

STUDIES IN POLITICAL TRANSITION 11

Klaus Bachmann /  
Irena Ristić /  
Gerhard Kemp (eds.)

# International Criminal Tribunals as Actors of Domestic Change

The Impact on Media Coverage

Volume 1



PETER LANG

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## **International Criminal Tribunals as Actors of Domestic Change**

Do International Criminal Tribunals trigger social change, provide reconciliation, stabilize fragile post-conflict societies? Many authors claim they do, but they base their assumptions mainly on theoretical considerations and opinion polls. The editors and authors of this book take a different position: based on extensive field research in nine European and African countries, they examine whether tribunal decisions resulted in changes in media frames about the conflicts which gave rise to the creation of these tribunals. International Tribunals hardly ever shape or change the grand narratives about wars and other conflicts, but they often manage to trigger small changes in media frames which, in some cases, even lead to public reflexion about guilt and responsibility and more awareness for (the respective enemy's) victims. On an empirical basis, this book shows the potential of International Criminal Justice, the possibilities, but also the limits of International Criminal Tribunals. Volume 1 presents the evidence from Bosnia-Herzegovina, Montenegro, Kosovo, Serbia and Croatia.

### **The Editors**

Klaus Bachmann is Professor of social sciences at the SWPS University of Social Sciences and Humanities in Warsaw, Poland, specialising in Transitional Justice.

Irena Ristić is a researcher at the Institute of Social Sciences in Belgrade, focusing on the history of Serbia in the 19th and 20th century.

Gerhard Kemp is Professor of law at Stellenbosch University and advocate of the High Court of South Africa. He specialises in international criminal law.

## International Criminal Tribunals as Actors of Domestic Change

# STUDIES IN POLITICAL TRANSITION

Edited by Klaus Bachmann

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VOLUME 11



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## **Bibliographic Information published by the Deutsche Nationalbibliothek**

The Deutsche Nationalbibliothek lists this publication in the Deutsche Nationalbibliografie; detailed bibliographic data is available in the internet at <http://dnb.d-nb.de>.

This publication was financially supported by the Polish National Research Center (Narodowe Centrum Nauki) through the grant nr. 2012/06/A/HS5/00249 and a grant awarded by the Polish Ministry of Science and Higher Education based on decision nr 215443/E-560/S/2013-1. Klaus Bachmann and Gerhard Kemp also extend their gratitude to the Robert Bosch Foundation, where they were able to work on the final version of both volumes during their fellowship at the Robert Bosch Academy in Berlin in 2017 and to STIAS, the Stellenbosch Institute for Advanced Study, Wallenberg Research Center at Stellenbosch University, Stellenbosch 7600, South Africa, where they were able to discuss the results of the project with Dire Tladi from the University of Pretoria and other STIAS fellows. None of the opinions in this book should be attributed to the Bosch-Foundation, its trustees or officers.

Cover image: [iStock.com/bbourdages](https://www.istock.com/bbourdages)

ISSN 2191-3307

ISBN 978-3-631-77051-1 (Print)

E-ISBN 978-3-631-77947-7 (E-PDF)

E-ISBN 978-3-631-77948-4 (EPUB)

E-ISBN 978-3-631-77949-1 (MOBI)

DOI 10.3726/b15169

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Internationaler Verlag der Wissenschaften

Berlin 2019

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*In memoriam Mohammed Ali Mohammed Ahmet*



# Acknowledgments

All our researchers are grateful for the support of the Polish National Science Center (Narodowe Centrum Nauki),<sup>1</sup> which sponsored the project for five years and to Jovanka Matić from the Institute of Social Sciences in Belgrade, Katarina Ristić from Leipzig University, Jelena Subotić from Georgia State University (USA), Ireneusz Kamiński from the Jagiellonian University in Kraków and the Polish Academy of Sciences in Warsaw and Vjeran Pavlaković from the University of Rijeka, who at different stages of the project acted as internal reviewers of the chapters. All chapters were additionally reviewed at various occasions across the board by our authors. Klaus Bachmann and Gerhard Kemp are also grateful for two scholarships which helped them to work together on the final version of this publication during a fellowship at the Robert Bosch Academy in Berlin in 2017<sup>2</sup> and at STIAS in Stellenbosch, South Africa, in 2018, where Dire Tladi from the University of Pretoria joined them as an additional reviewer.<sup>3</sup>

Surprises are probably inevitable in the course of a five-year project comprising more than 10 researchers from almost the same number of countries. Some researchers left us already at the beginning, mostly due to advances in their professional career, some left us at a later stage for the same reason. This never was a big problem for the project. In one case, however, the reason for leaving was tragic and the consequences difficult to cope with: In 2017 we learned that our colleague and friend from Darfur, Mohammed Ali Mohammed Ahmet, who had been doing the field research on media coverage in Sudan and South Sudan, had died from an unknown disease. His chapter was then quite advanced but unfinished and was taken over by Klaus Bachmann. We remain grateful for his contributions, his friendship, his reliability, and the hardship he very often had to cope with in order to join our workshops and participate in the project. We express our deepest condolences to his family.

Klaus Bachmann, Gerhard Kemp, Irena Ristić

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- 1 NCN grant no. UMO-2012/06/A/HS5/00249, *International Criminal Tribunals as Actors of Domestic Change, National Research Center 2013–2018*.
  - 2 The Robert Bosch Academy is an institution of the Robert Bosch Stiftung. The views expressed in this publication are those of the authors and should not be attributed to the staff, officers, or trustees of the Robert Bosch Stiftung.
  - 3 STIAS is the abbreviation for the Stellenbosch Institute for Advanced Study, Wallenberg Research Centre at Stellenbosch University, Stellenbosch 7600, South Africa.



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# Abbreviations

AAK	<i>Aleanca për Ardhmërinë e Kosovës</i>	Alliance for the Future of Kosovo
ARBiH	<i>Armija Bosne i Hercegovine</i>	The Army of Bosnia and Herzegovina
BiH	Bosna i Hercegovina	Bosnia and Herzegovina
DPA	Dayton Peace Agreement	
DPS	<i>Demokratska partija socijalista Crne Gore</i>	Democratic Party of Socialists of Montenegro
EU	European Union	
FARK	<i>Forcat e Armatosura të Republikës së Kosovës</i>	Armed Forces of Republic of Kosovo
HDZ	<i>Hrvatska demokratska zajednica</i>	Croatian Democratic Union
HDZ BiH	HDZ in BiH (see HDZ and BiH)	
HV	<i>Hrvatska vojska</i>	Croatian Army
HVO	<i>Hrvatsko vijeće obrane</i>	Croatian Defense Council
HZ HB	<i>Hrvatska zajednica Herceg-Bosna</i>	Croatian Community of Herceg-Bosna
ICC	International Criminal Court	
ICJ	International Court of Justice	
ICL	International Criminal Law	
ICT	International Criminal Tribunal	
ICTR	International Criminal Tribunal for Rwanda	
ICTY	International Criminal Tribunal for the former Yugoslavia	
JCE	Joint Criminal Enterprise	
JNA	<i>Jugoslovenska narodna armija</i>	Yugoslav People's Army
KLA	Kosovo Liberation Army	
KTV	<i>Koha Vision Television</i>	Koha Vision TV
LDK	<i>Lidhja Demokratike e Kosovës</i>	Democratic League of Kosovo

NATO	North Atlantic Treaty Organisation	
NGO	Nongovernmental Organisation	
NIN	<i>Nedeljne informativne novine</i>	Weekly Information News (weekly in Serbia)
RS	Republika Srpska	The Serb entity in Bosnia and Herzegovina <sup>a</sup>
RSK	<i>Republika Srpska Krajina</i>	Republic of the Serb Krajina <sup>b</sup> (Croatia)
RTK	Radio Television of Kosova	
SAO	<i>Srpska autonomna oblast</i>	Serb Autonomous District <sup>c</sup>
SDA	<i>Stranka demokratske akcije</i>	Party of Democratic Action (BiH)
SEEMO	South East Europe Media Organisation	
SFRY	Socialist Federative Republic of Yugoslavia	
SGUN	Secretary General of the United Nations	
SNP	<i>Socijalistička narodna partija</i>	Socialist People's Party (of Montenegro)
SRSG	Special Representative of SGUN	
TO	<i>Teritorijalna odbrana</i>	Territorial Defense
UK	United Kingdom	
UN	United Nations	
UNMIK	United Nations Mission in Kosovo	
UNPROFOR	United Nations Protection Force <sup>d</sup>	
USA	United States of America	
VJ	<i>Vojska Jugoslavije</i>	Yugoslav Army
VOPP	Vance-Owen Peace Plan	
VRS	<i>Vojska Republike Srpske</i>	Army of Republika Sprska
VRSK	<i>Vojska Republike Srpske Krajine</i>	Army of the Republika Srpska Krajine or Army of the Republic of Serb Krajina

WAZ	Westdeutsche Allgemeine Zeitung	
ZNG	<i>zbor nacionalne garde</i>	Gathering of the National Guard (predecessor of the Croatian Army)

<sup>a</sup> Do not confound with the Republic of Serbia! The name is sometimes not at all translated, and sometimes it is translated into “The Republic of Srpska”.

<sup>b</sup> Name of the joint statelet of Serbs in Croatia. See also: SAO.

<sup>c</sup> Name of mainly Serb-inhabited entities in Croatia before their merger.

<sup>d</sup> UN mission in BiH.



# Introduction

When the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) were created, they were first and foremost expected to do justice and prosecute perpetrators of the most heinous crimes. However, in the respective United Nations General Assembly resolutions and the resolutions of the UN Security Council, the tribunals were also expected to contribute to peace-keeping, the stabilization of the countries under their jurisdiction and even – in the case of Rwanda – to reconciliation. Later on, judges at both tribunals referred to these expectations, justifying some of their judgments and decisions with the aim to contribute to reconciliation, either by invoking the (alleged) will of victims or the (also alleged) need to reintegrate perpetrators.<sup>1</sup>

The hopes of these international tribunals' founders were often shared by the media and the wider public. International criminal tribunals (ICTs) were not only expected to judge crimes and criminals, but also to reunite broken communities, prevent revenge, deter potential perpetrators from committing crimes, and deliver convincing and unifying narratives about the atrocities that had taken place. Although these hopes overstretched the capacities of the tribunals, their representatives often referred to them and sometimes even tried to achieve them. One of the more specific expectations in this context was the wish of many, the tribunals might “shrink the space of denial”.<sup>2</sup> By exposing unknown or suppressed facts about past atrocities and by condemning them publically, the tribunals were expected to prevent communities, community leaders, and the media from claiming that these atrocities had ever taken place, had been invented by their former enemies, or were part of a conspiracy against the deniers' community. The wish to curb denial was the main motive behind the creation of an outreach program by the ICTY.<sup>3</sup> This motivation was much weaker in the case of the ICTR (which also had a less dynamic outreach program), because the prevention of

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- 1 Bachmann, K. Sparrow-Botero, Th., Lambertz, P. (2013): *When Justice Meets Politics. Independence and Autonomy of Ad Hoc International Criminal Tribunals*, Frankfurt/M.: Peter, 374–379.
  - 2 Orentlicher, D. F. (2008): *Shrinking the Space for Denial: The Impact of the ICTY in Serbia*. New York: Open Society Institute.
  - 3 Klaus Bachmann's Interview with Gabrielle Kirk McDonald, the second ICTY president, in April 2012 and with Refik Hodžić, ICTY press spokesperson under Kirk McDonald (in New York in April 2012).

genocide denial quickly became a main task for the Rwandan judiciary and after the consolidation of the post-genocide Rwandan state an objective, which the judiciary, law enforcement, and the educational sector in Rwanda took over. For the scattered Rwandan exile communities overseas and in the refugee camps in Zaire (today the Democratic Republic of the Congo), Tanzania, and other parts of Africa, the ICTR outreach program had no relevance.<sup>4</sup>

At the International Criminal Court (ICC) which became operational in July 2002, outreach and extra-judicial tasks had less importance, due to the limited scope of judicial intervention which the ICC can undertake. The Rome Statute limits the ICC's possible interference to cases, where a country is either unwilling or unable to prosecute international crimes under the Rome Statute. As long as a government can show its willingness and capacity to hold perpetrators of such crimes accountable, there is neither a need nor a way for the ICC to step in. Additionally, the gravity threshold of the Rome Statute also restricts the ICC's possible interference to cases of very grave crimes and high-ranking perpetrators. Opposite to the ICTY and the ICTR, the ICC does not work under a primacy principle which would give it the right to claim any suspect and take over any case it deems appropriate, but it functions as a kind of "court of last resort" which can only take over cases which are not being judged by the respective country. Because the examination whether a country is willing and able to prosecute a crime usually takes quite a lot of time, the ICC often takes over cases concerning atrocities which took place several years ago. All this makes it much more difficult for the ICC to shrink the space for denial, or, in general, to fulfill extra-judicial tasks like reconciliation and post-conflict stabilization.

The literature about ICTs and International Criminal Law (ICL) is dominated by lawyers, who focus on ICTs' tasks, the material and institutional law applied by ICTs and discuss the functioning of the tribunals and the coherence of their jurisprudence from a theoretical perspective. A part of this literature meanders between law and sociological institutionalism and is busy with the tracking of decisions, trying to reveal how and why certain decisions at ICTs are taken and how they are influenced by external and internal factors.<sup>5</sup> This bulk of research

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4 Klaus Bachmann's interviews with Innocent Kamenzi, outreach officer at the ICTR in Kigali, in July 2012.

5 Combs, N. A. (2007): *Fact-Finding Without Facts: The Uncertain Evidentiary Foundations of International Criminal Convictions*. Cambridge University Press, 2010; Boas, G.: *The Milošević Trial: Lessons for the Conduct of Complex International Criminal Proceedings*, Cambridge University Press; Bachmann, K. & Fatić, A. (2015): *The UN International Criminal Tribunals: Transition Without Justice*, London and New York: Routledge.

dealing with “process control” is supplemented by a growing literature dealing with the relations between intra-court decision making and the wider public, and it often concentrates either on issues of judicial behavior (how judges and courts are influenced by external factors)<sup>6</sup> or on the question how courts and judges are influencing perceptions of the public and media coverage. This is at the core of this publication’s interest. It tries to detect whether – and if yes, how – tribunal decisions impact public opinion or, more precisely, media frames. It contributes to a scholarly debate which has lasted for several centuries and whose core forms the discussion about Kathryn Sikkink’s “justice cascade”.<sup>7</sup>

As Sikkink, Risse, and others have shown, legal change may be fostered by non-governmental organizations and networks of so-called norm-entrepreneurs which initiate transnational change through lobbying, thanks to their access to media.<sup>8</sup> First, small groups of activists in countries hostile to legal innovation (like new human rights legislation) start campaigning and connect with external and international networks of norm – entrepreneurs. These use their influence on their norm-friendly governments to extract concessions from norm-hostile governments in negotiations about trade or political issues which are important for the norm-hostile government. Lobbying takes place in the form of traditional campaigns and through the use of traditional and new media (internet, social media, transnational television, etc.). Once a government that is hostile to new human rights legislation concedes to include some legal innovations into its legal system, local activists take up the ball and launch strategic litigation campaigns. This way, they infuse new human rights norms, which the government did not want to submit to parliament, into the courts. Domestic judges act as occasional legislators, adding new interpretations of existing legislation in accordance with the norms promoted by the litigators. And at the end of this process, new human

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- 6 Holá, B., Smeulers, A. & Bijleveld, C. (2009): ‘Is ICTY Sentencing Predictable? Empirical Analysis of ICTY Sentencing Practice’, *Leiden Journal of International Law* 22, 79–92. From the same authors: Holá, B., Smeulers, A. & Bijleveld, C. (2011a): ‘International Sentencing Fact and Figures: Sentencing Practice at the ICTY and ICTR’, *Journal of International Criminal Justice* 9, 411–439 and, with regard to the ICTR: Holá, B., Smeulers, A. & Bijleveld, C. (2011b): ‘Punishment for Genocide – Exploratory Analysis of ICTR Sentencing’, *International Criminal Law Review* 11/4, 745–773.
  - 7 Sikkink, K. (2011): *The Justice Cascade: How Human Rights Prosecutions Are Changing World Politics (The Norton Series in World Politics)*. WW Norton & Company.
  - 8 Risse-Kappen, T., Ropp, S. C., & Sikkink, K. (eds.). (1999). *The Power of Human Rights: International Norms and Domestic Change*, Cambridge University Press.

rights norms are applied despite the government's reluctance or (in autocratic systems) even hostility to endorse them.

This model has mostly been applied in order to explain the introduction of new human rights legislation in countries with weak human rights records and autocratic political systems. Further it explains why non-democratic, human-rights hostile governments end up with modern human rights law, which – on the long run – may even undermine their rule. The model works much worse when applied to large-N studies about the diffusion of human rights. Sikkink's 'justice cascade' revealed weak, but detectable associations between accountability for human rights abuses in some countries at the one hand and general accountability and an improvement of those countries' (and their neighbors') post-transitional human rights record on the other hand. But this association was limited to Latin America. No such association could be observed in Asia, and in Africa, since the model was never tested. We are not testing it there, either. Instead we concentrate on a very specific kind of norm entrepreneur, on international criminal tribunals and try to test, whether they are able to initiate a 'justice cascade' which instils legal change in countries, whose public and governments are hostile to some or all of the norms promoted by the respective ICT.<sup>9</sup> We do so in a very narrow field, where impact is easier to detect and can be described in detail – at the junction between "the court" and "the media". If analyzed in accordance with Sikkink's model, direct influence from an ICT could only be observed after a very long time, when the water from the 'justice cascade' trickled down from an ICT, through the media and public opinion of norm-friendly countries to the media and the public sphere of norm-hostile countries and then finally, after years or even decades, might or might not have changed the human rights law applied in countries under ICT jurisdiction. But there is a methodological problem with such an approach: If the change, which the model anticipates, is supposed to occur after such a long time (whose length the model does not at all predict), it is impossible to measure and to disentangle it from other factors. In other words: Even if we observe a shift to Human Rights in an authoritarian country, how can we, after such a long time, be sure it was the result of the "justice cascade" or something else?

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9 We undertook research about these issues in Bachmann, K., Ristić I., Kemp, G. (eds.): *International Criminal Tribunals as Actors of Domestic Change. The Impact on Institutional Reform*, Frankfurt/M.: Peter Lang 2018, vol. 1 and 2. There, we examined how tribunal decisions triggered reforms in legislation, administrative practice, and budgeting in the countries affected by the respective tribunals jurisdiction.



Instead, we try to detect short-time changes caused by ICT decisions on media frames. But we are not looking after the impact of ICT decisions on media frames concerning the perception of the respective ICT. Such research has been done often and exhaustively, and it hardly ever revealed anything surprising. In most cases, media coverage about ICT decisions was very predictable. If an ICT took a decision favorable for an accused, his supporters praised it and those who sided with the accused's actual or alleged victims were outraged. If the decision was unfavorable, victim communities praised it and the accused's supporters were outraged. In the case of the ICTR, the issue was even much simpler: The public, the media, and victim groups in Rwanda were always in favor of the harshest possible punishment and were always outraged when a sentence was low. This was because the ICTR only judged perpetrators from one side of the conflict, and in post-genocide Rwanda only the victors of the war (and the victims of the genocide) had a voice. The ICC's media coverage in Sudan and Kenya depended upon the level of media pluralism in the country. In Kenya, the country with a pluralist (and highly antagonistic) media system, ICC decisions against one group triggered outrage from this group's media outlets and support from the opposite camp and vice versa. In Sudan, where the media were under a strict censorship regime, ICC decisions against sitting leaders led to negative ICC media coverage and applause from rebel media and vice versa. In Libya, media coverage regarded ICC intervention as external interference undermining the country's reputation, although it was only directed against people, whom the interim government had overthrown, that is, the Gaddafi regime. The ICC never investigated crimes committed by opposition forces against armed Gaddafi followers or civilians.<sup>10</sup>

This publication only focuses on those media frames which deal with the underlying conflict, whose elements are investigated by ICTs and which form the background of their trials. In other words: We do not want to find out how certain ICT decisions changed the public image of the respective ICT; instead, we want to find out how certain decisions which included specific interpretations of past events affected the way in which the media described these events after the respective ICT decision. This impact will be measured by applying qualitative frame analysis: After an indictment was published or a judgment issued, we compare the frames about the respective events to the frames used by the same media before the respective decision in order to establish whether the frame changed. We do not expect ICTs to trigger far going interpretations in the media,

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10 Neither did it investigate the murder of Gaddafi, an apparent war crime.

we do not expect to observe dramatic changes, but rather small ones which nevertheless may affect the dominating narrative which overarches the frames used by the media before. We also do not expect frames to shift in each and every case and in every media under scrutiny. It is, though, the purpose of this project, to show and analyze variation in frame-shifts across cases, time, and countries.

Before we explain the way this frame analysis was conducted by our authors, we need to address two additional issues. First, the way we define “decision”. We intentionally do not speak about indictments or verdicts only, because in some of our case studies, examining the impact of indictments or verdicts would not be appropriate because there were none. The ICC never issued any verdict against a Sudanese suspect, and neither did it against one of the politicians and journalists involved in the Kenya situation.<sup>11</sup> The ICTY tried to solve the problems arising from lack of state cooperation by issuing secret indictments. In such cases, indictments, of which the public and the media were unaware of, can hardly be expected to impact on media frames. Instead, some other decisions were more likely to cause media frame shifts – public indictments and verdicts at the ICTY and the ICTR and arrest warrants by the ICC. But there were also exceptions to this rule. The ICC decision to end proceedings in the Kenyan cases had as much an impact on media coverage as the decision to issue arrest warrants have had. Nonetheless, the prosecution’s decisions to withdraw the charges against William Ruto and Uhuru Kenyatta (as well as Joshua Sang) were debated in Kenya just as much as any verdict would have tormented public opinion. This is why we chose to examine the impact of any kind of decision on media frames rather than stick to the narrow (and legally more precise) notion of indictment or judgment.

And yet another reservation has to be made here. This publication is first and foremost occupied with ICT decisions. However, in the course of our deliberations with our field researchers from the various countries and entities, it became clear that in some specific cases (like Serbia, Croatia, and Bosnia)<sup>12</sup> another international

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11 The somehow misleading use of the notion ‘situation’ in the context of the ICC comes from the ICC’s use of the word for countries (‘situation countries’) which are under examination by the ICC prosecutor in order to find out whether a full-scale investigation (‘investigation countries’) should start, which then needs to be confirmed by a Pre-Trial chamber.

12 Readers not familiar with the history and constitutional structure of BiH may find our references concerning the different ethnic groups in this country confusing. In general, in this publication we use the term “Bosnian” as the adjective that stems from the country name “Bosnia and Herzegovina” (abbreviated BiH, or Bosnia). In our understanding, BiH is inhabited by *Bosnians*, the citizens of BiH, independently of their ethnic background. Hence, to all three constituent people of BiH (Bosniaks, Croats,

court was also likely to impact on interpretations of the past – the International Court of Justice (ICJ). This proved especially true in the case of Bosnia, with regard to the Srebrenica massacres and in the court cases between Serbia, Croatia, and Bosnia. Therefore, the reader will also find references to the ICJ’s genocide rulings in the respective chapters about Bosnia and Serbia.

## Qualitative frame analysis

Consumers of media outlets tend to confront narratives and opinions in newspapers and electronic media to what they perceive as true and consistent with established facts and common knowledge. Analysts of the media take a very different approach which avoids to establish a truth and then to confront the media coverage with it. Rather than assume that reporting is necessarily derived from some prior objective and univariate reality, they ask why certain media describe things in one way, while other media do so in a different way. It is the basic assumption of this approach that every media outlet and every reporter can choose from a multitude of options when they decide to present a specific issue. Through the very act of writing about an identified issue, media draw upon and refer to cognitive schemes, called “frames”, which provide categories, order, and chronology that allow the reader (and author) to organize fragmented information and attribute meaning to it. By emphasizing certain aspects of an event and embedding its description in headlines, pictures, the structure of a page, a film or a radio program, media instruct us both what to think and how to think about it.<sup>13</sup> Such frames act as patterns of interpretation which affect problem

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and Serbs) as well as members of the numerous smaller ethnic minorities and people who do not adhere to any of these groups we refer to as the *Bosnians*, if not indicated differently. Bosniaks representing the largest ethnic group are sometimes also called Bosnian Muslims, or just Muslims. Therefore, in the chapters about BiH, the terms “Bosnian Muslim” (when used so in sources) and “Bosniak” are terms referring to the same group. The authors of this publication opt for using the latter unless referring to documents that employ the first term. We use the terms “Serb” and “Serbian” synonymously and according to the wishes of the respective chapter author(s). Whenever “Bosnia” is mentioned alone, it is used as a synonym for “Bosnia and Herzegovina”.

- 13 Roessler, P. (2008): ‘Agenda-Setting, Framing and Priming’ in: Wolfgang Donsbach, Michael W. Traugott (eds.) : *The Sage Handbook of Public Opinion*, 205–218. See also: Donohue, W. R., Rogan, R. G. & Kaufman, S. (eds.) (2011): *Framing Matters. Perspectives on Negotiation Research and Practice in Communication*, New York; Rothman, A. J., Updegraff, J. A.: ‘Specifying When and How Gain- and Loss-Framed Messages Motivate Healthy Behavior: An Integrated Approach’, in: Keren, G. (ed.)

definition, moral evaluation, and causal interpretation and may even imply particular solutions for the identified problem. Viewed through this lens, journalism appears as a far more discretionary and constructed exercise than the traditional professional image of reporting facts.

Applied to our case, for instance, the event of Milošević's transfer to the Tribunal could be described as a technical judicial process, as an act of abduction of a once popular politician by a ruthless regime, as a victory for international justice, a personal satisfaction for Carla Del Ponte, the end of Milošević's political carrier, or in many other ways. Each of these frames is potentially in contradiction to another one, though each may also overlap with one or several others. All these frames have some features in common. Each is an attempt to tell a story, to attribute meaning to the events and to place them into larger narratives – how Serbia is allegedly subjugated and victimized by the West, how the ICTY manages to enforce its policy in Serbia or about the progress of international criminal justice.

For this exercise in framing to function, certain conditions must be present. An overarching narrative must exist, in which the respective frame can be embedded; the event to be framed must possess certain features that allow journalists to ascribe meaning to it and to interpret it normatively. Events that lack these conditions tend to be neglected by journalists. The same is true for events that do not lend themselves to consistent moral judgment.

Frame analysis as a method of desegregating and comparing content has been widely used by media analysts and public opinion researchers in qualitative and quantitative research. In the meantime, it has become so widespread in other disciplines, like psychology, communication research, and even in negotiation studies that it is already difficult to say what the concept of frame and framing actually does and does not encompass. Frames are treated by some authors as independent variables which may lead to specific consequences (framing effects)<sup>25</sup> and by others as dependent variables which result from decisions and choices and influences of those who make these choices. In all these cases, different definitions of what a frame is (or is meant to be by an author in a specific research design) are used, ranging from the most general and vague ones to very specific and narrowly conceptualized ones. In media and communication studies, framing is usually understood as “selecting and highlighting some facets

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(2011): *Perspectives on Framing*, New York and Hove, 257–278; de Bruin Wändi, B.: ‘Framing Effects in Surveys: How Respondents Make Sense of the Questions We Ask’, in: Keren, G. (ed.) (2011): *Perspectives on Framing*, New York and Hove, 303–324.

of events or issues and making connections among them so as to promote a particular interpretation, evaluation and/or solution<sup>14</sup>. In order to impact actors, such a frame must be culturally salient, emotionally loaded, prominent, and repetitive. Media researchers tend to assume the existence of a pluralistic and transparent environment for the creation of frames. They also presuppose frames to emerge and exercise their influence within a large audience (a society, a media system on a national or transnational level).

In this project, frame analysis will be used in order to determine changes of the dependent variable; we are looking for the impact of ICT decisions (indictments, judgments) on media frames and public perceptions (in opinion polls) about events which were dealt with by the judges and prosecutors. These changes will be measured according to a simple list of criteria which allow the model to be applied in every country of reference and with regard to any media, no matter whether it is electronical or traditional, new or old, popular or elitist.

### **Case selection criteria**

The project intends to analyze the indirect influence (through changes in framing) in all cases which were publically controversial, because only then can one expect a sufficient number of frames to be produced by the outlets. We will take into account frames in important media outlets in these public spheres, where a considerable and measurable response to the indictment of the respective accused could be detected.

There are four specific cases, where we deviated from the general rule to examine media frames in the framework of a country that is within its internationally recognized borders: Kosovo, Bosnia and Herzegovina, Sudan, and South Sudan. Bosnia-Herzegovina does not only have a very complicated political order, it also has a fragmented media system which is shaped by ethnic and religious cleavages in a similar way as the Belgian or Swiss media systems are structured in linguistic terms. There is a Croat public sphere which communicates to Croat population and partly overlaps with the public sphere in the Republic of Croatia; there is a Bosniak public sphere which dominates the Federation of Bosnia-Herzegovina (where Bosniaks constitute majority); and there is a Serb public sphere which is mainly covering the Republika Srpska (RS), but is also interwoven with the public sphere of the Republic of Serbia.

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14 Entman, R. M. (2003): 'Cascading Activation. Contesting the White House's frame after 9/11', *Political Communication*, 20, 415–432.

We therefore decided to split the research according to the main cleavages which divide the Bosnian public spheres and media systems. These public spheres also reacted differently (to say the least) to the ICTY and ICJ decisions which we scrutinized. There was no such thing as a reaction of a “Bosnian public opinion” to an ICTY verdict, at least not in the same sense as one can speak of a reaction of a “Serbian public opinion” to, for example, the Milutinović or Gotovina acquittals. Therefore, there will be one chapter dealing with the impact of ICTY decisions on frame shifts in media of Republika Srpska and another one concerning frame shifts in the most prominent media of the Federation (which also distinguishes between media belonging to the Croat and Bosniak public sphere). In the same way, we decided to treat the Kosovo media system. Although Kosovo was not yet a fully recognized sovereign country when our analysis started, it definitely had a media system and a public sphere distinct from Serbia.

A similar situation occurred in South Sudan which still was a part of Sudan when the first ICC indictments were issued, but later became independent. South Sudan, whose population is African, rather than Arab, Christian rather than Muslim, and English spoken rather than Arab spoken, also formed a separate public sphere with an own media system already long before independence. Therefore, we also dedicated a separate chapter to the impact of ICC decisions on South Sudan. In none of these cases should our decisions concerning research design be interpreted politically. While our researchers may or may not have a specific opinion about the independence of Kosovo, the state structure, and international standing of Bosnia or the sovereignty of Sudan, neither the project leaders nor the research team as such ever adopted any opinion about these issues. Our research was driven by academic interest, not by geopolitical considerations or a moral or political position concerning countries and their past.

Initially, we also adopted a homogenous methodological framework for the whole project, urging all researchers of cases studies to include at least ten items<sup>15</sup> from each examined medium before and after each respective tribunal decision. In the course of the project, it became clear that such a rigorous framework would be impossible to apply coherently across all cases. In many cases, the ten items after an indictment overlapped at least partly with the ten items preceding a verdict (or the items containing frames about a first-instance judgment

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15 As “item” we understand a text published in a newspaper or a program of a TV or radio station containing at least one frame about the underlying conflict which gave rise to the court case, in whose framework an ICT decision was taken.

overlapped with the ones preceding the respective last-instance judgment); in other cases, media did not produce enough frame-containing items to reach the ten-item margin at all. In almost all countries, TV and radio archives remained closed to our researchers, either because the respective media did not maintain archives at all, these archives were technically not searchable (like in Rwanda), or they could only be accessed after paying outrageously high fees (for which we had no financial cover in the project budget).

In general, we also encouraged our researchers to provide transparent and step-by-step analysis of media frame shifts by analyzing every frame element over time. This, too, proved difficult to apply in some countries. Due to very strong social control in Kosovo, media did not differ much in the way; they constructed frames about the conflict in 1998–1999, and demonstrating the lack of frame shifts with regard to each and every analyzed media item would have made the respective chapter long and boring. The same situation occurred in Sudan and Rwanda – but for different reasons. In Rwanda, a very specific and quite unique system of active ex-ante censorship which forces journalists to use specific frames in order to describe the genocide in 1994 leads to the production of frames which fail to show any variation in time as well as across media. This mechanism is well described in the chapter about Rwanda. In Sudan, the reason for a lack of frame shifts is more prosaic – it is classical ex post government censorship which curtails the public discussion of certain issues. However, this kind of censorship is much less efficient (but applied to a much broader spectrum of issues) than the Rwandan one and allowed us to detect frame shifts even despite the existence of strong government control. The theoretical basis of frame analysis assumes that frame shifts can take place even against the will and without the knowledge of the journalists who produce the frames. As the example of Sudan shows, frame shifts are also possible without the knowledge and against the will of censors – if they are not aware of the shifts which occur in frames.

Due to these strong differences across cases and countries, some of our chapters apply a rather strict methodological framework which tries to make frame shifts (and the method, by which they are exposed) transparent to the reader. Other chapters, dealing with hardly detectable shifts or cases, where frames remained stable over time, dedicated more space to explaining the context of media framing and the underlying reasons for the lack of shifts.

Due to technical and editorial reasons, we decided to split this publication into two volumes, with separate tables of contents, but with only one introduction (and a short foreword to the second volume) and with the bibliography and index only at the end of the second volume. The publication was split according

to the jurisdiction of the tribunals, whose impact we tried to assess: The first volume contains the countries affected by the ICTY's jurisdiction that is Serbia, Croatia, Bosnia and Herzegovina, Kosovo, and Montenegro; the second volume contains the cases of the two African international criminal courts, Rwanda which is affected by the jurisdiction of the International Criminal Tribunal for Rwanda (ICTR) and Kenya, Sudan, and South Sudan which were investigated by the International Criminal Court (ICC) either due to United Nations Security Council referrals or (in the case of Kenya) due to a proprio motu investigation of the ICC prosecutor.<sup>16</sup> South Sudan is included because it was a part of Sudan when the ICC started its intervention in Sudan and because of the specific situation of the South Sudanese media which is explained in the chapter about Sudan and South Sudan in the second volume.

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16 Unfortunately, we were unable to investigate the ICC's impact on media coverage in Libya, because the time frame of the project overlapped almost entirely with the civil war in the country.



Jovana Mihajlović Trbovc

## The indirect impact of the ICTY on the media in the Federation of Bosnia and Herzegovina

This chapter deals with the impact of the ICTY decisions on the representation of the Bosnian war (1992–1995) in the media outlets of the Federation of Bosnia and Herzegovina (further: Federation of BiH) – one of the two entities that comprise post-war Bosnia and Herzegovina as a state. Contrary to the other entity, Republika Srpska which is largely mono-ethnic (Serb), the Federation of BiH is dominated by a Bosniak majority and a smaller Croat population. The media landscape of Bosnia and Herzegovina is largely ethnified which means that media tend to bear a particular ethnic mark or have an ethnically profiled audience.<sup>1</sup> Therefore, in the Federation of BiH there are two main clusters of media – those with a Bosniak and those with a Croat audience. The generalizations about the ethnic profile of a media should be handled cautiously because neither all journalists nor all of their readers come from a single ethnic group; in addition, some media intentionally show a civic orientation and try to address all ethnicities, including those citizens who reject to be defined in ethnic terms. One newspaper from Republika Srpska (*Nezavisne novine*) is distributed throughout the Federation as well, and will be analyzed here with regard to one of the two ICTY trials. Therefore in both cases two ethnic media clusters will be analyzed which generally tend to represent quite conflicting interpretations of the war. This is the main deviation from the general research design applied in other chapters of this publication, in which newspapers addressing the dominant ethnic group are analyzed.

The trial of Tihomir Blaškić is chosen as a case study in order to examine the interpretations of the Croat-Bosniak conflict in the Croat and Bosniak media and the character of the war-time Croatian statelet of Herceg-Bosna. The conflict between the Croatian Defence Council [*Hrvatsko vijeće obrane* – HVO] and

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1 Thompson, M. (2000), *Proizvodnja rata: Mediji u Srbiji, Hrvatskoj, Bosni i Hercegovini* [Second Revised Edition]. Belgrade: Medija centar and Free B92; IREX (2001): *Media Sustainability Index 2001: Development of Sustainable Independent Media in Europe and Eurasia*. Washington: IREX, <https://www.irex.org/resource/media-sustainability-index-msi#europe-eurasia>; IREX (2013): *Media Sustainability Index 2013: Development of Sustainable Independent Media in Europe and Eurasia*. Washington: IREX.

the Army of the Republic of Bosnia and Herzegovina (*Armija Republike Bosne i Hercegovine*, ARBiH) loyal to the Government in Sarajevo lasted from autumn of 1992 until the Washington Agreement of March 1994, before and after which the two parties fought together against the Serb forces in BiH. Blaškić as a colonel of the HVO was the first high-ranking<sup>2</sup> Bosnian Croat to face the trial before the ICTY. A different motivation is behind the choice of the other ICTY case. The trial of Naser Orić was neither the first trial against a Bosniak commander<sup>3</sup> nor was Orić himself the highest-ranking<sup>4</sup> Bosniak commander before the ICTY; however, he was symbolically the most significant defendant which is the reason why this trial was chosen as the most relevant for evaluating potential changes in the Bosniak narrative of the war. Orić was a military leader of the Bosniak forces in Srebrenica – the place of greatest Bosniak suffering and the place where the gravest crime of the Bosnian war had been committed. Finally the two cases have an additional common trait – their relevance for the research comprised in this volume. Both were somehow controversial – Blaškić was first sentenced to 45 years, then his conviction was revised and his prison term shortened on appeal to nine years, while Orić was first convicted, and then acquitted – thus both cases have a potential to create a shift in media frames about the relevant conflicts. Both accused were not only prominent enough to get to newspaper headlines, but their cases were also controversial enough to trigger controversies, comments, and debates.

This chapter is divided into two large sections, each devoted to one trial before the ICTY. Within each section I will first present historical facts necessary for understanding each case, as well as the main contestations among dominant interpretations of the events. Further, I will present a short description of each media outlet whose reporting will be analyzed. Bearing in mind that the media landscape in the Federation of BiH is ethnically divided to a large extent, I grouped the media outlets accordingly: For the *Blaškić* case, I will analyze first Croat, then Bosniak newspapers; and for the *Orić* case, I will examine first Bosniak and then Serb ones. Within each group, I will track how each

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- 2 Before him, the only Bosnian Croat tried at the ICTY was Zlatko Aleksovski, commander of a prison facility controlled by the HVO. See [http://www.icty.org/x/cases/aleksovski/cis/en/cis\\_aleksovski\\_en.pdf](http://www.icty.org/x/cases/aleksovski/cis/en/cis_aleksovski_en.pdf).
  - 3 The first trial of ethnic Bosniaks was the case of Čelebići camp (Mucić et al.) where Serbs have been imprisoned. See [http://www.icty.org/x/cases/mucic/cis/en/cis\\_mucic\\_al\\_en.pdf](http://www.icty.org/x/cases/mucic/cis/en/cis_mucic_al_en.pdf).
  - 4 The highest ranking Bosniak official was the general Rasim Delić, Commander of the Main Staff of the ARBiH. See [http://www.icty.org/x/cases/delic/cis/en/cis\\_delic\\_en.pdf](http://www.icty.org/x/cases/delic/cis/en/cis_delic_en.pdf).

media outlet presented (*framed*) the armed conflict before and after the key legal milestones of each trial (indictment, trial judgment, and appeals judgment). In this way, I will be able to detect potential changes in *frames*, and reconstruct whether a change resulted from a particular ICTY decision.

Though I am aware the audiovisual media have much greater social impact, there are practical reasons that justify the choice of print media instead. First, the sources are practically unavailable. For the *Blaškić* trial I am looking at the period from before November 1995 (issuing of the indictment) till after July 2004 (issuing of the appeals judgment) – for which no relevant archives are held. In the *Orić* case which lasted from 2004 to 2008, I was unable to get enough of video items to make a sample meaningful for comparison, because the archives are held on videotapes that demand real-time analysis. As will be elaborated further below, this particular segment of the war – suffering of Serbs in Srebrenica area and alleged crimes of Naser Orić – is a topic that media outlets with a predominant Bosniak audience tend to avoid, hence there were not many video items to analyze. Additionally, this research is particularly interested in shifts between frames, for which newspaper archives provide much more abundant sources for a nuanced analysis.

### a) The *Blaškić* case

In November 1990, the first multiparty elections were organized in the Republic of Bosnia and Herzegovina, one of the federal units of Socialist Yugoslavia. The parties that won the elections were organized along the main ethnic cleavages between Bosnian Muslims (Bosniaks), Serbs, and Croats. The Croatian Democratic Union of Bosnia and Herzegovina (*Hrvatska demokratska zajednica BiH – HDZ BiH*) was one of them, promoting itself as the main representative of Croat people in BiH. It basically bore the same name – Croatian Democratic Union – as the party that won the elections in Croatia (another federal republic within Yugoslavia) few months before, and in many ways functioned as its outpost. With the outbreak of the conflict in Croatia in summer of 1991, HDZ BiH started intensively mobilizing, both militarily (sending volunteers to Croatia) and politically.

In late September and early October of 1991, when the units of the Yugoslav People's Army [*Jugoslovenska narodna armija – JNA*] stationed in Herzegovina were redeployed for the army operations against Croatia, the inhabitants of Bosnian Croat villages engaged in actions aimed at blocking movements of JNA units.<sup>5</sup> In response JNA units raided the Croat village

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5 Hoare, M. A. (2004): *How Bosnia Armed*, London: Saqi Books in association with The Bosnian Institute, 126.

Ravno,<sup>6</sup> killing civilians.<sup>7</sup> This incident did not ignite a larger conflict on the territory of Bosnia and Herzegovina; however, many Croat politicians expressed disappointment with the appeasement policy of Bosnian government and as a 'failure' to take sides in the war in Croatia.<sup>8</sup> At the same time, the local HDZ BiH units started organizing regional associations of municipalities/territories in which Croats constituted a majority or at least significant part of the population. This was prelude to proclamation of the Croat Community of Herceg-Bosna [*Hrvatska zajednica Herceg-Bosna* – HZ HB] on 18 November 1991, as a "political, cultural, economic and regional unit" of the Croat people<sup>9</sup> that covered most of Herzegovina (south and south-east of the country) and parts of central Bosnia. There is much dispute on what was the political purpose of Herceg-Bosna as a political formation, in particular whether it was the start of a secession of Croat lands from BiH in order to be joined to Croatia (similar to the idea of Greater Serbia), or whether it was an attempt to form a self-help organization of Croats who intended to stay within BiH and protect it against Serb aggression.<sup>10</sup> Officially, the HZ HB foundational acts recognized statehood of Bosnia and Herzegovina. However, it could be claimed that the Herzegovinian hard-line strand of HDZ BiH nurtured the aim to implement the so-called centuries-old dream, that is, a common Croatian state. Herceg-Bosna was in fact a "one-party ethnic state" almost completely mirroring the war-time Serbian Republic of Bosnia and Herzegovina.<sup>11</sup> In 1993 this political formation renamed itself the Croat Republic of Herceg-Bosna [*Hrvatska Republika Herceg-Bosna* – HR HB], without significantly changing its structure.

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- 6 Near Trebinje in Herzegovina, on the Bosnian side of the Croatian-BiH border. For detailed account of the events on the Croatian side of the border, in Dubrovnik area, at that time see Jovana Mohajlović Trbovc's chapter on Montenegro in this volume.
  - 7 Lukić R. and Lynch, A. (1996): *Europe from the Balkans to the Urals: The Disintegration of Yugoslavia and the Soviet Union*, Oxford: Oxford University Press, 203.
  - 8 Hoare, M. A. (2004): *How Bosnia Armed*, London: Saqi Books in association with The Bosnian Institute, 126.
  - 9 See "Odluka o uspostavi Hrvatske zajednice Herceg-Bosna," 18.11.1991 in Ribičić, C. (2000): *Geneza jedna zablude: Ustavnopravna analiza formiranja i djelovanja Hrvatske zajednice Herceg-Bosne*. Zagreb; Sarajevo; Idrija: Naklada jesenski i Turk; Sejtarija; Založba Bogataj, 37.
  - 10 Hoare, A. (1997): 'Croatian Project to Partition Bosnia-Herzegovina, 1990–1994,' *East European Quarterly* 31 (1), 128.
  - 11 Silver L. and Little, A. (1995): *The Death of Yugoslavia*, New York and London: Penguin and BBC, 326–327.

Simultaneously with the formation of Herceg-Bosna, stemming from the structure of Yugoslav Territorial Defence and police units in Croat-dominant municipalities, the HDZ BiH started forming what was to become the Croatian Defence Council (HVO), though it was formally founded only after the war's beginning in April 1992.<sup>12</sup> After the outbreak of war, the formal leadership of BiH recognized the HVO as a legitimate defensive military force under the military alliance agreement with Croatia.<sup>13</sup> Nevertheless the HVO resisted integration into the nascent official military of the Republic of Bosnia and Herzegovina (ARBiH), and the two armies coexisted as allies during the most of 1992. Tensions between the armies became more violent over time, bursting into an open conflict, particularly in central Bosnia and around the city of Mostar, at the turn of 1993. The *Blaškić* case deals specifically with events in central Bosnia, where a mixed Muslim-Croat population lived before the war.

The standard academic historical account explains the conflict between the HVO and ARBiH as a result of Croatia's intention to territorially expand, marked by the secret agreement between the President of Croatia, Franjo Tuđman, and President of Serbia, Slobodan Milošević, over partition of Bosnia and Herzegovina.<sup>14</sup> However, it is usually perceived that only Tuđman's inner circle nurtured the idea to divide Bosnia and annex part of it to Croatia, and that such a project was never the official policy of the Republic of Croatia, since it would face a condemnation by the international community.<sup>15</sup> This narrative presents Croatia as playing a dishonest double game: on the one hand, formally recognizing BiH as an independent state (within the official borders), on the other hand, nursing and sustaining the statelet of Herceg-Bosna and its territorial and political claims.

The open-armed conflict between Croat and Bosniak forces took place in the context of the negotiations over one among several peace plans which the international community proposed to the warring parties.<sup>16</sup> The Vance-Owen Peace

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12 Hoare, A. (2007): *The History of Bosnia: From the Middle Ages to the Present Day*. London et al.: Saqi, 371.

13 On 21 July 1992. See Hoare, A. (1997): 'Croatian Project to Partition Bosnia-Herzegovina, 1990-1994,' *East European Quarterly* 31 (1), 131.

14 Silber L. and Little, A. (1995): *The Death of Yugoslavia*. New York and London: Penguin and BBC.

15 Hoare (1997), 125-130.

16 Ramet, S. P. (2005): *Thinking about Yugoslavia: Scholarly Debates about the Yugoslav Breakup and the Wars in Bosnia and Kosovo*, Cambridge and New York: Cambridge University Press, 98; Silber L. and Little, A. (1995): *The Death of Yugoslavia*, New York and London: Penguin and BBC, 330.

Plan (VOPP), to which both Croatian and Muslim side agreed (but the Serbian eventually rejected), envisioned ten provinces, each assigned to one of the three ethnic communities. One line of academic narrative claims that Herceg-Bosna leaders used VOPP in order to legitimize ethnic cleansing that accompanied seizing of the territories allocated to them by the VOPP.<sup>17</sup> In contrast, there is much controversial narrative of the conflict, in which the ARBiH is framed as the aggressor who “planned and initiated offensive action against their erstwhile ally in the hope of securing control of the key military industries and lines of communication in central Bosnia and clearing the region for the resettlement of the thousands of Muslims displaced by the fighting against the [Serb forces] elsewhere in Bosnia and Herzegovina.”<sup>18</sup>

### Bosnian-Croat media

Though there is no truly reliable newspaper circulation data for BiH,<sup>19</sup> it has been noted that newspapers coming from the Republic of Croatia constantly dominate among the Croat audience.<sup>20</sup> However, for this research it is particularly interesting to examine the Croat-oriented media that were produced locally that is within BiH. The first such (political) media was the weekly newspaper *Hrvatska riječ* [Croatian word], based in Sarajevo which started publishing in 1994 and continued until 2001.<sup>21</sup> Though formally independent, it practically

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- 17 Calic, M.-J. (2009): ‘Ethnic Cleansing and War Crimes, 1991–1995’, in *Confronting the Yugoslav Controversies: A Scholars’ Initiative*, ed. Ingrao, C. and Emmert, T. A. Washington and West Lafayette: United States Institute for Peace Press and Purdue University Press, 127–8.
  - 18 Shrader, C. R. (2003): *The Muslim-Croat Civil War in Central Bosnia: A Military History, 1992–1994*. College Station: Texas A&M University Press, 65.
  - 19 IREX (2008): ‘Media Sustainability Index 2008: Development of Sustainable Independent Media in Europe and Eurasia’. Washington: IREX, [http://www.irex.org/system/files/u105/EE\\_MSI\\_2008\\_Full.pdf](http://www.irex.org/system/files/u105/EE_MSI_2008_Full.pdf). IREX (2013): Media Sustainability Index 2013: Development of Sustainable Independent Media in Europe and Eurasia. Washington: IREX, <http://www.irex.org/sites/default/files/u115/Europe%20%26%20Eurasia%20MSI%202013.pdf>.
  - 20 Udovičić, R. et al. (2005): *Savladvanje prošlosti i uloga medija: Monitoring pisanih i elektronskih BH medija*, Sarajevo: Media Plan Institut; SEEMO (2008): ‘Bosnia and Herzegovina’, in *South East and Central Europe Media Handbook Volume One*, Vienna: SEEMO (South East Europe Media Organisation), 273–354. Marko, D. et al., *Izbori 2010. U BiH: Kako su mediji pratili izbornu kampanju*, Sarajevo: Media plan institut, 2010.
  - 21 See <http://www.hrvatska-rijec.com/about/>.

**Tab. 1:** Media analyzed for the *Blaškić* case

<b>Trial decision</b>	<b>Bosnian-Croat media</b>	<b>Bosniak media</b>
indictment 13.11.1995	<i>Hrvatska riječ</i>	<i>Oslobođenje, Dani</i>
trial judgment 3.3.2000	<i>Slobodna BiH (Slobodna Dalmacija)</i>	<i>Dnevni avaz, Oslobođenje, Dani</i>
appeals judgment 29.7.2004	<i>Dnevni List</i>	<i>Dnevni avaz, Oslobođenje, Dani</i>

functioned as a PR service of HDZ BiH. For this paper, only the impact of the indictment (of 1995) is evaluated, because prior to 1997, the necessary records were not available.

The next examined newspaper was *Slobodna BiH* (Free BiH), special Herzegovina edition of (at that time) an influential newspaper from Croatia *Slobodna Dalmacija*, which was issued as a separate newspaper from August 1998 to January 2000 – therefore I am considering it as a local media outlet. In that period, *Slobodna Dalmacija* was formally state-owned and firmly reflected the policy of the ruling party in Croatia, that is HDZ,<sup>22</sup> as well as HDZ BiH. It was published until HDZ lost the parliamentary elections in the Republic of Croatia in 2000. Still, even after *Slobodna Dalmacija* stopped issuing *Slobodna BiH*, the paper from Croatia still contained a regular section named “Herceg-Bosna”, as if equal to other regions of Croatia, up until July 2001,<sup>23</sup> after which the coverage of Herzegovinan issues slowly withered away. Since the paper had widespread local correspondence network, and thus was partially locally edited, I included this period of *Slobodna Dalmacija* into the sample as well, hence I could observe the potential impact of the 2000 trial judgment on this paper.

The first daily Croat newspaper authentically from BiH is *Dnevni list* (Daily newspaper) which started circulating in 2000. Since its archives are available only since 2003, this paper is examined only for the period before and after the appeals judgment of 2004.

22 Stjepan Malović, “Croatia,” in: Petković, B. (ed.) (2004): *Media Ownership and Its Impact on Media Independence and Pluralism*, Ljubljana: Peace Institute, 119–40, available at: [http://www2.mirovni-institut.si/media\\_ownership/pdf/croatia.pdf](http://www2.mirovni-institut.si/media_ownership/pdf/croatia.pdf)

23 Cf. Jovana Mihajlović Trbovc (2014): *Public Narratives of the Past in the Framework of Transitional Justice Processes: The Case of Bosnia and Herzegovina*, (Doctoral thesis, Faculty of Social Science, University of Ljubljana), 119, available at: [http://dk.fdv.uni-lj.si/doktorska\\_dela/pdfs/dr\\_mihajlovic-trbovc-jovana.pdf](http://dk.fdv.uni-lj.si/doktorska_dela/pdfs/dr_mihajlovic-trbovc-jovana.pdf).

### ***Hrvatska riječ* before and after the indictment**

The indictment of political and military leaders of Herceg-Bosna (including General Tihomir Blaškić, the commander of the HVO armed forces in central Bosnia)<sup>24</sup> was issued during the Dayton peace talks of November 1995, which was interpreted by the Croat newspaper as a form of political pressure. Though it is not in the focus of this research project, it is informative to note that *Hrvatska riječ* initially framed the ICTY in positive terms, as a place where justice will be rendered. The positive framing dramatically changed after this indictment, when the court came to be framed as ‘political’ – that is driven by the political goals of international community. This framing remained persistent till today, and though interpreted differently, is common to the media portrayal of the ICTY in all post-Yugoslav states affected by the war.<sup>25</sup> The narrative of Croat-Bosniak conflict in *Hrvatska riječ* was situated into the larger narrative about the Bosnian war (and the wars of Yugoslav succession in general), in which Serbia instigated the military conflicts and committed aggression on Croatia and BiH. This underlying narrative remained much the same throughout all other Croat media later analyzed in this chapter. Though the narrative about the conflict with Serb forces in BiH and origins of Herceg-Bosna was well developed, there was no clear-cut narrative about the Bosniak-Croat conflict. This was common for both periods before and after the indictment.

### **The “defenders of BiH”-frame**

Precisely because a clear narrative about the HVO-ARBiH conflict was lacking, it is important to observe the narrative about Herceg-Bosna as a political entity because it provides an explanation of the political aims of one of the warring sides

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24 The initial indictment jointly accused Dario Kordić, Tihomir Blaškić, Mario Čerkez, Ivan Šantić, Pero Skopljak, and Zlatko Alekovski. Alekovski and Kordić and Čerkez were tried at separate trials, while the charges against Šantić and Skopljak were eventually dropped. See [http://www.icty.org/x/cases/blaskic/cis/en/cis\\_blaskic.pdf](http://www.icty.org/x/cases/blaskic/cis/en/cis_blaskic.pdf).

25 For instance, see: Udovičić, R. et al. (2005): *Savladavanje prošlosti i uloga medija: Monitoring pisanih i elektronskih BH medija*, Sarajevo: Media Plan Institut; Pavlaković, V. (2010): ‘Croatia, the International Criminal Tribunal for the Former Yugoslavia, and General Gotovina as a Political Symbol,’ *Europe-Asia Studies* 62 (10), 1707–1740; Mačkić E. and Kumar Sharma, S. (eds.) (2011): *History Overshadowed by Trivia II: Regional and International Media Coverage of the First Year of Radovan Karadžić Trial*, Sarajevo: BIRN BiH, available at: [http://www.kas.de/wf/doc/kas\\_23457-1522-1-30.pdf?110728142234](http://www.kas.de/wf/doc/kas_23457-1522-1-30.pdf?110728142234). Ristić, K. (2014): *Imaginary Trials - War Crime Trials and Memory in former Yugoslavia*, Leipzig: Leipziger Universitätsverlag.



and its relation to the other side in conflict. The narrative about Herceg-Bosna starts with the statement that the BiH Government in Sarajevo was unprepared for the Serbian aggression. The Muslim political leadership was reproached with “not reacting” when “JNA razed” the Croat village of Ravno (in Herzegovina) in autumn of 1991. This lack of readiness to act is framed as a signal to the Croats in BiH and implies that “self-organization was necessary” for self-defense.<sup>26</sup> Since the HVO were portrayed as “the first forces to confront Serb aggression”, it is strongly underlined that by protecting themselves, Croats defended BiH as well, thus helping the common state to survive, as in the words of then president of the HDZ BiH, Božo Rajić: “without Herceg-Bosna there would be no BiH”.<sup>27</sup> This narrative explicitly refutes any accusation that the Croat Community of Herceg-Bosna (HZ HB) was created in order to secede from BiH, rejecting also any parallel with the Republika Srpska. In support of this claim, quite often is mentioned a claim that “Croats are to be thanked for the independence of BiH”, since without them there would be no majority on the referendum.<sup>28</sup> Though the Bosniak-Croat conflict was never explicitly mentioned in the narrative about the Croat Community Herceg-Bosna, it sets the frame for understanding the conflict. As one of the Croat political leaders, Krešimir Zubak,<sup>29</sup> stated, in creating Herceg-Bosna “Croats never overstepped their rights, not lay a foot on somebody-else’s land”.<sup>30</sup> This frame remained the same before and after the indictment, both in journalistic pieces and in the interviews given by Bosnian-Croat political leaders.<sup>31</sup>

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- 26 Marko Herceg, “Ispunjena zadaća u obrani hrvatskih prostora i Hrvata”, *Hrvatska riječ*, 2.09.1995. Also Jadranko Prlić, Croat Vice-president of the Federation of BiH, interview by Srećko Paponja, “Vrijeme će pokazati istinu”, *Hrvatska riječ*, 10.09.1994.
- 27 In Karlo Papić, “Herceg-Bosna, istočni grijeh hrvatske politike”, *Hrvatska riječ*, 27.08.1996, 9.
- 28 Stjepan Borić, “Nestanak brigade je uzrok odlaska mnogih Hrvata”, *Hrvatska riječ*, 4.11.1995, 4. A similar claim given in the Statement of Krešimir Zubak, president of the Federation of BiH, at the Constitutional Assembly of the Federation of BiH in Novi Travnik, on 4.05.1995, printed in *Hrvatska riječ*, 13.05.1995, 8–9.
- 29 He was the last president of Croat Republic of Herceg-Bosna, inaugural president of the Federation of BiH.
- 30 Statement of Krešimir Zubak, president of the Federation of BiH, at the Constitutional Assembly of the Federation of BiH in Novi Travnik, on 4 May 1995, printed in *Hrvatska riječ*, 13.05.1995, 8–9.
- 31 For instance, see speech of Božo Rajić, president of the HDZ BiH on election rally in Sarajevo, 25 August 1996, in *Specijalni prilog Hrvatske riječi*, “Sarajevski dan za povijest”, 27.08.1996. Most complete narrative given in: Marko Herceg, “Bosna bi šaptom pala”, *Hrvatska riječ*, 23.11.1996, 12.

### The “they are more guilty”-frame

In contrast to the narrative about defending themselves from Serb aggression that is presented in laudatory, boastful tone, the Croat newspaper generally framed the war as a sad episode. It was described as “unnecessary”<sup>32</sup> and “unwanted”, something that the Croatian side tried to avoid.<sup>33</sup> There are not many and there is no one unison explanation of the origin of the conflict, but whatever chronology given (if narrated at all), it is clear that the Bosniak side attacked first. For instance, the Presidential Council of Croat Republic Herceg-Bosna issued an official statement claiming that conflict erupted after the attack and persecution of the Croat village Čajdraš and after HVO soldiers had been disarmed and imprisoned in Zenica.<sup>34</sup> Another article provides an explanation that “Bosniaks tried to compensate in central Bosnia territories they lost in eastern Bosnia”, and explicitly refutes what is considered the “international interpretation” by which “Vance-Owen Plan gave green light to Tuđman to try to seize territories”.<sup>35</sup> This frame that “Bosniaks attacked first” remained after the indictment.

It is important to note that, even before the Blaškić’s indictment, it was generally acknowledged that some “misconduct” or “lapses” (*propusti*) had been committed by the Croat side in the war. However, such statements were always accompanied by a list of atrocities committed by the ARBiH against the Croat population. While the acknowledgment of one’s own responsibility was vague and indirect, the crimes against Croats were described in full detail. This way, while formally conceding that both sides committed crimes, the greater guilt was put on the opponents’ shoulders. These frames also persisted after the indictment.

### The “ethnic cleansing”-frame of the indictment

According to the indictment, HVO forces had ethnically cleansed the Bosnian Muslim villages of Lašva Valley in central Bosnia from civilians. The phrase “ethnic cleansing” was not used in the indictment, because this notion is no category of international criminal law, but it was used in the title of the press release

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32 Nenad Ivanković, “Sudeći po Hagu – Kordić kriv, Milošević nevin?!”, Hrvatska riječ, 18.11.1995, last page.

33 Branka Janko, “Dan ‘Brigade nepobjedivih!’”, Hrvatska riječ, 4.11.1995, 4.

34 Quoted in Ž. Mrkonjić, “Suditi svim zločinima!”, Hrvatska riječ, 13.05.1995, 3.

35 Zlatko Tulić, “Stradanja Hrvata u BiH minimizirana”, Hrvatska riječ, 9.09.1995, 12.

which the ICTY issued when the indictment was made public.<sup>36</sup> According to it, the HVO had committed “widespread” crimes and implemented them in such a “systematic fashion” that they “effectively destroyed or removed almost the entire Muslim civilian population in the Lašva Valley”.<sup>37</sup> The indictment straightforwardly blames the HVO for attacking the Bosnian Muslim civilian population, killing some, detaining many, and generally persecuting them from January till May 1993. Particularly on 16 April, when the ARBiH was busy fighting the Bosnian Serb army on the borders of Lašva Valley, “the HVO launched a widespread and systematic surprise attack on the Bosnian Muslim civilians” within the valley. Captured civilians, if not killed, were often used as human shields. Eventually four to five thousand Muslims (basically the whole Muslim population) were expelled from the Vitez area, and more than 100 were killed.

When comparing narrative in *Hrvatska riječ* before and after the indictment, one can note a slight shift in emphasis. While the frame presenting Croat forces as “defenders of BiH” remained unchanged, the frame declaring “they are more guilty” got more elaborate. In order to underpin fierce rejection of the indictment’s claim that the HVO had committed ethnic cleansing of Bosniaks in central Bosnia, *Hrvatska riječ* argued that many more Croats than Bosniaks had been expelled during the conflict.<sup>38</sup>

Due to his voluntary surrender to the ICTY in April 1996, Tihomir Blaškić was much praised by both journalists and political leaders<sup>39</sup> in *Hrvatska riječ*. Before the indictment, he had been mentioned in newspaper reports in a neutral way. After the indictment, reporting about him had more and more hagiographic elements. Blaškić was framed as a brave individual and principled military professional, innocent of the charge brought against him. In the reporting after the trial judgment, *Slobodna Dalmacija* also adopted and expanded this frame.

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36 ICTY, Press release: The vice-president of Herceg-Bosna and five other prominent Bosnian Croats indicted for the “ethnic cleansing” of the Lašva Valley area, 13.11.1995. Available at: <http://www.icty.org/sid/7222>.

37 Ibid. Also in the indictment, § 34.

38 One article claims even “three times more”, cf. Ivanka Toma, “Tomac odbio Haag!?”, *Slobodna Dalmacija*, 6.04.1998, 4.

39 For instance, by General Ivo Lozančić, vice-president of HDZ BiH at the time. See interview by Ankica Posavljak, “Izbornim pravilma narodi u Federaciji BiH moraju biti dovedeni u jednak položaj!”, *Hrvatska riječ*, 20.04.1996, 5.

### ***Slobodna BiH/Slobodna Dalmacija* before and after the trial judgment**

The framing of *Slobodna BiH/Slobodna Dalmacija* before the trial judgment replicated a pattern similar to the one promoted by *Hrvatska riječ* earlier. Still, the articles containing stories about the HVO-ARBiH conflict and the origin of Hercegovosna referred to the issues raised at the ongoing trial of Tihomir Blaškić which was closely followed by *Slobodna Dalmacija*. Here seem to be the seeds of the new framing that emerged in this newspaper after the trial judgment.

### **The “Croatia conquering BiH”-frame of the trial judgment**

The trial judgment confirmed the main indictment’s main frame, according to which the HVO had committed ethnic cleansing against Bosniaks in central Bosnia. The judgment dealt with a whole range of criminal events which had taken place in spring 1993 in the municipalities of Vitez, Busovača, Kiseljak, and Zenica. The ICTY exemplified the ethnic cleansing claim with the massacre in Ahmići in its press release after the trial judgment.<sup>40</sup> It quoted the presiding judge: “On 16 April 1993 [...] the Lašva Valley became the theatre of many crimes – civilians were killed or wounded, houses set alight, minarets brought down, mosques destroyed, women and children separated from the men and left with no choice but to flee, women raped and men imprisoned, beaten and led off to the front to dig trenches”. Especially in Ahmići, Croat forces wanted to kill Bosniaks/Muslims “who were awoken in the dead of night, who left their houses to flee and who fell to the bullets of the awaiting soldiers. Muslims, women, children and the old forced out of their homes in order to be killed. Muslims who hid under their beds, in their cellars and who were burnt alive in the flames of their houses”.<sup>41</sup>

The trial chamber declared that this conflict was international in nature, in the first place because the Republic of Croatia had “overall control of the Bosnian Croat forces and authorities”.<sup>42</sup> In the Presiding Judge’s words, Croatia “intervened in the conflict pitting the Muslims and Croats of central Bosnia against each other”.<sup>43</sup> In particular, the trial judgment claimed that the president of the Republic of Croatia, Franjo Tuđman “aspired to partitioning” BiH,<sup>44</sup> and that the

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40 ICTY Press Release, “General Blaskic found guilty on all Charges and Sentenced to 45 years imprisonment” (3.03.2000). Available at: <http://www.icty.org/sid/7892>.

41 Ibid.

42 Ibid.

43 Ibid.

44 ICTY, Pros. V. Tihomir Blaškić, Trial Judgement (3.03.2000), § 103. Available at: <http://www.icty.org/x/cases/blaskic/tjug/en/bla-tj000303e.pdf>.

HVO “shared the same goals”, “[wanting] the territory which they regarded as Croatian to be annexed to the Republic of Croatia”.<sup>45</sup> The judgment also interprets the agenda of the Croat Community of Herceg-Bosna through this frame. The judgment refers to a meeting between the HDZ leaders of Herzegovina and central Bosnia the day after the establishment of the Croat Community of Herceg-Bosna in November 1991, when they declared that the Croatian people of BiH must embark on realizing “our eternal dream – a common Croatian state” and that the Croat people “*will not accept ... any other solution except within the borders of a free Croatia*”.<sup>46</sup> Within this frame Herceg-Bosna is presented as an intermediary step towards the partition of BiH, not as a political formation whose aim was to defend BiH.

### The “blame Tuđman”-frame

*Slobodna Dalmacija* carried the statement of the Croatian president at the time, Stjepan Mesić, in the headlines, and took his position as the main narrative line. Mesić stated that the *Sabor* (Croatian parliament) never approved the Croatian Army to be employed outside the territories of Croatia (at that particular period), and if the Croatian Army was actually present in Bosnia, then the state of Croatia cannot be blamed, but the individuals who ordered it.<sup>47</sup> He also confirmed the claim of the judgment according to which the HDZ in Zagreb had full control over the Bosnian HDZ. This framing made a clear differentiation between Croatian state and its former president Tuđman (and his party HDZ), while the blame for the crimes adjudicated by *Blaškić* judgment is put on the latter. This is a significant step away from the framing of *Hrvatska riječ* that was described previously, and that was replicated by *Slobodna BiH/Slobodna Dalmacija* in years before the *Blaškić* judgment.

