore the narrative frames the events in Prijedor as a civil war between equal armies which had conflicting political aims. Even more, the narrative clearly blames Muslims for starting the conflict, and implicitly justifies the Serbian conduct afterwards, as in the words of the Serb victims’ representative “the first gunshot demanded the same reply and the tragedy unfolded” (Bulić 2008). Though the Serbian crimes remain silenced, they are nevertheless excused: “Bosniaks have to take responsibility that they, consciously or not, practically started the spiral of violence that happened from then on” stated a member of the RS Government on one of the commemorations (*Glas Srpske* 2012b). Here the narrative employment tries to imply that the Green Berets’ attack caused the subsequent Serb violence. In other words, it implies that the establishment of the camps is the consequence of Muslims’ conduct, as if Muslims brought their fate on themselves. This interpretation of events obviously contradicts the narrative of the ICTY judgements, as the representative of the Bosniak victims noted: “by the 30<sup>th</sup> of May the three death camps have been already

running, while the Bosniak towns of Kozarac and Hambarine were already razed” (Dinka Kovačević 2009).

**Table 5.7: Commemorative days in the municipality of Prijedor\***

	The Day of the Municipality of Prijedor		“Defence” of Prijedor	
	30 <sup>th</sup> of April		30 <sup>th</sup> of May	
	Bosniak media	Serbian media	Bosniak media	Serbian media
1993		<i>Glas 1</i>		
1994		<i>Glas</i>		<i>Glas</i>
1995		<i>Glas</i>		<i>Glas</i>
1996	<i>Avaz</i>	<i>Glas</i>	<i>Avaz</i>	<i>Glas</i>
1997	<i>Avaz</i>	<i>Glas 1</i>	<i>Avaz</i>	<i>Glas</i>
1998		<i>Glas 1</i>		
1999	<i>Avaz</i>			
2000		<i>Glas 1</i>		<i>Nezavisne</i>
2001		<i>Nezavisne</i>		
2002	<i>Avaz, Oslobođenje</i>	<i>Glas, Nezavisne 1</i>	<i>Avaz</i>	<i>Nezavisne</i>
2003		<i>Nezavisne 1</i>	<i>Avaz 1</i>	<i>Nezavisne</i>
2004		<i>Nezavisne 1</i>		<i>Glas</i>
2005	<i>Avaz 1, Oslobođenje 1</i>	<i>Nezavisne 1</i>	<i>Oslobođenje</i>	<i>Glas</i>
	16 <sup>th</sup> of May			
2006	<i>Oslobođenje 1</i>	<i>Nezavisne 1</i>	<i>Avaz, Oslobođenje</i>	<i>Nezavisne 1</i>
2007	<i>Avaz 1</i>		<i>Avaz, Oslobođenje</i>	
2008		<i>Glas 1</i>	<i>Avaz</i>	<i>Glas 1, Nezavisne 1</i>
2009		<i>Nezavisne 1</i>	<i>Avaz</i>	<i>Glas 1, Nezavisne 1</i>
2010			<i>Avaz</i>	<i>Nezavisne 1, RTRS 1</i>
2011	<i>Oslobođenje 1</i>		<i>Avaz, Oslobođenje</i>	
2012		<i>Glas 1, RTRS 1</i>		<i>Glas 1, Nezavisne 1, RTRS 1</i>
2013				<i>Glas 1, RTRS 1, TV Prijedor 1</i>

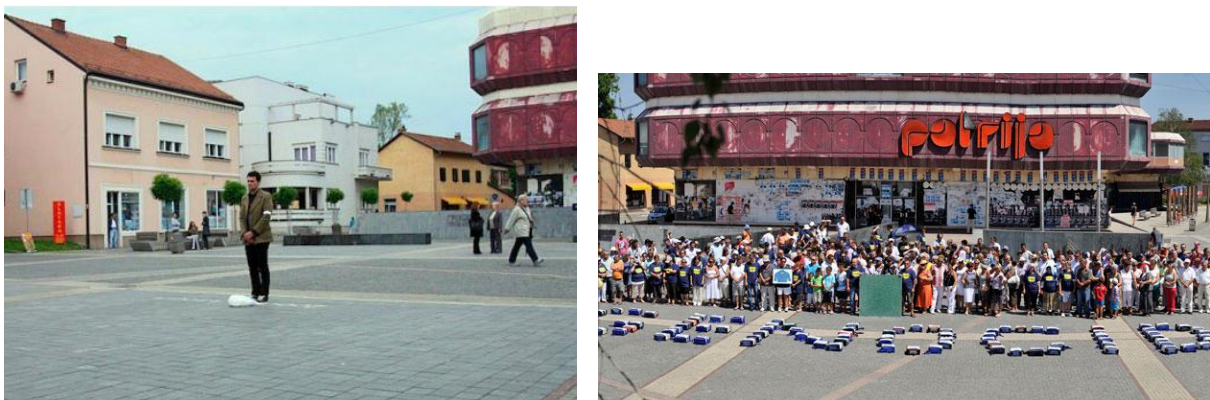
\*In this table newspaper titles are shortened to save space.

In addition, by laying wreaths to the ‘defenders of Prijedor’ and the Partisan heroes on the 30<sup>th</sup> of May, the Serb officials put the local Muslims (Green Berets), from the last war, and the Ustasha fascists from WWII in the same cohort of enemies, building a ‘continuum of Serb suffering’ in the collective memory. This historical parallelism helps Serb representatives to reject the narrative of ethnic cleansing policy from the 1990s, as adjudicated by the ICTY and supported by the victims.

#### 5.4.5 The white armbands

Generally there were no changes in the victims' narrative about the Prijedor events. However, through years of constant appeals for acknowledgement of the crimes that happened to them, Bosniak victims transformed into engaged activists. For victims it was essential to prove not only that they suffered in the camps but also that it was a part of a systematic campaign of persecution led by genocidal aims. Thus, the victims' associations planned a series of commemorative events in 2012 under the title "Genocide in Prijedor – 20 years" (Padalović 2012). The mayor Marko Pavić refused to give consent to the public events unless the word "genocide" was erased from the title of the commemorations (ibid). The organisations sought support from the Bosniak politicians in the local assembly. They first suggested the title to be changed into "worst crime", "ethnic cleansing" or "persecution", since no judgement thus far has adjudicated events in Prijedor as genocide, but also in order to sustain "peaceful multiethnic coexistence" (ibid). Eventually, Bosniak politicians gave support to the commemorations, under the unchanged title (using the word 'genocide'), though they did not take part in them. As a sign of protest for forbidding public events, one of the activists (whose father and brother were both killed in Omarska) silently stood on Prijedor's main square with a white ribbon tied around his arm (see Figure 5.6, left). The white armband harks back to the order (upon the crushing of the non-Serb resistance) issued on Radio Prijedor that Muslims hang white cloths on their houses and wear white armbands in order to distinguish themselves and declare their surrender, as narrated in several judgements (ICTY 1997a, §151; ICTY 2001e, §14), though not all mention this episode (cf. ICTY 2003a).

Figure 5.6: White armbands public performances in Prijedor



(Source: Left: Ilić 2012, photo made on 23 May 2012. Right: Matejčić 2012, photo made on 2 August 2012)

The ‘White Armband’ initiative proved to be well thought-through. In their proclamation they declared that the act of Serbian officials in the 1992 “was the first time since 1939, when Nazis ordered Polish Jews to wear yellow armbands with the David star, that the members of a certain ethnic group were marked for extermination in such a way” (Katana 2013). By making a historical parallel to the Holocaust, they supported their claim that the events in Prijedor should be referred to as genocide.

Further, the organisations issued a global campaign to wear white armband on the 31<sup>st</sup> of May as a sign of solidarity with the discriminated victims of Prijedor and in a protest against genocide denial (Arnautović 2012a). Since 2012, civil-society and peace activists from the region and beyond, responded to the appeal by publicly wearing the armbands, photographing themselves with them, and posting them on social networks. In Bosnia and Herzegovina, generally only the population in the Federation of BiH responded, while Serb citizens of Prijedor generally ignored the whole affair (ibid). Still, it should be noted that a few brave activists (ethnic Serbs, for that matter) from the town joined the civic initiative “Because it concerns me” [*Jer me se tiče*] which supported the initiative (Oslobođenje 2013), as well as several human rights organisations across the Republika Srpska.

The Bosniak media joined the appeal to mark the White Armband Day, *Nezavisne novine* formally reported about it, while *Glas Srpske* completely ignored the news (see Table 5.8). The public broadcaster of the Republika Srpska, without providing any information about the point of the campaign, reported about it as “political propaganda” (RTRS 2012, 31 May).

**Table 5.8: Media reporting on ‘White Armband’ commemorations in Prijedor**

Dates:	Bosniak media	Serbian media
31 <sup>st</sup> of May 2012	FTV 1	<del><i>Glas Srpske</i></del> , <i>Nezavisne novine</i> 2, RTRS 1
31 <sup>st</sup> of May 2013	<i>Dnevni avaz</i> 9, <i>Oslobođenje</i> 8	<del><i>Glas Srpske</i></del> , <i>Nezavisne novine</i> 1

Despite being formally forbidden, that year and the following the initiative managed to organise several commemorative performances. For instance, the day before the Omarska commemoration, the activists silently walked across Prijedor’s centre holding schoolbags with the names of the 102 children who were killed in the municipality, after which they

formed the word 'genocide' with the schoolbags laid on the pavement (see Figure 5.6, right) (Arnautović 2012b). Similarly, on another occasion they laid 266 white body-bags – normally used for exhumed human remains – with the names of the 266 women and girls killed (Katana 2013). After realising that they were unable to forbid these public performances, local officials decided to ignore the events. Upon a journalist's request for a comment on the White Armband Day, mayor Pavić commented that it is "yet another gay parade"<sup>119</sup> (Radio Sarajevo 2013; *Nezavisne novine* 2013a), obviously considering it to be unfounded political exhibitionism.

These events are the first occasions when the victims' narrative was physically present in the town of Prijedor. Previously, the victims' commemorations predominantly took place away from the public eye, especially the local Serb public – the Omarska mine complex is outside the Omarska village, Keraterm is at Prijedor's outskirts, Korićani Cliffs are in the wilderness of the Mountain Vlašić, collective burials were held in Bosniak villages and although the commemoration in Trnopolje is held at the centre of the village the settlement is small and secluded. Thus the White Armband initiative attempted to pierce the omnipresent silence and ignorance to gain a modicum of acknowledgement for those victimised by Serbs authorities in Prijedor.

## 5.5 Conclusion

When analysing the two main conflicting narratives about the past in Prijedor, we may observe how they both in some aspects oppose the narrative of the ICTY judgements, though from quite different angles and to quite different extents. Judgements leave no room for doubt that the take-over of the Prijedor municipality, the subsequent military activity and formation of the camps was anything but a well-conceived plan designed to achieve the ethnic cleansing of the Prijedor area.

On the one hand, the narrative of the Serb officials consistently negates or ignores that the policy of persecution against non-Serbs did take place. Where the narrative admits that

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<sup>119</sup> In Serbian (and not only Serbian) discourse nationalist sentiments are strongly connected with homophobic attitudes (Stakić 2011). In such a setting, naming an event 'gay parade' conveys intention of putting it a negative context.

some criminal events did take place in the Prijedor camps, they are framed as the reactions to armed attacks of local Muslims, hence as defensive measures. On the other hand, in the Bosniak victims' narrative, the accusation of ethnic cleansing levelled at the Serbian side is often intertwined with blame for committing genocide. The two are perceived as different stages within the same continuum, as if ethnic cleansing were a 'milder' form of genocide, whilst I have demonstrated that the two constitute different types of crimes, at least in legal sense. Therefore, not even the victims, who generally support the ICTY narrative, agree fully with the findings of the judgements.

However, certain variations in the narrative are noticeable over time. Immediately after the war the Serbian narrative celebrated the take-over of the municipality as a victorious event; then the Serb officials, at least declaratively, admitted that crimes did take place in the camps (by recognising victims' right to a memorial); and finally, the narrative turned back to legitimising Serb war-conduct, not as a victory but as a necessary defence in the situation of civil war. Nevertheless, a constant feature of the Serbian interpretations is that all of them negate the systematic persecution of non-Serbs in the municipality. Maybe precisely this constant negation led victims' associations to enhance their insistence that the camps were only part of the systematic policy of discrimination, which was fascist in nature, and which entailed a genocidal aim. Therefore, it seems that changes in the narratives are the outcome of their mutual interaction, rather than a result of the ICTY judgements. I was unable to draw any casual relation between the relevant judgements and narrative shifts, even when assessing them on the basis of chronology alone.

However, the two positions towards the court's narrative – the victims' insistence on a certain interpretation (genocide) of the crime and almost complete lack of acknowledgement that the crime of persecution did take place – cannot be compared. While the former is a matter of nuance, the latter is a matter of denying the proven fact that the persecution was widespread and systematic.

## 6 Genocide in Srebrenica or (also) Genocide in Bosnia

*“Ta teška strana reč genocid”*

– graffiti in Belgrade<sup>120</sup>

The word ‘genocide’ is probably one of the most exploited words, from the prelude to war through to its aftermath. It was overtly used by Serbian propaganda aimed at nationalistic mobilisation, spreading fear of a coming genocide against Serbs (D. B. MacDonald 2002). It was also used by the Croatian and Bosnian governments to characterise the overall conduct of the Serbian side in the conflicts (ibid).

However, in order to adjudicate acts or plans as ‘genocidal’, a complex range of requirements has to be met, as described in the previous chapter. So far, only the execution of Bosnian Muslims by the Serb forces in the region of Srebrenica in July of 1995, has met those requirements. Thus Srebrenica became known worldwide as a Bosnian synonym for genocide, the ultimate test of Serbian acknowledgement and denial, and a memorial battleground for local communities.

This chapter will present the narrative of the events leading to genocide as established by the ICTY. Then it will trace the course of (the forced) acknowledgement by the Bosnian Serb authorities. Since the denial strategy of the Serbian officials relied on the narrative of Serbs suffering in the Srebrenica area before 1995, I examined how the ICTY adjudicated and narrated these events. Each of these transitional justice steps is examined through the lens of media reporting. Finally, I studied the commemorative pattern of both Bosniak and Serb victims in the region of Srebrenica, and the narrative they reproduced, in light of the factual knowledge compiled by the transitional justice measures.

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<sup>120</sup> The Youth Initiative for Human Rights wrote the graffiti on the pavement in front of the Serbian National Assembly, upon promulgation of the Declaration condemning crime in Srebrenica which conveniently managed to avoid the use of “that hard foreign word – genocide” (B92 2010). Significantly enough, these words seem to paraphrase well-known lyrics “... while I fight with myself, to properly utter, that hard foreign word – sorry” [...dok se sa sobom borim, da tačno izgovorim, tu tešku stranu reč – izvini] from a love song “*Posvađana pesma*” [“Quarrel Song”] written and composed by Đorđe Balašević in 1993.



## 6.1 Adjudicating Genocide in Srebrenica

The first judgement in ICTY jurisprudence that convicted someone for genocide was the one against General Radislav Krstić, commander of the Drina Corps, the military unit of the Army of the Republika Srpska (VRS) which participated in the Srebrenica operation. Though this unit did not “[devise] or [instigate] any of the atrocities,” it provided necessary support and participated in the executions, directed by the VRS Main Staff headed by General Ratko Mladić (ICTY 2001c, §290).

The Trial Chamber wrote a ‘disclaimer’ at the beginning of the Judgement leaving “to historians and social psychologists to plumb the depths of this episode of the Balkan conflict and to probe for deep-seated causes” (ibid, §2), and it relied on the historical account of Yugoslav dissolution as laid in the *Tadić* Judgement (ibid, § 6). Instead the *Krstić* Judgement focused mainly on describing the events of July 1995. It did provide, however, some contextual background.

At the outbreak of the war, “despite Srebrenica’s predominantly Muslim population, Serb paramilitaries ... gained control of the town for several weeks”, before it was recaptured by a group of Bosnian Muslim fighters under Naser Orić in May 1992 (ibid, §13). The town and its surroundings were never linked to the main area controlled by the Bosnian government. It remained a vulnerable island in Serb-controlled territory, situated in a strategically important spot close to the Drina River and the border with the Republic of Serbia. It is important to note that it was part of the Bosnian Serb political agenda, “to eliminate the Drina River as a border between ‘Serb states’” (ibid, §12).

During the time Bosnian Muslim forces held the enclave, there was on-going fighting between the armies, which included “terror inflicted by Muslims on Serb civilians and by Serbs on Muslim civilians” (ibid, §14). The Judgement singled out a particular event when Bosnian Muslim forces attacked the Bosnian Serb village of Kravica in January 1993, which, we will see, occupies an important position in Serb collective memory.

In their intention to capture the enclave, in April 1993 the Bosnian Serb authorities announced “they would attack the town ... unless the Bosnian Muslims surrendered and agreed to be evacuated” (ibid, §17). The UN Security Council responded by declaring the

enclave “as a ‘safe area’ that should be free from armed attack” (ibid, §18).<sup>121</sup> Further the UNPROFOR negotiated a cease-fire agreement between the armies, which included positioning peacekeepers and disarming the enclave. From the beginning, both sides violated the ‘safe area’ agreement. On the one hand, Bosnian Serbs deliberately limited access of international humanitarian aid convoys into the enclave (ibid, §22), on the other hand, the ARBiH admittedly failed to hand over all weapons (ibid, §23). The Judgement fairly presented the two perspectives: “to the Bosnian Serbs it appeared that Bosnian Muslim forces in Srebrenica were using the ‘safe area’ as a convenient base from which to launch offensives against the VRS” (ibid, §24), while the ARBiH justified the avoidance to disarm with “bad experience with the international community in the past (ibid, §23).

By early 1993, Srebrenica enclave significantly reduced in size, pushing the Muslim population from the neighbouring villages into the urban area – “the town was overcrowded and siege conditions prevailed” (ibid, §15) – and by early 1995, “fewer and fewer supply convoys were making it through to the enclave” causing “the already meagre resources of the civilian population [to dwindle] further” (ibid, §26).

In March 1995, “reacting to pressure from the international community to end the war and on-going efforts to negotiate a peace agreement” the president of the Republika Srpska, Radovan Karadžić, issued a directive which ordered the separation of the enclaves of Srebrenica and Žepa and the intention to “create an unbearable situation of total insecurity with no hope of further survival or life for the inhabitants of Srebrenica” (ibid, §28). Simultaneously, humanitarian aid to the enclave was practically halted.

The VRS offensive started at the beginning of July 1995 with Serb forces ‘cleansing’ the houses on their way to the town (ibid, §32). The UNPROFOR (staffed with a battalion from the Netherlands colloquially referred to as “DutchBat”) urgently requested NATO air support to defend the town. No assistance was forthcoming until Serb forces were practically entering the town, and even these air strikes were short, and abandoned “following VRS threats to kill Dutch troops being held in the custody of the VRS, as well as threats to shell the UN Potočari compound” (ibid, §34). On the other hand, Bosnian military and political

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<sup>121</sup> In addition to Srebrenica, the UN proclaimed two other 'safe areas' in Eastern Bosnia, Žepa and Goražde, both to the south of Srebrenica.

authorities in Srebrenica requested help from the ARBiH, which remained unanswered, since “military operations in the Sarajevo area were given a higher priority at the critical time” (ibid, §35). These two issues remained reoccurring grievances in memorialization of Srebrenica.

By the time General Mladić “took a triumphant walk through the empty streets of Srebrenica town” in the evening of the 11<sup>th</sup> of July (ibid, §36), all Bosnian Muslims had fled. Approximately 20,000 to 25,000 civilians, women, children, elderly and up to 1,000 men, gathered in and outside the UN compound in a former factory in Potočari, a village nearby Srebrenica (ibid, §37). As the “word [had] spread though Bosnian Muslim community that the able-bodied men should take to the woods” (ibid, §60), a column of 10,000 to 15,000 men was formed, a third of whom were members of the ARBiH, though “not all of the soldiers were armed” (ibid, §61).

In Potočari, “conditions were ... deplorable”, with very little food or water in the July heat (ibid, §38). Though General Mladić brought Serb television crews to film him handing out sweets to children, the VRS “made no attempt to alleviate the suffering of the refugees” (ibid, §40). Sporadic random killings and rapes by the Serb forces spread terror among the people in the camp. In the following two days the VRS packed women, children and elderly onto overcrowded buses, without telling them where they were headed, and sent them to ARBiH held territory. In this process the Serb forces separated men from the rest of refugees, selecting also teenagers and men over 60. These men were either executed at nearby compounds or put on separate buses and taken to detention sites in the Serb-held town of Bratunac.

On the night of the 11<sup>th</sup> of July, the column of Bosnian Muslim men started trekking through the woods to the north, heading towards the Bosnian-held city of Tuzla. The column was attacked and broken when crossing one of the roads, and two-thirds of the men remained trapped in the area which was fully controlled by Serbian forces. In what one of the survivors described as a “man hunt,” the Bosniaks were chased and captured by the Serbian forces, which carried out random summary executions, or detained them at various locations in the Bratunac area. In the days to follow the captured prisoners were executed “almost to [the last] man” (ibid, §67). These “carefully orchestrated mass executions” (ibid) “followed [a]

well established pattern”, taking place at isolated locations (ibid, §68). The prisoners, often blindfolded and with tied hands, were taken with buses and trucks to a killing field, lined up and shot (ibid). “Sometimes even during the executions, earth moving equipment arrived and the bodies were buried” (ibid). The forensic evidence confirmed that the primary mass graves were dug in the autumn 1995 and reburied in still more remote locations (ibid, §78). The reburial “demonstrates a concerted campaign to conceal” evidence (ibid), and a proof that these were not combat victims (otherwise the reburial would not be necessary). The Trial Chamber was firm on the point that only a few Bosniak men died in combat with Serb forces (ibid, §75), and that summary executions were unfathomable even in military terms (ibid, §70). Relying on forensic and demographic evidence, and cross-referencing the lists of missing persons, the Trial Chamber estimated that following the take-over of Srebrenica Bosnian Serb forces executed approximately 7,000-8,000 Bosnian Muslim men (ibid, §84).

The Defence built its case on the arguments of legitimate warfare. It claimed that the plan of the military operation was to separate the enclaves of Srebrenica and Žepa “and represented a direct response to the military offensive being conducted by the ABiH in the area” (§119). It attempted to argue that a larger number of men died as combat casualties (ibid, §76) and that Bosnian Serb forces “did not intend to kill all of the military aged Bosnian Muslims of Srebrenica, but rather only those who posed a potential military threat” (ibid, §86).

The Trial Chamber rejected these arguments as unfounded in evidence, and concluded that, at some point, a decision was made at the highest level of the RS to kill all Bosnian Muslim able-bodied men, irrespective of their military or civilian status. Precisely this intention is what the Trial Chamber found as genocidal *mens rea*, since able-bodied men represented a substantial<sup>122</sup> part of the Srebrenica population, and they were targeted just because they were Bosniaks, therefore the group was targeted as such.

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<sup>122</sup> The Trial Judgement interpreted the expression “in whole or in part” from the *chapeau* [introductory sentence] of the Article 4(2) of the ICTY Statute “to mean a ‘substantial’ part in quantitative or qualitative terms” (ICTY 2001c, §582). Here the Judgement bore in mind the qualitative dimension, understanding as ‘substantial part’ some distinct entity within the community which must be eliminated as such, as opposed to an accumulation of isolated instances against various individuals belonging to the group (ibid, §590). In this case this ‘substantial part’ is the sub-group of able-bodied men.

The narrative of events presented in this judgement was confirmed by subsequent judgements before the ICTY (and the War Crimes Chamber of the BiH Court), including the largest ever trial heard by the Tribunal – *Popović et al.* – in which the high-ranking military and police officials of Republika Srpska have been convicted for genocide (ICTY 2010).

### 6.1.1 Which is the group targeted by the genocide?

It was Prosecution's strategy in the *Krstić* case to present the "Bosnian Muslim population of Srebrenica" as the group targeted by the act of genocide (ibid, §558), not all Muslims of Bosnia and Herzegovina. This is understandable bearing in mind the hierarchical position of the accused (as the commander of the Drina Corps he could be plausibly charged only with the crimes in his zone of responsibility) and the Prosecution's strong reliance on the evidentiary material, which was geographically narrow. The Defence argued that the 'Bosnian Muslims of Srebrenica' did not form a distinct national, ethnic, racial or religious group, contending that "one cannot create an artificial 'group' by limiting its scope to a geographical area" (ibid). The Trial Chamber agreed that this was not a distinctive national/etc. group, and concluded that the Bosnian Muslims of Srebrenica or Eastern Bosnia present a part of the overall Bosnian Muslim population of BiH.

However, the Trial Chamber reasoned that "any act committed with the intent to destroy a part of a group, as such, constitutes an act of genocide" (ibid, §584) and that "intent to eradicate a group within a limited geographical area such as a region of a country or even a municipality may be characterised as genocide" (ibid, §589) as long as the intent was genocidal. This intent is deduced from the context – the systematic execution of the men took place simultaneously to the forcible transfer of the rest of Bosniak population, in this setting "this selective destruction of the group would have a lasting impact upon the entire group" (§595). The Judgement also relied on a stereotyped understanding of traditional patriarchal society, which Srebrenica presumably was, which adhered roles of leadership and defence to the male (§§91-93). Thus the combination of killing men and deporting women and children "would inevitably result in the physical disappearance of the Bosnian Muslim population at Srebrenica" (§595) "and eliminated all likelihood that [the community] could ever reestablish itself on that territory" (§597).

The Appeals Chamber agreed with the Trial Chamber's conclusion but developed the argument in a slightly different manner. Due to the strategic importance of the Podrinje region (region of the Drina River) for the creation of the Republika Srpska,<sup>123</sup> the attack on this particular segment of the Bosniak population was in effect targeting the whole ethnic group as such (ICTY 2004a, 4). Therefore, as Bosniak men represent a significant part of the Bosniak population of Srebrenica, and since the genocidal attack on the Bosniaks of the Podrinje region actually meant targeting the whole ethnic group, the execution of Bosniak men in Srebrenica constituted genocide. The only significant difference compared to the Trial Judgement was that the Appeals Chamber could not establish that Radislav Krstić personally had genocidal intent. Though he was aware that some members of the VRS Main Staff (including Ratko Mladić) intended to commit genocide, Krstić allowed the use of units under his command to that end, therefore convicting him of aiding and abetting genocide (ibid, 12-13). General Mladić is indicted for genocide in Srebrenica and the trial is still on-going.

To conclude, the unselective execution of *all* Bosniak able-bodied male within the given setting of the Bosnian war, and the VRS strategic aims, was the key to adjudicating the events of July 1995 as genocide.

### **6.1.2 Media reporting on the *Krstić* trial**

We could summarise that the *Krstić* Trial Judgement framed events in Srebrenica as a campaign that started as 'ethnic cleansing', which for reasons unclear to the Chamber, turned into genocide on a local level. Though the Judgement refers to the ideas of Greater Serbia, such as the objective "to reunite all Serbian people in a single State" (ICTY 2001c, §562), it never mentions the term and it never suggested that the Bosnian-Serb leadership nurtured a plan or ideology to commit genocide against all the Muslim population of BiH – it was simply outside the scope of the trial. However, in the public sphere the judgement was understood quite opposite.

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<sup>123</sup> "Srebrenica and the surrounding area was a predominantly Muslim pocket within mainly Serbian region adjoining Serbia" (ICTY 2001c, §564).

#### 6.1.2.1.1 Historical narrative frame: 'genocide against Bosniaks of Srebrenica'

The 'historical' moment of the first genocide conviction before the ICTY was to a large extent overshadowed by the (otherwise expected) voluntarily surrender of the two ARBiH generals.<sup>124</sup> The media fairly reported that the operation in Srebrenica started as ethnic cleansing and turned into genocide, but the Judgement was not framed as dramatically significant, not even in the Bosniak media.

The Serbian media also stated that this was the first legal qualification of genocide, but they emphasized that this was an individual, not collective punishment, quoting the Presiding Judge: "connecting these crimes to Serbian identity would be an insult to the Serbian people" (*Glas srpski* 2001b). However, the Serbian daily newspapers provided no comment on the Judgement, did not put word 'genocide' in the titles, and generally did not attach much importance to the Judgement. Only the Serbian magazine *Reporter* dealt with the Judgement in greater detail, but the narrative about the executions is presented as the court's opinion, which was confronted with the Defence's 'opinion'. Thus by creating the impression of objective reporting, the article manages to relativize the genocidal character of the crime (Danijel Kovačević 2001).

In the context of the troubling work of the RS Government's Commission for Srebrenica, the Bosniak media devoted much more attention to the *Krstić* Appeals Judgement (than they did to the Trial Judgement), underlying the importance of the adjudication of genocide, though this Judgement fully confirmed the previous one, and genuinely did not reveal any new information.

#### 6.1.2.1.2 Historical narrative frame: 'the worst crime in Europe since the Second World War'

Though the *Krstić* Judgements did not stir much public attention, the reporting of the Bosniak media did reveal a narrative trope which is often reoccurring: the genocide in Srebrenica is "the worst crime in Europe since the Second World War." It is also framed as

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<sup>124</sup> These were Generals Mehmed Alagić and Enver Hadžihasanović, and senior ARBiH officer Amir Kubara, indicted for crimes in central Bosnia against predominantly the members of the HVO and Croatian population, but also against the Serbian population and the VRS members. Alagić died during the process, while Hadžihasanović and Kubara were convicted for minor violations and given small sentences (Communications Service of the ICTY 2014b).

the worst episode of the Bosnian war: “the most monstrous operation ever conducted in this country” (*Dani* 2001, 13).

**6.1.2.1.3 Framing the ICTY: ‘doing justice’**

On this occasion the ICTY was highly praised by the Bosniak media as an institution of fair and impartial justice: “justice is blind to nationality” (Numanović 2001). A commentator asserted that although the victims perceive the rendering of justice “as too mild and too slow” which “can never bring back the lost dear ones” it provides some moral satisfaction to the victims (*ibid*). However, the victims themselves, the organisation “Mothers of Srebrenica and Podrinje,” complained in the Bosniak media about the 46-years sentence as too mild (*Dnevni avaz* 2001d). *Nezavisne novine*, on the other hand quoted the reaction of Srebrenica’s Bosniak representative who praised the Judgement as an important historical lesson (*Nezavisne novine* 2001).

**Table 6.1: Media reporting on the Krstić trial**

Dates observed:	Bosniak media	Serbian media
Trial Judgement: 2 August 2001	<i>Dnevni avaz</i> 4, <i>Dani</i> 2	<i>Glas srpski</i> 2, <i>Nezavisne novine</i> 5, <i>Reporter</i> 1
Appeals Judgement: 19 April 2004	<i>Slobodna Bosna</i> 4, <i>Dani</i> 2, Ljiljan 1	<i>Nezavisne novine</i> 2, <i>Reporter</i> 1

**6.2 The Government of the Republika Srpska Commission**

The *Krstić* Trial Judgement gave an estimation of the Bosniaks killed during the Srebrenica genocide based on the lists of missing and forensic evidence provided by the Prosecution. By then the Office of the Prosecutor had exhumed more than 2,000 human remains from 21 gravesites, but they remained largely unidentified. Since the end of the war, the International Commission on Missing Persons had constantly conducted exhumations and over time devised a sophisticated mechanism of DNA identification (Wagner 2008). However, at the time of the first genocide judgement, the majority of the mass graves remained undetected, while the officials of the Republika Srpska made no effort to assist forensic teams, both international ones and those coming from the Federation of BiH, in their effort to locate the sites. This was alarming not only because Srebrenica remained within the RS entity after Dayton, but even more so, given that the official institutions of the



RS, bearing continuity with the war-time ones, were the ones most likely in the possession of such information.

Organisations of the women of Srebrenica continuously protested and demanded to be informed about the individual fate of their missing loved ones. For instance, in November 1996 they protested in the streets of Sarajevo expressing their rage which was provoked by the ICRC issuing death certificates for their husbands, sons and fathers, which provided no information on the time and circumstances of death (Dreca 1996). Though the victims' families could be pretty sure that their loved ones had been executed, for them obtaining the bodily remains and some piece of information of how the person died was of paramount importance (Wagner 2008). For the survivors this was indispensable and they often stated that finding the remains gives them some sense of closure (Petrović-Šteger 2009).

In the months following the *Krstić* Trial Judgement, the families of those who disappeared in July 1995 from the region of Srebrenica, filed an applications to the Human Rights Chamber for BiH [HR Chamber]<sup>125</sup> in order to find out the fate of their missing ones. This was not the first time citizens turned to the HR Chamber as a mechanism to seek information about missing ones, and as an institutional path to influence unwilling entities to conduct investigations. However, as noted by the president of the Chamber, these individual submissions were organised and “prompted by the Federation authorities for political reasons” (Picard and Zinbo 2012, 133).

Out of approximately 1,800 applications introduced, the HR Chamber found 49 admissible<sup>126</sup> and transmitted them to the Government of Republika Srpska in June 2002. Explained in non-legal terms, the HR Chamber requested the RS Government to evaluate whether it was obliged (by the European Convention on Human Rights) to provide the requested information to the families (Human Rights Chamber for BiH 2003). The RS Government rejected the applications on the grounds that the missing persons were not reported with the relevant institution of the Republika Srpska, and that the UN definition of disappeared

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<sup>125</sup> This was a specialised independent court, established by the Dayton Agreement (Annex 6), in charge of implementing the European Convention on Human Rights. As of 2004, its mandate falls under Constitutional Court of BiH.

<sup>126</sup> The criteria were that the missing person is the family member of the applicant, that the person is officially reported as missing, and was a civilian.

persons<sup>127</sup> did not apply to the Srebrenica men who, in the interpretation of the RS, voluntarily fled into the woods (ibid, §140). This was a most cynical answer on several levels: first, the persons were declared missing with the Red Cross or the Missing persons Institute in Sarajevo and the data were exchanged with the RS missing persons commission (ibid, §152); second, it would be highly unlikely and actually was impossible that the families forcefully deported from the Republika Srpska would report their missing to the RS authorities; and third, bearing in mind the level of public knowledge about the Srebrenica massacre, numerous international reports and the ICTY Judgements, it was clear that Bosniak men were systematically captured and executed (ibid, §§24-26), thus their fleeing into the woods could not have been voluntary.

### 6.2.1 “Report about Case Srebrenica”

The RS Government’s reply did not deal with the merit of the applications and the RS did not feel obliged to provide the information to the survivors. Nevertheless, just one week later and seemingly unconnected to the proceeding before the HR Chamber the RS Government Bureau for the Relations with the ICTY, aka the Documentation Centre of the Republika Srpska, published the “Report about Case Srebrenica<sup>128</sup> (First part)”<sup>129</sup> [*Izveštaj o slučaju Srebrenica (I dio)*]. This is everything but a ‘report’: written in informal manner, it was an assemblage of ideological statements, historically dubious claims (based on quotes from tabloid newspapers) and anecdotes. It was clear that no organised research stood behind it. Notably, the script was loaded with inflammatory language and offensive terminology, such as constantly referring to Bosniaks as Muslims (with lower case M),<sup>130</sup> which could be understood only as derogatory. But putting ‘technicalities’ aside, the *Report* is a repository of narratives about Srebrenica and the war in BiH, and since authorised by the RS Government, it may be observed as the official position of the Republika Srpska at the time. This was also the first official statement regarding Srebrenica given by official representatives of Republika Srpska.

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<sup>127</sup> From the UN Declaration on the Protection of All Persons from Enforced Disappearance (18 December 1992).

<sup>128</sup> Though grammatically incorrect, I chose to keep the title from the official English translation, so the document could be differentiated from the latter reports regarding Srebrenica events. However, since the official English translation is bad to the point of being incomprehensible, I quoted the original document (in Serbian) in my own translation.

<sup>129</sup> The Second part was never published nor do I have information it was ever written.

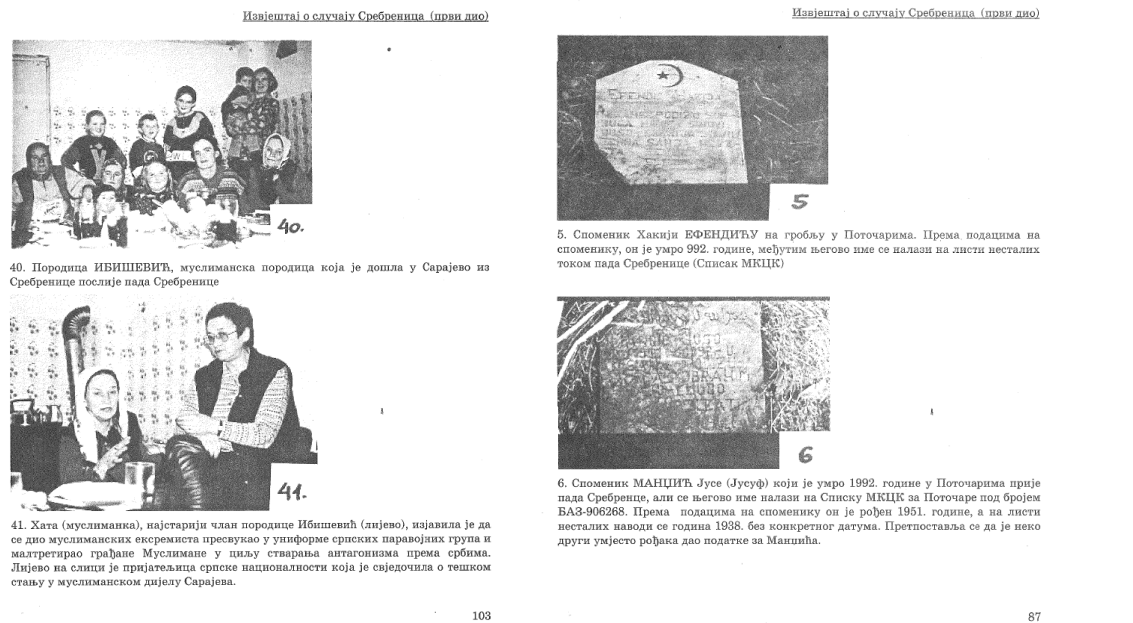
<sup>130</sup> Cf. footnote 6.

The *Report* was overtly biased from the introduction on. “The events in and around Srebrenica should not be viewed selectively, in relation to the *crimes* committed by the members of the so-called Army of Bosnia and Herzegovina comprised mostly of Muslim Jihad warriors and to *possible crimes* committed by the members of the Army of Republika Srpska” (Dokumentacioni centar Republike Srpske 2002, 5, my translation and emphasis).<sup>131</sup> It directly implied the ARBiH committed crimes, while the crimes of the VRS remained in the sphere of speculations. The *Report* informs us that “the events of the 11<sup>th</sup> of July 1995” should be viewed from the perspective of previous crimes, “whose primary victims were Serb civilians” (ibid, 6). The historical background titled “The sad history of Serbs in Srebrenica” narrated how the Serb population used to constitute majority in the area, but shrank due to crimes committed against them in the Second World War by the Muslim Nazi collaborators, one of whom was the young Alija Izetbegović, incumbent president at the time (ibid, 10-11). Mirroring the *Krstić* Judgement thesis that the Srebrenica region was of pivotal strategic importance for Serbian war aims, the *Report* presents the area as the envisaged centre of an Islamic state allegedly planned by Izetbegović, which would include areas of Serbia populated with Muslims (ibid, 12). Further it is stated that from April 1992, Serbs were being persecuted by Muslims, which started “the mass exodus of Serbs from Srebrenica to Bratunac” (ibid, 14). The local Muslim population was deliberately frightened by “a group of local Muslims who dressed up as Serbian paramilitary forces” (ibid), corroborated by witness testimony whose photographs are given as ‘evidence’ (see Figure 6.1, left facsimile), in order to increase the distrust between the ethnic groups. The Muslim forces started regularly attacking Serbian villages conducting “cruel violent ethnic cleansing” in a manner “remarkably similar” to those conducted by the Muslim Nazi collaborators during the Second World War (ibid, 15). Then the vivid description of torture and mutilations ensued. Naser Orić, the leader of Muslim forces in the area, is framed as the primary culprit of the crimes. The author argued that the international community and the media intentionally did not report about these events, putting the whole narrative in the frame of a ‘worldwide anti-Serb conspiracy’.

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<sup>131</sup> It is not insignificant that the *Report* was written by Darko Trifunović a rather dubious figure who was involved in a dispute/scandal resulting in his dismissal from the post in the BiH Mission to the UN due to him spreading rumours regarding the Mission’s members’ alleged involvement with Mujahedeen combatants and training camps (R.J. 2002).

Figure 6.1: Empirical 'evidence' gathered for the “Report about Case Srebrenica”



(Source: Dokumentacioni centar Republike Srpske 2002, pages 103 (left) and 87 (right))

The *Report* continues: “the turning point was the Muslim crime in Kravice of 7<sup>th</sup> of January 1993, when Bosnian Serbs finally realised they have to organise and defend themselves” (ibid) resulting in a Serb offensive. Faced with an inevitable defeat, the Muslim forces exploited their own civilians and the UN by stealing humanitarian aid for military supplies (ibid, 19-20). The establishment of the ‘safe area’ was framed as a perfect excuse for the continuation of fighting, while the demilitarisation was faked (this is one of the rare points where this document concurs with the *Krstić* Judgement). Throughout the whole narrative Serbs are framed as defensive and Bosnian Muslim as offensive party. Thus the only reason for the takeover of Srebrenica was to halt the constant assault of the Muslims from the enclave.

The deportation of the civilians from Potočari is framed as a humanitarian evacuation (ibid, 24); allegedly General Mladić asked civilians whether they want to stay or go elsewhere (ibid, 23). Mladić guaranteed Bosnian Muslims that should they disarm they would be treated according to the Geneva Convention. They refused, “since the majority of them had Serbian blood on their hands” from the previous attacks (ibid, 24). Bosniak fear of execution by the Serbian forces is framed as paranoia (ibid, 25). The narrative agrees with the Judgements about the number of Bosnian Muslim men forming the column to the woods.

Regarding the separation of men from women in Potočari, this is justified by the intention to screen the male population for potential war criminals. Those that were found innocent, about 500, were transported to Bosnian territory, and the other 250 were treated as prisoners of war and sent to detention facilities. The *Report* presents those who died in the woods as casualties of heavy fighting between the two armies, in which Bosnian Muslims largely outnumbered the Serbs. The estimated casualties are 300-500 Serbian, and 2,000 Muslim soldiers. The rest of the Bosniaks, who died in the woods, are presented by the *Report* as delusional due to fatigue and hunger – killing each other and getting lost, running into the scattered landmines (ibid, 29). The author concedes that some sporadic executions did take place, due to the “personal revenge” of Serb soldiers whose families suffered in the previous Muslim attacks, but they were hindered by the presence of the General Mladić who is well-known as being “disciplined and strict about any wrong-doing” (ibid, 30-31). Finally the reburial of mass graves is instead represented as collecting the remains of those who died in the fight from the open “due to hygienic reasons” (ibid, 31).

The *Report* declares the number of 6,000 to 8,000 killed men as “pretentious” and “blown up” in order to “draw [the] international community in conflict against Serbs” (ibid, 32). The argument questioned the veracity of the lists of missing persons (such as speculating that several women reported the same person as missing), suggesting they were manipulated (ibid, 33-34). With tendentious interpretation of the sources, aiming to diminish the numbers,<sup>132</sup> the *Report* estimates that only between 2,000 and 2,500 individuals were actually missing, out of which 1,800 died in battle and about 100 due to exhaustion (ibid, 34). Further, the *Report* claims it was conducting its “own research” and found contradictory information throughout the lists of the missing. Photographs of grave stones of dead individuals who are allegedly still on the lists of the missing were provided as ‘evidence’ (see Figure 6.1, right facsimile). Finally, the paper concludes that “the number of Muslim soldiers who were killed by the Serb forces due to personal revenge or simply out of lack of

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<sup>132</sup> For instance, the “Report about Case Srebrenica” quotes (without proper reference) Secretary-General’s *Report* to the Security Council when analysing the ICRC list of the missing ones, arriving to the number of 3,000 (due to duplications etc.) (Dokumentacioni centar Republike Srpske 2002, 34; UN Security Council 1995, §6). However the *Report* omits to quote another sentence two paragraphs below in the same document, which provides estimation (based on other available information) of 3,500 to 5,500 of those missing (UN Security Council 1995, §8).

familiarity with international law, would probably be around 100" (ibid, 35). It is suggested that these killings were "isolated incidents" (ibid).

In the same manner that the numbers of Bosniaks killed have been diminished to 'statistical margin of error', the number of Serbs killed has blown out of proportion with no supporting evidence. The *Report* states that more than 1,000 Serbs had been killed by 1993, mostly during the first six months of the conflict (ibid, 15), and an additional 500 during the period of the creation of the 'safe areas' (ibid, 22). The narrative presents those killed as being predominantly civilians. The only military casualty that the *Report* openly mentions is the estimation of 300 to 500 Serbian soldiers who died fighting Bosniak soldiers in the woods in July 1995 (ibid, 28). This numbers game is obviously intended to present Bosniak and Serb human losses in comparable terms. Further, the *Report* constantly manipulates with civilian/military status of the casualties as it fits the narrative which it wants to promote. On one hand, though it is stated that Serb casualties were "predominantly civilian", hence some of them could have been soldiers who could have died in a legitimate fight, they are all presented as "victims". On the other hand, those 10,000 to 15,000 Bosniaks fleeing through the woods are presented as all being combatants (though the *Krstić* Judgement estimated about one third to be armed), and even when the *Report* admits some of Bosniaks were executed, they are never named as "victims".

Aside from being full of irrelevant bizarre moments, such as Bosnian Muslim mercenaries in Kosovo during 1998 (ibid, 36), the "Report about Case Srebrenica" did not consult any of the evidence presented at the *Krstić* trial<sup>133</sup>. Alongside this document, the Republika Srpska also submitted another publication of the same author and publisher, titled "Islamic Fundamentalists' Global Network – Modus Operandi – Mode Bosnia",<sup>134</sup> which constructs linkages between the ARBiH and Al-Qaida. In what could be described as more than a bizarre episode of legal court correspondence, the move could be also read as blatant ridicule of the Human Rights Chamber and slap in the face of the victims, both Bosniak and Serbian. It was understood as such, at least by the Bosniak victims.

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<sup>133</sup> Some statements in the first version of the *Report* circulated among the journalists, such as "almost three years have passed since the end of the war" suggest it was actually written in 1998 (Helsinki Committee for Human Rights in Republika Srpska 2002, 23; *Dani* 2002).

<sup>134</sup> In this video the co-author reads a part of the book: <http://www.youtube.com/watch?v=RsZvK3aaUps> (15 December 2013).

### 6.2.1.1 Media reporting

The “Report about Case Srebrenica” was met with outrage by officials in the Federation of BiH, representative of the international community, NGOs and the ICTY Office of the Prosecutor (Radmanović 2002). High Representative Paddy Ashdown commented that “the report is so far from the truth that it hardly deserves comment” and described it as “tendentious, absurd and inflammatory” (Jablič 2002, 3). Many NGOs saw it as “disgraceful and unacceptable manipulations with the victims” (Helsinki Committee for Human Rights in Republika Srpska 2002, 23), while the Association of mothers from Srebrenica and Žepa saw it as a fraud and a “negation of genocide” (ibid). They offered estimation of approximately 12,000 killed, based on a survey they conducted.

*Glas srpski* presented the *Report* as objective truth and went one step further in minimisation of the crime by stating that those executed Bosniaks “died due to personal revenge” [*nastradalo zbog lične osvete*] as if it was a natural disaster (G.K. 2002). *Nezavisne novine* quoted various politicians in the Republika Srpska who condemned the Report as “politicisation” of the issue, but their comments revealed that they actually agree with the underlying assumptions of the document – that the events of July 1995 in Srebrenica were ‘caused’ by the previous killings of Serbs and that it was not a genocide. The politicians and media in the Federation of BiH severely condemned the *Report* as an inadmissible negation of genocide in Srebrenica. Virtually all perceived that the issuing of the *Report* should be understood in the context of the pre-election campaign, since “its purpose was to homogenize the Serbian electorate” (Helsinki Committee for Human Rights in Republika Srpska 2002, 22).

The only Serbian media outlet that openly condemned the Report and its contents was the magazine *Reporter*. It severely criticised the pathetic self-victimising tone of the Report, the cynical diminishing of victims’ numbers and labelled “idiotism” the thesis of the mass graves as a result of a “hygiene measure” (Danijel Kovačević 2002, 12). However, the article criticised the politicians from the Federation of BiH for seizing the opportunity to claim that the Republika Srpska “emerged from genocide” [*genocidni nastanak*] (ibid, 12). Finally, though the article insisted on adherence to the truth – “For sure the truth about Srebrenica

should come to the light of day. But complete truth, not the one of the RS Government's Bureau, nor that promoted by Silajdžić<sup>135</sup> and Izetbegović,<sup>136</sup> but the one that happened in Srebrenica" – the author did not mention the ICTY Judgements. Obviously, even to oppositional Serbian media, the Tribunal is not perceived as the ultimate provider of the objective narrative of the war.

### 6.2.2 The Srebrenica Commission

The Human Rights Chamber for BiH (HR Chamber) rejected Republika Srpska's reply (with the two Serb judges dissenting) allowing rational expectation based on previous ICTY Judgements and evidence. Since the missing men of Srebrenica were last seen under the control of the VRS, the institutions of the RS are holding information regarding their fate (Human Rights Chamber for BiH 2003, §§178, 163). Hence, the HR Chamber concluded in its second and final Decision regarding "Srebrenica Cases" that the RS violated its positive obligation to secure private and family life of the family members of missing persons by providing necessary information (*ibid*, §202). Furthermore, the Decision assessed the negligible and ignorant behaviour of the RS as inhumane and degrading, the families being discriminated against because of their Bosniak origin (*ibid*). All of these are violations of the European Convention on Human Rights Articles 8, 3 and 14, respectively. As a legal remedy, the Chamber unanimously ordered the RS "to conduct a full, meaningful, thorough, and detailed investigation into the events" making publicly known "the Republika Srpska's role in the facts surrounding the massacre at Srebrenica in July 1995, its subsequent efforts to cover up those facts, and the fate and whereabouts of the persons missing from Srebrenica since July 1995" (*ibid*, §212).

As a matter of compensation, the Chamber ordered the RS Government to allocate funds to the Foundation of the Srebrenica-Potočari Memorial and Cemetery [*Fondacija Srebrenica-Potočari spomen obilježje i mezarje*] to the sum of 4 million KM (approximately 2 million euro). Finally, the Chamber expected Republika Srpska "to make a public acknowledgement of responsibility for the Srebrenica events and a public apology to the victims' relatives and

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<sup>135</sup> Haris Silajdžić was the war-time Foreign Affairs Minister (1990-1993) and Prime Minister (1993-1995).

<sup>136</sup> Alija Izetbegović was the war-time President (Chairman of the Presidium) of Bosnia and Herzegovina, and Bosniak member of BiH Presidium after the war, until 2000. He was the founder and leader of the SDA (Party of Democratic Action), the most popular party among the Bosniaks during the 1990s.



the Bosniak community of Bosnia and Herzegovina as a whole” (Human Rights Chamber for BiH 2003, §219).

The most severe criticism of the Chamber’s decision came from the groups of Srebrenica’s victims who opposed the donation to the emerging Potočari Memorial, insisting instead on individual financial compensations (Hadžić 2003). The Chamber hadn’t considered individual compensation, probably due to the fact that only 49 applicants were involved in this particular case and determining all potential ones would be virtually impossible. The Chamber did consider compensation to victims’ organisations but in light of their mutual conflicts it was found to be “impossible to appoint a single legitimate representative of the victims” (Picard and Zinbo 2012, 136). Other Bosniak media applauded the adjudicated compensation as just and necessary, but was suspicious towards what they perceived as “requiring criminals to investigate their own crime” (Dani 2003a). Therefore the Bosniak public did not nurture high expectations in the truth-finding potential of the envisioned Commission.

