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Yugoslavia Revisited: An Examination of the Immediate Effects and Long-Term Implications of Western (Foreign) Policies During and After the Yugoslav Crisis

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Yugoslavia Revisited: An Examination of the Immediate Effects and Long-Term Implications of  
Western (Foreign) Policies During and After the Yugoslav Crisis

DISSERTATION

submitted in partial satisfaction of the requirements  
for the degree of

DOCTOR OF PHILOSOPHY

in Political Science

by

Jovan Milojevich

Dissertation Committee:  
Associate Professor Caesar Sereseres, Chair  
Associate Professor Michael Tesler  
Assistant Professor Davin Phoenix

2019



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## CURRICULUM VITAE

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##### **Project Director (2016-17)**

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#### RESEARCH INTERESTS

U.S. foreign policy, political psychology, political communication, research methods, media effects, propaganda, public opinion, security studies, strategic interactions (compellence and deterrence), international law, international criminal law, humanitarian interventionism, nationalism, and ethnic conflict

#### PEER-REVIEWED PUBLICATIONS

Milojevich, Jovan, and Peter Beattie. “The Pull of Humanitarian Interventionism: Examining the Effects of Media Frames and Political Values on People’s Choice of Resolution.” *International Journal of Communication* 12, (2018): 831-855.

Milojevich, Jovan. “Justified Grievances? A Quantitative Examination of Case Outcomes at the International Criminal Tribunal for the Former Yugoslavia



(ICTY).” *Journal of Balkan and Near Eastern Studies* (2018): 1-24. DOI: 10.1080/19448953.2017.1421414

Milojević, Jovan. “Coercive Diplomacy as a Cause of War: Yugoslavia Revisited.” *Serbian Studies: Journal of the North American Society for Serbian Studies* 29, no. 1 (2018): 43-69. DOI: 10.1353/ser.2018.0002

\*Beattie, Peter, and Jovan Milojević. “A Test of the “News Diversity” Standard: Single Frames, Multiple Frames, and Values Regarding the Ukraine Conflict.” *International Journal of Press-Politics* 22, no. 1 (2017): 3-22. DOI: 10.1177/1940161216673194

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Milojević, Jovan. “When Justice Fails: Re-raising the Question of Ethnic Bias at the International Criminal Tribunal for the Former Yugoslavia (ICTY).” (under review).

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Milojević, Jovan. “Accurate Declarations or Rhetorical Fallacies? Comparing The Hague Tribunal's Claims to its Actions and Outcomes.”

Milojević, Jovan. “Un-civil Society: Cultural Appropriation and Ultra-Nationalism in Europe.”

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PRESENTATIONS

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Milojevich, Jovan. (2017, April). *The Ukrainian Conflict: Examining the Effects of Media Frames, Political Values, and Morals on People's Choice of Resolution*. Midwest Political Science Association (MPSA) 75th Annual Conference, Chicago, IL.

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Milojevich, Jovan. (2017, April). *Applying to Grad School: A Parent's Perspective*. Professional Development Roundtable 'Applying to Grad School', held at the Midwest Political Science Association (MPSA) 75th Annual Conference, Chicago, IL.

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RESEARCH  
EXPERIENCE

**Research Associate, Trinity College of Arts & Sciences, Duke University (Fall 2017)**

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PROFESSIONAL MEMBERSHIPS	<p>American Political Science Association  Midwest Political Science Association  International Society of Political Psychology  International Studies Association  Association for Slavic, East European &amp; Eurasian Studies  North American Society for Serbian Studies</p>	
SERVICE & LEADERSHIP	<p><b>Academic Journal Peer Reviewer</b>  <i>European Union Politics</i>, Sage Publications</p>	2018
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Handled incoming and outgoing academic manuscripts that were published, forthcoming, or unpublished and assisted in the coordination between the book editor, publishers, reviewers, journal editors, and authors.

**Recruiter, UAW Local 4123, California State University** 2013  
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Volunteered as an assistant to the instructors at the Learning Program Orange County (LP OC), which involves six levels of classroom programming for parents and their children. LP OC complements formal instruction in literacy and math, and includes occupational and speech therapy components.

PROFESSIONAL  
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ADDITIONAL  
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Digging into 'Big Data:' A Workshop on Analysis of Intensive Longitudinal Data in Social Science Research.

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- Donald Hedeker, University of Chicago
- Nilam Ram, Pennsylvania State University
- Michael Russell, Pennsylvania State University

**Social Science Research Institute (SSRI), Duke University** Fall 2017  
Workshops: *Qualitative Data Analysis, Designing Survey Questionnaires and Survey Experiments, Research Data Management for the Social Sciences*

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## **ABSTRACT OF THE DISSERTATION**

**Yugoslavia Revisited: An Examination of the Immediate Effects and Long-Term Implications of Western (Foreign) Policies During and After the Yugoslav Crisis**

By

Jovan Milojevich

Doctor of Philosophy in Political Science

University of California, Irvine, 2019

Professor Caesar Sereseres, Chair

This research project consists of four studies that examined the immediate effects and long-term implications of Western foreign policy strategies in the Socialist Federal Republic of Yugoslavia (SFRY). The crisis in SFRY in the early 1990's began with secessionist groups conducting small-scale attacks on military and civilian infrastructures, yet it was the coercive threats of the U.S. and other western powers that escalated the violence. Although there were numerous factors that led to civil war enveloping Yugoslavia, only one causal factor of the war was a necessary condition. Study 1 is a case study analyzing the processes and effects of U.S. (as well as E.C.) foreign policy during the early stages of the Yugoslav crisis; focusing on one causal factor – the West's strategy of coercion from 1990-91. Counterfactual theory of causation, as well as counterfactual analysis, with an emphasis on historical and logical consistency, and necessary and sufficient conditions, were utilized to support the hypothesis that the coercive strategy implemented by Western powers in the Balkans from 1990-91 was the cause of the war. The methodology used in this study is frequently utilized in case studies analyzing causes of war (as well as peace), however it has not yet been utilized to analyze the cause of the Yugoslav civil

war. This study, therefore, contributes to the literature on counterfactual analysis, as well as on the Yugoslav conflicts and U.S. foreign policy more broadly.

Study 2 examines possible bias by the International Criminal Tribunal for the Former Yugoslavia (ICTY). Scholars have long debated the impartiality of this institute. Some argue that the Tribunal is biased while others argue that it fairly and impartially seeks justice for all the victims of the war. The present study offers a narrower approach to the question of possible bias by examining whether certain case variables were associated with case outcomes. The results show strong evidence of an association between the ethnicity of the accused (and of the victims) and the verdict and years sentenced, which calls into question the Tribunal's impartiality. Nonetheless, the main goal of this study was not to question or dispute its decisions but to assess the validity of certain grievances against the Tribunal. For instance, the Serbs feel the Tribunal has not delivered justice for their victims and –as a result– their ‘collective suffering’ has been disavowed by the other communities in the region as well as by the West. Western political elites have largely rejected the validity of the Serbs’ claim and have attributed their belief to a denial by the Serbs of their role in the war. Unfortunately, the contentious nature of this debate has contributed to the lack of peacebuilding and reconciliation efforts in the region.

Study 3 extends on the issue of bias by examining the messages disseminated by the ICTY. Previous studies have demonstrated that Tribunal has made prosecutorial decisions and reached judgments based on ethnicity. Furthermore, some scholars argue that the workings of the Tribunal have aggravated tensions in the region and are the primary cause for the negative perceptions of the ICTY by many communities in the Balkans. In response, the Tribunal has largely blamed the regional media and ‘nationalist politicians’ for spreading ‘gross distortions and blatant falsehoods’ about its work. Subsequently, it created an outreach program to try to

change its image in the Balkans. Using thematic analysis, this study examined the way the Tribunal has framed the Yugoslav conflicts. The results show that the Tribunal's frame of the conflicts mirrors that of the U.S. government and Western mainstream media, indicating ethnic bias by the Tribunal. Overall, this study supports findings of framing studies, as well as empirical and critical studies on the ICTY.

Finally, Study 4 examines the effects of the ongoing media demonization/dehumanization on the target group that began at the onset of the crisis in Yugoslavia in the early 1990's. Recent empirical research has shown that dehumanization can have severely negative consequences. Few studies, however, have focused on the target group and those that have were experimental. To fill this void, this study focuses on the effects of dehumanization from the perspective of the target group through a real-world experience of dehumanization. Serbians and Serbian-Americans were recruited to participate in a series of focus groups and one-on-one, semi-structured interviews via Skype. The results show effects that include feelings of numbness, lethargy, a reduced tendency towards action, and lack of self-assertion; responses that are defense mechanisms against emotional distress. These results support previous studies on dehumanization. However, the most dominant themes were motivations to take action and 'fight back,' mainly through political engagement and mobilization. The results can essentially be boiled down to responses of 'fight or flight,' with the former as the most dominant. This study, therefore, adds a novel insight into the effects of dehumanization.

## INTRODUCTION

Until the outbreak of war in the Socialist Federal Republic of Yugoslavia (SFRY) in the 1990s, Europe had enjoyed an unparalleled era of peace since the end of World War II. During this period, Yugoslavia managed to integrate its divergent ethnic groups and religions into a single national state. Nevertheless, tensions continued to exist between the various ethnic groups, as groups such as the Croats, Kosovo Albanians, and Bosnian Muslims were allied with the Nazis during WWII and committed genocide against Serbs, Jews, and Roma. The majority of the killings were committed within the territory of the Independent State of Croatia, a Nazi puppet state, where extermination camps, such as Jasenovac – one of the largest such camps in Europe – were established throughout the territory. The crimes of the Ustasha (Croatian fascist government) went largely unpunished and are not well-known outside of the region even today, which is mainly a result of their suppression by Yugoslavia's (somewhat dictatorial) Communist leader Josip Broz Tito. Once tensions began to mount in the early 1990s, memories of these past atrocities played a major part in how the groups responded to one another. Some groups (legitimately) feared others, as right-wing politicians took control of various regions and used nationalist rhetoric to mobilize their people and to prepare to break the country apart. Many scholars blame nationalism for the outbreak of violence (Denitch, 1996; Glenny, 1992; 2012; Kaplan, 1993; Ramet, 1992; Silber & Little, 1996), yet nationalism is only a part of the story.

From at least the beginning of the 1980s – around the time of Tito's death – internal *and* external forces were moving the country in the direction of ethnic conflict. Although the underlying causes of the Yugoslav civil war have been shown to be multiple and complex, they were clearly precipitated by the ambitions of external forces, mainly by Germany and the United States. Many scholars (Ali, 2000; Beloff, 1997; Carpenter, 2000; Flounders, 1998; Gervasi,

1998; Gowan 1999; 2000; Hayden, 1993; Johnstone, 2002; Parenti, 2000; Roberts, 1996; Szamuely, 2013) have blamed the strategic geopolitics and neo-liberal agenda of these Western powers for Yugoslavia's demise. Although scholars who blame external forces for the outbreak of war acknowledge that internal forces were contributing factors, and vice versa, the debate on who deserves the most blame for the outbreak of war continues. Furthermore, and in spite of all the evidence to the contrary, the conventional wisdom about the role of the United States is that it did not take sides (at least in the early stages) and that it wanted Yugoslavia to remain intact. This was most definitely not the case as the 1991 Foreign Operations Appropriations Act, a public law the Bush administration pushed Congress into passing, essentially demanded the breakup of Yugoslavia and is evidence that the U.S. had always supported the secessionists.

One of the goals of this dissertation was to contribute to this debate and to make the role of the United States (as well as the European Union and Germany) clearer. This was done by conducting a case study (Study 1) using necessary condition counterfactual analysis in order to paint a clearer picture of the impact Western policies, particularly American, had on the conflict. The hypothesis of this study is that the demands and ultimatums made by the West were ineffective in ameliorating the dispute and instead were major contributing factors, or necessary conditions, for escalating the crisis from mainly isolated pockets of violence into a full-blown war. To put it another way, the coercive strategy employed by the West from 1990-1991 was the main cause of the war. Therefore, if the coercive actions conducted by Western powers in the Balkans during this timeframe were taken out of the causal chain of events, it is highly likely that the violence that permeated the region could have been averted and a peaceful solution to the crisis could have been found. To frame it as a necessary condition counterfactual, without

Western coercion (independent variable  $X$ ), a full-blown war (dependent variable  $Y$ ) would not have occurred.

From this point, the goal was to build off the initial study to examine, arguably, the other main contentious issue of the Yugoslav case, which is the debate about whether the International Criminal Tribunal for the Former Yugoslavia (ICTY) was a fair and impartial court that sought justice for all of the victims of the conflicts, or whether it was a political tool used by Western powers to justify their intervention by making Serbs the guilty party and minimizing the role of the secessionist groups. Regardless of where one stands on this debate, it is generally acknowledged that the Tribunal has been shrouded in controversy since its inception – although those who support the Tribunal tend to overlook or justify the issues that have been raised against it. Some of the disconcerting actions of the Tribunal that have been exposed include indicting individuals without evidence, redacting testimony, censoring defendants, violating defendants' due process, trying defendants *in absentia*, allowing hearsay evidence, allowing and admitting evidence obtained through torture, accepting testimony from perjured witnesses, not allowing defendants to confront their accusers, not allowing defendants to access and analyze evidence being used against them, violating defendants' right to a public hearing, and giving accused war criminals impunity for their testimony (Black, 2000; Brock, 1996; Hayden, 1999; Laughland, 2007; Mandel, 2004; Thomas, 2003; Zoglin, 2005). These are serious accusations that should not be taken lightly. Nonetheless, the focus of this dissertation is the accusation of bias.

Two separate studies (Study 2 and Study 3) were conducted to examine a possible anti-Serb bias by the Tribunal. Study 2 is a quantitative analysis of case outcomes at the ICTY, and Study 3 is a content analysis of the messages disseminated by the Tribunal (mainly to

communities in the Balkan region but also to the international community). Study 2 and Study 3 are inextricably linked to Study 1. For instance, if the foreign policy strategies of Western powers were mostly to blame for the outbreak of war, then it could be expected that the ICTY would be biased against Serbs, especially considering that Western powers created it, as well as funded and staffed it throughout its operations. Based on previous research on the ICTY two hypotheses were formulated for Study 2; it was predicted (H1) that those who committed crimes against non-Serbs would be more likely to be convicted as well as sentenced to longer prison terms than those who committed crimes against Serbs and (H2) that defendants of Serbian ethnicity would be more likely to get convicted as well as sentenced to longer prison terms than those who are not of Serbian ethnicity. Building off of Study 2, Study 3 offered a qualitative, and therefore more exploratory, examination into the issue of bias.

Finally, a fourth study (Study 4) was conducted to examine the psychological effects of the demonization of Serbia (and Serbians) by the mainstream media (both during and after the conflicts) on Serbians and Serbian-Americans. In order to gain support for the breakaway republics and ultimately to sway public opinion in favor of U.S. foreign policy, the mainstream media and government officials conducted a large-scale propaganda campaign against the Serbs (Hammond, 2000a; Hammond & Herman, 2000). As renowned scholar on the media (who also wrote prolifically on Yugoslavia), Edward Herman (2009) describes, “The successful demonization of the Serbs, making them largely responsible for the Yugoslav wars, and as unique and genocidal killers, was one of the great propaganda triumphs of our era. It was done so quickly, with such uniformity and uncritical zeal in the mainstream Western media, that disinformation had (and still has, after almost two decades) a field day.”

Ultimately, the main objective of demonizing a group, other than to gain public support for a particular foreign policy (usually a ‘humanitarian intervention’), is to dehumanize it, as it places the target group outside of the moral boundaries of society and makes crimes and atrocities committed against it seem acceptable, even just (Opotow, 1990). Dehumanization is a “psychological process of demonizing the enemy, making them seem less than human and hence not worthy of humane treatment” (Maiese, 2003). It is also an “extension of a less intense process of developing an ‘enemy image’ of the opponent...[which] is a negative stereotype through which the opposing group is viewed as evil, in contrast to one's own side, which is seen as good” (Maiese, 2003). Furthermore, the demonization of Serbs is also supported by studies on media framing, which have shown that the media tend to report and stay close to the government’s official version of events (Herman & Chomsky, 2002; Lawrence, 2010) while ignoring opinions on foreign policy that do not receive support among political elites (Powlick & Katz, 1998), and consistently favor one side over another (Entman, 2004, Entman & Rojecki, 2000) – especially when it comes to U.S. foreign policy (Entman, 2004; 2007).

Research on the media demonization of Serbs has been quite prolific, and the same can be said about propaganda and media framing. However, one area where research has been limited is on the effects dehumanization can have on the target group, and more specifically dehumanization through demonization. Recent empirical research has shown that dehumanization can have severely negative consequences, however few studies have focused on the target group and those that have were experimental. To fill this void, this study focuses on the effects of dehumanization from the perspective of the target group through a real-world experience of dehumanization. Serbians and Serbian-Americans were recruited to participate in a series of focus groups and one-on-one, semi-structured interviews via Skype. By utilizing open-



ended responses from a community-based sample, the data generated from this methodology are richer in detail than what can generally be obtained through experiments. Therefore, this approach allowed for a deeper exploration of the experiences and feelings of the respondents to the dehumanization process, as well as helped to better understand how certain effects of dehumanization can evolve or dissipate, and how coping and/or defense mechanisms, may change over time.

Study 4 is a vital component of this dissertation, as it turns the focus on the human component of the conflicts and the effects that government policies can have on innocent lives, beyond the devastation of sanctions and bombing from the sky. The roles of the ICTY and Western mainstream media (particularly the American media) were vital to shaping public opinion on U.S. foreign policy, however the element that is almost never taken into consideration is what is at stake when it comes to reaching this goal. Some participants from Study 4 described it as ‘media bombing.’ They felt that it was even more deleterious on the overall well-being of Serbs around the world than actual NATO bombs. No one was trying to minimize the death and destruction within Serbia (and other Serbian populated areas NATO bombed), however they wanted to point out effects that are often overlooked. They stated that Serbia was always able to recover and rebuild relatively quickly after wars (such as WWI and WWII), but that the psychological impact the ‘media bombing’ has had on Serbs has made the recovery process much more difficult. Considering the statement by Herman above, they make a valid point.

In conclusion, the overarching goal of this dissertation was to offer a unique perspective of the Yugoslav conflicts by analyzing various factors of the conflicts that have not been examined (or only minimally examined) before. The hope is that the studies conducted for this

dissertation will contribute to various literatures, such as those on Yugoslavia, peace and conflict, international criminal law, media and propaganda studies, and dehumanization.

## CHAPTER 1: Coercive Diplomacy as a Cause of War

In late 1990 and early 1991 the United States employed two coercive measures against the federal government of the Socialist Federal Republic of Yugoslavia (SFRY), which were *necessary* conditions that caused the ‘Wars of Secession’ in Yugoslavia. The first was the 1991 Foreign Operations Appropriations Act, which demanded that the SFRY follow certain provisions as established by the U.S. government, with noncompliance resulting in the U.S. blocking all financial assistance to the SFRY. The second coercive measure was U.S. Ambassador to Yugoslavia Warren Zimmerman’s ultimatum to Belgrade, in which he declared that the United States would not accept the use of force by the SFRY’s armed forces – Yugoslav People’s Army (otherwise known as ‘JNA’, which stands for Jugoslovenska Narodna Armija) – to preserve Yugoslavia and that failure to comply would result in severe economic and diplomatic sanctions, as well as possible military recourse.

The situation in the SFRY was one in which multiple groups were fighting one another for virtually the same things: territory and the right to self-determination. However, the U.S. threatened only the Serbs with sanctions and, later, military force to try to *persuade* them to abandon their right to self-determination on the territories they had control over and where their population made up the majority. Meanwhile, the U.S. supported these same rights for the other groups that constituted Yugoslavia (Slovenians, Croatians, Bosnian Muslims, and Kosovo Albanians), which created a ‘powder-keg’ scenario. It was a contradictory policy that applied a double standard – one for the Serbs and one for everyone else. As General Charles G. Boyd, a four-star general who served as deputy commander in chief of the U.S. European Command during the Yugoslav crisis, noted in his article published in *Foreign Affairs*, “As one Serb officer confided to a member of my staff, he did not understand why his people had been “satanized” for

insisting on the same right of self-determination that had been accorded virtually all others in the former Yugoslavia” (Boyd, 1995; pp. 25-26). At the onset of the U.S. strategy, the separatist groups perceived U.S. threats against the Serbs as a ‘green-light’ to continue collecting arms and committing violent attacks against both government and civilian infrastructures. By not condemning these terrorist acts the U.S., in essence, tacitly approved of them. Furthermore, the U.S. began covertly and overtly supplying financial and other aid to the secessionists – a bewildering and antithetical policy for a state that publicly declared its support for a unified SFRY.

The United States and the European Communities (E.C.) – also referred to as the ‘European Community’ and was the precursor to the European Union – claimed they were against the break-up of Yugoslavia, yet, as General Boyd (1995; p. 23) pointed out, “U.S. actions in the Balkans have been at sharp variance with stated U.S. policy.” Before and throughout the war U.S. and E.C. foreign policies escalated the tension and violence in the region, and with each failed attempt at finding a peaceful resolution Serb resolve only hardened. For most of the war the Serbs resisted the demands of the West, acting under the assumption that any attempt by the West to garner the necessary U.N. approval to use military force against them would be met with disapproval.<sup>1</sup> Furthermore, besides affecting the disposition of the Serbs the U.S./E.C. policy of

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<sup>1</sup> At the time, Yugoslavia was considered a part of Russia’s sphere of influence, regardless of Tito breaking ties with Stalin in 1948 (Beloff, 1985). The climate was not yet ready for the U.S. to act unilaterally, as it would have been difficult for the U.S. to use military force without United Nations (U.N.) approval. Nevertheless, the U.S. was able to test the waters and, more specifically, test Russia’s resolve in the region. Once Russia’s influence waned and the U.S. realized Russia and the U.N. were too weak to stand up to it, the U.S. made its move to establish control and dominance in the region. The move reinforced Europe’s reliance on U.S. military power and the U.S. was able to transform NATO’s mandate as a defensive alliance against possible Soviet aggression into an offensive one ready to ‘defend human rights’ and ‘spread democracy’ anywhere in the world and at any cost (Gervasi, 1998).

offering only *sticks* to the Serbs while *carrots* were offered to the secessionists had a negative impact on the secessionist groups. One of the main consequences of the West's strategy was that it fostered an indefatigable stubbornness in the secessionists.

With Western powers squarely in their corner, the secessionists were much less willing to negotiate in good faith knowing they would not be punished for resisting. In fact, much of the time they were rewarded for doing so (Burg, 2003; Holbrooke, 2000; Johnstone, 2002; Laughland, 2007; MacKenzie, 1993). However, there were moments when the West genuinely wanted its newly minted clients in the Balkans to accept a deal it put forth, yet these groups frequently refused to do so. In his book, *To End a War (2000)*, former U.S. Ambassador to the United Nations Richard Holbrooke acknowledges that the negotiations in Dayton almost broke down as a result of the stubbornness of Bosnian Muslim leader Alija Izetbegovic, who was unwilling to compromise even on issues that hardly mattered to the Bosnian Muslims. Furthermore, Holbrooke (2000) details how the Albanians made life difficult for the Americans in Rambouillet even though the Americans were giving the Albanians everything they wanted (See also Ali, 2000; Corwin, 1999). At various times throughout the fighting that took place in Bosnia, Croatia, and Serbia (Kosovo) ceasefires and peace negotiations broke down – or were blatantly sabotaged – largely due to the actions of the secessionists, which were mainly orchestrated by the U.S. (Ali, 2000; Art & Cronin 2003; Holbrooke, 2000; MacKenzie, 1993; Owen, 1995; Rose, 1999; Schindler, 2007).

Former U.S. Ambassador to Yugoslavia Walter R. Roberts (2014; p. 372) affirmed that “most of the local ceasefires that were arranged by the United Nations on the spot were broken by the Bosnians, and the ceasefire that had been holding in Croatia for over a year was shattered by the Croatians.” According to former British Foreign Secretary David Owen, who was an

active mediator in Bosnia, the Bosnian Muslims were not willing to sign a promising peace agreement, which offered quite favorable terms to their side, because they expected the Americans to join in the fight on their behalf at any moment. In an interview in early February 1993 Owen stated, “We have more or less got a settlement. But we have a problem. We can't get the Muslims on board. And that's largely the fault of the Americans, because the Muslims won't budge while they think Washington may come into it on their side any day now.... It's the best settlement you can get, and it is a bitter irony to see the Clinton people block it” (Apple, 1993). The coercive measures were clear indicators that Washington had sided with the secessionists and had its own agenda for the region. Gervasi (1998; p. 26) reaffirms this notion as he states, “[The] two Western powers, the United States and Germany, deliberately contrived to destabilize and then dismantle the country” as they “carefully planned, prepared, and assisted the secessions which broke Yugoslavia apart.” Once their pretense of supporting the preservation of the SFRY was no longer necessary, the Western powers recognized the secessionist states as independent and sovereign, violating international law and norms in the process. It was the final act that ignited the powder keg and launched the SFRY into a civil war.

Some scholars (Burg, 2003; Art, 2003), however, have argued that U.S. coercive diplomacy succeeded in bringing about the Dayton Accords, which ended the Bosnian war. There were certainly many factors that led to the peace settlement, and perhaps the coercive diplomacy used in Dayton was one of them, yet, regardless of its (perceived) success during the negotiations in Dayton, it does not negate the effects of the coercive strategy that preceded it. Furthermore, with respect to the Kosovo case, coercive diplomacy employed by the U.S. at the “negotiations” in Rambouillet, France – where the U.S. presented the Serbs with an ultimatum that went far beyond what any legitimate sovereign state would accept – culminated with the

U.S., through the auspices of NATO, conducting an almost three-month illegal air war against the ‘rump Yugoslavia’ (Serbia and Montenegro).<sup>2</sup> According to Art (2003), coercive diplomacy fails when the coercer cannot persuade the target to ‘reverse course’ and, therefore, must either back down – which could later weaken its negotiating power – or conduct a full-scale war. The latter is what occurred during the Kosovo crisis and, therefore, the coercive diplomacy employed by the U.S. can only be deemed a failure (Burg, 2003). Although U.S. coercive diplomacy may have failed to bring peace, it was successful in bringing war, which was seemingly the Americans’ intended goal.

To ensure of this outcome the Americans added a last minute addendum to the ultimatum, known as Appendix B,<sup>3</sup> that would have given NATO the power to occupy all of Yugoslavia, intentionally setting the bar too high and anticipating that the Serbs would reject the “peace deal” (Booth, 2001; Gowan, 2000; Layne, 1999). U.S. policymakers made it clear from the outset that their terms were ‘nonnegotiable’ – (then) Secretary of State Madeleine Albright further stressed this point at a White House press conference shortly after the bombing began<sup>4</sup> – and knew all along that there was ‘zero chance’ that the Serbs would accept the proposal, therefore the U.S. was able to create a pretext for war by framing the situation as the Serbs being ‘unwilling to negotiate’ and ‘rejecting peace’ (Burg, 2003; pp. 90-91). Burg (2003) argues that the U.S. devised and executed a plan to ensure the failure of the peace talks in order to punish

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<sup>2</sup> When NATO began its bombing campaign on March 24, 1999 it did so without permission from the United Nations – there was no resolution and no U.N. Security Council approval before taking this action.

<sup>3</sup> The addendum was shrouded in secrecy and kept from the general public for most of the bombing campaign, which was a clear indication of malintent.

<sup>4</sup> Secretary of State Madeleine K. Albright, Press Conference on “Kosovo,” Washington, D.C., March 25, 1999, released by the Office of the Spokesman, U.S. Department of State, [secretary.state.gov/www/statements](http://secretary.state.gov/www/statements) (taken from Burg, 2003; p. 99).

Serbia for Bosnia and Kosovo, while others (Gowan, 1999; 2000; Johnstone, 2002; Parenti, 2000) argue that it was done to destroy the last remaining bastion of social and economic independence in the region – essentially for geopolitical reasons. Either way it is perceived, the addendum is indispensable evidence that supports the claim that the U.S. purposely escalated the crisis in order to create a pretext, as well as to justify, an air war against Yugoslavia.

### **Objective and Method of Study**

As discussed, coercive measures were used at various stages of the conflict, however this case study focuses solely on the U.S strategy that was utilized during the early period of the conflict, from 1990-1991. Furthermore, the main focus of this study is to examine one causal factor. In many case studies, as Goertz and Levy (2007; p. 15) emphasize, “the goal is to focus on one important causal factor. The aim is not a “complete” explanation of the event but rather a more modest one of exploring the consequences of a key independent variable.” Tetlock and Belkin (1996; p. 19) further emphasize that “thought experiments should manipulate one cause at a time, thereby isolating pathways of influence.” Therefore, counterfactual theory of causation is utilized for this study, with the goal of analyzing one causal factor to test whether or not it was a necessary condition for the cause of the war. This is done, in part, by examining whether the outcome would have been the same without the effects of the causal factor. As described by Lewis (1987; p. 161), “We think of a cause as something that makes a difference, and the difference it makes must be a difference from what would have happened without it. Had it been absent, its effects — some of them, at least, and usually all — would have been absent as well.” Goertz and Levy (2007; p. 14) explain that “X is necessary for Y means simultaneously the counterfactual that without X, Y would not have occurred.”



In order to reach the stated aim of this study, counterfactual analysis with an emphasis on historical and logical consistency (Tetlock & Belkin, 1996) and necessary and sufficient conditions (Goertz & Levy, 2007) are utilized for analysis. The hypothesis of this study is that the demands and ultimatums made by the West were ineffective in ameliorating the dispute and instead were major contributing factors, or necessary conditions, for escalating the crisis from mainly isolated pockets of violence into a full-blown war. To put it another way, the coercive strategy employed by the West during this time frame was the main cause of the war. Therefore, if the coercive actions conducted by Western powers in the Balkans from 1990-1991 were taken out of the causal chain of events, it is highly likely that the violence that permeated the region could have been averted and a peaceful solution to the crisis could have been found. To frame it as a necessary condition counterfactual, without Western coercion (independent variable *X*), a full-blown war (dependent variable *Y*) would not have occurred.

