

**HEROES, COURTS AND NORMATIVE CLASHES:
The Effects of Transitional Justice on Norms and
Narratives in Croatia**

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Declaration

I, Ivor Sokolić, confirm that the work presented in this thesis is my own. Where information has been derived from other sources, I confirm that this has been indicated in the thesis.

Date

Signature

Abstract

This thesis investigates the expressivist, or extra-legal, effects of the transitional justice process in Croatia that began following the 1991-1995 conflict. It analyses how international and domestic war crimes trials, as well as civil society efforts, have led to deliberation over norms and narratives related to the war. This is based on a deliberative understanding of the transitional justice process, which focuses on the potential for trials to initiate public deliberation that involves multiple representations of the past. The primary method of data collection was focus groups with teachers, pensioners and members of war veterans' groups across several locations, while follow-up interviews, a brief survey and Qualitative Comparative Analysis (QCA) were used to verify results. The results of the analysis question theories of human rights norm cascades, since in the case of Croatia stronger "everyday" narratives have undermined the trickle-down effects of transitional justice narratives advocated by authorities. Chief among these highly trusted "everyday" narratives is the predominant Croatian war narrative, one of defence against a larger Serbian aggressor, which permeates across Croatian society and aspects of which are not questioned at all. The effect of this is that transitional justice efforts work in an atmosphere of cynicism and distrust with institutions, unless their narrative is in line with "everyday" expectations, and they therefore struggle to compete with personal and local narratives. These narratives strongly affect how the Croatian public understands the rule of law and history, as well as how it regards the Serb minority in the state.

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List of abbreviations

CAS	Court of Arbitration for Sport
CPPCG	Convention on the Prevention and Punishment of the Crime of Genocide
EPH	Europepress Holding
EU	European Union
HAZU	Croatian Academy of Sciences and Arts (<i>Hrvatska akademija znanosti i umjetnosti</i>)
HDZ	Croatian Democratic Union (<i>Hrvatska demokratska stranka</i>)
HNS	Croatian People's Party (<i>Hrvatska narodna stranka</i>)
HVO	Croatian Defence Council (<i>Hrvatsko vijeće obrane</i>)
ICC	International Criminal Court
ICTY	International Criminal Tribunal for the former Yugoslavia
IHJJ	The Institute for Croatian Language and Linguistics (<i>Institut za hrvatski jezik i jezikoslovlje</i>)
IMF	International Monetary Fund
JNA	Yugoslav National Army (<i>Jugoslavenska narodna armija</i>)
KOS	Counterintelligence Service (<i>Kontraobaveštajna služba</i>)
NATO	North Atlantic Treaty Organization
NDH	Independent State of Croatia (<i>Nezavisna Država Hrvatska</i>)
NGO	Non-governmental organisation
OSCE	Organization for Security and Co-operation in Europe
PTSD	Posttraumatic stress disorder
RECOM	The Initiative for RECOM
SDP	Social Democratic Party of Croatia (<i>Socijaldemokratska partija Hrvatske</i>)
SDSS	Independent Democratic Serb Party (<i>Samostalna demokratska srpska stranka</i>)
SNV	Serb National Council (<i>Srpsko narodno vijeće</i>)
UDBA	State Security Administration (<i>Uprava državne bezbednosti</i>)
UN	United Nations
UNDP	United Nations Development Programme
UNPROFOR	United Nations Protection Force
UNSC	United Nations Security Council
QCA	Qualitative Comparative Analysis

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CHAPTER 1

Introduction

The smell of decaying bodies from a nearby town, sitting in a bomb shelter as another round of artillery fire began or watching the television as the Yugoslav National Army (*JNA*) enter the destroyed city of Vukovar. These are the memories that many participants in this study associated with the Croatian Homeland War.¹ They all express, to varying degrees, the powerful and traumatic images that individuals associate with war and with the recent history of the young state. For some, these memories define their lives and present day Croatia. For others, these memories play a lesser role in their lives, but nevertheless continue to provide a lens through which to interpret Croatian politics and society. The Homeland War provides a basis on which to interpret, not only present day events, but also the past, such as the whole of the Socialist Federal Republic of Yugoslavia and even the Second World War. Today many Croatians are still living the war and the memory of it remains a crucial factor in how individuals orientate themselves in the world around them.