Regarding the obligation to conduct an investigation into the Srebrenica events, the HR Chamber did not mention the creation of a particular commission but, in the words of its international president, it bore in mind the South African Truth and Reconciliation Commission (Picard and Zinbo 2012, 136), with public hearings that would influence public opinion. This did not transpire however.

The RS Government was clearly reluctant to comply with the obligation, complaining that “the required documentation is missing, since some was taken by the SFOR and some by the Hague Tribunal” (Čengić 2003, 2). The Interim Report relied on the findings of a pathologist from Serbia who concluded that a small minority of the exhumed bodies were killed from a close distance, while the remaining died in combat and in a variety of other ways including “suicide, drowning in the Drina River, stepping onto mine-fields” (R.Č. 2003b, 5). Again this was understood as a cynical mockery by the Bosniak media and *Nezavisne novine*. The RS Government’s statement was not only hypocritical, but also nonsensical since the Bosniaks from Srebrenica fled into the woods away from, not towards the river Drina (K.L. 2003). The Government’s final report was a small but insufficient step forward – it did admit that a large number of captured Bosniaks were executed and that the mass graves had been reburied

(Mikerević 2003) but it did not provide the information most sought after: the list of the graves' locations and the list of the killed. Hence the HR Chamber concluded that the Republika Srpska did not fulfil its obligations. This Decision prompted the High Representative Ashdown to order the RS President and Government to create a special commission to investigate the matter. Again, political games of international pressure and avoidance to comply ensued, but finally the Commission was assembled by the end of 2003. It was staffed with five representatives of the RS, an investigator from Sarajevo as victims' representative<sup>137</sup> and one member from the international community, and officially named: "Commission for Investigation of the Events in and around Srebrenica between 10 and 19 July 1995."

From the very beginning the Commission was sabotaged by RS institutions which again declared that they did not have the relevant documentation (Picard and Zinbo 2012, 138). Furthermore, "the combination of political manipulation, hostile public opinion, a lack of resources, and official support and threats against the security of members of the Commission represented an obstruction to its work" (ibid). Once again the OHR needed to intervene, namely by dismissing the RS liaison officer to the ICTY and the VRS Chief of Staff (both of whom obstructed the Commission's work) and by publicly declaring that the RS President and Prime Minister would be held personally accountable for the success of Commission's work (Picard and Zinbo 2012, 138). Having learned from previous experience, the High Representative instructed the Commission members "not to elaborate on historical facts that preceded the massacre" (ibid).

### **6.2.3 The Report and its public effects**

In June 2004 the Commission submitted the report to the RS Government which adopted it. Since the RS Ministry of Interior supplied additional documentation to the Commission only a few days after it issued the Report, the Addendum to the Report was published in October 2004 and the full report was accepted by the Human Rights Chamber.

The Serbian members of the Commission admitted experiencing personal revelations during the course of investigation (Ahmetašević 2004a), they "reacted with shock, surprise, and fear

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<sup>137</sup> Smail Čekić, head of the Institute for research of Crimes against Humanity and International Law of the Sarajevo University.

to the detailed documentation they had uncovered” (Picard and Zinbo 2012, 140). The Report clearly stated the involvement of the RS military and police forces in the executions and confirmed participation of police units from the RSK and Serbia (ibid, 139). The Commission did not indulge in the legal categorisation of the crime but referred to the *Krstić* Judgement and him being convicted for aiding and abetting genocide (Commission for Investigation of the Events in and around Srebrenica between 10<sup>th</sup> and 19<sup>th</sup> of July 1995 2004a, 6). Since the Report recapitulated the narrative of the Judgement the only genuinely novel findings were the locations of some previously unknown mass graves and a list of perpetrators. Both sets of information were issued as classified annexes to the Report.

11 days after the issuing of the Commission’s Report, the President of Republika Srpska Dragan Čavić gave a special prime time statement for the public television station of Republika Srpska (RTRS). The trajectory of the narration in Čavić’s speech is most indicative; firstly, he states that the “events in Srebrenica” [*srebrenički događaji*] are well known and well researched by various international and Bosnian bodies and experts, but he fails to describe exactly what this “well known event” is (Čavić 2004). Then, he claims that this event became a symbol of the entire Bosnian war which fortified a stereotype about Serbs as perpetrators and Bosniaks as victims. In support of this he provided details about Serb suffering in Srebrenica up to 1995 for which Naser Orić was facing trial at the ICTY. In this way, the narrator created the pretext which somehow rationalises, if not justifies, the conduct of Serbian forces in July 1995 as revenge for previous atrocities.

From the discursive approach adopted by Čavić, it is clear that he counts upon his (Serb) audience knowing what had happened in Srebrenica quite well. For instance, he mentions that “Srebrenica’s tragic events became a world-wide synonym for suffering and crime at the end of the 20<sup>th</sup> century”, obviously relying on popular knowledge of what these events are and what they are a synonym for. Though he states that “the findings of the report were a shocking encounter with the truth” for him, in next second, he affirms that “the whole world spoke about Srebrenica” (ibid). Therefore, the speaker and the audience share the knowledge, but also share the consensus not to name what is known. This is a typical example of a denial strategy where knowledge is divorced from acknowledgement. In the televised statement, Čavić does accurately describe the systematic executions of Bosniaks, but only through quoting the Report, not as a personal statement or position with which he

fully agrees. With this discursive practice he distanced himself from the Report's interpretation of the events.

However, the RS President did make a moral judgement by stating that "the Srebrenica tragedy is a black page in Serbian history" (ibid). Still, in the President's discourse the greatest victim seems to be the Serbian nation, which is collectively blamed for individual crimes of its members. Instead of taking on the symbolic responsibility that stems from the continuity of the institutions of the Republika Srpska (namely his predecessor in the presidential office Radovan Karadžić who was mentioned in *Krstić* Judgement as being involved in the Srebrenica operation), the RS President at the time found the greatest importance of the Commission's Report in relieving the Serbs from collective guilt. While expressing his sympathy with victims' loss, he did not utter an apology to them.

Connected with the negation of the presumed collective guilt of the Serbs, the speech was given in a frame that legitimised the Republika Srpska. In the opening, the public statement is situated in the context of "frequent attacks on the entity status of Republika Srpska" (ibid), i.e. advocacy to change the Dayton Constitution and transform BiH into a more unitary state, thus changing the state-like nature of the RS entity. Further, the President notes that the Serb public perceived the narrative of Bosniak suffering in Srebrenica as a "pressure on institutional status of the RS" (ibid). Hence, he felt the need to affirm the legitimacy of the Republika Srpska as a political project. By individualising the guilt of the executioners and avoiding recognising the responsibility of the state organs that ordered the executions, he presented Serbian soldiers as "honourably fighting for their people and the RS," and took the Dayton Peace Agreement as the platform from which to embark upon dealing with the past.

Nevertheless, this political act was significant because it was the first time a Bosnian Serb official publicly condemned crimes of Serb forces and advocated facing and dealing with the war crimes. The act is even more fascinating because it was not a matter of international requirement but rather the free (and unexpected) choice of the President.

After the issuing of the Addendum, the RS Government adopted the whole Report and named it a "historical act" concluding "that Republika Srpska expressed its commitment to face with the truth" (Government of the Republika Srpska 2004, 1). Though the Government recognised that the "Report doubtlessly demonstrates that, in the area of Srebrenica in July

1995, crimes of huge extent were committed,” it obviously avoided declaring the crimes to be genocide (ibid). Although it declared sympathy with the pain of the missing persons’ relatives, and stated it “truly regrets and apologises for the tragedy they experienced,” the Government, just like the President on earlier occasion, made no inclination towards admitting institutional responsibility. Both statements avoided explicitly mentioning the number of killed Bosniaks, which was indicated in the Report as ranging between 7,000 and 8,000, supported with detailed lists in the Addendum (Commission for Investigation of the Events in and around Srebrenica between 10<sup>th</sup> and 19<sup>th</sup> July 1995 2004b, 9).

Finally the Report was not distributed to a larger audience. It was not printed as a booklet as in the case of some other truth commissions (Hayner 2011) nor was it published in the newspaper *Glas Srpske* owned by the RS Government or posted on the Government’s official website.<sup>138</sup> Today, the report can only be found on the websites of some activist groups and human rights organisations.

### **6.2.3.1 Media reporting**

#### **6.2.3.1.1 Media frame: partial acknowledgement**

Some Bosniaks applauded the Report not for stating ‘what is already known’ but for being a sign of acknowledgement (Suljagić 2004), others criticised it for failing to incriminate the war-time RS President Karadžić (Ahmetašević 2004a). The victims’ organisations and Bosniak commentators complained that the Report did not characterise the executions as genocide (Čengić 2004; Omeragić 2004), though it was not the Commission’s explicit mandate.

Public reactions to Čavić’s statement were generally welcomed across the board and all media agreed it was a courageous move. The opinion was shared that investigative commissions are a good mechanism for dealing with the past, however, while Serb politicians saw it as a pretext for the future investigation of Bosniak crimes over Serbs in Srebrenica and elsewhere, the Bosniak stakeholders called for investigation of a systematic ethnic cleansing campaign. Several commentators, including an independent war-crimes researcher, pointed out that the RS President’s insistence on individual culpability evades

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<sup>138</sup> I made this conclusion on the basis of thorough search through the old webpages of the Government’s website ([www.vladars.net](http://www.vladars.net)) using the Internet Archive’s ‘Wayback machine’, available at: [www.archive.org](http://www.archive.org) (15 December 2013).

admitting the organised character of the genocide, as a state-level project rooted in nationalistic ideology (*Oslobođenje* 2004a).

### 6.2.3.1.2 Framing Republika Srpska

The Serbian politicians interpreted this statement as “aimed at defending the legality and legitimacy of the Republika Srpska” (Sekulić and Čengić 2004, 4). It was understood precisely as such in some Bosniak media, but with a negative undertone; as a calculated political manoeuvre designed to salvage the political result of the Serb war-effort (E. Imamović and Suljagić 2004). For the Bosniak audience, the very existence of Republika Srpska is perceived as the success of the criminal policy that lay behind its creation (Živak 2004).

The OHR pressure and interventions weakened the impression that this was a genuine Republika Srpska Commission at all (which was temporarily mitigated by the RS President’s statement). Reading through the public reactions a flare of optimism could be sensed. However, it seems that for Bosniaks this was the first step towards a common evaluation of the war, while for the Serbs it was the largest leap possible.

**Table 6.2: Media reporting on Srebrenica Commission**

Dates observed:	Bosniak media	Serbian media
The “Report about Case Srebrenica”: 3 September 2002	<i>Dani</i> 2	<i>Glas srpski</i> 1, <i>Nezavisne novine</i> 3, <i>Reporter</i> 1
The HR Chamber 2 <sup>nd</sup> Decision: 7 March 2003	<i>Dnevni avaz</i> 3, <i>Dani</i> 1	<i>Nezavisne novine</i> 1
Other dates during 2003 and 2004	<i>Dnevni avaz</i> 3, <i>Ljiljan</i> 2, <i>Dani</i> 1	<i>Glas Srpske</i> 1, <i>Nezavisne novine</i> 10
Issuing of the Srebrenica Report: 11 June 2004	<i>Oslobođenje</i> 1, <i>Slobodna Bosna</i> 1, <i>Dani</i> 1	<i>Nezavisne novine</i> 6
The President of the RS statement: 22 June 2004	<i>Dnevni avaz</i> 11, <i>Oslobođenje</i> 8, <i>Dani</i> 1	<i>Nezavisne novine</i> 7, <i>Reporter</i> 1
Addendum to the Srebrenica Report: 15 October 2004	<i>Oslobođenje</i> 3, <i>Dani</i>	<i>Nezavisne novine</i> 1, <i>Reporter</i> 1
The RS Government statement: 28 October 2004	<i>Oslobođenje</i> 2, <i>Dani</i>	<i>Nezavisne novine</i> 1, <i>Reporter</i>
The HR Chamber accepts the Report: 8 November 2004	<i>Oslobođenje</i> 6, <i>Slobodna Bosna</i> 1, <i>Dani</i>	<i>Nezavisne novine</i> 3

The potentially ‘cathartic’ effect of the Srebrenica Report was soon undermined by the public statements of Serbian officials. For instance, the next RS Prime Minister stated as

early as March 2005 “that the genocide committed against the Serbs in Sarajevo was perhaps larger than that of Srebrenica” (Picard and Zinbo 2012, 142). Even the RS President Čavić stated one year after his televised apology for Srebrenica, that “there is no basis for speaking of genocide” (M.Ma. 2005).

Over the years, the social impact of the Srebrenica Report faded away. During my research I have randomly come across statements of Serb officials which in some way questioned or disputed the reputation of the Report. The leader of this discourse is the leading political figure in the Republika Srpska, Milorad Dodik, the Prime Minister of the RS from 2006 to 2010 and its incumbent President since. In 2010, his Government commissioned the Republika Srpska Centre for War Crimes Research to re-evaluate the Report of the Srebrenica Commission from 2004. Though he formally stated “not wanting to negate the crime that unquestionably happened” (Šegrt 2010) and that the RS Government declaratively remained with the previously expressed apology (B.S. 2010), the Prime Minister claimed that the Commission’s list “obtains manifold untrue data” (Katana 2010a). Dodik offered arguments how various groups of persons, ranging up to 900, have been wrongly included in the lists (Šegrt 2010). He further claimed that the Commission worked under the pressure of the OHR which curbed its objectivity (Katana 2010a).

Though Milorad Dodik could offer ample evidence only regarding the accuracy of the missing persons’ lists (which the Srebrenica Commission never claimed to be fully precise) he used this as an argument to question the whole Report. Even if all of the arguments presented by Dodik were true, they would not significantly lower the overall number of those killed, and would definitely not change the fact that these people were systematically executed. However, this initiative created the impression that the entire work of the Commission was falsified. Eventually, the revision of the Srebrenica Commission’s findings still remains one of the main tasks of the RS Centre for War Crimes and the numbers of those killed is still regarded as a matter of speculation in the Serbian public sphere.

In retrospect, the Report’s importance was in the recognition by the Republika Srpska institutions that organised executions took place in Srebrenica, not so much in delineating exact numbers. With this behaviour, the incumbent RS President completely negated the previous steps made towards the public acknowledgement of the crime in Srebrenica.

### 6.3 Adjudicating Serbian Victims in Srebrenica

Since an important element in the Serbian narrative about Srebrenica is the claim that the crime committed in July 1995 should be viewed from a ‘historical’ perspective, as ‘revenge’ for previous atrocities suffered by local Serbs it is pertinent to have some insight into the most important case tackling the issue. Naser Orić, the effective leader of the Bosniak forces in the region of Srebrenica before and during the establishment of the ‘safe area’, was indicted on the basis of superior responsibility for murder, cruel treatment of prisoners and wanton destruction of more than 50 villages in 1992 and 1993. The charge of plundering property was dropped in the course of the trial, pursuant to Rule 98*bis*.

The Trial Judgement starts its narration in the early months of 1992 when “Serb paramilitaries arrived in the Srebrenica area and began, with the help of the JNA, to distribute arms and military equipment to the local Bosnian Serb population” (ICTY 2006b, 2). Thus on the 18<sup>th</sup> of April 1992, although the Serbs constituted only a quarter of the local population, Serb forces violently took over the municipality of Srebrenica. This prompted most Bosnian Muslims inhabitants to flee the town, while a small group of armed men offered sporadic resistance. After one of the Serb leaders was killed in an ambush on the 8<sup>th</sup> of May 1992, Serb forces retreated “leaving a lot of destruction behind” (ibid). Bosnian Muslims returned to the town, but it remained encircled by Serb forces which regularly attacked, “resulting in great number of refugees and casualties” (ibid). In the period until the ceasefire, “a number of Bosnian Serb villages and hamlets were raided by Bosnian Muslims, mainly in search for food, but also to acquire weapons and military equipment” (ibid). Throughout this period, Srebrenica was flooded with waves of refugees from neighbouring area who crammed into the town. Living conditions were “dire and horrid”, with “constant and acute shortage of food bordering on starvation” and appalling hygienic conditions (ibid). The desperate situation became only worse in March 1993, when the Serb offensive considerably reduced the size of the enclave and halted all supplies to the town (ibid). As described in the *Krstić* Judgement, this instigated the UN Security Council to declare Srebrenica a ‘safe area’ and urged UNPROFOR to broker a ceasefire between the military forces, which prolonged the status quo for a further two years.

There is a peculiar element in Srebrenica’s war-time story, compared to most of the other Bosnian cities: since nearly all representatives of Srebrenica’s municipal authorities had left



town before the Serbian take-over (i.e. after the Bosniak forces recaptured the city) there was lack of formal leadership. Hence, informal groups of Bosniak fighters elected Naser Orić for their commander, which was later only confirmed by the ARBiH Supreme Command (ibid, 2). The fact that he was a 'grassroots' leader in a situation where there was a "grey area" between the civilian and military authorities and jurisdictions in the town (ibid, 3) already gave Orić a greater degree of symbolic power than is usually attributed to lower level military commanders. Bearing in mind the chaotic situation in the enclave throughout the war, the subsequent failure of the ARBiH to send help against Serbian offensive and the DutchBat failure to stop the executions of the Bosniaks in July 1995, Naser Orić became a symbol of protection for many inhabitants of Srebrenica, fortified with macho charisma.

During the battles of autumn and winter of 1992-1993, Bosniak forces managed to capture dozens of Serbian soldiers. They were detained in Srebrenica Police Station and nearby buildings where they were regularly beaten and maltreated by the military police guards and civilians. The Judgement states they were "generally exposed to the same appalling living conditions as the local population," which was significantly exacerbated by the abuse (ibid, 3). The Judges noted that some people among those who had access to the detainees "behaved erratically" due to "severe malnutrition and the psychological effects of being under siege" (ibid, 6). Some of the detainees were killed or succumbed to injuries, while others were exchanged. Naser Orić was charged for not preventing or punishing his subordinates who committed these crimes. The Trial Chamber established he exercised effective control over the military police only in the later segment of the given period and thus he was held responsible for the ill-treatment of only a segment of the detainees. Though the Chamber acknowledged that Orić "operated under most adverse circumstances" with little means of communication and control over loosely structured military forces (both at the front and within the city), he was found guilty for not even trying to get information about the treatment of the prisoners, especially in light of previous abuses with which he was familiar (ibid, 6).

Regarding the destruction of Serbian villages, the Trial Chamber did not exclude military justification for the attacks, since the previous attacks on Bosniak forces came from there. Nevertheless, Orić as a leader should have formally prevented Bosniak civilians who followed the fighters and burned some of the villages (ibid, 9-10). In the end, the Trial Chamber found

that Bosniak forces were a loose assembly of volunteers and independent groups rather than an organised army, and that every military operation was accompanied by “a mass of uncontrollable civilians that were present at every attack” (ibid, 10). Thus the Chamber found that Orić cannot be held responsible for the destruction, since he had no power of effective control.

The next section focuses on one of those attacks due to its prominent place in Serbian collective memory – the Indictment alleges that village of Kravica was attacked on the 7<sup>th</sup> and 8<sup>th</sup> of January 1993, during which private property and dwellings were destroyed (ICTY 2006c, §659). The Judges found this was one of those villages from which an earlier attack on Muslim forces came (ibid, §662). At the time of the attack, Orthodox Christmas day, the village was guarded by armed civilians (ibid, §664), who “fired artillery from houses and other buildings, which led to house-to house fighting” (ibid, §665). The Bosniak soldiers were accompanied by civilians who “entered houses, searching for food and other items” (ibid, §666). That day, the village was largely destroyed and many houses burned. The next day Bosniak forces left the village. The Chamber could not establish to what extent had the houses been set on fire intentionally by the Bosniaks, and to what extent this was due to the armed fighting (ibid, §671). It is important to note, that the Indictment of Orić does not mention intentional killings of the civilians in Serbian villages, the theme of which is the red line in the Serbian popular narrative of the events, as we will see further below.

In sum, Naser Orić was found responsible only for failing to prevent maltreatment of some of the Serb detainees. The Trial Chamber accepted mitigating factors including the collapse of law and order and the complete chaos in the town thus sentencing him only to two years. Since he already spent three years in custody he was immediately released.

Eventually, the Appeals Chamber established that the first instance erred in drawing legal conclusions regarding Orić’s responsibility and freed him of all charges. Still, it should be noted that both Judgements agree that “grave crimes were committed against Serbs detained in Srebrenica”, which the Defence never disputed (ICTY 2008, 7).

### 6.3.1 Media reporting on the *Orić* trial

#### 6.3.1.1.1 Media frame: the hero v. the criminal

The Bosniak media constantly repeated, or quoted stakeholders saying, Naser Orić “was only defending the unarmed people [*goloruki narod*] of Srebrenica” (e.g. S.N. 2003). He is framed as a fighter for survival. The women of Srebrenica were especially emotionally attached to the man they perceived as a hero: they were confident of his innocence, protested because of his arrest, and cried upon seeing him for the first time in the courtroom (A.H. 2003). The journalist of the magazine *Dani*, himself a Srebrenica survivor, admitted sharing the fascination with Naser Orić many Srebrenica’s inhabitants felt. Being a teenager, the journalist saw him in those days, as the “embodiment of all the heroes of Latin American guerrillas I could only read about” (Suljagić 2003, 19). With the progressive worsening of the situation in the Srebrenica enclave, the perception of Orić as a “deity” [*božanstvo*] grew. However, more liberal Bosniak magazines, *Dani* and *Slobodna Bosna*, openly condemned Orić for economic crime and murky business deals through which he made a fortune in the post-war years with the blessing of the Bosniak (particularly SDA) politicians in power (cf. Pargan 2003; Suljagić 2003).

For the Bosniak media, Orić’s arrest was unfair in the light that he hitherto cooperated with the Tribunal, while the primary culprits for Srebrenica genocide, Radovan Karadžić and Ratko Mladić, were still at large. Though the Bosniak media promoted a belief in Orić’s innocence at the time of his arrest, they still framed the ICTY as the place where justice is rendered.

Though Orić was actually convicted for failing to prevent the maltreatment of Serb prisoners in Srebrenica by the Trial Judgement, the low sentence and the immediate release created the impression that he was acquitted. Thousands awaited him at the airport cheering him as a hero (Orahovac 2006). Only the liberal magazine *Dani* condemned the welcome among the Bosniak media, drawing attention to their hypocrisy since the same Bosniak media reprimanded previous occasions when Serbs or Croats welcomed ‘their’ convicts as heroes (Pećanin 2006). In days to follow, the Bosniak member of the BiH Presidium and its chair at the time, Sulejman Tihić paid respect to Naser Orić by welcoming him in his cabinet, stating: “the Hague Tribunal once again proved that genocide has been committed, continuously from 1992 to 1995” (S.R. 2006, 3). It is clear from the summary of the judgement presented

before that genocide against Bosniaks was not under scrutiny of the *Orić* case, actually it was not even mentioned in the Trial Judgement (ICTY 2006c). The chair of the Presidium also added: “the families of the killed from Srebrenica see in you the personification of their loved ones [whose remains] are still being looked for. This [judgement] is not only returning their belief in justice, but also hope they will find truth and decently bury them” (S.R. 2006, 3). Here Tihčić connected the *Orić* Judgement for the crimes against Serbs in 1993 to the issue of concealed mass graves of Bosniaks killed in 1995 as if they were interlinked or mutually dependant. Obviously they are not, since the ICTY judgements have no impact on exhumation process in unrelated cases. In any case, there are no indications that a harsher conviction of Orić would halt the on-going exhumations. However, this statement is interesting in that it illustrates how in the Bosniak narrative, the genocide of July 1995 overshadows and marks the interpretation of all previous events that took place in and around the enclave.

On the other hand, the Serbian media bore the underlying assumption that Orić was a criminal, even before his arrest. One could note that he was perceived as the utmost villain by the Serb public opinion inversely proportionally to the perception of him as a hero among the Bosniaks. The Trial Judgement did not shake the strong conviction of his guilt; it merely strengthening the belief in the Tribunal’s anti-Serb bias. The frame of the ICTY as a court prejudiced against the Serbian nation was already firm and the *Orić* Judgement only confirmed this perception. In the words of Serb politicians: “the Hague Tribunal lost any credibility since no heavier conviction was made for the crime against Serbs”; this court “was designed primarily to convict Serbs”; “it is a court of injustice” (Ćirković 2006, 1). The President of the Republika Srpska stated that “the court did not sentence Naser Orić but instead rewarded him for the war crimes he committed against Serbs in the past civil war” (G.G. 2006, 3). This frame was further enhanced by comments criticising the meeting between the Bosniak member of the Presidium and Naser Orić (cf. *Glas Srpske* 2006). Finally, the acquittal on the Appeals entrenched the two interpretative positions. Most illustrative of this is the publishing of a feuilleton in *Glas Srpske* (cf. Janjić 2008b; Janjić 2008c; Janjić 2008d) about the war-time history of Srebrenica which is virtually repeating the narrative of the notorious “Report about Case Srebrenica” published by the RS Government in 2003, as described above.

#### 6.3.1.1.2 Historical narrative frame: the massacres of the Serbs

The Serb victims from the region were appalled that Orić was not indicted for “the massacres of the civilians” from Bratunac and Srebrenica region, stating that Bosniak units under Orić’s command killed “all Serbs, including women, children and elderly that could not run away, in a cruel manner” (Ćirković 2003, 5). The RS liaison officer for the ICTY claimed that at least 1,300 Serb civilians were killed in this area in 1992 and 1993 (Klepić 2003) and this number was also repeated by the Serb victims’ organisations (Ćirković 2003) and veteran organisations (Durmanović 2006, 21). However, this figure was never fixed, and stakeholders and commentators often ‘juggled’ with different numbers. For instance, the Republika Srpska’s bodies for the war crimes investigation filed a report to the Prosecution Office of the Court of BiH in February 2006, in which it claimed that in the region of Srebrenica approximately 3,000 Serbs had been “liquidated like beasts” (cf. Janjić 2008a; Janjić 2008b), the claim often reoccurring in articles narrating the ‘Serbian side of the story’.

The attack on Kravica was regularly mentioned in the Serbian media, framed as unprovoked assault on civilians, all the more cruel for being organised on Orthodox Christmas. At the time of Orić’s arrest, victims’ representatives claimed that 152 inhabitants had been killed on that day (Ćirković 2003). None of these accounts ever mentioned that mutual fighting of Bosniak and Serb armed forces took place, as the *Orić* Indictment and Judgements state. The only article that does quote this part of the Judgement, does so in ironic manner which frames the claim as false (Durmanović 2006, 19).

The massacres of Serb civilians is almost absent from the Bosniak media. One of the rare articles that mention it is offering the interpretation Naser Orić gave in an earlier interview:

*Our entrance into Kravica was literally forced by the constant attacks and shelling from that area, as well as the hunger with which Serbian forces were exhausting us. Finally, when we attacked Kravica, all civilians already left, we gave almost two hours for them to leave, but we prevented Serbian forces to enter the area. If that night, during the fighting, somebody died in civilian clothes holding a rifle, he was of course treated as a soldier. I affirm that no civilian was intentionally killed, as well as no prisoner of war. There are official documents and other evidence that confirm we properly exchanged all prisoners, which anyways were few (Pargan 2003, 20).*

As if they forgot Naser Orić was not indicted for killing civilians in the Serb villages, the Serbian media extensively narrated various massacres Bosniak forces allegedly had committed while reporting on both Judgements. For instance, at the time of the Trial Judgement, a woman from the village of Bjelovac, whose entire family was slaughtered, was quoted saying: “No Serb, no matter if it was a child, a woman, an old man or a soldier, survived if faced with a knife or a rifle of Orić’s soldiers. If there was justice for the crime committed against my family, that butcher would stay in prison for the rest of his life” (Ćirković 2006). Again, the attack on Kravica was mentioned but this time the number of the killed was stated to be 49 (ibid; Šarac 2006).

The pattern was repeated while reporting on the Appeals Judgement. For instance, the Prime Minister of Republika Srpska, Milorad Dodik, protested that this Judgement represents a “mockery of justice and law and creates the impression that the Serb civilians around Srebrenica were killed once again” (Ćosić and Ćirković 2008, 3). He announced that the RS Government would sue the UN and the Government of the Netherlands, just like the organisation 'Mothers of Srebrenica' previously did due to allegations that the Dutch Battalion did not stop the execution of Bosniaks. In his intention to mirror the case, Dodik pronounced that the 'DutchBat' should be held responsible for “allowing Muslim forces in Srebrenica under the command of Naser Orić to remain armed, exit the ‘safe area’ and slaughter the Serb population” (*Oslobođenje* 2008, 5). No media noticed that the DutchBat cannot be held even theoretically responsible for the crimes Dodik had in mind: as the *Orić* Judgement notes, the UN unit from the Netherlands took over the post from the Canadian troops much later (ICTY 2006c, §119), to be precise only in February 1994 (NIOD 2002, 120). Had the RS Government been serious in the intention to pursue a lawsuit against the Netherlands, it should have been aware of this detail. However, this statement is illustrative not only the unfounded demagoguery employed in the discourse about crimes and responsibility, but also of the Serb need to establish ‘equality of arms’ in victimhood.

#### 6.3.1.1.3 Historical narrative frame: destroying Serbian villages

The Serbian media, apart from *Nezavisne novine*, promoted the narrative in which the Bosniak forces systematically burned and plundered Serbian villages and that massacres of civilians were conducted on a massive scale. In this narrative there is no place for hunger of Bosniaks from the enclave, which in Bosniak and court’s narrative was the primary motive

for their raids of the Serb villages. The overarching frame of the reporting is that Bosniak forces intended to exterminate Serbs from the area.

Aside from quoting the charges in the Indictment, the Bosniak media generally kept silent about the attacks on Serbian villages. The only article that narrated these events, written by a journalist who was a Srebrenica survivor, framed the plunder of Serbian villages as desperate search for food, as acts of frantic hopeless people who just strove to survive in horrendous circumstances created by Serbian forces (Suljagić 2003). He was also the only one to condemn the destruction of the villages: “there was no need to burn the houses if we needed food, nor to destroy already ruined villages” (ibid, 19).

Orić was acquitted for plunder already during the trial, and the Trial Judgement expressed understanding for Bosnian Muslims raiding Serbian villages due to “acute shortage of food bordering on starvation” (ICTY 2006b, 2). However, both Judgements confirmed that some Serbian villages were intentionally destroyed, though Orić was not found personally guilty for that. The Bosniak media totally neglected this element of the story that was prominent in the Serbian narrative. The Serbian media interpreted the sympathetic tone of the Judgement towards the Bosniaks trapped in the enclave as justification for the crimes committed against Serbs (Klepić and Majstorović 2006).

Orić’s release, and subsequent acquittal, fortified the conviction that the Bosniak narrative about Srebrenica as pure defence is the only and complete truth. Throughout the reporting on the arrest and both Judgements, no Bosniak media asked for or offered a statement of Serbs from the Podrinje region. Their narrative was completely neglected.

**Table 6.3: Media reporting on the Orić trial**

Dates observed:	Bosniak media	Serbian media
Arrested: 10 April 2003	<i>Dnevni avaz</i> 12, <i>Slobodna Bosna</i> 3, <i>Dani</i> 2	<i>Glas srpski</i> 3, <i>Nezavisne novine</i> 6, <i>Reporter</i> 1
Trial Judgement: 30 June 2006 (2 years)	<i>Dnevni avaz</i> 10, <i>Oslobođenje</i> 13, <i>Slobodna Bosna</i> 4, <i>Dani</i> 1	<i>Glas Srpske</i> 14, <i>Nezavisne novine</i> 16, <i>Reporter</i> 2
Appeals Judgement: 2 July 2008 (not guilty)	<i>Dnevni avaz</i> 9, <i>Oslobođenje</i> 16, <i>Dani</i> 1, <del><i>Slobodna Bosna</i></del>	<i>Glas Srpske</i> 10, <i>Nezavisne novine</i> 7, <i>Reporter</i> 2

## 6.4 Commemorating Srebrenica

Since the executions in Srebrenica in July 1995 generally targeted men, the survivors who remained to commemorate it are predominantly women. They are organised in several organisations, such as The Women of Srebrenica [*Žene Srebrenice*], The Movement of Mothers of the enclaves of Srebrenica and Žepa [*Pokret Majke enklava Srebrenica i Žepa*] and Mothers of Srebrenica and Podrinje, which are distinct but here I will refer to them generally as ‘women of Srebrenica’. In Tuzla, the city where the majority of Srebrenica survivors lived as refugees, the women of Srebrenica gathered on the 11<sup>th</sup> day of every month on the main street to appeal that the remains of their beloved be found and that those responsible be prosecuted. In the years immediately after the war, the annual commemorations relating to Srebrenica were held in Tuzla. In those first years, the town of Srebrenica, being within the territory of the Republika Srpska, was a hostile territory for the Bosniak victims. Police of the RS was reluctant to provide them security, so they could only pay a short visit to the site of the DutchBat compound (the former battery factory) accompanied by the international security forces. The women would lay white roses on the fence and pray. On these visits there were several incidents (such as stoning of a bus) which sent the victims’ families the clear message that they were not welcome to visit the area.

The gravity of the crime which took place in Srebrenica, and moral responsibility of the UN forces for not preventing it, probably influenced the Office of the High Representative (OHR) to give particular attention to this site of commemoration. Therefore the OHR used its power to force the Serb-dominated municipality to allocate a patch of land across the road from the former DutchBat compound in Potočari village to the future cemetery. Furthermore, the OHR established the Foundation of the Srebrenica-Potočari Memorial and Cemetery [*Fondacija Srebrenica-Potočari spomen obilježje i mezarje*], to which foreign governments gave donations. The OHR took the creation of the memorial as its own project, balancing between the victims’ wishes, their own internal politics, the antagonistic Serb surroundings and the considerations of Bosniak representatives in Sarajevo. During the consultations, the victims’ families often felt marginalised in the process. The foundations of the memorial have been in place since 2002 and in 2003 the first burial of exhumed remains took place, attended by former US President Bill Clinton. Over the years, the commemoration gained in prominence. It was attended by the highest Bosniak politicians,



the religious commemorative service was held by the chief of the Islamic community in Bosnia [Bos. *reisu-l-ulema*], and international delegations were regularly present, including ICTY officials. Over the years the profile of these delegations grew to the point of the heads of state, while paying respects at the Potočari Memorial became a regular part of official diplomatic visits.

The commemoration gained a very formalistic pattern: the event would start with a chorus of a song specially composed for this occasion (the Srebrenica Inferno), political representatives would give speeches, followed by one of *reisu-l-ulema* who would then lead a lengthy collective prayer, after which hundreds of *tabuts* (Muslim coffins) would be taken to individual graves [*mezar*] and buried by the families, while the names of those buried would be read aloud over the speakers. The commemorations are broadcasted live on the public television of the Federation of BiH. In addition, a range of events, such as public lectures, exhibitions about genocide and theatre performances, are organised in connection with Srebrenica, mostly in cities with a Bosniak majority. In the days before the annual commemoration activists organise a Peace March [*Marš mira*] which retraces the path Bosniaks took through the woods when fleeing from Srebrenica, while citizens of Sarajevo await the trucks (loaded with *tabuts*), passing by from the morgue towards Srebrenica, and lay white roses on the road. The commemoration in Potočari is unquestionably the news of the day for the Bosniak media (see Figure 6.2). In the days before, they extensively report about the preparations for the commemoration, about which high political officials will be present, they publish feuilletons which narrate the events of July 1995 and present interviews with survivors and opinion-makers about the topic. All these details are to illustrate the importance that the public ascribes to this commemoration, in half of the country.

Figure 6.2: The Bosniak media reporting about commemoration in Potočari



(Source: Left: *Dnevni avaz*: “Srebrenica awakens the conscience.” Right: *Oslobođenje*: “Prayer for 10,000 killed Bosniaks.” Date: 12 July 2002)

Since the war, the memorialisation of Srebrenica became the most prominent *lieu de mémoire* in Bosniak collective memory. Unquestionably being the greatest single crime of the war, it seems that in Bosniak public imagination, as far as it is represented by the media, Srebrenica became the symbol of the overall suffering of the Bosniaks during the war. Though the genocidal event took place in the last year of the war, the narrative represented in the media frames Srebrenica as key to understanding the war as a whole, especially the genocidal plan of the Serbian leaders. After issuing of the *Krstić* Trial Judgement, the Bosniak media referenced it as a proof that genocide did take place in Srebrenica. On the other hand, the part of the Judgement that narrates how the operation of the Army of the Republika Srpska (VRS) initially started as campaign of ethnic cleansing, during which the VRS headquarters changed agenda into genocidal plan, is absent from the Bosniak narrative. While in the early years after the war the estimations of the number of those killed in Srebrenica in July 1995 ranged to “over 10,000” (*Dnevni avaz* 1996b), after the *Krstić* Judgement and Srebrenica Commission’s Report, the narrative stuck to estimations around 7,000 and 8,000. However, the Bosniak media continued representing the narrative in which

Serbian leaders envisioned genocide against Bosniaks as their primary war aim, exemplified by Srebrenica in July 1995.

Due to the extrapolation of the notion of genocide from Srebrenica to the overall character of the Bosnian war, and due to the great publicity under which the commemoration takes place, it has gradually become a stage for Bosnian state- and Bosniak nation-building.

In contrast to the Bosniak media, the Serbian media attach far less importance to the Potočari commemoration. In the first years after the war, both *Glas srpski* and *Nezavisne novine* completely ignored the Bosniak victims. The trend changed around 2000: while *Nezavisne* reported about the commemoration as a significant event (see Figure 6.3, left), *Glas* treated it as ‘non-event’ (e.g. the front page presents as the ‘hottest news’ an article about hot weather, see Figure 6.3, right), informing only in cases of a violent excess. Only since 2005 did *Glas* report about the commemoration as an event (see Figure 6.4, left).

Figure 6.3: The Serbian media reporting about commemoration in Potočari



(Source: Left: *Nezavisne novine*: “RS Government ignored gathering in Potočari” (page 3). Right: *Glas srpski*: no information about commemoration in Srebrenica. Date: 12 July 2002)

The representatives of the RS Government were regularly present at the official Potočari commemoration, though these were usually ‘lower echelon’ politicians. I noted only one occasion that the RS Prime Minister was present – in 2003 at the time of the working of the

RS Government Srebrenica Commission (R.Č. 2003a). However, the RS officials never made a public statement at or on the occasion of the commemoration creating the impression that they were ignoring the event. On the other hand, the attendance of the President of the Republic of Serbia Boris Tadić at the tenth anniversary commemoration in 2005 gained much public appreciation in the Bosniak media (and *Nezavisne novine*), even though he made no official statement. In *Glas Srpske* this act was framed as political pragmatism and intention to change the international image of Serbia. No RS official sided with the symbolic gesture; hence there was no impression that any kind of acknowledgement took place in the Republika Srpska.

#### 6.4.1 Serbian commemorations

In the years after the war, the 12<sup>th</sup> of July was celebrated as the “liberation of Srebrenica and return of the Serbs to the municipality” (*Glas srpski* 1999) and the event had a festive rather than commemorative flare. However, as soon as Bosniak commemorations on the site of Potočari became regular, the festivity turned into a ‘contra-commemoration’. Namely, since that year (2002), regular commemorations are being held at the Military cemetery in the neighbouring city of Bratunac. That date was allegedly chosen since on the 12<sup>th</sup> of July 1992 (St. Peter’s Day) the members of the ARBiH killed 70 Serbs in the neighbouring villages Biljača, Sase and Zalazje (*Glas srpski* 2000c), however one cannot avoid noticing that the date is conveniently one day after the Potočari commemoration. From the narrative presented in the Serbian media it is not fully clear whether these people were soldiers or civilians. Though each of these villages has its own cemetery and a church, the (religious) commemoration [*parastos*] is held centrally in Bratunac, adding to the impression of a mass event. It is organised by the ‘Committee for cherishing the tradition of the liberation wars’ of the RS Government, while the highest officials of the entity attend the event as a rule. International representatives generally do not participate in this commemoration since, they, as Bosniaks, perceive the choice of the date to be a political provocation. The local officials framed it as yet another discriminations of Serbs: “Yesterday’s commemoration showed that for the international community there is only one victim in Srebrenica, and today’s memorial to the victims in Bratunac ... shows that we were victims as well” (*Glas srpski* 2000c).

The religious service in Bratunac is dedicated to “all Serbs who died in the region of Podrinje.” In this way the fallen soldiers are put in the same group with killed civilians, and they are invariably treated as victims just because of the fact they all died. This manner of commemorating achieves a twofold aim: first, the number of the ‘victims’ is blown up so it becomes comparable with the Bosniak victims, and second, treating dead soldiers indiscriminately as ‘victims’ creates the impression that they were victims of a crime and not that they might have died in a combat situation.

The same mechanism is applied in the Kravica memorial. Erected in 2003, the same year when the Potočari memorial was founded, the main statue, in the shape of a cross, bears the following caption: “To the fallen soldiers and civilian victims of the Defensive-fatherland war<sup>139</sup> [*odbrambeno-otadžbinski rat*] and Serb victims of the Second World War of the region of Birač and middle Podrinje. From 1992 to 1995: 3,267 Serb victims. From 1941 to 1945: 6,469 victims.” Here the ‘agglomeration effect’ of putting together military and civil casualties is enhanced by counting together victims from relatively large region.<sup>140</sup> Furthermore, the joint dedication of the memorial to the victims from the 1992-1995 war and WWII creates an impression of historical continuity of Serbs’ victimisation, just like the narrative in the “Report about Case Srebrenica” did.

Though the Kravica commemoration takes place annually on Orthodox Christmas Day, the memorial was officially open on the 12<sup>th</sup> of July 2005. Therefore, the day after his ‘historical’ attendance at the Potočari commemoration, Serbian president Tadić joined the commemoration in Kravica. In this way he symbolically equalised the victimhood of Bosniaks and Serbs, and thus diminished the ‘acknowledgement effect’ his visit to Srebrenica could have served.

Though it is a positive sign that *Glas Srpske* started reporting about Srebrenica commemoration, there is an obvious need to present Bosniak and Serbian victimhood as comparable. While the reporting on the Serbian commemoration has an emphatic, emotional tone, (such as the title “Wounds heal slowly” on the front page, see Figure 6.4,

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<sup>139</sup> ‘Defensive-fatherland war’ is the title commonly used in the Republika Srpska to denominate the Bosnian war of 1992 to 1995.

<sup>140</sup> The toponym Birač refers to the region encompassing Srebrenica, Bratunac, Vlasenica, Milići, Zvornik and Šekovići (Kreševljaković 1980).

left), the articles on the Bosniak commemoration do not include the victims' perspective. Instead, they are focused on exculpating Serbs from presumable collective guilt as in the title "Nations are not guilty" (see Figure 6.4, right).

Figure 6.4: Competition in victimisation



(Source: both *Glas Srpske*. Dates: 11 July 2005 (left) and 12 July 2005 (right))

Though the narrative of massacres against Serbs persists until this day there was no trial at the ICTY or the Court of BiH on such a case, thus there is no “legal narrative” to which the Serbian one could be compared. The investigative agencies of the Republika Srpska and Serbia collected and sent evidence to the ICTY which redirected it to the Court of BiH, which never raised an indictment.

## 6.5 Conclusion

Generally speaking, the Bosniak narrative deems the judgements' findings truthful, while Serbian completely rejects it. If we take judgements as the most accurate factual description of the events, each narrative to some extent obliterates the unwanted facts. For instance, Serbian narrative kept silent about the Serbian forces fighting in Kravica in January 1993, presenting it as unprovoked attack on Serb civilians, while Bosniak narrative completely

silenced unnecessary destruction of Serbian villages when Bosniaks from the enclave searched for food. Therefore, each narrative emplots events in a manner that presents one's own side as the innocent victim of the other.

Contrary to the great expectations the transitional justice literature invests into the mechanism of truth commissions, the particular case of the RS Government Srebrenica Commission obviously failed to create the effect of Serbian acknowledgement of the crime committed in their name. The soap-opera-like course of the Commission's creation, testing the patience of the OHR and ridiculing the victims, left a stronger impression on the Bosniak and Serbian public than the formal statements of Serbian officials upon issuing the Report. After two years of exercising all shades of aversion, nobody could be tricked into believing that the Republika Srpska started 'dealing with the past'. It was clear from its inception that the importance of the Commission laid not so much in the evidence, since the crimes have already been well documented, but in expected public acknowledgement of the Republika Srpska's institutions. Though the RS President and Government declaratively apologised to the victims, their avoidance of calling the crime genocide and taking responsibility stemming from the continuity of the RS institutions, created a feeling among Bosniaks that the whole endeavour was dishonest and conducted only due to the pressure levelled by the OHR. Later statements of the Serb officials, which distanced themselves from or questioned legitimacy of the Commission's Report, only enhanced this feeling. For the same described reasons, the powerful call to 'face the past' by the RS President Čavić, and less impressive statement of the Government, did not create a 'cathartic' atmosphere in Serb public that sometimes political apologies are able to create (Barkan and Karn 2006). The Serbian media, with exception of *Nezavisne novine*, put the Srebrenica Commission in the same frame as the ICTY – as pressure from the international community which always had a negative attitude towards Serbs. One might conclude that probably the greatest success of the Srebrenica Commission is that it did not turn into a farce, which could be reasonably expected in the face of the overall conduct of the Republika Srpska's officials.

However, one could notice some result of the cumulative impact the ICTY judgements, the Srebrenica Commission and change in the attitude of the Republic of Serbia towards the issue. The official Serbian narrative did transform from outright denial that a crime took place (in Srebrenica in July 1995) to acceptance that it was a massacre conducted by Serbian

forces. While the numbers of killed were initially vehemently diminished and played with, over time, the figure of 7,000 to 8,000 killed Bosniaks ceased to be disputed in the public sphere of Republika Srpska. Though the transitional justice mechanisms did not make the expected impact on Serbian public perception of the past, “it narrowed the range of permissible lies” (Michael Ignatieff in Hayner 2001, 25).

Nevertheless, the memorial effort of the Serbian officials turned to denying the event was genocide. Bearing in mind the emotional charge of the term, the potential acceptance of calling Srebrenica genocide became the Rubicon for the Serbian narrative – as if recognition of genocide would mean negation of all Serb victims, the (presumed) legitimacy of Serb war-effort and the very ‘statehood’ of Republika Srpska. This official Serbian position was further fortified by the developments in the Bosniak narrative, in which the ‘genocidal nature’ of Republika Srpska came to be the main theme. The more Serbs denied Srebrenica was genocide, the more Bosniaks insisted on Republika Srpska being a ‘genocidal creation’.

There is no reason to doubt that trials of Karadžić and Mladić will confirm the narrative of Srebrenica events as previously adjudicated. They might provide more clarification on the process of designing the genocidal plan. However, there is also no reason to doubt that the popular memorial battle over historical interpretations will not continue well after the last judgement is settled at the court.



## 7 Issue of Croatian Responsibility: Defenders or Aggressors?

*“Je li Hrvatska bila agresor ili Srbija nije?”*

– Boris Dežulović (2013)

*“Hrvatska je prva priznala Bosnu i Hercegovinu, a druga napala”*

– Predrag Lucić (according to Berić 2010)

The discussion on the internationality of the conflict (see chapter 4) gave us a glimpse into the shifting role the Croatian state played in the conflict in Bosnia and Herzegovina. While the self-organised Croatian forces (HVO) initially fought alongside the forces loyal to the Government in Sarajevo (ARBiH), by the beginning of the 1993, the two armies turned against one another, particularly in the region of Central Bosnia. Throughout the war in BiH, the Republic of Croatia and its military forces (HV) fully supported the HVO. Due to the ‘overall control’ the HV had over the HVO, the Hague Tribunal rendered this smaller-scale “war within the war” as international (ICTY 2000b; ICTY 2004c; ICTY 2004e; TPIY [ICTY] 2013b), thus viewing Croatia as a hostile foreign power in the period from January 1993 to March 1994. The swinging relationship between HVO and ARBiH, from friends to foes and back, created ambiguity about the overall character of Bosnian-Croat wartime conduct. In the over-simplified way that the past tends to be represented in the public arena, the Manichean question presents itself: should Bosnian Croats be regarded as defenders or aggressors of BiH?

This chapter will outline the narrative of Croatian responsibility in the Croat-Bosniak conflict and the nature of the Croat Community of Herceg-Bosna. Further it will describe the framing of the media reporting of Croatian and Bosniak media on the two most relevant judgments – on General Tihomir Blaškić, commander of the HVO forces in central Bosnia, where a major part of the conflict took place, and Dario Kordić, the vice-president of Herceg-Bosna. Special attention is given to adjudication and commemoration of the massacre in Ahmići, a symbol of the HVO’s aggressive policy in central Bosnia. An important moment in the evaluation of Croatian involvement in the conflict and acknowledgement of the crime in Ahmići – the visit of the Croatian President in 2010 – is also examined. Finally, the narrative of Herceg-Bosna in

Croatian textbooks used in BiH, as exemplary of the dominant elite interpretation, is also explored.

## 7.1 Two Mutually Contradicting Scholarly Interpretations

HDZ was one of the three national parties that won the November 1990 elections, presenting itself as the main party of Croatian people in BiH. It basically bore the same name – Croatian Democratic Union [*Hrvatska demokratska zajednica - HDZ*]<sup>141</sup> – as the party that won the elections in Croatia in April 1990 and in many ways functioned as its outpost. Soon after the elections, two different factions within the HDZ in Bosnia and Herzegovina came to be formed: the hard-liners with the goal of “partition and creation of a Croatian state” such as Mate Boban and Franjo Boras, and the moderates “who favoured preservation of multi-ethnic Bosnia” such as Stjepan Kljujić (Udovički and Šitkovic 2000, 190), the latter two being Croat members of the Presidium.<sup>142</sup> Some commentators have ascribed the division between the two political agendas to different segments of Croatian population in BiH: in those areas where Croats constituted the smallest minority of the three ‘constitutive nations’, they “tended to support a unified Bosnian state and a strong alliance with the Muslims” (Marcus Tanner in Stokes 2009, 86). Those Croats living in compact majority communities in Herzegovina developed the political ambition of “attaching themselves to Croatia proper or, at the very least, creating their own autonomous region” with the support of the Croatian president Franjo Tuđman (Stokes 2009, 86; a similar argument is provided by Silber and Little 1995, 325). In addition, there is a widespread notion that western Herzegovina, “where Croats formed close to a hundred per cent of the population – at least in the countryside” is “a notorious hot-bed of extreme right wing nationalism” (Silber and Little 1995, 325; the same point is mentioned in Udovički and Šitkovic 2000, 190). The region was “formerly the most pro-Ustasha region of [BiH] and harshly oppressed in the first two decades of Titoist rule” (M. A. Hoare 2007, 370).

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<sup>141</sup> The official name is the HDZ BiH.

<sup>142</sup> Under the last pre-war constitution, the head of state of Bosnia and Herzegovina was the collective presidency [Presidium] which was constituted out of two representatives of Muslims, Serbs and Croats and one from other ethnicities, while the chairing was rotating (G. Marković 2011, 254).

This hard-line nationalistic faction, led by Mate Boban, was the one behind the formation of the 'Croat Community of Herceg-Bosna' [*Hrvatska zajednica Herceg-Bosna – HZ HB*]. Over time this political formation gained more and more of the prerogatives of a state, imposing the Croatian currency, Croatia's system of local government and schooling, and relying on the Croatian Defence Council (HVO) as its military formation. Therefore, "Herceg-Bosna came to mirror, in almost every sense, the Serbian Republic of Bosnia-Herzegovina," a "one-party ethnic state" (Silber and Little 1995, 326-7).

