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# War propaganda, war crimes, and post-conflict justice in Serbia: an ethnographic account

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Recent international criminal trials of incitement have brought about a novel precedent for prosecuting war propagandists that not only moves incitement from being inchoate to causally proven but also neglects the voices of perpetrators. Following recent ethnographic research in Rwanda, this article examines the new precedent and suggests that incitement should return to being inchoate. The discussion centres on interview data collected among Serbian veterans of the Yugoslav Wars about the degree to which wartime media motivated them during the breakup of Yugoslavia and interview data collected among Serbian prosecutors about the alleged influence of Serbian wartime media. Serbian veterans report that they were not motivated by wartime media but rather former conflicts, peer-to-peer stories on the frontline and evident threats to Serbs. Moreover, prosecutors' assumptions about the influence of war propaganda and the unwillingness to interview 'perpetrators' about their motivations illuminate the complexities of post-conflict justice in Serbia.

**Keywords:** collective violence; international criminal law; post-conflict justice; veterans; war crimes; war propaganda



## Introduction

While carrying out fieldwork and conducting interviews with Serb veterans of the Yugoslav Wars (1991–1995, 1998–1999) in Belgrade, Serbia, I was struck by how different veterans' accounts of war propaganda were from those of human rights lawyers. The former characterised war propaganda as 'wartime media' that, in the Serbian case, was more or less a byproduct of already occurring violence and hardly influential on combatants. Lawyers, on the other hand, are nowadays prone to argue that war propaganda causes collective violence (ethnic cleansing, mass rape, massacres, or genocide), especially in environments where there is an impoverished marketplace of ideas, economically depressed population or history of ethnic conflict.[1] According to Richard Wilson, this outlook reflects an emerging trend in recent speech-crimes trials at the International Criminal Tribunal for Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR).[2] In those trials several journalists, politicians and media figures have been prosecuted for disseminating hate-media and causing collective violence.[3] Yet these cases, and the respective legal outlook they inspire, unblushingly presume that there is a direct link between the illocutions of war propaganda and its perlocutionary force on perpetrators.[4] This article draws from interviews with Serbian military personnel of the Yugoslav Wars to shed light on their

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motivations for participating in war and, to some degree, the cultural structuring of violence, which challenge recent legal theoretical notions of war propaganda.

To illustrate, the ICTY judges maintained that Ferdinand Nahimana, the owner of the notorious Hutu 'hate radio' or Radio Television Libre des Mille Collines (RTLM), 'caused the deaths of thousands of innocent civilians'.[5] Despite this assertion, Hutu perpetrators told a different story: ethnographers Charles Mironko and Scott Straus interviewed hundreds of confessed genocidaires and found that most perpetrators neither listened to RTLM nor reported being influenced by it. Most were instead guided by fellow soldiers or peers whose rhetoric about the duty to support one another, even in the reluctant practice of killing, made participation in genocide obligatory.[6] Such ethnographic results are not only externally valid but also corroborated by other perpetrator studies that deemphasise the significance of war propaganda but stress the importance of peer-to-peer influence on acts of collective violence.[7]

In my own fieldwork, I am gathering similar accounts from Serbian veterans who participated in notorious military campaigns during the Yugoslav Wars, including sieges at Vukovar, Sarajevo and Kosovo. Most veterans claim that they were willing to engage in violence to defend Serbia before the dissolution of Yugoslavia, and thus before the onset of alleged Serbian war propaganda.[8] As soldiers they strove to emulate historical Serbian warriors who defended Serbia from Ustaši, Turks and Albanians. They also stressed that wartime media coming out of Belgrade meant little to them, but stories coming from fellow soldiers meant a great deal. One veteran told me, for example, that he relinquished his non-combatant role for a combative one at the Battle of Vukovar after hearing stories from soldiers that Croatian physicians were scavenging Serbian corpses and harvesting their organs for profits. Such stories, which seem incredible to outsiders, were nonetheless credible for combatants. This can be attributed to several wartime factors, but Serb veterans today provide their own explanations. They claim to have believed frontline stories because they were circulated among soldiers, never denied by military leaders, and, most remarkably, reported to journalists who then reported them as facts to wider audiences. Quite literally, then, veterans' accounts suggest that the presumed relationship between war propaganda and collective violence held by lawyers may be backwards. In the Serbian case, war propaganda did not motivate collective violence but rather the two shared a cyclical relationship that was not linear, as recent speech-crime trials purport.

In bringing these issues to light, this article aims at reconsidering the notion of culpability in international criminal law as it concerns the assumed effects of wartime media and the alleged – but oftentimes neglected – motivations of perpetrators when considering those effects. By drawing from interviews with Serb veterans, I will suggest that the outlook inspired by recent cases of incitement in international criminal law is questionable and incomplete without the voices of so-called perpetrators who were allegedly motivated by war propaganda. In the end, I suggest that incitement should remain an inchoate crime proven by the intent of the war propagandists and not by the effects of his or her propaganda. I also draw from interviews to show that the accounts of Serb veterans and human rights lawyers vary in terms of the Yugoslav Wars and post-conflict justice in Serbia, which highlight the cultural repercussions of the legal precedent in question.

It should be stressed at the outset that my goal is not to absolve perpetrators of criminal responsibility. I wish to illustrate instead the significance of multiple viewpoints, especially those of combatants from notorious wars, when dealing with issues of culpability, perpetrator behaviour and democratic life in post-conflict regions such as Serbia. Furthermore, while such in-depth interviews provide reliability, they can neither confirm nor reject the hypothesis that war propaganda causes violence. Rather, my interviews with Serb veterans

show the importance of former combatants' views and that without them the legal narrative on war propaganda in international law is insufficient.

## Incitement, war propaganda and international law

An inclusive account of war propaganda could never be constructed solely in terms of legal theory. But the very issue of war propaganda at issue here is rooted in the legal history of culpability as it relates to incitement in international criminal law. War propaganda that falls within the set of incitement is defined as any message (proximate to the conflict in question) that directly and deliberately attempts to bring about violence against another group as such, regardless of outcome.[9] War propaganda is thus prosecutable as incitement whenever it is a persecutory message with the intention of shaping perceptions, manipulating cognition and directing behaviour towards collective violence.[10] The key here is the intentionality of the propagandist and the persecutory nature of incitement: if the war propagandist publically and directly calls for collective violence, he or she signifies his or her intention to incite such violence and is thus guilty of doing so, whether collective violence ensues or not.[11]

For example, in *J.R.T. & W.G. Party* v. *Canada* (1983) the United Nations Human Rights committee (UNHRC) upheld the conviction of a man known only as Mr T., accused of leaving anti-Semitic messages on people's answering machines throughout Canada. According to the UNHRC, Mr T. was guilty of incitement not because his messages resulted in violence but rather he made direct calls for violence that deliberately exposed others to hatred and contempt for Jews.[12] Juxtaposing this case with another, the international military tribunal at Nuremburg (IMT) acquitted the Nazi war propagandist Hans Fritzsche of incitement because his 'war propaganda' was nothing more than a set of war reports. In fact, those reports appeared to lack any purpose on the part of Fritzsche, who reported what his superiors, such as Goebbels, demanded of him.[13]

Contrary to Fritzsche, the IMT convicted Julius Streicher – whose case thereafter served as the legal precedent for incitement until the ICTR. Streicher was found guilty of using his anti-Semitic newspaper *Der Stürmer* to make 'frequent, public and direct' calls for the eradication of Jews; Streicher's associates testified that he continued making calls for extermination even after he learned about the realities of the Holocaust, thus underscoring his intent.[14] The IMT convicted Streicher of incitement on the grounds that his incessant calls for collective violence reflected a genocidal intent, regardless of his causing genocidal acts.[15] Incitement under the *Streicher* precedent made persecutory war propaganda an inchoate offence in international law, meaning that the *mens rea* was not the effects of the message but rather the intention of the propagandist.[16]