### **Right to Self-determination?**

It is important to first begin with the question of self-determination; did the secessionist groups in Yugoslavia have the right to declare the ‘right to self-determination’ and force the breakup of Yugoslavia, and, therefore, was the United States justified in its support of these groups? According to international law, the answer to this question is no, as secessionism is illegal and supporting secessionist movements is generally not favorably looked upon by both Western as well as non-Western states – many U.N. member states, including several Western ones, have had to deal (or are currently dealing) with their own secessionist issues. In order to support this premise about secessionism a brief historical background on the “right to self-determination” – as was claimed by the secessionists – is provided below, as well as a

comparative analysis of the Yugoslav case to similar cases, which will demonstrate that the secessionist movements in the SFRY were clearly illegal.

The “right to self-determination” as a theory or ideology has pre-20<sup>th</sup> century roots, however, the most important historical starting point for the emergence of the right to self-determination in the 20<sup>th</sup> century came in 1918, just before the end of World War I. The leader of this ideology was then U.S. President Woodrow Wilson. His *Fourteen Points* speech had a major influence on establishing new nation-states in Europe. Ironically, one of the states he listed in his *Fourteen Points* speech was Serbia. The eleventh point was as follows:

Romania, Serbia, and Montenegro should be evacuated; occupied territories restored; Serbia accorded free and secure access to the sea; and the relations of the several Balkan states to one another determined by friendly counsel along historically established lines of allegiance and nationality; and international guarantees of the political and economic independence and territorial integrity of the several Balkan states should be entered into.<sup>5</sup>

One month later he gave his famous self-determination speech, and in it declared the following:

“National aspirations must be respected; people may now be dominated and governed only by their own consent. Self-determination is not a mere phrase; it is an imperative principle of action” (Congressional speech given on Feb.11, 1918). However, his argument for defending peoples’ right to self-determination, as described in his *Fourteen Points*, is based on the premise that this right belongs to peoples who had their territories occupied or colonized by a foreign power – i.e., the Ottoman Empire, the Empire of Austria Hungary, or the British Commonwealth.

Since Yugoslavia was created with the consent of all of its constituent peoples (or ‘nations’ – ‘narodi’ in Serbian) it does not meet Wilson’s self-determination criteria. In fact, the movement to create a nation of “South Slavs” originated in Croatia in the 19<sup>th</sup> century; it was called the “Illyrian Movement” (Trifkovic, 2010). Therefore, based on Wilson’s principles, the

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<sup>5</sup> Taken from Williams, Goldstein, and Shafritz (2006).

secessionists in SFRY should not have been allowed to unilaterally declare independence based on the “right to self-determination”. Furthermore, there is nothing mentioned in the United Nations Charter that grants self-determination to peoples within existing sovereign independent states, nor are there any Western nations that allow secession within their borders (Thomas; 2003). Therefore, no group in the SFRY had the right to secede in such a manner. However, there were certain measures that would have allowed *nations* within the SFRY to legally breakaway and create their own states. Based on the 1974 Yugoslav Constitution nations (not territories) can be granted sovereignty as part of a confederation with the SFRY or they can become completely independent sovereign states (Johnstone, 2002; Laughland, 2007; Parenti, 2000; Szamuely, 2013). Hayden (1993; p. 1) offers a succinct summary of the way the 1974 Yugoslav Constitution addressed the right to self-determination including the possibility of secession:

The famed concept of self-determination had different meanings in Yugoslav politics and popular thought than the refined, "limited" right that the EC and US claimed to recognize. The reference in the first line of the 1974 Yugoslav Constitution to "the right of every nation to self-determination, including the right to secession" referred to the nations (*narod*) of Yugoslavia, ethnically defined, not to the populations or citizens of republics. While these "nations" were recognized as having their several republics, it was the "nations," not the republics, that were described as having united to form the Yugoslav state. This constitutional situation may be contrasted with that of the Soviet constitution of 1977, which defined the Soviet Union as a state formed by "the voluntary association of equal Soviet Socialist Republics," each of which retained "the right freely to secede from the USSR." Such a right was not granted to the Yugoslav republics, but only to the "nations" of Yugoslavia.

Nevertheless, gaining independence from the SFRY would have been an arduous process and many concessions would have been necessary on the part of the secessionists, such as affording other nations within a specific territory – such as the Serbs in Croatia for example – the option of remaining within the SFRY. Therefore, all of the secessionist groups in the SFRY would have had to give up parts of the territories they claimed belonged exclusively to them,

which was perhaps the primary reason the secessionists avoided this route.<sup>6</sup> The only other option available to them, however, was illegal: collecting arms and using violent measures to break away. This is the option the secessionist groups in the SFRY chose. It is a means that can cause unrest in a state, including destabilizing a legitimate government (especially when foreign governments interfere), and is, therefore, one of the main reasons states do not support secessionism.

There are many Western states that have dealt with or are currently dealing with secessionist problems similar to the one that occurred in Yugoslavia – Canada (Quebec), Spain (Basque region and Catalonia), Great Britain (Scotland, Wales, Northern Ireland), and Belgium (Flanders and Wallonia) are just a few examples and none of them have allowed secessionists to unilaterally declare independence. To elaborate further with respect to Quebec, in August 1998 the Canadian Supreme Court, having acknowledged that Canada is not indivisible, declared that Quebec could not secede through a simple majority vote among its residents, and, more importantly, declared that under international law, there is no right of unilateral secession except territories that are judged to be colonies and specially oppressed peoples (Thomas 2003; p. 21). Based on this ruling, which happened to include three judges from Quebec, the secessionists in the SFRY should have clearly been ruled out as possible claimants of the right to self-determination.

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<sup>6</sup> When the SFRY was founded Tito's regime established the boundaries in a way that was not necessarily fair to all groups. The theory, "A weak Serbia for a strong Yugoslavia" had guided the domestic policy of Tito's regime since the establishment of the SFRY (Beloff, 1985; 1997; Meier, 2005; Walter, 2014) and the boundaries were drawn in a way that reflected this policy. Instead of living in the same republic, as was afforded to the other peoples or nations of Yugoslavia, large segments of the Serbian population were forced to live outside of Serbia. Furthermore, they were not given autonomy within these regions even though non-Serb communities were given autonomy inside of Serbia.

Furthermore, Thomas (2003; p. 18) offers another prime example of a unilateral declaration of independence (UDI) – mirroring those that occurred in SFRY – that was judged to be illegal:

When the right of self-determination is invoked by secessionist ethnic groups, the state almost always invokes the principles of the territorial integrity and sovereignty of the state and the inviolability of its borders. This invariably leads to civil war. A “Unilateral Declaration of Independence” (UDI) against the objections of the federal authorities and the wishes of the majority population who are engaged in resisting the secessionists is considered a violation of international law. In 1965, for instance, Britain refused to recognize the UDI by Prime Minister Ian Smith’s White minority government in Rhodesia declaring the act as illegal under international law. Supporting the British position, the United Nations then proceeded to impose economic sanctions on Rhodesia as punishment for its illegal UDI.

On November 12, 1965, the day after Rhodesia’s UDI, the UN adopted United Nations Security Council Resolution 216, which condemned the UDI “made by a racist minority” in Southern Rhodesia<sup>7</sup>. According to the Yugoslav census of 1991, even if all of the Croats, Bosnian Muslims, Slovenians, and Albanians had amalgamated for the sole purpose of breaking up Yugoslavia, they still would have only constituted roughly 44% of Yugoslavia’s total population, which is a long way from being a full majority (Johnstone, 2002; Parenti, 2000). Therefore, if Rhodesia’s UDI was considered illegal – due mainly to the fact it was made by a minority – as well as meriting severe punishment by the United Nations, then, based on the same principle, the UDIs made by the secessionists in the SFRY should have also been deemed illegal. However, this did not occur. The United Nations did not even offer an opinion on the legality (or illegality) of the UDIs made by the secessionists in the SFRY, nor did it in any way try to defend the principles of sovereignty and territorial integrity of the SFRY. These very principles form the foundation of international law and the United Nations was created mainly for the purpose of

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<sup>7</sup> Resolution 216 can be viewed at: [http://undocs.org/S/RES/216\(1965\)](http://undocs.org/S/RES/216(1965))

defending state sovereignty in order to help maintain international peace and security (Dinstein, 2011; Goodrich & Simons, 1955; Laughland, 2007; Luard & Heater, 1994; Schachter, 1991).

Vis-à-vis Yugoslavia, the United Nations failed to uphold these principles and allowed international law to be violated.

## **The Coercive Strategy**

### **Defining Coercion**

The strategies employed by the United States apropos of the crises in former Yugoslavia were a combination of deterrence, coercive attempts, and coercive diplomacy, and were aimed primarily at the Serbs. Deterrence was utilized mainly before the fighting broke out in the SFRY. Coercive attempts were employed as a strategy immediately prior to as well as during the war, and coercive diplomacy was used at the end of the Bosnian, Croatian, and Kosovo crises. The present case study focuses the West's strategy, which utilized both deterrence and coercive attempts (a form of compellence), during the time period immediately before and after the outbreak of violence. The theories of deterrence and compellence can vary and at times may seem rather nebulous and confusing. For instance, Byman, Waxman, and Larson (1999) state that compellence and deterrence are both forms of coercion, and Art (2013) states that coercion and coercive diplomacy are both forms of compellence. Scholars, such as Schelling (1966), George (1991), Morgan (2003), and Art (2003), separate compellence from deterrence because compellence essentially is utilized as a strategy to persuade a target to "*stop* what he is doing.... (or) to *undue* what he has already done" (George, 1991; p. 6) and deterrence is utilized as a strategy in order to prevent a target from taking a certain action – such as invading another state or developing nuclear weapons – (Morgan, 2003; Schelling, 1966). As Schelling (1966; pp. 71-72) notes:

Deterrence and compellence differ in a number of respects.... Deterrence involves setting the stage – by announcement, by rigging the trip-wire, by incurring the obligation – and *waiting*. The overt act is up to the opponent. The stage-setting can often be nonintrusive, nonhostile, nonprovocative. The act that is intrusive, hostile, or provocative is usually the one to be deterred; the deterrent threat only changes the consequences if the act in question – the one to be deterred – is then taken. Compellence, in contrast, usually involves *initiating* an action (or an irrevocable commitment to action) that can cease, or become harmless, only if the opponent responds. The overt act, the first step, is up to the side that makes the compellent threat. To deter, one digs in, or lays a minefield, and waits – in the interest of inaction. To compel, one gets up enough momentum (figuratively, but sometimes literally) to make the other *act* to avoid collision.

Byman et al. (1999; p. 11) agree with Schelling here, yet they argue that compellence and deterrence “tend to blur”, because they both (can) use coercive measures. Furthermore, they argue (11) that the target of deterrence can, subsequently, threaten its opponent – with violent or nonviolent actions – in order to force it to *reverse course* (revoke its deterrent threat) or to *stop* the coercer from trying to coerce it, which, either way you look at it, are seemingly forms of compellence. Morgan (2003; p. 3) provides a good example of how compellence and deterrence can blur by drawing on the case of North Korea and its development of nuclear weapons: “When the US threatens military action to halt North Korea's nuclear weapons program is this *deterrence* of a provocative step (a kind of "attack" by the North), or *compellance* of the North to get it to stop what it is doing”? This example highlights how difficult it can be at times to distinguish between compellence and deterrence. However, based on the descriptions provided by these scholars, it would be a safe assumption to make that coercive attempts and coercive diplomacy (both forms of compellence) fall under the ‘coercion’ category, and that, at times, deterrence can as well.

Art (2003; pp. 6-7) distinguishes between coercive attempts and coercive diplomacy as he defines coercive diplomacy as the threat of military force or the actual use of limited force in order to get the target to “change its objectionable behavior”. He believes coercive attempts

involve only “the use of economic sanctions, only the withholding of benefits to a target, only the cessation of benefits that a target currently enjoys, or more generally any coercive attempt that does not entail some employment of military force” (pp. 6-7). When it comes to coercive diplomacy, however, George (1991; p. 5) argues that it is a “strategy that seeks to persuade an opponent to cease his aggression rather than bludgeon him into stopping”, and he stresses that if any force is to be used it must be conducted in a very limited and cautious manner. Contrary to Art, George does not view coercive diplomacy as needing to use the threat of military force and states that it “does indeed offer an alternative to reliance on military action” (5). Therefore, George classifies compellence with *or* without the threat of military force as ‘coercive diplomacy’, while Art separates compellence with the threat of military force (coercive diplomacy) from compellence without the threat of military force (coercive attempts). Art’s ‘coercive attempts’ constitutes coercion by threat and/or implementation of sanctions and/or embargos, which I generally use in reference to one of the two threats issued by the Americans in the Balkans during the time period between 1990-1991. The other measure taken as part of their coercive strategy consisted of a deterrence threat, and it included both sanctions and the use of military force as punishment for noncompliance. Since the overall strategy contained threats of sanctions and the use of military force as punishment for noncompliance it is classified as ‘coercive diplomacy’.

### **The Strategy**

The United States employed two coercive measures against the federal government of the SFRY that were necessary conditions for the outbreak of war. The first was the 1991 Foreign Operations Appropriations Act, which demanded that the SFRY follow certain provisions as established by the U.S. government, with noncompliance resulting in the U.S. blocking all



financial assistance to the SFRY.<sup>8</sup> The second coercive measure was U.S. Ambassador to SFR Yugoslavia Warren Zimmerman's ultimatum to Belgrade, in which he declared that the United States would not accept the use of force by the SFRY's armed forces (the JNA) to preserve Yugoslavia and that failure to comply would result in severe economic and diplomatic sanctions, as well as possible military recourse. As will be later discussed, the U.S. implemented the sanctions, as well as eventually using military force against the SFRY, even though Belgrade fully complied with the ultimatum.

The secessionist movements in Slovenia and Croatia were in the works long before war engulfed Yugoslavia in the 1990's (Woodward, 1995). However, it was not until the Berlin wall came down that these movements began to really gain momentum. The Croatian diaspora, particularly the ones in Canada and the United States, had been working diligently over the years to raise funds for purchasing arms, and with the reunification of Germany and its position near the top of the 'new world order', Croatia and Slovenia were primed to begin their quest to break away from Yugoslavia. Germany was a key player from the beginning, arming the Croats with stockpiles of weapons that had belonged to former East Germany as well as providing vital intelligence information to the top Croatian brass (Clark, 1998; Johnstone, 2002; Parenti, 2000). The United States also got involved early on in the process as its President, George H.W. Bush, signed into law the Foreign Operations Appropriations Act in November of 1990, which demanded that all U.S. financial assistance to the SFRY be blocked – including having U.S. representatives at IMF, the World Bank, and even the E.C. bar all loans and other financial assistance to the SFRY – if the U.S. deemed that, after six months, the SFRY had not complied

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<sup>8</sup> See APPENDIX A to view in full Section 599A of the 1991 Foreign Operations Appropriations Act (PUBLIC LAW 101-513).

with the Act and held fair and free elections in each of the Republics as well as demonstrated that it was not engaging in systematic abuse of human rights. The ‘human rights’ aspect was added by Senator Donald Nickles from Oklahoma and it became known as the Nickles Amendment.

The Nickles Amendment was a cunning addition as it gave the U.S. some maneuverability in case the elections were successfully carried out. As the Act stated, “That notwithstanding the failure of the individual Republics of the Socialist Federal Republic of Yugoslavia to have held free and fair multiparty elections within six months of the enactment of this Act, this section *shall not apply if the Secretary of State certifies* that the Socialist Federal Republic of Yugoslavia is making significant strides toward complying with the obligations of the Helsinki Accords.”<sup>9</sup> The onus was on the Secretary of State – not the SFRY officials or even the United Nations – to certify that the SFRY was complying with the Helsinki Accords, yet the method to be used to confirm compliance was nowhere to be found. There was no transparency about the protocols that needed to be undertaken on the ends of both the SFRY government and the State Department. Nor was there transparency about who would be in charge of monitoring the situation on the ground – such as monitors appointed by the United Nations or even by Washington. At the very least the Secretary of State should have been required to provide evidence to support any claims that the SFRY was in violation of the Helsinki Accords, especially before implementing such harsh punishments. Furthermore, the SFRY was not allowed to demonstrate that it was in full compliance with the Act and, therefore, it had no means of defending itself against false accusations. In theory, the U.S. government, through the Act, had designated itself as de facto prosecutor, defense attorney, and judge. All it took for the

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<sup>9</sup> Emphasis added by this author.

section of the Act (on Yugoslavia) to automatically and immediately go into effect was for the Secretary of State to simply refrain from taking any course of action to certify that the SFRY was making ‘significant strides toward complying with the obligations of the Helsinki Accords’. Unfortunately for Yugoslavia, this is exactly what occurred. Even though Washington never provided evidence to back up any of its claims, economic sanctions immediately went into effect.

Furthermore, there is a section in the Act that contradicts Washington’s claim that it supported the preservation of Yugoslavia. It reads as follows, “[T]his section shall not apply to assistance intended to support democratic parties or movements, emergency or humanitarian assistance, or the furtherance of human rights.” Therefore, even though SFRY could be (and was) barred from receiving all types of financial assistance imaginable, certain political parties and *movements* (including secessionist movements) continued to be eligible to receive aid. While Slobodan Milošević and the Serbs were singled out for condemnation and economic sanctions were implemented against SFRY and the Republic of Serbia, the United States began giving aid directly to the secessionists. In February of 1991, the “U.S. Congress continued its support for Slovenia and Croatia, with an amendment to the Direct Aid to Democracies Act (the Dole Bell) offered by Representative Dana Rohrbacher (Republican from California) that sought to separate Slovenia and Croatia from Yugoslavia so that penalties for the human rights violations in Kosovo did not apply to these republics and they could be sent aid, bypassing the federal government” (Woodward, 1995; 161). Through the Direct Aid for Democracy Act significant funds were given to “small, right-wing, nationalist parties in a financially strangled region suddenly thrown into crisis by the overall funding cut-off. The impact was, as expected, devastating” (Flounders, 1998; p. 49). By providing the secessionists with financial aid through the Direct Aid for Democracy Act and implementing sanctions against Yugoslavia, even though

it complied with the demands of the Americans, Washington sent a clear message of support to the secessionists and exposed its intention to help ‘resolve the crisis’ in the SFRY as merely a façade.

By definition (the demands of) the Foreign Operations Appropriations Act was a coercive attempt, however U.S. officials deliberately devised it so that the SFRY government would imminently fail, whether or not it successfully addressed the demands of the Act. For one, the Serbs could not *stop* doing something that they were not actually doing to begin with. There is no evidence to support the claim that the Serbs had, at any point, forcefully barred any of the Republics from holding elections. Nor did the U.S., or anyone else, ever provide evidence to support the accusation that the SFRY was violating the Helsinki Accords. Although the purpose of a coercive attempt is to force an adversary to *stop* doing something (in this case the stated aim was to ‘stop the Serbs from repressing minority groups and abusing human rights’) the U.S. did not seem interested in *stopping* anything. The Act was used as a means to begin the destruction of the Yugoslav economy, create disorder throughout the country, weaken the federal government – while strengthening the secessionists by directly giving them aid – and, lastly, to provide a signal to the secessionists that the U.S. was supporting them in their goal to break apart Yugoslavia. In essence, it was a policy that fomented war. To further bolster this objective, the U.S. included a deterrent threat as part of its strategy.

### **The Belgrade Ultimatum**

The Croatians had been arming themselves throughout the autumn of 1990 as “Tudjman’s government was secretly pursuing a huge illegal arms smuggling operation to transform the new police force, called the Croatian National Guard, into the army of the future independent Croatian state. The operation was run by a former senior officer of the Yugoslav

People's Army (JNA), Martin Špegelj, who wanted to use the Croatian armed force to lay siege to JNA barracks and force the officers and men to transfer their loyalty to Croatia" (Johnstone, 2002; p. 23). The Croatian countryside "was brisling with weapons that had been secreted or stolen from JNA warehouses or smuggled across the Croatian-Hungarian border" (Silber & Little, 1996; p. 112)<sup>10</sup>, and, needless to say, violence increased in the region at a rapid pace.

The SFRY government became aware of the situation and was planning to send in the JNA to disarm the illegal paramilitaries. Clearly, the SFRY had every right to act, as any government in any state in the world would consider what the Croats were doing an act of treason and take the necessary measures to combat terrorist activities within its borders. However, U.S. Ambassador to Yugoslavia Warren Zimmerman entered the fray to make sure the Yugoslav government could not stop the secessionists. During a meeting (January 1991) between Warren Zimmerman and the SFRY's President Borisav Jović, Zimmerman told Jović that the U.S. would not accept any use of force by the Yugoslav Army (JNA) to bring the terrorist attacks by the secessionists' paramilitary units to a halt (Cheng, 2006; Johnstone, 2002; Szamuely, 2013). What this meant for Yugoslavia was that it "could not prevent the Federation from being dismembered by force" (Johnstone, 2002; p. 24). As noted by distinguished scholar of Yugoslav history Nora Beloff (1997; p. 28), "No multi-ethnic country, not even France, would have been able to avert terror and violence if its army had been paralyzed." Zimmerman's threat deterred the Serbs from acting, which is the objective of deterrence. However, the intent behind his threat was not to 'help quell the violence' but rather to provoke the opposite response, to *increase* the violence.

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<sup>10</sup> Cited by Johnstone (2002; p. 24).

By not giving the Croats the same ultimatum to refrain from violence that was issued to the Serbs the U.S. sent a tacit message to the Croatian leadership to unabatedly continue committing violent attacks, and the President of Croatia, Franjo Tudjman, obliged. The United States put the government of the SFRY in a major bind. If it did not use the JNA to preserve its state, then the secessionists could break away by using force. If SFRY decided to use military force to preserve the country, then the U.S. and E.C. would intervene by increasing the already severe economic and diplomatic sanctions and possibly using military force. The government of the SFRY was put in a lose/lose situation in what essentially amounted to a zero sum game that was rigged against it. Regardless of what the SFRY did it was going to come out on the losing end. George Szamuely (2013; p. 104) best summarizes the situation as it was:

Justifying secession on the ground that secessionists had made the work of government impossible is bad law and even worse morality. By Badinter's<sup>11</sup> logic, secessionists need only to disrupt the work of government and engage in violence to merit international recognition. It was also the height of impudence for the Western powers – which had threatened the Yugoslav federal government with punishment if it were to resort to force, first to disarm the paramilitaries and second, to end the secessions – now to turn around and cite the inability of the government to exert itself as evidence of its unworthiness to be considered a proper government.

If the U.S. genuinely wanted to help implement a peaceful settlement in Yugoslavia it would have used deterrence to force all the sides to refrain from using violence, not just one. As Lebow and Stein (1987; p. 8) point out, “The goal of deterrence is to dissuade another actor from carrying out a proscribed behavior. In the context of international relations, the most important objective of deterrence is prevention of a use of force. To do this, the theory stipulates that the deterrer must carefully define the unacceptable behavior, communicate a commitment to punish transgressors (or deny them their objectives), possess the means to do so, and demonstrate the

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<sup>11</sup> Robert Badinter was the President of the five-member Arbitration Commission of the Conference on Yugoslavia (footnote added by this author).

resolve to carry through its threat.” If the U.S. was genuinely seeking a peaceful resolution, then why only dissuade one of the actors from using force? To analogize this to perhaps a slightly over-simplified scenario, if two individuals were about to engage in a fistfight with one another dissuading only one of the individuals from fighting but allowing the other to punch and kick at will in order to ‘prevent violence’ from occurring would be completely absurd. By using basic inductive reasoning it would be reasonable to apply this argument to the group level. Therefore, by not attempting to dissuade the other actor (the Croats) from using force suggests that the U.S. wanted the violence to escalate and that it was not at all searching for a peaceful resolution.

Furthermore, as Lebow and Stein (1987; p. 6) describe, “Deterrence is unabashedly a theory of ‘opportunity.’ It asserts that adversaries seek opportunities to make gains, and that when they find these opportunities they pounce.” It has already been extensively argued that the West saw opportunities for gain in the Balkans and was trying to exploit them,<sup>12</sup> which reinforces the main point of Lebow and Stein that when an actor uses deterrence against an adversary it is highly likely that the actor is trying to take advantage of a possible opportunity for its own, personal gain, making the United States’ self-imposed role as an unbiased peace-mediator ostensibly disingenuous.

### **Implementation and Effects**

Although the United Nations did not voice its opinions concerning the crisis in Yugoslavia, the European Community decided that it would. It set up a commission, the Arbitration Commission of the Conference on Yugoslavia (commonly known as Badinter Arbitration Committee), on August 27, 1991 – just over two months after the illegal UDIs were

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<sup>12</sup> See Ali (2000), Beloff (1997), Carpenter (2000), Gibbs (2009), Gowan (1999; 2000), Johnstone (2002), Laughland (2007), Mandel (2004), Parenti (2000), Szamuely (2013), and Thomas (2003).

made by Croatia and Slovenia – in order to offer its *opinions* on the matter of ‘self-determination’ from a supposedly *legal* perspective, and with the stated purpose to engage in *genuine arbitration* between the disputing parties in Yugoslavia. There are a few things, however, to consider about the E.C.’s explanation for the necessity to create such a commission, as well as its stated goals.

One of the main concerns regarding the commission was that its founding was in violation of international law. More specifically, the commission (including the way it was founded) violated many of the principles and procedures set forth by the 1907 Hague Convention on the Pacific Settlement of International Disputes and “didn’t remotely follow the arbitration procedures set down in the Convention” (Szamuely, 2013; p. 99). Due to the very nature of the commission’s founding its legitimacy, as well as its ability to be objective, should have been put into question (by the United Nations). To look at it from a hypothetical perspective, if a commission such as this one was established legally, and therefore deemed a legitimate creation,<sup>13</sup> then it naturally would be viewed as an impartial arbiter – at least until proven otherwise. Nevertheless, its actions and findings would still be scrutinized to the minutest of details, which would include a rigorous review of each of its findings by an outside governing body. Therefore, if a legally established commission is held to such rigorous standards then, at the very least, the same should be expected of one that is created in violation of international law. Unfortunately, this did not occur with regard to the Arbitration Commission of the

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<sup>13</sup> Although the Badinter Commission was recognized by Western powers as a legitimate creation, it does not make it so. All of the conflicting parties needed to be obliged some level of involvement, particularly with regard to approving the Commission’s creation and its jurisdiction to arbitrate, which did not occur (Szamuely, 2013).



Conference on Yugoslavia as none of its actions or findings were ever rigorously reviewed by any governing body.

Nevertheless, the very act of creating a commission in violation of precedent and international law makes the Commission's intended purpose (to act as a fair mediator) a highly dubious one. Therefore, the more likely scenario, as argued by legal scholar Peter Radan (1997), is that the Badinter Commission was created with a political purpose in mind – otherwise why not simply follow the legally mandated procedures? As Radan (1997; p. 537) notes, “the actual role of the Arbitration Commission, as distinct from its officially stated role, was to provide a legal justification for the political decision of the E.C. to recognize the former Yugoslav republics as international states.” This extends to the United States as well. Further evidence that supports this deductive analysis that exposes the Commission's true agenda were the actions of its members, who “were involved behind the scenes at every stage of the crisis” (Gervasi, 1997; p. 27).

The Western powers had to figure out a way around international law since the secessionists' goal of breaking apart Yugoslavia through violence and UDIs was not legal. Their best, and perhaps only, option to reach their objective was to try to at least create the perception of legality and legitimacy. That the perception was duplicitous did not matter, no one would or could question the Commission's motives or the premise behind its creation – and no one did, except for the Serbs, but their voice had long been marginalized (Parenti, 2000). To set the stage for the Commission to come up with findings that favored Western policy objectives, the U.S. policy-makers devised a plan to force the SFRY government into losing control over its territory – or at least make it *seem* as if it had lost control over Yugoslavia – in order to frame the conflict as a “dissolution” rather than as the more familiar and accurate “secessionist” frame. To carry

out this objective the West chose a coercive measure (deterrence) to use against the Serbs, which entailed having the U.S. government publicly threaten the SFRY that it would *not allow* the Yugoslav government to use force to quell any attacks by rebel secessionists.

Viewing the threat as a ‘green-light’ to unabatedly continue terrorizing civilians, police, and government officials, the secessionists increased their attacks in number, scope, and potency, knowing that the Yugoslav authorities would not act – or at least only in a limited manner so as not to provoke a response by the U.S.<sup>14</sup> Although there were certain areas where the secessionists had created some devastation and chaos, to describe the situation as one where the SFRY government had completely lost control over its entire territory and that the country was in a state of dissolution was nothing more than hyperbole. In reality, the situation was nowhere near that dire. To put it into perspective, the situation in Yugoslavia at that particular time was nowhere near as bad as the situation in Syria at the end of 2016, and neither the U.S., the E.U., nor the U.N. has claimed that Syria was in a state of ‘dissolution’.<sup>15</sup> Even at the worst point of the civil war in Yugoslavia, in terms of violence and destruction, it was not comparable to the situation in Syria at the end of 2016. Nevertheless, the terrorist attacks by the secessionists had

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<sup>14</sup> The manner in which the secessionists carried out their attacks as well as the targets of the attacks is best described as a form of terrorism. Therefore, to demonstrate just how nonsensical the U.S. threat against Yugoslavia was one only need to look at how the U.S. government responds to terrorist attacks against it – or, for that matter, how it responds to anything that may threaten its national security. In the recent past, street protests in the U.S. led to excessive measures being taken by the police and even the military to subdue the demonstrators. Los Angeles, Ferguson, and Baltimore are some examples. The best comparison, however, may be the example of the IRA in the United Kingdom. To put the Yugoslav case into perspective, one need only to imagine how improbable it would have been for the U.S. to threaten the United Kingdom that *it would not allow* the U.K. to use force to quell the attacks conducted by the IRA.