In what Sabrina Ramet (2005, 98) would call a 'standard' account of the conflict, Silber and Little (1995) put the clash between the HVO and ARBiH in the frame of Croatia's territorial expansion and Tuđman-Milošević conspiracy on the partition of Bosnia and Herzegovina (M. A. Hoare 2007, 362, agrees). In this narrative, Croatia's president and the leader of the HDZ, Franjo Tuđman "had never accepted the long-term viability of Bosnia as a state," viewing it as an artificial creation of the Yugoslavia "with no historical legitimacy" (Silber and Little 1995, 324). However, it is usually perceived that the idea to divide Bosnia and create 'Greater Croatia' was nurtured only within Tuđman's inner circle, and such a project was never the official policy of the Republic of Croatia, owing to the international condemnation it would face (A. Hoare 1997). This narrative presents Croatia as playing a dishonest double game; on one hand formally recognising BiH as an independent state (within the official borders) and signing military alliance with formal president of the BiH, Alija Izetbegović, on the 21<sup>st</sup> of July 1992 (A. Hoare 1997, 131), on the other hand, nursing and sustaining the statelet of Herceg-Bosna and its territorial and political claims.

All narratives agree that the origin of the HZ HB stems from the war in Croatia and what is perceived by the Croats as JNA aggression in autumn 1991. While many Croats felt threatened<sup>143</sup> and anticipated the same aggression in Bosnia and Herzegovina, they felt disappointed in the Bosnian government for failing to take sides in the Croatian war (A. Hoare 1997, 126). When in late September and early October of 1991, "inhabitants of Bosnian Croat villages and towns engaged in actions aimed at blocking JNA troop movements against Croatia" (ibid), the JNA razed a Croat village, Ravno<sup>144</sup> killing civilians

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<sup>143</sup> Many Croats from Herzegovina took part as volunteers in nascent Croatian army (A. Hoare 1997, 126).

<sup>144</sup> Near Trebinje in Herzegovina, in the hinterland of Dubrovnik.

(Lukic and Lynch 1996, 203). At the same time, under the auspices of the local HDZ units “Bosnian Croat regional associations ... had been set up on the model of [Serbian Autonomous Oblasts]” (M. A. Hoare 2007, 371). On this basis, the Croat Community of Herceg-Bosna was established on the 18<sup>th</sup> of November 1991,<sup>145</sup> formally proclaiming to “respect the democratically elected government of the Republic of Bosnia and Herzegovina so long as Bosnia and Herzegovina remains independent from the former or any future Yugoslavia” (Hrvatska Zajednica Herceg-Bosna 1991). Officially, the HZ HB presented itself as a “temporary measure for Croat self-defence” (A. Hoare 1997, 128). Underneath formal allegiance to the state of BiH, the Herzegovinian hard-line strand nurtured the aim of “the realisation of [the] age-old dream – a common Croatian state” which would involve “holding of a referendum for annexation to the Republic of Croatia” (Zoran Daskalović in M. A. Hoare 2007, 371). Simultaneously, based on the structure of Yugoslav Territorial Defence (TO) and police units in Croat dominant municipalities, the HDZ “like their Serb counterparts in the SDS” started forming what was to become the Croatian Council of Defence (HVO), formally founded immediately after the outbreak of the war on the 8<sup>th</sup> of April 1992 (M. A. Hoare 2007, 371). After the outbreak of war, under the military alliance agreement with Croatia the formal leadership of BiH recognised the HVO as a legitimate defensive military force. In spite of the formal alliance with the ARBiH, the HVO, after taking over Mostar from the JNA, “made no effort” to help the Bosnian Army to liberate Sarajevo “as many had expected” (Silber and Little 1995, 326). Resisting to integrate into the ARBiH, the HVO “gradually evolved into an outright anti-Bosnian separatist force equivalent to the VRS” (M. A. Hoare 2007, 371).

As a consequence of the Serbian ethnic cleansing campaign, the influx of Muslim refugees into Croat-inhabited areas in central Bosnia increased the perception of Croat leaders of being submerged in a common state dominated by Muslims and the SDA (ibid, 372), spurring tensions between the armies. The majority of accounts of the conflict between the HVO and the ARBiH “have held the Bosnian Croats and Croatian Army almost entirely responsible for the ... fighting” (Ramet 2005, 98). “While some observers have claimed that the Vance-Owen

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<sup>145</sup> Researchers offer different points in time for the foundation of Herceg-Bosna, for instance the 8<sup>th</sup> of April 1992 (Calic 2009, 127; Shrader 2003, 25) and July 1992 (Stokes 2009, 86), which are actually the dates of the formal establishment of the HVO, in case of the former, and the amendment to the foundation document proclaiming the HZ HB in November 1991, in the case of the later (cf. TPIY [ICTY] 2013b, §421 and §494).

plan sparked the violence between Croats and Muslims” (Ramet 2005, 98), Silber and Little are categorical that it was not the cause (1995, 330). Instead, the conflict was the result of Croatian territorial ambitions, the narrative goes. The Vance-Owen Peace Plan (VOPP), to which both Croatian and Muslim side agreed (but the Serbian eventually rejected), demarcated ten provinces, each assigned to one of the three ethnic communities. Thus the Croatian forces aimed at seizing territories allocated to them by the VOPP, ousting the ARBiH and terrorizing and killing Muslim civilians along the way. In this narrative strand, Herceg-Bosna leaders only used the VOPP as legitimation for the expansionist and separatist aims, conducting a policy of ethnic cleansing (Calic 2009, 127–8). The epitome of this persecution policy is the attack on the village Ahmići on the 16<sup>th</sup> of April 1993 in which, as the ‘standard’ line of interpretation states, “Croatian soldiers simply [slaughtered] innocent [Muslim] civilians without provocation” (Ramet 2005, 99). Though the leadership in Zagreb distanced itself from, and generally condemned such acts, the Croatian army (HV) continued to be equally involved and intertwined with the HVO throughout the conflict, as it was before and after its escalation.

There is much contradictory narrative of the conflict given in the book by Charles R. Shrader whose title already casts it as ‘civil war’, thus already guiding interpretation away from the one of Croatian aggression. In this narrative the ARBiH is unquestionably framed as the aggressor who “planned and initiated offensive action against their erstwhile ally in the hope of securing control of the key military industries and lines of communication in central Bosnia and clearing the region for the resettlement of the thousands of Muslims displaced by the fighting against the [VRS] elsewhere in Bosnia and Herzegovina” (Shrader 2003, 65). The two narratives agree that the localised conflict sparked already in October 1992 between the two armies over access to military supplies, and define the immediate cause of the conflict in much similar terms, as “the struggle for control of military production facilities and lines of communication” (ibid, xix) and “[the competition] for control of the same strategically important territory” (A. Hoare 1997, 130), respectively. However they depart on the point of who planned to forcefully drive unwanted populations out of the territory, as well as on the point of who initiated the full-scale war between the parties. Though the author admits that there is no “smoking gun,” i.e. no policy document of the ARBiH, known to a wider public, which would prove the existence of the plan to attack, he argues that

there is no such document to condemn the Croatian side either (Shrader 2003, 65). In this part he takes for granted the official line that “the creation of the HVO was ... a protective reaction rather than an aggressive step toward the dissolution of the [BiH]” (ibid, 25), and ignores the ‘candid plan’ frame suggested by the dominant scholarly narrative. On the other hand, he claims that “the more radical elements of the ARBiH” clearly nurtured the aim of eliminating Croats from central Bosnia in order to resettle Muslim refugees and establish “a fundamentalist Muslim state in Europe” (ibid, 162). While he mentioned at a point that Tuđman cherished the idea of “Greater Croatia” (ibid, 12), he never ascribes it to the leaders of the HZ HB.

This author builds his argument a posteriori, claiming that by the beginning of 1993 the ARBiH, “reinforced by Muslim refugees ... as well as by fanatical mujahedeen from abroad” (ibid, 13), significantly outnumbered the HVO and organised a probing action in late January and subsequently a main offensive in mid-April 1993 (ibid, 73). On these instances, the HVO adopted an “active defence” strategy, in which the defender actively seeks to seize and control key lines of communication, “acting aggressively to spoil enemy attacks and keep the enemy off balance” (ibid, 72). This defence went “at the risk of being mistaken for [aggression] by observers with only an imperfect knowledge of the local situation and a distorted view of the bigger picture” (ibid, 160). Within this framework, the HVO strike on Ahmići was “a justifiable spoiling attack” on “a legitimate military target” in anticipation of the ARBiH attack that would use the village as a base for the onslaught on the Croat-held road (ibid, 93). However, this legitimate operation turned into a rampage including killing civilians and burning Muslim houses, which was “not so much [by the] design of senior HVO leaders but rather [a result] of fear, anger and madness attendant on many combat operations” (ibid, 95).

Shrader sees the commonly accepted framework of the story as being “grounded in the myth of the Bosnian Muslims community as underdog,” as “victims of overwhelming forces intent on their destruction” (ibid, xvii). The myth cherished by western governments and UN diplomats, journalists and war crimes prosecutors due to “historical biases and

contemporary national interests”<sup>146</sup> (ibid, xviii), so the argument goes, much resembling the ‘international conspiracy against Serbs’ frame promoted by Serb nationalist politicians and media, with which it also shares anti-Muslim sentiment.

## 7.2 Narrative of the Trials

Several cases before the ICTY dealt with the HVO and the ARBiH conflict, especially the events in Lašva Valley in central Bosnia in springtime of 1993, putting on trial the leadership of the HVO and HZ HB. Here I will distil the narrative as given in the relevant judgements, particularly focusing on the way the HVO and HZ HB are characterised (as defenders or aggressors), and how the conflict is emplotted (who is primarily responsible for it), including the events in the village of Ahmići.

### 7.2.1 The *Aleksovski* trial

In chapter 4.2 I presented the legal considerations regarding the internationality of the conflict. Since the Trial Chamber could not agree on the character of the conflict, the narrative is quite sketchy and casts no historical judgement on the political programme of the Bosnian Croats. The separate opinions of the judges are much more detailed, but develop two different narrative constructions.

The Joint Opinion of the Majority insisted the Republic of Croatia behaved benevolently to BiH by sending troops to support the Sarajevo Government upon the attack of Bosnian Serbs and the JNA (ICTY 1999b, §19), facilitating humanitarian aid and movement of arms for BiH (ibid, §20) and finally appealing for the cessation of all conflict between Croats and Muslims, as president Tuđman did on the 22<sup>nd</sup> of April 1993 (ibid, §24). The Dissenting judge pointed to a different set of facts and argued that “the Community of Herceg-Bosna and the Republic of Croatia aspired to a common political objective: to bring all Croats into a single political entity” (ICTY 1999c, §6). The HZ HB was designed to protect the territories it perceived as “ethnically and historically Croatian” (ibid). In connection to this the Opinion mentions “a

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<sup>146</sup> Presumably this ‘historical bias’ was the “residual distrust and hatred of the Croats stemming from their alliance with Nazi Germany during the Second World war,” while the ‘contemporary national interests’ directed “continuing need to court Islamic states in the Middle East [which] made it expedient to appear pro-Muslim” (Shrader 2003, xviii).

secret agreement allegedly ... reached between Presidents Tuđman and Milošević as early as March 1991 to partition Bosnia and Herzegovina” (ibid). Mate Boban is presented as Tuđman’s pawn merely implementing his policy.

However, all judges agreed in drawing parallels between the establishment of the HZ HB and the ‘Serbian Autonomous Regions’, quoting the decision on its founding. “[T]he Croat people in Bosnia and Herzegovina, faced with the oncoming danger and aware of its historical responsibility to defend the Croatian ethnic and historical areas and interests, through its legally elected government representatives’ founded the ‘Croatian Community of Herceg-Bosna’ ... in November 1991” (ICTY 1999a, §22).

### 7.2.2 The *Blaškić* trial

The Trial Judgement in the case of General Tihomir Blaškić, the commander of the HVO armed forces in central Bosnia, provides a much more abundant historical narrative. It starts out with the claim that “Croatia had harboured ambitions in respect of the Croatian territory in Bosnia-Herzegovina for 150 years,” that Croatian president Franjo Tuđman “aspired to partitioning” BiH (ICTY 2000a, §103), and that the HVO “shared the same goals”, “[wanting] the territory which they regarded as Croatian to be annexed to the Republic of Croatia” (ibid, §108). Tuđman in particular argued that Bosnia and Herzegovina was historically and naturally linked to Croatia, and the judgement quotes Tuđman’s publication where referring to the “1939 agreement between Belgrade and Zagreb”, i.e. the Cvetković-Maček Agreement, by which the Banovina of Croatia incorporated “the whole of Herzegovina and Mostar and those Bosnian districts where the Croats have a clear majority” (ibid, §103). The aspiration for a partition of BiH is exemplified by three events. First is the “confidential talks” between Tuđman and Milošević in Karađorđevo in March 1991,<sup>147</sup> without a Muslim representative at the table, which agreed the Serbo-Croat division of BiH (ibid, §105). Second, this secret agreement had been confirmed by the Bosnian Serb and Bosnian Croat political leaders, Radovan Karadžić and Mate Boban, in Graz on the 6<sup>th</sup> of May 1992. Finally, the consistency of Tuđman’s aspirations throughout the war is illustrated by an informal talk with Paddy Ashdown, the UK politician (later to become the High Representative in BiH) over

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<sup>147</sup> The *Blaškić* Trial Judgement gives the 30<sup>th</sup> of March as a date conflicting with some other historical accounts which set the date to be the 25<sup>th</sup> of March (Nikolić 2011, 27).



a dinner party in May 1995. Ashdown stated, as a witness in court that Tuđman “sketched on the back of a menu a rough map of the former Yugoslavia showing the situation in ten years’ time” in which one part of Bosnia would belong to Croatia, including the Muslim region, and the other to Serbia (ibid, §106). The Trial Chamber invested significance in Tuđman’s opinion, which could have been regarded as merely personal, had he not been a leader of “an authoritarian regime” (ibid, §107). This authority extended to the Bosnian Croat leadership which “effectively followed [Tuđman’s] instructions,” Mate Boban always consulting him before taking an important decision on Herceg-Bosna (ibid, §116), while the members of the HVO forces “saw Tuđman as their president” (ibid, §108).

The *Blaškić* Trial Judgement puts these ideas forwards as a frame for interpreting the agenda of the Croat Community of Herceg-Bosna. It cites the minutes of a meeting between the HDZ leaders of Herzegovina and Travnik (central Bosnia) on the 12<sup>th</sup> of November 1991 in Grude,<sup>148</sup> where it was declared that the Croatian people of BiH must embark on realising “our eternal dream – a common Croatian state” and that the Croat people “*will not accept ... any other solution except within the borders of a free Croatia*” (ibid, §109).<sup>149</sup> Thus Croatian nationalists, the Judgement asserts, “could not accept that the Muslims could want to have their own defence” (ibid, §342). At the very beginning of the war, Mate Boban decreed that Bosnian territorial Defence (TO), from which the ARBiH was formed, was to be considered as “illegal on HZ HB territory” (ibid, §342).

The Defence argued, the Judgement notes, that “the HVO had been organised to fight the Serbian aggression in Bosnia” after the Serbian attack on Croats in Ravno in autumn 1991, upon which President “Izetbegović allegedly stated: ‘this was not our war’” (ibid, §79). Therefore the Defence claimed that fighting Muslims was never a HVO objective.

Focusing on the municipality of Vitez in central Bosnia (within which Ahmići is situated), the Judgement finds that the creation of the HZ HB (before the war) “marked the beginning of the breakdown in inter-ethnic relations,” since the local HDZ demonstrated a “desire to take progressive political and social control of the town and to initiate [a] policy of discrimination

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<sup>148</sup> Grude is a small town in western Herzegovina, home to Mate Boban, and site of the establishment of the HZ HB.

<sup>149</sup> The document was signed by Jozo Marić, Dario Kordić and Mate Boban.

towards the town's Muslims" (ibid, §344). During 1992, various discriminatory acts against Muslims became regular in particular municipalities of central Bosnia and the HVO regime grew increasingly hostile (ibid, §366). The Judgement notes a series of incidents throughout the year 1992, almost all provoked by the HVO.

The Judgement describes the dynamics brought to the region by the Vance-Owen Peace Plan presented on the 2<sup>nd</sup> of January 1993. The plan envisioned a decentralised state organised into ten substantially autonomous provinces, each one with a predominant nationality but involving minorities into the administration (ibid, §368). However, "in the minds of Croatian nationalists ... this meant the Province 10 [which encompassed most of Lašva Valley] was Croatian" (ibid, §369). Thus Bosnian Croats "provoked an open conflict ... by anticipating the implementation of [the Plan and] by wanting to implement it unilaterally" (ibid, §370). The HZ HB called the ARBiH to surrender or to leave the territories (ibid, §371). Since the Muslim forces refused to obey the ultimatum, "Croatian forces embarked on ... 'Croatisation' of the territories by force" including "acts of aggression" against Muslim civilians and their property, murdering prominent Muslims and imprisoning hundreds, sometimes using them as a "human shield" (ibid, §372). The persecution of Muslims mounted until the HVO attack on the villages in Vitez municipality on the 16<sup>th</sup> of April 1993. Due to the "scale and uniformity of the crimes committed" in just one day (ibid, §750), the *Blaškić* Trial Judgement is unequivocal in describing it as planned in advance, meticulously organised and perfectly coordinated violence against the Muslim civilian population, aimed at forcefully ejecting them from a region considered by the perpetrators as historically Croatian.

However, based on new documents from the Croatian archives opened in 2000, the Appeals Chamber significantly revised the accounts of Blaškić's command responsibility, concluding that he "lacked the effective control over the military units responsible for the commission of crimes" and so was unable to prevent or punish criminal conduct (ICTY 2004c, §421). Taking into consideration the reduced scope of the conviction, as well as the remorse Blaškić expressed, the Appeals chamber reduced the 45 year sentence, adjudicated by the Trial Chamber to 9 years (time he had practically already served). The significant disparity between the Trial and the Appeals points of conviction and above all the immediate release of Blaškić, created an impression to the public that he had actually been acquitted.

### 7.2.3 The Kordić & Čerkez trial

The Trial Judgement to Dario Kordić, vice-president of the HZ HB, and Mario Čerkez, commander of HVO 'Viteška' Brigade, generally followed the historical narrative of the *Blaškić* Judgement, adding some additional details. Thus the Trial Chamber concluded that the HZ HB "was founded with the intention that it should secede from Bosnia and Herzegovina and with a view to unification with Croatia" (ICTY 2001b, §491).

The Defence however argued that the HZ HB was a "purely defensive organisation set up to provide defence for the Bosnian Croats in the face of the JNA aggression" advocating the sovereignty of BiH in which Croats would "maintain their traditional status as a constitutive people" (ibid, §487). In the situation of the "general collapse of the [BiH] system ... the municipalities were left to fend for themselves" and the HZ HB institutions proved necessary (ibid, §488). The Trial Chamber discarded this argumentation, as did the *Blaškić* Judgement, stating that by April 1993, there was "a common design or plan conceived and executed by the Bosnian Croat leadership to ethnically cleanse the Lašva Valley of Muslims" (ibid, §642).

Since the Indictment against Dario Kordić covered the period until the end of the conflict in March 1994, it also provides factual information on the foundation of the Croat Republic of Herceg-Bosna. In the context of the Owen-Stoltenberg Peace Plan presented at the beginning of August 1993 which envisioned the union of three republics, the HZ HB was renamed a 'republic' on the 28<sup>th</sup> of August 1993, basically keeping the same structure with Mate Boban as President, and Kordić Vice-President (ibid, §732).

### 7.2.4 The massacre in Ahmići

The *Blaškić* Trial Judgement states that on the eve of the attack on the villages around Vitez the Croatian authorities issued an ultimatum to the ARBiH to surrender, while General Blaškić issued orders to the HVO and other military formations "which the Trial Chamber considers to be genuine attack orders" (ICTY 2000a, §749). The summary of the events is given as follows:

*The Croatian forces, both the HVO and independent units, plundered and burned to the ground the houses and stables, killed the civilians regardless of age or gender, slaughtered the livestock and destroyed or damaged the mosques. Furthermore, they arrested some civilians and transferred them to detention centres where the living*

*conditions were appalling ... sometimes also using them as hostages or human shields. The accused himself stated that twenty or so villages were attacked according to a pattern which never changed. The village was firstly "sealed off". Artillery fire opened the attack and assault and search forces organised into groups of five to ten soldiers then "cleansed" the village (ibid, §750).*

While this method was common to all the villages, the massacre was particularly gruesome in Ahmići. In the early morning hours, the Croat soldiers drove civilians out of their houses, shooting men of fighting age "at point blank range," detaining some, and systematically burning houses, sometimes burning civilians inside including women and children (ibid, §§412-416).

The Defence argued that the HVO obtained intelligence information "which led them to believe" that the Muslims from Ahmići were preparing to regain control of the strategically important road (ibid, §402), and presented some additional evidence in an attempt to prove that the operation was pre-emptive in light of imminent actions of the ARBiH. No international observer corroborated such an assertion (ibid, §408) and the inhabitants of the village "did not attempt to defend themselves but hid in their houses" (ibid, §412). In any case Blaškić admitted at the trial that there was no "attempt to distinguish between the [civilians] and combatants" (ibid, §409). Both immediately after the event and during the trial, Blaškić himself "expressed his conviction that this was 'an organised, systematic and planned crime'" (ibid, §329).

The *Kordić & Čerkez* Judgement kept the core narrative line from the *Blaškić* Judgement that the attack against Ahmići "was a well-organised and planned HVO attack upon Ahmići with the aim of killing or driving out the Muslim population, resulting in a massacre" (ICTY 2001b, §642). The Judgement absolutely rejected the Defence claim that the Muslims instigated the attack (ibid, §632) and that the initial decision to attack Ahmići "was not criminal" since the village bore strategic military significance (ibid, §634). However, this Judgement noted that the villagers attempted to organise some rudimentary resistance, "but there was no organised [ARBiH] unit in the village" (ibid, §634). It is important to note that at this trial the defence also conceded that the killings in the village constituted a criminal act (ibid, §634).

While the *Blaškić* Trial Judgement concluded that the Ahmići area had no strategic importance and no military objective justified the attack, the Appeals Chamber recognised the strategic relevance of the road passing near the village. Furthermore, taking into account additional evidence (presented during the *Kordić & Čerkez* trial) admitted on appeal, the Appeals Judgement concluded that “there was Muslim military presence in Ahmići” and Blaškić “had reason to believe that the [ARBiH] intended to launch an attack” (ICTY 2004c, §333), thus making the village a legitimate military target. Nevertheless, the *Blaškić* Appeals Judgement had nothing to say on the previous description of the massacre in Ahmići; it only concluded that Blaškić did not order it.

In the Appeal Brief, Dario Kordić himself admitted that the killings in Ahmići “were ‘clearly crimes’ and amounted to a massacre” constituting a war crime. Therefore the Appeals Judgement confirmed the earlier description of the events (ICTY 2004e, §472).

All the Judgements agree on the approximate number of the civilians killed in Ahmići. The *Blaškić* Trial Judgement states European Commission Monitoring Mission report of at least 103 killed (ICTY 2000a, §417) and *Kordić & Čerkez* Judgement refers to a witness listing 104 victims (ICTY 2001b, §638).

## 7.3 Media Reporting on the Trials

### 7.3.1 Reporting on the *Blaškić* trial

Invariably, the leading theme of all media in reporting on the *Blaškić* Trial Judgement was astonishment by the largest hitherto sentence. Naturally, expressions of shock and awe dominated the Croatian media, which were appalled by what they perceived as the “draconian” sentence to which Tihomir Blaškić was convicted (see Figure 7.1, left).

Figure 7.1: Front pages upon the Trial Judgement on Tihomir Blaškić



(Source: Left: *Slobodna Dalmacija*: “Draconian sentence: 45 years of prison for General Blaškić!” Right: *Dnevni avaz*: “Blaškić sentenced to 45 years of prison.” Date: 4 March 2000.)

### 7.3.1.1.1 Manner of reporting: ‘humanisation’ of the accused

The main frame of reporting was the focus on the accused as a person and his individual culpability. Though this might seem logical to legal scholars interested in the process of establishing individual criminal responsibility, as the other examples in this study show, this is not necessarily, or even usually, the case. The commonness in the manner of reporting, which cuts across the ethnic orientation of the media, might indeed be explained by the unexpectedly large sentence that was a precedent in the case-law of the court until that point.

Naturally, the ‘humanising’ discourse was most fervent in the Croatian media which presented Blaškić as a kind and tolerant individual, a professional soldier and disciplined commander. His voluntary surrender only confirmed his honourable demeanour. His dignified posture in the courtroom upon hearing the judgement was much praised by the Croatian media, “only the careful observer could see the daze in his eyes,” a journalist of *Slobodna Dalmacija* reported (Malenica 2000). Within this framework Blaškić was presented as “naïve victim of someone else’s crimes” (Belak-Krile et al. 2000).

The Croatian media presented the photo of Blaškić's desperate wife who fainted upon hearing the sentence and had to be carried out of the courtroom. Even the Serbian and Bosniak media reported on that item of tabloid news. The Bosniak media added that well known Croatian journalist Dijana Čuljak "could not hide her tears" upon hearing the sentence (E.S. 2000, 5).

An often repeated phrase in the Croatian media was that "though it has not been proven Blaškić personally committed any criminal act" he was still being sentenced for 45 years, revealing the genuine misconception of the command responsibility, not uncommon in all the media of the time.

The same discourse dominated the Croatian media upon hearing the Appeals Judgement. They emphasized that Blaškić was ultimately convicted for "minor things," acts "in which no person died" (Glibušić 2004, 2). Actually, Blaškić was convicted for illegal detention of Bosniaks, forcing them to dig trenches and using them as "human shields" (SENSE 2004). The Appeals Judgement found Blaškić did not have actual control over the forces that attacked Ahmići since there was a parallel command structure (to the official one) in this region. Those were in fact members of the HVO military police supported by the special unit *Džokeri* [The Jokers].

A few days after being sentenced to 9 years Blaškić was released having served 8 years and 4 months, following the Tribunal's practice to granting early release to the convicts after serving two thirds of the sentence. He was welcomed in Zagreb as a hero (hundreds of cheering supporters awaited him at the airport) and the Croatian media treated him as such. Again, Blaškić was portrayed by the Croatian media in a 'humanising manner', praising his character. These reports referred to Blaškić as a "retired General" and often called him by the nickname "Tiho". For instance, instead of providing any substantial narrative about the events in central Bosnia during the war, *Večernji list* interviews Blaškić's mother and offers a story of his life in a hagiographic manner (Pavković 2004, 5). The veteran organisation of the HVO of Herceg-Bosna understood Blaškić's early release "as a proof of his innocence" (*Dnevni list* 2004a, 5).

#### 7.3.1.1.2 Historical narrative frame: 'it was a crime'

The media reports on the Trial Judgements, invariably of their ethnic orientation, gave very short or no description of the events in the Lašva Valley and the village of Ahmići. Only the first reports on the Trial Judgement which were clearly based on the ICTY press release offered some, quite scarce, description of the events. These were actually repetitions of the counts of convictions, only situating them on the particular geographic location. For instance, *Slobodna Dalmacija* stated “Blaškić was convicted for mass crimes in the region of central Bosnia ... for the wilful killing, infliction of pain, wanton destruction of Muslim property, violence, plunder and arson” (Malenica 2000). Similarly, *Dnevni avaz* repeated the list of convictions adding only the “systematic attacks on Bosniak population in the Lašva Valley” (Edina Sarač 2000, 1). Thus the overall media reporting actually provided no genuine narrative of the events.

One could also observe that the Bosniak (and Serbian) media, devoted more space to the narrative of the Ahmići massacre after the Appeals Judgement compared to the reporting upon the first one. This may be attributed to the fact that Blaškić was released of the responsibility for the crime in Ahmići, hence the need to remind the public that it was a “terrifying crime” (A.O. 2004, 4). Nevertheless, Bosniak (and Serbian) media presented the statements of the Defence counsel who insisted that the HVO activity in the municipality of Vitez was a legitimate military operation (*Oslobođenje* 2004b, 5; *Nezavisne novine* 2004, 4).

While the Bosniak media, identifying with the ‘victims’ side’ in the case at trial, of course, embraced the notion that the events in Ahmići constituted a crime surprisingly no Croatian article tried to negate or relativize the massacre in the village. This was neither the Defence strategy in the court nor before the media. Even the most fervent supporters of Blaškić would not negate the crime, stating that “for the severe crime in Ahmići hundreds of years in prison would not be enough”, but Blaškić is not the man to blame (Zvonimir Čilić 2000b). However, the crime in Ahmići was seldom mentioned in Croatian reporting, especially after the Appeals Judgement, and in general these media mostly avoided specifically mentioning that the victims were Bosniaks.

Both Croatian and Bosniak media gave an excerpt from the Prosecution press statement upon the first judgement, which maintains that “the victims were given a sense of justice”.



Yet, no media actually asked victims what they think or how they feel. While the lack of victims' perspective might be expected for the Croatian media, they were surprisingly (or not) absent from Bosniak reporting as well. This confirms the assertion of a long-time journalist, specialised in reporting from the ICTY, who noted that "from the very first trial ... the media in the states and entities of the former Yugoslavia have been more interested in giving voice to [their] accused than to [their] victims" (Klarin 2009, 94). The neglect of the victims' opinion was somewhat mitigated upon hearing the Appeals Judgement which was perceived as unjust by the Bosniak media. The inhabitants of Ahmići were bitter and disappointed by the Judgement, aggrieved that "none of the direct participants of the crime has been convicted,"<sup>150</sup> ironically concluding that "it turns out we killed ourselves" (M. Dajić 2004, 7). *Oslobođenje* also reports about one of the survivors of the massacre (Mehmed Ahmić), who claimed at the court and in the media that Blaškić was not individually responsible for the crime and became an outcast from the victims' community because of it. He was one of the rare people in the Bosniak media to remind that actually some individuals already *had* been convicted, such as Dario Kordić (Vričko 2004, 4–5).

Upon release, Blaškić expressed his wish to visit Ahmići (Bajt 2004, 3). The Bosniak media outlet, *Slobodna Bosna*, later reported that this announcement caused some panic in the local HDZ office which saw this act as endangering their campaign in the forthcoming elections. Thus the HDZ encouraged their coalition partner, the leading Bosniak party SDA, to influence the Ahmići villagers (Bosniaks) to oppose the announced visit of Blaškić and to reject his (presumed) apology (Mijatović 2004, 17). In the end, no public visit ensued.<sup>151</sup> The nationalist parties continued to deepen ethno-national cleavages at the expense of possible steps towards reconciliation.

#### 7.3.1.1.3 Historical narrative frame: 'intrusion of Croatia'

In the main focus of the Bosniak media was the fact the Tribunal had proven the direct involvement of Croatia in the Bosnian conflict. For them this Judgement "removed all hitherto debates about the nature of the HVO-ARBiH conflict", confirming it was an

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<sup>150</sup> This is however untrue. Two members of the HVO (Drago Josipović and Vladimir Šantić) have been convicted precisely for killing civilians in Ahmići, in 2000, and confirmed in 2001 judgement in *Kupreškić et al.* case (Communications Service of the ICTY 2014c).

<sup>151</sup> However Blaškić did pay a visit to Mehmed Ahmić, the survivor who supported his defence.

international one (Edina Sarač 2000, 9). Croatia's direct involvement had been proven with Franjo Tuđman's "invasive [osvajajući] political opinions", by the presence of the Croatian Army (HV) in BiH and Croatia's overall control over the forces and the leadership of Bosnian Croats. Avaz underlined this point by pulling out part of Judge Jorda's statement: "Croatia was not satisfied by the role of a bystander nor with the protection of its borders. She intervened in the conflict" (ibid). Additionally, the majority of HVO officers were members of the HV, including Blaškić. The Bosniak media devoted most space to gloating on the point how some Croatian officials were failing to admit the international character of the conflict (E.S. 2000, 5).

Indeed, the Croatian media initially emphasized the interpretation of the Defence that the HV was *not* present in the Lašva Valley at the time of the conflict, but in Herzegovina (Malenica 2000). Additionally, the media carried the statement of the Croatian president at the time, Stjepan Mesić, who stated that *Sabor* (Croatian parliament) never endorsed the HV to be employed outside the territories of Croatia (at that particular period), and if the HV was actually present in Bosnia, then the state of Croatia cannot be blamed, but the individuals who ordered it (Lušić 2000). He also confirmed the claim of the Judgement that the HDZ in Zagreb had full control of the Bosnian HDZ. This obvious distancing from Tuđman's HDZ regime,<sup>152</sup> hinted at the news that was leaked the day after – that the classified documents had been found in the official repositories and sent to the Tribunal. This documentation (allegedly) incriminated Mate Boban (the HZ HB president), Tuđman and Gojko Šušak (wartime Croatian Minister of Defence), all of them already deceased. It also shed additional light on the events in Lašva Valley, revealing the line of command, which (at that time allegedly) proved that the special unit of the HVO Military Police, the so called *Džokeri*, committed the massacre in Ahmići acting independently of Blaškić (Lopandić and Lušić 2000). Indeed, new documents were sent to the Tribunal about the time of the *Blaškić* Trial Judgement and were used at the *Kordić & Čerkez* trial. Finally, these documents revealed that the policy, directed from Zagreb, intended to create an "ethnic map which would allow easy division of BiH" by force (ibid).

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<sup>152</sup> It should be noted here that the first Croatian president Franjo Tuđman died in December 1999. Stjepan Mesić was initially member of the HDZ but left the party and distanced himself from Tuđman in 1994. He ran and won the elections, becoming the president in February 2000, one month before the *Blaškić* Trial judgement.

While the new Croatian leadership (Social-democrat Prime Minister Ivica Račan and President Mesić who only came to power couple of months before the Trial Judgement) did their best to dissociate themselves from the policy of Tuđman's era, the voices of veterans and victims organisations, as well as the Croats of central Bosnia provide quite a different frame of perspective – “we were only protecting ourselves”.

Whereas the issue of Croatia's (aggressive or benevolent) involvement in the war in Bosnia had some prominence in Croatian reporting at the time of Trial Judgement, it was almost completely obliterated at the time of the Appeals.<sup>153</sup> For the Bosniak media, however, the Appeals Judgement was actually proof that Tuđman's regime not only fought an aggressive war in central Bosnia but that it intentionally tried to conceal evidence of that by making Tihomir Blaškić a “scapegoat” along the way (Zadravec 2004, 7).

One of the Bosniak media interviewed Blaškić's defence counsel emphasizing his statement that during the Blaškić trial the employees of the Croatian Intelligence Agency [*Hrvatska izvještajna služba*], loyal to the deceased Tuđman, withheld the archives about Croatian involvement in the Bosnian war. They wanted to conceal Tuđman's policy which aimed at “dividing BiH and ethnic cleansing of the territory which were supposed to become exclusively Croat, so they could be incorporated into Croatia in peace negotiations” (Mijatović 2004, 19). As mentioned before, these archives had been opened by the decision of new Croatian president Mesić in 2000.

#### 7.3.1.1.4 Historical narrative frame: ‘we were only protecting ourselves’

The main frame in the Croatian reporting, apart from ‘humanising’ Tihomir Blaškić, was that the Croats of central Bosnia were “only protecting themselves”. For instance, upon the Trial Judgement the Croatian media presented reactions from the field (Lašva Valley) where local Croats could not believe “that the men who led Croatian people in defence ... could have faced such a sentence” (Zvonimir Čilić 2000a). The local Croat veterans claimed they were only “fighting Muslims and Serbs in order to protect their centuries old hearths [*vjekovna ognjišta*] and the freedom of their people” (Zvonimir Čilić 2000b). They saw Tihomir Blaškić

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<sup>153</sup> Only one statement (of an MP of a marginal party in Croatia) gave opinion that “Tuđman's policy was harmful for Croats in BiH, Croatia and BiH as a whole”. This was the only public figure to underline that Blaškić was not acquitted, as the impression was being created, but that he only served his sentence (*Dnevni list* 2004b, 5).

as “a personification of their fight” and they “felt collectively condemned for defending their families” (Zvonimir Čilić 2000a). A commentator emphasized that “in central Bosnia Croats were surrounded by ten times stronger Muslim forces, condemned to face ethnic cleansing” (J. Jović 2000). Right wing politicians put in the same frame of self-protection the involvement of the Republic of Croatia, stating that Croatia could not “idly sit and watch the crime happening, doing nothing” (Carić 2000).

The HDZ BiH gave their narrative of the war (which only the Serbian media integrally transmitted): “Croatian people in BiH were leading a homeland defensive war through the HVO as a legal and legitimate military force, which was verified by the organs of the BiH state and by the peace treaties” (*Glas srpski* 2000b, 8). They conclude with a point: “how could people who live for 14 centuries in one country become aggressors on their own soil?” (ibid).

The frame that justified the HVO conduct during the war gained even more prominence after the Appeals Judgement, which was understood as confirming such an interpretation: the HDZ politicians held that “the truth has been defended in the Hague” (Babić 2004, 13). The Croatian media shifted from defensive discourse to the one praising the honourable fight of the HVO aimed at protecting the existence of Croats in the area of central Bosnia.

The veteran organisation of the HVO of Herceg-Bosna understood the Judgement as “acceptance of the truth that the HVO ... was not a criminal organisation” which “did not commission crimes systematically” (*Dnevni list* 2004a, 5). The veterans believed that this Judgement will help other HVO commanders prove their innocence. Therefore, while uttering a well-known ‘disclaimer’ that “crimes happened on all sides,” the veterans did not hold any of ‘their own’ individually responsible for the crimes committed by their side.

For the Bosniak media, the systematic nature of HVO crimes in Lašva Valley during the Croat-Bosniak war was an indisputable fact.

A couple of days after his return to Zagreb, Tihomir Blaškić was warmly welcomed in his hometown of Kiseljak in central Bosnia, where a celebration (organised by the president of the municipality) was staged at the “Stadium of Croat defenders [*branitelji*]”, including a concert of nationalist popular music where songs of the notorious Marko Perković

Thompson<sup>154</sup> were played. Transport was organised from various parts of BiH where Croats lived (Jukić 2004, 13). A Bosniak media outlet reports that the event turned out to be a “pre-election rally” for the HDZ, “sending messages of the need for national unity” (Mijatović 2004, 18).

**Table 7.1: Media reporting on the Blaškić trial.**

Dates observed	Bosniak media	Croatian media	Serbian media
Trial Judgement: 3 March 2000	<i>Dnevni avaz</i> 2	<i>Slobodna Dalmacija</i> 14, <i>Bobovac</i> 1	<i>Glas srpski</i> 3
Appeals Judgement: 29 July 2004	<i>Oslobođenje</i> 9, <i>Slobodna Bosna</i> 1	<i>Dnevni list</i> 7, <i>Večernji list</i> 5, <i>Slobodna Dalmacija</i> 2	<i>Nezavisne novine</i> 9, <i>Reporter</i> 1

### 7.3.2 Reporting on the Kordić & Čerkez trial

Dario Kordić, as the vice-president of the Croat Community of Herceg-Bosna and the president of the Bosnian branch of the HDZ, was the highest Bosnian Croat official tried until that time. He was also personally convicted for ordering the massacre in Ahmići.

#### 7.3.2.1.1 Historical narrative frame: ‘it was ethnic cleansing’

The Bosniak media focused on the elements of the Judgement which described ethnic cleansing of the Bosniaks in central Bosnia. *Dnevni avaz* quoted the Judge that the “campaign against Bosnian Muslims amounted to the most extreme persecution, including attacks on towns and villages, destruction and plunder, killing and detainment” (*Dnevni avaz* 2001a, 4). The Bosniak newspaper concluded that this judgement added a piece to the puzzle of the historical narrative crafted by the court; the war was “part of the greater-Serbia-greater-Croatia project in which Serbia and Croatia played a decisive role, thus defying the thesis of a ‘civil war’, and that the crimes ... were part of the general genocidal project of ‘ethnic cleansing’ in order to create territories incorporable to Serbia and Croatia” (Kurspahić 2001, 25).

The Bosniak media printed the reactions of the victims who held that “the Ahmići St. Bartholomew’s Day” demanded nothing less than life sentence for Kordić (Delić 2001, 4).

<sup>154</sup> For Thompson’s nationalistic reputation and sympathy for Ustasha movement (which made him unwelcomed in several European states) see Catherine Baker’s study (2012, 37–40). One of the singers at the concert was also Dražen Žanko well known for the song “*Od stoljeća sedmog*” [Since the seventh century] which provides a Croatian nationalist narrative in a nutshell (ibid, 29).

The Croatian media also quoted the Judge's words that Kordić was a political leader in charge of the region where crimes took place and that "the HVO attacks followed a plan to ethnically cleanse Lašva Valley" in a savage and ruthless manner (Lušić 2001a).

#### 7.3.2.1.2 Historical narrative frame: 'intrusion of Croatia'

The Croatian media quoted the part of the Judgement that "the Croatian support was strategically important to the Bosnian Croats during their conflict with Bosniaks" since "The Croatian Army fought against Serbs, allowing the HVO to focus on their conflict with the ARBiH" (Lušić 2001b). *Slobodna Dalmacija* also recalls the words of a historian expert witness who claimed that "Tuđman nurtured hopes, for a long time that Croatia would spread on the territory of BiH" cherishing political ambition to create "Greater Croatia" (ibid). The article also extensively quotes a protected witness, a high HVO official, who said the cooperation between the HV and HVO was natural in the circumstances of the fight against Serbs (ibid), adding an element of justification.

The Bosniak media stressed that this Judgement was the third one to confirm that Croatia committed aggression on BiH (E. Sarač 2001, 9). For the Bosniak media the Croatian policy of the 1990s was unquestionably aggressive, aiming at the partition of BiH (Lasić 2001, 22–23).

However, after this rather fair coverage of the *Kordić & Čerkez* Trial Judgement, the Croatian media completely refocused to coverage of the ongoing political turmoil among the Croats in Herzegovina, during which the Judgement was exploited to support HDZ BiH political agenda.

#### 7.3.2.1.3 Historical narrative frame: 'this is criminalisation of Croats'

While the victims found the sentence to be too lenient for the severity of the crime (Delić 2001, 4), the Croats of central Bosnia ironically commented that "they were expecting worse" framing the ICTY as an unjust and anti-Croatian political tribunal (Zvonimir Čilić 2001).

Immediately upon hearing the Trial Judgement, the Croat veteran organisation called for a protest rally in Busovača (in central Bosnia), the hometown of Dario Kordić. According to the Croatian media more than 7,000 people, from all over central Bosnia gathered (Zvonimir Čilić and Kurevija 2001), according to the Bosniak media it was about 2,000 (*Dnevni avaz* 2001b, 2).

Ante Jelavić, the president of the HDZ and the Croat member of the BiH Presidium at that time, led the rally named “We are all Dario and Mario” (*Dnevni avaz* 2001c, 2). After observing a moment of silence for dead Croat soldiers, Jelavić exclaimed “Dario, Tiho, and Mario, your sentences are trying to criminalize the Croat people of BiH” (Zvonimir Čilić and Kurevija 2001). The Bosnian Croats convicted in The Hague were presented as national martyrs. General Slobodan Praljak, later indicted and convicted at the ICTY, also spoke at the rally, calling for “national unity” (ibid).

Jelavić actually exploited the Judgement as an occasion to promote his political agenda to create a third Croat entity, supported by the claim that the Croats had been marginalised in the Federation of BiH “which has been transformed into Bosniak national entity” (ibid). Here we need a short excursion in describing the context. It should be noted that the change of power in the Republic of Croatia in January 2000 cut the umbilical cord between the HDZ in Croatia and Bosnia which sustained parallel political and economic power structures in the Croat dominated areas of Herzegovina (Bieber 2006, 65). After the elections in November 2000, a coalition “Democratic Alliance for Change” led by the Social Democratic Party (SDP BiH) formed the government at the level of the Federation of BiH, for the first time excluding the HDZ, which always represented itself as the main Croat national party. The HDZ held that the minor Croat party which was a member of the coalition was not representative of the genuine interests of the Croats in BiH. In their aim to reclaim political monopoly among Bosnian Croats, the HDZ announced a “historical decision” at the Busovača rally to create the so-called “Croat National Congress” [*Hrvatski narodni sabor*]. This self-proclaimed self-government declared its intention to safeguard Croat national interests (Bieber 2001). The Congress gathered many local, cantonal and federal Croat officials (predominantly members of the HDZ) and elected Jelavić for its president. This act was condemned by the High Representative (OHR) in BiH as endangering the Dayton Constitution and peace in Bosnia. For this the OHR ousted Jelavić from the BiH Presidium and later the group of HDZ leaders was tried for violating the Constitution. The political project of a “Croat National Congress” eventually failed, but the demands for the third ‘Croat’ entity remain on the table until today.

#### 7.3.2.1.4 Historical narrative frame: ‘we were only protecting ourselves’

The Croatian media expected a shortening of the sentence to Dario Kordić at the Appeals, which would be a “return of the Hague Tribunal back to the realm of international justice” suggesting it was thus far unjust (Ivanković 2004). Indeed, the confirmation of the first instance judgement on Kordić was framed as political in the Croatian media (Beus 2004, 3) since he was perceived as having been convicted for his political opinions (Z. Čilić 2004).

The Croats of central Bosnia held that Kordić was “a personification of the bravery, determination and power of significantly outnumbered and militarily inferior Croats, who were unwanted in this area” (Zvonimir Čilić 2004). Their comments were marking the Croatian coverage putting the narrative of central Bosnia into the frame of “Croats only protecting themselves”. Kordić is here perceived as a symbol of “Croats striving to survive in the place of their historical existence [*vjekovna gruda*]” (ibid). He is praised for organising the Croats’ “uprising” against the JNA at the beginning of the war and sending volunteers to war in Croatia in 1991 (ibid). In this narrative, Kordić “persistently strove to find a compromise with Muslims” and “as everybody knows, he never fired a bullet” (ibid). In the narrative of Bosnian Croats, no crime was mentioned.

**Table 7.2: Media reporting on the Kordić & Čerkez trial**

Dates observed	Bosniak media	Croatian media	Serbian media
Trial Judgement: 26 February 2001	<i>Dnevni avaz</i> 6, <i>Oslobođenje</i> 4, <i>Dani</i> 3	<i>Bobovac</i> 1, <i>Slobodna Dalmacija</i> 11	<i>Glas srpski</i> 1, <i>Nezavisne novine</i> 14
Appeals Judgement: 17 December 2004	<i>Oslobođenje</i> 2, <i>Dani</i> 1	<i>Dnevni list</i> 1, <i>Slobodna Dalmacija</i> 5	<i>Nezavisne novine</i> 2

#### 7.4 Commemoration of the Massacre in Ahmići

In order to reconstruct the pattern of annual commemorations of the massacre in Ahmići I collected a sample, as representative as possible, of articles from the leading Bosniak and Croatian newspapers. Bosniak newspapers are most likely to report on a commemoration taking place (dedicated to Bosniak victims), and from these reports one is able to reconstruct the victims’ narrative as developing over time. Croatian newspapers, on the other hand, give insight into the readiness of the Croatian community to be informed, and thus to



acknowledge the crimes committed in their name. I also included in the sample some Serbian newspapers in order to provide additional information.

#### 7.4.1 The commemorative pattern

The first steps towards the return of Bosniak refugees to Ahmići took place in 1998 when they organised a few joint campaigns to clear the remains of their houses. They were faced with hostility on the part of Croat inhabitants who on one occasion set fire to the remaining ruins of the village mosque. In addition to this, the returnees found “an impaled effigy stabbed with a knife” (Adnan Džonlić 1998, 10). The Bosniak returnees understood this as a sign of aversion and threat.

The first organised commemoration took place in 2000, a month after the *Blaškić* Trial Judgement. However, in the days before the planned Muslim religious commemoration the local Croat community apparently started building a large marble cross in the Catholic cemetery beside the main road, dedicated to the “fallen Croats”. The Bosniak returnees took this as yet another insult, since “we all know no Croat civilian died in Ahmići”, as one of the returnees said, adding that “it has been proved in the Hague that it was Bosniaks, not Croats who were attacked” (S.B.I. 2000a, 7). This information is congruent with the findings of a 2001 interview-based study of 62 prosecution witnesses (all Bosnian Muslims) who testified in the four Lašva Valley related trials that took place before the ICTY at that time. Their impression was that “there is absolutely no indication that these trials have in any way transformed the way in which Croats in the village interpret what happened” (Stover 2004, 116).

The annual commemorations in Ahmići were sponsored by the victims’ community, organised by the association “16<sup>th</sup> of April”, and the *Medžlis*<sup>155</sup> of the Islamic Community (Adnan Džonlić 1998, 10). Over the years the commemoration grew in symbolic importance to become the epitome in the Bosniak narrative of the Muslim-Croat conflict in central Bosnia. Over the years higher religious and political officials came to be present, peaking on the 15<sup>th</sup> anniversary commemoration, when the Chairman of the Presidium, at that point Bosniak Haris Silajdžić, attended (A. Džonlić 2008, 10).

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<sup>155</sup> *Medžlis* is the administrative level of Muslim community usually encompassing one municipality, as the level of local government.

By 2003, almost all survivors, more than 150 Bosniak households, returned to Ahmići (A. Džonlić 2003, 12). The returnees report in 2008, that they live “side by side” with their neighbours (M. Dajić and Pucar 2008, 11), and that ethnic intolerance fades over time, as they are facing the same difficulties of poverty (*Nezavisne novine* 2010b).

#### 7.4.2 The victims’ narrative

Since the first media reports on the commemoration the Bosniak newspapers gradually developed the following narrative about the massacre in Ahmići. On the 16<sup>th</sup> of April 1993, the village was completely burned, 114 Bosniaks were killed, the mosque was ruined, and those that survived were taken to concentration camps (Adnan Džonlić 1998, 10). It was “one of the bloodiest massacres in the region of central Bosnia” (S.B.I. 2000b, 5). The civilians, women and elderly, were killed just because they were Bosniaks (ibid). Children and three babies were killed in a cruel manner, and burnt afterwards. The planners from the HVO, named the action “48 hours of ash and blood” (A. Džonlić 2002, 10), and the attack was conducted by the HVO special units *Džokeri* and *Maturice* (M. Dajić and Pucar 2008, 11). In successive years the number of victims has fluctuated between 116 and 127. In 2003, a memorial plaque was erected listing 119 names of those killed (A. Džonlić 2003, 12). All of the narratives present the massacre as an unprovoked attack on Bosniak civilians, and never mention it in the context of the ARBiH operations against HVO.

#### 7.4.3 The slow progress of acknowledgement

The 16<sup>th</sup> of April is also a temporal *lieu de mémoire* for the Croats of the Vitez region in central Bosnia. Probably since the end of the war until today, HVO veterans have been organising a holy mass for fallen soldiers in the main church in Vitez, commemorating the beginning of the Muslim-Croat conflict on the 16<sup>th</sup> of April.

In 2002 the organisers stated that they were remembering how “the members of the ARBiH launched the attack on the village of Počulica (near Ahmići) from which all Croats were expelled in the morning hours of 16<sup>th</sup> of April 1993” when some other Croatian villages (including Križančevo Selo) were also attacked. This is claimed to be the occasion when “the first Croatian victims fell” (*Nezavisne novine* 2002c, 8). Therefore, the Croat commemoration organisers clearly put the responsibility for the outbreak of the conflict in Lašva Valley to the Army of BiH. On the same occasion, the Croatian media describe the conflict without stating

who was responsible for its outbreak. *Slobodna Dalmacija* refers to all dead Croats as “the victims of the war,” therefore they are called victims irrespective of their combatant/civilian status in the war. Among the 653 dead are “the courageous soldiers of the HVO and dozens of Croat civilians” (Zvonimir Čilić 2002). That year, 2002, was the first time the Croatian media attended the Ahmići commemoration (A. Džonlić 2002, 10), and one of them provides a short narrative of the events:

*Bosniaks with due reverence remember the tragedy in Ahmići in which members of the HVO, during the two-day fighting for this strategically important settlement, killed dozens of innocent civilians. That awful crime has been under scrutiny of the Hague Tribunal for years, but it should be noted that the whole truth hasn't been yet revealed. It should be also stressed, without the slightest intention to underestimate the crime, that often there have been manipulations with the victims of Ahmići, including among the victims also those whose death has nothing to do with the events in this village” (Zvonimir Čilić 2002).*

Thus while assessing that the numbers of Ahmići victims have been manipulated, the Croatian newspaper, conducts the same type of manipulation itself by clustering together numbers of combatants (who could have been legitimate casualties on the battleground) and civilians (who are, by the definition of their status, victims). Even more, the paper, states “dozens” of Bosniaks were killed, even though by that time at least two ICTY Judgements gave estimations of more than 100 killed civilians. Though the massacre is condemned, it is put in the frame of ‘military necessity’ by stating the village was “strategically important”, softening the blade of condemnation. This illustrates how the Croatian media only partially accepted the narrative of the ICTY about the events.