This study explores how the memory of the 1991-1995 conflict has affected Croatia. It investigates the expressivist, or extra-legal, effects of the transitional justice process on Croatian society by analysing how international and domestic war crimes trials, as well as civil society efforts, have led to deliberation over norms and narratives related to the war. It addresses the question: what effect has the transitional justice process in Croatia had on norms and narratives related to the 1991-1995 conflict? The thesis is predominantly based on focus groups, dyads and interviews conducted with 52 individuals across Croatia in 2014 and 2015 (discussed in more detail in Chapter 3). The small sample size means that the conclusions are not representative of the broader public, although survey data is drawn upon as often as possible, but they do provide more depth on how the conflict is remembered. Individuals and institutions remember the conflict and the serious human rights breaches that occurred during it through various narratives, or stories that help make sense of the past as well as the present world around them, and in particular, the predominant war narrative. At times these narratives work in concert and are aligned, but at others one narrative dominates over another as they are being propagated by various sources with different interests at stake. In some cases, deliberation occurs over narratives as they are contested and reproduced, at the elite level of institutions (top-down) or at the level of the everyday

¹ The Homeland War, or *Domovinski Rat*, was the name given to the 1991-1995 conflict in Croatia by the Tuđmanist narrative of the 1990s (Jović, 2009). The term can be interpreted as loaded and only representing the Croat side of the conflict, but it has come to be accepted across most of Croatian society since the 1990s. Today it is commonly used in Croatian politics, culture, education and media.

(bottom-up). The thesis, thereby, also deals with several subquestions: what kind of atmosphere did the transitional justice process in Croatia take place in? How has the process influenced participants' understanding of the world around them (for example, in terms of understandings of law, trust in institutions, attitudes towards the Serb minority)? And, how have everyday narratives interacted with top-down justice narratives?

The multidimensional process of transitional justice began after the conflict and has defined the Croatian domestic political scene, judiciary, foreign policy and cultural space during the post-war period. It has been primarily led by the International Criminal Tribunal for the former Yugoslavia (ICTY) in The Hague, domestic courts, including specialised war crimes chambers, and various civil society efforts. The ICTY had the capability to influence the Croatian political system and judiciary, which it sometimes used; however, it generally gave the state leeway to conduct its domestic affairs as it saw fit, as long as it complied with Tribunal demands (Lamont, 2010; Subotić, 2009). Cooperation with the ICTY rarely, however, involved any efforts at “fact-finding”, “truth-telling” or “coming to terms with the past”, which enabled the state to retain the nationalist understanding of the character of the Homeland War and Croatia's role in it, without experiencing any normative shifts towards human rights norms (Lamont, 2010; Subotić, 2009).² Croatia was not unique in this sense, in Serbia the ICTY lacked an awareness of domestic political circumstances that curtailed its ability to affect the transitional justice process. The Serbian government felt threatened by what “truth-telling” efforts could do, such as endanger its stability and legitimacy, which ultimately meant that transitional justice policies generally only had a superficial effect (Ostojčić, 2014: 2). In Kosovo, on the other hand, the top-down approach to transitional justice focused on institutions and ignored truth-seeking, victim support, reparations and community-level reconciliation (Di Lellio and McCurn, 2013).

Transitional justice in this study is defined as the on-going process of institutional response to the political changes and human rights abuses that were the result of state policy or were committed by members of the Croatian government, army and associated military or paramilitary units in Croatia and Bosnia-Herzegovina between 1991 and 1995.³ The analysis does not concern itself with activity that may have continued past this point elsewhere in the region, such as for example Kosovo, nor does it analyse cases where crimes were committed by any other army or military organisation. It includes activity in legal and non-legal spheres, both restorative and retributive, together with a range of other extra-legal and

² These studies are discussed in more detail in Chapter 2.

³ “Bosnia-Herzegovina” will from this point on be referred to as “Bosnia”.

truth-seeking elements. In other words, the thesis focuses on legal responses to crime and what effects they have on society, rather than the crimes themselves.