<sup>15</sup> The whole of the territory of Syria that was populated (about 50 percent of the territory) was under siege whereas in Yugoslavia there was fighting only in a tiny portion within the territory of Croatia (the area inhabited by Serbs and Montenegrins). See maps of Syria and Yugoslavia in APPENDIX B and APPENDIX C for comparison.

the desired effect of making the state of affairs at least *appear* as though the SFRY government had lost control over its territory, especially when the American mass media could frame the situation in such a way without any resistance, which set the stage nicely for the Commission to present its findings.<sup>16</sup>

When it was time for the Commission to offer its opinions and recommendations regarding the Yugoslav crisis it avoided directly addressing the questions of secessionism as proposed by the SFRY government, which were presented as follows: (1) Who can be the subject of the right to self-determination from the standpoint of international public law, a nation or a federal unit? Is the right of self-determination a subjective collective right or the right of a territory? (2) Can secession be a legal act from the standpoint of the United Nations and other relevant legal rules? (3) Are the demarcation lines between constituent parts of a federal state (provinces, cantons, states, *Lander*, republics and the like) borders in the sense of international public law?<sup>17</sup> The SFRY government proposed these questions to “call attention to the fact that international law does not, in fact, recognize the right of self-determination in the form of *secession* of an administrative unit within a federal state (such as California within the United States or North-Rhine Westphalia within the Federal Republic of Germany)” (Johnstone, 2002; p. 25).

The members of the Commission knew the answer to the question (of secessionism) the SFRY government directed at them and, therefore, could not answer it because Western powers

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<sup>16</sup> Without the counter-balance of ‘new’ (and social) media that we have today, contending voices in the media were either marginalized or silenced. There was essentially one frame repeated ad nauseam by the mainstream American media: “The Serbs were the aggressors who were conquering lands and oppressing democracy-seeking minority groups.” Without even the slightest inclination to do any ‘fact checking’ reporters accepted and printed embellishments and even outright lies as long as it went against the Serbs (Brock, 2006; Parenti, 2000).

<sup>17</sup> Taken from Johnstone (2002).

“couldn’t go on the record as sanctioning secession. Therefore, if the secession[s] of Croatia and Slovenia were to be recognized, as Germany was demanding, it would have to be called something else. [Lord Peter] Carrington replaced the term secession by the term disintegration” (Szamuely, 2013; p. 102). To put it another way, when Carrington presented the question to the Commission he had fundamentally altered it so as to obstruct the Serbs from obtaining the rightful and legal conclusion that the crisis deserved. The Badinter Commission went one step further by declaring that the state “was in the process of dissolution”<sup>18</sup> (Pellet, 1992; p. 183) and “that successor states needed to be recognized” (Hayden, 1993; p. 7). As a result, it allowed Western powers to give the secessionists their unmitigated support without seemingly breaking international protocol. The opinions allowed Western powers to justify their support of secessionism (Radan, 1997). The West argued – based on the findings of the Commission – that since Yugoslavia was in a ‘state of dissolution’ the only course of action available to the Republics within SFRY was to create their own independent and sovereign states<sup>19</sup>. Shortly after the Commission promulgated its answers, Western powers began recognizing the UDIs of

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<sup>18</sup> Opinion No. 1 – Arbitration Committee of the Conference on Yugoslavia.

<sup>19</sup> By declaring that Yugoslavia was in a state of dissolution the Commission then promulgated that what had remained of Yugoslavia could not continue to exist as Yugoslavia, which was a violation of international law. To offer a similar comparison, it would be similar to declaring that if Scotland broke away from the United Kingdom then the U.K. would cease to exist as a state, a nonsensical proposal to be sure that would completely contradict international norms. If Catalonia were to break away from Spain then what would remain of Spain would, as is its legal right, carry on as the same state. Spain would remain being Spain and the United Kingdom would still be the United Kingdom, just without Catalonia and Scotland, respectively. The SFRY should have been allowed to carry on as the SFRY if it so chose. However, it was not given the choice and the United Nations revoked its status as a member state. This result had significant consequences, one of which was losing all of the protections and privileges that come with being a recognized and sovereign U.N. member state. It was another telling decision of the Commission’s pro-secessionist bias.

Slovenia, Croatia, and Bosnia, which led to a full-blown war in large sections of Croatia (Krajina and Slavonia regions) and throughout Bosnia.

Without a doubt, it “was the leading NATO powers that had triggered instability in the Balkans through premature recognitions, a fact repeatedly pointed out by such Establishment figures as Owen and Carrington. Had the West avoided issuing its precipitate recognitions, the Serbs would not have panicked and taken matters into their own hands. There might then have been time to seek negotiated outcomes in Yugoslavia” (Szamuely, 2013; p. 128). However, it was the coercive strategy of the U.S. that set it all in motion; it was a necessary condition for the cause of the war. Without it – removed from the causal chain of events – the war most likely would have been averted. The reason the coercive strategy was a necessary condition is because without the Act and the Belgrade ultimatum there would have been nothing to prevent the SFRY from using force to stop the secessionists. The coercive measures, however, were not sufficient conditions because they were not enough on their own to start a full-blown war. Nevertheless, they were a part of a sequence of events (all of which were necessary conditions) that, when taken together, become a ‘sufficient set’ (Goertz & Levy, 2007). To look at it another way, when all of the antecedent events are summed up they can be viewed as a single ‘sufficient’ condition for the cause of the war.

The coercive measures were a means to help fund the secessionist movements as well as to keep SFRY from crushing them, and they sent an important message to the secessionists to increase the violence and escalate the crisis, which, in turn, was later used by the West to claim that Yugoslavia was in a state of dissolution. These effects also helped the secessionist groups establish a foothold of power and control in their specific regions and mobilize their communities, without which they would have been unable to unilaterally declare independence.

The UDIs opened the door for Western powers to join the fray as ‘mediators’ and create a commission to offer ‘legal opinions’ to ‘help resolve’ the crisis. These opinions led to the recognition of the new states, which, in turn, led to the outbreak of a full-blown war. Although all of the events that followed the coercive measures are important for explaining the cause of the war, they were not the only contributing variables. For instance, nationalism was certainly a contributing factor in the Yugoslav crisis (Denitch, 1994) as it was used for mobilization and to spread hatred and distrust amongst the groups, however it was not a necessary or sufficient condition. As Goertz and Levy (2007; p. 10) state, “A contributing factor  $X$  is part of the set of conditions which are sufficient for  $Y$  but which is not necessary or sufficient by itself for  $Y$ ”.

To further elaborate on this point, if  $X$  represents nationalism (independent variable) and  $Y$  represents the war (dependent variable), then the statement ‘because of  $X$  then  $Y$ ’ would not hold true in this case as there are a plethora of multicultural countries where nationalism is present and war has not broken out (Thomas, 1996). As Thomas (2003; p. 8) notes, “Such competing nationalisms between Serbs and Croats were not sufficient to destroy Yugoslavia, a problem that occurs in other multiethnic states”. Furthermore, the various ethnic groups in the SFRY had intermingled and lived together peacefully for nearly five decades before the crisis evolved. It was, therefore, not a necessary condition because there are other means for mobilization and spreading hatred and distrust within a group, and it certainly was not a sufficient condition because nationalism cannot start a war without other contributing factors or conditions.

Following Goertz and Levy’s (2007; p. 15) description that “necessary condition counterfactual methodology is a univariate one”, this study focused on the coercive strategy utilized by the U.S. in the early 1990’s, demonstrating that it was a necessary condition that

caused the war. Goertz and Levy (2007, p. 15) emphasize that “in many case studies the goal is to focus on one important causal factor. The aim is not a “complete” explanation of the event but rather a more modest one of exploring the consequences of a key independent variable. The necessary condition counterfactual methodology is thus a natural tool. Certainly if a good case can be made for the necessity of  $X$  then  $X$  can be said to be an important cause of  $Y$ ”. It can be further broken down as follows: if  $X$  then  $Y$  or “that  $X$  is necessary for  $Y$  means simultaneously the counterfactual that without  $X$ ,  $Y$  would not have occurred” (p. 14). As demonstrated by this counterfactual analysis of the Yugoslav crisis, without the coercive measures of the U.S., a full-blown war could have been averted.

### **Conclusion**

The strategy of coercive measures (compellence and deterrence) utilized by the U.S. from the end of 1990 to the end of 1991 caused the civil war in Yugoslavia. The Nickles Amendment and the Direct Aid for Democracy Act were signals to the secessionists that they had the support of the West. By punishing Yugoslavia and rewarding the Republics that wanted to secede it became clear to the secessionists that they had a ‘green-light’ to pursue a violent break-up of Yugoslavia. Warren Zimmerman’s Belgrade ultimatum put the SFRY into a bind from which it could not escape. Not allowing the JNA to take control of the crisis allowed the secessionists to escalate the violence without getting punished. Moreover, they were rewarded for doing so because, as the violence increased, the West used it as evidence that the SFRY was not able to quell the violence and exert control over its territory, and should, therefore, cease as a state. This is more or less the way in which Badinter described the crisis at the Conference on Yugoslavia, which led to the recognitions and the outbreak of war. Without the Nickles Amendment and the Direct Aid for Democracy Act the secessionists would not have had the necessary resources to so

actively arm themselves and conduct large scale attacks against the federal government and Zimmerman's Belgrade ultimatum allowed them to further escalate the violence.

It is important to look back at these policy decisions to make sure the mistakes are not repeated. Supporting secessionism in Yugoslavia was clearly a bad idea as, besides creating undue suffering and destruction, it set new precedents, which other leaders, American and foreign, have been able to exploit – such as the Bush administration with the invasion of Iraq, or Russian President Vladimir Putin's intervention in Georgia. Furthermore, the outcome of what took place in Yugoslavia clearly demonstrates the importance and necessity of having (legitimately established) neutral mediators to help find solutions to such crises. In his book, *Dubious Mandate* (1999), former U.N. chief political officer in Sarajevo Phillip Corwin describes how important it is for mediators to stay neutral in these types of crises, because if they do not then one side will expect everything from them and will stubbornly refuse to negotiate, while the other side will not trust them and will also be less inclined to negotiate. As Corwin discusses in his book, he clearly saw this happening throughout his tenure working for the United Nations in Bosnia and Herzegovina.

Further research on this topic can be done to examine how U.S. and E.C. policies vis-à-vis Yugoslavia have affected the way sovereignty is viewed today by the international community, and how these possible effects have led to NATO and, more specifically, the U.S. instigating and conducting wars across the globe, including currently being on the brink of war with Russia over Syria, as well as Ukraine. Furthermore, with regards to Russia, research can be done to examine the effects of the West's actions in Yugoslavia on U.S. relations with Russia, as well as how they may have contributed to Russia developing (back) into a military super power.



## **CHAPTER 2: Justified Grievances? A Quantitative Examination of Case Outcomes at the Yugoslav Tribunal**

The International Criminal Tribunal for the Former Yugoslavia (ICTY) was founded in 1993 to try those who had committed war crimes during the Yugoslav Wars of Secession of the 1990s, as well as to deter further crimes from being committed – the fighting continued in the region until 1999 (six years after the founding of the ICTY). Until the outbreak of the Yugoslav civil war, Europe had enjoyed an unparalleled era of peace since the close of the Second World War. During this period, Yugoslavia had served as a model for the relatively smooth integration of divergent ethnic groups and religions into the fabric of a single national state. While tensions clearly existed within the Yugoslav Federation, particularly since the death of its charismatic, yet somewhat dictatorial, leader Josip Broz Tito, few observers believed they were the harbinger of the country's demise. Nevertheless, from at least the beginning of the 1980s, internal and external forces were moving the country in the direction of ethnic conflict. The underlying causes of the Yugoslav civil war have been shown to be multiple and complex, and were clearly precipitated by the ambitions of external forces (Szamuely, 2013). Many scholars (Denitch, 1996; Glenny, 1992; 2012; Kaplan, 1993; Ramet, 1992; Silber & Little, 1996) cite nationalism for the outbreak of violence, while others (Ali, 2000; Beloff, 1997; Carpenter, 2000; Flounders, 1998; Gervasi, 1998; Gowan, 1999; 2000; Hayden, 1993; Johnstone, 2002; Parenti, 2000; Roberts, 1996) fault the strategic geopolitics and neo-liberal agenda of Western powers, yet, while it was not my intent to ignore any of these causal factors, it would fall outside the scope of this study to include analyses of them.

What was relevant for this paper was to work from the premise that the war in Yugoslavia initially began as an internal issue, with secessionist groups clamoring for

independence, and was followed by an outbreak of violent clashes. Before too long the clashes escalated into a full-blown war with conflicts occurring in various areas of the region. As with most, if not all, territorial wars the violence was difficult to contain and, as a result, there were victims – and perpetrators – on all sides. According to the Tribunal’s founding 1993 UNSC Resolution, two of the Tribunal’s fundamental goals were to bring peace and justice to all the peoples of Yugoslavia (Akrivoulis, 2017; p. 372). The goals, as declared by the international powers that created the Tribunal, were: 1) to bring justice to the victims – with the intention of being impartial and fair toward all the peoples of Yugoslavia – and 2) to deter further violence and war crimes from occurring. Unfortunately, the impetuous manner in which the Tribunal was established led to serious consequences that adversely affected these objectives.

As far back as 1995, when the ICTY was in its infancy, Susan Woodward offered an insightful and prescient analysis of the Tribunal that is just as informative today as it was then. In her seminal book on Yugoslavia, *Balkan Tragedy: Chaos and Dissolution after the Cold War* (1995), she described how the threat of prosecution coming from the court further backed the fighters into a corner and increased the incentives of finding sanctuary within their own sovereign states, making it unlikely to stop the fighting – considering that perhaps the worst atrocities came *after* 1993 she made a compelling case. As she stated, “By ignoring this counterproductive result – encouraging the conditions that led to violations – supporters of the War Crimes Tribunal appeared to give priority to defending the norms rather than to preventing conditions that would result in more victims” (p. 324). Furthermore, she pointed out that because “the procedure was pushed largely by the United States, the accusations became a servant of American policy toward the conflict itself, which required a conspiracy of silence about the atrocities committed by parties who were not considered aggressors” (p. 324) – or, rather,

atrocities committed by non-Serbs<sup>20</sup>. According to Woodward's analysis, this policy most certainly would have adversely affected the Tribunal's aim to bring justice to all of the victims.

Nonetheless, the Tribunal has stressed that it has promoted peacebuilding and reconciliation in the region, specifically that it has "contributed to an indisputable historical record, combating denial and helping communities come to terms with their recent history. Crimes across the region can no longer be denied" (ICTY n.d.). Establishing a 'collective memory' of what happened in Yugoslavia could have a positive impact on the reconciliation process, especially considering "law and collective memory are reciprocally associated" (Savelsberg & King, 2007; p. 189). However, if there is evidence that the Tribunal may be discriminating against certain groups then the Tribunal's outcomes will inevitably be disputed, which could cause adverse effects on combating denial and helping communities come to terms with their history. Furthermore, many of the outcomes of the Tribunal have already been disputed – not least by some of the governments of states that had previously made up Yugoslavia, such as Serbia and Croatia – thus already putting the Tribunal's historical record in dispute. As Akrivoulis (2017; p. 372) notes, "Given the public mistrust to the Tribunal in the region, its workings seem to aggravate the already existing tensions between the conflicting communities, rather than facilitate their reconciliation."

To further elaborate on this point, Serbs generally feel that the Tribunal has not delivered justice for their victims and that this has resulted in their suffering being largely disavowed by the other communities in the region – as well as by the West. In response to this claim, many in the West have dismissed these grievances as the Serbs simply being in denial of their role in the

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<sup>20</sup> In this paper the terms 'Serb' and 'Serbian' refer only to ethnicity (not nationality), such as 'Serb defendants' or 'victims of Serbian ethnicity'.

war (Gordy, 2013; Obradovic & Wochnik, 2013; Orentlicher, 2008; Ramet, 2007). Reducing this complex issue to such a stark position is profoundly unfair to a subset of the victims of the Yugoslav wars and could increase the animosity between the various communities in the region. Furthermore, it is a *non sequitur*; a group not completely accepting its role in a conflict would not negate the legitimacy of said group's concerns that its victims have been disavowed. Therefore, a group being 'in denial of its role in the war' and having a valid contention that 'its victims have been disavowed' are not mutually exclusive, as some have mistaken them to be. What *would* be mutually exclusive would be for a group to disavow its adversary's victims while concomitantly claiming that it has fully accepted its role in the war. To put it another way, a group cannot genuinely accept its role in a war if it denies the war crimes committed by its side, thereby disavowing its adversary's victims. In any case, it is not a matter of Serbs disputing the outcomes of the ICTY, it is a matter of them wanting justice for their victims too.

The main concern of this study, therefore, was to examine case outcomes at the ICTY to try to gain new insights on this issue and to ascertain whether or not the Serbs' grievances are valid. This study was not meant as an indictment against the Tribunal or those who are, or ever have been, affiliated with it, nor was its goal to try to dispute the outcomes of the cases at the Tribunal. To put it in clear and simple terms, the principle aim of this study was to answer the following question: Does ethnicity (defendant and/or victim ethnicity) predict trial outcome and length of sentencing in ICTY cases?

### **'Individualizing' Guilt**

Yugoslavia was a sovereign state that disintegrated as a result of various secessionist conflicts. It was not a war of aggression such as what occurred in WWII, which is why no state or head of state has been indicted by the ICTY for starting a war of aggression. Neither has the

International Court of Justice concluded that any of the successor states (former republics) of SFRY committed a war of aggression (or genocide) against another successor state. Every side in Yugoslavia fought for self-determination over the lands they inhabited and there were perpetrators and victims on all sides. Therefore, the primary concern of the ICTY has been *jus in bello*<sup>21</sup> (the right conduct within a war) and not *jus ad bellum* (the right to go to war), which the Tribunal has confirmed. It states that “it has now shown that those suspected of bearing the greatest responsibility for atrocities committed can be called to account, as well as that guilt should be individualised, protecting entire communities from being labelled as ‘collectively responsible’” (ICTY, n.d.). Nevertheless, there seems to be a prevailing misconception that the intention of the Tribunal was to indict and prosecute only Serbs.<sup>22</sup>

Scholar Eric Gordy (2013) is perhaps one of the main contributors of the development of this misconception, as he links the Serbs to the ICTY as seamlessly as he links the Nazis to Nuremberg (the International Military Tribunal), finding it perfectly permissible to label an entire community “collectively responsible” for crimes committed by individuals. His stance is that the Tribunal was intended for Serbs just as Nuremberg was established for prosecuting Nazis. He states that for “all the magnification of the Nuremberg legacy, it has become a historical commonplace that public discussion of the kind that was *hoped for in Serbia*<sup>23</sup> did not begin in Germany until two decades after the Tribunal” (Gordy 2013; p. x). Besides linking the

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<sup>21</sup> The ‘just war’ concept is used here as it falls in line with the Tribunal’s founding principles. As John Laughland (2007; pp. 64-65) notes, “Instead of applying existing international law, the ICTY has effectively overturned it. Its founding philosophy is much closer to the ‘just war’ concept....”.

<sup>22</sup> For instance, at a recent conference where this paper was presented, some of the attendees (in the panel as well as in the audience) inquired about this specific point. They believed that the court was established to try mainly one group, just as Nuremberg had been.

<sup>23</sup> Emphasis added by this author.

Serbs to the ICTY (just as the Nazis are linked to Nuremberg), he also draws direct parallels here between the Serbs and the Nazis and between the ICTY and Nuremberg. The Tribunal, however, has adamantly defended its (self-declared) status as a neutral and fair arbiter that does not take sides.

The Tribunal stresses that it assigns blame to all sides, and, perhaps most tellingly, prosecutes individuals – *not* groups. The Tribunal states, “While the most significant number of cases heard at the Tribunal have dealt with alleged crimes committed by Serbs and Bosnian Serbs, the Tribunal has investigated and brought charges against persons from every ethnic background. Convictions have been secured against Croats, as well as both Bosnian Muslims and Kosovo Albanians for crimes committed against Serbs and others. While its judgements [*sic*] demonstrate that all parties in the conflicts committed crimes, the Tribunal regards its fairness and impartiality to be of paramount importance. It takes no side in the conflict and does not attempt to create any artificial balance between different groups” (ICTY, n.d.) This statement unequivocally refutes any presumption that the Tribunal was intended to indict and prosecute only Serbs.

### **Critics Versus Defenders of the ICTY**

Scholars have been debating the question of the Tribunal’s impartiality since its inception and have seemingly split into two camps. The *critics* argue that the Tribunal is biased against the Serbs and is a political tool used by Western powers to justify their military interventions in the region. The *defenders*, on the other hand, support the Tribunal’s rules and procedures and argue that it fairly and impartially seeks justice for all the victims of the war. Michael Scharf and William Schabas are two leading proponents of the ICTY. As they state in their book, *Slobodan Milosevic on Trial: A Companion* (2002; p. 3), they “have been deeply involved in international

justice issues since the International Criminal Tribunal for the Former Yugoslavia was established and even before, participating in its creation, then observing and commenting upon its evolution.” In this work they defend the ICTY’s refusal to indict and prosecute NATO leaders. They state that the “failure of the ICTY to proceed against NATO leaders for waging war against Yugoslavia strikes many as a case of unfairness and of selective prosecution. But the ICTY is powerless to deal with cases of illegal war. It can prosecute only crimes committed during war, not the crime of waging illegal war” (p. 143). Although this may be the case, they avoid the key issue apropos the Tribunal’s lack of willingness to prosecute NATO leaders. Scholars of international justice and/or the Balkans are well aware that the ICTY cannot prosecute the crime of waging illegal war, therefore it is not an issue with which scholars are unduly concerned. However, a key issue that has been raised and is a primary concern to many scholars and legal experts (Black, 2000; Dickson & Jokic, 2006; Hayden, 2000; Laughland, 2007; Thomas, 2003) is the failure of the Tribunal to prosecute NATO leaders for war crimes. Critics of the ICTY argue that this policy is the result of the connection between Western governments, primarily the U.S., and the Tribunal.

For instance, Thomas (2003; p. 171) states that the “selective manipulation of the international justice system and process has become one of the means of conducting U.S. foreign policy. The U.S. -sponsored and -supported creation of the International Criminal Tribunal for the Former Yugoslavia (ICTY) is an illustration of such a system of biased justice where the main goal is to indict Serbs while preventing any indictment of NATO leaders and minimizing those against Croats and Muslims.” Criminal defense lawyer Christopher Black (2000; pp. 29-30) argues that “it was necessary to discredit the existing leadership” of Yugoslavia in order to break it up “into quasi-independent colonies, principally of Germany and the United States,” and

that an “effective propaganda weapon in such an exercise is, of course, a tribunal with an international character, which the public will accept as a neutral instrument of justice but which is controlled for political ends” (2000; pp. 29-30). Dickson and Jokic (2006; p. 355) affirm that the Tribunal has violated defendants’ procedural rights by ‘gagging’ them or even removing them from the courtroom altogether in order not to ‘see and hear the evil’ that NATO leaders perpetrated against Serbs.

Hayden (2000; pp. 551-552) echoes their sentiment as he finds the ICTY delivers a “biased justice”, with prosecutorial decisions based on the national characteristics – or rather the ethnicity – of the accused rather than on solid and compelling evidence. He points out that the evidence of this bias is found in the failure of the Tribunal to prosecute NATO leaders for prima facie war crimes and for crimes that are comparable to those of the accused who have been indicted. Hayden (2000; pp. 551-552) further argues that “this pattern of politically driven prosecution is accompanied by the use of the Tribunal as a political tool for those western countries that support it, and especially the United States: put bluntly, the Tribunal prosecutes only those whom the Americans want prosecuted, and the United States government threatens prosecution by the supposedly independent ICTY in order to obtain compliance from political actors in the Balkans.” The critics provide ample evidence to substantiate their claims, including official statements by NATO leaders and leading members of the ICTY (judges and lead prosecutors), such as Jamie Shea, Gabrielle Kirk McDonald, Louise Arbour, and Carla Del Ponte. Black concludes that instead of resolving conflicts and creating peace the Tribunal has been used to justify the unsanctioned military intervention in SFRY by the leading Western powers and is, therefore, an ‘instrument of war’ (2000; p. 40).



Scharf (2002; p. 394), on the other hand, attempts to discredit the idea of a connection between the ICTY and the U.S. (and NATO), arguing that – in contrast to Nuremberg – the Tribunal was created by the United Nations, which represented the will of the international community, and not by the victors or those who were involved in the conflict. Nonetheless, Laughland (2007) points out that the ICTY was established illegally as the United Nations Security Council (UNSC) created the Tribunal even though the U.N. Charter does not grant it the power to do so, nor does it have the legal jurisdiction to try anyone for war crimes in the former Yugoslavia – according to the U.N. Charter, only sovereign states are allowed to do so. As Johnstone (2000; p. 164) notes, “The Security Council’s ICTY went over the heads of the states concerned and simply imposed its authority on them, without their consent.”

According to Laughland (2007), there are only two possible ways to legally create an international criminal court: 1) by amending the U.N. Charter, or 2) through a multinational treaty, neither of which occurred in the process of creating the ICTY. Furthermore, Laughland (2007) provides a vast amount of empirical evidence to demonstrate that even after its founding the Tribunal continued to violate international law – as well as customary criminal law – by continually violating the U.N. Charter, trying defendants *in absentia*, allowing hearsay evidence, allowing and admitting evidence obtained through torture, accepting testimony from perjured witnesses, not allowing defendants to confront their accusers, censoring defendants, censoring large portions of testimony, violating the defendant’s right to a public hearing, giving accused war criminals impunity for their testimony, and imposing defense counsel on a defendant who invokes the right to defend himself (as established by the European Convention on Human Rights, the United Nations’ International Covenant on Civil and Political Rights, and the ICTY Charter itself). Further adding to their critique of the Tribunal, Black (2000), Brock (1996),

Laughland (2007), and Thomas (2000) outline how the ICTY has violated its own mandate by creating laws and the rules of evidence instead of following precedent as was mandated.

Nevertheless, there are many scholars who take the opposing viewpoint and argue in defense of the Tribunal's rules, procedures, and impartiality.

Many of these scholars and legal experts – the *defenders* of the Tribunal – offer some insightful and useful analyses of the ICTY (See Bass ,2014; Boas, 2007; Gow, Kerr, & Pajic, 2013; Hagan, 2010; Scharf, 2002; Scharf & Schabas, 2002; Smith, 2012). However, they largely fail to address the issues that have been raised by the critics of the Tribunal. Generally, they tend to justify the ICTY's breaches of its own mandate and its violations of international law, and they unwaveringly defend against accusations that the Tribunal might be biased. Scharf (2002; p. 394) provides a prime example as he claims, “The message of the International Tribunal's indictments, prosecutions, and convictions to date of Muslims and Croats, as well as Serbs, has been that a war crime is a war crime, whoever it is committed by. The Tribunal has taken no sides.” Unfortunately, this statement is a *non sequitur*, as a few convictions of non-Serbs do not necessarily lead to the conclusion ‘the Tribunal has taken no sides’, which could either be true or false.

Smith (2012; p. 166) makes a similar error<sup>24</sup> when he asserts that the “effective prosecution of those accused of war crimes regardless of the side of the conflict the defendant

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<sup>24</sup> It should also be pointed out that Smith (2012; p. 165) inaccurately describes that the Tribunal “became active in 1999” even though it became active as early as October 1994 – From the Duško Tadić summary, page 3, section (I.) (B) (7): “Proceedings at the International Tribunal involving Duško Tadić, all of which have been held at the seat of the International Tribunal in The Hague, Netherlands, commenced on 12 October 1994 when the Prosecutor of the International Tribunal, at that time Richard J. Goldstone, filed an application under Rule 9 of the Rules, seeking a formal request to the Federal Republic of Germany, pursuant to Rule 10, for deferral by the German courts to the competence of the International Tribunal” (<http://www.icty.org/x/cases/tadic/tjug/en/tad-ts70507JT2-e.pdf>).

was on is a critical progression here that cannot be understated.” Smith’s claim is essentially the same as that of Scharf, except expressed in a more circuitous way as he only implies that the Tribunal takes no sides – his description of the Tribunal’s (perceived) fairness as a ‘critical progression’ also seems rather peculiar. Nevertheless, his statement is equally invalid. In addition, Smith claims that the “ICTY proceedings at the Hague seem to deliver justice to the accused because both the procedural due process and substantive due process dimensions of the institutional arrangement are soundly constructed. Specifically, there can be no serious argument that the accused are not entitled to a full and fair defense” (pp. 163-164). The main problem with Smith’s account here is that he fails to substantiate it or to juxtapose it with a contradicting claim. For example, the ICTY forcibly appointed defense council on a defendant against his will (Dickson & Jokic, 2006; Laughland, 2007), an act that constitutes a due process violation and is evidence that contradicts Smith’s claim that due process at the ICTY is soundly constructed. As Dickson and Jokic (2006) have observed, however, there are many who are critical of the right to self-representation.

Dickson and Jokic (2006; p. 357) point out that the “critics [of the right to self-representation] were increasingly pleading that for justice to proceed in an orderly manner, Slobodan Milošević had to be represented by counsel, whether he wanted one or not. This aspect of Slobodan Milošević’s defense case – and the unusually passionate advocacy carried out in the Hague and beyond to deprive a defendant (not just any defendant) of a clear right to represent himself, explicitly set out at article 14 of the *International Covenant for Civil and Political Rights* – provide a glimpse of the nature and essential features of *ad hoc* UN Security Council institutions called Tribunals.” Furthermore, Dickson and Jokic (2006; p. 357 note 5) note that Michael Scharf has been one of the most ardent critics of the right to self-representation at the

ICTY and beyond. Although the issue of bias is perhaps the main issue that divides the *defenders* and the *critics* of the ICTY, it is certainly not the only one. Unfortunately, the gap between their respective positions is quite large and with the conclusion of each case it seemingly widens. Hopefully this study will help lessen that divide.