It should be noted here that Franjo Tuđman, the first president of Croatia, had died in December 1999. Stjepan Mesić had been a HDZ member but had left the party in 1994 criticizing Tuđman. In February 2000, after a successful campaign, he was elected president, one month before the *Blaškić* trial judgment. Therefore, the frame change described above was due to regime change rather than to the judgment. A few days after the judgment, news was leaked that the new government had found classified documents in the official repositories and had sent

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45 Ibid, § 108.

46 Ibid, § 109.

47 Bisera Lušić, “Vjerujem u blažu presudu,” *Slobodna Dalmacija*, 4.03.2000, <http://arhiv.slobodnadalmacija.hr/20000304/novosti.htm>.

them to the ICTY. The documentation (allegedly) incriminated Mate Boban (the HZ HB president), Tuđman and Gojko Šušak (wartime Croatian Minister of Defence), all of them already deceased. It also shed additional light on the events in Lašva Valley, revealing the line of command which (at that time, as it was alleged in these leaks) proved that the special unit of the HVO Military Police, the so-called *Džokeri*, committed the massacre in Ahmići acting independently of Blaškić.<sup>48</sup> These documents (which were also used during the *Kordić & Čerkez* trial) revealed a policy, directed from Zagreb, whose aim was the creation of an “ethnic map which would allow the easy division of BiH” by force, *Slobodna Dalmacija* reported.<sup>49</sup>

### The “self-protection”-frame

While the new leadership of the Republic of Croatia (social democrat Prime Minister Ivica Račan and President Mesić who came to power a couple of months before the trial judgment) did their best to dissociate themselves from Tuđman’s policy, veterans and victims organizations, as well as central Bosnian Croats claimed they had only been protecting themselves during the war. According to their narrative, Croat people of central Bosnia “were under threat of extermination”<sup>50</sup> and “ethnic cleansing” by “ten times stronger Muslim forces”<sup>51</sup> which were surrounding them. Hence they “were protecting their families and hearths [*ognjišta*]<sup>52</sup> and “fighting for the freedom of their people”.<sup>53</sup> However, no article of *Slobodna Dalmacija* tried to negate that crimes had been committed by the Croatian side in the war. Although there was no trace of repentance, journalists

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48 Bruno Lopandić and Bisera Lušić, “Jokeri dobivali zapovjedi iz Zagreba!,” *Slobodna Dalmacija*, 7.03.2000, <http://arhiv.slobodnadalmacija.hr/20000307/novosti.htm>.

49 Ibid.

50 Stated by Nikica Petrović, mayor of the Municipality of Busovača in the vicinity of Ahmići. See Zvonimir Čilić, “Tuga i nevjerica u Lašvanskoj Dolini,” *Slobodna Dalmacija*, 4.03.2000, <http://arhiv.slobodnadalmacija.hr/20000304/novosti.htm>.

51 Josip Jović, “Zločin u Haagu,” *Slobodna Dalmacija*, 5.03.2000, <http://arhiv.slobodnadalmacija.hr/20000305/novosti.htm>.

52 Stated by Zdravko Batinić, leader of the HDZ BiH branch for central Bosnia. See Zvonimir Čilić, “Tuga i nevjerica u Lašvanskoj Dolini,” *Slobodna Dalmacija*, 4.03.2000, <http://arhiv.slobodnadalmacija.hr/20000304/novosti.htm>.

53 Statement issued by veteran organization Herceg-Bosna canton. See Zvonimir Čilić, “Oslobađa se krvnik Pinochet, a kažnjava nevini general Blaškić” [Bloody butcher Pinochet freed, while innocent general Blaškić is punished], *Slobodna Dalmacija*, 5.03.2000, <http://arhiv.slobodnadalmacija.hr/20000305/herceg-bosna.htm>.

and even Croats from Lašva Valley did not negate that crimes had been committed by Croats. The following sentence is a good example of a statement that admits atrocities and at the same time relativizes them by pointing to the crimes of others: “Blaškić was very disciplined soldier and one could be sure that, had there had been more professional and responsible commanders like him, there would have been significantly less crimes *on both sides* in the region of central Bosnia”. This kind of tacit acknowledgment had existed before and was part of the “they are more guilty”-frame described above. It implied that “we are *less guilty*”, but still bear some responsibility. Even the most fervent supporters of Blaškić would not negate the crimes, stating that “for the severe crime in Ahmići hundreds of years in prison would not be enough”, but also held that Blaškić was not the man to blame.<sup>54</sup> However, the crime in Ahmići was seldom mentioned in Croatian reporting, especially after the appeals judgment, and in general the media mostly avoided mentioning that the victims had been Bosniaks. The positive frame about Blaškić as a brave military professional, which emerged in the Croatian press after the indictment, became the dominant frame of reporting after the trial judgment which sentenced him to 45 years, the longest prison time which had hitherto issued. In *Slobodna Dalmacija* Blaškić was presented as a kind and tolerant individual, a professional soldier and disciplined commander. Regarding his role in the event for which he was found guilty, Blaškić was portrayed as a “naïve victim of someone else’s crimes”.<sup>55</sup> Croats of central Bosnia, *Slobodna Dalmacija* claimed, saw Tihomir Blaškić as “a personification of their fight”.<sup>56</sup>

### ***Dnevni list* before and after the appeals judgment**

Whereas the issue of Croatia’s (aggressive or benevolent) involvement in the war in Bosnia had prominence in reporting of *Slobodna Dalmacija*, for *Dnevni list* this was much less central topic. Just like *Hrvatska riječ* once before, *Dnevni list* focused much more on characterization of Croat Community of

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54 Zvonimir Čilić. “Oslobađa se krvinik Pinochet, a kažnjava nevini general Blaškić,” *Slobodna Dalmacija*, 5.03.2000. Available at: <http://arhiv.slobodnadalmacija.hr/20000305/herceg-bosna.htm>.

55 A. Belak-Krile, S. Pavić, and B. Lopandić, “Budiša: Za mene je general nevin,” *Slobodna Dalmacija*, 4.03.2000, <http://arhiv.slobodnadalmacija.hr/20000304/novosti.htm>.

56 Stated by Zdravko Batinić, leader of the HDZ BiH branch for central Bosnia. See Čilić, “Tuga i nevjerica u Lašvanskoj Dolini,” *Slobodna Dalmacija*, 4.03.2000, <http://arhiv.slobodnadalmacija.hr/20000304/novosti.htm>.

Herceg-Bosna, with whose tradition the paper identified. In a similar fashion, there was a tendency to present Herceg-Bosna as a defender of BiH. Based on new documents from the Croatian archives opened in 2000, the appeals chamber significantly revised the accounts of Blaškić's command responsibility, concluding that he "lacked the effective control over the military units responsible for the commission of crimes" and so was unable to prevent or punish criminal conduct.<sup>57</sup> Taking into consideration the reduced scope of the conviction,<sup>58</sup> as well as the remorse Blaškić expressed, the appeals chamber reduced the trial chamber's 45-year sentence to 9 years. The significant disparity between the trial and the appeals points of conviction, and above all the immediate release of Blaškić, created the impression of an acquittal.<sup>59</sup> Though the appeals judgment did not alter the judgment's framing according to which Croats wanted to take over a part of BiH, the exonerating impression from the lower sentence looked like a conformation of the popular frame that Croats had only been protecting themselves during the war. Blaškić was welcomed in Zagreb as a hero by hundreds of cheering supporters waiting at the airport. The Croatian media treated him as a hero, too. The HVO's veteran organization of Herceg-Bosna understood Blaškić's early release "as a proof of his innocence".<sup>60</sup>

Nevertheless, *Dnevni list* started reporting about the Ahmići commemoration beginning from 2005. It was always factually correct (e.g., "116 civilians killed by the HVO members"), but often avoided to make it clear the victims had been Bosniaks. The articles were always short and never exposed. Contrary to the Bosniak media, *Dnevni List* rarely published victims' statements, but mentioned the names of the HVO commanders convicted for the crimes.

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57 Pros. v. Tihomir Blaškić, Appeals Judgment, § 421.

58 Appeals Judgment found Tihomir Blaškić did not have actual control over the forces that attacked Ahmići since there was a parallel command structure (to the official one) in this region. Those were in fact members of the HVO military police supported by the special unit Džokeri [The Jokers]. In the end, Blaškić was convicted for illegal detention of Bosniaks, forcing them to dig trenches and using them as "human shields". See ICTY Press release <http://www.icty.org/x/cases/blaskic/press/en/p875-e.htm>.

59 Blaškić was released having served eight years and four months, following the Tribunal's practice to grant early release two-thirds of the prison term.

60 [No author], "Blaškićevo puštanje dokaz njegove nevinosti" [Release of Blaškić is proof of his innocence], *Dnevni list*, 3.08.2004, 5.



### Bosniak media<sup>61</sup>

As noted before, some media outlets reject what they perceive as over-ethnification of Bosnian society, such as daily *Oslobođenje* and the weekly *Dani*. They might reject being called Bosniak and would rather opt for Bosnian instead, because they intended to target a broader than just one ethnic community of BiH. In order to make clear division between clusters of media outlet, we will refer to the mentioned two media outlets, as well as daily *Dnevni avaz* and the weekly *Slobodna Bosna* as Bosniak ones.

*Oslobođenje* literally meaning *Liberation*, was the oldest ongoing daily newspaper in BiH, established as a partisan informative leaflet in 1943. Owned by the Socialist Alliance of Working People, it completely reflected the mainstream stance of the Bosnian League of Communists,<sup>62</sup> following to the letter its principles of brotherhood and unity. This mind-set was genuinely shared by the editors and the 2000 employees who, for instance, rejected the initiative of the nationalistic coalition government to break the paper into three national editorial units in March 1991. Until the outbreak of the war in Croatia, the editorship was extremely pro-Yugoslav and pro-JNA following a kind of antinational dogmatism.<sup>63</sup> During the war, the paper “took on a role of a living symbol of Bosnian resistance to the craziness of the ethno-politics,”<sup>64</sup> and even managed to be critical of the rump Bosnian establishment during the very war, in general following its. It was, and still is, an institution “whose identity and purpose were inseparable from the legitimacy, continuity and survival of the Republic [of BiH]”<sup>65</sup> Thus, it is no surprise that *Oslobođenje* always promoted a civic understanding of Bosnian nationhood. Though declaratively writing for the whole of BiH, *Oslobođenje* was and is read predominantly in the Federation of BiH, and consequently it is less widespread among the Bosnian Serb population. A comparative study of media reporting from 2005 found that *Oslobođenje* tended to cover war crime issues concerning all three nations. However, the newspaper expressed a clear connection between the war crimes committed by Bosnian Serbs and the

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61 Description of these media outlets is taken over from the doctoral thesis of the author, cf. Jovana Mihajlović Trbovc (2014): *Public Narratives of the Past in the Framework of Transitional Justice Processes: The Case of Bosnia and Herzegovina*, (Doctoral thesis, Faculty of Social Science, University of Ljubljana), 114–116, 119–120, available at: [http://dk.fdv.uni-lj.si/doktorska\\_dela/pdfs/dr\\_mihajlovic-trbovc-jovana.pdf](http://dk.fdv.uni-lj.si/doktorska_dela/pdfs/dr_mihajlovic-trbovc-jovana.pdf).

62 Thompson [Tompson] (2000), 258.

63 Ibid, 259.

64 Ibid, 260.

65 Ibid, 274.

Republika Srpska as a result of it.<sup>66</sup> Though *Oslobođenje* is an exception from the clear ethnic division rule, it confirms that the media are divided into entities as well. *Oslobođenje* was state-owned until its privatization in April 2000, when its shares were distributed among several of its employees, but soon the largest owner became a Slovenian investment group.<sup>67</sup> This change in ownership did not significantly alter its ideological stance which remained loyal to the idea of civic Bosnia and Herzegovina, generally opposing nationalism and favoring the strongest non-ethnically defined party – Social Democratic Party of BiH.<sup>68</sup> In 2007, MIMS Group, owned by the powerful tycoon Mujo Selimović, bought the majority of *Oslobođenje's* shares,<sup>69</sup> as well as three years later the weekly magazine *Dani*.

The weekly newsmagazine *BH Dani* (*Bosnian-Herzegovinan Days*) (later renamed just as *Dani*) originated from the biweekly *Naši dani* (*Our Days*) published by the Association of the Socialist Youth of BiH (*Savez socijalističke omladine BiH*) which became the leading critical media in Bosnia in the 1980s.<sup>70</sup> As *Oslobođenje*, it gained a reputation for rather fair reporting from besieged Sarajevo, especially for writing about the crimes against civilians committed by the members of the ARBiH – quite a risky and courageous endeavor at the time. For a long time the journalists and editor-in-chief Senad Pećanin owned the shares of the magazine until it was bought by the MIMS corporation in 2010. *Dani* was always considered the most independent quality media in BiH, always openly critical towards the establishment and touching upon subjects that nobody else would touch upon.<sup>71</sup> Compared to other media, *Dani* holds the best-evaluated record of analytical writing on war crime trials<sup>72</sup> which manages to be ethnically unbiased and takes a victim-centered approach.

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66 Udovičić et al. 2005, 13.

67 Tarik Jusić, “Bosnia and Herzegovina,” in *Media Ownership and Its Impact on Media Independence and Pluralism*, ed. Brankica Petković (Ljubljana: Peace Institute, 2004), 61–92, [http://www2.mirovni-institut.si/media\\_ownership/pdf/bosnia%20and%20herzegovina.pdf](http://www2.mirovni-institut.si/media_ownership/pdf/bosnia%20and%20herzegovina.pdf), 84–5.

68 Marko et al. 2010, 91.

69 Senad Pećanin, “Radončić je u panici” [Radončić is panicking], *Dani*, 6.04.2007, <https://www.bhdani.ba/portal/clanak/512/arhiva/radoncic-je-u-panici->

70 Thompson [Tompson] (2000), 262.

71 Ibid.

72 Ahmetašević, N. and Marcus Tanner, M. (eds.) (2009): *History Overshadowed by Trivia: Regional Media Coverage of Karadžić Arrest*, Sarajevo: BIRN BiH; Mačkić & Kumar Sharma (2011) and Igrić, G. and Tanner, M. (eds.) (2011): *Spotlight on Mladić: Villain or Celebrity? The Arrest and Trail of Ratko Mladić in the Balkan Media*,

*Dnevni avaz*, literally the *Daily voice*, a title using the Turkish word *Avaz* [voice], a common name in Arabic media, makes a clear reference to the Bosniak orientation of this media outlet. It is privately owned by a local businessman (once journalist, nowadays a politician) Fahrudin Radončić and his family,<sup>73</sup> and part of a growing business empire. Founded in October 1995, “it has been claimed that *Avaz* was initially supported by the ruling Bosniak nationalist party – Party of Democratic Action [*Stranka Demokratske Akcije* – SDA]<sup>74</sup> – which has ensured the rise of this paper<sup>75</sup>” which was denied by the company owner, though its pro-SDA stance was obvious. In 2000, *Dnevni avaz* suddenly distanced itself from the SDA party, in an attempt to establish [itself] as an independent daily.<sup>76</sup> The move was severely punished by the SDA which tried different types of pressure, but with international support the paper managed to keep its independence, though still having a populist pro-Bosniak orientation.<sup>77</sup> In 2009 Fahrudin Radončić openly entered politics by founding a party – the Alliance for a Better Future of BiH (*Savez za bolju budućnost BiH*) – of which he has been the leader ever since. While hitherto Radončić often used *Avaz* as a vehicle for personal vendettas, since 2009, the paper is clearly serving the political propaganda of the owner’s party.<sup>78</sup> Though figures on circulation have been disputed, it is widely assumed that *Dnevni avaz* is the most popular media among Bosniak in BiH.<sup>79</sup>

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Sarajevo: BIRN BiH, available at: <http://www.balkaninsight.com/en/file/show/Mladić-ENG-web.pdf>.

- 73 Just before he was appointed Minister of Security of BiH, Radončić transferred formal ownership over to his wife Azra, whom he simultaneously divorced. In this way Radončić formally fulfilled legislative requirements concerning conflict of interest, but genuinely remained in control of the paper.
- 74 The paper had a head-start with access to the computers of the Army of BiH and special permission for paper supplies via air, claimed independent weekly *Dani*. See [no author], “Jebo uzrok posljedici” [The cause fucks up the consequence], *Dani*, October 1995, 10; Thompson [Tompson] (2000), 286.
- 75 Kurspahić, K. (2003): *Zločin u 19:30: Balkanski mediji u ratu i miru*, Belgrade: Dan Graf and SEEMO, 74.
- 76 Jusić 2004, 74. This assertion was confirmed by another study, see SEEMO 2008, 297.
- 77 Ibid.
- 78 Marko et al. (2010), 86–90.
- 79 Jusić 2004, 73; Udovičić et al. 2005, 30; Marko et al. 2010, 8.

### The indictment, the trial and appeals judgments in the *Blaškić* case

Since *Dnevni avaz* started only in October 1995, there were not enough articles about the HVO-ARBiH conflict until the indictment of 13 November to create a representative sample. Since it was not possible to compare *Avaz*'s framing before and after the indictment, I excluded this paper from this part of the research.<sup>80</sup>

The indictment found that during the period from May 1992 to May 1993, “a state of international armed conflict and partial occupation [By the Republic of Croatia] existed in the Republic of Bosnia and Herzegovina.”<sup>81</sup> While this point was not commented by *Hrvatska riječ* at all, *Oslobođenje* and *Dani* cheered this assumption as a confirmation for the claim they had promoted long before – that “the so-called” Herceg-Bosna had been a separatist political statelet. The indictment supported this frame, as well as the frame according to which Croat forces had committed ethnic cleansing against civilians.

In its judgment, the ICTY trial chamber regarded the direct involvement of Croatia in the conflict in Bosnia as a proven fact. Bosniak media focused on this finding. For *Dnevni avaz* the judgment “removed all hitherto debates about the nature of the HVO-ARBiH conflict”, confirming it had been an international one.<sup>82</sup> Croatia's direct involvement had been proven by Franjo Tuđman's “invasive [*osvajачki*] political opinions”, by the presence of the Croatian Army (HV) in BiH, and Croatia's overall control over the forces and the leadership of Bosnian Croats, in addition the majority of HVO officers were members of the HV, including Blaškić. Therefore Croatia had intervened in the conflict. For the Bosniak media, however, the appeals judgment was actually proof that Tuđman's regime not only fought an aggressive war in central Bosnia but that it had intentionally tried to conceal the evidence by making Tihomir Blaškić a “scapegoat” along the way.<sup>83</sup>

One of the Bosniak media interviewed Blaškić's defense counsel emphasizing his statement that during the Blaškić trial the employees of the Croatian Intelligence Agency, loyal to the deceased Tuđman, withheld the archives about Croatia's involvement in the Bosnian war. They had wanted to conceal Tuđman's policy whose aim had been the division of BiH and “ethnic cleansing of the

80 See Tab. 1.

81 Indictment, § 22. See <http://www.icty.org/x/cases/blaskic/ind/en/bla-ii951110e.pdf>. The respective press release did not mention this finding.

82 Edina Sarač, “Blaškić osuđen na 45 godina zatvora,” *Dnevni list*, 4.03.2000, 9.

83 Darjan Zadravec, “Tuđmanova vlast ‘napakovala’ Blaškiću,” *Oslobođenje*, 31.07.2004, 7.

territory which were supposed to become exclusively Croat, so they could be incorporated into Croatia in peace negotiations”.<sup>84</sup>

### The Ahmići frame

The appeals judgment was perceived as unjust by the Bosniak media. The inhabitants of Ahmići were bitter and disappointed by the judgment, aggrieved that “none of the direct participants of the crime has been convicted”,<sup>85</sup> ironically concluding that “it turns out we killed ourselves”.<sup>86</sup> *Oslobođenje* also reported about a survivor of the massacre, Mehmed Ahmić, who had claimed in court and in the media that Blaškić was not individually responsible for the crime. Ahmić became an outcast from the victims’ community. He was one of the few people in the Bosniak media who reminded the public that actually some individuals already had been convicted, such as Dario Kordić,<sup>87</sup> and that therefore the ironic claim about Bosniaks killing themselves in the absence of any Croat perpetrator was inappropriate.

The Bosniak media outlets dedicated more space to the narrative of the Ahmići massacre after the appeals judgment as compared to the reporting after the trial judgment. This may be due Blaškić’s acquittal with regard to the crimes committed in Ahmići and the wish to remind the public that despite the acquittal, a “terrifying crime” had taken place there.<sup>88</sup>

Bosniak media did not change their frames about the war as a result of the *Blaškić* indictment, trial or appeals judgment. There were some significant changes in the framing of Croatian media over time. Looking at the period before and after the *Blaškić* indictment, the only Croatian newspaper – *Hrvatska riječ* – kept the same overall narrative about the conflict. However, the impact of the ICTY indictment could be noted in the paper’s rejection of the indictment, as well as in the paper’s tendency to portray Tihomir Blaškić as a hero after the indictment. However, this was hardly in line with the ICTY decisions,

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84 Suzana Mijatović, “Blaškić tajno, iza ponoći, obišao Ahmiće i poklonio se žrtvama!” *Slobodna Bosna*, 12.08.2004, 19.

85 This is, however, untrue. Two members of the HVO (Drago Josipović and Vladimir Šantić) were convicted precisely for killing civilians in Ahmići, in 2000, and confirmed in 2001 Judgment in *Kupreškić et al.* case.

86 M. Dajić “Ispada da smo se sami poubijali” [It turns out as if we killed ourselves], *Oslobođenje*, 31.07.2004, 7.

87 Josip Vričko, “Ahmići i dalje čekaju pravdu, Kiseljak očekuje Blaškića,” *Oslobođenje*, 1.08.2004, 4–5.

88 A. O., “Zločin u Ahmićima ne smije ostati nekažnjen,” *Oslobođenje*, 30.07.2004, 4.

in whose light Blaškić was far from being portrayed as a hero. A truly remarkable change in the narrative is obvious when comparing the reporting of *Slobodna BiH (Slobodna Dalmacija)* before and after the trial judgment. The new frame of events presents Croatia as an intruding power on the territory of BiH, while blaming Croatian President Franjo Tuđman for wanting to dismantle BiH. Nevertheless, if one takes into account that this particular media outlet was under tight control of the government in Zagreb, the frame shift seems to be the result of the government change in Croatia at the time rather than a result of ICTY influence.

## b) The Orić case

In April 1992, Serb forces violently took over the municipality of Srebrenica, but after a month it was recaptured by a group of Bosnian Muslim (Bosniak) fighters under Naser Orić. The town remained encircled by the Army of Republika Srpska [*Vojska Republike Srpske – VRS*] and was cut off from the territory controlled by the Bosnian Government. Since nearly all representatives of Srebrenica's municipal authorities had earlier left the town, there was a lack of formal leadership. Hence, informal groups of Bosniak fighters elected Naser Orić for their commander which was later only confirmed by the ARBiH Supreme Command.

Fights were ongoing between the VRS and the Bosniak forces from Srebrenica, including attacks of both sides against civilians.<sup>89</sup> As a vulnerable island in Serb-controlled territory, Srebrenica was flooded by waves of refugees from neighboring areas. Living conditions were horrid, with “constant and acute shortage of food bordering to starvation” and appalling hygienic conditions.<sup>90</sup> Bosniaks from the Srebrenica enclave raided a number of Bosnian Serb villages “mainly in search for food, but also to acquire weapons and military equipment”.<sup>91</sup> The fiercest of these raids took place in January 1993 against the Serb village of Kravica. During these battles, Bosniak forces managed to capture dozens of Serb soldiers. They were detained in the Srebrenica Police Station where they were abused and tortured. Some of them were killed or succumbed to injuries, while others were exchanged against prisoners held by the Bosnian Serb Army. Later, long after the fall of Srebrenica, the ICTY charged Naser Orić for failure to

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89 Pros. v. Radislav Krstić, Trial Judgment, <http://www.icty.org/x/cases/krstic/tjug/en/krs-tj010802e.pdf>, § 14.

90 Pros. v. Naser Orić, Trial Judgment Summary, <http://www.icty.org/x/cases/oric/press/en/PR1094e%20Summary%20of%20Judgement%20for%20Naser%20Orić.pdf>, 2.

91 Ibid.

prevent or punish those of his subordinates who had committed these crimes. As the effective leader of the Bosniak forces in Srebrenica, he was also indicted for wanton destruction of more than 50 Serb villages in 1992 and 1993.

In April 1993, the UN Security Council declared the enclave a “safe area”, hoping to prevent it from being attacked. At the same time the peacekeeping forces (the United Nations Protection Force – UNPROFOR) negotiated a cease-fire agreement between the armies which included the positioning of peacekeepers between the frontlines and disarming the enclave. From the beginning, both sides violated the “safe area” agreement. On the one hand, the VRS deliberately limited access of international humanitarian aid convoys into the enclave, and on the other hand, the ARBiH forces in Srebrenica admittedly failed to hand over all weapons.<sup>92</sup> This situation lasted until July 1995, when the VRS took over the Srebrenica enclave, meeting only symbolic resistance from UNPROFOR, represented at the time by a Dutch battalion, colloquially referred to as “DutchBat”. The Bosniak civilians sought refuge at the UN compound in the nearby hamlet of Potočari, but were deported by the Serb forces to the territory under control of the ARBiH. The Serb forces separated men from the refugees and eventually killed them. In the course of the Serb takeover, most of able-bodied Bosniak men fled into the woods. During the following days they were hunted down and captured by Serb forces,<sup>93</sup> who killed virtually everybody in summary executions. More than 8,000 Bosniaks were killed in what several ICTY Judgments later would declare a genocide,<sup>94</sup> and the worst episode of the Bosnian war. It should be noted that the dominant Serb narrative about Srebrenica often claimed that the crime committed in July 1995 should be viewed from a “historical” perspective, as a revenge action responding to the previous atrocities suffered by the local Serbs in the villages around Srebrenica.

### **The framing of *Srebrenica* in Bosniak media**

Speculations about Orić’s potential culpability for war crimes had existed long before the indictment was published. In April 2001, Orić voluntarily gave statement to ICTY investigators, two years before he would be officially indicted. Presuming he was arrested, Srebrenica survivors (the organization *Women of Srebrenica*) protested before the ICTY office in Sarajevo. *Dnevni avaz* reported

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92 Krstić trial judgment, §§ 22–23.

93 Here I refer to ‘Serb forces’ since the VRS units were significantly helped by the Army of Yugoslavia (i.e. Serbia and Montenegro) and paramilitaries from Serbia.

94 *Pros. v. Radisav Krstić, Pros. v. Popović et al., Pros. v. Tolimir.*

about this in an emotionally charged tone, presenting Orić as the “hero of Srebrenica’s defense”, who by definition could not be guilty of any crime. Any potential accusation of misconduct of “Srebrenica defenders” was framed as an attempt to trivialize and downplay the genocide against Bosniaks.<sup>95</sup> In its coverage of the Srebrenica events, *Dnevni avaz* never mentioned any Serb victims.

*Oslobođenje* fairly quoted Srebrenica survivor’s claim that Orić “was a hero, not a criminal”, but did not identify with such a claim. On that occasion, the paper reported that Orić had been suspected of having killed dozens of Serb civilians.<sup>96</sup> *Oslobođenje* did not mention potential Serb victims either and completely focused on the events of 1995. In April 2003 Naser Orić was arrested upon a sealed indictment. The fact was made public immediately afterwards. The respective press release about the indictment did not contain any particular frame. Following the line according to which a “commander of Srebrenica’s defense” could not be accused of crimes, *Dnevni avaz* dramatically reported on Orić’s arrest as an example of utmost injustice. Its narrative about *Srebrenica* remained unchanged and completely obliterated any wrongdoing against Serbs. Without invoking the hagiographic framing of Naser Orić which was typical for *Dnevni avaz*, *Oslobođenje* also stuck to its previous frame about *Srebrenica*.

### The trial and appeals judgments

In their public statements and design of official commemoration, Bosnian Serb politicians promoted misconception that Naser Orić was charged with killing Serbs in the villages surrounding Srebrenica enclave. As obvious from the indictment presented above, he was charged for not preventing torture and killing of several Serb detainees within Srebrenica, and for wanton destruction of Serb property in their villages. Though *Dnevni avaz* closely followed the trial of Naser Orić, they generally avoided mentioning any misconduct of Bosniak forces in Srebrenica. On rare occasions when they would report on Serb commemorations, it was framed as a political provocation<sup>97</sup> and relativization of genocide,<sup>98</sup> not a legitimate act of mourning. The most prominent

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95 E.g. I. Čatić, “Došao sam da kažem svoju istinu, istinu našeg naroda”, *Dnevni avaz*, 6.04.2001, 8.

96 V. Ž. and B. I., “Heroj Podrinja, a ne zločinac” [Hero of Podrinje, not a criminal], *Oslobođenje*, 3.04.2001, 3.

97 A. H., “Čatić: Nije ovo prvi put da nas u Tuzli vrijeđaju i psuju”, *Dnevni avaz*, 12.01.2006, 2.

98 A. H., “U Kravici su poginuli vojnici VRS, a ne civili”, *Dnevni avaz*, 7.01.2006, 10.



occasion was the Kravica commemoration of January 2006 to which president of the Republic of Serbia, Boris Tadić, attended, probably in an act of balancing to his (silent) attendance at the tenth commemoration of the Bosniak genocide in Potočari in July 2005. Due to the high profile of the event, *Dnevni avaz* reported about the 2006 Kravica commemoration, though the paper ignored the event during the years before and afterwards. Therefore, even when Serb casualties were mentioned, they were not incorporated into the dominant narrative about Srebrenica. *Oslobođenje* reported about the commemoration with dignity, not refuting the assumption of the Serb dominant narrative that Naser Orić might have been responsible for the Serbs killed in Kravica. Nevertheless, in July of the following year, during the usual time when newspapers would retell the story of *Srebrenica*, only the events of 1995 were dealt without mentioning the precursory events such as Kravica.

Though the trial chamber acknowledged that Naser Orić “operated under most adverse circumstances” with little means of communication and control over loosely structured military forces (both at the front and within the city), he was found guilty of gathering information about the treatment of the prisoners held in Srebrenica Police Station, especially in light of previous abuses with which he had been familiar.<sup>99</sup> With regard to the destruction of Serb villages, the trial chamber did not exclude that there could be a military justification for the attacks, since the previous attacks on Bosniak forces had come from there. Nevertheless, Orić as a leader should have formally prevented Bosniak civilians from following the fighters and from burning down some of the villages.<sup>100</sup> In the end, the trial chamber found that Bosniak forces were a loose assembly of volunteers and independent groups rather than an organized army, and that every military operation was accompanied by “a mass of uncontrollable civilians that were present at every attack”.<sup>101</sup> Thus the chamber found that Orić cannot be held responsible for the destruction, since he did not wield effective control over them. While finding Orić guilty for failing to prevent the abuse of Serb detainees, the trial chamber regarded the breakdown of law and order in the town as a mitigating circumstance and sentenced Orić only to two years of imprisonment. Because he had already spent three years in custody, he was immediately released. This fact served *Dnevni avaz* as the reason for suggesting his genuine

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99 Orić trial judgment Summary, 6.

100 Orić trial judgment Summary, 9–10.

101 Ibid, 10.

innocence.<sup>102</sup> A big crowd awaited Orić's return from The Hague, cheering him as a hero.<sup>103</sup> During the following days, the Bosniak member of the BiH Presidium and its chair at the time, Sulejman Tihić paid respect to Naser Orić by welcoming him in his cabinet, stating: "the Hague Tribunal once again proved that genocide has been committed [in Srebrenica], continuously from 1992 to 1995".<sup>104</sup> It is clear from the judgment summary that genocide against Bosniaks was not under scrutiny in the *Orić* case, actually it was not even mentioned in the trial judgment.<sup>105</sup> However, this statement illustrates that for the political leaders as well, the genocide of July 1995 permeates all interpretations of all previous events that took place in and around the enclave. Obviously both Serb and Bosniak politicians lacked understanding of what Orić had been charged of and why he had been convicted. It seems that for everybody Orić was rather a symbol of a specific historical interpretation, rather than a real-life defendant, who might or might not bear individual criminal responsibility.

The appeals chamber established that the first instance erred in drawing legal conclusions regarding Orić's responsibility and freed him of all charges. Still, it should be noted that both judgments agree that "grave crimes were committed against Serbs detained in Srebrenica" which the defense also never disputed.<sup>106</sup> However, this point was never part of the dominant frame about *Srebrenica* in Bosniak media.

### *Nezavisne novine*<sup>107</sup>

*Nezavisne novine* (The Independent Newspaper) was founded by its editor-in-chief Željko Kopanja at the very end of the war. At that time, it was the only media in the Republika Srpska that dared to write about the war crimes committed by

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102 Front-page title of *Dnevni avaz*: "Naser Orić free as of yesterday", *Dnevni avaz*, 1.07.2006.

103 Mihajlović Trbovc, J. (2018): 'Homecomings From "The Hague": Media Coverage of ICTY Defendants After Trial and Punishment,' *International Criminal Justice Review* 28 (4), 406–422.

104 S. R., "Tihić čestitao Oriću na hrabrosti i izdržljivosti," *Oslobođenje*, 1.07.2006.

105 See <http://www.icty.org/x/cases/oric/tjug/en/ori-jud060630e.pdf>.

106 *Pros. v. Naser Orić*, Appeals Judgment summary, <http://www.icty.org/sid/9941>.

107 Description of this media outlet is taken over from the doctoral thesis of the author, cf. Jovana Mihajlović Trbovc (2014): *Public Narratives of the Past in the Framework of Transitional Justice Processes: The Case of Bosnia and Herzegovina*, (Doctoral thesis, Faculty of Social Science, University of Ljubljana), 114–116, 119–120, available at: [http://dk.fdv.uni-lj.si/doktorska\\_dela/pdfs/dr\\_mihajlovic-trbovc-jovana.pdf](http://dk.fdv.uni-lj.si/doktorska_dela/pdfs/dr_mihajlovic-trbovc-jovana.pdf).

forces fighting for the Bosnian Serbs which resulted in an attempt to assassinate Kopenja in 1999. *Nezavisne novine* was the first media from Republika Srpska with the intention to address the population of the other entity as well. This became obvious on several occasions and the newspaper was openly supported by international, who provided technical and financial support, as well as professional training.<sup>108</sup> Hence, it was the only paper with newsrooms in Banja Luka and Sarajevo, and a smaller one in Mostar, and which attempted “through its content to be truly a BiH paper”.<sup>109</sup> Some described it as “the most serious [daily newspaper], in terms of its content and journalistic quality”<sup>110</sup> with the most comprehensive and unbiased coverage of the war crime trials.<sup>111</sup> However, when the financial sustainability of the newspaper seemed secure, donor support withered away,<sup>112</sup> leaving it to the fate of the local market. Over time, political pressure transformed from a direct one to a more oblique form, as political elites, intertwined with the centers of economic power, leveled their preferences through advertising. Since roughly 2007, the editorial policy of the *Nezavisne novine* slowly shifted towards an openly pro-Serbian attitude. This also became obvious in the presentation of war crime-related issues.<sup>113</sup> Under Milorad Dodik, the government of the Republika Srpska, started to support the paper with favorable contracts and subsidies, and in 2008 the paper merged with the government-owned paper *Glas Srpske*. It was precisely Milorad Dodik, later president of the RS, who was most often named in the context of political pressures and hostility to critical journalism.<sup>114</sup> This change of political allegiance was reflected also in

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108 De Luce, D. (2003): *Assessment of USAID Media Assistance in Bosnia and Herzegovina, 1996–2002, PPC Evaluation Working Paper*, USAID, Bureau for Policy and Program Coordination, 7.

109 SEEMO (2008), 298.

110 Jusić (2004), 75.

111 Udovičić et al. (2005), 35.

112 Jusić, T. & Ahmetašević, N. (2013): *Media Reforms through Intervention: International Media Assistance in Bosnia and Herzegovina, Working paper*, Analitika, Center for Social Research, available at: [http://analitika.ba/sites/default/files/publikacije/jusic\\_and\\_ahmetasevic\\_-\\_rrpp\\_bih\\_medassistance\\_31dec2013\\_final.pdf](http://analitika.ba/sites/default/files/publikacije/jusic_and_ahmetasevic_-_rrpp_bih_medassistance_31dec2013_final.pdf).

113 Ahmetašević & Tanner (2009), 51–53. Mačkić, E. (2012): ‘Bosnia – Laying Bare a Nation’s Unhealed Wounds’ in: Igrić, G. & Tanner, M. (2012): *Spotlight on Mladić: Villian or Celebrity? The Arrest and Trail of Ratko Mladić in the Balkan Media*, Sarajevo: BIRN BiH, 17, 21–22, available at: <http://www.balkaninsight.com/en/file/show/Mladić-BH-web.pdf>.

114 IREX (2008), 17–18, 21.

the way war crime trials and similar issues were. *Nezavisne* gradually shifted from a neutral (and pro-justice) to an exclusively pro-Serbian point of view.<sup>115</sup>

### **The indictment, the trial and appeals judgments in the Orić case**

The dominant frame in which *Nezavisne novine* narrated the war events in Srebrenica was that of mutual fight between Bosniak and Serb forces, in which both sides committed crimes against civilians. However, it did not adopt the dominant frame promoted by the Serb political leaders in which the Serbs were the primary victims. *Nezavisne novine* did acknowledge that a large-scale massacre of Bosniaks took place in Srebrenica in July 1995, though avoided referring to it as genocide. Like in the case of Bosniak media, for *Nezavisne novine* Naser Orić was a symbol of something that he actually was not charged for – the primarily culprit of the raids of the villages surrounding Srebrenica. Though *Nezavisne novine* accurately reported about the substance of Orić's indictment which did not involve killings in Serb villages, its journalists and commentators did not correct the other medias' misrepresentations when quoting the statements of Serb politicians and veterans. Therefore, *Nezavisne novine* simultaneously promoted frames about Serb and Bosniak victimization in Srebrenica. The indictment did not bring any changes to that.

Double victimization persisted after the appeals judgment, but Serb victims gained more space, detail, and emotional loading over time. The Serb commemorations in Kravica and Bratunac were regularly reported by *Nezavisne novine*, but until 2009 the articles were small and almost deprived of emotions. In January 2009 (and ever since), the reports about the Kravica commemoration were exposed photographic illustrations and personal statements of Serb victims. The narrative frame remained the same – forces under Orić's command had committed terrible crimes against innocent Serb civilians. However, these changes cannot be attributed to the influence of the ICTY; they are better explained by the shift in financial dependence. *Nezavisne novine* came under the influence of the Republika Srpska government, and this had a stronger impact than any frame of ICTY indictment or judgment. This was also the reason why the newspaper gave more and more space to genocide denial with regard to Srebrenica. This could hardly be a result triggered by ICTY decisions.

Though Naser Orić was not present in the Srebrenica area at the time of genocide, and the events that he was charged for took place two years before, Bosniak

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115 Ahmetašević & Tanner (2009); Mačkić & Kumar Sharma (2011); Igrić & Tanner (2012).

media almost always put him into the “Srebrenica genocide”-frame. Precisely because of the immense tragedy that Bosniak people suffered in Srebrenica, and because of the great symbolical potential of genocide as “the crime of all crimes”, it seems that the writings about any event related to Srebrenica region by Bosniak media is overshadowed by July 1995. It seems that Bosniak media cannot write about Srebrenica outside this “Srebrenica genocide”-frame. The actual scope and focus of the *Orić* case never became a topic of public debates, neither in Bosniak media nor in *Nezavisne novine*. Therefore it is virtually impossible to measure the impact of the Tribunal’s decisions on the framing of the conflict in the local media, since the framing related to issues is absent from the case at trial. While Bosniak media and political leaders perceived *Orić* as being tried as a Srebrenica defender, *Nezavisne novine* and Serb politicians perceived him as being on trial for the killings of Serbs in villages around the enclave. He was tried for neither.

## Conclusion

These two cases, *Blaškić* and *Orić*, offer an interesting insight into the potential of ICT judgments to induce change in the way the media frame and the general public perceives events that are the subject matter of these trials. However, as especially *Orić* shows, media cannot only enhance the common knowledge about the facts established by the court, they can also create completely misleading impressions of what the trial is actually about. One could conclude that the legal trial in question was rather immersed into the already ongoing historical dispute,<sup>116</sup> rather than shaping or influencing the dispute itself.

The analysis of the media discourses about the Bosniak-Croat conflict in the media coverage of *Blaškić* case reveals another important element about *how* international tribunals can influence public debates. *Blaškić* shows that changes in the political establishment are more important for frame changes (and even changes of the grand narratives behind them) than indictments and judgments. Trials may influence public discourse about the past by defining critical notions or concepts (such as the internationality of the conflict, ethnic cleansing, genocide) around which the public debates evolve. Additionally, the narrative presented in an indictment or a judgment can make a difference by provoking statements from politicians, intellectuals, prominent journalists, and victims who then try to

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116 Duijzings, G. (2007): ‘Commemorating Srebrenica: Histories of Violence and the Politics of Memory in Eastern Bosnia’, in Bougarel, X., Helms, E. & Duijzings, G. (eds.): *The New Bosnian Mosaic: Identities, Memories and Moral Claims in a Post-War Society*, Aldershot and Burlington: Ashgate, 142–66.

deny or refute the prosecution's or court's interpretations. By doing so, ICTs can influence the priming of news coverage and can set the agenda of public debates, even if they are unable to shape or challenge the frames invoked in these debates. Hence, trials may influence the representation of the war-time events, even if not in the way intended by the court or expected by the academic literature.

Jovana Mihajlović Trbovc

## The Invisible Hand of the ICTY: Narratives on Dubrovnik in Montenegro<sup>1</sup>

Montenegro was the smallest federal unit of the former Yugoslavia,<sup>2</sup> situated south from Serbia, with a short Adriatic coastline east from Croatia. In the course of Yugoslav crisis and dissolution, its political leadership followed the line of the Milošević regime in Belgrade,<sup>3</sup> thus it was perceived as a “satellite” of Serbia.<sup>4</sup> When the Yugoslav dissolution became *fait accompli*, Serbia and Montenegro formed the Federal Republic of Yugoslavia in April 1992. The common state was restructured into the “State Union of Serbia and Montenegro” in 2003, until Montenegro opted for independence in 2006. Some Montenegrin citizens were conscripted into the various pro-Serb military units fighting in the Yugoslav wars (1991–1995), and others participated voluntarily. When evaluating the role of Montenegro in the Yugoslav wars, one event is specifically related to the question of Montenegro’s responsibility in the Croatian war – the attack on the coastal medieval town of Dubrovnik by the Yugoslav People’s Army [*Jugoslovenska narodna armija* – JNA] from the territory of Montenegro in the autumn of 1991. The attack was supported by the Montenegrin Territorial Defence forces<sup>5</sup> and special police units. In this chapter, I will analyze how the

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- 1 The author would like to thank Jelena Džankić and Duško Vuković for reading the earlier version of this chapter and providing valuable comments and information.
  - 2 Population counts to less than 700,000. See Bieber, F. (ed.) (2003): *Montenegro in Transition: Problems of Identity and Statehood*. Baden-Baden: Nomos Verlagsgesellschaft, 7.
  - 3 The Socialist Republic of Serbia was the federal unit of the Socialist Federative Republic of Yugoslavia (SFRY), whose president was Milošević since May 1989 and continued being so after the first multiparty elections of 1990, as well as after the Republic dropped ‘Socialist’ from its name in September 1990.
  - 4 Darmanović, S. (1992): ‘Montenegro: Destiny of a Satellite State’, *East European Reporter* 5 (2) (March–April), 27–29.
  - 5 Territorial Defence [*Teritorijalna odbrana*] is a military defence system devised in the SFRY since 1968, parallel to the regular army – JNA. These territorially based units were under supervision of civilian authorities at the local level of government, and staffed by local population. See Hoare, M. A. (2004): *How Bosnia Armed*. London: Saqi Books in association with The Bosnian Institute, 19.

Dubrovnik operation has been narrated in the Montenegrin media before and after the only ICTY case that dealt with this event – the trial of General Pavle Strugar, the commander of the JNA forces that conducted the military campaign against the Dubrovnik region.

## The Dubrovnik operation

After constitutional changes towards greater sovereignty in Croatia in July 1990, Serb rebellion broke out and was first indirectly, tacitly than overtly supported by the JNA. As the independence of Croatia became imminent in spring 1991, the JNA started overtly supporting Serb paramilitaries. During the course of 1991, Belgrade increasingly gained control over JNA, which was in the process of becoming an exclusively Serb army. In response, nascent Croatian forces laid siege to JNA barracks and installations across Croatia.<sup>6</sup> By December 1991, the joint Serb forces (JNA and paramilitaries) gained control over large parts of territory of the Republic of Croatia which had effectuated its independence on the 8 October. In this context Dubrovnik became a strategic spot for the JNA, because of its proximity to the borders with Montenegro and Bosnia and Herzegovina and its function as a port. In September 1991, a special JNA unit was formed and dislocated in the area of Konavle, a small strip east of Dubrovnik, on the very border with Montenegro. The JNA forces included a significant number of reservists and volunteers (ethnic Serbs)<sup>7</sup> from Montenegro and nearby Herzegovina.<sup>8</sup> Sporadic fighting started in September, and at the end of the month, the General Staff of the SFRY (at that time under full control of Slobodan Milošević, President of Serbia) issued an order to lay siege to Dubrovnik, including the nearby Čilipi airport. It was “meant to prevent the arming of Croatian forces in Dubrovnik ... on the basis of the UN arms embargo in all of the former Yugoslavia,” a JNA

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6 Pros. v. Pavle Strugar, Trial Judgment, § 26. Available at: <http://www.icty.org/x/cases/strugar/tjug/en/str-tj050131e.pdf>.

7 In 1991, the notion of “Serbdom” generally applied also to Christian Orthodox population of Montenegro, while the idea of distinctive Montenegrin nation gained prevalence over the time. The topic is still highly contested, see Pavlović, S. (2003): ‘Who Are Montenegrins? Statehood, Identity, and Civic Society’, in Bieber, Florian (ed.): *Montenegro in Transition: Problems of Identity and Statehood*. Baden-Baden: Nomos Verlagsgesellschaft, 83–106. However, this “nuance of identity” is not of utmost relevance for the topic of this chapter.

8 Pros. v. Pavle Strugar, Trial Judgment, § 25. Available at: <http://www.icty.org/x/cases/strugar/tjug/en/str-tj050131e.pdf>.



Admiral later claimed during the trial at the ICTY.<sup>9</sup> However, at the time, General Strugar, commander of the units circling Dubrovnik declared that “Montenegro had been attacked” which was unsupported by evidence but taken as a justification for the mobilization of the Montenegrin Territorial Defence and the special police units, which were put under JNA control.<sup>10</sup> These joint forces launched combat operations on 1 October and by mid-November they already had conquered territory in the city of Dubrovnik, except the Old Town.<sup>11</sup> This historic part of the city, enclosed within medieval walls, is renowned for its exceptional architecture, its palaces, churches, and public buildings which date from medieval times. The Old Town was recognized as a World Heritage site by UNESCO in 1979, when it was completely demilitarized. During the siege, many buildings of historic and cultural significance were damaged. At the beginning of December 1991, negotiations started between representatives of the Croatian Government and the JNA. Despite ongoing negotiations and a temporary ceasefire, the JNA launched a surprise attack to capture Mount Srđ (above the Old Town) on the 6 December. Croatian forces responded firing from the hill and the surrounding area, but no Croatian artillery was located in the Old Town.<sup>12</sup> The JNA launched mortar shelling, not only on Croatian military targets, but also on the Old Town, firing in an unjustified, extensive and deliberate way.<sup>13</sup> The shelling continued, with varying intensity, throughout the day, causing significant damage on the historic buildings. Having failed to capture Srđ, the JNA withdrew and a ceasefire was signed in the morning.<sup>14</sup> At the beginning of the following day a ceasefire was signed. The siege of Dubrovnik eventually ended in 1992, when the JNA withdrew from the Dubrovnik’s hinterland, refocusing its resources on the outbreak of the war in Bosnia and Herzegovina in May 1992.<sup>15</sup>

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9 Admiral Miodrag Jokić quoted in *Pros. v. Pavle Strugar*, trial judgment, § 39. Available at: <http://www.icty.org/x/cases/strugar/tjug/en/str-tj050131e.pdf>.

10 *Pros. v. Pavle Strugar*, trial judgment, § 40. Available at: <http://www.icty.org/x/cases/strugar/tjug/en/str-tj050131e.pdf>.

11 *Ibid.*

12 *Pros. v. Pavle Strugar*, trial judgment, par. 72, 182, 193, available at: <http://www.icty.org/x/cases/strugar/tjug/en/str-tj050131e.pdf>.

13 *Pros. v. Pavle Strugar*, trial judgment, par. 139, 195, 214, 287–288, available at: <http://www.icty.org/x/cases/strugar/tjug/en/str-tj050131e.pdf>.

14 *Ibid.*

15 Silber, L. & Little, A. (1997): *Yugoslavia: Death of a Nation*. New York: Penguin Books, 185.

There is a wide-ranging consensus among scholars about this episode of the Yugoslav wars, according to which the JNA attack on Dubrovnik area cannot be justified in the same manner as other JNA operations elsewhere in Croatia: In Dubrovnik no JNA garrison had been blocked, no significant Serbian population was in danger that could be claimed to be under threat, and there had been no significant military Croatian presence prior to the conflict.<sup>16</sup>

## Montenegro's responsibility

When weighing responsibility for the Dubrovnik operation, the international authors tend to focus on the decisions of the JNA command staff, disregarding the acts of the Montenegrin leadership.<sup>17</sup> In 1991, the Montenegrin President, Momir Bulatović, and Prime Minister Milo Đukanović held ambivalent positions regarding the Dubrovnik campaign. Montenegro officially claimed it was not at war with Croatia.<sup>18</sup> Nevertheless, a part of the forces active in the field of Konavle were at least formally under Montenegrin jurisdiction. The Territorial Defence, an institution of the Republic of Montenegro, and the police forces as part of the Montenegrin Ministry of the Interior, were put under the command of the JNA. Though it is unclear whether Montenegrin officials could influence the conduct of the troops in the field, they never opposed the decisions from Belgrade. The Montenegrin leadership held a tight control over the public media and helped the JNA war effort by “constructing a climate of fear and mass hysteria among the public” through inflammatory statements and war-mongering propaganda.<sup>19</sup> According to it, the Croat forces (“Ustashas” as they were referred to)<sup>20</sup> were attempting an unlawful secession, and represented an imminent danger for the lives of Serbs and Montenegrins, hence the JNA, as a true peace-maker in

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16 Silber, L. & Little, A. (1997): *Yugoslavia: Death of a Nation*. New York: Penguin Books, 182–3.; Sikavica, S. (2000): ‘The Army Collapse’ in Udovički, J. & Ridgeway, J. (eds.): *Burn This House: The Making and Unmaking of Yugoslavia*, Durham and London: Duke University Press, 131–153; Bjelajac, M., and Žunec, O. (2010): ‘The War in Croatia, 1991–1995’, in Ingraio, Ch. & Emmert, T. A. (eds.): *Confronting the Yugoslav Controversies: A Scholars’ Initiative*, Washington and West Lafayette: United States Institute of Peace Press and Purdue University Press, p. 230–271.

17 For instance, see Silber & Little (1997), 182–185.

18 Rakonjac, S. (2010): Documentary Series “Rat za Dubrovnik”, part 2. Podgorica: RTCG, time 00:24:50.

19 Morrison, K. (2009): *Montenegro: A Modern History*, London & New York: I.B. Tauris, 92.

20 Ustashas were Croatian fascists from the Second World War.

Yugoslavia, had to intervene. This narrative, disguised as defensive, justified the use of violence in order to achieve an allegedly greater good which was best described by the infamous phrase that the JNA attack on Dubrovnik was in fact “a war for peace.”<sup>21</sup> At the same time, Montenegrin Prime Minister Milo Đukanović suggested the attack on Dubrovnik could be an opportunity to redraw the border with Croatia.<sup>22</sup>

The Dubrovnik fiasco made the Montenegrin leadership retract from its initial position. A year later, President Bulatović claimed he had been advocating a peaceful solution from the beginning of the conflict,<sup>23</sup> and that the Dubrovnik operation “was the gravest point of our national shame” (*tačka naše najveće nacionalne sramote*).<sup>24</sup> Later in 1996, in an interview for the Croatian newspaper *Slobodna Dalmacija*, Bulatović alleged the Montenegrin leadership had been “tricked” into the Dubrovnik operation due to misinformation given by General Veljko Kadijević, the Yugoslav Defence Minister.<sup>25</sup> In Bulatović’s interpretation Kadijević wrongfully claimed that 30,000 Croatian “Ustashas” had been gathering at the border, preparing an attack, and that Bulatović had believed him, and hence had supported the Dubrovnik operation. In 2003 Đukanović also claimed

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- 21 Svetozar Marović, the the vice president of the ruling party DPS, used the phrase to justify the ongoing attack on Dubrovnik in a column in the daily *Pobjeda*. Cf. Pavlović, Srđa (2005): “Reckoning: The 1991 Siege of Dubrovnik and the Consequences of the ‘War for Peace,’” *Spaces of Identity* 5 (1), footnote 1. Available at: <http://pi.library.yorku.ca/ojs/index.php/soi/article/view/8001/7151#fn1>. Also, Pavlović, Koča (2003/2004): documentary film “Rat za mir”. Podgorica: Independent Production Group Obala, time 00:39:58.
  - 22 Pavlović, K. (2003/2004): documentary film “Rat za mir”. Podgorica: Independent Production Group Obala, time 00:10:26; Rakonjac, S. (2010): documentary series “Rat za Dubrovnik”, part 2. Podgorica: RTCG, time: 00:25:50. Available at: [https://www.youtube.com/watch?v=AZAlLaY\\_swU](https://www.youtube.com/watch?v=AZAlLaY_swU).
  - 23 Quoted in Vojičić, Branko, “Do Dubrovnika i natrag”, *Monitor*, 13.11.1992, reprinted in Vojičić, B. (2006): Dubrovnik: “RAT ZA MIR”, p. 404. Belgrade: Helsinški odbor za ljudska prava u Srbiji. Available at: <http://www.helsinki.org.rs/doc/Svedocanstva24.pdf>.
  - 24 Statement of Momir Bulatović from 1993, quoted in Vojičić, Branko, “Preventivom po Dubrovniku”, *Monitor*, 17.12.2004, reprinted in Vojičić, B. (2006): Dubrovnik: “Rat za mir”, p. 570. Belgrade: Helsinški odbor za ljudska prava u Srbiji. Available at: <http://www.helsinki.org.rs/doc/Svedocanstva24.pdf>.
  - 25 Vojičić, Branko, “Kadijevićeva ‘ratna zamka’”, *Monitor*, 24.10.2004, reprinted in Vojičić, Branko (2006): Dubrovnik: “Rat za mir”, pp. 531–535. Belgrade: Helsinški odbor za ljudska prava u Srbiji. Available at: <http://www.helsinki.org.rs/doc/Svedocanstva24.pdf>.

he had been deceived by the information from Belgrade.<sup>26</sup> The *Strugar* trial confirmed Kadujević had actually lied.<sup>27</sup>

Both Bulatović and Milo Đukanović were leaders of the Democratic Party of Socialists of Montenegro [*Demokratska partija socijalista Crne Gore* – DPS], successors to the Montenegrin League of Communists, and as such partners to the Milošević regime. However, the two Montenegrin leaders split over their allegiance to Milošević in 1997, when Đukanović turned pro-Western, a turn that was part of his strategy for Montenegro's independence. Đukanović's faction eventually won, both within the DPS and in the Republic, and the geopolitical orientation of Montenegro shifted under the same political elite as before.<sup>28</sup> The DPS remained continuously in power in Montenegro till today, while Đukanović remained its leader.<sup>29</sup> Part of this shift was a change in the leadership's attitude towards the war-time past which was symbolically marked by Đukanović's apology for the Dubrovnik operation to the Croatian president on 24 June 2000. A detailed analysis of this statement will be provided below. Three years later, another high-level DPS politician, Svetozar Marović, in his capacity as president of the State Union of Serbia and Montenegro, apologized for "all the evil that any citizen of Montenegro and Serbia committed to anybody in Croatia."<sup>30</sup>

This statement was far from a genuine "dealing with the past" on behalf of Montenegrin leadership which had been a "partly unwilling accomplice in crimes."<sup>31</sup> The new official narrative projected idealised image of Montenegro as a European, tolerant, multi-ethnic country, which, "due to unfavourable historical circumstances, had become a victim of hegemonic politics of its big neighbour,

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26 Pavlović, Srđa (2005): "Reckoning: The 1991 Siege of Dubrovnik and the Consequences of the 'War for Peace,'" *Spaces of Identity* 5 (1), 65. Available at: <http://pi.library.yorku.ca/ojs/index.php/soi/article/view/8001/7151#fn1>.

27 This has been confirmed by the witness statement of Nikola Samardžić, Montenegrin Minister of Foreign Affairs in 1991, cf. *Pros. v. Pavle Strugar*, Trial Judgment, § 40. Available at: <http://www.icty.org/x/cases/strugar/tjug/en/str-tj050131e.pdf>; also *Pros. v. Pavle Strugar*, Transcripts (20.01.2004). Available at: <http://www.icty.org/x/cases/strugar/trans/en/040120IT.htm>.

28 For detailed description of the process see Bieber (2003), 29.

29 He was Prime Minister from 1991 to 1998 and between 2003 and 2006, 2008 and 2010, 2012 and 2016 and president between 1998–2002 as well as since 2018, and remained DPS party leader even during official retirement from politics.

30 Kostić, Slobodan, "Jurnjava po terenu", *Vreme*, 20.11.2003. Available at: <http://www.vreme.com/cms/view.php?id=358575>.

31 Bieber (2003), 7.

Serbia.<sup>32</sup> This official auto-portrait resembled Austria's way of portraying herself as a victim, rather than an accomplice of the Nazi regime, until the 1990s.<sup>33</sup> This significant shift of the official Montenegrin narrative about the war took place before the Dubrovnik operation examined in the *Strugar* trial.

## The Montenegrin media

Established in 1944, the daily *Pobjeda* (Victory) was the main newspaper of socialist Montenegro,<sup>34</sup> and the official organ of the regime.<sup>35</sup> It was owned by the Assembly of Montenegro until 2004, when one third of the shares was sold to the employees (the rest remained state-owned) without altering its editorial policy.<sup>36</sup> Remaining the only daily newspaper until 1997, its audience significantly shrunk with the advent of other newspapers on the market, making *Pobjeda* the least read newspaper among the dailies.<sup>37</sup> During the siege of Dubrovnik, *Pobjeda*

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- 32 Pavlović, S. (2010): 'Odsustva - O osporavanju prošlosti i konstrukciji društvenog zaborava.' *Istorija 20. veka* 28 (2), 125.
- 33 Uhl, H. (2006): 'From Victim Myth to Co-Responsibility Thesis: Nazi Rule, World War II, and the Holocaust in Austrian Memory' in Lebow, R. N., Kansteiner, W. & Fogu, C. (eds.): *The Politics of Memory in Postwar Europe*, Durham: Duke University Press, 40–72. Such a position was supported by the Western allies, the United States in particular, as part of their Cold War political strategy to win popular opinion in internationally neutral Austria — which could be another historical parallel to Montenegrin case.
- 34 Its position was similar to *Oslobođenje*'s in Bosnia and Herzegovina and *Politika*'s in Serbia.
- 35 Zadrina, M. (2004): 'Montenegro', in Petković, B. (ed.): *Media Ownership and its Impact on Media Independence and Pluralism*, Ljubljana: Peace Institute, 350, available at: [http://www2.mirovni-institut.si/media\\_ownership/montenegro.htm](http://www2.mirovni-institut.si/media_ownership/montenegro.htm).
- 36 SEEMO (2008): "Montenegro," in *South East and Central Europe Media Handbook Vol. 1*. Vienna: South East Europe Media Organisation (SEEMO), p. 367.
- 37 Data from 2003 present share of favorite daily newspaper: *Vijesti* 19.4 %, *Dan* 16.7 %, *Pobjeda* 8 % (Zadrina, Mladen (2004): "Montenegro," in *Media Ownership and Its Impact on Media Independence and Pluralism*, edited by Brankica Petković. Ljubljana: Peace Institute, p. 351). Data from 2007 present citizens' trust: *Vijesti* 44 %, *Dan* 35.1 %, *Pobjeda* 14 % (SEEMO (2008): "Montenegro," in *South East and Central Europe Media Handbook Vol. 1*. Vienna: South East Europe Media Organisation (SEEMO), p. 369). Data from 2012 present reading index (0 min. - 1 max): *Vijesti* 0.5, *Dan* 0.43, *Pobjeda* 0.37 (Center for Democracy and Human Rights (2012): *Izveštaj: Stavovi građana o medijskim slobodama u Crnoj Gori*. Podgorica: Center for Democracy and Human Rights, pp. 9–10. Available at: <http://www.osce.org/me/montenegro/97479?download=true>).

issued war-mongering propaganda which peaked in special issues printed from October to December 1991 titled “War for Peace.”<sup>38</sup> When the Montenegrin leadership subsequently changed its attitude towards the Milošević regime, the Yugoslav successor states, and the ICTY, *Pobjeda* followed suit.

The daily newspaper *Vijesti* [News] started to be published in 1997, and quickly became the most popular.<sup>39</sup> Established by a group of journalists, it was initially supported by international donors, who wanted to foster media pluralism in Serbia and Montenegro against the pressure from the Milošević regime. At that time, it gained the reputation of a fairly independent and most professional daily newspaper,<sup>40</sup> which also advocated the pursuit of justice and war crime trials.<sup>41</sup> Initially the paper supported the Montenegrin government when it turned its back on Belgrade, but became openly government-critical over time. This coincided with the purchase of a significant part of its shares by the German media consortium WAZ in 2003.<sup>42</sup> The foreign consortium withdrew from the ownership in 2007, while the editorship remained the same.<sup>43</sup>

Not long after the Montenegrin government’s split from Milošević, a fraction of the ruling party DPS loyal to Belgrade formed the Socialist People’s Party [*Socijalistička narodna partija* – SNP] under the leadership of Momir Bulatović,

38 These three-monthly issues are reprinted in a collection. See Vojičić, Branko (2006): *Dubrovnik: “Rat za mir”*. Belgrade: Helsinški odbor za ljudska prava u Srbiji, chapter 1. Available at: <http://www.helsinki.org.rs/doc/Svedocanstva24.pdf>. For analysis of the discourse in *Pobjeda* during 1991 see: Andrijašević, Živko M. (1999): *Nacrt za ideologiju jedne vlasti* [A blueprint for the ideology of a regime]. Bar: Conteco.

39 Data from 2003 present share of favorite daily newspaper: *Vijesti* 19.4 %, *Dan* 16.7 %, *Pobjeda* 8 % (Zadrima, Mladen (2004): “Montenegro,” in *Media Ownership and Its Impact on Media Independence and Pluralism*, edited by Brankica Petković. Ljubljana: Mirovni inštitut, p. 351). Data from 2007 present citizens’ trust: *Vijesti* 44 %, *Dan* 35.1 %, *Pobjeda* 14 % (SEEMO (2008): “Montenegro,” in *South East and Central Europe Media Handbook Vol. 1*. Vienna: South East Europe Media Organisation (SEEMO), p. 369). Data from 2012 present reading index (0 min. – 1 max): *Vijesti* 0.5, *Dan* 0.43, *Pobjeda* 0.37 Center for Democracy and Human Rights (2012): *Izveštaj: Stavovi građana o medijskim slobodama u Crnoj Gori*. Podgorica: Center for Democracy and Human Rights, pp. 9–10. Available at: <http://www.osce.org/me/montenegro/97479?download=true>).

40 SEEMO (2008): “Montenegro,” in *South East and Central Europe Media Handbook Vol. 1*. Vienna: South East Europe Media Organisation (SEEMO), p. 368.

41 Rudović, N. (2009), 19–22.

42 Zadrima (2004), 350–351.

43 SEEMO (2008): “Montenegro,” in *South East and Central Europe Media Handbook Vol. 1*. Vienna: South East Europe Media Organisation (SEEMO), p. 368.

and a newspaper loyal to this political option was founded – the daily *Dan* [Day].<sup>44</sup> *Dan* was co-owned by editor-in-chief Duško Jovanović who was killed in an assassination. Even more than *Vijesti*, *Dan* has taken an anti-government stance, but contrary from *Vijesti*, the criticism on the pages of *Dan* is embedded in Serbian nationalism,<sup>45</sup> though its ideological fervency faded away over time.<sup>46</sup> Hence, this was the only newspaper that actively advocated *against* Montenegro's independence during the 2006 referendum. The audience share of *Dan* is consistently smaller than that of *Vijesti*, although only by a narrow margin.<sup>47</sup>

The only truly independent media in Montenegro has always been *Monitor* weekly. The magazine was founded by a University professor, Miodrag Perović in 1990, but most of the shares belong to the magazine's journalists. Perović was one of the founders and minority shareholders of *Vjesti*.<sup>48</sup> The weekly *Monitor* was the only media in Montenegro that raised its voice against the war in former Yugoslavia.<sup>49</sup> Since the war, *Monitor* has been especially keen on examining the Dubrovnik operation, especially Montenegrin leadership's responsibility and the conduct of Montenegrin volunteers during the fighting. Already in autumn 1992 the magazine published several lengthy feuilletons on the topic.<sup>50</sup> *Monitor* has a limited public reach,<sup>51</sup> which is typical for quality weekly magazines in the region.<sup>52</sup>

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44 Zadrina (2004), 350, 359. SEEMO (2008), 369.

45 Koprivica, V. (2002): 'Medijska slika Crne Gore', *Matica: časopis za društvena pitanja, nauku i kulturu* 3 (9/10), 388.

46 SEEMO (2008), 369.

47 Koprivica (2002), 393.

48 Zadrina (2004), 357.

49 Zadrina (2004), 353.

50 The feuilleton "Rat za prevlaku" [War for Prevlaka], published in *Monitor* from November 1992 to June 1993. Reprinted in Vojičić, Branko (2006): *Dubrovnik: "Rat za mir"*. Belgrade: Helsinški odbor za ljudska prava u Srbiji, chapter 3. Available at: <http://www.helsinki.org.rs/doc/Svedocanstva24.pdf>. *Monitor* company also published a war-time diary of its journalist who had been recruited by the army: Koprivica, Veseljko (2004): *Operacija Dubrovnik - Sve je bilo meta*. Podgorica: Monitor.

51 In 2003, *Monitor* attracted 8.8 % of readership, Zadrina (2004) 351, and in similar proportion it obtained low reading index of 0.26 (0 min.–1 max) in 2012 according to the Center for Democracy and Human Rights (2012): *Izveštaj: Stavovi građana o medijskim slobodama u Crnoj Gori*. Podgorica: Center for Democracy and Human Rights, 9–10.

52 *Monitor* has a similar profile as *Dani* in Bosnia and Herzegovina, and *Vreme* in Serbia.

