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International Criminal Tribunals and Local (In)Justice:
The International Criminal Tribunal for the Former Yugoslavia and Ethnic Reconciliation in Bosnia-Herzegovina

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Declaration

I, Elisa Abrantes hereby declare that this thesis, entitled “International Criminal Tribunals and Local (In)Justice: The International Criminal Tribunal for the Former Yugoslavia and Ethnic Reconciliation in Bosnia-Herzegovina”, submitted as partial requirement for the MA Programme Euroculture, is my own original work and expressed in my own words. Any use made within this text of works of other authors in any form (e.g. ideas, figures, texts, tables, etc.) are properly acknowledged in the text as well as in the bibliography.

I declare that the written (printed and bound) and the electronic copy of the submitted MA thesis are identical.

I hereby also acknowledge that I was informed about the regulations pertaining to the assessment of the MA thesis Euroculture and about the general completion rules for the Master of Arts Programme Euroculture.

Signed:

Elisa Abrantes

Date: 1st August 2017
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“We are where we are. Unsatisfied with what we lost and frustrated for all that we will never get. Unsatisfied because the Earth won’t stop spinning for the injustice inflicted upon us and our ancestors, and terrified at knowing that future generations won’t receive anything better […] The law is not a guarantee of justice, but a mechanism invented to organise the world and keep it under control. This mechanism also existed during the war and we witnessed its failure.”

Introduction

The Bosnian war took place in Bosnia-Herzegovina (BiH) from 1992 to 1995 and was fought between Muslim forces of the Republic of BiH, the Bosnian Serb entity within BiH known as Republika Srpska (RS) with support from Serbia, and the Bosnian Croat entity, Herzeg-Bosna with support from Croatia. The war was one of the Yugoslav wars occurring after the break-up of Yugoslavia between competing groups who did not agree with the new territorial structure. Ethnic cleansing, genocide, mass rape, and destruction of cultural and religious heritage are but a few of the crimes under international law committed during the war.\(^2\) It is considered that Serb forces were the main perpetrators, and responsible for around 90% of the crimes committed, followed by the Croatian forces who were responsible for 6%, and Bosnian Muslims who are seen as the principal victims, and responsible for around 4% of crimes.\(^3\)\(^4\)

The 1995 General Framework Agreement for Peace in Bosnia-Herzegovina (or: Dayton Agreement) ended the Bosnian war, and is generally viewed as the starting point for transitional justice in BiH. It established a central government with a bicameral legislature, a three-member presidency (consisting of a Bosnian Croat, a Bosniak, and a Bosnian Serb), a council of ministers, a constitutional court, and a central bank. The Dayton Agreement requires the Office of the High Representative (OHR) to coordinate and supervise the implementation of the agreement’s civilian provisions. The tasks related to civilian implementation were divided between different international organizations, including the OHR, the Organisation for Security and Cooperation in Europe (OSCE), the UN Mission in Bosnia and Herzegovina (UNMIBH), the UN High Commissioner for Refugees (UNHCR), and NATO led IFOR for military provisions. All of these institutions had important, and at times overlapping roles in transitional justice in BiH.\(^5\) As well as these institutions, the United Nations Security council established an \textit{ad hoc} tribunal, the International Criminal Tribunal for the former Yugoslavia (ICTY) in 1993 responsible for trying and convicting war


criminals. Transitional justice in BiH was mostly guided by these top-down initiatives from the various international actors involved, through direct intervention (e.g. presence of IFOR forces) and indirectly, through donations or funding for specific projects. Even grass root initiatives mostly relied on funding from larger external actors, and is characterised by its ‘donor-driven’ nature, and reflecting “the concerns of ‘peace’, ‘justice’ and ‘reconciliation’ found amongst its key donors’ (e.g. European Commission).”

These external principles of peace, justice, and democratisation (which translate into actions undertaken by different actors in the process) shaped the political and social landscape in BiH today. Among their claim to legitimacy was one of reconciling the different ethnic groups in BiH which had been in a state of tension and conflict since the break-up of Yugoslavia. From the external actors point of view, there was an underlying expectation that democratisation would lead to the resolution of societal conflicts through democratic and electoral practices, rather than through violent conflict. However, while violent conflict has largely been subdued, most observers agree that interethnic relations remain tense, and there has been little in the way of reconciling the different groups. There have been many complaints associated with international presence. The over reliance on external funding leads NGO’s to prioritise their work with regards to the concerns of donors, instead of addressing local needs.” This has led to the development of domestically inappropriate strategies, which are out of touch with the culture and requirements of the people they aim to serve. The need to understand the effect that external actors, as promotors of transitional justice, have on domestic reality thus becomes apparent, and by conducting empirical research into the effects these actors have had on the social and political reality in BiH, we can begin to piece together an idea of whether or not they deliver on those aspects to which they claim legitimacy. This will in turn help to understand on a more general level whether the current international push towards liberalizing transitions and democratisation merits this legitimacy, or whether transitional justice should be approached differently.

The ICTY proves an especially innovative approach to international justice, as it was one of the first ad hoc international tribunals to come into existence (along with the

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6 Catherine Baker and Jelena Obradovic-Wochnik, "Mapping the Nexus of Transitional Justice and Peacebuilding,” Journal of Intervention and Statebuilding 10, no. 3 (2016). p.290
8 Ibid. p.193
ICTR- the International Criminal Tribunal for Rwanda). Studying the effects of this institution in BiH will be the main focus of this research. Previous contributions to this topic tend to fall into two main categories; a legalist approach which justifies international intervention in domestic transitional justice processes on one hand, and on the other, empirical studies which point to the opposite. Empirical studies so far include some quantitative analysis of various factors that might indicate changes in levels social cohesion or conflict, as well as qualitative interviews which try to measure whether there is any improvement in intergroup relations. However, the recent and ongoing nature of the ICTY’s actions make its effects difficult to measure, and research conducted in this area is insufficient and inconclusive, some pointing at a positive relationship between international actors on ethnic relations in BiH, and others indicating the opposite. It is therefore imperative that more studies be conducted in order to increase our understanding whether or not it is valid and worthwhile to employ international tribunals, in their current form, as adequate responses to ameliorating violent ethnic conflict. With the ICTY nearing its completion, scholarly inquiries into its performance become increasingly relevant and feasible. As Clark has pointed out, the exploration of the effects of international criminal trials is essential so that expectations of their efficiency remain realistic. Thus, research into the uses and limitations of such tribunals can contribute to better informed future expectations, and yield insight into the nature of “retributive justice in post-conflict societies.”

My research aims to contribute to the existing empirical studies conducted on the ICTY and its effects, and in this way also contribute to the wider topic of international intervention in transitional justice. My research question is: to what extent did the ICTY contribute to improved inter-ethnic relations among the principal ethnic groups in Bosnia-Herzegovina? Content analysis of articles responding to significant verdicts and activities of the ICTY from three different local newspapers, each with a different ethnic affiliation, will help to trace predominant public perception of the work of the court, of other ethnic groups, and of the Bosnian war. It is expected that by analysing these different media, it will be possible to observe local reactions to the work of the court and analyse whether it has contributed to any relevant developments with regards to reconciliation. While this is not a direct measurement of inter-ethnic

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10 Ibid.
relations, it is argued that print media in BiH is strongly aligned with predominant public opinion, is heavily impacted by ethnic tension and affiliations, and thus offers solid insight into actual ethnic relations.

I will first go through existing academic literature on the subjects tackled in this research in order to contextualise it within a larger body of academic work and provide a theoretical framework of the necessary background. I will then outline the employed methodology, and in this section the theoretical approaches I outline in the literature review will be operationalised into a form that will allow for analysis. The subsequent section includes the results and discussion, highlighting the relevant findings. Finally, the conclusion will reflect on the research and results, discussing these on a more general level, and in view of my question, as well as a reflection on questions that this research raises for future academic work.
Literature review

_transitional justice and reconciliation_

The concept of transitional justice has been defined on a general level by the UN as “the full range of processes and mechanisms associated with a society’s attempt to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation.”

The concept developed due to several historical occurrences, starting with the Nuremberg trials, followed by a series of domestic democratisation processes that spread through Latin America and Central and Eastern Europe, to the _ad hoc_ courts, such as the ICTY and the ICTR, to the ICC, thereby resulting in many considerations on the relationship between external and domestic justice.

The concept has developed alongside increased focus on human rights norms, treaties and conventions that are signs of liberalizing trends in the western world, and advanced liberal ideology in international law. It has also come to play an important role in promoting liberal ideology in the form of human rights norms and guiding principles in the legal arena.

Williams highlights the fact that the challenges faced by transitional justice are not recent, and have existed since ancient Athenians sought “to deal with the abuses of the prior regimes when democratic order twice overthrew oligarchic ones.” However, academic inquiry into the nature of these transitions came about much more recently, as did the field of political and legal practice associated to them. The term itself was not used until the mid-1990’s, with the first publication by Niel Kritz directly using the term. De Greiff likens the publication of these volumes to the appearance of encyclopaedias due to their “integrating effect on the disciplines that spawn them,” in that they both reflect and promote the characteristics of transitional justice. They helped to consolidate its principal elements, these being “criminal prosecutions, truth-telling, reparations, and institutional reforms,” all of which have roots in past transitions.

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14 Williams. Transitional Justice. p.3.
15 Ibid. p.2
16 Ibid. p.3
18 Ibid.
Some of the main ‘aims’ transitional justice try to satisfy have been described as a normative transition to democracy, promoting civic trust, and providing recognition to victims.\textsuperscript{19} Many mechanisms have been developed with the intention of achieving these aims, including both judicial and non-judicial measures. Different circumstances have yielded different approaches to dealing with difficult past situations, all designed to promote political and social stability. As Christine Bell points out, this may involve very different methods, such as pursuing accountability and punishment, or allowing amnesty. Some situations require local responses, and some international.\textsuperscript{20} It has been argued by many scholars that single mechanisms are insufficient in delivering all that transitional justice claims to, and are more likely to be effective if complemented with a variety of mechanisms, which would (ideally) be designed to respond to the variety of deficits present in a given transition.\textsuperscript{21} Far from being isolated, these mechanisms should be thought of as parts of a whole: “[w]here transitional justice is required, strategies must be holistic, incorporating integrated attention to individual prosecutions, reparations, truth-seeking, institutional reform, vetting and dismissals, or an appropriately conceived combination thereof.”\textsuperscript{22} Criminal trials, whether locally or internationally implemented, have emerged as one of the most popular responses to the needs of such societies, and reflect the common opinion that some sort of accountability, punishment, and justice for past wrongdoings is necessary in the path to developing cohesion and stability in the aftermath of violence.

In academic terms, transitional justice emerged as a subject of human rights law demanding accountability in liberalising transitions. This then developed and combined with other disciplines, among which are political science, sociology, development studies, history, anthropology, and more.\textsuperscript{23} The fact that it can be tackled from a variety of theoretical angles has led to its fast development, and it now is used as a term referring to a range of mechanisms such as trials, ‘purging’ of government and public organisations, as well as initiatives aimed at reconciliation, truth telling, and memorialisation.\textsuperscript{24} Recent scholarship focusing on the social processes that liberalizing

\textsuperscript{19} Williams, Transitional Justice. p.41
\textsuperscript{21} Williams. Transitional Justice. p11
\textsuperscript{22} De Greiff. “Transitional Justice and Development.” p.423
\textsuperscript{23} Bell, “Transitional Justice.” p.9
transitions entail has gained momentum, as has the implementation of transitional justice mechanisms focused on building social cohesion. This can be seen by increased involvement of NGO’s and non-state actors in transitional justice processes, increased focus on elements of truth-telling, as well as some increased emphasis on individual victims of the pre-transitional period.\textsuperscript{25} This gradual expansion and diversification of the meaning and expectations of transitional justice has yielded increased debates on how it should be practiced, and with what aims, (e.g. retributive or restorative, victim centred, punishment or amnesty, truth or justice, justice or peace) and whether a ‘one-size-fits-all’ approach can realistically be developed. It is important to understand that each of these mechanisms is not sufficient in achieving all the aims of transitional justice, and that the best possible way of pursuing transitional justice must be decided upon in each case, given that the definition of ‘justice’ will be unique to each transition, and the notion of what this entails will go far beyond just criminal justice.\textsuperscript{26} Criminal justice is simply one mechanism designed to be implemented alongside a range of other mechanisms in order to achieve the desired goals of stability and social cohesion.

In many cases where transitional justice takes place, one of the main challenges it may face is that of a divided society, in which intergroup conflict, violence, and human rights abuse were pervasive. BiH, Northern Ireland, Rwanda, and East Timor are but a few examples where social divisions have posed real challenges for transitional justice. The relevance of minimizing conflict becomes clear when looking at the Cambodian and Ethiopian examples, where ethnic animosities led to genocidal campaigns.\textsuperscript{27} Despite the post- World War II developments of human rights norms and conventions created to foster peace and tolerance, violence and intolerance persist. In such societies, transitional justice should seek to ameliorate this by helping to “reshape identities,”\textsuperscript{28} especially with regards to those elements that lead to division and violence, and help to move conflicting groups towards a shared future where they are “equal citizens in a shared political community.”\textsuperscript{29} From this argument it becomes clear

\textsuperscript{25} Transitional justice in the 1970’s and 80’s saw less of this than transitions from the 90’s onwards. This could also be due to increased awareness and international norms and guidelines on how to approach transitional justice, which were absent in the 70’s.
\textsuperscript{26} Roman David, “What We Know About Transitional Justice: Survey and Experimental Evidence,” \textit{Political Psychology} 38 (2017). p.171
\textsuperscript{27} Robert Gellately and Ben Kiernan, eds. \textit{The Spectre of Genocide: Mass Murder in Historical Perspective} (Cambridge University Press, 2003). p.307
\textsuperscript{29} Ibid.
that one of the main goals of transitional justice is reconciliation of divided societies.

According to Teitel, the transitional moment represents a moment of “rupture and reconstruction,” allowing for the implementation of mechanisms that will promote stability and equality. This argument highlights a perceived potential that transitional justice can ‘heal’ relationships which once led to conflict. The main argument behind pursuing justice in order to advance reconciliation is that a more just society will see less conflict. Following from this argument, justice is a necessary prerequisite to sustainable peace, especially in the long term. If this is not delivered, it is likely that the resulting levels of peace will not be stable.