Two hypotheses were formulated for this study based on previous research on the ICTY as well as on the crises in the Balkans more broadly – and emphasizing those works that utilized empirical evidence and rigorous research methodologies for analyses. It was predicted (H1) that those who committed crimes against non-Serbs would be more likely to be convicted as well as sentenced to longer prison terms than those who committed crimes against Serbs and (H2) that defendants of Serbian ethnicity would be more likely to get convicted as well as sentenced to longer prison terms than those who are not of Serbian ethnicity.

These hypotheses contradict those of the only other quantitative study (Meernik, 2003) conducted on this issue to date, which found that defendant ethnicity was not associated with case outcomes. However, there are two issues of concern regarding the previous study. The first issue is that the 2003 study was conducted thirteen or so years ago and had a limited amount of cases to draw from for its analyses, thirty-two to be exact ( $n = 32$ ). The population size of this study ( $N = 100$ ) is 213% larger than what was used in the 2003 study. The Meernik study, therefore, was more or less a preliminary study of the case outcomes of the ICTY, which Meernik seemingly confirms (Meernik 2003; p. 142). Furthermore, there is one more issue of concern regarding the 2003 study that could have had a significant impact on its results.<sup>25</sup> Three

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<sup>25</sup> Using the present study's data set, two analyses were run examining defendant ethnicity on case outcomes utilizing the exact same sample ( $n = 32$ ) that was used in the Meernik study – due to the small sample size Fisher's exact tests were conducted. In the first analysis the three defendants were classified as 'convicted' (just as was done in the 2003 study) and the results were insignificant, ( $p = .212$ , Fisher's exact test); indicating that defendant ethnicity was not

of the defendants were classified as ‘convicted’ for the analyses that were run, even though, as the researcher of the study acknowledged (pp. 153-154), the three defendants had in fact been acquitted of all charges after going through the appeals process. In light of these decisions by the ICTY, the three defendants should have been classified as ‘acquitted’ because the results would have then more accurately illustrated what had taken place at the Tribunal up to that point in time, regardless of the outcomes of the other cases under appeal.<sup>26</sup> Once a verdict is given (through the appeals process) it is the final verdict and the one that goes down in the historical record of the court. Taking these issues into account, the results of the 2003 study do not accurately represent what has been occurring at the Tribunal.

## **Method**

### **Sample**

Through quantitative analyses the present study examined whether or not there was an association between defendant ethnicity and case outcomes, as well as one between victim ethnicity and case outcomes, therefore the individuals who went through the Tribunal’s entire process – from indictment to verdict – were used for this study. The ICTY states that it has indicted one hundred and sixty-one individuals (ICTY, n.d.), however only those whose cases have been completed were included in this study. Therefore, those who had their indictments withdrawn ( $N = 21$ ), who died either before or during their trial ( $N = 17$ ), and who were transferred to a national jurisdiction ( $N = 13$ ) were excluded from this study. Furthermore,

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associated with case outcomes – just as the 2003 study had shown. However, in the second analysis the three were classified as ‘acquitted’ and this time the results were significant, ( $p = .015$ , Fisher's exact test), showing that defendant ethnicity was associated with case outcomes and demonstrating that the two ways of classifying these three defendants could lead to significantly different results (especially in light of the small sample size).

<sup>26</sup> It should be noted that none were acquitted after appeal (of the defendants whose cases were going through the appeals process at that point in time).

defendants whose cases are currently under trial ( $N = 1$ ) as well as those whose cases are under appeal by the Tribunal ( $N = 6$ ) were excluded. Lastly, those whose cases are also under appeal but will be retried by the United Nations Mechanism for International Criminal Tribunals (MICT)<sup>27</sup>, were also excluded from this study ( $N = 4$ ). Although these latter cases will be tried by the MICT they are cases that went through the entire procedural process of the ICTY, including going through the appeals process of the Tribunal, and therefore are considered cases ‘under appeal’ of the ICTY. The data were collected via the Tribunal’s website, under the ‘cases’ section.<sup>28</sup> The current population size is one hundred cases ( $N = 100$ ) – just to note, once all of the cases conclude (and the ICTY operationally shuts down) the final count of completed cases conducted by the Tribunal will be 111, therefore this study included 90% of what will be the final count. The list of cases that were included in this study can be viewed in APPENDIX D.

### **Coding**

The data set was put together through a review of the court records on the ICTY website to determine the exact number of convictions, acquittals, and sentences of all of the accused. Other important data were also collected through these records, such as the ethnicity of each defendant, the ethnicity/ethnicities of their (alleged) victims, the age of each defendant at the start of their trial, which of the three groups – Military, Political, or Paramilitary – each defendant belonged to when the alleged crimes occurred, and the type of charges being pressed (which take into account the amount of victims, the type of involvement in the crimes, and the

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<sup>27</sup> The MICT “was established by the United Nations Security Council on 22 December 2010 to carry out a number of essential functions of the International Criminal Tribunal for Rwanda (ICTR) and the International Criminal Tribunal for the former Yugoslavia (ICTY), after the completion of their respective mandates”. See United Nations Mechanism for International Criminal Tribunals, (n.d.) About the MICT, Retrieved on June 20, 2016, from <http://www.unmict.org/en/about>

<sup>28</sup> <http://www.icty.org/en/action/cases/4>

overall scope of the crimes). The ethnicities of the defendants include Serbian, Croatian, (Bosnian) Muslim, (Kosovo) Albanian, and Macedonian and the ethnicities of the victims include Serbian, Croatian, (Bosnian) Muslim, (Kosovo) Albanian, and Roma.<sup>29</sup> Also obtained was which of the three conflicts – Croatian, Bosnian, and/or Serbian (Kosovo) – the defendants were involved in. To note, only two Macedonians were indicted and tried by the ICTY; one was convicted and the other was acquitted. They were the only accused whose alleged crimes occurred outside of the three conflict zones (in Macedonia) as well as outside of the timeframe (late summer 2001) of the main conflicts of the Yugoslav civil war, which all took place in the 1990's.

Dichotomous variables were created for ethnicity of victims and ethnicity of defendants – Serbs were coded as “1” and non-Serbs were coded as “0”.<sup>30</sup> A dichotomous variable was also created for verdict – “1” for convicted and “0” for acquitted. ‘Years sentenced’ was coded as a scale variable from 1-50 years. Those who were given life sentences received a score of 50 years, as the most number of years sentenced by the ICTY (after a life sentence) was 46 years.

In addition, two categorical variables were created for the type of charges being pressed (which take into account the amount of victims, the type of involvement in the crimes, and the overall scope of the crimes). It was not possible to create a continuous variable for the number of victims because roughly half of the defendants were charged for ‘indirect’ involvement of crimes that were committed as part of a ‘Joint Criminal Enterprise (JCE)’ – a type of legal procedure the ICTY uses. The ICTY uses JCE mainly for cases involving mass crimes (such as the ‘ethnic

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<sup>29</sup> Regardless of the region of origin or birth, individuals (or groups, such as ‘victims’) were identified by ethnicity and not by nationality. For example, the ‘Serbian’ ethnicity is made up of Serbs from Bosnia and Herzegovina, Kosovo, Croatia, and Serbia.

<sup>30</sup> For the final analysis (a binary logistic regression) the ‘ethnicity of victims’ variable was re-coded; Serbs were coded as “0” and non-Serbs were coded as “1”.

cleansing’ of villages), and it can essentially be understood as a concept of ‘collective liability’. Therefore, it was not possible to determine the number of victims for roughly half of the cases. Furthermore, creating a variable for ‘type of crime or crimes committed’ was also not possible. The ICTY is a war crimes tribunal that deals with a very limited amount of cases and very specific defendants, and, therefore, cannot be compared to even individual state court systems in the U.S. – such as, for example, in California, where hundreds of thousands of criminal cases are filed every year for various types of crimes. Obviously, the same type of data cannot be produced for cases of the ICTY as it can for criminal cases in states such as California.

A preliminary review of each ICTY case report showed that every single defendant was tried for multiple counts of ‘crimes against humanity’ and/or ‘violations of the laws or customs of war’. Furthermore, the ICTY does not take on cases of ‘small time’ or ‘petty’ offenders; as an international war crimes tribunal it deals only with the most high-profile cases (essentially it prosecutes the worst -alleged- offenders). The Tribunal prosecutes mainly high-level military or political leaders who are accused of ‘command responsibility’ for their role in war crimes (OR) low-level mainly military but some political figures who were alleged to have actively participated in the worst atrocities. Therefore, two categorical variables were created to address the issues of number of victims and type of crimes/charges.

The first categorical variable was composed of high-level military and political elites who were tried for their inactive/indirect role in the (alleged) war crime(s) – they were placed in the ‘indirect involvement’ category and coded as “1” – and low (to mid)-level military and political figures who were tried for actively participating in the war crimes – they were placed in the



‘direct involvement’ category and coded as “0”.<sup>31</sup> The second categorical variable was composed of those who were tried as part of a Joint Criminal Enterprise – they were placed in the ‘JCE’ or ‘collective responsibility’ category and coded as “1” – and those who were tried individually – they were placed in the ‘non-JCE’ or ‘individual responsibility’ category and coded as “0”.

## Results

### Preliminary Analyses

Preliminary analyses were conducted examining potential confounding variables and covariates, including age and gender of the defendants, group membership of the defendants (military, political, or paramilitary), which theatre/s of the civil war the defendants were involved in, and the type of charges being pressed (which take into account the amount of victims, the type of involvement in the crimes, and the overall scope of the crimes). Results indicated that age differed significantly between Serbian and non-Serbian defendants,  $t(98) = -4.449$ ;  $p < .001$ . Specifically, non-Serbs ( $M = 42.306$ ;  $SD = 9.0074$ ) were significantly younger than Serbs ( $M = 51.516$ ;  $SD = 10.4167$ ). Significant effects also emerged for group membership,  $\chi^2(2) = 7.432$ ,  $p = .024$ , as 44 (68.8 %) of the Serb defendants were members of the military, 14 (21.9%) were members of the political establishment and 6 (9.4%) were members of the paramilitary. In comparison, non-Serb defendants had a higher percentage (within ethnicity) in the military 33 (91.7 %), while 3 (8.3%) were members of the political establishment and none (0.0%) were members of a paramilitary unit. Neither gender nor location of conflict differed by defendant

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<sup>31</sup> There were some mid-level military figures, such as commanders, who were tried for command responsibility and/or active participation. Those who were tried for command responsibility were included in the ‘indirect involvement’ category and those who were tried for active participation were included in the ‘direct involvement’ category. Those who were tried for both ( $n = 8$ ) were not included in this variable.

ethnicity (gender:  $\chi^2(1) = .568, n.s.$ ; location of conflict:  $\chi^2(2) = .912, n.s.$ ), therefore neither variable is considered further.

Lastly, two Chi-squares were run examining the association between the type of charges being pressed (which take into account the amount of victims, the type of involvement in the crimes, and the overall scope of the crimes) and verdicts. In the first analysis ( $n = 92$ ), the variable used for the former placed the defendants into either of two categories: 1) indirect involvement (high-level officials/mass war crimes), or 2) direct involvement (low-level officials/actively took part in the atrocities). Eight cases ( $n = 8$ ) were excluded from the analysis as these individuals were tried for both direct and indirect involvement. Most of these accused were commanders who were neither high-level nor low-level military figures but somewhere in between the two, and they were accused of actively taking part in war crimes as well as ‘creating an environment that encouraged and permitted war crimes to be committed’ – mainly against prisoners of various camps. The result of the Chi-square showed there was not a significant difference in verdict based on indirect or direct involvement;  $\chi^2(1) = 1.624, p = .203$ .

In order to test this association using the entire population size ( $N = 100$ ) a variable was created placing defendants into two categories, those who were tried under a Joint Criminal Enterprise (‘JCE’) and those who were not (‘non-JCE’). This was done with the anticipation that there would be no variance between the two variables – the ‘JCE’ category would be associated with the ‘indirect involvement’ (high-level officials/mass war crimes) category and the ‘non-JCE’ category would be associated with the ‘direct involvement’ (low-level officials/actively took part in the atrocities) category. The former can also be classified as ‘collective responsibility’ and the latter as ‘individual responsibility’. As expected, the association between the two variables was significant;  $\chi^2(1) = 31.950, p < .001$ . Therefore, a second Chi-square was

run examining the association between the type of charges being pressed and verdicts, however with the 'JCE/non-JCE' variable in place of the 'indirect/direct involvement' variable. The result showed that there was not a significant difference in verdict based on those who were tried as part of a JCE and those who were not;  $\chi^2(1) = .299, p = .585$ . Overall, the two Chi-squares indicate that there is not an association between the type of charges being pressed (which take into account the amount of victims, the type of involvement in the crimes, and the overall scope of the crimes) and verdicts. Therefore, neither variable is considered further.

### **Sample Characterization**

Descriptive statistics were conducted to characterize the length of sentencing based on (victim and defendant) ethnicity. Overall, when examining the ethnicity of victims, 58 out of the 1,440 total years of sentencing handed out by the ICTY were for crimes committed against Serbs, while 1,382 years were given for crimes against non-Serbs (Figure 1). In other words, 4% of the total number of years sentenced were given for crimes committed against Serbs while 96% of the years sentenced were handed down for crimes committed against non-Serbs. These statistics are alarming considering the number of Serb victims that resulted from the fighting in Croatia, Bosnia, and Kosovo.

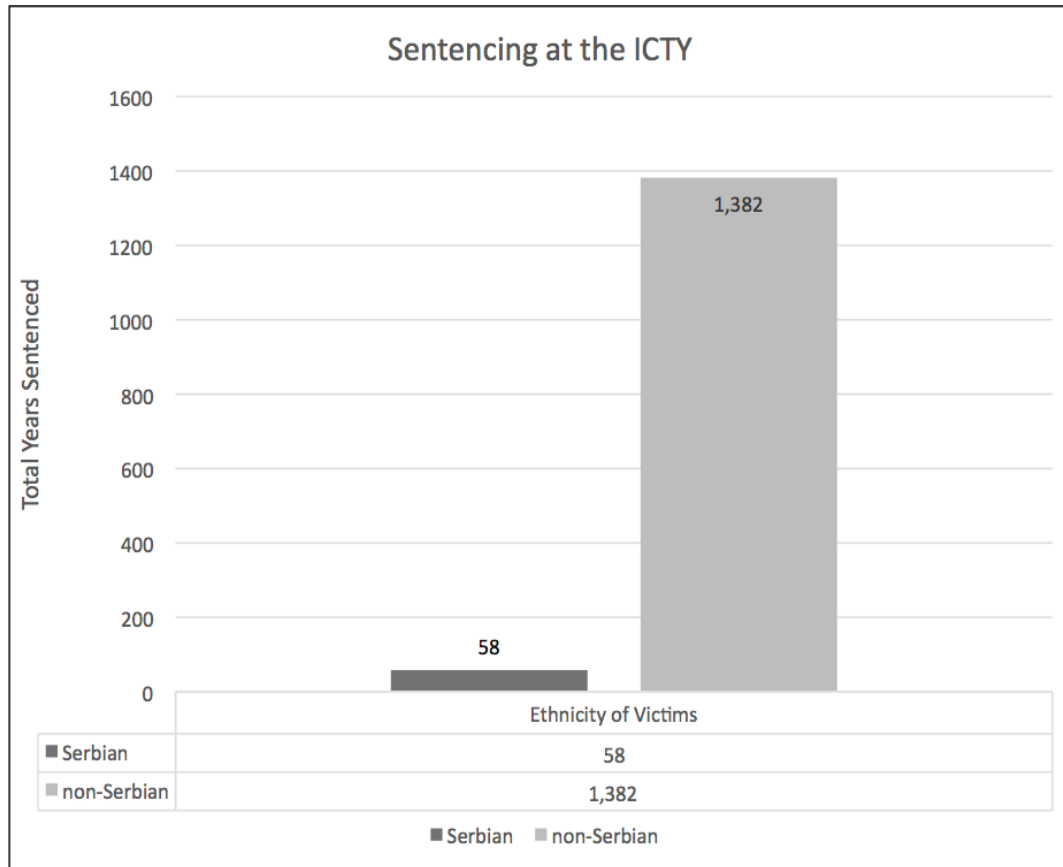


Figure 1. Sentencing at the ICTY based on the ethnicity of the victims. This figure illustrates the lack of representation of Serb victims compared to non-Serb victims in the sentencing of those convicted for war crimes by the Yugoslav Tribunal.

Next, when examining defendant ethnicity, out of 1,440 total years of sentencing, 1,202.5 years were handed out to Serbs (83.5%), leaving only 237.5 years (16.5%) for all of the other ethnic groups combined (Figure 2). However, only 58 years of sentencing was handed out for crimes committed against Serbs, leaving the remaining 179.5 years for crimes committed by non-Serbs on non-Serbs (just over 200% more years than for crimes committed by non-Serbs on Serbs), which is also alarming considering fighting between non-Serb groups made up only a tiny fraction of the civil war.

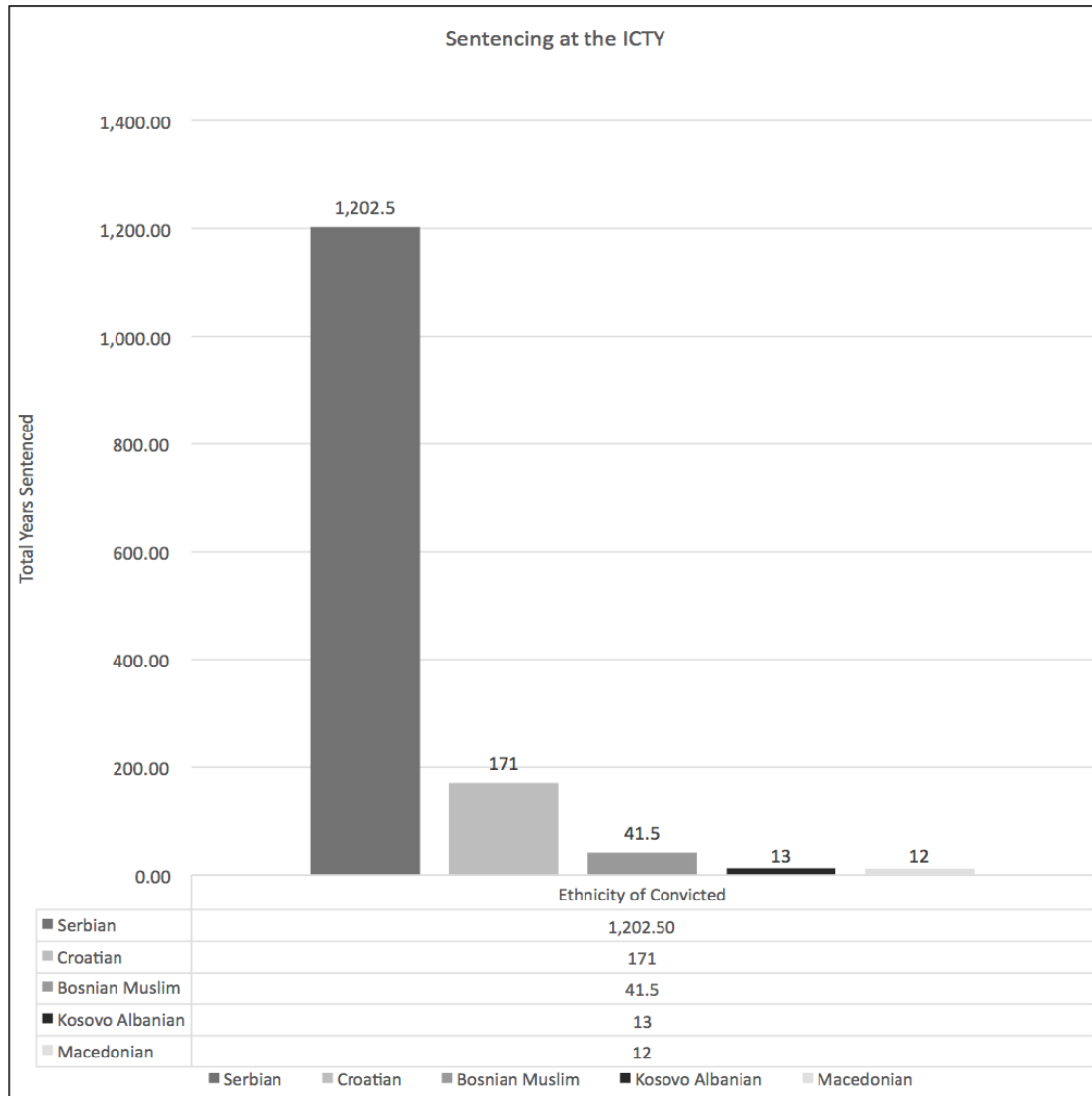


Figure 2. Sentencing at the ICTY based on the ethnicity of the convicted. This figure illustrates the disparity between the total numbers of years of sentencing for each ethnic group.

## Ethnicity of Victims

One of the primary goals of the present study was to examine whether victim ethnicity predicted case outcomes (verdict and years sentenced). It was expected that those who committed crimes against non-Serbs would be more likely to be convicted as well as sentenced to longer prison terms than those who committed crimes against Serbs. First, a Chi-square was run examining the association between conviction rates and the ethnicity of the victims.

Table 1. Verdict Totals Based on the Ethnicity of the Victims

	Verdict	Acquitted	Convicted	TOTAL
Victim Ethnicity				
Non-Serbian	9	10.6%	76	89.4%
		47.4%		93.8%
				85.0%
Serbian	10	66.7%	5	33.3%
		52.6%		6.2%
				15.0%
<b>Total</b>	<b>19</b>	<b>19.0%</b>	<b>81</b>	<b>81.0%</b>
		100%		100%
			100%	100%

Note.  $\chi^2(1) = 26.053, p < .001$

A significant difference in verdict emerged based on victim ethnicity;  $\chi^2(1) = 26.053, p < .001$ . As can be seen in Table 1, 9 out of 85 of the defendants whose purported victims were non-Serbs were acquitted by the ICTY, which is a rate of 10.6% and a conviction rate of 89.4%, while 10 out of 15 defendants whose purported victims were Serbs were acquitted, for a 66.7% acquittal rate and a 33.3% conviction rate. Furthermore, 5 out of the 81 total convictions (slightly over 6%) were for crimes committed against Serbs, leaving 76 out of 81 convictions (just under 94%) for crimes committed against non-Serbs.

Additionally, since there have been three times (200%) more convictions for crimes committed by non-Serbs on non-Serbs than by non-Serbs on Serbs, a Chi-square was run examining the association between conviction and acquittal rates of non-Serbs ( $N = 36$ ) and the ethnicity of their victims.

Table 2. Verdict Totals of Non-Serbs Based on the Ethnicity of the Victims

	Verdict	Acquitted	Convicted	TOTAL			
Victim Ethnicity							
Non-Serbian	6	28.6%	15	71.4%	<b>21</b>	100%	
		37.5%		75.0%		58.3%	
Serbian	10	66.7%	5	33.3%	<b>15</b>	100%	
		62.5%		25.0%		41.7%	
<b>Total</b>		<b>16</b>	45.4%	<b>20</b>	55.6%	<b>36</b>	100%
		100%		100%		100%	

Note.  $\chi^2(1) = 5.123, p < .05$

Results from the Chi-square indicate a significant association between trial verdict and victim ethnicity for non-Serb defendants:  $\chi^2(1) = 5.123, p = .023$ . As can be seen in Table 2, 5 out of the 20 total convictions (25%) were for crimes committed against Serbs, compared to 15 out of 20 convictions (75%) for crimes committed against non-Serbs. Furthermore, 6 out of 21 of the non-Serb defendants whose purported victims were non-Serbs were acquitted by the ICTY, which is an acquittal rate of 28.6% and a conviction rate of 71.4%. In comparison, 10 out of 15 non-Serb defendants whose purported victims were Serbs were acquitted, for a 66.7% acquittal rate and a 33.3% conviction rate (Conviction Rates: 71.4% - 33.3%; Acquittal Rates: 28.6% - 66.7%).

Finally, it was not possible to reliably test the hypothesis that the ethnicity of the victims<sup>32</sup> (Serb versus non-Serb) has had an effect on sentencing at the ICTY. Only 5 defendants (6%) were convicted for committing crimes against Serbs – population size of convicted: ( $N = 81$ ) –while 94% of the convicted committed crimes against non-Serbs. Therefore, there were not

<sup>32</sup> Serb victims are associated with the numerically smallest amount of time sentenced (58 total years) and non-Serb victims are associated with the numerically highest amount of time sentenced (1,382 total years).

enough convictions of defendants whose victims were Serb to reliably test this hypothesis. Only descriptive statistics can be reported: convicted defendants whose victims were non-Serbs were given, on average, longer prison sentences, ( $M = 18.19, SD = 12.09$ ), than those whose victims were Serbs ( $M = 11.60, SD = 5.81$ ).

### Ethnicity of Defendants

A second primary goal of the present study was to examine whether defendant ethnicity predicted case outcomes (verdict and years sentenced). It was expected that defendants of Serbian ethnicity would be more likely to get convicted than those who are not of Serbian ethnicity. First, a Chi-square was run examining the association between conviction rates and the ethnicity of the defendants. Overall, the association between verdict and defendant ethnicity was significant;  $\chi^2(1) = 23.663, p < .001$ .

Table 3. Verdict Totals Based on the Ethnicity of the Defendants

	Verdict	Acquitted	Convicted	TOTAL
Defendant Ethnicity				
Non-Serbian	16	44.4%	20	36
		84.2%	24.7%	36.0%
Serbian	3	4.7%	61	64
		15.8%	75.3%	64.0%
<b>Total</b>	<b>19</b>	<b>19.0%</b>	<b>81</b>	<b>100</b>
		100%	100%	100%

Note.  $\chi^2(1) = 23.663, p < .001$

As can be seen in Table 3, only 3 out of 64 Serbs have been acquitted by the ICTY, which is an acquittal rate of 4.7% and a conviction rate of 95.3%, while 16 out of 36 non-Serbs have been acquitted, for a 44.4% acquittal rate and a 55.6% conviction rate. To test the



hypothesis that the ethnicity of the defendant (Serb vs. non-Serb) has had an effect on sentencing at the ICTY, a one-way analysis of variance (ANOVA) was performed. Population size of convicted defendants: ( $N = 81$ ). The analysis was significant,  $F(1, 79) = 7.041, p = .010, \eta^2 = .082$ . As expected, convicted defendants of Serbian ethnicity were more likely to be given longer sentences ( $M = 19.71, SD = 12.64$ ) than the convicted of non-Serbian ethnicity ( $M = 11.88, SD = 6.49$ ).

### Logistic Regression Analysis

Next, to further test the hypotheses, a binary logistic regression was conducted to ascertain the effects of ethnicity of defendants, ethnicity of victims, age of defendants, and membership group of defendants (military position served as the reference group), on the verdicts of the ICTY.

Table 4. Summary of Logistic Regression Analysis

	Verdict		
	<i>B</i>	<i>SE B</i>	$e^B$
Defendant Ethnicity	2.677	.916	14.545**
Victim Ethnicity	1.634	.758	5.126*
Age	-.044	.035	.957
Membership Group	-.541	.929	.582
Constant		1.219	
$\chi^2$		30.750**	
<i>df</i>		4	

\* $p < .05$ . \*\* $p < .01$ .

Note. ( $n = 183$ ); Verdict: Acquitted = 0, Convicted = 1; Defendant Ethnicity: Non-Serbian = 0, Serbian = 1; Victim Ethnicity: Serbian = 0, Non-Serbian = 1; Membership Group: Non-Political = 0, Political = 1.

Overall, the model was statistically significant,  $\chi^2(4) = 30.750, p < .001$ . The model explained 42.6% (Nagelkerke  $R^2$ ) of the variance in conviction rate and correctly classified

87.0% of cases. Defendants of Serbian ethnicity are significantly more likely to be convicted than non-Serbs ( $OR = 14.55$ ), after controlling for age, membership group, and ethnicity of victims. In addition, defendants accused of crimes against non-Serbs are significantly more likely to be convicted than those accused of crimes against Serbs ( $OR = 5.13$ ), after controlling for age, membership group, and ethnicity of defendants. To put it another way, a defendant of Serbian ethnicity is almost 15 times more likely to be convicted than a defendant of non-Serbian ethnicity, and a defendant (regardless of his ethnicity) whose (alleged) victims were non-Serb is 5 times more likely to be convicted than a defendant whose (alleged) victims were Serb.

### **Discussion**

The main concern of this study was to examine case outcomes in order to obtain new insights on the issue of bias as well as to gain a better understanding of some of the grievances against the Tribunal. To achieve this aim, this study examined whether defendant and/or victim ethnicity were associated with case outcomes (verdict and sentencing). The results of this study are quite compelling and strongly suggest that defendant ethnicity *and* victim ethnicity shaped case outcomes (verdict and sentencing) at the ICTY. Furthermore, this study shows that the grievances expressed by certain groups, mainly the Serbs, are certainly valid and should not be disavowed.

### **Ethnicity Versus Other Factors**

Although the results of this study reveal that ethnicity influences case outcomes, other important factors were also taken into account, such as type of charges being pressed, crimes committed and overall scope of the crimes, involvement in the crimes (direct or indirect), amount of victims, gender of defendant, age of defendant, locations of crimes/conflict accused was involved in, group membership (political, military, or paramilitary), and the position of power

within the group. Overall, none of these factors were associated with verdict or sentencing. In fact, the *only* factors that did significantly predict verdict and sentencing were the ethnicity of the defendant and the ethnicity of the victims.

For instance, when comparing convictions at the ICTY by ethnicity, the results show that defendants of Serbian ethnicity are almost 15 times more likely to be convicted than defendants of non-Serbian ethnicity. Furthermore, defendants (regardless of their ethnicity) whose (alleged) victims were of non-Serbian ethnicity are more than 5 times more likely to be convicted than defendants whose (alleged) victims were of Serbian ethnicity. A comparison of the racial disparity in incarceration rates in the United States should help put this into context. A recent study shows that African-Americans are incarcerated at 5.1 times the rate of whites in state prisons.<sup>33</sup> In addition, a recent report found that African-American males received sentences (on average) 19.1 percent longer than white males for similar offences.<sup>34</sup> In comparison, Serbs received sentences (on average) 66 percent longer than non-Serbs for similar offences.