The *Streicher* precedent was nevertheless overturned by the ICTR, where several Hutu war propagandists were convicted of intending *and* causing collective violence. The turning point came with Jean-Paul Akayesu, a Hutu politician who was convicted for his anti-Tutsi speeches at Taba, a commune where Tutsis were later massacred.[17] Remarkably, Akayesu was not accused of motivating the subsequent massacre – a trope that would have echoed legal liability in negligence cases, whereby the accused is found guilty based on a counterfactual ('but-for') argument or NESS test.[18] Rather, the judges took it upon themselves to prove that Akayesu actually caused the massacre, telling the prosecution: 'there must be proof of a possible causal-link [between Akayesu's speeches and subsequent violence]'.[19] Not surprisingly the prosecution argued that a causal link was evident in so far as Akayesu called for massacres and a massacre eventually took place.[20]

Talk of causation in the *Akayesu* case redefined war propaganda as incitement, changing it from an inchoate offence to a causally proven crime, which was then written into legal

precedence by several immediate cases.[21] The most important of which was the so-called 'Media Trial' in which Ferdinand Nahimana and Jean-Bosco Barayagwisa, the co-founders of RTLM, and Hassan Ngeze, a Rwandan journalist, were collectively charged. Despite never wielding a weapon, these war propagandists were found guilty of 'causing the deaths of thousands of Tutsis' through their hate-media and inflammatory remarks.[22] In relying on the *Akayesu* precedent, the Media Trial made legal history: instead of being an inchoate offence proven by intent, war propaganda that incites violence became a causal offence proven by effect.

This has important consequences for Serbian war propagandists. This is due to the fact that the ICTY has brought charges against Radoslav Brđanin, Radovan Karadžič, and Vojislav Šešelj using the *Akayesu* precedent. In the case of Brđanin, it was claimed that ethnic cleansings in northern Serbia were linked to his war propaganda and would not have transpired without it.[23] The tribunal has likewise claimed that Karadžič's war propaganda, including his war poetry, caused Bosnian Serbs to participate in a joint criminal enterprise that resulted in ethnic cleansing and genocide.[24] In the Šešelj case, too, the tribunal has maintained that his political rhetoric about a 'Greater Serbia' caused paramilitary units to commit war crimes in Serbia's Krajnia region.[25] Because the ICTY is closing its doors in 2015, the Serbian Prosecutor's Office of War Crimes (SPWC) in Belgrade is inheriting the remaining trials of war propagandists, along with the *Akayesu* precedent and its notion of culpability. The SPWC has recently used 'Akayesu' to launch a criminal investigation of former Serbian journalists who allegedly propagated inflammatory news reports during the Yugoslav Wars.[26]

While international law tends to operate in its own sphere of logic, social scientists and media scholars argue that the *Akayesu* precedent is problematic on several fronts. First, because international courts have neither defined what 'causation' is nor how to prove it forensically, it is difficult to pinpoint what is meant by the term.[27] Second, judges have been rather easily persuaded by what Nenad Fiser calls 'top-down' arguments that tend to overgeneralise causation rather than 'bottom-up' arguments that demonstrate a link between perpetrators and war propagandists.[28] Third, lawyers have presumed a linear notion of causation and shared culpability, such that war propagandists directly cause perpetrators to engage in collective violence, making them equal participants in a joint criminal enterprise.[29]

To avoid the many pitfalls of 'causation', my focus here will be on perpetrator motivation since, regardless of what international courts mean by the term, causation in municipal criminal law tends to imply that the perpetrator was at least partially motivated by the accused instigator. With that said, my in-depth interviews with former combatants cannot affirm or disconfirm a valid connection between war propaganda and collective violence. For war propaganda often operates below the conscious awareness of individuals; changes social environments and not the motives of isolated individuals; and cannot thoroughly be assessed post hoc. However, like other ethnographers working in post-conflict regions I am alarmed by the legal narrative on incitement being built on the exclusion of perpetrator voices. As I show in the next section, interviews with perpetrators reveal surprising motivations for participating in collective violence and thus expose the incompleteness of the *Akayesu* precedent without incorporating perpetrator views.

## Ethnographic challenges to the *Akayesu* precedent

After the Rwandan Genocide, expert witnesses and regional specialists testified at the ICTR that Hutu media was an influential factor in the genocide, causing machete-wielding

genocidaires to kill Tutsis en masse.[30] Such motivation was presumably evident in the fact that war propagandists called for mass murder and genocidaires enthusiastically responded.[31] However, when this 'top-down' line of argumentation became the touchstone for several convictions, such as Akayesu's, media scholars interjected. Richard Carver, for instance, worried that the ICTR was proceeding negligently. Albeit justified in convicting war propagandists, it neglected perpetrator views – the so-called puppets of the propagandists were excluded from telling their side of the story – and courts adopted a faulty account of causation, namely that wherever war propaganda preceded collective violence, the former caused the latter.[32] However, post hoc reasoning of this kind is of course fallacious and begs the question of what motivated perpetrators.[33] Spurred by such criticisms, four ethnographers undertook research among confessed perpetrators in Rwanda after the ICTY. Their shared goal was to gather perpetrator self-reports and to determine whether war propaganda, in fact, motivated their participation in collective violence and, if so, to what degree.

The first was Darryl Li who conducted hundreds of open-ended interviews with both Hutu perpetrators and bystanders.[34] Based on self-reports, Li found that war propagandists manipulated three aspects of Hutu culture to motivate Hutus: valuing service to others, performing for the state and honouring in-group relationships.[35] Because Hutus value serving one another and working for the state, war propagandists framed attacks on Tutsis as state 'service'. The killings were also characterised as difficult yet necessary 'work' for the good of Hutus. Friends and families were likewise called upon to 'serve one another' and 'work together' to rid Rwanda of its 'pests' and to usher in its long-awaited peace. And because Hutus admitted to trusting RTLM, one of the few media resources in Rwanda, they believed its reports about imminent Tutsi threats and participated in the killings, trusting it was the right thing to do. For Li, then, the ICTR's judgments were sound: war propagandists, especially those on RTLM, such as Nahimana and Barayagwisa, motivated perpetrators and thus played a causal role of sorts.

Shortly after Li's fieldwork, Charles Mironko conducted structured interviews with hundreds of confessed perpetrators in Rwandan prisons.[36] Contrary to Li, Mironko found that the impact of RTLM was minimal at best. This finding was rooted in the fact that Rwandan culture produced two kinds of perpetrators based on its rural and urban divides. Rural perpetrators claimed to have rarely or never listened to RTLM because they found its urban sensibility too foreign. Urban perpetrators claimed to have listened to RTLM but did not find it motivating. Urban perpetrators further claimed to have been organised into militias and prepared for collective violence long before RTLM made calls for it. Once genuine threats to Hutus were evident, would-be perpetrators were ready to strike and RTLM simply shared their desires for military offensives. Mironko thus echoes Li's weaker claim that RTLM might have motivated some genocidaires but it did not cause genocidal violence; in Mironko's words, 'RTLM alone did not cause them [Hutus] to kill.'[37]

At about the same time Scott Straus independently conducted over 200 structured interviews with Rwandan perpetrators who claimed to have never listened to RTLM and not to have been motivated by it.[38] Most claimed instead that they were motivated by tangible threats to Hutus, such as economic and political insecurities, and most of all peers. Straus found that peer pressure took the following forms: soldiers demanding bystanders to participate in murders, neighbours encouraging Hutus to share the burden of killing, and friends and family framing collective violence as a necessary self-defence against Tutsis. Straus further discovered that peer pressure was more likely an influence than RTLM since most Hutus lacked steady radio transmissions or radios altogether. Straus

thus concludes that war propaganda was not as strong as the ICTR presumed, and not a central motivator as reported by perpetrators.[39]