The difficulty in measuring reconciliation stems from the difficulty in defining it. Clark describes the concept as one of the most difficult transitional justice aims to define. Despite this, it has become one of the main aims that transitional justice attempts to achieve, and a goal that has recently seen large levels of international donor support (for example, in the form of NGO’s and INGO’s working in the transitional justice field) and is an ideal that has come to legitimise the role of the international community in domestic transitional justice processes. It has been defined as a process “through which a society moves from a divided past to a shared future,” or “mutual acceptance by groups of each other.” Staub argues that reconciliation essentially involves changing collective perceptions of the ‘other’ which has been labelled the enemy, so that they “come to see the humanity of one another, accept each other, and see the possibility of a constructive relationship.” It is therefore a process that requires time, will involve different approaches in different scenarios, and must occur on various levels, the “individual, community, society, and state,” in a variety of forms, and potentially at different times. The main aim of these initiatives must be to build up levels of trust which will allow for peaceful coexistence and an imagined

31 Clark, “The Impact Question”. p.62
32 James Meernik and Jose Raul Guerrero, “Can international criminal justice advance ethnic reconciliation? The ICTY and ethnic relations in Bosnia-Herzegovina,” *Southeast European and Black Sea Studies* 14, no. 3 (2014). p.386
37 Ibid.
shared community. As Aikens’ work has illustrated, this must “involve an element of identity negotiation”\(^{38}\) between conflicting groups, especially in the case of BiH where ethnicity took the form of an identity trait which categorized the divisions. Reconciliation is often pointed at as a prerequisite of lasting peace (which is often used as a benchmark for classifying a successful transition). Fischer highlights the fact that many actors and mechanisms must be involved in order to achieve reconciliation; “once a top-down political settlement has been reached, a bottom-up process should take place, in which unresolved issues of the conflict will be handled in order to prevent questioning of the settlement and a return to violence.”\(^{39}\) Without building up this element of trust, both between political authorities and the citizens, and amongst different groups of citizens, it becomes difficult to conceive of a stable, shared future.

The challenges faced by transitional justice in BiH were lack of trust, the negation of the humanity and identity of other groups in order to affirm one’s own, and polarisation.\(^{40}\) The fact that different ethnic groups often live in close proximity to one another means that there is a heightened chance of contact, and if the source of conflict is not addressed, a heightened probability of violence. In these cases, it is argued that mechanisms that seek to achieve some sort of coexistence or reconciliation should take place between individuals and between groups in order to rebuild levels of trust.\(^{41}\) Little has been agreed upon about how best to address ethnic conflict and reconcile opposing groups in the context of transitional justice, but the complexity of this matter has been pointed at by many observers who mostly emphasize that in such circumstances, achieving reconciliation requires an array of mechanisms designed to tackle issues as far ranging as group identity, to collective memory, to political representation. The following quotation highlights the array of challenges present in the pursuit of reconciling a divided society:

> There is consent among scholars and practitioners that societies that have gone through violent conflict need to deal with the legacies of the past in order to prevent a relapse into violence or repression. At the same time it has become clear that mechanisms aiming at accountability do not automatically pave the road to reconciliation, conflict transformation and a stable peace. Doubts have also been raised with respect to the idea of reconciliation, and warnings expressed against unrealistic expectations and


\(^{40}\) Fischer. “Transitional Justice and Reconciliation.” p.415

emotive interpretations. According to the current state of debate, post-war societies need a combination of approaches aiming at legal justice/accountability, truth recovery (in its manifold forensic, narrative, dialogical and restorative aspects), compensation for victims, institutional reform, which includes fostering the rule of law and security, and restoration of trust in order to support relationship-building and healing. Activities need to be undertaken from various levels (bottom-up and top-down) and have to address structural, behavioural and attitudinal aspects as well as the context, memory and relationships. Furthermore, asymmetries in power structures, gender relations and gender-specific experiences of violence need to be considered.\(^\text{42}\)

Paige Arthur calls for the development of reconciliation mechanisms that are sensitive to the intricacies of ethnic conflict, and will seek to ameliorate them when applied. In her review of the literature on ethnic conflict, she aggregates the main challenges in overcoming ethnic conflict, and defines them as: Fear and Anxiety, Myths, Need for Recognition and Self-Worth, Miscommunication and Mistrust, Elite-Led Mobilization, Competition for Resources.\(^\text{43}\) One underlying theme to these challenges is a lack of trust. Distrust can exacerbate feelings of fear, which in turn fuels a rhetoric based on ‘myths’ and ultimately impedes any possibility of compromise. They each require assertion vis-a-vis the other group, which opens way for these myths to be used for elite-led mobilisation which will satisfy their need for recognition and self-worth. They may compete for resources in fear that the other group will do the same. What is not so well-developed in Arthur’s work, but equally relevant, is the lack of trust between citizens and the political system and institutions. If citizens do not perceive the institutions responsible for the transitional justice process as legitimate, and do not believe they are acting in their best interest, it is unlikely that their efforts will be successful and have enduring effects. It is therefore imperative that a basic level of trust be built up before efforts aimed at reconciliation can take place. The question thus becomes, how to build up this basic level of trust and dialogue between groups, and between citizens and institutions, that will then make it possible to address other challenges of reconciliation? Recent research seems to indicate that attempts at doing this should focus on mechanisms that will promote social learning and intergroup contact (contact hypothesis\(^\text{44}\)). Aiken’s work draws on research that would indicate that intergroup contact has the potential to “improve intergroup attitudes and promote

\(^{42}\) Fischer, “Transitional Justice and Reconciliation,” p.422-23
intergroup trust” especially if such contact is “cooperative, friendly, close, and equal status in nature.” These attempts should be sensitive to promote “nonethnocentric, nonauthoritarian, and nonnationalistic” attitudes. Drawing from the field of social psychology, Aiken has highlighted the need for these attempts to include instrumental, socioemotional, and distributive elements. The instrumental interventions would aim transforming relationships between former enemies through positive contact, socioemotional interventions aim to break down feelings of “victimisation, guilt, distrust and fear between groups,” and distributive interventions will promote greater levels of trust by ensuring political and material equality between individuals in order to tackle perceptions of inequitable power relations between former antagonists. In addition to this, these processes must be implemented by an institution which is considered legitimate and impartial. One of the arguments in favour if the intervention of the international community is that external actors may be less swayed by ethnic divisions, therefore more neutral and more trustworthy. However, many Bosnians view the international community with distrust, which continues to be a challenge for transitional justice mechanisms, such as the ICTY, in achieving their goals among the target population.

While reconciliation is one of the main components legitimizing transitional justice claims, it might be more helpful to see it as a long term goal rather than a short term objective. Such a difficult talk will unlikely be achieved in the immediate aftermath of intra-state conflict, and it thus might be better to focus on peaceful coexistence as a short term objective of transitional justice, which will allow the pursuit of other necessary processes to take place and which will allow for increased focus on reconciliation at a later date, when conditions are more favourable.

**International criminal tribunals and the ICTY**

The International Criminal Tribunal for the former Yugoslavia (ICTY) was the first of its kind, and was an *ad hoc* tribunal set up specifically by the United Nations (UN) for

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46 Ibid.
47 Ibid.
49 Aiken, “Learning to Live Together”. p.17
50 Ibid.
trying and convicting war criminals from the former Yugoslavia. In this way, it was an innovative approach to international law. This, in addition to the fact that it is now nearing its completion date makes it a relevant topic of research. Its actions remain subject of controversy, especially in the former Yugoslavia, where it is often perceived as unpopular, ineffective, and far removed from local needs. One of the transitional justice measures that the ICTY claims to have contributed to is that of reconciliation. These actions remain subject of controversy, especially in the former Yugoslavia, where it is often perceived as unpopular, ineffective, and far removed from local needs. One of the transitional justice measures that the ICTY claims to have contributed to is that of reconciliation. There are few empirical studies examining to what extent this was the case, and it is in contributing to this that this research gains significance. While a thorough analysis is not yet possible due to the recent and ongoing nature of the tribunal, we can nevertheless begin to analyse some of its repercussions, namely whether a tribunal located in The Hague has the ability to adequately contribute to reconciliation processes in Bosnia-Herzegovina. As Clark has stated, an exploration of the effects of international criminal trials is essential so that expectations of their effectiveness remain realistic. Thus, research into the uses and limitations of such tribunals can contribute to better informed future expectations, and yield insight into the nature of “retributive justice in post-conflict societies.”

On a theoretical level, the literature on transitional justice and reconciliation involving international criminal tribunals seems to involve discussions into concepts of peace, justice, truth, and their interaction with one another. There are those who advocate that by pursuing justice, peace will naturally ensue. On the other side are those that favour truth telling mechanisms as a way of achieving justice. However, current scholarship seems to point at the fact that there should be an active pursuit of both truth and justice in order to best achieve reconciliation. Vinjamuri argues that reconciliation processes should incorporate elements of truth telling and limited justice which may then lead to the formation of a new relationship between conflicting individuals, and redefine social identities. The role that international tribunals have to play is thus to deliver a basic degree of justice which may allow this to happen. However, the transition from retributive to restorative justice remains unclear. In Huntington’s analysis of whether it is best to pursue accountability (e.g. in the form of criminal trials

53 Clark, “The Impact Question”. p.55
54 Ibid. p.57
55 Ibid.
or not to (e.g. through amnesty) he undermines this argument, as his findings illustrated
that the outcome of transitional justice depended more on how domestic politics
developed after the transition than on whether or not criminal justice was pursued.\textsuperscript{58}
This could perhaps lead one to hypothesise that intergroup relations in BiH was not so
much influenced by the criminal trials in the ICTY, but on the interplay between
national politics and relations between the three ethnic groups.

While I do not contend that international criminal tribunals can or should bear
the sole weight of delivering reconciliation to divided nations, it is one of the long term
goals of transitional justice in general, and thus the institutions working within this
process share this end goal. International criminal tribunals are simply one part of a very
complex process, and their focus lies on trying and convicting perpetrators of human
rights violations and crimes under international law. However, to ensure the legitimacy
of such tribunals, we must be sure that they are acting in the best interest of the people
they aim to serve. We must therefore conduct empirical studies in order to understand
the relationship between these tribunals and reconciliation, so that we may better
understand it. In this section I will go through the main literature on the advantages and
limitations of these tribunals in the reconciliation process. There have been relatively
few of these studies, but in general, those that have been carried out have indicated a
positive relationship between international criminal tribunals and increased levels of
reconciliation in post-conflict societies. Advocates of international tribunals in
complementing the reconciliation process have highlighted the need to address human
rights violations for developmental purposes, because if these remain unaddressed they
undermine the legitimacy of democratic norms and institutions that come into play as a
result of the transition; “recognizing moral and legal obligations to address abuses of the
past also has profound effects on current and future societal development and rule of
law.”\textsuperscript{59} Staub argues for the role of international institutions in promoting reconciliation
and in maintaining positive changes that may be undermined by ethnocentric processes
and rhetoric.\textsuperscript{60}

One of the most immediate and well known responses of transitional justice is to
pursue criminal accountability for individuals guilty of human rights abuse. The
removal and arrest of the main perpetrators of the violence is intended to put an end to

\textsuperscript{58} Samuel P. Huntington, \textit{The third wave: democratization in the late twentieth century} (Norman;
\textsuperscript{59} Pablo De Greiff, "Transitional Justice and Development." p.5
\textsuperscript{60} Staub, “Reconciliation after Genocide.” p.868
it. Given the fact that the international community is perceived as a more ‘neutral’ player, it is believed that one side will not be favoured over the other, and all ethnic groups will be treated equally. Hampson argues that this impartial nature of international institutions is what make them adequate and legitimate actors in the reconciliation process.\textsuperscript{61} The apprehension of these individuals is expected to set an example for others, thereby also reducing levels of violence.\textsuperscript{62} Paige Arthur identifies high levels of fear and anxiety as one of the main challenges that ethnic conflict poses to transitional justice, and argues that these apprehensions will diminish these levels by removing the perpetrators from a position in which they can influence violence,\textsuperscript{63} thus promoting a sense of security which will restore some level of stability and peace. She argues further that apprehension and criminal prosecutions may reduce chances for elite-led mobilization,\textsuperscript{64} which will also break the cycle of violence. The general belief is, therefore, that by targeting, apprehending, and trying guilty individuals levels of violence will decrease by removing collective blame from ethnic groups by associating this to an individual.\textsuperscript{65} It is expected that reconciliation would thus come about as a result of this individualisation of guilt, as it promotes increased dialogue among ethnic groups rather than division.\textsuperscript{66} On the other hand, some question whether removing guilt from complicit individuals is effective, and whether “individualised guilt may contribute to a myth of collective innocence.”\textsuperscript{67} The public and visible nature of these trials has also been pointed at as a way to promote the decrease of violence. As James Meernik argues, the ICTY promoted societal peace by decreasing the requirement for private justice and thereby relieving citizens of this “perceived need for vengeance.”\textsuperscript{68} Despite advancing this argument, Paige Arthur also recognizes that in the case of the ICTY, the trials were in fact used to propagate extremist rhetoric among ethnic groups in Bosnia in order to reinforce “hostile myths”\textsuperscript{69} and reinforce tensions between the groups.

\textsuperscript{63} Arthur. "Fear of the Future, Lived through the Past." p.297
\textsuperscript{64} Ibid.
\textsuperscript{66} Meernik, “Justice and Peace?” p.276
\textsuperscript{67} Laurel E. Fletcher and Harvey M. Weinstein, "Violence and Social Repair: Rethinking the Contribution of Justice to Reconciliation," \textit{Human Rights Quarterly} 24, no. 3 (2002). p580
\textsuperscript{68} Meernik, “Justice and Peace!” p.276
\textsuperscript{69} Arthur. “Fear of the Future, Lived through the Past.” p.297
Once the trials themselves are underway, advocates of international tribunals highlight the value of the truth-telling and setting a historical record that these trials promote. Truth-telling is thought to have a healing affect, and provide a measure of recognition, justice, and relief to victims of violence. This measure seeks to dissipate divisive myths used for nationalistic purposes.\textsuperscript{70} The benefit of this being done by an external actor is that it can be done in a more neutral and peaceful fashion. The creation of historical record based on these truths can also provide further recognition to victims and victimised groups. However, the ‘truths’ that are created as result of these legal processes “may also create a narrow view of the past”\textsuperscript{71} that is not fully representative of victims struggles.

While these arguments recognise some of the ways in which international tribunals may decrease violence, their advocates fail to adequately establish how levels of decreased violence are linked to reconciliation, and simply assume that one will come about as a natural progression of the other. Vinjamuri goes as far as to argue that “privileging justice over peace risks the establishment of peace as it assumes justice will bring stability.”\textsuperscript{72} Those who are critical of the extent to which the ICTY did advance reconciliation argue that the ICTY actually served to sharpen boundaries among ethnic groups,\textsuperscript{73} which is echoed by Clark’s research which has illustrated that there is little evidence to suggest that BiH has seen any relevant levels of reconciliation.\textsuperscript{74} It would thus seem that while the ICTY may have contributed to lessening levels of violence, there is little empirical evidence to suggest that this is the same as advancing reconciliation, and advocates of international tribunals fail to address the issue of how these institutions can deliver reconciliation while carrying out their legal functions.