The study argues that in the aftermath of mass atrocity society needs transitional justice in both the legal, political and cultural sense. This is because law, politics and culture are intrinsically connected. Culture does not constitute politics, but it does provide it with parameters within which to function (Almond and Verba, 1989). It is the sphere of activity within which narratives are developed and diffused. Transitional justice uses the instruments of law to produce effects on the level of politics and hopefully, through a trickle-down effect, culture (Gordy, 2014: 271). These different levels of society do not, however, function in such a rigid fashion and their interaction is in fact far more fluid and complex. While culture does have a certain degree of coherence, it is also constantly changing and its boundaries are not clearly delineated. Politics and law have the capacity to influence culture, but this does not occur automatically.

Given the high number of studies of transitional justice, another case study may seem superfluous. In Croatia, at the very least, the process of transitional justice and the memory of the war remain acutely relevant. Issues such as lustration and relations with Serbia are not only common newspaper headlines, but also key policy issues.⁴ The true effect of these legacies, however, becomes apparent in times of conflict or polarisation, when these underlying tensions can have serious, even lethal, consequences, especially for minority groupings that are vilified in predominant narratives. Events in Croatia have also shown that minorities are often hijacked for political purposes and that the legacy of war in the region continues to define much of its politics and culture.

1.1 Norms and transitional justice

The study takes a constructivist view of norms and, therefore, views them as historical and social constructions. Actors respond to cultural factors in their environment and the world around them is “talked into existence” through narratives (Carlsnaes et al., 2012). Norms in the study are defined as as collective expectations for the proper behaviour, values and perceptions of actors with a given identity (Katzenstein, 1996). Under this theory, norms can

⁴ Lustration (the legal process of removing from public life and government institutions anyone who had performed active duty in the Yugoslav regime or secret services) has been suggested in Croatia during the late 1990s, but has recently becoming a recurring electoral promise for right wing politicians.

either define identities or prescribe behaviour, or they can do both. In some situations, norms can operate as rules that define the identity of an actor, therefore, having certain constitutive effects that specify what actions will cause relevant others to recognise a particular identity. In other types of situations norms can function as standards that guide the proper enactment of a previously defined identity. At such times norms have regulative effects that specify standards of proper behaviour. Finally, norms can serve these purposes but also coexist and come into conflict with one another.

According to this definition, norms not only influence actors' goals and how they go about achieving them, but they also affect other related normative concepts. Broad, underlying norms can reverberate throughout a society and shape the identities and behaviour of actors at different levels. Models, such as the spiral or boomerangs ones, show how norms at one level can cascade to others (Risse et al., 1999; Finnemore and Sikkink, 1998; Lutz and Sikkink, 2001). Such models assume the presence of norm advocates who promote certain normative ideals to stimulate normative shifts. These actors were present in Croatia, but it is debatable how much influence they ever had. As such, the country provides a useful case study for how the spiral model of norm change, developed by Risse, Ropp and Sikkink (1999), may not work in all situations and may need to be tweaked. This model assumes that pressure on human rights norm violating governments will come from below, through domestic norm believers and transnational human rights networks, following a trickle-down of norms from above. In this sense, it does not investigate pressure against such movements by any actors other than the government (for example war veterans in Croatia) and it views norm change as a one-directional movement in favour of human rights norms. Subotić (2009) finds that the spiral model underestimates the strength of elite resistance and overestimates the power of norm supporters, since norm believers can be absent in these situations or lack the power to influence social change. She revises the model by adding more actors to it, who can all either promote or resist human rights norm change. This analysis provides a further case study for this theory and will show how pressure for norm change (for or against human rights) comes from a variety of sources. It argues that norm advocates from below were strong in the case of Croatia, but that they were not advocates of human rights.

Norms of behaviour are also intrinsically connected to identity narratives, which form the basis for actors' behavioural choices (Wendt, 1999: 366). Norms are not isolated variables, instead they are connected to narratives that individuals or communities use to relate to the world around them (Meyer, 2005). They also constitute actions, since action only "becomes meaningful in the process of narrating a constitute story of the self" (Browning, 2008: 11).