The local Croatian media (*Dnevni list*), started reporting about Ahmići commemoration only in 2005. It was always factually correct (e.g. “116 civilians killed by the HVO members”), though often avoiding openly stating that the victims were Bosniaks, especially in earlier reports. These articles are always short and marginally positioned within the newspaper. Contrary to the Bosniak media, they rarely publish victims’ statements. Separate from the narrative, the articles do tell the names of the HVO commanders convicted for these crimes. This manner of reporting takes place within a detached atmosphere in which the ‘we’

community is not put in the realm of responsibility. The pattern hasn't changed even after the Croatian President's visit to Ahmići (see Figure 7.2).

Figure 7.2: Newspapers' reporting on commemorations in Ahmići (square) and Trusina (ellipse)



(Source: Left: Dnevni avaz. Right: Dnevni list. Date: 17 April 2011)

All of these reports on Ahmići commemorations in the Croatian media are usually situated next to the three times larger, and much more emotionally charged, article on the commemoration of 23 Croat victims killed by the ARBiH in village of Trusina (near Konjic, also in central Bosnia), which happened on the same day. This parallelism invariably sends the message “we were victims as well”. It should also be noted that Bosniak newspapers report on Trusina commemoration in factual, minimalistic manner as opposed to the rich and sympathetic reporting on Ahmići. The neglect of the victims that are not ‘ours’ is obviously mirroring (see Figure 7.2).

### 7.4.4 The apology of the President of Croatia

The first significant step in acknowledging the responsibility of the Croatian side in the Muslim-Croat conflict came in 2010, with the official visit of the President of Croatia, Ivo Josipović to BiH.

In the BiH Parliament President Josipović said that he “deeply regrets that the policy of the Republic of Croatia during the 1990s contributed to the suffering of the people and the divisions that persist till today,” also expressing his condolences to the victims (*Nezavisne novine* 2010a). He stated that Croatian policy “tried to divide Bosnia and Herzegovina,” adding that the policies of the 1990s (of the belligerent parties) believed that the solution lay in partition thus planting “an evil seed” (ibid). Coming from the Social-Democratic Party, Josipović was free of the burden associated with HDZ’s war-time conduct.

One day before the annual commemoration the Croatian President, together with the heads of Muslim and Catholic religious organisations and the whole parade of political officials, visited first Ahmići and then Križančevo Selo, 10km away, where members of the ARBiH killed around 70 Croat inhabitants on various instances during 1993. This was the first occasion that Croat representatives visited the commemorative site in Ahmići. In diplomatically directed protocol, Josipović sent the message of “never again,” stressing the need to put the bad past behind and build peaceful coexistence and tolerance in the future. There was statement, either direct or insinuated, taking responsibility for the events in Ahmići. The victims’ organisations took this gesture as an expression of good will (Mirza Dajić 2010, 3). “No apology may bring back the dead, but we take his visit as a form of apology” (ibid). Another victim stated that this paying of respect means a lot to the victims (*Nezavisne novine* 2010b). A representative of the Croat victim community stated that by his visit to both villages Josipović obviously “wanted to show that both sides suffered” (Mirza Dajić 2010, 3). Serbian politicians in BiH were critical that Croatian President did not decide to visit places of Serbian suffering as well (*Nezavisne novine* 2010b).

The Bosniak and Serbian media paid significant attention to the reactions from Croatia. Prime Minister Jadranka Kosor, from the HDZ, avoided directly commenting on the President’s words of apology, detaching from it by stating that the Government was not consulted. Though she said that the Government supports “paying respect to every victim”, she recalled “historical facts”, particularly that Republic of Croatia issued the Declaration on Homeland war in 2000, in which it is stated that “Croatia led a defensive war and was not seizing foreign territories” (Dizdar 2010, 3). She stressed that “it was not Croatia that attacked BiH, but that “both countries were victims to Greater-Serbian aggression of Slobodan Milošević” (*Nezavisne novine* 2010c). She also invoked the pact on military alliance

(the Declaration on cooperation) between Croatia and BiH from 1995, which evoked a similar one (Agreement on friendship and cooperation) made in 1992. This was understood by the Bosniak media as an indirect comment on and distancing from the interpretation of Croatian conduct as expressed by President Josipović. Prime Minister Kosor was categorical that “Croatia did not lead a war of aggression” (ibid). She also stressed that Croatia welcomed, helped and took the burden of numerous refugees from Bosnia during the war.

The Serbian media reported that more than the visit to Ahmići, it was the statement of President Josipović in the Bosnian Parliament that troubled Croatian politicians. Prime Minister Kosor held a meeting with the politicians who served as Croatian Prime Ministers during the 1990s after which they stated they felt “provoked by Josipović’s speech” and again denied that Croatia acted aggressively in Bosnia (*Nezavisne novine* 2010d). One of the former Prime Ministers underlined that there existed no document to support such a claim and that all parties committed crimes during the war. Stjepan Mesić, former Prime Minister and later President but who was not invited to the meeting, mentioned the Karadžorđevo meeting in his statement (ibid).

Bosnian commentators, though welcoming Josipović’s statement, underlined that Josipović in his statement “apologises to nobody and admitted nothing ... To express regret that Croatian policy, which ‘out of malevolence, ignorance, arrogance and craziness’ planted divisions in BiH ... is not genuinely same as apologising, and definitely not as admitting that Croatia participated with arms in war in a neighbouring country” (Berić 2010, 10). For this commentator, Tuđman was unquestionably collaborating with Milošević in making BiH disappear, and indisputably used the Croatian Army (HV) to meet his ends, which should be called aggression. “The persecution of Bosniak civilians, which culminated in the carnage in Ahmići, was formalised with the opening of the opening of the concentration camps in Herzegovina and south Bosnia” (ibid). The mentioned Declaration on the Homeland war is considered “a historical falsification” in the Bosniak media (ibid). Furthermore, the argument invoked by the Croatian narrative that the Croatian Parliament never endorsed the decision for the deployment of the HV in Bosnian operations is cast as hypocritical since Tuđman had absolute power in Croatia in the 1990s. The point is paralleled with the fact that the Serbian (and Montenegrin) Assembly never endorsed such a decision either but nobody disputed the aggression of Serbia (ibid). Finally some blame is put on the shoulders of Bosnian President

Alija Izetbegović who never openly cast judgement on the involvement of Croatia in the conflict.

**Table 7.3: Media reporting on commemoration in Ahmići and Trusina, including Josipović’s apology**

Date observed: 16 <sup>th</sup> of April			
	Bosniak media	Croatian media	Serbian media
1994			
1995			
1996	<i>Dnevni avaz, Oslobođenje</i>		
1997			
1998	<i>Dnevni avaz 1</i>		
1999	<del><i>Dnevni avaz</i></del>		
2000	<i>Dnevni avaz 2, Oslobođenje 1</i>	<del><i>Slobodna Dalmacija</i></del>	
2001		<del><i>Slobodna Dalmacija</i></del>	<i>Nezavisne novine</i>
2002	<i>Dnevni avaz 2, <del>Oslobođenje</del></i>	<i>Slobodna Dalmacija 1</i>	<i>Nezavisne novine 1</i>
2003	<i>Dnevni avaz 3</i>	<del><i>Dnevni list, Slobodna Dalmacija</i></del>	
2004		<del><i>Dnevni list, Slobodna Dalmacija</i></del>	
2005		<i>Dnevni list 1, Slobodna Dalmacija</i>	
2006	<i>Dnevni avaz 1, Oslobođenje 1</i>		
2007	<i>Dnevni avaz 2, Oslobođenje 2</i>	<del><i>Slobodna Dalmacija</i></del>	
2008	<i>Dnevni avaz 1, Oslobođenje 1</i>	<del><i>Slobodna Dalmacija</i></del>	<i>Nezavisne novine</i>
2009	<i>Oslobođenje 2</i>	<del><i>Slobodna Dalmacija</i></del>	<i>Nezavisne novine</i>
2010	<i>Dnevni avaz 7, Oslobođenje 12, Dani 1, Slobodna Bosna 2</i>	<i>Dnevni list 3, Slobodna Dalmacija 1</i>	<i>Nezavisne novine 4</i>
2011	<i>Dnevni avaz 2, Oslobođenje 2</i>	<i>Dnevni list 2</i>	<i>Nezavisne novine</i>
2012		<i>Dnevni list 4, Slobodna Dalmacija</i>	<i>Nezavisne novine</i>
2013	<i>Dnevni avaz 3, Oslobođenje 1</i>	<i>Dnevni list 2, Večernji list</i>	

## 7.5 Herceg-Bosna in History Textbooks

Early Bosniak textbooks end the narration with the onset of the seizure of Sarajevo. Though they clearly cast the roles of ‘good’ guys (the Patriotic League) and ‘bad’ guys (the JNA and Serbian paramilitaries), they give no mention of the HVO nor to the conflict examined in this chapter (M. Imamović et al. 1994). The next wave of Bosniak textbooks completely silenced the events of war, as per the *Guidelines for writing and evaluation of history textbooks* (see

chapter 3.4.3). Only the most recent textbook provides a narration of the war (Šabotić and Čehajić 2012).

In the narrative of Croatian textbooks the HVO is presented as the national army of the Croats in BiH, thus similar to the manner of Serbian textbooks, the Army of the Republic of Bosnia and Herzegovina (ARBiH) is presented as being the national army of Bosnian Muslims (Bosniaks), and not as the formal army of BiH as a state, which is the narrative of Bosniak textbook.

The more nationalistic leaning Croatian textbooks underscore the reluctance of the Bosnian president and central government to face and deal with the mounting Serbian aggression. This is framed as either cunning selfishness (in the most nationalistic textbook) – “Muslims stood idle until the attack came upon them as well” (Miloš 2008, 206) – or as a pure indolence (Perić 1996, 118; Bekavac et al. 2010, 216). In the light of the JNA attack on the Croatian village Ravno and the lack of reaction from BiH officials, the formation of the HVO is framed as a necessary measure of self-protection. In the same manner the establishment of the Croatian Community of Herceg-Bosna is described as a self-organised political institution for the protection of “the Croatian national territory” (Perić 1996, 118; Bekavac et al. 2010, 216). One of the textbooks stresses that the foundational acts of Herceg-Bosna “mention no separatism” (Miloš 2008, 205). In the less nationalistic textbooks the name of Herceg-Bosna is not mentioned at all (Matković et al. 2009; Erdelja et al. 2010).

Of course, the Bosniak narrative would not concur. Though the narrative mentions the attack on Ravno as a prelude to later Serbian aggression, it omits the (lack of) reaction of the Bosnian government. Actually it presents the formation of the ARBiH and the HVO as taking place at the same time, upon the beginning of open aggression in April 1992. The two military forces are given as equal pairs. Herceg-Bosna is not outright condemned, but is discredited as being “self-proclaimed,” i.e. not a regular legitimate institution (Šabotić and Čehajić 2012, 186).

All the textbooks state that at the beginning the HVO and the ARBiH fought together against the Serbian aggressor but until 2003 no textbook mentions the conflict between the HVO and the ARBiH. Generally, no textbook gives a clear explanation why the “Croatian-Muslim conflict”, as it is usually named, broke out in the first place. Croatian textbooks only state



that the emergence of the 'war within a war' further complicated the situation in the field (Miloš 2008, 206; Matković et al. 2009, 124). One of those textbooks gives the murky frame that the conflict is somehow a result of the ineptness of the international actors to solve the "ethno-confessional Rubik's Cube", intentionally allowing local parties to go at each other's throats and ripping off pieces of territory (Matković et al. 2009, 124–5). Another textbook gives an equally ambiguous description in which the differences in opinions (between representatives of Croats and Bosnian Muslims) were present from the beginning of Serbian aggression and aggravated over time. Here it is explained that "the Croats held that Bosniak officials wanted to minimise the role of Croats in all fields of life" while the Bosniaks found the establishment of the Croatian Community of Herceg-Bosna disputable (Bekavac et al. 2010, 216). This argument imputed to Bosniaks is undermined by the previous framing of Herceg-Bosna as a naturally emerging and a legitimate body. Therefore, either the international community or Bosniaks are framed as somehow responsible for the Croat-Muslim conflict, or the issue remains unresolved in the Croatian narrative.

Therefore, in no Croatian textbook is there a clear judgement over "who is guilty" or "who started it first," which is a visible retreat from otherwise quite passionate and opinionated manner of narrating the events of Yugoslav dissolution. However, the narrative creates an impression that this was a 'dirty' episode of the war that nobody should be proud of. This also is the only instance in the whole chapter about Bosnian war where all three parties are put in the same basket, departing from usual Manichean division between 'good' (us) and 'bad' (Serbs) guys: "each of the warring parties wanted to grab as much territory as possible, and then 'ethnically cleanse' from the members of other nations, which is an especially brutal characteristic of this war" (Matković et al. 2009, 125; similar in Miloš 2008, 206). Finally, only here are the victims given as "civilians" without the ethnic specification (ibid, also Bekavac et al. 2010, 216). Nevertheless, some textbooks seize the opportunity to frame, once again the prime villain of the war: "the one who profited most from this conflict is the Serbian political and military leadership" (Matković et al. 2009, 124; similar in Miloš 2008, 206).

In the Bosniak narrative of the explanation for this particular conflict, including who initiated it and why, is similarly absent. However, the judgement is clearly cast later in the text when the camps Heliodrom and Dretelj, set up by the HVO for Bosniaks,<sup>156</sup> are compared alongside the concentration camps for non-Serbs in Prijedor. Thus Bosniaks are presented as being victims of both Serbian and Croatian forces.<sup>157</sup>

In presenting the end of the conflict, the Croatian textbook from the 1990s, which otherwise omits to mention the Croat-Muslim war, frames the Washington Agreement as a political alliance between the two groups, forged due to their common resistance to Serbian aggression and *not* as an agreement which ended their mutual hostility (Perić 1996, 118). The later textbooks do not repeat this fabrication and describe the same Agreement of March 1994 as a *peace treaty* which was signed under pressure from the international community. They also mention that the Washington Agreement envisioned a confederation between the Republic of Croatia and the Federation of BiH, i.e. BiH without Republika Srpska, as well. However, it is not clearly stated that this part of the Agreement was never realised (being surpassed by the Dayton Peace Agreement), leaving some room for misunderstandings. This segment of the agreement is, predictably, not mentioned in the Bosniak textbook (Šabotić and Čehajić 2012, 186).

In the Croatian narrative Croatia is always presented as the benevolent ally to Bosnia and Herzegovina in their fight against Serbian aggression. There is no mention of the bond between the Croatian Army (HV) and the HVO in Bosnia, giving the impression they are completely separate formations, and they are only put in correlation in the context of the military pact between Republic of Croatia and Bosnian government aiming to liberate Bosnian territories in summer 1995. Only the most liberal textbook states that “since the international community grew of the opinion that Bosnian-Herzegovinian Croats are directly

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<sup>156</sup> However, the *Prlić et al.* Trial Judgement demonstrates that some Serbs were also detained in these camps (for Heliodrom cf. TPIY [ICTY] 2013c, §1500; for Dretelj cf. TPIY [ICTY] 2013a, §55).

<sup>157</sup> At the same time, the textbook does not mention for instance the Čelebići prison-camp where the Bosnian police forces and the HVO jointly detained Serbian prisoners of war and maltreated them as established in the *Mucić et al.* Judgement (ICTY 2001a). It should be noted that there is significant difference between these camps: while predominantly civilians were detained in Prijedor camps (ICTY 2004d, §115), the majority of inmates in Heliodrom, Dretelj and Čelebići were members of the belligerent armies (for Čelebići cf. ICTY 2001a, §147; for Heliodrom cf. TPIY [ICTY] 2013c, §1500; for Dretelj cf. TPIY [ICTY] 2013a, §39). What brought all of these camps to ICTY scrutiny is the various level of inhuman treatment imposed on the internees.

influenced by the leadership in Zagreb, this conflict had significantly jeopardised the international reputation of Croatia” (Erdelja et al. 2010, 237). This is obviously the greatest concession a Croatian textbook is ready to make in criticising the policy of the own side, and still it is rooted in the need to keep an unquestionably positive image of the own group, and wrapped in the logic of political pragmatism. Regrettably this is the biggest step in self-criticism I could find in all textbooks ever used on the territory of BiH, with regards to the topic of Yugoslav dissolution.

Finally, no Croatian textbook mentions the presumed historical rights Croatia possesses on part of Bosnian territory (though an older textbook gives a hint of patronising ‘special relation’ Croatia has to the country by stating that it is a “trustworthy and lasting friend” Bosniaks and Croats in BiH should rely on (Perić 1996, 118)). The Bosniak textbook that deals with the war gives an excerpt from Warren Zimmermann’s (then USA ambassador to Yugoslavia) memoirs in which he quotes Tuđman saying that “Bosnia is a historical part of Croatia” and that the “majority of Muslims in Bosnia recognise themselves as Croats”. Further, Tuđman, in Zimmerman’s words, said that in case of Serb oppression, Croatia will “defend its interests,” if not, Croatia agrees that Bosnia stays an independent republic (Šabotić and Čehajić 2012, 183). Though this segment of the textbook is not directly linked to the description of Croat-Muslim conflict, it unquestionably sets the accusatory tone of the Croatian agenda in the war.

Serbian textbooks do not treat the Croat-Muslim conflict, only mentioning that “three national armies” fought in the war, attempting to prove their statement that it was a civil war of three parties and not a war of Serbian aggression as the other narratives claim (Pejić 1997, 29; Pejić 2002, 151; Pejić 2006, 233).

## **7.6 Conclusion**

The narratives of the judgements at the ICTY all claim that the regime of Croatian President Franjo Tuđman had the ambition of partitioning Bosnia and Herzegovina and tried to implement it by supporting and controlling Bosnian Croats, organised in the statelet of Herceg-Bosna. This policy became overt at the time of the Croat-Muslim conflict in which Croatia and the leadership of Herceg-Bosna conducted a policy of ethnic cleansing against

the Bosniak population. The epitome of this policy was the massacre of Bosniak civilians in the village of Ahmići conducted most ruthlessly by the HVO units.

The media coverage of the two chosen judgements reveal the painful need of the Croatian media to balance between acknowledging particular crimes, and justifying the overall cause of the Croatian forces' struggle as a legitimate need to protect the Croat population. Probably the greatest achievement of the ICTY in this context was to ascertain a set of facts about the Ahmići massacre which came to be generally accepted in Croatian public discourse. The reports on Ahmići commemoration in the Croatian media exemplify that.

However, the larger historical narrative developed by the Tribunal, particularly regarding the aggressive ambitions of Croatia towards BiH territory, is less generally accepted by Croatian elites, and even less by Croat veterans. While Bosnian Croat veterans and HDZ representatives completely reject such an interpretation, it has been indirectly accepted by the incumbent Croatian President. The manner of Croatian media reporting, which acknowledges but does not identify with the court's historical interpretation, always reminding of the suffering of their own side, illustrates the indirect path of the narrative from the courtroom to the larger public. What stands in the way of the full acceptance of the court's narrative is the need to sustain a positive image of the in-group. This process is most visible in the history textbook material. While the nationalistic discourse slowly retreats from the school books, it nevertheless shows the persistent need on the Croatian side to portray Herceg-Bosna as a legitimate political project.

## 8 Conclusion

*“Virtually any argument can be made from the convoluted history of twentieth-century Yugoslavia...”*

– Richard Ashby Wilson (2011, 111)

During the past three years, whenever I was asked to briefly explain what my thesis is about, I would regularly be faced with the same ‘layman’s’ questions: “so what did you find? Has the Tribunal changed how people interpret the war in Bosnia?” My wary answer would start with “well, no, it hasn’t, but...” after which I would lose the attention of non-academics while Bosnians would interrupt bursting in: “well, I could have told you that!” Here is the somewhat longer answer which comes after the “but...”

Feeling close to the opinions of local and international human rights advocates, I believed as many of them did, or still do, that establishing undisputable facts about the events of the war would eventually stop members of a community in whose name crimes have been committed from trying to deny those crimes. This personal ‘activist’ drive led me to enter into the issue from a scholarly perspective. What I found is that the issue of relations between established facts and public acknowledgement of those facts is situated within a vibrant scholarly debate on the question whether the ICTY contributed to reconciliation among nations within the region of the former Yugoslavia, as promised by its founders (UN Security Council 1993, preamble 6; UN Secretary-General 1994, §11). This position of ‘judicial romanticism’ (McMahon and Forsythe 2008) presupposes that the individualisation of guilt, the vindication of the victims and the creation of an authoritative account of the war jointly help to refute myths about ‘collective responsibility’ (of a nation) and acknowledge victims’ suffering, thus fortifying societal peace after the war (Akhavan 2001). However, the problem of post-conflict reconciliation deals with issues that go well beyond these functions of a court, which has been the main point of criticism of the reconciliatory expectations professionals and laymen have invested in the ICTY (Fletcher and Weinstein 2002; Chapman 2009b; J. N. Clark 2009d; J. N. Clark 2009b; Puhalo et al. 2010; McGivern 2011; Petrović 2011); thus I decided to leave the issue of reconciliation to social psychologists and anthropologists. Nevertheless, the presupposition that the findings of the Tribunal will lead to reconciliation rests on the assumptions that firstly, a court is able to create an

authoritative account which will refute attempts to deny the criminal events, and secondly, that denial is obstructing reconciliation.

Interestingly, this assumption is held by authors who come from opposite corners of the epistemological division between positivist and interpretative approach to the past (see Figure 2.2). The positivists believe that it is possible to create an impartial and objective account about the past through fair legal procedure and scrutiny of the evidence, which will create the wanted social impact by the respect to court's objectiveness and authority (Akhavan 1998; Cassese 1998). The interpretative approach bears in mind that court's judgement comes in the form of a narrative, not only as list of mere facts, and that a narrative always entails certain political and ideological positions because of which there is no one single value-free objective account of events (White 1987). However, even some scholars that adopted this approach believe in the court's ability to produce a narrative that, if nuanced, multifaceted and comprehensive, could serve as a foundation for a new common history that would bring conflicted parties together (Osiel 2000; Teitel 2002) – position sometimes labelled as 'authoritative narrative theory' (Waters 2013a, 295). As a social constructivist (a position I argued in section 2.3.1.1) I cannot agree with positivists, but I find challenging the idea that the ICTY could create an 'authoritative narrative' of the War of Yugoslav Succession.

Regardless of the positivist or interpretative approach, advocates of the reconciliatory role of the legal trials presume that the court's judgements will change the conflicting perceptions about the past among the people in post-conflict societies. Precisely with this idea in mind the ICTY was founded; and the same idea guided many prosecutors in crafting the indictments and judges in spelling their judgements out. Finally, the same notion led the ICTY to devise an expansive outreach programme directed at the post-Yugoslav societies. The Tribunal's founders embraced an expanded concept of justice (inherent in the TJ paradigm) in which it is not only just to persecute the wrongdoers, but also to create a just society in which it would not be permitted to deny a crime (or responsibility for it) proven by the court. This vision of the Tribunal's role situates it within the concept of transitional

justice, which is the framework from which I chose to evaluate Tribunal's impact.<sup>158</sup> Thus I embarked on the journey to answer the question of **whether and how the transitional justice processes influence the public narratives of the recent war**. For that purpose I examined how the transitional justice literature envisions that this influence on society takes place.

As explained in detail in the introduction to chapter 2.2, the concept of transitional justice refers to the range of legal and political mechanisms (truth commissions, vetting and institutional reform, reparations to the victims, political apologies and public memorialisation of the past injustices) societies in transitional employ after inner strife caused by violent conflict or an authoritarian regime that violated human rights. Being motivated by societal justice and having a goal in reconciliation, transitional justice approaches the issue of establishing truth about the past violations as a vehicle in this process (Minow 1998; Elster 2005; Chapman 2009a). Thus it is important not only to find out what had happened in the past for the sake of the victims,<sup>159</sup> but also in order to create (a new) collective memory among the general population. Here, the imperative to remember is perceived as a guarantee that the wrongdoings from the past would 'never happen again' – as the slogan of international Holocaust memorialisation (and title of Argentinean truth commission) proclaims. But the TJ literature also expects from this new collective memory to go beyond divisions on perpetrators, victims and bystanders (Boraine 2006, 22), and to turn a 'new page' in the society by 'settling accounts' from the past (Borneman 1997). In this understanding of collective memory, it serves as a foundation for new political consensus in the (transitional) society based on new values (e.g. democracy and respect of human rights) (Barahona de Brito et al. 2001). Therefore, though collective memory has to be founded on factual truth, it should be crafted in such a way to foster social cohesion in the society that redefines itself (as elaborated in the section 2.2.2).

The transitional justice paradigm obviously construes the collective memory in terms of social constructivism, that public memory is intentionally created in a particular manner and

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<sup>158</sup> In addition, viewing the ICTY as a mechanism of transitional justice, allowed me to examine other TJ mechanisms (such as investigative commission and political apology) and their social impact, in the true spirit of holistic approach advocated by the TJ literature (Boraine 2006).

<sup>159</sup> Though transitional justice, as well as international human rights jurisprudence, increasingly regard 'the right to know' to the victims as a human right of the members of their families (as explained in section 2.3.2.2).

is thus a social construct. However, the expectations from such a memory are positivist – that it should indelibly change the perception of the past held by the people who were until recently, on opposite sides of an armed conflict. Since this new collective memory is constructed by the bodies that examine the truth about the past (courts of law or truth commission), the transitional justice paradigm implies that the general public will treat the ‘product’ of such bodies (legal judgement or commission’s report) as ‘truth’ itself, not as a construction. This thesis tackles this theoretical paradox, further elaborating why (notwithstanding the underlying assumptions of TJ literature) the revelation of the factual truth at the ICTY did not bring about the expected result of a general consensus about the interpretation of the war.

The factual findings of the ICTY are organised in distinct narratives. They face the plurality of narratives about the war (re)produced by the various stakeholders in the countries that emerged from the former Yugoslavia. The narratives on the ground are immersed in a political setting and each of them bears political consequences. For instance, when the Bosniak elite narrative states that the Bosnian-Serb leadership authorised genocide on the territory of BiH which ethnically cleansed half of its territory of non-Serbs (territory organised into the war-time statelet ‘Republika Srpska’), it intends to mark the post-war entity of the Republika Srpska with the label ‘genocidal’, thus delegitimising it. Therefore, one has to consider the political context in which these narratives, produced by the Tribunal and local stakeholders, meet each other and interact, which is precisely what this thesis aims to do.

Finally, I observe commemorations as ‘sites’ on which these narratives are (re)created and reproduced. I intentionally avoided the approach of transitional justice which regards commemorations and memorials as TJ mechanisms through which society expresses its recognition of the harm done to victims and acknowledges their victimhood. While I do agree that some commemorations may serve this purpose, if organised by the perpetrators’ and directed to the victims’ community (Assmann [Asman] 2011), I am aware that many (or majority) of the commemorations do not play this TJ role. Instead, as the field of memory studies shows, the commemorations are places and occasions on which a mnemonic community reproduces collective memory and builds a common identity. Therefore, through commemorations I ‘read’ the ‘text’ of public narrative promoted by those who organised



each particular commemoration. The annual cycle of memorial events allows me to note potential changes in the narrative structure and possibly relate them to transitional justice developments. This point of intersection between disciplines of transitional justice and memory studies is conceptually rare and new for the case study of Bosnia and Herzegovina. While I found only a few recent studies that combine these two disciplines (Obradovic 2009; Pavlaković 2010; J. N. Clark 2012; Banjeglav 2013; Ljubojević 2013), none of them examine the mutual relations between transitional justice measures and memory-making in a systematic and comprehensive manner as this thesis does.

## 8.1 Findings of the Research

As a starting point for the research I took the fact that the arguments of the parties at the trial, as well as the texts of indictments and judgements do not “speak” directly to the local population of Yugoslav successor states (nor to any public outside the narrow legal and academic communities interested in the subject); instead they are transmitted through the popular media. Therefore, it was important to analyse which aspects of the extensive judgements actually reach the local public, and how. As pointed out before (cf. 3.5.2), though abundant studies analysed the *manner* of media reporting about the trials and the way they create the image of the ICTY, none of these studies focused particularly on the issue of how the media present historical narratives about the war. Previous research analysed what is most talked about when reporting on war crime trials; my approach looks at what is being said about the past when reporting on war crime trials.

One of the most immediate answers to the question of why the ICTY did not make the expected impact is that the media outlets report on the trials unprofessionally (e.g. Udovičić et al. 2005; Mačkić and Kumar Sharma 2011), thus twisting the information coming from The Hague. However, my analysis of media reporting on the ICTY trials leads me to the conclusion that it is not of sufficiently poor quality to justify such a wide-spread lack of acknowledgement of the crimes.

There are certain commonalities in the way media report on the processes before the Tribunal. Initially there was a substantial lack of understanding of the ICTY procedures and legal notions (for instance, what constitutes a particular crime such as genocide). The legal

knowledge became sounder over time, though mistakes such as conflating an indictment with a judgement still persist.<sup>160</sup> Generally, the quality of reporting about the ICTY trials improved over time (i.e. more accuracy, detail and understanding) but also became more formalistic, allowing emotional framing in the comments and columns. However, the media kept the ethnic profile in reporting by emphasising the claims of innocence of their 'own defendants' and favouring the victims from the ethnic group that the media targets. In spite of the ethno-centric and tendentious manner of reporting, the local media do transmit the court's findings with considerable accuracy. Therefore, the adjudicated facts are available in the local public sphere(s) but are not shaping public memory. Instead of media reports from the courtroom, collective memory is created at memorial sites, on memorial dates, and is reproduced through history textbooks.

Here, I will give an overview of the main findings for each of the main points of divergence between the ethno-national narratives. In the light of the ethnic division of the media landscape in Bosnia and Herzegovina (as explained in chapter 3.5) I refer to the media as 'Bosniak', 'Croatian' and 'Serbian' according to the predominant ethnicity of their audience. With this labelling, however, I do not want to imply that all the journalists of a media outlet (and the media outlet itself) belong to or represent these ethnicities – this is rather an unhappy simplification needed for the purpose of comparison.

### **8.1.1 Serbian responsibility for the war**

It would be untrue to claim that the ICTY created some comprehensive narrative about the disintegration of Yugoslavia and the causes of the war in Bosnia and Herzegovina. Technically, complete coherence is impossible since each trial deals with the criminal responsibility of an individual, and this is inherently a particularistic perspective. The Prosecution in the trial of Slobodan Milošević tried to turn this case into a podium for creating such a comprehensive narrative and was in turn criticised by many observers and scholars for doing so (cf. Boas 2007; Wilson 2011; van der Wilt 2013; Waters 2013b). The Prosecution's narrative contained four main frames: there was a master plan behind the

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<sup>160</sup> This type of confusion is noticeable even in academia when an author quotes an indictment, instead of a judgement, as a narrative established by the court. For instance Marie-Janine Calic quoted the Indictment of Tihomir Blaškić (from 1997) with introduction "[a]ccording to the ICTY" at the time when Appeals Judgement (of 2005) has already been issued (cf. Calic 2009, 127–8).

Serbian conduct; that master plan was to create a Greater Serbia; in order to create a Greater Serbia genocide against Bosniaks was planned; leadership in Belgrade had tight control over the Bosnian Serb leadership.

Even though the case was built on the notion of Greater Serbia as the final aim that guided conduct of the Serbian leadership during Yugoslav dissolution and the Bosnian war, the inability to tie Milošević personally to advocating the creation of Greater Serbia, led to the fogging of the concept over the course of the trial (as explained in the section 4.1.1.2). In Rule 98*bis* Decision during the Trial Chamber in the *Milošević* case conceded that the aim of the joint criminal enterprise (JCE) of the Serbian leadership was to create a ‘Serbian state’; however, it remained unclear whether this referred to a ‘Serbian state in Bosnia’ or an ‘enlarged Serbia’ that would incorporate parts of BiH and Croatia. This was not crucial for rendering Milošević’s individual criminal responsibility, since his participation in the JCE was inferred from his political cooperation with the Bosnian Serb leadership and the massive logistical and financial support to the Army of the Republika Srpska (VRS). In the historical record created by the court, the agency of the Bosnian Serb leadership emerges much more clearly – they had a clear plan to create an exclusively Serb state from particular Bosnian municipalities (thus eradicating non-Serbs from that territory) with the prospect of joining it to Serbia proper (see description of the documents colloquially called ‘Six Strategic Goals’ and ‘Variant A and B’ in sections 4.1.1.2 and 4.1.1.3). However, the murkiness about the motives of the regime in Belgrade leaves room for speculation, which may be markedly different (as the textbook analysis has shown).

Bosniak and Croatian textbooks present very similar master-narratives about the Yugoslav dissolution, which is again coherent with the argument of the Prosecution in the *Milošević* case. This master-narrative blames ‘Greater-Serbian hegemonism’ for breaking-up Yugoslavia and generally ascribes to the Serbs the motive of creating a Greater Serbia, which led them to instigate the wars. On the other hand, Serbian textbooks concur with the main argument of Milošević’s defence: that Serbs wanted to preserve Yugoslavia and that this was their legitimate and sovereign right as a nation (understood in ethnic terms).

These two opposing master-narratives are embedded in drastically different understandings of what the ‘Yugoslav problem’ was in the first place. The Croat and Bosniak perspective

regarded Yugoslavia as being possible only as a federal state, with a system of extensive autonomies, which were guaranteed by the Constitution of 1974. The Serbian perspective, taken from its position as the largest ethnic community in Yugoslavia, favoured a centralist state and regarded the Constitution of 1974 as 'injustice to the Serbian people'. Though ethnic understandings of nation permeate all three narratives, the Croatian and Bosniak ones perceive the seceding *Republics* as the only level of political organisation (polity) that has the legitimacy to decide on the future of the political community (independence or remaining in Yugoslavia), while the Serbian narrative perceives *ethnic groups* (particularly the Serb ethnicity) as the truly legitimate polity instead. In other words, the former position regards the Republics as sovereign, the latter sees ethnicities (ethnic groups) as bearers of sovereignty. Consequentially, the former position perceives that the majority of inhabitants of BiH had the right to decide on the independence of the Republic of BiH, while the latter position holds that the majority of members of (Serbian) ethnicity had the right to decide on the independence of Serbian population (and territories they occupied) from the Republic of BiH, and joining the rump Yugoslavia – two positions that inherently conflict with each other. This observation is not new and has been vastly debated in the context of international recognition of post-Yugoslav states and beyond (e.g. Radan 2001; Kovács 2003). The ICTY adopted the criteria of the international community when recognising the independence of the newly emerging states, which led them to adjudicate the war as international (as explained in section 4.2). Bearing in mind that the issue of the internationality of a conflict is legally not the same as deciding whether that conflict was an 'act of aggression' or a 'civil war', I conclude that the ICTY generally regarded Serbian forces as hostile and intruding on the territory of the internationally recognised state of BiH. Nevertheless, the fusion between the VRS and the forces coming from Serbia, coupled with the unclear motives of the Belgrade regime leaves room for the Serbian popular narrative to claim that the war in Bosnia was fought between local 'ethnic' armies, hence it was a civil war. Though the term 'civil war' was eradicated from Serbian textbooks, this did not happen as a result of the ICTY judgements and remained indirectly implied in the narrative (see 4.3.5).

### **8.1.2 Ethnic cleansing plan**

The case-study of Prijedor provided insight into the ways the ICTY, as well as the perpetrators' and victims' communities developed narratives about ethnic cleansing. As

explained in section 5.1, 'ethnic cleansing' is not defined as a legal category; instead, what we colloquially understand by that term encompasses a combination of various crimes against humanity. To date no charges for genocide in Prijedor have been successful before the court, but the Rule 98*bis* Decision in the *Karadžić* case allows for such a judgement to be made at the end of the trial of the former President of the Republika Srpska.

The first judgement (of Duško Tadić) framed the Serbian forces committing ethnic cleansing as being motivated by the desire to create a Greater Serbia. Later judgements (e.g. that of Radoslav Brđanin), presented the aim as creating an ethnically pure Serbian state within Bosnia. The judgements broadly cohere in their *description* of the events. The court's narrative presents the Serbian take-over of Prijedor municipality as candidly planned well in advance, starting with the exclusion of non-Serbs from all public posts. After the take-over, the non-Serb population was systematically discriminated against and persecuted, and the situation was aggravated after the attempts of local Bosnian Muslims to mount resistance. Given that the court regarded the Serbian take-over as an illegitimate disruption of a democratically elected local government, the Bosnian Muslims' acts are understood as self-defensive. Finally, the persecutory campaign culminated with the establishment of the Omarska, Keraterm and Trnopolje camps where civilians were held under most inhumane conditions, regularly tortured and often killed. The whole system of persecution and the camps had the clear aim of eradicating non-Serbs from Prijedor municipality, the narrative of the judgements concludes.

Immediately after the war, the media reported on the trials in a most contrasting manner. Initially, the Serbian media silenced the crimes, and *Glas srpski* in particular framed the ICTY as part of an international conspiracy against the Serbs. Later, Serbian newspapers started quoting the charges and gave dry, short descriptions of the crimes in the Prijedor camps (*Nezavisne novine* in 1998 and *Glas srpski* in 2001). However, even when reporting extensively about the crimes, *Nezavisne* avoided the use of the emotionally potent term 'ethnic cleansing' and kept silent about the campaign of persecution against non-Serbs that started with the Serbian take-over of the municipality. On the other hand, the Bosniak media presented these trials as the process of legal confirmation of a belief the Bosniak audience already shared – that events in Prijedor constituted a pre-planned and well-organised campaign of ethnic cleansing. Though the unlawful Serbian take-over of the municipality was

not a central frame in reporting, it was treated as an indisputable underlying fact. I noted that the frame of Greater Serbia as the political aim for ethnic cleansing was present only in the early reporting, but vanished later on as the concept *per se* ceased being mentioned in the trials. Through its reporting on all trials the Bosniak media promoted the frame of 'genocide', even when the accused was not indicted for it (cf. section 5.3.1.1.3) or when the judgements dismissed this charge (cf. section 5.3.5.1.2). This frame was further supported with the framing of places of unlawful detention in Prijedor as 'concentration camps', thus making a symbolic parallel between Nazism and the Serbian nationalism of the 1990s.

Precisely the frame of the Prijedor camps as places of extermination was the red line in the victims' narrative, as reproduced through their commemorations. In their discourse, the terms 'ethnic cleansing' and 'genocide' are often used interchangeably. However, the insistence that the persecution of non-Serbs in Prijedor municipality constitutes genocide gained a momentum only in recent years, after the narrative of the local Serb officials made yet another interpretative turn. Specifically, the local Serbian narrative initially glorified the Serbian take-over of the municipality, celebrating it as a public holiday. Under the pressure of Bosniak returnees to the municipality, this official holiday had to be annulled. Simultaneously, the less nationalistic local Serb officials (at least formally) recognised that the camps were a place of mass crimes, through participation in public discussions about the creation of a memorial on the site of the Omarska camp. However, this first tiny step toward acknowledgement was soon exposed as dishonest since the local Serb officials started commemorating the day of Prijedor's "defence from the Muslim attack" – an event that the ICTY recognised as a rightful resistance of non-Serbs against the systematic persecution. The new Serbian commemoration symbolically substituted the previous one, thus identifying a slight shift in the Serbian narrative – from presenting the take-over as a Serbian victory to framing it as a necessary defence. Regardless of this shift, the official Serbian narrative is consistently trying to obliterate the persecutory campaign against non-Serbs from public memory, while presenting the crimes in the camps as isolated events. It seems that precisely this constant denial of the systematic nature of the persecution of non-Serbs provoked the victims' organisation to enter the public space of Prijedor town, through 'white armbands' public performances, thus drawing attention to the fascist and genocidal nature of Serbian war-time rule.

### 8.1.3 Micro and macro genocide

Indisputably the ICTY created a detailed narrative about the genocide of Bosniaks in Srebrenica in July 1995. Though the killings targeted ‘only’ approximately 8,000 men,<sup>161</sup> the combination of summarily indiscriminate execution of men and boys, deportation of rest of the civilians, and the strategic spot of Srebrenica near the Serbian border all pointed to the genocidal nature of the attack on Bosniaks. Both *Krstić* and *Orić* Judgements described the Bosniak forces’ raids in Serbian villages surrounding the ‘safe area’ of Srebrenica prior to 1995, which were framed as desperate searches for food that also involved the unwarranted destruction of Serb property. However, no judgement framed these raids as in any way justifying the subsequent massacre of Bosniaks in July 1995.

The media reporting on the *Orić* trial revealed the deeper layers in Serbian collective memory about Srebrenica. Ignoring the fact that the local Bosniak leader Naser Orić was not indicted for any killings during the raids, Serbian media framed him as guilty of a series of (alleged) massacres on Serb civilians, most notably the one in Kravica on Orthodox Christmas of 1993. At the same time, almost all Serbian media were silent on the dire situation within the Srebrenica enclave which forced the Bosniak population into raids in the first place. The eventual acquittal of Orić fortified the framing of ICTY bias against Serbs in the Serbian media. The Bosniak media were viewing Orić as a hero who had tried to defend Bosniaks from genocide (although he was charged with crimes that took place in the years *before* and the trial did not deal with the events of 1995). Such a point of observation left no room for reflection on the crimes (maltreatment and killing of few Serb prisoners in the enclave) and wrongdoings (unwarranted destruction of Serbian villages) on the part of the Bosniak side prior to the genocide.

The *Krstić* Trial Judgement of 2001 gained surprisingly little attention, bearing in mind that this was the first conviction of genocide by the ICTY. Though the Serbian media reported about the Judgement, they marginalised the word ‘genocide’ in the reporting (cf. section

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<sup>161</sup> The most comprehensive ICTY judgement on Srebrenica case states that the number of killed Bosniaks “could well be as high as 7,826” (ICTY 2010, §664), the most complete list of war casualties (compiled by a local NGO) states that 8,331 have been killed from the 11<sup>th</sup> to the 31<sup>st</sup> July 1995 (Tokača 2012, 174), while the figure at Potočari memorial web site is 8,373 (Memorijalni centar Srebrenica-Potočari, Liste žrtava prema prezimenu). The inconsistency of the numbers is not surprising bearing in mind that the exhumations and identifications are still ongoing.

6.1.2.1.1). The Judgement gained in importance only subsequently as a pretext for ordering the Government of the Republika Srpska to investigate the fate of the missing Bosniaks.

The RS Government's Srebrenica Commission revealed several previously unknown mass graves, but had nothing to add to the narrative about genocide created by the ICTY. The true purpose of this transitional justice mechanism was not truth-finding, but truth-acknowledgement. Though the President and Government of the RS formally apologised for the crime, they avoided calling it genocide. The media reporting on the Srebrenica Commissions reveals that both Bosniak and Serbian media framed it as resulting from international pressure, hence the acknowledgement effect that this TJ mechanism could have had was absent.

The Serbian narrative, which framed the events of July 1995 as a 'revenge' for previous Bosniak atrocities in the region of Srebrenica, was salient since the end of the war. However, in the light of the international support for Bosniak commemorations in Potočari, the Serbian narrative shifted from celebrating "liberation of Srebrenica" to commemorating Serbian victims from 1992 and 1993. As the Bosniak commemorations gained prominence and international spotlight, the Serbian commemorations in Bratunac took on the role of amassing all Serbian grievances and constructing a continuum of Serbian victimisation from the Second World War to the conflict of the 1990s. Even when the Serbian media gradually started reporting on the Potočari commemorations, they were largely framed as competition between Bosniak and Serbian victimhood. The controversial 'competitive' character of the Bratunac commemoration not only led to Bosniak media (and officials) ignoring them, but also enabled complete lack of recognition of any Serbian victims (from the Podrinje region) by the Bosniak public.

On the other hand, the Bosniak narrative, in light of continual Serbian denial and due to strong international support, increasingly framed Srebrenica as symbol of overall Bosniak victimisation during the war. Though the Srebrenica genocide was in many ways an exceptional event of the war, the Bosniak officials (as well as many international stakeholders) used the Srebrenica commemoration as a stage for claiming that the genocidal plan was an overall motivation of the Serbian side in the conflict. As some other researchers noted "focus on genocide profoundly shaped the [Bosniak] narrative about the past"



(Subotić 2009, 154), and led Bosniak victims from other regions to claim and demand to be regarded as victims of genocide as well (even in the absence of an adequate ICTY judgement (Nielsen 2013b)). Eventually, such ‘macro’ interpretation of genocide (as opposed to ‘micro’ genocide in Srebrenica) was employed by Bosniak officials in order to claim that the Republika Srpska is a ‘genocidal creation’, and hence illegitimate, prompting calls for its annulment.

The Serbian narrative’s framing of Srebrenica in terms of local Bosniak-Serbian fighting facilitated not only the avoidance of calling the massacre of July 1995 genocide, but also enabled the Serbian narrative to negate the genocidal nature of its overall war-time conduct. The link that the Bosniak narrative created between the genocide in Srebrenica and the legitimacy of the Republika Srpska pushed the RS officials even further from prospect of acknowledging the crime.

#### **8.1.4 Croatian forces as both aggressor and defender of BiH**

The ICTY judgements of the HVO leaders created a coherent narrative which described the ethnic cleansing campaign conducted by the HVO against the Bosniak population of central Bosnia, within which the massacre in Ahmići was the most notorious event. These judgements in fact framed the President of the Republic of Croatia, Franjo Tuđman, as devising a plan to partition Bosnia and clandestinely supporting ethnic cleansing. However, Tuđman never faced trial since his death in 1999 came before the ICTY had finished collecting the evidence against him.

Though the Croatian media coverage of the trials never directly negated the crimes, they tended to present the Bosnian Croat war conduct as self-defence. The voice of the Croatian veterans was given abundant space to claim that regardless of possible crimes committed, the HVO was a legitimate army that sought to protect the Croatian population within BiH and thus protect BiH as a country. For the Bosniak media, the crimes undoubtedly proved the criminal conduct of the HVO during Bosniak-Croatian conflict, which could not be exculpated by their alliance with the ARBiH at the beginning and during the latter part of the Bosnian war. Bosniak media also emphasised that the support Tuđman’s regime gave to Bosnian Croats proved that Bosnia was a victim of Croatian aggression. On the other hand,

the Croatian media, while acknowledging the control Zagreb exercised over the HVO placed the blame on a close circle of Tuđman's associates and avoided using the term 'aggression'.

The distancing of the post-Tuđman Croatian leadership from the policy of its predecessor, which started with the transfer of classified documents to the Tribunal, culminated in the act of apology by the incumbent President of Croatia, Ivo Josipović. He condemned the policy of Croatia from the 1990s which acted aggressively towards the state of BiH, but did not openly admit responsibility of the Croatian state for the crime in Ahmići. His act was further undermined by the dissenting opinion of the incumbent and former Croatian Prime Ministers who denied that Croatia committed aggression against BiH. Furthermore, no Bosnian-Croat politicians have made such an acknowledgement nor did they subsequently attend the Ahmići commemoration. Simultaneously, Bosnian-Croat politicians continually commemorate HVO fallen soldiers and reproduce the narrative that the HVO participation in the defence of BiH gives legitimacy to contemporary political claims of Croatian representatives in BiH.

Even less acknowledgement could be found in Croatian history textbooks, which all present the HVO as a legitimate army that participated in the defence of BiH from Serbian aggression, with the particular aim of protecting the Croatian population. They portray Croatia as a benevolent ally, and none of them mention crimes committed by the Bosnian Croat forces. Though some of them mention the Croat-Bosniak conflict in negative terms, none of them provide a clear explanation of the conflict's causes, and ignore Tuđman's plan to partition BiH.

## **8.2 Overall Conclusions: The Impact of Transitional Justice on Public Narratives about the War**

The narratives are similar in their basic elements though they conflict in interpretation: the groups in their narratives invariably adopt the defensive position of a victim under (symbolic or physical) attack, thus framing the war effort as necessary defence. The sense of historical justice and righteousness embedded in the image of a victim are legitimising bases for the narration of their own version of the war. This pattern is used for the explanation of causes and the nature of the war as well as the explanation of particular local conflicts and events.

Generally, I found no significant changes in the public narrative about past events, at least not in the ways expected by the founders of the ICTY. If changes occur, as in the case of Prijedor victims starting to insist on genocide (see chapter 5.4.5), they are not a result of the judgements. The changes seem to occur either due to mutual contestations of victims' and perpetrators' narratives, as in the case of Prijedor, or due to a political decision to acknowledge the crime, as in the case of Ahmići (see chapter 7.4.4). Similarly, changes in history textbooks are the result of pressures from international institutions, rather than a result of the process of 'dealing with the past'. The only case of relative change in a narrative due to transitional justice measures is the Serb official interpretation of the events in Srebrenica: starting from outright denial, moving to a dispute over numbers, and arriving at partial acknowledgement. Therefore, the court did 'shrink the space for [possible] denial' (Orentlicher 2008) by public officials.

However, even in the case of the Serbian official attitude towards Srebrenica denial persisted, changing only in form. The narrative first denied the event had ever taken place, then it denied the scale of the crime, and nowadays it denies its genocidal nature. It seems as if it were more important to perform denying than to negate what is denied.

This research offers the assertion that the perception of the past is rather a matter of attitude, not knowledge. As I explained before (cf. introduction to chapter 2.4), to tell the truth (or what one perceives as truth) about a crime requires from a speaker not only knowledge about the events, but demands from him/her to assume a position of moral judgement – since it is impossible to speak value-free about violations of human rights. For instance, no matter how nationalistic a politician is, the post-conflict consensus on basic democratic values disqualifies the glorification of a massacre. Hence, a public official, as a public speaker, needs to balance the moral imperative to condemn a criminal event with a political imperative.

For political representatives, the perception of the past is guided not by what one knows, but by what one wants to perform in public. Therefore, the acting out of certain historical interpretations sends a particular political message or serves a certain social function. Furthermore, collective memory is community related (cf. section 2.5.1). Remembering is *being* part of a community. If the communities of memory are defined by ethnicity, so will be

their narratives about the past. This is visible when comparing different types of commemorative events. Commemorations organised, or strongly supported, by officials seem to be focused more on building a certain political identity (ethnic identity and/or statehood project) rather than memorialising a particular event that is being commemorated. This kind of memorialisation is markedly different from the grass-roots commemorations organised by victims' communities (such as the Prijedor case), which are focused on reproducing a particular narrative of the event and are not burdened with an ethno-national pretext.

In Bosnia and Herzegovina political officials dominate the process of public memorialisation, as in most countries of the world. However, the post-Dayton political arrangement, which invests the greatest political power in ethno-political elites, makes them creators of the official memory-making, rather than central state institutions. Since the political field is deeply ethnified, so are the historical interpretations promoted by the political stakeholders. Each ethno-national elite employs the hegemonic power within its reach to promote its interpretation of the war and builds its legitimacy upon this. Three ethno-national political elites obtain a position of sufficient social hegemony to embark on nation-building.