Other more sceptical observers have pointed out that it is unrealistic to expect that criminal tribunals can advance reconciliation single-handed, and that while international prosecutions can perhaps contribute to this by providing a degree of accountability and promoting the rule of law, it should not be expected that they can address all the complexities required for reconciliation. In addition to their actions, scholars argue that many other actors, both national and international, are required to

\textsuperscript{70} Ibid.
\textsuperscript{72} Meernik. "Can international criminal justice advance ethnic reconciliation?" p.386
\textsuperscript{73} Arthur. “Fear of the Future, Lived through the Past.” p.272
\textsuperscript{74} Clark, "The Impact Question".
implement a variety of measures which may advance reconciliatory attitudes. At the same time, some of the limitations of international tribunals have been heavily criticized. With regard to the truth-telling capacity of the ICTY, Clark’s research indicates that while the ‘truths’ established as a result of these trials might be widely accepted internationally, in BiH national group identity filters these through an ethnic lens. Individuals tend to reject those truths put forward by the ICTY in favour of the interpretation advanced by leaders of their ethnic community. The issue then becomes weather or not Bosnian citizens will accept the truth as set out by the ICTY, or continue to interpret these through the lens of their ethnic identification. This example also showcases the criticism that is most often heard of international tribunals, which is its distance to the lives and reality of the local people it claims to serve, and thus its inability to directly affect any changes in Bosnia towards reconciliation. As Biro et al point out, legal theorists fail to take arguments from the field of social psychology into account, more specifically the argument that the actions of the ICTY are interpreted and distorted through a lens of group identification. Their study shows Bosnian Muslims to be the most favourable towards the actions of the ICTY due to the fact that they see themselves – and are seen by the international community – as the main victims of the war and have thus seen less prosecutions aimed at members of their own group. Bosnian Serbs and Bosnian Croats are less favourable towards the ICTY due to the fact that more individuals from these groups have been targeted, and this has been interpreted and propagated by important figures in these groups as unfair and biased. In general, research does not indicate that the tribunal has contributed to rebuilding trust between ethnic groups, or contributed to reconciliation. This is highlighted by Stover and Weinstein, in the concluding section of their anthology, where they also determine that criminal trials “often divided small multi-ethnic communities by causing further suspicion and fear. They also identify that, for the victims, reconciliation involves more than just criminal trials. It should involve:

- returning stolen property;
- locating and identifying the bodies of the missing;
- capturing and trying all war criminals, from the garden-variety killers in their communities all the way up to the nationalist ideologues who had poisoned their neighbours with ethnic hatred;
- securing reparations and apologies;
- leading lives devoid of fear;
- securing meaningful jobs; providing

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75 Teitel. *Transitional Justice.*
76 Clark, “The Impact Question”.
77 Meernik. “Can international criminal justice advance ethnic reconciliation?” p.387
78 Stover. *My neighbor, my enemy.* p.195
79 Ibid. p.199
their children with good schools and teachers; and helping those traumatized by atrocities to recover.\textsuperscript{80}

Upon surveying the literature it therefore becomes clear that it is divided: on the one hand there are theoretical claims based on legal scholarship which argue for the benefits of international criminal tribunals, and place criminal trials at the centre of attempts at reconciliation. On the other hand there are more recent empirical studies which indicate that international criminal tribunals have done little to advance reconciliation, as put forward by Fletcher and Weinstein who state that promoting criminal trials as the central transitional justice mechanism does not address local needs, or contribute to social cohesion.\textsuperscript{81} I now refer back to the first section of this literature review in which I addressed the concept of transitional justice and its aim to deliver reconciliation. While the legal assessments of international criminal tribunals prioritise the pursuit of criminal justice in the reconciliation process, the socio-psychological assessment of tribunals begs us to rethink this relationship. The empirical data suggesting that international tribunals do not necessarily advance reconciliation may indicate that criminal trials are not as instrumental as legal theorists have claimed in the reconciliation process. It may thus be necessary to come up with a different mechanism (or combination thereof) that is better suited to contribute to social repair, and place less dependence on (international) criminal justice.

What I argue has been the main impact of international tribunals such as the ICTY is the promotion of rule of law, and its normative impact on international law. As Vinjamuri has argued, international tribunals have a normalizing effect by defining and promoting “the appropriate means of holding perpetrators responsible and help to socialize people into patterns of behaviour that conform to liberal and democratic norms.”\textsuperscript{82} Whether or not the trials are perceived as successful, their actions contribute to the development of international humanitarian law and democratic norms.\textsuperscript{83} Through the creation and practices of \textit{ad hoc} tribunals and the ICC there has been a strengthening, standardisation and universalisation of international legal norms.\textsuperscript{84} However, from the existing studies it remains impossible to assess with certainty what impact international tribunals can have on reconciliation, or whether or not the actions

\textsuperscript{80} Ibid. p.323 \\
\textsuperscript{81} Fletcher. “Violence and Social Repair”. p.603 \\
\textsuperscript{82} Vinjamuri. “International War Crime Tribunals and Transitional Justice.” p.348 \\
\textsuperscript{83} Theodor Meron, “War Crimes Law Comes of Age,” \textit{War Crimes Law Comes of Age: Essays}, 1999. p.284 \\
\textsuperscript{84} Ibid. 
of the ICTY advanced this in any way. This research aims to contribute to finding a relationship between levels of reconciliation in BiH and the actions of the ICTY. The main difficulty in this research is establishing an adequate way of measuring this. One may identify the main rulings and actions of the ICTY, but identifying and isolating repercussions of these in BiH proves almost impossible. For example, it might be possible to find increased levels of cooperation, or decreased levels of animosity between groups at a certain moment, but whether or not this is a direct consequence of an action of the ICTY is more difficult to ascertain. However, with more empirical studies on this topic, researchers may begin to piece together a general idea of the repercussions of the ICTY on reconciliation, which may then be used to make better informed arguments on the relationship between international criminal tribunals and reconciliation of divided societies.

To condense and conclude this chapter I include the following reflection on the ICTY and reconciliation in the Balkans:

Our findings suggest that if the ICTY is able to play any role in fostering reconciliation in the Balkans, it can only do so within the context of an intricate web of interlinked factors which could take decades to unravel. At the heart of the problem lie an intense resistance by many in the region to the reality that their own ethnic kin committed atrocities, and unanswered political questions which make it difficult to look far into the future. At the same time, it is clear that whatever chance the ICTY had to contribute to the complex process of reconciliation was for a long time compromised by its failure to engage with people in the region.85

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Methodology

I will now refer back to my research question, which is: *to what extent did the ICTY contribute to improved inter-ethnic relations among the principal ethnic groups in Bosnia-Herzegovina?* I seek to answer this questions by analysing changes in inter-group relations in BiH in light of the actions of the ICTY in order to discern whether these display reconciliatory tendencies or not. There are many approaches that can be used to attempt to measure reconciliation, and previous research on the subject has employed a range of both qualitative and quantitative data, such as interviews, surveys, human rights databases, and a range of datasets aimed for example at measuring levels of conflict,\(^86\) among others. While these have value in studying long term changes, their principal limitation for my research is that they collect information mainly on a national and annual level, and thus are not sensitive to the differences between national sub-groups, neither are they able to provide insight with relation to specific events.\(^87\) For these reasons, I have chosen to answer my research question by conducting content analysis on press material from principal media sources in the three different ethnic areas of BiH. I have chosen content analysis for a variety of reasons. Firstly, analysing media will yield different results to, for example, interviews, as it allows one to study ideas without directly eliciting them from the public one is analysing. Furthermore, it allows for the examination of a large number of sources, from which I can track patterns and correlations related to specific events.\(^88\) This method also addresses the shortcoming of using datasets as it allows for each ethnic group to be analysed separately, and allows me to decide on the time period most relevant to my analysis. While analysing media cannot be considered a direct measurement of whether or not there is a general trend towards reconciliation, it can nevertheless provide useful answers to my question. Firstly, no media is neutral, and always has an ideological leaning. As Fairclough puts it, “rather than a transparent ‘report’ of what was said or written, there is always a decision to interpret and represent it in one way rather than another.”\(^89\) In many countries, different media are grouped along social cleavages, taking a position to the left or to the right. In BiH, the press is divided along ethnic lines, and can therefore be grouped into one of the three main ethnic groups, which

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\(^{86}\) Such as PRIO/Uppsala data.

\(^{87}\) Meernik, “Justice and Peace?” p.279

\(^{88}\) Christopher K. Lamont, *Research methods in international relations* (Los Angeles: Sage, 2015). p.89

makes it a relevant way to observe developments in ethnic relations. Moreover, there has been much recent research indicating the validity of using media as an adequate way of studying social attitudes, hence its applicability in this research. My research is based on the understanding that ideas can be translated into discourse and into practice and vice-versa, and media can represent both of these as it is part of a wider network of cultural practices which has the added ability of representing the social world. In this way, media can be viewed as both shaping, and being shaped by the social world, “media represent other practices and so have direct consequences for how those practices are defined and ordered.” It is this characteristic which makes media a suitable object of study when attempting to analyse underlying meanings and attitudes within a given group, because media not only informs these attitudes, it also is informed by them, and this reciprocal nature means that their changes and developments are intertwined. Furthermore, as Nick Couldry argues, media has the ability to “anchor other practices through the ‘authoritative’ representations and enactments of key terms and categories they provide.” Therefore, by looking at media, one can gain insight into prevalent social attitudes.

In order to answer my question I will, in a first step identify main cases from the ICTY, and within each case the main occurrences that elicited media attention. From these I will decide which dates to focus on in each case. In a second step I will use my theoretical framework to develop indicators of changing levels in reconciliatory attitudes, and operationalise these into a format that will allow for content analysis. I will then select which media to analyse with reference to the selected dates. I will select Bosnian Muslim, Bosnian Serb, and Bosnian Croat sources and analyse them separately. In order to choose these, I consult a variety of articles and research done by journalists and scholars in terms of media affiliation in BiH. The general trend is associated with the geographical separation of the different groups, so for example if a given newspaper is produced in Sarajevo, it will be Pro-‘Bosniak’, in Banja Luka pro-Serb, and in Mostar, pro-Croat. What I hope to learn by analysing these different media sources is whether there are any patterns in responses to the actions of the ICTY in each of the three main ethnic groups in BiH, and then analyse these in relation to my theoretical

92 Ibid. p.122
framework in order to discern whether or not these display tendencies towards reconciliation, away from it, or no change at all.

Case selection

The selection of cases from the ICTY was made according to the level of media coverage. The cases that were featured the most in the media were both high profile individuals, and cases with surprising outcomes. These cases will be the most relevant for analysis due to the fact that high levels of media coverage reflect high levels of public attention and awareness, and therefore are more representative of trends in general public opinion. In order to select those which elicited most public interest, I consulted a range of sources. The first was the ICTY website which lists key dates (however, these reflected key dates in the understanding of the ICTY, not necessarily of the public in BiH, and so while I did consult this page, the selection was made mostly from consulting other sources). I also consulted archives of English language, locally produced news platforms, and external news platforms. In addition to this, I conducted an informal interview with a former ICTY lawyer in order to gain practical insight directly from the field, who suggested some cases and consulted my final list. While consulting these, I tallied the names that came up with the most frequency. Key figures and rulings were excluded from this list if their crimes were not committed in Bosnia or against Bosnian people (e.g. Gatovina et al). Also excluded from this list are key events that do not have to do with trials (e.g. final indictments and transfer of cases). While these also attracted media attention, they were excluded in order to ensure consistent analysis of individuals tried by the court rather than on events that were not related to specific cases. Once key cases had been selected, I then traced the dates of the most relevant occurrences in each case by reviewing the information available on the case information sheets made available on the website of the ICTY. I have chosen to focus on the trial chamber judgement as the key date for analysis of each case. The cases chosen are: Radovan Karadžić, Ratko Mladić, Prlić et al., and Naser Orić.

94 Bill Tomljanovich, e-mail message to author, 28 May 2017.
98 Bill Tomljanovich, e-mail message to author, 28 May 2017.
Orić was not a particularly high profile case in comparison to the others which have been included, but I felt it was relevant to include cases of individuals from each ethnic group in order to generate a more representative analysis. In his case, I will focus on the appeals chamber judgement date, due to the fact that there was insufficient material available in the archives for this date, and it was the ‘final’ judgement. Furthermore, as he was sentenced to prison time in the trial chamber judgement, but then acquitted in the trial chamber judgement, the reactions should be ‘mirror images’ of each other. For the case of Ratko Mladić, there has not yet been any judgement, but due to the fact that he was one of the cases which elicited most media attention, I decided to include him in my analysis. I will focus on the date of his arrest. It was also my intention to include the case of Slobodan Milošević, as he was another figure who elicited a very high level of media attention. However, he died before any judgement was announced, and there were no articles available on the archives I consulted for the time of his indictment or arrest, so I had to exclude him from my analysis. Table 1 displays the list resulting from this selection, the ethnicity of perpetrators, current status of the case, and the date of the trial chamber judgement (or arrest).

Table 1: Key ICTY cases and dates

<table>
<thead>
<tr>
<th>Name</th>
<th>Ethnicity</th>
<th>Conviction</th>
<th>Arrest/Surrender</th>
<th>Trial chamber judgement</th>
<th>Appeals chamber judgement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Radovan Karadžić</td>
<td>Bosnian Serb</td>
<td>See Appendix A&lt;sup&gt;100&lt;/sup&gt;</td>
<td>21 July 2008</td>
<td>24 March 2016, 40 years imprisonment</td>
<td></td>
</tr>
<tr>
<td>Prlić et al.</td>
<td>Bosnian Croat</td>
<td>See Appendix B&lt;sup&gt;101&lt;/sup&gt;</td>
<td>5 April 2004</td>
<td>29 May 2013 (different sentences for each)</td>
<td></td>
</tr>
<tr>
<td>Naser Orić</td>
<td>Bosnian Muslim</td>
<td>See Appendix C&lt;sup&gt;102&lt;/sup&gt;</td>
<td>10 April 2003</td>
<td>30 June 2006 (sentenced to two years imprisonment)</td>
<td>3 July 2008 (acquitted)</td>
</tr>
<tr>
<td>Ratko</td>
<td>Bosnian</td>
<td>See Appendix</td>
<td>26 May 2011</td>
<td>(Expected</td>
<td></td>
</tr>
</tbody>
</table>

<sup>99</sup> The information presented in the table is taken from the ICTY website and is therefore presented as by the ICTY.
Indicators of reconciliation

Similar to many social processes, it can be helpful to perceive reconciliation as a continuum, and recognize that at different times a society will be at different points on this continuum. Different events will influence this continuum, and will have the effect of increasing levels of reconciliation, decreasing, or having no effect whatsoever. The resulting levels of reconciliation will be the product of a myriad of occurrences and will change continuously. While it becomes very difficult to conceptualize where on the continuum the current levels may be (or even creating a continuum that is measurable) it is more realistic to try and conceptualize whether an event contributes to a change in levels of reconciliation. Naturally there are some limitations of conceptualizing reconciliation in this manner, as it implies an environment somewhat like a vacuum and fails to take on a more ecological understanding of social processes. However, by conducting content analysis one can minimize this by identifying attitudes which are linked to a specific event. In order to do this it is important first to establish what indicates a change in levels of reconciliation, then select ones that can be identified through content analysis of press material, and finally establish how to analyse a text in order to measure this.

As was established in my theoretical framework, reconciliation implies the move from a divided past to a shared future, in which all individuals are perceived as equal, equally represented, and have equal access to resources and opportunities, regardless of ethnicity, and come to mutually accept one another. A shared narrative of historical occurrences is one of the ways in which this can be observed. Indicators of increased levels of reconciliation will therefore focus on progress towards a shared narrative of the war, which can be perceived as a step towards the development of a less divided society.