Narratives, therefore, are norms and by studying societal narratives this study simultaneously delves into societal norms. It is, however, difficult to present evidence that is directly applicable to norms, the study instead traces the contestation of narratives. Narratives are also better to analyse than concrete outcomes such as official apologies and criminal convictions, since these can far too easily be used for political purposes. The fact that they occur is not necessarily indicative of a change in beliefs or attitudes in society, although such acts may themselves have an effect on populations. Focusing on criminal convictions would be to judge the transitional justice process along legal criteria alone (for example in terms of precedents set, number of successful prosecutions, indicted individuals brought to trial, cases completed, etc.), instead the focus here is on how the political and cultural environments in Croatia have been affected.

Finnemore and Sikkink (1998) have expanded on the work of Katzenstein with a purpose to relate this to processes of transitional justice. They show that we can only have indirect evidence of norms, just as we can only have indirect evidence of most other motivations for political action. Norms, by the above-mentioned definition, embody a quality of “oughtness” and shared moral assessment. They prompt justifications for action and leave a trail of communication among actors that researchers can search for and analyse. Norms as shared assessments also raise the question of how many actors must share the assessment before it is called a norm. Furthermore, the norm may be regional, but not global, or even only exist within a small community. Norms are “continuous, rather than dichotomous, entities... [They] come in varying strengths.” (Finnemore and Sikkink, 1998: 892). Agreement has to be reached among a critical mass of actors on an emergent norm in order to create a tipping point, after which agreement becomes widespread in numerous empirical cases and only then can evidence be found about common features of critical mass. This theory goes a long way to help in the identification of norms but it also shows the danger that ambiguity poses to a study, which requires certain steps to facilitate analysis. This study attempts to achieve this by tracing deliberation of narratives associated with norms, rather than by trying to establish the dominance of a norm.

The theoretical framework also draws inspiration from the “norm localisation” concept, first introduced by Acharya (Acharya, 2009; Acharya, 2004) and recently furthered by Tholens (2012). This model of norm diffusion differs from previous ones in that it focuses on domestic, rather than international norms and it places these in a dynamic process. Moreover, it engages a broader range of local actors in the matchmaking process, rather than only institutions. The analysis adapts this theoretical framework slightly: it assumes that

the process is even more dynamic and that norms are not simply matched, but that they are negotiated, contested and deliberated.

1.2 Deliberating the past

The study also employs a deliberative understanding of the transitional justice process, as proposed by Rangelov (2014), which is suited to the study of normative contestation in the process. This approach, inspired by previous works of Osiel (1997) and Teitel (2000), focuses on the capability of trials to bring about the discursive engagement of actors through public deliberation, which involves multiple representations and perspectives of the past (Rangelov, 2014: 48). While trials are quite rigid instruments for societal change, they can act as a mechanism for public debate that can change narratives of nationalism (Rangelov, 2014: 46). Trials can encourage multiple interpretations of the past and contestation in the public domain (Rangelov, 2014: 48). This study, drawing on the theory of deliberative transitional justice, therefore, views trials as vehicles for public debate that provide an opportunity to produce dialogue about the past with diverse audiences outside of the courtroom (Rangelov, 2014: 48). Public discourse does not guarantee what interpretation of the past will be discussed in public, but it is this uncertainty that is filled with opportunity (Rangelov, 2014: 48). The process is not without its pitfalls: trials can help a state or nation distance itself from committed crimes by framing them as exceptional or by drawing a line with the past and not analysing the present. But given the diverse and often ambiguous goals of transitional justice institutions, such as “reconciliation” or “coming to terms with the past”, the less ambitious goal of fostering deliberation may at the very least provide an opportunity for marginalised or castigated parties to engage in narratives and to contest them (Rangelov, 2014: 49). As this work will show, “Deliberative justice starts with the stories and interpretations offered by the participants in the courtroom drama; it is sparked by the trial, but takes on a life of its own” (Rangelov, 2014: 51). It is possible that the removal of justice from the Balkans to The Hague forced publics in the region to have a discussion about war crimes. The opposite is, however, also possible: that a distant court has less contact with its target public and is, therefore, open to challenges to its legitimacy.