The overview over Montenegrin media focusses on the periods before and after the trial of Pavle Strugar. It omits the more recent changes and does not include outlets founded in more recent times. It neither includes media of the Croatian minority in Montenegro, like the bimonthly apolitical cultural *Hrvatski glasnik* in Kotor.<sup>53</sup>

### The frames prior to the “Dubrovnik indictment”

As said before, Milo Đukanović, in the capacity of the President of Montenegro, issued the first statement of apology before the President of Croatia, Stjepan Mesić, in Cavtat (in near vicinity of Dubrovnik) on 24 June 2000. He expressed regret, personally and in the name of Montenegrin citizens, to the citizens of Dubrovnik and Konavle “for all the pain, suffering and material losses inflicted by any Montenegrin in the ranks of the JNA during these tragic events.”<sup>54</sup> Though *Pobjeda* and *Vijesti* framed this statement differently, as will be presented below, they provide integral parts of Đukanović’s speech which allows me to reconstruct his own framing of the events from 1991.<sup>55</sup>

### The frame of Đukanović’s apology: Montenegro as “naive accomplice”

Đukanović represented the “tragic event” [*tragični događaj*] in Dubrovnik as being solely commanded by the JNA and ordered from Belgrade. Thus, he framed the involvement of Montenegro in the Dubrovnik theater of war [*dubrovačko ratište*] through the participation of “Montenegrin representatives in the ranks of the JNA, led by the command acting in somebody else’s interest.”<sup>56</sup> In this way

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53 See [www.hgdgc.org](http://www.hgdgc.org).

54 The crucial part of the statement in the local language: “Ja bih želio da ovu priliku iskoristim da se u svoje ime i u ime građana Crne Gore, posebno onih građana koji dijele moja šira politička uvjerenja, dakle da uputim jedno iskreno žaljenje svim građanima Republike Hrvatske, posebno građanima Konavala, građanima Dubrovnika, za svu bol, za sva stradanja i za sve materijalne gubitke koje im je nanio makar bilo koji predstavnik CG u sastavu JNA tokom tih tragičnih događaja”. Footage of the public television RTCG available at: <https://www.youtube.com/watch?v=kltoVcvs1to>.

55 The record of the daily newspaper *Dan* for this period is not available in any public library in Montenegro or Serbia, so it could not be analyzed.

56 Original quote: “... jedan broj predstavnika Crne Gore, u sastavu tadašnje JNA, vođen komandom koja je bila u ime tuđih interesa.” See Vujačić, N., “Dobar dio crnogorske javnosti bio je naivno uvučen u poziciju saučesnika u ratnim i nasilničkim događajima”



he completely exculpated the Montenegrin leadership, though they had put the local police forces at the disposal of the JNA and had supported the mobilization of reservists and volunteers by the JNA. Though he was Prime Minister in 1991, Đukanović stated that he feels responsible to issue an apology exclusively as “as a president of contemporary democratic Montenegro;”<sup>57</sup> and though he expressed “deep regret” also as an individual [“*u svoje ime*”], by putting all the blame for wrongdoings solely on the JNA, he avoided to take political responsibility for his past conduct (and statements). He claimed the “Yugoslav sentiment,” and the intention to keep the common state cherished by Montenegrin citizens had been manipulated and abused in 1991.<sup>58</sup> “A large part of Montenegrin public opinion” had been “unintentionally, and somewhat naively, drawn into the position of an accomplice in events during the war.”<sup>59</sup> While silently omitting his own role in the manipulation of public opinion, he framed the Montenegrin public, not its leadership, as an “accomplice.”

### ***Pobjeda*: Montenegrin citizens, not leadership framed as “naive accomplice”**

*Pobjeda* presented this statement in the most favorable and dignified manner. Though they transmitted Đukanović’s statement in which the agency of wrongdoing was ascribed to the “Montenegrin public” and to “Montenegrin citizens within the JNA,” *Pobjeda* underlined that there could be no “collective national guilt” and that only individuals could be held responsible.<sup>60</sup>

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[A significant part of Montenegrin public was naively drawn into the position of accomplice in war and violent events], *Vijesti*, 26.6.2000, p. 3.

- 57 Original quote: “kao predsjednik današnje demokratske i evropske Crne Gore.” Vujačić, N. “Dobar dio crnogorske javnosti bio je naivno uvučen u poziciju saučesnika u ratnim i nasilničkim događajima”, *Vijesti*, 26.6.2000, p. 3.
- 58 Original quote: “Riječ je o još jednoj manipulaciji i zloupotrebi jugoslovenskih osjećanja građana Crne Gore, ne prvi put.” Vujačić, N. “Dobar dio crnogorske javnosti bio je naivno uvučen u poziciju saučesnika u ratnim i nasilničkim događajima”, *Vijesti*, 26.6.2000, p. 3.
- 59 Original quote: “dobar dio crnogorske javnosti, vjerujući da se zalaže za ideju očuvanja jugoslovenske integracije, nenamjerno, pomalo naivno, uvučen u poziciju saučenika u ratnim događanjima.” Vujačić, N. “Dobar dio crnogorske javnosti bio je naivno uvučen u poziciju saučesnika u ratnim i nasilničkim događajima”, *Vijesti*, 26.6.2000, p. 3.
- 60 Novaković, Branka, “Nova stranica hrvatsko-crnogorskih odnosa”, *Pobjeda*, 25.6.2000, pp. 1, 3.

*Pobjeda* urged its readers to look into the future, rather than reckoning with the past, and presented the apology as a step of a new future-oriented foreign policy.

### ***Vijesti's* frame: willful participation in a “war adventure”**

After Đukanović's statement, Žarko Rakčević, the leader of the Social Democratic Party of Montenegro, initiated a debate, reminding his audience of the opposition's warnings against a Montenegrin involvement in the war, of whose risks and dangers the Montenegrin government had been well aware.<sup>61</sup> *Vijesti* reported about Đukanović's apology framing it as a self-exculpation. Though *Pobjeda* transmitted the same statements verbatim, they were not used as a frame explaining or justifying the events from 1991. With very little comments, through the use of bolded headlines, kickers (small headlines over the main headlines), and pull quotes (quotes that are blown up in size for emphasis),<sup>62</sup> *Vijesti* managed to create a quite different frame: Đukanović, and the rest of the political elite, had willfully participated in a “war adventure” [*ratna avantura*]. The original notion of ‘adventure’ did not mean an exciting experience, but described a rather unthoughtful, reckless action. For instance, the articles ascribed agency to the regime, rather than to the population or public, and this effect was achieved by changing Đukanović's quote “public opinion was naively drawn into the position of accomplice” into the frontline title “We were naively drawn into the position of accomplice in war and violent events.”<sup>63</sup>

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61 [No author]: “Rakčević: Đukanović treba da se izvini i Crnogorcima koji su bili protiv ratne avanture” [Rakčević: Đukanović should apologise to Montenegrins who stood against the war adventure], *Vijesti*, 26.6.2000, pp. 1, 3. [No author], “Ako je nešto besmislica, onda je to dubrovačka avantura i osmogodišnje saučesništvo u velikosrpskom projektu” (If anything is nonsense, the real nonsense was the Dubrovnik adventure and the eight-year-long complicity in Greater-Serbian project), *Vijesti*, 28.6.2000, pp. 1, 4.

62 An influential author in the field of frame analysis methodology found that precisely these journalistic techniques are one of the main “focal points for identifying framing.” See Tankard, J. W., (2001): “The Empirical Approach to the Study of Media Framing,” in Reese, S. D., Gandy, O. H. & Grant, A. E. (eds.): *Framing Public Life: Perspectives on Media and Our Understanding of the Social World*, Mahwah and London: Lawrence Erlbaum Associates, 100.

63 *Vijesti*, 26.6.2000, frontpage. (My emphasis on “we.”)

### ***Monitor's* frame: Dubrovnik as part of Greater Serbia**

Over the years, journalists of *Monitor* thoroughly researched the Dubrovnik operation, from various angles, presenting the experience of civilians, soldiers and reconstructing the political decision-making process. The magazine regularly wrote about the topic, constantly stressing the political elite's responsibility which had remained in power since then. According to *Monitor*, the Dubrovnik operation had to be understood as an element of a plan to create Greater Serbia. Imagined by Serb intellectuals, Greater Serbia was envisioned as an exclusively Serb state including not only Serbia and Montenegro, but also large portions of Croatia and Bosnia and Herzegovina.<sup>64</sup>

According to *Monitor's* investigation, the Montenegrin political leadership had been fully aware of these ambitions and had initially embraced them wholeheartedly, though publicly taking a defensive stance and later distancing itself from war-mongering. *Monitor* recalled the 1991 propaganda, which had claimed "Ustashas" had attacked Montenegro in order to find a pretext for the Dubrovnik operation and to justify the JNA actions by alleging that they were protecting the Serbs in the Dubrovnik region. Though praising Đukanović's apology from 2000 as a smart political move, *Monitor* rejected his self-exculpation. The magazine once again underlined that no member of the Montenegrin political elite had renounced his own acts and statements from 1991.<sup>65</sup> *Monitor* regarded the claim Montenegrin leadership had been tricked as a "false excuse."<sup>66</sup>

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64 E.g., M., R., "Šest godina 'Rata za mir'", *Monitor*, 3 October 1997, 6–7. The same frame is present in early reporting, e.g., Vojičić, Branko, "Ko juriša na kobilu", *Monitor*, 20.11.1992, reprinted in Vojičić, B. (2006): *Dubrovnik: "Rat za mir"*. Belgrade: Helsinški odbor za ljudska prava u Srbiji, pp. 407–408. Available at: <http://www.helsinki.org.rs/doc/Svedocanstva24.pdf>.

65 Vojičić, Branko, "Oprosti nam, Dubrovniče" [Forgive us, Dubrovnik!], *Monitor*, 30.6.2000, reprinted in Vojičić, B. (2006): *Dubrovnik: "Rat za mir"*. Belgrade: Helsinški odbor za ljudska prava u Srbiji, pp. 615–618. Available at: <http://www.helsinki.org.rs/doc/Svedocanstva24.pdf>.

66 Vojičić, Branko, "Panika među ratnicima", *Monitor*, 7.07.2000, reprinted in Vojičić, B. (2006): *Dubrovnik: "Rat za mir"*. Belgrade: Helsinški odbor za ljudska prava u Srbiji, pp. 618–621. Available at: <http://www.helsinki.org.rs/doc/Svedocanstva24.pdf>.

## The *Strugar* trial

The so-called “Dubrovnik indictment” was announced in March 2001,<sup>67</sup> while its full content and the name of the accused were made public only on the 2 October of the same year.<sup>68</sup> The indictment initially jointly charged General Pavle Strugar, and the admirals Miodrag Jokić and Milan Zec, as well as Captain Vladimir Kovačević (“Rambo”). While the charges against Zec were withdrawn, and Kovačević’s case was transferred to Serbia,<sup>69</sup> Jokić entered plea agreement, so that Strugar was tried individually.

The indictment claimed the attack on Dubrovnik had been undertaken in order to detach this area from Croatia and to annex it to a Serb state.<sup>70</sup> During the unlawful shelling 43 civilians had been killed, and the JNA forces were blamed for systematically plundering public, commercial, and private property in the areas surrounding Dubrovnik. The prosecution also held that the majority of the buildings in the Old Town, which were under UNESCO protection, had been damaged. One week after the public disclosure of the names in the “Dubrovnik indictment,” the so-called “Croatia indictment” in Slobodan Milošević’s case was issued.<sup>71</sup> It named the former Montenegrin president Momir Bulatović as a member of the joint criminal enterprise. But the prosecution never issued any indictment against Bulatović. He was supposed to become a defense witness for Milošević. Milošević died the day when Bulatović was scheduled to testify at the ICTY.

In September 2003, Jokić admitted having ordered the shelling of Dubrovnik on the 6th December 1991, when most of the damage to the Old Town buildings had been done and when two men had been killed. Strugar’s final indictment was narrowed down to this single day, dropping the charges relating to the looting of

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67 ICTY Press Release “Prosecutor Carla Del Ponte issues Dubrovnik Indictment,” 1.03.2001. Available at: <http://www.icty.org/sid/8014>.

68 ICTY Press Release “Full Contents of the Dubrovnik Indictment Made Public,” 2.10.2001. Available at: <http://www.icty.org/sid/7948>.

69 Eventually, in December 2007, the special court for war crimes in Belgrade dropped charges against Kovačević on the grounds that the defendant, due to illness, was unable to stand trial. See Gorjanc-Prelević, T. (ed.) (2013): *Report: War Crime Trials in Montenegro*. Podgorica: Human Rights Action, 12 available at: <http://www.hraction.org/wp-content/uploads/Report-War-Crime-Trials-in-Montenegro1.pdf>.

70 ICTY Press Release “Full Contents of the Dubrovnik Indictment made Public,” 2.10.2001. Available at: <http://www.icty.org/sid/7948>.

71 *Pros. v. Pavle Strugar, Initial Indictment “Croatia”* (27.09.2001). Available at: [http://www.icty.org/x/cases/slobodan\\_milosevic/ind/en/ind\\_cro010927.pdf](http://www.icty.org/x/cases/slobodan_milosevic/ind/en/ind_cro010927.pdf).

private property in Konavle.<sup>72</sup> Therefore the January 2005 judgment only dealt with the JNA surprise attack on Dubrovnik's Old Town, which, according to the prosecution, had not been a legitimate military target.<sup>73</sup> General Strugar was convicted under superior responsibility for failure to stop the attack and failing to punish shelling of Dubrovnik. He was sentenced to eight years of imprisonment. The appeals judgment, issued in July 2008, did not alter the narrative of the trial judgment in any of the crucial points. While Jokić admitted having issued the attack order, the political decision-making process behind his order remained unclear until the end of two ICTY trials.

### The framing of *Pobjeda*: the sound of silence

Apart from reporting on the charges of the indictment and the subsequent pre-trial and trial hearings, *Pobjeda* neither wrote about the war-time events in Dubrovnik nor about the dissolution of Yugoslavia. The 1st October, the day of the beginning of the blockade of Dubrovnik, was never commemorated on the pages of *Pobjeda*.<sup>74</sup> The newspaper seemed to avoid this topic intentionally, because it did not even mention it in periods, when this could be expected by its readership, for example, when other newspapers did so in the context of the Prevlaka Peninsula negotiations,<sup>75</sup> during a visit by Croatian president Stipe Mesić<sup>76</sup> and when Đukanović refused to testify in the Milošević trial.<sup>77</sup> Though *Pobjeda* framed general Strugar as a principled military professional and a man of dignity, because of his voluntary surrender, the paper never declared him a

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72 Pros. v. Pavle Strugar, Second Amended Indictment (17.10.2003). Available at: <http://www.icty.org/x/cases/strugar/ind/en/str-2ai031017e.pdf>.

73 Pros. v. Pavle Strugar, Trial Judgement Press Release (31.01.2005). Available at: <http://www.icty.org/sid/8655>.

74 The first such 'commemorative article' was published only in 2011. This statement is based on the reading through the issues from 2000 to 2003, and on the basis of the online archive (covering period 2003–2011) which was available at <http://www.pobjeda.me/arhiva-tekstova-do-11-11-2011/> until the end of 2013.

75 Prevlaka is a small peninsula at the entrance to the Kotor Bay. It is linked to the Croatian territory which was seized by the JNA during the attack on Dubrovnik. It was demilitarized according to an agreement between Croatia and the Federal Republic of Yugoslavia (later Serbia and Montenegro) from 1992 to 2002, when another agreement recognized it belonged to Croatia.

76 Radulović, Al., "Prevlaka će biti turistička zona", *Pobjeda*, 23.8.2003, p. 3.

77 [No author]: "Đukanović svoje obaveze prema Miloševiću ispunio" [Đukanović fulfilled his duties towards Milošević], *Pobjeda*, 20.9.2003, p. 4.

hero. Therefore, the *Strugar* case made no relevant impact on the framing of the past by this newspaper.

### The framing of *Vijesti*: naming names

*Vijesti* attributed more importance to the indictment than *Pobjeda*, quoting the whole text, including the list of the killed civilians, and printing dramatic photographs of Dubrovnik burning in 1991.<sup>78</sup> In the context of Slobodan Milošević's "Croatia indictment" which enlisted the alleged members of a joint criminal enterprise, *Vijesti* speculated about Bulatović's guilt.<sup>79</sup> In addition, *Vijesti* quoted a leader of the liberal opposition who suggested that other members of the Montenegrin war-time leadership could be accused together with Bulatović.<sup>80</sup> The newspaper again framed the Dubrovnik campaign as an irresponsible, military unjustified adventure, driven by fervent nationalism.<sup>81</sup> It reiterated that the political leadership of Montenegro also bore responsibility for the attack on Dubrovnik.<sup>82</sup>

### The framing of *Monitor*: blaming names

However, these accusations of *Vijesti* were sporadic and mild compared to the fierce condemnation of the DPS leaders (especially Milo Đukanović and Svetozar

78 "Strugar, Jokić, Zec i Kovačević optuženi za ubijanje civila, razaranje i pljačku na području Dubrovnika krajem 1991. godine" [Strugar, Jokić, Zec and Kovačević accused of killing civilians, destruction and looting in the region of Dubrovnik in the autumn of 1991], *Vijesti*, 3.10.2001, p. 2.

79 E.g. "Hag pokrenuo istragu protiv Kostića i Bulatovića za zločine u Hrvatskoj 1991–1992." [The Hague started investigation against Kostić and Bulatović for the crimes in Croatia in 1991–1992], *Vijesti*, 10.10.2001, pp. 1, 3. "Bulatović: Još je rano da govorimo o potezu Haga" [Bulatović: It is still early to talk about the Hague's next move], *Vijesti*, 11.10.2001, p. 3.

80 Original quote: "mnogi političari iz Srbije i Crne Gore treba da se zabrinu do kog nivoa će ići optužnice Haškog tribunala" [Many politicians from Serbia and Montenegro should be worried to which level of government the Hague tribunal Indictments' will go]. "Živković: Biće još političara na haškoj optužnici" [Živković: There will be more politicians in the Indictments from the Hague], *Vijesti*, 11.10.2001, p. 2.

81 R. V., "Oni koji su slali crnogorsku mladost u smrt treba da odgovaraju, ali prije svega svom narodu i svojoj zemlji" [Those who sent Montenegrin youth to death should be tried, but first before their own people and their own country], *Vijesti*, 11.10.2001, 3.

82 "Što je sa onima koji su Strugara poslali u rat" [What will happen to those who sent Strugar into war], *Vijesti*, 2.02.2005, p. 3.

Marović) which *Monitor* magazine published. Already before the *Strugar* trial, *Monitor* had conducted its own thorough investigation into the responsibility of war-time Montenegrin leaders.<sup>83</sup> While the magazine welcomed the judgment as a confirmation of its prior claims, it consistently drew its readers' attention to the DPS leaders' reluctance to admit responsibility as accomplices of war crimes.<sup>84</sup> Hence the paper framed Đukanović's and Marović's apologies as hypocritical and intended to whitewash their political biographies in order to remain in power.<sup>85</sup> As in the case of other newspapers, the ICTY "Dubrovnik trials" did not cause any shift in pre-existing frames about the war-time events in Montenegrin oppositional media.

### The frame of *Dan*: slightly less conspiracy theory over time

Since the records of the daily newspaper *Dan* are unavailable for the period until mid-2001,<sup>86</sup> I am unable to reconstruct the narrative of this paper prior to "Dubrovnik indictment." The general discourse of the paper, at that time, was along the line of conservative Serbian nationalism,<sup>87</sup> particularly vicious towards the post-Milošević government in Serbia<sup>88</sup> and deeply distrustful to Montenegrin

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- 83 See feuilleton "Rat za Prevlaku" [War for Prevlaka], published in *Monitor* from November 1992 to June 1993, reprinted in: Vojičić, B. (2006) *Dubrovnik: "RAT ZA MIR."* Belgrade: Helsinški odbor za ljudska prava u Srbiji, chapter 3 "Kako je sve počelo i kako se završilo" [How all started and how it ended]. Available at: <http://www.helsinki.org.rs/doc/Svedocanstva24.pdf>.
- 84 Kosara K. Begović, "Peglanje Dubrovnika" [Whitewashing of Dubrovnik], *Monitor*, 23.03.2007, p. 19.
- 85 See collection of articles written about this topic by a journalist of *Monitor*: Vojičić, B. (2006) *Dubrovnik: "RAT ZA MIR."* Belgrade: Helsinški odbor za ljudska prava u Srbiji, chapter 5 "Naknadna pamet" [Hindsight]. Available at: <http://www.helsinki.org.rs/doc/Svedocanstva24.pdf>.
- 86 The main public library in Montenegrin capital Podgorica holds archives of *Dan* only since 2007, while National Library of Serbia, in Belgrade, holds archives for the period 2001–2008, but they are random for the first half of 2001.
- 87 E.g., interview with Serb academic Mihajlo Marković (known as fervent supporter of Slobodan Milošević), by G. Petrović, "Paradoksalno je da se Đukanović oslanja na crnogorske 'šiptare' i otcjepljenju od Jugoslavije" [It's paradoxical that Đukanović relies on Montenegrin 'Shqiptari' (Albanians) for secession from Yugoslavia], *Dan*, 3.09.2001, 5.
- 88 Dmtar Đemić, "Đinđić podstiče šverc cigaretama" [Đinđić encourages smuggling of cigarettes], *Dan*, 4.09.2001, 8. N.b. Zoran Đinđić was Prime Minister of Republic of Serbia from January 2001 to his assassination in March 2003.

government. When the indictment was made public, *Dan* was the only newspaper among all analyzed here which presented Pavle Strugar as a dignified and professional military officer, emphasizing that he was the first indicted person from Serbia and Montenegro who voluntarily surrendered himself to the court.<sup>89</sup>

Two authors, both supporting Milošević's war policies, journalist Mila Štula<sup>90</sup> and law professor Kosta Čavoški,<sup>91</sup> suggested the "Dubrovnik indictment" to be a blackmail of Milo Đukanović, the president of Montenegro at that time. They claimed the intent behind the indictment was to advance American interests in Montenegro and to force Đukanović to advocate Montenegro's separation from Serbia (assuming the dissolution of Yugoslavia was the aim of the United States). If he did not comply, he would also be indicted. While the narrative is clearly accusatory towards Đukanović and frames the functioning of the ICTY in terms of a conspiracy theory, both authors' ultimate interpretation of the moral and legal character of the Dubrovnik operation remained obscure. They suggested the JNA actions to be necessary and justified by Croatia's secession,<sup>92</sup> which was perceived as a crime together with the entire breakup of Yugoslavia. *Dan's* coverage in general was based on the assumption, according to which the protection of Yugoslavia as a common state had been the greatest value in itself.

While the above mentioned conspiracy theory withered away over time, the frame about Dubrovnik remained obscure. The newspaper did not produce any coherent frame about it. The events were described by quoting from the trial judgment, but they did not reveal whether the journalists agreed with the judges'

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89 E.g., R. Raičević, "Crnogorska vlada želi da se general brani sa slobode" [Montenegrin government wants General to defend himself outside detention unit], *Dan*, 21.10.2001, p. 5.

90 Mila Štula, "Srbijanski mamac za crnogorsku ajkulu" [Serbian bait for Montenegrin shark], *Dan*, 4.10.2001, p. 2.

91 G. Petrović, interview with Kosta Čavoški, "Otvaranje optužnica je ucjena Đukanoviću da ostane na proameričkoj politici" [Disclosure of the Indictments is the blackmail of Đukanović to keep up with pro-American policy], *Dan*, 5.10.2011, p. 2.

92 This frame is present also in the manner of interviewing two members of the rump SFRY Presidency (from 1991), Branko Kostić and Borisav Jović, both of whom were listed as members of joint criminal enterprise in the "Croatian Indictment" against Slobodan Milošević, cf. D. Garić and S. Prelević, interview with Kostić, "Ne krijem se, savjest mi je mirna..." [I'm not hiding, my conscience is clear...], and interview with Jović, "Hrvati su htjeli da se otcjepe, Srbi to nisu prihvatili" [Croats wanted to secede, Serbs did not accept that], *Dan*, 10.10.2001, p. 3.



findings or not.<sup>93</sup> They still speculated about Đukanović's guilt, but never wrote explicitly about any wrongdoings in Dubrovnik, for which he could be blamed.<sup>94</sup>

Two important features distinguish *Dan's* frames from those of other newspapers. First, the daily avoided any speculation about the guilt or political responsibility of the former Montenegrin President, Momir Bulatović, although other media often discussed this issue. This was of course due to the support the paper lent to Bulatović's party, the SNP, even after Bulatović had retired from politics. Second, the newspaper *Dan* never mentioned the looting of civilian buildings in the Dubrovnik area, at least not until compensation for the victims appeared on the political agenda.

### In the aftermath of the trial

At the beginning, the "Dubrovnik indictment" had included charges for the looting in Konavle, but they were later excluded from the trial. Investigative journalists reported for *Monitor* that police reservists under the control of the JNA had been responsible for plundering.<sup>95</sup> Six months after the *Strugar* trial judgment, in July 2005, Montenegrin president Filip Vujanović promised to Croatian President Stjepan Mesić that Montenegro would financially compensate citizens of Konavle. Mesić promised in return that Croatia would be the first to recognize Montenegro should the upcoming independence referendum end with a positive vote.<sup>96</sup> During the ensuing negotiations, and in the resulting Memorandum, the Montenegrin leadership painstakingly avoided any reference to "war reparations" [*ratna odšteta*] and insisted to label the payments a "financial restitution that should compensate what has been taken from the territory of Croatia and had been used in Montenegro."<sup>97</sup> Đukanović explained his country

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93 "Strugar osuđen na osam godina zatvora", *Dan*, 1.02.2005, p. 8.

94 E.g. M. B. and N. P., "Bakarec: nije isključeno da Del Ponte dolazi kod Mila zbog Dubrovnika", *Dan*, 1.02.2005, p. 8.

95 See feuilleton "Rat za Prevlaku" [War for Prevlaka], published in *Monitor* from November 1992 to June 1993, reprinted in: Vojičić, B. (2006) *Dubrovnik: "RAT ZA MIR."* Belgrade: Helsinški odbor za ljudska prava u Srbiji, chapter 3 "Kako je sve počelo i kako se završilo" [How all started and how it ended]. Available at: <http://www.helsinki.org.rs/doc/Svedocanstva24.pdf>.

96 Br. M., "Platićemo za pljačku u Konavlima" [We will pay for looting in Konavle], *Vijesti*, 9.07.2005, pp. 2–3. Nedeljko Rudović, "Priznaćemo Crnu Goru i pre velikih sila" [We will recognise Montenegro even before great powers], *Vijesti*, 9.07. 2005, p. 3.

97 Original quote of president Vujanović's statement: "Crna Gora je pokazala da želi nužno novčanom restitucijom da nadokandi ono što je prenjeto sa teritorije Hrvatske i korišćeno u Crnoj Gori". I. Anđelić, "Dokaz uzajamnog razumijevanja i dobrih

would not pay war compensations, because the JNA, not Montenegro had waged war against Croatia. Montenegro was only ready to compensate for the looted cattle farms in Konavle with 375,000 Euro.<sup>98</sup> Until today, Montenegro made several payments to Croatian individuals and legal persons, sometimes linking them with financial and economic concessions from Croatia.<sup>99</sup>

## Evaluation of the ICTY's impact

ICTY trial made no significant impact on the way media and political leaders presented the attack on Dubrovnik by the JNA and Montenegrin forces in the autumn of 1991. The main media outlets firmly stuck to their pre-existing narratives. These narratives were shaped by the political and general ideological orientation of the newspaper, and its attitude towards the Montenegrin government as well as partly also towards the Yugoslav and Serb governments in Belgrade. However, there is a trace of a more indirect impact of the ICTY on the way, the Dubrovnik operation was dealt with in the media and the public. Montenegrin president Milo Đukanović's apology to the citizens of Dubrovnik on 24 June 2000<sup>100</sup> took place only two days after ICTY Chief prosecutor Carla Del Ponte's first brief visit to Montenegro,<sup>101</sup> just after she had obtained documents from Croatia relating to the ongoing investigation of the Dubrovnik operation.<sup>102</sup> This was no turning point in Montenegro's relations to the ICTY (Del Ponte's predecessor Louise Arbour had been to Montenegro before), nor was the

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odnosa Crne Gore i Hrvatske" [Proof of mutual understanding and good relations between Croatia and Montenegro], *Pobjeda*, 28.07.2005, p. 5.

- 98 Horelt, M. A. (2016): "Montenegro - Croatia: The Pragmatics of Apology", in Daase, C. et al. (eds.): *Apology and Reconciliation in International Peace Relations: The Importance of Being Sorry*, London & New York: Routledge, 157.
- 99 Horelt (2016), 146–163 and Tomović, D.: "Montenegro offers compensation to war crime victims", *Balkan Insight*, 8.9.2017, available at: <http://www.balkaninsight.com/en/article/montenegro-offers-compensation-to-war-crime-victims-09-07-2017>.
- 100 N. Vujačić, "Dobar dio crnogorske javnosti bio je naivno uvučen u poziciju saučesnika u ratnim i nasilničkim događajima" [A significant part of Montenegrin public was naively drawn into the position of accomplice in war and violent events], *Vijesti*, 26.6.2000, 3; Branka Novaković, "Nova stranica hrvatsko-crnogorskih odnosa" [A new page in Croat-Montenegrin relations], *Pobjeda*, 25.6.2000, 1, 3.
- 101 N. Rudović, "Vujanović: Pružićemo bezbjednost svima koji dođu u državnu misiju", *Vijesti*, 23.6.2000, 3.
- 102 B. L.: "Haški tužilac u Dubrovniku dobila dokumente za istragu" [The Hague Prosecutor got the documents for the investigation in Dubrovnik], *Vijesti*, 23.6.2000, 3.

Dubrovnik investigation an official topic of the visit,<sup>103</sup> but the awareness of the ongoing investigation might have played a role in Đukanović's decision-making process leading to the apology.<sup>104</sup> Though there is no way to prove causality, the sequence of events may suggest that the ICTY Prosecution's investigation acted as an 'invisible hand' that gave impetus to Đukanović to distance one step further from the criminal policies of the 1990, thus possibly exculpating himself.

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103 Nđ. Rudović, "Vujanović: Pružićemo bezbjednost svima koji dođu u državnu misiju", *Vijesti*, 23.6.2000, 3.

104 A similar point was suggested by Jelena Lovrić, "Djukanovic Apologised to Croatia", *Alternativna informativna mreža (AIM)*, 4.7.2000. Available at: <http://www.aimpress.ch/dyn/trae/archive/data/200007/00704-001-trae-zag.htm>.



Aleksandra Nędzi-Marek

## **ICTY trials and media frames in Republika Srpska: *Plavšić* and *Lukić & Lukić***

### **Introduction**

This chapter focuses on the ICTY's impact on media frames in the Republika Srpska, the Serb entity of Bosnia and Herzegovina and therefore supplements with the first chapter of this volume which Jovana Mihajlović Trbovc dedicated to the influence of the ICTY on media frames in the Federation of BiH. Due to the immense caseload concerning Bosnia and Herzegovina and specifically Republika Srpska, it was impossible to cover all trials which could be relevant for the assessment of the ICTY's impact on media frames. Instead, I concentrated on two cases: the prosecutor vs. Biljana Plavšić and the prosecutor vs. Milan and Sredoje Lukić. Both cases were chosen keeping in mind the overarching objective of the research project – shifts in media frames about the underlying conflict.

The Biljana Plavšić case was chosen because it involved one of the most influential wartime leaders of Bosnian Serbs. Due to the high position of Biljana Plavšić in the political establishment of wartime Republika Srpska and due to the characteristics of her case, media coverage was likely to be big enough to provide an abundance of media sources which would enable me to detect frame changes or even small shifts within the same frames. Biljana Plavšić can be considered as one of Republika Srpska's founders. Her indictment and arrest led to a plea agreement with the prosecution and a confession of guilt which was withdrawn after the (relatively lenient) verdict against her. Hardly any other case before the ICTY provided such an opportunity to observe potential changes in public opinion and media coverage. There were of course other accused, who concluded plea agreements and made confessions (and some of them even cooperated much more than Plavšić did), but they never held positions comparable to Plavšić's and they therefore never had such a potential impact on media coverage and public awareness.

This is different with regard to the case of Milan and Sredoje Lukić which was chosen in order to see whether and how the trials of rather low-ranking war criminals may have changed media frames in the RS. The case has been chosen for the study as it revealed and confirmed that inhumane large-scale war crimes had happened in the Višegrad municipality, being condemned by very harsh sentences. The case confirmed the scale of ordinary, cruel conduct of members

of paramilitary groups. It therefore contrasts the case of prosecutor vs. Biljana Plavšić, a high-range political leader, who has participated in the war through planning and giving orders.

There is a theoretical assumption behind the choice for exactly these two cases which is linked to the concept of guilt or shame externalization. Societies and large groups on the way from a violent past to a more peaceful present can act in three ways when confronted to large-scale atrocities committed by some of their members. First, they can blame the atrocities on themselves, developing a collective complex of guilt which considerably lowers their self-esteem; second, they can side with the perpetrators, renege their wrongdoings and integrate the perpetrators into their ranks as war heroes. Or, third, they can symbolically (or sometimes also physically) exclude them from their ranks, burdening them with all the wrongdoings of the conflict in order to keep a positive self-image of the remaining group or society. The latter collective response of groups confronted to past wrongdoings is called externalization. Theoretically externalization was facilitated by *Plavšić* and *Lukić & Lukić* but in two opposite ways: *Plavšić* was likely to bring about a reassessment of the conflict among Bosnian Serbs, because their former leader's confession undermined their pre-existing interpretation of the conflict as a war between morally equal antagonists, who both had committed atrocities. *Lukić & Lukić* was likely to trigger the same reaction, but for a different reason: because the low rank of both accused made it easy to blame them as detached individuals for wrongdoings which in return would not blemish the whole community of Bosnian Serbs. Opposite to *Plavšić* neither of accused had ever claimed to be (and none of them had ever been regarded as) a representative of the Bosnian Serbs. During *Plavšić*, the Bosnian Serb public could therefore externalize the shame which the trial put on them, by claiming *Plavšić* had misled them. After *Lukić & Lukić* the public in Republika Srpska could externalize shame by shifting it to two low-ranking perpetrators, who had acted alone and had allegedly nothing to do with the other Bosnian Serbs. In both cases, the externalization of guilt would have to be accompanied by a reassessment of the conflict's character and the admission that serious crimes had taken place which could not be justified by the norms accepted among Bosnian Serbs. If this happened, frame changes in Bosnian Serb media were likely to occur, reflecting this reassessment.

In addition, both cases were even geographically connected to each other. *Plavšić's* trial was related to Višegrad, the crime scene of *Lukić & Lukić*, as one of the 37 municipalities where war crimes took place, for which she was sentenced. *Plavšić* was convicted of planning, instigating, ordering, and aiding persecutions of non-Serb populations in these municipalities, not for carrying them out

personally. She was tried under command and superior responsibility, whereas Milan and Sredoje Lukić were tried as direct perpetrators. They had belonged to paramilitary units.

## The historical background

Republika Srpska was proclaimed as a republic of Bosnian Serbs on 9 January 1992. The institutions of the newly erected entity replicated the institutions of Bosnia and Herzegovina, the successor of the Yugoslav republic with the same name.<sup>1</sup> Soon, the multi-ethnic Socialist Republic of Bosnia and Herzegovina, which was inhabited by Bosnian Muslims, Bosnian Serbs, and Bosnian Croats, called a referendum on independence from the Socialist Federal Republic of Yugoslavia (SFRY). The referendum was boycotted by Bosnian Serbs who wanted their own republic to be part of SFRY. Following Bosnia and Herzegovina's declaration of independence which immediately obtained international recognition, Bosnian Serbs, supported by the Serbian government of Slobodan Milošević and the Yugoslav People's Army (JNA), mobilized forces inside the Republic of Bosnia and Herzegovina in order to seize the territory claimed by Bosnian Serbs, removing non-Serbs from their territory. The conflict was fought between the armed forces of the Army of Republika Srpska (VRS) against the Army of the Republic BiH (ABiH) and the Croatian Defence Council (HVO). Bosnian Croats and Bosnian Serbs were supplied by Croatia and Serbia, respectively.

Today's Republic of Srpska was created on the territory seized during almost four years of bloody war. The Dayton Peace Agreement of November 1995 legitimized the existence of the earlier proclaimed republic of Bosnian Serbs. Dayton created a decentralized Bosnia and Herzegovina with two entities: the Republika Srpska with a majority of Bosnian Serb inhabitants, the Federation of Bosnia and Herzegovina (comprising Bosnian Croats and Bosniaks) and an autonomous Brčko District.

## Political discourses

There is a deep ethnicity-based cleavage in BiH between the three narratives about the recent war which has driven many RS leaders to reject the ICTY's finding with mistrust, frustration, and political manipulation. These attitudes form part of a culture of denial and moral indifference. According to N. Dimitrijević, this

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1 See more in: Ramet, S. (2002): *Balkan Babel. The Disintegration of Yugoslavia from the Death of Tito to the War for Kosovo* Cambridge: Westview Press 2002.

approach goes back to the propaganda of the Milošević regime. Dimitrijević<sup>2</sup> has written about post-war Serbia, but this fits to the RS, too. The RS political leaders keep the culture of (partial) denial towards atrocities committed by RS forces.<sup>3</sup> In the words of Jelena Obradović-Wochnik, Serb politicians tend to deviate the debate away from war crimes and atrocities to the ICTY's alleged lack of credibility and legitimacy.<sup>4</sup> Whenever journalists confronted the main political leader of RS, Dodik Milorad, about the Srebrenica genocide, he claimed to have done his duty by sending representatives to the official commemorations in Srebrenic. But nevertheless, he would call the events back in 1995 a crime, but not a genocide.<sup>5</sup>

The main political conflict BiH has evolved around the strive of the Federation leadership to create a strong unitary state which stands against the interests of Republika Srpska to remain independent from the Federation to strengthen its own state prerogatives, perceiving the Dayton Peace Agreement as the guarantee of the well-being of the RS. Perceptions of the past are weapons in this conflict. RS fends off allegations to be "the product of genocide and massive ethnic cleansing" (which is often leveled against RS from Bosniaks). It claims instead its territorial gains to be the product of a civil war. Bosnian Serbs tend to gather around a narrative linked to the defense of their homeland and the legitimacy of Republika Srpska's existence and argue that the ICTY addressed the crimes in BiH in an imbalanced way, putting most of the blame on the Bosnian Serbs. The ICTY's focus on crimes committed by Bosnian Serbs against Bosniaks is invoked by the leadership of the Federation, too, but there, it serves as an argument to present RS as the result of genocide and ethnic cleansing and therefore as a means to undermine RS' legitimacy. Finally, it must be kept in mind that the debate about atrocities during the war and about the ICTY is also part of a nation-building process in both the Federation and Republika Srpska.

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2 Dimitrijević, N.: 'Apology instead of reconciliation. A view from Serbia', Peščanik 12.11.2011, available at: <http://pescanik.net/apology-instead-of-reconciliation-a-view-from-serbia/>.

3 Changing the present cultural pattern is a duty of the local elites and the people which should respond to yesterday's atrocities in a morally appropriate manner. An important strategy towards providing such a response could be apology. The apology has, however, to be preceded by acknowledgment of what had happened.

4 Obradovic-Wochnik, J. (2009): 'Knowledge, acknowledgement and denial in Serbia's responses to the Srebrenica massacre', *Journal of contemporary European studies*, (1), 65.

5 The ICTY has called it genocide on several occasions, among those in the Krstić Judgments, so did the ICJ in 2007.



## Methodology

The research design is based on the qualitative method which has allowed to detect the repeated frames that reveal the manner in which the conflict was discussed in local media before and after the crucial judgment, and to analyze how they have been shifting. However, in one of the cases (Plavšić), not only the judgment was the moment with a potential to shift frames. In this case, crucial moments were: (the voluntary surrender to the ICTY which was received with confusion by local political leaders – often hostile to the ICTY), the guilty plea in the course of the ICTY proceedings, as well as the early release in 2009 (the retraction of guilty plea was not offered any media attention). Those, apart from the regular stages of the court proceedings, will be dealt with in the text. Whereas in the Lukić case, the moment of capturing Milan Lukić and the beginning of the trial have been taken into consideration as potential “turning points” for the media frames about the conflict in Višegrad municipality (the appeal judgment proved not to have the potential).

For the purpose of the research, approximately ten (this varies depending on the availability and relevance) articles produced by each media outlet before and after the decision stimulating the expected shift in frame have been selected. The editorial pieces should have been connected to the 1992–1995 war and the respective ICTY case, with few exceptions. The press was approached in the following manner: Crucial moments for each ICTY case were detected; the contents of media outlets one month before and after the crucial moments were looked at; and the relevant content, based on the abovementioned criteria, had been chosen. Articles on the cases however tackled the war to a very narrow extent. Because of that part of the materials for analysis had been collected also among the publications on the war that did not relate to the ICTY explicitly. Paradoxically, those tackled the conflict in a more detailed manner, therefore allowing to identify frames about the actual conflict at certain stages of the proceedings and testing as to whether the particular case could and played a role in shaping the respective frames.

In case of Biljana Plavšić, for a better comparativeness certain dates of annual reporting in the RS media had been chosen. Those dates have a potential to bring up war occurrences in the context of a certain anniversary and therefore reveal the shifts in frames about the war. The dates paid special attention to were: 9 January, celebrated in the RS as an entity holiday,<sup>6</sup> commemorating

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6 Or even a state holiday one could say; it has been noticed that the RS officials consider it more of a state than an entity.

the pronouncement of the Bosnian Serb Republic in 1992 (“Dan Republike”); 11–15 July, when commemorations of Bosniak and Serb victims in the Podrinje region take place; and finally 18–22 November as the anniversary of signing the Dayton Peace Agreement in 1995. That way, one could expect the shift in a frame soon after an expected “turning point” could be attributed to the analyzed ICTY decision, having excluded other potential factors. The latter could be: changes in media ownership structure, changes in the attitude of entity leaders towards transitional justice measures, changes among the leading political parties, other ICTY judgments, the ICJ judgment on Serbia vs. BiH case. Whereas in the case of Lukić, commemorations of Bosniak victims in May and June in the relevant years have been looked at.

The shifts in frames have been analyzed in two blocks: namely the block of media frames about the underlying conflict and the block of media frames about the perpetrator (related to Biljana Plavšić), presented at the end of this chapter. This could be called a deviation from the primary research design as the conflict was meant to be the focus. The field research however revealed that the figure of Biljana Plavšić herself requires additional insight. In the local RS media, her figure is often presented as a hero but also, almost a saint or a godmother of the entity. One could often get an impression, after having examined the media coverage, that she is identified with the RS and symbolizes its “struggle” for survival and existence.<sup>7</sup>

## The researched media outlets

The media outlets chosen for analysis are the following: *Glas Srpske*, a daily issue in Banja Luka, previously named *Glas srpski* (until 5 May 2003).<sup>8</sup> It is the third most read newspaper printed in the RS.<sup>9</sup> The daily under such a name has been present on the BiH market since 1992 (its predecessor *Glas* was a daily published in BiH Krajina region already in the SFRY).<sup>10</sup> During the war, the daily’s ownership was taken over by the RS government and made an organ of nationalist

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7 Bosnian/Serbian: “opstanak”.

8 The name changed from “Serbian/Serb Voice” to “the Voice of [the Republic] of Srpska”.

9 According to the Mareco Index as reported by the South East Europe Media Organisation (SEEMO) “BiH”, in 2005 it had 11 % of readership state wide.

10 Mihajlović Trbovc, J. (2014): *Public Narratives of the Past in the Framework of Transitional Justice Processes: The Case of Bosnia and Herzegovina*, Ljubljana: Mirovni Institut (doctoral thesis), 116, available at: [http://dk.fdv.uni-lj.si/doktorska\\_dela/pdfs/dr\\_mihajlovic-trbovc-jovana.pdf](http://dk.fdv.uni-lj.si/doktorska_dela/pdfs/dr_mihajlovic-trbovc-jovana.pdf).

hardliners ever since.<sup>11</sup> It used to be a newspaper owned 49 % by the RS public capital,<sup>12</sup> but in 2008 those shares were sold to *Nezavisne novine* – largest independent newspaper in the RS.<sup>13</sup> According to Jovana Mihailović Trbovc that not only did not lead to the liberalization of *Glas Srpske*, it actually led to a merger of the two, due to entity subsidies to the buyer. The Author calls the outlet “the voice of those in power in the RS”.<sup>14</sup> The general attitude of the daily towards the ICTY and the war in BiH could be summed up as being tendentious, lacking objectivity and in line with the newspaper’s policy.

Another newspaper to be analyzed is *Nezavisne novine*. The daily is issued in Banja Luka and is the second most read daily in the RS. *Nezavisne novine* is the only one with large newsrooms both in Sarajevo and Banja Luka, as well as a smaller one in Mostar, and it thus has attempted to be a truly “BiH wide” daily (as of 2008).<sup>15</sup> After the war it has always pushed for tackling the war crimes committed by the Serb forces. This was soon followed by an attempt to assassinate its owner, Željko Kopanja in 1999,<sup>16</sup> who subsequently received numerous media – freedom awards.<sup>17</sup> In 2004, the newspaper was described by the local BiH media analyst as being “the most serious in terms of its content and journalistic quality”,<sup>18</sup> offering unbiased reporting on war crimes.<sup>19</sup> It was independent until the moment the international funds ceased, and the newspaper was pressured by the political forces of the RS, associated around Milorad Dodik. Due to the above the newspaper changed its orientation from neutral and “pro-justice”, in line with the need for prosecutions, to an approach resembling that of *Glas Srpske*.<sup>20</sup> According to the recent data, their owner is the NIGD DNN, d.o.o., whose owners are Željko Kopanja and Nataša Kopanja, being in close relation

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11 Thompson, quoted according to Trbovc, *ibid.*

12 *Ibid.*, p. 299

13 *Ibid.* p. 117

14 *Ibid.*, p. 117

15 South East Europe Media Organisation (SEEMO) (2008): “Bosnia and Herzegovina.” In *South East and Central Europe Media Handbook Volume One*, 273–354. Vienna: SEEMO, 298.

16 Trbovc (2014), 117.

17 SEEMO (2008), 298.

18 Jusić, T. (2004): ‘Bosnia and Herzegovina,’ in Petković, B. (ed.): *Media Ownership and Its Impact on Media Independence and Pluralism*, Ljubljana: Peace Institute, 61–92 available at: [http://www2.mirovni-institut.si/media\\_ownership/pdf/bosnia%20and%20herzegovina.pdf](http://www2.mirovni-institut.si/media_ownership/pdf/bosnia%20and%20herzegovina.pdf),

19 *Ibid.*, 117.

20 *Ibid.*

with the current President of the RS/SNSD leader, being financed by the government which affects the editorial policy.<sup>21</sup>

In *Nezavisne novine* a lot of attention was dedicated to the proceedings in Hague in general. The newspaper has offered the richest insight into the international justice issues. In the early 2000s the newspaper dedicated a lot of attention to the prosecution of RS leaders by the ICTY, through writing about the cases from various angles, including printing the whole ICTY indictments of Krajišnik or Plavšić on 8/9 April 2000 and 11 January 2001, respectively. In 2011 it also printed excerpts from a chapter by Marie-Janine Calic in the volume: *Facing the Yugoslav Controversies*<sup>22</sup> in two following blocks: “War in Croatia” and “Ethnic cleansing and war crimes”. Moreover, this outlet offered the biggest amount of perspectives from the whole territory of BiH on the ICTY, as well as dedicated the most attention to victims in its references to wartime period. Thus, the amount of content on the ICTY cases tackled by this outlet is slightly bigger. The outlet was visibly the most pluralistic one in the RS, including columns which offered a critical view.

Another analyzed outlet is *EuroBlic*, a daily issued in the RS from 1999 until today. From 1999 there has been the RS editorial office, working on the issues related to BiH, whereas the news related to Serbia have been worked on by the Blic editorial office in Belgrade.<sup>23</sup> The newspaper was published under the name Blic until 2006 and under the name *EuroBlic* from 2007 on. According to Mareco Index Bosnia, the daily was the most read newspaper in the RS in 2011 and 2012. It is owned privately, by the Serbian Ringier Axel Springer, d.o.o. which is a part of an international news editor. The news have a strongly sensational character. Like the “mother daily” Blic in Serbia, *EuroBlic* is a tabloid, with a strong sensational approach, devoting small attention to political topics, but promoting democratic and pro-European values and stances. The reporting on war, although offering a lot of details, was generally compact and more informative than elaborative, with little opinionating content.

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21 Petković, B., Bašić Hrvatin, S. & Hodžić, S. (2014): Značaj medijskog integriteta: Vraćanje medija i novinarstva u službu javnosti. Regionalni pregled i istraživački izvještaj o medijskom integritetu u Bosni i Hercegovini, Sarajevo: Fondacija Medija Centar, 104, available at: [http://www.media.ba/sites/default/files/znacaj\\_medijskog\\_integriteta\\_vracanje\\_medija\\_i\\_novinarstva\\_u\\_sluzbu\\_javnosti.pdf](http://www.media.ba/sites/default/files/znacaj_medijskog_integriteta_vracanje_medija_i_novinarstva_u_sluzbu_javnosti.pdf).

22 Calic, M-J (2010): “Ethnic Cleansing and War Crimes, 1991–1995” in: Ingraio, C. & Emmert, T. A. (eds.): *Confronting the Yugoslav Controversies: A Scholars’ Initiative*, West Lafayette, Indiana: Purdue University Press.

23 Information aquired from the *EuroBlic* office in Banja Luka.

### a) The Plavšić case and media frames in Republika Srpska

The fact that Plavšić was a professor and Dean of the Faculty of Natural Sciences at the University of Sarajevo has been often underlined by media outlets. In 1990, she joined the Serb Democratic Party (Srpska demokratska stranka, SDS) and was elected the Serb Representative to the Presidency of the Socialist Republic of Bosnia and Herzegovina in November 1990 and remained in this position until December 1992.<sup>24</sup> She was a member of the presidency of the self-proclaimed Serb Republic of Bosnia and Herzegovina established on 9 January 1992, and then became a member of the collective and expanded presidency of the RS. After the war, in September 1996 Biljana Plavšić became the president of the RS and stayed in this position until 1998.

Next to Momčilo Krajišnik, Ratko Mladić, and Radovan Karadžić, Plavšić was one of the RS' most influential of wartime leaders tried by the ICTY. She was also the sole one who expressed her regret for the crimes committed. She did not only surrender herself to the Tribunal in January 2001 but also pleaded guilty for persecuting the non-Serb civilian population.<sup>25</sup> The first indictment in *Plavšić* was issued on 7 April 2000, as part of a wave of "secret indictments" ("tajne optužnice"), as they were called by the local media.<sup>26</sup> Biljana Plavšić voluntarily surrendered to the Tribunal on 10 January 2001 which was a controversial step much commented and reported on by the local media. The narrative was oscillating around the presumed innocence of Plavšić.<sup>27</sup> Plavšić had pleaded not guilty but changed her mind and switched to a guilty plea. On 27 February 2003, she was sentenced to 11 years in prison. She admitted that "between 1 July 1991

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24 Serb Members of the Presidency stopped cooperating in the sessions at the beginning of April 1992.

25 The gender-related issues of the case (Plavšić was the only woman tried at the ICTY) was partly analyzed in: Zikić, B. (2011): "The Biljana Plavšić Case: Nationalist and Gender Narratives in the Service of Media (non)Reporting on the Plavšić Case in Serbia and Bosnia and Herzegovina (the Republika Srpska)" in Amer, D. and Volčić, Z. (ed.): *Media and National Ideologies, Analysis of Reporting on War Crime Trials in former Yugoslavia*. Sarajevo: Sarajevo: Media Centar.

26 Sealed Indictments were a strategy chosen by the ICTY which would not reveal the persons indicted until the arrest of a suspect, in order not to allow escapes of inditees. They raised many legal and political controversies.

27 Dodik: "Dokazaće svoju nevinost", Euro Blic, 13 January 2001, p. 7; "Plevšićeva će dokazati da nije kriva ni ona ni Srpski narod u BiH", Glas srpski, 13–15 January 2001, 8–9; "Primjer Plavšićeve treba da slijede svi optuženi", *Nezavisne novine*, 24 January 2002, front page and 3.

and 30 December 1992 the accused, acting individually and in concert with others in a joint criminal enterprise, planned, instigated, ordered and aided and abetted persecutions of the Bosnian Muslim, Bosnian Croat and other non-Serb populations of 37 municipalities of Bosnia and Herzegovina<sup>28</sup> The description amounted to a crime against humanity – persecutions on political, racial, and religious ground. Having served two-thirds of the sentence, she was granted early release on 27 October 2009 which again resulted in huge media interest. The indictment against Plavšić consisted of several counts of genocide, complicity in genocide, as well as crimes against humanity: persecutions, extermination, murder, deportation, and inhumane acts. After she had pleaded guilty of persecutions and crimes against humanity, the prosecutor dropped the remaining counts and the trial chamber endorsed the amended indictment.

Plavšić, while serving her sentence, retracted her guilty plea in her memoirs as well as in an interview for a Swedish magazine. After serving two-thirds of her sentence she moved to Serbia.

### **Frames about the war in *Glas Srpske* before the Plavšić guilty plea**

From the end of the war *Glas srpski*, a daily paper close to the RS government with a deep mistrust towards the ICTY,<sup>29</sup> omitted or minimized crimes committed by Bosnian Serbs, emphasizing the crimes committed by other ethnic groups of Bosnia and Herzegovina in attempts to maintain the RS Army's conduct untainted.<sup>30</sup> The crimes attributed to Bosnian Serbs were commonly

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28 ICTY case information sheet: <http://www.icty.org/x/cases/Plavšić/tjug/en/pla-tj030227e.pdf>.

29 General Galić Pred Sudijama, 5.04.2000, *Glas Srpske*; Pravda i pomirenje ne može donijeti međunarodna zajednica, interview with Filip Hammond, 20.07.2009;

30 General Galić Pred Sudijama, *Glas Srpske*, 5.04.2000, The analyzed article called upon two ICTY procedures against Bosnian Serb high rank soldiers that were taking place before the ICTY in 2000, namely of the General VRS Stanislav Galić, “accused of the siege of Sarajevo” and of General VRS Radislav Krstić, “for alleged genocide on Bosniaks in Srebrenica in 1995.” The article shortly named the accused and the “alleged” crime of genocide in the case of Krstić, however the third proceedings against the Bosnian Croat leader Kordić and HVO Commander Čerkez was dedicated over a half of the article's space. The newspaper called the two Bosnian Croats had been accused of: “stern ethnic cleansing of Bosniaks in Middle Bosnia from the end of 1991 until 1994”. This shows the disproportion in the scale of – in the end, on the basis of the ICTY Judgments – comparable war crimes presented by the newspaper.

referred to as “alleged” which cannot be seen as an attempt to uphold the presumption of innocence.<sup>31</sup> The more judgments of the ICTY were rendered, the less *Glas Srpske* invoked the word “alleged”, but the paper always kept calling the events in Srebrenica an “alleged genocide”,<sup>32</sup> even after *Krstić*<sup>33</sup> and the International Court of Justice’s verdict in *BiH vs. Serbia*, which both found the Srebrenica massacres genocidal. The denial of genocide in Srebrenica was done through either silencing it or implying it was a revenge for the cruel and massive killing of approximately 3500 Serbs (both civilian and military) in Podrinje in 1992–1993. The denial of calling Srebrenica a genocide was done by calling the crime of crimes “killing of Bosniak people” or simply not mentioning it at all. Furthermore, in no article the perpetrators were named. Additionally not many facts about the war have been mentioned on those occasions. The articles about Potočari would not discuss the war, but name the people attending and underline that there had been no incidents in a very formal and informative manner.<sup>34</sup>

It is hereby important to underline that the presumption of innocence only applies to a suspect, who is deemed innocent until proven guilty. This does not include doubts about the crime itself, because it is the crime which forms the basis of any trial.

*Glas Srpske* resented the ICTY as unjust and biased against Serbs. According to the daily, Bosniak leaders (and occasionally also Bosnian Croat leaders) bore the biggest responsibility for the war and thus the atrocities in BiH. Exactly six months after Plavšić’s surrender to the Hague Tribunal, Bosniak leaders were pointed out as the real war criminals.<sup>35</sup> Apparently the indictment against Plavšić had not caused any reflection about the Bosnian Serb leaders’ role played during the war in BiH. The paper never discussed the war in general, nor did it delve into its causes. Instead, it presented a one-sided picture, presenting the RS as the sole defender of legitimate Serb interests in BiH. It described the war as the result of a clash of two interests, with two warring equal sides: Bosniaks and Serbs. This interpretation disregarded the conflicts in Herzegovina and the role which Bosnian Croats had played in this alleged “civil war” in BiH. During the war, *Glas Srpske* claimed, both conflict sides had committed war crimes, yet mostly Serbs were prosecuted. According to the daily, victims and perpetrators

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31 5.04.2000. “O zahtjevu Plavšićeve naknadno”, *Glas srpski*, 16 March 2001: “(...) alleged [navodne] crimes (...)”

32 *Glas Srpske*: General Galić Pred Sudijama, 5.04.2000.

33 ICTY Case Information Sheet: [http://www.icty.org/x/cases/krstic/cis/en/cis\\_krstic.pdf](http://www.icty.org/x/cases/krstic/cis/en/cis_krstic.pdf)

34 *Glas Srpske*, 12.07.2002, 3.

35 *Glas Srpske*, 11.07.2001.

had been on both sides of the war, yet after the war only the Serb victims were discriminated and ignored.<sup>36</sup>

*Glas Srpske* very often reported on the war through the prism of Serb victims of the 1992–1995 war and the lack of interest in thereof by the international community.<sup>37</sup> The most dominant content connected to the 1992–1995 conflict on the territory of Bosnia and Herzegovina as presented in *Glas Srpske* is related to the Serb victims, be it civilians or military. The news about Bosnian Serb victims was and still is annually presented in the context of commemorations but not only. The stories about victims have another side to its coin, namely – the Serb victims must have had respective victimizers – Bosniak leaders.<sup>38</sup>

The abovementioned well fits the phenomenon which can be observed each year in June and July around whole Bosnia. Then all the pro-Bosniak and pro-Bosnian Serb media outlets in BiH present content about commemorations on the territory of Podrinje, yet from two different angles. One could get an impression that by that the two most dominant ethnic groups in BiH compete whose suffering during the war was the biggest, thus legitimizing the claims based on victimization.<sup>39</sup> Through that Serbs argue they were not just victimizers, since they had been victims themselves.<sup>40</sup> Whereas the Bosniaks, due to their biggest losses in civilian population, use the numbers to “argue for a unitary Bosnia and to delegitimize Republika Srpska as a genocidal creation”.<sup>41</sup>

36 Ibidem.

37 *Glas srpski*, 25.10.1996, p. 6, *Glas Srpske* published a cyclus of articles from 21.10.1996–31.10.1996 which was dedicated to the crimes committed against Serbs on the territory of BiH.

38 Those were exactly Alija Izetbegović and Naser Orić, mentioned whenever Serb victims of Podrinje have been brought up. The fact that the abovementioned have not been accordingly prosecuted by the ICTY has caused further bitterness and feeling of injustice among Bosnian Serbs towards the ICTY.

39 Research and Documentation Center Sarajevo (2013): *Bosnian Book of the Dead*, Sarajevo: RDC. The effect of a year-long project with the aim to verify the actual statistics about the victims of war in BiH. The outcome of the research as regards the victims among civilian population: 83 % were Bosniak, 10 % were Serb, and 5 % were Croat.

40 *Glas Srpske*, 12.07.2011; *Glas Srpske*, 14.07.2011–15.07.2011.

41 Nettelfield, as quoted by Subotić: “The ways in which states remember their pasts are mutually exclusive. Serbian remembrance is built on the sense of Serbian victimization by Croats and Bosniacs, Croatian remembrance on liberation from Serbian aggression, and Bosniac remembrance on being survivors of the Serbian genocide.” Subotić, J. (2013a): ‘Remembrance, Public Narratives, and Obstacles to Justice in the Western Balkans’, *Studies in Social Justice*, 7 (2), 265–283, 276.



## The frames of the guilty plea

Plavšić's guilty plea, dated 2 October and reinforced during the sentencing hearing on 17 December 2002, was received with confusion. The guilty plea was constructed in such a way that it was digestible for recipients who were of thinking that the Serbs were defending themselves and their interest in the 1992–1995 armed conflict. The frame of the plea was that: Biljana Plavšić was defending the Serbian people from becoming victims again, thus becoming victimizers of the other sides of the conflict.<sup>42</sup> She underlined that she came to Hague to face the indictment and save her nation, as it was clear they would pay the price of anyone's not coming to Hague.<sup>43</sup> The speech sent a clear heroic message.

Her voluntary surrender to the ICTY and pleading guilty was a highly controversial step presented in some local media as betrayal, whereas in some as an act of heroism, meaning to save the Serb community from collective responsibility for the atrocities committed during the war, allowing its attribution to an individual.

## The frames of the judgment<sup>44</sup>

The Sentencing Judgment did not render the decision on the acquittal expected by many political leaders in the RS. In fact, Biljana Plavšić, as a leading Bosnian Serb politician during the war, was sentenced to 11 years' imprisonment for persecution<sup>45</sup> on political, racial, and religious grounds in 37 municipalities<sup>46</sup> of Bosnia and Herzegovina. According to the trial chamber she was acting individually as well as in concert with others within a joint criminal enterprise. The persecution was directed against non-Serb population (not just Bosniaks and Bosnian Croats). Based on what the trial chamber has established, Plavšić embraced and supported the objective and contributed to achieving it, but she

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42 See ICTY information: <http://www.icty.org/sid/221>.

43 "Da poštedim moj narod, jer je bilo jasno da bi oni platili cijenu bilo čijeg nedolaska"; one part of the translation is compatible with that from p. 17 of the Sentencing Judgment of the ICTY in the case prosecutor against Biljana Plavšić of 27 March 2003, and the other part of the translation was done by ANM.

44 The Judgment was rendered on 27 February 2003.

45 Those included in particular forced expulsion and transfer, widespread killings, destruction of property and religious buildings, cruel or inhumane treatment in detention facilities.

46 Among others in Zvornik, Bratunac, Brčko, Foča, Banja Luka, Vlasenica, Višegrad, Prijedor, Sanski Most, Ključ and municipalities along the Sana River Valley.

did not participate in its conception and planning and had a lesser role in its execution than others. The sentence underlined the particular massive and cruel nature in which the campaign of ethnic separation had been conducted, as well as emphasized that the “crimes did not happen to a nameless group but to individual men, women and children who were mistreated, raped, torture and killed”.<sup>47</sup> The judgment has established that on the territory of the 37 municipalities there have been 408 detention facilities in which people were detained by force and exposed to serious physical and mental abuse. The judgment has further established that over 100 places of religious cult have been wantonly destroyed.

The aggravating factor taken into consideration by the court was the sole fact that Biljana Plavšić was in the RS Presidency, the highest civilian body, during the campaign and encouraged and supported it by her participation in the Presidency and her pronouncements.<sup>48</sup> However the mitigating circumstances according to the ICTY were the guilty plea, expressed remorse, and the step towards reconciliation.<sup>49</sup> In fact, Plavšić at the time of her sentencing was by many considered a pioneer giving hope for a realistic reconciliation through the transitional justice mechanism of war crime trials. This utopian vision was meant to go through a reality check in 2009.

### **The frames about the war from *Glas srpski* after the Plavšić guilty plea and sentence**

The immediate effect of entering into a guilty plea by Plavšić on 2 October 2002 was the dropping of all charges by the Prosecution, apart from that on persecution. One of the dropped charges have been the genocide charge relating to the time between 1 July 1991 and 30 December 1992. On the same day *Glas srpski* reported that “Biljana Plavšić pleaded guilty”, underlining that the Prosecution has withdrawn the remaining charges of the indictment.<sup>50</sup> The article did not dispute the step by Plavšić.

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47 Plavšić Sentencing Judgment, p. 40.

48 Ibid., 19.

49 “(...) the trial chamber concludes that the guilty plea of Mrs. Plavšić and her acknowledgment of responsibility, particularly in the light of her former position as President of Republika Srpska should promote reconciliation in Bosnia and Herzegovina and the region as a whole.”, p. 26 of the Judgment.

50 Biljana Plavšić priznala krivicu, *Glas srpski*, 2.10.2002.

In the final stage of proceedings before the ICTY, Plavšić revealed that the other RS wartime leaders would go to Belgrade in order to consult, get directives, and receive support from Slobodan Milošević and that the Army of the RS was receiving financial and logistic support from Belgrade. In December 2002 *Glas Srpske* would report on that; yet, the issue was only discussed inasmuch as it related to the ICTY procedure.<sup>51</sup>

Although at first, before the guilty plea Biljana Plavšić was identified with the RS, after the guilty plea her role as the representative of the RS was immediately diminished by the Bosnian Serb leaders. This proved that the RS politicians were not ready to accept responsibility for the war atrocities, nor were they accepting the way in which the ICTY was interpreting the conflict on the territory of BiH, including the role of the RS in thereof. In reaction to the guilty plea, RS Prime Minister Mladen Ivanić stressed that “the guilty plea cannot have any effect on the RS, as The Hague prosecutes individuals rather than state institutions, or states”.<sup>52</sup> However, the SNS president, Branislav Lolić, underlined that the burden of individual responsibility borne by Plavšić had lifted it off her people/nation.<sup>53</sup>

Plavšić’s guilty plea did not change the way the war was presented by *Glas Srpske*. In fact, there was still a lot of emphasis on the Serb victims of war crimes on the territory of BiH and on the fact that the Bosniak general Naser Orić was the only one prosecuted for them.<sup>54</sup> The newspaper had a general tendency to show the war as a struggle of warring sides, out of which the Serbs might not have had the biggest human losses; however, the Bosniaks were the most cruel in conduct<sup>55</sup> yet also the least prosecuted. The wartime stories presented by international media had been – according to this frame – inaccurate due to the manipulation by Bosniaks and the ICTY. According to the outlet, human losses of Bosnian Serbs were the price paid for sovereign BiH, as envisaged by Alija Izetbegović – the Bosniak leader, blamed by *Glas Srpske* for having instigated the war.<sup>56</sup> This shows that *Glas Srpske* did not accept the responsibility of Plavšić and the rest of RS leadership at the beginning of the war in BiH for the conflict.

51 Plavšićeva redom optužuje, *Glas srpski*, 17.12.2002, p. 3.

52 “Omekšala Čelična Ledi” *Glas srpski*, 4 Oct 2002, p. 3.

53 “Narod”, in: “Omekšala Čelična Ledi”, *Glas srpski*, 4 Oct 2002, p. 3.

54 Udruženje “Istina” Istočno Sarajevo, Dva čina zločina: o ratnim zbivanjima u Srebrenici, *Glas Srpske*, 11–12.06.2005, p. 4.

55 297 Udruženje “Istina” Istočno Sarajevo, Dva čina zločina: o ratnim zbivanjima u Srebrenici, *Glas Srpske*, 11–12.06.2005, p. 4; Ćirković, K., Logoraši na pregledu: Stručni tim iz Beograda posjetio Bratunac, *Glas Srpske*, 14.08.2003.