Reconciliation takes place at multiple levels of society, at different times and in different ways. This makes it difficult to identify indicators, and it may be helpful to establish categories for this purpose. In order to do so, I draw on theory laid out in the

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previous chapter, and from here I have established two categories; structural and inter-
group relations. The structural elements include top-down initiatives and processes
which can imply changes in group relations. They can be roughly divided into
institutional/political, legal, and social. Inter-group relations focus on relationships
between different ethnic groups that are at a bottom-up level, their perceptions of
themselves vis-à-vis the other, and levels of inter-group trust, interaction and dialogue.
A first step necessary for reconciliation to begin to take place is the decrease or
cessation of violent inter-group conflict. Once this pre-requisite is reached, further
elements can occur that may indicate changes in levels of reconciliation. Appendix A
summarizes the various indicators.

While it is possible to attempt to measure several of the elements that fall into
these categories, it is beyond the scope of this research to do so. As I will be conducting
content analysis on press material, I will focus on elements that can be measured
through this. Examination of press material allows for scrutiny of public opinion and
general attitudes demonstrated by different ethnic groups. It has the benefit of reflecting
general attitudes and ideas of the public it serves. I will therefore use the indictors in the
inter-group perception section of Appendix E. Table 2 summarizes these, and goes into
further detail on the established indicators.

Table 2: Indicators and examples

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>Changing collective perceptions of their own group.</td>
<td>Recognition of possible guilt of own group;</td>
</tr>
<tr>
<td></td>
<td>Less elevation of own group vis-à-vis others.</td>
</tr>
</tbody>
</table>
| Changing collective perceptions of the other groups.| Attitudes that are “non-ethnocentric, non-authoritarian, and non-nationalistic,” \(^{104}\)
|                                                     | and are “cooperative, friendly, close, and of equal status in nature.” \(^{105}\) |
|                                                     | Less representation of the ‘other’ as the enemy;                        |
|                                                     | Decreased fear and anxiety towards other groups;                        |

\(^{104}\) Tropp et al., "Intergroup Contact,” p.1

\(^{105}\) Ibid. p.1
More recognition of humanity of individuals of other groups and less use of negative myths and symbolism;

Increased acceptance of other groups and their rights (e.g. territorial, linguistic, religious);

Perceived possibility of a constructive relationship and shared future.

| Changing collective perceptions of atrocities committed during war. | Recognition of suffering of other ethnic groups;
Less justification of actions committed by own group through an ethnic lens/ less filtering of facts through the lens of ethnic identification;
Construction of a collective narrative of the war. |
---|---|

It is now necessary operationalise the information in the above table into a structure that will allow for textual analysis. This can be done by turning the above indicators into ‘questions’ that can be applied to the texts. The ‘answers’ found through the textual analysis will then allow us to discern whether the texts display reconciliatory tendencies or not. For example, take the following indicator from the above table: *Move towards a collective narrative of the war*. As a question, this would be phrased: is there a common narrative of the war constructed by all three groups? In order to answer this question it is necessary to identify sub-questions. We can then compare the answers of these sub-questions along the three newspapers and answer the overall question. The sub-questions in this case would involve the identification of which group/individual holds the blame for atrocities committed during the war. Hence we can ask: *Is the defendant constructed as guilty or innocent? Is the verdict depicted as fair or unfair? Are other ethnic groups constructed as guilty or innocent? Who is identified as victims of the war?* If we compare the answers to these sub-questions across the three newspapers, we will be able to analyse whether these texts construct a common narrative of the war, or not. If we find that there is a common narrative along all three groups, we can take this as an indicator that there is a positive move towards reconciliation as a repercussion of the ICTY’s verdict. If there is not the case then we can take this as an indicator that this verdict has not contributed to reconciliation.
By reformulating the indicators into questions that can be posed to the data, we have the following: *Is there recognition of guilt of their own group? Is there elevation of their own group vis-a-vis the other(s)? Is there representation of the ‘other’ group(s) as the enemy? Is there anxiety or fear associated with the other group(s)? Is there hope of a common future? Is there a common narrative of the war, guilt, and victims? Is there interpretation of events through ethnic identification?* The answers to these questions will indicate positive reconciliation or negative reconciliation, in terms of the aforementioned spectrum. Just as with the example above, we can divide these questions into sub-questions, and then compare the answers across all three newspapers in order to discern whether the trend has been towards reconciliation or not. The same sub-questions identified in the example will also answer these questions. Thus, the sub-questions I answer through my analysis are: *Is the defendant constructed as guilty or innocent? Is the verdict depicted as fair or unfair? Are other ethnic groups constructed as guilty or innocent? Who is identified as victims of the war?*

To structure these into a format for analysis, I identified the following ‘subjects’ in the text, a) the defendant, b) the verdict and the ICTY, c) the ‘other’ (groups), and d) the ‘victims’. Once I identified the points in the text in which these subjects are referred to, I posed the above questions by identifying the associations made with these subjects, and compared these along the three newspapers. To identify the subjects in the text I developed codes for them. The codes developed to identify the subjects were developed through a preliminary reading of the texts, in order to identify words used to refer to these subjects. Codes developed to identify the defendant were their name, their function during the war (e.g. ‘president’) or a nick-name (e.g. the defendants in the Prlić et al. case are often referred to as *hercegovackoj šestorci* or *hrvatske šestorke*.) Codes developed to identify the verdict include direct references to the case, the ICTY (also referred to as ‘The Hague’, ‘the tribunal’, ‘the court’) or the verdict (e.g. ‘guilty’, ‘acquittal’, ‘sentenced’). To identify the ‘other’ as constructed by the texts I looked for references to any individual or group that was not a member of the source group, (e.g. in articles published in *Avaz* I looked for references to any individual or group not associated with Bosnian Muslims). Finally, to identify references to victims, or victimhood I developed codes such as ‘victims’, as well as codes which indicate suffering and victimhood, (e.g. ‘crimes against…’).

Once I identified these in the text, I collected the words and phrases associated with them. I then posed the sub-questions I developed to the data, and analysed the
answers obtained in terms of whether or not they promote reconciliation. If the data featured positive portrayal of other ethnic groups, or if they signalled the development of a common narrative of the war and guilt, it was interpreted as an increase in levels of reconciliation, and vice versa. For example, if all three newspapers described a specific defendant as ‘guilty’, this was taken as an indication of the construction of a common narrative with regards to guilt in the war. If they all described a verdict as ‘unfair’ this was taken as an indicator of the same. If there were differences, this was taken as a sign of the opposite. If one group referred to another group in highly negative or accusatory language, this was also considered an indicator of negative perception of the other group, and therefore not a positive trend towards reconciliation. For example, where the Serbian oriented newspaper illustrated indignation at the acquittal of Naser Orić, this showed that they did not accept the narrative of the ICTY that he was ‘not guilty’ and this might be accompanied by negative perception of Bosnian Muslims. How the text presents other ethnic groups, and who they present as victims is important in analysing whether they perceive them as equal or unequal, friends or enemies.

Source selection

Newspapers selected for analysis were chosen as a representative sample of the most popular daily newspapers published in BiH that I could gain access to,\(^\text{106}\) and which therefore had most effect in shaping public opinion of people from the three main ethnic groups. I selected Avaz\(^\text{107}\) as the newspaper which is generally associated with being pro-Bosniak. It is one of the most popular newspapers in the country and has been published in Sarajevo since 1993. Devini List\(^\text{108}\) is popular among Bosnian Croats and it has a ‘pro-Croat’ Stance.\(^\text{109}\) It has its headquarters in Mostar, and has been published since 2001. Finally, Nezavisne novine is a Serbian oriented newspaper which has been published in Banja Luka in the Republika Srpska (RS) since 1995.

For each case I analysed articles published 3-5 days preceding the judgement, and 3-5 days after it, depending on the volume of material. For the Ratko Mladić case, I selected articles 3-5 after his arrest, as there was no previous public knowledge of this event. To choose articles from among these, it was necessary to come up with ‘pre-

\(^{106}\) For this purpose I consulted the archives available on http://www.infobiro.ba/

\(^{107}\) Has existed since 1993. One of the most popular daily newspapers in BiH, published in Sarajevo.

\(^{108}\) Croatian oriented, headquarters in Mostar, has existed since 2001.

codes’ to select relevant articles. Selected articles featured a direct reference to the ICTY case in their title. This reference consisted of the individuals’ name or position held, the crimes they were accused of (e.g. ‘genocide’, or ‘Srebrenica’), a reference to the ICTY (e.g. ‘The Hague’ or ‘the international tribunal’, etc.), or a direct reference to the outcome of the case (e.g. ‘judgement’ or ‘acquitted’). I conducted two readings of each text, the first was quantitative and focused on collecting terms used by each newspaper and their frequency, and the second was qualitative in order to test my findings from the first reading. This also allowed me to get a more nuanced experience of the text with regards to the quality of the language used (for example, some words are ‘harsher’ than others, like ‘conniving’ over ‘untrustworthy’).
Results and Discussion

As was established in the methodology chapter, I analysed each case separately. My results reflect the descriptions and associations, as well as the frequency of these, with regards to the defendant, the verdict/ICTY, who is identified as, and how they describe the ‘other’, and who is identified as, and how they describe ‘victims’. I differentiate between articles published before and after the verdict, however this is only pointed out in the discussion where there are relevant differences. I have included the quotations in English, and all of the translations are my own, unless stated otherwise.

Radovan Karadžić

Defendant

Radovan Karadžić is described by Avaz, both before and after the verdict, as very guilty: “to blame […] blameworthy"110, “needs a life sentence”111, “main actor”112 in war, “perpetrator”113, “ruthless perpetrator of mass crimes”114, guilty of slaughter, rape, genocide,115 116 117 “criminal"118 119, “perpetrator guilty of genocide”120, guilty of “crimes against the UN and the entire world.”121 As can be seen, the descriptions of him imply heavy condemnation, and in descriptions relevant to his character, he is referred to as “inhumane”122 and likened to other “worst criminals”123 such as Hitler, Himmler, and Pol Pot. His crimes are described as “catastrophic”124, and before the verdict, his freedom is linked with “the denial of justice.”125

112 Ibid.
114 Ibid.
118 Nuhanović, "Bramerc: Pravda je zadovoljena ."
120 Ibid.
121 Pašović, "Ova odluka je najvažnija na svijetu od nirnberškog procesa ."
122 Turkovič, "Krvnik kriv za genocid ."
123 Ibid.
124 Ibid.
In *Dnevni list*, there is much less information available for this time period, and so the analysis will not be as complete as for *Avaz*. However, there is guilt associated with Karadžić.126

*Nezavisne novine* also features less articles than *Avaz*, and in the available material there was no association of guilt with Karadžić. There was, after the verdict, a description of how he received it “peacefully”127.

From looking at the three different newspapers and comparing the terminology they use to describe Karadžić, it is clear that there are some disparities. *Avaz* reports extensively on the case (although this could be due to the case itself, or just due to the fact that there were more articles available in the archives), and exclusively features terminology that describes Karadžić’s guilt, in a manner of heavy condemnation. From *Dnevni list* it is more difficult to conclude with certainty due to the scarcity of articles, however there is clear reference to his guilt. While *Nezavisne novine* does not feature language implying innocence, neither does it feature language implying guilt. This neutrality, or lack of clarity, is quite in contrast to the heavy, accusatory language used in *Avaz*, implying divergent views of the defendant. There do seem to be some similarities between *Avaz* and *Dnevni list*, which could be attributed to the fact that they also are identified as the main victims of Karadžić’s crimes.

**The verdict and the ICTY**

Before the verdict, articles in *Avaz* point out the appropriateness and importance of a guilty verdict, as this is linked with “truth”128 and “justice,”129 130 and is described as a “milestone”131, or “very important”132 for future relations, between different ethnic groups, between the countries of the former Yugoslavia, and for stability and reconciliation amongst citizens,133 134 as well as for prevention of future atrocities.135 Some articles take a different approach; while also claiming the importance of a guilty

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129 Trako, "Karadžić mora na doživotnu robiju!”
130 Dučić, "Presuda Karadžiću od velike je važnosti za stotine hiljada žrtava! ."
131 Trako, "Karadžić mora na doživotnu robiju!”
132 Turkovič. "Negatori genocida ostat će slijepi i gluhi na presudu Karadžiću."
134 Avdović, "Presuda neće dovesti u pitanje opstanak RS.”
135Degirmendžić , "Očekujem presudu za genocid u cijeloj BiH!”
verdict, this is not associated with reconciliation or stability, associating these outcomes with the “acceptance of responsibility” and an “apology” from Karadžić. After the verdict, there are claims to the historic relevance of it, (“unprecedented public interest,” “historic day,” “most important”), and some claims that “justice is satisfied,” and that this verdict is positively linked with reconciliation, truth, justice, and trust. However, there are more frequent associations to “disappointment,” “displeasure,” “disbelief,” “no justice,” and “unsatisfied” reactions to the verdict, due to the acquittal for genocide in 7 municipalities in BiH, and that this “devalues” the verdict, despite some notions of satisfaction that there was a heavy sentence handed to Karadžić. Most frequent descriptions were that “we did not get justice” due to the acquittal, despite some satisfaction, indicating that there is a strong notion that partial justice was achieved. In terms of the ICTY, it is often associated with justice, or an attempt at it, “instrument of justice.” However, victims have “long waited for Hague justice,” which takes too long and is “not as fast” as victims would like. There is one reference to lack of confidence in the ICTY.

136 Turković. “Negatori genocida ostat će slijepi i gluhi na presudu Karadžiću.”
137 Ibid.
138 Dučić, ”Presuda Karadžiću od velike je važnosti za stotine hiljada žrtava!”
139 Ibid.
141 Ibid.
142 Pašović, “Ova odluka je najvažnija na svijetu od nirnberškog procesa.”
143 Skokić, ”Biserko: Presuda stavlja tačku na ono što se događalo u BiH!”
146 Nuhanović, ”Bramerc: Pravda je zadovoljena.”
147 Turković, ”Krvnik kriv za genocid.”
148 Ibid.
149 Skokić, ”Biserko: Presuda stavlja tačku na ono što se događalo u BiH!”
150 Turković, ”Krvnik kriv za genocid.”
151 Ibid.
153 Ibid.
154 Ibid.
155 Ibid.
156 Avdović, ”Presuda neće dovesti u pitanje opstanak RS.”
Dnevni list also describes the verdict’s significance, (“most significant verdict”) but other than that mostly makes references to the reactions in RS and Serbia which link the verdict to being unfair, and not leading to justice. It also reports on the verdict as having no consequence for the status of RS.

Nezavisne novine features descriptions of the importance of the verdict as well as many references to it being used against Bosnian Serbs and RS for “political purposes,” “political abuse,” or to promote a “political agenda.” There are also descriptions of “fear” as a reaction to the verdict, as it might threaten the “fate of their entity” (of RS). It is described as “not fair” due to the fact that “crimes are committed on all sides,” and links this to the possibility of “new wars.” There is one instance in which the verdict is linked with “somewhat fulfilling justice, but not contributing to reconciliation, and actually causing “deepened divisions” and growing distrust. The verdict is also described as not satisfying “anyone.” Another article promotes “moving forward” as the most suitable outcome.