Narratives are essentially stories that make the past real and shape understanding of both the past and the present (Subotić, 2015a: 179; White, 1984). Individuals use narratives to understand the world and to create their own identities, both at the individual and at the state level (Sommers, 1994). Because of these characteristics, they spread through interaction, often with counter-narratives based on “opposing” stories (Subotić, 2015a: 180). What may

have been institutionally produced can spread and become stronger in culture, art, education or any other corner of society. While homogenous narratives may be desirable in normative terms, they may not actually be possible in practice (Obradović-Wochnik, 2013: 139). This interactive understanding of narratives is based on the notion of a “self” and an “other” that helps define the “self” (Neumann, 1999; Subotić, 2009). Narratives, therefore, gain meaning through interaction with other narratives (Subotić, 2015a).

There is a difference in how elite narratives, produced from above, and everyday narrative, from below, are reproduced and how individuals accept them. Elite narratives (top-down) are often imposed, from either domestic or international institutions (political, judicial, economic, military, media, etc.), and can be ignorant of cultural specificities that may hamper their work. They are often, therefore, fragmented and not fully implemented. Everyday narratives (bottom-up) on the other hand are reproduced through networks of families, friends and smaller scale social groups, which are quite powerful in the region. Moreover, the nation as a discursive construct is shaped through everyday conversation, choice, performance and consumption (Fox and Miller-Idriss, 2008: 538).

All of the above amount to memory being a process and “dealing with the past” in a constructive fashion involves multiple memories interacting with each other (Smith, 2004: 263). It involves fact-finding, self-criticism and facing off to denial. Silence and agreement are intrinsic to this process, although not necessarily in a constructive way. Dialogue has to occur, both at the micro and macro levels. Halbwachs and Nora (1992) argue that memory only has meaning in the larger system of group meaning and that there are as many memories as there are groups. Less obvious social divisions also need to be borne in mind, such as those that are not only divided by different memories of war but also by historical structural inequalities (Ströhle, 2013: 264). Institutions seeking to influence memory need to take this into account in their work and address narratives at multiple levels in order to be successful.

1.3 The war in Croatia

Violence erupted in Croatia in 1991 as the dissolution of Yugoslavia gathered momentum, and lasted until 1995. The conflict encompassed much of Croatia and left 13,000 – 16,000 dead, 500,000 internally or externally displaced and about 12% of housing structures

destroyed or damaged, as well as 30% of industrial infrastructure.⁵ As much as 21% of the economy's GDP is estimated to have been wiped out, as well as US \$37 billion accrued in damages (London, 2003). To this day 2,138 individuals remain missing and many of the over 2 million mines laid in the country are yet to be demined.⁶ The conflict in Croatia ended following two Croatian military offensives, Operation Flash and Operation Storm, and the peaceful reintegration of Eastern Slavonia, Baranja and Western Sirmium.

Croats had first-hand experience of the war and a large part of the population witnessed violence of some sort. This is in contrast to, for example, the nature of the conflict in Serbia, where much of the conflict was experienced second-hand.⁷ Moreover, the conflict had an international nature, as ICTY trials and judgments have shown that Bosnian Croat forces operating in Bosnia had continuous and significant military support from the armed forces of Croatia. A chain of command existed, official or unofficial, between Zagreb and armed forces in Bosnia.

The wars in the region were unique in that they were the first to have an international criminal tribunal overseeing their conduct as they took place. They were also the first conflicts that took place in a global environment where human rights had become an important part of international rhetoric (especially so in countries with close ties to Croatia, such as Germany) and in which civil society had a significant international presence. In addition, they were the best-recorded conflicts to date and their day-to-day progress was reported globally. This meant that the situation in which the conflict in Croatia took place, although not completely original and without precedent, contained unique and new elements.

Croatian transition from Yugoslav socialism was not to liberal democracy, but to the competitive authoritarian regime of President Franjo Tuđman and the HDZ (*Hrvatska Demokratska Zajednica* or Croatian Democratic Union). Formal democratic institutions were in place, but they were primarily a means for Tuđman's HDZ of obtaining and exercising political authority, which meant conventional standards of democracy were not met (Levitsky and Way, 2002: 52). Media and judicial freedoms were neither fully repressed, nor were they

⁵ Estimates for the number of dead vary from 13,583 (Croatian Memorial and Documentation Centre for the Homeland War, 2006; Ivo Goldstein, 1999) to 15,790 (Živić, 2003). Cruvellier and Valinas (2006) estimate that roughly 500,000, of both Serbs and Croats, were displaced due to the conflict in Croatia alone. The figures for damaged structures are taken from Tanner (2001: 278).