56 *Glas Srpske* 16.06.2005: “(...) The price for sovereign BiH, as it was envisaged by Alija Izetbegović, Serbs are paying still today. And they paid it during the war. In Bratunac

The case of Plavšić did not revolutionize the frames on the war presented by the analyzed daily. The only visible change in war reporting was the bigger emphasis on individual responsibility of the perpetrators and not the RS as a construct or as a whole.<sup>57</sup> The individual criminal responsibility, as established by a criminal tribunal, therefore allowed for pushing away the responsibility, often leading to partial denial of certain facts about the war.

### **The frames about the war from *Glas Srpske* after Biljana Plavšić's early release**

The early release of Biljana Plavšić caused radical reactions on the whole territory of BiH, which could be easily divided by a very firm, ethnic line. It namely brought euphoria and a sense of relief in the RS and a sense of injustice and bitterness in the Federation of BiH, especially in Sarajevo.

*Glas Srpske* would present Biljana Plavšić as a hero-convict who sacrificed for the RS, with no reference to war crimes. It ignored the reactions to the early release beyond the RS, similarly as it did not report about the withdrawal of the guilty plea at all. The comment to the early release contextualized it as the least the ICTY could do in the light of setting Naser Orić and Haradinaj<sup>58</sup> free.<sup>59</sup> Biljana Plavšić's role of the RS political leader was therefore equalized with the role of army generals, who in fact played a diametrically different role in the war.

The shift in media frames in *Glas Srpske* can be observed from "not guilty Biljana Plavšić nor the Serb nation" to "individuals committed war crimes". An interesting misinterpretation of the individualization of responsibility as done by

there is a cemetery of over 1000 victims of Muslim forces' orgies from Srebrenica. (crimes listed) Crimes were not committed by other Bosniak forces from BiH, but those from Srebrenica, our neighbors (calling Boris Tadić, to stay at the Bratunac commemoration, one day after the Srebrenica commemoration)."

- 57 "Krivica zločinaca" = "the criminals' responsibility", Jasna Brkić: "The Government of the RS accepts that terrible crime was committed here and sympathizes with the families of victims" in: Ćirković, K., Nema kolektivne krivice za zločin: u Potočarima obilježena 13.godišnjica stradanja Bošnjaka, *Glas Srpske*, 12.07.2008–13.07.2008, p. 3. Jasna Brkić: "The Government of the RS accepts that terrible crime was committed here and sympathizes with the families of victims". Pomen nevino stradalim u Podrinju: Vladika Vasilije juče u Srebrenici, *Nezavisne novine*, 13.07.2000.
- 58 Haradinaj is general and politician from Kosovo. For more information on his case see Vjollca Krasniqi's chapter in this book.
- 59 Filipović, Miroslav, Odluka obradovala prvu predsjednicu Srpske: Milorad Dodik; Slobodan Puhalc i Vladika Vasilije posjetili Biljanu Plavšić, *Glas Srpske*, 17.09.2009.

an international criminal tribunal could be observed which allowed for pushing the responsibility for the war in BiH off the RS. Although Plavšić was a member of the Presidency, and it was stated clearly in the judgment and the news outlet accepted her as the “queen” of the RS, the media frame did not shift into acknowledgment that the persecution had been carried out in the name of the RS people.

### **The frames about the war from *Nezavisne novine* before the Plavšić guilty plea and sentence**

*Nezavisne novine* can be considered the most impartial daily of Republika Srpska, at least in the period before 2008. In the early 2000s *Nezavisne novine* did not silence the war crimes committed by Bosnian Serbs during the 1992–1995 conflict. Quite the opposite – it would often tackle war crimes committed by Bosnian Serbs and their respective victims. However, when reporting on Bosnian Serb victims of Podrinje, *Nezavisne novine* – regardless of its progressive editorial policy – would replicate the most common/mainstream Bosnian Serb approach to the 1992–1995 conflict being a civil war. The newspaper would present the story of central Podrinje through the lens of Muslims and the Army of BiH<sup>60</sup> (used in an interchangeable manner) attacking civilian population of the villages surrounding Srebrenica. The newspaper would cite the number of killed Bosnian Serbs as amounting to over 1000, claiming that all of them were civilians. The picture of the happenings was presented as if Muslims led an expulsion of the Bosnian Serbs on the territory of Srebrenica municipality, whereas the Bosnian Serbs from the area could only return there in 1995. The story seemed to suggest the reason for the genocide in Srebrenica had been the insecurity of Bosnian Serbs on the territory in the years 1992–1995.<sup>61</sup>

The daily would nonetheless not silence the war crimes committed against non-Serb population of BiH. An example was the accurate and detailed reporting

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60 Regardless of the fact that the Army of BiH was not defined by ethnic lines and consisted of Bosnian Muslims, Bosnian Croats, and Bosnian Serbs (to a lesser extent), who identified with the idea of an independent BiH.

61 Pomen nevino stradalim u Podrinju: Vladika Vasilije juce u Srebrenici, *Nezavisne novine*, 13.07.2000.

“(…) Svim gradjanima srednjeg Podrinja, nastradalim tokom gradjanskog rata u BiH. (...) obilježena petogodisnjica povratka Srba u Srebrenicu (...) After the first attacks of Muslims on Serb villages Gniona and Blječeva on Djurdjevdan on the 6th of May 1992 Serbs left Srebrenica. Those who stayed in town are not alive anymore and their graves are unknown. (detailed descriptions of the attacks on Serb villages follow)”.

on the trial of Milorad Krnojelac, listing the crimes he was accused of in Foča, the means of conduct, as well as mentioning him as the accused of the genocide in Srebrenica in 1995, underlining the thousands of boys and men killed, as well as the mass, secondary and tertiary graves.<sup>62</sup> The outlet would admit that the attacks in Foča were assisted by the JNA, but only until the formal withdrawal of the forces on 19 May 1992, thus not admitting the partial involvement of JNA on BiH territory, therefore maintaining the civil war label of the conflict. The daily would not name the Army of Bosnian Serbs as being responsible for the expulsion of Bosniaks from Foča, nor would it present it in the wider context of ethnic cleansing of the territories which had been claimed the Bosnian Serb republic in BiH.

The context of crimes for which Biljana Plavšić was later sentenced was sometimes presented in a manner which did mention ethnic cleansing of non-Serb population of BiH by the narrow leadership in Pale.<sup>63</sup> The news outlet would present pluralist views of the conflict, through including the comments on Plavšić's presence in the Hague, by the Bosniak and Bosnian Croat politicians too,<sup>64</sup> as well as civil society organizations, reporting about the ethnic cleansing of Brčko and beyond.<sup>65</sup> The outlet would even report on the spokesman of the Bosniak party, SDA stating clearly the Bosniak vision of the war as being an aggression of the "Great Serbia" [to be].<sup>66</sup> The daily would also cite Bosnian Serb politicians who identified Biljana Plavšić in the Hague as defending Bosnian Serb honor and interest which would seem as identification of the figure with the RS and its legitimacy.<sup>67</sup> The indictment, when still confidential, was unofficially reported on,

62 Počinje suđenje Miloradu Krnojelcu, *Nezavisne novine*, 30.10.2000.

63 Plavšićeva ostaje u Ševeningenu, *Nezavisne novine*, 18.01.2001, p. 4; "(...) Krstan Simić: (...) Moramo se suočiti s tim da će '92. ostati zapisana kao izuzetno loša godina u istoriji srpskog naroda. Tužilaštvo smatra da je sve to osmišljeno unutar tadašnjeg Predsjedništva RS. (...)".

64 "Plavšićeva u Hagu kao heroj ili izdajica?", 10.01.2011, *Nezavisne novine*, p. 4.

65 Plavšićeva kreator etničkog čišćenja u Bosni i Hercegovini: Udruženje Brčaka "Povratak", 12.01.2001, *Nezavisne novine*, p. 5: "Udruženje podsjeća na izjavu bivše podpredsednice RS Biljane Plavšić, koju je dala početkom rata, 'da nije važno ako pogine i šest miliona Srba, samo da se u potpunosti ostvari koncept etničkog čišćenja' (...) Plavšićeva naredila etničko čišćenje u kome je pobijeno preko 20.000 Bošnjaka (...)".

66 "Biljana Plavšić je bila član najužeg paljanskog rukovodstva, koje je bilo u funkciji velikosrpske agresije na BiH, te organizovalo i vršilo zločine i etničke progone nesrpskog stanovništva u BiH" "Uslov za pomirenje; Šefik Džaferović, portparol SDA", *Nezavisne novine*, 12.01.2001, p. 5.

67 "Plavšićeva u Hagu kao heroj ili izdajica?", *Nezavisne novine*, 10.01.2001, p. 4.

in detail describing the methods of ethnic cleansing of non-Serbs practiced on the territory claimed by Bosnian Serbs,<sup>68</sup> while Biljana Plavšić was the decision maker (from 1 July 1991 until 30 December 1992).

In the course of Biljana Plavšić's procedure before the ICTY *Nezavisne novine* would not avoid the war theme in its reporting. It would admit the 1995 Srebrenica occurrences being a genocide, but would have a problem in naming the sides of the conflict and providing for a wider story and context. The news on burials or commemorations in Srebrenica would usually tackle the organizational issues, rarely covering the actual wartime story and controversies around it.<sup>69</sup>

It would at times report on "breaking news" about Srebrenica, such as those that it was the UN diplomats (and not the Dutch soldiers) who sacrificed the Bosniaks of Srebrenica to the Army of Bosnian Serbs<sup>70</sup> or the report of the RS Government of the RS on the "Srebrenica Case" which has offered an absurd, yet RS-convenient version of the happenings in Srebrenica in 1995. The report would claim that just about 2000 Bosnian Muslims had lost their lives in combat with the Bosnian Serbs (thus not being civilians), and any other numbers have been exaggerated by Muslims in order to opinionate international community against the Serbs.<sup>71</sup> The report would thus be in line with the wider Bosnian Serb narrative of the war in BiH which implies that during the war Bosnian Serbs were defending their existence and position in BiH, whereas the international community during and after the war was prejudiced against the Serbs which has led to the outnumbering of other prosecutions before the

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68 Plavšićeva optužena po četiri osnova, *Nezavisne novine*, 10.01.2001, p. 3.

69 Danas predaja obnovljene džamije: Obilježavanje sedme godišnjice zločina u Srebrenici, *Nezavisne novine* 05.07.2002, p. 9; Jablič, N., Vlada RS ignorisala skup u Potočarima; U Potočarima obilježena sedma godišnjica srebreničke tragedije, *Nezavisne novine* 12.07.2002, p. 3; Patrik Volf: U Srebrenicu se vraća desetak ljudi sedmično, *Nezavisne novine*, 12.07.2002, p. 3, and: Zbog Srebrenice minus za RS, 13–14.07.2002, p. 2.

70 "Bivši narednik specijalnih britanskih snaga odlučio je da javno progovori o događajima u Srebrenici iz 1995.godine (...) želi da pokaže, prenosi "Sandej Tajms", kako su UN i NATO, kako sam kaže, prodali hiljade srebreničkih Bošnjaka. On prenosi riječi jednog od svojih komandanata da UN nikad nisu imale namjeru da se bore za Srebrenicu. (...)" in: UN "prodale" Srebrenicu: Bivši oficir specijalnih snaga Velike Britanije progovorio o ratu u BiH, 08.07.2002, *Nezavisne novine*, p. 7.

71 Hronologija o Srebrenici: Biro Vlade RS za odnose sa Haškim tribunalom izradilo dvije studije o ratu u BiH,, *Nezavisne novine*, 04.09.2002, p. 3. 314 Ešdaun: Istorija se ne može prekrajati: Reakcije na izvještaj Biroa Vlade RS o Srebrenici,, *Nezavisne novine*, 04.09.2002, p. 3.

ICTY by the prosecutions of the Serbs. The news outlet would not take sides and criticize the report.<sup>72</sup> Moreover, the outlet would cite the reasoning of the ICTY judgments in Krstić case, in which it has been established that from seven to eight thousand men have been captured and killed by Serb forces in Srebrenica.<sup>73</sup>

*Nezavisne novine* would rarely report on the war in BiH in the context of the ICTY proceedings – similarly as the other analyzed outlets. Instead, it would discuss it in the context of commemorations, usually concentrating on the numbers of victims, defining the warring sides either as Serbs or Army of Bosnian Serbs (VRS) and as Muslims or the Army of BiH. The latter – as pointed out above – is not an interchangeable term. This can therefore prove the definition of the conflict as an inter-ethnic one and not a political one, emphasizing the Bosniak vs. Bosnian Serb aspect of the conflict. Most of the reporting was centered around the victims of Podrinje, be it of Bosniak or Bosnian Serb origin. The news were short, informative, and to the point, without entering into controversial disputes.<sup>74</sup> One could, however, notice that victims of other regions of BiH would rarely receive publicity. This therefore proves that *Nezavisne novine* were taking part in the everlasting competition of the victims of Podrinje, yet not being explicit as to whether the burnt Bosnian Serb villages in the surroundings of Srebrenica in 1992–1993 were the reason for the revenge on Bosnian Muslim men and boys in 1995.

In the discussed period, while reporting about the war, more attention was dedicated to the victims than to the perpetrators. One could get an impression the war was presented through the prism of victims, yet not by problematizing their suffering or classifying the crimes they were victims of, but rather offering the dry statistics and little details, such as the camp (logor) they had been detained at. The pretext for the news was often the exhumation of bodies.<sup>75</sup> What is more, the ethnicity of victims would only be mentioned rarely, in the cases of Podrinje victims. The perpetrators on the other hand would be named in the context of the ICTY and local criminal procedures.<sup>76</sup>

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72 Ibid.

73 Ibid.

74 Održan parastos žrtvama; Obilježena desetogodišnjica stradanja Srba u srednjem Podrinju, *Nezavisne novine*, 13–14.07.2002, p. 3.

75 Prijedor: ekshumirano pet tijela, *Nezavisne novine*, 05.07.2002, p. 9.

76 Stanković odbio da se izjasni o optužnici, *Nezavisne novine*, 13–14.07.2002, p. 2.



## The frames about the war from *Nezavisne novine* after the Plavšić conviction

The guilty plea during the hearing on 17 December 2002 was received with confusion. Even though the guilty plea was constructed in such a way that it was digestible for recipients who thought the Serbs had been defending themselves and their interest in the 1992–1995 armed conflict. The simplified message of the plea was that Biljana Plavšić had been defending the Serbian people from becoming victims again, thus becoming victimizers of the other sides of the conflict. Plavšić underlined that she came to the Hague to face the indictment and save her nation, as it was clear they would pay the price of anyone's not coming to the Hague.<sup>77</sup>

*Nezavisne novine* reported on the guilty plea of Plavšić in line with its overall attitude towards the ICTY, namely – similarly as it was in the case of the indictments of Krajišnik and Plavšić – the outlet has reprinted the agreement on the guilty plea of Plavšić with the Tribunal.<sup>78</sup> It thus mainstreamed the frames about the war as produced by the ICTY to the local community.

The guilty plea brought to the surface an important discussion as to whether the war in BiH was organized by both Serbian and Bosnian Serb politicians, and whether they had drawn a plan of cleansing areas of Bosnia from non-Serb population in order to annex it to Serbia. *Nezavisne novine* inquired as to whether the guilty plea could influence the other leaders who sooner or later would be facing justice. The plea was understood in a way that Plavšić had blamed Slobodan Milošević for planning the ethnic cleansing in BiH, mentioning him along with Radovan Karadžić, Momčilo Krajišnik, and Ratko Mladić.<sup>79</sup> Plavšić's trial was therefore a pretext to mention Milošević's role in the war; however, no further details, such as the involvement of JNA on the BiH territory, were further discussed.

Around the actual guilty plea by Plavšić in the Hague in mid-December 2002, the reporting of *Nezavisne novine* included many details from the hearing of the

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77 “Da poštediti moj narod, jer je bilo jasno da bi oni platili cijenu bilo čijeg nedolaska”, part of the translation compatible with that from the p. 17 of the Sentencing Judgment of the ICTY in the case prosecutor against Biljana Plavšić of 27 March 2003, also available under the link: <http://www.icty.org/sid/221#>.

78 Kazna nije dogovorena, *Nezavisne novine*, 07.10.2002, p. 7.

79 Radmanovic, Borjana, “Priznanje krivice od posebnog značaja”, *Nezavisne novine*, 17 Dec 2002, p. 3; Popović, V., “Lendejl: Priznanje krivice uticaće na kaznu Slobodana Miloševića”, *Nezavisne novine*, 18 Dec 2002.

final witnesses of the Prosecution, who estimated the number of lost lives both in 1992 as well as in the overall conflict in BiH and the number of camps in the 37 municipalities, ethnic cleansing of which Plavšić was indicted for. Moreover, the news outlet not only named the crimes Plavšić was accused of, but it also named the means of conduct such as killing, extrajudicial detention, or destruction of houses and similar. This was by far the most detailed way the RS daily would report on the ICTY trial of Plavšić, thus revealing the ICTY frames on the war in BiH.<sup>80</sup>

### Political discourse after the conviction

Among the RS politicians the judgment was received with mixed feelings, with disappointment dominating the feelings.<sup>81</sup> Namely, the politicians who had

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80 "Priznanje krivice od posebnog značaja: Rasprava u Haskom tribunalu o odmjeravanju kazne Biljani Plavšić", *Nezavisne novine*, 17.12.2002, p. 3 323 For example: Svetozar Mihajlović, of the SNS, N.N., "Bilt: Presuda Plavšićevoj neće podstaći druge na predaju", *Nezavisne novine*, 1–2 March 2003, p. 4: "(...) Komentarisujući presudu (...) portparol SDS-a Dušan Stojičić je ocijenio da je to stvar suda u Hagu. (...) Predsjednik Socijalističke partije RS Petar Đokić ocijenio je da presuda Plavšićevoj može imati posljednice I po RS I dodao je da tesko prihvatiti konstatacije Haškog suda da je ova presuda put ka pomirenju u BiH." "Put ka pomirenju u BiH biće pokrenut samo onda kada u Haškom sudu na optuženičkoj klupi budu lideri bošnjačkog i hrvatskog naroda, a posebno Alija Izetbegović, koji je svojom politikom odabrao rat kao metodu za ostvarenje političkih ciljeva." Kaže Đokić. (...) Stranka demokratske akcije smatra da osuda Biljane Plavšić osim što predstavlja njenu individualnu odgovornost, "potvrđuje da je RS nastala na organizovanom i sistematskom zločinu, kao I da je na BiH izvršena agresija i genocid nad nesrpskim stanovništvom."

81 For example: Svetozar Mihajlovic, of the SNS, N.N., Bilt: Presuda Plavšićevoj neće podstaći druge na predaju, *Nezavisne novine*, 1–2 March 2003, p. 4: "(...) Komentarisuci presudu (...) portparol SDS-a Dušan Stojičić je ocijenio da je to stvar suda u Hagu. (...) Predsjednik Socijalističke partije RS Petar Dokić ocijenio je da presuda Plavšićevoj može imati posljednice I po RS I dodao je tesko prihvatiti konstatacije Haskog suda da je ova presuda put ka pomirenju u BiH. Put ka pomirenju u BiH biće pokrenut samo onda kada u Haskom sudu na optuzenickoj klupi budu lideri bosnjackog I hrvatskog naroda, a posebno Alija Izetbegović, koji je svojom politikom odabrao rat kao metodu za ostvarenje politickih ciljeva. Kaze Djokić. (...) Stranka demokratske akcije smatra da osuda Biljane Plavšić osim sto predstavlja njenu individualnu odgovornost, 'potvrđuje da je RS nastala na organizovanom I sistematskom zločinu, kao I da je na BiH izvrsena agresija I genocide nad nesrpskim stanovnistvom."

counted on the acquittal called the sentence “high, depressing an unjust”.<sup>82</sup> They considered it outrageous for Plavšić to be sentenced while Alija Izetbegović, responsible for the war casualties, was not held responsible.<sup>83</sup> The immediate reaction was also related to the individualization of responsibility.<sup>84</sup> Dušan Stojičić, the spokesperson of Plavšić’s political party, SDS, emphasized that they considered the judgment of Biljana Plavšić as “individual, in no case as a judgment on the RS or any of its authorities”.<sup>85</sup> Similarly, the Prime Minister of the RS, Dragan Mikarević, has underlined that this was the personal path of Biljana Plavšić who complied with the procedures of the ICTY.<sup>86</sup> The newspaper would however not ignore the other side of the coin. Namely, the BiH Presidency’s Member, Sulejman Tihić of SDA, claimed that the judgment for war crimes, apart from the individual responsibility, confirms also the way the RS was erected (upon organized and systematic crimes), as well as that on BiH an aggression has been committed, followed by genocide of non-Serb citizenry.<sup>87</sup> This very well shows the clash of the opposite visions of the outcome of the war in BiH as accepted by the majority population in the RS and FBiH.

Right after the conviction, press articles emphasized the comments of leading politicians that have been summarized above than the actual crimes committed. One could get an impression the content of the judgment somehow got lost. Nonetheless, the daily did sketch the charges Plavšić was sentenced for, yet it did not even print a summary of the judgment, as it had done with the indictment and the plea agreement.

Notably, the theme of Plavšić’s conviction was present in political discourse still four months after the conviction. In *Nezavisne novine* of 30 June 2003, two similar opinions have been presented, showing Biljana Plavšić not as a war criminal, but as a national hero, calling upon the surrender of the remaining indicted.<sup>88</sup> The Minister was stating that hiding from defending oneself in the

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82 Milorad Dodik as quoted in: Popović, V., Plavšićevoj 11 godina zatvora, *Nezavisne novine*, 28 Feb 2003, p. 3.

83 Ibid., similarly: Peter Đokić, the President of Socialdemocratic Party of the RS in: N.N., Bilt: ‘Presuda Plavšićevoj nece podstaci druge na predaju’, *Nezavisne novine*, 1–2 March 2003, p. 4

84 Ibid.

85 Ibid.

86 NN, Plavšićevoj 11 godina, *Nezavisne novine*, 28.2.2003, p. 17.

87 Ibid.

88 “If a woman and a lady could free her nation of the collective guilt for genocide, also he [Ratko Mladić, ANM] as well as anyone else can do it.” Kusmuk, Mirjana, interview with Vladan Batić, the Minister of Justice of the Republic of Serbia, ‘Patriotizam

Hague is not patriotic and is as harmful as keeping the nation in hostage. The politician, even though considered a progressive one, and advocating coming to terms with the past, would claim that even though Mladić had been led by patriotic ideas, his conduct was discussible. The best solution for him and the others would be thus following the example of Biljana Plavšić, while BiH – for the sake of good neighboring relationships with Serbia – should be dropping the genocide case before the ICJ. These pompous expressions have been followed by similar ones on the following page by Milorad Dodik. The newly elected President of the SNSD<sup>89</sup> claimed that if Plavšić could on her own back ensure that the nation would not be considered as genocidal, then Mladić or others also could do so.<sup>90</sup> Biljana Plavšić was often treated as a hero-convict, who has been ascribed individual responsibility for war crimes and therefore lifted the responsibility off her nation. The frame can be called a hero-convict frame.

This was the way of dealing with the inconvenient conviction, by picking a convenient aspect of the judgment. In this case the judgment was presented as acknowledging that no genocide was committed in BiH – even though it has already been established in the Krstić case – moreover, this charge against Plavšić was dropped due to entering a plea agreement. Otherwise, the sentencing judgment and its content did not change the general way the war was (not) discussed in *Nezavisne novine* – with no clearly presented sides of the conflict, solely emphasizing the names of places and victims.<sup>91</sup> Yet, the 2003 reporting about the Srebrenica commemoration did not call the crime genocide, but “stradanje Bošnjaka”, “masakr”, or “strašan zločin”, reporting on the comments of mothers and organizers of the burials, along with the Police officers who were meant to ensure security during the burials. This shows a retrogression in this regard and

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se dokazuje pred haškim sudom, *Nezavisne novine*, 30 June 2003, pp. 3–5 and the front page.

89 Savez Nezavisnih Socijaldemokrata (SNS).

90 Dodik ponovo izabran za predsjednika SNSD-a: Odrzan drugi sabor Saveza nezavisnih socijaldemokrata, *Nezavisne novine*, 30.06.2003, p. 6 “(...) Dodao je da srpski narod neće biti talac pojedinaca koji su optuženi za ratne zločine i daće biti ‘izručeni svi, pa i Ratko Mladić’ (...).”

91 Č, R., Udruženje žena žrtava istočne Bosne: “Saradivaćemo sa žrtvama svih nacionalnosti”, *Nezavisne novine*, 10.03.2003, p. 8; Čengić, R. Memorijalni centar u Potočari ma kod Srebrenice: Danas sahrana 600 Srebrenicana, *Nezavisne novine*, p. 6; Srna, Slučaj “Matanović” pred sudom u Banjoj Luci: Sudjenje prijedorskim policajcima 19. Maja, *Nezavisne novine*, 29–30.03.2003, p. 8. Srna, Prijedor: Tim za traženje nestalih od danas na prijedorskom području, *Nezavisne novine*, 30.06.2003, p. 6

could be attributed to not just the Plavšić judgment but also to the *BiH vs. Serbia* genocide case which at that time was at the beginning of its course.

Biljana Plavšić withdrew her guilty plea. Firstly she did it in 2005 in a two-volume book she wrote while serving the sentence, pushing the whole responsibility to Radovan Karadžić.<sup>92</sup> In March 2009 she also gave a rare interview to the *ATV* claiming she had admitted committing the crimes as she was not able to gather enough witnesses to testify on her behalf. The interview went unnoticed.<sup>93</sup> She then subsequently expressed that she had pleaded guilty in order to have the remaining charges against her dismissed.<sup>94</sup> The interview was published in the Swedish newspaper *Vi Magazine*, and was only mentioned by *Nezavisne novine*.<sup>95</sup> No comment was offered whatsoever and a passage on bad conditions in Swedish prison followed. The reason for that might be that Plavšić simply had been classified as an innocent hero from the very moment of her sentencing, thus her outspoken admittance did not change anything.

More than six years after sentencing hearing, she was granted early release after having served two-thirds of her sentence. This was a controversial step by the Tribunal, at least with regard to the ICTY's Bosniak audience which considered it a betrayal by the Tribunal and the Swedish Parliament, which had granted

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92 Subotić, J. (2012): "The Cruelty of False Remorse: Biljana Plavšić at the Hague", *Southeastern Europe*, 36, 40.

93 *Ibid.*, 48.

94 The former leader has expressed the plea agreement was concluded only for the purpose of freeing herself of a more severe sentence and blamed her attorney for not managing to achieve her acquittal. She did it in the following words: "I sacrificed myself. I have done nothing wrong. I pleaded guilty to crimes against humanity so I could bargain for the other charges. If I hadn't, the trial would have lasted three, three and-a-half years. Considering my age that wasn't an option,(...) I wanted my husband to defend me in Hague. He was a criminal defense lawyer but had nearly gone blind from glaucoma, so that was impossible(...)"; she continued: "I didn't know it at the time but he [Krstan Simic] was a business lawyer. Unlike him, my husband would have been able to prove my innocence.", after Subotić (2012), 48.

95 N.T., Plavšićeva povukla je priznanje, *Nezavisne novine*, 28 Jan 2009, p. 2: "(...) trenutno izdržava kaznu u Švedskoj zbog priznanja krivice za ratne zločine (...) povukla je svoje priznanje za zločine protiv čovječnosti. (...) magazin VI (...) piše da je Plavšićeva priznala krivicu (...) 'kako bi se mogla nagoditi' za druge optužbe i kako sama smatra da je nevinna." ["(...) currently she serves the sentence in Sweden due to confessing the guilt for war crimes (...) she has withdrawn the confession of crimes against humanity so that she could 'make a deal' for the other charges as she considers herself not guilty."]

the early release. The reactions to Plavšić's arrival in Belgrade and later Banja Luka varied.<sup>96</sup>

*Nezavisne novine* reported on the arrival of Plavšić in Belgrade and later Banja Luka, presenting her as almost a guardian angel, blessing a group of most severe war invalids over the phone, saying that they have made the utmost sacrifice for Republika Srpska,<sup>97</sup> praising the RS on how it has grown and improved.<sup>98</sup> The news left the information about war crimes for the very end.<sup>99</sup> On the other hand, the columnists of *Nezavisne novine*: Boris Dežulović, Muhamed Filipović, and Sead Fetahagić have shown Biljana Plavšić in a different context, criticizing the too warm welcome of a convicted war crime criminal in late 2009,<sup>100</sup> her early release,<sup>101</sup> or the general practice of warm reception of Hague convicts in BiH, be it by Bosniaks, Bosnian Croats, or Bosnian Serbs.<sup>102</sup>

In 2008 and 2009, the war was mostly tackled on the occasions of commemorations in Podrinje. The examination of the methods of approaching various groups of victims has revealed that the Bosniak commemorations of genocide in Srebrenica presented dry facts about another annual gathering.<sup>103</sup> Whereas the commemorations of the killing of Bosnian Serbs in Podrinje

96 Upon her release, Plavšić decided to live in Belgrade, rather than in Banja Luka.

97 Mirnim protestima obilježili svoj dan, *Nezavisne novine*, 4 Dec 2009, p. 7.

98 O.S., Plavšićeva srećna sto je RS tako napredovala, *Nezavisne novine*, 14 Nov 2009, p. 5.

99 O.S. “

Plavšićeva Srećna sto je RS tako napredovala”, *Nezavisne novine*, 14 Nov 2009, p. 5; Segrt, R, Plavšić: navikavam se na slobodu, *Nezavisne novine*, 13 Nov 2009, p. 4; Biljana Plavšić za desetak dana u Banjaluci, *Nezavisne novine*, 1 Nov 2009, p. 3.

100 Boris Dežulović, Obična građanka, *Nezavisne novine*, 29.10.2009, p. 15; Boris Dežulović, Slobodni građanin Branimir Glavaš, *Nezavisne novine*, 5.11.2009, p. 15.

101 Muhamed Filipović, Biljana Plavšić i igre oko nje, *Nezavisne novine*, 1.11.2009, p. 14.

102 Sead Fetahagić, Drage ubice: Politička vrhuška izgleda više voli ubice u svojim redovima nego istinu. Nije bez razloga izmišljena floskula da postoje tri istine, a ne jedna, *Nezavisne novine*, 1.11.2009, p. 13.

103 N.N., Iz Nezuka kod Sapne krenula kolona prema Srebrenici: U ‘Maršu mira’ 2.500 učesnika, *Nezavisne novine*, 09.07.2008, p. 4; Ćirković, K. Počeli ‘Petrovdanski dani Srebrenice 2008’: Pomen na 69 Srba, *Nezavisne novine*, 09.07.2008, p. 4; Fena, Tabuti stigili u Potočare, 10.07.2008, p. 3; Srna, Oblježavanje stradanja Srba u Podrinju, 10.07.2008, p. 3; Sarac, J., Počeo ‘Marš mira’, 09.07.2009, p. 3; Srna, Počeli ‘Petrovdanski dani’, 09.07.2009, p. 3; Srna, Parastos za 109 ubijenih Srba, 15.12.2009, p. 10; Srna, Parastos ubijenim Srbima u Kravici, 05.01.2010, p. 7; Ćirković, K., Parastosom i polaganjem vijenaca obilježena 17. Godnišnjica stradanja Srba u Kravici: Za zločin nad civilima niko nije odgovarao, 6–7.01.2010, p. 3; Vu. B., Dodik: Nad Srbima učinjen zločin, 6–7.01.2010, p. 3.

(usually paired with the Srebrenica genocide anniversary news) were in contrast reported on in a more sensational, visual, and explicit manner – this, however, can be attributed to the change of ownership of the daily which made it in many aspects similar to *Glas Srpske*.

### **The frames about the war used in *EuroBlic* before the Plavšić conviction**

The most read daily in the RS, *EuroBlic* – which until 2006 had had the shape of an RS insert of *Blic* from Serbia, of approximately 10 pages, edited in Banja Luka by local journalists, had been reporting on the war in the cases of either war crime trials or the commemorations. The outlet would hardly ever discuss the war as such in a detailed manner though. In the case of Plavšić's trial and the trials of other political leaders, such as Momčilo Krajišnik, it would often use the frames of the indictment to discuss the war. An example of thereof was a rather detailed sketch of Krajišnik's indictment in the part which explained the origins of the war. The news has stated "the SDS party, formed by Krajišnik, Karadžić, and others was based on the idea of Serb unity in Yugoslavia and was connected to the idea of 'Greater Serbia'".<sup>104</sup> In this case the origins of the war were presented exactly in line with the Hague indictments.<sup>105</sup> Nonetheless, the outlet would rarely in detail problematize the reasons of the war.<sup>106</sup> The war was presented as a political struggle, whereas Plavšić's surrender to the Hague was reported on as the attempt to free the Serbs of collective guilt, a commonly used motive.<sup>107</sup> The crimes committed by Biljana Plavšić and by Bosnian Serbs in general were equalized with the crimes committed by other sides to the conflict.<sup>108</sup>

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104 U petak pred sudije: Momčilo Krajišnik optužen pred Haškim tribunalom za genocid nad Muslimanima i Hrvatima u Bosni i Hercegovini, *Blic*, 5.04.2000, p. 8.

105 U petak pred sudije: Momčilo Krajišnik optužen pred Haškim tribunalom za genocid nad Muslimanima i Hrvatima u Bosni i Hercegovini, *Blic*, 5.04.2000, p. 8.

106 E.B. Odbacila krivicu, ostaje u zatvoru, *Blic*, 12.01.2001, p. 8. BETA, Od doktora nauka do predsednika RS, *Blic*, 10.01.2001, p. 8.

107 Danas presuda za Plavšićevu, *Blic*, 27.02.2003, p. 10; N.Č. Perišić: Biće samo svedok, *Blic*, 11.01.2001, p. 8.

108 FoNet, Dodik: Dokazaće svoju nevinost, *Blic*, 13.01.2001, p. 7; Mihalović, Miladin, 'Privodićemo i svedoke': Branilac Biljane Plavšić o njenoj predaji i strachu od svedočenja pred Haškim tribunalom, *Blic*, 16.01.2001, p. 8; Tanjug, Izetbegović spreman da otputuje u Hag?: Lider SDA tvrdi da je odlagao početak rata u BiH., *Blic*, 14.07.2001, p. 8.

Also, the newspaper would stand on the side of the war in BiH being a civil war.<sup>109</sup>

When reporting on the guilty plea of Biljana Plavšić, *EuroBlic* stressed that the responsibility for the war could not be borne by a group of people or the whole nation but must be placed on individuals.<sup>110</sup> The war was not discussed much in this context, whereas visibly, the main concern of *EuroBlic* right after the guilty plea was whether it could influence other cases before the ICTY, including the *prosecutor vs. Milošević*.<sup>111</sup>

### **The frames about the war from *EuroBlic* after the Plavšić conviction**

The responsibility for the war after the judgment against Plavšić was again presented as the responsibility of individual politicians and not the people who had supported them, following the frame of the Bosnian Serb and Serbian politicians, such as Batić or Mikarević. The newspaper would nonetheless report on the comment of the SDA politician Tihić, according to whom the judgment did not only confirm the accused's individual responsibility, but also the way the RS had been erected and the aggression against BiH.<sup>112</sup>

Due to the unavailability of the sources from March 2003 until June 2007, only the frames about the war from that time have been analyzed.

During the 2000s the idea of RS being a genocidal creation was rejected, and RS politicians would often point to the fact that there had been victims on all sides to the conflict, including over 3000 Serb victims in the region of Srebrenica.<sup>113</sup> In the late 2000s, Bosniak victims of Srebrenica would be acknowledged, yet equalized with the Bosnian Serb victims of the region from 1992 to 1993. Reporting on ethnic cleansing of other parts of BiH done by VRS was done rarely, in the context of the ICTY proceedings. Whereas Bosnian Serb victims of other regions of BiH were mentioned as a part of planned and systematic

109 Ibid.

110 Uteha nevinim zrtvama rata u BiH, Blic, 3.10.2002, p. 16.

111 Srna-FoNet, Priznanje neće imati uticaj na Miloševića: Florans Artman o nagodbi Biljane Plavšić sa Haskim tuzilastvom, Blic, 4.10.2002, p. 10; Beta-Tanjug, Optuzila Miloševića za etnicko cisćenje, Blic, 17.12.2002, p. 17.

112 Plavšićevoj 11 godina: Reakcije, Blic, 28.02.2003, p. 17.

113 Mrkonjić, S.R., Dodik: Srpska nije genocidna: Godišnjica stradanja Srba, BlicRS, 13.07.2007, p. RS2.



cleansing which has later been concealed.<sup>114</sup> Although the Bosniak victims were often acknowledged by the outlet, the Serb victims were presented as being more significant in number and suffering, yet ignored by the courts and international community – due to prejudice against the Serbs.<sup>115</sup> The withdrawal of guilty by Plavšić was not offered much attention, nor was her early release by the ICTY.

The war was presented as a civil war where none was an aggressor, therefore the Plavšić and other judgments of the ICTY have not proven to have changed that perception of the war in BiH.<sup>116</sup> In the late 2000s, RS was still presented as erected by legitimate and lawful means, with its Declaration of 9 January 1992, its first constitution of 1992, and its international recognition of 21 November 1995, in the DPA.<sup>117</sup>

### The frames about the person of Biljana Plavšić

The media frames about the perpetrator (by some considered also a national hero(-ine))<sup>118</sup> and the “*Jesus of the Serbian nation*”<sup>119</sup> will be examined, in order

114 Ljubojević, Lj. Ni kosti da pronađu: Semberski i majevički Srbi tragaju za nestalima, Blic, 7.07.2007, p. RS9 358 Milić, Marija, RS kao dežurni krivac: Međunarodna politička slika o BiH, Blic, 9.01.2013, p. 3.

115 Milić, Marija, RS kao dežurni krivac: Medjunarodna politicka slika o BiH, Blic, 9.01.2013, p. 3

116 Ibid. The reporting on M. Dodik’s visit in Bratunac, at the commemoration of Serb victims: “(...) Ovo je dokaz da je i u Republici Srpskoj bilo majki koje su plakale, da te majke, braća, sestre imaju pravo na to da na ovaj način obeleže stradanje najmilijih i kažu da je u BiH bio rat u kome su svi stradali, da u tom ratu nije bilo agresora, već da su ginuli ljudi koji su branili svoj dom. (...) Ne želimo da umanjimo stradanja drugih, ali bih voleo da je bar neko od međunarodnih predstavnika koji je bio 11 jula u Srebrenici, i ovde prisutan (...)”.[...] This is the evidence that also in the RS there have been mothers that cried that those mothers, brothers, sisters have a right to in that way mark the killing of their dearest and that they say that in BiH there was a war in which everyone was dying that there was no aggressor, but that people were dying while defending their homes. (...) We do not wish to diminish the killing of others, but I would wish to see that at least some representatives of the internationals who were on the 11th in Srebrenica, are present also here (...)”. Tužba protiv Federacije BiH: Odluka Saveza logoraša RS, Blic, 12.11.2007, p. RS3.

117 Šoja, Mirna, Kuzmanović: Sve za bolji život građana, 9.01.2008, p. RS1.

118 In the local media examined, the gender-sensitive term has never been used; however, this text will operate in a more sensitive manner, thus using the correct form where it is part of the elaboration.

119 One of the emotional reactions to the early release of Biljana Plavšić by an inhabitant of Banja Luka was the following: “As Jesus has spread himself on that cross, she

to see whether the trial in Hague has managed to change the way of thinking about one of the RS's wartime leaders. Importantly, at the moment of surrendering herself to the Hague on 10 January 2001 (the indictment was revealed only after the act) Plavšić had been an active RS politician, already much present in the news. Thus, when she voluntarily responded to the Hague's interest with her person,<sup>120</sup> the media reported with visible sensationalism. Before the indictment, as a leader of a political party, SNS, she had already been called by the media as the "iron lady".<sup>121</sup> After her surrendering to the ICTY, obviously, her name was very often mentioned in the political context of the war, as "the former President of the Serbian Republic of the BiH".<sup>122</sup> That was undoubtedly the most dominant label, creating a certain frame about Ms. Plavšić in the examined RS media, regardless of the stage of the ICTY proceedings. However, it can be noticed that, as in *Glas Srpske* it has been used equally often before and after the sentencing, in *Nezavisne novine* it was used more often after the sentencing.

Straight after leaving for the Hague, Plavšić was often presented as "Dr. Plavšić", being presented as a distinguished and respected academic, who had not been politically active before the war.<sup>123</sup> The third most often used frame about Plavšić was the one considering her a national hero<sup>124</sup>(-ine), who sacrificed herself in order to clear the conscience and international image of the Serbian people. That one of course presented her as innocent and highly moral. The frame was often used by the politicians and common people. This frame was obviously maintaining that Plavšić had gone to Hague to prove innocence and what happened later was a mistake caused by prejudice against Serbs. Quantitatively the "hero" frame proved to be dominant in the period after the sentencing and after the early release which was visible both in *Glas Srpske* and *Nezavisne novine*. That suggested that the general perception of Biljana Plavšić's figure by political leaders, media, and ordinary people on the territory of the RS is affirmative. Visibly, after the early release and the reception by the RS Prime Minister, Milorad Dodik in Belgrade, *Glas Srpske* on the front page exposed the

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sacrificed herself for us, confessing to what she is not guilty of, for us to /live/ better." ATV news footage of the return of Biljana Plavšić to Belgrade, 27 October 2009.

120 According to the sentence, the Indictment was communicated to her on 22 December 2000.

121 Čelična dama i smogovci, Novi Reporter, 12 April 2000.

122 "Predsjednik/ca Srpske Republike BiH."

123 Sadiković, Mirna, Tačerka do rata nije pričala ekavski i nije se isticala kao Srpkinja, *Nezavisne novine*, 21 January 2001, p. 6.

124 The original naming by the local outlets who never used the gender-sensitive form.

photo of the former President saying: “Biljana Plavšić FREE” and making it the main theme on pages 2 and 3. Symptomatically, not a word was said about the war or the conviction, underlying in the last paragraph of the article her political functions from the pre-war period solely. The news made to the 4th and 5th page in *Nezavisne novine* daily too, but were dedicated less attention. Milorad Dodik commented that Biljana Plavšić was free according to “those” [earthly] and God’s laws.<sup>125</sup> Symptomatically, whenever crucial steps in the course of the proceedings were taken, the news about would always appear on the front pages of all the dailies.

The RS political leaders’ approach to Biljana Plavšić can be summed up by the comment made few days before the early release by the, at that time, President of the RS, Rajko Kuzmanović who said that justice – meaning freedom – has finally reached Plavšić. His conclusion cited by the newspaper was: “the Golgotha of this brave and educated professor and former President of the RS has finally reached its end”.<sup>126</sup> The abovementioned proves that Plavšić has been presented by the leading politicians and consequently media as a role model and a hero who has freed the nation of collective guilt.

However, *Nezavisne novine* was the only media outlet that offered a critical view of the figure. Namely, its columnists, Boris Dežulović, Muhamed Filipović, and Sead Fetahagić have shown Biljana Plavšić in a different context, criticizing the too warm welcome of a convicted war crime criminal in late 2009,<sup>127</sup> her early release,<sup>128</sup> or the general practice of receiving war criminals by many Bosnian politicians.<sup>129</sup>

Notably, the theme of Plavšić’s conviction was present in political discourse still four months after the conviction. In *Nezavisne novine* of 30 June 2003, two similar opinions have been presented, framing Biljana Plavšić not as a war criminal, but as a courageous person, even a heroine. Namely, in an interview with the Minister of Justice of the Republic of Serbia, Vladan Batic expressed his view that: “If a woman and a lady could free her nation of the collective guilt for genocide, also he /Ratko Mladić/ as well as anyone else can do it”.<sup>130</sup> The Minister was

125 Biljana Plavšić na slobodi, *Nezavisne novine*, 23 October 2009, pp. 4–5.

126 Kuzmanović: Pravda za Biljanu, *Nezavisne novine*, 24 October 2009, p. 2.

127 Boris Dežulović, Obična građanka *Nezavisne novine*, 29 October 2009, p. 15.

128 Muhamed Filipović, Biljana Plavšić i igre oko nje, *Nezavisne novine*, 1 November 2009, p. 14.

129 Sead Fetahagić, Drage ubice, *Nezavisne novine*, 1 November 2009, p. 13.

130 Kusmuk, Mirjana, Patriotizam se dokazuje pred haskim sudom, *Nezavisne novine*, 30 June 2003, pp. 3–5 and the front page.

stating that hiding from defending oneself in the Hague is not patriotic and is as harmful as keeping the nation in hostage. The interview was entitled “Patriotism is proven before the court in Hague”. These rather pompous expressions have been followed by similar ones on the following page by Milorad Dodik. The newly elected President of the SNSD<sup>131</sup> claimed that if Biljana Plavšić could on her own back ensue that the nation would not be considered as genocidal, then also Mladić or others could do so.<sup>132</sup>

Notwithstanding the views as to whether accepting the guilt for count 3 of the indictment made her a hero Biljana Plavšić has withdrawn her guilty plea. The former leader has expressed the plea agreement was concluded only for the purpose of freeing herself of a more severe sentence and blamed her attorney for not managing to achieve her acquittal. She did it in the following words: “I sacrificed myself. I have done nothing wrong. I pleaded guilty to crimes against humanity so I could bargain for the other charges. If I hadn’t, the trial would have lasted three, three and-a-half years. Considering my age that wasn’t an option, (...) I wanted my husband to defend me in Hague. He was a criminal defense lawyer but had nearly gone blind from *glaucoma*, so that was impossible (...)”; she continued: “I didn’t know it at the time but he [Krstan Simić, ANM] was a business lawyer. Unlike him, my husband would have been able to prove my innocence”.<sup>133</sup>

Surprisingly the local media did not offer a lot of attention to the retraction of the guilty plea. The only notice I was able to find was a very short article on page 2 of *Nezavisne novine* of 28 January 2009, stating that Biljana Plavšić had retracted her guilty plea for the crimes against humanity.<sup>134</sup> No comment was offered whatsoever and a passage on bad conditions in Swedish prison followed. In this case, it seems that the ICTY judgment did not cause condemnation among the citizens of the RS, instead it helped creating Biljana Plavšić as a living monument of Serbian guilt-free bravery, piety, and martyrdom. This was especially visible in 2009 media reporting.

Other detected, yet less used labels about Biljana Plavšić have been the following: “Biljana Plavšić was not a marionette”,<sup>135</sup> “Plavšić played a role in

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131 Savez Nezavisnih Socijaldemokrata (SNS).

132 Popović, V., Dodik ponovo izabran za predsjednika SNSD, *Nezavisne novine*, 30 June 2003, p. 6.

133 Subotić (2012), 40.

134 N.T., Plavšićeva povukla je priznanje, *Nezavisne novine*, 28 Jan 2009, p. 2.

135 The frame used during the hearing by M. Albright and K. Bilt, at the end of the process, reported by *EUROBLIC* on 18 December 2002, p. 17.

signing the Dayton Peace Agreement”,<sup>136</sup> “first woman tried by the ICTY”. The media would also present her as being innocent and having paid for her mistakes.

Moreover, early after the surrendering, Plavšić’s advocate Mr. Krstan Simić started to claim she moved towards democratic values already in the 1990s; ATV however provided footage of the indicted shaking hands with Slobodan Milošević as a background for the claim.<sup>137</sup> It seems that the frame of a “later democratized politician” could also be named “politician who shifted in her political views away from nationalism”.

## **b) The case of Milan and Sredoje Lukić**

The second case chosen for analysis contrasts very well with the case of Biljana Plavšić. Her conviction was related to Višegrad which was one of the 37 municipalities where war crimes she was convicted for took place.

In the case of Milan and Sredoje Lukić the dates chosen for analysis have been the indictment (in 2000),<sup>138</sup> as well as the 2005 capturing of Milan Lukić, the 2009 sentencing, and the 2012 appeal sentencing. The study has revealed that the indictment did not shift frames about the war, nor did it bring attention to war atrocities in Višegrad municipality, as the indictment went practically unnoticed by the local media outlets – therefore it will be skipped in the analysis. It was the case with the appeals judgment. The opening hearing on the other hand did manage to change the frame temporarily, and therefore it was looked at instead of the abovementioned stages of the court proceedings.

The case has been problematic source wise in a way that the media seldom mentioned the atrocities committed in Višegrad. Only *Nezavisne novine* would write about commemorations of Bosniak Višegrad victims outside the context of this particular case. Therefore much less content has been analyzed, as the case did not have a potential to bring shifts in frames about the conflict beyond Višegrad municipality and Eastern Bosnia.

Furthermore, the media attention was turned more towards Milan Lukić which clearly reflected the content of the indictment and the sentence. Both of them have portrayed Milan Lukić, regardless of his young age, as the one leading

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136 A frame first used by M. Albright in the course of her hearing before the Tribunal, later used by the ICTY and cited by Judge May as one of the mitigating circumstances.

137 ATV Dnevnik, 10 January 2010.

138 The 1998 Indictment, revealed at a later stage.

in the cruelty of crimes against civilians both Lukićs were accused of. Also, the fact that he was a fugitive captured in Argentina in 2005 brought more media attention to him and the case.

### **The frames about the war from *Glas Srpske* before the Lukić & Lukić indictment<sup>139</sup>**

Before the unsealing of the indictment *Glas Srpske* would not report on Višegrad as a place where war crimes had been committed. It was the only case that brought media attention to the municipality in a war context.

### **The frame of the indictment**

The initial indictment against Milan and Sredoje Lukić was firstly a part of a common indictment which had addressed also Mitar Vasiljević. But the Vasiljević case was then tried separately as soon as it became clear that the apprehension of the remaining two suspects would not be easy.

The indictment underlined the strategic position of the town bordering with Serbia. It also emphasized the multitude of actors on its territory in April 1992: The Yugoslav People's Army which had taken over the town in mid-April 1992, paramilitary units organized by Milan Lukić, Sredoje Lukić, and Mitar Vasiljević which cooperated with the local police, spreading terror among local Muslim population. The indictment consisted of 20 counts, among those: extermination/mass murder of 135 persons by locking them in two houses and burning them down, the killing of seven Bosnian Muslim men in the Varda factory, the killing of five Bosnian Muslim men on the Drina shore, the killing of a woman, and abuses in the Uzamnica detention camp.<sup>140</sup>

All of those constituted crimes against humanity and violations of the laws and customs of war. The indictment underlined the utmost cruel conduct that characterized the actions of the indicted. It alleged Eastern Bosnia to be ethnically cleansed of its non-Serb population, in order to be joined with Serbia.

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139 The amended Indictments have not been dedicated attention in the local media, P. 3; the Indictment was dated 26 October 1998 and was unsealed on 30 October 2000.

140 ICTY Case Information Sheet.

## The frames from *Glas srpski (Glas Srpske)* after the Lukić & Lukić indictment<sup>141</sup>

### The “alleged crimes”-frame

*Glas Srpske* was not alarmed by the unsealment of the indictment of Milan and Sredoje Lukić, as it was reported on very briefly. The daily put the accent on the names of the accused, not on the crimes committed by them. Their crimes were referred to as “a massacre of Bosniaks in Višegrad” defined as “alleged crimes against humanity”.<sup>142</sup>

The label of alleged crimes was commonly used by the outlet when describing crimes committed by Bosnian Serbs. An instance of that was presented already in the Biljana Plavšić case. This was the newspaper’s standard frame applied in dealing with crimes committed by Bosnian Serbs, including “alleged genocide” in Srebrenica. *Glas Srpske* described any other crime ascribed to Bosnian Serbs as “alleged”.

*Glas Srpske* would not comment a lot on the Višegrad occurrences beyond the Milan and Sredoje Lukić case. It has however published articles on the 1992–1995 occurrences extensively, usually through reporting on the commemorations in the wider Podrinje region that Višegrad is part of, emphasizing the Bosnian Serb victims and the injustice of recognizing them as such by the courts and international community.<sup>143</sup> Reporting on Višegrad was extremely rare, emphasizing the Serb missing and crimes committed against Bosnian Serbs in Višegrad by the defenders of the town (never prosecuted by any international court).<sup>144</sup> The Bosniak victims were hardly ever tackled and the few instances of thereof were connected exactly to the Lukić case before the ICTY.

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141 ICTY Case Information Sheet: [http://www.icty.org/x/cases/milan\\_Lukić\\_sredoje\\_Lukić/cis/en/cis\\_Lukić\\_Lukić\\_en.pdf](http://www.icty.org/x/cases/milan_Lukić_sredoje_Lukić/cis/en/cis_Lukić_Lukić_en.pdf), p. 3.

142 Optuženi Milan i Sredoje Lukić, *Glas srpski*, 2 November 2000, p. 3: “(...) navodne ratne zločine protiv čovječnosti zbog masakra nad Bošnjacima u Višegradu(...)”.

143 Analyzed in the part relating to Biljana Plavšić’s case.

144 Sekulić, S., Zalumi braće Šabanović: Višegrad – ratni zločin nad Srbima; *Glas srpski*, 12.11.2002, p. 5.

Sekulić, S., Korak do istine: Udruženje porodica nestalih iz Višegrada, *Glas srpske*, 10.07.2003, p. 2. Klepić, G., Dani strepnje i nade, Udruženje porodica nestalih iz Višegrada, *Glas Srpske*, 15.07.2003, p. 2. Ma., C.H. Ž., Prijave odnijela Drina?: Višegradski borci traže krivično gonjenje odgovornih za ratne zločine nad Srbima / The reports gone with Drina?, *Glas srpski*, 6–7.08.2005, p. 1.

On 8 August 2005 Milan Lukić was apprehended in Argentina. The information about capturing him in Argentina went through the media in mid-August. A lot of attention was dedicated to the capture itself,<sup>145</sup> for which the Ministry of Internal Affairs was applauded and questions were asked which agencies had been contributing to maintaining the fugitive financially and logistically. The reports did not highlight the war crimes, but rather concentrated on the effectivity of the RS special forces cooperating with the ICTY.<sup>146</sup>

### The frame of the indictment used by the media outlet

This time the ICTY indictment was quoted in detail. The scale of crimes was not concealed.<sup>147</sup> It was reported that they included killing Muslims on the Drina bank, seven Muslims in Varda factory, the burning of 134 people in two houses. Those have been reported on in consistency with the 2000 indictment, disregarding the later amended indictment of 2001<sup>148</sup> as: crimes against humanity and torturing of non-Serb civilians from the Višegrad area and forceful expulsion of Muslims from Višegrad.

Yet, a fair treatment of the indictment<sup>149</sup> against the Lukić brothers did not mean that *Glas Srpske* gave up on its former discourse on the war. The paper covered the Lukić case and information of their crimes on the fifth page.<sup>150</sup> The first page of the same issue was devoted to crimes against Bosnian Serbs, “killed in Sarajevo and buried in Zenica” which had been covered up in an organized manner under the title “New evidence on the organized concealment of crimes against Serbs”<sup>151</sup>

The firmly established narrative of the war, in fact, did not change. Serbs continued to be the victims of Bosniak forces who continued to conceal their crimes, while the crimes against Bosniaks were committed by Serb paramilitary units. They could not be attributed to the Republika Srpska, but to individuals under nobody’s official command.

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145 Uhapšen Milan Lukić: Prekjuče u Buenos Ajresu, glavnom gradu Argentine, Glas Srpske, 10.08.2005, p. 1.

146 O.M., Nema tajni: Radovan Pejić, Glas Srpske, 11.08.2005, p. 5.

147 N. Z., Duga lista zločina: Matijas Helman, Glas Srpske, 10.8.2005, p. 1.

148 Lukić ide u Hag, Glas Srpske, 11 August 2005, p. 5.

149 Also visible in: Uhapšen Milan Lukić, Prekjuče u Buenos Ajresu, glavnom gradu Argentine, Glas Srpske, 10 August 2005, p. 1.

150 Ibid.

151 “Ubijen u Sarajevu, zakopan u Zenici; Novi dokazi o organizovanom prikriivanju zločina nad Srbima, Glas Srpske, 11.08.2005, p. 1.



However, the Bosniak victims of the Lukićs were acknowledged by the news outlet, and it was a palpable shift when discussing the war in Višegrad. Milan and Sredoje Lukić cases were the exact breakthrough and reason to mention crimes committed against Bosniaks in Višegrad by the Bosnian Serb hardliner *Glas Srpske*.

### **The frames used in *Glas Srpske* before the judgment in *Lukić & Lukić*<sup>152</sup>**

The frames about the war in Višegrad did not change from the ones described earlier, namely, according to *Glas Srpske*, still the real victims of war were the Bosnian Serbs,<sup>153</sup> unjustly ignored by the prejudiced prosecution inquiring the patriotic-defensive war<sup>154</sup> battled by the RS Army on the territory of BiH. The Bosniak victims of Višegrad were only tackled on the occasions of reporting on the Lukić case.<sup>155</sup>

### **The frames of the judgment and of the appeals judgment**

On 20 July 2009 trial chamber of the ICTY sentenced Milan Lukić to life imprisonment and Sredoje Lukić to 30 years' imprisonment. "Milan Lukić was found guilty of extermination, murder, persecutions, and other inhumane acts as crimes against humanity, and murder and cruel treatment as violations of the laws or customs of war. Sredoje Lukić was found guilty of murder, persecutions, and other inhumane acts as crimes against humanity, and murder and cruel treatment as violations of the laws or customs of war".<sup>156</sup> The judgment of 20 July 2009 was appealed from, and the appeals chamber had confirmed the Milan Lukić's sentence, whereas the sentence of Sredoje Lukić was reduced to 27 years. Both of the accused were convicted for crimes against humanity and violations of the laws or customs of war committed in Višegrad, Eastern Bosnia, in 1992 and 1993.

As the effect of the appeal, Milan Lukić was convicted for six distinct incidents, including the killing of five Muslim civilian men at the Drina River, the killing

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152 The indictment dates from 20 July 2009.

153 Heleta, S., Nikad dosta stanova i posla: Rad boracke organizacije u Višegradu, 17.02.2006, p. 13.

154 R.T., U pet opština ubijena 382 civila: U Višegradu Konferencija o stradanju Srba Gornjeg Podrinja, 15.06.2009., 4 "otadžbinsko - odbrambeni rat".

155 NN, Sudenje Lukićima, presuda Boškovskom: Procesi u Haskom tribunalu ove sedmice, *Glas Srpske* 7.7.2008, p. 9.

156 ICTY information: <http://www.icty.org/sid/11162>.

of seven Muslim civilian men at the Varda factory in Višegrad, the murder of a Muslim woman, and of the beatings of Muslim detainees in the Uzamnica Camp. Further on, he was found responsible for the murder of a group of Muslim women, children, and elderly men in the house of Adem Omeragić on Pionirska Street in Višegrad (53 people were killed), having locked them in the house and setting the house on fire, shooting at anyone trying to escape from the burning house. Lastly, he was found guilty of the murder in that same manner of at least 60 Muslim civilians in a house in the Bikavac settlement of Višegrad. Whereas Sredoje Lukić was convicted in relation to the events on Pionirska Street and at the Uzamnica Camp, having “aided and abetted” the crimes, and thus his sentence was reduced to 27 years of imprisonment.

### **The frames used in *Glas Srpske* between the trial judgment and the appeals judgment<sup>157</sup>**

The judgment brought no lasting shifts in media frames about the war in *Glas Srpske*, the non-Serb victims of Višegrad were not mentioned. The newspaper limited its coverage to the news about the court proceedings in *Lukić & Lukić*.<sup>158</sup>

In late May 2012 a monument commemorating Bosniak victims of Višegrad genocide was erected. It immediately brought a wave of protests from the majority non-Bosniak inhabitants of Višegrad and RS authorities and had received media attention. The protesters objected to the part of the inscription which read: “to killed and missing Bosniaks, victims of the Višegrad genocide”.<sup>159</sup> The RS side was claiming that although 8 people were indicted for war crimes in Višegrad<sup>160</sup> (among those Biljana Plavšić, Momčilo Krajišnik, and Lukić brothers), the ICTY has never labeled it as genocide.<sup>161</sup> It however had nothing against the monument commemorating Bosniak victims itself.<sup>162</sup> Whereas the Bosniak side, who erected the monument, has claimed that due to the fact that after the expulsion

157 The appeals chamber rendered its verdict on 4 December 2012.

158 NN, Milanu doživotna, Sredoju 30 godina: Sudsko vijeće Haskog tribunal donijelo presudu u “slučaju Lukić”, 21.07.2009, p. 5.

159 NN, Milanu doživotna, Sredoju 30 godina: Sudsko vijeće Haškog tribunala donijelo presudu u “slučaju Lukić”, 21.07.2009, p. 5.

160 R.T., Spomenik žrtvama izmišljenog genocida: Bosnjaci i Višegradu postavili spomenik kojim lažiraju istoriju, *Glas Srpske*, 31.05.2012, p. 7.

161 Bijela traka preko riječi “genocid”: Sporni spomenik u Višegradu / White cloth over the word “genocide”: The contentious memorial in Višegrad, 26.06.2012, p. 8.

162 Bijela traka preko riječi “genocid”: Sporni spomenik u Višegradu / White cloth over the word “genocide”: The contentious memorial in Višegrad, 26.06.2012, p. 8.

and mass killings hardly any Bosniaks returned to their homes, the case constituted genocide.<sup>163</sup>

In this case no details of any crimes committed in Višegrad were reported. *Glas Srpske* would only claim that since the ICTY had not stated so, the word “genocide” could not be used in the case of Višegrad. The monument has therefore been revised accordingly. In this case it was proven that the texts of ICTY judgments shaped representations of the war when this was convenient and tended to be utilized as an argument within the conflicting three readings of the recent history in BiH.

### **The frames from *Glas Srpske* after the appeals chamber judgment**

*Glas Srpske* did not report on the appeals judgment in detail, it reported on it from a strictly procedural side, without a wider background, nor did it refer to the crimes or the monument. As earlier, it would not offer a larger story, about the change of the ethnic composition of Višegrad or any other consequences of the war crimes committed in Višegrad by the Bosnian Serb forces.<sup>164</sup>

### **The frames from *Nezavisne novine* before the *Lukić & Lukić* trial<sup>165</sup>**

*Nezavisne novine* daily reported on the indictment rather accurately, yet it did not introduce the theme of ethnic cleansing of Višegrad at all. The reporting was rather dry and without a wider context.<sup>166</sup> Later, however, the outlet would point out that the crimes have been a part of a wider practice of ethnic cleansing of the part of Eastern Bosnia from non-Serb inhabitants done by the paramilitary

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163 Bijela traka preko riječi “genocid”: Sporni spomenik u Višegradu, 26.06.2012, p. 8. Before the war Višegrad was mainly Muslim. According to the 1991 census, the municipality was inhabited by 21,000 people of whom around 13,500 were Bosniaks and around 7,000 were Serbs. Since the ethnic cleansing campaigns of the 1990s, those figures have changed radically and the majority of inhabitants of the municipality today are Serbs.; see also: [http://www.gff-szeged.hu/uploads/fm/admir\\_mulaosmanovic.pdf](http://www.gff-szeged.hu/uploads/fm/admir_mulaosmanovic.pdf), p. 4.

164 NN, Milanu Lukiću doživotna robija: Konačna presuda Haškog tribunala, *Glas Srpske* 5.12.2012, p. 4.

165 The local media did not dedicated attention to the amended Indictments.

166 Sense Agency, Milan i Sredoje Lukić optuženi za zločine u Višegradu, *Nezavisne novine*, 2.11.2000, p. 4.

“White Eagles” (*Beli Orlovi*), who had been cooperating with the local police and Serb military forces.<sup>167</sup> Unlike *Glas Srpske*, the daily drew a connecting line between various Bosnian Serb forces, acknowledging that paramilitary forces were not some illegitimate formation that could not simply be disconnected from the wartime state apparatus. The daily would explicitly acknowledge that the ethnic cleansing was orchestrated by Slobodan Milošević and Radovan Karadžić, therefore admitting that it was a part of a wider strategy and not some local escape, adding that Sredoje Lukić was a policeman from Višegrad.<sup>168</sup> Moreover, it would admit that a big number of inhabitants of Višegrad municipality would witness the killings at the bank of Drina river<sup>169</sup> – therefore pointing out at the bystanders – yet not specifying any characteristics of thereof.<sup>170</sup>

Crucially, *Nezavisne novine* is the only analyzed outlet which was reporting on the commemorations of Višegrad victims, be it organized by the Association “Višegrad ‘92”<sup>171</sup> which gathers families of the disappeared or those organized by *Žena-Žrtva rata* (The woman, a victim of the war) who commemorated the women against whom wartime rape and other forms of sexual violence had been committed. The frame would reoccur in *Nezavisne novine* accordingly on the annual basis in May, when the crimes had happened. Yet it is difficult to attribute it to the particular ICTY case, as the reporting on the commemorations started first in 2003; therefore, it simply followed the launching of the commemorations by the NGOs.

Immediately after the apprehension the crimes in Višegrad gradually stopped to be attributed to the big fish, who were alleged of having planned ethnic cleansing.<sup>172</sup> This element was still visible in 2005, when Milan Lukić’s letter to *Nezavisne novine* was quoted, in which he expressed the expectation that “the

167 Beta, Počinje suđenje za otmicu u Sjeverinu: Pred okružnim sudom u Beogradu, *Nezavisne novine*, 4.03.2002, p. 4.

168 Ibid.

169 Beta, Optuženi Šević priznao da je učestvovao u otmici: Počelo suđenje za ratni zločin u Sjeverinu, *Nezavisne novine*, 21.01.2003, p. 4.

170 Beta, Počinje suđenje za otmicu u Sjeverinu: Pred okružnim sudom u Beogradu, 20.01.2003, p. 4.

171 Srna, Komemorativni skup u znak sjećanja na žrtve rata, *Nezavisne novine*, 26.05.2003, p. 4.

Čengiđ, R., Sjećanje na stradanje Bošnjaka u Višegradu: Udruženje “Žene žrtve rata” (sic!), *Nezavisne novine*, 26–27.06.2004, p. 6.

172 Risojević, D., Čubro, M., Lukić u pritvoru čeka izručenje Hagu: Haški optuženik iz Višegrada u Buenos Ajresu uhapšen s pasošem SCG na ime Goran Đukanović, 10.08.2005, p. 3.

government would be held responsible of the genocide of five thousand civilians in Višegrad".<sup>173</sup> But on the other hand, he blamed local potentates for the ethnic cleansing of ten thousand people, pointing to the economic motive behind the atrocities, too.<sup>174</sup> This contradiction was not commented on by the daily, and the wider sense of ethnic cleansing in the town was abandoned completely, the journalists only referred to the paramilitary formations, without any reference to the wider ethnic cleansing of non-Serbs in Eastern Bosnia.<sup>175</sup>

After the capturing of Lukić, a column was published which called Lukić one of the most monstrous war criminals of the last war and brought up an important question, who the protectors of Milan Lukić and the reasons for the delayed justice were.<sup>176</sup> For a while after the capturing, the newspaper concentrated on the technicalities and did not make the Lukić news a part of a bigger picture.<sup>177</sup>

It was only at the beginning of the trial that *Nezavisne novine* offered a fuller picture, following in its reporting of the frame offered by the ICTY prosecutor. Only then the daily presented crimes in Višegrad as massive and bearing more than 13,000 victims in spring and summer 1992 only. It indicated the ethnic cleansing was a part of a bigger criminal enterprise, meant to cleanse parts of BiH in order to join a wider Serbian state, aided by the JNA (Yugoslav People's Army) which helped local Serb forces to take control over the territory and start the expulsion of Muslims.<sup>178</sup> Until July 2008 the crimes of Lukić brothers were floating without a context and only then gained a meaning and fuller sense.