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160 Bjelica-šagovnović, "Karadžiću 40 godina zatvora.”
161 Ibid.
167 Ibid.
168 Ibid.
169 Ibid.
170 Ibid.
171 Ibid.
172 Šajinović , "Presuda Karadžiću produbila podjele ."
173 Ibid.
174 Ibid.
178 Šajinović, "RS će pomoći odbrani Karadžića ."
179 Šajinović , "Presuda Karadžiću produbila podjele ."
180 Šajinović, "RS će pomoći odbrani Karadžića ."
The trend in Avaz is that there was some degree of satisfaction and justice due to the fact that a punishment was given, but the majority of times the verdict was viewed with disappointment and claims that the punishment is insufficient and will not lead to reconciliation. This is at times also present in articles from Nezavisne novine, in statements arguing that reconciliation will not be achieved through this verdict, and that divisions between the different groups will deepen. What differs in the interpretations of the two is the reason for the disappointment. In Avaz most of the disappointed reactions are due to the sentence being insufficient, while in Nezavisne novine this is mostly due to a feeling that the verdict is unfair, too harsh, and that the court is biased against Serbs. There is also much apprehension in Nezavisne novine regarding the consequences for RS, and this is also the focus of articles in Dnevni list. Overall, there does not seem to be a move towards a common view of guilt. The predominant dissatisfaction reflected towards the verdict, and the frequent comments that it will not lead to reconciliation seem to indicate that the verdict promotes divisiveness rather than cohesiveness.

The ‘Other’

In references to other ethnic groups, Avaz features heavy blame towards Serbians and Bosnian Serbs, who are guilty of “the worst crimes” in BiH. There are descriptions of Dodik and other RS politicians as demonstrating “childish contempt” for international justice and war crimes victims. Blame is directed mostly towards Bosnian Serbs and Serbians, (“Actions of the Bosnian Serbs” are likened to injustice) as they are identified as the “government and military forces” under Karadžić who carried out the crimes, and as responsible for the “war and genocide.” Serbian and Bosnian Serb leadership is often associated with “criminal” and should accept the “truth” (the truth referring to their guilt). They are further accused of being “uninterested” in the proceedings at the ICTY despite the “cruel crimes” in BiH.

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185 Filipović, "Zatvoren put ka pretvaranju RS u samostalnu državnu tvorevinu."
186 Avdović, "Presuda neće dovesti u pitanje opstanak RS."
187 Trako, "Karađzić mora na doživotnu robiju!"
188 Avdović, "Presuda treba demonstrirati pravdu i poslužiti interesima pomirenja."
189 Trako, "Karađzić mora na doživotnu robiju!"
190 Turković, "Negatori genocida ostat će slijepi i gluhi na presudu Karađziću."
191 Ibid.
192 Degirmendžić, "Očekujem presudu za genocid u cijeloj BiH!"
193 Skokić, "Biserko: Presuda stavlja tačku na ono što se događalo u BiH!"
194 Ibid.
committed by their people, and for seeing the ICTY as a “conspiracy against Serbs.”\textsuperscript{195} There is heavy reference to crimes of “systematic”\textsuperscript{196} nature, such as the “extermination”\textsuperscript{197} of Bosnian Muslims in order to create an ethnically homogenous territory. RS is condemned for showing support for Karadžić,\textsuperscript{198} as are all Serbs who support Milosevic, Karadzic, or Mladic as “heroes”\textsuperscript{199} (they are referred to as the “worst criminals”\textsuperscript{200} in the world). Less frequently it is directed towards Bosnian Croats for the failure “to move towards a common course.”\textsuperscript{201}

The articles in \textit{Dnevini list} did not yield any information for analysis in this section.

\textit{Nezavisne novine} features less consistent terminology when referring to other ethnic groups. On one hand, there are attempts to point the blame at third parties, for example, there is an accusation towards the United States for Srebrenica,\textsuperscript{202} and argument that “Muslim forces carried out attacks,”\textsuperscript{203} and claim that circumstances around “Bosniak suffering”\textsuperscript{204} remains unproven. There is also a reference to the fact that Bosnian Muslims portray themselves as the sole victims,\textsuperscript{205} while crimes were committed on all sides.\textsuperscript{206} On the other hand, there is a reference that Serbs should “face crimes committed on their behalf and speak honestly about this […] and others should do the same,”\textsuperscript{207} and a call for closer cooperation in BiH.\textsuperscript{208}

From readings of \textit{Avaz}, it would seem that the sole blame lies with Bosnian Serbs and Serbians. There is sometimes a distinction between the leadership and the people in general, and sometimes not, perhaps indicating general resentment towards the whole group. From reading \textit{Nezavisne novine}, the blame is more spread out, and doesn’t have one specific target, it seems that it is mostly directed everywhere else but toward Serbians or Bosnian Serbs. This reflects quite a negative portrayal of Serbians and Bosnian Serbs in \textit{Avaz}, and an unspecific/vague ‘other’ towards which blame is

\begin{footnotesize}
\begin{itemize}
  \item \textsuperscript{195} Ibid.
  \item \textsuperscript{196} Haris Pašović, "Ova odluka je najvažnija na svijetu od nirnberškog procesa," March 26, 2016, accessed June 17, 2017.
  \item \textsuperscript{197} Ibid.
  \item \textsuperscript{198} Turković, "Krvnik kriv za genocid."
  \item \textsuperscript{199} Filipović, "Zatvoren put ka pretvaranju RS u samostalnu državnu tvorevinu."
  \item \textsuperscript{200} Ibid.
  \item \textsuperscript{201} Avdović, "Presuda neće dovesti u pitanje opstanak RS."
  \item \textsuperscript{202} Šajinović, "RS će pomoći odbrani Karadžića."
  \item \textsuperscript{203} Ibid.
  \item \textsuperscript{204} Ibid.
  \item \textsuperscript{205} Ibid.
  \item \textsuperscript{206} Šajinović, "Presudu Karadžiću ne Treba Politizovati."
  \item \textsuperscript{207} Šajinović, "Suočavanje sa zločin(c)ima."
  \item \textsuperscript{208} Šajinović, "Presudu Karadžiću ne Treba Politizovati."
\end{itemize}
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directed in Nezavisne novine. These are once again signs of different views and attitudes on different sides, which are not consistent with the creation of a common view of the situation, and are at times aggressive towards one another, which similarly signals division rather than reconciliation.

The ‘Victim’

It is not always clearly specified in Avaz who exactly victims are, but there is are frequent links established between Serbs, Bosnian Serbs, and guilt, implying they were not the victims. In some instances they are directly specified, as “Bosniaks,” “Bosnian Muslims,” “Bosnians and citizens of Kosovo, Turkey, Croatia, Sanjak.”

Dnevini list referred to victims as Muslim men in Srebrenica, and the Muslim and Croat population.

Nezavisne novine identifies each of the three ethnic groups as victims on different occasions. They establish Bosnian Serbs and Serbians as victims of the ICTY, and of historical suffering. There are also references to the fact that “crimes against Serbs remain unpunished.” There are other occasions in which there is reference to crimes committed against “Croats and Muslims” (although this is a quote from someone at the ICTY), and some instances in which it is hinted at that victims were non-Serb (e.g. the judgement “somewhat fulfilled justice for victims” implies they were Bosnian Muslim because verdict deemed Karadžić guilty for genocide in Srebrenica against Muslim population).

The identification of victims is where most commonalities can be seen. All three newspapers establish Bosnian Muslims as victims. In Avaz these are the only identified victims, while in Dnevni list Bosnian Muslims and Bosnian Croats are referred to as victims. In Nezavisne novine all three groups are referred to as victims, however, there are very frequent references to Bosnian Serbs and Serbians as victims of the ICTY. Here perhaps we can see a move toward a common narrative of who suffered during the war, but still some divergence in terms of emphasis – for example Avaz focuses on

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209 Trako, "Karadžić mora na doživotnu robiju!"
210 Pašović, "Ova odluka je najvažnija na svijetu od nurnberškog procesa."
211 Trako, "Karadžić mora na doživotnu robiju!"
212 Bjelica-šagovnović, "Karadžiću 40 godina zatvora."
213 Ibid.
214 Šajinović, "Suočavanje sa zločin(c)ima."
215 Šajinović, "RS će pomoći odbrani Karadžića."
216 Šajinović, "Suočavanje sa zločin(c)ima."
217 Šajinović, "Presuda Karadžiću produbila podjele."
establishing victims during the war, while Nezavisne novine also establishes contemporary victimisation by the ICTY. The fact that there seems to be some recognition of suffering on behalf of other groups seems to be a positive move toward improved relations, but the divergences illustrate that there is some way to go before a common narrative is achieved.

Prlić et al.

There were no articles for Nezavisne novine in the month in which this verdict took place, so I will only be analysing Avaz and Dnevni list.

Defendants

Before the verdict, Avaz refer to the defendants as guilty for camps\(^{218}\) and for “cruel”\(^{219}\) crimes, for which they should be punished.\(^{220}\) After the verdict, they are described as criminals,\(^{221}\)\(^{222}\) and their crimes are described as “ethnic cleansing […] enabling […] participating.”\(^{223}\) They are associated with “crazy nationalist ideas.”\(^{224}\)

Dnevni list features both positive and negative associations with the defendants, describing them as “serious”\(^{225}\) and “prepared”\(^{226}\) for the verdict, as “innocent,”\(^{227}\) and “denied necessary assistance”\(^{228}\) during the trial. There are also circumstances in which they are referred to as criminals, guilty of ethnic cleansing,\(^{229}\) and where guilt is implied.\(^{230}\)

Avaz refers to the defendants exclusively as guilty and deserving of punishment, Dnevni list does as well, but also on occasion there are descriptions of innocence. This would seem that there are some commonalities between the two, and at least partial agreement with regards to the guilt of the defendants. It is of relevance that Dnevni list,

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\(^{219}\) Ibid.

\(^{220}\) Ibid.


\(^{222}\) Ibid.

\(^{223}\) Ibid.


\(^{226}\) Ibid.


\(^{228}\) “Nožica: Presudu su donijeli suci laici u kaznenom pravu.”


as the pro-Croat newspaper, contains associations of guilt and criminality with the Bosnian Croat defendants, which could be a sign of a step towards reconciliation. The fact that there are also claims of innocence would indicate that this is limited.

**The verdict and the ICTY**

In *Avaz*, the verdict was presented as, on one hand, “unexpected little” for victims,231 “not appropriate” for crimes, “not representative”232 of victims, as not delivering justice,233 and “irrational” 234 for not convicting the defendants more heavily. On other occasions, it was recognised that it “can’t bring back life,”235 and “no punishment can replace suffering”236 but it was nevertheless “important that the policy was condemned.”237 Along the same tone, it was described as a “minor satisfaction”238 to victims. Only twice was it referred to as adequate, a “well deserved punishment for planners and executioners,”239 and at last victims got “satisfaction.”240 There were some references to the response of Bosnian Croats, who are described to have “condemned”241 the judgement. It was also stated that the verdict should not be used against the Croatian nation.242

In *Dnevni list*, before the verdict there were references to the “strong”243 sense of “hope”244 that they would be acquitted, which would be the sign of a fair trial, as well as “fear”245 that the court would ignore evidence and charge them as guilty. This fear was also linked with the idea that this trial was meant to “equalize”246 the ICTY cases so that they were not only charging individuals of Serbian ethnicity. In addition to this, the charges were described using adjectives such as “controversial,”247 “absurd,”248

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231 Hadžić, "Tuđmanovi grijesi."
233 Ibid.
234 Smajkić, "Zločincima 111 godina zatvora!"
235 "Presuda jednoj politici, a ne hrvatskom narodu."
236 Ibid.
237 Ibid.
238 Ibid.
239 Hadžić, "Tuđmanovi grijesi."
241 Hadžić, "Tuđmanovi grijesi."
242 "Presuda jednoj politici, a ne hrvatskom narodu."
244 Ibid.
245 Ibid.
246 Ibid.
248 Pušić, "Dokazi su na strani 'šestorke', ali politika je opasnost."
It was once described as the “most important” in the history of the ICTY. After the verdict, the descriptions range from very negative, (“unfair treatment,” does not lead to reconciliation, sentences do not correspond to crimes, more favourable conditions for Bosniaks, “inadmissible” judgement, shocking verdict) to some stating that it was “adequate” and “expected.” Often, there was apprehension about the effects of the verdict, such as a sense of fear that the judgement would lead to “political games” by creating an “atmosphere of winners and losers,” or that what should be individual guilt would be interpreted as collective towards Croats. One description was that it would not “significantly affect Bosniak-Croat relations” as “emotions will weaken in the following days.” Some of the descriptions were quite positive, defending that the decision of the court was to be respected, indicating that the verdict would contribute to a more “collective” view of crimes committed during the war, and promote a “European” and “common” future. One description outlined the reaction of the three ethnic groups as follows: the Croat reaction was indignation with the verdict, and with the fact that their whole nation is being labelled as perpetrators; Bosniaks (Bosnian Muslims) welcomed the verdict; Serbs saw the verdict as an example of the ICTY having political influence, but not serving justice.

There are a few reactions in Avaz that show satisfaction with the verdict, but the majority of seem to indicate that a heavier sentence was necessary and expected, and show disappointment toward it. It is often regarded as partial justice, but it is stressed

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249 Ibid.
250 Pušić, “DAN ODLUKE Prva runda borbe za za Herceg Bosnu i HVO.”
251 Pušić, “PRLIĆ I OSTALI Izostala politička pomoć iz Mostara i Zagreba.”
252 “Radi se na stvaranju unitarne Bosne i Hercegovine.”
253 Ibid.
254 Ibid.
255 “Nožica: Presudu su donijeli suci laici u kaznenom pravu.”
256 Pušić, “PRLIĆ I OSTALI Izostala politička pomoć iz Mostara i Zagreba.”
257 “Ozbiljne ocjene na racun hrvatskih voda, strah od političkih igara i pritisaka.”
259 Pušić, “Ozbiljne ocjene na racun hrvatskih voda, strah od političkih igara i pritisaka.”
260 Ibid.
261 Ibid.
262 Ibid.
263 Pušić, “PRLIĆ I OSTALI Izostala politička pomoć iz Mostara i Zagreba.”
264 Ibid.
265 Bradvica, “Ostaviti prošlost iza sebe i otkrenuti se europskoj budućnosti.”
266 Pušić, “Ozbiljne ocjene na racun hrvatskih voda, strah od političkih igara i pritisaka.”
267 Bradvica, “Ostaviti prošlost iza sebe i okrenuti se europskoj budućnosti.”
that it will not remedy the past, and will not lead to reconciliation. This differs from most of the articles in *Dnevni list* which present the verdict as unfair for being too heavy, although there is some agreement between the two that the verdict will not help reconciliation. There are some common points that could indicate otherwise, such as references in both arguing that the verdict should not be used against the Croatian nation, and arguments promoting the pursuit of a common future. This is somewhat undermined, however, by a frequent reference in *Dnevni list* to the fear that the verdict will be used for political games.

*The ‘Other’*

*Avaz* makes reference to the “aggression” of Croatia, establishing a clear receptor of the blame.

In *Dnevni list*, the “Serbs” are pointed at for starting the war, and that the Bosnian Croats had to defend BiH “from the Serbs.” Bosnian Muslims are identified as culprits in instilling “uncertainty” and “depriving” the Croat constituency within BiH of rights during the war (quote from Prlić). There is criticism towards Croatia for not showing more support for Prlić and the other defendants, in the same way they did for the Ante Gatochnina case. There is also an assertion that there was no “Croatian conspiracy” with the aim of “persecuting Bosniaks and separating BiH,” and that the role of the Croatians in the war was not related to territorial or political aims, but to defend the people, especially the Croat minority in BiH. After the verdict, there are also some instances calling for coexistence in the future, and building a “new relationship” between the opposing groups.