In such a situation, historical narratives function as ethnic markers – the promotion of certain historical interpretation implies the ethnicity of the promoter. Or vice-versa, belonging to a certain ethnicity implies the adoption of a certain historical narrative. An individual who rejects the narrative dominant within his/her own ethnic community may be considered by members of that community to be renouncing their ethnic identity. Historical narratives as ethnic markers intrinsically tie perception of the past with the sense of national identity, while rendering rejection of the narrative equal to self-excommunication from the national group.

In addition, the Dayton Peace Agreement froze the divisions from the war-time situation. It was an unfortunate, but probably necessary, compromise between conflicting statehood projects: that of unitary Bosnia and Herzegovina, that of the Republika Srpska as a proto-state, and the project of BiH state that would have assigned territory to the Croatian community. Elements of these projects were incorporated into the post-war constitution, thus gaining legitimacy and continuing to flourish. The memory-making conducted by the

ethno-political elites serves to fortify these conflicting statehood projects. Hence, the conflict continued in the field of *interpretation* of the war. The combat battleground was substituted by the memorial one.

It seems that **as long as the interpretations of the war bear direct consequences in the field of everyday politics, the narrative will be kept under tight control of political stakeholders, regardless of the findings of transitional justice mechanisms.**

### 8.2.1 Original contribution to the development of the scientific field

This thesis refutes the underlying assumption of the field of transitional justice that fact-finding and truth-telling directly lead to change of collective memory in the targeted societies which would prevent denial of the war crimes and human rights violations. My research in BiH has demonstrated that the perception of the past is crafted by the memory-making endeavour of the dominant ethno-national elites, rather than by transitional justice processes. However, the TJ mechanisms do influence public narratives, though not in the ways expected by the TJ literature. The findings of the judgements (and investigative commission) impact upon public debates about the past in the sense that they set the parameters of these debates (disabling complete denial that certain criminal events took place) and define critical notions or concepts (such as internationality of the conflict, ethnic cleansing, genocide) around which the public debates evolve. The findings of this thesis contribute to a better understanding how transitional justice actually works in practice, thus creating sound basis for a more nuanced devising of TJ mechanisms in the future.

### 8.3 Prospect for the Future

This particular moment, 22 years since the beginning, and 19 years since the end of the Bosnian war, may be a reason for the pessimistic conclusion of this thesis. By way of comparison, let us imagine the year 1964, 19 years after the end of WWII in Germany – it brings us back only three years after the famous lecture of Theodor Adorno in which he criticised German society for avoiding to genuinely ‘work through the [troubling] past’ (cf. chapter 2.1). At that time in (West) Germany the public deliberation on the wider social responsibility for the Nazi crimes (and participation of ‘ordinary citizens’ in it) – the true ‘dealing with the past’ – had barely started, under the pressure of the young post-war

generation (Olick and Levy 1997, 929). In addition, one should bear in mind that the attitudes toward the Nuremberg trials were predominantly negative both in West and East Germany at the time of their unfolding (November 1945 to October 1946), and their perception became largely positive only after 1989 (Burchard 2006). In this light, the inability of Serbian (and to some extent Croatian) public officials to acknowledge the crimes (and institutional responsibility for it) seems more understandable. Hence, the contemporary situation in Bosnia and Herzegovina seems less pessimistic, invoking the argument that simply not enough time has passed since the end of the war for true dealing with the past.<sup>162</sup>

However, the comparison has its limits due to the marked difference between German and Bosnian post-war experiences, different historical settings and international environments, though both took place under international supervision. As Šelo Šabić (2005) has noted, the constellation of various factors created the situation of *die Stunde Null* [the Zero Hour] in Germany in 1945, creating a factual and symbolical discontinuation of time – a ‘watershed’ point in perception of history, as Eviatar Zerubavel (2003a) would say. This was radically different situation to the one in BiH in 1995. As explained in section 3.2, the Dayton Peace Agreement provided to a large extent continuity of the war-time political formations (and political projects), which is crucially different from the situation of (at least partial) ‘denazification’ in Germany (cf. Olick and Levy 1997, 925). Furthermore, the examination of history textbooks demonstrated that the new generations are educated within profoundly different master-narratives about the war, which nurture disparately conflicting notions of responsibility for the war. Thus, one might be less optimistic in expecting that those new generations would push their (ethnic) communities to deal with the past and acknowledge crimes committed in their name.

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## Bibliography

- A.B. 2011. Iako nepoželjni, idu u Omarsku. *Oslobođenje*, 8 (29 April).
- A.H. 2003. Prijenos praćen sa suzama u očima. *Dnevni avaz*, 2 (16 April).
- A.O. 2004. Zločin u Ahmićima ne smije ostati nekažnjen. *Oslobođenje*, 4 (30 July).
- ABA/CEELI. 2006. *Ratni zločini u BiH: Pravomoćno završeni kazneni postupci u Bosni i Hercegovini 1992-2006*. Sarajevo: ABA/CEELI and Udruženje tužilaca BiH/Udruga tužitelja BiH.
- Adorno, Theodor W. 1986. What Does Coming to Terms with the Past Mean? In *Bitburg in Moral and Political Perspective*, edited by Geoffrey H. Hartman, 114–29. Bloomington: Indiana University Press.
- Ahmetašević, Nidžara. 2004a. Komisija nije našla dokumente koji bi Karadžića doveli u vezu sa pokoljem u Srebrenici!? *Slobodna Bosna*, 32–36 (17 June).
- . 2004b. Poruka investitoru Mittalu 'Nemate pravo privatizirati kosti Bošnjaka ubijenih u Ljubiji!' *Slobodna Bosna*, 34–35 (9 December).
- . 2012. *Intervening in the Media Sector: Media Anarchy in Post-War Bosnia*. Working Paper 6. Graz: Center for Southeast European Studies, University of Graz. Available at: <http://www.suedosteuropa.uni-graz.at/en/publication/intervening-media-sector-media-anarchy-post-war-bosnia-and-herzegovina> (25 February 2014).
- Ahmetašević, Nidžara, and Marcus Tanner, ed. 2009. *History Overshadowed by Trivia: Regional Media Coverage of Karadžić Arrest*. Sarajevo: BIRN BiH.
- Akhavan, Payam. 1998. Justice in The Hague, Peace in Former Yugoslavia? A Commentary on the United Nations War Crimes Tribunal. *Human Rights Quarterly* 20 (4): 738–816.
- . 2001. Beyond Impunity: Can International Criminal Justice Prevent Future Atrocities? *American Journal of International Law*: 7–31.
- Alić, Aida. 2010. *Time for Truth: Review of the Work of the War Crimes Chamber of the Court of Bosnia and Herzegovina 2005-2010*. Sarajevo: BIRN BiH. Available at: [http://www.kas.de/wf/doc/kas\\_20329-1522-1-30.pdf?100907132923](http://www.kas.de/wf/doc/kas_20329-1522-1-30.pdf?100907132923) (24 February 2014).
- Allcock, John B., ed. 2009. The International Criminal Tribunal for the Former Yugoslavia. In *Confronting the Yugoslav Controversies: A Scholars' Initiative*, 346–89. Washington and West Lafayette: United States Institute for Peace Press and Purdue University Press.
- Anderson, Benedict. 2006. *Imagined Communities: Reflections on the Origin and Spread of Nationalism, Revised Edition*. London and New York: Verso.
- Anušić, Anđelko. 1997. Pakleni mandat. *Glas srpski*, 1 (11 July).
- Anzulović, Branimir. 1999. *Heavenly Serbia: From Myth to Genocide*. New York and London: New York University Press.
- Apple, Michael W. 2000. *Official Knowledge: Democratic Education in a Conservative Age (Second Edition)*. New York and London: Routledge.
- . 2004. *Ideology and Curriculum (Third Edition)*. New York and London: RoutledgeFalmer.
- Apple, Michael W., and Linda Christian-Smith. 1991. The Politics of the Textbook. In *The Politics of the Textbook*, edited by Michael W. Apple and Linda Christian-Smith, 1–21. New York and London: Routledge.
- ArcelorMittal Prijedor, Istorijat. Available at: <http://arcelormittalprijedor.net/istorijat.html> (8 April 2014).

- Arendt, Hannah. 1973. *The Origins of Totalitarianism [New Edition with Added Prefaces]*. New York: Harcourt Brace & Company.
- . 1994. *Eichmann in Jerusalem: A Report on the Banality of Evil*. New York: Pen Books.
- . 2000. Truth and Politics. In *The Portable Hannah Arendt*, edited by Peter Baehr, 545–75. Harmondsworth: Penguin Books.
- Arnautović, Marija. 2012a. Prijedor odbija da se sjeća ubijenih sugrađana. *Radio Slobodna Evropa*, June 3. Available at: <http://www.slobodnaevropa.mobi/a/prijedor-odbija-da-se-sjeca-ubijenih-sugradjana/24601798.html> (24 February 2014).
- . 2012b. Skup u Prijedoru: Žrtve traže pravo na jednakost u sjećanju. *Radio Slobodna Evropa*, 5 August. Available at: <http://www.slobodnaevropa.org/content/skup-u-prijedoru-zrtve-traze-pravo-na-jednakost-u-sjecanju/24667354.html> (24 February 2014).
- Arthur, James, and Robert Phillips, ed. 2002. *Issues in History Teaching*. London and New York: Routledge.
- Ashplant, Timothy G., Graham Dawson, and Michael Roper. 2004. The Politics of War Memory and Commemoration: Contexts, Structures and Dynamics. In *Commemorating War: The Politics of Memory*, edited by Timothy G. Ashplant, Graham Dawson, and Michael Roper, 3–32. New Brunswick: Transaction Publishers.
- Assmann [Asman], Aleida. 2011. *Duga senka prošlosti [Der Lange Schatten Der Vergangenheit]*. Belgrade: Bilbioteka XX vek.
- Aukerman, Miriam J. 2002. Extraordinary Evil, Ordinary Crime: A Framework for Understanding Transitional Justice. *Harvard Human Rights Journal* 15: 39–97.
- B.Ka. 2004. Bivši logoraši na stratištu. *Oslobođenje*, 8 (6 August).
- . 2005. Prijedorski načelnik izjednačio žrtve i zločince. *Oslobođenje*, 11 (26 May).
- B.S. 2010. Dodik: Želimo da se utvrdi konačna istina o Srebrenici. *Dnevni avaz*, 11 (20 April).
- B92. 2010. Privedeni zbog grafita na pločniku (1 April). Available at: [http://www.b92.net/info/vesti/index.php?yyyy=2010&mm=04&dd=01&nav\\_id=421732](http://www.b92.net/info/vesti/index.php?yyyy=2010&mm=04&dd=01&nav_id=421732) (28 February 2014).
- Babić, Jasna. 2004. Sanader i Jadranka Kosor primili Blaškića s obitelji. *Večernji list*, 13 (4 August).
- Bacchi, Carol. 2005. Discourse, Discourse Everywhere: Subject 'Agency' in Feminist Discourse Methodology. *NORA – Nordic Journal of Feminist and Gender Research* 13 (3): 198–209.
- Bachmann, Klaus. 2013. "Framing the Trial of the Century: Influences Of, and On, International Media." In *The Milošević Trial: An Autopsy*, edited by Timothy William Waters, 260–79. Oxford and New York: Oxford University Press.
- Bachmann, Klaus, Thomas Sparrow-Botero, and Peter Lambretz. 2013. *When Justice Meets Politics: Independence and Autonomy of Ad Hoc International Criminal Tribunals*. Frankfurt am Main and New York: Peter Lang Verlag.
- Bajt, Zorana. 2004. Želim otići u Ahmiće. *Večernji list*, 3 (2 August).
- Baker, Catherine. 2009. War Memory and Musical Tradition: Commemorating Croatia's Homeland War through Popular Music and Rap in Eastern Slavonia. *Journal of Contemporary European Studies* 17 (1): 35–45.
- . 2012. Prosperity without Security: The Precarity of Interpreters in Postsocialist, Postconflict Bosnia-Herzegovina. *Slavic Review* 71 (4): 849–72.
- Bakić, Jovo, and Gazela Pudar. 2008. Ratovi za jugoslovensko nasleđe i rat za simboličku hegemoniju. In *Intima Javnosti: Okviri Predstavljanja, narativni obrasci, strategije i*



- stereotipi konstruisanja Drugosti u upečatljivim događajima tokom razgradnje bivše Jugoslavije: Štampa, TV, film*, edited by Gordana Đerić, 249–79. Belgrade: Institut za filozofiju i društvenu teoriju and Fabrika knjiga.
- Banac, Ivo. 2006. The Politics of National Homogeneity. In *War and Change in the Balkans: Nationalism, Conflict and Cooperation*, edited by Brad K. Blitz, 30–43. Cambridge and New York: Cambridge University Press.
- Banjeglav, Tamara. 2013. Conflicting Memories, Competing Narratives and Contested Histories in Croatia's Post-War Commemorative Practices. *Politička Misao* 49 (5): 7–31. Available at: <http://hrcak.srce.hr/file/146490> (28 February 2014).
- Barahona de Brito, Alexandra. 2010. Transitional Justice and Memory: Exploring Perspectives. *South European Society and Politics* 15 (3): 359–76.
- Barahona de Brito, Alexandra, Carmen González Enríquez, and Paloma Aguilar, ed. 2001. *The Politics of Memory: Transitional Justice in Democratizing Societies*. Oxford and New York: Oxford University Press.
- Baranović, Branislava. 2001. History Textbooks in Post-War Bosnia and Herzegovina. *Intercultural Education* 12 (1): 13–26.
- Bardgett, Suzanne. 2007. Remembering Srebrenica. *History Today* 57 (11): 52–53.
- Barkan, Elazar. 2000. *The Guilt of Nations: Restitution and Negotiating Historical Injustices*. Baltimore: Johns Hopkins University Press.
- Barkan, Elazar, and Alexander Karn, ed. 2006. *Taking Wrongs Seriously: Apologies and Reconciliation*. Stanford: Stanford University Press.
- Barria, Lilian A., and Steven D. Roper. 2008. Judicial Capacity Building in Bosnia and Herzegovina: Understanding Legal Reform beyond the Completion Strategy of the ICTY. *Human Rights Review* 9 (3): 317–30.
- Batt, Judy, and Jelena Obradovic-Wochnik, ed. 2009. War Crimes, Conditionality and EU Integration in the Western Balkans. *Chaillot Paper No. 116*. Paris: European Union Institute for Security Studies.
- BCHR (Belgrade Centre for Human Rights). 2003. *Javno mnenje Srbije: Stavovi prema haškom sudu*. Belgrade: Belgrade Centre for Human Rights. Available at: <http://www.bgcentar.org.rs/istrazivanje-javnog-mnenja/stavovi-prema-ratnim-zlocinima-haskom-tribunalu-domacem-pravosu-za-ratne-zlocine/> (25 February 2014)
- . 2004. *Javno mnenje u Srbiji: Stavovi prema Međunarodnom krivičnom tribunalu za bivšu Jugoslaviju u Hagu*. Belgrade: Belgrade Centre for Human Rights. Available at: <http://www.bgcentar.org.rs/istrazivanje-javnog-mnenja/stavovi-prema-ratnim-zlocinima-haskom-tribunalu-domacem-pravosu-za-ratne-zlocine/> (25 February 2014)
- . 2005. *Javno mnenje u Srbiji: Stavovi prema domaćem pravosuđu za ratne zločine i haškom tribunalu*. Belgrade: Belgrade Centre for Human Rights. Available at: <http://www.bgcentar.org.rs/istrazivanje-javnog-mnenja/stavovi-prema-ratnim-zlocinima-haskom-tribunalu-domacem-pravosu-za-ratne-zlocine/> (25 February 2014)
- . 2006. *Javno mnenje u Srbiji: Stavovi prema domaćem pravosuđu za ratne zločine i haškom tribunalu*. Belgrade: Belgrade Centre for Human Rights. Available at: <http://www.bgcentar.org.rs/istrazivanje-javnog-mnenja/stavovi-prema-ratnim-zlocinima-haskom-tribunalu-domacem-pravosu-za-ratne-zlocine/> (25 February 2014)

- . 2009. *Stavovi prema ratnim zločinima, haškom tribunalu i domaćem pravosuđu za ratne zločine*. Belgrade: Belgrade Centre for Human Rights. Available at: <http://www.bgcentar.org.rs/istrazivanje-javnog-mnenja/stavovi-prema-ratnim-zlocinima-haskom-tribunalu-domacem-pravosudu-za-ratne-zlocine/> (25 February 2014)
- . 2010a. *Informisanost i stavovi prema MKSJ i suđenjima za ratne zločine pred sudovima u Hrvatskoj*. Belgrade: Belgrade Centre for Human Rights. Available at: <http://bgcentar.org.rs/images/stories/Datoteke/stavovi%20graana%20prema%20mksj%20i%20suenjima%20za%20ratne%20zloine%20-%20hrvatska.ppt> (24 February 2014).
- . 2010b. *Informisanost i stavovi prema MKSJ i suđenjima za ratne zločine pred sudovima u Bosni i Hercegovini*. Belgrade: Belgrade Centre for Human Rights. Available at: <http://bgcentar.org.rs/images/stories/Datoteke/stavovi%20graana%20bih%20prema%20mksj%20i%20suenjima%20za%20ratne%20zloine%20pred%20nacionalnim%20sudovima.ppt> (24 February 2014).
- . 2011. *Informisanost i stavovi građana Hrvatske prema haškom tribunalu i suđenjima za ratne zločine pred sudovima u Hrvatskoj*. Belgrade: Belgrade Centre for Human Rights. Available at: <http://bgcentar.org.rs/images/stories/Datoteke/informisanost%20i%20stavovi%20prema%20mksj%20i%20sudjenjima%20za%20ratne%20zlocine%20pred%20sudovima%20u%20hrvatskoj.ppt> (24 February 2014).
- . 2012. *Informisanost i stavovi građana BiH prema haškom tribunalu i suđenjima za ratne zločine pred sudovima u BiH*. Belgrade: Belgrade Centre for Human Rights. Available at: <http://bgcentar.org.rs/images/stories/Datoteke/informisanost%20i%20stavovi%20prema%20mksj%20i%20sudjenjima%20za%20ratne%20zlocine%20pred%20sudovima%20u%20bosni%20i%20hercegovini.ppt> (24 February 2014).
- Bećirević, A. 2007. Komemoracija, ipak, sutra u Omarskoj. *Oslobođenje*, 1 (5 August).
- Bećirević, Edina. 2010. The Issue of Genocidal Intent and Denial of Genocide: A Case Study of Bosnia and Herzegovina. *East European Politics & Societies* 24 (4): 480–502.
- Bekavac, Stjepan, and Mario Jareb. 2009. *Povijest 8: Udžbenik za 8. razred osnovne škole [Second Edition]*. Zagreb: Alfa.
- Bekavac, Stjepan, Mario Jareb, and Miroslav Rozić. 2010. *Povijest 8: Udžbenik za osmi razred osnovne škole [Second Edition]*. Mostar: Alfa.
- Bekavac, Stjepan, Mario Jareb, Miroslav Rozić, and Marija Bradvica. 2007. *Povijest 8: Udžbenik za osmi razred osnovne škole*. Mostar: Alfa.
- Belak-Krile, A., S. Pavić, and B. Lopandić. 2000. Budiša: Za mene je general nevin. *Slobodna Dalmacija*, 4 March. Available at: <http://arhiv.slobodnadalmacija.hr/20000304/novosti.htm> (24 February 2014).
- Belloni, Roberto. 2007. *State Building and International Intervention in Bosnia*. London: Routledge.
- Bellou, Fotini. 2007. Srebrenica – The War Crimes Legacy: International Arguments, Intervention and Memory. *Southeast European and Black Sea Studies* 7 (3): 387–98.
- Bennett, Christopher. 1995. *Yugoslavia's Bloody Collapse: Causes, Course and Consequences*. London: Hurst & Co.

- Berghahn, Volker R., and Hanna Schissler, ed. 1988. *Perceptions of History: International Textbook Research on Britain, Germany and the United States*. Berg Publishing.
- Berić, Gojko. 2010. Poricanje prošlosti. *Oslobođenje*, 10 (22 April).
- Bešlija, Asim. 2006. Presuda o žalbi Milomira Stakića. *Oslobođenje*, 2 (22 March).
- Bet-El, Ilana R. 2002. Unimagined Communities: The Power of Memory and the Conflict in the Former Yugoslavia. In *Memory and Power in Post-War Europe: Studies in the Presence of the Past*, edited by Jan-Werner Müller, 206–22. Cambridge: Cambridge University Press.
- Beus, Arijana. 2004. Kordić: Presudila mi je politika. *Dnevni list*, 3 (18 December).
- Bickford, Louisa, and Amy Sodaro. 2010. Remembering Yesterday to Protect Tomorrow: The Internationalization of a New Commemorative Paradigm. In *Memory and the Future: Transnational Politics, Ethics and Society*, 66–86. Houndmills and New York: Palgrave Macmillan.
- Bieber, Florian. 2001. Croat Self-Government in Bosnia: A Challenge for Dayton? ECMI Brief 5. European Centre for Minority Issues. Available at: [http://mercury.ethz.ch/serviceengine/Files/ISN/34186/ipublicationdocument\\_single\\_document/7d042325-e396-43bb-a424-261224272f7b/en/brief\\_5.pdf](http://mercury.ethz.ch/serviceengine/Files/ISN/34186/ipublicationdocument_single_document/7d042325-e396-43bb-a424-261224272f7b/en/brief_5.pdf) (24 February 2014).
- . 2006. *Post-War Bosnia: Ethnicity, Inequality and Public Sector Governance*. New York: Palgrave Macmillan.
- . 2013. The Show and the Trial: The Political Death of Milošević. In *The Milošević Trial: An Autopsy*, edited by Timothy William Waters, 419–35. Oxford and New York: Oxford University Press.
- Billig, Michael. 1995. *Banal Nationalism*. London and Thousand Oaks and New Delhi: SAGE Publications.
- BIRN. 2010. *Time for Truth: Review of the Work of the War Crimes Chamber of the Court of Bosnia and Herzegovina 2005-2010*. Sarajevo: Balkan Investigative Research Network. Available at: <http://birn.eu.com/en/file/show/Time%20for%20Truth%20ENG.pdf> (24 February 2014).
- Biro, Miklos, Dean Ajdukovic, Dinka Corkalo, Dino Djipa, Petar Milin, and Harvey M. Weinstein. 2004. Attitudes toward Justice and Social Reconstruction in Bosnia and Herzegovina and Croatia. In *My Neighbor, My Enemy: Justice and Community in the Aftermath of Mass Atrocity*, edited by Eric Stover and Harvey M. Weinstein, 183–205. Cambridge: Cambridge University Press.
- Bleeker, Mò. 2010. Foreword. In *Transitional Justice: Global Mechanism and Local Realities after Genocide and Mass Violence*, edited by Alexander Laban Hinton, vii–viii. New Brunswick and London: Rutgers University Press.
- Boas, Gideon. 2007. *The Milošević Trial: Lessons for the Conduct of Complex International Criminal Proceedings*. Cambridge: Cambridge University Press.
- Bolton, Grace, and Nerina Muzurović. 2010. Globalizing Memory in a Divided City: Bruce Lee in Mostar. In *Memory in a Global Age: Discourses, Practices and Trajectories*, edited by Aleida Assmann and Timothy M. Conrad, 181–98. New York: Palgrave Macmillan.
- Boose, Lynda E. 2002. Crossing the River Drina: Bosnian Rape Camps, Turkish Impalement, and Serb Cultural Memory. *Signs: Journal of Women in Culture and Society* 28 (1): 71–96.

- Boraine, Alexander L. 2006. Transitional Justice: A Holistic Interpretation. *Journal of International Affairs* 60 (1): 17–27.
- Borneman, John. 1997. *Settling Accounts: Violence, Justice and Accountability in Postsocialist Europe*. Princeton: Princeton University Press.
- Bošković, Nataša. 2011. Happy Holidays for Whom? Ethno-Cultural Diversity and the Politics of the Regulation of Public Holidays in BiH. In *State or Nation? The Challenges of Political Transition in Bosnia and Herzegovina*, edited by Eldar Sarajlić and Davor Marko, 127–47. Sarajevo: Centre for Interdisciplinary Postgraduate Studies, University of Sarajevo.
- Bougarel [Bugarel], Xavier [Ksavije]. 2004. *Bosna: Anatomija Rata*. Belgrade: Fabrika knjiga.
- Bougarel, Xavier. 2007. Death and the Nationalist: Martyrdom, War Memory and Veteran Identity among Bosnian Muslims. In *The New Bosnian Mosaic: Identities, Memories and Moral Claims in a Post-War Society*, edited by Xavier Bougarel, Elissa Helms, and Ger Duijzings, 167–92. Aldershot and Burlington: Ashgate.
- Braun, Christian. 2013. Memorials in Divided Societies: The Srebrenica-Potočari Memorial Promoting (In-)Justice? Paper presented at the *Association for the Study of Nationalities World Convention*, Columbia University, New York, 18-20 April.
- Bringa, Tone R., and Debbie Christie. 1993. *We Are All Neighbours, Disappearing World: War Trilogy (Bosnia)*. Granada Television.
- Brubaker, Rogers. 1992. *Citizenship and Nationhood in France and Germany*. Cambridge and London: Harvard University Press.
- Bulić, D. 2008. Bez prava na ćutanje. *Glas Srpske*, 30 May. Available at: <http://www.glassrpske.com/drustvo/panorama/Bez-prava-na-cutanje/lat/8150.html> (24 February 2014).
- Burgess, John. 2010. *Evaluating the Evaluators: Media Freedom Indexes and What They Measure*. Center for International Media Assistance, National Endowment for Democracy. Available at: [http://cima.ned.org/docs/CIMA-Evaluating\\_the\\_Evaluators\\_Report.pdf](http://cima.ned.org/docs/CIMA-Evaluating_the_Evaluators_Report.pdf) (24 February 2014).
- Burnet, Jennie E. 2010. (In)Justice: Truth, Reconciliation, and Revenge in Rwanda's Gacaca. In *Transitional Justice: Global Mechanism and Local Realities after Genocide and Mass Violence*, edited by Alexander Laban Hinton, 95–118. New Brunswick and London: Rutgers University Press.
- Calic, Marie-Janine. 2009. Ethnic Cleansing and War Crimes, 1991-1995. In *Confronting the Yugoslav Controversies: A Scholars' Initiative*, edited by Charles Ingrao and Thomas A. Emmert, 114–51. Washington and West Lafayette: United States Institute for Peace Press and Purdue University Press.
- Campbell, David. 1998. MetaBosnia: Narratives of the Bosnian War. *Review of International Studies* 24 (2): 261–81.
- . 1999. Apartheid Cartography: The Political Anthropology and Spatial Effects of International Diplomacy in Bosnia. *Political Geography* 18 (4): 395–435.
- Carić, Sandra. 2000. Što će biti s Kordićem? *Slobodna Dalmacija*, 5 March. Available at: <http://arhiv.slobodnadalmacija.hr/20000305/novosti.htm> (24 February 2014).
- Caspersen, Nina. 2010. *Contested Nationalism: Serb Elite Rivalry in Croatia and Bosnia in the 1990s*. New York and Oxford: Berghahn.
- Cassese, Antonio. 1998. On the Current Trends towards Criminal Prosecution and Punishment of Breaches of International Humanitarian Law. *European Journal of International Law* 9 (1): 2–17.

- Cattell, Maria G., and Jacob J. Climo. 2002. Introduction: Meaning in Social Memory and History: Anthropological Perspectives. In *Social Memory and History: Anthropological Perspectives*, edited by Jacob J. Climo and Maria G. Cattell, 1–38. Walnut Creek: Altamira Press.
- Čavić, Dragan. 2004. Obraćanje javnosti povodom izvještaja Komisije za Srebrenicu. *RTRS*, 22 June. Available at: <http://web.archive.org/web/20040811014511/http://www.rtrs-bl.com/srebrenica.htm> (24 February 2014).
- Čekić, Smail. 2005. *The Aggression against the Republic of Bosnia and Herzegovina: Planning, Preparation, Execution*. Sarajevo: Institute for the Research of Crimes against Humanity and International Law.
- Čengić, R. 2003. Vlada RS dostavila preliminarni izvještaj o zločinima u Srebrenici. *Nezavisne novine*, 2 (14 July).
- . 2004. Udruženja Komisiji predala svoje spiskove ubijenih. *Nezavisne novine*, 4 (22 June).
- Chakravarti, Sonali. 2012. Gacaca: A Flawed Project and the Hope for Transitional Justice. Conference paper presented at *Conflict, Memory, and Reconciliation: Bridging Past, Present, and Future*, Kigali, Rwanda, 11 January. Available at: [http://digitalcollections.sit.edu/conflict\\_reconciliation\\_symposium/jan11/memoryjusticehumanrightspanel/1/](http://digitalcollections.sit.edu/conflict_reconciliation_symposium/jan11/memoryjusticehumanrightspanel/1/) (24 February 2014).
- Chapman, Audrey R. 2009a. Truth Finding in the Transitional Justice Process. In *Assessing the Impact of Transitional Justice: Challenges for Empirical Research*, edited by Hugo van der Merwe, Victoria Baxter, and Audrey R. Chapman, 91–114. Washington: United States Institute for Peace Press.
- . 2009b. Approaches to Studying Reconciliation. In *Assessing the Impact of Transitional Justice: Challenges for Empirical Research*, edited by Hugo van der Merwe, Victoria Baxter, and Audrey R. Chapman, 143–72. Washington: United States Institute for Peace Press.
- Chapman, Audrey R., and Patrick Ball. 2001. The Truth of Truth Commissions: Comparative Lessons from Haiti, South Africa, and Guatemala. *Human Rights Quarterly* 23 (1): 1–43.
- Cibelli, Kristen, and Tamy Guberek. 2000. *Justice Unknown, Justice Unsatisfied? Bosnian NGOs Speak about the International Criminal Tribunal for the Former Yugoslavia*. EPIIC Education for Public Inquiry and International Citizenship, Tufts University. Available at: <https://www.hrdag.org/resources/publications/justicereport.pdf> (24 February 2014).
- Cigar, Norman. 1995. *Genocide in Bosnia: The Policy of "Ethnic Cleansing"*. College Station: Texas A&M University Press.
- Čilić, Z. 2004. Kordiću potvrđena kazna od 25 godina. *Slobodna Dalmacija*, 18 December. Available at: <http://arhiv.slobodnadalmacija.hr/20041218/novosti01.asp> (24 February 2014).
- Čilić, Zvonimir. 2000a. Tuga i nevjerica u Lašvanskoj dolini. *Slobodna Dalmacija*, 4 March. Available at: <http://arhiv.slobodnadalmacija.hr/20000304/novosti.htm> (24 February 2014).
- . 2000b. Oslobađa se krvnik Pinochet, a kažnjava nevini general Blaškić. *Slobodna Dalmacija*, 5 March. Available at: <http://arhiv.slobodnadalmacija.hr/20000305/herceg-bosna.htm> (24 February 2014).

- . 2001. Muška djeca u Vitezu zvat će se Dario i Mario. *Slobodna Dalmacija*, 27 February. Available at: <http://arhiv.slobodnadalmacija.hr/20010227/novosti.htm> (24 February 2014).
- . 2002. Spomen na žrtve rata. *Slobodna Dalmacija*, 17 April. Available at: <http://arhiv.slobodnadalmacija.hr/20020417/bih03.asp> (24 February 2014).
- . 2004. Sud je bio politička, a ne pravosudna institucija. *Slobodna Dalmacija*, 19 December. Available at: <http://arhiv.slobodnadalmacija.hr/20041219/bih01.asp> (24 February 2014).
- Čilić, Zvonimir, and Josip Kurevija. 2001. U subotu ćemo odgovoriti na prekranje Dayton! *Slobodna Dalmacija*, 1 March. Available at: <http://arhiv.slobodnadalmacija.hr/20010301/novosti1.htm> (24 February 2014).
- Čirković, K. 2003. Nudimo dokaze Hagu. *Glas Srpske*, 5 (17 April).
- . 2006. Zločin na licitaciji. *Glas Srpske*, 1 (4 July).
- Clark, Janine Natalya. 2007. The Death of Milošević: Exploring Public Reaction in Serbia. *Southeast European and Black Sea Studies* 7 (4): 591–608.
- . 2008a. Collective Guilt, Collective Responsibility and the Serbs. *East European Politics & Societies* 22 (3): 668–92.
- . 2008b. *Serbia in the Shadow of Milošević: The Legacy of Conflict in the Balkans*. London: IB Tauris.
- . 2009a. The Limits of Retributive Justice: Findings of an Empirical Study in Bosnia and Hercegovina. *Journal of International Criminal Justice* 7 (3): 463–87.
- . 2009b. Plea Bargaining at the ICTY: Guilty Pleas and Reconciliation. *European Journal of International Law* 20 (2): 415–36.
- . 2009c. Genocide, War Crimes and the Conflict in Bosnia: Understanding the Perpetrators. *Journal of Genocide Research* 11 (4): 421–45.
- . 2009d. From Negative to Positive Peace: The Case of Bosnia and Hercegovina. *Journal of Human Rights* 8 (4): 360–84.
- . 2010. The State Court of Bosnia and Hercegovina: A Path to Reconciliation? *Contemporary Justice Review* 13 (4): 371–90.
- . 2012. Reconciliation through Remembrance? War Memorials and the Victims of Vukovar. *International Journal of Transitional Justice* 7 (1): 116–35.
- . 2013. Courting Controversy: The ICTY's Acquittal of Croatian Generals Gotovina and Markač. *Journal of International Criminal Justice* 11: 399–423.
- Clark, Philip. 2010. *The Gacaca Courts, Post-Genocide Justice and Reconciliation in Rwanda: Justice without Lawyers*. Cambridge and New York: Cambridge University Press.
- Cohen, Stanley. 2001. *States of Denial: Knowing about Atrocities and Suffering*. Cambridge: Polity.
- Commission for Investigation of the Events in and around Srebrenica between 10<sup>th</sup> and 19<sup>th</sup> July 1995. 2004a. *The Events in and around Srebrenica between 10<sup>th</sup> and 19<sup>th</sup> July 1995*. Available at: [http://www.domovina.net/srebrenica/page\\_006.php](http://www.domovina.net/srebrenica/page_006.php) (28 February 2014).
- . 2004b. *Addendum to the Report of the 11<sup>th</sup> June 2004 on the Events in and around Srebrenica between 10<sup>th</sup> and 19<sup>th</sup> July 1995*. Available at: [http://www.domovina.net/srebrenica/page\\_006/rs\\_final\\_srebrenica\\_report\\_add.pdf](http://www.domovina.net/srebrenica/page_006/rs_final_srebrenica_report_add.pdf) (28 February 2014).
- Commission on Security and Cooperation in Europe. 1992. *Report: The Referendum on Independence in Bosnia-Herzegovina*. Available at:

- [http://csce.gov/index.cfm?FuseAction=UserGroups.Home&ContentRecord\\_id=250&ContentType=G&ContentRecordType=G&UserGroup\\_id=5&Subaction=ByDate](http://csce.gov/index.cfm?FuseAction=UserGroups.Home&ContentRecord_id=250&ContentType=G&ContentRecordType=G&UserGroup_id=5&Subaction=ByDate) (28 February 2014).
- Communications Service of the ICTY. 2014a. *Case Information Sheet: Erdemović (IT-96-22) 'Pilica Farm.'* Available at: [http://www.icty.org/x/cases/erdemovic/cis/en/cis\\_erdemovic\\_en.pdf](http://www.icty.org/x/cases/erdemovic/cis/en/cis_erdemovic_en.pdf) (24 February 2014).
- . 2014b. *Case Information Sheet: Hadžihasanović & Kubura (IT-01-47)*. Available at: [http://www.icty.org/x/cases/hadzihasanovic\\_kubura/cis/en/cis\\_hadzihasanovic\\_kubura\\_en.pdf](http://www.icty.org/x/cases/hadzihasanovic_kubura/cis/en/cis_hadzihasanovic_kubura_en.pdf) (24 February 2014).
- . 2014c. *Case Information Sheet: Kupreškić et Al. (IT-95-16) 'Lašva Valley.'* Available at: [http://www.icty.org/x/cases/kupreskic/cis/en/cis\\_kupreskic\\_al\\_en.pdf](http://www.icty.org/x/cases/kupreskic/cis/en/cis_kupreskic_al_en.pdf) (24 February 2014).
- Connerton, Paul. 1989. *How Societies Remember*. Cambridge and New York and Melbourne: Cambridge University Press.
- Čorbo-Zećo, A. 2013. Zašto se krije historija od bošnjačke djece? *Dnevni avaz*, 30 January. Available at: <http://www.avaz.ba/vijesti teme/zasto-se-krije-historija-od-bosnjacke-djece> (24 February 2014).
- Corkalo, Dinka, Dean Ajdukovic, Harvey M. Weinstein, Eric Stover, Dino Djipa, and Miklos Biro. 2004. Neighbors Again? Intercommunity Relations after Ethnic Cleansing. In *My Neighbor, My Enemy: Justice and Community in the Aftermath of Mass Atrocity*, edited by Eric Stover and Harvey M. Weinstein, 143–61. Cambridge: Cambridge University Press.
- Ćosić, D., and K. Ćirković. 2008. Sramota haškog tribunala. *Glas Srpske*, 3 (4 July).
- Council of Europe. 2000. *Recommendation 1454, Education in Bosnia and Herzegovina*. Available at: <http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta00/EREC1454.htm> (24 February 2014).
- Counsell, Christine. 2002. Historical Knowledge and Historical Skills: A Distracting Dichotomy. In *Issues in History Teaching*, edited by James Arthur and Robert Phillips, 54–71. London and New York: Routledge.
- Ćurak, Nerzuk. 2007. (Post)Dayton Bosnia and Herzegovina: 21.11.1995 – 21.11.2006 / Eleven Years of a Divided Society and an Underdeveloped State. *Forum Bosnae* (39): 87–104.
- Daskalovski, Židas. 2003. Claims to Kosovo: Nationalism and Self-Determination. In *Understanding the War in Kosovo*, edited by Florian Bieber and Židas Daskalovski, 11–28. London: Frank Cass Publishers.
- D.K. 2005. "Spomenik dizati kao obilježja sjećanja". *Nezavisne novine*, 5 (26 May).
- . 2006. Održana svečana akademija. *Nezavisne novine*, 12 (17 May).
- D.M. 2004. Potpisi za promjenu Dana opštine. *Nezavisne novine*, 8 (13 May).
- Dajić, M. 2004. Ispada da smo se sami poubijali. *Oslobođenje*, 7 (31 July).
- Dajić, M., and D. Pucar. 2008. Sjećanja ostaju. *Oslobođenje*, 11 (17 April).
- Dajić, Mirza. 2010. Počast žrtvama u Ahmićima i Križančevom selu. *Oslobođenje*, 3 (16 April).
- Dani*. 2001. Radislav Krstić, 13 (3 August).
- . 2002. Genocid iz higijenskih razloga, 14 (13 September).
- . 2003a. Dom za ljudska prava, 6 (14 March).
- . 2003b. Međunarodni tribunal za ratne zločine u Haagu, 6 (8 August).

- . 2004. Međunarodni sud za bivšu Jugoslaviju, 16 (25 June).
- Danner, Allison Marsten, and Jenny S. Martinez. 2005. Guilty Associations: Joint Criminal Enterprise, Command Responsibility and the Development of International Criminal Law. *California Law Review* 93 (1): 75–169. Available at: <http://scholarship.law.berkeley.edu/californialawreview/vol93/iss1/2/> (28 February 2014).
- De Luce, Dan. 2003. *Assessment of USAID Media Assistance in Bosnia and Herzegovina, 1996-2002*. PPC Evaluation Working Paper 6. USAID, Bureau for Policy and Program Coordination.
- Delić, Aida. 2001. Malo je dobio, ovdje je ubijeno 119 ljudi, žena, maksuma... *Dnevni avaz*, 4 (27 February).
- Delpla, Isabelle. 2007. In the Midst of Injustice: The ICTY from the Perspective of Some Victim Associations. In *The New Bosnian Mosaic: Identities, Memories and Moral Claims in a Post-War Society*, edited by Xavier Bougarel, Elissa Helms, and Ger Duijzings, 211–34. Aldershot and Burlington: Ashgate.
- Denich, Bette. 1994. Dismembering Yugoslavia: Nationalist Ideologies and the Symbolic Revival of Genocide. *American Ethnologist* 21 (2): 367–90.
- Denisov, Ivana. 2012. *Serbian Media & the International Criminal Tribunal for the Former Yugoslavia*. Master's thesis. Toronto: University of Toronto. Available at: [https://tspace.library.utoronto.ca/bitstream/1807/33396/3/Denisov\\_Ivana\\_201211\\_LLM\\_thesis.pdf](https://tspace.library.utoronto.ca/bitstream/1807/33396/3/Denisov_Ivana_201211_LLM_thesis.pdf) (28 February 2014).
- Dežulović, Boris. 2013. Je li Hrvatska bila agresor ili Srbija nije? *Oslobođenje*, 8 March. Available at: <http://www.oslobodjenje.ba/kolumne/je-li-hrvatska-bila-agresor-ili-srbija-nije> (24 February 2014).
- Dimitrijević, Nenad. 2011. *Duty to Respond*. Budapest and New York: Central European University Press.
- Dimitrijević, Vojin. 2000. The 1974 Constitution as a Factor in the Collapse of Yugoslavia or as a Sign of Decaying Totalitarianism. In *The Road to War in Serbia: Trauma and Catharsis*, edited by Nebojša Popov, 399–424. Budapest and New York: Central European University Press.
- Dizdar, J. 2010. Jadranka Kosor: Josipović se nije konsultirao s Vladom. *Oslobođenje*, 3 (16 April).
- Dizdarević, Zija. 2004. Nacifašizam. *Oslobođenje*, 2 (3 September).
- Dnevni avaz*. 1996a. Poruka za zločince, 1 (8 May).
- . 1996b. "Srebrenica je srce bošnjačkog naroda", 1 (11 July).
- . 1997. Danas presuda Dušku Tadiću, 1 (14 July).
- . 2001a. Kordić osuđen na 25, a Čerkez na 15 godina zatvora, 1, 4 (27 February).
- . 2001b. Šta za subotu planira Ante Jelavić, 2 (1 March).
- . 2001c. Protesti u Busovači, 2 (1 March).
- . 2001d. Majke Srebrenice žale se na visinu kazne general Krstiću, 4 (5 August).
- . 2002. Balkanski kasapin odgovarat će na optužbe za genocid u BiH, 1, 23 (12 February).
- . 2006. Bila je to tvornica smrti, 3 (7 August).
- Dnevni list*. 2004a. Blaškićevo puštanje dokaz njegove nevinosti, 5 (3 August).
- . 2004b. Haaški sud stvoren da bi pacificirao Balkan, 5 (3 August).



- Dokumentacioni centar Republike Srpske. 2002. *Izveštaj o slučaju Srebrenica (I Dio)*. Banja Luka: Dokumentacioni centar Republike Srpske za istraživanje ratnih zločina & Biro Vlade Republike Srpske za odnose sa Međunarodnim krivičnim sudom u Hagu.
- Douglas, Lawrence. 2001. *The Memory of Judgment: Making Law and History in the Trials of the Holocaust*. New Haven and London: Yale University Press.
- Dragović-Soso, Jasna. 2008. Why Did Yugoslavia Disintegrate? An Overview of Contending Explanations. In *State Collapse in South-Eastern Europe: New Perspectives on Yugoslavia's Disintegration*, edited by Lenard J. Cohen and Jasna Dragović-Soso, 1–39. West Lafayette: Purdue University Press.
- Drakulić, Slavenka. 2004. *They Would Never Hurt a Fly: War Criminals on Trial in The Hague*. New York: Penguin.
- Dreca, M. 1996. Deset hiljada jastučića sa imenima nestale dece. *Dnevni avaz*, 4 (27 November).
- Du Toit, André. 2000. The Moral Foundations of the South African TRC: Truth as Acknowledgment and Justice as Recognition. In *Truth v. Justice: The Morality of Truth Commissions*, edited by Robert I. Rotberg and Dennis Thompson, 122–40. Princeton and Oxford: Princeton University Press.
- Dubiel [Dubil], Helmut. 2002. *Niko nije oslobođen istorije: Nationalsocijalistička vlast u debatama Bundestaga [Niemand Ist frei von der Geschichte: Die Nationalsozialistische Herrschaft in den Debatten des Deutschen Bundestages]*. Belgrade: Samizdat B92.
- Dudouet, Véronique, Martina Fischer, and Beatrix Schmelzle. 2008. *Dealing with the Past in Israel-Palestine and in the Western Balkans: Story-Telling in Conflict: Developing Practice and Research*. Berghof Working Paper 5. Berlin: Berghof Conflict Research. Available at: [http://www.berghof-conflictresearch.org/documents/publications/wp5e\\_workshop\\_report\\_bar\\_on.pdf](http://www.berghof-conflictresearch.org/documents/publications/wp5e_workshop_report_bar_on.pdf) (24 February 2014).
- Duijzings, Ger. 2007. Commemorating Srebrenica: Histories of Violence and the Politics of Memory in Eastern Bosnia. In *The New Bosnian Mosaic: Identities, Memories and Moral Claims in a Post-War Society*, edited by Xavier Bougarel, Elissa Helms, and Ger Duijzings, 142–66. Aldershot and Burlington: Ashgate.
- Durmanović, Slobodan. 2004. (Ne)moguća misija. *Reporter*, 24–26 (23 June).
- . 2006. Zločinac i kućepazitelj. *Reporter*, 18–21 (5 July).
- Džihana, Amer, and Sanela Hodžić. 2011. The Karadžić Case: The Analysis of Media Reporting about Radovan Karadžić's Arrest and Trial. In *Media and National Ideologies: Analysis of Reporting on War Crime Trials in the Former Yugoslavia*, edited by Amer Džihana and Zala Volčič, 185–240. Sarajevo: Mediacentar Sarajevo.
- Džonlić, A. 2002. Većina od 119 Bošnjaka zvjerski ubijena, pa zapaljena u svojim kućama. *Dnevni avaz*, 10 (17 April).
- . 2003. Senija s unucima živi u sobi od osam kvadrata. *Dnevni avaz*, 12 (16 April).
- . 2008. Sjećanje na 119 Ahmićana. *Dnevni avaz*, 10 (17 April).
- Džonlić, Adnan. 1998. Ko prijeti povratnicima? *Dnevni avaz*, 10 (16 April).
- E.S. 2000. Hrvatska osuđuje odluku haškog tribunala. *Dnevni avaz*, 5 (5 March).
- . 2004. U Bosanskoj Krajini nije bio genocid? *Dani*, 7 (3 September).
- Eastmond, Marita, and Johanna Mannergren Selimovic. 2012. Silence as Possibility in Postwar Everyday Life. *International Journal of Transitional Justice* 6 (3): 502–24.

- Elster, Jon. 2005. *Svođenje računa: Tranziciona pravda u istorijskoj perspektivi [Closing the Books: Transitional Justice in Historical Perspective]*. Belgrade: Beogradski krug.
- Entman, Robert M. 1993. Framing: Toward Clarification of a Fractured Paradigm. *Journal of Communication* 43 (4): 51–58.
- . 2003. Cascading Activation: Contesting the White House’s Frame After 9/11. *Political Communication* 20 (4): 415–32.
- Erdelja, Krešimir, Igor Stojaković, Ivan Madžar, and Nikolina Lovrinović. 2010. *Tragom prošlosti 8: Udžbenik povijesti za 8. razred osnovne škole*. Mostar: Školska naklada.
- Erjavec, Karmen, and Zala Volčič. 2007. Recontextualizing Traumatic Pasts: Croatian Justification of War Crimes in Bosnia-Herzegovina. *Global Media Journal: Mediterranean Edition* 2 (1): 10–22.
- . 2009. Rehabilitating Milošević: Posthumous Coverage of the Milošević Regime in Serbian Newspapers. *Social Semiotics* 19 (2): 125–47.
- Fischer, Kimberly. 1997. Locating Frames in the Discursive Universe. *Sociological Research Online* 2 (3): 6.2 paragraphs. Available at: <http://socresonline.org.uk/2/3/4.html> (24 February 2014).
- Fletcher, Laurel E., and Harvey M. Weinstein. 2002. Violence and Social Repair: Rethinking the Contribution of Justice to Reconciliation. *Human Rights Quarterly* 24 (3): 573–639.
- FOD BiH. 1997. *Godišnji izvještaj 1997*. Sarajevo: Fond otvoreno društvo BiH.
- . 1999. *Godišnji izvještaj 1999*. Sarajevo: Fond otvoreno društvo BiH.
- Fopp, Rodney. 2008. *From Weak Social Constructionism to Critical Realism in Housing Theory – Exploring Issues*. 3rd Annual Australasian Housing Researchers' Conference, Melbourne, RMIT University, 18 June. Available at: [http://ura.unisa.edu.au/R/?func=dbin-jump-full&object\\_id=52132](http://ura.unisa.edu.au/R/?func=dbin-jump-full&object_id=52132) (28 February 2014).
- Forever in the Shadow of Hitler? Original Documents of the Historikerstreit, the Controversy Concerning the Singularity of the Holocaust [Historikerstreit: Die Dokumentation der Kontroverse um die Einzigartigkeit der nationsozialistischen Judenvernichtung]*. 1993. New Jersey: Humanities Press.
- Forsberg, Tuomas. 2003. The Philosophy and Practice of Dealing with the Past: Some Conceptual and Normative Issues. In *Burying the Past: Making Peace and Doing Justice after Civil Conflict*, edited by Nigel Biggar, 65–84. Washington: Georgetown University Press.
- Foucault, Michel. 1980. Truth and Power. In *Power/Knowledge: Selected Interviews and Other Writings 1972-1977*, edited by Colin Gordon, 109–33. New York: Pantheon Books.
- Frei, Norbert. 2002. *Adenauer’s Germany and the Nazi Past: The Politics of Amnesty and Integration*. New York: Columbia University Press.
- Friedlander, Saul. 1992. Introduction. In *Probing the Limits of Representation: Nazism and the “Final Solution”*, edited by Saul Friedlander, 1–21. Cambridge: Harvard University Press.
- Fukuyama, Francis. 1989. The End of History? *The National Interest* 16 (Summer): 3–18.
- Futamura, Madoka. 2007. *War Crimes Tribunals and Transitional Justice: The Tokyo Trial and the Nuremberg Legacy*. London and New York: Routledge.
- G.G. 2006. I tužilaštvo izenađeno blagom kaznom. *Nezavisne novine*, 3 (2 July).
- G.K. 2002. Dobrovoljačka vodi u Hag. *Glas srpski*, 1 (2 September).