⁶ For figures on missing persons see the Croatian Red Cross database of missing persons (familylinks.icrc.org/croatia/en). For figures on landmines in Croatia see Soldo et al. (1999).

⁷ The 1999 NATO bombing campaign, was, however experienced directly in Serbia and is also the strongest memory associated with the conflict there.

completely free. For example, Tuđman's attempts to revoke the licence of the independent radio station, Radio 101, divided the HDZ and sparked public protest (Levitsky and Way, 2002: 58). Likewise, judges did not always limit media freedom, although anti-government outlets often found themselves dealing with the judiciary. Moreover, as later chapters will outline, Tuđman's regime also used language policy as a method of national identity building (Chapter 8) and gave more power to Croatian war veterans (Chapter 9). Tuđman died in 1999 and the HDZ lost the parliamentary elections in 2000 to a centre-left coalition that began Croatia's process of transition to liberal democracy in earnest.

This study only concerns itself with the period beginning with the first regime change following the Homeland War, on the 27th of January 2000, when Ivica Račan came to power as Prime Minister. During the Tuđman regime, Croatian cooperation with the ICTY (at the time the main instrument of transitional justice) was minimal and the process of transitional justice as a whole was scarcely present.⁸ Only from the 2000 regime change was the process of transitional justice in the country allowed to gather pace. Not all discussion about the past began at this point, but up until then the HDZ government that ruled the country during and after the war took serious steps to restrict this and hardly encouraged it.⁹ To a certain extent, it had prepared the public to resist the temptation to deal with the past according to any narratives other than its own.

1.4 The ICTY

The United Nations (UN) Security Council set up the ICTY in May 1993 with the aim of restoring regional security and addressing the serious human rights violations that had occurred during the conflict. The asserted goal was to restore peace in the midst of the on-going conflict; it had secondary, broader aims of dispensing justice and achieving reconciliation in the region (Chapter 7 provides a more detailed overview of these aims). These additional aims were gradually added to the Tribunal's long list of goals as time passed, ultimately leaving a range of expectations that no court could be expected to meet. Since inception, the ICTY has at one point or another been expected to create a historical record of events, heal war wounds, reassign collective guilt to individuals, prepare societies for reconciliation and deter future violence (Allcock, 2009: 379).

⁸ Some initiatives did exist for post-communist transitional justice, such as for example the restoration of property that was taken following 1945, but this was not aimed at the 1991-1995 conflict.

⁹ It should be noted, however, that the post-2003 HDZ government did not do this.

The trial chambers did sometimes state expressivist goals in verdicts, such as to strengthen social solidarity and incubate moral consensus in the public, despite causing a high degree of controversy amongst lawyers, who often rejected any kinds of goals that were not narrowly legal (see: ICTY Prosecutor v. Kordić and Čerkez, IT-95-14/2-A). Trials aimed to draw a line for the future and achieve a sense of legitimacy in the transition (Teitel, 2005: 845). A way of doing this was to create a clear division between the past and present. Other participants in the process may have, however, had different goals and a different perspective on the concept. They could have attempted to use transitional justice to establish their own innocence or lay guilt on another party; an outside power may have seen the process as absolving it of responsibility for a conflict (i.e. making amends); or actors may have hijacked it for their own political agendas.