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271 Pušić, "Dokazi su na strani 'šestorke', ali politika je opasnost."
273 Ibid.
275 “Nožica: Presudu su donijeli suci laici u kaznenom pravu.”
276 Pušić, "Dokazi su na strani 'šestorke', ali politika je opasnost."
277 Ibid.
278 Pušić, “Glasnović: Hrvati nisu započeli rat, pa zašto bi naoružavali naše neprijatelje.”
280 Pušić, “ŠESTORKA” BEZ POTPORE Zaboravila ih službena politika, dokumente i knjige im proglašili sUNDOM.
281 “Mostarski Bošnjaci nezadovoljni presudom, očekivali veće kazne.”
Similar to the Karadžić case, *Avaz* portrays one group as the focal point of blame, that being Croatia. Also similar to Karadžić case, the newspaper from the same ethnic group as the defendant identifies many culprits. *Dnevni list* directs blame at different groups for different acts, among them the Serbs, the Bosnian Muslims, and the Croatians, indicating that the blame is everywhere but on themselves. While this would seem negative for intergroup relations, (as I established in the previous chapter, recognition of one’s own guilt is a sign of positive reconciliation) there are some positive signs of a desire for a new relationship between the two groups. However, these remain less frequent than examples of attribution of guilt to the ‘Other’.

*The ‘Victim’*

*Avaz* establishes Bosnian Muslims as the victims, often referring to crimes committed “against Bosniaks.” In addition to this, the victims are somewhat morally elevated, “mighty victims,” who “dutifully followed” the pronouncement of the verdict to their “executioners.”

In *Dnevni list*, the Bosnian Croats are identified as victims, due to them being the smallest group in terms of numbers, (“the smallest people”) and that the power ratio in BiH was 10:1 “in favour of Bosniaks.” They are also identified as the main victims of the “Serbs” who started the war. In another article, both Bosnian Serbs and Bosnian Croats are identified as victims of the creation of a “unitary BiH” to the detriment of these groups. On one occasion, all three ethnic groups are referred to as victims, “the past is painful for Croats, Bosniaks, and Serbs.”

Once again, similar to the Karadžić case, one group of victims (Bosnian Muslims) are identified in articles published in *Avaz*. This, in addition to the fact that they are times morally elevated above their ‘executioners’ cannot be taken as a sign of friendly relations towards the identified culprits (in this case, Bosnian Croats and Croatians). In *Dnevni list*, there are various victims identified in different circumstances.

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282 Smajkić, “Zločincima 111 godina zatvora!”
283 “Mostarski branitelji i žrtve bili u sudnici.”
284 “Presuda jednoj politici, a ne hrvatskom narodu.”
285 Ibid.
286 Pušić, “Glasnović: Hrvati nisu započeli rat, pa zašto bi naoružavali naše neprijatelje.”
287 Ibid.
288 Ibid.
290 “Mostarski Bošnjaci nezadovoljni presudom, očekivali veće kazne.”
including Bosnian Serbs, Croats, and Muslims. There is particular stress on the fact that Bosnian Serbs and Bosnian Croats are victims to the creation of a “unitary BiH” from which the Bosnian Muslims are benefitting the most. There is also stress on the fact that the Bosnian Croats are the smallest of the three groups, and this exacerbates their victimhood. These attitudes are also not constructive of better inter group relations, as they illustrate a vision that there are discriminatory imbalances between groups.

Naser Orić

There are no articles in *Dnevni list* available for the month in which the verdict was issued, so I will only be analysing *Avaz* and *Nezavisne novine*. There is also less material due to the ‘lower profile’ nature of the defendant.

**Defendant**

In *Avaz*, Orić is described as “not a war criminal,” “innocent,” “defender” of people of Srebrenica, and during the war he fought “bravely and honestly.”

In *Nezavisne novine* Orić is referred to as “guilty,” “the greatest criminal,” the “biggest and most monstrous criminal” who “deserves life in prison.”

Both newspapers had consistent and contradictory views on the defendant, and there were no neutral descriptions. This would indicate that on the topic of Naser Orić, there is no positive move towards reconciliation.

**The verdict and the ICTY**

Before the verdict, articles in *Avaz* described the expectation of a “positive” outcome (meaning an acquittal). Once the verdict had been pronounced, it was linked with

291 “Radi se na stvaranju unitarne Bosne i Hercegovine.”
294 Ibid.
296 Ibid.
300 Ibid.
“reconciliation,”

and was seen “positively,” as a “relief for surviving victims,” who “welcome the release” and “will support him.” It was once described as a “victory” for Orić, and for “us” (Bosnian Muslims) and led to feelings of “respect” toward the ICTY. There are also references to the Serbian reaction to the verdict, which is seen as “mocking Serbian victims,” “scandalous,” “embarrassing,” and that Orić’s “crime remains unpunished.”

In Nezavisne novine, before the verdict it is established that a “fair outcome” would be a guilty verdict, or a “well deserved long term prison sentence for crimes committed against Serbs.” It is also expected that the court “must condemn Orić.”

After the verdict, it is described as “more than disappointing,” a “scandalous release of war criminals,” a “breach of international law” which is “scandalous […] embarrassing […] mockery […] incomprehensible,” “impairs justice,” “distorts trust in ICTY,” is a “bad message for BiH,” “jeopardizes reconciliation,” and will not contribute to “justice, truth or reconciliation.” There were descriptions of the ICTY accusing it of being a “scam” with aim of “punishing all Serbs” (refers to this more than once), an anti-Serb court which has lost legitimacy and a political,

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303 Ibid.
304 Ibid.
305 Ibid.
306 Ibid.
307 Ibid.
309 Barimac, "Orić: Moja pobjeda je pobjeda svih Bošnjaka."
310 "Memišević: Olakšanje za preživjele žrtve."
311 Barimac, "Orić: Moja pobjeda je pobjeda svih Bošnjaka."
312 Ibid.
313 Ibid.
316 Ibid.
317 Ibid.
318 Ibid.
320 Popović, "Krah međunarodnog prava."
321 Ibid.
322 Ibid.
323 Ibid.
324 Ibid.
325 Ibid.
326 Ibid.
327 Barimac, "Orić: Moja pobjeda je pobjeda svih Bošnjaka."
328 Ibid.
329 Popović, "Krah međunarodnog prava."
330 Ibid.
not legal, court.\textsuperscript{331} One quote from a Bosnian Muslim is included, describing the verdict as a “small part of justice.”\textsuperscript{332}

Once again, the reactions described in the two newspapers are almost complete opposites of each other. In \textit{Avaz}, the news is portrayed in a very positive way, as granting justice, as a victory for all Bosnian Muslims, and instils positive views of the ICTY. The reactions in \textit{Nezavisne novine} stand in stark contrast to this, echoing disappointment, injustice, no chance of reconciliation, and feelings of victimisation and unfair treatment from the ICTY. From these results it would seem that there is no move towards reconciliation, and the fact that one group seems to perceive the ICTY as illegitimate and unfair will complicate this.

\textit{The ‘Other’}

In \textit{Avaz}, guilt is associated with the “Serbs”\textsuperscript{333} who are described as the “aggressor,”\textsuperscript{334} and are accused of not aiding reconciliation through the RS’s condemnation to the verdict.\textsuperscript{335}

In \textit{Nezavisne novine}, there is no clear references to an ‘Other’, except for the (aforementioned) heavy condemnation of the ICTY.

The fact that the ‘Serbs’ are still equated in \textit{Avaz} with guilt and aggression, despite the positive view of the verdict is relevant in highlighting the negative view of this ‘Other’. Regardless of a perceived ‘victory’ and fair verdict, animosity remains toward the other group, this time not explicitly related to the war (as the defendant was one of their own ethnic group) but because of the reactions of the other group. The dissatisfaction present in articles in \textit{Nezavisne novine} is not directed towards another ethnic group, which could be a sign of positive change. However, the fact that the ICTY is presented as unfair and illegitimate is problematic as this implies divisiveness if each group perceives the outcomes differently, and the creation of different narratives of the war and of guilt (a sign which is not aligned with the established indicators of reconciliation).

\begin{flushleft}
\textsuperscript{331} Ibid.
\textsuperscript{332} Ibid.
\textsuperscript{333} Barimac, “Orić: Moja pobjeda je pobjeda svih Bošnjaka.”
\textsuperscript{334} Ibid.
\textsuperscript{335} Hadžić, “Vraćam se čista obraza.”
\end{flushleft}
The ‘Victim’

In *Avaz* the only victim who is clearly identified is Orić, and it was “unfair”\(^{336}\) that he spent 4 years in prison. There is a quote from the president of the ‘Mothers of Srebrenica’ lobbying group who states “we”\(^{337}\) are the victims of slaughter and genocide, and Orić defended “us,”\(^{338}\) implying that the victims are those who suffered during Srebrenica. Whether or not this extends to all Bosnian Muslims, or all Bosnians, or is limited to those killed in Srebrenica is unclear. There are other instances in which victims are referred to as ‘we’ or ‘us’ but without a clear indication of who that refers to. I believe it is implied that victims are Bosnian Muslims (this could be better identified through discourse analysis).

In *Nezavisne novine* there are references to “war crimes against Serbs,”\(^{339}\) thus identifying people of Serbian ethnicity as victims. Given that the defendant in this case is Naser Orić, it could be a reference to the crimes for which he was indicted (against Serbs). There are further references that stress the fact that it is “undisputed”\(^{340}\) that serious crimes were committed against Serbs, as well as statements arguing that guilty verdicts are exclusively handed to Serbs.\(^{341}\)

Once again we see quite divergent interpretations of who constitutes a victim. In *Avaz* this is quite heavily associated with Bosnian Muslims, and even Orić himself, while in *Nezavisne novine* victims are predominantly of Serb ethnicity. This rejects the notion that a common narrative is being constructed, by presenting different groups as victims, and failing to show recognition of the suffering of others.

**Ratko Mladić**\(^{342}\)

This case also featured heavy news coverage, similar to the Karadžić case. Because I am analysing articles about his arrest, I only take into account those articles published after this event.

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\(^{336}\) “Subašić: Uvijek se znalo da je nevin.”

\(^{337}\) Ibid.

\(^{338}\) Ibid.

\(^{339}\) Barimac, “Orić: Moja pobjeda je pobjeda svih Bošnjaka.”

\(^{340}\) “Naser Orić osloboden svake krivice.”

\(^{341}\) Popović, “Krah međunarodnog prava.”

\(^{342}\) The arrest of Ratko Mladić was carried out by Serbian officials, who then coordinated with the ICTY. Hence, this was not a direct action of the ICTY, but a joint effort between the court and Serbian officials. It is worth noting this as it might affect the results.
Defendant

In *Avaz*, Mladić is described as the “biggest executioner,” “killer,” “war criminal,” “warlord,” a “brutal executor who led the killings and persecutions to systematically destroy Bosniaks and all other non-Serbs,” his guilt is thus “crystal clear,” and he has “bloody hands.”

In *Dnevni list* he is described as a “most cruel commander,” “monster,” “bloodthirsty,” “aggressor” who “doesn’t feel guilty” for his crimes, which are described as “plagues.”

In *Nezavisne novine*, Mladić is described as guilty of war crimes, (“anyone who committed war crimes should respond” – quote from Boris Tadić, prime-minister of Serbia at the time), as synonymous with “bloody attacks” in Sarajevo and Srebrenica, “cowardly” when arrested, “too senile” to testify, and a “key obstacle” to EU accession for Serbia. There are, however, references to protests that erupted in his defence in Novi Sad, Sarajevo and Belgrade featuring posters saying “Serbian Hero,” and arguing that Mladic is “not guilty.”

This is the first instance in which all three newspapers have so many similarities when referring to the defendant. *Avaz* and *Dnevni list* feature almost no differences. In *Nezavisne novine* the condemnation is much weaker than in the other two, but there are still frequent referrals to Mladić’s guilt. However, they are countered with (fewer)
references to him as a hero, and news of protests in his defence. These similarities do
seem to indicate some form of common narrative regarding Mladić’s guilt.

The arrest and the ICTY

In Avaz, with reference to the arrest, there are complains that Mladić will have lawyers
and doctors and “our children” are still in the tombs, “in the bags for identification,” or in a cemetery, and that the arrest is not justice, as “nothing can
return their murdered children.” Another reason often given for the arrest being an
“injustice” is because Serbia gave up Mladic for tactical purposes (to improve their
chances for EU accession). Other approaches highlight the double feelings associated
with the arrest, describing it as justice for the past, but at the same time a “new”
injustice for the future. There are some descriptions of the arrest as “welcome” and
as reflecting appositive change in Serbia, that it is “nice to know that he will be charged,”
and that his arrest was the goal of all victims (not because they would
forget their sorrow, but for prevention), but all are intertwined with some
dissatisfaction with the time it took for the arrest to happen, stating that the 15 year
delay “remains bitter” and that his hiding lasted too long.

In Dnevni list there are frequent references to the significance of the arrest,
describing it as being of historical importance to BiH, “good news for BiH,” a
“significant arrest.” Some also highlight its relevance for the process of
reconciliation, describing it as a “chance for reconciliation,” or “boost and encourage
reconciliation,” “arrest will bring stability,” is a “major step towards justice for

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364 Hadžić, "Zaslužio je mnogo gore od zatvora."
365 Ibid.
366 Ibid.
367 Ibid.
368 Ibid.
370 Ibid.
372 Hadžić, "Zaslužio je mnogo gore od zatvora."
373 Karalić, "Hapšenje rezultat političke trgovine!"
374 "Predvodio uništenje Bošnjaka."
375 Mrkonjić, "Najokrutiliji zapovjednik, a zadnji uhićen."
376 Vanja Bjelica-čabrilo, "Šansa za po mirenje u regiji i zaje edničku europsku perspektivu." Dnevni
377 Ibid.
378 Ibid.
379 Ibid.
380 Ibid.
381 Ibid.
victims” and a “chance for a new start.” It is also pointed out that it is of significance to Serbia’s desire for EU accession. In terms of reactions of the general public, it is said that “victims and well intentioned people will be delighted,” news of the arrest was “welcomed throughout the region,” although “Serbs were not delighted” but they also “mostly welcomed it” because it was their “obligation.”

Along the same lines, leaders of RS are described to be in “shock” but considered it “something that had to happen.” However, there are quotes from RS politicians stating that this arrest will not lead to “peace and stability” and that Serbians shouldn’t be the only ones accused of crimes.