As disconcerting as these statistics are some may not be convinced that this evidence points to ethnic bias, yet it would be rather disingenuous to try to interpret the results any other way. For instance, given the fact that only 58 out of the 1,440 total years of sentencing at the ICTY (4%) were given for crimes committed against Serbs, it would be insincere and disrespectful to Serb victims to try to conjure an alternative explanation for this result. To further emphasize the ethnic disparity in incarceration rates at the ICTY, 95.3 percent of Serbs were convicted compared to 55.6 percent of non-Serbs, and only 33.3 percent of non-Serbs were

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<sup>33</sup> <http://www.sentencingproject.org/wp-content/uploads/2016/06/The-Color-of-Justice-Racial-and-Ethnic-Disparity-in-State-Prisons.pdf>

<sup>34</sup> [https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2017/20171114\\_Demographics.pdf](https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2017/20171114_Demographics.pdf)

convicted when their victims were Serbs, compared to 71.4 percent when their victims were non-Serb. Furthermore, when looking only at the non-Serb defendants who were convicted, 25 percent were convicted for crimes committed against Serbs while 75 percent were convicted for crimes committed against non-Serbs, even though, in comparison to conflicts involving Serbs and non-Serbs, conflicts between non-Serb groups were very limited. Regardless of the latter fact, there were 200 percent more convictions of non-Serbs for crimes committed against non-Serbs (fifteen convictions) than for crimes committed against Serbs (five convictions). One can only conclude that, at most, the results of this study support the claim of bias, and, at the very least, they expose the discrepancies of case outcomes at the ICTY.

The *critics* have made a strong case against the ICTY and the results of this study lend themselves in support of their position. As previously described, the critics have argued that the Tribunal is biased against Serbs and has abused its power by censoring defendants and witnesses from providing evidence of war crimes that were committed against Serbs by non-Serbs and NATO leaders. If certain information not of the Tribunal's (or the U.S. government's) approval did manage to get through, the Tribunal simply redacted the testimony, sometimes blacking out entire witness testimonies (Laughland, 2007).

For example, when Slobodan Milošević cross-examined the Supreme Commander of NATO, General Wesley Clark, the presiding judge in the case, Judge Richard May, scolded Milošević on many occasions and forbade him from asking questions about NATO bombing. After constantly being berated by Judge May, Milošević finally asked him, 'Mr. May, just in order to clarify the basic attitude toward me in relation to this witness, is it in dispute that General Clark was in command of NATO during the war against Yugoslavia? And is it disputed that that was his most important role in everything that related to Yugoslavia? And is it in

dispute that you're not allowing me to ask him anything at all about that?' The judge replied, 'That's right.'<sup>35</sup> It was, as Laughland (2007; p. 158) describes, "A surreal situation." In addition, before releasing the transcript to the public the Tribunal gave the United States government permission to censor the entire transcript of General Clark's testimony as it saw fit (Dickson & Jokic, 2006; Laughland, 2007).

Censoring defendants as well as witnesses in order to suppress evidence of war crimes that were committed against Serbs – so that the evidence would not later be used against those who committed the crimes (OR) to spark an investigation into the matter (OR) to help with an ongoing investigation – was an obstruction of justice. Furthermore, we can never know how much of an impact this censorship has had on case outcomes because no one has access to any of the censored evidence. Essentially, this evidence will never see the light of day and will never be rigorously examined. In addition to censoring and redacting evidence, the ICTY has also been criticized for destroying physical evidence of crimes committed against Serbs; not least by one of its former lead prosecutors, Carla Del Ponte (Del Ponte, Sudetic, & Amato, 2008).<sup>36</sup>

The present study offers a vital contribution to the literature on the ICTY because it takes many factors into consideration for its analyses, and not just the factors to which the critics refer. This study takes into consideration factors that both the critics and the defenders of the ICTY use in their analyses and the results strongly support the argument made by the critics. Furthermore, this study utilized the entire population size of the cases that have gone through the entire

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<sup>35</sup> Slobodan Milošević trial transcript (15 December 2003), p. 30,418. Taken from Laughland (2007; p. 158).

<sup>36</sup> See also *Strange Border Kidnappings in Kosovo: Correspondent Confidential*. Documentary. Directed by Carrie Ching. Los Angeles: VICE Media LLC, 2014.

process (from indictment to verdict) at the ICTY, which will make up 90% of the total cases that have gone through the entire process once the ICTY operationally shuts down.

The only other quantitative study on the ICTY to date (Meernik, 2003), which examined defendant ethnicity and other factors on case outcomes, was performed (and published) almost a decade and a half ago. It was a preliminary study with a very small sample size ( $n = 32$ ). The results of the 2003 study found that defendant ethnicity was not associated with case outcomes, yet there was a discrepancy with the coding as three defendants were coded as ‘convicted’, when in fact all three had been acquitted and set free. As was demonstrated, this coding mishap could have significantly altered the results of that study. Furthermore, and regardless of the coding issue, the data available at that time were very limited and they did not accurately reflect the data available today. For instance, none of the cases (out of the thirty-two) were for non-Serb on Serb crimes, which brings up another glaring omission by the 2003 study – it did not examine victim ethnicity. In addition, the ethnicities of the defendants of the ongoing cases at the ICTY are roughly split between Serbs ( $n = 5$ ) and non-Serbs ( $n = 6$ ), yet none of the victims in these cases were Serbs. Therefore, regardless of the outcomes of these cases, they will not significantly affect the results of this study. Essentially, all of the remaining cases needed to be for non-Serb on Serb crimes and all would have needed to end in convictions if there were to be any significant changes in the results of this study (a scenario that is obviously not possible). Therefore, this study will not be plagued with the same issues in the future as occurred with the 2003 study.

### **Serbs as Victims**

Victim ethnicity was a key factor of examination in this study and, as was previously emphasized, all of the sides in the civil war were victims of war crimes/crimes against humanity.

Nonetheless, some may argue that Serbs simply did not have as many victims as other groups and perhaps this may be the reason why the Tribunal has not prosecuted more non-Serbs. Since it was previously addressed in a limited manner, it is pertinent to include more information in order to dispel any notion that Serbs did not have (many) victims.

The crime of ‘ethnic cleansing’ became synonymous with the Yugoslav civil war, yet it was the Serbs who were deemed by Western governments and media as the main perpetrators of this crime. Nonetheless, there are many scholars who do not agree with this assessment. For instance, Parenti notes that, “What is still not widely understood in the West is that most of the ethnic cleansing throughout the former Yugoslavia was perpetrated not *by* the Serbs but *against* them. More than one million Serbs were driven from their ancestral homes in the breakaway republics. As of the year 2000, the rump nation of Yugoslavia [Serbia and Montenegro] hosted more displaced persons per capita than just about any other nation” (Parenti 2000; p. 156). Furthermore, Herman and Peterson (2010; p. 82) argue that the Serbs were the main victims of ethnic cleansing during the bloody civil war by pointing out that “Operation Storm drove some 250,000 ethnic Serbs out of the Krajina.... killing several thousand, including several hundred women and children” and that this “ethnic cleansing of 250,000 Serbs was the single largest event of its kind in the Balkan wars.” To date, no one of Croatian ethnicity has been convicted by the ICTY for the crimes committed against Serbs during the brutal expulsion of Serbs from Croatia.

It was not my intent to disavow any of the victims or minimize their suffering in any way by discussing the victims of the civil war in such a manner, however it was necessary to include the information that Serbs, too, were victims of war crimes on a large scale, considering one of the aims of this study was to examine whether or not victim ethnicity was associated with case

outcomes. The ICTY claims that the conviction of Croats (as well as others) for war crimes proves it is fair and impartial, however the victims of only one convicted Croatian were of Serbian ethnicity, even though Serbs were one of the main victims of war crimes perpetrated by Croats. Since hardly any of the victims of convicted Croats were of Serbian ethnicity, their convictions cannot ‘prove that the ICTY is fair and impartial’. Nevertheless, it was irrelevant for this study to demonstrate who had ‘the most victims’. What was relevant was to test whether or not victim ethnicity was associated with case outcomes, and to carry out this objective it was necessary to determine the ethnicities of the victims of the war. Furthermore, the indictments and prosecutions of non-Serbs for crimes against Serbs by the ICTY demonstrate that even the Tribunal recognizes there were Serb victims.

### **Implications**

The implications of there being an association between defendant ethnicity and case outcomes and one between victim ethnicity and case outcomes at the ICTY could be quite serious. First, the historical record of the war, which is essentially derived by the proceedings/outcomes of the Tribunal, could be put in disrepute, which would most certainly hinder reconciliation and peacebuilding efforts in the region. It has been decades since the hostilities have ceased and it would not be difficult for anyone visiting the Balkans today to notice the lack of reconciliation and peacebuilding in the region. The various lawsuits filed at the ICJ in the recent past by former Yugoslav republics (now states) against one another testify to the lack of reconciliation in the region. After all the time that has passed “the bitter resentment, grief, hatred and distrust – emotions that block reconciliation” (Johnstone 2015; p. 86) – have improved little, if at all.



A prime example of the animosity that still exists in the region occurred during a recent FIFA World Cup qualifying match between Kosovo and Croatia (6 October 2016). Fans from both teams chanted in unison against Serbs, as “media footage of the match showed the Kosovo and Croatian fans outside and inside the stadium chanting: ‘Kill the Serbs’”, and other fascist slogans (Mejdini & Milekic, 2016). It would not be fair (nor accurate) to ascribe this behavior and general sentiment toward these groups as a whole, however it is telling that neither of the groups’ main political leaders (nor any European Union leaders) publicly denounced the actions (there was essentially a media blackout of the incident by the Western mainstream media as well). During Tito’s reign, the Yugoslav government suppressed the history of the fascist and genocidal policies of the Ustasha (who ruled over Croatia and Bosnia) and Kosovo Albanian regimes during WWII (Beloff, 1985) – both of which were allies of Nazi Germany. Croatians, Bosnian Muslims, and Kosovo Albanians were, therefore, not allowed to come to terms with their historical legacy (of the WWII period) and many scholars, such as Johnstone (2002), Parenti (2000) and Szamuely (2013), believe it was a contributing factor that led to the conflicts in the 1990’s. These conflicts, in turn, only further exacerbated the growing influence of fascist and nationalist ideologies on these societies – fortunately they remain on the peripheries. Further distortion of the historical record of this region (specifically in reference to the Yugoslav civil war) and/or disavowal of any of the victims could increase this problem and severely hinder efforts at reconciliation.

Second, the implications of a possibly biased international institution could undermine the founding principles of the United Nations as well as, more broadly, international law. In fact, the growing list of cases of violations of state sovereignty, which is afforded to all United Nations member states, demonstrates that it has already begun. The proceedings at the ICTY

have established many new precedents, some of which have helped shape new and emerging international norms, such as the ‘Responsibility to Protect’ (R2P) doctrine, which allows powerful nations to violate state sovereignty without gaining the necessary approval of the United Nations Security Council before interfering in the domestic affairs of a sovereign state. Minor infractions and even false accusations of human rights violations have been used as pretexts by certain powerful states to use military force against states accused of such violations – otherwise known as ‘humanitarian interventions’. Powerful countries have been abusing this precedent that was set by NATO’s attacks against Yugoslavia (first in Bosnia then in Kosovo). The denigration of international law has not made for a safer world; on the contrary, it seems to have provoked the opposite response (Ali, 2000; Gibbs, 2009; Kuperman, 2013). The ongoing crises in Iraq, Afghanistan, Libya, Ukraine, Yemen, and, perhaps most tellingly, Syria support this view. It is not too late, however, for the *critics* and *defenders* of the Tribunal to try to bridge the gap that exists between the two groups and to continue conducting rigorous research that may help find solutions to the issues concerning the Yugoslav Tribunal, reconciliation and peacebuilding in the Balkans, and international justice, law, and relations more broadly.

### **Limitations, Future Directions, and Conclusions**

There were some limitations to conducting analyses using quantitative methods on such a topic, mainly due to the complexities and uniqueness of the institution. Unlike most court systems in the West, the Tribunal does not offer a trial by jury (judgment by peers) nor does it enforce speedy trials, which could affect proceedings and outcomes at the Tribunal. Future research needs to be conducted on these factors. Furthermore, the Tribunal allows hearsay evidence, which has allowed the prosecution to inundate trial proceedings with hundreds upon hundreds of ‘witnesses’ (many of whom never directly witnessed anything), immensely slowing

down proceedings and dragging cases on for years. A prime example is the case of Slobodan Milošević; the proceedings of which lasted over four years with hundreds of thousands of pages of evidence, which, as some scholars, experts, and journalists have pointed out, did little if nothing at all to strengthen the prosecution's case against him as not a single witness testified that Milošević ordered war crimes (Laughland, 2007). Further qualitative research could be conducted to examine the effects of hearsay evidence on trial proceedings and outcomes.

In addition, the Prosecution at the ICTY "made widespread use of the ICTY's Rule 92*bis*, which allows witnesses to submit written statements, and for these statements to be presented as evidence to the court. The consequence is that statements can be admitted as evidence without the witness appearing for cross-examination" (Laughland, 2007; p. 153). Again, a strange protocol for a criminal court, however, and as it applies to this study, it would not have been feasible to go through hundreds of thousands of pages of evidence (for each case) to identify and code each written statement that was submitted as evidence in order to conduct quantitative analyses. Lastly, there is also the issue of the Tribunal censoring defendants and witnesses from providing evidence of war crimes committed against Serbs by either NATO or non-Serbs. These are important factors to examine, however they were not possible to include as variables for quantitative analyses in this study. Perhaps, however, scholars with the available resources will be willing to take on such endeavors in the future.

Although the results of this study revealed important insights, what was not possible to extrapolate from this study were the means by which this possible bias could have occurred. For instance, this study did not answer the question of whether the Tribunal, when pursuing indictments against non-Serbs, chose those whom it did not have strong evidence against, perhaps knowing that a conviction would be difficult to achieve? Or whether the Tribunal did not

utilize the resources necessary to collect evidence against non-Serbs, perhaps instead focusing most of its energy and resources on collecting evidence against Serbs? Although this study does not provide answers to these questions, it was never intended to do so. There has already been enough research conducted examining these questions, largely by the critics of the ICTY, showing discrepancies in every aspect of the Tribunal's proceedings and rules of engagement (from the indictment to the verdict and beyond – such as early release). Nonetheless, there is a lack of general consensus on the issue of bias and it continues to be fervently debated.

Although this study was designed to test for possible bias by examining various factors associated with case outcomes, and the results support the conclusions expressed by the critics of the ICTY, it was not intended to be an indictment of the court. The main concern of this study was to reveal whether or not the grievance against the court for ignoring Serb victims was valid. The results certainly show that the Serbs are not simply 'in denial', but that their concerns are justified. Ignoring Serb victims has led to the disavowal of their suffering as whole, which has put the Serbs on the defensive and those who support the ICTY on the offensive. The disavowal of any group's suffering and/or grievances does not lend itself to support peacebuilding and reconciliation, which is something the peoples of the Balkans, unfortunately, know all too well. Hopefully, this study can help move this discourse in a more productive direction, where groups can express their concerns without being disavowed and reconciliation efforts can move forward.

### **CHAPTER 3: Political Communication at The Hague Tribunal (ICTY): A Content Analytical Study**

The International Criminal Tribunal for the Former Yugoslavia (ICTY) was founded in 1993 to try those who had allegedly committed war crimes during the conflicts in (former) Yugoslavia. According to the Tribunal's founding 1993 UNSC Resolution, its fundamental goals were to help bring peace and justice to all the peoples of Yugoslavia (Akrivoulis, 2017, p. 372). Situated in The Hague, Netherlands, the ICTY indicted a total of 161 individuals, representing all of the ethnic groups involved in the various conflicts. Nevertheless, the Tribunal has been shrouded in controversy since its inception as some scholars have accused the court of bias and have exposed some disconcerting actions of the Tribunal; such as indicting individuals without evidence, redacting testimony, censoring defendants, violating defendants' due process, trying defendants *in absentia*, allowing hearsay evidence, allowing and admitting evidence obtained through torture, accepting testimony from perjured witnesses, not allowing defendants to confront their accusers, not allowing defendants to access and analyze evidence being used against them, violating defendants' right to a public hearing, and giving accused war criminals impunity for their testimony (Black, 2000; Brock, 1996; Hayden, 1999; Laughland, 2007; Mandel, 2004; Thomas, 2003; Zoglin, 2005). Some of the communities in the region – particularly Serb and Croat communities – have negative perceptions of the court, largely as a result of these controversies and allegations (Clark, 2011; Saxon, 2005).

In addition, some scholars attribute the manner in which the ICTY was created, as well as its location, to the negative perceptions of the Tribunal in the region.<sup>37</sup> To further elaborate on

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<sup>37</sup> See, for example, Burke-White (2003) and Higonnet (2005), for analyses on how the location of the international tribunals (ICTY and ICTR) and the manner in which they were created have impacted the way they are perceived by the communities they serve.

this point, the establishment of the ICTY “was a decision made by the international community and not requested at the national level by the countries of the former Yugoslavia” (Potts & Kjær, 2016, p. 526). Although the United Nations Security Council (UNSC) created the Tribunal, the U.N. Charter does not grant it the power to do so, nor does it have the legal jurisdiction to try anyone for war crimes in the former Yugoslavia (Laughland, 2007). As Johnstone (2000, p. 164) notes, “The Security Council’s ICTY went over the heads of the states concerned and simply imposed its authority on them, without their consent.”

Finally, some scholars blame the negative perceptions of the Tribunal on the lack of outreach in the region prior to 1999, which allowed the “local media and nationalist politicians in the former Yugoslavia [to have] free rein to feed their populations with the message that the ICTY is a biased institution administering “justice” that is fundamentally unjust” (Clark, 2009). Tolbert (2002, p. 11) states that “prior to the creation of the Outreach Program, the tribunal’s work was subject to gross distortions and disinformation in many areas in the former Yugoslavia.”<sup>38</sup> Similarly, the ICTY claims that the regional media and governments had “deliberately advanced hostile misinformation about the Tribunal” (ICTYb, n.d.) and it responded by creating an outreach program to try to change its image in the Balkans (and beyond).

The ICTY’s Outreach program was “created in 1998-1999 under the leadership of then President of the Tribunal, Judge Gabrielle Kirk McDonald” and the central office was located in The Hague, with local branches in Sarajevo, Belgrade, Pristina and Zagreb (ICTYb, n.d.). As stated by the ICTY, “Outreach has planned and organised many conferences, seminars and other events and visits for audiences from the former Yugoslavia. Thousands of people - victims and

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<sup>38</sup> Taken from Clark (2009, pp. 104-105)

members of their families, legal professionals, government representatives, students, journalists and others – have had a chance to communicate directly with Tribunal representatives. Access to accurate information has served to dispel myths and prejudices about the Court” (ICTYb, n.d.). The “myths and prejudices” to which the court refers are mainly those that it has been repudiating since its inception – that it was biased and a tool used by Western powers (mainly the United States) to further their political interests in the region and beyond.

For instance, Thomas (2003, p. 171) claims that the

selective manipulation of the international justice system and process has become one of the means of conducting U.S. foreign policy. The U.S. -sponsored and -supported creation of the International Criminal Tribunal for the Former Yugoslavia (ICTY) is an illustration of such a system of biased justice where the main goal is to indict Serbs while preventing any indictment of NATO leaders and minimizing those against Croats and Muslims.

Furthermore, Black (2000, pp. 29-30) states that “it was necessary to discredit the existing leadership” of Yugoslavia in order to break it up “into quasi-independent colonies, principally of Germany and the United States,” and that an “effective propaganda weapon in such an exercise is, of course, a tribunal with an international character, which the public will accept as a neutral instrument of justice but which is controlled for political ends.” Correspondingly, Bardos (2013, p. 15) argues that (former justice at the ICTY) Frederik Harhoff’s allegation that the American presiding judge at the Tribunal pressured his colleagues to overturn decisions related to cases involving war crimes in Croatia and Serbia, as well as the subsequent accusations of political interference triggered by Harhoff’s allegation, have reinforced the view that “the tribunal's work [was] determined not by impartial standards of justice, but by the great powers' political interests.”

In addition, Hayden (1999) argues that the ICTY delivered a “biased justice”, with prosecutorial decisions based on the national characteristics (ethnic background) of the accused

rather than on solid and compelling evidence. He claims that the Tribunal's "pattern of politically driven prosecution [was] accompanied by the use of the Tribunal as a political tool for those western countries that support it, and especially the United States: put bluntly, the Tribunal prosecute[d] only those whom the Americans want[ed] prosecuted, and the United States government threaten[ed] prosecution by the supposedly independent ICTY in order to obtain compliance from political actors in the Balkans" (1999, pp. 551-552). Finally, a recent empirical study (Milojevich, 2018) found that the only two predictors of outcome (verdicts at the Tribunal) were 'defendant ethnicity' and 'victim ethnicity,' indicating an anti-Serb bias.

The Tribunal, however, denies these allegations and argues that its "judgements demonstrate that all parties in the conflicts committed crimes," and that it "regards its fairness and impartiality to be of paramount importance" (ICTYa, n.d.). Furthermore, it stresses that it has "contributed to an indisputable historical record, combating denial and helping communities come to terms with their recent history. Crimes across the region can no longer be denied (ICTYa, n.d.). Some scholars have echoed the Tribunal's claims of fairness and impartiality. For instance, Scharf (2002, p. 394) argues that the "message of the International Tribunal's indictments, prosecutions, and convictions to date of Muslims and Croats, as well as Serbs, has been that a war crime is a war crime, whoever it is committed by. The Tribunal has taken no sides." Furthermore, Smith (2012, p. 166) asserts that the "effective prosecution of those accused of war crimes regardless of the side of the conflict the defendant was on is a critical progression here that cannot be understated." Although it may appear to be valid, this argument is specious. To further elaborate, convictions of some non-Serbs do not necessarily lead to the conclusion 'the Tribunal has taken no sides', which could either be true or false. Therefore, this argument is a logical fallacy (*non sequitur*). Nevertheless, and in spite of all the evidence to the contrary, the



view of the Tribunal being fair and impartial is the most prevailing and accepted within the general scholarship on the ICTY.

The goal of the present study is to contribute to the literature on the ICTY by analyzing the messages the Tribunal has disseminated through its Outreach Program. If the messages are, more or less, neutral in tone and use the same or similar themes and patterns when discussing and describing the crimes that were committed (regardless of who committed them), as well as when describing the perpetrators and victims of the crimes (regardless of their ethnicity), then the result of the analysis will point towards fairness. On the other hand, if the themes and patterns used by Outreach differ significantly based on the ethnicity of the perpetrators and/or the victims of the crimes, then the result will point towards bias.

To date, only one study (Potts & Kjær, 2016) has examined the discourse of the ICTY – or how it projects its image to society through its website. Using critical discourse analysis (CDA), the authors (2016, p. 549) analyzed the judgments from the Trials and Appeals Chambers as well as the Tribunal’s Annual Reports in order to 1) explore how the ICTY’s own stated ‘achievements’ are discursively manifested and constructed, and 2) demonstrate how corpus linguistics methods can contribute to analysis of the language of the law. They found that the Tribunal’s self-declared achievements were “stated rather than demonstrated” and, therefore, “dubiously portrayed” (p. 552). The authors also found that “the court was seen to deviate from phrases of accountability, resulting in confusion, appeal, and general erosion of the contribution to international law” (p. 552). Although the present study had similar goals, the principle aim was to examine the key ‘themes’ the ICTY has disseminated (through its Outreach Program) to the various communities in the Balkans, as well as to individuals and groups from all over the world. The overarching goal, though, was to ascertain whether or not the Tribunal’s frame of the

Yugoslav conflicts falls in line with the way Western governments (particularly the U.S.) and the mainstream media framed the conflicts.

### **Media Frames and U.S. Foreign Policy in Former Yugoslavia**

In order to gain support for the breakaway republics and ultimately to sway public opinion in favor of U.S. foreign policy, the mainstream media and government officials targeted the Serbs for dehumanization (Hammond 2000a; Hammond & Herman, 2000). This was done by demonizing Serbs as well as disavowing Serbian victims. Crimes committed against Serbs were systematically ignored by the mainstream media, which predominately described the conflicts in Yugoslavia using the ‘good versus evil’ binary opposition that is frequently used in media frames (Boyd-Barrett, 2016; Hammond, 2000b). The dumbed-down and one-sided (pro-government stance) reporting supports the findings of studies on framing and the media that suggest the media 1) tend to report and stay close to the government’s official version of events (Herman & Chomsky, 2002; Lawrence 2010) while ignoring opinions on foreign policy that do not receive support among political elites (Powlick & Katz, 1998), and 2) consistently favor one side over another (Entman, 2004; Entman & Rojecki, 2000) – especially when it comes to U.S. foreign policy (Entman, 2004; 2007). Frames have been shown to “activate and spread from the top level of a stratified system (the White House) to the network of nonadministration elites, and on to news organizations, their texts, and the public...[in turn, these] interpretations feed back from lower to higher levels” (Entman, 2003, p. 415).

Consequently, few perspectives of the crises in Yugoslavia were presented to the general public by the mainstream media, and the dominant narrative that surfaced depicted the Serbs as the unequivocal ‘demons’ of the conflicts, while the secessionist groups were portrayed as their unwilling ‘victims.’ Phillip Corwin (1999), the United Nations chief political officer during the

Bosnian conflict, observed the demonization of Serbs firsthand while working for the U.N. in Sarajevo. He described Western journalists reporting in Sarajevo as “very, very biased in favor of the Bosnian government,” and that they deemed the Bosnian Serbs “the unofficially convicted demons in the Bosnian drama.”

Generally, the demonization process consists of associating the enemy leader with a former, ruthless dictator (e.g., the “new Hitler”) and using highly emotive adjectives to describe him, such as “a mass murderer” or “genocidal” (Milojevich & Beattie, 2018). The demonization of the targeted leader “is in keeping with the narrative formula of casting the combatants in the roles of 'good' and 'evil'. The extension of the leader figure's persona as the personification of evil, or simply as 'the bad guy', is aided by the identification with established historical figures that are clearly recognizable as undesirable” (Willcox, 2005, pp. 102-106). The mainstream media referred to Serbs as the ‘new Nazis’ from the very beginning of the conflicts. As Hume (2000, p. 77) points out,

From the summer of 1992, the media’s thoroughgoing demonization of the Serbs helped to set in motion a dynamic of increasing Western intervention in the civil wars in the former Yugoslavia. The Serbs = Nazis stories published and broadcast through the 1990’s were to play a significant part in paving the way for Nato’s ‘just war’ in the spring of 1999.

Furthermore, crimes committed against Serbs were systematically ignored by the mainstream media. Through this omission the media avoided convoluting the official narrative with different perpetrators, victims, and perspectives, thus helping the in-groups maintain their status as the unequivocal ‘good guys’ and the official victims of the Yugoslav conflicts. As studies have shown, framing can manipulate public opinion by omission – failing to provide interpretations that citizens would find relevant – and it is through omission that media framing sets the ideological boundaries for public discourse on political issues (Entman, 2007). Omission

is conducted through the process of “indexing,” which presents only those frames of issues that match the views of political elites—leaving opinions that do not enjoy elite support at a considerable disadvantage (Bennett, 1990). The case of Operation Storm, where “some 250,000 ethnic Serbs [were driven] out of the Krajina [Croatia].... killing several thousand, including several hundred women and children” (Herman & Peterson, 2010, p. 82), offers a pertinent example of omission vis-à-vis media/government framing of the Yugoslav conflicts.

The “ethnic cleansing of 250,000 Serbs” has been described as “the single largest event of its kind in the Balkan wars” (Herman & Peterson, 2010, p. 82), yet U.S. officials and mainstream media have avoided depicting it this way. A study by Herman and Peterson (2010, p. 83) shows that this ethnic cleansing was “minimally newsworthy and has been treated neither as a massacre nor as genocide.” They also note that Peter Galbraith, former (and first) United States Ambassador to Croatia, denied that what had occurred was ethnic cleansing and went as far as to claim that it was a practice committed only by Serbs. The authors (2010, p. 83) conclude that according to Galbraith’s logic it is only ethnic cleansing “*if* carried out by ethnic Serbs against Muslims and Croats, but *not if* carried out by their forces against ethnic Serbs” and that the U.S. media and humanitarian intervention intellectuals used and continue to use the phrase “ethnic cleansing” in lockstep with Galbraith’s view.

In addition, Parenti (2000, p. 70) notes that “when thousands of Serb civilians in eastern Herzegovina were expelled from their homes in February 1993, the Western media carried not a word about it. Every Serbian home between Metkovic and Konjic in the Neretva valley was burned to the ground.” Furthermore, the massacre of 181 mainly Serbian civilians in the Bosnian town of Mrkonjić Grad (near the border with Croatia) in the autumn of 1995, “went almost

completely unreported” (p. 72).<sup>39</sup> Ignoring atrocities committed against Serbs was, and continues to be, common practice by Western governments and the mainstream media.<sup>40</sup> This omission has been carried out – in conjunction with portraying Serbs as evil aggressors – in order to dehumanize the out-group, which is a “psychological process of demonizing the enemy, making them seem less than human and hence not worthy of humane treatment” (Maiese, 2003).

Dehumanization is also an “extension of a less intense process of developing an ‘enemy image’ of the opponent...[which] is a negative stereotype through which the opposing group is viewed as evil, in contrast to one's own side, which is seen as good” (Maiese, 2003).

Dehumanization generally leads to a process known as ‘moral exclusion’, by which targeted groups are placed “outside the boundary in which moral values, rules, and considerations of fairness apply...[they] are perceived as nonentities, expendable, or undeserving” (Opatow, 1990, p. 1). Consequently, and as Opatow (p. 1) describes, “harming or exploiting them appears to be appropriate, acceptable, or just.” As recent empirical research has shown, those who view the outgroup as ‘less than’ are less likely to feel guilty about wrongs perpetrated by their group against the targeted group (Vasiljevic & Viki, 2008) and are less likely to punish the perpetrators (Leidner, Castano, Zaiser, & Giner-Sorolla, 2010; Vasiljevic & Viki, 2008). Both the former and the latter were evident during the Kosovo war. FAIR (2000), the national media watch group, protested the Committee to Protect Journalists’ (CPJ) exclusion of the 16 Radio-Television Serbia (RTS) employees killed by NATO from its annual list of journalists murdered because of their work, and condemned Western mainstream media outlets for engaging in “crude race-hatred and war-crime

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<sup>39</sup> See also ‘Serbs unearth 181 bodies in mass grave’ (1996).