While the ICTY's success in the region more broadly has been considered imperfect, Croatia's achievements have been relatively impressive in terms of compliance with the Tribunal and handover of indictees. Subotić (2009) and Nettelfield (2010) argue that the particular circumstances that the Croatian state was in since 2000 has allowed for the Tribunal to be more effective there than in other neighbouring states. By December 2005 the ICTY had secured the transfer of all Croatian citizens indicted, with the exception of Janko Bobetko, who died before any final decision was reached about his handover to The Hague, while certain cases, such as those of Mirko Norac and Rahim Ademi, were transferred to domestic courts by the ICTY. As of June 2016 the ICTY has in total concluded 153 proceedings, with 8 ongoing. Of these, 29 involved Croats, but the only Croats to be sentenced at the ICTY (rather than in national courts, following a transfer from the ICTY) were guilty of crimes committed in Bosnia. Moreover, as of 31 December 2014, 3,553 individuals have been tried for war crimes in domestic courts, of which 589 have been sentenced.¹⁰ Many of these, especially shortly after the war, were against ethnic Serbs who were sentenced in absentia (Rangelov, 2014: 100). These statistics, although impressive in their own right, do not account for the numerous individuals who would have been indicted had the Tribunal acted more quickly, nor do they show how domestic prosecutors could have helped, and often did not, by filing charges themselves. Most authors, even those who initially regarded the ICTY with a great deal of scepticism, now agree that it may be too early to adjudge the effects of transitional justice in Croatia, as well as most other similar situations around the globe (discussed in Chapter 2).¹¹

¹⁰ The Croatian State Attorney's Office provides these figures. See: www.dorh.hr/fgs.axd?id=1841

¹¹ Drumbl (2007) and Osiel (1998; 2009) provide detailed legal analyses of the ICTY and how it compares to other mechanisms for dealing with mass atrocity.

There was essentially no precedent to compare the progress of transitional justice in Croatia to, other than possibly the Nuremberg Trials and the 1946-1948 Tokyo Tribunal. It is, however, worth noting that these were both military tribunals, imposed by states that had won an armed conflict. Bass (2000) compares these institutions to the ICTY and regards Nuremberg as the best-case scenario and exception to the rule for international criminal tribunals, which he sees as not particularly successful. Specifically, he finds the high volume of testimony and documentation that was produced by the project as its clearest success. He does point out that the Nuremberg Trials are often seen as such a success due to the much greater success of the broader German rehabilitation following Second World War. In Bass' eyes the trials were only the most spectacular and public element in a more general Allied program of denazification. He argues that this shows how war crimes tribunals are not a quick fix, but need to be a part of a wider social project (Bass, 2000: 296). More recent analysis of denazification has, however, proven the process to be much more short-lived and half-hearted than was originally thought (Vogt, 2000). In fact, Nuremberg may have had a stronger influence than previously thought since denazification is now seen as resulting in a shunning of all issues related to dealing with the past and more thorough domestic processes only came along many years later. The case study of Nuremberg is of limited comparative use to future situations; post-war Germany was going through one of the most unique situations of the modern era and is hard to relate to anything else. In relation to the Croatian situation in particular, Germany had been defeated in a war and was under military occupation, which allowed for certain things to be completed without parliamentary debates or a particular care for public opinion. In a legal sense it is also unfair to compare Nuremberg to the ICTY, since those trials were concerned with German aggression first, war crimes second, and crimes against humanity third. Moreover, it could not rule on genocide since the Convention on the Prevention and Punishment of the Crime of Genocide (CPPCG, or simply the Genocide Convention) did not yet exist (although the word was used in indictments and judgments). The ICTY, on the other hand, considered war crimes first, then crimes against humanity and genocide, respectively.

1.5 Civil society efforts

It is easy to criticise the ICTY for having fallen short of supposed reconciliatory goals and of having hampered coming to terms with the past in the region. It is equally easy for the ICTY to claim it had narrow legal aims in mind for its work. The relationship is, however, far more complex. In Croatia, independent media and NGOs have played a significant role in truth-seeking initiatives while authorities have, in contrast, made only limited efforts to officially expose and publicise the facts surrounding the events that took place during the war on

Croatian territory.¹² Most such initiatives have unfortunately become a testament to the complicated environment that these efforts have to operate in and how easily they can be used for ethno-national purposes. Equally, the ICTY has not always been willing to cooperate with efforts for truth and reconciliation, further hampering the work of such initiatives. If the ICTY had such narrow aims in mind from the outset, but it was also not willing to support efforts along the lines of a truth and reconciliation commission, then what other options existed? With ICTY work slowly coming to a close (current deadline for completion is set at 2023) and domestic war crimes trials remaining reliant on political and administrative backing, it is possible that civil society efforts have more sticking power than legal institutions, despite the dwindling funding for such projects.