Another influential study of RTLM and its impact on collective violence was David Yanagizawa-Drott's radio coverage analysis.[40] By comparing regional radio coverage and the number of individuals prosecuted for genocide therein, Yanagizawa-Drott found that no more than 20% of Hutus possessed radio sets during the genocide. However, perpetrators must have shared radios, for wherever there was radio coverage there was an increase in violence by 65–77%, suggesting that RTLM increased genocidal deaths by 9% overall, which corresponds to 45,000 murdered Tutsis.[41] As significant as these statistics may be, there is nevertheless a fundamental shortcoming: Yanagizawa-Drott used radio coverage and locations of perpetrator prosecution as proxies for RTLM's causal influence on perpetrator violence. Yet broadcast coverage and trial location should overlap, given that both measure populated areas of Rwanda, which would yield a statistically significant but theoretically insignificant correlation.[42]

Taken together the above studies show that the link between war propaganda and collective violence is much more difficult to prove than courts presumed. When it comes to motivations for the Rwandan Genocide they also yield an impasse: Li and Yanagizawa-Drott affirm a significant motivational link, while Mironko and Straus refute it. However, while these studies speak to the *Akayesu* precedent in light of the ICTR, they do not speak to the precedent in light of the ICTY. Moreover, when it comes to studies on war propaganda in the Yugoslav Wars, the motivations of perpetrators are often neglected. This is important because the *Akayesu* precedent and its notions of culpability have been inherited by the ICTY. Yet similar interviews have not been undertaken in Serbia, which is surprising given the imminent closing of the ICTY and the ongoing criminal investigation of war propaganda by the SPWC.

In what follows I build on the above studies by discussing the working results of my own snowball-sampling semi-structured interviews with non-veteran Serbs, SPWC lawyers and Serb veterans of the Yugoslav Wars living in Belgrade. Eleven veteran interviews shall occupy my interest here because they are cases in which veterans openly discussed motivations for fighting in campaigns involving war crimes, including Vukovar, Sarajevo and Kosovo, and witnessing collective violence. The 11 also represent an average sampling of the different kinds of veterans of the Yugoslav Wars (four were enlisted soldiers, four were volunteers, and three were draftees)[43] and exemplify three themes: the history of ethnic conflict in Serbia, the cyclical nature of war propaganda on the frontline, and genuine threats against Serbs in the Yugoslav Wars. After focusing on these, I will then discuss my interviews with Serbian lawyers at the SPWC.

## Our land is our curse

The interviews I conducted with Serb veterans unfolded more or less in the same way. After discussing the veteran's military history, such as the campaigns, battles or sieges he witnessed, I then asked: Did you or other veterans participate in collective violence, and, if so, what motivated you or them to do so and were you or they persuaded by media reports?

When Yugoslavia began to 'break-up' in 1991, Serb nationalists dedicated to creating a 'Greater Serbia' consolidated power under Slobodan Milosevic, a former socialist who portrayed himself as the defender of Serbia. From 1991 to 1999, the Milosevic regime transformed Serbia, an otherwise open society, into a media-controlled state and launched attacks characterised as 'strength' and 'self-defence' upon Croatia and Bosnia-Herzegovina, bringing about the worst European atrocities since World War II. Hundreds of villages

were ethnically cleansed; 50,000 women were systematically raped; thousands were massacred; millions were displaced; 140,000 perished; and genocide took place at Srebrenica. Although dozens of perpetrators have been brought to justice by the ICTY, most combatants of the Yugoslavian Wars maintain somewhat ordinary, if not troubled, lives today. In Serbia, combatants of all stripes have received little governmental support because of the shadow cast by the wars. Consequentially, veterans have networked with one another to form veterans' associations. Most of these organisations are not recognised but are independently designed to provide the social and psychological support that veterans need. Besides being scapegoats for the Yugoslav Wars, veterans in Serbia face numerous hardships, especially compared to veterans elsewhere.

Since 2010 I have networked with these organisations to interview veterans about their present circumstances, wartime experiences and motivations. When I began my interviews, very few veterans openly discussed the wars with me, and none admitted to partaking in collective violence. Moreover, most of the men who voluntarily spoke to me ended up interrogating me about American injustices committed abroad but especially in Serbia, including the extensive NATO bombings in 1999 and the removal of Kosovo in 2008. Nevertheless, after becoming an honourary member to one of the associations, I gained the trust of many veterans and was able to speak with them about their military experiences.

One veteran in particular, who I will call Vladimir, approached me one afternoon at a Slava,[44] telling me he was aware of my research, had spoken to few people about his wartime experiences, but was willing to answer my questions about the Yugoslav Wars. We thus arranged to meet a few days later. I knew Vladimir had fought in several battles, including Vukovar, and his reputation as a quiet person, who seemed very cold, made me somewhat apprehensive about the interview. Yet, like most of the veterans I got to know throughout my fieldwork, Vladimir was not what I expected. When I visited him, he greeted me with warm eyes, treated me hospitably as all Serbs treat guests, and talked with me for hours over Turkish coffee, as friends in Serbia do. After speaking together for an hour or so, I asked Vladimir about his experiences in the Yugoslav Wars. He denied being motivated to fight in the wars by Serbian wartime media, but he openly admitted to engaging in violence for other reasons. He was prepared to fight for Serbia ever since he was a boy, when his father taught him about the generations of Serbian heroes, including those at the Battle of Kosovo and World War II. He then explained that Serbia is a vulnerable land often caught between political forces impinging upon it. He thus emphasised that Serbian defenders have always needed to face such forces, which have often been genuinely threatening regimes, including the Ottoman Turks and, worst of all, the Ustaši (that is, Croatian Nazis) who executed thousands of Serbs at the death camp Jasenovac in World War II. That is why, when the Yugoslav Wars began, and he found himself facing threatening Croatians in the Battle of Vukovar, he exercised brutality. He said:

> My father was in WWII and I had seen those [Nazi] uniforms and weapons, and the Ustaši [Croatians] in Vukovar were wearing them again. And they would shout 'Srpske krvi!' [i.e., 'Serbian blood'] … They were killing Serbs: men, women, and children, the old and the young, they didn't care. They wanted to kill off the Orthodox people. And we, the Orthodox, had to fight to keep the Orthodox people alive … That is why I fought as I did, I had to do it.

Vladimir recounted how, amid the Battle of Vukovar, he and two other Serbian soldiers were captured and tortured over the course of one night by 'Ustaši'. Vladimir thought he would surely be killed, so when only one guard was left with him and his companions,

Vladimir attacked the man. Vladimir claimed that the experience confirmed for him that Croatians were inhumane Nazis (hence his broad application of the term 'Ustaši'). He returned to battle and, to his admission, stormed into Croatian homes or buildings, killing (and sometimes apprehending) any Ustaši he came across, and thus 'eliminating the Ustaši threat and protecting innocent Serbs'.

How do combatants like Vladimir come to commit such violence? One of the main reasons is that cultural models of previous conflicts combine with genuine threats and intensive combat to serve as templates for seeing the 'enemy' as deserving of brutality. Unfortunately, the Croatians at Vukovar were mostly civilians under attack from militarised Serbs and there is little evidence that the majority of Croatians had realigned with the political ideologies of World War II. Yet Serbs saw themselves as once again fighting Ustaši. How did this happen?

Like many regions of the world, Serbia is a land scarred by ethnic conflict, and like many ethnic groups, Serbs have repeatedly been the victims of collective violence.[45] A common outcome of such generational persecution is the psychological phenomenon known as 'accusation in a mirror'.[46] Fearing that they will once again be victims, an ethnic group at the onset of a new conflict accuses its opponents of intending to recommit past brutalities, which the defensive ethic group ends up committing themselves in the course of fighting.[47] This phenomenon occurred in both Rwanda and Yugoslavia where Hutus and Serbs, respectively, did not see their own people as possibly being aggressors, since generations of victimisation left them feeling vulnerable, innocent, and justified in their defensive (if not retaliatory) violence. It is not very surprising, then, that Serbian brutalities of the Yugoslav Wars mirrored those of previous Balkan wars, such as World War II, where Serbs experienced horrendous brutalities at the hands of Croatians.[48] Another way to describe accusation in a mirror is using Mamdani's expression 'when victims became killers' – that is, victims of generational violence become perpetrators in renewed conflicts.[49]

By extension we can see from Vladimir's remarks that he saw the Croatians of the 1990s as the Ustaši of the 1940s and himself along with fellow Serbs as targets of reoccurring persecution. Once Vladimir found himself in combat, his fears were confirmed: testimony from Serb fighters on the frontline fixed his views of Croatians as Nazis and the violent experience of war fixed his sense of being targeted. Vladimir thus exercised a type of brutality that he saw as being necessary – and justified – but from an outside view, without knowing Serb history, looks like wanton aggression.