173 NN, "Nezavisnim" iz Brazila stizala e-mail pisma s potpisom Lukića, *Nezavisne novine*, 10.08.2005, p. 3.

174 Lukić, Milan "U Hagu ću otići tek poslije onih koji su mi naredivali": Pismo haškog optuženika Milana Lukić, 8.04.2005, p. 7 "(...) 'gazde' Višegrada, Brane Savović i Risto Perišić (...) Po njihovom naređenju svi su muslimani iz Višegrada (...) pobijeni." ["(...) the bosses of Višegrad, based on their orders, all muslims from Višegrad were killed. (...)]."

175 Sense, Milan Lukić u Tribunalu u februaru, 19.01.2006, p. 3; Srna, Suđenje Lukićima počinje u srijedu, *Nezavisne novine*, 7.07.2008, p. 6.

176 Risojevic, Dragan, Lisice za Lukića, *Nezavisne novine*, 11 August 2005, p. 3: "(...)Lukić, vodja 'Osvetnika', za koje se vjeruje da stoje iza jednog od najmonstruoznih zločina u proteklom ratu (...) ko su bili njegovi zaštitnici, ali i to da li je Lukić kod zločina djelovao bas potpuno samostalno, kako se prikazuje, ili je iznad njego postojala linija komandovanja. (...) ["(...)Lukić, the leader of 'the Avengers', for whom it is believed they stand behind one of the most monstrous crimes in the past war (...) who were his [Lukić's] protectors, did he act alone, who was his commander (...)]."

177 Taušan, M., Milanu Lukiću će biti sudjeno u Hagu, 12.07.2007, p. 3.

178 Beta, Lukići spalili 140 živih žena i djece: Uvodnom riječju tužioca u Haskom tribunalu pocelo sudjenje Milanu i Sredaju Lukiću, *Nezavisne novine*, 10.07.2008, p. 6.

The frame element from before Lukić's apprehension remained the same and was visible both after his capturing and on the regular commemoration occasions. Notably, the articles were very short and almost identical every year, without a bigger insight into the actions of victims' associations or the daily struggle of the survivors.<sup>179</sup>

At one point, the situation changed as a consequence of the actions taken by a civil sector organization due to not broadening the respective ICTY indictments by massive wartime rapes in Višegrad,<sup>180</sup> which caused bitter reactions of the victims. Those victims were dedicated attention in *Nezavisne novine* which reported on the one hundred members of "Zena-Zrtva Rata" Association protesting in Sarajevo in front of the local ICTY Office.<sup>181</sup> Although *Nezavisne* would acknowledge that in the Vilina Vlas hotel rapes were committed, including those on 13- and 15-year-old victims, this was not the frame element of the ICTY, but of the protesting Association.<sup>182</sup>

In the course of the trial the victim witnesses and their testimonies did receive media attention,<sup>183</sup> yet it did not make the frames of victims of Višegrad richer or more elaborate. Therefore no shift in this frame element was visible.

### **The frames from *Nezavisne novine* after the Lukić & Lukić judgment**

The role of both Lukić brothers, as established by the ICTY, in the ethnic cleansing of Višegrad municipality was accepted by *Nezavisne novine*. Yet, the daily only at the early stage of the case, namely in 2005, reported on the cruelties of Višegrad as a part of a wider practice of ethnic cleansing as ordered by Milošević, Karadžić, and others (including Plavšić and Krajišnik). From 2005 until 2009 this aspect was either implicit or absent, in order to return only after

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179 E.D., Tri hiljade ruža za poginule i nestale: Višegrad, *Nezavisne novine*, 28.05.2006, p. 4; S. H., Ruže za stradale i nestale Bošnjake: Višegrad, 27.05.2007, p. 3; Fena, Potrebna spomen – ploča za žrtve, 23.06.2007, p. 4.

180 <http://iwpr.net/report-news/Lukić-trial-ruling-provokes-outcry>.

181 Đozo, Alma, Ko je sakrio naše izjave: Žene iz Višegrada ogorčene što Milanu i Sredoje Lukiću u Tribunalu neće biti suđeno za masovna silovanja, *Nezavisne novine*, 19 July 2008, p. 6.

182 Ibid.

183 Beta, Spalili 70 muslimana, *Nezavisne novine*, 4.09.2008 p. 7; Agencije, Svjedočila jedina preživjela žrtva: Suđenje Milanu i Sredoje Lukiću u Haškom tribunalu, *Nezavisne novine*, 29.09.2008, p. 12.

the judgment was rendered. Namely *Nezavisne* recalled the electronic letter of Lukić received in 2005 in which he blamed some MUP's (Ministry of Internal Affairs) functioners for giving him orders.<sup>184</sup> Significantly, this revealed the connection with state apparatus, but the most commonly accepted version of facts was that Lukić brothers were members of paramilitaries. Nonetheless, *Nezavisne novine* has gone the furthest acknowledging the fact of Višegrad atrocities on non-Serbs being a part of a bigger plan. The loss of newspaper's independence did not affect the major frames about the war in Višegrad; it however has emphasized the Bosnian Serb victims of Podrinje even more.

The appeals judgment effects have been skipped in the analysis due to the abovementioned reasons.

### Frame shifts in *EuroBlic* after the judgment

Due to the fact that there has been the least primary sources available for analysis in the case of *EuroBlic*,<sup>185</sup> the analysis will be divided into two parts, namely the time before and after the judgment. The reporting of this daily was the most detailed one, yet concentrating on the crimes solely and not providing any details about the roots and wider background of the conflict. The cruelties against the civilian population were described; however, the connection of Lukić's paramilitary unit with the MUP RS and the military forces was acknowledged just once, after the indictment.<sup>186</sup>

After the judgment was rendered, the frame evolved to be more elaborate and detailed when it comes to the acts of the crimes committed by Milan and Sredoje Lukić. However, the element relating to a wider practice of ethnic cleansing went missing, and so the case could be read as the consequence of a set of acts of cruelty of paramilitary units against non-Serb inhabitants of Višegrad.<sup>187</sup>

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184 Šegrt, Rade, Milanu Lukiću doživotna, Sredoju Lukiću 30 godina: Izrečene presude za zločine nad muslimanskim civilima u Višegradu i okolini od 1992. do 1994. godine, *Blic*, 21.07.2009, p. 2–3.

185 The primary sources were collected in December 2013 directly at the editorial office in Banja Luka, yet in February 2015, the sources were not available anymore as they had already been archived. Due to that fact the author had to access *EuroBlic* from the NUB RS which only had access to the 2007–2012 *EuroBlic*.

186 Beta, Hag optužio Lukiće, 02.10.2000, *Euroblic*, p. 3.

187 NN, Milanu Lukiću doživotni zatvor: Presuda za ratne zločine u Višegradu, *Euroblic*, 21.07.2009, p. 17.

## Conclusion

The ICTY played an undeniable role in the lives of communities of the former Yugoslavia. The study has shown that the truth established by the ICTY is commonly reported by the local media, often with high accuracy. However, the case of Biljana Plavšić has proved that certain facts do get a particular, local interpretation.<sup>188</sup> The role of political leaders in undermining the facts established by the court is significant.

In the context of Biljana Plavšić's interaction with the Tribunal, RS media have been reporting on wartime occurrences, however to a very narrow extent, pinpointing only basic aspects of the indictment and respectively the judgment, as well as the underlying war occurrences. The practice has been rightly pointed out by J. Subotić, who has summed up the reporting of the local media in the Western Balkans on the ICTY's actions as lacking professionalism and preparation for reporting on transitional justice aspects. Because of that the media concentrates much on the personal aspect of the trial – the perpetrator him or herself, writing in a sensationalist manner and often missing the actual focus which should be the crime committed, its context and condemnation – at least ideally.<sup>189</sup> The project's research has proven that the media concentrate much on the ICTY itself and the polemic with its legitimacy and approach, thus losing the focus from what the ICTY was meant to bring – a reconcilable alternative to ethnified versions of conflict.

The case of Plavšić did not revolutionize the frames on the war presented by the analyzed dailies. The only visible change in war reporting, followed by the frames created by political leaders, was the bigger emphasis on individual responsibility of the perpetrators and not the RS as a construct or as a whole.<sup>190</sup> The individual criminal responsibility, as established by a criminal tribunal,

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188 Often by means of minimization, de-contextualization, or interpretation within the civil war narrative. See more in: Ristić, K. (2014): *Imaginary Trials: War Crime Trials and Memory in former Yugoslavia*, Leipzig: Leipziger Universitätsverlag, 200.

189 <https://www.youtube.com/watch?v=5fCdqVDfAu0>, Subotić, J. (2013b). Stories states tell: Identity, narrative, and human rights in the Balkans. *Slavic Review*, 72(2), 306–326; Subotić, J. (2013a). Remembrance, Public Narratives, and Obstacles to Justice in the Western Balkans. *Studies in Social Justice* 7(2), 265–283, p. 280.

190 Čirković, K., Nema kolektivne krivice za zločin: u Potočarima obilježena 13.godišnjica stradanja Bošnjaka, 12–13.07.2008, p. 3: “krivica zločinaca”. [“the criminals' responsibility”]. Jasna Brkić: “The Government of the RS accepts that terrible crime was committed here and sympathizes with the families of victims”.



therefore allowed for pushing away the responsibility, often leading to partial denial of certain facts about the war.

The shift in media frames can be observed from “not guilty Biljana Plavšić nor the Serb nation” to “individuals committed war crimes”. An interesting misinterpretation of the individualization of responsibility as done by an international criminal tribunal could be observed which allowed for pushing off the responsibility for the war in BiH off the RS. Although Plavšić was a member of the Presidency, and it was stated clearly in the judgment and the news outlets accepted her as the “queen” of the RS, the media frame did not shift into acknowledgment that the persecution was done in the name of the RS people. This has prevented the expected ICTY-driven catharsis of the RS political elites and its citizenry. The research has only confirmed the hypothesis posed by Nenad Dimitrijević that war crime tribunals play a questionable role in condemning collective crimes which require other transitional justice mechanisms.<sup>191</sup>

In this case it seems that the ICTY case did not cause condemnation among the citizens of the RS, instead it helped creating Biljana Plavšić as a living monument of Serbian guilt-free bravery, piety, and martyrdom. Biljana Plavšić is nowadays not associated with war crimes, yet more with the person who tricked the ICTY and a creator of the RS greatness.

The case of Milan and Sredoje Lukić did not allow for full recognition of their crimes as a part of ethnic cleansing under a criminal enterprise. The fact that they belonged to paramilitary formations allowed to distance the crimes from the RS and Serbian apparatus. Yet, on certain occasions the fact has been acknowledged especially after the publication of the indictment and the opening hearing in the case, during which the ICTY prosecutor has put emphasis on the fact that the paramilitaries and other military forces were interconnected.

Moreover, a shift in the treatment of the Višegrad victims has been detected. Namely, in 2012 the municipality authorities allowed for a memorial and did not deny the Bosniak victims of the Višegrad municipality. It would not allow labeling it as genocide exactly because the ICTY never confirmed it as such. This however could be seen as progress, especially that the newspapers have reported promptly on the issue.

And lastly, even though the official ICTY discourse did not include massive wartime rapes in Višegrad, they were never incorporated in the indictments,<sup>192</sup>

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191 See more: Dimitrijević, N. (2008): ‘Serbia After the Criminal Past: What Went Wrong and What Should be Done’, *International Journal of Transitional Justice* 2008; 2(1), 5–22.

192 <http://iwpr.net/report-news/Lukić-trial-ruling-provokes-outcry>

which caused bitter reactions of the victims. Those victims were dedicated attention in *Nezavisne novine*.<sup>193</sup> That however was the direct effect of the NGO protests in reaction to not broadening the indictment and not the effect of any positive ICTY decision.

The mosaic of ICTY facts' interpretation by the media in the RS is indeed very complicated and chaotic, proving that the reporting is more resistant to the ICTY than one could expect, subjecting the ICTY decisions to local interpretations which are not stable in time. But if not for the ICTY, certain themes would not have entered into public discourse at all. The path to recognition is still long and ought to be paved by multiple NGO initiatives.

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193 Ko je sakrio naše izjave, *Nezavisne novine*, 19 July 2008, p. 6.

Vjollca Krasniqi

# Frames of a just war: the media and political discourse in Kosovo during the Haradinaj trials

## Introduction

The Kosovo conflict—encompassing the civil struggle between Kosovo Albanians and the Serbian regime during the 1990s and NATO’s military intervention in 1999—has gained attention in numerous studies and media representations. This chapter uses a specific trial at the International Criminal Tribunal for the former Yugoslavia (ICTY) as an entry point to read the framing of the Kosovo conflict and trace its eventual shifts over time. The focus is on the trials of Ramush Haradinaj—a former Kosovo Liberation Army (KLA) commander and Prime Minister of Kosovo—who, in concert with two of his fellow KLA combatants, was indicted by the ICTY for war crimes. The legal proceedings took seven years, from 2005 to 2012, resulting in acquittal.

The chapter is divided into three parts. The first part discusses the roots of the Kosovo conflict, the political context of the post-war international administration, and the ICTY indictment of *Ramush Haradinaj et al.* It also examines the dominant narrative among the Kosovo Albanians on the Kosovo conflict. Public statements and media reports on the trials of KLA commanders are regarded as a window on war narratives and containers of explanatory power. The second part focuses on the frames of war by analyzing political discourses and media reports. The purpose is to examine the language and representations of the Kosovo conflict, in general, and the trial, in particular. Third, it explores the effects of the trials in politics and culture in Kosovo. It shows how the symbolic ordering of the Kosovo conflict is malleable, semantically open, and with manifold representations. The framing of the Kosovo conflict has shaped collective memory and political relations in post-war and post-independence Kosovo. It has been constituted through recurring tropes and narratives on agency, morality, and rhetoric. As such, it is comprehensible only within the larger context of the collective practices of nation and state building in Kosovo after the war.

## The framing of the Kosovo conflict: a note on method and interpretation strategies

“The mediascapes”—to use the term coined by Arjun Appadurai<sup>1</sup>—have immense power effects on the knowledge formation and representations of the real and/or imagined events, people, and places. Yet, one does not only learn from media about wars, but also how media shapes and influences popular attitudes. On the basis of news items, commentaries, and editorials, this chapter uses the perspective of frame analysis to explain narratives of the Kosovo conflict. The analytical and interpretive process involves a close examination of pre-selected representations or media “texts” and the wider public context in which they have been circulated. The bulk of the “texts” discussed here stem from selected Kosovo Albanian language media deemed democratic, liberal, moderate, and non-biased. They include the dailies *Koha Ditore*, the newspaper with the widest circulation in Kosovo, and *Express* and *Zëri* which are the second most read newspapers. *Zëri* weekly magazine is also included in the pool of media representations. This outlet used to be the largest weekly magazine until 2006 and published also as a daily newspaper from 2001 onwards under the same ownership (until 2008) and name. The texts of the *Zëri* weekly magazine are selected from the period of 2003 to 2006 and the articles of the daily *Zëri*. *Express* has been the only online newspaper since March 2013. In addition, the television stations news feeds referred to in the analysis (they play a secondary role in the interpretation of the media “texts” and are deployed in connection to TV representations of the collective “mood” and social sentiments around the trial) have included the public broadcaster: the Radio Television of Kosova (RTK) which has the broadest audience share in Kosovo and *Koha Vision Television* (KTV), an independent media organization, albeit a commercial one.

The media landscape in Kosovo is diverse in terms of ideologies, politics, and audiences. The same applies for the technologies of transmission they use and their ownership. All dailies, apart from the print versions, maintain a webpage (except the *Zëri* weekly magazine which was published in print only). The choice of media is based on audience share and type of ownership. Apart from the RTK, the media outlets included in the study are privately owned. Yet, all of them espouse liberal ideologies. *Express* and *Zëri* dailies are juxtaposed against *Koha Ditore* as the dominant newspaper in the media market; KTV to RTK in the television market; and *Zëri* weekly magazine as the most trusted magazine which

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1 Appadurai, A. (1990): ‘Disjuncture and Difference in the Global Cultural Economy’, *Theory, Culture, Society*, 27, 295–310.

stands on its own.<sup>2</sup> The media representations gathered and analyzed stretch from February 2003 and December 2004—that is, before the ICTY indictment of Ramush Haradinaj et al.—to December 2012 following the release of the indictees in late November 2012.<sup>3</sup>

### **The context: the Kosovo war and UN rule**

Within the former Yugoslavia, Kosovo was a self-governing autonomous entity. Yet, unlike Bosnia and Herzegovina, Croatia, Macedonia, Montenegro, Serbia, and Slovenia which enjoyed the status of a republic, it was without secession rights. Following the nationalist revival in Serbia in the late 1980s, Serbian leader Slobodan Milošević forcibly deprived the Kosovo Albanians—who made up of more than 90 % of the population—of self-government through the abolition of Kosovo's autonomy in 1989. The Milošević regime subsequently engaged in systematic discrimination and exclusion against the Kosovo Albanian population. It denied Kosovo Albanians access to education, employment, public services, and the media. It also deprived many people of freedom and liberty. A total of 115,000 out of 170,000 workers were left without jobs,<sup>4</sup> and half of population lived in poverty.<sup>5</sup> In the 1990s, the Kosovo Albanians defied the Milošević regime by engaging in civil resistance and organizing parallel structures of political institutions, education, health, media, and tax system.<sup>6</sup> The non-violent civil resistance was challenged in 1996, when armed resistance groups took hold in Kosovo. The Kosovo Liberation Army (KLA) entered into guerilla fighting against the Serbian police and military forces which resulted in severe reprisals.<sup>7</sup>

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2 In Kosovo, longitudinal media research on media use is lacking. However, there are some data available, see Krasniqi, V. (2009): *Television across Europe: Regulation, Policy, and Independence*, Open Society Institute (OSI), 199; 219; and [www.indexkosova.com](http://www.indexkosova.com).

3 All translations are mine.

4 International Independent Commission on Kosovo (2014): *The Kosovo Report, Conflict, International Response: Lessons Learned*, Oxford: Oxford University Press, 41–42; available at <http://reliefweb.int/sites/reliefweb.int/files/resources/6D26FF88119644CFC1256989005CD392-thekosovoreport.pdf>. See also Malcolm, N. (1998): *Kosovo: A Short History*, London: Macmillan, 334–356.

5 World Bank (2005): *Kosovo Poverty Assessment Report: Promoting Opportunity, Security and Participation for All*, available at [http://siteresources.worldbank.org/INTKOSOVO/Country%20Home/20662049/Kosovo\\_PA\\_report\\_final-16June2005.pdf](http://siteresources.worldbank.org/INTKOSOVO/Country%20Home/20662049/Kosovo_PA_report_final-16June2005.pdf)

6 Clark, H (2000): *Civil Resistance in Kosovo*, London: Pluto Press.

7 See Pettifer, J. (2012): *The Kosova Liberation Army: Underground War to Balkan Insurgency, 1948–2001*, London: Hurst and Company.

Increased violence led to the NATO military intervention in 1999. Waged under the banner of “humanitarian intervention,” the NATO military campaign lasted 78 days. The Serbian state authorities used the NATO intervention as a pretext to expel, at least, 850,000 Kosovo Albanians from Kosovo<sup>8</sup>—the biggest population displacement in Europe since the end of World War II. The Kosovo War resulted in around 10,000 civilian deaths, including children and old people. Around 4,400 persons have been classified as missing or presumed dead and over 2,000 individuals are not yet accounted for and are officially missing.<sup>9</sup>

NATO forces entered Kosovo on 12 June 1999, and the United Nations Mission took control. Kosovo became a UN protectorate governed under UN Security Council Resolution 1244.<sup>10</sup> Kosovo was the second UN protectorate in the Balkans after Bosnia and Herzegovina. Upon the failure of the UN-led negotiations on the political status between Kosovo and Serbia, on 17 February 2008, the Kosovo Albanians declared independence. To date 111 UN member states have recognized Kosovo as an independent state.<sup>11</sup> Yet, Kosovo statehood remains contested, not least because Serbia is supported by Russia which opposes Kosovo independence.

## **UN peacekeeping mission: politics and post-war justice in Kosovo**

Since the end of the Cold War, the UN and its agencies have become the preferred peacemaking/peacekeeping mechanism to deal with political violence within the international system and to “manage” what has been termed “war torn societies.” Thus, the UN has played a primary role in defusing crises, solving disputes, arranging cease-fires, organizing elections, and monitoring disengagement and demilitarization.<sup>12</sup> As former UN Secretary General Boutros Boutros-Ghali observed, the UN offered the world a way to tame anarchy through management

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8 Human Rights Watch (2001): *Under Orders. War Crimes in Kosovo*, available at <http://www.hrw.org/reports/2001/kosovo/undword-03.htm>.

9 Report of the International Commission on Missing People, in possession of the author (the report is no longer available online).

10 United Nations Security Council Resolution 1244, Adopted by the Security Council on 10th June 1999, available at <http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/kos%20SRES%201244.pdf>.

11 See <http://www.kosovothankyou.com/>.

12 Miall, H. & Ramsbothan, T. & Woodhouse, O. (1999): *Contemporary Conflict Resolution*, Cambridge: Polity Press, 35.

techniques under the heading of such interrelated concepts as “peace-keeping,” “peace-building,” and “peace-making.”<sup>13</sup> In its most idealistic form, this means the deployment of a UN presence in the field, with the consent of all parties involved.<sup>14</sup> This definition has, however, proved to be controversial since UN deployment is not always greeted with enthusiasm by all disputants. Yet, UN peacekeeping forces, mainly drawn from the militaries of its member states, are often seen by governments of industrialized and Third World countries as offering the best hope for a genuinely post-Cold War, non-imperialist society.<sup>15</sup>

The United Nations Interim Mission in Kosovo (UNMIK) was an unprecedented undertaking, both in scope and structural complexity. Even if the UN had taken over temporary administrations in such places as East Timor and Bosnia and Herzegovina, no other mission had ever been designed in the same way. Thus, other multilateral organizations, the European Union (EU) and the Organization for Security and Cooperation in Europe plus NATO outside its structure, became full partners under UN leadership. UNMIK’s mandate was to ensure a democratic transition in Kosovo through accepted governing standards, such as representative democracy, human rights, and minority rights.

In the context of the ICTY trial under consideration here, several political factors should be highlighted. First, in the mid-2000s, the UNMIK administration came under increased criticism for its governance practices. Its open-ended tenure was framed as a time “of stagnation and confrontation.”<sup>16</sup> The UNMIK strategy for Kosovo’s institution building was captured in the catchphrase “standards before status.” Having been initiated in 2002—or three years after Kosovo was made a protectorate—the “standards before status” policy was designed to postpone negotiations on the political status of Kosovo until, in the words of Michael Steiner, the Special Representative of the Secretary General of the United Nations (SRSG), Kosovo had “achieved the standards that the

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13 Bellamy, A. J.; Williams, P. & Griffin, S. (2004): *Understanding Peacekeeping*, Cambridge: Polity Press, 44–45; Whitworth, S. (2004): *Men, Militarism and UN Peacekeeping*, London: Lynne Rienner Publishers, 23.

14 Bellamy, Williams & Griffin (2004), 12.

15 Enloe, C. (1993), *The Morning After: Sexual Politics at The End of Cold War*, Berkeley: University of California Press, 1993, 30.

16 King and Mason quoted according to Frances Trix (2013), “Underwhelmed: Kosovar Albanians’ Reactions to the Milošević Trial,” in Timothy William Waters (ed.) *The Milošević Trial: An Autopsy*, New York: Oxford University Press, 231.

international community and its own people demand.”<sup>17</sup> This policy presupposed democratic consolidation and institution-building by sidelining the issue of Kosovo’s status. Second, in 2004, two important events shaped the politics in Kosovo: the March riots and the national elections.

On 17–18 March 2004, the drowning of 3 Albanian boys in the river Ibër in the ethnically divided city of Mitrovica sparked riots by Kosovo Albanians leading to the deaths of 11 Kosovo Albanians and 8 Kosovo Serbs and to the burning of more than 500 Kosovo Serb and Roma homes and 27 Orthodox churches and monasteries. While the international and local security forces on the ground were criticized for not containing the violence, the media, especially the RTK, was blamed for instigating it.<sup>18</sup> It was widely believed that the riots had exposed the limits of UNMIK policy of “standards before status.” UNMIK’s delaying tactics on the status question was deemed by international actors, such as the International Crisis Group, as problematic, for it “left the majority Albanian and minority Serb communities locked in a confrontation that was suppressed, never resolved.”<sup>19</sup> UNMIK was more interested in political stability than in confronting hard core issues such as that of Kosovo’s constitutional status and/or the legacy of the Kosovo War.

The political landscape in post-war Kosovo centered on actors, narratives, and experiences of the Kosovo Albanians during the 1990s as well as of the 1998–1999 armed conflict. Two big political parties emerged, *Lidhja Demokratike e Kosovës* [Democratic League of Kosovo] – LDK, placing emphasis on the peaceful resistance of the Kosovo Albanians against the regime of Slobodan Milošević, and the opposing *Partia Demokratike e Kosovës* [Democratic Party of Kosovo] – PDK valorizing the armed resistance and the KLA. Ramush Haradinaj, who, as noted, was a KLA combatant and a commander, established the political party *Aleanca për Ardhmërinë e Kosovës* – AAK [Alliance for the Future of Kosovo]. While seeking a “third way” in politics, he did not attempt to bridge the wide gap between LDK and PDK or reconcile their leaders, Ibrahim Rugova and Hashim Thaçi. Aspiring to the middle ground in Kosovo politics, the AAK defined itself as a center-right party with liberal ideological leanings.

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17 Michael Steiner, “First things first: step by step in Kosovo,” *The International Herald Tribune*, 24 July 2002, available at [http://www.nytimes.com/2002/07/24/opinion/24iht-edsteiner\\_ed3\\_.html](http://www.nytimes.com/2002/07/24/opinion/24iht-edsteiner_ed3_.html)

18 See Krasniqi (2009), 224.

19 International Crisis Group (2004): “Collapse in Kosovo, Europe Report”, 155, available at <http://www.crisisgroup.org/en/regions/europe/balkans/kosovo/155-collapse-in-kosovo.aspx>.



Indeed, liberalism was the core ideal of the AAK's program for state formation, economy, and welfare.<sup>20</sup> The AAK maintained its position as the third largest political party—after the LDK and PDK—in all national elections (until the recent one held in 2014, where its vote was eclipsed by that of the *Vetëvendosje* Movement [Self-determination Movement]). However, the AAK's share of the vote was small, hovering at 10 %, and with votes predominantly accruing from the municipalities in the Dukagjini area in the western part of Kosovo. Thus, the AAK was predominantly a regional party without significant influence in other parts of Kosovo.

Yet, this fact did not prevent Ramush Haradinaj from becoming the Prime Minister of Kosovo. In the national elections of 2004, the LDK won the plurality of votes, but was unable to form a government on its own. Therefore, it entered into a coalition with the AAK which was supported by less than 9 % of the electorate. It was a “public secret” that the LDK wanted to secure for itself the post of the President of Kosovo because of its symbolic value for its leader, Ibrahim Rugova, who had been portrayed as the “father of the nation.” Therefore, the position of Prime Minister was given to the AAK as part of a government coalition deal. This power-sharing arrangement came under close scrutiny by the “international community,” and reservations were expressed about Ramush Haradinaj as a Prime Minister, because it was considered likely that he would be indicted by the ICTY for his wartime role after being interviewed by the Tribunal in November 2004. Yet, he, nonetheless, became Prime Minister. On the 100th day of the government under his premiership, the ICTY handed down an indictment against him for war crimes. Haradinaj responded with a voluntary surrender to international justice system—an act he saw as an extension of his “communal sacrifice”<sup>21</sup> for Kosovo. On the day he stepped down as the Prime Minister, he said:

“Our war has required too many sacrifices [...] Today I have been called upon to enact one more sacrifice that I never believed to have fallen on me [...] At the outset, I must say that I am innocent. I say this because foremost I am accountable to my people. All my deeds in war were concomitant to the morality of war, international rules, and the codes of manhood. I have worked for the construction of a democratic society dignified to be part of the developed world. This also entails cooperation with international justice no matter how unjust it may be at this given time. I feel insulted in this process; I am

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20 See AAK, “Programi Politik” [Political Program], available in Albanian language at <http://www.aak-ks.org/?id=19>

21 Bethke Elshtain, J. (1987): *Women and War*, Chicago and London: Chicago University Press, 207.

deeply touched; I feel I am being forced out of work at the time when I was giving the maximum for my country, but I have to accept it for the sake of my country, and for all of us. I am a man of Kosovo, and I willingly make this sacrifice for my country.”<sup>22</sup>

Thus, Haradinaj claimed to be placing Kosovo’s political project for statehood as the highest value in war and peace; he experienced the ICTY indictment as a disjuncture not only in his political career but also in Kosovo’s aspirations and longing for independence. He wanted to prioritize the “implementation of standards” to force the issue of the future status of Kosovo on the international agenda. Hence, his cooperation with the ICTY—as he expressed it “no matter how unjust it may be”<sup>23</sup>—was a worthy sacrifice for the future of Kosovo.

### **Before the law: the *prosecutor vs. Haradinaj, Balaj, and Brahimaj***<sup>24</sup>

Ramush Haradinaj was the most senior Kosovo Albanian politician tried for war crimes by the ICTY. He was the commander of the KLA in Dukagjini area encompassing the municipalities of Peja, Deçan, Gjakova, Istog, and Klina. Together with Idriz Balaj and Lahi Brahimaj, he was indicted as a part of a criminal enterprise (JCE), facing 37 charges for crimes against humanity and violations of the laws/customs of war.<sup>25</sup> As a new theory of liability, the JCE 3—involving multiple perpetrators—was said to constitute “the principal novelty” of the ICTY, even though the other JCE concepts (1 and 2) were rooted in the Nuremberg and Tokyo trials and in allied jurisprudence after World War II.<sup>26</sup> The Haradinaj et al. ICTY indictment centered on the JCE for alleged war crimes against Serbs, Roma, and fellow Albanians in the period between the beginning of March 1998 and the end of September 1998.<sup>27</sup>

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22 “Jam njeri i Kosovës dhe me dëshirë sakrifikohem për vendin tim” [I am a man of Kosovo, and I willingly sacrifice for my country], *Koha Ditore*, 9 March 2005.

23 *Ibid.*

24 *prosecutor v. Haradinaj, Balaj, and Brahimaj*, Case No. IT-04-84-I, Indictment Decision, 64 (4 March 2005) [hereinafter *Haradinaj et al. ICTY Indictment*], *available at* <http://www.icty.org/x/cases/haradinaj/ind/en/har-ii050224e.pdf>.

25 *Ibid.*

26 Waters, T. W. (2013): “The Forum: The International Criminal Tribunal for the Former Yugoslavia,” in Waters (2013), 37–38.

27 *Haradinaj et al.*, ICTY Indictment Decision, 64 (4 March 2005), *available at* <http://www.icty.org/x/cases/haradinaj/ind/en/har-ii050224e.pdf>.

Two specific sites of alleged war crimes constituted the Haradinaj et al. ICTY indictment: Lake Radoniq close to Gjakova municipality and the Jabllanica village in Peja municipality, both located in the Dukagjini area. Based on Serbian government accounts, on 8 September 1998, 39 bodies and partial remains were discovered in the Lake Radoniq area which was under KLA control. Several of these remains were identified as those of Serb, Roma, and Albanian civilians who disappeared between April and early September 1998. In addition, the indictment included allegations that in the second half of May 1998, the KLA established a detention center at its headquarters in Jabllanica village, and from this time until August 1998, 16 civilians were detained, beaten, and tortured there. One is known to have died and others are missing.<sup>28</sup> The Haradinaj et al. ICTY trial commenced in March 2005. Haradinaj was found not guilty, and was released in April 2008. Two years later, in July 2010, a partial re-trial was ordered, but in November 2012, he was acquitted of war crimes.<sup>29</sup> Idriz Balaj was also acquitted. Lahi Brahimaj was sentenced to six years imprisonment in April 2008, but his verdict was reversed in November 2012, resulting in acquittal.

### **In ICTY custody: years in and out of the Scheveningen Detention Center**

The *Ramush Haradinaj et al.* ICTY trials took seven years; during this period, Haradinaj spent four years at the Scheveningen detention center in The Hague. Having surrendered voluntarily to the ICTY, Haradinaj enjoyed not only sympathy and the support of the Kosovo political class and society at large but also the support of UNMIK, especially of the then Special Representative of the UN Secretary General (SRSG), Søren Jessen-Petersen. As Petersen has revealed, Haradinaj promised him before becoming Prime Minister that in case of an ICTY indictment, he would step down and cooperate with the ICTY. It was a promise that Petersen believed Haradinaj would keep.<sup>30</sup> This may have led UNMIK to offer guarantees for Haradinaj, when Kosovo institutions requested his temporary release.<sup>31</sup>

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28 Ibid.

29 See ICTY Case Information Sheet, Haradinaj et al. IT-04-84bis fact The prosecutor v. Ramush Haradinaj, Idriz Balaj and Lahi Brahimaj, available at [http://www.icty.org/x/cases/haradinaj/cis/en/cis\\_haradinaj\\_al\\_en.pdf](http://www.icty.org/x/cases/haradinaj/cis/en/cis_haradinaj_al_en.pdf).

30 Jessen-Petersen, S. (2014): "Foreword," in O'Reilly, M. (2014): *Haga e Ramush Haradinaj*, Tiranë: UET Press, 8.

31 Artan Mustafa, A.: "Rugova dhe Daci i shkruajnë Hagës" [Rugova and Daci write to The Hague], *Express*, 14 April 2005.

What prompted the temporary release of Haradinaj from the Scheveningen detention center was the death of his 25-year-old brother and fellow KLA member, Enver Haradinaj, in April 2005. His two other brothers had also been killed as part of the anti-Serbian struggle. Luan was 24 years old when he died in 1997 in a fire exchange with the Serb military forces, and Shkelzen was 29 years old when he was killed in an ambush in 1999. The murder of Enver Haradinaj was connected to the events of the summer of 1999 between Daut Haradinaj, another brother of Ramush Haradinaj, and Idriz Balaj, who was indicted along with Ramush Haradinaj. They allegedly tortured five members of the *Forcat e Armatosura të Republikës së Kosovës* [Armed Forces of Republic of Kosovo] – FARK<sup>32</sup>—a competing military formation established and financed by the government in exile of the Kosovo Albanians in 1998. This case was known as the “Dukagjini Group” trial in Kosovo. Daut Haradinaj’s murder charge was quashed by the court in Peja in Western Kosovo. Nevertheless, he was sentenced to five years in prison for taking part in acts that resulted in murder.<sup>33</sup> Idriz Balaj was sentenced to 13 years in prison; upon his release from the ICTY in 2012, he was sent to jail straight from the airport in Prishtina. Two and a half years later, he was released on parole; the time he spent in the Scheveningen detention center in The Hague<sup>34</sup> was taken into consideration, although this case was separate from the ICTY indictment.

On 16 April 2005, Ramush Haradinaj was granted provisional release by the ICTY to attend his brother’s funeral and post-funeral ceremonies<sup>35</sup> on the condition that he would not interfere with the administration of justice and, in particular, have no contacts with potential prosecution witnesses. The second condition of his provisional release was that he would not have any contacts with the media.<sup>36</sup> UNMIK provided guarantees for Haradinaj’s conduct according to the provisional release by the ICTY. At Prishtina airport, Haradinaj was greeted by the Prime Minister and other government staff. He was then accompanied

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32 O’Reilly, M. (2014): *Haga e Ramush Haradinaj*, Tiranë: UET Press, 182.

33 Ibid. 189.

34 Jeton Musliu, “Lirohet i fundit nga Grupi i Dukagjinit” [The last one of the Dukagjini Group is released], *Gazeta Jeta në Kosovë*, 14 January 2013, available at <http://gazetajnk.com/?cid=1,979,4349>.

35 See ICTY Press Release, “Ramush Haradinaj Granted Provisional Release to Attend Brother’s Funeral”, available at <http://www.icty.org/sid/8602> (accessed 10 July 2014). See ICTY Press Release, “Ramush Haradinaj Granted Provisional Release to Attend Brother’s Funeral”, available at <http://www.icty.org/sid/8602>.

36 Ibid.

by a high security detail to his village in Glogjan. The funeral was attended by an estimated one hundred thousand people. He refrained from making political statements, although his arrival in Kosovo and the funeral of his brother gained wide media attention.

The decision by the ICTY provided an impetus for the defense of Ramush Haradinaj who, five days later on 21 April 2005, filed a motion requesting provisional release until the beginning of the trial proceedings. The request was opposed by the ICTY Prosecution on the grounds that his release would have a negative impact on victims. However, later on, he was allowed to return to Prishtina and continue limited political activity. UNMIK readily accepted the guardianship role of Haradinaj's conduct as specified in the ICTY motion for his provisional release,<sup>37</sup> which was bitterly criticized by Belgrade.<sup>38</sup> UNMIK closely monitored Haradinaj's public and political engagement.

### **The symbolic order of the Kosovo conflict: the grand narrative of Kosovo's liberation**

To understand the framing of the Kosovo conflict, one must take into account theories of war. As a social activity, war has inspired many definitions and narratives. Yet the Clausewitzian paradigm that sees war as a continuation of politics by other means—where states pursue their interests through violence—has for long been taken as the postulate for understanding the phenomenon. This logic is still present in the realist and neo-realist explanations of war, where the “anarchic international system” cannot exclude war as a possibility or option. However, “new wars paradigms”<sup>39</sup> or “humane” and “posthumane” warfare<sup>40</sup> or “virtual war”<sup>41</sup> draw attention to the reshaping of warfare and militaries in the contemporary world. Mary Kaldor has demonstrated the shifts in the political economy of wars and proliferation of diverse actors: state and non-state alike. Christopher Coker points

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37 See ICTY Press Release “appeals chamber Modifies the Conditions of Ramush Haradinaj's Provisional Release”, available at <http://www.icty.org/sid/8795>.

38 Tim Judah, “War crimes' Storm over former PM,” *The Observer*, Sunday 30 October 2005, available at <http://www.theguardian.com/world/2005/oct/30/balkans.warcrimes>.

39 Kaldor, M. (1999): *New and Old Wars: Organized Violence in a Global Era*, Cambridge: Polity Press.

40 Coker, Ch. (2001): *Human Warfare*, London: Routledge, 1–24; Coker, Ch. (2002): *Waging War without Warriors: The Changing Culture of Military Conflict*, Boulder, London: Lynne Rienner Publishers, 61–83.

41 Der Derian, J. (2001): *Virtuous War: Mapping the Military-industrial-media-entertainment network*, Oxford: Westview Press, xxxiii–xxxviii.

to internal tension in the Western mode of warfare and regrettable transformation of the warrior into which one's humanity is affirmed to the hegemony of instrumental rationality, in which technology renders war post-human.<sup>42</sup> And James Der Derian<sup>43</sup> argues that traditional warfare is giving way to a new form, in which the transformation of speed becomes the crucial value presenting a counter-hegemonic position, where humans become identified with the unanticipated.

Yet, as Judith Butler has argued, to comprehend war one must consider the effects on senses along with the technologies of war.<sup>44</sup> Meanings, definitions, and explanations of war tend to focus on the relational aspects of morality and justice which are broad and contested terms. Morality is a language of justification of warfare which is used to sustain war; war, in turn, seeks to sustain and legitimate the morality of war and the meanings of peace. Hence, the shifting boundaries of the discourses of war should be viewed as sites of struggles over morality and sentiments. Moreover, as Jean Bethke Elshtain has pointed out, to study war—what counts as war, and how war is conducted—attention should be paid to the constitutive role of myths, metaphors, and rhetorical strategies; they serve an important role in the practice and legitimization of warfare.<sup>45</sup>

The Kosovo conflict and the armed struggle of 1998–1999 is an example of the predominance of non-Clausewitzian war: the eruption of civil conflict and the privatization of political violence. Indeed, in the framing of the Kosovo conflict, the armed struggle of 1998–1999 is just one segment of it. The framing of the Kosovo conflict is premised on the grand narrative of the collective struggle of the Kosovar Albanians against the oppression and violence of the Serbian state and the military machine of Slobodan Milošević's regime. To be sure, the dominant discourses on the resistance of Kosovar Albanians in the 1990s capitalized both on the civil resistance under the leadership of LDK and its leader Ibrahim Rugova and the KLA's armed resistance. However, this does not understate the fact that the national discourses among the Kosovar Albanians are not freed of tension and contested legacies, especially of their divisions over the war time memory. To be sure, the connecting thread in this circuit is the struggle for liberation and independence. The Kosovar Albanians' mobilization was framed as a collective struggle for liberation with the armed resistance placed within the paradigm of a just war. However, in this archetype, it is not only the KLA's armed resistance that is valorized, but also the collective: Kosovar Albanians' resistance

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42 Coker (2001), 1–24.

43 Der Derian (2001), 281.

44 Butler, J. (2009): *Frames of War: When is Life Grievable?* London and New York: Verso, xi.

45 Ibid.

and persistence on their claims for independence. The symbolic system of the Kosovo conflict was maintained by manifold tropes: heroes and heroism, narratives, and symbols around the mobilization of Kosovo Albanian ordinary citizens' resistance acts in the 1990s (strikes, protests, school, health and welfare system organizing), and in the KLA's armed resistance in 1998–1999.

Yet, in the national narratives of the Kosovo conflict, it is the armed resistance that gained prominence. And the dominant political discourse on the armed struggle—which has been promoted and sustained by the KLA—has been that of the just war. The language used to discuss the Kosovo conflict is loaded with moral meanings. Indeed, situating the war narrative and the KLA's conduct in war within the doctrine of the just war,<sup>46</sup> this discourse is a strategy of defense in moral terms. The frames of “just war,” “heroism,” and “victimhood” resonated with the predominantly held conceptions in the public mind among the Kosovo Albanians. For that reason, the just war discourse in Kosovo is strongly influenced by notions of freedom and self-determination, liberation, heroism, virtuous manhood, sacrifice, and victimhood. It is characterized by splits between aggression and defense of the home front, between victims and perpetrators, and between combatants and civilians. In this ontology of conflict, any possibility of violent acts against the “Other” has been rendered impossible.

All these are elements that have constituted the grand narrative of the Kosovo conflict and shaped the symbolic realm of the nation and national imagination of Kosovo's recent history (e.g. in history text books), political discourse, and media frames. In fact, the media has mirrored and extended the grand narrative of the liberation and just war. In this undertaking, the media followed the “political entrepreneurs” and their framing of the Kosovo conflict centering on the just war cause. Moreover, the KLA combatants were framed as “guardians” of the liberation war. Furthermore, media frames have accentuated war as imposed on the Kosovar Albanians, implying that war served a higher goal of freedom and not of fighting per se. The media echoed that the predominant narrative framed the Kosovo conflict as:

“[...] the right for self-defense and the just war of the KLA.”<sup>47</sup>

“The 1998–1999 war [...] was the first war of the Kosovar Albanians against Serbia's occupation.”<sup>48</sup>

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46 Walzer, M. (1977): *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, New York: Basic Books, 3–20.

47 Arben Xhaferi, “Rëndësia e Qasjes” [The importance of approach], *Koha Ditore*, 6 March 2003.

48 Blerim Shala, “Vlerat e luftës dhe realiteti i sotëm politik” [War values and the contemporary political reality], *Zëri* daily, 8 March 2003.

“Commander Çeliku today and tomorrow is the guardian of the liberation and just war [...] and freedom of Kosovo.”<sup>49</sup>

“The KLA [...] which the world came to know as a guerrilla group, had no barracks or prisons, will testify to the world and the international justice that here the war was waged not to oppress others, but for the ideal that each person is born to be free.”<sup>50</sup>

Neither the grand narrative of the Kosovo conflict nor these media frames changed throughout the Haradinaj trials. As will be shown here that Haradinaj et al. ICTY trials strengthened the existing grand narrative and frames.

### **International responses to Haradinaj’s ICTY indictment**

The public statements of leaders and media representations offer “thick” accounts of the inner meanings of war, justice, and peace. The following analysis is based on such statements by international actors. While they are placed outside the matrix of the grand narrative of the just war as expressed by Kosovo Albanian elites and media, their words played an important role in political discourse and practices of post-war justice in Kosovo. Because of Kosovo’s status as a UN protectorate until 2008, it is impossible to divorce the external from the internal or the power dynamics between global/transnational class of UN “managers” and Kosovo Albanian political elites and citizens. The politics of institution-building in Kosovo under international rule involved negotiation, opposition, and collaboration. Ramush Haradinaj was, in fact, instrumental, in post-war demilitarization of the KLA—an enterprise through which he developed relationships with the representatives of the protectorate, especially UNMIK and NATO, as well as with other organizations and diplomatic missions in Kosovo. Indeed, those relationships intensified with Haradinaj’s entry onto the political scene, first as leader of the AAK, and, later, as Prime Minister, if only for 100 days.

When the international actors commented on Haradinaj’s surrender to the ICTY, they praised his character and leadership. The SRSG, Søren Jessen-Petersen, put it this way: “With his decision today Mr Haradinaj has once again placed the interests of Kosovo above his personal interests. It is important

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49 Halil Matoshi, “Njeriu i përgjegjshëm i Kosovës” [The responsible man of Kosovo], *Zëri* weekly, 22 February 2003.

50 Maksut Shehu, “Në lojë e pabarabartë, përfundimi remi është i padrejtë: Si po barazohet xhelati me viktimën” [In an unequal game, the remi ending is unfair: How is the executioner made equal with the victim], *Zëri* weekly, 22 February 2003.



that the people of Kosovo respond with dignity and maturity similar to that which Ramush Haradinaj has shown.”<sup>51</sup> These words were seconded by Yves De Kermabon, the KFOR commander, who stated that it is “proof that he is a great political leader.”<sup>52</sup> The spokesman of the US Department of State stated that Haradinaj’s “actions demonstrate his deep concern for the future of Kosovo and his people.”<sup>53</sup> And Denis MacShane, the UK Minister of European Affairs, described Haradinaj’s decision to go voluntary to The Hague an example of “great honor and it should serve as an example for others in countries in the region.”<sup>54</sup>

These quotations open up venues for different interpretations. Haradinaj’s willingness to engage with international justice was seen as showing his qualities as a person and a leader. In the words of the international peace-keeping elite, diplomats and military men, he was an exceptional, honorable man who placed “the interests of Kosovo above his” and who was “concerned for his people.”<sup>55</sup> Moreover, his surrender to the ICTY was to serve as “an example,” especially to the other countries,<sup>56</sup> for improving the troubled cooperation between some regional states and the ICTY.<sup>57</sup> Thus, Haradinaj constituted and represented a self-contradictory subjectivity that was legitimized and de-legitimized simultaneously.

Judith Butler has argued that although “framing cannot always contain what it seeks to make visible or readable, it remains structured by the aim of instrumentalizing certain versions of reality.”<sup>58</sup> The statements of the “international community” are more than diplomatic etiquettes with references to the traditional chivalry codes of manhood. They are representations of a pedagogy

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51 “Shtatë Ditë në Kosovë” [Seven Days in Kosovo], *Zëri weekly*, 12 March 2005.

52 Ibid.

53 Ibid.

54 Ibid.

55 Ibid.

56 Ibid.

57 Zoglin, K. (2005): “The Future of War Crimes Prosecutions in the Former Yugoslavia: Accountability or Junk Justice?” *Human Rights Quarterly* 27, 41–47; See also Kerr, R. (2014) “Introduction: Trials and Tribulations at the ICTY” in James Gow, Rachel Kerr and Zoran Pajić, (eds.) *Prosecuting War Crimes: Lessons and Legacies of the International Criminal Tribunal for the former Yugoslavia*, London and New York: Routledge, 5–6. See also Janine Natalya Clark, J. N. (2014): *Assessing the Impact of the International Criminal Tribunal for the Former Yugoslavia*, New York: Routledge, 156–183.

58 Butler (2010), xiii.

aimed at creating a particular rendition of reality. The frames of the “great leader” and “honorable man” are part of a strategy of containment. The purpose is to emphasize order and peace and portray the international protectorate in Kosovo as a success story. In this script, *the personal*—Ramush Haradinaj—and *the collective*, Kosovo, are intertwined; the democratic “maturity” of Kosovo is to be measured by the trope of the “exceptional leader.” Indeed, Haradinaj’s voluntary surrender to the ICTY served a specific purpose: it was a strategy to reconcile his “sacrifice” with his public image as a hero and Kosovo as a nation. A similar approach can be observed in Croatia with, among others, Ante Gotovina and in Republika Srpska with Biljana Plavšić, who both “went” to The Hague as heroes and wanting to shelter their respective nations from the ICTY.

### **Kosovo Albanian elites and media responses: enduring frames of just war**

The divisions over the legacy of the Kosovo conflict, which shaped the political landscape and defined the “fraternization” among the Kosovo Albanian political leaders as part of their power-sharing arrangements, did not prevent them from standing up in defense of Haradinaj. His indictment was viewed as a signal of a national depreciation which could only be opposed through a unified political body. Just as in times of war, a call for national reunion, “of men to act as men”<sup>59</sup> was put forward. The metaphor of the unified body politic served nationalist discourses and state-building ideologies. Hence, such masculine calls do not entail a rupture but a continuity of nationalism—in this instance, a call for national mobilization to deal with far larger issue—namely, self-determination and statehood. What was implied was that a body politic speaking with one voice in support of Ramush Haradinaj was also speaking in the interests of Kosovo. Thus, the Albanian political elite—regardless of where they stood politically or which nationalist strand they represented—showed support for Haradinaj. Remarks on the ICTY Haradinaj et al. indictment framed Haradinaj both a man of war and of peace, as a leader and statesman within the just war framework. Ibrahim Rugova, the then President of Kosovo and leader of LDK put it this way:

“[...] Haradinaj is a distinguished actor for freedom and independence; a person of cooperation and understanding. During these years he has given a great contribution

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59 Agron Bajrami, “Kosova Express: Kohë Burrash” [Kosova Express: The Time of Men], *Koha Ditore*, 9 March 2005.

for the stability of the country. I am convinced that justice will give its word and that Haradinaj will get the chance to contribute to his country.”<sup>60</sup>

Haradinaj’s main political rival, Hashim Thaçi, the leader of PDK, was no less categorical: “We believe in the innocence of Haradinaj and other KLA combatants [...] The KLA’s war was legitimate; it was a liberation war and no war crimes were committed.”<sup>61</sup> Similarly, Nexhat Daci, the President of the Kosovo Assembly, evoked the formative war experiences as a basis for Haradinaj’s leadership qualities: “Ramush Haradinaj, in his entire work, as a freedom fighter and KLA commander, as a political leader and statesman of Kosovo, has shown to be a man of sacrifice, knowledge, and dedication; energetic and in the service of the people and of Kosovo.”<sup>62</sup> And the President of the Democratic Party of Albania, Sali Berisha, spoke in the same vein of Haradinaj as a “brilliant commander of the liberation war who continuously faced great risks to save the lives of its citizens, men and women of Kosovo yesterday once again, choose Kosovo first, resigned and decided to leave for The Hague.”<sup>63</sup>

The Kosovo Albanian elite and society at large disliked the ICTY indictments of the KLA members, with ex-KLA members showing the strongest opposition. Haradinaj was not the first KLA member to be indicted by the ICTY; the trial of Fatmir Limaj, another KLA commander, was already underway at The Hague Tribunal.<sup>64</sup> In the post-war period, former KLA members organized themselves into war veteran associations. Following the demilitarization of the KLA, a number of them joined the Kosovo Protection Corps (KPC), a civilian formation dealing with emergency and reconstruction projects in post-war Kosovo. After Kosovo’s independence, it has grown into a multi-ethnic lightly armed security force. Some of the KLA members also joined political parties, the PDK in particular. They all voiced claims of innocence and “just war” justification for their

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60 “Kryeministri je dorëheqje pas marrjes së padisë nga Tribunali i Hagës: Haradinaj shkon në Hagë [The Prime Minister resigns after the Indictment by The Hague Tribunal: Haradinaj goes to The Hague], *Koha Ditore*, 9 March 2005, front page.

61 Ibid: 3.

62 “Daci: Padia – ndërhyrje në procesin politik” [Daci: The Indictment – Intrusion in the Political Processes in Kosovo], *Koha Ditore*, 9 March 2005.

63 Kryetari i PD-së, Berisha, komenton dorëheqjen e kryeministrit të Kosovës: Haradinaj vendosi Kosovën të parën, [The President of the Democratic Party comments on the resignation of the Prime Minister of Kosovo: Haradinaj chooses Kosovo first], available at <http://albania.dyndns.org/Presse/2005/08032005haradinaj.htm>.

64 See ICTY Case Information Sheet IT-03-66 Limaj et al., available at [http://www.icty.org/x/cases/limaj/cis/en/cis\\_limaj\\_al\\_en.pdf](http://www.icty.org/x/cases/limaj/cis/en/cis_limaj_al_en.pdf).

armed resistance. They saw the Haradinaj et al. ICTY indictment as an affront to the KLA and the liberation struggle of the Kosovo Albanians against state-sponsored Serbian repression. Echoing the KLA's just war legitimization, they drew on national victimhood as a way to distance the armed resistance from any association with war crimes. As the Association of KLA veterans put it, there is a "tendency to devalue the war of the KLA, by indicting the most devoted combatants of the liberation army [...]"<sup>65</sup> And referring to *jus in bello* to deny any transgression in war, whether moral and legal, Agim Çeku, the head of the KPC, stated firmly that the "KLA did not commit war crimes and it is not fair and moral at all that victims and perpetrators are put in the same category [...] we are confident that justice is on our side and that justice will prevail."<sup>66</sup>

### Figuring conflict through repetitive media frames

The media also portrayed the Haradinaj et al. ICTY indictment as a political trial. The indictment was seen as a goodwill gesture by the Tribunal towards Serbia. *Koha Ditore* spoke of the ICTY indictment of Haradinaj as "part of a political bargaining between The Hague Tribunal and Serbia."<sup>67</sup> This was mimicked also in *Express* that framed Haradinaj's indictment as "a foretold chronicle,"<sup>68</sup> in *Zëri* daily also stating that "Haradinaj's indictment by The Hague Tribunal is a hard hit for Kosovo."<sup>69</sup> And in an editorial *Zëri* weekly strengthened this viewpoint, stressing that politics has intruded justice. Implying the ICTY's support to Serbia it wrote: that "The Hague Tribunal [...] helped the people or the country with no internal political forces that could stand up to their leaders that caused tremendous political and historical damage."<sup>70</sup>

The structure of the narratives and the rhyming of the media frames centered on the liberation and just war and on KLA members as war heroes. *Koha Ditore* saw "the Kosovo War as a liberation war as a just war, as a war for freedom and

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65 Ibid.

66 "Çeku: Kjo është fyerje dhe padrejtësi që i bëhet Kosovës" [Çeku: This is an insult and injustice to Kosovo], *Koha Ditore*, 8 March 2005.

67 Beqë Cufaj, "Haradinaj dhe Haga" [Haradinaj and The Hague], *Koha Ditore*, 7 November 2004.

68 Artan Mustafa and Shpend Limoni, "Për Hatër të Ramushit" [For Ramush], 10 March 2005.

69 Faik Hoti, "Ramush Haradinaj: Lufta, Politika dhe Haga" [Ramush Haradinaj: War, Politics and The Hague], *Zëri* daily, 9 March 2005.

70 Editorial, "Çka tash e tutje?" [What now?], *Zëri* weekly, 12 March 2005.

in defense of the people of Kosovo.<sup>71</sup> In the same vein *Zëri* referred to KLA members as [...] Those who fought and conducted a noble and just war.<sup>72</sup> The *Express* attributed the figure of a hero to Haradinaj: The renowned KLA commander is indicted for war crimes by The Hague Tribunal, but he is a living hero.<sup>73</sup>

This framing persisted in the media representations of the ICTY trials of Ramush Haradinaj et al. The heroic image extended to Haradinaj, along with the noble contribution of the KLA, went hand in hand with the discourses on the nation and state-building project. This discourse valorized the heroes and martyrdom of the armed resistance which became a novel national epic for Kosovo Albanians and a source of state legitimacy.<sup>74</sup> The representations of the KLA and armed resistance had much to do with what Michael Bahktin described “as a fact, idea and value [which] has been represented as completed, conclusive and immutable and with a particular form of hero whose will is paramount and fixed.”<sup>75</sup> All these elements are structured in the framing of the Kosovo conflict, and they are embodied in the KLA and its heroic representations of the nation, with Haradinaj being a part of it.

## Victims not perpetrators as a trope

Some themes of particular interest in the media framing of the Kosovo conflict are found in the language of victimhood which has dominated descriptions of national experience of war. This entailed a sense of self-perceived collective victimhood, which, for sure, had been residing for a long time in the collective psyche. Thus, it presupposed that victims (read: Kosovo Albanians) cannot be

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71 Blerim Xhemajli, “Një ftesë e ardhur nga Prokuroria e Tribunalit të Hagës: Haradinaj intervistohet për rolin e vet në UÇK” [An invitation by the Office of the prosecutors of The Hague Tribunal bears the name of the leader of the AAK: Haradinaj is interviewed for his role in the KLA], *Koha Ditore*, 4 November 2004.

72 Përparim Isufi, “Ramush Haradinaj: Shpëtimtar jo vetëm një herë” [Ramush Haradinaj: savior not only this time], *Zëri* weekly, 12 March 2005.

73 “Ngushëllime” [Condolences], *Express*, 19 April 2005.

74 On collective practices of nation-building in Kosovo, see Krasniqi, V. (2014): “Kosovo: Topography of the Construction of the Nation,” in Pål Kolstø (ed.) *Strategies of Symbolic Nation-Building in South Eastern Europe*, London: Ashgate, 147–154.

75 Michael Bahktin as quoted in Brown, K. (2004): “Villains and Symbolic Pollution in the Narratives of the Nation”, in Todorova, M. (ed.) *Balkan Identities: Nation and Memory*, London: Hurst and Company, 236–237.

put on trial and be judged; instead, they should be viewed as victims who expect justice. They become all present and intensify in the indictments of Kosovo Albanians, in general, and Haradinaj et.al, in particular. *Koha Ditore* argued that [...] “Serbia ought to understand that responsibility for wars in the Balkans and the gross war crimes lies with Serbia.”<sup>76</sup> *Express* echoed these words by saying that “Kosovo Albanians are not perpetrators; the Serbian state is.”<sup>77</sup> And *Zëri* wrote: “Thousands of Kosovars were killed in the war and thousands are still missing. Serbia was the perpetrator; we were the victims.”<sup>78</sup>

Indeed, not only in the media framing but also in the wider public opinion, the social sentiments of collective victimhood received a boost, especially following the publication, in 2008, of a book co-authored by Carla Del Ponte after she left the ICTY. In the book entitled *The Hunt: Me and the War Criminals*,<sup>79</sup> she makes allegations of human organ trafficking in Kosovo and Albania after the NATO bombing campaign against Serbia in 1999. The book received much media attention, especially the account of organ trafficking, and sparked harsh controversy not only in Kosovo and Albania, but also internationally, with the prosecutor in the trial of Slobodan Milošević and the former spokeswoman of the ICTY criticizing it.<sup>80</sup> The media and the political elites in Kosovo and Albania viewed Carla Del Ponte’s accusations with suspicion and incredulity. They slammed it for a lack of evidence, objectivity, impartiality, and professionalism, as well as for racism against Albanians.<sup>81</sup>

The allegations of harvesting of the organs from Serb civilians were treated as the most serious smear ever made against the Albanians who thought it was a colonial and racist fantasy designed to position the Albanians as savage brutes and hence outside civilization. This criticism was obviously contextual and should be understood within the individual and collective senses of imagination

76 Dështon politika e barazimit të përgjegjësive për krimet e luftës në Ballkan [The Politics of Relativizing of Responsibility for War Crimes in the Balkans has failed], *Koha Ditore*, 20 November 2012.

77 Petrit Selimi, “S’ka relativizim të viktimave” [There is no relativism of victims], *Express*, 30 November 2012.

78 Astrit Gashi, “Drejtësi për Ramushin” [Justice for Ramush], *Zëri* daily, 22 November 2012.

79 Del Ponte, C. (with Chuck Sudetić) (2008), *La Caccia: Lo e I criminali di Guerra* [The Hunt: Me and the War Criminals], Milan: Giangiacomo Feltrinelli Editore, 277.

80 Florence Hartman: “Akuzat e Del Pontes janë vetëm broçkulla” [Accusation of Del Ponte are simple crap], *Koha Ditore*, 17 April 2008.

81 Augustin Palokaj, “Për Del Ponten dhe Sudetiçin shqiptarët janë popull primitiv” [For Del Ponte and Sudetić Albanians are a primitive nation], *Koha Ditore*, 21 April 2008.

and nationalist ideologies which have been represented as counter-narratives to the linearity of symbolic violence against Albanians. If Western representations of the Balkans have been associated with violence,<sup>82</sup> the intra-regional ones, especially the ethnically bound, have been characterized by “competitive orientalisms”<sup>83</sup> or stereotypical portrayals.

### The trials: shaping the collective memory of the nation

In April 2008, a couple of weeks after Kosovo declared independence, Ramush Haradinaj was released from detention. Yet two years later, he was summoned again before by the ICTY to face a partial re-trial in July 2010, shortly after the International Court of Justice (ICJ) issued a positive advisory opinion on the legality of Kosovo’s declaration of independence.<sup>84</sup> In 2012, he was acquitted of the charges. Sustaining the narratives of the just war, the ICJ’s ruling was widely framed by the media as a triumph of justice and reward of the long struggle of the Kosovo Albanians for independence.<sup>85</sup> Upon his release in 2008 and subsequent acquittal in 2012, jubilations took place in Kosovo. The media played a role in creating this mood of ecstasy and collective joy. The TV stations chronicled the ICTY trial decision live as well as the arrival of Haradinaj at the airport in Prishtina, where an official welcome ceremony was held. Moreover, a concert was organized the same day in Prishtina under the patronage of the Prime Minister. The crowds of sympathizers/revelers rejoiced in downtown Prishtina, Gjakova, Deqan, and elsewhere. Many more Kosovo Albanians took part in this “community of sentiment,”<sup>86</sup> which “imagines” and “feels” together through the

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82 See Todorova, M.: *Imagining the Balkans*, New York: Oxford University Press, 184–189.

83 Bakić-Hajden, M. (1995): “Nesting Nationalisms: The Case of Former Yugoslavia,” *Slavic Review* 54 (4), 917–931.

84 See International Court of Justice, Advisory Opinion 22 July 2012, available at <http://www.icj-cij.org/doctket/files/141/15987.pdf>. For an analysis of the ICJ’s opinion on Kosovo, see Waters, T. W. (2013a) “Misplaced Boldness: The Avoidance of Substance in the International Court of Justice’s Kosovo Opinion,” in *Duke Journal of Comparative & International Law*, 23, 267–333.

85 The major headlines included: Agron Halitaj, “Drejtësia ndërkombëtare legjitimon shtetin” [International Justice legitimizes the State] *Koha Ditore*, 23 July 2010; Arben Ahmeti, “GJNDJ-ja ka vulosur shtetin e Kosovës” [ICJ has sealed the state of Kosovo], *Koha Ditore*, 23 July 2010; “Dita e Gjykimit” [The Day of Verdict], *Express* 22 July 2010; “Vulosja e pavarësisë nga GNDJ-a” [The ICJ seals the independence of Kosovo], *Zëri* daily, 25 July 2010.

86 Appadurai, A. (1996): *Modernity at Large Cultural Dimensions of Globalization*, Minneapolis: University of Minnesota Press, 8.

mediation of TV live streams and images. Hashim Thaçi and Ramush Haradinaj both addressed the public from the airport, acting as two statesmen. They both affirmed that the “just war of the KLA and its innocence has been confirmed.”<sup>87</sup> Yet, the story Thaçi told about Haradinaj was about what he had lost as a politician and he praised him for having patiently endured the international justice, at last rewarded, and welcomed his return to the political life in Kosovo. Haradinaj used this moment to retell a story of himself as a compassionate leader who, while at The Hague, felt the moments of joy and sorrow, as well as successes with Kosovars.<sup>88</sup> From a viewpoint of a forward looking nationalism, he showed eagerness to engage in Kosovo politics.<sup>89</sup>

Mark Osiel has argued that international criminal trials are “often a focal point for the collective memory of whole nations” and “secular rituals of commemoration.”<sup>90</sup> As such, they can, moreover, have the potential for transformative power effects. They may offer “a moment of truth”—a process whereby long-held assumptions, beliefs, and commitments in the lives of individuals and collectives are assessed.<sup>91</sup> Hence, trials can provide a venue for redefinition of the nation in its relation to the recent past and offer mechanical and/or discursive solidarity.<sup>92</sup> This was the case in the *Haradinaj et al.* ICTY trial. Yet, it only enhanced social solidarity among the Kosovar Albanians. Indeed, solidarity as a political and social process was related more to an image of the state and followed by an outpouring of political energy towards Kosovo’s independence. The media frames based on the *Haradinaj et al.* ICTY indictment opened up space for a collective memory free of responsibility. The construction of national identity through the media also required the power of imagination—as a cultural fact, but strongly influenced by politics. As a consequence, such framing left undisturbed the opposing war narratives of the Kosovo Albanians and Serbs running in parallel. Hence, there was no possibility of constructing a shared regime of truth—as a precondition for meaningful dialogue, justice, and alternative versions of the future.

Indeed, the *Haradinaj et al.* ICTY trial offered a special kind of truth. It strengthened the narratives of just war and innocence of the KLA. Moreover,

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87 RTK and KTV evening news program and the special editions, 29 November 2012.

88 Ibid.

89 Ibid.

90 Osiel, M. J. (1997): *Mass Atrocity, Collective Memory, and the Law*, New Brunswick: Transaction, 6.

91 Ibid.: 6.

92 Ibid.: 36.



the media imprinted an ideal of Ramush Haradinaj as a hero and a victor as the following examples show:

“The decision of The Hague Tribunal confirmed the just war of the KLA.”<sup>93</sup>

“[...] the just war of the KLA and innocence of Haradinaj was proved.”<sup>94</sup>

“Another chance for Haradinaj to become a hero once again; Even a bigger chance from that of yesterday [...] in the battle he won at The Hague.”<sup>95</sup>

Heroes are representations of national experiences. They embody nationalism and are vessels of content in the narratives of the construction of national identity. They play a key role in the process of signification without which the construction of meaning of war experience is rendered impossible. Forged and available in the public sphere, this framing has contributed to the shaping of the collective memory of the Kosovo conflict as a liberation and just war. The “political entrepreneurs” have, of course, played their part in this process. The political leaders in Kosovo and Albania, following Ramush Haradinaj et al. acquittal from the ICTY stated:

“[...] the decision for Haradinaj, Lahi Brahimaj and Idriz Balaj is a proof that our war was just and that the leaders of our liberation war are not guilty of the alleged war crimes [Atifete Jahjaga, President of Kosovo].”<sup>96</sup>

“The verdict confirms the purity of these combatants and their fellow combatants [Jakup Krasniqi, President of the Assembly of Kosovo].”<sup>97</sup>

“Following the 100 years since Albanian independence, good news came for Haradinaj, who bears the biggest share of innocence among the ex-KLA fighters. This is a special moment; from today the shadow cast by the ill-wishers against the KLA and the KLA’s heroism is gone once and for good [Edi Rama, then the President of the Socialist Party of Albania, currently the Prime Minister of Albania].”<sup>98</sup>

As the “shade cast by ill-wishers is felt to be lifted off,” this framing suggests that there is no break from the past; on the contrary, the past is an aspect to

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93 Bukurie Baraliu, “Vendimi Hagës konfirmoi pastërtinë e luftës së UÇK-së” [The Decision of The Hague Tribunal confirmed the just war of the KLA], *Koha Ditore*, 30 November 2012.