In Nezavisne novine, the significance of the arrest is also described, referring to it as a “big day for Serbia,” an “important event” for international justice, the world sees it as “important page in history” and “good news for the whole world.” It is very frequently linked with EU membership for Serbia, with descriptions stating that the arrest has left the “EU doors wide open” for Serbia. Some are openly sceptical, stating that the arrest happened at “best possible political moment” for “our Eastern Neighbours.” However, as one article states, the opinions of the arrest are “divided” in BiH. On one hand there are associations to the fulfilment of “justice,” “all suspects must face justice.” It is also described as a “happy event” for families of victims and for justice. It is often referred to as a sign of Serbia fulfilling an

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382 Ibid.
383 Ibid.
384 Ibid.
385 Ibid.
386 Mrkonjić, "Najokrutniji zapovjednik, a zadnji uhićen."
387 Bjelica-čabrilo, "Šansa za po mirenje u regiji i zajednicu europsku perspektivu."
388 Ibid.
389 Ibid.
390 Ibid.
391 Ibid.
392 Ibid.
393 Šajinović, and Vukić, "Osumnjičeni treba da odgovaraju."
394 Šajinović, "Top vijest u svim medijima."
395 Ibid.
396 Ibid.
397 Šajinović, and Vukić, "Osumnjičeni treba da odgovaraju."
399 Krsman, "Ispunjena obaveza prema Tribunalu."
400 Hasić, "BiH nakon Mladića."
401 Ibid.
402 Ibid.
403 Šajinović, and Vukić, "Osumnjičeni treba da odgovaraju."
404 Krsman, "Ispunjena obaveza prema Tribunalu."
405 Šajinović, and Vukić, "Osumnjičeni treba da odgovaraju."
“obligation” to the ICTY, or as “compulsory,” “accepting of rule of law,” adhering to “principles of justice and reconciliation,” and that it will contribute to “better relations” and “encourage regional reconciliation.” It is symbolic of a “new chapter in cooperation” (presents Serbs as heroes for fulfilling their duty to justice). For Serbians, the “choice” to allow him to be found is seen as an opportunity to “advance [the] future” over “disastrous collective defence of war criminals.” However, there are also mixed reactions, some showing “concern about the euphoria” of the general public, and stating that the arrest was “not welcomed” throughout country. Some see it as significant for victims, but the justice it affords as “slow and inadequate,” and victims have been “bitterly” waiting such a long time, but at least there is a “theoretical chance” that he will answer for his crimes, although victims “fear he will not live long enough.” The more negative reactions state that the “doors of the past are still open” to victims in BiH, that the news was “depressing and shocking for the Serb people,” and that it will not change the reality in BiH which is “not so different to 1993/94” – the only difference is the “absence of explosions.” “We do not see anything except hatred” and new generations are the same, so the only thing that can be expected is an “extension of agony.” The different groups are described as still very much divided, and the prevalent attitude is that “yours” have to be executed. In terms of how the ICTY itself is described, it is mostly negative,
reflecting the fact that there is “not much hope”\textsuperscript{430} that it will bring any “real satisfaction”\textsuperscript{431} or a step forward.

There are very mixed reactions in each of the three newspapers. All three show some very positive responses to the arrest, viewing it as a positive step towards a common future and a welcome change in attitude in Serbian leadership. Also all three show heavy scepticism regarding the timing of the arrest, claiming that it is simply an attempt to gain easier access to the EU. This scepticism is strongest in \textit{Nezavisne novine}, in which the arrest is at times almost viewed as a betrayal of the Serbian people and the RS, and that nothing will change as a result. \textit{Dnevni list} is the least negative about the arrest, and there is language reflecting that many see it as ‘too little too late’. This is also present in \textit{Avaz}, but perhaps slightly more so. These results highlight many common reactions to the arrest.

\textbf{The ‘Other’}

In \textit{Avaz} references to the ‘other’ identifies Serbians as being guilty of being indifference to the ICTY, not feeling repentance, and the only reason for Serbian cooperation (which is described as insufficient\textsuperscript{432}) with the ICTY is to further their chances of EU access.\textsuperscript{433} It is described as “knives in the heart”\textsuperscript{434} when Serbians claim that they are cooperating with the ICTY, because for “16 years Serbia has been mocking us”\textsuperscript{435} by helping to guard Mladić. They are guilty of keeping a “warlord”\textsuperscript{436} in “home detention”\textsuperscript{437} when they “could have surrendered him to international justice”\textsuperscript{438} long ago. They are further criticized for the large amount of money they will receive for surrendering Mladić.\textsuperscript{439}

In \textit{Dnevni list}, there is mostly reference to Serbians as dishonest, ("could no longer lie"\textsuperscript{440}) “skilled traders,”\textsuperscript{441} and as guilty of knowing the whereabouts of both Mladić and Karadžić while they were fugitives. There are many references to what Serbia stands to gain from Mladić’s arrest, such as better chances at EU accession, and

\textsuperscript{430} Ibid.
\textsuperscript{431} Ibid.
\textsuperscript{432} Mijović , "Ruka pravde i nepravde."
\textsuperscript{433} Ibid.
\textsuperscript{434} Hadžić, "Zaslužio je mnogo gore od zatvora."
\textsuperscript{435} Ibid.
\textsuperscript{436} Mijović , "Ruka pravde i nepravde."
\textsuperscript{437} Ibid.
\textsuperscript{438} Ibid.
\textsuperscript{439} Ibid.
\textsuperscript{440} Mrkonjić , "Najokrutniji zapovjednik, a zadnji uhićen."
\textsuperscript{441} Ibid.
10 million euros,\textsuperscript{442} while also stating that “51% of citizens of Serbia pleaded against [Mladić’s] extradition”\textsuperscript{443} and “only 7% would report his [Mladić’s] whereabouts for 10 million euros.”\textsuperscript{444} There are few mentions of Bosnian Serbs, but when there are they are identified as “aggressors”\textsuperscript{445} during war.

In \textit{Nezavisne novine} there are various references to Serbia and Serbians. At times there are statements that “Serbia has demonstrated commitment to justice and respect for the rule of law,”\textsuperscript{446} but at other times they are criticized for “shameful statements”\textsuperscript{447} towards Mladić. The Serbian authorities are criticized for knowing his location, and strategically giving him up for 10 million euros and access to the EU.\textsuperscript{448} They are also criticized for waiting until Mladić was “too senile to testify”\textsuperscript{449} before arresting him.

Here too we see many similarities among the three, which seem to reflect a common enemy: Serbian authorities who decided to give up Mladić for their own gain. \textit{Dnevni list} and \textit{Nezavisne novine} both have frequent descriptions of the treacherous nature of Serbia in this arrest, choosing to go against the wishes of RS and of their own population by giving him up. Only once is another group targeted, namely Bosnian Serbs who are identified in \textit{Dnevni list} as aggressors during the war. The focus of the guilt, however, is heavily on Serbia. While opinions on the perpetrator vary from one newspaper to another, the arrest itself does seem to have created a common negative view towards Serbia.

\textit{The ‘Victim’}

\textit{Avaz} makes reference to “us”\textsuperscript{450} (the survivors of Srebrenica) as victims, as well as Bosniaks, and all other non-Serbs in BiH.\textsuperscript{451}

\textit{Dnevni list} describes “crimes against Bosniaks,”\textsuperscript{452} \textsuperscript{453} thus identifying Bosnian Muslims as the main victims of Mladić’s crimes.

\textsuperscript{442} Mrkonjić, “Najokrutniji zapovjednik, a zadnji uhićen.”
\textsuperscript{443} Ibid.
\textsuperscript{444} Ibid.
\textsuperscript{445} Bjelica-čabrilo, “Optužen za genocid progone, ubojstva, istrebljenje deportaciju, ubijanje talaca…”
\textsuperscript{446} Vukić, “Ratko Mladić uhapšen u rođakovoj kući.”
\textsuperscript{447) Šajinović, “Privedeno 86 osoba.”
\textsuperscript{448} Hasić, “BiH nakon Mladić.”
\textsuperscript{449} Ibid.
\textsuperscript{450} Hadžić, “Zaslužio je mnogo gore od zatvora.”
\textsuperscript{451} Mrkić, “Pao i najveći krvnik!”
\textsuperscript{452} Bjelica-čabrilo, “Optužen za genocid progone, ubojstva, istrebljenje deportaciju, ubijanje talaca…”
\textsuperscript{453} Ibid.
"Nezavisne novine" mentions Bosniaks and Croats\textsuperscript{454} (as laid out by charged faced) as the victims, as well as the 7000 Muslim prisoners in Srebrenica (quote from ICTY).\textsuperscript{455}

Once again, all three newspapers seem in agreement with regards to who the victims of Mladić’s crimes were. They all have references to Bosnian Muslims and Bosnian Croats as the victims, with the exception of Avaz which has only references to Bosnian Muslims. Of all the cases analysed in this research, this is an exception. Whether this is due to it being an arrest rather than a final verdict, or the fact that the arrest was perceived mostly as a way for Serbia to get closer to the EU is not certain, and these differences must be taken into account. However, the recognition of suffering of other ethnic groups reflected in a Pro-Serbian newspaper is relevant.

I will now discuss the results on a more general level by referring back to the questions which were posed to the data, and trace patterns in the answers. The results of this research illustrate that in the case of a guilty verdict the newspaper associated with the group of the defendant (in this case Dnevni list and Nezavisne novine with the Prlić et al. and Karadžić case) guilt is often attributed to various ‘others’ but rarely to the defendant or their own group. I also found that there is often a sense of apprehension that the guilty verdict will lead to political games against the group they represent, or that the guilt will be collectivised. Avaz in these circumstances, as the newspaper associated with the group which is most often implied as ‘not guilty’ usually refers clearly and precisely to who is guilty, and is quite accusatory toward that individual or group. Designation of victims often remains vague and collectivised. Despite the perceived ‘successes’ of Bosnian Muslims in these cases, the texts reflect the perception that only limited justice was delivered, and the satisfaction experienced by victims and Bosnian Muslims in general is only partial. With a few exceptions, for example the Karadžić case in which Dnevni list reports considerably on the verdict’s implications on


\textsuperscript{455} Ibid.
RS, it seems that each newspaper focuses on the group they are associated with and on what verdict means for that group. This indicates that divisions between the groups persist, and that each group interprets news from the ICTY for themselves, thus creating three different narratives. There is one element which all three newspapers have in common, that being the notion that nothing will change as a result of the work of the ICTY, neither will it contribute to reconciliation. While there are a few instances in which there is a call for the cases to be used as an opportunity to move forward and build better relations, these are in the minority. This is a sign that the verdicts do not lead to a resolution of the past, that Bosnians continue to dwell on their past and do not perceive that justice has been achieved. We can link this finding to arguments laid out in the literature review, in which it is established that the (theoretical) intentions of international tribunals are to act as impartial in the transitional justice process, to decollectivize guilt, and create a common ‘truth’ of the war which can be accepted by all parties. These results show that this is not the case, at least when it comes to the perception of the ICTY in BiH. From these results, each group creates its own narrative of who is guilty and what constitutes as just or unjust, true or untrue. Avaz mostly features dissatisfaction with the insufficiency of the ICTY, Nezavisne Novine reflects a feeling that the ICTY is ‘anti-Serb’, unfair and illegitimate, and Dnevni list features both descriptions of the lack of justice achieved by the verdicts and arrest, and unfair and biased treatment against Bosnian Croats and Serbs by the ICTY. The arrest of Ratko Mladić was one of the few instances in which a more similar narrative could be traced in the three newspapers, as all three reflected the belief that Serbian officials had chosen to surrender Mladić for political and economic gain. However, the differences reported above were still present, and due to the fact that the data for this case was slightly different (due to the fact that I focused on the date of his arrest, which was carried out by Serbian officials and not a direct act of the ICTY) I hesitate in drawing concrete conclusions on what this means. Further research would be required in order to do this. The other factor that all newspapers seem to present in the same way is the fact that the ICTY’s actions will not lead to reconciliation. This is problematic because if citizens do not perceive the court as legitimate, it is unlikely that their efforts will be successful and have enduring effects.

We can therefore see that the actions of the ICTY are very much filtered through the lens of ethnic identification, as each newspaper presents a different interpretation of these events. Justice is also differently presented in each newspaper, and this implies
that it is unlikely that the actions of the ICTY will ever be regarded in the same way by the three groups - the outcome will always be seen as negative for one of the groups. This is due to the fact that the court does not seem to achieve the desired ‘decollectivisation’ of guilt. This is because, as is reflected in the analysed articles, the outcomes of the court are interpreted as meaningful not only for the defendant, but for the whole ethnic group they identify with. This is especially visible in the Orić case, where his acquittal is presented as a victory for all Bosnian Muslims. The notion of a distinct ‘us’ and ‘them’ seems to remain very pertinent.

Here I once again refer back to the literature review in which I refer to the legal understanding of the role of international justice which mostly highlights its value in resolving domestic transitional justice affairs, in contrast to the empirical studies conducted on this topic which challenge these arguments. It would seem that the results of this research are mostly aligned with other empirical studies which have not found a clear link between the actions of international criminal tribunals and the reconciliation they claim to contribute to. To reiterate one of the quotations used in the literature review, this would imply that “the emphasis on criminal trials as the primary international response to mass violence does not respond to the needs of many for social repair.”

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456 Fletcher, “Violence and Social Repair,” p.603
Conclusion

In response to my research question, and in light of the established indicators and selected cases, the results of this research show that the actions of the ICTY have not promoted improved inter-ethnic relations, as they have not contributed to the creation of a common narrative of the war among the three groups, nor the decollectivisation of guilt, nor improved perceptions of the conflicting groups among themselves. The ‘truth’ as laid out by each group is very much dependent on ethnic identification, and there remains a strong notion of an ‘us’ who is innocent and victimised, and a ‘them’ who is guilty. The results of the content analysis of the different newspapers reflect that each case produces a different narrative in each group, in which the defendant, the verdict, and who is identified as guilty and who is victimized differs. Furthermore, results show that the outcome of the ICTY cases are perceived as relevant to the whole group, where a victory (e.g. acquittal) for an individual is seen as a victory for every member of the group, whereas a guilty verdict induces fear that guilt will be collectivised and used as a justification for certain groups to legitimize and assert their superiority over the ‘guilty’ group. Descriptions of other ethnic groups tend to focus on their leadership, which could be a positive sign for relations between citizens, but there were no clear findings to indicate that there is any meaningful differentiation between the two. As has been pointed out, the results also indicate that each group has its own vision of what ‘justice’ implies, which makes it almost impossible for all three groups to accept any given verdict, as it will inevitably be considered unfair by one of the groups.

While this research focuses on observing ethnic relations as represented through print media, the results are also valuable in analysing actual ethnic relations in BiH. The relationship between media and the society it serves offers valuable insight into observing general and underlying public opinion, without alerting its subjects to the existence of the study (as is the case in questionnaires). The fact that media in BiH aligns itself in terms of ethnic group makes it an especially fruitful way to gain insight into ethnic dynamics. Furthermore, this research aimed to analyse dominant narratives of the war, the ICTY, and of guilt, and print media provides suitable material for this as it reports on, shapes and reflects these narratives. The impact the ICTY has on actual ethnic relations in BiH can therefore be viewed in this research as the effect it has on shaping dominant narratives of the war and guilt, as well as general perceptions of other ethnic groups. The results are not comprehensive and cannot be taken as totally
representative, but they are strong indicators of general public opinion at the time of the selected verdicts. A larger sample for content analysis would help to make these more reliable and representative. The selected cases have the limitation of predominantly implying a negative outcome for the Bosnian Serb defendants, and somewhat more positive outcome for Bosnian Muslims (or at least they are perceived as being the most favoured group). While this was true for most ICTY cases, it would nevertheless be beneficial to extend the list of cases included in the research. Extending the number of articles and newspapers for analysis would also yield more dependable results. Including discourse analysis could benefit the research by yielding more detailed insight into nuances of the text, such as the ideologies that are realised through the discourse, and deconstruct any non-transparent messages and shed light on power relations.