- Gaćeša, Nikola, Ljiljana Mladenović-Maksimović, and Dušan Živković. 1994. *Istorija: Za 8. razred osnovne škole [Second Edition]*. Beograd: Zavod za udžbenike i nastavna sredstva.
- . 2000. *Istorija: Za 8. razred osnovne škole [Eighth Edition]*. Beograd: Zavod za udžbenike i nastavna sredstva.
- Gagnon, V. P. 2004. *The Myth of Ethnic War: Serbia and Croatia in the 1990s*. Ithaca: Cornell University Press.
- Gajić, Igor, and Slobodan Vasković. 1999. Stizanje mraka. *Reporter*, 33–35 (14 July).
- Ganibegović, Muhamed. 2003. *Historija – Povijest: Za 8. razred osnovne škole*. Sarajevo: Svjetlost.
- Ganibegović, Muhamed, Enes Durmišević, and Muhidin Pelesić. 2001. *Historija – Povijest: Za 8. razred osnovne škole*. Sarajevo: Svjetlost.
- Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War*. 1949. Available at: <http://www.icrc.org/ihl.nsf/385ec082b509e76c41256739003e636d/6756482d86146898c125641e004aa3c5> (24 February 2014).
- Gillis, John R. 1994. Memory and Identity: The History of a Relationship. In *Commemorations: The Politics of National Identity*, edited by John R. Gillis, 3–24. Princeton: Princeton University Press.
- Glas Srpske*. 2006. Umijeće provokacije, 1–2 (8 July).
- . 2012a. U novim udžbenicima istorije u BiH regionalno preče od nacionalnog, 8 April. Available at: [http://www.glassrpske.com/novosti/vijesti\\_dana/U-novim-udzbenicima-istorije-u-BiH-regionalno-prece-od/lat/4023.html](http://www.glassrpske.com/novosti/vijesti_dana/U-novim-udzbenicima-istorije-u-BiH-regionalno-prece-od/lat/4023.html) (24 February 2014).
- . 2012b. Obilježeno 20 godina od odbrane grada od 'zelenih beretki', 30 May. Available at: <http://www.glassrpske.com/drustvo/panorama/Obiljezeno-20-godina-od-odbrane-grada-od-zelenih-beretki/lat/80632.html> (24 February 2014).
- Glas srpski*. 1996. Teške optužbe bez provere, 3 (8 May).
- . 1997a. Odustajanje od Dejtona?, 3 (12 July).
- . 1997b. Sud samo za Srbe, 3 (15 July).
- . 1999. Četiri godine slobode, 6 (13 July).
- . 2000a. Mikanović teško povrijeđen, 3 (7 March).
- . 2000b. Dvostruki standardi, 8 (8 March).
- . 2000c. Parastos za 70 Srba, 2 (13 July).
- . 2001a. Stakić danas pred sudijama, 3 (28 March).
- . 2001b. Đeneralu Krstiću 46 godina zatvora, 1 (3 August).
- . 2001c. Optužbe nisu dokazane, 3 (19 November).
- Glenny, Misha. 1996. *The Fall of Yugoslavia: The Third Balkan War*. London: Penguin Books.
- Glibušić, Ivica. 2004. General Blaškić. *Dnevni list*, 2 (30 July).
- Goldstone, Richard J. 2010. The Role of the International Criminal Court. In *Mass Atrocity Crimes: Preventing Future Outrages*, 55–68. Washington: Brookings Institution Press.
- Gordy, Eric. 2008. Destruction of the Yugoslav Federation: Policy or Confluence of Tactics? In *State Collapse in South-Eastern Europe: New Perspectives on Yugoslavia's Disintegration*, edited by Lenard J. Cohen and Jasna Dragović-Soso, 281–300. West Lafayette: Purdue University Press.
- Government of the Republika Srpska. 2004. *Conclusions*, 28 October. Available at: [http://www.domovina.net/srebrenica/page\\_006/rs\\_apology.pdf](http://www.domovina.net/srebrenica/page_006/rs_apology.pdf) (24 February 2014).

- Gow, James. 2003. *Serbian Project and Its Adversaries: A Strategy of War Crimes*. London: Hurst & Company.
- Gow, James, and Ivan Zveržhanovski. 2004. The Milošević Trial: Purpose and Performance. *Nationalities Papers* 32 (4): 897–919.
- Gregulska, Jagoda. 2009. *Memory Work in Srebrenica: Serb Women Tell Their Stories*. Master's thesis. Budapest: Centra European University. Available at: [http://www.etd.ceu.hu/2009/gregulska\\_jagoda.pdf](http://www.etd.ceu.hu/2009/gregulska_jagoda.pdf) (28 February 2014).
- Gross, David. 2000. *Lost Time: On Remembering and Forgetting in Late Modern Culture*. Amherst: University of Massachusetts Press.
- Gutman, Yifat, Adam D. Brown, and Amy Sodaro, ed. 2010. *Memory and the Future: Transnational Politics, Ethics and Society*. Houndmills and New York: Palgrave Macmillan.
- Hadžiabdić, Hadžija, Denis Dervišagić, Alen Mulić, and Vahidin Mehić. 2007. *Historija: Udžbenik za osmi razred osnovne škole*. Tuzla: Bosanska knjiga.
- Hadžić, Almasa. 2003. Najveća uvreda za srebreničke žrtve. *Dnevni avaz*, 3 (9 March).
- Hadžović, Eldin. 2007. Mittal Macht Frei. *Dani*, 10 August. Available at: <https://www.bhdani.ba/portal/clanak/530/arhiva/mittal-macht-frei> (24 February 2014).
- Halbwachs, Maurice. 1992. *On Collective Memory*. Edited by Lewis A Coser. Chicago: University of Chicago Press.
- Halilović, Senahid. 1991. *Bosanski jezik*. Sarajevo: Biblioteka Ključanin.
- Halilovich, Hariz. 2010. Beyond the Sadness: Memories and Homecomings among Survivors of 'Ethnic Cleansing' in a Bosnian Village. *Memory Studies* 4 (1): 42–52.
- Hatschikjan, Margaret, Dušan Reljić, and Nenad Šebek, ed. 2005. *Disclosing Hidden History: Lustration in the Western Balkans: A Project Documentation*. Thessaloniki: Center for Democracy and Reconciliation in Southeast Europe.
- Hayden [Hejden], Robert M. 2003. *Skice za podeljenu kuću: Ustavna logika jugoslovenskih sukoba [Blueprints for a House Divided: The Constitutional Logic of the Yugoslav Conflicts]*. Belgrade: Samizdat B92.
- . 2006. Justice Presumed and Assistance Denied: The Yugoslav Tribunal as Obstruction to Economic Recovery. *International Journal for the Semiotics of Law – Revue Internationale de Sémiotique Juridique* 19 (4): 389–408.
- Hayner, Priscilla B. 1994. Fifteen Truth Commissions – 1974 to 1994: A Comparative Study. *Human Rights Quarterly* 16 (4).
- . 2001. *Unspeakable Truths: Confronting State Terror and Atrocity*. New York and London: Routledge.
- . 2011. *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions*. New York and London: Taylor & Francis.
- Hazan, Pierre. 2006. Measuring the Impact of Punishment and Forgiveness: A Framework for Evaluating Transitional Justice. *International Review of the Red Cross* 88 (861): 19–47.
- Hein, Laura, and Mark Selden. 2000. The Lessons of War, Global Power, and Social Change. In *Censoring History: Citizenship and Memory in Japan, Germany, and the United States*, edited by Laura Hein and Mark Selden, 3–50. Armonk: M. E. Sharpe.
- Helsinki Committee for Human Rights in Republika Srpska. 2002. *Narrative Report on Activities within the Project of the NED Grant 'Protection, Promotion and Monitoring of Human Rights in Republika Srpska*. Bijeljina: Helsinki Committee for Human Rights in Republika Srpska.

- Hinton, Alexander Laban. 2010. Introduction: Toward an Anthropology of Transitional Justice. In *Transitional Justice: Global Mechanism and Local Realities after Genocide and Mass Violence*, edited by Alexander Laban Hinton, 1–22. New Brunswick and London: Rutgers University Press.
- Hoare, Attila. 1997. Croatian Project to Partition Bosnia-Herzegovina, 1990-1994. *East European Quarterly* 31 (1): 121–38.
- Hoare, Marko Attila. 2004. *How Bosnia Armed*. London: Saqi Books in association with The Bosnian Institute.
- . 2007. *The History of Bosnia: From the Middle Ages to the Present Day*. London and Berkeley and Beirut: Saqi.
- . 2011. The Partisans and the Serbs. In *Serbia and the Serbs in World War Two*, edited by Sabrina P. Ramet and Ola Listhaug, 201–11. Houndmills and New York: Palgrave Macmillan.
- Hobsbawm, Eric. 1992. Introduction: Inventing Traditions. In *The Invention of Tradition*, edited by Eric Hobsbawm and Terence Renger, 1–14. Cambridge: Cambridge University Press.
- Hodžić, Sead. 1997. Presuda. *Dnevni avaz*, 3 (16 July).
- Horelt, Michel-André, and Judith Renner. 2008. Denting a Heroic Picture A Narrative Analysis of Collective Memory in Post-War Croatia. *Perspectives: Review of International Affairs*, 16 (2): 5–27.
- Hozic, Aida A. 2008. Democratizing Media, Welcoming Big Brother: Media in Bosnia and Herzegovina. In *Finding the Right Place on the Map: Central and Eastern European Media Change in a Global Perspective*, edited by Karol Jakubowitz and Miklós Sükösd, 145–64. Bristol and Chicago: Intellect Books.
- Hromadžić, Azra. 2008. Discourses of Integration and Practices of Reunification at the Mostar Gymnasium, Bosnia and Herzegovina. *Comparative Education Review* 52 (4): 541–63.
- Hrvatska Zajednica Herceg-Bosna. 1991. *Odluka o uspostavi Hrvatske zajednice Herceg-Bosna*, 18 November 1991. Available at: <http://www.slobodanpraljka.com/MATERIJALI/RATNI%20DOKUMENTI/DOKUMENTI%20O%20HB%201991.-1992/7.pdf> (24 February 2014).
- Human Rights Center and the International Human Rights Law Clinic, University of California, Berkeley, and Centre for Human Rights, University of Sarajevo. 2000. Justice, Accountability and Social Reconstruction: An Interview Study of Bosnian Judges and Prosecutors. *Berkeley Journal of International Law* 18 (1): 102–64.
- Human Rights Chamber for BiH. 2003. *The “Srebrenica Cases” v. RS: Decision on Admissibility and Merits (7 March 2003)*. Available at: <http://www.hrc.ba/database/decisions/CH01-8365%20Selimovic%20Admissibility%20and%20Merits%20E.pdf> (24 February 2014).
- Huyse, Luc. 1995. Justice after Transition: On the Choices Successor Elites Make in Dealing with Past. *Law and Social Inquiry* 20 (1): 51–78.
- ICTY. 1995a. *Prosecutor v. Željko Meakić, Miroslav Kvočka et Al.: Initial Indictment (13 February 1995)*. Available at: <http://www.icty.org/x/cases/kvočka/ind/en/950213.pdf> (24 February 2014).
- . 1995b. *Prosecutor v. Radovan Karadžić and Ratko Mladić: Initial Indictment (24 July 1995)*. Available at: <http://www.icty.org/x/cases/karadzic/ind/en/kar-ii950724e.pdf> (24 February 2014).

- . 1995c. *Prosecutor v. Duško Tadić: Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction (2 October 1995)*. Available at: <http://www.icty.org/x/cases/tadic/acdec/en/51002.htm> (24 February 2014).
- . 1997a. *Prosecutor v. Duško Tadić A/k/a “Dule”: Trial Judgement and Dissenting Opinion (7 May 1997)*. Available at: <http://www.icty.org/x/cases/tadic/tjug/en/tad-tsj70507JT2-e.pdf> (24 February 2014).
- . 1997b. *Press Release: Tadić Case: The Verdict*. Available at: [http://www.icty.org/x/cases/tadic/tjug/en/970507\\_Tadic\\_summar\\_en.pdf](http://www.icty.org/x/cases/tadic/tjug/en/970507_Tadic_summar_en.pdf) (24 February 2014).
- . 1998. *Prosecutor v. Mucić et Al. “Čelebići”: Trial Judgement (16 November 1998)*. Available at: [http://www.icty.org/x/cases/mucic/tjug/en/981116\\_judg\\_en.pdf](http://www.icty.org/x/cases/mucic/tjug/en/981116_judg_en.pdf) (24 February 2014).
- . 1999a. *Prosecutor v. Zlatko Aleksovski: Trial Judgement (25 June 1999)*. Available at: <http://www.icty.org/x/cases/aleksovski/tjug/en/ale-tj990625e.pdf> (24 February 2014).
- . 1999b. *Prosecutor v. Zlatko Aleksovski: Joint Opinion of the Majority, Judge Vohran and Judge Nieto-Navia, on the Applicability of Article 2 of the Statute Pursuant to Paragraph 46 of the Judgement (25 June 1999)*. Available at: <http://www.icty.org/x/cases/aleksovski/tjug/en/ale-tsojvoh990625e.pdf> (24 February 2014).
- . 1999c. *Prosecutor v. Zlatko Aleksovski: Dissenting Opinion of Judge Rodrigues, Presiding Judge of the Trial Chamber (25 June 1999)*. Available at: <http://www.icty.org/x/cases/aleksovski/tjug/en/ale-tdojrod990625e.pdf> (24 February 2014).
- . 1999d. *Prosecutor v. Duško Tadić: Appeals Judgement (15 July 1999)*. Available at: <http://www.icty.org/x/cases/tadic/acjug/en/tad-aj990715e.pdf> (24 February 2014).
- . 2000a. *Prosecutor v. Tihomir Blaškić: Trial Judgement (3 March 2000)*. Available at: <http://www.icty.org/x/cases/blaskic/tjug/en/bla-tj000303e.pdf> (24 February 2014).
- . 2000b. *Prosecution v. Zlatko Aleksovski: Appeals Judgement (24 March 2000)*. Available at: <http://www.icty.org/x/cases/aleksovski/acjug/en/ale-asj000324e.pdf> (24 February 2014).
- . 2001a. *Prosecutor v. Mucić et Al. “Čelebići”: Appeals Judgement (20 February 2001)*. Available at: <http://www.icty.org/x/cases/mucic/acjug/en/cel-aj010220.pdf> (24 February 2014).
- . 2001b. *Prosecutor v. Dario Kordić & Mario Čerkez: Trial Judgement (26 February 2001)*. Available at: [http://www.icty.org/x/cases/kordic\\_cerkez/tjug/en/kor-tj010226e.pdf](http://www.icty.org/x/cases/kordic_cerkez/tjug/en/kor-tj010226e.pdf) (24 February 2014).
- . 2001c. *Prosecutor v. Radislav Krstić: Trial Judgement (2 August 2001)*. Available at: <http://www.icty.org/x/cases/krstic/tjug/en/krs-tj010802e.pdf> (24 February 2014).
- . 2001d. *Prosecutor v. Sikirica et Al.: Judgement on Defence Motions to Acquit (3 September 2001)*. Available at: <http://www.icty.org/x/cases/sikirica/tjug/en/010903r98bis-e.pdf> (24 February 2014).
- . 2001e. *Prosecutor v. Kvočka et Al.: Trial Judgement (2 November 2001)*. Available at: <http://www.icty.org/x/cases/kvocka/tjug/en/kvo-tj011002e.pdf> (24 February 2014).
- . 2001f. *Prosecutor v. Slobodan Milošević: Indictment (Bosnia and Herzegovina) (22 November 2001)*. Available at:

- [http://www.icty.org/x/cases/slobodan\\_milosevic/ind/en/mil-ii011122e.htm](http://www.icty.org/x/cases/slobodan_milosevic/ind/en/mil-ii011122e.htm) (28 February 2014).
- . 2002a. *Prosecutor v. Slobodan Milošević: Transcript 1–113 (12 February 2002, Prosecution Opening Statement)*. Available at: [http://www.icty.org/x/cases/slobodan\\_milosevic/trans/en/020212IT.htm](http://www.icty.org/x/cases/slobodan_milosevic/trans/en/020212IT.htm) (28 February 2014).
- . 2002b. *Prosecutor v. Slobodan Milošević: Transcript 225–319 (14 February 2002, Defence Opening Statement)*. Available at: [http://www.icty.org/x/cases/slobodan\\_milosevic/trans/en/020214IT.htm](http://www.icty.org/x/cases/slobodan_milosevic/trans/en/020214IT.htm) (28 February 2014).
- . 2002c. *Prosecutor v. Slobodan Milošević: Transcript 320–426 (15 February 2002, Defence Opening Statement)*. Available at: [http://www.icty.org/x/cases/slobodan\\_milosevic/trans/en/020215IT.htm](http://www.icty.org/x/cases/slobodan_milosevic/trans/en/020215IT.htm) (28 February 2014).
- . 2002d. *Prosecutor v. Slobodan Milošević: Amended Indictment (Bosnia and Herzegovina) (22 November 2002)*. Available at: [http://www.icty.org/x/cases/slobodan\\_milosevic/ind/en/mil-ai040421-e.htm](http://www.icty.org/x/cases/slobodan_milosevic/ind/en/mil-ai040421-e.htm) (28 February 2014).
- . 2003a. *Prosecutor v. Milomir Stakić: Trial Judgement (31 July 2003)*. Available at: <http://www.icty.org/x/cases/stakic/tjug/en/stak-tj030731e.pdf> (24 February 2014).
- . 2003b. *Prosecution v. Simić et Al.: Trial Judgement (17 October 2003)*. Available at: <http://www.icty.org/x/cases/simic/tjug/en/sim-tj031017e.pdf> (24 February 2014).
- . 2004a. *Press Release: Appeals Chamber Judgement in the Case the Prosecutor v. Radislav Krstić (19 April 2004)*. Available at: [http://www.icty.org/x/cases/krstic/acjug/en/040419\\_Krsti\\_summary\\_en.pdf](http://www.icty.org/x/cases/krstic/acjug/en/040419_Krsti_summary_en.pdf) (24 February 2014).
- . 2004b. *Prosecutor v. Slobodan Milošević: Decision on Motion for Judgement of Acquittal (16 June 2004)*. Available at: [http://www.icty.org/x/cases/slobodan\\_milosevic/tdec/en/040616.htm](http://www.icty.org/x/cases/slobodan_milosevic/tdec/en/040616.htm) (28 February 2014).
- . 2004c. *Prosecutor v. Tihomir Blaškić: Appeals Judgement (29 July 2004)*. Available at: <http://www.icty.org/x/cases/blaskic/acjug/en/bla-aj040729e.pdf> (24 February 2014).
- . 2004d. *Prosecutor v. Radoslav Brđanin: Trial Judgement (1 September 2004)*. Available at: <http://www.icty.org/x/cases/brdanin/tjug/en/brd-tj040901e.pdf> (24 February 2014).
- . 2004e. *Prosecutor v. Dario Kordić & Mario Čerkez: Appeals Judgement (17 December 2004)*. Available at: [http://www.icty.org/x/cases/kordic\\_cerkez/acjug/en/cer-aj041217e.pdf](http://www.icty.org/x/cases/kordic_cerkez/acjug/en/cer-aj041217e.pdf) (24 February 2014).
- . 2005. *Prosecutor v. Slobodan Milošević: Transcript 43203–43316 (25 August 2005) [witnessing of Vojislav Šešelj]*. Available at: [http://www.icty.org/x/cases/slobodan\\_milosevic/trans/en/050825IT.htm](http://www.icty.org/x/cases/slobodan_milosevic/trans/en/050825IT.htm) (28 February 2014).
- . 2006a. *Prosecutor v. Milomir Stakić: Appeals Judgement (22 March 2006)*. Available at: <http://www.icty.org/x/cases/stakic/acjug/en/sta-aj060322e.pdf> (24 February 2014).

- . 2006b. *Prosecutor v. Naser Orić: Summary of Judgement (30 June 2006)*. Available at: [http://www.icty.org/x/cases/oric/tjug/en/060630\\_Oric\\_summary\\_en.pdf](http://www.icty.org/x/cases/oric/tjug/en/060630_Oric_summary_en.pdf) (24 February 2014).
- . 2006c. *Prosecutor v. Naser Orić: Trial Judgement (30 June 2006)*. Available at: <http://www.icty.org/x/cases/oric/tjug/en/ori-jud060630e.pdf> (24 February 2014).
- . 2006d. *Prosecutor v. Momčilo Krajišnik: Trial Judgement (27 September 2006)*. Available at: <http://www.icty.org/x/cases/krajisnik/tjug/en/kra-jud060927e.pdf> (16 April 2014).
- . 2008. *Appeals Judgement Summary for Naser Orić (3 July 2008)*. Available at: [http://www.icty.org/x/cases/oric/acjug/en/080703\\_Oric\\_summary\\_en.pdf](http://www.icty.org/x/cases/oric/acjug/en/080703_Oric_summary_en.pdf) (24 February 2014).
- . 2009a. *Statute of the International Criminal Tribunal for the Former Yugoslavia (as of 7 July 2009)*. Available at: [http://www.icty.org/x/file/Legal%20Library/Statute/statute\\_sept09\\_en.pdf](http://www.icty.org/x/file/Legal%20Library/Statute/statute_sept09_en.pdf) (24 February 2014).
- . 2009b. *Prosecutor v. Radovan Karadžić: Prosecution's Marked-up Indictment (19 October 2009)*. Available at: [http://www.icty.org/x/cases/karadzic/ind/en/markedup\\_indictment\\_091019.pdf](http://www.icty.org/x/cases/karadzic/ind/en/markedup_indictment_091019.pdf) (24 February 2014).
- . 2010. *Judgement Summary for Popović et Al. (10 June 2010)*. Available at: <http://www.icty.org/x/cases/popovic/tjug/en/100610summary.pdf> (24 February 2014).
- . 2011. *Prosecutor v. Ratko Mladić: Fourth Amended Indictment (16 December 2011)*. Available at: <http://www.icty.org/x/cases/mladic/ind/en/111216.pdf> (24 February 2014).
- . 2012. *Press Release: Tribunal Dismisses Karadžić Motion for Acquittal on 10 of 11 Counts of the Indictment (28 June 2012)*. Available at: <http://www.icty.org/sid/10994> (24 February 2014).
- . 2013a. *Rules of Procedure and Evidence (IT/32/Rev. 49)*. Available at: <http://www.icty.org/sid/136> (24 February 2014).
- . 2013b. *Press Release: Appeals Chamber Reverses Radovan Karadžić's Acquittal for Genocide in Municipalities of Bosnia and Herzegovina (11 July 2013)*. Available at: <http://www.icty.org/sid/11345> (24 February 2014).
- IDEA. 2002. *Press Release: South East Europe (SEE) Public Agenda Survey*. IDEA. Available at: [http://www.idea.int/europe\\_cis/balkans/upload/serbian\\_press\\_release.pdf](http://www.idea.int/europe_cis/balkans/upload/serbian_press_release.pdf) (24 February 2014).
- Igrić, Gordana, and Marcus Tanner, ed. 2012. *Spotlight on Mladić: Villain or Celebrity? The Arrest and Trail of Ratko Mladić in the Balkan Media*. Sarajevo: BIRN BiH. Available at: <http://www.balkaninsight.com/en/file/show/Mladic-ENG-web.pdf> (24 February 2014).
- Ilić, Saša. 2012. Dan kada su potonuli Venecija i Prijedor. *Peščanik*, 30 May. Available at: <http://pescanik.net/2012/05/dan-kada-su-potonuli-venecija-i-prijedor/> (26 february 2014).
- Imamović, Emir, and Emir Suljagić. 2004. Priznanje za spas srpske republike. *Dani*, 18–19 (25 June).
- Imamović, Mustafa. 2006. *Bosnia and Herzegovina: Evolution of Its Political and Legal Institutions*. Sarajevo: Magistrat.



- Imamović, Mustafa, Muhidin Pelešić, and Muhamed Ganibegović. 1994. *Historija: 8. razred osnovne škole*. Sarajevo: Ministarstvo obrazovanja, nauke i kulture.
- International Crisis Group. 1997. *Media in Bosnia and Herzegovina: How International Support Can Be More Effective*. ICG Bosnia Report 21. International Crisis Group. Available at: <http://www.crisisgroup.org/~media/Files/europe/Bosnia%207.pdf> (28 February 2014).
- IREX. 2001. *Media Sustainability Index 2001: Development of Sustainable Independent Media in Europe and Eurasia*. Washington: IREX. Available at: [http://www.irex.org/system/files/u105/EE\\_MSI\\_2001\\_Full.pdf](http://www.irex.org/system/files/u105/EE_MSI_2001_Full.pdf) (24 February 2014).
- . 2008. *Media Sustainability Index 2008: Development of Sustainable Independent Media in Europe and Eurasia*. Washington: IREX. Available at: [http://www.irex.org/system/files/u105/EE\\_MSI\\_2008\\_Full.pdf](http://www.irex.org/system/files/u105/EE_MSI_2008_Full.pdf) (24 February 2014).
- . 2013. *Media Sustainability Index 2013: Development of Sustainable Independent Media in Europe and Eurasia*. Washington: IREX. Available at: <http://www.irex.org/sites/default/files/u115/Europe%20%26%20Eurasia%20MSI%202013.pdf> (24 February 2014).
- ITN. 1992. *Penny Marshall and Ed Vulliamy in Omarska (raw Footage)*. London, 6 August. Available at: <http://www.youtube.com/watch?v=w6-ZDvwPpk8> (24 February 2014).
- Ivanković, Danijel. 2004. Kordićevi puni optimizma. *Slobodna Dalmacija*, 17 December. Available at: <http://arhiv.slobodnadalmacija.hr/20041217/bih01.asp> (24 February 2014).
- Izetbegović, Alija. 2005. *Robovi biti nećemo: Govori 1990.-1995*. Sarajevo: OKO.
- Jablič, N. 2002. Ešdaun: Istorija se ne može prekrajati. *Nezavisne novine*, 3 (4 September).
- Jakovčić, Eugen, and Suzana Kunac. 2011. *Preliminarni rezultati istraživanja sadržaja središnje informativne emisije Javne televizije – ‘Dnevnika’ nakon presude generalima Gotovini, Markaču i Čermaku od 15. do 30. travnja 2011*. Zagreb: Documenta. Available at: [http://www.documenta.hr/documenta/attachments/460\\_Istrazivanje%20sadrzaja%20Dnevnika%20javne%20televizije%2015%2004%20-%2030%2004%202011.pdf](http://www.documenta.hr/documenta/attachments/460_Istrazivanje%20sadrzaja%20Dnevnika%20javne%20televizije%2015%2004%20-%2030%2004%202011.pdf) (24 February 2014).
- Jalušić, Vlasta. 2007. Organized Innocence and Exclusion: “Nation-States” in the Aftermath of War and Collective Crime. *Social Research: An International Quarterly* 74 (4): 1173–1200. Available at: <http://socialresearch.metapress.com/index/13060u8540117531.pdf> (24 February 2014).
- Janjić, V. 2008a. Dokazi protiv Orića u Tužilaštvu BiH. *Glas Srpske*, 5 July. Available at: [http://www.glassrpske.com/novosti/vijesti\\_dana/Dokazi-protiv-Orica-u-Tuzilastvu-BiH/lat/8902.html](http://www.glassrpske.com/novosti/vijesti_dana/Dokazi-protiv-Orica-u-Tuzilastvu-BiH/lat/8902.html) (24 February 2014).
- . 2008b. Izetbegović zagovarao istrebljenje Srba u Podrinju. *Glas Srpske*, 5 (8 July).
- . 2008c. Orić okrvavio ruke na Đurđevdan. *Glas Srpske*, 2 (9 July).
- . 2008d. Sistematski pogrom u Podrinju. *Glas Srpske*, 5 (10 July).
- Jansen, Stef. 2002. The Violence of Memories: Local Narratives of the Past after Ethnic Cleansing in Croatia. *Rethinking History* 6 (1): 77–93.
- Javorac, Ljubiša, and Igor Gajić. 2000. Greška, greška, greška.... *Reporter*, 24 (15 March).
- Jeffrey, Alex. 2011. The Political Geographies of Transitional Justice. *Transactions of the Institute of British Geographers* 36 (3): 344–59.

- Jergović, Miljenko. 2002. Tri lica Slobodana Miloševića. *Dani*, 15 February. Available at: <https://www.bhdani.ba/portal/arhiva-67-281/244/t22414.shtml> (28 February 2014).
- Jović, Dejan. 2001. Fear of Becoming Minority as a Motivator of Conflict in the Former Yugoslavia. *Balkanologie* 5 (1-2): 21–260. Available at: <http://balkanologie.revues.org/674> (24 February 2014).
- Jović, Josip. 2000. Zločin u Haagu. *Slobodna Dalmacija*, 5 March. Available at: <http://arhiv.slobodnadalmacija.hr/20000305/novosti.htm> (24 February 2014).
- Jović, Radovan. 2001. Logori ili sabirni centri? *Nezavisne novine*, 24 (21 March).
- Jukić, Milo. 2004. Stižu Hrvati iz čitave BiH. *Večernji list*, 13 (4 August).
- Jurišić, Duška. 2011. I ove godine bez memorijalnog centra. *Dani*, 13 (29 July).
- Jusić, Tarik. 2004. Bosnia and Herzegovina. In *Media Ownership and Its Impact on Media Independence and Pluralism*, edited by Brankica Petković, 61–92. Ljubljana: Peace Institute. Available at: [http://www2.mirovni-institut.si/media\\_ownership/pdf/bosnia%20and%20herzegovina.pdf](http://www2.mirovni-institut.si/media_ownership/pdf/bosnia%20and%20herzegovina.pdf) (24 February 2014).
- . 2010. Media Landscape: Bosnia and Herzegovina. *European Journalism Centre*. November 5. Available at: [http://www.ejc.net/media\\_landscape/article/bosnia\\_and\\_herzegovina/](http://www.ejc.net/media_landscape/article/bosnia_and_herzegovina/) (24 February 2014).
- Jusić, Tarik, and Nidžara Ahmetašević. 2013. *Media Reforms through Intervention: International Media Assistance in Bosnia and Herzegovina*. Sarajevo: Analitika, Center for Social Research. Available at: [http://analitika.ba/sites/default/files/publikacije/jusic\\_and\\_ahmetasevic\\_-\\_rrpp\\_bih\\_medassistance\\_31dec2013\\_final.pdf](http://analitika.ba/sites/default/files/publikacije/jusic_and_ahmetasevic_-_rrpp_bih_medassistance_31dec2013_final.pdf) (24 February 2014).
- K.L. 2003. Vlada RS-a priznala sa je Drina najveća grobnica Bošnjaka iz Srebrenice. *Ljiljan*, 8 (1 August).
- Kahrmanović, B. 2004. Prijedorčani pitaju šta je genocid? *Oslobođenje*, 5 (3 September).
- . 2006. Logoraši Omarske nezadovoljni presudom. *Oslobođenje*, 5 (26 March).
- Kahrmanović, Besima. 2006. Nezaliječene rane u dušama logoraša. *Oslobođenje*, 11 (20 May).
- Kaplan, Robert D. 2005. *Balkan Ghosts: A Journey through History*. New York: Picador and St. Martin's Press.
- Karačić, Darko. 2012. Od promoviranja zajedništva do kreiranja podjela: Politike sjećanja na partizansku borbu u BiH nakon 1990. godine. In *Re:vizija Prošlosti: Službene politike sjećanja u Bosni i Hercegovini, Hrvatskoj i Srbiji*, 17–90. Sarajevo: ACIPS and Friedrich-Ebert-Stiftung. Available at: <http://www.fes.ba/publikacije/2012/Revizija%20proslosti/revizija%20proslosti.pdf> (24 February 2014).
- Kardov, Kruno. 2008. Remember Vukovar: Memory, Sense of Place, and the National Tradition in Croatia. In *Democratic Transition in Croatia: Value Transformation, Education, and Media*, edited by Sabrina P. Ramet and Davorka Matić, 63–82. College Station: Texas A&M University Press.
- Karekezi, Urusaro Alice, Alphonse Nshimiyimana, and Beth Mutamba. 2004. Localizing Justice: Gacaca Courts in Post-Genocide Rwanda. In *My Neighbor, My Enemy: Justice and Community in the Aftermath of Mass Atrocity*, edited by Eric Stover and Harvey M. Weinstein, 69–84. Cambridge: Cambridge University Press.

- Karge, Heike. 2008. *20th Century History in the Textbooks of Bosnia and Herzegovina: An Analysis of Books Used for the Final Grades of Primary School*. Braunschweig: Georg Eckert Institute for International Textbook Research. Available at: [http://www.gei.de/fileadmin/bilder/pdf/Projekte/BiH\\_Schulbuchanalyse\\_Englisch.pdf](http://www.gei.de/fileadmin/bilder/pdf/Projekte/BiH_Schulbuchanalyse_Englisch.pdf) (24 February 2014).
- . 2009. Mediated Remembrance: Local Practices of Remembering the Second World War in Tito's Yugoslavia. *European Review of History: Revue Europeenne D'histoire* 16 (1): 49–62.
- Katana, G. 2009. Omarska je eho Aušvica. *Oslobođenje*, 3 (7 August).
- . 2010a. Revizija izvještaja o Srebrenici. *Oslobođenje*, 2 (20 April).
- . 2010b. U Omarskoj je metak bio nagrada. *Oslobođenje*, 2–3 (7 August).
- . 2013. Stop negiranju genocida. *Oslobođenje*, 5 (24 May).
- Keren, Michael, and Holger H. Herwig, eds. 2009. *War Memory and Popular Culture: Essays on Modes of Remembrance and Commemoration*. Jefferson: McFarland & Company Publishers.
- Kerr, Rachel. 2007. Peace through Justice? The International Criminal Tribunal for the Former Yugoslavia. *Southeast European and Black Sea Studies* 7 (3): 373–85.
- Keulemans, Chris. 2007. Omarska, 15 godina kasnije. *Dani*, 31 (16 May).
- Khazanov, Anatoly, and Stanley Payne. 2008. How to Deal with the Past? *Totalitarian Movements and Political Religions* 9 (2): 411–31.
- Kitson, Alison, Chris Husbands, and Susan Steward. 2011. *Teaching and Learning History 11-18: Understanding the Past*. Berkshire and New York: Open University Press.
- Klarin, Mirko. 2009. The Impact of the ICTY Trials on Public Opinion in the Former Yugoslavia. *Journal of International Criminal Justice* 7 (1): 89–96.
- Klepić, G. 2003. Naser Orić u Hagu. *Glas Srpske*, 3 (12 April).
- Klepić, G., and D. Majstorović. 2006. Žrtve se ne mogu sakriti. *Glas Srpske*, 2 (18 July).
- Knežević, Srđan. 2004. "Dovoljno dokaza za genocid u BiH." *Nezavisne novine*, 6 (17 June).
- Kordić, Snježana. 2010. *Jezik i nacionalizam*. Zagreb: Durieux.
- Kovačević, D. 2005a. Već tri godine ni datuma, ni slavlja. *Nezavisne novine*, 11 (30 April).
- . 2005b. Čeka se odobrenje lokalnih vlasti. *Nezavisne novine*, 6 (28 December).
- . 2006. Stopiran projekat izgradnje spomenika za žrtve logora. *Nezavisne novine*, 6 (21 February).
- . 2011. Odata počast žrtvama u Omarskoj. *Nezavisne novine*, 7 (10 May).
- Kovačević, Danijel. 2001. Genocid. *Reporter*, 14–16 (9 August).
- . 2002. Higijeničari iz biroa Vlade RS. *Reporter*, 11–12 (10 September).
- . 2003. Doživotna kazna zatvora, prvi put. *Reporter*, 20–21 (8 August).
- Kovačević, Dinka. 2009. Sporno obilježavanje 'Dana odbrane Prijedora.' *Nezavisne novine*, 9 (29 May).
- Kovács, Mária M. 2003. Standards of Self-Determination and Standards of Minority-Rights in the Post-Communist Era: A Historical Perspective. *Nations and Nationalism* 9 (3): 433–50.
- Kozar, Đuro. 1997. Ubijeno 25.000 Bošnjaka. *Dnevni avaz*, 4 (11 July).
- Kreševljaković, Hamdija. 1980. *Kapetanije u Bosni i Hercegovini*. Sarajevo: Svjetlost.
- Kritz, Neil J., ed. 1995. *Transitional Justice: How Emerging Democracies Reckon with Former Regimes. Volume I: General Considerations*. Washington: United States Institute for Peace Press.

- Kumar, Krishna. 2006. *Promoting Independent Media: Strategies for Democracy Assistance*. Boulder: Lynne Rienner Publishers.
- Kurspahić, Kemal. 2001. Haška slika rata. *Dani*, 25 (2 March).
- . 2003. *Prime Time Crime: Balkan Media in War and Peace*. Washington: United States Institute for Peace.
- Kutnjak Ivković, Sanja, and John Hagan. 2006. The Politics of Punishment and the Siege of Sarajevo: Toward a Conflict Theory of Perceived International (In)Justice. *Law & Society Review* 40 (2): 369–410.
- Lamont, Christopher K. 2008. *Coercion, Norms and Atrocity: Explaining State Compliance with International Criminal Tribunal for the former Yugoslavia Arrest and Surrender Orders*. Doctoral Thesis. Glasgow: University of Glasgow. Available at: <http://theses.gla.ac.uk/283/> (24 February 2014).
- . 2010. *International Criminal Justice and the Politics of Compliance*. Farnham and Burlington: Ashgate.
- Laplante, Lisa J., and Kelly Phenicie. 2009. Mediating Post-Conflict Dialogue: The Media's Role in Transitional Justice Processes. *Marquette Law Review* 93: 251–83.
- Lasić, Igor. 2001. Istočni grijeh Hrvatske. *Dani*, 22–23 (16 March).
- Leebaw, Bronwyn Anne. 2008. The Irreconcilable Goals of Transitional Justice. *Human Rights Quarterly* 30 (1): 95–118.
- Levy, Daniel. 2010. Changing Temporalities and the Internationalization of Memory Cultures. In *Memory and the Future: Transnational Politics, Ethics and Society*, edited by Yifat Gutman, Adam D. Brown, and Amy Sodaro, 15–30. Houndmills and New York: Palgrave Macmillan.
- Leydesdorff, Selma. 2010. How Shall We Remember Srebrenica? Will the Language of Law Structure Our Memory? In *Memory and the Future: Transnational Politics, Ethics and Society*, edited by Yifat Gutman, Adam D. Brown, and Amy Sodaro, 121–37. Houndmills and New York: Palgrave Macmillan.
- Lieberman, Ben. 2006. Nationalist Narratives, Violence between Neighbours and Ethnic Cleansing in Bosnia-Herzegovina: A Case of Cognitive Dissonance? *Journal of Genocide Research* 8 (3): 295–309.
- Lieberman, Benjamin. 2010. 'Ethnic Cleansing' versus Genocide? In *The Oxford Handbook of Genocide Studies*, edited by Donald Bloxham and A. Dirk Moses, 42–60. Oxford: Oxford University Press.
- Lj.M. 2002. Spomenik borcima. *Glas srpski*, 5 (29 April).
- Ljubojević, Ana. 2013. What's the Story? Transitional Justice and the Creation of Historical Narratives in Croatia and Serbia. *Politička Misao* 49 (5): 50–68.
- Longman, Timothy. 2006. Justice at the Grassroots? Gacaca Trials in Rwanda. In *Transitional Justice in the Twenty-First Century: Beyond Truth versus Justice*, edited by Naomi Roht-Arriaza and Javier Mariezcurrena, 206–28. Cambridge: Cambridge University Press.
- Lopandić, Bruno, and Bisera Lušić. 2000. Jokeri dobivali zapovjedi iz Zagreba! *Slobodna Dalmacija*, 7 March. Available at: <http://arhiv.slobodnadalmacija.hr/20000307/novosti.htm> (24 February 2014).
- Lovrenović, Maja. 2005. Koncentracioni logori su sveto tlo. *Dani*, 30–32 (2 December).
- Low-Beer, Ann. 1999. *History Teaching in Schools: The Work of the Council of Europe and UNESCO in Bosnia and Herzegovina*. Strasbourg: Council of Europe. Available at:

- [http://www.coe.int/t/dg4/education/historyteaching/Source/Cooperation/SEE/BiHReport1999\\_en.pdf](http://www.coe.int/t/dg4/education/historyteaching/Source/Cooperation/SEE/BiHReport1999_en.pdf) (28 February 2014).
- . 2001. Politics, School Textbooks and Cultural Identity: The Struggle in Bosnia and Hercegovina. *Paradigm* 2 (3): 1–6.
- Lowy, Ryan M., and Patrice C. McMahon. 2010. Home Court Advantage? Domestic Trials and Transitional Justice in Bosnia-Herzegovina. In *The Development of Institutions of Human Rights: A Comparative Study*, edited by Lilian A. Barria and Steven D. Roper. New York: Palgrave Macmillan.
- Lukic, Reneo and Allen Lynch. 1996. *Europe from the Balkans to the Urals: The Disintegration of Yugoslavia and the Soviet Union*. Oxford: Oxford University Press.
- Lušić, Bisera. 2000. Vjerujem u blažu presudu. *Slobodna Dalmacija*, 4 March. Available at: <http://arhiv.slobodnadalmacija.hr/20000304/novosti.htm> (24 February 2014).
- . 2001a. Kordiću 25, Čerkezu 15 godina zatvora. *Slobodna Dalmacija*, 27 February. Available at: <http://arhiv.slobodnadalmacija.hr/20010227/novosti.htm> (24 February 2014).
- . 2001b. To je notorna laž! *Slobodna Dalmacija*, 1 March. Available at: <http://arhiv.slobodnadalmacija.hr/20010301/novosti1.htm> (24 February 2014).
- M.Ma. 2005. Genocid preteška riječ. *Glas Srpske*, 3 (10 June).
- M.Z. 2005. Prijedorski Dan općine pred Ustavnim sudom. *Dnevni avaz*, 14 (30 April).
- . 2006. Logoraši i danas traže svoja prava. *Dnevni avaz*, 13 (10 May).
- . 2008. Logoraši iz Prijedora pripremaju 1.150 tužbi. *Dnevni avaz*, 6 (9 May).
- . 2010. Majkama onemogućena posjeta logoru Omarska. *Dnevni avaz*, 10 (27 May).
- . 2011. Logoraši dolaze u Omarsku. *Dnevni avaz*, 11 (6 May).
- MacDonald, David. 2009. Living Together or Hating Each Other? In *Confronting the Yugoslav Controversies: A Scholars' Initiative*, edited by Charles Ingrao and Thomas A. Emmert, 391–424. Washington and West Lafayette: United States Institute of Peace Press and Purdue University Press.
- MacDonald, David Bruce. 2002. *Balkan Holocausts? Serbian and Croatian Victim Centered Propaganda and the War in Yugoslavia*. Manchester and New York: Manchester University Press.
- Mačkić, Erna. 2012. Bosnia – Laying Bare a Nation's Unhealed Wounds. In *Spotlight on Mladić: Villain or Celebrity? The Arrest and Trail of Ratko Mladić in the Balkan Media*, edited by Gordana Igrić and Marcus Tanner, 17–22. Sarajevo: BIRN BiH. Available at: <http://www.balkaninsight.com/en/file/show/Mladic-BH-web.pdf> (24 February 2014).
- Mačkić, Erna, and Shiv Kumar Sharma, ed. 2011. *History Overshadowed by Trivia II: Regional and International Media Coverage of the First Year of Radovan Karadžić Trial*. Sarajevo: BIRN BiH. Available at: [http://www.kas.de/wf/doc/kas\\_23457-1522-1-30.pdf?110728142234](http://www.kas.de/wf/doc/kas_23457-1522-1-30.pdf?110728142234) (24 February 2014).
- Magaš, Branka. 1993. *The Destruction of Yugoslavia: Tracking the Break-Up 1980-1992*. London: Verso.
- Maier, Charles S. 2000. Doing History, Doing Justice: The Narrative of the Historian and of the Truth Commission. In *Truth v. Justice: The Morality of Truth Commissions*, edited by Robert I. Rotberg and Dennis Thompson, 261–78. Princeton and Oxford: Princeton University Press.
- Malenica, Anita. 2000. Drakonska kazna: Tihomiru Blaškiću 45 godina zatvora! *Slobodna Dalmacija*, 4 March. Available at: <http://arhiv.slobodnadalmacija.hr/20000304/novosti.htm> (24 February 2014).

- Malešević, Siniša. 2006. *Identity as Ideology: Understanding Ethnicity and Nationalism*. Houndmills and New York: Palgrave Macmillan.
- Malović, Stjepan. 2004. Croatia. In *Media Ownership and Its Impact on Media Independence and Pluralism*, edited by Brankica Petković, 119–40. Ljubljana: Peace Institute. Available at: [http://www2.mirovni-institut.si/media\\_ownership/pdf/croatia.pdf](http://www2.mirovni-institut.si/media_ownership/pdf/croatia.pdf) (28 February 2014).
- Mamdani, Mahmood. 2000. The Truth According to the TRC. In *The Politics of Memory: Truth, Healing and Social Justice*, edited by Ifi Amadinme and Abdullah An-Na'im, 176–83. London and New York: Zed Books.
- Mann, Michael. 2005. *The Dark Side of Democracy: Explaining Ethnic Cleansing*. New York: Cambridge University Press.
- Mannergren Selimovic, Johanna. 2010. Perpetrators and Victims: Local Responses to the International Criminal Tribunal for the former Yugoslavia. *Focaal – Journal of Global and Historical Anthropology* 57: 50–62.
- Margalit, Avishai. 2002. *The Ethics of Memory*. Cambridge: Harvard University Press.
- Maričić, D. 2004a. Umjesto Dana opštine Prolječne svečanosti. *Nezavisne novine*, 12 (29 April).
- . 2004b. Dobar suživot u Prijedoru. *Nezavisne novine*, 2 (7 May).
- . 2004c. Za održivi povratak 1,2 miliona maraka. *Nezavisne novine*, 10 (20 May).
- Marko, Davor. 2012. *Citizenship in Media Discourse in Bosnia and Herzegovina, Croatia, Montenegro, and Serbia*. CITSEE Working Paper Series: Working Paper 25. Edinburgh: The University of Edinburgh. Available at: [http://www.law.ed.ac.uk/file\\_download/series/380\\_citizenshipinmediadiscourseinbosniaandherzegovinacroatiamentenegroandserbia.pdf](http://www.law.ed.ac.uk/file_download/series/380_citizenshipinmediadiscourseinbosniaandherzegovinacroatiamentenegroandserbia.pdf) (24 February 2014).
- Marko, Davor, Lejla Turčilo, Tatjana Ljubić, and Radenko Udovičić. 2010. *Izbori 2010. u BiH: Kako su mediji pratili izbornu kampanju*. Sarajevo: Media plan institut.
- Marković, Goran. 2011. Predsjedništvo. In *Država, politika i društvo u Bosni i Hercegovini: Analiza postdejtonskog političkog sistema*, 253–78. Sarajevo: University Press and Magistrat izdanja.
- Marković, Predrag J., Miloš Ković, and Nataša Milićević. 2004. Developments in Serbian Historiography since 1989. In *(Re)Writing History – Historiography in Southeast Europe after Socialism*, edited by Ulf Brunnbauer, 277–316. Münster: Lit Verlag.
- Marković, Predrag, and Katarina Subašić. 2011. The Case of Vukovar: A Comparative Analysis of Reports on Trials for War Crimes Committed in Vukovar in 1991 in The Hague and Belgrade. In *Media and National Ideologies: Analysis of Reporting on War Crime Trials in the Former Yugoslavia*, edited by Amer Džihana and Zala Volčič, 79–115. Sarajevo: Media Centar Sarajevo.
- Marsh, David, and Paul Furlong. 2002. A Skin Not a Sweater: Ontology and Epistemology in Political Science. In *Theory and Methods in Political Science*, edited by David Marsh and Gerry Stoker, 14–41. Basingstoke: Palgrave.
- Matejčić, Barbara. 2012. Jedan dan u Omarskoj: Sustavno brisanje prošlosti. *E-Novine*, 14 August. Available at: <http://www.e-novine.com/region/region-bosna/69679-Sustavno-brisanje-prolosti.html> (26 February 2014).
- Matković, Hrvoje. 2000. *Povijest 8: Udžbenik za VIII. razred osnovne škole*. Zagreb: Školska knjiga.
- Matković, Hrvoje, Božo Goluža, and Ivica Šarac. 2009. *Povijest 8: Udžbenik za VIII. razred osnovne škole*. Mostar: Školska naklada.

- McGivern, Laurence. 2011. *War Crime Trials and Reconciliation in Bosnia*. Master's thesis. Budapest: Centra European University. Available at: [www.etd.ceu.hu/2011/mcgivern\\_laurence.pdf](http://www.etd.ceu.hu/2011/mcgivern_laurence.pdf) (28 February 2014)
- McMahon, Patrice C., and David P. Forsythe. 2008. ICTY Impact on Serbia: Judicial Romanticism Meets Network Politics. *Human Rights Quarterly* 30 (2): 412–35.
- McQuail, Denis. 2010. *McQuail's Mass Communication Theory (6th Edition)*. London and Thousand Oaks: SAGE Publications.
- Mendeloff, David. 2004. Truth-Seeking, Truth-Telling, and Postconflict Peacebuilding: Curb the Enthusiasm? *International Studies Review* 6 (3): 355–80.
- Memorijalni centar Srebrenica-Potočari, Liste žrtava prema prezimenu. Available at: [http://www.potocarimc.ba/\\_ba/liste/nestali\\_z.php](http://www.potocarimc.ba/_ba/liste/nestali_z.php) (16 April 2014).
- Méndez, Juan E. 2009. An Emerging 'Right to Truth': Latin American Contributions. In *Legal Institutions and Collective Memories*, edited by Susanne Karstedt, 39–62. Oxford: Hart Publishing.
- Meron, Theodor. 2006. Reflections on the Prosecution of War Crimes by International Tribunals. *The American Journal of International Law* 100 (3): 551–79.
- Mesić, Stipe. 1992. *Kako smo srušili Jugoslaviju: Politički memoari posljednjeg Predsjednika Predsjedništva SFRJ*. Zagreb: Globus international.
- . 1994. *Kako je srušena Jugoslavija: Politički memoari*. Zagreb: Mislavpress.
- . 2004. *The Demise of Yugoslavia: A Political Memoir*. Budapest and New York: Central European University Press.
- Mihajlović, M., and L. Radović. 1997. Neljudi ubili čoveka. *Glas Srpski*, 1–2 (14 July).
- Mihajlović Trbovc, Jovana. 2008. *Forging Identity through Negotiation: The Case of Contemporary Bosniak Nation*. Master's thesis. Budapest: Centra European University. Available at: [www.etd.ceu.hu/2008/mihajlovic\\_jovana.pdf](http://www.etd.ceu.hu/2008/mihajlovic_jovana.pdf) (24 February 2014).
- Mijatović, Suzana. 2004. Blaškić tajno, iza ponoći, obišao Ahmiće i poklonio se žrtvama! *Slobodna Bosna*, 14–19 (12 August).
- Mikerević, Dragan. 2003. Predsjednik Vlade RS: Komisija za Srebrenicu do kraja naredne sedmice. *Nezavisne novine*, 3 (5 November).
- Miloš, Miljenko. 2008. *Povijest novoga doba: Udžbenik povijesti za 8. razred osnovne škole*. Mostar: Znam.
- Minow, Martha. 1998. *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence*. Boston: Beacon Press.
- Mišović, Miloš. 1987. *Ko je tražio republiku: Kosovo 1945-1985*. Beograd: Narodnja knjiga.
- Misztal, Barbara A. 2003. *Theories of Social Remembering*. Maidenhead and Philadelphia: Open University Press.
- . 2010. Collective Memory in a Global Age: Learning How and What to Remember. *Current Sociology* 58 (1): 24–44.
- Moll, Nicolas. 2013. Fragmented Memories in a Fragmented Country: Memory Competition and Political Identity-Building in Today's Bosnia and Herzegovina. *Nationalities Papers*, 1–26.
- Moses, A. Dirk. 1998. Structure and Agency in the Holocaust: Daniel J. Goldhagen and His Critics. *History and Theory* 37 (2): 194–219.
- Müller, Jan-Werner. 2002. Introduction: The Power of Memory, the Memory of Power and the Power over Memory. In *Memory and Power in Post-War Europe: Studies in the*

- Presence of the Past*, edited by Jan-Werner Müller, 1–35. Cambridge: Cambridge University Press.
- Mujkić, Asim. 2008. *We, the Citizens of Ethnopolis*. Sarajevo: Centar za ljudska prava Univerziteta u Sarajevu. Available at: [http://www.ccr.ba/wp-content/uploads/2012/09/Asim-Mujkic\\_WE-THE-CITIZENS-OF-ETHNOPOLIS.pdf](http://www.ccr.ba/wp-content/uploads/2012/09/Asim-Mujkic_WE-THE-CITIZENS-OF-ETHNOPOLIS.pdf) (24 February 2014).
- Mulić, Snježana. 2005. Željezna ruda obogaćena ljudskim kostima. *Dani*, 20–24 (15 April).
- N.N. 2003. Milomir Stakić osuđen na doživotnu robiju. *Nezavisne novine*, 3 (1 August).
- Naqvi, Yasmin. 2006. The Right to the Truth in International Law: Fact or Fiction? *International Review of the Red Cross* 88 (862): 245–73. Available at: [http://www.icrc.org/eng/assets/files/other/irrc\\_862\\_naqvi.pdf](http://www.icrc.org/eng/assets/files/other/irrc_862_naqvi.pdf) (28 February 2014).
- Nettelfield, Lara J. 2010. *Courting Democracy in Bosnia and Herzegovina: The Hague Tribunal's Impact in a Postwar State*. Cambridge: Cambridge University Press.
- Nettelfield, Lara J., and Sarah E. Wagner. 2013. *Srebrenica in the Aftermath of Genocide*. Cambridge: Cambridge University Press.
- Nezavisne novine*. 2001. Satisfakcija preživjelim Srebreničanima, 4 (3 August).
- . 2002a. Tribunal sudi pojedincu, a ne državi i narodu”, 1, 4 (13 February).
- . 2002b. Milošević optužio NATO i uzvratio “slikom na sliku”, 4 (15 February).
- . 2002c. Obilježena godišnjica početka ratnih sukoba, 8 (17 April).
- . 2004. Presuda Blaškiću pomoći će i slučaju Marija Čerkeza, 4 (7 August).
- . 2006. Obilježena 14. godišnjica odbrane od napada, 14 (31 May).
- . 2010a. Josipović se u Sarajevu izvinio za politiku 90-ih, 14 April. Available at: <http://www.nezavisne.com/novosti/bih/Josipovic-se-u-Sarajevu-izvinio-za-politiku-90-ih-57734.html> (24 February 2014).
- . 2010b. Josipovićeva posjeta trebalo je da bude bolje pripremljena, 15 April. Available at: <http://www.nezavisne.com/novosti/bih/Josipoviceva-posjeta-trebalo-je-da-bude-bolje-pripremljena-57802.html> (24 February 2014).
- . 2010c. Kosor: Hrvatska nije vodila agresivnu politiku, 15 April. Available at: <http://www.nezavisne.com/novosti/bih/Kosor-Hrvatska-nije-vodila-agresivnu-politiku-57885.html> (24 February 2014).
- . 2010d. Kosorova i bivši premijeri osudili Josipovićev govor, 16 April. Available at: <http://www.nezavisne.com/novosti/bih/Kosorova-i-bivsi-premijeri-osudili-Josipovicev-govor-57973.html> (24 February 2014).
- . 2013a. Marko Pavić Dan bijelih traka nazvao gej paradom, 1 June. Available at: <http://www.nezavisne.com/novosti/gradovi/Marko-Pavic-Dan-bijelih-traka-nazvao-gej-paradom-194526.html> (28 February 2014).
- . 2013b. Svečanom akademijom obilježeno 7 decenija rada “Glasa Srpske”, 30 July. Available at: <http://www.nezavisne.com/novosti/drustvo/Svecanom-akademijom-obiljezeno-7-decenija-rada-Glasa-Srpske-202913.html> (28 February 2014).
- Nielsen, Christian Axboe. 2013a. Can We Salvage a History of the Yugoslav Conflicts from the Milošević Trial? In *The Milošević Trial: An Autopsy*, edited by Timothy William Waters, 326–48. Oxford and New York: Oxford University Press.
- . 2013b. Surmounting the Myopic Focus on Genocide: The Case of the War in Bosnia and Herzegovina. *Journal of Genocide Research* 15 (1): 21–39.
- Nikolić, Kosta, ed. 2011. *Bosna i Hercegovina u vreme raspada SFRJ 1990-1992: Tematska zbirka dokumenata*. Belgrade: Institut za savremenu istoriju and Fond za humanitarno pravo.