<sup>40</sup> For more examples see Brock (2005), Hammond and Herman (2000), Johnstone (2002), Parenti (2000) and Szamuely (2013).

agitation”, singling out the New York Times’ Thomas Friedman and Fox’s Bill O’Reilly for particularly egregious offences.

As discussed above, many research studies indicate that the U.S. government and mainstream media were congruent in creating and disseminating their frames of the Yugoslav conflicts – which is consistent with studies on media frames (as well as studies on dehumanization). Therefore, if the ICTY was biased against Serbs as well as heavily influenced by the United States, as some scholars suggest, then we could expect some overlap, or similarities, between the ICTY’s frames of the Yugoslav conflicts and the U.S. government/mainstream media’s frames of the conflicts. The overarching question this study examined, therefore, was whether or not the Tribunal, through its Outreach Program, promulgated a frame of the Yugoslav conflicts similar to that of the U.S. government and mainstream media? As such, the present study sheds further light on whether there may be merit to the claims of bias and of the political nature of this institute.

### **Method and Data**

The data utilized for this study were collected on the ICTY website in the section titled ‘Outreach’. The following are the articles, summaries, and reports that were collected and included in the data set: 1) “Bridging the Gap Series” conference reports and the online summaries of each conference, 2) Outreach activities summaries from 1999-2017, and 3) Outreach articles. Thematic analysis (TA), a qualitative content analytical method, was used to examine the data.

### **Thematic Analysis**

Thematic analysis allows the researcher to identify, analyze, and report patterns (or ‘themes’) within data (Braun & Clarke 2006, p. 79), much like that of qualitative content

analysis as developed by Mayring (2000). Both approaches allow for a qualitative analysis of data and share the same aim of analytically examining narrative materials (Vaismoradi, Turunen, & Bondas, 2013), however thematic analysis provides a purely qualitative, detailed, and nuanced account of data whereas content analysis uses a descriptive approach in both coding of the data and its interpretation of quantitative counts of the codes (Braun & Clarke, 2006; Vaismoradi, Turunen, & Bondas, 2013).

In addition, there are two main types of thematic analyses, *inductive* or *theoretical* (deductive), which, depending on the one utilized, will dictate “how and why you code the data” (Braun & Clarke, 2006, p. 84). Thus, the researcher “can either code for a quite specific research question (which maps onto the more theoretical approach) or the specific research question can evolve through the coding process (which maps onto the inductive approach)” (Braun & Clarke, 2006, p. 84). Inductive thematic analysis is rather comparable to framing analysis – which is mainly used in communications research – as both use the inductive approach and are strictly qualitative. Fereday and Muir-Cochrane (2006), nonetheless, have demonstrated that a ‘hybrid’ approach of inductive *and* deductive coding and theme development is also possible when utilizing TA for data analysis.

### **Coding**

The deductive approach for coding and theme development was mainly used, however it was necessary to create some codes inductively – particularly when coding for what was not stated (omission). Therefore, the approach used for this study would classify as a ‘hybrid’ TA approach (Fereday & Muir-Cochrane, 2006). Finally, coding and data analysis were conducted following the general guidelines as developed by Braun and Clarke (2006). Their approach to thematic analysis is performed through the process of coding to look for themes, with the

“reporting of the content and meaning of patterns (themes) in the data” as the end goal (2006, p. 86). There are six phases to this approach, which are listed as follows: 1) familiarization with data, 2) generating initial codes, 3) searching for themes/patterns (by analyzing codes), 4) reviewing themes, 5) defining and naming themes, and 6) producing the final report (2006, p. 87).

## **Data**

### **Conferences: “Bridging the Gap Series”**

The following is a description of the Outreach Program’s “Bridging the Gap Series” from the ICTY website:

The conferences provided the Tribunal with an opportunity to present an account of its activities directly to audiences most affected by the crimes at the heart of the Tribunal's work. Local community leaders, victims, returnees, legal professionals, law enforcement personnel, journalists, scholars and other members of the public had the opportunity to hear first-hand and ask questions about the Tribunal’s extensive work.<sup>41</sup>

The materials that were analyzed were the “Bridging the Gap Between the ICTY and Communities in Bosnia and Herzegovina” summary reports. Each report contained, essentially, a summary of the conference proceedings. The following are the 5 locations and number of pages of each report: 1) Brčko: 75 pages, 2) Foča: 81 pages, 3) Konjic: 75 pages, 4) Srebrenica: 79 pages, and 5) Prijedor: 83 pages. Each conference has a dedicated page on the ICTY website contained within the Outreach Program section. Also analyzed were the descriptions of the conferences that are posted on each location’s corresponding webpage. The following are the number of words contained on each page: Brčko (315), Foča (398), Konjic (354), Srebrenica (437), and Prijedor (593).

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<sup>41</sup> <http://www.icty.org/en/outreach/bridging-the-gap-with-local-communities>



### **Outreach Activities Summaries**

Outreach provided summaries of all of its activities from 1999-2017 (19 years in total).

The following is the year and the number of activities as reported by the Outreach Program:

2017 (13), 2016 (46), 2015 (54), 2014 (91), 2013 (83), 2012 (98), 2011 (90), 2010 (49), 2009 (54), 2008 (57), 2007 (86), 2006 (43), 2005 (84), 2004 (51), 2003 (50), 2002 (62), 2001 (77), 2000 (18), and 1999 (2); for a total of 1,109 entries and roughly 166,000 words.

### **Outreach Newspaper and Journal Articles**

A total of 62 Outreach articles (over 75,000 total words) were published in two outlets (8 article contributions to *Justice in Transition* and 54 to *Balkan*). From 2005 to 2007 Outreach contributed 8 articles to *Justice in Transition*, a “bi-monthly journal published by the Serbian War Crimes Prosecutor’s Office. The journal was distributed to members of the Serbian judiciary, government representatives, NGO’s, international organisations and the diplomatic community and supported by the OSCE, the Open Society Fund and the US Department of Justice.”<sup>42</sup> From “late 2003 to early 2005, the Outreach Programme contributed a weekly commentary to *Balkan*, a Belgrade daily newspaper. The articles focused on Tribunal-related issues of particular relevance in Serbia and Montenegro, aiming to contribute to ongoing discussions and debates about the ICTY and broader initiatives concerning facing the past, justice and truth.”<sup>43</sup>

### **Analysis and Discussion**

The results from the analysis indicate that the main themes of the ICTY frame of the Yugoslav conflicts fall into the two main categories of themes that have been the most prevalent

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<sup>42</sup> <http://www.icty.org/en/outreach/outreach-articles-archive>

<sup>43</sup> Ibid.

in the mainstream media and government's frame of the Yugoslav conflicts: 1) describing Serbs mainly as perpetrators and uniquely evil/genocidal, and 2) ignoring (omission) or minimizing crimes committed by the in-groups/disavowing Serbian victims. Furthermore, two other themes – 'a war crime is a war crime no matter who commits it' and 'the Tribunal has individualized guilt in order to protect entire communities from being labelled as collectively responsible' – also emerged and are included as part of the 'fairness and impartiality' category.

### **Serbs as the Perpetrators**

When describing crimes committed (or allegedly committed) by Serbs the Tribunal used emotionally charged terms and terms that might evoke images of the Holocaust, such as 'appalling,' 'horrendous,' 'horrifying,' 'ruthless,' and 'heinous.' Crimes committed by non-Serbs against Serbs were generally described simply as 'crimes' or 'war crimes', without the use of emotive adjectives. However, the most dominant theme in this category began with the word 'campaign,' such as campaign of terror/ethnic cleansing/persecutions. 'Campaign' was also used at the end of the phrase, such as the 'ethnic cleansing campaign,' the 'shelling campaign,' and the 'Serb campaign.'

The word 'campaign' can give an impression of a pre-determined and systemic policy of persecution against the 'other,' which evokes Nazism and implicitly accuses the Serbian nation (as a whole) of being complicit in the 'campaign.' Therefore, using the word 'campaign' to describe a specific case of persecution or ethnic cleansing de-individualizes the case, thus collectivizing guilt and even criminalizing the group's legitimate objectives, such as seeking self-determination – the primary aim of all of the ethnic groups in former Yugoslavia (Szamuely, 2013). This theme, therefore, contradicts the ICTY's claim that it has ensured that guilt remained individualized, which will be discussed further in the section on the 'fairness and impartiality' themes.

The article entitled, *Facts About Foča*, offers a prime example of the utilization of this theme. Various forms were used in this article, such as 1) “the Serb forces conducted a *campaign of persecution*,” 2) the trial against “[Bosnian Serbs] Dragoljub Kunarac, Radomir Kovač, and Zoran Vuković established that one target of this *campaign of terror*...,” 3) “two cases dealt specifically with the *campaign of widespread persecution*...,” and 4) the “purpose of the *Serb campaign* in Foča was, among others, ‘to cleanse the Foča area of Muslims.’” As previously mentioned, describing these acts as a ‘campaign’ elicits the Nazi image and collectivizes guilt, however the fourth example is perhaps the most effective as the name of the ethnic group is grouped with the word ‘campaign’ (i.e. ‘the Serb campaign’). For instance, by simply changing a few words (the groups and the area involved) the statement can easily transform into something written about the Holocaust; such as ‘the Nazi campaign in Berlin was, among others, to cleanse the Berlin area of Jews.’ This is not in any way meant to minimize the severity of the crimes that occurred, but rather to highlight the discrepancies in the use of this term – that it was a dominant theme used only to describe crimes committed by Serbians – as well as to discuss the potential impact this theme could have on readers of the article.

### **Ignoring/Minimizing In-Group Crimes**

The theme or pattern of ignoring or minimizing crimes that were committed by non-Serbs against Serbs was the most prevailing theme that emerged from the analysis and it demonstrates a bias (by *omission*) by the Tribunal. A prime example of this theme is the omission of the massacre of 181 Serbian civilians in Mrkonjić Grad in Bosnia, which (as previously discussed) was also ignored by the mainstream media. Other examples of this theme include the omission of non-Serb war crimes that occurred in and around Sarajevo, Srebrenica, and Bratunac in Bosnia; Gospić,

Vukovar, and Lika in Croatia; and Prizren, Staro Gracko, and Goraždevac in Kosovo.<sup>44</sup> Ignoring war crimes committed by non-Serbs, correspondingly, disavows the victims, which contributes to the dehumanization of Serbians.

In addition, certain terms or phrasing were also omitted when describing crimes committed against Serbs. Non-Serb war crimes were described in plain, technical terms and the term ‘ethnic cleansing’ was not used in cases involving Serb victims of this crime, whereas it was used unfailingly to describe this crime when committed by Serbs against non-Serbs. Therefore, ‘ethnic cleansing’ was used in lockstep with Galbraith’s view that only Serbs conduct ethnic cleansing (Herman & Peterson, 2010). For example, in the article, *Indictments Against Generals Čermak and Markač*, it states that Serbs “fled the area as their houses and property were destroyed.” This was a clear case of ethnic cleansing yet, instead of using the term ‘ethnic cleansing,’ Serbs are described simply as having ‘fled the area,’ which lacks any recognition that they were *forced* to flee. That the destruction of Serbian houses and property was intentional is omitted, which reduces the ethnic cleansing of Serbians from the Krajina region of Croatia to an unintended consequence (collateral damage) and, thereby, minimizes the crime. In addition, the ethnic cleansing of Serbs from Croatia occurred throughout the country and included hundreds of thousands of victims, yet these facts were also omitted, which minimizes the scope of the crime. This pattern of omission mirrors that of the mainstream media and government when it comes to Serbian victims and the use of the term ‘ethnic cleansing’ vis-à-vis Croatia.

Another example of this omission occurred in the article ‘No Excuse for Killing and Torturing Civilians.’ This article is about the war crimes committed by Naser Orić, a Bosnian

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<sup>44</sup> For details of the war crimes committed against Serbs in these and other areas of former Yugoslavia see, for example, the works of Brock (2005), Johnstone (2002), Parenti (2000), and Szamuely (2013).

Muslim Commander in the Srebrenica area. What is omitted from the article is the extent of the killings committed by Orić and his men. Orić's exploits are well-known as he openly and publicly boasted about his nefarious activities on many occasions, including the time he "entertained a Washington Post reporter by showing him a videotape of his soldiers decapitating Serbs" (Schindler, 2007, p. 229). Schindler (2007, p. 229) describes that Orić's "tenure as Srebrenica's commander was marked by horrifying atrocities against those he took a disliking to. Orić's crimes against Serb civilians were among the worst perpetrated by anyone in the Bosnian civil war, including much wanton butchery against innocent victims." Indisputable evidence has shown that Serbs, including women and children, "had been tortured and mutilated and others were burned alive when their houses were torched [by Orić and his men]" (Szamuely, 2013, p. 278). Similarly, Johnstone (2002, p. 111) concludes that Orić had a propensity to attack Serbs on Serbian holidays, as well as to brag to Western reporters about his exploits.

The extent and scope of Orić's (alleged) crimes were not discussed in the article, nor in the entire data set. What the article does mention, however, is that the indictment "alleges that one Serb was beaten to death, and six others were killed." This is the extent to which the article discusses the killings that Orić was allegedly involved in. Instead, the article focuses on the destruction of property, including, of all things, television sets. It states that "Orić's forces plundered cattle, furniture and *television sets*, and destroyed buildings and dwellings."<sup>45</sup> The article further states that, "as a result of these actions, thousands of Serbs fled the area." Again, no use of the term 'ethnic cleansing,' even though this is a clear case of it.

Finally, another dominant theme emerged as part of this category. This theme uses the technical name of the group when describing non-Serb crimes, while the ethnicity of the group is

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<sup>45</sup> Emphasis added.

used when describing Serb crimes. For example, non-Serb crimes are described as ‘HVO forces attacked...’, ‘KLA forces attacked,’ and ‘government forces attacked,’ instead of ‘Croatian forces attacked’, ‘Kosovo Albanian forces attacked,’ and ‘Bosnian Muslim forces attacked.’ Or names are used, such as ‘Orić’s forces attacked.’ However, when it comes to Serb crimes, they are described as ‘rebel Serbs attacked’, ‘Serb forces attacked’, and ‘Bosnian Serb forces attacked.’ Therefore, the Serbian ethnic group/nation is associated with crimes committed by members of its group, whereas the non-Serb ethnic groups are not associated, in whole or in part, with crimes committed by members of their group. As such, this theme collectivizes crimes committed by Serbs, while keeping crimes committed by non-Serbs individualized.

### **Fairness and Impartiality Themes**

The theme ‘a war crime is a war crime no matter who commits it’ emerged as the central theme to the claim made by the ICTY that it “regards its fairness and impartiality to be of paramount importance” and that it “takes no side in the conflict” (ICTYa, nd). Another dominant theme, ‘the Tribunal has individualized guilt in order to protect entire communities from being labelled as collectively responsible,’ also emerged as part of the ‘fairness and impartiality’ category. These themes fall under the ‘fairness and impartiality category’ as they are vital to the ICTY strategy of trying to convince the public that it was fair and impartial, which, if accepted, would mean that its proceedings, case facts and outcomes, and the messages it disseminates should, subsequently, also be accepted. Therefore, these themes fit cohesively into, and are an integral part of, the Tribunal’s overarching frame of the Yugoslav conflicts. However, the results of the analysis show that, instead of supporting the ‘fairness and impartiality’ claims with substantiating evidence, the Tribunal mostly contradicted them.

The article titled ‘Who Kills on Behalf of the Citizens of Serbia’ in no uncertain terms

*explicitly* implicates the Serbian people as co-conspirators of war crimes, and contradicts the theme ‘the Tribunal has individualized guilt.’ The use of the term ‘citizens’ suggests that the Serbian community, at large, is (at least partially) responsible for the alleged crimes because they were the ones who *chose* (voted for) their leaders. The Tribunal has made clear that its primary concern has been to prosecute the main political and military leaders of the former Yugoslavia for the most serious war crimes, so there is no mistaking that when the Tribunal uses the word ‘killers’ in the article, it is referring to Serbia’s political and military leaders.

Furthermore, the article states that “all citizens of Serbia are entitled to know who took it upon themselves to kill innocent civilians in their name,” which implicates, just as the title does, the citizens of Serbia in the alleged killings. By implicating the citizens of Serbia in the alleged war crimes, the Tribunal makes them collectively responsible for the crimes, which contradicts its claim that it has ensured that guilt has remained ‘individualized in order to protect groups from being labelled collectively responsible.’

The evidence provided by the Tribunal to support the theme, ‘a war crime is a war crime no matter who commits it,’ is also contradictory. The Outreach Activities Summary, *A Crime is Always a Crime – Regardless of Who the Perpetrators Are*, offers a prime example of this contradiction. The summary states that “special attention was paid to cases which deal specifically with Croatia, namely the trials of Babić, Martić, Jokić, Strugar, Gotovina et al., Blaškić and Norac,” which were presented as supporting evidence that ‘a crime is a crime no matter who commits it,’ with the intended goal of helping the Croatian community come to terms with its role in the war. However, these cases hardly support this aim.

Gotovina et al. (Gotovina, Čermak, and Markač) was arguably one of the most important trials held at the ICTY. For instance, a conviction was crucial to Serbs from Croatia who wanted

justice for their victims, however the Croatian government feared a guilty verdict would tarnish the country's victim image and possibly even challenge Croatia's narrative that it fought a strictly defensive war – known in Croatia as the 'War of Independence' or 'Homeland War' – against 'Serbian aggressors.' Essentially, if the accused were convicted it would recognize Serbs as victims and show that Croatians were also guilty of committing war crimes on a large scale, realities the Croatian government has recurrently had difficulty accepting (Basic, 2017).

Initially, the accused were found guilty, which caused an uproar in Croatia by the political elite and media, who condemned the Tribunal and claimed it was 'biased.' However, the guilty verdict was extremely short-lived, as the three accused were acquitted of all charges by the Appeals Chamber, and, subsequently, given a hero's welcome upon their return to Croatia (Dempsey, 2012). Dempsey (2012) asserts that the acquittal of the Croatian generals "is a depressing indictment for a court that was meant to end impunity for some of Europe's worst war criminals." She further postulates that the decision would likely 1) "undermine the ICTY's credibility as an impartial body set up in 1993 to achieve justice for the victims," 2) "make reconciliation between Serbia and Croatia even more difficult than it already is," and 3) "send the wrong signal to military commanders and politicians who would contemplate ethnic cleansing."

Contrary to fostering reconciliation between Serbian and Croatian communities by helping Croatians come to terms with their role in the war and accept the crimes committed by their group, the decision allowed government officials and the media to disseminate a polarizing message repudiating any wrongdoing, which potentially helped further foment the rising tide of nationalism in Croatia.<sup>46</sup> For instance, Gotovina, after meeting with the president, affirmed, "Our homeland

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<sup>46</sup> Although nationalism (as well as fascism) have plagued Croatia for some time (Brentin, 2016; Johnstone, 2002; Szamuely, 2013; Trifkovic, 2010), another wave of nationalism seems to be gaining momentum in Croatia in recent years. For further commentary on the current rise of



war is clean, it belongs to our history, it is a basis on which we build our future.”<sup>47</sup> Furthermore, one of the most influential newspapers in Croatia, Jutarnji List, declared that the “verdict freed Croatia from any guilt for the war and organised war crimes,” which appeared in a piece with a title indicative of the dominant theme permeating Croatia: *The War is Finally Over, Croatia is Innocent*.<sup>48</sup> The Gotovina et al. trial is undoubtedly antithetical to the statement ‘a crime is a crime no matter who commits it’, as well as to furthering reconciliation between the groups, which makes its use by Outreach difficult to reconcile.

With regards to the two remaining accused Croats listed by the ICTY, Blaškić was convicted and sentenced to 9 years for crimes against Bosnian Muslims, while Norac was not even tried at the Tribunal. The ICTY deemed that his case did not warrant a trial in The Hague so it transferred his case to Croatia, where he was prosecuted in two different courts for separate crimes. Both courts found him guilty and he was sentenced to a total of 15 years in prison. Finally, Babić, Martić, Jokić, and Strugar are Serbs (from Croatia) who were found guilty of committing crimes against Croats and sentenced to 13, 35, 7, and 7.5 years in prison. The Tribunal, therefore, provided examples of mainly convicted Serbs (who were found guilty of committing crimes against Croats) and vindicated Croats (who were found innocent of having committed crimes against Serbs) to demonstrate its claim that ‘a war crime is always a war crime no matter who

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nationalism in Croatia see the following:

[https://www.theguardian.com/commentisfree/2016/sep/12/croatias-election-warning-nationalism-balkans-eu-government-second-world-war-fascism?CMP=share\\_btn\\_tw](https://www.theguardian.com/commentisfree/2016/sep/12/croatias-election-warning-nationalism-balkans-eu-government-second-world-war-fascism?CMP=share_btn_tw),

<http://www.euinside.eu/en/comments/is-nationalism-growing-in-croatia>,

<https://slate.com/culture/2018/07/croatia-2018-world-cup-the-conundrum-of-a-lovable-team-cheered-on-with-fair-right-chants.html>,

<https://www.newstatesman.com/culture/observations/2016/05/make-croatia-great-again-how-fascism-emerged-eu-s-youngest-state>

<sup>47</sup> See <https://sg.news.yahoo.com/croatia-feels-vindicated-generals-acquittal-104857227.html>

<sup>48</sup> Ibid.

commits it.’

Thus, these presentations most likely did not assist the Croats in attendance to come to terms with their role in the Croatian conflict with Croatian-Serbs. On the contrary, the presentations most likely perpetuated the theme of Serbs as evil aggressors and, therefore, adversely affected the students’ perceptions of their (ethnic) group’s role in the conflict – a conclusion evident in the summary itself as it mentions that one of the Croatian students in attendance inquired as to why no charges were pressed (against Serbs) for committing genocide in Croatia. Furthermore, these presentations would most likely contribute to the continued disavowal of Serbian victims of the Croatian conflict in Croatia and beyond.

### **Limitations and Future Directions**

There were a few limitations to this study. First, the Outreach Program supplemented its written work with seven documentaries, averaging about an hour in length. Due to the length of the documentaries (and the amount of them) it was not feasible to include them in the present study. A separate study would need to be conducted to thoroughly analyze them and to report the results, which would provide an important follow-up to the present study.

Secondly, when conducting a qualitative content analytical study such as this one, the data may be interpreted differently by those with different disciplinary or theoretical approaches. However, the language utilized by the Tribunal was very basic and the articles, summaries, and reports were written with a clear intent – to convince the reader of the Tribunal’s version of events – therefore, this factor may not be as applicable to this particular study as it would to similar studies. Nonetheless, to counteract potential researcher bias, many examples (of the dominant themes) were taken directly from the data and provided within each category of the analysis and discussion section. Furthermore, the entire data set is accessible on the ICTY website, providing

transparency and allowing for further evaluation and scrutiny.

In addition, how the themes might influence the reader could only be inferred in this study, therefore another possible future direction would be to test for effects of the themes on readers. Finally, future research should be conducted to analyze the (potential) impact the Outreach program has had on the political environment in the region.

### **Conclusion**

The results of this study have shown that the Tribunal's frame of the Yugoslav conflicts mirrors the frame that was devised and disseminated by Western mainstream media and governments – in particular the media and government of the United States. Therefore, it supports previous studies that have demonstrated ethnic-bias by the ICTY, as well as confirms that the Tribunal's self-declared achievements are “dubiously portrayed” (Potts & Kjær, 2016). Furthermore, this study provides an important qualitative analysis on how this international institute communicates political messages and ideas to the communities in the Balkans, as well as to the international community.

There is no doubt that the ICTY has been, and continues to be, highly influential in the former Yugoslavia, especially when it comes to the policies of the governments in the region, as well as to the foreign policies of powerful states pursuing their own interests in the region; such as the United States, France, Germany, United Kingdom, Russia, and Turkey. Nonetheless, the most critical area where the ICTY has strived to have the largest impact is on reconciliation between the groups involved in the conflicts. Unfortunately, relations between some of these countries “are at the lowest level since the signing of Dayton [in 1995]” (Nikolic, 2015). This is not surprising considering that many communities in the region have negative perceptions of the ICTY. This study, therefore, raises an important question regarding the Tribunal's persistent

quest to impact reconciliation in the region (now exclusively through its Outreach Program), which is ‘could the Tribunal be doing more harm than good?’ It has been roughly a quarter of a century since the majority of the conflicts ended in Yugoslavia, perhaps it is now time for the Tribunal to finally end its quest and allow the communities in the region to move on from a their turbulent pasts.

## **CHAPTER 4: Psychological Effects of Media Dehumanization on the Target Group**

During the conflicts in Yugoslavia, Western powers sided with the secessionist groups seeking to break apart Yugoslavia, which resulted in one-sided reporting of the crises. The mainstream media largely dumbed-down the events by framing them in simple and easy to understand terms, mainly describing the conflicts using the ‘good versus evil’ binary opposition that is frequently used in media frames (Boyd-Barrett, 2016; Hammond, 2000b). The dumbed-down and one-sided (pro-government stance) reporting supports the findings of studies on framing and the media that suggest the media 1) tend to report and stay close to the government’s official version of events (Herman & Chomsky, 2002; Lawrence, 2010) while ignoring opinions on foreign policy that do not receive support among political elites (Powlick & Katz; 1998), and 2) consistently favor one side over another (Entman, 2004; Entman & Rojecki, 2000) – especially when it comes to U.S. foreign policy (Entman, 2004; 2007). Consequently, few perspectives of the crises in Yugoslavia were presented to the general public by the mainstream media and they essentially reduced a complex situation to an overly-simplistic and insufficient explanation of events.

In order to gain support for the breakaway republics and ultimately to sway public opinion in favor of U.S. foreign policy, the mainstream media and government officials conducted a large-scale propaganda campaign against the Serbs (Hammond, 2000a; Hammond & Herman, 2000). Serbs were demonized and their victims disavowed. They were depicted as evil, genocidal killers with the intent of destroying all the other (ethnic) groups in order to create a ‘Greater Serbia’ – a theory that has long been discredited (Brock, 2005; Hammond & Herman, 2000; Johnstone, 2002; Laughland, 2007; Parenti, 2000; Szamuely, 2013). The demonization of Serbs has long exposed by (independent) journalists, scholars, and even U.N. officials. For

instance, Phillip Corwin (1999), the United Nations chief political officer during the Bosnian conflict, described Western journalists reporting in Sarajevo as “very, very biased in favor of the Bosnian government,” and that they deemed the Bosnian Serbs “the unofficially convicted demons in the Bosnian drama.” British writer Joan Phillips, one of the first to notice the discrepancies in the mainstream media’s reporting of wartime atrocities in Yugoslavia, noted that,

People on all sides have lost everything; their families, homes, land, possessions, health and dignity. So why do we hear little or nothing about the suffering endured by the Serbs? ... Western journalists go to Bosnia to get a story. But they have just one story in mind...[T]he Serbs are the bad guys and the Muslims are the victims. Their governments have all declared the Serbs to be the guilty party in Yugoslavia, and journalists, almost without exception, have swallowed this story without question. That’s why they see only what they want to see – Serbian atrocities everywhere and Serbian victims nowhere.<sup>49</sup>

Scholar Michael Parenti (2000; p. 70) reveals that “when thousands of Serb civilians in eastern Herzegovina were expelled from their homes in February 1993, the Western media carried not a word about it. Every Serbian home between Metkovic and Konjic in the Neretva valley was burned to the ground.” He further states that “in January 1996 Croatian forces slaughtered 181 Serb civilian who lived in Mrkonic Grad, a town in northwest Bosnia near the Croatian border. The murderers left fascist graffiti over the entire town... the [victims’] graves were subsequently exhumed and all of the victims were identified by name. This story went almost completely unreported” (2000; p. 72).<sup>50</sup> In a recent article published by Forbes, Senior

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<sup>49</sup> Taken from Parenti (2000; p. 69).

<sup>50</sup> See also “Serbs unearth 181 bodies in mass grave (1996)” at <https://www.independent.co.uk/news/world/serbs-unearth-181-bodies-in-mass-grave-1303475.html>

Fellow at the Cato Institute Doug Bandow (2017) gives a remarkably rare account of the anti-Serb bias by the United States in a major Western media outlet, acknowledging that,

Croatia, buttressed by U.S. aid, launched a large-scale military offensive against the Krajina Serbs, causing hundreds of thousands to flee. Years later I visited the region: the rural landscape was dotted with abandoned farms and ruined Orthodox churches, while the façades of urban buildings were pockmarked with bullet holes. However, Washington refused to acknowledge, let alone criticize, this episode of *ruthless ethnic cleansing. The bias persists today.*<sup>51</sup>

Ignoring atrocities committed against Serbs was, and continues to be, common practice by Western governments and the mainstream media. Much of this was a result of the U.S. State Department's position – which was in full support of the secessionists – as well as the actions of the secessionist groups.

Slovenians were perhaps the first to recognize the importance of the media in order to gain the support of Western powers as they created a “well-equipped media center that would distribute vivid reports about nonexistent battles, exaggerated casualty figures, and alleged Yugoslav army (Serbian) atrocities” soon after declaring independence in 1991 (Parenti, 2000; p. 82). The Croats and Muslims quickly followed suit by “conjuring up images of a dehumanized Communist Serbian threat to Europe” (Parenti, 2000; p. 82). Creating an aggressive and efficient propaganda apparatus is standard protocol for groups clamoring for international support, and the main aim of such an apparatus is to convince the world that you are the victims fighting against an oppressive and brutal regime. Finally, the U.S. government and mainstream media intensified the demonization of the Serbs – some believe it reached an unprecedented level (Herman, 2009) – in the lead-up to the U.S. led-NATO bombing campaign against Serbs in Bosnia and Croatia,

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<sup>51</sup> Emphasis added by this author.

and then again before, during, and after the NATO war of aggression against what remained of Yugoslavia (Serbia and Montenegro).