The results of this research seem to be in concurrence with, and further verify most other empirical studies conducted in this area. They indicate that the arguments which have been made in favour of international justice might not apply in the case of the ICTY and ethnic relations in BiH, in that they indicate that the ICTY is not successful in achieving decollectivisation of guilt, creating a common truth about the war which can be universally accepted, neither is it perceived (at least by those in BiH) as an impartial, legitimate actor. The truth it constructs through its actions is perhaps accepted by the international community, but not by those it directly affects. These results support the argument that each group creates its own notion of justice and truth, and so the actions of the ICTY are filtered and interpreted differently by each. These interpretations continue to be differentiated on the basis of ethnic affiliation. If we return to the concept of reconciliation as a spectrum, it would seem from these results that the ICTY has not been successful in tipping the balance in favour of this. While these results indicate that the verdicts might even have sharpened divisions by creating perceptions of a biased actor on the ‘losing’ side, and insufficient justice on the ‘winning’ side, there is not enough data to fully substantiate this claim. However, in accordance with the indicators established for this research and the data analysed, one can conclude that the court had no positive impact on reconciliation. This is an important finding which also confirms many criticisms of international justice that the directly affected groups perceive the ICTY as not delivering justice or contributing to reconciliation. This places its legitimacy in question. If the people the ICTY claims to serve do not perceive that it delivers on those elements that legitimise it, then its role of promoting democratic legal norms and enforcing international law is heavily
undermined. The results of this, and other empirical findings therefore indicate that it might be necessary to rethink international responses to transitional justice, perhaps moving the focus away from trials and developing mechanisms which are more sensitive to local needs, and which focus on working toward fostering peace and trust. Perhaps pursuing legal justice is not always the most adequate choice, and perhaps there are better ways of recognising and compensating victims and establishing historical truths. If those claims that transitional justice does have the potential to ameliorate ethnic divisions are valid, then it seems that it should be tackled differently. Future inquiries should incorporate research in the disciplines of ethnic conflict management and social psychology, as these can offer different approaches which might be better equipped than the traditional legalist approach in dealing with transitional societies suffering from a past of violent conflict and human rights abuse. This kind of research has relevant implications not only in the field of transitional justice, but also for other disciplines, such as migration studies, which also recognise increasing levels of ethnic diversity as challenges for social stability, and at times threaten to undermine open democratic values. Most importantly, it is imperative that future research seek to understand how best to tackle social identities in conflict, so that attempts at preventing (repeated) atrocities may be successful. We need not look far to recognise the necessity of prevention; the Bosnian war, the Cambodian and Ethiopian genocides and ethnic cleansing serve as ample evidence of the dangers posed by unmediated conflicts that may arise as a result of extremist ethnic identification.
Bibliography

Primary sources


Secondary sources


Appendices

Appendix A: Radovan Karadžić

Founding member of the Serbian Democratic Party (SDS); President of the SDS until his resignation on 19 July 1996; Chairman of the National Security Council of the so-called Serbian Republic of Bosnia and Herzegovina (later Republika Srpska - “RS”); President of the three-member Presidency of RS from its creation on 12 May 1992 until 17 December 1992, and thereafter sole President of Republika Srpska and Supreme Commander of its armed forces until July 1996.

<table>
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<tr>
<th>Indictment:</th>
<th>Initial: 25 July 1995; operational indictment: 19 October 2009</th>
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<td>Arrested</td>
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<td>Transferred to ICTY</td>
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<td>Commencement of Trial</td>
<td>26 October 2009</td>
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<td>Closing arguments</td>
<td>29 September – 7 October 2014</td>
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<tr>
<td>Trial Chamber Judgement</td>
<td>24 March 2016, convicted of genocide, crimes against humanity and violations of the laws or customs of war</td>
</tr>
<tr>
<td>Sentence</td>
<td>40 years’ imprisonment</td>
</tr>
</tbody>
</table>

Indictment:

Two counts of genocide (Counts 1 and 2)

Five counts of crimes against humanity

- Persecutions (Count 3)
- Extermination (Count 4)
- Murder (Count 5)
- Deportation (Count 7)
- Inhumane acts (forcible transfer) (Count 8)

Four counts of violations of the laws or customs of war

- Murder (Count 6)
- Terror (Count 9)
- Unlawful attacks on civilians (Count 10)
- Taking of hostages (Count 11)
Appendix B: Prlić et al.

Jadranko Prlić
President of the Croatian Defence Council (HVO) and prime minister of the ‘Croatian Republic of Herceg-Bosna’ (HR H-B). Prlić had knowledge of numerous crimes committed by members of the armed forces of the Croatian Community (and later Republic) of Herceg-Bosna. He was also aware of the harsh conditions under which Muslims arrested by the HVO were detained in the Dretelj, Gabela and the Heliodrom prisons. Nevertheless, he justified the detention of Muslim civilians and denied the reality of their situation. By doing so, he accepted and abetted the extremely precarious conditions and ill-treatment of the detainees in several HVO detention centres.

<table>
<thead>
<tr>
<th>Born</th>
<th>10 June 1959 in Đakovo, Croatia</th>
</tr>
</thead>
<tbody>
<tr>
<td>Surrendered</td>
<td>5 April 2004</td>
</tr>
<tr>
<td>Transferred to ICTY</td>
<td>5 April 2004</td>
</tr>
<tr>
<td>Initial appearance</td>
<td>6 April 2004, pleaded not guilty to all charges</td>
</tr>
<tr>
<td>Trial Chamber judgement</td>
<td>29 May 2013, sentenced to 25 years’ imprisonment</td>
</tr>
</tbody>
</table>

Bruno Stokić
As head of the Department of Defence, Stojić was in charge of a majority of the Herceg-Bosna/HVO armed forces. Stojić was informed of the crimes committed by the HVO during the military operations in Gornji Vakuf in January 1993 and in Jablanica in April 1993; the evictions of the Muslim population in Čapljina in July 1993; the shelling and attacks against members of international organisations, and the harsh living conditions to which the Muslim population in East Mostar was subjected. He was also informed of the fact that the detention of Muslims by the HVO did not meet standards of international law in the Ljubuški, Dretelj and Gabela prisons and the Heliodrom. However, he did not make serious efforts to end the commission of crimes although he had the authority and the duty to do so.

<table>
<thead>
<tr>
<th>Born</th>
<th>8 April 1955 in the village of Hamzići, municipality of Ćitluk, Bosnia and Herzegovina</th>
</tr>
</thead>
</table>
---|---
Surrendered | 5 April 2004
Transferred to ICTY | 5 April 2004
Initial appearance | 6 April 2004, pleaded not guilty to all charges
Trial Chamber judgement | 29 May 2013, sentenced to 20 years’ imprisonment

**Slobodan Praljak**

Held office within the Ministry of Defence of Croatia and then commander of the HVO Main Staff. Praljak was informed of the fact that members of the armed forces were removing and placing in detention the Muslim population of Prozor from July through August 1993. He knew that crimes would be committed in Mostar municipality, in particular murders; the destruction of buildings in East Mostar (including the mosques and the Old Bridge); and the attacking and wounding of members of international organisations. He facilitated the murder of Muslims who did not belong to any armed force, and the destruction of property in Stupni Do in October 1993. He failed to make any serious efforts to put an end the commission of crimes by the armed forces of the HVO.

Born | 2 January 1945 in Čapljina, Bosnia and Herzegovina
---|---
Surrendered | 5 April 2004
Transferred to ICTY | 5 April 2004
Initial appearance | 6 April 2004, pleaded not guilty to all charges
Trial Chamber judgement | 29 May 2013, sentenced to 20 years’ imprisonment

**Milivoj Petković**

Chief of the HVO Main Staff then, from late July 1993, deputy overall commander of the HVO forces. Petković planned and facilitated the military operations in Gornji Vakuf municipality in January 1993. He planned and directed the military operations in
Jablanica municipality in April 1993; blocked access to international observers in the villages of Sovići and Doljani, and then orchestrated the removal of civilians to Gornji Vakuf. He directed military operations in Prozor municipality in April and June 1993 and planned operations in July and August 1993. He participated in planning the shelling of East Mostar; blocked access for humanitarian convoys to the Muslim population of East Mostar; planned the military offensive against the old town of Mostar, including the assault on 8 November 1993 which led to the destruction of the Old Bridge.

<table>
<thead>
<tr>
<th>Born</th>
<th>11 October 1949 in Šibenik, Croatia</th>
</tr>
</thead>
<tbody>
<tr>
<td>Surrendered</td>
<td>5 April 2004</td>
</tr>
<tr>
<td>Transferred to ICTY</td>
<td>5 April 2004</td>
</tr>
<tr>
<td>Initial appearance</td>
<td>6 April 2004, pleaded not guilty to all charges</td>
</tr>
<tr>
<td>Trial Chamber judgement</td>
<td>29 May 2013, sentenced to 20 years’ imprisonment</td>
</tr>
</tbody>
</table>

Valentin Ćorić

Head of the HVO Military Police administration; in November 1993, appointed minister of interior in the HR H-B. Ćorić played a key role in operating the network of HVO detention facilities until 10 November 1993. He helped keep thousands of Muslims in detention in harsh conditions, and during that detention, they were beaten, abused, and treated in a humiliating and degrading manner. Moreover, despite the alarming information he was receiving, Ćorić did nothing to prevent detainees from being sent to work at the front line, where many of them were killed or injured.

<table>
<thead>
<tr>
<th>Born</th>
<th>23 June 1956 in the village of Paoča, municipality of Čitluk, Bosnia and Herzegovina</th>
</tr>
</thead>
<tbody>
<tr>
<td>Surrendered</td>
<td>5 April 2004</td>
</tr>
<tr>
<td>Transferred to ICTY</td>
<td>5 April 2004</td>
</tr>
<tr>
<td>Initial appearance</td>
<td>6 April 2004, pleaded not guilty to all charges</td>
</tr>
</tbody>
</table>
Berislav Pušić

Overseeing official at the Department of Criminal Investigations of the Military Police Administration; President of the Service for the Exchange of Prisoners and Other Persons; Head of the commission in charge of all Herceg-Bosna/HVO prisons and detention facilities; an HVO representative to the international community and before the senior officials of Croatia and BiH. Pušić had knowledge of the mass arrests of Muslims from Herceg-Bosna, as early as April 1993. He had knowledge of the very harsh conditions in which Muslims were confined - at Sovići School, and in the prisons at Dretelj, Gabela and Ljubuški - and about the mistreatment inflicted upon the detainees at the Heliodrom and at the Vojno detention facility. However, he never took the necessary measures to improve these conditions or to cause the mistreatment to stop.

<table>
<thead>
<tr>
<th>Born</th>
<th>8 June 1952 in Mostar, Bosnia and Herzegovina</th>
</tr>
</thead>
<tbody>
<tr>
<td>Surrendered</td>
<td>5 April 2004</td>
</tr>
<tr>
<td>Transferred to ICTY</td>
<td>5 April 2004</td>
</tr>
<tr>
<td>Initial appearance</td>
<td>6 April 2004, pleaded not guilty to all charges</td>
</tr>
<tr>
<td>Trial Chamber judgement</td>
<td>29 May 2013, sentenced to 16 years’ imprisonment</td>
</tr>
</tbody>
</table>
Appendix C: Naser Orić

Senior Commander of Bosnian Muslim forces in municipalities in eastern Bosnia and Herzegovina, including Srebrenica, from 1992 until the fall of the Srebrenica enclave in 1995.

<table>
<thead>
<tr>
<th>Event</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Born</td>
<td>3 March 1967, in the village of Potočari, municipality of Srebrenica, Bosnia and Herzegovina</td>
</tr>
<tr>
<td>Indictment</td>
<td>Initial: confirmed on 28 March 2003, made public on 11 April 2003; second amended: 4 October 2004; third amended: 30 June 2005 in accordance with Rule 98bis decision of 8 June 2005</td>
</tr>
<tr>
<td>Arrested</td>
<td>10 April 2003, by the multinational Stabilisation Force (SFOR)</td>
</tr>
<tr>
<td>Transferred to ICTY</td>
<td>11 April 2003</td>
</tr>
<tr>
<td>Initial and further appearances</td>
<td>15 April 2003, pleaded not guilty to all counts of the indictment</td>
</tr>
<tr>
<td>Trial Chamber judgement</td>
<td>30 June 2006, sentenced to two years’ imprisonment; immediate release ordered on 30 June 2006 (he was entitled to credit for time served in detention since 10 April 2003 and was released on 1 July 2006)</td>
</tr>
<tr>
<td>Appeals Chamber Judgement</td>
<td>3 July 2008, found not guilty</td>
</tr>
</tbody>
</table>
Appendix D: Ratko Mladić

Colonel General, Commander of the Main Staff of the Army of Republika Srpska, Bosnia and Herzegovina.

<table>
<thead>
<tr>
<th>Indictment</th>
<th>Initial: 25 July 1995; operational indictment: 16 December 2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arrested</td>
<td>26 May 2011</td>
</tr>
<tr>
<td>Transferred to ICTY</td>
<td>31 May 2011</td>
</tr>
<tr>
<td>Plea</td>
<td>4 July 2011, no plea entered. Not guilty plea entered on his behalf by the Trial Chamber</td>
</tr>
<tr>
<td>Commencement of Trial</td>
<td>16 May 2012</td>
</tr>
<tr>
<td>Closing arguments</td>
<td>Scheduled from 5 until 15 December 2016</td>
</tr>
</tbody>
</table>

Indictment:
Two counts of genocide (Counts 1 and 2)
Five counts of crimes against humanity
- Persecutions (Count 3)
- Extermination (Count 4)
- Murder (Count 5)
- Deportation (Count 7)
- Inhumane acts (forcible transfer) (Count 8)
Four counts of violations of the laws or customs of war
- Murder (Count 6)
- Terror (Count 9)
- Unlawful attacks on civilians (Count 10)
- Taking of hostages (Count 11)
**Appendix E: Indicators of reconciliation**

<table>
<thead>
<tr>
<th>Structural</th>
<th>Inter-group relations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Institutional/political</strong></td>
<td><strong>Perception</strong></td>
</tr>
</tbody>
</table>
| Rebuilding credible and trustworthy institutions and political system in which all individuals are represented; | Increased levels of trust between groups, demonstrated through redefinition of social identities:  
1. Changed attitudes and perceptions of own group,  
2. Changed attitudes and perceptions of other groups,  
3. Changed attitudes and perceptions of the war and guilt. |
| Ensuring structural and material equality; |  |
| Addressing asymmetries in power structures; |  |
| Redistribution and equal access to resources; |  |
| Initiatives to foster civic participation; |  |
| Initiatives to foster civic trust. |  |
| **Legal** | **Interaction** |
| Fostering rule of law; | Increased friendly interaction; |
| Criminal trials; | Increased dialogue. |
| Reparations. |  |
| **Social** |  |
| Formal truth-finding initiatives; |  |
| Establishing a historical record; |  |
| Initiatives aimed at victim support. |  |