- NIOD. 2002. Srebrenica: A 'Safe' Area: Part II – Dutchbat in the Enclave. Amsterdam: Netherlands Institute of War Documentation.
- Nora, Pierre. 1989. Between Memory and History: *Les Lieux de Mémoire. Representations* 26: 7–24.
- Numanović, Sead. 2001. Hag i pravda za Srebreničane. *Dnevni Avaz*, 3 (3 August).
- O'Donnell, Guillermo, and Philippe C. Schmitter. 2013. *Transitions from Authoritarian Rule: Tentative Conclusions about Uncertain Democracies*. Baltimore: The Johns Hopkins University Press.
- Obradović, Amer. 2006. Milost za nemilosrdnog doktora. *Dani*, 26–28 (31 March).
- Obradovic, Jelena. 2009. *Ethnic Conflict and War Crimes in the Balkans: The Narratives of Denial in Post-Conflict Serbia*. London: I.B. Taurus.
- Obradovic-Wochnik, Jelena. 2009. Knowledge, Acknowledgement and Denial in Serbia's Responses to the Srebrenica Massacre. *Journal of Contemporary European Studies* 17 (1): 61–74.
- . 2013. Serbian Civil Society as an Exclusionary Space: NGOs, the Public and 'Coming to Terms with the Past.' In *Civil Society and Transitions in the Western Balkans*, edited by Vesna Bojicic-Dzelilovic, James Ker-Lindsay, and Denisa Kostovicova, 210–29. New York: Palgrave Macmillan.
- Olick, Jeffrey K. 1998. What Does It Mean to Normalize the Past? Official Memory in German Politics since 1989. *Social Science History* 22 (4): 547–71.
- . 1999. Collective Memory: The Two Cultures. *Sociological Theory* 17 (3): 333–48.
- . 2003. Introduction. In *States of Memory: Continuities, Conflicts, and Transformations in National Retrospection*, edited by Jeffrey K. Olick, 1–16. Durham: Duke University Press.
- Olick, Jeffrey K., and Daniel Levy. 1997. Collective Memory and Cultural Constraint: Holocaust Myth and Rationality in German Politics. *American Sociological Review* 62 (6): 921–36.
- Olick, Jeffrey K., and Joyce Robbins. 1998. Social Memory Studies: From 'Collective Memory' to the Historical Sociology of Mnemonic Practices. *Annual Review of Sociology* 24: 105–40.
- Olick, Jeffrey K., Vered Vinitzky-Seroussi, and Daniel Levy. 2011. Introduction. In *The Collective Memory Reader*, 3–62. Oxford: Oxford University Press.
- Olson, David R. 1980. On the Language and Authority of Textbooks. *Journal of Communication* 30 (1): 186–96.
- Omeragić, Daniel. 2004. Genocide u Srebrenici. *Oslobođenje*, 2 (June 25).
- ONASA. 1998. R. Kadić: Međunarodna zajednica je nametnula više obaveza i odgovornosti Vladi RS. *ONASA*, 29 April.
- Orahovac, H. 2006. Hiljade ljudi na dočeku Nasera Orića u Sarajevu. *Dnevni avaz*, 3 (7 July).
- Orentlicher, Diane F. 2008. *Shrinking the Space for Denial: The Impact of the ICTY in Serbia*. Belgrade: Center for Transitional Processes.
- . 2010. *That Someone Guilty Be Punished: The Impact of the ICTY in Bosnia*. New York: Open Society Institute.
- OSCE BiH. 2007. *Lessons from Education Reform in Brčko*. Sarajevo: OSCE Mission to BiH, Education department.
- . 2011. *Delivering Justice in Bosnia and Herzegovina: An Overview of War Crimes Processing from 2005 to 2010*. Sarajevo: OSCE Mission to BiH. Available at:

- [http://www.oscebih.org/documents/osce\\_bih\\_doc\\_2011051909500706eng.pdf](http://www.oscebih.org/documents/osce_bih_doc_2011051909500706eng.pdf) (24 February 2014).
- OSF BiH. 1996. *1996 Annual Report*. Sarajevo: Open Society Fund Bosnia-Herzegovina.
- Osiel, Mark. 2000. *Mass Atrocity, Collective Memory, and the Law*. New Jersey: Transaction Publishers.
- . 2005. The Banality of Good: Aligning Incentives against Mass Atrocity. *Columbia Law Review* 105 (6): 1751–1862. Available at: <http://www.jstor.org/stable/10.2307/4099503> (28 February 2014).
- Oslobođenje*. 2004a. Crne stranice nisu ispisivane samo u Srebrenici, 5 (25 June).
- . 2004b. Zločin osmislio Kordić, a naredio Ljubičić, 5 (1 August).
- . 2005. Masovne grobnice u Ljubiji će biti pronađene, 2 (30 January).
- . 2008. Dodik: Vlada RS-a tužiće UN i Vladu Holandije, 5 (5 July).
- . 2013. “Dan bjelih traka” danas u Prijedoru, 31 May. Available at: <http://www.oslobodjenje.ba/vijesti/bih/dan-bijelih-traka-danas-u-prijedoru> (24 February 2014).
- Oslobođenje* (Banja Luka). 1995. “Može Li Govor U Kanone?”, 12 January.
- Osnovna škola “Ivan Goran Kovačić” Livno. 2013. *Popis odabranih udžbenika Osnovne škole “Ivan Goran Kovačić” Livno za školsku 2013./2014. godinu*. Available at: [http://www.osigk-livno.com/files/Popis\\_udzbenika\\_2013-2014.pdf](http://www.osigk-livno.com/files/Popis_udzbenika_2013-2014.pdf) (24 February 2014).
- Ostojić, Mladen. 2013. Facing the Past While Disregarding the Present? Human Rights NGOs and Truth-Telling in Post-Milošević Serbia. In *Civil Society and Transitions in the Western Balkans*, edited by Vesna Bojicic-Dzelilovic, James Ker-Lindsay, and Denisa Kostovicova, 230–47. New York: Palgrave Macmillan.
- Overy, Richard. 2003. The Nuremberg Trials: International Law in the Making. In *From Nuremberg to The Hague: The Future of International Criminal Justice*, edited by Philippe Sands, 1–29. Cambridge: Cambridge University Press.
- P.D. 1997. Sećanje na 30. april. *Glas srpski*, 4 (1 May).
- Padalović, Elvir. 2012. Prijedor, zabranjena riječ. *BUKA Magazin*, 29 May. Available at: <http://www.6yka.com/novost/24204/Prijedor-zabranjena-rijec> (24 February 2014).
- Pargan, Mehmed. 2003. Orić iz Haaga kazao sinu Amaru da je samo spašavao život njega i njegovih vršnjaka! *Slobodna Bosna*, 19–21 (17 April).
- Pašalić Kreso, Adila. 2008. The War and Post-War Impact on the Educational System of Bosnia and Herzegovina. *International Review of Education* 54 (3-4): 353–74.
- Pavasović Trošt, Tamara. 2012. *Dealing with the Past: History and Identity in Serbia and Croatia*. Doctoral dissertation. Cambridge, MA: Harvard University, Department of Sociology.
- Pavković, Jozo. 2004. Tiho, dobro došao kući. *Večernji list*, 5 (2 August).
- Pavlaković, Vjeran. 2008. Red Stars, Black Shirts: Symbols, Commemorations, and Contested Histories of World War Two in Croatia. Seattle: The National Council for Eurasian and East European Research.
- . 2010. Croatia, the International Criminal Tribunal for the former Yugoslavia, and General Gotovina as a Political Symbol. *Europe-Asia Studies* 62 (10): 1707–40.
- Pećanin, Senad. 2006. Naser Orić – moneta za potkusurivanje. *Dani*, 3 (7 July).
- . 2007. Radončić je u panici. *Dani*, 6 April. Available at: <https://www.bhdani.ba/portal/clanak/512/arhiva/radoncic-je-u-panici-> (28 February 2014)

- Pejić, Ranko. 1997. *Dodatak udžbeniku istorije: Za 8. razred osnovne škole*. Srpsko Sarajevo: Zavod za udžbenike i nastavna sredstva Republike Srpske.
- . 2002. *Istorija za VIII razred osnovne škole [Third Edition]*. Srpsko Sarajevo: Zavod za udžbenike i nastavna sredstva.
- . 2003. *Istorija: Za IX razred osnovne škole*. Srpsko Sarajevo: Zavod za udžbenike i nastavna sredstva Republike Srpske.
- . 2006. *Istorija: Za IX razred osnovne škole [Fourth Revised Edition]*. Istočno Sarajevo: Zavod za udžbenike i nastavna sredstva.
- Pejić, Ranko, Simo Tešić, and Stevo Gavrić. 2009. *Istorija: Za 9. razred osnovne škole [Third Edition]*. Istočno Sarajevo: Zavod za udžbenike i nastavna sredstva.
- Perazić, Stanko, and Husein Serdarević. 1990. *Povijest: Udžbenik za VIII razred osnovne škole [Nineth Edition]*. Sarajevo: Svjetlost.
- . 1992. *Istorija – Povijest 8: Udžbenik za VIII razred osnovne škole [Reprint of the First Edition: 1991]*. Sarajevo: Svjetlost]. Ljubljana: Ministrstvo za šolstvo in šport Republike Slovenije.
- Perić, Ivo. 1992. *Povijest: Za VIII. razred osnovne škole [First Edition]*. Zagreb: Školska knjiga.
- . 1995. *Povijest: Za VIII. razred osnovne škole [Fourth Edition]*. Zagreb: Školska knjiga.
- . 1996. *Povijest: Za VIII. razred osnovne škole [First Edition]*. Zagreb: Alfa.
- Peskin, Victor. 2008. *International Justice in Rwanda and the Balkans: Virtual Trials and the Struggle for the State Cooperation*. Cambridge and New York: Cambridge University Press.
- Petrović, Vladimir. 2005. *Clio Takes the Stand: Historical Narratives in the International Criminal Tribunal for the former Yugoslavia*. Master thesis. Budapest: Central European University.
- . 2007. Guerrilla Warfare and Ethnic Cleansing: Some Terminological and Conceptual Remarks. *Zbornik radova Instituta za savremenu istoriju* (9): 219–43.
- . 2009. *Historians as Expert Witnesses in the Age of Extremes*. Doctora dissertation. Budapest: Central European University.
- . 2011. *Gaining Trust through Facing the Past? Prosecuting War Crimes Committed in the Former Yugoslavia in a National and International Legal Context*. CAS Sofia Working Paper Series. Sofia: Center for Advanced Study Sofia. Available at: <http://www.ceeol.com/aspx/getdocument.aspx?logid=5&id=e6a4263bb6204d288018cfca06169254> (28 February 2014).
- Petrović-Šteger, Maja. 2009. Anatomising Conflict – Accomodating Human Remains. In *Social Bodies*, edited by Helen Lambert and Maryon McDonald, 47–76. New York and Oxford: Berghahn Books.
- Picard, Michèle, and Asta M. Zinbo. 2012. The Long Road to Admission: The Report of the Government of the Republika Srpska. In *Investigating Srebrenica: Institutions, Facts, Responsibilities*, edited by Isabelle Delpla, Xavier Bougarel, and Jean-Louis Fournel, 131–147. New York and Oxford: Berghahn Books.
- Podeh, Elie. 2000. History and Memory in the Israeli Educational System: The Portrayal of the Arab-Israeli Conflict in History Textbooks (1948-2000). *History & Memory* 12 (1): 65–100.
- Pollack, Craig Evan. 2003. Intentions of Burial: Mourning, Politics, and Memorials Following the Massacre at Srebrenica. *Death Studies* 27 (2): 125–42.

- Prelec, Marko. 2013. Body of Evidence: The Prosecution's Construction of Milošević. In *The Milošević Trial: An Autopsy*, edited by Timothy William Waters, 356–76. Oxford and New York: Oxford University Press.
- Price, Monroe E. 2002. Memory, the Media and NATO: Information Intervention in Bosnia-Herzegovina. In *Memory and Power in Post-War Europe: Studies in the Presence of the Past*, edited by Jan-Werner Müller, 137–54. Cambridge: Cambridge University Press. Available at: [http://repository.upenn.edu/cgi/viewcontent.cgi?article=1054&context=asc\\_papers](http://repository.upenn.edu/cgi/viewcontent.cgi?article=1054&context=asc_papers) (24 February 2014).
- Price, Monroe E., and Nicole Strelau. 2012. Media and Transitional Justice: Toward a Systematic Approach. *International Journal of Communication* 6: 1077–99. Available at: <http://www.ijoc.org/ojs/index.php/ijoc/article/view/976> (24 February 2014).
- Price, Monroe E., and Mark Thompson, ed. 2002. *Forging Peace: Intervention, Human Rights and the Management of Media Space*. Edinburgh: Edinburgh University Press.
- Puhalo, Srđan, Nebojša Petrović, and Neda Perišić, ed. 2010. *Spremnost na pomirenje u Bosni i Hercegovini*. Sarajevo: Friedrich Ebert Stiftung.
- R.Č. 2003a. Neophodno ispuniti zahtjeve u slučaju 'Srebrenica.' *Nezavisne novine*, 5 (28 July).
- . 2003b. Pronađeni ostaci 2.082 tijela. *Nezavisne novine*, 5 (29 July).
- R.J. 2002. Ministrov džihad kamp. *Glas srpski*, 1 (15 April).
- Radan, Peter. 2001. *Break-up of Yugoslavia and International Law*. London and New York: Routledge.
- Radio Sarajevo. 2013. Osude za gradonačelnika Prijedora, 1 June. Available at: <http://www.radiosarajevo.ba/novost/114375/nocache> (24 February 2014).
- Radmanović, B. 2002. Neprimljena kampanja. *Nezavisne novine*, 6 (5 September).
- Ramet, Sabrina P. 2002. *Balkan Babel: The Disintegration of Yugoslavia from the Death of Tito to the Fall of Milošević [4<sup>th</sup> Edition]*. Boulder and Cumnor Hill: Westview Press.
- . 2004a. Explaining the Yugoslav Meltdown, 1: "For a charm of pow'rful trouble, Like a hell-broth boil and bubble": Theories about the Roots of the Yugoslav Troubles. *Nationalities Papers* 32 (4): 731–63.
- . 2004b. Martyr in His Own Mind: The Trial and Tribulations of Slobodan Milošević. *Totalitarian Movements and Political Religions* 5 (1): 112–38.
- . 2005. *Thinking about Yugoslavia: Scholarly Debates about the Yugoslav Breakup and the Wars in Bosnia and Kosovo*. Cambridge and New York: Cambridge University Press.
- . 2006. *The Three Yugoslavias: State-Building and Legitimation, 1918-2005*. Bloomington: Indiana University Press.
- . 2007a. The Denial Syndrome and Its Consequences: Serbian Political Culture since 2000. *Communist and Post-Communist Studies* 40 (1): 41–58.
- . 2007b. The Dissolution of Yugoslavia: Competing Narratives of Resentment and Blame. *Südosteuropa: Zeitschrift für Politik und Gesellschaft*, 55 (1): 26–69.
- Reese, Stephen D. 2001. Prologue – Framing Public Life: A Bridging Model for Media Research. In *Framing Public Life: Perspectives on Media and Our Understanding of the Social World*, edited by Stephen D. Reese, Oscar H. Gandy, and August E. Grant, 7–31. Mahwah and London: Lawrence Erlbaum Associates.
- Reisigl, Martin, and Ruth Wodak. 2001. The Discourse-Historical Approach (DHA). In *Methods of Critical Discourse Analysis*, edited by Ruth Wodak and Michael Meyer, 87–121. London and Thousand Oaks and New Delhi: SAGE Publications.

- Ricoeur, Paul. 1984. *Time and Narrative Vol. 1 [Temps et récit]*. Chicago and London: University of Chicago Press.
- . 2000. Krog med pripovedjo in časovnostjo [Temps et récit I: Le cercle entre récit et temporalité]. Ljubljana : Društvo Apokalipsa.
- . 2004. *Memory, History, Forgetting*. Chicago and London: The University of Chicago Press.
- Ristić, Katarina. 2012. *Media Discourses on War Crimes Trials in Serbia*. Working Paper 4. Graz: Center for Southeast European Studies, University of Graz. Available at: <http://www.suedosteuropa.uni-graz.at/en/publication/media-discourses-war-crimes-trials-serbia> (25 February 2014)
- Roht-Arriaza, Naomi. 2006. The New Landscape of Transitional Justice. In *Transitional Justice in the Twenty-First Century: Beyond Truth versus Justice*, 1–16. Cambridge: Cambridge University Press.
- Rotberg, Robert I. 2000. Truth Commissions and the Provisions of Truth, Justice and Reconciliation. In *Truth v. Justice: The Morality of Truth Commissions*, edited by Robert I. Rotberg and Dennis Thompson, 3–21. Princeton and Oxford: Princeton University Press.
- Rotberg, Robert I., and Dennis Thompson, ed. 2000. *Truth v. Justice: The Morality of Truth Commissions*. Princeton and Oxford: Princeton University Press.
- RTRS. 2009. *Srpska Danas*. Prijedor, 6 August. Available at: <http://www.rtrs.tv/av/pusti.php?id=2493> (26 February 2014).
- . 2012. *Srpska Danas*. Prijedor, 31 May. Available at: <http://www.rtrs.tv/av/pusti.php?id=18786> (26 February 2014).
- S.B.I. 2000a. Mramorni križ od četiri metra u Ahmićima kao provokacija. *Dnevni avaz*, 7 (14 April).
- . 2000b. Sulejmanu Pezeru ubijeno 19 članova porodice. *Dnevni avaz*, 5 (17 April).
- S.N. 2003. Nisam znao da će Orić biti uhapšen. *Dnevni avaz*, 4 (13 April).
- S.R. 2006. Tihić čestitao Oriću na hrabrosti i izdržljivosti. *Oslobođenje*, 3 (7 July).
- S.T. 2009. 'U BiH postojala mnoga stratišta'. *Nezavisne novine*, 7 (8 August).
- Šabotić, Izet, and Mirza Čehajić. 2012. *Historija 9: Udžbenik za deveti razred devetogodišnje osnovne škole*. Tuzla and Zenica: NAM and Vrijeme.
- Sarač, E. 2001. Presudom Kordiću i Čerkezu potvrđena je agresija Hrvatske na BiH. *Dnevni avaz*, 9 (1 March).
- Sarač, Edina. 2000. Blaškić osuđen na 45 godina zatvora. *Dnevni list*, 1, 9 (4 March).
- Šarac, J. 2006. 'Nagrada za ubijanje.' *Nezavisne novine*, 2 (5 July).
- Saxon, Dan. 2005. Exporting Justice: Perceptions of the ICTY among the Serbian, Croatian, and Muslim Communities in the Former Yugoslavia. *Journal of Human Rights* 4 (4): 559–72.
- Schabas, William, Kenneth Roth, Andrew Clapham, Mirjan Damaška, Mirko Klarin, Mark Harmon, James Cockayne, et al. 2009. Discussion. *Journal of International Criminal Justice* 7 (1): 97–119.
- Scharf, Michael P. 1997. *Balkan Justice: The Story Behind the First International War Crimes Trial since Nuremberg*. Durham: Carolina Academic Press.
- Schäuble, Michaela. 2011. How History Takes Place: Sacralized Landscapes in the Croatian-Bosnian Border Region. *History & Memory* 23 (1): 23–61.
- Scheufele, Dietram A. 1999. Framing as a Theory of Media Effects. *Journal of Communication* 49 (1): 103–22.

- Schissler, Hanna, and Yasemin Nuhoglu Soysal, ed. 2005. *The Nation, Europe, and the World: Textbooks and Curricula in Transition*. New York and Oxford: Berghahn Books.
- Sebastián, Sofia. 2007. *Leaving Dayton Behind: Constitutional Reform in Bosnia and Herzegovina*. Working Paper 46. Madrid: FRIDE. Available at: [http://www.fride.org/download/WP46\\_Dayton\\_Bosnia\\_Herzegovina\\_EN\\_nov07.pdf](http://www.fride.org/download/WP46_Dayton_Bosnia_Herzegovina_EN_nov07.pdf) (24 February 2014).
- SEEMO. 2008. Bosnia and Herzegovina. In *South East and Central Europe Media Handbook Volume One*, 273–354. Vienna: SEEMO (South East Europe Media Organisation).
- Šegrt, Rade. 2010. Utvrditi istinu o Srebrenici. *Nezavisne novine*, 6 (20 April).
- Šehić, Zijad, and Zvezdana Maričić-Matošević. 2005. *Historija/Istorija/Povijest: Za 8. razred osnovne škole*. Sarajevo: Sarajevo Publishing.
- Šehić, Zijad, Zvezdana Maričić-Matošević, and Alma Leka. 2007. *Historija/Istorija/Povijest: Udžbenik i čitanka za 8. razred osnovne škole*. Sarajevo: Sarajevo Publishing.
- Sekulić, A., and R. Čengić. 2004. Istorijski i hrabar Čavićev govor. *Nezavisne novine*, 4–5 (24 June).
- Sells, Michael Anthony. 1998. *The Bridge Betrayed: Religion and Genocide in Bosnia*. Berkeley and Los Angeles and London: University of California Press.
- Šelo Šabić, Senada. 2005. Post-War State Building: Germany in 1945 and Bosnia-Herzegovina in 1995. In *Facing the Past Facing the Future: Confronting Ethnicity and Conflict in Bosnia and Former Yugoslavia*, edited by Florian Bieber and Carsten Wieland, 45–60. Ravenna: Longo Editore.
- Semelin, Jacques. 2007. *Purify and Destroy: The Political Uses of Massacre and Genocide*. London: Hurst & Company.
- SENSE. 2004. *Blaskić's Sentence cut down from 45 to 9 Years in Prison*, 29 July. Available at: [http://www.sense-agency.com/icty/blaskics-sentence-cut-down-from-45-to-9-years-in-prison.29.html?cat\\_id=1&news\\_id=8703](http://www.sense-agency.com/icty/blaskics-sentence-cut-down-from-45-to-9-years-in-prison.29.html?cat_id=1&news_id=8703) (28 February 2014).
- Shrader, Charles R. 2003. *The Muslim-Croat Civil War in Central Bosnia: A Military History, 1992-1994*. College Station: Texas A&M University Press.
- Silber, Laura, and Allan Little. 1995. *The Death of Yugoslavia*. New York and London: Penguin and BBC.
- Simić, Andrei. 2000. Nationalism as a Folk Ideology: The Case of Former Yugoslavia. In *Neighbors at War: Anthropological Perspectives on Yugoslav Ethnicity, Culture, and History*, edited by Joel M. Halpern and David A. Kideckel, 103–15. University Park: Penn State Press.
- Sirječić, Nihad. 2004. 12 najboljih načelnika u BiH. *Start*, 38 (18 May).
- Širok, Kaja. 2012. *Which History? Whose Memory? The Power of Memory in Borderland Identity Making*. Paper presented at the *Association for the Study of Nationalities World Convention*, Columbia University, New York, 19–21 April.
- Slobodna Dalmacija*. 2002. Milošević je znao za zločine, 13 February. Available at: <http://arhiv.slobodnadalmacija.hr/20020213/novosti01.asp> (28 February 2014).
- Smajić, Zekerijah. 1997. Tadiću 20 godina zatvora. *Oslobođenje*, 5 (15 July).
- Smith, Anthony D. 1991. *National Identity*. London: Penguin Books.
- . 1999. *Myths and Memories of the Nation*. Oxford: Oxford University Press.
- Sorabji, Cornelia. 2006. Managing Memories in Post-War Sarajevo: Individuals, Bad Memories, and New Wars. *Journal of the Royal Anthropological Institute* 12 (1): 1–18.
- Soysal, Yasemin Nuhoglu, Teresa Bertilotti, and Sabine Mannitz. 2005. Projections of Identity in French and German History and Civic Textbooks. In *The Nation, Europe, and the*

- World: Textbooks and Curricula in Transition*, edited by Hanna Schissler and Yasemin Nuhoğlu Soysal, 13–34. New York and Oxford: Berghahn Books.
- Soysal, Yasemin Nuhoğlu, and Hanna Schissler. 2005. Introduction: Teaching Beyond the National Narrative. In *The Nation, Europe, and the World: Textbooks and Curricula in Transition*, edited by Hanna Schissler and Yasemin Nuhoğlu Soysal, 1–9. New York and Oxford: Berghahn Books.
- Spoerri, Marlene, and Annette Freyberg-Inan. 2008. From Prosecution to Persecution: Perceptions of the International Criminal Tribunal for the former Yugoslavia (ICTY) in Serbian Domestic Politics. *Journal of International Relations and Development* 11 (4): 350–84.
- Sriram, Chandra Lekha. 2004. *Confronting Past Human Rights Violations: Justice vs. Peace in Times of Transition*. London and New York: Frank Cass.
- Stakić, Isidora. 2011. *Homophobia and Hate Speech in Serbian Public Discourse: How Nationalist Myths and Stereotypes Influence Prejudices against the LGBT Minority*. Master's thesis. Gothenburg: University of Gothenburg.
- Stefansson, Anders H. 2010. Coffee after Cleansing? Co-Existence, Co-Operation and Communication in Post-Conflict Bosnia and Herzegovina. *Focaal - Journal of Global and Historical Anthropology* 57: 62–78.
- Stokes, Gale. 2009. Independence and the Fate of Minorities, 1991-1992. In *Confronting the Yugoslav Controversies: A Scholars' Initiative*, edited by Charles Ingrao and Thomas A. Emmert, 83–112. Washington and West Lafayette: United States Institute of Peace Press and Purdue University Press.
- Stokes, Gale, John R. Lampe, and Dennison Rusinow. 1996. Instant History: Understanding the Wars of Yugoslav Succession. *Slavic Review* 55 (1): 136–60.
- Stover, Eric. 2004. Witnesses and the Promise of Justice in The Hague. In *My Neighbor, My Enemy: Justice and Community in the Aftermath of Mass Atrocity*, edited by Eric Stover and Harvey M. Weinstein, 104–20. Cambridge: Cambridge University Press.
- Stradling, Robert. 2003. *Multiperspectivity in History Teaching: A Guide for Teachers*. Strasbourg: Council of Europe. Available at: <http://www.coe.int/t/dg4/education/historyteaching/Source/Notions/Multiperspectivity/MultiperspectivityEnglish.pdf> (24 February 2014).
- Stubbs, Paul. 2003. Dealing with the Past in Bosnia-Herzegovina, Croatia, and Serbia & Montenegro. Regional Synthesis Report. Quaker peace and Social Witness. Available at: [http://paulstubbs.pbwiki.com/f/stubbs\\_dealingwiththepast.pdf](http://paulstubbs.pbwiki.com/f/stubbs_dealingwiththepast.pdf) (28 February 2014).
- Subotić, Jelena. 2009. *Hijacked Justice: Dealing with the Past in the Balkans*. Ithaca and London: Cornell University Press.
- . 2010. *Otimanje pravde: Suočavanje s prošlošću na Balkanu*. Belgrade: Beogradski centar za ljudska prava.
- Suljagić, Emir. 2002a. Osmijeh osuđenika na smrt. *Dani*, 15 February. Available at: <https://www.bhdani.ba/portal/arhiva-67-281/244/t22414.shtml> (28 February 2014).
- . 2002b. Plivanje u živom blatu. *Dani*, 22 February. Available at: <https://www.bhdani.ba/portal/arhiva-67-281/245/t24502.shtml> (28 February 2014).
- . 2003. Suđenje većem od života. *Dani*, 18–19 (18 April).
- . 2004. 2004. Svjedok srpskog priznanja zločina u Srebrenici. *Dani*, 12–15 (18 June).

- Swimelar, Safia. 2013. Guilty without a Verdict: Bosniaks' Perceptions of the Milošević Trial. In *The Milošević Trial: An Autopsy*, edited by Timothy William Waters, 183–202. Oxford and New York: Oxford University Press.
- Tabaković, E. 1996. Motkama na žene. *Dnevni avaz*, 8 (28 May).
- Tankard, James W. 2001. The Empirical Approach to the Study of Media Framing. In *Framing Public Life: Perspectives on Media and Our Understanding of the Social World*, edited by Stephen D. Reese, Oscar H. Gandy, and August E. Grant, 95–105. Mahwah and London: Lawrence Erlbaum Associates.
- Tanović, Danis. 2001. *No Man's Land [Ničija zemlja]*. Available at: <http://www.youtube.com/watch?v=dF-y5GFoGfl> (24 February 2014).
- Teitel, Ruti G. 2002. *Transitional Justice*. New York: Oxford University Press.
- . 2003. Transitional Justice Genealogy. *Harvard Human Rights Journal* 16: 69–94.
- Thompson [Tompson], Mark. 2000. *Proizvodnja rata: Mediji u Srbiji, Hrvatskoj, Bosni i Hercegovini [Second revised edition]*. Belgrade: Medija centar and Free B92.
- Thompson, Mark, and Dan De Luce. 2002. Escalating to Success? The Media Intervention in Bosnia and Herzegovina. In *Forging Peace: Intervention, Human Rights and the Management of Media Space*, edited by Monroe E. Price and Mark Thompson, 201–35. Edinburgh: Edinburgh University Press.
- Todorov, Tzvetan. 2003. *Hope and Memory: Reflections on the Twentieth Century*. London: Atlantic Books.
- Tokača, Mirsad, ed. 2012. *The Bosnian Book of the Dead: Human Losses in Bosnia and Herzegovina 1991-1995, Vol. 1*. Sarajevo: Istraživačko dokumentacioni centar.
- Torsti, Pilvi. 2003. *Divergent Stories, Convergent Attitudes: A Study on the Presence of History, History Textbooks and the Thinking of Youth in Post-War Bosnia and Herzegovina*. Helsinki: Taifuuni.
- . 2007. How to Deal with a Difficult Past? History Textbooks Supporting Enemy Images in Post-war Bosnia and Herzegovina. *Journal of Curriculum Studies* 39 (1): 77–96.
- TPIY [ICTY]. 2013a. *Procureur C/ Prlić et Al.: Jugement de Première Instance, Tome 3 de 6 (29 Mai 2013)*. Available at: [http://www.icty.org/x/cases/prlic/tjug/fr/130529\\_judgement\\_3-6.pdf](http://www.icty.org/x/cases/prlic/tjug/fr/130529_judgement_3-6.pdf) (24 February 2014).
- . 2013b. *Procureur C/ Prlić et Al.: Jugement de Première Instance, Tome 1 de 6 (29 Mai 2013)*. Available at: [http://www.icty.org/x/cases/prlic/tjug/fr/130529\\_judgement\\_1-6.pdf](http://www.icty.org/x/cases/prlic/tjug/fr/130529_judgement_1-6.pdf) (24 February 2014).
- . 2013c. *Procureur C/ Prlić et Al.: Jugement de Première Instance, Tome 2 de 6 (29 Mai 2013)*. Available at: [http://www.icty.org/x/cases/prlic/tjug/fr/130529\\_judgement\\_2-6.pdf](http://www.icty.org/x/cases/prlic/tjug/fr/130529_judgement_2-6.pdf) (24 February 2014).
- Trkulja, Goran. 1998. Sud u Hagu od Kvočke prvenstveno očekuje odgovor na pitanje kakva su naređenja iz državno-partijskog vrha Srpske stizala u vezi sa tretmanom zatočenika u Omarskoj. *Nezavisne novine*, 16 (15 April).
- Tucaković, Dž. 1999. Brđanin završio u ćeliji haškog suda. *Dnevni avaz*, 10 (7 July).
- Turčalo, Sead. 2012. *Političko-ustavna rješenja za Bosnu i Hercegovinu: Od Lisabona do Daytona. Geopolitičke naracije o mirovnim sporazumima za Bosnu i Hercegovinu 1992-1996*. Sarajevo: Mediacentar Sarajevo.
- Udovičić, Radenko, Ozren Kebo, Tanja Topić, and Benjamin Butković. 2005. *Savladavanje prošlosti i uloga medija: Monitoring pisanih i elektronskih BH medija*. Sarajevo: Media Plan Institut.



- Udovičić, Radenko, Davor Marko, Benjamin Butković, Katarina Panić, and Jasmina Korda. 2007. *Mediji i Religija – Presentacija religijskih tema, crkava i vjerskih zajednica i vjerskih autoriteta u medijima u BiH – Analiza na osnovu monitoringa medija*. In *Mediji I Religija*, edited by Lea Tajić, 11–227. Sarajevo: Fondacija Konrad Adenauer e.V., Predstavništvo u Bosni i Hercegovini. Available at: [http://www.kas.de/wf/doc/kas\\_11344-1522-15-30.pdf?070712161150](http://www.kas.de/wf/doc/kas_11344-1522-15-30.pdf?070712161150) (28 February 2014).
- Udovički, Jasminka, and Ejub Šitković. 2000. *Bosnia and Herzegovina: The Second War*. In *Burn This House: The Making and Unmaking of Yugoslavia (Revised and Expanded)*, edited by Jasminka Udovički and James Ridgeway, 175–216. Durham and London: Duke University Press.
- UN General Assembly. 1992. *Resolution A/RES/47/121 (18 December 1992)*. Available at: <http://www.un.org/documents/ga/res/47/a47r121.htm> (24 February 2014).
- UN Secretary-General. 1994. *Communication of the UN Secretary-General to the Assembly General and the Security Council, A/49/342/S/1994/1007 (29 August 1994) [The First Annual Report of the ICTY]*. Available at: [http://www.icty.org/x/file/About/Reports%20and%20Publications/AnnualReports/annual\\_report\\_1994\\_en.pdf](http://www.icty.org/x/file/About/Reports%20and%20Publications/AnnualReports/annual_report_1994_en.pdf) (24 February 2014).
- UN Security Council. 1992. *Resolution 780, S/RES/780 (6 October 1992)*. Available at: <http://www1.umn.edu/humanrts/peace/docs/scres780.html> (8 April 2014).
- . 1993. *Resolution 827, S/RES/827 (25 May 1993)*. Available at: [http://www.icty.org/x/file/Legal%20Library/Statute/statute\\_827\\_1993\\_en.pdf](http://www.icty.org/x/file/Legal%20Library/Statute/statute_827_1993_en.pdf) (24 February 2014).
- . 1994. *Final Report of the Commission of Experts Established pursuant to Security Council Resolution 780 (1992) (S/1994/674)*. Available at: [http://www.icty.org/x/file/About/OTP/un\\_commission\\_of\\_experts\\_report1994\\_en.pdf](http://www.icty.org/x/file/About/OTP/un_commission_of_experts_report1994_en.pdf) (28 February 2014).
- . 1995. *Report of the Secretary-General pursuant to Security Council Resolution 1019 (1995) on Violations of International Humanitarian Law in the Areas of Srebrenica, Zepa, Banja Luka and Sanski Most S/1995/988 (27 November 1995)*. Available at: <http://www.refworld.org/docid/3cc6760c4.html> (24 February 2014).
- Valenta, Leonard. 2007a. *Historija – Povijest: Za 8. razred osnovne škole*. Sarajevo: Bosanska riječ.
- . 2007b. *Povijest: Za 8. razred osnovne škole*. Sarajevo: Bosanska riječ.
- Van der Merwe, Hugo, Victoria Baxter, and Audrey R. Chapman. 2009. Introduction. In *Assessing the Impact of Transitional Justice: Challenges for Empirical Research*, edited by Hugo van der Merwe, Victoria Baxter, and Audrey R. Chapman, 1–12. Washington: United States Institute for Peace Press.
- Van der Wilt, Harmen. 2013. The Spider and the System: Milošević and Joint Criminal Enterprise. In *The Milošević Trial: An Autopsy*, edited by Timothy William Waters, 484–88. Oxford and New York: Oxford University Press.
- Vinjamuri, Leslie, and Jack Snyder. 2004. Advocacy and Scholarship in the Study of International War Crime Tribunals and Transitional Justice. *Annual Review of Political Science* 7 (1): 345–62.
- Vlada Hercegbosanske županije. 2008. *Odluka o popisu udžbenika i priručnika za osnovnu školu u školskoj godini 2008./2009*, 4 July.

- . 2009. *Odluka o popisu odobrenih udžbenika i priručnika za osnovnu školu u školskoj godini 2009./2010.*, 26 August. Available at: <http://www.vladahbz.com/downloads/Odluka%20o%20obv.udzben.u%20osn.sk.%202009.-2010.g..pdf> (24 February 2014).
- Vlaisavljević, Ugo. 2006. *Etnopolitika i građanstvo*. Mostar: Dijalog.
- Vodinelić, Vladimir V. 2002. *The Past as a Challenge to the Law: Serbian Side of the Legal Coping with the Past*. Belgrade: Center for Advanced Legal Studies and Helsinki Committee for Human Rights in Serbia.
- Volčič, Zala, and Karmen Erjavec. 2009. Nostalgia for Greater Serbia: Media Coverage of Radovan Karadžić's Arrest. *Journal of Global Mass Communication* 2 (1/2): 24–46.
- Vričko, Josip. 2004. Ahmići i dalje čekaju pravdu, Kiseljak očekuje Blaškića. *Oslobođenje*, 4–5 (1 August).
- Wagner, Sarah E. 2008. *To Know Where He Lies: DNA Technology and the Search for Srebrenica's Missing*. Berkeley and Los Angeles and London: University of California Press.
- Wald, Patricia M. 2009. *Tyrants on Trial: Keeping Order in the Courtroom*. New York: Open Society Institute. Available at: [http://www.opensocietyfoundations.org/sites/default/files/tyrants\\_20090911.pdf](http://www.opensocietyfoundations.org/sites/default/files/tyrants_20090911.pdf) (28 February 2014).
- Waters, Timothy William. 2013a. Dead Man's Tale: Deriving Narrative Authority from the Terminated Milošević Trial. In *The Milošević Trial: An Autopsy*, edited by Timothy William Waters, 295–315. Oxford and New York: Oxford University Press.
- . 2013b. Vital Signs: The Milošević Trial and Its Context – A Foundational Primer. In *The Milošević Trial: An Autopsy*, edited by Timothy William Waters, 1–73. Oxford and New York: Oxford University Press.
- . 2013c. Preface: A Trial Terminated. In *The Milošević Trial: An Autopsy*, edited by Timothy William Waters, xv–xx. Oxford and New York: Oxford University Press.
- Weine, Stevan M. 1999. *When History Is a Nightmare: Lives and Memories of Ethnic Cleansing in Bosnia-Herzegovina*. Piscataway: Rutgers University Press.
- Weinstein, Harvey M., and Eric Stover. 2004. Introduction: Conflict, Justice and Reclamation. In *My Neighbor, My Enemy: Justice and Community in the Aftermath of Mass Atrocity*, edited by Eric Stover and Harvey M. Weinstein, 1–25. Cambridge: Cambridge University Press.
- White, Hayden. 1987. *The Content of the Form: Narrative Discourse and Historical Representation*. Baltimore and London: The Johns Hopkins University Press.
- . 1992. Historical Emplotment and the Problem of Truth. In *Probing the Limits of Representation: Nazism and the "Final Solution"*, edited by Saul Friedlander, 37–53. Cambridge: Harvard University Press.
- Wilde, Alexander. 1999. Irruptions of Memory: Expressive Politics in Chile's Transition to Democracy. *Journal of Latin American Studies* 31 (2): 473–500.
- Wilson, Richard. 2005. Judging History: The Historical Record of the International Criminal Tribunal for the Former Yugoslavia. *Human Rights Quarterly* 27 (3): 908–42.
- Wilson, Richard Ashby. 2011. *Writing History in International Criminal Trials*. Cambridge: Cambridge University Press.
- Woodward, Susan L. 1995. *Socialist Unemployment: The Political Economy of Yugoslavia, 1945-1990*. Princeton: Princeton University Press.
- Zdravec, Darjan. 2004. Tuđmanova vlast "napakovala" Blaškiću. *Oslobođenje*, 7 (31 July).

- Zalaquett, Jose. 1995. Confronting Human Rights Violations Committed by Former Governments: Principles Applicable and Political Constraints. In *Transitional Justice: How Emerging Democracies Reckon with Former Regimes. Volume I: General Considerations*, edited by Neil J. Kritz, 3–31. Washington: United States Institute for Peace Press.
- Zambelli, Nataša. 2010. A Journey Westward: A Poststructuralist Analysis of Croatia's Identity and the Problem of Cooperation with the International Criminal Tribunal for the former Yugoslavia. *Europe-Asia Studies* 62 (10): 1661–82.
- Zerubavel, Eviatar. 2003a. *Time Maps: Collective Memory and the Social Shape of the Past*. Chicago and London: The University of Chicago Press.
- . 2003b. Calendars and History: A Comparative Study of the Social Organization of National Memory. In *States of Memory: Continuities, Conflicts, and Transformations in National Retrospection*, edited by Jeffrey K. Olick, 315–38. Durham: Duke University Press.
- Zgonjanin, M. 2005. Sivac: Omarska je bila zločinački poduhvat koji je smišljeno funkcionirao. *Dnevni avaz*, 3 (7 August).
- . 2006. Žrtve boli što su Stakićevi saučesnici još na slobodi. *Dnevni avaz*, 12 (23 March).
- Žikić, Biljana. 2011. The Biljana Plavšić Case: Nationalist and Gender Narratives in the Service of Media (Non)Reporting on the Plavšić Case in Serbia and Bosnia and Herzegovina (The Republika Srpska). In *Media and National Ideologies: Analysis of Reporting on War Crime Trials in the Former Yugoslavia*, edited by Amer Džihana and Zala Volčič, 241–81. Sarajevo: Mediacentar Sarajevo.
- Živak, Vedrana. 2004. Konačno priznat zločin u Srebrenici. *Oslobođenje*, 27 (26 June).
- Živković, Marko. 2011. *Serbian Dreambook: National Imaginary in the Time of Milošević*. Bloomington: Indiana University Press.
- Zveržhanovski, Ivan. 2007. Watching War Crimes: The Srebrenica Video and the Serbian Attitudes to the 1995 Srebrenica Massacre. *Southeast European and Black Sea Studies* 7 (3): 417–30.

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## Daljši povzetek v slovenskem jeziku

### Javni narativi o preteklosti v okviru procesov tranzicijske pravičnosti:

#### Primer Bosne in Hercegovine

Devetnajst let po koncu vojne, ki je v Bosni in Hercegovini (BiH) trajala od 1992 do 1995, še vedno o njej obstaja več različnih in nasprotujočih si naracij, ki jih proizvajajo in promovirajo tako javni kot politični akterji. Te medsebojno izključujoče interpretacije se danes še množijo kljub temu, da številna dejstva in odkritja dopuščajo o vojni le malo neznan. Vprašanja, okrog katerih se (še vedno) debatira, so: kako naj bi bila vojna sploh poimenovana, kdo je v njej sodeloval, koliko ljudi je bilo ubitih, koliko žrtev je doživelo ostale grozote in kdo jih je povzročil, kdo je odgovoren (tako politično kot pravno), kdo je vojno začel in kdo bi naj preprečil njen razmah. Načeloma so te različne interpretacije o nedavni vojni organizirane v koherentne narative, pri čemer so prevladujoči tisti, ki jih podpirajo tri etno-nacionalne politične elite (t.j. elite Bošnjakov, Hrvatov in Srbov).

Po drugi strani je BiH vse od konca vojne vodila in bila vpletena v procese tranzicijske pravičnosti. Koncept, ki se je razvil v zadnjih tridesetih letih, obsega celoten nabor pravnih in političnih mehanizmov, ki se jih uporablja pri tranziciji družb iz avtoritarnih v demokratične oziroma za prehod iz nasilnih konfliktov v post-konfliktno izgradnjo miru [ang. *peace-building*] (Teitel 2002). To je hibridni koncept, ki obravnava pretekle kršitve človekovih pravic in/ali vojne zločine tako z družbenega in političnega kot tudi s pravnega vidika. Med cilji tranzicijske pravičnosti so tako prenehanje nekaznovanosti, ugotavljanje dejstev o kršitvah, restitucija za žrtve, doseganje družbenega miru in sprave, vzpostavitev vladavine prava in pomoč pri konsolidaciji demokracije (Kritz 1995; van der Merwe in drugi 2009). V BiH je bil na primer kot glavni mehanizem tranzicijske pravičnosti uporabljen kazenski pregon vojnih zločincev pred Mednarodnim kazenskim sodiščem za nekdanjo Jugoslavijo (MKSJ).<sup>163</sup>

Glavnina literature o tranzicijski pravičnosti je zasnovana na osnovni predpostavki, da bo resnica o medvojnih kršitvah človekovih pravic (ugotovljena skozi mehanizme tranzicijske

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<sup>163</sup> V Sloveniji se pogosto uporablja tudi naziv Mednarodno kazensko sodišče za vojne zločine na območju nekdanje Jugoslavije, ki je netočen (ker je sodišče pristojno tudi za druge ne le vojne zločine) in ne odgovarja ne krajšemu [*International Criminal Tribunal for the former Yugoslavia*] ne daljšemu [*International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991*] uradnemu nazivu te institucije.

pravičnosti) sčasoma vodila v priznanje in sprejetje 'problematične' preteklosti. S tem bi se lahko ponovno vzpostavila družbena povezanost, ki bi lahko spravila prej sprte družbene skupine. Znotraj takšne predpostavke, se od sodišča (kot mehanizma tranzicijske pravičnosti) pričakuje, da ustvari avtoritativni zgodovinski zapis, ki naj bi prepojil kolektivni spomin s priznanjem in sprejetjem znanja o 'problematični' preteklosti. Ravno ta prispevek k ponovni vzpostavitvi in ohranjanju miru (UN Security Council 1993, preambula 6) je bil tudi idejna podlaga ustanovitve MKSJ. Predpostavka, da bodo izsledki Mednarodnega sodišča privedli do sprave, temelji namreč na domnevi, da je sodišče zmožno ustvariti avtoritativni zgodovinski zapis, ki lahko ovrže poskuse zanikanja zločinov (pod predpostavko, da zanikanje otežuje spravo). Ustanovitelji sodišča so pri tem sprejeli razširjen koncept pravičnosti, ki je tranzicijski pravičnosti inherenten. Potemtakem za razumevanje pravičnosti ni pomembno le obsoditi zločince, ampak tudi ustvariti pravično družbo, v kateri zanikanje zločina (ali odgovornost zanj) ni dovoljeno, če je zločin potrdilo sodišče. Ta vizija MKSJ ga umešča v koncept tranzicijske pravičnosti, ki je okvir, skozi kateri preučujem vpliv Mednarodnega sodišča na lokalno (bosansko) družbo.

Pretekle raziskave so pokazale, da faktični izsledki MKSJ niso privedli do direktnih sprememb v javnem dojemanju vojne, saj je to še vedno močno pod vplivom narativov nacionalističnih elit (Stubbs 2003; Corkalo in drugi 2004; Saxon 2005; Ramet 2007a; J. N. Clark 2008a; Orentlicher 2008; J. N. Clark 2009a; Obradovic-Wochnik 2009; Nettelfield 2010; Orentlicher 2010; Pavlaković 2010; J. N. Clark 2013). Zaradi tega je izhodišče mojega raziskovalnega projekta ravno to protislovje med normativnimi pričakovanji literature o tranzicijski pravičnosti in informacijami 's terena'. Bolj natančno se moja disertacija osredotoča **na vprašanja ali in na kakšne načine procesi tranzicijske pravičnosti vplivajo na javne narative o nedavni vojni.**

## Metodologija raziskovanja

Glavna idejna zasnova raziskovalnega načrta je bila rekonstruirati zgodovinski narativ, ustvarjen z mehanizmi tranzicijske pravičnosti (t.j. narativ v sodbah MKSJ), in ga primerjati s prevladujočimi narativi (kolektivnim spominom) o istih dogodkih 's terena'. Pri tem sem svoje raziskovanje omejila le na ključne točke v katerih se dominantni narativi (v BiH) razhajajo:

- Vprašanje, ali je bila vojna posledica zunanje agresije Srbije (kot trdita bošnjaški in hrvaški narativ) ali je šlo za državljansko vojno med političnimi akterji znotraj BiH (kot narekuje srbski narativ). S tem je namreč tesno povezano vprašanje, kdo je kriv za izbruh vojne (obravnavano v poglavju 4).
- Vprašanje, ali je bilo 'etnično čiščenje' v najprej načrtovano kot politični cilj srbske strani (kot trdi bošnjaški narativ) ali je bilo »naravna« posledica vojne, ko civilisti iščejo zavetje (kot implicira srbski narativ). Ta sporni problem sem preučevala na primeru občine Prijedor (cf. poglavje 5).
- Vprašanje, ali so bili dogodki, ki so se zgodili julija 1995 v Srebrenici, genocid kot politični cilj srbske strani v spopadu (kot to zagovarja bošnjaški narativ) ali je šlo »le« za zločinsko epizodo, ki naj ne bi bila imenovana kot genocid (kot trdi srbski narativ) (cf. poglavje 6).
- Vprašanje, kaj je bila pozicija hrvaške strani v konfliktu: so bili branilci (kot zagovarja hrvaški narativ) ali agresorji (kot namiguje bošnjaški narativ) (cf. poglavje 7).