94 Halil Matoshi, “Mrekullia” [Miracle], *Express*, 5 April 2008.

95 Adrian Çollaku, “Momenti i Ramushit” [The moment of Ramush], *Zëri* daily, 30 November 2012.

96 Selville Bajrami “Ramushi me shokët shpallet i pafajshëm” [Ramush and his friends are acquitted], *Zëri* daily, 30 November 2012.

97 “Konfirmohet Pastërtia e Luftës” [The Purity of War is Confirmed], *Express*, Friday 30 November 2012:5.

98 Ibid.

be cherished and its actors to be revered, in the present and for the future. Yet, amid the chorus of domestic rejoicing, one group reacted with silence: the representatives of the international protectorate who had praised Haradinaj for facing justice in the first place. Their response can be read against the political context, in which Kosovo was back then when the indictment was issued. In contrast to 2005, perhaps the international actors believed in 2012 that no real political interests were at stake, since Kosovo had become an independent state. Thus, the accountability for the legacy of the past and the responsibility for the future was shifted entirely to the Kosovo state.

### **Concluding thoughts**

In this chapter, the political discourse and media frames on the Kosovo conflict have been analyzed as manifestations of cultural and national imagination among the Kosovo Albanians. The specific angle which was adopted, reflects the reading and interpretation of the dominant frames, figures of speech used, and recurring symbolism in the Haradinaj et al. ICTY indictment. The chapter has engaged the frames of war as used in public statements and media representations because they typify society. Yet, as has been demonstrated, they are representations constructed through a dynamic interplay between politics, experience, and story. Indeed, the just war discourse—placing emphasis on the notions of a liberation war, heroism, sacrifice, and victimhood—has been the predominant conception of the framing. This process has involved the use of selective language and symbols to construct a coherent narrative based on the concept of a morally just cause, acceptable conduct in war, and the moral reification of sacrifice and collective victimhood.

The media frames serve the purpose of creating a collective memory free of responsibility. Yet, the meanings and interpretations of the framing do not stay the same. They change in language and tropes and representations. What characterized the political discourse and media frames were the valorization of just war, sacrifice, and innocence. The ICTY, while widely accepted by the Kosovo Albanians as an important institution for post-war justice and punishment of all wrong doings in war, was not free of ambivalence. The indictments of the KLA members were perceived as de-legitimizing the liberation war of the Kosovo Albanians. The Haradinaj ICTY trial enhanced social solidarity among the Kosovo Albanians, and it was accompanied by an outpouring of political energy towards Kosovo's independence. One consequence of the trial is that it served as an anchor in Kosovo Albanians' yearning for statehood, and after Haradinaj's acquittal, any quandary of the morality and/or legality of the war was removed.

Ana Ljubojević

## **Between acknowledgment and denial: the Serbian narrative of the war and shifts in media frames**

During the war in Yugoslavia (1991–1995), Serbia never fought for independence, but instead was the state from which other states seceded. Even though Serbia had recognized the independence of all former Yugoslav republics (with the exception of Kosovo), in official discourse and in most of its media outlets the wars in Croatia and Bosnia are still considered as civil wars. In Serbia, there are no state commemorations which would refer to specific dates and events from the wars after the breakup of Yugoslavia. However, there are events commemorating victims or episodes of the conflicts in Croatia and Bosnia organized by civil society organizations.

The Serbian discourse about the wars in Croatia is shaped by two events: the fall of the city of Vukovar in 1991 and the Military Operation “Storm” in 1995. The relatively long ceasefire after the fall of Vukovar, interrupted only by minor military operations, prevented mainstream public opinion from connecting the two episodes in any causal relationship. A lot has been written about the Operation “Storm” in Serbian newspapers, especially about the crimes committed in the aftermath of the operation and the Serbian victims thereof, but this operation has been carefully taken out of the context and unlinked from the creation of the Republic of Srpska Krajina (*Republika Srpska Krajina*, RSK)<sup>1</sup> in order to avoid any reference which could be invoked to justify the Croatian military attack on RSK in 1995.

Vukovar and the crimes committed by the Yugoslav People’s Army (*Jugoslovenska narodna armija*, JNA) were not frequent media topics before the beginning of the trials at the ICTY. The number of crimes committed by JNA/Serbian forces in 1991 was much higher than those of the Croatian forces, and therefore silence was the most common response to the Vukovar crimes. The

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1 Prior to the creation of RSK, there were three separate self-proclaimed and internationally not recognized territorial units: the Serbian Autonomous Area (*Srpska autonomna oblast*, SAO) Krajina, SAO Eastern Slavonia, Baranja and Western Syrmia (*Istočna Slavonija, Baranja i Zapadni Srem*) and SAO Western Slavonija (*Zapadna Slavonija*). They united into RSK at the end of 1991.

Croatian Memory day (*Dan sjećanja*) commemorating the fall of Vukovar is rarely mentioned in Serbian media. Even if it happens, media outlets usually avoid analyzing the conflict in Croatia. Unlike the Homeland war in Croatia or the war in Bosnia whose narratives are extremely important for the construction of the Croatian national identity, Serbia's involvement in both wars is silenced or reduced to single, separate events in the framework of these wars. Hence, the broader picture requires putting the descriptions of these allegedly isolated episodes into a wider context. The same is true for the way, the war in Bosnia is usually mentioned in Serbian media. Some of the events of the war, like the siege of Sarajevo or the camps in and around Prijedor, remain on a margin, and information about the war crimes committed there are very limitedly spread to the wider public.

This chapter is structured around two cases. First, the Vukovar hospital case which was litigated at the International Criminal Tribunal for the former Yugoslavia (ICTY), being the first case trying JNA officials for a major crime committed in Croatia, The second case is a set of events which constitute a narrative of the involvement of Serbia in Bosnia related to the genocide in Srebrenica. For the latter, I have designated few "zero hours" that could have led to the shift of the media frame: the evolution of the frame/understanding of the Srebrenica genocide after the Krstić trial, the *Škorpioni* video used in the Milošević trial, and finally the Bosnia and Herzegovina against Federal Republic of Yugoslavia case at the International Court of Justice.

The cases selected for this chapter are only from Croatia and Bosnia, where the perpetrators were of Serbian ethnicity and where therefore media frames may be expected to shift due to a verdict and with regard to communities which tend to identify with the perpetrator.

Usually, in the victims' community, the discourse about the war only affirms the pre-existing "narrative of trauma, its implications, explications, memorialisation and political utilization."<sup>2</sup> This cannot be expected to change after a guilty verdict against the perpetrators; it will rather reinforce the existing narrative of victimhood. Therefore, victims' communities are usually dissatisfied with guilty verdicts for perpetrators, and their narratives about the past do not change because of the trial outcome. They may protest a lenient verdict, but there

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2 Ristić, K. (2014): *Imaginary Trials - War Crime Trials and Memory in former Yugoslavia*, Leipzig: Leipziger Universitätsverlag, 9–23.

is no reason for them to adopt their narrative to the one of the verdict, if both are more or less congruent.<sup>3</sup>

In the community which identifies with the perpetrator, two other important elements have to be taken into account: silence and denial. If a verdict openly challenges the pre-existing narrative about the war in a community which takes sides with the accused, the community (and its media) may not only utterly reject the verdict, but they may also suppress it. With regard to possible shifts of media frames, the result is the same. They will not shift, independently of whether the verdict was rejected, its content denied or met with silence. In the following analysis, not only frame shifts about war atrocities have been taken into consideration, but the omission of their context in media coverage has been observed too. In addition, some of the articles appeared to be so purely descriptive about the perpetrator or the general ambience of the trial, while they lacked any information about the context in which crimes were committed.

## Media outlets in Serbia

The media coverage in this chapter ranges from 1991 onwards, and includes two national daily newspapers: *Politika* and *Danas*, as well as two national weeklies: *Vreme* and *NIN*.<sup>4</sup> Regional newspapers were not included, because they often function as “voices of the victims” with regard to the victims which belong to the local or regional constituency of the respective newspaper and hence would not provide representative media frames for Serbia in total. Most of the media outlets for the period after 2003, the period after the most important decisions of the ICTY were accessible through the Ebart digital media archive.<sup>5</sup> Additional research was carried out in the media archives of *Matica srpska* in Novi Sad, Serbia.

The daily *Politika*, founded in 1904, is the oldest newspaper in the Balkans and has been having close ties to the ruling regime, and hence it does not

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3 This is usually the case, when the pre-existing narrative does not deviate in crucial details from the verdict. There are cases – described in this publication, too – where a guilty verdict issued by an ICT led to outrage from victims’ communities, because it contradicted an important element of the pre-existing narrative about the past. This was the case, for example, when the trial chamber in *Bagosora et al.* did not endorse the “conspiracy”-element of the pre-existing narrative about the genocide in Rwanda. Details can be found in the chapter concerning Rwanda in the second volume of this publication.

4 More detailed information regarding the outlets see below.

5 <http://www.arhiv.rs>

surprise that its policy was often determined to a large extent by the respective government. The former Yugoslavia *Politika* was considered one of the most serious and appreciated newspapers.<sup>6</sup> However, with the rise of Slobodan Milošević, the President of Serbia (1989–1997) and the Federal Republic of Yugoslavia (1997–2000), *Politika* during the nineties “became an obedient servant of the ruling political elite.”<sup>7</sup> After Milošević had lost the presidential elections in September 2000 and after the following democratic changes in Serbia, the editorial board of *Politika* was exchanged and so its editorial policy changed as well, being in line with the policies of the new government. In 2002 *Politika* was privatized and taken over by the German WAZ – Mediagroup which subsequently sold its shares in 2012 to the East Media Group from Moscow, arousing speculations about the real owner behind the Russian company.<sup>8</sup> According to the Report on the Ownership Structure and Control of the Media in Serbia, issued by the Anti-corruption Council, the buyer of *Politika*, but also the way in which the transaction was made, is still unknown to the public.<sup>9</sup> Generally speaking, the ideological inclination of *Politika* is rather conservative and its editors have been critical towards the ICTY.

The pro-European daily newspaper *Danas* has a rather small number of copies compared to other Serbian newspapers, but it is the only one with a clear liberal and progressive agenda. Founded in 1997, it was built on the heritage of *Borba* (The Struggle) and its successor *Naša borba* (Our Struggle) and represented a pillar of resistance against the Milošević regime. This independent daily is a left-oriented media outlet, covering and dealing mostly with political issues.<sup>10</sup> *Danas* has been publishing extensively articles about the ICTY (more than double the number of articles than *Politika*) and is a strong supporter of non-governmental organizations and activists who are addressing the problem of dealing with the past. Consequently, *Danas* has been always ready to publish articles and op-eds written by prominent political analysts, civil society representatives, and members of the political elite from EU countries or EU institutions. Moreover and of importance for this chapter, commemorations were usually covered by special envoys and reporters from *Danas* (without reliance on agency reporting),

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6 Ibid.

7 Matić, J. & Ranković, L. (no date): *Media landscapes - Serbia*, European Journalism Center, available at: [http://ejc.net/media\\_landscapes/serbia](http://ejc.net/media_landscapes/serbia)

8 Al Jazeera (Balkan): East Media Group novi vlasnik Politike, 19.7.2012.

9 Savet za borbu protiv korupcije, Izveštaj o vlasničkoj strukturi i kontroli medija u Srbiji, 20.2.2015

10 Ibid.

who applied an ethnographic style of reporting<sup>11</sup> in order to arouse the empathy of the readers and to stimulate their imagination.

The weekly, *NIN* (Nedeljne informativne novine), is one of the oldest in Serbian and a respectable media outlet dealing mostly with current affairs. Originally state owned it was privatized in 2009 by the Swiss company Ringier. Until privatized *NIN* had, especially during the nineties, a rather conservative ideological background, made often use of a nationalistic rhetoric, while its attitude towards the ICTY ranged from being critical to moving the Tribunal into the sphere of conspiracy theories. During the last decade, *NIN* became more balanced.

Finally, the weekly *Vreme* (Time) was founded in 1990 and is one of the few independent and sustainable media in Serbia. Most of the journalist who founded this media outlet had left the editorial offices of *Politika* and *NIN* in order to pursue independent and not biased or pro-government-oriented journalism. The ideological background of *Vreme* is social democrat and liberal, with a strong dedication to the past and dealing with it. Hence, *Vreme* reported in a professional manner about the work of the ICTY, respected its decisions, and wrote extensively, both critical and affirmative, about the legal reasoning of ICTY's decisions.

### a) The Vukovar hospital case

The town of Vukovar, situated at the very eastern part of Croatia, witnessed one of the worst destructions during the Homeland war in Croatia. In 1991, the town was three months under siege and constant shelling led by the JNA, members of the Territorial Defense (*Teritorijalna odbrana*, TO, a separate part of the JNA operating in each Yugoslav republic) and various paramilitary units. On 18 November 1991, Vukovar eventually fell, or, according to the Serbian sources of the time, “was liberated.”<sup>12</sup> The non-Serbian population (around 22,000 persons) was forced to leave the town, while up to six thousand citizens of Vukovar were imprisoned in camps in Serbia. This event also marked the “division of its citizens along ethnic lines.”<sup>13</sup> The town became a symbol of ethnic cleansing

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11 The journalist is often present at the commemorations and leads a diary about his impressions. Moreover, (s)he interviews local population, and other people attending the event, who do not necessarily hold any institutional engagement

12 *Politika* and *Večernje novosti* opened with such headlines on 19 November 1991.

13 Kardov, K. (2006): ‘Zapamtite Vukovar’: Sjećanje, mjesto i nacionalna tradicija u Hrvatskoj’ in Ramet, S. & Matić, D. (eds): *Demokratska tranzicija u Hrvatskoj: transformacije vrijednosti, obrazovanje, mediji*, Zagreb: Alinea, 65–87.

which culminated in the massacre of more than 200 prisoners at the Ovčara farm in the imminent aftermath of the fall of Vukovar. In the Croatian narrative about the Homeland war, Vukovar is important as a symbol of Croatian victimhood, and in 1999, the Croatian Parliament proclaimed November 18th as the Day of memory of the victims of Vukovar.<sup>14</sup>

In the Vukovar case before the ICTY, three high officials of the JNA were accused: major Veselin Šljivančanin, colonel Mile Mrkšić, and captain Miroslav Radić.

### Media frames before and after the indictment

On 7 November 1995, the ICTY issued its initial indictment against the three JNA officers for the crimes committed at the Ovčara farm near Vukovar. The indictment against Mrkšić, Radić, and Šljivančanin<sup>15</sup> described the events dating from the beginning of the siege of Vukovar in late August 1991, the fall of the city to Serb forces, the forced removal of about 400 non-Serbs from the Vukovar hospital, and the killing of at least 264 Croats and other non-Serbs at the Ovčara farm. Nearly simultaneously, the War Crimes Council of the Belgrade District Court tried direct and lower ranking perpetrators for the same crimes as well. Although the case before the court in Serbia is not subject of this analysis, it was sometimes mentioned by the mass media together with the Vukovar hospital case.

Although the Office of the prosecutor made the indictment against the “Vukovar three” already in 1997 public, the case started to gain more attention only in 2003 after the assassination of the Serbian Prime Minister Zoran Đinđić. This was because it turned out that some members of the paramilitary units *Leva Supoderica*, who took part in the wars of the 1990s were directly

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14 The Croatian notion of “Dan sjećanja na žrtvu Vukovara 1991. godine” can be translated as “Remembrance Day of the Sacrifice of Vukovar in 1991” or simply as “Remembrance Day of Vukovar.” The emphasis is on the sacrifice of Vukovar for Croatia (and hence a collective sacrifice), not so much on individual victims, which are commemorated. See also: Ljubojević, A. (2016): ‘Speak up, write out. Language and populism in Croatia’, in Hancock, L. A. (ed): *Narratives of Identity in Social Movements, Conflicts and Change*, Bingley: Emerald Group Publishing, 29–56.

15 The initial Indictment was confirmed on 7 November 1995, which was later amended to include Slavko Dokmanović, mayor of wartime Vukovar. Following his death by suicide in the detention unit of the ICTY, the Indictment was changed three more times and was finalized on 15 November 2004.



involved in planning and executing Đinđić's assassination. During the police operation "Saber" (Sablja), carried out by the Serbian police in order to find and arrest the responsible, more than ten direct perpetrators of the Ovčara massacre were arrested too. In the beginning of April 2003, media attention focused once again on Šljivančanin as the above-mentioned police action coincided with the requests for the arrest of Šljivančanin and Radić filed by the ICTY.

In the beginning of 2005, ICTY prosecutor, Carla Del Ponte, filed a request to transfer the case under rule 11*bis* to the local judiciary of Croatia or Serbia and Montenegro. Both countries were claiming to be the only adequate one to hold such a trial. But eventually the ICTY launched its own trial. On 27 September 2007, the ICTY convicted Mrkšić to twenty years of imprisonment, Šljivančanin to five, while Radić was acquitted of all charges. In 2009, the appeals judgment confirmed the punishment for Mrkšić and increased Šljivančanin's from five to seventeen years of imprisonment. On 11 May 2007, Šljivančanin's defense council filed a request for revision of the appeal's judgment. Finally, Šljivančanin was sentenced to ten years imprisonment on 8 December 2010, after an extraordinary reexamination of the appeals judgment. At the beginning of July 2011, after having served more than two-thirds of the sentence, he was released and returned to Belgrade.

It is worth mentioning that the indictment against the "Vukovar three" was issued in 1995, just before the Dayton peace agreement which marked the end of the wars in Croatia and Bosnia. This chapter follows the period after until the assassination of the PM Zoran Đinđić in 2003 which was one key element in Serbian political life. Therefore, we split the long period between the initial indictment and the trial judgment into pre and post March 2003 time intervals. Also the periods between the trial and the appeals judgment and between the appeal and the reexamination were so short that the post-trial and the pre-appeals articles analyzed here are the same, just like the post appeals articles and those which were published before the reexamination.

In this first period of our first analysis, the frames did not change in any of the analyzed media outlets. As we will see, the independent media which did not follow the regime propaganda reported on Vukovar both before and after the indictment; hence, the indictment did not break any silence. On the other hand, state-controlled newspapers just followed the same frame as well, as any other option would de facto delegitimize decisions and military plans which the Yugoslav government had carried out in Vukovar. The daily *Danas* was excluded from this part of the analysis because it was founded after the issuing of the indictment.

## The “liberation frame”

This frame emerged while the events in Vukovar were still ongoing. It followed the reasoning of the Milošević regime and its harsh rhetoric, typical for war propaganda. While the exact date which could mark the beginning of the war in Croatia is still a matter of discussion, once the JNA tanks and army were sent to Vukovar, there was no shadow of doubt that the war had started. According to the “liberation frame,” the JNA came to Vukovar to save the local Serb population which was allegedly being discriminated and maltreated. Consequently, all the crimes committed during the conflict were considered to be typical consequences of war as such. Even when the victims were mentioned, they were regarded as members of the enemy army or paramilitary units. The outcome of the battle of Vukovar was, according to this frame, Serbian control over territories in eastern Croatia in an attempt to save Yugoslavia from falling apart. In order to achieve this, the “Serbian parts of Croatia” were to join the territory of the Republic of Serbia. The daily *Politika* blurred the information about the conflict and the siege of Vukovar, but called it “a war symbol of Croatia” and underlined the “strong position of the Croatian paramilitary units”<sup>16</sup> in some Vukovar neighborhoods, excusing at the same time the JNA attacks. Moreover, members of the Croatian National Guard (*Zbor narodne garde*, ZNG) which was to become the Croatian Army (*Hrvatska vojska*, HV), were presented as paramilitary units, so that the attack by the Yugoslav state army appeared as justified. In addition, Croatian soldiers were called *ustaša*, and Serbian paramilitary units were described as fighting together with the JNA in order to defend Yugoslavia. The story about a *četnik* volunteer who put a Yugoslav flag on the top of the silos in Borovo naselje was an example of such propaganda.<sup>17</sup> The only hint about the prisoners taken to Ovčara was given on 20 November in an article titled “Vukovar finally free” where the author assured that “the Army has put the guards even in front of the hospital with 420 wounded and sick.”<sup>18</sup> Still, *Politika* warned that “Tuđman’s fighters were disguising in civil clothes to look as if they were wounded, but the volunteers did not buy those tricks, [...] and of course they [the Croatian soldiers, AL] end up in special prisons.”<sup>19</sup> “There are no precise information about the

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16 Vojska ovladala gotovo celim Vukovarem, *Politika*, 18.11.1991

17 “I am ideologically Yugoslav and I will fight till the end”, grey haired hero stated after this military achievement”, *ibid.*

18 Vukovar konačno slobodan, *Politika*, 20.11.1991

19 *Politika*, 21.11.1991

number of captured soldiers and policemen,” the article claimed, but according to “unverified estimations, they are circa 200.”<sup>20</sup>

### The “aggression frame”

This frame, mostly internalized by the weekly *Vreme*, described the events in Vukovar as an aggression of the JNA, TO, and paramilitary units which came under the political command of the Milošević regime. Even though the word aggression was not openly used, it was deducted from metaphoric figures or euphemisms, such as “liberation” (written with inverted commas in order to mark it as ironic), attacks, etc. According to this frame, the Serbian military forces destroyed Vukovar, performed an urbicide of the town, and committed a massacre at Ovčara farm. The main guilt was attached to the JNA, led by Colonel Mrkšić and Major Šljivančanin, who did not prevent paramilitary units from killing civilians and wounded soldiers. According to this frame, the main reason of the massacre and attacks on Vukovar was the attempt to undertake an ethnic cleansing. The victims were not only prisoners of war, but also civilians and wounded.

The weekly *Vreme* created such a frame already while reporting on the conflict in Vukovar in 1991. *Vreme* published a long report just a couple of days before the fall of the town, describing how, for already 80 days, “JNA, its reserve forces, various Serbian unofficial forces and volunteers of ‘all colours’<sup>21</sup> are trying to conquer Vukovar [...] helped by huge firearms’ military power.”<sup>22</sup> Thus, the battle between Serbian and Croatian forces was apparently not an equal one. The author questioned the causes of the attack on Vukovar which became a “psychological and symbolic point of the clashes in this war.”<sup>23</sup> A diary describing the days before and after the massacre in Ovčara was published right after the indictment was made public. In this diary, the journalist Jovan Dulović reported about the chaotic situation before the fall of the town, where fights were followed by plunders. The Serb forces have been formed almost accidentally and in an arbitrary way. “In one unit [...] there are a few JNA soldiers,

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20 Ustaše glume bolesnike, *Politika*, 21.11.1991

21 A phrase in Serbian referring not to the color of skin/race, but meaning a group of people with questionable moral backgrounds.

22 Miloš Vasić, *Srpsko Galipolje*, *Vreme*, 17.11.1991

23 *Ibid.*

and motorized volunteers, members of TO, Šešelj paramilitaries and various other scumbags.”<sup>24</sup> The author described the terror outside the Vukovar hospital where Šljivančanin blocked doctors from International Red Cross saying that “there are around one hundred people who are not sick or wounded at all, but are armed.” One day after the massacre the author claimed “something horrible happened yesterday night. Almost everybody talks about mass executions of captured Croats and wounded from the Vukovar hospital.” Some participants of the massacre openly described details of the executions that would later be silenced or denied in public.

In 2001, 10 years after the fall of Vukovar, *Vreme* recalled the historical circumstances in which the crimes had been committed. As a motive for the attack, the weekly quoted colonel Stojadinović who stated that “for the JNA Vukovar was a symbol of the foundation of the rebel instant-state.”<sup>25</sup> The author defined the war as “the one in which Serbia, according to Milošević, did not participate,”<sup>26</sup> and thus reminded the reader of the denial which persisted until the end of the Milošević regime. Many army officials gave their statements confirming the widespread attacks on Vukovar. The political changes in 2000 certainly contributed to an atmosphere, in which it became easier to condemn not only the Milošević regime, but also the military strategies employed during the war in Croatia. After 18 November 1991, “the town was dead,” the newspaper declared.<sup>27</sup> *Vreme* clearly replicated an information from the ICTY indictment, when it quoted “at the Ovčara farm, during the night between 19 and 20 October<sup>28</sup>, 261 person were liquidated.”<sup>29</sup> Moreover, the weekly pointed out that the JNA had never acknowledged its responsibility for the crime. The article constituted not only a condemnation of the JNA and the regime at that time when Vukovar fell, but also a prudent critique of the actual government in charge for not taking any actions to sanction those guilty, who had not yet been punished for the crimes.

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24 Jovan Dulović, *Krvava priča*, *Vreme*, 15.11.1995. (Vojislav) Šešelj was the president of the rightwing Serbian Radical Party which was through paramilitary units involved in the wars in Croatia and Bosnia.

25 Filip Švarm, Tamara Skrozza, Biljana Vasić, *Vukovarska apokalipsa*, *Vreme*, 25.10.2001

26 Ibid.

27 Ibid.

28 Typo in the original text. It should be replaced with November.

29 Filip Švarm, Tamara Skrozza, Biljana Vasić, *Vukovarska apokalipsa*, *Vreme*, 25.10.2001

### The “conspiracy frame”

After the end of the Yugoslav wars, *NIN* published a documentary series titled “What had happened to us?”<sup>30</sup> implying that the conflict had been something bad that had just “happened to us,” which, presumably, “we” did not cause. In order to explain the Serb-Croatian conflict, *NIN* described the atmosphere of hostility in Croatia towards ‘Serbo-četnik Yugoslavia’ and ‘Serboslavia’, as they were labelled in the Croatian media. So, instead of describing the events, *NIN* described the Croatian reactions to the conflict which served as some sort of post factum justification for the military aggression. *NIN* underlined that the Serbian side was backed by the JNA (considered to be a federal army), while the Croatian side got necessary help in arms “from the West.” By doing so, it created the impression of a battle between equals. *NIN* was nevertheless critical towards Milošević’s unsuccessful politics vis-a-vis Croatia. The frame about Vukovar created by *NIN* described Serbs as “being exposed to the revenge of the Croatian units who defended the town,” thus admitting the aggressive nature of the Serbian action. The weekly concluded that the “JNA – completely disoriented, in terms of the objectives of war, the way they should be carried out, weakened by inner traumas and unmotivated reserve soldiers – step by step, fried Vukovar with ‘non discriminatory artillery shooting.’”<sup>31</sup>

### The frame of the indictment

The ICTY issued the indictment against Mrkšić, Šljivančanin and Radić for “the mass killing at Ovčara, near Vukovar [...] of approximately 260 captive non-Serb men who had been removed from Vukovar Hospital on 20 November 1991.”<sup>32</sup> The indictment specified the circumstances in which the massacre was carried out, but did not include any other event in the indictment – such as excessive shelling of the town, “killing [of] hundreds of persons and destr[uction] of most of the buildings in the city” or other war crimes committed during the attacks on Vukovar. The indictment asserted that “the federal Yugoslav People’s Army (JNA) intervened in support of the Serb insurgents”<sup>33</sup> and subsequently “surrounded the city of Vukovar and was laying siege to it.”<sup>34</sup> The JNA generals

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30 Šta nam se dogodilo, *NIN*, 25.11.1999

31 Ibid.

32 <http://www.icty.org/sid/7223>

33 Full text of the Indictment is available on: <http://icty.org/x/cases/mrkšić/ind/en/mrkšić951107e.pdf>.

34 Ibid.

were accused of participation in a so-called Joint Criminal Enterprise (JCE) with the aim to persecute of “Croats and other non-Serbs” present at the Vukovar hospital after the fall of the city. The accused were indicted for being a part of the plan together with Serbian political elites, a fact that ruled out the hypothesis of the chaotic paramilitary units committing crimes on their own.

The victims of the Ovčara massacre, according to the indictment, were “wounded patients, hospital staff, soldiers who had been defending the city, Croatian political activists, and other civilians.”<sup>35</sup> The “Vukovar three” were accused of crimes against humanity and violations of the laws and customs of war according to the Statute of the ICTY; at least for the crimes against humanity, these suggested the victims had been civilians.

The indictment neither elaborated on the causes of the conflict, nor did it define a specific date as the beginning of the war. It concentrated on one specific event and tried to link the alleged perpetrators to the Milošević regime.

### **Media frames before the trial judgment**

During Šljivančanin’s arrest, the police clashed with his supporters. Understandably, all media outlets wrote extensively on the circumstances in which the arrest took place, often without even mentioning the charges brought by the ICTY against him. Nevertheless, *Danas* remembered that back in 1991, some media had called Šljivančanin the “Vukovar knight” who had “successfully liberated Vukovar.”<sup>36</sup> The newspaper framed the events in Vukovar according to the “aggression frame.” *Danas* clearly outlined who were the perpetrators and the victims of the Ovčara massacre: the JNA, together with various paramilitary units, had executed more than 200 civilians. Sometimes *Danas* used adjectives to underline the barbarity of the events: “cruel murders,” “heinous executions,” and similar. The voices of the victims, although not often, were heard and their nationality was usually stated, because nationality was considered the main cause of discrimination, persecution, and their eventual death. *Danas* quoted the text of the indictment on different occasions, and although not commenting much on it, it also published information retrieved from the ICTY. An article about the first public hearing in 1996, when two witnesses had given a detailed account of the crimes at Ovčara, was published before the beginning of the trial.<sup>37</sup> As already mentioned before, the arrest of Šljivančanin coincided with the arrests of

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35 Ibid.

36 *Danas*, 13.4.2003

37 Aleksandar Roknić, Stezanje haške omče, *Danas*, 21.6.2003

various members of the paramilitary unit *Leva Supoderica*, who believed to be direct perpetrators of the Ovčara massacre. Some prominent politicians wanted to lift the blame from Šljivančanin and transfer it to the paramilitary executors, but *Danas* did not align with them and instead presented this attempts with a lot of irony.<sup>38</sup> In addition, once the other trial had started before the Special court for war crimes in Belgrade, a comparison was drawn in a comment, according to which the Belgrade trial would show whether “domestic judiciary is ready to stop protecting institutions of the past regime, including the former JNA officials.”<sup>39</sup> *Danas* accused the Serbian state of relativizing the crimes. It found it regrettable that “our state replies to all the questions [related to war crimes, AL] with ‘yes, but,’” despite all the evidence that had been revealed in court.<sup>40</sup> *Danas* was by far the most accurate follower of what was happening during the trial, and reported, although mostly by quoting, about witness and expert testimony. It insisted on a notion of command responsibility, not because of the underlying legal concept, but because it sustained the frame about the JNA’s guilt.

### The “fall frame”

This frame is certainly more moderate than the “liberation” frame which was part of the state propaganda under the Milošević regime. It can be argued that the “fall frame” was the result of a more comprehensive way of dealing with the past and regime change. Nevertheless, while mainstream media, mostly *Politika*, were starting to frame the events in Vukovar in a less biased way only after the fall of the Milošević regime, some more progressive and independent media outlets created this frame already at the beginning of the conflict.

According to this frame, the JNA intervened in Vukovar in order to help the local TO, but also out of revenge for the crimes committed against the Serbian population of Vukovar. This frame recognized those killed at Ovčara as prisoners of war who were unfortunately executed. At the same time, it did not single out the JNA as the main culprit, but instead blamed the paramilitary units from Serbia. The JNA’s responsibility was blurred when described as a failure to intervene against those executions. This frame was produced by *Politika* after the fall of the Milošević regime, and it mostly was a result of a political change in the country and of a change in editorial policies of this media outlet.

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38 Domaći sud, *Danas*, 9.4.2003

39 Jovan Nicić, *Brutalna primena sile*, *Danas*, 4.6.2004

40 Miljenko Dereta, *Međunarodni tribunal kao izgovor*, *Danas* 20.8.2004

After the arrest of the main perpetrators of the Ovčara massacre, *Politika* gave its own definition of the events on Ovčara and the war in general, calling it “the most massive war crime committed against Croats in the past civil war,” but omitted to point out who bore responsibility for it. Thus, in this case, victimhood was neither denied to Croats nor silenced, but the paper remained mute about the perpetrators.

Similarly, while presenting Šljivančanin’s biography, *Politika* claimed that his “unit was sent to the Vukovar front in September 1991.”<sup>41</sup> The use of past tense and omission of the perpetrator were a frequent discursive strategy of *Politika*. *Politika* also presupposed that the three JNA officers were not guilty, as they had not even been tried in absentia in Croatia,<sup>42</sup> “as it was the common practice with many members of the JNA or Serbian fighters in Croatia.”<sup>43</sup> *Politika*’s chief editor Ljiljana Smajlović concluded that “in the history of the pathetic and mostly false Serbian knightship one part of the past was archived”<sup>44</sup> with the arrest of Šljivančanin. She claimed further on that the ICTY “needed” Šljivančanin as a “metaphor of command responsibility (even though he was not a commander in Vukovar) and as a symbol of involvement of an entire system (JNA) in the destruction of lives.”<sup>45</sup> *Politika* also added some elements of a conspiracy theory to this frame when it suggested that the “Vukovar three” had been accused by the ICTY on behalf of Croatia.<sup>46</sup>

During the debate whether the process was to be transferred to Serbia or Croatia, *Politika* commented on the pretensions of Croatia to hold the trial in Zagreb: “Already this ‘hot’ desire [of Croatia to have the trial transferred to Vukovar local court] speaks enough and warns about possible vengeance rather than objective and fair trial for to three JNA officers accused for ‘the greatest war crime in Croatia since the WWII’, as the killing of 192 Croatian prisoners on Ovčara farm, at the end of November 1991, is called in Croatia.”<sup>47</sup> While the number of victims was taken from the Serbian trial for Ovčara (and is considerably lower as it comprises only the exhumed bodies), this statement implies one

41 M. Pavlović, Oficir od karijere, *Politika*, 14.6.2003

42 Croatian judiciary, especially in the 1990s and at the beginning of years 2000 had a common practice of trial in absentia. More information on number of such trials can be found in Human Rights Watch annual reports.

43 R. Arsenić, Zagreb traži informaciju od Srbije, *Politika*, 10.4.2003

44 *Politika*, 14.6.2003

45 Ibid.

46 R. Arsenić, Zagreb traži informaciju od Srbije, *Politika*, 10.4.2003

47 R. Arsenić, Otimanje za trojku, *Politika*, 12.2.2005



part of the Serbian historical narrative according to which the greatest war crime in Croatia since the WWII is related to the Croatian's Army Operation "Storm," during which several hundred persons died<sup>48</sup> and around 200,000 Croatian Serbs fled their homes.

*Politika* did not deny the existence of the crime, but rejected to put it in a causal relationship with the JNA. In addition, the daily reported on several occasions that the "Vukovar three" were accused of war crimes against prisoners of war and silenced the real indictment which considered prisoners in the Vukovar hospital as civilians. In order to maintain the picture of prisoners of war, most often *Politika* described the victims as "prisoners," leaving out details about two female victims, one of whom even visibly pregnant. Finally, there was no space for the voices of the victims. Only one testimony from the entire trial was mentioned, by the wartime director of the Vukovar hospital, Vesna Bosanac, who rejected the claim that the hospital was used for military purposes, and described constant JNA shelling of the building, despite the highly visible Red Cross signs. Moreover, she testified that three hundred persons were taken out from the hospital and executed<sup>49</sup>.

*Vreme* maintained the same frame as before. As the news about the arrest of direct perpetrators was announced in March 2003, *Vreme* reminded about protected witnesses who, already in 1996, charged the three JNA officers for crimes. When Šljivančanin was arrested, the weekly described him "shouting in front of the TV cameras [in front of the Vukovar hospital, A.L.], posing for the history, while at the rear doors the prisoners were taken to scaffold"<sup>50</sup>. Such image was in sharp opposition with other media descriptions of the arrested Šljivančanin being sent to the ICTY. The idea was to underline for which crimes he was charged for and how he did behave in 1991 in Vukovar. Such duality of representations was described further on: "Colonel Šljivo leaves for The Hague with the aureole of a man who was often at the wrong place at the wrong time, which, in his case, many interpret as bravery and heroism, and many simply as a crime."<sup>51</sup>

*NIN* continued to put blame on the international community, directing it towards the ICTY. According to this weekly "this state [Serbia, A.L.], its

48 The Helsinki Committee for Human Rights in Serbia confirms 677 victims, DORH 214, while Veritas claims 930 killed and 922 missing (and potentially dead) persons.

49 R. Dragić, Vukovarska priča, *Politika*, 28.10.2005

50 Nenad Lj. Stefanovic, Pukovnik Šljivo putuje, *Vreme*, 19.6.2003. Šljivo is a rather pejorative nickname based on the family name Šljivančanin.

51 *Ibid.*

politicians, judiciary, army, truth commissions...failed to hold a trial for crimes at Ovčara and to lift a big part of the burden from the back of three officers.” This weekly implied that the JNA officers were innocent, but due to the external pressure would have to be found guilty by the international community. While this statement only dealt with the trial and not with the frame of the conflict, it was nevertheless important as it discussed the role of the state army during the war in Croatia. Moreover, *NIN* outlined that “officially Yugoslavia was not at war, but in the state of imminent danger of war”<sup>52</sup> and its politicians – both past and current – did nothing to defend Serbia from the external pressure. “All of them found it a lot easier to cry over injustice, to curse ‘the world that hates the Serbs’, to prove that The Hague tribunal is the most political in the history of mankind... than to make a small leap for the world, but big for their country and their people - to start the trial for ‘Ovčara’ before a regular court in their own state in front of their nation’s eyes.”<sup>53</sup> According to *NIN* the facts found out at the ICTY were far away from the truth, and there should be a process for war crimes, but the army should not be incriminated. In addition, the weekly mentioned over seven thousands prisoners that were released, signaling that the victims of Ovčara were a collateral damage of the conflict.

*NIN* holds on to the conspiracy theory frame even when explaining the causes of the JNA attack on Vukovar which is the failed agreement between Tudman and the Yugoslav Minister of Defense Veljko Kadijević, who then sent the tanks on Vukovar. This action turned into “an unnecessary destruction of the town and crime at the Ovčara farm.”<sup>54</sup> Such description mystified the real perpetrators and considered the war as something that just happened spontaneously.

### **The frame of the trial judgment**

The ICTY issued a trial judgment which found Mrkšić and Šljivančanin guilty, while Radić was acquitted. Mrkšić was condemned for “aiding and abetting the murder, torture and cruel treatment of 194 non-Serb prisoners of war who were taken from the Vukovar Hospital following the fall of this Croatian city to JNA and Serb paramilitary forces in November 1991.” On the other hand, Šljivančanin was convicted of “aiding and abetting the torture of the prisoners.”<sup>55</sup> The judgment described victims as “specifically identified and selected because

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52 Dragan Bujošević, *Glava u pesku*, *NIN*, 19.6.2003

53 *Ibid.*

54 Miroslav Lazanski, *Veljko, Franjo i Pentagon*, *NIN*, 29.3.2007

55 <http://www.icty.org/sid/8840>

of their known, or believed, involvement in the Croatian forces in Vukovar. The Serb forces who mistreated the victims and murdered them acted on the understanding that the victims were prisoners of war, not civilians.”<sup>56</sup> The trial chamber found that the direct perpetrators were members of the Serb Territorial Defense forces and Serb paramilitary units. Finally, the hypothesis of the Joint criminal enterprise was dismissed, and thus the ICTY did not consider the attacks being a part of an organized plan and crime against the Croatian population.

### Media frames after the trial judgment

After the trial judgment, *Danas* altered its original frame according to the findings of the judgment. For example, the crime of the JNA officers was transformed into aiding and abetting the murders and torture of the Croatian prisoners, as the legal explanation proposed by the ICTY. Moreover, *Danas* stopped calling the victims Croatian civilians and changed that definition to Croatian prisoners. Their number was also reduced to 194, as stated in the ICTY judgment. Finally, the aggression of the JNA on Vukovar was described as the fall of the town. Thus, *Danas* changed some frame elements and produced a frame which consisted of “aggression” (e.g., the role of the JNA) and “fall” elements (e.g., victims and nature of the conflict).

When it comes to *Politika*, this media outlet underlined first what the Ovčara crime was and what it allegedly was not: neither a joint criminal enterprise, nor a crime against humanity and neither a JNA-ordered execution which had been carried out by the local territorial defense and paramilitary units.

*Politika* commented on the judgment on 29 September and concentrated on the notion of command responsibility of the “Vukovar three.” The article titled very vaguely “Vukovar three” opened with the question “How and why the Guard brigade [under the command of Mrkšić, A.L.] even got to Vukovar?”<sup>57</sup> which in a way transferred the guilt to higher military and political instances back in Belgrade. The article then analyzed each defendant of the Vukovar hospital case. It said Mrkšić had ordered the withdrawal of the army police from Ovčara farm, conceding the prisoners to local territorial defense, and other paramilitary units. The author then assumed why Mrkšić acted in such a way and presupposed that “the government” of SAO Slavonija had “guaranteed for the security [of the prisoners, A.L.]”<sup>58</sup> Such an assumption was more than unusual, especially at the

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56 Ibid.

57 Ljubodrag Stojadinovic, Vukovarska trojka, *Politika*, 29.9.2007

58 Ibid.

end of a long trial where a myriad of evidence had been presented and where the trial chambers had rendered the first instance judgment. As for Šljivančanin, the reporter described his personal characteristics and visibility (“real media star”), but concluded that “this is not sufficient to qualify for ‘aiding and abetting the torture of prisoners’”<sup>59</sup>. The author’s disagreement culminated in the statement that the ICTY “nevertheless has looked for an alibi for the fragile arguments of the Office of the prosecutor. Especially since Belgrade already had the real criminals from Ovčara on trial.” *Politika* from 2 October 2007 opened with the title “‘Zenge’ were not civilians”<sup>60</sup> and explained how counts for crimes against humanity had to be withdrawn as the victims were, or are believed to be, members of Croatian military forces. *Politika* also alleged there had been false testimonies. In the article from 8 October 2007, the daily reports about the ICTY trial chambers finding of a number of both Serbian and Croatian witnesses who had not told the truth. Writing on the acquittal of Radić *Politika* reported that “a whole gallery of individuals, Serbian or Croatian, testified against him [Radić]. They admitted war crimes, but were given a chance not to go to prison by blaming someone more important in the chain of command, or by helping ‘the Croatian cause’ for accusing JNA officers instead of the real perpetrators from the Territorial defence.”

*Vreme* slightly changed some elements of the previous frame, but generally maintained the same frame as before. The weekly commented the trial judgments with the following sentence: “It is beyond doubt that, by the ICTY decision, Mrkšić and Šljivančanin are first instance war criminals and we can only wait for the appeals to confirm or deny it.”<sup>61</sup> Thus, the perpetrator of the crimes was more than visible and so were the victims, however, they were labelled “prisoners of war” as in the judgment. *Vreme* reminded that the fall of Vukovar, which in Belgrade was until recently called “liberation,” had been kept almost a secret for years,<sup>62</sup> underlying the duality of interpretations still present in the public space, despite the work of the tribunal. Moreover, *Vreme* described that among the prisoner there had been “Croatian soldiers, but most of them were wounded civilians [...], there were women (one of which was pregnant).”<sup>63</sup>

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59 Ibid.

60 Ljubica Milisavljević, “Zenge” nisu bili civili, *Politika*, 2.10.2007. Zenge are members of Zbor Nacionalne Garde (ZNG), a Croatian military formation – predecessor of the Croatian Army, fighting in Vukovar mostly as dissidents from the JNA and volunteers.

61 Tatjana Tagirov, Antihrvatska presuda antisrpskog suda, *Vreme*, 4.10.2010

62 Ibid.

63 Ibid.

## The frame of the appeals judgment

The appeals judgment framed the events in Vukovar in the same way as the trial judgment, but increased the responsibility of Šljivančanin for the commission of crimes. The judges found that “upon learning of the order to withdraw the JNA troops from Mr. Mrkšić ... the only reasonable inference is that Mr. Šljivančanin was aware that the TOs and paramilitaries would likely kill the prisoners of war and that if he failed to act, his omission would assist in the murder of the prisoners.”<sup>64</sup> This finding reaffirmed the role the JNA had held in the Ovčara massacre.

## Media frames after the appeals judgment

*Politika* did not change the frame on war after the appeals judgment. When reporting on the appeals judgment, this daily explained well, via quotations from the judgment, the mechanism of command responsibility, and the omission to prevent atrocities. Interesting was the comparison to the Ovčara trial held before the Special Court for War Crimes in Belgrade and the different labelling of victims (due to different indictments and judgments) in the same article, and for the same crime: “Croatian prisoners” against “prisoners of war.”<sup>65</sup>

*Danas* made some minor changes with respect to the previous frame. This daily labelled the victims as “200 civilians”<sup>66</sup> instead of prisoners. However, both the trial and the reporting about the past (in Vukovar) seemed to be much more out of focus compared to the previous periods of analysis.

Other media outlets did not change their frames.

## Media frames after the revised judgment

The defense of Šljivančanin applied for a review of the conviction, due to new available proofs. A new witness, former JNA officer Miodrag Panić, testified that he “was in a position to follow the conversation between Mrkšić and Šljivančanin and that Mrkšić did not inform Šljivančanin about the withdrawal of the JNA troops.”<sup>67</sup> The judges rejected the prosecutor’s allegations that Panić testified “to cover up his responsibility for the Ovčara crimes or protect Šljivančanin and the

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64 <http://www.icty.org/sid/10132>

65 Dorotea Carnic, Šljivančaninu utrostručena kazna, *Politika*, 6.5.2009

66 Miloš Mitrović, Presuda i reakcije, *Danas*, 7.5.2009

67 <http://www.icty.org/sid/10564>

JNA.<sup>68</sup> Hence Šljivančanin was granted early release in July 2011 after having served more than two-thirds of his sentence in ICTY custody.

*Politika* reported that “Šljivančanin arrived in Belgrade”<sup>69</sup> and described him as a “major of the JNA and one of the accused of the Vukovar three”<sup>70</sup> although the former JNA officer was a de jure convicted war criminal. Once back to Serbia, in an interview given to *Politika*, Šljivančanin confirmed that he “does not want to sue Serbia” for extraditing him to the ICTY “for the crimes he was released from.”<sup>71</sup> He depicted himself as a victim who had sacrificed himself in the interest of the nation, differently from Radić, who sued the Serbian state when he was acquitted from the charges by the ICTY.

Twenty years after the fall of Vukovar, on 18 November 2011, *Danas* recalled the crimes committed in the town, but also the background regarding the “fighting for Vukovar.” The fall of the town was framed as “the JNA units into Vukovar.” Three days later, the daily reported about the commemoration of the Ovčara crime as the “20th anniversary of the assassination of 200 wounded, medical staff and civilians who were taken from the Vukovar hospital on 19 November 1991, and were executed the day after on the Ovčara farm.”<sup>72</sup>

### **The ICTY’s impact on shifts of media frames**

In the Serbian media, the war in Croatia was never truly analyzed in its continuity, with all the dynamics that happened between 1991 and 1995. Instead, it was presented as a set of distinct (arguably most important) episodes, with the Operation “Storm” occupying most of the media attention. Generally, in the official Serbian discourse, the wars in Yugoslavia during the nineties are considered to be civil wars, and this was also the main line of reasoning within the Serbian media landscape. The JNA attacks on Vukovar in 1991 were interpreted as a sign of protest against northern Yugoslav republics which were aiming to secede from the SFRY. Only *Vreme* stood out of such interpretation and presented the conflict as a Serbian aggression.

The ICTY did not and could not make substantial changes in such interpretation of the war. Instead, it did trigger minor changes strictly related to the crimes committed in Vukovar. However, one major change in the way the fall of the

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68 Šljivančaninu 10 godina zatvora, *Politika*, 9.12.2010

69 D Carnic, Šljivančanin stigao u Beograd, *Politika*, 8.7.2011

70 Ibid.

71 *Politika* 17.7.2011.

72 *Danas*, 21.11.2011.

town of Vukovar was interpreted was not due to the ICTY but to regime change in Serbia. What the ICTY contributed whatsoever was the consciousness about the war crimes committed by the members of the JNA. This certainly led to a further shift of the frame about the entire conflict, but lack of interest, both from the media and from the audience, impeded a more comprehensive change.

## **b) Genocide in Srebrenica – the Krstić case**

### **Narratives about Srebrenica and the conflict in Bosnia and Herzegovina**

The widespread killings in the Bosnian town of Srebrenica stand out as a symbol of the war in Bosnia and Herzegovina. As the role of Serbia in the Bosnian conflict was, and to a point still represents a matter of controversy in the Serbian public, the war was deconstructed by the mainstream media to a number of high-profile cases, Srebrenica being the most emblematic one.<sup>73</sup> Srebrenica, thus, “has come to represent the key through which the wars of the 1990s are understood.”<sup>74</sup>

Even though Srebrenica was one of the UN “safe havens,” in July 1995, the Army of Republika Srpska (VRS), led by General Ratko Mladić and backed by the paramilitary unit *Scorpions* which had been part of the Serbian Ministry of Interior took control of the town and killed more than 8000 Bosniaks, mainly men and boys, in just a couple of days. The commemoration for the victims of Srebrenica is marked at the Potočari Memorial Center each year on 11 July since 2002, when the memorial event took place for the first time.

Thirteen cases before the ICTY had dealt with the killings in Srebrenica; consequently, it is by large the most complex crime tried before The Hague tribunal. Furthermore, Srebrenica is the only crime in the wars of the 1990s for which there are convictions for genocide.

In the following section, we examine whether the Krstić judgments caused shifts in the Serbian media frames about the conflict in Bosnia. In addition, we analyze media frames before and after the publishing of the so-called *Scorpions* tape, a video exhibit used during the Milošević trial, showing crimes committed by the above-mentioned Serbian paramilitary unit. Finally, it is examined, whether the International Court of Justice (ICJ) judgment in *Bosnia and*

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73 Golčevski, N., von Engelhardt, J., & Boomgaarden, H. G. (2013): ‘Facing the past: Media framing of war crimes in post-conflict Serbia.’ *Media, War & Conflict*, 6(2), 117–133

74 Gordy, E. (2013): *Guilt, Responsibility, and Denial. The Past at Stake in Post-Milošević Serbia*. University Park, PA: University of Pennsylvania Press, 124.

*Herzegovina vs. Serbia and Montenegro* triggered frame shifts. Even though the ICJ is not an international criminal tribunal, we have included its judgment into this research, because it has dealt with the responsibility of the state rather than with individual responsibility and it can be assumed, the judgment had an impact on frames of Serbian media about the conflict in Bosnia, if one takes into account the public awareness and the attention linked to the ICJ judgment.

### **Media frames before the Krstić judgment**

On 3 November 1998 members of the Stabilization Force (SFOR), a NATO-led international peacekeeping unit in BiH arrested Radislav Krstić. Krstić was accused for his role as the Drina Corps' chief of staff in the events in and around Srebrenica from 11 July to 1 November 1995. His indictment was not the first one for the crimes committed in Srebrenica, and its release did not provoke a lot of media attention mostly because Krstić was member of the VRS and thus this indictment did not put in danger the discourse vis-à-vis the role of Serbia in the Bosnian war. Nevertheless, the trial judgment, rendered on 2 August 2001, founding Krstić guilty on the genocide count, occupied much more media space. The appeals judgment rendered on 19 April 2004, sentenced Krstić to thirty-five years of imprisonment for aiding and abetting genocide.

### **The “denial frame”**

In the immediate aftermath of the genocide in Srebrenica, there was an almost complete silence regarding the events in this Bosnian town. There were media reports about the “liberation” of that area and about clashes of the VRS with the Bosniak Army. Thus, all the conditions and preparations that enabled the commitment of the crime were silenced, and only regular front line reports were published. For example, state newspapers transmitted the statement of Ratko Mladić who claimed that “our forces’ objective was to bring the Muslim terrorists to reason, to make them stop their terroristic activities on this territory.”<sup>75</sup> The reporting about the fall of Srebrenica was also overshadowed by the medias’ focus Operation “Storm,” the final end of RSK and consequently the flow of Serbian refugees from Croatia. According to this frame, Serbia never even took part in the war in BIH; thus when media did report on Serbian forces, they were strictly referring to the Army of Republika Srpska, i.e. Bosnian Serb forces.

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75 Vecernje novosti, 13.7.1995



*Politika*, being one of the main media pillars of the Milošević regime, strongly supported the idea of a Serbian non-involvement in the Bosnian war. Once the ICJ confirmed its jurisdiction in the *BIH vs. Serbia and Montenegro* case, this daily informed that “the team of legal experts from Serbia exposed evidences confirming that our country by no means participated in the conflict in BIH, where, according to the avowal of the international community, a civil war between at least three warring parties had taken place.”<sup>76</sup>

Nevertheless, with the pressure of the international community and finally the ICTY indictment against the Bosnian Serb leaders Radovan Karadžić and General Ratko Mladić, the events in Srebrenica gained more attention, but were denied as crimes. In November 1995, *Politika* informed that “the latest report of the Red Cross does not contain a proof”<sup>77</sup> for mass crimes against Muslims in Srebrenica. The article accused the international community to spread lies about alleged Serb crimes committed in BiH. *Politika* also published an article claiming “it was enough that in August this year Madeline Albright wave in front of the UN Security Council with unknown satellite photos so that everybody believes in the story about Muslim graves in Srebrenica. Back then the American administration needed those photos as an answer to the sanguine road of Krajina Serbs to which their Croatian neighbours ‘escorted’ them.”<sup>78</sup> The notion of the Srebrenica massacre was put into quotation marks in order to ridicule it, but the article neither openly denied the massacre nor did he try to explain it away. Instead, *Politika* reported that “it is enough that Washington points a finger to somebody and that is already more than a proof. That finger was most frequently pointed at Serbs [...] without real proof.”<sup>79</sup> Another way to deny the responsibility for the genocide was to report about “Muslims [who, A.L.] mutually killed themselves.”<sup>80</sup>

The weekly *NIN* was not employing such an open strategy of denial, but avoided to give full information about the events in Srebrenica. For example, while reporting on the arrest of Dražen Erdemović and Radoslav Kremenović,<sup>81</sup> the author of the text explained that Erdemović admitted “killing in person

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76 “Bice sudjeno i SR Jugoslaviji”, *Politika*, 12.7.1996

77 *Politika*, 24.11.1995

78 *Politika*, 18.12.1995

79 *Ibid.*

80 *Politika*, 20.12.1995.

81 Erdemović and Kremenović were members of the Bosnian Serb armed forces. Erdemović was tried before the ICTY for the crimes committed in Srebrenica and was sentenced to five years, while Kremenović served as a witness.

around 70 individuals near Srebrenica”<sup>82</sup> but completely omitted how such killing had been possible: there was no information about what had happened in Srebrenica and under which circumstances Erdemović could have killed so many persons. Erdemović was described as “half Croat from Tuzla fighting for the VRS”<sup>83</sup> while there was absolutely no information about the victims, not even about their precise number. The enigmatic character of the information could be interpreted as a form of indirect denial as it took Erdemović’s crimes completely out of the context and presented them as events *sui generis*.

### The “Srebrenica as revenge” – frame

This frame acknowledged the events that happened in Srebrenica, but put them into a causal relation to Bosnian army’s attacks on villages surrounding Srebrenica. According to this frame, the 1992 to 1995 attacks led by Naser Orić, a military officer of ARBIH,<sup>84</sup> both those directed towards the enemy army and those against the civilian population, provoked the revenge of the VRS which culminated in the Srebrenica killings. This frame did not name the massacre in Srebrenica a genocide, instead it used a relativization strategy: while accepting that the specific event did occur, it put into doubt details or provided a different interpretation. Although the victims were confirmed to be Bosniak civilians, the discourse on Srebrenica in Serbia often included an element of Serb victimization by suggesting Serbs were wrongly blamed for their deaths. At the same time, the Srebrenica massacres and killings, in which Serbs had suffered were put on an equal footing in the reporting about commemorations: the commemoration in Potočari for Bosniak victims of Srebrenica genocide, held on 11 July, was juxtaposed to the commemoration in the nearby village of Bratunac, held every 12 July for the Serb victims of Bosniak attacks.

The first indication of this frame in *Politika* appeared in 1997 in an article about Bratunac with the subtitle “Muslim army guilty for suffering of this town’s civilians” and explained further on that the Serbian forces were provoked by the Muslim side and thus “around 40 thousand refugees [...] were exposed to the danger of becoming the target of Bosnian Serbs’ revenge.”<sup>85</sup>

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82 Dragan Čičić, Beograd, a u Hagu, NIN, 15.3.1996

83 Ibid.

84 See the chapter on the Federation of BIH in this volume which discusses this case in more detail.

85 *Politika*, 5.7.1997.

As soon as the details of the investigations about the Srebrenica crime started to appear in public, it was impossible to sustain the “denial” frame in the mainstream media. In 1999 *NIN*, as already mentioned above, gave an extensive overview of the wars during the nineties titled “What had happened to us” describing the causes and consequences of the attacks on Srebrenica. *NIN* analyzed that “the strategic sense of the operation was visible only from Belgrade”<sup>86</sup>; hence, despite the outrage which this event provoked outside of Serbia, the weekly still tried to find reasons to downgrade Serbian responsibility for the crimes. While admitting that Srebrenica had been a UN safe haven, it assumed that “this area was never disarmed and from there the Muslim units led by Naser Orić performed attacks on Serbian military positions around the town.”<sup>87</sup> *NIN* suggested the attacks on Srebrenica had been a revenge for the previous clash of Bosnian Serb units with those under Orić’s command. Regarding the victims, *NIN* gave enigmatic information: “Women and children were driven to an area under the control of Izetbegovic’s government in Tuzla. Men weren’t.” What had happened to the latter, was explained in the following way: “Many died from exhaustion, and some committed suicide. Still, not a small number of them reached the final destination.”<sup>88</sup> Moreover, the number of those having a “tragic destiny” (having neither been killed nor executed) was estimated as less than ten thousand, although no proof for such a claim was provided. Nevertheless, the weekly claimed “the mind that strategically conceived this operation [...] was sat closer to Belgrade than to Pale or Banja Luka.”<sup>89</sup> According to *NIN* the operation in Srebrenica had been well planned beforehand and had not been a spontaneous massacre. This suggested coordination from Belgrade, although without naming any responsible persons or institutions.

### The “conspiracy frame”

This frame includes the imputation of aims and purposes to outside actors, here the Bosniak side in BiH. According to this “conspiracy frame,” the Bosniak side was said to regard the Serbs as a genocidal nation and the ICTY was politicized court orchestrated by the USA and the international community, in order to serve the latter’s interest. The line of reasoning went as follows: the Dutch battalion in Srebrenica (and in a wider sense the international community) which

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86 *NIN*, 20.01.1999

87 *Ibid*

88 *Ibid*.

89 *Ibid*.

had been in charge of guarding the Srebrenica safe haven, had not protected Srebrenica, but instead had later decided to shift the guilt to the Serbian forces. This frame explained why the Bosnian Serbs (often conflated with all Serbs) were accused almost everywhere as perpetrators of the worst crimes, despite being innocent, but it did not explain what had actually happened in Srebrenica. The frame did not deny that crimes had taken place; it only denied Serb responsibility for these crimes, leaving it open, who actually had committed them.

Once the indictment against General Krstić was issued, *Politika* shifted the media frame from denial of the massacre to the conspiracy frame, a member of the paramilitary unit Spider (*Pauk*): “The massacre of 1200 individuals in Srebrenica, for which the Serbs are unjustly accused, was committed by French and Muslim secret services together, by a group of Croat, Slovenian, Muslim and Serbian mercenaries, for two million [German, A.L.] marks, provided by the Muslim government in Sarajevo.”<sup>90</sup> No matter how obscure it was, this claim constituted a shift in the interpretation of the events in Srebrenica from mere denial to the admittance that a crime had been committed. Still, *Politika*, denied any involvement and responsibility of Serb officials, Republika Srpska or Serbia.

### The “massacre frame”

Most of the mainstream media converged to this frame after 2006. The killings in Srebrenica were described as a massacre committed by VRS and paramilitary units who had acted independently of armed forces from Yugoslavia. The victims were described as male civilians of Bosniak nationality. The causes of the massacre were most often omitted in this frame, but it was suggested the victims had perished under circumstances typical for a war. Even though some alternation of the context in respect to the factual findings of the ICTY was still present in this frame, it followed the official discourse of political elites in Serbia.

The weekly *Vreme* produced this frame in the late nineties, at the beginning of the reporting about Srebrenica, when most media outlets denied any crimes. On the occasion of the Erdemović and Kremenović arrests, this weekly reported about Srebrenica as a number of “crimes against the civilian population.”<sup>91</sup> *Vreme* outlined the scarce interest for the story of the Srebrenica victims and refugees who had fled to Serbia and were talking about the massacre in the immediate aftermath. Instead, “many professional patriots [...] claimed that in Srebrenica no war crime had been committed - that only the fallen soldiers were

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90 *Politika*, 14.3.2000.

91 Filip Švarn, *Svedoci i žrtve*, *Vreme*, 16.3.1996.

buried in mass graves out of ‘hygienic reasons.’”<sup>92</sup> Officers who ordered killings, and to whom Edremović had been subordinated, were clearly described as VJ officials. The details of the attacks were included in a report about Erdemović’s testimony titled “organised crime.”<sup>93</sup> In an article about the refugees from the Yugoslav wars, *Vreme* published a “map of ethnic cleansing” on which Srebrenica figured among thirteen other places.<sup>94</sup> In addition, in 2001, *Vreme* labelled the event in Srebrenica a “slaughter of the Muslims” and concluded that “the role of the international community still has to be clarified [...] as well as the role of the General Staff of the VJ which during the operation gave generous logistical and other help to Mladić.”<sup>95</sup> Even though this weekly did not label Srebrenica a “genocide” until the appeals judgment in the Krstić case, it did analyze in depth the role of the VJ and confirmed the importance of Milošević’s regime in the massacre. Therefore, we can conclude that *Vreme* borrowed some elements from the “genocide”-frame, and that this shift was due to the ICTY investigation of the crime and the Krstić trial. One, nevertheless, has to be careful in presenting such a conclusion: most probably *Vreme* would have published “genocide” elements if it would have had them in the late nineties – the shift was hence based on the availability of new information, provided by the ICTY.

### **The frame of the Krstić Judgment**

The judgment in the Krstić case was a breakthrough for the development of International Criminal Law and had also a significant political impact: it established “beyond any reasonable doubt that a crime of genocide was committed in Srebrenica”<sup>96</sup> against “a part of the Bosnian Muslim people as a national, ethnical, or religious group.”<sup>97</sup> The judgment identified “Serbian forces” as perpetrators of the crimes in Srebrenica. Moreover, the summary of the judgment presented Srebrenica as “a town which has become synonymous with the conflict which devastated the former Yugoslavia.”<sup>98</sup> The victims’ fates were described in detail: “women, children and old people [were, A.L.] forced to climb into buses leaving for destinations unknown; men separated from their families,

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92 Ibid.

93 Vanesa Vasić-Janeković, Organizovan zločin, *Vreme*, 16.3.1996

94 Aleksandar Ciric, Na putu bez povratka, *Vreme*, 19.4.1997.

95 Dejan Anastasijević, Skrivač grobnica, *Vreme*, 19.4.2001

96 <http://www.icty.org/sid/7964>

97 Ibid.

98 Ibid.

stripped of their belongings, men fleeing, men taken prisoner, men never to be seen again, men who would be found - but not always - dead, corpses piled up in mass graves; corpses with their hands tied or their eyes blind-folded - frequently; dismembered corpses as well; unidentified corpses ... corpses.”<sup>99</sup> The ICTY trial chambers stated that the attacks were caused by the desire to expand Serbian territory, because of Srebrenica’s proximity to the Serbian border. The ICTY clearly did not want to downplay the severity of the crime and disapproved the voices trying to depict men in Srebrenica as ARBIH soldiers: “Whether members of the 28th Division or not, [...] they decided to flee through the woods towards Tuzla.”<sup>100</sup> The judgment did not only “technically” describe the crimes but also defined the atmosphere at the eve of the massacre: “The witnesses described to the trial chamber the prevailing atmosphere of terror, the rapes and murders and the mistreatment so pervasive that some of the refugees committed suicide or attempted to do so.”<sup>101</sup> The judgment furthermore described locations of the mass executions, but also recalled the denial of the Serbian side by pointing out the memorial in front of one site of mass killings, erected “in honour of the ... Serbian heroes who died for the Serbian cause.”<sup>102</sup> Nevertheless, these points of the ICTY were largely omitted by the Serbian public and the media. In addition, the court also interfered in the debate about victims’ explaining that the numbers were probably too low, because Serbian forces had taken measures “to cover up the scale of the crimes.”<sup>103</sup>

## Media frames after the judgment

1. *Politika* kept those elements of the “conspiracy theory” frame which were linked to the victimization of the Serbian nation. That genocide as the “worst crime,”<sup>104</sup> as *Politika*-labelled genocide, had taken place in Srebrenica would have historical consequences for “the nation to which the general belongs.”<sup>105</sup> *Politika* extended the accused’s guilt to the entire nation. On another occasion, the paper described the lesson young international students were getting at the ICTY: “Genocide - punishment - the Serbs.”<sup>106</sup> This framing intended

99 Ibid.

100 Ibid.

101 Ibid.

102 Ibid.

103 Ibid.

104 Zorana Suvaković., Hag: Anatomija ubrzanja, *Politika*, 17.11.2003

105 Ibid.

106 Zorana Suvakovic, O genocidu, u Hagu i izvan njega, *Politika*, 14.5.2003

to present not only the Serbian state, but also the Serbian nation as victims of the international community which was alleged to politically influence the ICTY. The extension of guilt from one perpetrator to the entire Serb community served as a conduit to arouse outrage and reinforce the assumption that not only general Krstić, but all Serbs had been victimized by the ICTY's genocide finding. At the same time, *Politika* claimed, the real objective of the crimes in Srebrenica had not been the destruction of a community, but its displacement.<sup>107</sup> Usually *Politika* did not describe the atrocities which the ICTY had categorized as the counts of genocide, but instead used a coding strategy which suggested, rather than openly claimed, they had not taken place or had not been as heinous as the judges had found them. *Politika* instead wrote about "events in Srebrenica". The same strategy was used for the description of the victims. *Politika* started reporting about the commemorations in Srebrenica, but without explaining the massacre, instead referring to the "victims from July 1995" and the "Srebrenica tragedy." The word "tragedy" was as if the atrocities had been a natural disaster or a spontaneous outburst of violence, unplanned, uncoordinated, and not really intended. No effort was made to elucidate the background, the motives of the perpetrators and the causes, and purposes of the crimes.