With the advent of the internet, as well as having the most powerful media outlets in the world at its disposal, the U.S. was able to demonize the Serbs on a scale greater than the world had ever known – although it was helped in this endeavor by other Western powers such as Great Britain, Germany, and France. The reverberation of this demonization can still be felt today. As renowned scholar on the media (who also wrote prolifically on Yugoslavia), Edward Herman (2009) describes, “The successful demonization of the Serbs, making them largely responsible for the Yugoslav wars, and as unique and genocidal killers, was one of the great propaganda triumphs of our era. It was done so quickly, with such uniformity and uncritical zeal in the mainstream Western media, that disinformation had (and still has, after almost two decades) a field day.” Using tried and true techniques in their demonization of Serbs, and with a new weapon (the internet) at their disposal, Western media effectively and rapidly disseminated their propaganda around the world.

### **Demonization: Process and Effects**

Generally, the demonization process consists of associating the enemy leader with a former, ruthless dictator (e.g., the “new Hitler”) and using highly emotive adjectives to describe him, such as “a mass murderer” or “genocidal” (Milojevich & Beattie, 2018). The identification and targeting of the enemy leadership is vitally important to the demonization process and “provides the focal point towards which the war effort can be targeted. Once the leader is identified, the character and perception of that individual can be cultivated and presented to the public to support the policy aims of government” (Willcox, 2005; p. 92). This usually takes two forms: “First, the war or crisis is specifically personalized with the enemy leader so that the



introduction of their name becomes synonymous with the conflict. Second, the individual, once directly associated with the conflict, is demonized, provoking negative connotations through the invoking of their name” (Willcox, 2005; p. 92). The demonization of the targeted leader “is in keeping with the narrative formula of casting the combatants in the roles of ‘good’ and ‘evil’. The extension of the leader figure's persona as the personification of evil, or simply as ‘the bad guy,’ is aided by the identification with established historical figures that are clearly recognizable as undesirable” (Willcox, 2005; pp. 102-106).

Adolf Hitler, for obvious reasons, is the most common historical figure utilized in this technique, which is often referred to as the 'Hitlerization' of the leader. This method “makes the demonization easier and offers a benchmark with which to compare personality characteristics. Reference to historical characters, especially Nazis, is a theme that runs throughout conflict coverage and is often intertwined with the other themes” (Willcox 2005; p. 106). As Johnstone (2002; p. 65) explains regarding the mainstream media reporting of the Yugoslav crises,

The easiest way to describe a totally unfamiliar situation in a short time is by analogy to a familiar one, [and] nothing was more familiar to the Western public of the late twentieth century than Hitler and the Holocaust. Once the mass media began to treat the Yugoslav conflicts in these terms, likening the Serbs to ‘the new Nazis’, the dynamic became irresistible. Serbs as Nazis, with Milosevic as Hitler, was ‘the story’ that reporters were sent to look for. When in doubt, atrocities were attributed to the Serbs. Once launched, unproven accusations were repeated so often that they became obviously true, because familiar.

Hume (2000; p. 77) traces the origins of this strategy to the early 1990’s, pointing out that “from the summer of 1992, the media’s thoroughgoing demonization of the Serbs helped to set in motion a dynamic of increasing Western intervention in the civil wars in the former Yugoslavia. The Serbs = Nazis stories published and broadcast through the 1990’s were to play a significant part in paving the way for Nato’s ‘just war’ in the spring of 1999.”

Unfortunately, this targeted demonization by the mainstream media and various Western governments has negatively affected how the conflicts are understood in the Western world – which extends from the general public to academia. To further elaborate on the latter, a significant portion of academic scholarship on Yugoslavia has shown to appeal to conventional wisdom (a logical fallacy) about the conflicts, thus contributing to this problem of viewing the events through the binary, good versus evil, lens that portrays the Serbs as victimless aggressors. Using the Yugoslavia and Rwanda cases as examples, Aleksandar Jokic (2013; p. 1) demonstrates how “conventional wisdom, usually shaped by the media and politics, corrupt[s] fact based scholarship, particularly when that conventional wisdom or the standard narrative is simply presupposed as factually accurate by those engaged in what should be an exercise of scholarship and academic polemic.”

In a recent interview that focused on the United States’ support of Israel, renowned scholar Noam Chomsky echoed Jokic’s analysis, stating that “the tendency of the intellectual community to go along like a herd in support of state (and private) power is just overwhelming. Intellectuals like to think of themselves as dissident, critical, courageous, standing up against power...it is absolutely untrue. If you look at the historical record that is a small fringe and they’re usually punished.”<sup>52</sup> When it comes to the Balkans, loyalty to the official narrative is seemingly unrivaled. Professor David Gibbs describes this unfettered commitment to preserving and disseminating the official narrative as the ‘Balkan propaganda machine,’ which, he states,

comprises academics, journalists, and bloggers who hold tenaciously to a simplified version of the Balkan wars as being caused almost entirely by Serbs; they view the later NATO interventions against the Serbs positively. For these activists, the Balkan conflict has become a great crusade, one that defies rational analysis. Any deviation

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<sup>52</sup> The interview can be viewed at [https://www.youtube.com/watch?v=IUQ\\_0MubbcM](https://www.youtube.com/watch?v=IUQ_0MubbcM).

from the prescribed narrative is considered an act of immorality, deserving of punishment.”<sup>53</sup>

Although this phenomenon raises significant issues, the point here is not to indict (a subset of) academicians for appealing to conventional wisdom, it is simply to show that conventional wisdom about Yugoslavia has even permeated environments that are meant to be safe from these types of sweeping, negative stereotypes.<sup>54</sup> Furthermore, by appealing to conventional wisdom about Yugoslavia, scholars contribute to the demonization process by disseminating the negative stereotypes that caricaturize the Serbs as soulless and immoral ‘genociders’ through their research and in their lectures.

Ultimately, the main objective of demonizing a group, other than to gain public support for a particular foreign policy (usually a ‘humanitarian intervention’), is to dehumanize it, as it places the target group outside of the moral boundaries of society and makes crimes and atrocities committed against it seem acceptable, even just (Opotow, 1990).

### **Dehumanization**

Dehumanization has been defined as a “psychological process of demonizing the enemy, making them seem less than human and hence not worthy of humane treatment” (Maiese, 2003). It is also an “extension of a less intense process of developing an ‘enemy image’ of the opponent...[which] is a negative stereotype through which the opposing group is viewed as evil, in contrast to one's own side, which is seen as good” (Maiese, 2003). Dehumanization generally leads

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<sup>53</sup> (<http://original.antiwar.com/david-gibbs/2012/06/10/welcome-to-the-balkan-propaganda-machine/>)

<sup>54</sup> Anecdotally speaking, I was recently told by an undergraduate student – who is of Bosnian Muslim heritage and was taking a course on the Yugoslav conflicts at a prestigious American university – that his “professor is extremely anti-Serb” and that as long as he writes something that is anti-Serb for his final paper he will “for sure get an A.” I have had similar experiences in my academic career.

to a processes known as ‘moral exclusion’, by which targeted groups are placed “outside the boundary in which moral values, rules, and considerations of fairness apply...[they] are perceived as nonentities, expendable, or undeserving”(Opatow, 1990; p. 1). Consequently, and as Optow (1990; p. 1) describes, “harming or exploiting them appears to be appropriate, acceptable, or just.”

Serbs were dehumanized mainly through media demonization, which can lead to the public viewing the targeted group as ‘less than’. As Serbs were placed outside the moral boundaries of society, crimes and atrocities committed against them were viewed as just.<sup>55</sup> Some journalists even resorted to openly calling for war-crimes to be committed against Serbs. FAIR (2000), the national media watch group, condemned Western mainstream media outlets for engaging in “crude race-hatred and war-crime agitation” and singled out the New York Times’ Thomas Friedman and Fox’s Bill O’Reilly for particularly egregious offences. FAIR also protested the Committee to Protect Journalists’ (CPJ) exclusion of the 16 Serbian journalists killed by NATO – when it bombed Radio-Television Serbia (RTS) in April 1999 – from its annual list of journalists murdered because of their work. Even though Human Rights Watch (HRW) and Amnesty International (AI) condemned the attack and AI called it a war-crime,<sup>56</sup> American mainstream media and government officials celebrated it.

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<sup>55</sup> A vast amount of scholarly literature on the Yugoslav conflicts typically depicts the destruction of Yugoslavia and the killing of Serbs as, for the most part, necessary and just. ‘Just War’ theorists were especially guilty of perpetuating this view. Furthermore, the literature on NATO’s three-month illegal bombing campaign against Yugoslavia (generally referred to as the ‘Kosovo War’) that killed thousands of civilians and displaced hundreds of thousands was particularly heralded as necessary and just. See, for instance, Ignatieff (2001), Lambeth (2001), Orend (1999), Reiff (1996) and Roberts (1999).

<sup>56</sup> See <https://www.amnesty.org/en/latest/news/2009/04/no-justicia-victimias-bombardeos-otan-20090423/> and <https://web.archive.org/web/20141022190610/http://www.hrw.org/reports/2000/nato/Natbm200-01.htm>

Chomsky (2015) lambasted the Western press and government officials for lauding the attack, and criticized (then special envoy to Yugoslavia) Richard Holbrooke for his remark that the attack on RTS was “an enormously important and, I think, positive development.” In his article, Chomsky (2015) compares the West’s reaction to the attack on RTS (relatively celebratory) with its (completely opposite) reaction of outrage and horror to the 2015 Paris attacks, demonstrating “the hypocrisy of the West’s outrage.” In addition, he concludes that “the more we can blame some crimes on enemies, the greater the outrage; the greater our [U.S.] responsibility for crimes -- and hence the more we can do to end them -- the less the concern, tending to oblivion or even denial.” In this concluding point, Chomsky describes one of the main effects of dehumanization.

Recent empirical research has shown that dehumanization can have severely negative consequences; for example, those who view the outgroup as ‘less than’ are less likely to feel guilty about wrongs perpetrated by their group against the targeted group (Zebel, Zimmerman, Viki & Doosje, 2009) and are less likely to punish the perpetrators (Leidner, Castano, Zaiser, & Giner-Sorolla, 2010).<sup>57</sup> Apropos the effects of dehumanization on the target group, Bastian and Haslam (2010; p. 108) note that dehumanization is especially relevant to social ostracism, and that ostracized individuals “feel lacking in flexibility, emotionality, agency, and warmth, as if they see themselves as mechanical entities rather than fully human beings.” They further emphasize that responses to social ostracism include feelings of numbness, boredom, reduced empathy for others, lethargy, an absence of meaningful thought, a narrowly concrete focus on the immediate present, a reduced tendency towards action, and lack of self-assertion (see also Twenge, Catanese, & Baumeister, 2003; Williams, 2001) and that these responses are defense mechanisms against emotional distress and aversive self-awareness (see also Baumeister, 1990).

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<sup>57</sup> Taken from Vasiljevic and Viki (2008).

To date, the Bastian and Haslam (2010) studies are the only ones to investigate the experience of being dehumanized from the perspective of the target group. They found that people feel less human, and believe that they are viewed as less human, when they experience ostracism, and they also see those who ostracized them as less human. Therefore, their findings largely support the previously discussed studies that explored the dehumanizing consequences of social ostracism. However, the Bastian and Haslam (2010) studies were experimental, while the present study examines the effects of dehumanization from the perspective of the target group through a real-world experience of dehumanization, which is first study to do so. Furthermore, the present study explores the feelings and responses to this process over (an extended period of) time, and resulted in insights into how certain effects of dehumanization can evolve and/or dissipate, as well as how coping and/or defensive mechanisms may change, over time.

## **Method and Data**

### **Overview**

Serbians living in the United States (Serbian-Americans as well as Serbian immigrants from Serbia, Bosnia, Croatia, and Montenegro) were recruited to participate in the study. They were recruited through various Serbian networks (such as LinkedIn and Facebook groups, as well as Serbian Orthodox churches) and snowballing. Individuals were screened beforehand in order to make sure they met the correct criteria. A semi-structured and multimethod approach was utilized for data collection, with two waves of data collection. The first wave used a series of focus groups; three in total with 10-15 participants in each group. The initial two took place in Northern California (in the Bay Area) and the other group took place a few weeks later in the Los Angeles area. 35 individuals participated in the focus groups. A second wave of data collection began shortly after the last focus group meeting, with 20 participants taking part in one-on-one Skype

interviews. Overall, 55 individuals (30 males and 25 females) between the ages of 23 and 81, participated in this study.

Participants were asked to respond to a range of questions about their personal experiences and feelings about how Serbs were/are portrayed in the media, as well as any negative and/or positive experiences they had in society that were related to their Serbian (or Serbian-American) identity. Discussions lasted between 1.5 and 2 hours. All of the focus groups were moderated and the one-on-one interviews conducted by the first author. Furthermore, all of the focus groups and interviews were video and audio taped, the data transcribed, and participants given pseudonyms.

### **Data Analysis Methodology**

Thematic analysis (TA) was used to analyze the data. TA allows the researcher to identify, analyze, and report patterns (or ‘themes’) within data (Braun & Clarke, 2006; p. 79), much like that of qualitative content analysis as developed by Mayring (2000). Both approaches allow for a qualitative analysis of data and share the same aim of analytically examining narrative materials (Vaismoradi, Turunen, & Bondas, 2013), however thematic analysis provides a purely qualitative, detailed, and nuanced account of data whereas content analysis uses a descriptive approach in both coding of the data and its interpretation of quantitative counts of the codes (Braun and Clarke 2006, Vaismoradi, Turunen, & Bondas, 2013).

In addition, there are two main types of thematic analyses, *inductive* or *theoretical* (deductive), which, depending on the one utilized, will dictate “how and why you code the data” (Braun and Clarke 2006: 84). Thus, the researcher “can either code for a quite specific research question (which maps onto the more theoretical approach) or the specific research question can evolve through the coding process (which maps onto the inductive approach)” (Braun & Clarke, 2006; p. 84). However, Fereday and Muir-Cochrane (2006), have demonstrated that a ‘hybrid’

approach of inductive *and* deductive coding and theme development is also possible.

Since this study was exploratory in nature (did not develop hypotheses) the inductive approach for coding and theme development was used. Coding and data analysis were conducted following the general guidelines as developed by Braun and Clarke (2006). Their approach to thematic analysis is performed through the process of coding to look for themes, with the “reporting of the content and meaning of patterns (themes) in the data” as the end goal (2006; p. 86). There are six phases to this approach, which are listed as follows: 1) familiarization with data, 2) generating initial codes, 3) searching for themes/patterns (by analyzing codes), 4) reviewing themes, 5) defining and naming themes, and 6) producing the final report (2006; p. 87).

### **Analysis**

The results from the analysis indicate four main categories of themes from the data: 1) emotional responses, 2) behavioral responses, 3) ostracism, and 4) identity. The emotional responses of the participants were feelings of anger and/or distress. Although the term *distress* was not used by the participants, it is used here as it best encapsulates many of the feelings described by the participations – such as sorrow, sadness, upset, anxiety, and heartbreak. Anger was the most dominant theme followed by distress, although some described having feeling of anger and distress. The emotional responses generally dictated participants’ subsequent behavioral responses, which were ‘resistance’ (anger) and ‘isolation’ (distress). Within the resistance theme were the subthemes, ‘(self) engagement’ and ‘(group) mobilization,’ and within the isolation theme were the subthemes, ‘self-isolation’ and ‘group-isolation.’ The third category is ‘ostracism’ with the main themes in this category being ‘experiences of social ostracism’ and ‘feeling perceived as “less than” (by those who committed the ostracism)’. These experiences



tended to reinforce participants' emotional responses, which, subsequently, reinforced their behavioral responses. Essentially, the experiences of ostracism seemed to act as fuel for emotional and behavioral responses. Finally, the fourth category was 'identity', with the main themes being 'I am Serbian' and 'I am Yugoslavian'. Within the latter theme was the subtheme 'calculation' – briefly, this refers to when participants 'calculate' whether or not it is safe – from being ostracized or perceived as 'less than' – to tell someone they are Serbian.

### **Emotional Responses**

The participants were asked about their perceptions of the way the media reported on the conflicts in Yugoslavia and how the groups involved were portrayed – the resounding perception was that the media negatively portrayed Serbs (not one participant expressed that they believed the media was fair) – as well as how they felt about it. The main themes from their responses were feelings of anger and/or distress. The most dominant theme was anger. The vast majority of participants claimed to have felt “very angry” at the way Serbs were/are portrayed by the media and that “they were/are not treated fairly by the media.”

Mike: It was really tough to watch the news or read the paper. It was upsetting. The way we were being treated by the media hurt a lot. If I had to describe it in one word I would say 'biased.' They were just biased against us. They always made us out to be the bad guys and everyone else to be the good guys. They never showed our side of the story and they never showed our victims or any of the bad stuff that happened to us. You know, we were the only ones to be described as committing

ethnic cleansing or genocide. After the Croatian action to expel Serbs<sup>58</sup> there was no talk of genocide. It was described as a ‘liberation.’

Catherine: I never got sad from it [the media reporting]. I’m loud...I’m a loud person naturally so I just got louder! It made me angry...well, actually, in one way it does make me sad. Only in the sense that I see how much it has [negatively] affected so many people. After World War II, Yugoslavia was completely destroyed and so many people died. Serbs... and Jews and Gypsies [Roma]...suffered [through a] genocide, but we got through it. We.....well, not just Serbs but all the people[s] in Yugoslavia, we very quickly rebuilt the entire country and our relations with each other. But this time it is different. It’s like the....I call it ‘media bombing,’ bombing by the media...it was just too much for many to take. In some ways it is worse than actual bombs. Psychologically it was very hard on Serbs, especially young people. I see it here but I especially see it there. It’s taking much longer to recover than back then [after WWII]. It’s especially hard now because the media is everywhere. Nowadays you hear news even in very remote, rural areas of Serbia. That wasn’t the case before.

John: I thought the media was unfair and biased. They just blamed Serbs for

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<sup>58</sup> He is referring to the Croatian attack (Operation Storm) against Croatian-Serb (as well as Bosnian Serb) military positions and the targeting of the entire Serbian population of the Krajina region of Croatia. Herman and Peterson (2010; p. 82) state that “Operation Storm drove some 250,000 ethnic Serbs out of the Krajina.... killing several thousand, including several hundred women and children.” They further add that this “ethnic cleansing of 250,000 Serbs was the single largest event of its kind in the Balkan wars.”

everything. When something bad happened, it was always ‘the Serbs did it.’ They didn’t care about evidence. Just look at what happened at the [Markale] market in Sarajevo, when the bombs went off and killed and injured all those people, they [the media] immediately blamed the Serbs. And then when the report came out [by the U.N.] saying that the Serbs didn’t do it and the bombs were actually planted earlier by the [Bosnian] Muslims, the media didn’t say a thing. All of the wounds were below the waist so the explosions couldn’t have come from the air or from Serb positions. But none of that was ever brought up. They just ignored it. We were immediately blamed and shown to be like....some kind of crazy killers! That became the official story. Bosnian Serbs were bombed after that too [by NATO]! It didn’t even make sense for them [Bosnian Serbs] to do something like that. Why would they want to get the world mad at them and give the Americans and Germans an excuse to bomb them?! I mean, there was absolutely nothing to gain! You would think that the media would use common sense and figure that out.

Linda: I thought it was really unfair the way the media reported on what was happening in Yugoslavia. All of it made me pretty sad, so I just tried to ignore it as much as I could. I just couldn’t deal with it. But it was hard to avoid. Sometimes it just popped up on my T.V. when I flipped through the channels. I would turn it off right away but then it was, sort of, already too late. Anyway, I still try not to watch or read anything about Yugoslavia because whenever I do it just upsets me.

Rodney: Serbs were portrayed as killers and rapists, and they still are today! And

there was always this phrase, ‘Greater Serbia,’ that the media would use to paint us as megalomaniacs trying to take other peoples’ countries. Serbs were the ‘aggressors’ conquering other peoples’ lands, or so they claimed. They never told you, on the other hand, that Bosnia was declared as an ‘Islamic Republic.’ They didn’t tell you that because it wouldn’t look so good for the Muslims’ image as ‘tolerant’ and ‘Western.’ Bosnia was portrayed as this ‘multicultural utopia with Izetbegovic as the embodiment of it and the Serbs intent on destroying it.’ They didn’t tell you that he [Izetbegovic] wrote a book called the *Islamic Declaration*, which calls for Islamic fundamentalism. They [the Bosnian government] republished it just before the war and distributed it throughout Bosnia. Why would they do that if they weren’t trying to pursue an Islamic state? Does *that* seem tolerant!? Actually, it scared a lot of people... a lot of Serbs. But the media never mentioned anything about it. They only wanted to tell stories with Serbs as the bad guys.

## **Behavioral Responses**

The participants were then asked how they reacted over time to the negative media portrayals. There were two dominant themes within the ‘behavioral responses’ category, ‘resistance’ and ‘isolation.’ Within the resistance theme were the subthemes, ‘(self) engagement’ and ‘(group) mobilization,’ and within the isolation theme were the subthemes, ‘self-isolation’ and ‘group-isolation.’ The behavioral responses were generally dictated by participants’ emotional responses, anger corresponded with ‘resistance,’ while distress corresponded with ‘isolation.’

Harry: I'll tell you what, it [the demonization] made it easy for me to fight back! I went out of my way to look for opportunities to talk about the situation [what was happening in Yugoslavia], and I was able to do so at least four times. I had a debate at Stanford with a San Francisco newspaper writer who was very much pro-Croat/pro-Muslim...I spoke at DVC [Diablo Valley College] at the request of a professor, which I think went well, at least from my perspective. Also, I had to go down to Gilroy at a community college where one of our church member's daughter was a student. Apparently, her professor was vilifying Serbs to the point where this young lady was very upset so she went to her mom and dad, *in tears*, and told them what happened. So they asked me if I would be willing to go there and give a talk, and I said 'yes I would, as long as I could get access.' And I did; the school gave me an opportunity to talk in this professor's class and I think it went well, because the kids got a chance to hear another point of view. Another time I got an opportunity to go to Carmel and give a talk at a language school. Actually, it was more of a debate but it was another opportunity to talk on behalf of the Serbs. We didn't get enough of these opportunities though... but, anyway, these are small, small audiences when you think in terms of who you are talking to. Anyway, I wasn't the only one looking for these opportunities. There were other Serbs who were willing to go and talk at any available opportunity to give our point of view.

Debra: It [the media reporting] was completely one-sided, just really unfair. After watching one news station after another constantly making us seem evil, night after night, day after day, I finally got fed up and one day I just went over and picked up

my T.V. and threw it outside. I couldn't watch it anymore! It made me so upset! After that I didn't go out for like two years.... maybe even longer. I basically would just come straight home after work, eat, then go to bed. I slept a lot during that time. I just didn't have any energy. I didn't want to go out. I don't know, I guess you could say I was sort of depressed.

Mary: Some of us would organize demonstrations in the area to give our perspective. We made signs and some people gave speeches. We wanted to let people know that we were victims too. And not just now but also before, during World War II...well, also World War I, but we wanted to focus on World War II because it was relevant to what was happening. All of the new countries that were forming out of Yugoslavia were Nazi states during World War II. They have the same borders as the Nazis made back then. All of those groups committed genocide against us during that war [WWII]. Just look at the Independent State of Croatia – the Ustasha – and what they did. Their official policy was to kill one-third, expel one-third, and convert [to Catholicism] one-third [of the Serbs in Croatia]. Just look at how the Croats [in the early 1990's] were bringing back all their stuff from back then – their flag, money, newspapers, their border, and also the things they were saying. Our people were afraid, we didn't want to be a part of that again.

Ralf: I want to go to law school to study international law mainly because of my experiences dealing with all of this [demonization]. I want to be able to help my people. I also want to fight back against law professors that are anti-Serb, like this professor I had

when I was an undergrad. I took this class with this professor who just constantly attacked Serbs. Most of the time I never said anything but then this one lecture he started telling this outrageous lie about how Bosnian Serbs were first sent to Kosovo to kill Albanians and to start trouble there. Then he said they were sent back to Bosnia with all of the weapons they stole from the Albanians to kill Bosnian Muslims. I raised my hand and said, “When the hell did that happen?” I told him that what he was saying was ridiculous and I asked him where he got that information. He said, “It is a well-known fact, you didn’t know that?” I responded that it was complete bull\*\*\*\* and that he was just spreading propaganda. Then I said, “I am not going to let you talk about this bull\*\*\*\* because you don’t know what you are talking about.” As I said that three or four Russians who were in the class also stood up [and said], “We’re not listening to this crap.” A couple of Mexican guys stood up and we all left. There were about 7 or 8 of us. As we were leaving he dismissed the class! At the end of the semester when we did our evaluations, we all wrote what happened that day. The next semester I took a class called International Law and Global Justice and the professor announced that, “the International Law professor who taught International Law will not be teaching at this school anymore. He was removed because students were not okay with his way of teaching.”

## **Ostracism**

The participants were then asked if they felt they were treated differently because they were Serbian; out in public or private with non-Serbs, such as at work or school or any type of social setting. Many described experiencing social ostracism as well as having feelings of being perceived as “less than” by those who committed the ostracism. These experiences tended to

reinforce participants' emotional responses, which, subsequently, reinforced their behavioral responses. The social ostracism seemingly acted as fuel for their emotional and behavioral responses.

Ralf: Earlier in the semester, before that incident occurred, I received an 'F' on my first essay. I would say I spent at least 60 hours perfecting this paper because I knew it had to be perfect, since it supported the Serbian point-of-view. I even got help on it from another professor at the university who I knew really well. I asked him to help me make sure that there was not one little thing that you could dissect [use to lower the grade] from it...he went through everything, from my grammar to my thesis, to the sources I used...everything. After that I went to talk to his T.A. which the T.A. said, "You know, if I were you I would just write something that would appeal [to the professor] and just get it over with because it's a class." So I wrote an essay, another essay, on Uganda or whatever the country was... I didn't want to mention Serbia, just because I couldn't....All I did was take out Bosnia and Serbia and replace those words with Uganda and I got an 89.9%. He didn't want to give me that .1%.

Beverly: It was already going on for a long time [situation in Yugoslavia] and I witnessed the beginning of the whole situation while I was living in Canada, and in the United States as I came in 1992, in the spring, it was very heated. And what Serbs here, local Serbs, were trying to do, we would rent a hall, like Ashkenazi in Berkeley, and we would invite American friends. We would make a big advertisement to try to explain the situation and what was also happening to Serbs. We also organized protests at Sproul Plaza at UC



Berkeley. I have a picture of my son, who was only 7 years old at that time, holding a sign that said ‘tell us the truth about Bosnia.’ We had signs that said ‘bullets are also killing Serbian children.’ People walking down from the [football] game, passing by us, would yell, “Let them be killed!” At protests in front of city hall in San Francisco, we had some homeless, *even* homeless people, spit at us and yell, “You bastards! You killers!” You know, things like that....At work I also had a lot of pressure. People always asking me, “What is happening? Why are you [Serbs] doing this [i.e., murdering, raping, committing ethnic cleansing, etc.]. One time, I was introduced to a group of people by my boss and she was like, “This is our Beverly. She is wonderful. She [participant’s voice began to tremble]...she is Serbian, but she’s a good one.”

Jane: We all went through things like that [social ostracism]. That was happening to everyone. Even today it is still happening. And with the new generation, with *my* kids. Some teachers, not all but probably, I would say, the ones who were old enough to be affected by it [media reporting]. They teach that Serbs were bad and my kids feel they are treated differently because they are Serbs. Sometimes they come home so upset, even crying. They say that they feel people look down on them because they are Serbs.

George: Yes, I had families come to me to complain saying that they [the children] get put on the spot in school and the text, in the school subjects, especially history, they are *so* anti-Serb. The children are so scared they try to avoid saying that they are Serbian. They try to hide it [their ethnic identity]. Even today, *even today*, this is happening in high schools. I could name you five kids who have come to me to tell me about these things happening at

their schools. They say that they are treated differently when they say they are Serb. Like something ‘special,’ or even like they are ‘dangerous.’

Steven: I had a class of journal language at Harvard University and, at the end of the class, the professor gave a note to me and to another student from Serbia, the same note and it said something like, “Dear Steven and Trevor, for all of this life”... I’m not sure exactly what she said after this, but then she said, “but you taught me different, that I should not be biased against other people. Thank you for this lesson.” So she had a bias against us based on what she knew from the media but, because of the two of us, she changed her mind. I kept the note. I still have it somewhere.

Larry: There’s a professor in my department at the engineering school who openly said that Serbs should be bombed, and not just once. He said it in a large meeting where all the faculty was there. Another thing, he wrote on an exam...and he knows that I am Serbian...he wrote for the *first* problem about a boat arriving in Croatia or whatever. Completely irrelevant for the subject and I knew that he’s trying to provoke me and I didn’t react. But after that, when I finished my exam and turned it in on the desk he said “Oh, are you Croatian?” Obviously he knows that I am Serbian. Everyone in the department knows this and I worked with other Serbians and my advisor, she is Serbian. But it was a provocation. Anyway, I don’t want to blame him because the media painted a bad picture about us and I’m not sure in the future we can correct that false representation of so many people.

## Identity

The participants were asked how they felt when they were introduced to new people, and how they responded when asked about their ethnic or national background. The main themes within this category were 'I am Serbian' and 'I am Yugoslavian'. Within the latter theme was the subtheme 'calculation' – briefly, this refers to when participants 'calculate' whether or not it is safe – from being ostracized or perceived as 'less than' – to tell someone they are Serbian. The 'I am Serbian' theme is associated primarily with 'anger' as an emotional response as well as with the 'engagement' behavioral response, whereas the 'I am Yugoslavian' theme is primarily associated with 'distress' as an emotional response as well as with the 'isolation' behavioral response.