Being enculturated to view Serbia as a land of conflict and the Serbs as a persecuted yet innocent people began at an early age for most veterans. From a young age they were taught to value Serbian history, which is replete with battles and uprisings, throughout which Serbs have protected their people, religion and land from would-be invaders. Veterans learned that Serbs may occupy a vulnerable territory that is prone to invasion but they have admirably challenged – and oftentimes defeated – notorious world empires. One veteran, when reflecting on Serbian uprisings against the Ottoman Turks and Nazis, told me: 'In defending Serbia, we Serbs have defended Europe.' Other veterans spoke the same way, seeing themselves as contiguous with generations of European defenders, stretching all the way back to the Battle of Kosovo (1448). In fact, veterans often referred to the Battle of Kosovo to frame their understanding of Serbia as a land coveted by empires and neighbours, and Serbs as a persecuted but innocent or 'heavenly people'. The latter saying reflects, on the one hand, Prince Lazar's decision at the Battle of Kosovo to forsake an earthly kingdom for martyrdom and heavenly reward.[50] On the other hand, it represents Serbia's defence of Orthodox

Christianity from persecutory invaders, beginning with Lazar and continuing to the present day.

For instance, veterans often told me that they fought just as Serbs before them to defend 'Orthodoxy', regardless of whether or not they won the war. I also found that most veterans used religious terms to refer to themselves and their enemies. One veteran explained that, 'Catholics [Croats] and Muslims [Bosnians] were trying to rid their lands of Orthodox Christians [Serbs].' Built into this cultural frame is the outlook that Catholics and Muslims are known to persecute Orthodox Christians, while the latter are known to defend the innocent. Along these lines one veteran told me: 'We Serbs are entirely innocent – we have never done anything wrong. We have only defended ourselves in every single war and every single battle.'

When I asked veterans why Catholics or Muslims persecuted Serbs, I was often told a number of conspiracies that illustrated accusation in a mirror. Most veterans said that conspirators within the Vatican or Muslim world wanted to ethnically cleanse the Balkans of Serbs and Orthodoxy. With each of these explanations, veterans expressed the sentiment that persecution is more or less tied to the land itself. As the so-called 'powder keg of Europe', Serbia has often been caught between competing political forces that have pulled the small country into large-scale wars, and veterans recognise this. Yet they also see Serbia as sacred land, making it something they will fight for, despite the powers they face or the suffering it causes.[51]

For example, one veteran echoed several others when he told me: 'My people are always ready to defend Serbia … One thing you must also understand, we will never, never, never give up Kosovo. We will always fight for it, even if it destroys us.' This kind of idealism over protecting Serbia, especially Kosovo, is both heartening and disheartening for veterans. It is a source of patriotism in so far as veterans recognise the need to protect Serbia from threatening opponents in virtually every generation. On this very point one veteran told me that Serbs, conditioned by generational warfare, make great soldiers and great athletes: 'It's natural selection. We have survived centuries of oppression and warfare protecting our lands. Those that survive are smart and strong.' However, having to protect Serbia is a source of desperateness, as one veteran lamented: 'Perhaps that is our fate – to be invaded, persecuted, and bombed. It happens every generation here. We sometimes say, "when China becomes the world power, they will bomb us too".' Hence, the cultural narrative of persecution and Serbian innocence is a rationalisation of the fact that Serbia is, in fact, at one of the most vulnerable crossroads in Europe where war and persecution has unfortunately been a generational occurrence.

Thus, as many historians note,[52] the explosion of collective violence during the break-up of Yugoslavia was not unique to the Balkans of the 1990s. Such violence had occurred in previous Balkan wars and, with the break-up of Yugoslavia, reoccurred in the generation of veterans of the Yugoslav Wars. Yet beyond accusation in a mirror, what motivated the violence? Self-reports from former combatants suggest that histories of collective violence in the Balkans – combined with cultural notions of victimisation and heroism – prepared them to see entire groups of people as opponents and longtime enemies who deserved little respect. Of course, Serbian war propagandists could have easily manipulated such views to encourage collective violence, without veterans taking notice or reporting it today. But for most veterans, motivation was born out of their historical experience. As one veteran explained, Serbs carry the heavy burden of having to protect their lands and people because of their historic vulnerability. Thus he commented: 'Our land is our curse.'

**Rumors on the frontline**

Of course, fear also contributes to collective violence. This became apparent when I asked veterans, such as Vladimir, why they thought they had to kill as opposed to negotiate with their neighbours. The answer was somewhat akin to what Mironko and Straus were told by perpetrators in Rwanda.[53] Although veterans denied killing non-combatants and were admittedly inspired by honour to defend Serbia, many said they were motivated by peers – and the fears they instilled – to engage in collective violence.

One of the most illustrative interviews along these lines took place with a veteran named 'Nikola', a veteran of nearly every major battle in the Yugoslav Wars. Nikola was once again not what I expected. He was a white-haired man in his 50s, who was carrying a stack of recently acquired books when we first met. When I finally got the chance to ask Nikola about Serbian wartime media, he refuted its effects on soldiers but acknowledged its potential influence on frightened volunteers. He said that on the frontline volunteers and reserves often said they joined after watching the news or hearing political speeches and wanting to defend Serbia, fearing that more battles and attacks were imminent. He went on to explain that the media might have raised men's concerns but it was soldier-to-soldier conversations about the enemy on the frontline and firsthand violence that influenced men the most. 'Anyways', he said, 'the news was blocked from us [on the frontline]. There were no televisions, radios, or newspapers … But we surely knew what was happening to Serbs.' Nikola then claimed that he initially went to war 'to protect Serbs within Serbian territory'. But he came to support aggressive attacks on Croatian and Bosnian strongholds, such as ethnic cleansings, given the atrocities that Croatians and Bosnians were committing against Serbs, which he heard about or witnessed personally.

I asked Nikola whether by 'Serbian territory' he meant the territory within the 'Karlobag-Ogulin-Karlovac-Virovitica' (KKV line). The KKV was a concept used by Serbian war propagandists, such as Vojislav Seselj, to describe the extent of an irredentist nationalist Serbian state. If Nikola consented, it would be evidence of what linguist Predrag Dojcinovic calls a 'mental fingerprint' – a word or phrase that is coined by a propagandist and later used by a perpetrator, thus linking the instigator with the instigated.[54] However, Nikola replied: 'No, I mean the Serbian Republic and Serb villages just outside of it.' Perhaps reading into my question, he went on to say: 'You should know that Seselj wasn't the first to use it [the KKV line]; he borrowed it from Nikola Pasic[55] who designated the *rightful* borders of Serbs between Ottoman and Austro-Hungarian rule.' Nikola then said 'Seselj attempted to define Serbia within these borders – he had to, you see.' When I asked why, Nikola retorted: 'To protect Serbs! The Croatians had strategized for some time to rid the land of Serbs … they were halted under Tito, thank goodness, but they began again in earnest once the war started. Seselj was tired of the injustices, just like everyone else [in Serbia].' Although Nikola denied fighting for the KKV line or 'Greater Serbia', he admitted to initially fighting to defend Serbs but eventually to attacking Croatians and Bosnians.