*Politika* also reproduced elements of the "revenge" - frame: "In the village Kravica, few kilometres away [from Srebrenica, A.L.], M.Z. says he does not know why so many people were massacred [in Srebrenica], but [...] adds that in January 1993 in Kravica Muslim forces killed 107 persons, mostly civilians."<sup>108</sup>

In order to bolster its reputation as a prestigious and objective newspaper, *Politika* occasionally gave space to representatives of civil society, experts, and legal professionals. So, besides being open to "advocates of traditional and patriarchal values, and harsh opponents of the modernisation of Serbian society,"<sup>109</sup> it also hosted more progressive NGO representatives. On one such occasion, a group of authors from the Humanitarian Law Centre (HLC) wrote about the guilty plea of Momir Nikolić and Dragan Orenović, indicted before the ICTY for crimes committed in Srebrenica. The authors claimed that the "acceptance of guilt is a starting point for dealing with the past."<sup>110</sup> Diametrically opposed was the article titled "Bargaining with genocide" where the author claimed that

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107 Ibid.

108 D.K., *Bolne rane Srebrenice*, *Politika*, 18.10.2004.

109 YUCOM report, available at: <http://pescanik.net/politika-novine-u-vlasnistvu-drzave/>

110 *Istina pobjeduje zlocin*, *Politika*, 4.6.2003.

“crimes did happen, but not genocide,” around which “a theory, based on false information” is constructed.<sup>111</sup>

### The “genocide frame”

This frame described the killings in Srebrenica as a genocide in which more than 8000 male Bosniak civilians had lost their lives. Often the severity of the crimes was underlined in statements such as “the worst crime in Europe after the Second world war.” Serbian forces were identified as the main perpetrators, consisting of VRS and paramilitary units, all heavily backed by the VJ. The responsibility of the Milošević regime was underlined and often the ICJ judgment reasoning was included in this frame. Authors using the frame often invoked restorative justice and supported dealing with the past. Victims were given much more space in this frame than in others, and authors using the frame called out for public apologies. The commemoration of the 11 July in Potočari was often described ethnographically in order to instill compassion among the readership.

*Danas* reported on the Krstić case trial judgment with a front page headline and under the title “46 years of prison for genocide.” The article confirmed that this was the first ICTY judgment which “establishes the facts about the massacre [...] and the first legal qualification as genocide or crime against humanity.”<sup>112</sup>

Although the daily did not label the Srebrenica massacre as genocide until the appeals judgment in *Krstić*, it produced the “genocide”- frame elements as soon as the information was available. According to an open letter in *Danas*, the information that should be retrieved from the appeals judgment and that “must be the biggest news in all media [is, A.L.]: 1) Srebrenica was controlled by the VRS forces at the time of the massacre in 1995; 2) VRS forces were tightly connected with the VJ [...]; 3) today, Serbia is trying to confuse the BiH complaint” [before the ICJ, A.L.].<sup>113</sup>

The period from mid-2004 saw a quantitative grow of articles about war crimes and the Srebrenica genocide. There were a couple of reasons other than *Krstić* for that: first, more and more accused were sent to The Hague (*Popović et al.*) and the Milošević trial was.

*Danas* introduced elements of the ICTY frame into its daily reporting about the Srebrenica killings. The newspaper also regularly reported about the

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111 Zorana Suvaković, Cenkanje s genocidom, *Politika*, 17.11.2003.

112 I. Nikolić, Za genocid kazna 46 godina zatvora, *Danas*, 3.8.2001.

113 Jasna Bogojević, *Danas*, 23.4.2004.



Srebrenica commemorations quoting victims. The Srebrenica commemorations were an indicator of the state of acknowledgment of the Srebrenica genocide, not only because of the official absence of members of Serbian political elites, but also because of the media reporting on this topic. In summer 2004, newly elected President of Serbia, Boris Tadić, chose his inauguration day precisely on 11 July 2004, on the ninth anniversary of the Srebrenica massacre. *Danas* questioned the appropriateness of the Serbian inauguration concluding that “Srebrenica is nine years and 207 kilometres away from Belgrade”<sup>114</sup>, meaning that Serbia was still not ready to face the past and admit its responsibility.

In addition, many prominent exponents of civil society organizations wrote articles pointing out at shortcomings of the process of dealing with the past. *Danas* strongly opposed any relativization of the Serbian responsibility for the crimes. For example, even before legally binding judgments in any of the ICTY cases related to Srebrenica, *Danas* reported about the direct financing of the VRS by Serbia. *Danas* claimed, the former president of FRY Vojislav Koštunica had not wanted to stop this flow of money in the postwar period.<sup>115</sup> *Danas* often quoted legal documents from the ICTY.

The weekly *Vreme* produced a “genocide” - frame after *Krstić*, and generally became much more critical towards the way Serbia was dealing with the past and how political elites were interpreting the responsibility for the crimes committed during the war period.<sup>116</sup> As soon as the appeals judgment was issued, *Vreme* published an article titled “Genocide, written” and affirmed that “no matter what concrete role *Krstić* had in all [the events, A.L.], the Srebrenica massacre in which around 7000 persons were killed is officially proclaimed as a genocide.”<sup>117</sup> The weekly further explained that behind the killings there had been also “the intention to destroy an ethnic, religious or racial group.”<sup>118</sup> *Vreme* introduced elements of the judgment frame and outlined clearly who had been the perpetrator and who the victim. It regarded the killings in Srebrenica as caused genocidal intent, and thereby discarded one of the mainstream explanations, the “revenge” - frame.

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114 Jelena Milić, Šta bi Adenauer uradio, *Danas*, 14.7.2004.

115 Bojan Tončić, Istina na tabotima, *Danas*, 12.7.2003.

116 Ljubomir Živkov, Evo ja se izvinjavam, *Vreme*, 16.5.2002.

117 Nenad Lj. Stefanović, Genocid, napismeno, *Vreme*, 22.4.2004.

118 Ibid.

### The “relativization frame”

This frame emerged as response to the ICTY’s findings. While sharing some elements with the “massacre” frame, it differed very much with regard to alleged causes of the killings. Those who invoked the frame, usually refrained from considering what might have driven the perpetrators to commit the killings and instead searched for other explanations, in order to relativize the question of guilt and responsibility.

The weekly *NIN* changed its frame about Srebrenica, once the evidence had been exposed and the perpetrators had been named in the courtroom. After printing some emotionally touching witnesses’ testimonies, the weekly pointed out that, if brought into the courtroom, not much would be left of the “Ratko Mladić’s hero aureole.”<sup>119</sup> *NIN* accepted the existence of the crimes, but tried to play down severity and put into doubt, whether they had been really that widespread. It reported that “although in our and international public sphere the number of eight thousand dead or missing Srebrenica Muslims is commonly used,[...] the Hague tribunal admits that ‘it is impossible to precisely determine the number of men’ [...] and quotes ‘careful experts’ estimation’ of a ‘minimal number of bodies’ of 2028.”<sup>120</sup>

*NIN* dropped the “conspiracy” - frame, but then created a “relativization” - frame. Such frame can be, for example, found in the article titled “Forced catharsis”<sup>121</sup> which analyzed the Republika Srpska truth commission report, the commemoration in Potočari and the inauguration of Serbian president Tadić. The importance of the report for the “Western audience” was underlined which implied the scarce interest the report should rise in the former Yugoslavia. Moreover, the author quoted Boris Tadić’s statement that “all the nations in this part of the Europe own an apology to each other”<sup>122</sup> and that the RS report “about the Srebrenica crime is an example of how the truth should be faced.”<sup>123</sup> But the journalist also claimed that Europe did not apply its own values giving as an example the bombing of FRY infrastructure by NATO<sup>124</sup>, and the wars in Iraq and Afghanistan.

119 Ljiljana Smajlović, Nođ, žica, Srebrenica, *NIN*, 30.1.2003.

120 *Ibid.*

121 Mira Beham, Iznuđena katarza, *NIN*, 15.7.2004.

122 *Ibid.*

123 *Ibid.*

124 The NATO intervention in the FRY lasted around three months in 1999 and was triggered by the state repression in Serbia’s then southern province of Kosovo, and failed negotiations which had taken place in Rambouillet.

## The Scorpions tape

The frame shifts were due to a rather unusual ICTY decision – not an indictment or judgment, but the decision to exhibit a film during the Milošević trial. The tape showed how members of the Serbian paramilitary unit “Scorpions” executed six young Bosnian Muslims from Srebrenica. The short movie was broadcast nationwide on 1 June 2005 and provoked strong reactions both in the media and the wider public. The video triggered a debate about Serbia’s role in the Srebrenica genocide. Furthermore, it raised a number of issues regarding Serbia’s responsibility. The tape influenced the Serbian political elite and “provided a stimulus for a more open debate about war crimes committed during the Yugoslav war.”<sup>125</sup>

We will concentrate only on the media frames after the “Scorpions” video, since the frame existing before the tape broadcasting coincides with the media frames produced after the *Krstić* appeals judgment. The video appeared one year after the appeals judgment and immediately before the tenth anniversary of the genocide.

Just one month after the broadcasting of the “Scorpions” video, a commemoration for the tenth anniversary of the genocide in Srebrenica was held in Potočari. The clash between two different ways of perceiving the past in Serbia was evident on many levels. A conference on transitional justice had to be under strong police surveillance; the activist group “Women in black” was attacked with tear gas during their performance at the main square in Belgrade, and billboards with a Youth Initiative for Human Rights campaign “To see, to know, to remember,” dedicated to Srebrenica, were vandalized. On the other hand, President Boris Tadić attended the commemoration in Potočari for the first time.

## The frames after the broadcasting of the video

While keeping the “genocide” frame, *Danas* went even one step further: it harshly criticized the actual Serbian government for the scarce results in dealing with the past, pointing to the chain of command and the relationship between the paramilitary units, VJ and the forces of the Serbian Ministry of the Interior. The same argument had been used in court by the ICTY prosecution in *Milošević*. The daily also touched upon the attempts to relativize and compare the crimes

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125 Zverzhanovski, I. (2007): “Watching War Crimes: The Srebrenica Video and the Serbian Attitudes to the 1995 Srebrenica Massacre”, *Southeast European and Black Sea Studies*, 7(3), 417–430.

committed against the Serbs and Bosniaks: “Can a list of individuals who died during three years of bloody fights be counterweighed by (there is court evidence in four Hague judgements and guilty pleas, whether you like the tribunal or not) a genocide operation that, ten years ago, was carried out in just a few days, with logistical, military and financial aid of Belgrade and citizens of Serbia?”<sup>126</sup> Still, *Danas* claimed “the crime of genocide was committed in Srebrenica in July 1995 by Serbian security forces,”<sup>127</sup> thus accusing the units from Serbia as those solely responsible for the crime. *Danas* emphasized the severity of the crime by invoking stronger adjectives: Srebrenica was named “the most monstrous war crime after the second world war” and the killings from the “Scorpions” video a “cold blooded murder of six Bosniaks from Srebrenica.”<sup>128</sup> The perpetrators were presented as “members of the unit ‘Scorpions’ from the Serbian Ministry of the Interior whose criminal trace spreads all over former Yugoslavia.”<sup>129</sup> The motive for the creation of such a unit was “to kill or persecute non Serb citizens.”<sup>130</sup> *Danas* pointed out that the “Scorpions” group was a mere “executor of commands of bigger beasts or sharks [zveri i zverki].”<sup>131</sup> *Danas* asserted that “the truth about ‘Scorpions’ slaps Serbia in the face, confirming [...] that the main ‘heroes’ of the unfortunate wars of the 1990s were the worst among us.”<sup>132</sup> *Danas’* criticism was also directed against the members of the incumbent government, because, as the newspaper claimed, they had failed to contribute to the process of dealing with the past and had missed the opportunity to pass a parliamentary declaration acknowledging Serbia’s role in the Srebrenica genocide. In order to provide more detailed information, *Danas* published a special issue about the tenth anniversary of the Srebrenica with a series of articles written by prominent experts, activists, and representatives of victims’ organizations, covering the commemoration at the Memorial Centre, and giving victims and civil society actors.

*Politika* adopted a rather unusual strategy of framing the events in Srebrenica. The daily simultaneously produced two different frames that were published sometimes even on the same day. In the first case, *Politika* reproduced the “massacre”-frame and tried to blur who the perpetrators had been, instead

126 *Danas*, 1.7.2004.

127 Bojan Tončić, Početak raspada bratstva po zločinu?, *Danas*, 4.6.2004.

128 *Ibid.*

129 *Ibid.*

130 *Ibid.*

131 Gordana Logar, Začudenost zbog video-zapisa, *Danas*, 6.6.2005.

132 Kapital tuđe krvi, *Danas*, 9.6.2005.

concentrating on victims. For example, after the broadcasting of the “Scorpions” video, the daily reported that the “public was shocked by the video of the monstrous murder of Muslims in Srebrenica”<sup>133</sup> without explaining who had killed them and why. Even when the perpetrators were named “Skorpions,” *Politika* did not explain who they were and what their role and position had been within the hierarchy of the Serbian armed forces. *Politika* also transmitted President Tadić’s statement that “Serbia is shaken today because of the pictures of executions of people of different faith and nationality,”<sup>134</sup> again remaining silent about the causes and consequences of the event. In addition, the readers got the message of Serbs being emphatic with the victims.

On the tenth anniversary of the Srebrenica genocide, *Politika* published articles written by members of the “Srebrenica Historical Project,” an NGO famous for its historical revisionism related to Srebrenica. Under the guise of scientific methods and with the help of carefully selected international experts, this group challenged the number of victims, and even the identity of the perpetrators. In order to give other voices a chance, *Politika* also published a series of articles about the culture of remembrance, written by the most prominent Serbian memory studies scholar, Todor Kuljić.<sup>135</sup>

Descriptions of the events that usually included a declarative statement that crimes were committed in Srebrenica were always accompanied by a “but” which referred to earlier killings (1992–1993) in which Serbs had been the victims. The titles were in line with this, for example “Remembrances of Srebrenica” or “Srebrenica’s anniversaries of death” which used plural and relativized the importance of the events with sentences such as “On Monday is the *main* commemoration for 8000 Bosniaks, and on Tuesday for 3500 Serbian *victims*”<sup>136</sup> or “Their experiences are not less traumatic, the difference lays mostly in numbers.”<sup>137</sup> If we compare articles about Bosniak and Serbian victims, the general linguistic strategies were the following: the perpetrators were hardly ever mentioned Bosniaks had been the victims; if at all, the VRS was mentioned, but without the support and participation of the VJ, whereas for Serbian victims generally “troops led by Naser Orić” appeared as the perpetrators. Thus, in the former case, passive voice was the favorite grammar construction, “i.e. Bosniaks were killed,” but in the latter case, the active voice was preferred in order to put the

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133 B.B., Monstruoazan čin, *Politika*, 3.6.2005.

134 Ibid.

135 The first article appeared on 23 June 2005 and the last one on 15 July 2005

136 D. Kecman, Srebrenički pomenu, *Politika*, 9.7.2005.

137 B. Baković, Srebreničke godišnjice smrti, *Politika* 14.7.2005.

emphasis on the perpetrator. In addition, even though the ICTY characterized the Srebrenica massacre as a genocide, *Politika* quoted from other sources such as the Commission of the Government of Republika Srpska<sup>138</sup> in order to avoid the definition of genocide. The main article about the commemoration framed the massacre as “the worst event in civil war, brought by the traumatic disintegration of the former Yugoslavia: the tragedy of Srebrenica.”<sup>139</sup> There, even the war in Bosnia had become an unidentified evil, a kind of catastrophe.

On the other side, *Politika* created an “almost genocide” frame which basically followed the genocide frame, labelling the crime as a massacre rather than a genocide. It dedicated long sections blaming the perpetrators who were said to have acted in the name of Serbia. *Politika* often mentioned the causes of the killings and gave victims considerable space: “Brutally real scenes of executions are not a product of Hollywood or some other ‘dream factory’, they are, unfortunately, rude, cruel, bestial murders that some Serbs committed against some people from Srebrenica because the latter were not Serbs.”<sup>140</sup> *Politika* wrote, assuming “the public in Serbia is shocked because it is finally convinced that somebody in uniform and with Serbian signs committed atrocities.”<sup>141</sup> However, there was no direct acknowledgment of the relationship between the paramilitary units and Serbian institutions, and *Politika* also failed to mention that people from Srebrenica had been unarmed civilians. In other articles, *Politika* put Serbia in connection to the crime in Srebrenica, while describing the “Scorpions” video as the “first publically exposed confirmation of the involvement of Serbia.”<sup>142</sup> Many media outlets had already framed the genocide in Srebrenica in one way or another, but it was the “Scorpions” video which abolished the “denial”- frame from the mainstream media. In an article from June, one could read: “If the tenth anniversary of Srebrenica constitutes an occasion for Serbia to seriously face sufferings and crimes of the Milošević [regime, A.L.] [...] than the video testimony about ‘knights killing tied and hopeless young men from the back’<sup>143</sup> should be a real challenge to [...] speak about the core dilemma: whether and in what kind of war did Serbia, or some of its state structures, engage in the war and perpetrated crimes.” Moreover, “a new, maybe even more fatal mistake

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138 The full text of the 2004 report is available here: [http://pescanik.net/wp-content/PDF/srebrenica\\_knjiga.pdf](http://pescanik.net/wp-content/PDF/srebrenica_knjiga.pdf)

139 M.M., Srebrenica, *Politika*, 12.7.2005.

140 B.B., Brutalna stvarnost, *Politika*, 4.6.2005.

141 Ibid.

142 Danka Dragić, Ubitačan dokaz zla, *Politika*, 4.6.2005.

143 Ibid.

would be to run away from determining the complete truth about the possible involvement of the Serbian police, army and security services, and consequently the entire state.”<sup>144</sup> Finally, *Politika* tried to dismiss the “revenge”- frame and recalled the crimes committed in the name of Serbia which could not be excused because of events, in which Serbs were the victims. In an article titled “Buried crimes,” the author warned that declaring crimes “general and relative [is a strategy of] avoiding political, legal and moral responsibility of the state and the society for crimes committed on behalf of them.”<sup>145</sup> The narrative accepted within the society was, thus, also dual: “the minority does not have any doubts vis-à-vis the role of the state in the committed crimes [and the, A.L.] majority supports the thesis that individuals committed murders, so Serbia and its citizens do not have anything to do with it.”<sup>146</sup> Still, messages like “so, Serbs *also* committed most horrible crimes”<sup>147</sup> assumed that, of course, the other warring parties had committed horrible crimes, too. Hence, after the “Skorpions” video, *Politika*’s relativization strategy became more subtle.

*Vreme* stuck to the “genocide”- frame after the broadcasting of the video, but did not do much to remind its readership of the genocide. Instead, the weekly gave more space to victims, and to promoting the process of dealing with the past in Serbia. An article from June 2005, titled “Srebrenica for dummies/beginners”<sup>148</sup> deplored “the apparent lack of understanding in Serbia of what happened there [in Srebrenica, A. L.]”<sup>149</sup> *Vreme* was anxious about a possible polarization in Serbia, citing a right wing student round table which “tried to negate and celebrate the most bloody crime in the Yugoslav wars,” but also reminded of the initiative of several NGOs for a “Declaration on the protection of the victims of war crimes,” urging the Serbian parliament to “discover and punish every ideological excuse for the crimes” and to “respect the judgements which clearly defined the character of the crime committed in Srebrenica as genocide.”<sup>150</sup> *Vreme* gave an overview over the entire war events in Srebrenica, including the crimes against the Serbs, using the same frame the ICTY had put forward in its numerous cases related to Srebrenica. *Vreme* wanted to underline that “the essence of the story of the massacre in Srebrenica is irrefutable, and whatever attempt of silencing,

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144 Ibid.

145 Ivan Torov, *Zatrpavani zločini*, *Politika*, 12.6.2005.

146 Ibid.

147 Ivan Torov, *Vitezovi ubijaju s ledja*, *Politika*, 5.6.2005.

148 Dejan Anastasijević, *Srebrenica za početnike*, *Danas*, 2.6.2005.

149 Ibid.

150 Ibid.

relativization or denying will not suspend or change it.”<sup>151</sup> *Vreme* was the only media outlet to dedicate the entire front page to the “Scorpion” video, with a snapshot of the captivated Bosniak young man, commenting that “the shocking video from Trnovo is just a part of a sad story about the role of Serbia in the war in which it never took part.”<sup>152</sup> Once more, *Vreme* deplored that “the only way to speak about Srebrenica today [...] is by not talking about it - but about what caused it, what created it.”<sup>153</sup>

The commemoration of the genocide in Srebrenica was a central topic in *Vreme*. The paper focused on the victims, believing that the discourses of the various delegations “do not mean anything to these people [the victims, A.L.]”<sup>154</sup> *Vreme* recalled that the international community was to be blamed for not protecting the people who sought help in 1995 from VRS under the command of Ratko Mladić.

*NIN* kept its “relativization” - frame, but at the same time invoked arguments relativizing the killings in Srebrenica. The paper’s strategy after the “Scorpions” video, and after the further development of other ICTY Srebrenica cases remained the same as before. It alleged the purpose of the ICTY and the entire international community was to “shake the world audience which started to talk about the Serbs in the same way as in 1999, when the NATO aggression on Serbia needed to be justified.”<sup>155</sup> *NIN* contemplated, whether it was “good for Serbia to admit guilt for crimes committed by individuals,” as some NGOs had urged.<sup>156</sup> The paper also downplayed the severity of the crimes committed in Srebrenica and framed them as acts of individuals. From this standpoint, it rejected a declaration on Srebrenica ahead of the tenth anniversary of the massacre. The journalists argued: “it is far from proven that units of VJ or MUP Serbia participated in the genocide.”<sup>157</sup> The ICTY genocide finding was explained away as a “creative approach” of the judges.<sup>158</sup> *NIN* warned Serbia not to admit its role as an organizer of the crimes in Srebrenica because it could harm Serbia’s

151 Ibid.

152 Dejan Anastasijević, Tragovima Škorpiona, *Vreme*, 9.6.2005.

153 Teofil Pančić, Znanje-imanje, bratstvo - ubistvo, *Vreme*, 9.6.2005.

154 Slobodanka Derić, Srebrenica, deset godina posle, *Vreme*, 14.7.2005.

155 Dragan Bujošević, Srebrenica krv i pepeo, *NIN*, 16.6.2005.

156 Ljiljana Smajlović, Srebrenica kao sudbina, *NIN*, 2.6.2005.

157 Ibid.

158 Ibid. The word creative is used because of the ICTY’s interpretation of the legal definition of the genocide.



defense in the case before the ICJ. It is worth mentioning that these arguments did not involve a clear-cut negation of Serbia's involvement in Srebrenica.

### c) *The BiH vs. Serbia genocide case before the ICJ*

On 20 March 1993, Bosnia and Herzegovina filed an application against the FRY before the International Court of Justice (ICJ) regarding the application of the Convention on the Prevention and Punishment of the Crime of Genocide. The lawsuit triggered debates about the individualization of guilt and possibilities of holding an entire country (and nation) guilty of internationale crimes. The court confirmed its jurisdiction over the matter in 1996. In spring 2006, BiH and Serbia presented their arguments before the ICJ in the so-called genocide case. Serb newspapers were eager to demonstrate their neutrality and lack of bias by almost exclusively quoting arguments presented by the legal teams. This strategy was understandable, because the parties in the case were states and the difference between “collective responsibility” and “collective guilt” was almost inexistent in the understanding of the wider public.

After one year, on 26 February 2007, the ICJ rendered its decision in the *BiH vs. FRY* case. The court ruled that Serbia has not committed genocide, nor was complicit in it. However, Serbia had violated its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide having failed to prevent genocide in Srebrenica in July 1995 and having failed to transfer General Mladić to the ICTY.

For the period before the ICJ judgment the frames were the same as those analyzed after the “Scorpions” video. The frames after the ICJ ruling will be analyzed in the following subchapters.

### **The frame of the judgment**

The international Court of Justice concluded that Serbia did not commit genocide, did neither conspire to commit genocide, nor incite the commission of genocide and was not complicit in genocide.<sup>159</sup> However, “Serbia has violated the obligation to prevent genocide, [...] in respect of the genocide that occurred in Srebrenica in July 1995”<sup>160</sup> as well as the obligation to transfer Ratko Mladić to the ICTY. Even though the ICJ rejected the claim of BiH that the genocide

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159 ICJ press release: <http://www.icj-cij.org/docket/index.php?pr=1897&code=bhy&p1=3&p2=3&p3=6&case=91&k=f4>

160 Ibid.

was perpetrated on various locations in Bosnia and Herzegovina, it did confirm that throughout BiH mass killings were perpetrated during the conflict. In addition, the ICJ adopted the ICTY's findings from the Krstić and Blagojević cases and concluded that "the Bosnian Serb forces killed over seven thousand Bosnian Muslim men following the takeover of Srebrenica in July 1995."<sup>161</sup> According to the ICJ, it were the General staff of the VRS who had the intent to destroy in part the group of Bosnian Muslims "and that accordingly acts of genocide were committed"<sup>162</sup> in Srebrenica. The role of Serbia in the genocide was presented under a rather complicated legal reasoning which was later subject to (mis) interpretations in the media and political sphere. The court could not establish whether the massacres "were committed on the instructions, or under the direction"<sup>163</sup> of Serbia (at the time FRY) nor whether Serbia exercised effective control over the operations. The ICJ did confirm the general policy of aid and assistance between Republika Srpska and Serbia, but "it has not been conclusively established that, at the crucial time, the FRY supplied aid to the perpetrators of the genocide in full awareness that the aid supplied would be used to commit genocide."<sup>164</sup> Moreover, the ICJ proved that the FRY had been in a position of influence the Bosnian Serbs who had devised and implemented the genocide in Srebrenica and that the authorities in Belgrade had been aware of a serious risk of genocide to be committed. These conclusions were in sharp contrast with many of the frames created by the media in Serbia. Finally, the Court advised Serbia to issue a declaration admitting its failure to prevent genocide, but did not grant BiH's request for reparation.

### Media frames after the ICJ judgment

After the ICJ judgment, *Danas* had to step back: while conserving the genocide frame, it stopped to accuse Serbia for its role in organizing the massacre. Although the verdict could have been interpreted as positive for Serbia, *Danas* warned that "Serbia was not proclaimed innocent. Bosnia and Herzegovina did not get the aureole of a hopeless victim. In other words, the guilt for three and a half years of suffering is not to be assigned only to one side."<sup>165</sup> Yet, looking outside the legal reasoning, the daily claimed that "humanely speaking, it is not a great comfort

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161 Ibid.

162 Ibid.

163 Ibid.

164 Ibid.

165 Zločin i kazna, *Danas*, 27.2.2007.

if - either an individual or a state - is designated as the one who could, but did not prevent a cruel killing of even one man.”<sup>166</sup> This conclusion tried to rule out any possible speculation about the Serbian non-involvement or innocence regarding the Srebrenica killings. *Danas* also paid a lot of attention to the political elite’s reactions and the way its members distanced themselves from the Milošević regime. *Danas* published an article written by the former ICTY President who tried to explain the reasoning of the ICJ. Antonio Cassese noted that “this is one of the court verdicts which tries to give something to everybody and leave the things as they were.”<sup>167</sup> The author criticized the court’s requirement to find a specific “instruction” which the Serb authorities would have to give to Mladić in order to identify Serbia as the instigator of the crime. “Obviously, no such instruction would ever be found.” Cassese wrote, “that is why it is not enough to say that Serbia financed and paid the military leadership of the Bosnian Serbs.”<sup>168</sup> This article can be interpreted as an explanation why *Danas* had a harsher attitude towards the Serbian regime from the 1990s than the ICJ – because it looked beyond the strict legal definitions and adopted a political and historical interpretation of the Srebrenica massacre. Finally, “the massacre was prepared in detail and was carried out within six days (between 13 and 19 July). Was it credible that Serbian authorities remained in the dark while the killings were perpetrated and while the world media reported on them? It seemed far more realistic to believe that Serbian leaders were informed about the events and that nevertheless military, financial and political support to Mladić was never interrupted.”<sup>169</sup> Thus, *Danas* continued to speak about the role of Serbia, but more in a form of questioning and expressing doubt regarding the court’s decision. In addition, the paper referred to the discourse in the Serbian public according to which the international community (and consequently the ICJ) were judging the Serbian people. *Danas* expressed its complete disagreement with this approach: “putting an equation mark between people and the state is a bad and ignorant way of thinking of all those who interpret decisions of the ICJ as a judgement about a people. Thus, neither a conviction nor an acquittal is a trial against the nation.”<sup>170</sup>

Once the ICJ judgment was issued, *Politika* decided to adopt a milder line regarding the responsibility of the Serbian forces during the genocide in

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166 Ibid.

167 Antonio Cassese, *Sudski masakr Srebrenice*, *Danas*, 28.2.2007.

168 Ibid.

169 Ibid.

170 Borka Pavićević, *Munira i Stojanka*, *Danas*, 28.2.2007.

Srebrenica. It abandoned the “almost genocide”- frame and continued to publish under the “massacre”- frame. With the headline “Serbia freed from genocide accusation,” *Politika* wrote about the relief in Serbia, “because here there was a fear about a much severer verdict” and it noticed that “the discontent in the Bosnian capital is huge.”<sup>171</sup> Almost all the articles mentioned already in the title what Serbia had not done: “Rejected the Bosniak thesis about the Serbian aggression,” “The burden of genocide lifted,” “Judgement negates the story of genocide.”<sup>172</sup> Even the order of the words served the same purpose. The daily underlined that the ICJ ruled out the existence of an FRY intent about a partly or complete extermination of the Bosniak population. *Politika* observed that “the important part of the ICJ judgement is the statement that Belgrade was not informed about the plans the VRS had for Srebrenica.”<sup>173</sup> The verdict could not prove that the “Scorpions” unit were under effective control of the VJ. This was an important finding as it changed the direction of the discussion triggered by the video of the killings performed by this paramilitary unit. The possibility of a more systematic approach to dealing with the past and the acknowledgment of the crimes was suddenly reduced to lone acts of lunatics who were standing outside the responsibility of the state. Consequently, instead of opening a serious debate about war crimes and collective responsibility, a negative shift took place, slowly closing the discussion, as a headline appearing in *Politika* on 28 February indicated: “The end of an unfortunate era.”<sup>174</sup>

Even though the ICJ characterized the killings in Srebrenica as a genocide, *Politika* was reluctant to do so. This media outlet admitted that “for the rest of the world it [the Srebrenica massacre] will always be a genocide”<sup>175</sup>, hence implying that in Serbia it would be interpreted differently. *Politika* identified the perpetrators in the following sentence: “The crime in Srebrenica was committed by Serbs, individuals, from the other side of the Drina, and Serbia was not complicit, says the court.”<sup>176</sup>

In order to explain and interpret the ICJ judgment, *Politika* published, in July 2007 – before and after the genocide commemoration, a large feuilleton about the process. *Politika* made a selection of the material presented before the ICJ, however this selection was limited to documents presented by the Serbian

171 Jelena Cerovina, Srbija oslobođena optužbi za genocid, *Politika*, 27.2.2007.

172 All the articles appeared on 27.2.2007.

173 “Neuverljiva” optužba protiv Miloševića, *Politika*, 28.2.2007.

174 B.M., Kraj nesrećne epohe, *Politika*, 28.2.2007.

175 Ljiljana Smajlović, Haška presuda, *Politika*, 27.2.2007.

176 Ibid.

Government, and to these parts of the judgment in which Serbia was exonerated. In addition, the daily published excerpts of the dissenting opinion of judge, Leonid Skotnikov, who disagreed with the qualification of Srebrenica as a genocide. Thus, despite trying to present an objective picture about the process, the mere selection of the documents was biased. For example, *Politika* denounced a media report presented by BiH in court which proved an alleged agreement between the VRS general Ratko Mladić and the VJ general Momčilo Perišić as “a misinterpreted statement.”<sup>177</sup> “Without inflating the number of victims, the accusing state could not prove the necessary elements of the genocide which are regulated in the [Geneva] convention.”<sup>178</sup> Several times, the newspaper argued that the war had caused victims in all ethnic communities, relativizing the fate of Bosniaks as the only victims of genocide.

*Vreme* has kept the “genocide” frame despite the ICJ judgment and outlined all the counts on which Serbia was found guilty. Without first mentioning that Serbia was “found innocent” or “freed of genocide charges,” as majority of the mainstream media did, *Vreme* argued that “it is a fact that Serbia will always judicially remain the first (and so far the only) state that was found guilty of not preventing genocide, and failure to punish the perpetrators.”<sup>179</sup> *Vreme* recalled that Serbia had an influence over the Bosnian Serbs, in matters pertaining to the police, the army and the financing of the Bosnian Serb part of the country, and that it had had information that a genocide might happen.

*Vreme* sometimes went beyond the judgment, in order to touch upon social or political aspects of the Serbian involvement. “When it comes to war damage, it is clear that going back to the previous situation is impossible: there is no way to make alive 200,000 victims in BiH<sup>180</sup>, and as a direct relationship between the government in Belgrade and the perpetrators of the crimes in BiH is not proved legally, the ICJ decided that there would be no financial reparation.” The paper wrote about the “Scorpions” unit: “It is true that the ICJ did not get the proof

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177 Srbija pred Međunarodnim sudom pravde, *Politika*, 13.7.2007.

178 Srbija pred Međunarodnim sudom pravde, *Politika*, 14.7.2007. The argument was apparently misplaced, because genocide is defined in the Convention for the Prevention and Punishment of Genocide and not in the Geneva Convention (which defines war crimes and regulates the conduct of belligerents in a war) and the number of victims is almost irrelevant for establishing, whether a genocide took place or not.

179 Tatjana Tagirov, Neslavan ulazak u istoriju, *Vreme*, 1.3.2007.

180 It is not known from where that number was quoted. According to the Research and Documentation Center Sarajevo (IDC) the number of victims in the BiH war is 97.207.

that this unit, like every other ‘paramilitary’ (not only in Serbia), was organised by the state, it is true that the domestic judiciary had the same opinion, but it is a fact that the ‘Scorpions’ - according to their own acknowledgement - were founded by the State security and Jovica Stanišić.”<sup>181</sup> This way the weekly went further than the ICJ in claiming the involvement of Serbia in the genocide of Srebrenica.

*Vreme* also wrote extensively on media reporting and public perceptions of the Srebrenica genocide and concluded that “due to the conspiracy of silence, those who believe that there are almost 8000 victims of the Srebrenica massacre are still rare.”<sup>182</sup>

Contrary to *Vreme* after the ICJ judgment, *NIN* went back to the “conspiracy theory” frame, but adding new theories: the process held before the ICJ had been an attempt of BiH to accuse Serbia for the non-existing genocide, in order to dismantle the second entity in BiH – Republika Srpska. *NIN* underlined the acquittal of Serbia on the genocide count: “Serbia did not commit genocide, as we knew it already, but now we have it in writing, too.”<sup>183</sup> The weekly did not reject the Serbian involvement in the war, and that can be interpreted as an influence of the international tribunals: “The war in Bosnia was a civil war in which every ethnic community [...] fought against the other [...] It is true that the neighbouring countries, including the accused Yugoslavia/Serbia could not have a clear consciousness, but from that point to conviction for genocide the difference is exactly the one stated by the ICJ.”<sup>184</sup>

Rather than going back to the war events, *NIN* concentrated on the significance of Srebrenica for BiH: “Srebrenica and the ‘genocide’ became a myth which is not unusual and can be understood, the problem is, though that the national mythology and ICJ stand in different systems of reference.”<sup>185</sup> *NIN* judged the label of genocide in Srebrenica to be “problematic,” as its “territory of reference” was too narrow.<sup>186</sup> Thus, according to *NIN*, if it was not for the BiH nation building process, Srebrenica would remain just another crime in the Yugoslav wars of the 1990s. Finally, Belgrade even could gain a profit from the ICJ as it “abolished the stereotype according to which Serbia had the role of a murderer and aggressor in Bosnia” and even “opened the possibility for Serbia to present

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181 Ibid.

182 Slobodan Kostić, *Slepo oko*, *Vreme*, 8.3.2007.

183 Srboljub Bogdanović, *Caga*, *NIN*, 1.3.2007.

184 Ibid.

185 Ibid.

186 Gorislav Papić, *Odbrana na drugoj liniji*, *NIN*, 1.3.2007.

itself as a victim of ugly and untrue accusations which caused much damage to it.”<sup>187</sup> *NIN* concluded that the trial was “among other things, also a struggle for the history writing.”<sup>188</sup>

### **The impact of the ICTY on media frame shifts**

In the Serbian official discourse, the war in Bosnia was, for many years, detached from Serbian involvement, and the Milošević regime never took responsibility for it. After the regime change in 2000, this approach was replaced by plurality of interpretations which were shaped by party politics and ideological divisions.

The Srebrenica case saw many former political and military leaders face the trial before the ICTY. The Tribunal indeed was an important factor of change when it comes to media frame shifts regarding the Srebrenica massacre. The biggest potential for a change was certainly given through the “Scorpion” video. However, the discussion the video triggered was soon dropped out of media focus and a lot of what had changed after this video was reshifted with the ICJ decision. Nevertheless, the ICTY did not manage to initiate the creation of a “genocide” frame in more conservative outlets, and the Parliamentary declaration on Srebrenica moved that agenda even further away, as will be shown in the following chapter.

### **Institutional narratives about the war**

Political elites continuously express their visions of history during political rallies, commemoration practices, and electoral campaigns, but official versions of the past events can also be found in numerous documents produced by the government. In this section, we will analyze some of the documents related to 1991–1995 wars that were triggered by the ICTY judgments, changes in policies of facing the past or by the local political interests. The focus of this analysis are thus, once again, representations of the war events and not the real facts.

Some of the statements found during the course of our analysis politically instrumentalize history or contradict verdicts of highest international legal bodies like the International Court of Justice (ICJ) or the ICTY. Dejan Jović accurately notes that the international tribunals “are [...] seen as the main threat to the process of writing history by Ourselves.”<sup>189</sup>

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187 Srbojjub Bogdanović, *Caga*, *NIN*, 1.3.2007.

188 Gorislav Papić, *Odbrana na drugoj liniji*, *NIN*, 1.3.2007.

189 Jović, D. (2012): “The War that is not allowed to be forgotten: Nationalist discourse on the Homeland War (1991–1995) in contemporary Croatia,” *Suedosteuropa Mitteilungen*, 52(03), 52–69.

In Serbia, the narrative about the war concentrated on defensive elements, presenting the war as something that had been opposed on Serbia against its will. Therefore, the state policy towards the process of dealing with the past was concentrated on forgetting and denying. For example, the government denied for a long time that the Serbian Army had been present in and instead blamed only the Army of Republika Srpska for its involvement in the war. The consequence of this narrative was the absence of declarations or documents praising military operations, opposite to Croatia, whose governments and veterans could openly show their pride about won battles and victorious units.

Nevertheless, after Milošević's regime was overthrown and the state control over media was lifted, multiple voices about the past war crimes started to spread in the Serbian public sphere. The Srebrenica genocide could not simply be ignored anymore. Several NGOs gathered around the topic of dealing with the past and started campaigning for broader discussions about the past atrocities committed in the name of or simply by the Serbian state. This intensified after the "Scorpions" tape, after which the NGOs asked the parliament to adopt a resolution acknowledging the Srebrenica genocide. Another appeal to the parliament was done after the decision of the ICJ in the *BiH vs FRY* case, when Serbia was cleared from direct responsibility and involvement in the Srebrenica genocide, but failed to prevent the genocide and to bring perpetrators to justice. As a consequence of all these initiatives, coming mostly from the civil society, in 2010 the Serbian parliament adopted the Declaration on Srebrenica after many MPs confrontation. However, the Parliament failed to name Srebrenica a genocide; instead, it referred to it as a "severely condemned crime committed against Bosniak population in Srebrenica on July 1995." Discussions that took place during the debate on the declaration resulted in confronting the genocide in Srebrenica with the war crimes committed against Serbs in the nearby municipality of Bratunac. This relativization of guilt, made the Srebrenica events look like a consequence of the atrocities perpetrated by the Bosnian Army units in Bratunac. Consequently, the Serbian political elite and public opinion were deeply divided regarding this issue. While the Serbian President, Boris Tadić, attended the tenth anniversary commemoration of the Srebrenica massacre on 11 July 2005, the leaders of the second most important party, the Serbian Radical Party attended the commemoration in Bratunac.

In addition, the adoption of the Declaration on Srebrenica increased requests for condemning crimes committed against members of the Serbian nation and citizens of Serbia. Therefore, on 14 October 2010, the Serbian Parliament adopted another declaration, this time addressed to the Serbian nation. This declaration "invited parliaments of other countries, and primarily countries from



the territory of the former Yugoslavia, to condemn those crimes (against Serbs) and give full support to their states' institutions and international institutions in processing perpetrators and to [...] pay respect to Serbian victims.”

At the regional level, in Serbia's north province of Vojvodina, two declarations were issued by its Parliament. One was related to the cooperation with the ICTY, while the other again “condemns crimes against members of the Serbian nation on the territory of the former Yugoslavia.” This Declaration was initiated by the Serbian Progressive Party after the acquittal of two Croatian generals, Ante Gotovina and Mladen Markač, at the ICTY for crimes committed during the Storm operation. Even though, all the MPs in the Parliament of Vojvodina were in favor of the declaration, it had to be amended in order to contain the clause of “expressing grief to victims, members of all the other nations, and condemns crimes committed against them.”

## Conclusion

This chapter analyzed two case studies in order to show the change of media frames regarding the Serbian perceptions of the conflict in Bosnia and Croatia, potentially triggered by International tribunals. From the initial denial or disinterest in writing about and acknowledging war crimes, we witness how media start to deal with the topic more accurately. The analysis of media frames and discourses about the war in Croatia and Bosnia and the role of Serbia<sup>190</sup> played in the conflict can be described as a long way from denial to awareness and acknowledgment of the crimes committed by the JNA with the help of a number of paramilitary units orchestrated from Belgrade.

The Vukovar Hospital case dealt with the war crimes committed in Croatia and with the role of the JNA and paramilitary units in the attacks on Vukovar. The media framing ranged from a “liberation” to an “aggression” frame, including the “fall” frame which represented the surrender of Vukovar to the JNA forces. We have shown that some frame changes were the result of regime change and the shift in the discourse regarding the war in Croatia. Nevertheless, we have also noticed changes that are due to ICTY decisions and they are reflected mostly as gradual changes of certain frame elements. Finally, the role of the JNA is clearly

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190 In 1991, Serbia was officially part of the Socialist Federative Republic of Yugoslavia, became member of Federal Republic of Yugoslavia in 1992 which in 2003 changed into the State Union of Serbia and Montenegro, and finally became independent under the name of Republic of Serbia in 2006.

represented by most of the media, a fact which clearly followed the conviction of two high-profile military officials such as Mrkšić and Šljivančanin by the ICTY.

The process of media frame shifts was more dynamic in the other case study – the Srebrenica genocide. Not only media outlets were changing their frames, but there was a sharp difference in reporting from independent or conservative newspapers. From almost total denial, fought by some very lone voices in the 1990s, the reporting about the Srebrenica genocide and the role Serbia held during the war in Bosnia has changed gradually. Nevertheless, the greatest potential for a sustainable shift after the broadcasting of the “Scorpions” video in 2005 was neutralized by the ICJ judgment which freed Serbia from the BIH genocide charges, although convicting it for a failure to prevent the genocide in Srebrenica. This eventually led to the establishment of media frames in which the VRS and separate paramilitary units are blamed for the Srebrenica massacre and an overall relativization of the role of Serbia in the conflict in Bosnia, claiming that there in fact was no involvement.

Ana Ljubojević

## Croatia: the framing of the Homeland war

This chapter deals with the potential effects of the ICTY's work on media frames in Croatia concerning the conflict in the former Yugoslavia during the 1990s based on two case studies.

The Republic of Croatia declared its independence in 1991. Croatia obtained international recognition in January 1992 and defended its sovereignty by winning the 1991–1995 war. The symbolic meaning of the “Homeland War” (*Domovinski rat*), as it is called in Croatia, is an important milestone of the Croat grand narrative and of the entire nation-building process and constitutes the overarching of the frames of a major part of mainstream media outlets. The Croatian armed forces fought on the territory of present-day Croatia and in Bosnia and Herzegovina. The war in Croatia broke out after attacks of the Yugoslav People's Army (*Jugoslovenska narodna armija*, JNA) which backed rebel Croatian Serbs from the Republic of Srpska Krajina (*Republika Srpska Krajina*, RSK)<sup>1</sup>; consequently, Croatia was defending its territory during the conflict. In Bosnia, on the other hand, the role of Croatia was twofold: Croatian forces collaborated with the Army of the Republic of Bosnia and Herzegovina (*Armija Republike Bosne i Hercegovine*, ARBiH) against the Army of Republika Srpska (VSR), but were also involved in the Croat-Muslim war between 1992 and 1994.

We have selected two key ICTY trials for the analysis of media frames: the *Gotovina et al.* and the *Blaškić* case. The Croatian generals Ante Gotovina, Mladen Markač, and Ivan Čermak (*Gotovina et al.*) were tried before the ICTY for the crimes committed during and after the Operation “Storm,” a military operation that secured the Croatian victory in the Homeland War. The same tribunal adjudicated General Tihomir Blaškić for the crimes committed in Bosnia by Croatian Defence Council (*Hrvatske Vijeće Obrane*, HVO). The choice of the Gotovina trial is almost self-explanatory: it was the only trial held before the ICTY for war crimes committed during and in the aftermath of the Operation

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1 Prior to the creation of RSK, there were three separate self-proclaimed and internationally not recognized territorial units: the Serbian Autonomous Area (*Srpska autonomna oblast*, SAO) Krajina, SAO Eastern Slavonia, Baranja, and Western Syrmia (*Istočna Slavonija, Baranja i Zapadni Srem*) and SAO Western Slavonija (*Zapadna Slavonija*). They united into RSK at the end of 1991.

“Storm” and also the only one against Croatian nationals for crimes committed on the Croatian territory.<sup>2</sup> On the other hand, Blaškić’s indictment was the first against any member of the Croatian military forces and his high military rank boosted public interest for the trial. Those two cases carried a strong potential for both a political and media frames change, as they challenged dominant perceptions of the conflict: the first case against the crimeless nature of a defensive war, and the second one against the silence surrounding the Croat-Bosniak conflict. Moreover, in both trials, there was a U-turn from trial to the appeals judgment (Blaškić was sentenced first to 45 years which the appeals judgment diminished to 9, granting the ex-colonel with the early release, whereas Gotovina and Markač were sentenced to 24 and 18 years respectively, and were acquitted in the appeals judgment) which could certainly alter media frames before and after major milestones of the cited judicial processes.

In order to measure the impact of International Criminal Tribunals, in particular the ICTY for this case study, it was analyzed how the underlying conflict was framed and changed over a determined period of time. As a starting point, this research observed the frames about the war before the issue of an ICTY indictment. Further it analyzed whether the media frames of the conflict were subject to a change after the indictment was made public. In order to measure frame shifts, as in all other chapters, ten articles before and 10 after each ICTY decision that is analyzed were selected. However, the selected weeklies sometimes were exempt from the ten articles rule, usually due to a smaller number of published articles. Still, the content of magazine articles was often longer and the position of the given media, and consequently the frame was more clear. In order to determine media frames of each outlet, strategies of repeating or developing frame elements throughout the observed time period were tracked. Similarly, possible shifts in media frames after trial’s chamber judgment and Appeals judgment were observed. Finally, this research concentrated also on parliamentary declarations which were triggered by the Gotovina et al. and Blaškić trial, as they might have an impact on the establishment or shifts of media frames.

## Media outlets in Croatia

The time period analyzed in this chapter spans almost over the entire life of the contemporary independent Croatia. The research question concerning the

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2 The trial against Mirko Norac and Rahim Ademi, both generals of the Croatian Army, for crimes in the Medak pocket was transferred to the Croatian judiciary and was held before the Zagreb district court.

change of the media frames about the war cannot be detached from the changes in editorial policy/ownership/ideology of the primary source of our analysis, the print media. This section will give an overview of each media outlet whose articles are analyzed in this chapter. Even though the two cases which were subject of this chapter do not overlap much in time, common media outlets were used for the analysis.

In order to observe the frame changes about the conflict, but also about the specific crime or alleged perpetrator, media reports of four dailies and two weeklies are analyzed. This includes the major national daily newspapers *Jutarnji list*, *Večernji list* and *Vjesnik*, and also one regional, *Slobodna Dalmacija*. Regional newspapers are particularly interesting because of the voices of the victims and victims' organizations. Crimes considered in the *Blaškić* case were perpetrated on the Bosnian territory, but the Croatian media outlets were also not only read by the Bosnian Croat community, but also addressing them. On the other hand, crimes described in the *Gotovina et al.* case were committed in the region of Dalmatia which brought *Slobodna Dalmacija* in focus of this research. Despite its major share of audience, *24 sata* was not included into this research, mainly because of its tabloid content, but also because of its recent appearance in the Croatian media space (2005).

In the 1990s, *Večernji list* was under effective control of the President Franjo Tuđman and his ruling Croatian Democratic Union (*Hrvatska demokratska zajednica*, HDZ) even though the newspaper was privatized under the Law on Privatization (1992). Until 2000, when the Austrian company Styria purchased *Večernji list*, the daily was under the direct influence of HDZ and was a "good representative of the official views of Croatian politics."<sup>3</sup> Currently, *Večernji list* is a conservative, rather right-wing tabloid read by lower educated and older readership.

The political daily *Vjesnik* was one of the most prominent dailies in the socialist Yugoslavia. Ever since 1990, *Vjesnik* became a "de facto government bulletin"<sup>4</sup> and was still regarded, despite the small number of sold copies, as a serious, traditional, conservative Croatian daily. The change of the government in 2000 has been visible notably in *Vjesnik* which was affected by the de-Tuđmanization of the Croatian public discourse. Apart from this short period in 2000, *Vjesnik*

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3 Kolstø, P. (ed.) (2009): *Media discourse and Yugoslav Conflicts. Representations of Self and Other*, Farnham: Ashgate, XXX.

4 de Prato, S. (2013): *Print Media in Croatia - Destroyed by Tabloidisation and De-Professionalisation*, Heinrich Böll Foundation, available at: [https://eu.boell.org/sites/default/files/uploads/2013/12/print\\_media\\_in\\_croatia.pdf](https://eu.boell.org/sites/default/files/uploads/2013/12/print_media_in_croatia.pdf)

always adopted to the conservative ideology. Until 2012, when it ceased to exist, *Vjesnik* was owned by the Croatian state.

When *Jutarnji list* appeared on the market in 1998, its language differed from the nationalist and conservative mainstream such as *Večernji list* or *Vjesnik*. Its owner, the Europapress Holding (EPH) strove for a daily that would position itself more to the left leaning part of the political spectrum, but the paper later took a neoliberal position.<sup>5</sup> The need to please the market drove *Jutarnji list* furthermore towards sensationalist headlines, thus the daily was often being accused of an “ever-faster tabloidisation of the Croatian daily press.”<sup>6</sup>

Despite having a regional dominance in the region of Dalmatia, *Slobodna Dalmacija* enjoyed widespread popularity in the former Yugoslavia, and was proclaimed the best edited newspaper in 1990.<sup>7</sup> Until the end of 1992, this daily managed to keep its independence, but later on fell under direct control of the HDZ. *Slobodna Dalmacija*'s satirical supplement *Feral Tribune* then became an independent weekly, with a strong anti-nationalist ideology, opposite to the mainstream one promoted by the HDZ. After the daily was privatized in 1993, it changed its editorial policy towards a more patriotic journalism, sometimes even more explicit than in other, state-controlled media. By the end of the 1999, *Slobodna Dalmacija* became once again state owned. Finally, after another privatization affair, *Slobodna Dalmacija* was officially sold to the EPH.<sup>8</sup>

The majority of the weekly political press in Croatia media market had center-left to radical-left position. Right wing ideology weeklies occupied only a marginal position in Croatian media landscape. The currently leading political weekly *Globus* was first imagined as a tabloid, but later turned towards investigative journalism. Although *Globus* was often critical towards the ruling elites, it was much milder than the satirical weekly *Feral Tribune*.

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5 De Prato (2013), Ibid.

6 Ibid.

7 Jusić, T., Popova, V., Malović, S., Šmíd, M., Paju, T. & Trpevska, S. (2004): *Media ownership and its impact on media independence and pluralism*. Ljubljana: Peace Institute, Institute for Contemporary Social and Political Studies, available at: <http://www3.mirovni-institut.si/wp-content/uploads/2015/02/media-ownership-and-its-impact-on-media-independence-and-pluralism.pdf>

8 Popović, H. (2014): *Media integrity in Croatia: Interplay of political and economic power left only few critical voices*, Media Observatory, available at: <http://mediaobservatory.net/radar/media-integrity-croatia-interplay-political-and-economic-power-left-only-few-critical-voices>

Finally, *Feral Tribune* was first time published in the mid-eighties as a weekly supplement of *Slobodna Dalmacija*, but became an independent weekly in 1993 after the already-mentioned structural changes within *Slobodna Dalmacija*. *Feral Tribune* covered topic usually silenced in other state-controlled media, especially regarding war crimes perpetrated by the Croatian army, or the Croatian involvement in Bosnia during the Homeland War. *Feral* tribune suffered many legal and financial obstacles and was “a good example of the battle which that independent media had to cope with in a post-socialist context.”<sup>9</sup> Due to financial problems and boycott from advertisers, *Feral Tribune* was closed down in 2008.

### a) The *Blaškić* case

In the eve of the breakup of Yugoslavia, at the first multiparty elections in Bosnia, Bosnian Croats voted mostly for the HDZ BiH which had strong connections and de facto was subordinated to the party HDZ headquarter in Zagreb and consequently to the party president and Croatian President Tuđman. After the beginning of the war in Croatia, Bosnian Croats founded the so-called Croat Community of Herceg-Bosna, and consequently, although formally respecting the BiH institutions, mobilized for the possible defense of interests of the Croatian people in Bosnia. Herceg-Bosna had its own army – the Croatian Defence Council (*Hrvatsko vijeće obrane*, HVO) which declared the BiH units of the territorial defense (*Teritorijalna odbrana*, TO, a separate part of the JNA operating in each Yugoslav republic) for illegal on its territory. This led to the outbreak of the Croat-Bosniak war in 1992.

The Croat-Bosniak conflict lasted from October 1992 to March 1994 and was fought between the Army of the Republic of Bosnia and Herzegovina and the HVO which was a self-declared army of the internationally not recognized para-state Croat Republic of Herceg-Bosna.<sup>10</sup> The HVO and ARBiH cooperated before and after the conflict and fought together against Serbian armed forces, the Army of the Republic of Srpska (*Vojska Republike Srpske*, VRS), backed by the Army of Yugoslavia (*Vojska Jugoslavije*, VJ), various paramilitary formations and the Territorial Defence units. Even though the Croatian Army (*Hrvatska*

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9 Ibid.

10 The Croatian community in BiH founded the Croatian Republic Herceg-Bosna in 1991 which formally respected the Bosnian central institutions. The wider objective of this entity cannot be determined with certainty. It is considered to have been either as a preparation for a “Greater Croatian” project, or as a preventive organization which could oppose Serbian aggression.

*vojska*, HV) heavily supported the HVO, its military officials could hold positions in both armies. Officially HV did not participate in the Croat-Bosniak conflict; however, in *Prlić et al.* at the ICTY the appeals chamber confirmed the trial's first finding that the Croatian regime under President Tudman aimed to undertake an ethnic cleansing of the Muslim population in order to include this territory into a "Greater Croatia."<sup>11</sup> But since this fact was for various reasons for a long time overlooked, the war between the Republic of Bosnia and Herzegovina and the Croatian Republic of Herceg-Bosna was largely omitted from the public discourse.

The *Blaškić* case itself dealt with crimes committed in central Bosnia, in particular in villages situated in the valley of the Lašva river. At the beginning of the conflict Blaškić held the rank of a HVO General, and was later appointed as Chief of General Staff of the HVO.

For this case, we have analyzed four media outlets – three dailies: *Večernji list*, *Slobodna Dalmacija* and *Vjesnik* and one weekly: *Feral Tribune*.

### Media frames before the indictment

On 13 November 1995, in midst of the Dayton Peace Agreement talks, the ICTY announced the indictment of "the Vice-President of the Croatian Community of Herceg-Bosna (HZ-HB), of the Chief of Staff of the Croatian Defence Council (HVO) and of four other prominent members of the HZ-HB."<sup>12</sup> The peace talks occurred after joint military victories of the ARBIH, HV, and HVO over VRS and the Army of the Republic of Srpska Krajina (*Vojska Republike Srpske Krajine*, VRSK) in Bosnia and Croatia. Notwithstanding, the ICTY also issued the indictments against the Bosnian Serb political and military leaders, Karadžić and Mladić, and against high-ranking civil and military officials of HZ-HB. Although Croatia had already in 1991 appealed to the international community to establish an international tribunal that would prosecute war crimes, the HDZ regime had supposed that the ICTY would only prosecute crimes committed by Serb nationals against Croatian civilians, and not Croats as well.<sup>13</sup>

On 1 April 1996, just a couple of weeks before the Croatian Parliament adopted a Constitutional law on the cooperation of the Republic of Croatia with

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11 <http://www.icty.org/case/prlic/4>

12 ICTY press release: <http://www.icty.org/sid/7222>

13 Subotić, J. (2009), *Hijacked justice dealing with the past in the Balkans*. Cornell University Press, 83–121.



the ICTY<sup>14</sup>, Tihomir Blaškić became the first Croat who voluntarily surrendered to The Hague tribunal.

On 3 March 2000, Blaškić was in the first instance found guilty and sentenced to 45 years of imprisonment, according to the rule of command responsibility. The appeal chamber of the ICTY reversed the trial chamber judgment on 29 July 2004 and sentenced Blaškić to nine years of imprisonment. The time Blaškić had spent in the ICTY Detention unit coincided with the size of punishment, and therefore he was released shortly afterwards.

Before the indictment against Blaškić, the Croatian media framed the Croat-Bosniak conflict in mainly three different ways, some of which share common frame elements. As the indictment against Blaškić was issued during the wars of Yugoslav succession, it has to be kept in mind that the starting frames of the conflict were produced in the immediate aftermath of the events which took place during the conflict. Thus, the grammatical and semantic choices and the style of reporting differ greatly from the articles written in the post-conflict period.

### **The “Croats as guardians of Bosnia and Herzegovina”- frame**

This frame was mainly produced during the Croat-Bosniak war (1992–1994) and served to recall the positive role which Croatia and the Croatian population in Bosnia had in BiH during the independence referendum and the first year of war against the Serbian armed forces. This strategy was implemented in order to give the impression that HVO was dragged into the conflict involuntarily and consequently was supposed to discard the fact that Croatia was aiming at conquering Bosnian territory. Prior to the indictment, most of the media outlets – *Slobodna Dalmacija*, *Večernji list*, *Vjesnik* – described the Croat-Bosniak conflict in very vague terms and with great inconsistency. Thus, in the dominant frame about the Croat-Bosniak conflict, there was analysis or search for the causes of the war, but instead it dealt with the political system and structures of the state institutions. It was only through the relationship between Croatia, Herceg-Bosna, and Bosnia and Herzegovina that the frame of the warring parties and, more broadly, of the conflict, was produced. This frame outlined that the Croatian population was the key factor for the legitimacy of the BiH independence referendum, and that the Republic of Croatia was among the first countries to recognize the independency of BiH. This statement implied that Croatia had always backed BiH and collaborated against the common enemy – the Army of Republika Srpska.

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14 The full text of the law can be found on the following website: <http://narodne-novine.nn.hr/clanci/sluzbeni/264344.html>

Nevertheless, this frame excluded the involvement of the Croatian Army, except for a very small number of HV volunteers who joined the Herceg-Bosna HVO troops without an official engagement.<sup>15</sup> Even when the media reported from the frontline, the conflict was labelled “unfortunate” or “unnecessary” and that the political elites were doing everything possible in order to put an end to the Croat-Bosniak war. This frame contained a lot of relativization, especially with regard to the victims which were almost never mentioned, except to support the thesis according to which “this war is bad.” The exact chain of command of the HVO was not discussed publicly, while its relationship with Zagreb was very often denied. The focus on the conflict was often obstructed by the *tu quoque* argument in which the responsibility for crimes was relativized with the comparison of the crimes committed by the other warring parties. Since the causes of the war were silenced, there was neither a clear-cut information about the guilt nor the perpetrator. Finally, the defensive and liberating role that was given to Croatia aimed to rule out the “territorial pretensions/aggression” discourse about the Croatian involvement in the war in BiH. Even though this was one of the most recurrent frames produced by the mainstream media, it was almost abandoned after the signing of the Washington agreement in 1994 establishing peace between the Croats and Bosniaks in Bosnia, but was reintroduced after the indictment against General Blaškić was made public.

### **The “silenced conflict” frame**

Once the Croat-Bosniak conflict in 1994 was over, most mainstream media changed their frames about the conflict, by trying to avoid it completely from the reporting about the war. As the wars in Croatia and Bosnia lasted more than 18 months after the Washington Agreement, the focus of the newspapers reporting shifted to the newly re-established collaboration between the HVO and ABiH. This apparent amnesia of the recently finished conflict could be interpreted as a passive denial/ignoring of the conflict, as it silenced the whole aspect of the war and was limited to depict it as just a few sporadic incidents. Moreover, the role of Croatia was categorically denied in this frame – the kin state never participated in the Croat-Bosniak conflict which is an overlapping element with the “Guardians” frame. For example, *Večernji list* reported in late 1994 that the cooperation of the HVO with the ARBiH was good, and that “not even one soldier of the HV participated” in battles. This statement was in line with the HDZ regime’s narrative according to which HV never participated

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15 *Večernji list*, 4.2.1994..

in the war in Bosnia.<sup>16</sup> While acquiring the “silenced conflict” frame *Slobodna Dalmacija* underlined the struggle of the HVO for a “peaceful solution” of the war against Bosnian Serbs and quoted Blaškić who claimed that the “HVO will fight only for Croatian interests”<sup>17</sup>, because “our troops are aware that they have to liberate the territory which historically belonged to us.”<sup>18</sup> Hence, this statement categorically rejected the “aggression” and “partition of BiH” discourses, but at the same time implied the “historical” right of Croats to one part of BiH.

### The “aggression - frame”

A completely different discourse is found on the pages of the weekly *Feral Tribune*. As already mentioned above, this newspaper wrote extensively and critically on the Croatian involvement in Bosnia. According to their frame, the Croatian government and President Tuđman, who strongly backed HZ-HB and HVO, were the main culprits for the aggression on BiH in course of the Croat-Bosniak conflict. *Feral Tribune* labelled that war “an attempt to create a Greater Croatia”<sup>19</sup> since its outbreak. This frame recognized the Bosniak civilians as the main victims of the aggression, for which the ethnic cleansing of the Muslim population was the main purpose. Moreover, for this weekly, the relationship between Croatia and BiH would determine whether Croatia wanted a Greater Croatia along the borders of the Banovina Hrvatska from 1939<sup>20</sup> or an independent Croatia without territorial pretentions. *Feral Tribune* openly claimed that the “Muslim-Croat conflict was not inevitable [...] it is a logical result of Tuđman’s politics.”<sup>21</sup> During the course of its existence, *Feral Tribune* produced

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16 However, the trial chamber of the ICTY, in three different verdicts, described the war in Bosnia and Herzegovina as an international war, due to the Croatian Army intervention in the war. See *prosecutor vs. Blaškić, Judgement: Trial Chamber, Case IT-95-14-T*, March 3, 2000 available at: <http://www.icty.org/x/cases/blaškić/tjug/en/bla-tj000303e.pdf>; *prosecutor vs. Kordić & Čerkez, Judgement: Trial Chamber Case, IT-95-14/2*, February 26, 2001 available at: [http://www.icty.org/x/cases/kordic\\_cerkez/tjug/en/kor-tj010226e.pdf](http://www.icty.org/x/cases/kordic_cerkez/tjug/en/kor-tj010226e.pdf) and *prosecutor vs. Prlić et al. (IT-04-74)*: <http://www.icty.org/x/cases/prlic/tjug/en/130529-1.pdf> and the Judgment of the appeals chamber of this latter case.

17 Dragan Marijanovic, Ono sto je hrvatsko, oslobodili su - Hrvati, *Slobodna Dalmacija*, 12.12.1994.

18 Ibid.

19 Jelena Lovrić, *Hercegovci protiv Hrvatske?*, *Feral Tribune*, 1.6.1993.

20 The Banovina Hrvatska was a province in the Kingdom of Yugoslavia between 1939 and 1941, and included in present-day Croatia and parts of BiH and Serbia.

21 Ivo Banac, *Batina iz Herceg-Bosne*, *Feral Tribune*, 29.6.1993.

a lot of satirical articles outlining the silence about the involvement of Croatia in the Bosnian conflict and the discrepancy in foreign media reporting with the Croatian ones.<sup>22</sup> *Feral Tribune* also warned that Tuđman's secret pretensions in BiH had little public support. This was a very important fact which outlined the frequent differences between media frames (especially those in line with the government's propaganda) and the general audience.<sup>23</sup> After the indictment, *Feral Tribune* dedicated one article to the discussion "whether the Blaškić trial can be transformed into a process against Croatia for an aggression on BiH." For *Feral Tribune*, this was rather a rhetorical question, since according to their frame it was clear that it should.<sup>24</sup>

### The frame of the indictment

According to the indictment, Blaškić, acting as commander of the HVO forces, committed acts or omissions that "were part of a widespread, large-scale or systematic attack directed against the Bosnian Muslim civilian population."<sup>25</sup> In other words, six political and military leaders of HZ-HB were charged for "ethnic cleansing" which was implemented by the HVO. Thus, the main culprit was the HZ-HB and its army HVO, while the Bosniaks civilians were identified as the main victims. The attacks were systematic, i.e. organized and certainly not sporadic incidents, as described in the first two frames. The causes of the conflict, however, were not described in the frame created by the indictment. Charges against Blaškić included grave breaches of the 1949 Geneva conventions, violations of the laws or customs of war, and crimes against humanity. The indictment consisted of 20 counts which comprised persecution, unlawful attacks on civilians and civilian objects, willful killing and causing serious injury, destruction and plunder of property, destruction of institutions dedicated to religion or education, inhumane treatment, the taking of hostages, and the use of human shields. Two important episodes of the 1993 attacks were described: on 16 April 1993, the HVO attacked the Bosnian Muslim civil population in Vitez and numerous surrounding villages when "virtually no ARBIH forces [were] in the valley;" as they were "holding the

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22 Among others Bijeli brijeg: Gužva u kaznenom prostoru, *Feral Tribune*, 1.6.1993, Čiji ste na čijemu? *Feral Tribune*, 15.6.1993.

23 Among others Slobodna Dalmacija, once privatized by Kutle, faced a rapid drop in the number of sold copies, especially due to the new editorial policy.

24 Zoran Daskalović, *Klijent bez domovine*, *Ferral Tribune*, 18.11.1996.

25 Full text of the Indictment can be found on the following website: <http://icty.org/x/cases/blaškić/ind/en/bla-2ai970425e.pdf>

frontlines against the Bosnian Serb army.”<sup>26</sup> During this attack, more than 100 civilians were killed. The other attack happened on 19 April 1993 when the HVO fired explosive shells on Zenica, killing at least 18 persons.