Vsako sporno vprašanje sem obravnavala po enakem principu, kar se odraža v strukturi vsakega poglavja: najprej sem naredila pregled akademskih interpretacij, ki so jih raziskovalci in zgodovinarji ponudili za vsako od teh vprašanj; potem sem predstavila morebitne pravne posledice vsake od zgodovinskih interpretacij; zatem sem izbrala mehanizem tranzicijske pravičnosti (npr. sojenje za vojne zločine, preiskovalno komisijo), ki je najbolj relevantno odgovoril na vsako posamično vprašanje; in nato sem iz vsakega rezultata takšnega mehanizma (npr. sodbe ali poročila komisije) izluščila narativ vojne ali/in posamičnih dogodkov.

V drugi fazi raziskave sem analizirala medijsko poročanje o mehanizmih tranzicijske pravičnosti, fokusirajoč se na konkretne trenutke, ki bi lahko spremenili dožemanje vojne (npr. pričetek sojenja pred MKSJ in izrek sodbe ali objava poročila preiskovalne komisije). S tem medijskim monitoringom sem raziskala, kako mediji prikazujejo preteklost v kontekstu določenih mehanizmov tranzicijske pravičnosti. Pri tem sem še posebej hotela prikazati, kateri segment narativa, npr. sodbe, je prodrl v javno sfero. V ta namen sem uporabila analizo okvirjanja [ang. *frame analysis*] (Entman 1993; Scheufele 1999), pri čemer sem posebno pozornost posvetila vidnim elementom članka, kot so naslovi, podnaslovi, fotografije itd. (Tankard 2001).



Kot tretji logični korak mojega raziskovanja je bilo potrebno raziskati, če in kako so ti pravni narativi vplivali na kolektivni spomin lokalnega prebivalstva. V ta namen sem preučila spominske dogodke (komemoracije, državni prazniki) kot prizorišče za reprodukcijo različnih interpretacij preteklosti (Connerton 1989; Ashplant in drugi 2004) oziroma kot priložnosti, ob katerih se te interpretacije pojavljajo v medijih kot koherenten narativ. Sledila sem medijskem poročanju o letnih spominskih slovesnostih, vezanih na vprašanja, okrog katerih se etno-nacionalni narativi razhajajo. Pri tem sem skušala ohraniti reprezentativen vzorec komemoracij pred in po pomembnih ukrepih mehanizmov tranzicijske pravičnosti, da bi na ta način lahko opazila spremembe v narativih kot morebitno posledico ukrepov tranzicijske pravičnosti.

Dominantne narative o preteklosti sem tudi rekonstruirala na primeru učbenikov zgodovine za zadnji razred osnovne šole, v katerih se obravnava tematika razpada Jugoslavije in odgovornosti za vojno. Kot posledica povojne družbeno-politične ureditve je izobraževalni sistem v BiH etnično segregiran, kar pomeni, da se tudi zgodovina poučuje po treh (etnično razdeljenih) učnih načrtih. Zaradi močne kontrole, ki jo imajo politične elite nad izobraževalnim sistemom, učbenike zgodovine analiziram kot reprezentativne artefakte treh uradnih interpretacij nedavne zgodovine.

Primarni vir analize so bili časopisni članki, ki so poročali o tranzicijski pravičnosti, in tisti, ki so poročali o spominskih slovesnostih. Pri analizi narativov, kot jih predstavljajo medijska poročila in zgodovinski učbeniki, sem se omejila na več ključnih elementov: poimenovanje in označevanje dogodka (ali vojne v celoti), akterjev in krajev; pretvorba dogodkov v fabulo [ang. *emplotment*]<sup>164</sup> (Ricoeur 1984), t.j. proces pripisovanja pomena določenim elementom dogodka ob njihovem vključevanju v neko naracijsko zgodbo; in kako narativi pripisujejo krivdo in odgovornost vpletenim akterjem. Doktorska disertacija sicer referira na okrog 4.800 člankov, vendar je tekom triletnega raziskovanja zbranih kar 9.800 člankov.

Zaradi vojne razdelitve in povojne (razdeljene) politične ureditve je medijski prostor Bosne in Hercegovine močno etnično diferenciran. To praktično pomeni, da mediji večinoma naslavljajo primarno eno od treh dominantnih etničnih skupin (oz. so brani le znotraj ene

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<sup>164</sup> Tukaj referiram na slovenski prevod francoskega termina *mise en intrigue*, ki ga v disertaciji vporabljam v angleški različici *emplotment* (cf. Ricoeur 2000, prevod Saša Jerele).

skupine), čeprav obstajajo mediji, ki se takšni razdeljenosti zoperstavljajo (cf. profiliranje medijev v poglavju 3.5.1 disertacije). Zaradi tega sem pri analizi medijskega poročanja o vsakem sodnem procesu in vsaki obravnavani komemoraciji spremljala medije reprezentativne za vsako od dveh (ali treh) etničnih skupin, čigavi narativi si nasprotujejo v interpretaciji določenega dogodka. To je predstavljeno v tabeli, ki spremlja vsako takšno analizo.

**Primer tabele 5.3: Medijsko poročanje o sojenju Kvočka in drugim**

Spremljani datumi:	Bošnjaški mediji	Srbski mediji
Miroslav Kvočka in Mlađo Radić aretirana: 8 april 1998	<i>Dnevni avaz</i> 3	<i>Glas srpski</i> 5, <i>Nezavisne novine</i> 1, <i>Reporter</i> 1
Zoran Žigić se je predal: 16 april 1998	<i>Dnevni avaz</i> 2	<i>Glas srpski</i> 2, <del><i>Nezavisne novine</i></del>
Milojica Kos aretirana: 28 maj 1998	<del><i>Dnevni avaz</i></del>	<i>Glas srpski</i> 2, <del><i>Nezavisne novine</i></del>
Dragoljub Prcać aretirana: 5 marec 2000	<i>Dnevni avaz</i> 1	<i>Glas srpski</i> 5, <i>Reporter</i> 1, <del><i>Nezavisne novine</i></del>
Prvostopenjska sodba: 2 november 2001 (vsi krivi)	<i>Dnevni avaz</i> 1, <i>Oslobođenje</i> 1, <del><i>Dani</i></del>	<i>Glas srpski</i> 2, <i>Nezavisne novine</i> 1, <i>Reporter</i> 1
Apelacijska sodba: 28 februar 2005 (potrjeno)	<i>Oslobođenje</i> 1, <del><i>Dani</i></del> , <del><i>Slobodna Bosna</i></del>	<i>Glas srpski</i> 2, <i>Nezavisne novine</i> 1, <i>Reporter</i>

**Primer tabele 5.6: Medijsko poročanje komemoracijah žrtev Omarske**

Spremljani datumi: 9. maj, 24. maj in 6. avgust		
	Bošnjaški mediji	Srbski mediji
2003 <sup>165</sup>	<i>Dnevni avaz</i> 1	
2004	<i>Oslobođenje</i> 2, <i>Slobodna Bosna</i> 1	<i>Nezavisne novine</i> 1
2005	<i>Dnevni avaz</i> 4, <i>Oslobođenje</i> 3	<i>Nezavisne novine</i> 2
2006	<i>Dnevni avaz</i> 3, <i>Oslobođenje</i> 5	<i>Nezavisne novine</i> 2
2007	<i>Dnevni avaz</i> 4, <i>Oslobođenje</i> 3, <i>Dani</i> 2	<i>Nezavisne novine</i> 1
2008	<i>Dnevni avaz</i> 3, <i>Oslobođenje</i> 2, <i>Dani</i> 1	<i>Nezavisne novine</i> 3
2009	<i>Dnevni avaz</i> 3, <i>Oslobođenje</i> 2	<del><i>Glas Srpske</i></del> , <i>Nezavisne novine</i> 3, RTRS 1
2010	<i>Dnevni avaz</i> 4, <i>Oslobođenje</i> 2, <i>Dani</i> 1	<del><i>Glas Srpske</i></del> , <i>Nezavisne novine</i> 1, RTRS 1
2011	<i>Dnevni avaz</i> 5, <i>Oslobođenje</i> 7, <i>Dani</i> 2	<del><i>Glas Srpske</i></del> , <i>Nezavisne novine</i> 6, RTRS 2

<sup>165</sup> Tabela sem začela z letom 2003, ker je tedaj prvič organizirana tovrstna komemoracija.

2012	<i>Dnevni avaz 1, Oslobođenje 1, Slobodna Bosna 1</i>	<del><i>Glas Srpske, Nezavisne novine</i></del> , RTRS 2, <i>Kozarski vjesnik</i>
2013	<i>Dnevni avaz 2, Oslobođenje 1</i>	<del><i>Glas Srpske, Nezavisne novine</i></del> , Kozarski vijesnik 1

Prečrtani naslov medija pomeni da sem preverila arhivo določenega časopisa in ugotovila, da niti eden članek ni bil objavljen na določeno temo. To pa je za raziskavo pomembno ker kaže na očitno namerno prikrivanje 'nevšečnih' dejstev oz. dogodkov.

## Ugotovitve raziskave

### Odgovornost Srbije za vojno

Napačno bi bilo trditi, da je MKSJ ustvaril celovit narativ o razpadu Jugoslavije in o vzrokih za vojno v Bosni in Hercegovini. Popolna skladnost narativov v sodbah je tehnično nemogoča, saj se vsako sojenje ukvarja s kazensko odgovornostjo posameznika, kar je samo po sebi zelo ozka perspektiva. Predmet pred MKSJ, ki je imel največji potencial, da na enem mestu zajame zgodovino razpada Jugoslavije in odgovornosti za bosansko vojno, je bilo sojenje Slobodanu Miloševiću, kot primarnemu voditelju politike Srbov v '90-ih. Predčasna prekinitev sojenja Miloševiću (zaradi njegove smrti) mi onemogoča, da primerjam narativ sodbe z narativi lokalnih elit po metodologiji, ki sem jo uporabila v naslednjih poglavjih. Zaradi tega sem v tem primeru analizirala argumentacijo tožilstva in obrambe in jo primerjala z učbeniki zgodovine. Učbeniki so se pokazali kot najbolj primeren material za analizo vprašanja odgovornosti za vojno, ker predstavijo temeljne narative [ang. *master-narrative*] o vojni, v katere so umeščeni narativi o konkretnih dogodkih. Obenem ta obravnava temeljnih narativov poda zadosti osnovnih informacij za razumevanje debat okrog interpretiranja bolj podrobnih segmentov konflikta, ki so obravnavani v naslednjih poglavjih.

Tožilstvo je sojenje Slobodanu Miloševiću poskušalo spremeniti v podij za ustvarjanje celovitega narativa o vzrokih za jugoslovansko vojno, vendar je bilo prav zaradi tega s strani opazovalcev in znanstvenikov kritizirano (npr. Boas 2007; Wilson 2011; van der Wilt 2013; Waters 2013b). Ta 'historiografska' ambicija je pripeljala tožilstvo do tega, da zgradi zgodovinski narativ, s katerim se mnogi zgodovinarji ne bi strinjali. Ta narativ obsega štiri glavne okvirje [ang. *frames*]: v ozadju srbskega ravnanja je bil veliki načrt [ang. *master plan*];

ta veliki načrt je bil ustvariti Veliko Srbijo; genocid nad Bošnjaki je bil načrtovan z namenom, da se ustvari Veliko Srbijo; vodstvo v Beogradu je imelo tesni nadzor nad vodstvom bosanskih Srbov (ICTY 2001f).

Čeprav je bila argumentacija tožilstva zgrajena na ideji Velike Srbije kot končnemu cilju, ki je vodilo ravnanja srbskega vodstva v času razpada Jugoslavije in vojne v BiH, je tekom sojenja nezmožnost, da bi obtožili Miloševića osebno za zagovorništvo oblikovanja Velike Srbije, vodila k zameglitvi (ne pojasnjevanju) tega koncepta. To sojenje, ki se zaradi Miloševićeve smrti ni nikoli končalo, je tako pustilo precej nejasna pojasnila o motivih srbskega vodstva. V zgodovinskih zapisih, ki jih je ustvarilo sodišče, namera vodstva bosanskih Srbov izpade veliko bolj jasna: imeli so jasen načrt ustvariti izključno srbsko državo iz določenih bosanskih občin (torej izkoreniniti ne-Srbe iz tega območja) z namenom, da se takšna srbska država pridruži Srbiji. Vendar, kot je pokazala analiza učbenikov, nejasnost motivov beograjskega režima pušča prostor za špekulacije o vzroku vojne.

Narativi v učbenikih zgodovine se v veliki meri prekrivajo z argumentacijo, ki sta jo predstavili tožilstvo in obramba v primeru *Milošević*. Tako bošnjaški in hrvaški učbeniki predstavljajo zelo podoben temeljni narativ o razpadu Jugoslavije, ki se precej strinja z narativom tožilstva. Ta širši narativ za razpad Jugoslavije krivi "veliko-srbski hegemonizem" in na splošno pripisuje Srbom motiv oblikovanja Velike Srbije, ki jih je vodil do sprožitve vojn. Na drugi strani pa se srbski učbeniki skladajo z glavnimi argumenti Miloševićeve obrambe: da so Srbi želeli ohraniti Jugoslavijo, da je bila to njihova legitimna in suverena pravica naroda (razumljenega v etničnem smislu), ter da je Miloševićevo vodstvo le reagiralo na nelegitimno secesijo ostalih jugoslovanskih republik. Podobno, kot je Milošević enačil »ohranjanje Jugoslavije« z zaščito tega, kar je jemale za nacionalni interes (etničnih) Srbov, srbski učbeniki enačijo pojem predvojne Jugoslavije (SFRJ) s pojmom »okrnjene Jugoslavije« (Srbija, Črna gora in »ostali teritoriji, ki želijo ostati v Jugoslaviji«), ki ga vsi ostali narativi razumejo kot enakega ideji Velike Srbije. Srbski učbeniki so tudi prežeti z idejo »mednarodne zarote proti Srbom«, ki je bila glavna linija obrambe Miloševića v procesu pred MKSJ.

V različnih sodbah je MKSJ označil konflikt v BiH kot mednarodni zaradi vsesplošnega nadzora, ki ga je režim v Beogradu imel nad vojsko bosanskih Srbov (*Vojska Republike Srpske* - VRS). Glede na to, da vprašanje mednarodnega značaja konflikta pravno gledano ni enako

kot odločati, ali je ta konflikt bil »agresija« ali »državljska vojna«, lahko zaključim, da je MKSJ v splošnem srbske sile označil za sovražne in vdirajoče na območje mednarodno priznane države BiH. Kljub temu je zlitje VRS in sil iz Srbije skupaj z nejasnimi motivi beograjskega režima pustilo prostor srbskemu narativu da trdi, da so se v vojni v Bosni borile lokalne »etnične« vojske in da je torej šlo za državljansko vojno.

Longitudinalna analiza povojnih zgodovinskih učbenikov pokaže, da se narativi niso bistveno spremenili skozi čas. Glede vprašanja, kdo je kriv za vojno, lahko opazimo le minorne modifikacije. Na primer, opazila sam rahli premik v tem, kako je Miloševićeva politična motivacija opisana v bošnjaških in hrvaških učbenikih: od tega, da je Milošević načrtno uničil Jugoslavijo z namenom, da zgradi Veliko Srbijo, do bolj niansiranega opisa Miloševića kot politika, ki je imel namen dominirati v jugoslovanski federaciji (in s tem vzpostaviti dominacijo Srbov), kar je bilo nesprejemljivo za ostale Republike in jih je dokončno pripeljalo do tega, da zahtevajo neodvisnost. Znotraj srbskih učbenikov se je pojavila tudi majhna, ampak ne zanemarljiva sprememba v izdaji učbenika iz leta 2003 (cf. Pejić 2002; Pejić 2003): besedi »državljska vojna« sta izbrisani iz opisa bosanskega konflikta. Vendar analiza pokaže, da je sprememba nastala kot rezultat reforme učbenikov (pod mednarodnim pokroviteljstvom), ne pa pod vplivom prve sodbe MKSJ (iz leta 1998), ki je presodila, da je konflikt imel mednarodni karakter (poglej tabelo 4.2). Učbeniški material se je spremenil na nivoju besednjaka, ne pa narativa: mednarodne inštitucije so zahtevale umik žaljivih izrazov, ampak niso mogle spremeniti fabulativni zaplet vsakega narativa.

### **Načrt etničnega čiščenja**

Študija primera Prijedor mi je dala vpogled v načine, na katere so MKSJ ter skupnosti storilcev in žrtev razvile narative o etničnem čiščenju. Čeprav se pogosto uporablja (tudi v sodni dvorani), »etnično čiščenje« ni definirano kot pravna kategorija; namesto tega, kar pogovorno razumemo pod tem izrazom, zajema kombinacijo različnih zločinov proti človeštvu. Medtem ko nekateri akademiki etnično čiščenje razumejo le kot fazo v genocidu, če je ta razumljen kot proces (npr. Cigar 1995; Mann 2005; Semelin 2007; Bećirević 2010), drugi vztrajajo, da obstaja dejanska razlika med enim in drugim (npr. Lieberman 2010; Nielsen 2013b), večina pa se nagiba k temu, da se ju obravnava kot ločena pojma. Do danes nobena obtožba za genocide v Prijedoru ni bila uspešna pred sodiščem, vendar vmesna

sodba<sup>166</sup> Radovanu Karadžiću (predsedniku Republike Srbske iz časa vojne) dovoljuje, da bo takšna sodba sprejeta ob koncu sojenja.

Prva sodba (Dušku Tadiću) je označila srbske sile, ki so izvajale etnično čiščenje, za motivirane z željo po oblikovanju Velike Srbije; kasnejše sodbe (npr. Radoslavu Brđaninu) so predstavile namen ustvariti etnično čisto srbsko državo znotraj Bosne. Neodvisno od te razlike pa se sodbe v opisu samih dogodkov, ki tvorijo etnično čiščenje v občini Prijedor, generalno skladajo.<sup>167</sup> Narativ sodišča predstavlja srbski prevzem občine Prijedor kot očitno vnaprej načrtovan, po katerem je bilo nesrbsko prebivalstvo sistematično diskriminirano in preganjano, situacija pa se je poslabšala po poskusih upora lokalnih Bošnjakov. Glede na to, da je sodišče označilo srbski prevzem kot nelegitimno poseganje v demokratično izvoljeno lokalno oblast, so dejanja bosanskih muslimanov razumljena kot samoobrambna. Kampanja preganjanja nesrbskega prebivalstva je dosegla vrhunec z ustanovitvijo taborišč Omarska, Keraterm in Trnopolje, kjer so bili civilisti zaprti v nehumanih pogojih, redno mučeni in pogosto ubiti. Narativ sodb zaključuje, da je imel celotni sistem preganjanja in taborišč jasen namen izkoreniniti ne-Srbe iz občine Prijedor.

Rdeča nit narativa žrtev, ki se je razvil skozi njihove komemoracije, je opredeliti taborišča v Prijedoru kot koncentracijska taborišča in tako potegniti simbolične vzporednice med nacizmom in srbskim nacionalizmom v 1990-ih. V njihovem diskurzu sta termina »etnično čiščenje« in »genocid« pogosto uporabljena izmenično. Vendar je vztrajanje, da pregon ne-Srbov v občini Prijedor predstavlja genocid, dobilo zagon šele v zadnjih letih in sicer po tem, ko se je narativ lokalnih srbskih uradnikov še enkrat obrnil v drugo smer. Namreč, lokalni srbski narativ je prvotno glorificiral srbski prevzem občine in ga praznoval kot občinski praznik. Pod pritiskom bošnjaških povratnikov v občino je bil ta praznik odpravljen. Hkrati so manj nacionalistični lokalni srbski uradniki (vsaj formalno) s sodelovanjem v javnih razpravah o oblikovanju spomenika na mestu taborišča Omarska priznali, da so taborišča bila mesta množičnih zločinov. Vendar se je ta majhen korak v smer priznanja kmalu izkazal za

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<sup>166</sup> Pravilo 98*bis* »Pravilnika o procedurah in dokazih« MKSJ predvideva možnost, da sodniki osvobodijo obtoženca za točke obtožnice, za katere tožilstvo ni predložilo dovolj dokazov (ICTY 2013a). To pomeni, da se v nadaljevanju postopka obramba ukvarja le s preostalimi točkami obtožnice.

<sup>167</sup> V doktorski tezi so obravnavane naslednje sodbe: Dušku Tadiću (prvostopenjska 1997, apelacijska 1999), Miroslavu Kvočki in drugim (prvostopenjska 2001, apelacijska 2005), Milomirju Stakiću (prvostopenjska 2003, apelacijska 2006) in Radoslavu Brđaninu (prvostopenjska 2004, apelacijska 2007).

neiskrenega, saj so lokalni srbski uradniki začeli praznovati dan »obrambe pred napadom muslimanov« na Prijedor – dogodek, ki ga je MKSJ prepoznal kot upravičen odpor ne-Srbov proti sistematičnemu preganjanju. Nova srbska komemoracija je simbolično nadomestila prejšnjo, pri tem pa je zaznati tudi rahlo spremembo v srbskem narativu – od predstavljanja prevzema kot srbsko zmago k predstavljanju prevzema kot nujno obrambo. Od te spremembe naprej uradni srbski narativ dosledno poskuša zbrisati kampanjo preganjanja ne-Srbov iz javnega spomina tako, da predstavlja zločine v taboriščih kot izolirane dogodke. Zdi se, da je ravno to nenehno zanikanje sistematične narave preganjanja ne-Srbov izzvalo organizacije žrtev, da vstopijo v javni prostor v Prijedoru skozi javne nastope »beli trakovi« [bos. *bijele trake*], s čimer opozarjajo na fašistično in genocidno naravo srbske vladavine v času vojne.

Ko analiziramo narativa skupin žrtev in storilcev v Prijedoru, lahko opazimo, da oba v določeni meri odstopata od narativa sodb MKSJ, vendar iz popolnoma različnih razlogov. Po eni strani srbski narativ dosledno zanika, da se je organizirano preganjanje ne-Srbov sploh zgodilo; po drugi strani pa narativ žrtev enači preganjanje oz. etnično čiščenje ne-Srbov z genocidom, čeprav genocid (zaenkrat) ni bil dokazan v procesih pred MKSJ. Torej se niti žrtve, ki večinoma podpirajo narativ proizveden s strani MKSJ, ne strinjajo popolnoma s sodbami. Kot sem opisala, je znotraj srbskega narativa prišlo do rahlega premika proti priznanju, da so se zločini zgodili v prijedorskih taboriščih, čeprav to ni ogrozilo konstantno zanikanje kampanje pregona ne-Srbov. Mogoče je prav konsistentnost tega zanikanja spodbudila združenja žrtev, da okrepijo svoje vztrajanje, da so taborišča bila le del fašistične diskriminatrone politike, ki je imela genocidni cilj. Zdi se, da je do sprememb v narativih prišlo predvsem zaradi njune medsebojne interakcije, ne pa kot rezultat sodb MKSJ. Nisem, namreč, nisem zasledila vzročnega odnosa med izrekanjem relevantnih sodb in spremembami v narativih, tudi če bi presojala le na podlagi kronološkega zaporedja.

Ti dve poziciji glede sodnega narativa – vztrajanje žrtev na določeni interpretaciji zločina in skoraj popolno zanikanje, da se je zločin sploh zgodil – se ne moreta primerjati kot enakopravni. Medtem, ko se narativ žrtev razlikuje od sodbe le v niansah, uradni srbski narativ negira dokazane fakte.

## Mikro in makro genocid

MKSJ je nesporno ustvaril podroben narativ o genocidu nad Bošnjaki v Srebrenici julija leta 1995. Čeprav je bilo »le« 8.000 moških tarča ciljnega ubijanja, je na genocidno naravo napada na Bošnjake opozorila prav kombinacija nediskriminatornega poboja moških in dečkov, deportacije ostalih civilistov ter strateška lokacija Srebrenice, ki se nahaja blizu srbske meje. Sodbi MKSJ tako srbskemu generalu Radislavu Krstiću, kot tudi vodji bošnjaških lokalnih sil Naseru Oriću, sta opisali napade bošnjaških sil na srbske vasi okoli 'varnega območja' [ang. *safe area*] Srebrenice pred letom 1995, ki so bili uokvirjeni [ang. *framed*] kot obupno iskanje hrane, ki je vključevalo tudi neupravičeno uničenje srbske lastnine. Vendar pa ni nobena sodba navedla teh napadov in ropov kot razlog naknadnega pokola Bošnjakov v juliju leta 1995, kar je podtekst srbskega narativa.

Bošnjaški narativ načeloma jemlje najdbe MKSJ sodb kot resnične, pri čemer jih srbski narativ popolnoma zavrača. Če vzamemo sodbe kot največji približek resničnem opisu dogodkov, vsak od dveh narativov do določene mere taji nevšečna dejstva. Tako srbski narativ molči o tem, da so se srbske enote dejansko bojevale na področju okrog 'varnega območja' Srebrenica pred julijem 1995, kar se križa s (srbsko) interpretacijo, da so napadi bošnjaških sil bili »neizzvani«. Podobno se bošnjaški narativ izogiba omenjanju neupravičenega uničenja srbske lastnine, ki je spremljalo akcije iskanja hrane s strani Bošnjakov zajetih v srebreniški enklavi. Torej oba narativa pripovedujeta dogodke na način, da prikažeta svojo stran kot nedolžno žrtev nasprotnikov.

Po teritorialni razdelitvi daytonskega mirovnega sporazuma je območje Srebrenice ostalo znotraj teritorija Republike Srbske in po vojni na njem ni bilo več Bošnjakov. Zaradi tega, ker je srebreniški pokol bil najtežji posamični zločin bosanske vojne, je mednarodna skupnost izjemno podprla, nadzirala in sponzorirala ustanovitev spominskega obeležja in grobišča bošnjaških žrtev. Memorialni center je zgrajen v Potočarjih, na mestu od koder so ženske in otroci bili deportirani, moški pa začeli bežati pred pokolom, in kjer se od leta 2003 organizirajo vsakoletne komemoracije na najvišjem državnem in mednarodnem nivoju.

Paralelno s tem srbski narativ konsistentno (od konca vojne do danes) prikazuje dogodke julija 1995 kot »maščevanje« za pretekla bošnjaška grozodejstva na območju Srebrenice in jih s tem posredno opravičuje. Vendar pa se je v luči mednarodne podpore bošnjaškim



spominskim obeležjem v Potočarjih srbska naracija spremenila, iz praznovanja »osvoboditve Srebrenice« v obeleževanje spomina na srbske žrtve med letoma 1992 in 1993. Z vse večjo pomembnostjo in mednarodno prepoznavnostjo bošnjaških komemoracij v Potočarjih so se tudi srbske komemoracije na tem območju spremenile. Tako je komemoracija v Bratuncu (največjem srbskem mestu v okolici) dobila vlogo, da simbolno združi skupaj vse srbske žrtve s širšega geografskega območja in iz celotnega časa vojne, da bi lahko 'numerično' parirala bošnjaškim žrtvam. Obenem pa centralni spomenik v Bratuncu navaja žrtve tako iz zadnje kot iz druge svetovne vojne in s tem poskuša zgraditi imaginarno kontinuiteto srbske viktimizacije.

Po drugi strani pa je, zahvaljujoč močni mednarodni podpori in zaradi nenehnega srbskega zanikanja, bošnjaški narativ vzpostavil Srebrenico kot simbol celotne bošnjaške viktimizacije med vojno. Čeprav je bil genocid v Srebrenici v številnih pogledih atipičen dogodek med bosansko vojno, so bošnjaški uradniki (kot tudi številni mednarodni deležniki) izrabljali komemoracijo v Srebrenici kot prizorišče za prikazovanje genocidnega načrta kot vsesplošne strategije srbske strani v konfliktu. Sčasoma so bošnjaški uradniki pričeli uporabljati takšno »makro« interpretacijo genocida (v nasprotju z »mikro« genocidom v Srebrenici) kot argument, da je Republika Srbska »genocidna tvorba« [bos. *genocidna tvorevina*] in na podlagi njene nelegitimnosti zahtevali njeno razveljavitev.

Srbsko prikazovanje Srebrenice skozi okvir bošnjaško-srbskih spopadov je pripomoglo ne le k izogibanju naslavljanja poboja julija 1995 kot genocida, temveč tudi omogočilo srbskemu narativu zanikati genocidno naravo celotnega srbskega ravnanja med vojno. Povezava, ki jo je bošnjaški narativ ustvaril med genocidom v Srebrenici in legitimnostjo RS, je uradnike RS potisnila še dlje od potencialnega priznavanja zločina.

Indirektna posledica prve sodbe, ki je določila, da se je v Srebrenici zgodil genocid (sodba generalu Radislavu Krstiću iz leta 2001), je bila, da so svojci žrtev prek Komisije za človekove

pravice<sup>168</sup> zahtevali informacije o načinu in kraju umora še vedno pogrešanih. Kot del reparacij žrtvam je Komisija naložila Vladi Republike Srbske (RS), da razišče in oznani okoliščine pobojev, ki so jih storile srbske sile julija 1995 v Srebrenici. »Komisija za Srebrenico« Vlade Republike Srbske je odkrila več prej neznanih množičnih grobišč, vendar ni imela nič za dodati k zgodbi o genocidu, ki jo je ustvaril MKSJ. Pravi namen tega mehanizma tranzicijske pravičnosti ni bilo iskanje resnice, temveč priznavanje resnice.

Kljub velikim pričakovanjem, ki jih akademska literatura o tranzicijski pravičnosti goji do inštitucije 'komisij za resnico', je »Komisija za Srebrenico« očitno spodletela v tem, da ustvari pričakovani efekt 'srbskega soočenja s preteklostjo'. Sam način ustanavljanja komisije – nejevoljen in pod pritiskom mednarodne skupnosti – je v startu ohromil simbolno vlogo, ki ji je bila namenjena. Sabotiranje procesa ustanavljanja in delovanja komisije s strani Vlade RS je pustilo močnejši vtis na javnosti kot formalne izjave, ki so jih Vlada in predsednik RS podali ob izidu uradnega poročila komisije. Čeprav sta tako predsednik kot Vlada formalno priznala, da se je zločin zgodil in izrekla obžalovanje za žrtve, sta se izognila imenovanju zločina kot genocid in prevzemanju institucionalne odgovornosti zanj – odgovornosti, ki temelji na kontinuiteti državnih inštitucij Republike Srbske. Iz medijskega poročanja o »Srebreniški« komisiji je razvidno, da so jo tako bošnjaški kot srbski mediji dojemali kot posledico mednarodnega pritiska in zato ni bilo učinka priznanja, ki bi ga lahko ta mehanizem tranzicijske pravičnosti imel. Močno sporočilo predsednika RS Dragana Čavića, da se je treba 'soočiti s preteklostjo', tako ni ustvarilo 'katarzični' učinek, ki ga politična opravičila lahko ustvarijo (Barkan in Karn 2006). Kasnejše izjave srbskih uradnikov, v katerih so se distancirali od poročila komisije in oporekali njeno legitimnost, so le okrepile občutek, da je priznanje bilo neiskreno. Verjetno je največji dosežek »Komisije za Srebrenico« to, da se njeno delovanje ni spreobrnilo v farso, kar bi lahko pričakovali v kontekstu ravnanja srbskih uradnikov.

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<sup>168</sup> To je bilo specializirano začasno sodišče, osnovano na podlagi Daytonskega mirovnega sporazuma (Aneks 6), ki je imelo v pristojnosti implementacijo Evropske konvencije o varstvu človekovih pravic in temeljnih svoboščin. Od leta 2004 je Komisija za človekove pravice razpuščeno, njegov mandat pa je prešel pristojnost Ustavnega sodišča BiH.

Kljub temu je mogoče opaziti določen rezultat skupnega vpliva, ki so ga naredile sodbe MKSJ, srebreniška komisija in sprememba uradnega stališča Republike Srbije do tega zločina, ki se je odrazila v obisku predsednika Srbije Borisa Tadića komemoracij v Potočarjih leta 2010. Uradni narativ Republike Srbske se je transformiral iz direktnega zanikanja, da se je zločin sploh zgodil, do sprejemanja dejstva, da so pokol storile srbskega oborožene sile. Na začetku je bila ocena števila žrtev vehementno zmanjševana, ampak danes se je številki 8.000 žrtev nehalo oporekati v javni sferi republike Srbske. Čeprav mehanizmi tranzicijske pravičnosti niso proizvedli pričakovanega učinka na dojetje preteklosti v srbski javnosti, so vsekakor »zožili prostor za dovoljene laži« (Michael Ignatieff v Hayner 2001, 25). Kljub temu pa so se srbski uradniki v svojem oblikovanju kolektivnega spomina refokusirali na zanikanje, da je pokol bil genocid. Upoštevajoč emocionalni naboj, ki ga ta beseda nosi, je imenovanje dogodka z genocidom postal Rubikon za srbske uradnike: kot da bi priznanje genocida pomenilo negiranje srbskih žrtev, (domnevno) legitimnost srbskega bojevanja in samo 'državnost' Republike Srbske. Ta naravnost srbskih uradnikov je dodatno okrepljena z razvojem bošnjaškega narativa, znotraj katerega je 'genocidna narava' Republike Srbske postala glavna tema. Bolj so Srbi zanikali, da je Srebrenica bila genocid, bolj so na drugi strani Bošnjaki vztrajali, da je Republika Srbska »genocidna tvorba«.

Za konec, ni dvoma, da bosta sojenji bivšemu predsedniku RS Radovanu Karadžiću in bivšemu vrhovnemu poveljniku Vojske RS Ratku Mladiću (ki trenutno potekata) pritrdili narativu prejšnjih sodb MKSJ. Mogoče pa bosta podali več podrobnosti o tem, kdo in kdaj je ustvaril genocidni plan. Po drugi strani pa tudi ni dvoma, da se bo bitka med zgodovinskimi interpretacijami in spominskimi obeležji nadaljevala neodvisno od izreka sodb.

### **Hrvaška stran kot agresor in branilec BiH obenem**

Sodbe MKSJ so ustvarile koherenten narativ, da je režim predsednika Republike Hrvaške Franje Tuđmana imel željo razdeliti Bosno in Hercegovino ter to poskušal uresničiti s podpiranjem in kontroliranjem bosanskih Hrvatov, ki so ustanovili paradržavo Herceg-Bosna. Ta politika je postala očitna v času hrvaško-bošnjaškega konflikta (ki je trajal od začetka leta 1993 do marca 1994), v času katerega so hrvaške sile [bos. *Hrvatsko vijeće obrane* – HVO] izvajale etnično čiščenje bošnjaškega prebivalstva v osrednji Bosni – kampanja znotraj katere je pokol v Ahmićih aprila 1993 bil najbolj grozovita epizoda. Te sodbe so obdolžile Tuđmana,

kot snovalca načrta razdelitve Bosne in prikritega podpornika etničnega čiščenja. Tuđman je leta 1999 umrl, proti njemu nikoli ni bila vložena obtožnica.

Medijsko poročanje o relevantnih sodbah<sup>169</sup> odkriva občutljivo potrebo hrvaških medijev, da balansirajo med priznanjem konkretnega zločina in upravičevanjem splošnega motiva hrvaških sil kot legitimnega zaščitnika hrvaškega naroda v BiH. Poročanje hrvaških medijev, ki priznava, ampak se ne identificira z zgodovinsko interpretacijo sodišča, in vedno spomni na trpljenje lastnega naroda, ilustrira zakrivljeno pot, po kateri narativ sodišča prihaja do lokalne javnosti. Kar moti popolno sprejemanje sodnega narativa, je prav potreba ohraniti pozitivno sliko lastne etnične skupine. Verjetno največji dosežek MKSJ v tem kontekstu je, da je določil nabor dejstev o pokolu v Ahmićih, ki jih je hrvaški javni diskurz načeloma sprejel. To potrjujejo tudi vsakoletna poročanja (od leta 2002) o bošnjaških komemoracijah v Ahmićih.

Vendar je širši zgodovinski narativ sodb MKSJ, posebej del, ki se nanaša na agresivne ambicije Hrvaške glede BiH teritorija, veliko manj sprejet med hrvaško politično elito in hrvaškimi veterani vojne. Medtem ko bosansko-hrvaški veterani in pripadniki stranke HDZ [hrv. *Hrvatska demokratska zajednica*] (tako v BiH kot na Hrvaškem) popolnoma zavračajo takšno interpretacijo, so jo (bolj ali manj direktno) sprejeli hrvaški predsedniki za Tuđmanom – Stipe Mesić in Ivo Josipović.

Distanciranje post-Tuđmanovskega hrvaškega vodstva od politik svojega predhodnika se je pričelo s predložitvijo zaupnih dokumentov sodišču (leta 2000) in doseglo vrhunec z javnim opravičilom sedanjega hrvaškega predsednika Iva Josipovića (leta 2010). Josipović je agresivno politiko Hrvaške do države BiH v devetdesetih letih sicer obsodil, vendar ni nikoli javno priznal odgovornosti Hrvaške za zločin v Ahmićih, ki naj bi bil podprt iz Zagreba. Težo Josipovićevega dejanja so nadalje zmanjšala neenotna mnenja med njim in hrvaško premierko Jadranko Kosor, ki je hrvaško agresijo zoper BiH zanikala. Prav tako pa ni nikoli noben bosansko-hrvaški politik naredil podoben akt priznanja ali opravičila, niti se udeležil komemoracije v Ahmićih. Ob istem času so se bosansko-hrvaški politiki udeležili spominskih slovesnostih padlim vojakom hrvaških vojaških sil (HVO) in reproducirali naracijo, da

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<sup>169</sup> V doktorski tezi sta obravnavani sodbi Tihomiru Blaškiću (prvostopenjska leta 2000, apelacijska 2004) ter Dariu Kordiću in Mariu Čerkezu (prvostopenjska 2001, apelacijska 2004), ki obravnavata pokol v Ahmićih.

sodelovanje HVO v obrambi BiH daje legitimnost sodobnim političnim zahtevam hrvaških predstavnikov v BiH (npr. zahteva po ustanavljanju tretje etnično-hrvaške entitete).

Še manj priznanja je moč najti v hrvaških zgodovinskih učbenikih, ki prikazujejo HVO kot legitimno vojsko, ki je sodelovala pri obrambi BiH pred srbsko agresijo in pri tem še posebej ščitila hrvaško prebivalstvo. Vsi učbeniki predstavijo Hrvaško kot dobrohotnega zaveznika, pri tem pa ne omenjajo zločinov, ki so jih zagrešile hrvaške sile v BiH. Čeprav posamezni učbeniki obravnavajo hrvaško-bosanski konflikt negativno, noben pri tem ne ponuja jasne razlage o vzroku konflikta in popolnoma izpuščajo Tuđmanovo idejo o delitvi BiH. Medtem, ko se nacionalistični diskurz počasi umika iz učbenikov, učbeniški narativi odkrivajo vztrajno potrebo hrvaških predstavnikov v BiH, da prikažejo Herceg-Bosno kot legitimen politični projekt.

## Splošni zaključki

Na vprašanje, zakaj MKSJ ni naredil pričakovanega vpliva na post-jugoslovanske družbe, je eden izmed pogostih odgovorov »na prvo žogo« ta, da mediji neprofesionalno poročajo o sojenjih za vojne zločine (npr. Udovičić in drugi 2005; Mačkić in Kumar Sharma 2011) in s tem popačijo informacije, ki prihajajo iz Haga.<sup>170</sup> Vendar me je predstavljena analiza medijskega poročanja o sojenjih pred MKSJ pripeljala do zaključka, da poročanje medijev ni tako slabo, da bi upravičilo vsesplošno pomanjkanje priznanja in sprejetja odgovornosti za zločine.

Načeloma nisem zaznala bistvene spremembe v javnih narativih o preteklih dogodkih, vsekakor pa ne na način, pričakovan s strani ustanoviteljev MKSJ. V primeru, da so se spremembe pojavile, niso rezultat sodb, kot v primeru spremembe narativa prijedorskih žrtev, ki so začele vztrajati pri tem, da se dogodki v Prijedoru leta 1992 opišejo z besedo 'genocid'. Raziskava napeljuje na sklep, da se spremembe zgodijo bodisi zaradi medsebojnega izpodbijanja narativa žrtev in storilcev (kot v primeru Prijedora), bodisi zaradi politične odločitve, da se zločin prizna (kot v primeru hrvaške odgovornosti za vojno). Podobno so spremembe v zgodovinskih učbenikih rezultat pritiska mednarodnih inštitucij in ne izid morebitnega procesa 'soočanja s preteklostjo'. Edini primer relativne spremembe v

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<sup>170</sup> MKSJ se nahaja v Hagu

narativu kot rezultat procesa tranzicijske pravičnosti je uradna srbska interpretacija dogodkov v Srebrenici: začenjajoč s splošnim zanikanjem in nato preko spora o številu žrtev do delnega priznanja. Sodišču je torej uspelo »zožiti prostor zanikanja« (Orentlicher 2008), ki je na voljo političnim predstavnikom. Sicer se je tudi v tem primeru vztrajalo pri zanikanju, le to je zgolj spreminjalo svojo pojavno obliko: narativ je najprej zanikal, da se je dogodek v Srebrenici julija 1995 sploh zgodil, potem je zanikal dimenzije zločina, danes pa zanika njegovo genocidno naravo. Zdi se, da je bolj pomembno javno izvajati akt zanikanja, kot pa negirati tisto, kar se v osnovi zanika.

Pričujoča raziskava ponuja sklep, da je dojemanje preteklosti zadeva, ki se tiče stališča, ne pa znanja. Povedati resnico (ali tisto, kar nekdo jemlje za resnico) o zločinu zahteva od govorca ne le poznavanje dogodkov, ampak terja od njega/nje, da zavzame moralno stališče, ker je nemogoče govoriti o kršitvah človekovih pravic brez obsojanja le teh. Ne glede na to, da je politik npr. nacionalist, povojni (vsaj formalni) demokratični sistem (in njegove vrednote) onemogoča kakršno koli glorifikacijo množičnega pobijanja civilistov. Potemtakem mora politični predstavnik, kot govorec v javni sferi, nujno iskati ravnotežje med moralnim imperativom (obsojanje zločina) in političnim oportunizmom.

Dojemanje preteklosti torej ne narekuje to, kar nekdo zna, ampak to, kar želi pokazati v javnosti. Performiranje določene zgodovinske interpretacije tako pošilja določeno politično sporočilo ali opravlja določeno družbeno funkcijo. Kolektivni spomin je ozko vezan na skupnost. Spominjanje oz. participiranje v kolektivnem spominu je participiranje v skupnosti. V primeru, da so 'spominske skupnosti' [ang. *mnemonic communities*] organizirane po etničnem principu, bodo tak predznak imeli tudi narativi o preteklosti. To postane očitno, ko se primerjajo različne zvrsti spominskih dogodkov. Komemoracije, organizirane ali močno podprte s strani uradnikov, se bolj osredotočajo na grajenje določene politične identitete (etnične identitete in/ali 'projekta državnosti') kot na grajenje spomina na določeni dogodek, kateremu je posvečena konkretna spominska slovesnost. Ta način javnega spominjanja je bistveno drugačen od komemoracij »od spodaj« [ang. *grass-roots commemorations*] organiziranih s strani skupin žrtev (kot v primeru Prijedora), ki se fokusirajo na reprodukcijo prav določenega narativa o dogodkih in nimajo etnični/nacionalni predznak.

V Bosni in Hercegovini – kot v večini držav – politični predstavniki diktirajo proces javnega spominjanja. Post-daytonska politična ureditev, ki je obdarila etno-politične elite z največjo politično močjo, jim je posledično dodelila tudi dominantno pozicijo v kreiranju javnega spomina (namesto centralnim državnim inštitucijam). V luči globoko etnificiranega političnega polja tudi zgodovinske interpretacije, ki jih promovirajo politični akterji, nosijo močen etnični predznak. Etno-nacionalna elita uporablja hegemonistično moč (znotraj vsake etnične skupine), da promovira svojo interpretacijo vojne in na njej gradi legitimnost. Vsaka od treh etno-nacionalnih političnih elit je pridobila pozicijo zadostne družbene hegemonije, ki ji omogoča, da se spusti v proces 'ustvarjanja nacije' [ang. *nation-building*].

V takšni situaciji zgodovinski narativi funkcionirajo kot označevalci etničnosti [ang. *ethnic markers*], t.j. podpiranje/promoviranje določene zgodovinske interpretacije implicira etnično pripadnost govorca; in obratno pripadnost določeni etnični skupini zahteva sprejemanje določenega zgodovinskega narativa. Posameznik, ki zavrže dominanten narativ svoje etnične skupine, se postavlja v pozicijo, da se mora odreči svoji etnični identiteti. Takšni zgodovinski narativi, ki postanejo označevalci etničnosti, neizogibno vežejo dojemanje preteklosti na občutek nacionalne identitete, pri tem pa zavračanje dominantnega narativa enačijo z izobčenjem iz etnične skupine.

Povrh vsega je Daytonski mirovni sporazum zamrznil politične delitve iz časa vojne. To je bil nesrečen a verjetno nujen kompromis med nasprotujočimi si projekti državnosti [ang. *statehood projects*]: med projektom unitarne države Bosne in Hercegovine, projektom Republike Srbske kot proto-države in projektom skupne države, znotraj katere bi hrvaška skupnost imela svoje določeno ozemlje. Elementi vseh teh projektov so bili vgrajeni v povojno ustavo, s tem pridobili legitimnost in nadaljevali svojo politično ambicijo. Zaradi tega se je vojna nadaljevala na področju interpretacije vojne. Vojno bojišče se je spremenilo v boj med (in s) spomini.

Možno je zaključiti, da **dokler imajo interpretacije vojne direktne posledice na vsakdanjo politiko, bodo narativi strogo kontrolirani s strani etno-političnih elit neodvisno od tega, kaj so mehanizmi tranzicijske pravičnosti ugotovili o preteklih dogodkih.**

## Izviren doprinos razvoju znanstvenega področja

Pričujoča doktorska disertacija se nahaja na križišču dveh akademskih disciplin – tranzicijske pravičnosti in študij spomina [ang. *memory studies*] – kar je na splošno redke pristop in inovativen za študijo primera Bosne i Hercegovine. Našla sem le nekaj novejših raziskav, ki podobno združujejo dve disciplini (Obradovic 2009; Pavlaković 2010; J. N. Clark 2012; Banjeglav 2013; Ljubojević 2013), ampak nobena izmed njih ne preučuje odnosa med mehanizmi tranzicijske pravičnosti in ustvarjanjem kolektivnega spomina na tako sistematičen in vseobsegajoč način kot pričujoča disertacija.

Ta teza ovrže osnovno predpostavko discipline tranzicijske pravičnosti, ki pravi, da ugotavljanje dejstev in njihovo javno izrekanje direktno vodijo do spremembe v kolektivnem spominu konkretne družbe, kar preprečuje zanikanje zločinov in kršitev človekovih pravic. Moja raziskava je pokazala, da dojemanje preteklosti oblikujejo etno-nacionalistične elite, ne pa procesi tranzicijske pravičnosti. Mehanizmi tranzicijske pravičnosti sicer vplivajo na javne narative, a ne na način, ki ga predvideva akademska literatura. Ugotovitve sodb (in preiskovalne komisije) vplivajo na javne debate o preteklosti na način, da postavljajo mejnike teh debat (in s tem onemogočajo popolno zanikanje, da so se določeni dogodki sploh zgodili) in definirajo pomembne pojme (kot so mednarodni karakter konflikta, etnično čiščenje in genocid), okrog katerih se interpretacije križajo. Ugotovitve pričujoče disertacije prispevajo k boljšemu razumevanju delovanja tranzicijske pravičnosti v praksi in s tem ustvarjajo temeljito osnovo za razvoj prilagojenih in občutljivih mehanizmov tranzicijske pravičnosti v prihodnje.

## Pogled v prihodnost

Mogoče je prav ta konkreten trenutek – 22 let od začetka in 19 let od konca bosanske vojne – razlog za pesimistični sklep pričujoče teze. Za primerjavo si lahko predstavljamo Nemčijo leta 1964 – 19 let po koncu druge svetovne vojne – kar je le tri leta po znanem predavanju Theodorja Adorna, v katerem je kritiziral nemško družbo za izogibanje iskrene »predelave« problematične preteklosti [nem. *Aufarbeitung der Vergangenheit*], oz. aktivnemu prizadevanju za soočanje s problematično preteklostjo (Adorno 1986). V tem trenutku se je v (Zahodni) Nemčiji javna razprava o širši družbeni odgovornosti za nacistične zločine (in



sodelovanju 'navadnih ljudi' v njih) šele začela. Zaresno 'soočanje s preteklostjo' se je začelo šele pod pritiskom povojne generacije mladih (Olick in Levy 1997, 929). Treba je imeti v mislih, da je bil odnos v času nürnberških procesov za vojne zločine (od novembra 1945 do oktobra 1946) do le-teh večinoma negativen, tako v Zahodni kot Vzhodni Nemčiji, ter da se je dojemanje spremenilo v pozitivno šele po letu 1989 (Burchard 2006). V tej luči je veliko bolj razumljiva nezmožnost srbskih (in do določene mere tudi hrvaških) uradnikov, da priznajo zločine in institucionalno odgovornost za njih. Posledično se sodobna situacija v Bosni in Hercegovini zdi manj pesimistična in vabi argument, da enostavno ni preteklo dovolj časa za resnično soočanje s preteklostjo.<sup>171</sup>

Primerjanje vendarle ima svoje meje in to predvsem zaradi razlike med nemško in bosansko povojno izkušnjo, zgodovinskim kontekstom in mednarodnim okoljem (čeprav je v obeh primerih povojna država bila pod mednarodnim nadzorom). Konstelacija različnih dejavnikov je v Nemčiji leta 1945 ustvarila situacijo 'nulte točke' [nem. *die Stunde Null*], prelomnice, ki je faktično in simbolično naredila diskontinuiteto s prejšnjim sistemom (Šelo Šabić 2005) – svojevrstno 'razvodje' [ang. *watershed*] v dojemanju lastne zgodovine, kot bi temu rekel Eviatar Zerubavel (2003a). To je bila radikalno drugačna situacija od tiste v BiH leta 1995. Daytonski mirovni sporazum je v veliki meri omogočil kontinuiteto političnih formacij (in aspiracij) iz časa vojne, kar je bistveno drugače od situacije (vsaj delne) 'denacifikacije' [nem. *Entnazifizierung*] Nemčije (cf. Olick in Levy 1997, 925). Še več, nove generacije se izobražujejo znotraj bistveno različnih temeljnih narativov [ang. *master-narrative*] o vojni, ki gojijo medsebojno izključujoča razumevanja vzroka in odgovornosti za vojno, kot je pokazala moja analiza učbenikov. Na podlagi tega smo lahko manj optimistični v pričakovanju, da bodo te nove generacije porinile svoje (etnično definirane) družbe proti dejanskemu soočanju s preteklostjo in priznanju zločinov storjenih v njihovem imenu.

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<sup>171</sup> Zahvaljujem se mentorici Vlasti Jalušič z to pronicljivo pripombo.