Given Nikola's enthusiasm for Seselj, I then asked: 'So, throughout the war and between battles you never read the news or listened to political speeches – for example, from Seselj?' Nikola hesitated. 'Of course', he said, 'I would read or listen to the news when I could. But that was rare and it didn't influence me … Most of the time, actually, it was the reporters who came to us, asking about the war, what we had seen; we'd tell them and they'd report it.' Nikola went on to say, 'Sometimes we [soldiers] later read or heard about it in the news [what soldiers had told reporters]. But we didn't think much of it; [for] we already knew what was happening [in the war].' Although Nikola's contradictory remarks made me think his denial of frequent media exposure or its influence on

soldiers was somewhat disingenuous, I decided not to press him on the matter, fearing he would avoid talking about the wars all together. Instead, I asked Nikola to explain what kinds of things he told reporters on the frontline. He replied: 'Foreign journalists asked about how many soldiers were with us, our weapons, locations, strategies – I never answered these questions, because they were meant to aid the enemy.' He then said that Serbian journalists 'wanted to know about Serbs – what was happening to them – were they safe? And what were we doing, as soldiers, to protect them?' In what remained of the interview, it became evident that what Nikola and other soldiers told reporters during the wars were stories that were then propagated by reporters as facts to larger Serbian audiences. Yet most of these stories were rumours that gained credibility by circulating among soldiers. Three kinds of stories, which I heard from Nikola and other veterans, deserve mentioning.

First, Nikola claimed to have learned about the severity of Serbian persecution when he arrived on the frontline, where he heard stories about the disappearance, torture and massacre of local Serbs. In virtually every city under siege or pillaged village, 'one-third of the Serbs had gone missing, one-third had been killed, and the other third had left for Serbia'. Another veteran, who I will call Zoran, had previously told me that when he arrived at the Battle of Vukovar, he learned from fellow soldiers how local Croatians instigated assaults on Serbs prior to the war, resulting in countless disappearances and deaths. 'Before the battle, strange things happened … there were several cars without license plates, no one knew why. Then, Serbs started to disappear.' Zoran continued: 'It turned out that the Ustaši told Croats [living in Vukovar] to drive in unmarked cars, making it easier to identify Serbs, to kidnap them, and to kill them … before the war, even, they were killing Serbs.' Rarely did I challenge such stories, for when I asked Zoran how he knew the stories were true, he replied: 'What the fuck!?! How does a doctor know someone is sick? He just fucking knows! I knew, I was there!' However, Nikola told me a similar story about Vukovar, which he validated by saying, 'several of them [missing Serbs] were later found maimed in Croatian homes'. However, what Nikola and fellow soldiers seemed to have found were the unrecognisable corpses of civilians inside damaged buildings or homes, which they interpreted as the remains of slaughtered Serbs. Instead of suggesting this I asked Nikola if these instances were what influenced him to fight, especially in making attacks on Croatians. He said, 'Yes, I knew I had to protect Serbs from being wiped out.'

Second, Nikola mentioned that he was motivated by stories from other soldiers about how 'the Ustaši massacred Serbs'. Such stories were common and persuasive for soldiers, as several veterans mentioned them as being motivators of collective violence. For instance, in a very brief interview one veteran told me that hearing from other soldiers that Serbs were being 'butchered' not only morally enraged him but also confirmed the importance of his fighting. Remarkably, he also said: 'these were real things [attacks on Serbs]. We [soldiers] knew and the Serbian people knew', and they were credible stories because 'they were being reported in the news'. Likewise, Nikola explained to me that such stories were legitimated by the fact that they were supported by eyewitness testimony, never denied by higher ranking officers, and conveyed to reporters who came to the frontline. As Nikola explained, when taken together 'these were facts' – in other words, the combination of testimony, reoccurrence and record made the stories true. Furthermore, their seeming truth justified the escalating levels of collective violence in which veterans found themselves throughout the wars, as Nikola's earlier comments indicate. The truth of such stories is nevertheless doubtful. To illustrate, another veteran told me that Croatians in Vukovar had massacred over 40 Serbian children in an elementary school, a story that circulated among soldiers,

made its way into Serbian media, but was later proven to be entirely fabricated.[56] Nikola also commented that Bosniaks not only had the audacity to torture Serbs but also to bomb their own people to make it look like Serbs were attacking innocent Bosnians. Although such stories seemed credible, they have since been proven false.

Third, when discussing unjust attacks on Serbs, Nikola mentioned how fellow soldiers went missing throughout the wars. At that point in our conversation, he paused for an extended amount of time and I could tell he was wrestling with painful memories. Sensing that I should end the interview, I said: 'Please, Nikola, we do not need to talk about this any further.' Nikola replied, 'No, I want you to know that they [Croatians and Bosnians] killed whoever they captured. I doubt that those crimes were reported in the States, were they?' Despite his apparent frustration, Nikola went on to say that I might also be surprised to know that Serbs 'fought combatants and protected the innocent'. He then said, 'Muslim fighters in Bosnia', on the other hand, 'invited Mujahidin [into their country] to help target all Serbs' and 'beheaded captured Serbian soldiers, as trophies'. He also explained how the many soldiers who 'would disappear over the course of battles' must have faced a similar fate, which was another common topic of conversation and motivation for violence among soldiers. I wanted to ask Nikola whether some of the soldiers could have simply deserted their post, as hundreds of disillusioned Serbian soldiers were reported to have done.[57] For the remainder of our interview, however, Nikola turned to the portrayal of Serbs as aggressors within Western media, a common source of unease for Serbian veterans.

Many of my interviews with veterans about the influence of wartime media paralleled Nikola's comments. Veterans claimed that the media had little influence on them and was often blocked from them. However, it would later be seen or heard and repeat a story that circulated among soldiers on the frontline days, weeks or months earlier. Whenever this occurred, it further confirmed for soldiers the validity of stories they heard about Serbian persecution. One veteran told me that he 'learned about the armed uprising of the Kosovo Liberation Army from the news', but when he heard reports from fellow soldiers that the KLA were abducting and murdering Serbs, he 'wanted to fight like hell in Kosovo'.

In sum, veterans openly admitted to being motivated by peer-to-peer stories. Although this reaffirms Mironko and Straus's findings on peer influence,[58] it does not disprove the effects of war propaganda, a conclusion that could only be drawn after more extensive studies. It nevertheless shows how oversimplified the *Akayesu* precedent is without perpetrators' views. Similar to the self-reports of Rwandan genocidaires, Serbian veterans illustrate that international criminal lawyers underappreciate the complexities and dynamics of collective violence. Comments like Nikola's suggest that, contrary to the ICTR and ICTY, war propaganda functions less like a bullhorn that calls soldiers to engage in collective violence and more like an echo chamber that initially rationalises violence but allows it to escalate over the course of war. Remarkably, war propaganda can sometimes originate among soldiers who, in their cognitive dissonance over collective violence, produce misinformation or inflammatory stories about the people they target, which later finds itself in circulated wartime media.

## We defended our country – that is not a crime

Throughout my interviews it became apparent that the concept of post-conflict justice is as important to veterans as it is to human rights lawyers. The two differ, however, with regard to who bears the ultimate responsibility for the Yugoslav Wars. In this section, I wish to

examine and compare comments of legal actors and Serbian veterans about post-war culture and the ongoing investigation of war propaganda in Serbia.

As I have suggested, the ICTY and SPWC's notions of war propaganda are simplistic because they neglect the long history of media studies on propaganda and neglect perpetrator self-reports. Besides focusing solely on the latter, I recognise that perpetrators are unaware of all their motivations and that the principle valence of war propaganda is not restricted to the relationship between mass media and isolated individuals. However, like other ethnographers, especially those who undertook similar fieldwork in Rwanda, I believe interviews with former combatants can expose many of the primary motivations for collective violence.