### The media frames after the indictment

The first ICTY’s indictment against a Croatian high official raised a considerable amount of interest in the media. Even though most of the media did not follow the ICTY’s indictment frame, they needed to clarify or oppose to the accusations from the indictment. Therefore, the frame, in which the conflict had been silenced, was discarded, and the “guardians” frame was reintroduced and developed again.

*Vjesnik* adopted the most common frame of “Croatians as guardians of BiH” who fought the war for mere survival. The daily described some elements of the conflict, but mainly events where Croats were victims or where they “lost [their] towns.”<sup>27</sup> The indictment frame was rejected and interpreted as an attempt “to judge Croatia.”<sup>28</sup> Moreover, the thesis about the involvement of the HV in Bosnia was also rejected. Bosnian Croats were actually depicted as “doubtless the biggest martyrs”<sup>29</sup> as if they had been under a double siege of ABiH and VRS. Nevertheless, this daily did not deny the fact that some (vague) crimes were committed by Croatian armed forces, but urged to add that they were perpetrated by both sides and this thus relativized the guilt. *Vjesnik* described Blaškić as a person who “acts militarily steadily and does not disseminate hatred.”<sup>30</sup>

Once the indictment was issued, *Večernji list* discussed the nature of the Croatian intervention and cited a member of the Prosecution team (involved in the case against Ivica Rajić<sup>31</sup>) who had claimed that “Croatia was an occupying force in Bosnia and Herzegovina.”<sup>32</sup> Even though the indictment frame was described this way, this daily clearly adopted the “Croatians as guardians of BiH” frame, but expanded it, especially in the matter of details about the crimes committed. *Večernji list* openly praised Blaškić confirming that “he is not a criminal,

26 Ibid.

27 Dražen Ćurić, Prvi dragovoljac u Haagu, *Vjesnik*, 2.4.1996.

28 Josip Vricko, “Netko bi želio suditi Hrvatskoj”, *Vjesnik*, 22.12.1996.

29 Ibid.

30 Dražen Ćurić, Prvi dragovoljac u Haagu, *Vjesnik*, 02.4.1996.

31 <http://icty.org/cases/party/772/4> In the Rajić case, the ICTY prosecutor claimed that Croatia preformed an aggression on BiH.

32 Marko Barišić, Presedan za dokaz nevinosti, *Obzor - Večernji list*, 8.4.1996.

but a hero.”<sup>33</sup> The author of one article cited Blaškić’s statement from 1993 when he said that “Muslim forces committed crimes in Croatian villages [...], staged the case of Ahmići”<sup>34</sup>, but assumed the position that not everything was known, but would be explained during the trial. Thus, even though *Večernji list* did not accept the frame of the indictment, it did not accept the “conspiracy theory” about Bosniaks staging the crime in Ahmići either. This represented a change from a “silenced conflict” frame to that of an indication of a discussion about the past events.

After the indictment *Slobodna Dalmacija* also assumed the frame of survival of Bosnian Croats. It strongly opposed the ICTY frame which allegedly accused Blaškić of being “‘guilty’ [emphasis added in original text] because he did not maintain complete control over all armed formations”<sup>35</sup> that acted in Central Bosnia. This media outlet further translated the indictment against Blaškić to the accusation “related to the entire struggle for survival of the Croats in central Bosnia”<sup>36</sup> which represented Bosnian Croats as victims both in war, as in peace time. Moreover, the crimes and responsibility of the ARBIH officials are according to this frame neglected by the ICTY. The exact chain of command was not discussed publicly, and whereas the crimes in central Bosnia were not denied, the relationship with Zagreb very often was. The focus on the conflict was often obstructed by the *tu quoque* argument in which the responsibility for crimes was relativized with the comparison of the crimes committed by other warring parties.

## The media frames before the trial judgment

With regard to the *Blaškić* trial which started in mid-1997, we included the entire bulk of media reporting during the trial in the category of “media frames before the trial judgement.” Most of the media gave their interpretations of the facts established by the ICTY or simply avoided to comment on certain topics, such as the massacre in Ahmići.

Before the trial judgment, *Vjesnik* held the same frame as after the indictment, but started to include more details about certain episodes of the Croat-Bosniak war, mostly for crimes where Croats were the victims. However, there was one element that changed from the previous frame: crimes were not

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33 Željko Olujić, Nije zločinac, nego junak, *Večernji list - Obzor*, 13.5.1996.

34 Marko Barišić, Presedan za dokaz nevinosti, *Obzor - Večernji list*, 8.4.1996.

35 Mario Galić, Blaškićeva najteža bitka, *Nedeljna Dalmacija*, 5.4.1996.

36 Mario Galić, Blaškićeva najteža bitka, *Nedeljna Dalmacija*, 5.4.1996.

anymore described as isolated incidents, but as a “collateral damage” of the conflict itself. Nevertheless, this daily refused to acknowledge that Bosniak victims were civilians as “the clashes between Croats and Muslims would not last for so many months, and Croatian civilians would not need to leave Central Bosnia.”<sup>37</sup> Moreover, the ABiH was depicted as very well organized, including a mujahedin unit. Stipe Mesić, member of the HDZ until 1994 and Croatian president from 2000 to 2010, gave a testimony as protected witness during the *Blaškić* and talked about the role of HDZ Croatia and HDZ Bosnia. Mesić stated that Croatia both directly and indirectly intervened in Bosnia and Herzegovina, and he explicitly mentioned the links between HDZ in Croatia and Bosnia, as well as the role of Zagreb in the creation of Herceg-Bosna. *Vjesnik* did transmit the statements that Mesić gave, but indirectly denied the content. Because Mesić had been a high HDZ official in the early 1990s, *Vjesnik* concluded that “he basically accused himself”<sup>38</sup> and hence could be incriminated and was not trustworthy.

*Večernji list* flatly rejected the frame of the indictment, and even though it did report on it, it labelled it as “false history” created by those who are “against Croatia.” This media outlet also accepted the “guardians”- frame, but instead of discussing the crimes committed during the Croat-Bosniak conflict, it outlined how much worse the JNA crimes in Vukovar and Slavonia had been. *Večernji list* later in the course of the trial admitted that the ICTY prosecutor “proved that the members of the HVO committed *many* crimes in central Bosnia, but *nobody* ever denied that”<sup>39</sup>(emphasis added). While before the trial such statements had appeared rather seldom, the widespread nature of crimes was always denied and silenced.

Croatian newspapers avoided to comment on the topic of the crime in Ahmići, a massacre in which 116 Bosniak civilians had been killed. They limited themselves to quoting trial transcripts, but never really revealed their perspective on who had committed those crimes and why. Even before the trial judgement, Feral Tribune framed the crimes in Ahmići as an attack in which “members of the Croatian units killed 103 Bosniak civilian.”<sup>40</sup> The paper claimed that, thanks to Blaškić’s testimonies, “the picture of the Croat-Muslim war in central Bosnia has consolidated in a solid ensemble” from which the structure of Croatian troops could be deduced, as well as the chain of command.<sup>41</sup> The hypothesis of

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37 Marko Brišić, Politički proces generalu Blaškiću, *Vjesnik*, 25.6.1997.

38 Vinka Drezga, Mesićevo svjedočenje znatno je otežalo položaj Blaškića u haačkom procesu, *Vjesnik*, 24.3.1998.

39 Višnja Starešnina, *Večernji list*, Netko mora biti kriv, 15.8.1998.

40 Zoran Daskalović, Usta puna zebnje, *Feral Tribune*, 26.4.1999.

41 *Ibid.*

the double chain of command was in line with the “aggression”- frame where the Croatian political and army regime is the main culprit in the Croat-Bosniak war. Thus, the judgment only confirmed the discourse of this weekly, and the structure of the initial frame was kept the same, although with facts and proofs that were added to the frame.

### **The frame of the trial judgment**

The trial chamber sentenced General Blaškić to 45 years and found that he “personally ordered a significant number of attacks and has failed to prevent or punish crimes committed by his subordinates.”<sup>42</sup> Thus, the frame of the judgment described in detail *how and why* the crimes had been committed: the Republic of Croatia had had territorial claims and had attacked BiH in an international conflict, through the HVO and HV by using a double chain of command. The trial chamber declared that the conflict in question was “international in nature, both because of the direct involvement of the Croatian Army (HV) and because of Croatia’s overall control of the Bosnian Croat forces and authorities.”<sup>43</sup> Judge Claude Jorda outlined crimes where “civilians were killed or wounded, houses set alight, minarets brought down, mosques destroyed,”<sup>44</sup> but specifically emphasized the massacre in Ahmići. Even though the court admitted that there had been crimes committed against Croatian civilians in BiH, “it is unacceptable to justify one crime by committing the other.”<sup>45</sup>

### **The media frames after the trial judgment**

After the judgment, *Vjesnik*, just like other mainstream media, reported on and quoted from the judgment frame. *Vjesnik* used relativization – it denied the conflict’s uniqueness, arguing that such crimes had been common to every war: “Civilian buildings burned down and destroyed, refugees and persecuted persons, killed soldiers and civilians were by no means unique for any part of the BiH territory.”<sup>46</sup> In addition, there was a question why the ICTY had chosen Ahmići as well: “The massacre in Ahmići,[...] because of the number of victims, merits the ICTY’s attention, but [...] it is difficult to find a logical explanation when it comes to other localities with innocent civilian victims, especially for

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42 ICTY press release: <http://www.icty.org/sid/7892>

43 Ibid.

44 Ibid.

45 Ibid.

46 Ivan Šabić, Zasto baš Blaškić, *Vjesnik*, 7.3.2000.



those [massacres, A.L.] that happened before Ahmići.”<sup>47</sup> Although the author accepted the massacre in Ahmići as a fact, he still tried to relativize the crime by pointing to similar atrocities which Bosniaks had done to Croats. Even though the facts proved by The Hague tribunal found their way into the media frames, they were afterwards shaped according to the pre-judgment frames in the newspaper.

*Večernji list* wrote after the trial judgement about the Croatian responsibility for the war in Bosnia. The daily found ICTY interpretation “worrying.” The chamber had endorsed the theory according to which “Croatia had in the past 150 years territorial aspirations in the neighbouring BiH.”<sup>48</sup> The paper saw Tuđman, his regime and his political ideology as the real culprits and the trial as a “symbol of collective Croatian responsibility for all the evil that had happened in BiH.”<sup>49</sup> Despite not denying the massacre in Ahmići, the daily tried to diminish the severity of the crime by quoting witnesses who claimed that “at least 120 Muslim soldiers had been in Ahmići during the massacre,”<sup>50</sup> thus questioning the frame according to which only innocent civilians had died because of their nationality and religion. Hence, *Večernji list* did not make a shift in the entire frame about the conflict, but named crimes (although proposed different interpretation for them) and showed a readiness to contemplate Croatian responsibility for the conflict.

### Political discourses about the *Blaškić* case

*Slobodna Dalmacija* published statements by local Croatian leaders from the Lašva valley after the trial judgment. The Mayor of the village Busovača asked: “How can I believe in justice when a man who was leading the Croatian people facing extinction in Lašva, Lepenica and the Vrbas valley, and who was defending them against military superior Serbian and later Bosniak troops, is judged in that way?”<sup>51</sup> The president of the local HDZ branch stated that “Blaškić is a personification of the struggle of Croats from central Bosnia [...] and now all of us who took part in it defending our families and homes are sentenced too.”<sup>52</sup> They reasoned that if President Mešić confirmed that the Croatian parliament

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47 Ibid.

48 Željko Krušelj, Povijest na optuzeničkoj klupi, *Večernji list*, 6.3.2000.

49 Ibid.

50 Kišobran za optužene, *Večernji list*, 11.3.2000.

51 Zvonimir Čilić: Tuga i nevjerica u Lašvanskoj dolini, *Slobodna Dalmacija*, 4.3.2000.

52 Ibid.

never issued a command to HV to fight outside the borders of the Republic of Croatia, and so “if someone used the HV [...], then it was done against the Constitution,” and that person should be accountable on the basis of individual responsibility and not the Republic of Croatia.<sup>53</sup>

In fact, the question of the responsibility of the regime of Tuđman for the crimes in central Bosnia was a very sporadic topic of the mainstream media until the ICTY issued the-then-longest sentence to general Blaškić. Even though the new center-left coalition led by the social democrat, Ivica Račan, had no need to protect the HDZ regime of the nineties, it is questionable whether the documents, which prove the de facto alternative chain of command, would have been ever made public if it was not for the ICTY. Within a few days after the first instance judgment, Prime Minister Račan announced to have found documents which could identify those responsible for the war crimes in central Bosnia. Mesić's testimony as a protected witness, which was leaked to the media, confirmed Račan's opinion about “Croatia having carried out an aggression against BiH.”<sup>54</sup>

The judgment provoked a first major crisis in Račan's new government. Government members had stressed on several occasions that they would fully cooperate with the ICTY. HDZ on the other side called for an urgent parliamentary discussion regarding the future cooperation with the ICTY, because it was to be expected that the ICTY would lead “other monstrous trials regarding the operations Flash and Storm,” two military operations that had taken place in May and August 1995 in order to bring the self-proclaimed Serbian Republic Srpska Krajina back under Croatian rule.<sup>55</sup> These operations were one of the milestones of the Homeland War, and in the narrative about them they were presented as cases of a legitimate liberating. Thus, the Blaškić judgment was also considered a criminalization of the Croatian people and of the Homeland War. As a consequence, by the end of that year, the Croatian Parliament issued the “Declaration on the Homeland War.” It was issued on 13 October 2000 in order to safeguard “the values of the Homeland War” before the inevitable cooperation with the ICTY. Hence, it was regarded as a fundamental historiographic document which provided the basic official interpretation of the recent past. In the preamble, there was a unanimous acceptance of the “core values of the Homeland War” considered to be “accepted by the entire Croatian nation and all citizens of the

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53 Bisara Lušić, Vjerujem u blažu presudu, *Slobodna Dalmacija*, 4.3.2000.

54 Mesić: Hrvatska je izvršila agresiju na BiH!, *Slobodna Dalmacija*, 18.11.2000.

55 Hitna saborska rasprava o suradnji s Haagom, *Večernji list*, 5.3.2000.

Republic of Croatia.”<sup>56</sup> Therefore, it left no room for competing narratives which were nevertheless present in the public space.<sup>57</sup> Croatia was described as “a hundred years old desire,”<sup>58</sup> and then the declaration asserted that “the Republic of Croatia led a just and legitimate, defensive and liberating, and not aggressive and invasive war, in which it was defending its territory from a Greater Serbia’s aggression within the limits of internationally recognised borders.”<sup>59</sup>

Although this Declaration did not mention *Blaškić* or the war in BiH in general, it had been triggered by the work of the ICTY. Discussions about the way the ICTY judged the role of Croatia in the Croat-Bosniak conflict led to the conclusion that participants of “Flash” and “Storm,” which were much more important for Croatia than the conflict in BiH, could be brought before the ICTY as well.

### The media frames before and after the appeals judgment

Just after the first judgment in the first instance Blaškić’s defense counselors obtained documents reducing his responsibility as a commander, and proving the existence of a double chain of command.<sup>60</sup> These documents also contained incriminatory elements against the former regime and its role in the conflict in Bosnia. Eventually, the appeals chamber of the ICTY reversed the trial chamber judgment on 29 July 2004 and sentenced Blaškić to nine years of imprisonment. Since Blaškić had already spent that much in the ICTY Detention unit, he was released shortly afterwards.

What was most striking in the media reporting about the appeals judgment was the total lack of the fact that Blaškić had been convicted that he after all was a

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56 Declaration on the Homeland War, *Narodne novine* [*The Official Gazette*], no. 102/2000 at [www.nn.hr](http://www.nn.hr)

57 Banjeglav, T. (2012): ‘Sjećanje na rat ili rat sjećanja?’ in Banjeglav, T., Govedarica, N. & Karačić, D. (eds.): *Revizija prošlosti: Politike sjećanja u Bosni i Hercegovini, Hrvatskoj i Srbiji od 1990. godine*, Sarajevo: ACIP, 91–154.

58 *Ibid.*

59 This statement was challenged by a number of indictments by the ICTY where high-ranked Croatian military and political officials were accused of taking part in a so-called Joint Criminal Enterprise. That allegation was discharged in the appeals judgment in November 2012 against the Generals Gotovina and Markač when they were acquitted, but was confirmed for Croatian high officials in the war in Bosnia and Herzegovina as the Trial and Appeal Chambers in case *Prlić et al.* did find the existence of the JCE of Croatia in Bosnia.

60 Some Croatian security and intelligence officers communicated and gave orders directly to Blaškić’s subordinates, excluding him from the main chain of command.

war criminal. Instead words like “liberated,” “free,” or “released” were among the most commonly used. Gordy argued that Blaškić’s release in 2004 was presented as a victory in the fight against an alleged imposition of collective guilt upon Croatia by the ICTY.<sup>61</sup>

*Vjesnik* reported on the appeal judgment with the headline “Blaškić free again on Monday”<sup>62</sup>, *Večernji list* titled “Blaškić to be freed”<sup>63</sup>, *Novi list* wrote “Tihomir Blaškić free”<sup>64</sup> while *Slobodna Dalmacija* published a comment titled “Conviction equal to acquittal.”<sup>65</sup> Analysis published after the judgment did nevertheless report on the Croatian role in the war in Bosnia, though very vaguely: crimes were not put into question (“nobody denies the crime in Ahmići”<sup>66</sup>), but silence prevailed about the whole background of Croatia’s intervention in BiH.

The appeals chamber maintained the charges regarding the persecution and the use of civilians as human shields. This dramatic turn in the medias’ shift of focus towards the man himself, his victimhood and his return to normal life did not trigger any discussion about the Croatian involvement in Bosnia.

### The ICTY’s impact on shifts of media frames

The indictment against Tihomir Blaškić, which was raised by the ICTY, had a considerable echo in Croatian media space. Although rare examples such as *Feral Tribune* wrote extensively about the Croat-Bosniak conflict and its consequences, it was the ICTY indictment which abolished the wall of silence vis-à-vis the conflict and the crimes committed by the HVO. Nevertheless, most of the mainstream media did not side with the frame of the indictment.

After the first Croatian President Franjo Tuđman died, a social democrat government which came to power in January 2000, influenced the media and public in general about the way Croatia was relating to the community of Croats in Bosnia. Territorial pretensions, which were rather common during the Tuđman regime, were discarded and consequently more media opened towards the ICTY reasoning in *Blaškić*. Both the change of the regime and the ICTY’s request for additional documents in *Blaškić* influenced the way in which media framed the

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61 Gordy, E. (2012): ‘The Blaškić trial: Politics, the Control of Information and Command Responsibility’, *Southeastern Europe* 36, 60–86.

62 Lada Stipičić-Niseteo, Blaškić u ponedjeljak na slobodi!, *Vjesnik*, 30.7.2004.

63 Sanja Pucak, Blaškić na slobodu!, *Večernji list*, 30.7.2004.

64 Tihomir Blaškić na slobodi, *Novi list*, 30.7.2004.

65 Tomislav Klauski, Osuda ravna oslobadjanju, *Slobodna Dalmacija*, 30.7.2004.

66 Jelena Lovrić, Blaškić: Žrtva, a ne heroj ili zločinac, *Jutarnji list*, 31.7.2004.

Croat-Bosniak war. Thus it can be said that the political situation had been an extremely important factor in the media frame shifts described above.

## b) The *Gotovina* case

*Gotovina et al.* cannot be seen without the context of the “Homeland War” – Croatia’s war for independence which broke out in the summer of 1991, following the insurgence of parts of the Serbian population living in Croatia. A referendum on independence was organized in May earlier that year, and even though the local Serb authorities called for a boycott, citizens of the then Socialist Republic of Croatia voted for the independence of Croatia. After the JNA failed to keep Croatia within Yugoslavia by force, Serbian forces established a para-state called the Republic of Serbian Krajina (*Republika Srpska Krajina* - RSK) within Croatia. In 1995, between May 1 and 4, and between August 4 and 8, during the military operations “Flash” and “Storm,” all of the occupied Croatian territory was “brought back under the Croatian constitutional legal order”<sup>67</sup>, except for Eastern Slavonija which was peacefully re-integrated later in 1998. Operation “Storm” was the crucial victorious military operation which led to the end of the war in Croatia. During the operation, around 18.4 percent of Croatia’s territory was liberated.<sup>68</sup> The liberation of Knin, the heart of the “enemy insurgence”<sup>69</sup> in Croatia, became the most important political and military objective during Operation “Storm” and one of the symbols of the Homeland War. Hence Operation “Storm” was regarded the milestone of the heroic narrative of the Homeland War.<sup>70</sup>

One of the most important commemorative events of the 1991–1995 war in Croatia is the Homeland Thanksgiving Day, celebrated every year on August 5, the day of the liberation of Knin.<sup>71</sup> The official narrative of Operation “Storm” is focused mainly on the victory of the Croatian armed forces and rarely addresses civilian victims, predominantly Croatian Serbs, who were forcedly displaced or killed during and in the aftermath of the military operation.

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67 Ministry of Defense of the Republic of Croatia’s website: <http://www.morh.hr/hr/karijera-u-morh-u/djelatna-vojna-sluzba/76-morh/aktualne-teme/15-obljetnica-operacije-qolujaq-2010/2134-vojno-redarstvena-operacija-qolujaq.html>

68 Ibid.

69 Ibid.

70 Pavlaković, V. (2008): ‘Better a Grave than a Slave: Croatia and the International Criminal Tribunal for the former Yugoslavia’, in: Ramet, S., Clewing, K., Lukić, R. (eds.): *Croatia Since independence. War, politics, society, foreign relations*, München: R. Oldenburg Verlag, 447–477.

71 The author attended the commemoration in 2013 and 2014.

Diametrically opposed to the official narrative is the story accepted by the Serbian minority population in Croatia and the government in Serbia. According to this narrative the military victory of the Operation “Storm” was the mean by which the ethnic cleansing of the local Serbian population was carried out. Although numbers of displaced persons vary in descriptions, usually they range from 200,000 to 250,000. The blame for these actions is put on Franjo Tuđman’s regime, who had ordered the persecution of Serbs, as recorded during the Brioni meeting a couple of days before Operation “Storm” had been launched. Serbian civilians were killed or persecuted in order to achieve an independent, ethnically homogeneous Croatian state. Very often in this narrative, the international community is blamed for having ignored the atrocities of the operation which had been overshadowed by the genocide in Srebrenica which had taken place at the same time. This narrative was mainly present in the political speeches of the representatives of the Serbian minority and appeared in the mainstream media only when they quoted them.

### **The selection criteria for frame analysis**

For this case, we have analyzed four media outlets – two dailies: *Jutarnji list* and *Slobodna Dalmacija* (the appeals judgment is not analyzed as the daily was closed down in April 2012) and two weeklies: *Feral Tribune* and *Globus*.

On 26 July 2001, the ICTY issued a public indictment against the Croatian General Ante Gotovina amid politically turbulent times. Not even a year before, then President of Croatia Stipe Mesić had sent twelve generals (including Gotovina) into retirement, who had then signed an open letter complaining about the government, politicians, and media for what they perceived as a criminalization of the Homeland War.<sup>72</sup> Faced with political pressure, the Parliament soon issued the “Declaration on the Homeland War,” but was confronted with another major protest related to the war narrative just a few months later, after the Ministry of Interior Affairs had issued an arrest warrant against former General Mirko Norac for war crimes committed in the Gospić area. Ante Gotovina went into hiding as soon as his indictment was made public and spent more than four years at large, but eventually was arrested in Spain at the end of 2005.

The narrative about the crimes committed during and after the Operation “Storm” was inevitably connected to a wider narrative about the Homeland War and the nature of the conflict. Moreover, the charismatic personality of General Gotovina, combined with his escape into hiding for more than four years, was

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72 The full text of the letter can be retrieved from the following website: <http://www.hkv.hr/vijesti/domovinski-rat/917-juer-i-danas-pismo-12-general.html>

object of constant media attention. Finally, the ICTY indictment provoked a wider debate over the political status of Croatia on its way towards the EU membership candidacy.

The trial chamber rendered its judgment on 15 April 2011, concluding that all three generals participated in a JCE, and convicted Ante Gotovina and Mladen Markač to 24 and 18 years respectively to prison, while finding Ivan Čermak not guilty of all charges. Gotovina and Markač were convicted on the basis of a superior command responsibility (Article 7(1) of the Statute of the Tribunal). Both Ante Gotovina and Mladen Markač filed a request for appeal proceedings. On 16 November 2012, the appeals chamber reversed completely the first instance judgment and acquitted both generals from convictions against crimes against humanity and violations of the laws or customs of war. This decision was far from being unanimous (two out of three judges have dissenting opinion) and provoked lot of controversies.

The release of the two generals triggered all-national celebration, gathering more than 100,000 citizens at the main square only in Zagreb. That day the most loyal *branitelji* (defenders)<sup>73</sup> and random pedestrians were present in front of a big screen where the direct transmission of the ICTY verdict was broadcast. The unexpected acquittal was met with great delight by the crowd and by almost every media in Croatia.

## Media frames before the indictment

### *The “foundations of the new Croatia”- frame*

This frame was created almost immediately after the Operation “Storm” and was the most recurrent one at least until the regime change in 2000 which coincided with the direct control of the media as well. Moreover, this media frame mirrored the official master narrative about the Homeland War and the final achievement of the 1000-year-old dream of Croats. According to this frame, the Operation “Storm” was not only the military victory of the HV, but also a symbol of the finally liberated and independent Croatia. HV, hence, heroically won against the Serbian aggressor or “četniks.” The main guilty and the perpetrators were the Serbian political regime led by Slobodan Milošević and armed forces which consisted of VRSK, JNA, and paramilitary units. In addition, the victims were not Serbs, but fallen Croatian war veterans. The crimes in the aftermath of the

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73 Veterans of the Homeland War are called defenders, thus the very name underlines the narrative of Croatia's defensive role during the war.

operation were not mentioned while the displacement of the Serbian population was interpreted as an accepted call from the RSK leadership. The general cause of the operation was to regain the occupied territory of the Republic of Croatia and the outcome was the liberation of Croatia.

*Slobodna Dalmacija* produced the “foundations” frame and understood the war as “an aggression on Croatia” which was stopped during “one of the best performed actions of the Croatian army” that “has blown away Serb rebels from Knin and the so-called Krajina.”<sup>74</sup> *Slobodna Dalmacija* described General Gotovina as a person with “even greater charisma than the arrested Mirko Norac.”<sup>75</sup> He was related to as a hero of the Homeland War.

### The “victory and crimes” - frame

This frame understood the Operation “Storm” as a military victory, but acknowledged crimes that were committed in the aftermath of the battle. According to it, these crimes were not orchestrated, widespread, or systematic, but an act of irresponsible individuals who broke military regulations and disrespected the laws and customs of war. The victims were civilians, mostly belonging to the Serbian minority, but also Croatian war veterans. The cause of the operation was the liberation from the Serbian occupation, whereas the crimes were committed in a general disorder of the military units once the victory was achieved. Consequently, the victory was tarnished and therefore justice had to be brought to all innocent victims while the perpetrators had to be prosecuted.

This was the frame whose elements changed and shifted the most over the years. While it was difficult to detach the military operation from “what happened later,” it was precisely the understanding and interpretation of the latter segment that shifted the most. In addition, especially after the trial judgment, in certain media outlets, some elements of the “ethnic cleansing” frame overlapped with the “victory and crimes” frame.

The pre-indictment media reporting about the general framework of the war was in line with the official narrative about the defensive war provoked by a Greater Serbian aggression on Croatia. Nevertheless, even before the ICTY indictment *Jutarnji list* warned about the “silence over the horrific side of the [operation] ‘Storm’<sup>76</sup> during which civilian victims “of a wrong nationality”

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74 Mario Galić, Porazio sam Četnike od Livna do Knina, *Nedeljna Dalmacija*, 31.5.1996.

75 Davor Ivanković, General Gotovina: Političari se igraju sa mnom, *Slobodna Dalmacija*, 29.6.2001.

76 Krešimir Žabec, Nema mira za 4 ratna druga, *Jutarnji list*, 8.4.2000.



were killed and only “pillars of smoke”<sup>77</sup> remained from villages in the Knin hinterland. The daily underlined that only Ivan Čermak admitted the fact that after the Operation “Storm” “murders, robberies were committed and houses were burned.”<sup>78</sup> Nevertheless, in the period before the indictment *Jutarnji list* tried to transmit such statements rather indirectly using phrases like “analysts already claimed that such ICTY doubts [about crimes in the Operation ‘Storm’, A.Lj.] were grounded in claims by a, realistically speaking very doubtful, [...] secret Serb organisation ‘Veritas’ from Banja Luka, led by Savo Štrbac, who was connected to Martić and an agent of the Serbian security agencies.”<sup>79</sup> Thus, even though this media outlet did not point a finger at potential perpetrators and it did express doubts about the experts which were consulted from the ICTY, it did not deny the existence of civilian casualties in Operation “Storm.”

*Feral Tribune* clearly stood out from the official narrative about the war which was not characterized by “virgin purity of the liberation struggle.”<sup>80</sup> Moreover, it warned about the lack of possibilities to even question the official narrative because “the fundamental characteristic of the freedom won in the Homeland War is that it cannot be freely discussed.”<sup>81</sup>

*Feral Tribune* was among the first media outlets to report on crimes committed during the Operation “Storm.” This paper outlined well before the indictment for Gotovina that the operations “Flash” and “Storm” had not been exclusively defensive and that “those who justify crimes also falsify the outcomes of the planned terror.”<sup>82</sup>

The weekly kept a critical distance to Gotovina both before and after the indictment, reporting that the “myth about the hero will last only until the moment this hero ends up behind the bars.”<sup>83</sup>

## The political discourse before the indictment

The first attempt to speak out about the crimes committed after Operation “Storm” came after 2000, when both the first Croatian President Franjo Tuđman and first Minister of defense Gojko Šušak died. In an open letter, Gotovina, together with

77 Ibid.

78 Krešimir Žabec, Nema mira za 4 ratna druga, *Jutarnji list*, 8.4.2000.

79 Davor Ivanković, General Gotovina: Političari se igraju sa mnom, *Jutarnji list*, 20.6.2001. Milan Martić was the president of the RSK.

80 Viktor Ivančić, Zvanično mišljenje, *Feral Tribune*, 11.10.2002.

81 Ibid.

82 Ivo Banac, Zlocin dobre volje, *Feral Tribune*, 12.8.2000.

83 Ivica Djikić, Sam svoj tuzitelj, *Feral Tribune*, 21.7.2001.

11 other generals criticized the government for opening investigations about war crimes committed during the Homeland War and for improving cooperation with the ICTY. Moreover, the generals deplored what they called “a widespread campaign of criminalization of the Homeland War,” rejecting claims that the war had been “something bad, problematic, even shameful, while in fact it was the foundation of Croatia’s freedom, independence and sovereignty.”<sup>84</sup> The generals claimed not to be against prosecutions, but only against those who “tarnish the purity of the Homeland War.”<sup>85</sup> In an interview for *Slobodna Dalmacija*, Gotovina stated that “the Homeland War is a foundation of the Croatian state in every sense.”<sup>86</sup> The letter was also a reaction to the work of the ICTY. In 2000, the trial judgment in *Blaškić* was issued and challenged the mainstream narrative about the Croatia’s role in the war. Once the tribunal started investigating Operation “Storm,” the generals used their influence in order to destabilize the new Račan government who could be expected to challenge the previous government’s narrative.

### The frame of the indictment

The ICTY indicted General, Ante Gotovina, accusing him for crimes against humanity and violations of the laws or customs of war on the basis of individual and superior criminal responsibility. Gotovina, acting as the overall operational commander who “exercised de jure and/or de facto command,”<sup>87</sup> was charged for crimes against civilian population committed during or shortly after the Operation “Storm.” The prosecutor charged him for participation in a so-called joint criminal enterprise, “the common purpose of which was the forcible and permanent removal of the Serb population from the Krajina region.”<sup>88</sup> Allegedly, the official policy of the military and political command was “proclaiming *values of a defensive and just war*,”<sup>89</sup> while the secret one “comprised the political wish to forcibly displace from Croatia as many Serbs as possible, once their armed forces

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84 <http://www.hrhb.info/content.php?r=2571-Pro%C4%8Ditajte-otvoreno-pismo-12-general-a-zbog-kojeg-je-general-Gotovina-zavr%C2%9Aio-u-Haagu!>

85 Ibid.

86 Ivica Marijačić, Naše je pismo jasan glas da nam je nacionalna sigurnost u opasnosti, *Slobodna Dalmacija*, 30.9.2000.

87 Indictment available from the ICTY website: <http://icty.org/x/cases/gotovina/ind/en/got-ai040224e.htm>

88 Ibid.

89 The vocabulary used here is the same as the one found in the text of the Declaration on Homeland War.

are defeated.”<sup>90</sup> The indictment claimed that in the period between 4 August 1995 and 15 November 1995 Croatian forces under Gotovina’s command committed crimes through destruction of property, deportation, murder, and other inhumane acts. After the transfer of Ante Gotovina to the ICTY, his indictment was joined to those of Mladen Markač and Ivan Čermak. The amended joined indictment was released on 12 March 2008. They were charged on nine counts which included persecutions, deportations, and forcible transfer; plunder of public or private property, wanton destruction, murder and inhumane acts, and cruel treatment.

### Media frames after the indictment

Most media outlets guarded the same frame about the Homeland War discourse and raised doubts about the way the ICTY depicted the conflict. For example, *Jutarnji list* raised some doubts vis-à-vis the ICTY’s interpretation of the nature of the war in Croatia once the indictment was made public. The ICTY had described it as an “armed conflict” and not as an “aggression.”<sup>91</sup> The daily outlined that Croatian Prime Minister Račan had a “correct attitude” towards the conflict: the war between 1991 and 1995 was “inevitable, defensive, without it Croatia would not exist.”<sup>92</sup> Thus, *Jutarnji list* framed the Knin commemoration as a “day of Croatian pride and remembrance of the fallen.”<sup>93</sup> The newspaper compared its own media frame with the one offered by the ICTY: “The entire former Krajina was burned, not with tacit agreement of the state authorities, as we believed until now, but with the explicit order of Franjo Tuđman, as the prosecutor from The Hague claims.” The indictment was interpreted as a part of the political action of the ICTY: “Two days ago the Hague Tribunal issued a modified *political* indictment against Franjo Tuđman.”<sup>94</sup> So far the Croatian soldiers killed in action had been the only victims acknowledged by the media. But then the work of the ICTY managed to introduce, to some extent, the civilian victims into the mainstream media discourse. In March 2005, the EU suspended the negotiations with Croatia due to the latter’s insufficient cooperation with the ICTY. This stalemate was overcome when the Croatian government finally sent

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90 <http://icty.org/x/cases/gotovina/ind/en/got-ai040224e.htm>

91 Veronika Reskovic, Haaska optuznica protiv Gotovine nece se mijenjati, *Jutarnji list*, 2.03.2002.

92 Davor Butkovic, Odgovornost vodje, *Jutarnji list*, 9.8.2003.

93 Hrvoje Gunjaca, Dan pobjede, *Jutarnji list*, 6.8.2003

94 Sanja Despot, Snjezana Pavic, Gotovina umjesto Tuđmana, *Jutarnji list*, 28.7.2001.

the requested documents, in particular the so-called Brioni transcripts to the Office of the prosecutor.<sup>95</sup> The Brioni transcripts triggered high media attention and inclined the media to give more space to the victims. For example, a column in *Jutarnji list* was titled “Tuđman’s Storm against the Serbs,” and the author claimed that “it is hard to deny that Tuđman had a double objective: to free the country from the occupier, but also from the Serbs.”<sup>96</sup> The media attention about the Brioni transcripts amplified the frame, by adding the circumstances and reasons which had caused Serb victims to the mere fact which was now acknowledged that there had been Serb victims. However, the perpetrators remained anonymous in the media coverage and were not put into a context which included the HV.

*Slobodna Dalmacija* continued to frame Operation “Storm” as a legitimate and clean action of the Croatian Army (HV) in whose aftermath around 150,000 Serbs had fled their homes, while some had been murdered in sporadic incidents.<sup>97</sup> *Slobodna Dalmacija* doubted the ICTY would be able to prove that “an extremely high number of ‘incident situations’ [meaning killing of civilians, A.L.] which happened during the war vortex were the outcome of a policy of prosecution.”<sup>98</sup> The daily dismissed the ICTY prosecution’s allegations, believing their source had been “the mysterious Serbian organisation ‘Veritas.’”<sup>99</sup> When the initial indictment was amended in 2005, *Slobodna Dalmacija* interviewed Croatian Prime Minister Ivo Sanader and quoted him saying that Operation “Storm” “had been a part of Croatian history written with golden letters”<sup>100</sup> which could not be questioned. The paper went one step further than *Jutarnji*

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95 The Brioni transcripts are minutes from a meeting in Brioni held shortly before the Operation “Storm” had started. Croatian high political and military officials were present. The Prosecution needed those tapes because of Tuđman’s speech in which he controversially called for “such an attack against the Serbs so that they practically vanish.” This phrase was a proof presented by the prosecutor for the existence of a JCE, but was taken out of context as Tuđman was speaking about the Serbian armed forces. Nevertheless, the Brioni meeting was the place where Operation “Storm” was conceived and documents related to this meeting represent a valuable piece of evidence for the ICTY.

96 Jelena Lovrić, Tuđmanova oluja nad Srbima, *Jutarnji list*, 13.5.2005

97 Frenki Lausić, Zločin i kazna, *Nedeljna Dalmacija*, 13.7.2001

98 Ibid.

99 Davor Ivanković, General Gotovina: Političari se igraju sa mnom, *Slobodna Dalmacija*, 29.6.2001. Veritas is an NGO of Serb refugees in Serbia, who had been forced to escape from Croatia as a result of Operation “Storm.”

100 B. Žužić, Sanader: Haag prelazi granicu, *Slobodna Dalmacija*, 11.5.2005

*list*: it acknowledged the existence of different narratives, but tried to ridicule the ICTY one.

After the indictment, the weekly *Feral Tribune* introduced some elements of the “ethnic cleansing” frame, especially when describing the motive of the crimes – the persecution of the Serbian population. It mentioned not only the approximate number of victims, but also described the modus operandi of the “land reclaim.”<sup>101</sup> It also mentioned some of the proofs, such as propaganda flyers, in order to sustain the theory that ethnic cleansing had been part of the war.

### Political speeches after the indictment

In order to get an overview of how the frames about the Operation “Storm” and the Homeland War changed, we followed those political speeches given during the Victory Day commemorations. Until August 2000, the celebration of the Victory Day was set up at the Altar of the Homeland in Zagreb,<sup>102</sup> when it was moved to Knin with the change of the government. The commemoration have kept a low profile until 2004, since Prime Minister Račan avoided participating because of the critiques he was facing due to the ever growing cooperation of Croatia with the ICTY. When Ivo Sanader and HDZ won the parliamentary elections in 2003, he introduced the rule according to which all high-ranking state officials must attend the commemoration in Knin, making this event important and part of the state- and nation-building process. All media outlets reported also on alternative, more nationalist celebrations of the Victory day held since 2003 in the small village of Čavoglave which is the birthplace of Marko Perković Thompson, a right-wing singer and organizer of this event.

Even though the Croatian government was often criticized while Gotovina was at large, the former Vice-President of the Croatian Government, Mate Granić, recalled in 2003 that the “generals were part of the Croatian society” whose “merit and citizens’ gratitude cannot be denied.”<sup>103</sup> In 2005, Prime Minister Sanader said in Knin that the Operation “Storm” should be separated from the tragic events, criminal acts, and injustice committed against Croatian citizens of Serbian nationality which were committed before the full restoration of the legal order.<sup>104</sup> This statement implied that crimes were committed because these areas were not under control of the Croatian police and that, therefore, the Croatian

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101 Ivica Đikić, Sam svoj tužitelj, *Feral Tribune*, 21.7.2001

102 A monument to the fallen soldiers in the Homeland War, inaugurated in 1994.

103 Ibid.

104 Mesić i Sanader: Oluju slaviti, kazniti zločine, *Jutarnji list*, 6. 8. 2005, p. 2

authorities were not responsible for these events. Moreover, the perpetrators were not mentioned and thus the crimes were presented as just another horrible consequence of war, since random individuals, and not members of the state apparatus, were to be held responsible for these crimes.

*Slobodna Dalmacija* reported extensively on the Victory Day celebration in 2004, underlining already in the title the united narrative about the Operation “Storm”: “Mesić and Sanader: Storm is the brightest victory.”<sup>105</sup> One year later, on the 10th anniversary the daily quoted high-ranked state officials who confirmed that the Operation “Strom” was “a legitimate, bright as tear, clean action,”<sup>106</sup> but observed that the President Mesić was booed. *Slobodna Dalmacija* in addition reported about an alternative anniversary of the Operation “Storm” organized by retired generals and military officials gathered around the so-called Homeland Pride and Honour Society, who were dissatisfied with the treatment of “the truth about the Homeland War in Croatia.”<sup>107</sup>

Political elites, both from the HDZ<sup>108</sup> and from the left-wing coalition, strongly objected any accusation regarding a Croatian state policy of alleged abetting of crimes against the Serbian population. When the indictment against Gotovina was still confidential, Prime Minister Račan, acting in discordance with the Constitution and the Constitutional law on the cooperation of the Republic of Croatia and the ICTY, sent a letter to the ICTY’s acting Chief prosecutor stating that “the indictment speculates that Gotovina and others, including the then President of the Republic, planned, abetted or in other way committed crimes of deportation and forced displacement of the Serbian population from the Republic Croatia, partly through the liberating action Storm. From such statements one could get an impression that the indictment is directed towards a criminalisation of this action and an indirect denial of its legitimacy. [...] It is still uncertain which crimes (if any) were committed by members of the Croatian forces, and which by other individuals who in no way can be characterised as Croatian forces. [...] Unfortunately, the notion Croatian forces leaves possibilities for an interpretation of collective guilt.”<sup>109</sup> Račan also declared that “every attempt to write the contemporary history of this region, and especially the crimes perpetrated there, must start from Milošević and his allies, who started the chain

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105 Mesić i Sanader: Oluja najsjajnija pobjeda, *Slobodna Dalmacija*, 6.8.2004

106 Olga Ramljak: Mesić izviždan na proslavi Oluje, *Slobodna Dalmacija* 6.8.2005

107 Snjezana Setka, ‘Kakvo je to slavje bez Ante Gotovine?’, *Slobodna Dalmacija*, 6.8.2005

108 HDZ was in power since the Croatian independence until 2000, from 2003 to 2011, and from 2016.

109 Full text was published in *Večernji list* on 28.7.2001

of crimes and whose actions provoked the war and war crimes.”<sup>110</sup> After the disclosure of the indictment, government had to respect its obligations towards the ICTY which provoked rage among the opposition. Retired General Bobetko himself, indicted by the Tribunal in 2002, argued that “members of the government will have to answer for betrayal of the Croatian history.”<sup>111</sup>

Other representatives in the Croatian Parliament had a similar line of thinking: Vice President Zdravko Tomac spoke about two types of crimes: “The Greater Serbian aggression on Croatia which represented a genocide and ethnic cleansing, and sporadic excesses committed during the Croatian defence” and called the indictment against Gotovina “a falsified version of the Homeland War.”<sup>112</sup> Vesna Škare-Ožbolt, a former advisor of Tuđman and MP, called it “a falsified truth about the Homeland War, especially the part that incriminates the late president Tuđman.”<sup>113</sup>

Ivo Sanader won the 2003 parliamentary elections mainly because of his anti-ICTY propaganda. However, once in power, he had to and did cooperate closely with Tribunal. His promotion of the “full cooperation with The Hague as a matter of the rule of law in Croatia”<sup>114</sup> aimed at proving that the Operation “Storm” was “a liberating, legitimate, just action.”<sup>115</sup>

Once Gotovina was arrested, there was a need among political elites to “secure” the narrative about the Operation “Storm.” A motion to create a declaration on the Operation “Storm” was presented in the Parliament after the arrest of General Gotovina in December 2005 and on 30 June 2006 the declaration was adopted. This declaration did not have as much influence as the one about the Homeland War, but it is nevertheless interesting for this analysis for a number of reasons. First, the declaration claimed to become “part of the Croatian useful past” which Snježana Koren defined as “a compulsory meaning of the essential founding element of the national narrative.”<sup>116</sup> Second, this declaration asserted the power of

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110 Ibid.

111 Bobetko: Pripadnici vlasti odgovarat će zbog izdaje hrvatske povijesti, *Novi List*, 16.7.2001

112 Hrvatski političari odbacuju tvrdnje o etničkom čišćenju, *Vjesnik*, 27.7.2001

113 Ibid.

114 Ivo Sanader, Puna suradnja s Haagom je pitanje vladavine prava u Hrvatskoj, *Jutarnji list*, 21.5.2005

115 Ibid.

116 Koren, S. (2011): ‘Korisna prošlost? Ratovi devedesetih u deklaracijama Hrvatskog sabora’ in: Cipek, T. (ed.): *Kultura sjećanja: 1991. Povijesni lomovi i svladavanje prošlosti*, Zagreb: Disput, 123–155.

political myths when it praised Operation “Storm” for having “destroyed a myth [...] of strength, courage and invincibility of the Serbian Army.”<sup>117</sup>

### **The media frames before the trial judgment**

The newspapers were rather cautious in announcing the imminent judgment. The narrative frame once again included crimes committed after the Operation “Storm,” confirmed the command position of the generals, but avoided to put them into a causal relation.

*Jutarnji list* wrote about the symbolic, historical, and political meaning of the Gotovina trial for entire Croatia. The possible outcome of the trial judgment – the confirmation of the joint criminal enterprise and a planned and systematic “permanent removal of Serbian population”<sup>118</sup> would thus threaten the current historical narrative about the war. Another author enumerated the facts according to which “Storm” had been a liberating operation, argued Gotovina had been in command and that crimes had been committed, but added that “the indictment concerning the JCE is of course senseless, because the Croatian army liberated its own territory.”<sup>119</sup> The blame for the crimes was nevertheless assigned to members of the Croatian army, the Special police units and the generals “did not prevent the crimes, but [...] also did not attempt to investigate and punish those crimes.”<sup>120</sup> Therefore, the indictment frame was still rejected even during the trial. Although the ICTY never questioned the legitimacy of the military operation, the media presented the trial as an attempt to downgrade the official narrative related to Operation “Storm.” Thus, the motive for the crimes committed in the aftermath of the operation could not be related to any act of planning or mediated strategy. The frame “victory and crimes” made a clear cut between the two and refuses any causal relation. However, the trial did make a shift regarding the responsibility of the HV to punish those individuals who perpetrated crimes in the aftermath of the operation.

Before the trial judgment, the weekly *Globus* produced the “victory and crimes” frame and outlined the determination of state officials to “fight” if the judgment does not “correspond with real, historical facts,”<sup>121</sup> i.e. if the Operation

117 *Deklaracija o Oluji*, Narodne novine, 76/2006, June 30, 2006, at [www.nn.hr](http://www.nn.hr)

118 S. Pavić, Posljedice za Hrvatsku bit će simboličke, povijesne i političke, *Jutarnji list*, 15.4.2011

119 Davor Butković, Ako Gotovina i bude osušen, to neće biti presuda Hrvatskoj, *Jutarnji list*, 13.4.2011

120 *Ibid.*

121 Darko Hudelist, Gotovina ujedinió HDZ i SDP, *Globus*, 15.4.2011



“Storm” happened to be labelled JCE. In its analysis of the judgment, the weekly *Globus* mentioned also political decisions that were made after the Operation “Storm” and that were discriminatory against the Serbian population (“confiscation of their property, refusal to issue documents to Serb refugees, creating settlements of Croats from Bosnia and Kosovo [on territories from which the Serbian population had fled]”).<sup>122</sup>

### **The frame of the trial judgment**

The Croatian Generals Ante Gotovina and Mladen Markač were found guilty of crimes against humanity and violations of the laws or customs of war committed during Operation “Storm.” General Čermak was acquitted of all charges. The trial chamber found that Operation “Storm” took part during an international armed conflict. Even though the presiding judge acknowledged that in the previous year’s rebel Serbs from RSK had committed crimes against Croats, the trial included only charges pertaining to Operation “Storm.” According to the ICTY judges, the crimes perpetrated during the “Storm” were “part of a joint criminal enterprise whose objective was the permanent removal of the Serb population from the Krajina region.”<sup>123</sup> The first instance judgment also found that the JCE, whose key member was Tuđman, had come into force at the end of July 1995 during the Brioni meeting. Gotovina, on the other hand, ordered “unlawfull attacks on civilians and civilian objects.”<sup>124</sup> The ICTY judgment did not establish the exact number of civilian victims, but named those that lost their lives in specific events related to the indictment. There was no broader picture about what had happened in the aftermath of Operation “Storm.” This is understandable, because the Tribunal’s purpose was not to create a historical record of the past events, but to prove whether certain individuals were guilty of the specific crimes.

### **The media frames after the trial judgment**

After the judgment, even though the court’s decision did not change the part of the frame about the pure military victory, *Jutarnji list* outlined few facts: “During and after the operation “Storm” hundreds of Serbian civilians were killed, [...] many houses were burned and [...] many properties were plundered.”<sup>125</sup> Zoran

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122 Bisera Fabrio, Nikola Jelić, Operation freedom, *Globus*, 22.4.2011

123 ICTY press release: <http://www.icty.org/sid/10633>

124 Ibid.

125 Davor Butković, Nije riječ o presudi Hrvatskoj, nego o presudi Tuđmanu, 16.4.2011

Pusić from the Civic Committee for Human Rights estimated the number of victims murdered after the Operation “Storm” at around 600, he claimed that almost nobody had been tried for those crimes that former President Tuđman had expressed his animosity towards the Serbs on various occasions.<sup>126</sup> There was a slight shift in the causes of the crimes: they were no longer portrayed as sporadic incidents, but as provoked by the discriminatory policies against the Serbian minority and should have been punished. *Jutarnji list* did not specifically point at the three generals as perpetrators of those crimes, but called for the “real” criminals to be caught and brought before the court. We can conclude that some elements from the “ethnic cleansing” frame were accepted, but not the general thesis that the main aim of the Operation “Storm” was the creation of an ethnically homogeneous independent Croatia.

*Slobodna Dalmacija* kept the previous frame about the Operation “Storm” and reminded that “almost in every war there were incidents in which civilians [were killed] and their property was destroyed”<sup>127</sup> and such was the case during the Operation “Storm.” The relativization went even further as the same article concluded that “some cases of murders were not prosecuted”<sup>128</sup> which was also a very custom situation in “other wars as well,”<sup>129</sup> but that was not the reason to “criminalize” the entire operation. This daily did develop its frame, but the discourse about the victims was that of a “collateral damage” of every war. The ICTY frame, although it contained facts that were proven beyond any reasonable doubt, was rejected. Whereas *Slobodna Dalmacija* did not change much its frame about Gotovina, after the decision another dimension was added: Gotovina was depicted as a victim of almost biblical proportions – he was “crucified instead of Tuđman.”<sup>130</sup> Moreover, his suffering was described in detail: “his jaws were shaking”<sup>131</sup> and “emotions were boiling.”<sup>132</sup>

Almost all the media agreed that this judgment was a post mortem conviction of Tuđman’s policies, as his name figured among the persons who planned

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126 Zoran Pusić, Haag nije osudio akciju Oluja, nego njezinu zloupotrebu, *Jutarnji list*, 20.4.2011

127 Zabrinut sam, presuda bi mogla biti nepravedna, *Slobodna Dalmacija*, 14.4.2011

128 Ibid.

129 Ibid.

130 Danko Plevnik, Umjesto Tuđmana, razapet je Gotovina, *Slobodna Dalmacija*, 16.4.2011

131 Saša Jadrijević Tomas, Gotovina se oprostio od Čermaka, sudac Orije pobjegao od novinara, *Slobodna Dalmacija* 16.4.2011

132 Ibid.

the JCE, together with late Minister of Defense Gojko Šušak, late Generals Janko Bobetko and Zvonimir Červenko, and former officials of the General Staff of the Croatian Armed Forces. That did not mean that the media or the members of the political elites decided to accept this theory from the verdict. The JCE was widely talked about, but did not affect the grand narrative of the Homeland War. Rare were the articles in which the authors reminded the audience of facts that concurred with the judgment, like in *Jutarnji list* which printed several experts' analysis of the judgment.<sup>133</sup>

### Political speeches before and after the trial judgment

The annual celebration in Knin from 2006 to 2010 found a fertile ground for political tensions on the relation Zagreb-Belgrade. In 2006, Serbian Prime Minister Vojislav Koštunica stated that the Operation "Storm" had been a "big and unpunished crime,"<sup>134</sup> while his Croatian counterpart Sanader replied that "Operation 'Storm' was not a crime, but 'Storm' defeated a crime."<sup>135</sup> Two years later, Serbian President Tadić declared he was "waiting for an apology from Croatia for the crimes committed to members of the Serbian nation."<sup>136</sup> When Tadić repeated in 2010 that Operation "Storm" had been "a crime that shall never be forgotten,"<sup>137</sup> Croatian Prime Minister Jadranka Kosor categorically "condemned any attempt of revision of the Croatian history," adding that "'Storm' is sacred."<sup>138</sup>

In 2011, just a few months after the ICTY trial chambers judgment, Prime Minister Kosor's speech was a matter of controversy, as she greeted and thanked Generals Gotovina and Markač.<sup>139</sup> Kosor "thanked all war veterans for freedom, and the most of all Gotovina and Markač."<sup>140</sup> The statement was widely criticized outside Croatia. It showed that the ICTY frame was simply rejected by Croatia's political.<sup>141</sup>

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133 'Ivan Čermak nije bio na brijunskom sastanku. To ga je i spaslo zatvora', *Jutarnji list*, 16.4.2001

134 Koštunica: Oluja je velik i nekažnjen zločin, *Jutarnji list*, 6.8.2006

135 Sanader: Oluja je pobijedila zločin, *Jutarnji list*, 6.8.2006

136 Tadić: Očekujem ispriku za Oluju, 3.8.2008

137 Što će reći Josipović, *Slobodna Dalmacija*, 3.8.2010

138 Tadićeva izjava o 'Oluji' većje viđena, ništa novo, 24 sata, 4.8.2010

139 Frano Šarić, *Pozdrav Gotovini i Markaču*, *Večernji list*, 6.8.2011

140 Kosor: Zahvaljujem svim braniteljima, najviše Gotovini i Markaču, *Jutarnji list*, 6.8.2011

141 Many surveys done in Croatia among local population confirmed this attitude also in the general public.

## The frame of the appeals judgment

In November 2012, the appeals chamber of the ICTY concluded that the artillery attacks on four towns had been lawful which had been one of the main conditions for the existence of a JCE “whose purpose was the permanent and forcible removal of Serb civilians from the Krajina region.”<sup>142</sup> Accordingly, the two generals were acquitted of all charges. Moreover, the appeals chamber “also declined to enter convictions against Mr. Gotovina and Mr. Markač on the basis of alternate modes of liability.”<sup>143</sup>

## The media frames before and after the appeals judgment

As the time distance between the trial and the appeal judgment was quite short, it was difficult to determine any difference between the reporting after the trial judgment and that coming before the appeal judgment. Moreover, the appeal process did not include any new testimonials or documents that could alter the discourse about the conflict.

The high sentence in the first instance which came as a surprise in April 2011, restrained the media from giving any predictions about the outcome of the appeal process before the ICTY. The media, and the politicians in general, did not want to accept the frame created by the ICTY according to which a plan for an ethnic cleansing of the Serbian population had existed. Nevertheless, the articles published before the legally binding sentence were above all cautious and silent about a specific narrative about the war. In addition, a distinction between “sentencing Gotovina” and “sentencing Croatia”<sup>144</sup> was clearly made. In this way,

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142 ICTY press release: <http://www.icty.org/sid/11145>. The trial chamber had found the artillery shelling of the towns indiscriminate. The appeals chamber rejected the discriminate character of the shelling, making it a lawful action of war. This removed one crime from the JCE. The appeals chamber regarded the shelling as the only crime which had made the common plan of the JCE members a criminal one and therefore concluded that there could not have been a JCE, if no crime had been committed. The Appeals Judgment silently ignored that the trial chamber had also identified a number of other crimes (the persecution of Serbs after the military campaign) which would have maintained the criminal character of the common plan, even if the shelling was removed from it. See also: Bachmann, K. & Fatić, A. (2015): *The UN International Criminal Tribunals. Transition without Justice?* London, New York: Routledge, 221–222.

143 Ibid.

144 Recimo da je Gotovina nevin. Ali, tko je kriv?, *Jutarnji list*, 10.11.2012

even if Gotovina was to be sentenced in a definite way, the narrative about the Homeland War and the Operation “Storm” could have remained unaltered.

*Jutarnji list* called the Gotovina trial “the last chapter of the war”<sup>145</sup> where the sentence was going to be given for the “Croatia of dr. Franjo Tuđman.”<sup>146</sup> The day after Gotovina and Markač were acquitted of all charges, *Jutarnji list* opened with the headline “The day when a new, happy country was created” and quoted General Gotovina’s statement that “we won the first, and now the second Storm.”<sup>147</sup> The same newspaper gave a scheme with major events related to the war and the war crime trials explaining “how we fought for the victory.”<sup>148</sup> Finally, this media outlet warned that those responsible for crimes committed after Operation “Storm” should be brought to justice, because “without the fulfilment of justice for all victims of crimes, independently from the fact who they were, the war in Croatia cannot be considered to be completely over.”<sup>149</sup> The “victory and crimes”- frame was thus brought back, but the discourse about the victims was presented more vaguely, and in fact, this daily did not argue in favor of national prosecutions for crimes.<sup>150</sup>

*Slobodna Dalmacija* gave an emotional description of the celebrations in an article titled “Blessing.”<sup>151</sup> Comments were mainly concentrated around the idea that the truth about the Homeland War finally won and that Croatia had led a defensive war. Furthermore, as the Operation “Storm” was officially “cleaned,” it was immediately put in contest with other important events from the Homeland War. However, even though *Slobodna Dalmacija* transmitted the statement of Croatian Prime Minister Milanović that “the discussion over Serbian war victims did not disappear”<sup>152</sup> and that the responsibility for them remains, it did not include it in its frame about the Operation “Storm.” The description of Gotovina as a victim was still present in the discourse, yet this time with a positive connotation and faith in the future. President Josipović assured that the generals

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145 Snježana Pavić, Sudac Meron danas ce pročitati konacnu presudu Hrvatskoj dr Franje Tuđmana, *Jutarnji list*, 16.11.2012

146 Ibid.

147 Gotovina: Dobili smo prvu i sad drugu Oluju, *Jutarnji list*, 17.11.2012

148 Kako smo se izborili za pobjedu, *Jutarnji list*, 17.11.2012

149 Jelena Lovrić, Generalov zadatak u miru, *Jutarnji list*, 19.11.2012

150 Since the ICTY had concluded all of its Indictments and investigation and was in his completion phase which started in 2018, the only possible way of bringing the perpetrators to face justice was through the domestic judiciary.

151 Blagoslov, *Slobodna Dalmacija*, 17.11.2012

152 Danko Plevnik, Tesko je osuditi generale NATO-s, *Slobodna Dalmacija*, 17.11.2012

“indebted Croatia” and were “carrying the burden of someone else’s crime and mistake.”<sup>153</sup> Finally, *Slobodna Dalmacija* returned to the pre-trial “foundation” frame and put the Operation “Storm” into the wider context of the Homeland War and the narrative about it, making it thus difficult to challenge.

The conclusion of Gotovina was that “the war belongs to history” and that the Croatians should finally “turn to the future.”<sup>154</sup> The Homeland War narrative was thus strengthened and the success of the winning operation was once more put in the absolute focus. Moreover, just as the JCE was seen as a mean of proving collective guilt, the final verdict in *Gotovina et al.* case was reported by the media as the acquittal of Croatia and consequently the Croatian nation.

### **Political speeches after the appeals judgment**

The first commemoration to which former Generals Gotovina and Markač could assist was in 2013. It was the first official commemoration where the representative of war veterans spoke before state officials, as the narrative of the Homeland War was “clean” again and became even more valuable. Gotovina and Markač have been greeted as heroes, but the event that marked this anniversary was the strong booing during the speech of Prime Minister Zoran Milanović. His speech was nevertheless very passionate and underlined the fact that Croatia was not only defended in Knin, but also in The Hague.

### **The ICTY’s impact on media frame shifts**

The 2000 regime change in Croatia was the main factor for any possible media frames changes prior to the issue of the indictment against the three generals. Moreover, Ivo Sanader practically won the parliamentary elections in 2003 on an anti-ICTY rhetoric, although two years later, once in power, he had been the one handing over the indictees to The Hague tribunal. Still, the ICTY indictment did not influence the media frames about the Operation “Storm,” especially because of the official historical narrative proved not to be endangered before the beginning of the trial.

The biggest change in media frames regarding the Operation “Storm” happened after the ICTY’s trial judgment and concentrated mostly on civilian victims and irregularities committed in the aftermath of the operation. The trial

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153 Hina, Gotovina: Sretan sam, napokon sa suborcima. Malo ste stariji i sijedi..., Jutarnji list, 17.11.2012

154 Silvana Perica, Rat pripada povijesti, Večernji list, 18.11.2012

judgment also provoked discrepancy between the political elites in the parliament and the general public and the media.

Political elites did, at the end, get the “confirmation” of their narrative of the Operation “Storm” after the appeal judgment. The ICTY once again influenced the media frames which mostly went back to their pre-trial frames about the military operation. Certain social and political factors also helped this shift, mostly by non-acting, since there are no legally binding war crime trials before the Croatian judiciary and the official Homeland War narrative is far from being challenged soon.

## Conclusion

We have analyzed shifts of frames in Croatian media regarding the conflict during the nineties focusing on two case studies: *Gotovina et al.* case and *Blaškić*. We assumed that a sense of shared history is one of the main elements of nation building and sought to find a shift in media frames resulting from trials for war crimes. In case of Croatia, the Homeland War narrative is embedded in almost every aspect of everyday life. Thus it is easier to ignore than to openly challenge this narrative.<sup>155</sup> The fact that the ICTY’s prosecutors’ strategy to invoke JCE in “Storm” failed only strengthened the narrative about the Homeland War as just and defensive.

*Blaškić* saw a first ethnic Croat tried before the ICTY. Even though he personally came a long way from being characterized as a hero for his voluntary surrender to the tribunal, to that of a traitor once he used documents that demonstrated direct involvement of Croatia in the conflict in central Bosnia, the frame about the role of Croatia in Bosnia remained somehow obscure. The frame about the conflict shifted from complete denial of any kind of involvement, let alone Croatian aggression, to that of an open questioning of Franjo Tuđman’s policy in BiH. Nevertheless, labelling the Croatian participation an aggression still meets lots of critique and is definitely not accepted by the public even after the *Blaškić* judgment.

The *Gotovina et al.* case challenged one of the milestones actions of the Homeland War – Operation “Storm.” We have identified a frame shift from an entirely positive picture, describing the military actions in terms of a liberation. This frame shifted to one that reminded the public about the crimes committed by Croatian perpetrators. Nevertheless, the crimes committed in the aftermath of

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155 Jović, D. (2012): ‘The War That Is Not Allowed to Be Forgotten: Nationalist Discourse on the “Homeland War” (1991/1995)’ in *Südosteuropa Mitteilungen*, 3, 52–69.

the operation continued to be regarded as occasional excesses that had nothing to do with the HV. It is also important to outline that even though the first instance judgment had convicted Ante Gotovina and Mladen Markač to high sentences, the frame about the war remained untouched. The ICTY decisions only to a limited extent challenged and undermined the dominant framework, in which Croats interpreted their most recent past. But some adjudicated facts started to form part of an official truth. However, they have been integrated into the grand narrative of the Homeland War, among others, because it was possible to invoke them without contradicting or undermining this master narrative.



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## The editors and authors

**Klaus Bachmann** is professor of social sciences at the SWPS University of Social Sciences and Humanities in Warsaw, Poland. He also worked at the University of Vienna, Bordeaux, Renmin (Beijing), Johns Hopkins (USA) and Stellenbosch (South Africa). He specializes in Transitional Justice and is the author of *Genocidal Empires. German Colonialism in Africa and the Third Reich*, Frankfurt/M.: Peter Lang 2018.

**Gerhard Kemp** is professor of law at Stellenbosch University, and advocate of the High Court of South Africa. He serves on the board of directors of the Institute for Justice and Reconciliation (IJR) in Cape Town, is a former senior research fellow at the Robert Bosch Academy, and holds an Alexander von Humboldt Research Fellowship. He specializes in international criminal law and is the author of *Individual Criminal Liability for the International Crime of Aggression*, Cambridge: Intersentia 2nd ed. 2016.

**Irena Ristić** is a researcher at the Institute of Social Sciences in Belgrade. As a historian her research focus lies within the dynamics of the state- and nation-building process in both 19th-century Serbia and the post-Yugoslav states, with a special interest for the origins of anti-west/anti-EU sentiments. She had longer visiting stays in Vienna (IWM), Regensburg (IOS), and Florence (EUI). Her book on the position of Serbian political elites towards the West and Russia respectively prior to World War I is forthcoming.

**Vjollca Krasniqi** is a sociologist. She teaches at the Faculty of Philosophy, University of Prishtina. She holds a PhD from the University of Ljubljana, an MSc. degree in Gender, Development and Globalization from the London School of Economics, and a BA degree in Philosophy and Sociology from the University of Prishtina. She has written on political, social, and gender developments in the Balkans, transnationalism, war, and globalization.

**Aleksandra Nędzi-Marek** is an attorney at law from Poland, holding also an MSc. degree in Democracy and Human Rights. She used to live and work in Sarajevo and Vienna in the field of human rights and transitional justice. Her academic interests include the above mentioned, enforced disappearances, and the countries of former Socialist Federal Republic of Yugoslavia.

**Jovana Mihajlović Trbovc** is a research fellow at the Institute of Culture and Memory Studies, Research Centre of the Slovenian Academy of Sciences and

Arts (ZRC SAZU). In 2015, she received the Jean Blondel PhD Prize issued by the European Consortium for Political Research for the best thesis in politics. She obtained a PhD from the University of Ljubljana, an MA from Central European University, and BAs from University of Belgrade and London School of Economics. She has published several articles about the impact of the International Criminal Tribunal for the former Yugoslavia on the post-Yugoslav states, as well as the reproduction of historical narratives in school textbooks. Her research focuses on the intersection between transitional justice and the politics of memory, the reproduction of memory in the media, and the relationship between legal institutions and social memory. Her most recent publication is “Homecomings from The Hague: Media Coverage of ICTY Defendants after Trial and Punishment”, *International Criminal Justice Review*, 28 (4) (2018), 406–422.

**Ana Ljubojević** is a postdoctoral at the Center for the Study of Ethnicity, Citizenship and Migration (CEDIM), Faculty of Political Science, University of Zagreb. She holds a PhD in Political Systems and Institutional Change from the IMT Institute for Advanced Studies Lucca. Her research area is transitional justice in Western Balkan countries, with a special interest in historical narratives about the war; non-judicial mechanisms of transitional justice in Croatia and Serbia and has research interests in memory studies, cultural trauma, and social production of memory.

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