Larry: I am from Bosnia and Herzegovina and at my university [graduate school/PhD program], people treated me differently depending on whether I said 'I am Serbian' or 'I am Bosnian.' I said Bosnian sometimes because I wanted to see their response. When I say 'I am Bosnian' people definitely react differently than when I say 'I am Serbian'....with much more sympathy, and I think... basically that's what the media in the West achieved. So if you mention that you are Bosnian that means 'something bad happened to you' and you get all the sympathy and they'll listen to you and all that stuff. When I say 'I am Serbian' they don't say anything. They become quiet and don't want to talk. I clearly make them uncomfortable when I say 'I am Serbian....', I am telling you, I play a psychological game with them to see if they like me or don't like me depending on whether I say 'I am Bosnian, I am Serbian.' There is a *huge* bias, there is no question about it.

Andy: I lived in England before I moved here and I think it [social ostracism] was even worse over there. I used to do this ‘calculation’ before I decided where to say I am from. So in my mind I would go over like: where is this person (or where are they) from, around what age, are they liberal, do they seem nice?...I don’t know. You know, all these sorts of things would go around in my mind. Then I would decide to say if I am Serbian, or “Bosnian” (because my family is from Bosnia) or sometimes I would just say I am from “Eastern Europe.” But then sometimes they want to know exactly from where. I would prefer to avoid this but it’s impossible because of my accent. I sometimes still do it here when I think the person is old enough. I don’t think a lot of young people even know where Serbia is so I don’t worry with them.

Dana: I just tell people I’m from Montenegro! Nobody even knows where that is...they think it is in South America! [she said this as she chuckled] But then it’s easy, you don’t have to worry about it. That’s what I tell everyone... my family...to say. That way no one bothers us.

Stan: Yeah, sometimes I do that calculation thing. I do the same thing. I add up everything then I decide. I’ll just say that I was born in Yugoslavia, which is true anyway. Most people don’t ask further questions.

Ralf: I always say I am Serbian! I am proud of who I am and where I am from! I will not let anyone take that away from me! If they don’t like it they can go you know where...I’m not going to hide who I am!

Harry: One time, I went on a business trip to Chicago and when I was checking into the hotel the girl said, “that’s an interesting last name, where is it from.” And I told her, “I’m a Serb...actually a Bosnian Serb.” This was back when Bosnian Serbs were always in the news. Her eyes lit up though, like she saw something really bad. I laughed and said, “it’s okay, it’s okay, don’t worry.” And she just smiled and went about her business, but that’s how it is. Anyway, I am proud of it [Serbian ethnicity] and everyone who knows me knows I am a proud Serb. But, not everyone is like that. I know some ladies at our church, older ladies, they told me that they wouldn’t dare tell people they are Serbs.<sup>59</sup>

### **Discussion and Conclusion**

The results of this study support previous studies on dehumanization and social ostracism, as well as provided important new insights into other, and possibly more positive, effects. As shown in the emotional responses category, some participants described having feelings of distress, mainly feeling ‘upset’ at how Serbia and Serbs were portrayed by the mainstream media. They also described feeling low on energy, lethargic, and a lack of motivation for action. In terms of behavioral responses, they described responding with disengagement strategies, such as isolating themselves and disengaging from social and political activities. This was done through self-isolation and/or group-isolation; spending time lounging at

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<sup>59</sup> Someone from the group asked Harry if the ladies are American and he said, yes, that they were born in the United States. A brief debate ensued about whether American-born Serbs were more susceptible than Serbs (born in the former Yugoslavia) to denying their identity in front of non-Serbs. This element will be discussed further in the next section, however it should be noted that, at least based on this study, all Serbs (regardless of where they were born) were susceptible to denying their identity.

home (sleeping or watching television) or isolating themselves with family or other Serbs (usually at church or other 'safe' places). These participants described feelings and reactions strongly linked to dehumanization and social ostracism, which include feelings of numbness, lethargy, a narrowly concrete focus on the immediate present, a reduced tendency towards action, and lack of self-assertion (Bastian & Haslam 2010, Twenge, Catanese, & Baumeister, 2003; Williams, 2001). As described by Bastian and Haslam (2010), these responses are defense mechanisms against emotional distress and aversive self-awareness (see also Baumeister, 1990).

Many of them also tried to avoid letting Americans (non-Serbs) know about their Serbian ethnicity. They felt that they and their loved ones were treated differently based on their ethnicity. This finding supports studies that found that people feel less human, and believe that they are viewed as less human, when they experience ostracism (Bastian & Haslam, 2010). Although many have been able to overcome these negative emotional and behavioral responses, they were largely pessimistic about the future of Serbia and Serbs that live there, as well as relations between Serbia and the United States. They also believe that the demonization of Serbs will never be reversed and that Serbs will only continue to be demonized. They feel that Serbs will always be looked at as 'less than' by people in the U.S. and other Western countries.

On the other hand, the results of this study have also shown that dehumanization can lead to more positive outcomes, such as becoming more politically engaged, at both the individual and group levels. The most dominant theme in terms of emotional responses, were feelings of anger about being demonized, which was seemingly used to fuel their opposition to the negative stereotypes and social ostracism they experienced. Many of them discussed how they participated in demonstrations led by local Serbian communities, and some even helped organize and lead these demonstrations. They rented out buildings and invited American friends and acquaintances to

attend, held demonstrations at city municipality buildings, protested at news stations, called members of Congress, wrote to their local newspapers, gave talks at universities and high schools, and some were founding members of the Serbian Unity Congress – a lobby group that tried to get influential politicians to hear their perspective on the crisis in the hopes of garnering some support within the U.S. government.

Participants within this group seemed more optimistic that change could still occur and were hopeful that the United States may yet begin to support Serbian interests in the region. Individuals in this group strongly identified with their Serbian ethnicity and many described that they were “proud to be Serbian.” Many wanted to tell people ‘who they were’ or ‘where they were from’ as a form of resistance to the demonization. It should be noted that, in one of the focus groups, participants briefly debated about whether Serbs from the region (born and raised) felt more pride in their ethnicity and were not as susceptible to trying to hide their identity as those born and raised in the U.S. (i.e., Serbian-Americans), which many believed to be the case. Based on the results of this study, however, this does not seem to be the case. There was no distinction between Serbians (from the region) and Serbian-Americans when it came to hiding their identity or expressing pride for their identity. Overall, the dominant theme regarding identity, regardless of where they were born, was ‘being proud to be Serbian.’ Nonetheless, there were some participants who expressed pride in being Serbian yet also felt the need to hide their ethnicity, which seemed mainly to be the result of trying to avoid being ostracized. Essentially, they responded with a defense mechanism rather than any sense of shame.

Nevertheless, many of the participants, even the most prideful, resistant, and politically active, discussed how damaging the demonization has been on the Serbian nation. Many of them provided examples of Serbian friends and family who have shown many of the negative emotional

and behavioral responses that are linked to dehumanization and social ostracism. This study showed that pride, resistance, and engagement were the most dominant responses, however since this study had a small sample size the findings cannot be generalized across the population. This was a limitation to conducting such a study. To further elaborate, many Serbians and Serbian-Americans who felt distressed and responded with negative coping mechanisms (such as social and political disengagement) to the demonization, might be less likely to volunteer to participate in such a study compared to those who felt the need to resist and become politically engagement. For instance, many from the latter group mentioned that they were very happy to participate because they believed a study such as this one was important for the recovery process and could help Serbs who have really suffered. They also felt that by talking about the demonization ‘out in the open’ it was a way to resist it. Nevertheless, further research could be done that focuses on the ‘fight’ versus ‘flight’ responses. A quantitative study with a much larger sample size could more accurately assess the differences between these responses. Another possible direction would be to test how responses to dehumanization might change over time.

In sum, findings from the present study demonstrate the far-reaching effects of media demonization in the lives of individuals belonging to dehumanized groups. Specifically, the present study provides new insight into the effects of dehumanization by highlighting not only the negative emotional and behavioral responses, but also potentially more positive responses related to engagement and mobilization. As such, this study extends the literature on dehumanization and can be built upon by future researchers by further investigating ‘positive’ responses, as well as examining interventions that could help alleviate dehumanization’s negative effects.



## CHAPTER 5: Summary and Conclusion

The overarching goal of this dissertation was to examine the immediate effects and long-term implications of Western foreign policies, particularly U.S. foreign policy, towards the Socialist Federal Republic of Yugoslavia (SFRY). Consisting of four studies that analyzed crucial components of the Yugoslav case, this dissertation shows that these policies not only failed to alleviate the crisis but actually intensified it, ultimately resulting in the outbreak of a full-blown war and the destruction of a multiethnic and multireligious society. Today, most of the areas where fighting occurred are (mainly) ethnically homogenous – especially when compared to the demographics of the region prior to the war. The lack of diversity in the region is an unfortunate result of the widespread ethnic-cleansing that occurred. The only exceptions to this, however, are in Serbia and Republika Srpska (the Serbian entity of Bosnia and Herzegovina), which are the most diverse areas in the Balkans and where minority national groups flourish. As scholar Mladen Mrdalj (2019) notes, “the Serb entity in Bosnia now hosts vibrant communities of Bosniak Muslim returnees that vastly outnumber those of Serb returnees to Croat- and Bosniak-dominated territories.” The proven commitment to and nurturing of multiculturalism within Serbian lands unequivocally contradict the narrative created by the Western mainstream media, government elites, and The Hague Tribunal that Serbs are an intolerant and nationalistic nation.

Besides examining the effects of U.S. foreign policy towards SFRY, this dissertation also focused on the roles of the ICTY and Western mainstream media in carrying out Western policies. The creation of the war crimes tribunal and the media demonization of Serbs were seemingly intended to justify, as well as to help sway public opinion in favor of, NATO’s military interventions in the region. Western governments, media, and the – Western created,

funded, and staffed – ICTY predominately described the conflicts using the ‘good versus evil’ binary opposition that is frequently used in media frames (Boyd-Barrett, 2016; Hammond, 2000b). The Serbs were framed as the ‘evil demons’ with the intent to destroy anyone in their way towards pursuing a ‘Greater Serbia,’ while the Croats, Bosnian Muslims, and Kosovo Albanians were framed as innocent victims seeking freedom and democracy.

The ‘good versus evil’ frame is generally used to try to garner support for a ‘humanitarian intervention,’ and it can be very effective as it “taps into deep-seated cultural narratives” (Milojevich & Beattie, 2017). By tapping into deep-seated cultural narratives, frames such as the ‘evil Serbs’ frame influence people to construe an issue or conflict in accordance with widely held beliefs – such as “my country always seeks to do good around the world” (Lakoff, 2011) – and have a “natural advantage because their ideas and language resonate with a broader political culture. Resonances increase the appeal of a frame by making it appear natural and familiar” (Gamson, 1992, p. 142). This type of frame works particularly well in the United States, where the broader political culture has “embraced the global responsibility theme” (Gamson, 1992, p. 142) – or, to put another way, the ‘we are responsible for protecting the world from evil’ theme. In a recent interview,<sup>60</sup> Dr. Gabor Maté discusses America’s distinct responsiveness to the ‘good versus evil’ narrative, stating that America “is very much addicted to the ‘good guy/bad guy’ scenario...so that reality is not complex and it’s not subtle and it’s not a build-up of multiple dynamics, internal and external. But basically there is evil and there is good, and evil is going to be caught out by good and destroyed by it.”

In reality, the situation in Yugoslavia was just as Dr. Maté describes real world phenomena; extremely complex with multiple internal and external dynamics. The most

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<sup>60</sup> The interview can be viewed in full at <https://www.youtube.com/watch?v=uR07OtEhKPE>

important elements that are often omitted from the Yugoslavia narrative are that all of the ethnic groups involved in the conflicts shared similar goals (self-determination) and concerns (security), and all were guilty of committing wartime atrocities. They were both perpetrators *and* victims of war crimes, without exception. Furthermore, and as discussed in Chapters 2-4, Serbs suffered as much as any other group in Yugoslavia, with victims in Croatia, Bosnia, Serbia, and Montenegro. Serbians were almost entirely ethnically cleansed from Croatia and Kosovo, as well as from Sarajevo and many other Muslim and Croat dominated areas of Bosnia. As discussed in previous chapters, war crimes committed against Serbs were ignored by the media and the ICTY, and for this reason they are not well known in Western countries. However, even when the subject of war crimes committed by non-Serbs are broached, whether in social media, classrooms, or at academic conferences, the dialogue is either abruptly shut down or arguments are made that minimize Serbs as victims while aggrandizing their role as perpetrators.

The following lines of reasoning have seemingly permeated Western societies to justify crimes committed against Serbs, as well as to justify their dehumanization: ‘*but* the Serbs committed the most crimes’ and ‘*but* the Serbs started the war.’ Essentially, the argument is that ‘the Serbs were guilty for starting the war and for committing the worst crimes so anything bad that happened to them was simply a consequence of their own actions.’ To put it another way, ‘the Serbs did it to themselves so they got what they deserved!’ Jatrás (2002), for instance, notes that, as a result of media demonization, this view has become pervasive within American society. She states, “As for suffering Serbs, including hungry Serbian children? ‘They got what they deserve,’ was, and continues to be, the overriding American mentality, so successful has been their demonization because of TV ‘specials’ and movies....” This attitude is not limited only to

Americans, though. As recently as October 2017, Herta Müller, the German-Romanian Nobel Prize winner, remarked that

I still think the same [as I always have about Yugoslavia]. A lot has happened. A lot of evil was inflicted on Kosovo and Bosnia [by Serbs], all because of this horrendous nationalism. I was scared. I did not expect that from a country like Yugoslavia which, back in the day, was a haven. I did not expect for nationalism to explode in it. This country [Serbia] caused its own pain and suffering. Serbs inflicted evil upon themselves.<sup>61</sup>

She made this statement while participating in a public forum in Serbia's capital city of Belgrade, no less. Clearly, she subscribes to the conventional wisdom that Serbs are uniquely evil and it was Serbian nationalism that caused the war. Subsequently, she takes a logical leap to claim that Serbs have only themselves to blame for their pain and suffering. According to this logic, the Germans 'got what they deserved' when tens of thousands of German civilians were killed as a result of the bombing of Dresden by the United States and Britain at the end of WWII, and the Japanese had only themselves to blame for the widespread death, destruction, and suffering caused by the atomic bombs that were dropped on Hiroshima and Nagasaki by the United States. Obviously, this argument is a logical fallacy. Any side involved in a conflict can commit war crimes, regardless of who may or may not be to blame for starting the conflict. Nevertheless, and as demonstrated in Chapter 1 of this dissertation, the claim that Serbian nationalism caused the war – which Müller makes – is inaccurate.

As illuminated in Chapter 1, there were numerous factors that led to civil war enveloping Yugoslavia, however only one causal factor of the war was a necessary condition. Study 1 analyzed the processes and effects of U.S. (as well as E.C.) foreign policy during the early stages of the Yugoslav crisis; focusing on one causal factor – the West's strategy of coercion from

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<sup>61</sup> See [https://www.dialoginternational.com/dialog\\_international/2017/11/herta-m%C3%BCller-outrages-the-serbs-by-speaking-the-truth.html](https://www.dialoginternational.com/dialog_international/2017/11/herta-m%C3%BCller-outrages-the-serbs-by-speaking-the-truth.html)

1990-91. Using counterfactual theory of causation, as well as counterfactual analysis, with an emphasis on historical and logical consistency, and necessary and sufficient conditions, this study showed that the coercive strategy implemented by Western powers in the Balkans from 1990-91 was the cause of the war. The other main causal factors for the outbreak of war were: 1) secessionist groups (i.e., the Croats, Slovenians, Bosnian Muslims, and Albanian) seeking to break apart the country through violence, 2) the Unilateral Declarations of Independence (UDIs) made by these same groups, and 3) the recognition of the UDIs by Western powers. Müller is seemingly a victim of the propaganda war against the Serbs as she, more or less, parroted the main talking points of the mainstream media's frame of the Yugoslav conflicts.

Unfortunately, the Tribunal contributed significantly towards creating the narrative of the 'evil Serbs' that pervades society and is accepted by the likes of Müller and others. Müller is not the exception here (regarding her views on Yugoslavia), she is the rule, and she is not completely culpable for having these views. However, as an influential personality on the world stage, she becomes a complicit actor when she shares or expresses her anti-Serb views in public, which continues the cycle of disavowing Serbian victims, perpetuating the 'evil Serbs' stereotype, and dehumanizing Serbs. Next to the Western mainstream media, perhaps no other actor has done more to dehumanize Serbs than the ICTY. It seemingly did everything in its power to avoid recognizing Serbian victims, whether inside the courtroom or outside it. Study 2 (Chapter 2) shows that the disparities between the conviction rates and sentencing of Serb and non-Serb defendants are statistically significant – Serbs were 15 times more likely to be convicted than non-Serbs. Furthermore, defendants (regardless of their ethnicity) whose victims were Serbian were significantly more likely to be acquitted than defendants whose victims were non-Serbs. The results of this study overwhelmingly point to a blatant anti-Serb bias by the Tribunal.

Overall, the findings of this study support previous studies that have called the Tribunal's impartiality into question. Perhaps most importantly, the results raise some serious concerns, especially when it comes to the impact the Tribunal has had, and continues to have, on peacebuilding and reconciliation in the region. As noted in previous chapters, it has been demonstrated that many communities in the Balkans have negative perceptions of the ICTY and that the workings of the Tribunal have aggravated tensions in the region. Instead of directly addressing the issues that led to the negative perceptions, however, the ICTY reacted with hostility towards these groups and minimized their concerns by essentially claiming that any issues they may have with the ICTY are simply a result of the propaganda created by the regional media and governments – as opposed to anything the Tribunal actually did (ICTYb, n.d.). The Tribunal, subsequently, created an 'outreach program' to disseminate positive messages about it to try to change its negative image in the region.

The ICTY describes its Outreach program as essentially a beacon of light that has unequivocally helped give thousands of people a "chance to communicate directly with Tribunal representatives." It also makes the claim that the information it provides is "accurate" – as opposed to the "hostile information" provided by the regional media and politicians – and that having access to the ICTY's *accurate information* "has served to dispel myths and prejudices about the Court" (ICTYb, n.d.). The "myths and prejudices" to which the court refers are mainly those that it has been repudiating since its inception – that it was biased and a tool used by Western powers (mainly the United States) to further their political interests in the region and beyond. The ICTY has never disclosed, however, any evidence to show that these 'myths and prejudices' (i.e., that it was biased) have actually been dispelled. Nevertheless, common sense would dictate that if the Tribunal genuinely was fair and impartial, then the messages it

disseminates through its Outreach program should also be fair and impartial. Essentially, the messages should be framed in a way that treats all of the groups, more or less, equally. This means that the perpetrators, victims, and crimes committed should be framed similarly, regardless of ethnicity. For instance, if the crime that is being described was ethnic cleansing, then the term ‘ethnic cleansing’ should be used consistently when describing that crime.

Therefore, describing what Muslim victims or Croatian victims or Serbian victims or Albanian victims went through should be done in a relatively similar manner.

Study 3 examined the messages disseminated by the ICTY through its Outreach program, and it, therefore, extends on the issue of bias. The results show that the Tribunal’s frame of the Yugoslav conflicts mirrors the frame that was devised and disseminated by Western mainstream media and governments – in particular the media and government of the United States. Similarly to the Western media frame, the ICTY’s frame depicts Serbs as uniquely evil and genocidal, while non-Serb groups are depicted largely as innocent victims. Therefore, it supports Study 2 of this dissertation as well as previous studies that have demonstrated an anti-Serb bias by the ICTY. Both Study 2 and Study 3 clearly show that the ICTY is not fair and impartial, and that there were mostly likely some ulterior motives involved in its workings. Furthermore, and besides seemingly having a negative impact on peacebuilding and reconciliation in the region, the workings of the Tribunal have significantly contributed to the negative perception of Serbs around the world. By disproportionately indicting and convicting Serbs, as well as depicting them as uniquely evil and genocidal, the ICTY has played a prominent role in the demonization of Serbs. As a result of this, as well as the policies and actions of Western governments and the mainstream media, individuals of Serbian ethnicity, regardless of their origin, have had to suffer the consequences of dehumanization.

Study 4 examined the effects of the ongoing media demonization/dehumanization against the Serbs that began at the onset of the crisis in Yugoslavia in the early 1990's. Recent empirical research has shown that dehumanization can have severely negative consequences. Serbians and Serbian-Americans were recruited to participate in a series of focus groups and one-on-one, semi-structured interviews via Skype. The results show effects that include feelings of numbness, lethargy, a reduced tendency towards action, and lack of self-assertion; responses that are defense mechanisms against emotional distress. These results support previous studies on dehumanization. However, the most dominant themes were motivations to take action and 'fight back,' mainly through political engagement and mobilization. The results can essentially be boiled down to responses of 'fight or flight,' with the former as the most dominant. This study, therefore, adds a novel insight into the effects of dehumanization.

In sum, this project offers new insights into Yugoslavia that have generally been marginalized or overlooked by much of the literature on Yugoslavia. The four studies of this dissertation focused on various issues pertaining to Yugoslavia, nevertheless these issues (as was demonstrated) are intrinsically linked. In addition, I would argue that perhaps the most important contribution of this dissertation is that it confronts conventional wisdom on Yugoslavia, which is generally shaped by media and government elites (Jokic, 2013). It will not be the first nor the last such body of work that will do so, however it is vital for the sake of truth, justice, healing, and reconciliation that scholars continue poking and prodding at conventional wisdom of various conflicts and other phenomena that highly impact the shaping of our values, beliefs, and attitudes. Ultimately, I hope that this dissertation, and other works like it, will continue to embolden others to pursue contentious topics that have been consumed by conventional wisdom and largely forgotten about. Perhaps the damage caused by conventional wisdom can be reversed



and societies, groups, individuals, and states that have suffered greatly can finally come to terms with their past and heal from the wounds that were inflicted upon them.

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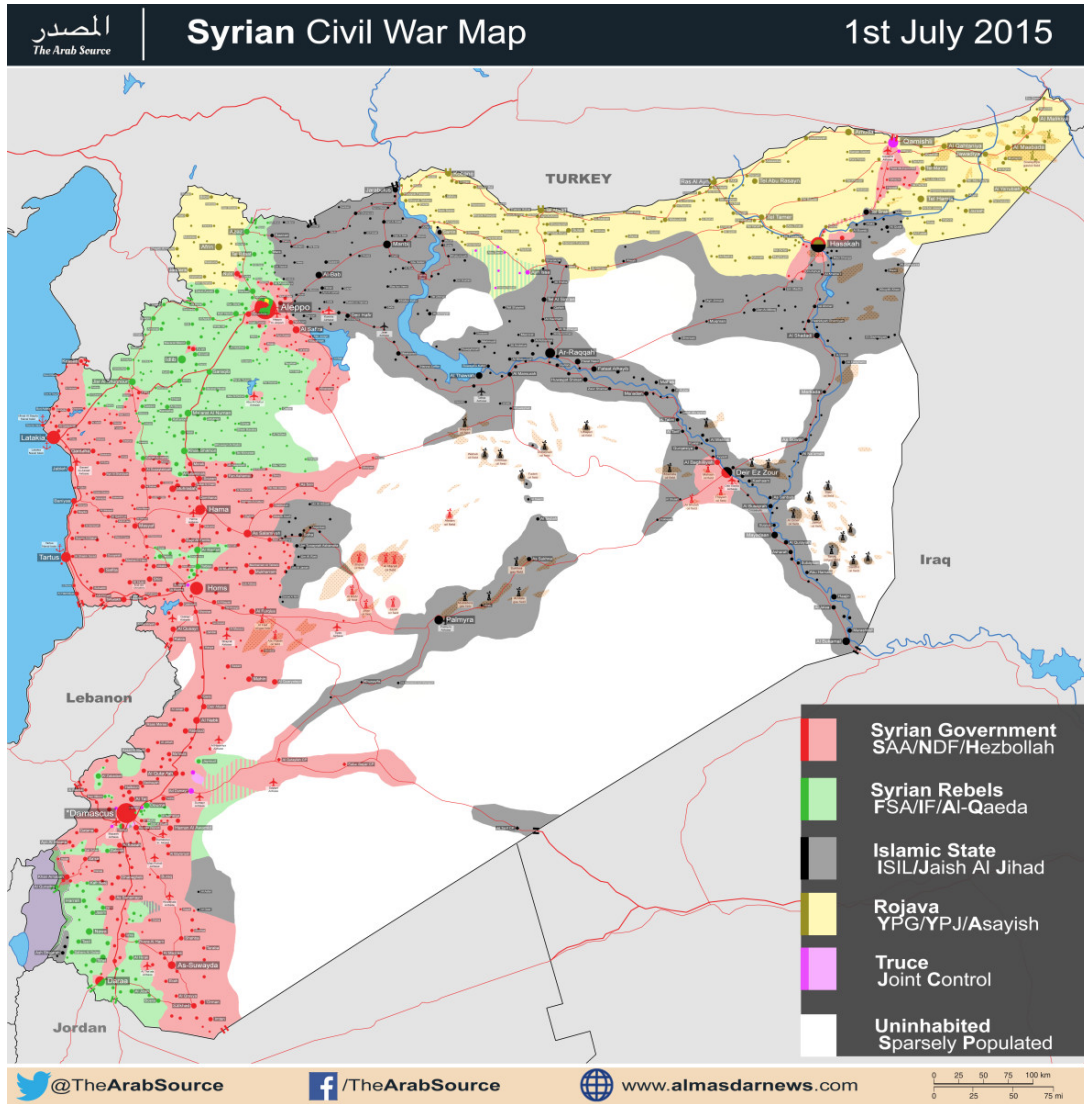
## APPENDIX A: 1991 Foreign Operations Appropriations Act

### YUGOSLAVIA

SEC. 599A. Six months after the date of enactment of this Act, (1) none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to provide any direct assistance to the Federal Republic of Yugoslavia, and (2) the Secretary of the Treasury shall instruct the United States Executive Director of each international financial institution to use the voice and vote of the United States to oppose any assistance of the respective institutions to the Federal Republic of Yugoslavia: *Provided*, That this section shall not apply to assistance intended to support democratic parties or movements, emergency or humanitarian assistance, or the furtherance of human rights: *Provided further*, That this section shall not apply if all six of the individual Republics of the Federal Republic of Yugoslavia have held free and fair multiparty elections and are not engaged in a pattern of systematic gross violations of human rights: *Provided further*, That notwithstanding the failure of the individual Republics of the Socialist Federal Republic of Yugoslavia to have held free and fair multiparty elections within six months of the enactment of this Act, this section shall not apply if the Secretary of State certifies that the Socialist Federal Republic of Yugoslavia is making significant strides toward complying with the obligations of the Helsinki Accords and is encouraging any Republic which has not held free and fair multiparty elections to do so.



# APPENDIX B: Map 1. Syrian Civil War – July 1, 2015



APPENDIX C: Map 2. Demographic Map of SFRY 1991



## APPENDIX D: List of the Accused

1. Aleksovski, Zlatko
2. Babić, Milan
3. Bala, Haradin
4. Balaj, Idriz
5. Banović, Predrag
6. Beara, Ljubiša
7. Blagojević, Vidoje
8. Blaškić, Tihomir
9. Borovčanin, Ljubomir
10. Boškoski, Ljube
11. Brahimaj, Lahi
12. Bralo, Miroslav
13. Brđanin, Radoslav
14. Čerkez, Mario
15. Čermak, Ivan
16. Češić, Ranko
17. Delalić, Zejnil
18. Delić, Hazim
19. Delić, Rasim
20. Deronjić, Miroslav
21. Đorđević, Vlastimir
22. Došen, Damir
23. Erdemović, Dražen
24. Furundžija, Anto
25. Galić, Stanislav
26. Gotovina, Ante
27. Gvero, Milan
28. Hadžihasanović, Enver
29. Halilović, Sefer
30. Haradinaj, Ramush
31. Jelisić, Goran
32. Jokić, Dragan
33. Jokić, Miodrag
34. Josipović, Drago
35. Kolundžija, Dragan
36. Kordić, Dario
37. Kos, Milojica
38. Kovač, Radomir
39. Krajišnik, Momčilo
40. Krnojelac, Milorad
41. Krstić, Radislav
42. Kubura, Amir
43. Kunarac, Dragoljub
44. Kupreškić, Mirjan
45. Kupreškić, Vlatko
46. Kupreškić, Zoran
47. Kvočka, Miroslav
48. Kandžo, Esad
49. Lazarević, Vladimir
50. Limaj, Fatmir
51. Lukić, Milan
52. Lukić, Sredoje
53. Lukić, Sreten
54. Markač, Mladen
55. Martić, Milan
56. Martinović, Vinko
57. Miletić, Radivoje
58. Milošević, Dragomir
59. Milutinović, Milan
60. Mrđa, Darko
61. Mrkšić, Mile
62. Mucić, Zdravko
63. Musliu, Isak
64. Naletilić, Mladen
65. Nikolić, Dragan
66. Nikolić, Drago
67. Nikolić, Momir
68. Obrenović, Dragan
69. Ojdanić, Dragoljub
70. Orić, Naser
71. Pandurević, Vinko
72. Papić, Dragan
73. Pavković, Nebojša
74. Perišić, Momčilo
75. Plavšić, Biljana
76. Popović, Vujadin
77. Prcać, Dragoljub
78. Radić, Miroslav
79. Radić, Mlađo
80. Rajić, Ivica
81. Šainović, Nikola
82. Šantić, Vladimir
83. Sikirica, Duško
84. Simić, Blagoje
85. Simić, Milan
86. Šljivančanin, Veselin
87. Stakić, Milomir
88. Stanišić, Mićo
89. Strugar, Pavle
90. Tadić, Duško
91. Tadić, Miroslav
92. Tarčulovski, Johan
93. Todorović, Stevan
94. Tolimir, Zdravko
95. Vasiljević, Mitar
96. Vuković, Zoran
97. Zarić, Simo
98. Zelenović, Dragan
99. Žigić, Zora
100. Župjanin, Stojan