Yet this presumption is not recognised by the SPWC, who has neither interviewed veterans in Serbia nor are its members intending to do so, even to assess the potential effects of war propaganda during the Yugoslav Wars. My interviews with the SPWC reveal that they are instead following the ICTR and ICTY, assuming the *Akayesu* precedent that a 'possible causal link' is evident whenever the former precedes the latter. On more solid ground, a clerk at the SPWC did tell me that there is, in fact, direct evidence linking Serbian war propaganda to violence in the Yugoslav Wars. He said 'there is a video of a soldier being interviewed by reporters at the Battle of Vukovar' and 'the reporters ask the soldier why he is fighting' to which the solder responds: 'because of what I saw on the news'.[59] 'Evidence such as this', the clerk told me, 'could be used to prove the link between war propaganda and collective violence'. Being familiar with the video he referenced, and knowing that there is only one other video like it, where a woman claims to be volunteering for service in light of the news,[60] I asked: 'But how many instances are there of men admitting to the news that they were influenced by war propaganda? Moreover, in these videos the perpetrator doesn't say what exactly in the news influenced him. And does that kind of "confession" prove causation?' He responded, 'I really cannot tell you any more than what is public … the two examples [his video reference and mine] are public.'[61] The clerk went on to say that all that is required under the *Akayesu* precedent is a 'possible causal link', meaning any potential evidence linking war propaganda to a perpetrator, a point that I challenge in the next section.

Besides ignoring the legal difficulties inherent to the *Akayesu* precedent,[62] the clerk also classified all Serbian perpetrators as one and the same. I asked him, being a Serb himself, 'How do you think the war propaganda influenced people during the Yugoslav Wars?' He replied, 'I don't know … but it only worked on the uneducated.' He then explained how he and many other Serbs were either multiethnic or educated, which made them less prone to believing the war propaganda or supporting the war. Distancing himself and other Serbs from perpetrators, the clerk said that perpetrators were neither ordinary Serbs nor ordinary people. 'These people came out of nowhere; they crawled out from under a rock … They were poor villagers, hoodlums, gang members, even convicts who were promised freedom to defend Serbia. These kinds of people came out of no where – who were they, I asked?' After pausing for a moment, he went on to say, 'It was these men who committed crimes, not just anyone.' Wanting to know how he viewed former combatants today, I asked whether he had interviewed any veterans. He explained that he had not and that the SPWC was not planning to undertake any interviews. Somewhat shocked, I reminded him that the bulk of my ethnographic research in Serbia involved veterans and that some were very eager to share their wartime experiences. After being asked whether I would share my findings, I told the clerk somewhat tongue-and-cheek: 'I will share whatever becomes public through my publications.'

The outlooks of Serbian veterans expectedly conflict with the views of the SPWC. Though what is perhaps surprising is that many veterans have sophisticated opinions about what influenced them, and their comments highlight the complexities of establishing culpability. For instance, one veteran named Mihailo explained with prescience how few veterans would admit to being influenced by wartime media even if it was influential. 'We did not fight because of what the news reported or what some politician said. We fought because of real threats facing Serbia … [we fought] because it was the right thing to do, not because we wanted to.' Looking into my eyes, Mihailo then said, 'Serbs were being killed, cleansed … our monuments were being destroyed.' And finally, 'We defended our country – that is not a crime.' After that, he explained how he never fully trusted the Serbian media, how he despised Serbian war propagandists, and how he regrets the war crimes committed by fellow Serbian soldiers. Because veterans like Mihailo fought to protect compatriots, they would not reduce their motivations to the violent calls of war propagandists. Whether this corroborates ethnographic findings in Rwanda, and thus prioritises other motivators above war propaganda, is an open question. My inclination is that former combatants believe – or need to believe – that their fighting in unjust wars was not in vain but was necessary and, all things considered, the right thing to do.

Like other veterans, Mihailo nonetheless expressed surprising views about the difficulties of living and establishing justice in post-war Serbia. He longed for the days of Yugoslavia when 'everyone had a job, education was free, and life was good'. Such 'Yugo-nostalgia' was common for most veterans who saw former Serbian politicians, such as Milosevic, as most responsible for the break-up of Yugoslavia. One veteran told me that he could not stand Serbian politicians and wanted to see them punished because 'they lied to us about the war and now they blame us for the wars'. When I asked how they lied, he said: 'they kept saying we were winning [the war]; Milosevic even said we won – that we won!?!' The veterans thus see themselves as victims of wartime and post-war governments. While the previous Serbian government created the conditions for war or found war thrust upon it, the current government refuses to recognise the veterans of the Yugoslav Wars. In other words, veterans made a sacrifice to what they now see as a corrupt regime but nevertheless are the ones paying the price for that regime today. Veterans lamented that the international and local communities blame them for the wars and, as I observed at the SPWC, put all veterans into one category. They are denied benefits, honour and monuments because they are not 'veterans' but 'perpetrators' writ large. However, as Mihailo complained, it was the paramilitary units – 'a few bandits' – who committed most of the war crimes. 'They were bandits!' Mihailo explained, 'They were profiting from the war while we [soldiers] were fighting it.' Hence, most veterans today see themselves as scapegoats and portrayed as an indiscriminate class of perpetrators, even though they consider their service to have been 'right and honourable' and not motivated by war propagandists.

## International law and post-conflict justice

What can we infer from comments made by veterans of the Yugoslav Wars? The simplest conclusion is similar to what Mironko and Straus inferred: the self-reports of former combatants suggest that war propaganda is a weak motivation for collective violence. Yet unlike the Rwandan interviews, there are even further limitations to what can be said here. Establishing a causal link would require a much larger sample, and it cannot be assumed that the 11 veterans I interviewed were aware of all the factors influencing their wartime activities. When it comes to motivation, conclusions are nevertheless a bit more promising. The

interviews are similar to those conducted in Rwanda in so far as both show surprising motivations for violence. For Serbian veterans those are longstanding ethnic tensions, religious divides, peer influence and apparent threats to conspecifics. As anthropologists of war and media researchers observe, it is often the interaction of similar factors that combine with war propaganda to motivate collective violence.[63] Contrary to the legal narrative, then, it is unlikely that war propaganda could be a direct cause of collective violence. And motivations cannot be inferred on temporality alone since, in the Serbian case, some forms of war propaganda emerged out of conflict and even originated with combatants, not reporters or politicians.

Furthermore, in-depth reports from former combatants complicate the legal narrative about war propaganda and collective violence but bring a more nuanced picture into focus. Comments by Serbian veterans suggest that war propagandists acted less as 'top-down' opinion-makers and more like 'parallel' inoculators. By not dispelling historically inculcated fears or being more critical of rumours from the frontline, Serbian nationalists and their controlled media outlets appear to have used fear and cultural norms of heroism to bolster justifications for war. Yet the responsibility for carrying out collective violence does not lie entirely with war propagandists – there are, after all, cases where war propagandists called for violence and it did not occur. Moreover, the fact that commanders and soldiers on the frontline did not dissipate hatreds but instead engaged in collective violence is yet another factor that needs to be considered in the set of conditions that contributed to collective violence.

Several questions of culpability thus remain unresolved. What was the chain of communication on the frontlines and how did it relate to war propagandists in Belgrade? How does that chain of communication influence the retributive agenda of the ICTY and the SPWC? And, finally, does it further complicate pinning the blame on perpetrators? While I cannot fully answer these queries, I suggest the following.

First, veterans' accounts suggest that communication between war propagandists and soldiers was not a chain of command, as lawyers presume, but rather a tangled knot of soldier-to-soldier rumours, uncritically reported journalism, and fervent nationalistic rhetoric. The result was an overlapping chain of information with multiple forms of wartime communication that made the fog of war even less penetrable. Amid such chaos and confusion collective violence grew like an uncontrolled firestorm, eventually consuming several military operations. Because national leaders had the best vantage point for seeing the repercussions of wartime communications, they should have been more critical of information, quicker to lessen longstanding hatreds through political messages, and more aggressive in diminishing historical and cultural sentiments that contributed to violence.[64] Second, soldiers in campaigns involving heavy fighting or collective violence were not automatons but rather conscious human beings forced to come to terms with, and justify, their violent acts. For many former combatants, it was in the act of justification that war propaganda seems to have had its strongest influence. Recall, for instance, how Vladimir entered the war with biases towards Serbian 'enemies' and enculturated ideas about Serbian 'innocence'. Yet it was his experience of war – and only after engaging in violence – that he embraced propagandistic outlooks. The same can be said of other veterans, such as Nikola and Mihailo, who believed frontline rumours and incorporated news reports and political speeches into their beliefs that they were doing the right thing. Third, perpetrators are not just 'trigger men' as recent international trials of speech crimes suggest. Based on my interviews with Serbian veterans, former combatants were not blind killers but rather, using Christopher Browning's term, 'ordinary men'. Once in war their historical experiences and fears contributed to their violent behaviour. Self-reports and my own observations suggest

that veterans were motivated primarily by peers and secondarily by the 'power of the situation',[65] where collective violence became the norm. This norm came about because military leaders neither discouraged collective violence nor questioned stories or viewpoints that endorsed it.

Hence, it is perhaps tempting to dismiss ethnographic findings and maintain a prosecutorial frame that assumes a direct link between war propagandist and an oversimplified characterisation of perpetrators. Doing so would make prosecutions under the current precedent simple but would ignore the ambiguities and interactive dimensions of perpetration. Under the current precedent these complications are unavoidable since incitement in the form of war propaganda now demands proof of a possible link. This is indeed significant in so far as the UN has recently condemned war propaganda in several countries, indicating that additional war crimes trials involving war propaganda are imminent.[66] However, if defenders challenge the *Akayesu* precedent on empirical grounds, the precedent may prove to have raised the bar too high for prosecutions. Richard Carver observed this long ago and ethnographers working with former combatants have supported his scepticism.[67] Although my interviews with Serb veterans are not conclusive, they do show that the motivations for collective violence are more complicated than what the *Akayesu* precedent recognises. As a tentative conclusion, then, international courts may have to return to the *Streicher* precedent or include perpetrators' views within more methodological investigations of the effects of war propaganda in future trials.

## Conclusion

I have framed my discussion around the *Akayesu* precedent because it is the impetus of ethnographic research among perpetrators in Rwanda and my own fieldwork in Serbia. For the precedent states that former combatants in these countries were motivated to engage in collective violence because of war propaganda – but tribunals and prosecutors relying on the precedent have neglected the voices of alleged perpetrators. As my interviews with Serbian veterans demonstrate, former combatants were motivated by a host of factors that often violate a priori assumptions about wartime motivations and contradict legal narratives about war. Indeed, the narrative at issue here is the one about war propaganda in international law, and though an argument about propaganda cannot be constructed solely on the basis of this single narrative, it is the one that has created a questionable and incomplete frame without interrogating the perpetrator. Like other ethnographers, I have attempted to include those neglected voices since there is real value in the personal accounts of former combatants of military campaigns involving collective violence. Although such data cannot affirm or deny the cause-and-effect of war propaganda, it can tell us about the motivations of those who participated in notorious wars, and in so doing what some of their central motivators were.

As a final point, in societies of post-conflict justice where accountability is necessary for democratic life, legal culpability cannot be limited to a few war propagandists and social blame cannot be attributed to a broadly defined set of perpetrators. In the Serbian case, doing so has obscured the deeper xenophobic and nationalistic currents that contributed to collective violence. Interviews with veterans reveal that such currents persist because of their being excluded from post-conflict discourse. To illustrate, believing the United States (US) and international community has pressured Serbia to exclude veterans, Mihailo told me that he has taught his sons to 'to hate the US and pray for its destruction'. Additionally, survey data indicate that nationalism is on the rise in Serbia, especially among 18 to 24-year-olds.[68] If Serbia is going to maintain its burgeoning democracy, it cannot

blame the wars on a few while ignoring the many politicians of the Milosevic regime who still remain in power. Yet the international community cannot expect Serbia to achieve post-conflict justice without addressing widespread animosities expressed by Serbs regarding the role of the US and UN during and after the Yugoslav Wars, respectively. Serbs have experienced a great deal of social and economic hardships, rendering them with little hope in the post-conflict environment. All of these issues underscore the importance of including the many voices of persons who experienced the wars, including former combatants, in legal investigations and post-conflict narratives. Doing so will not only identify the many complex motivations for war, but also prevent such motivations in future conflicts and achieve a permanent peace in the Balkans.



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No potential conflict of interest was reported by the author.

## Notes on contributor

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## Notes

1. Susan Benesch, specifically, outlines such a criteria for predicting the likelihood of war propaganda leading to collective violence. See Susan Benesch, 'The Ghost of Causation in International Speech Crime Cases', in *Propaganda, War Crimes Trials and International Law: From Speakers' Corner to War Crimes*, ed. P. Dojcinovic (New York: Routledge, 2012), 254–68.
2. Richard Wilson, 'Inciting Genocide with Words', *Michigan Journal of International Law* 36, no. 1 (2014).
3. See I. Boljevic, D. Odavic, V. Petrovic, S. Rabrenovic, B. Stankovic, J.S. Jankovic, N. Vuco, and D. Vukotic, *Reci I Nedela: Pozivanje ili Podsticanje na Ratne Zlocine u Midijima u Srbiji 1991–1992*. Beograd: Studija Tuzilastva za Ratne Zlocine Republike Srbije, 2011. See also the following ICTR cases: *Prosecutor* v. *Akayesu*: Case No. ICTR-96-4-T; *Prosecutor* v. *Simon Bikindi*: Case No. ICTR-01-72; *Prosecutor* v. *Ferdinand Nahimana, Jean-Bosco Barayagwiza, and Hassan Ngeze*: Case No. ICTR-99-52-T; and *Prosecutor* v. *Georges Ruggiu*: Case No. ICTR-97-32-I. And see the following ICTY cases: *Prosecutor* v. *Radoslav Brđanin*: Case No. IT-95-10; *Prosecutor* v. *Radovan Karadžič*: Case No. IT-95-5/18-PT; and Prosecutor v. *Vojislav Šešelj*: Case No. IT-03-67.
4. See Wilson, 'Inciting Genocide'; see also Jordan Kiper, 'Towards an Anthropology of War Propaganda', *Political and Legal Anthropology Review* (In Press).
5. Nahimana et al., 1099. This was based on the evidence that Akayesu told the crowd in his speeches to fight the Tutsis and the use of euphemistic language, which for Hutus was a direct call to genocide.
6. Charles Mironko, 'The Effect of RTLM's Rhetoric of Ethnic Hatred in Rural Rwanda' in *The Media and the Rwandan Genocide*, ed. A. Thompson (London, UK: Pluto Press, 2007), 125–

35; Scott Straus, *The Order of Genocide: Race, Power, and War in Rwanda* (New York: Cornell University Press, 2006); Scott Straus, 'What Is the Relationship between Hate Radio and Violence? Rethinking Rwanda's "Radio Machete"', *Politics & Society* 35, no. 4 (2007): 609–37; Darryl Li, 'Echoes of Violence: Considerations on Radio and Genocide in Rwanda', *Journal of Genocide Research* 6, no. 1 (2004): 9–28.

7. See Christopher Browning, *Ordinary Men: Reserve Police Battalion 101 and the Final Solution in Poland* (New York: HarperCollins, 1992); Alex Hinton, *Why Did They Kill? Cambodia in the Shadow of Genocide* (Berkeley, CA: University of California Press, 2005); Anthony Oberschall, 'Volislav Seselj's Nationalist Propaganda: Contents, Techniques, Aims and Impacts, 1990–1994', *An Expert Report for the United Nations International Criminal Tribunal for the Former Yugoslavia* (2010); Anthony Oberschall, 'Propaganda, Hate Speech and Mass Killings', in *Propaganda, War Crimes Trials and International Law: From Speakers' Corner to War Crimes*, ed. P. Dojcinovic (New York: Routledge, 2012), 171–200.
8. See Boljevic et al., *Reci I Nedela*.
9. Michael Kearney, 'Propaganda in the Jurisprudence of the International Criminal Tribunal for the Former Yugoslavia', in *Propaganda, War Crimes Trials and International Law: From Speakers' Corner to War Crimes*, ed. P. Dojcinovic (New York: Routledge, 2012), 235.
10. Predrag Dojcinovic, 'Introduction', in *Propaganda, War Crimes Trials and International Law: From Speakers' Corner to War Crimes*, ed. Predrag Dojcinovic (New York: Routledge, 2012), 1–29. See also Kiper, *Anthropology of War Propaganda*.
11. Benesch, 'Ghost of Causation', 254.
12. Joshua Wallenstein, 'Punishing Words: An Analysis of the Necessity of the Element of Causation in Prosecutions for Incitement to Genocide', *Stanford Law Review* 54, no. 2 (2001): 351–98.
13. Ibid., 357–8.
14. Gregory Gordon, 'A War of Media, Words, Newspapers, and Radio Stations: The ICTR Media Trial Verdict and a New Chapter in the International law of Hate Speech', *Virginia Journal Law* 45, no. 139 (2005): 1–60, 143–4.
15. Telford Taylor, *The Anatomy of the Nuremberg Trials* (New York: Little Brown & Company, 1992), 376–80.
16. Margaret Eastwood, 'Hitler's Notorious Jew-Baiter: The Prosecution of Julius Streicher', in *Propaganda, War Crimes Trials and International Law: From Speakers' Corner to War Crimes*, ed. P. Dojcinovic (New York: Routledge, 2012), 203–30, 221.
17. Wilson, 'Inciting Genocide'; Kiper, *Anthropology of War Propaganda.*
18. The 'But-for' rule is used to demonstrate a counterfactual in a case of liability, such that 'but-for' x then not y, where x is the conditional and y is the consequence.
19. See *Akayesu*, 349.
20. Ibid., 673.viii.
21. See *Prosecutor* v. *Georges Ruggiu*: Case No. ICTR-97-32-I; *Prosecutor* v. *Simon Bikindi*: Case No. ICTR-01-72.
22. *Nahimana* et al., 1101.
23. *Brdanin*, 80.
24. *Karadzic*, 14.
25. *Seselj*, 10.
26. For an overview of such stories, see Boljevic et al., *Reci I Nedela.*
27. See Benesch, 'Ghost of Causation'.
28. See Dojcinovic, 'Introduction'; Dojcinovic, *Word Scene Investigations*; Nenad Fiser, 'The Indictable Propaganda: A Bottom-up Perspective', in *Propaganda, War Crimes Trials and International Law: From Speakers' Corner to War Crimes*, ed. P. Dojcinovic (New York: Routledge, 2012), 33–70; Michael Kearney, 'Propaganda in the Jurisprudence of the International Criminal Tribunal for the Former Yugoslavia', in P. Dojcinovic, ed., *Propaganda, War Crimes Trials and International Law: From Speakers' Corner to War Crimes* (New York: Routledge, 2012), 231–53.
29. Benesch, 'Ghost of Causation'.
30. Jean-Pail Chretien, *Rwanda: les Medias du Genocide* (Paris: Karthala, 1995).
31. See ibid.; Allison Des Forges, *Leave None to Tell the Story: Genocide in Rwanda* (New York: Human Rights Watch, FIDH, 1999).

32. Richard Carver, 'Broadcasting and Political Transition: Rwanda and Beyond', in *African Broadcast Cultures: Radio in Transition*, ed. R. Fardon and G. Furniess (Oxford: James Currey, 2000), 188–97.
33. Ibid., 190.
34. Li, 'Echoes of Violence'.
35. Ibid., 10.
36. Mironko, 'Effect of RTLM's Rhetoric'.
37. Ibid., 134.
38. Straus, 'Relationship between Hate Radio and Violence'.
39. Ibid., 615.
40. David Yanagizawa-Drott, 'Propaganda and Conflict: Evidence from the Rwandan Genocide', Unpublished Paper, 6 December 2010, Harvard University, david_yanagizawa-drott@harvard.edu.
41. Ibid., 33.
42. See Kiper, 'Towards an Anthropology of War Propaganda'; Wilson, 'Inciting Genocide'.
43. Moreover, their ages averaged out to 48, all were from Serbia (five rural, four urban), and all identified as Serbian Orthodox.
44. Slava is a Serbian Orthodox ritual and celebration dedicated to a particular family or organisation's saint.
45. Misha Glenny, *The Balkans: Nationalism, War and the Great Powers 1804–1999* (New York: Viking, 2000).
46. See Kenneth Marcus, 'Accusation in a Mirror', *Loyola University Chicago Law Journal* 43, no. 2 (2012): 357–93.
47. Ibid.; see Mahmood Mamdani, *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda* (Princeton, NJ: Princeton University Press, 2001).
48. Vjekoslav Perica, *Balkan Idols: Religion and Nationalism in Yugoslav Wars* (New York: Oxford University Press, 2002).
49. Mamdani, *When Victims Become Killers.*
50. Legend has it that before the Battle of Kosovo, the leader of the Serbs, Prince Lazar, had a vision where told the the prophet Elijah that he would either win the battle and secure an earthly kingdom or lose the battle and secure a heavenly kingdom. According to many epic stories, Lazar opted for the latter.
51. Scott Atran, *Talking to the Enemy: Faith, Brotherhood, and the (Un)Making of Terrorists* (New York: HarperCollins Publishers, 2010); Scott Atran and Jeremy Ginges, 'Religious and Sacred Imperatives in Human Conflict', *Science* 336 (2012): 855–77.
52. Perica, *Balkan Idols.*
53. Mironko, 'Effect of RTLM's Rhetoric'; Straus, 'Relationship between Hate Radio and Violence'.
54. Dojcinovic, *Word Scene Investigations*, 95.
55. Nikola Pasic (1845–1926) was a Serbian politician and diplomat who was the most important leader of the People's Radical Party in Serbia until his death.
56. After the Battle of Vukovar, Serbian Reuters and Radio Television Serbia reported that 41 Serb children were slaughtered in a school in Borovo Naselje. Although the story was never verified, it was reported on 20 November 1991. The Serbian media used such stories to create the political agenda for an expansive Serbian state. See Renauld La Brosse, 'Political Propaganda and the Plan to Create a "State for all Serbs": Consequences of Using the Media for Ultra-Nationalist Ends', Office of the Prosecutor of the International Criminal Tribunal for the Former Yugoslavia (2003). Retrieved 21 April 2012.
57. Nebosa Bugarinovic, 'Yugoslavia: UN Seeks Refuge Status for Serbian Deserters', Radio Free Europe (1999). http://reliefweb.int/report/serbia/yugoslavia-un-seeks-refugee-status-serbian-deserters.
58. See Mironko, 'Effect of RTLM's Rhetoric'; Straus, 'Relationship between Hate Radio and Violence'.
59. Anes Alic, 'Balkans: Media and War Crimes', International Relations and Security Network. http://www.isn.ethz.ch/Digital-Library/Articles/Detail/?ord633=grp1&lng=en&id=102376. See also Boljevic et al., *Reci I Nedela*.
60. Boljevic et al., *Reci I Nedela*.

61. They are considered public in so far as they were included in a compilation of Serbian war propaganda put together and published by Boljevic et al., *Reci I Nedela*, to bring about the current investigation at the SPWC.
62. Gregory Gordon, 'Formulating a New Atrocity Speech Offense: Incitement to Commit War Crimes', *Loyola University Chicago Law Journal* 43 (2012): 281–316.
63. Hinton, *Why Did they Kill?*
64. Boljevic et al., *Reci I Nedela*.
65. Philip Zimbardo, *The Lucifer Effect: Understanding How Good People Turn Evil* (New York: Random House, 2007).
66. Kearney, 'Propaganda in the Jurisprudence', 232–3.
67. Carver, 'Broadcasting and Political Transition'.
68. Kiper, 'Towards an Anthropology of War Propaganda'.