Several attempts at creating non-legal truth-seeking projects highlight the complicated environment such efforts have to work in. The Croatian Memorial and Documentation Centre for the Homeland War (*Hrvatski memorijalno-dokumentacijski centar Domovinskog rata*), set up in 2005, is the most prominent such project in Croatia. The aims of the Centre are the collection and investigation of documentation and materials related to the Homeland War. It, however, became clear early on in the work of the Centre that it was going to propagate a specific narrative of the conflict, thereby choosing to follow its own version of the truth. Historian Ante Nazor, its Director, has been seen as politically aligned to the right side of the spectrum in Croatia and much of his work features the use of loaded terms, for example one of his books is titled “Greater-Serbian Aggression Against Croatia in the 1990s” (Nazor, 2011). He made it clear, before any pertinent verdicts were given by the ICTY, that he believed operations Flash and Storm to be legal and legitimate actions by the Croatian army to liberate occupied territory (Cruvellier and Valinas, 2006: 25).¹³

The second example, the coalition for RECOM, consists of a large network of civil society groups that are attempting to set up a regional truth commission. Besides the important but limited contributions of trials at the ICTY and domestic war crimes chambers to the establishment of certain facts that relate to the war, the most visible truth-seeking efforts have been pursued by local and international NGOs, many of which take part in RECOM. It is probably the most successful truth-seeking effort in the region, despite some obvious setbacks: the project has not established the desired commission, support for it in Croatia (measured by the number of signatures collected) has been low and the effort was not

¹² The most prominent of these are RECOM, Documenta and Croatian Memorial and Documentation Centre for the Homeland War. See Cruvellier and Valinas (2006).

¹³ The ICTY trials did not directly concern themselves with the legality of the Operations. They could have found the actions themselves to have been legal, but for crimes to have been committed nonetheless. This means a “guilty” verdict in the case would not have made the Operations illegal.

helped by unfortunate timing; the petition campaign coincided with the trial chamber verdict in the Ante Gotovina case. Even these NGOs, however, have long recognised that it is highly unlikely they would ever receive serious parliamentary support for the establishment of more formal mechanisms for dealing with the past, such as truth commissions.¹⁴ Certain governments have shown their support for the project, but it is hard to believe that it is more than symbolical at this stage, especially given the dismal track record of domestic government supported initiatives in Croatia and Serbia. Consequently, local NGOs such as Documenta have been directing their efforts to information gathering and the promotion of fact-finding initiatives. In doing so, they have focused on a regional approach to truth seeking – both because of the lack of progress at the national level and also because of the regional dynamics that played a role in the conflict.

Apart from the ongoing effort by RECOM, three attempts at creating a truth commission took place in Bosnia between 1997 and 2006, one in Serbia from 2001 until 2003, as well as two at the local level in Sarajevo and Srebrenica respectively. Dragović-Soso and Gordy (2010) identify three main reasons for the dismal record of such projects in the region, which so far have produced no significant results.¹⁵ They see this failure as the result of a lack of political will among influential actors in the region; a dysfunctional relationship with international institutions, such as the ICTY, which have not helped shape domestic conditions in favour of truth commissions; and, ingrained and irreconcilable views of the past throughout the region, held by different ethnic groups as well as civil societies of the same national group (Dragović-Soso and Gordy, 2010).

The Yugoslav Commission for Truth and Reconciliation is an excellent example and shows how easily a truth-seeking project can be hijacked for political purposes. Established in March 2001, with the support of Serbian President Vojislav Koštunica, it faded away by 2003 after a significant amount of infighting and with little success (Ilić, 2004). From the outset, the Commission advocated the need for an explanation of what happened in the former Yugoslavia in the 1990s as its primary concern and it was quickly seen as an opportunity to consolidate a nationalist narrative and an attempt to appease the ICTY (Fagan and Ostojić, 2008). Serious human rights violations consistently came second to the investigation of “causes and reasons”, which were directed at international audiences, not domestic ones (Ilić, 2004). Due to a mix of external factors, divisions among domestic civil society and a

¹⁴ Truth seeking as a tool for peace building in post-conflict societies, especially when based on personal testimony, is beset with a range of practical issues. The instability of human memory is particularly problematic. See Petrović and Dulanović (2011).

¹⁵ The Srebrenica commission produced a report, although this had limited impact.

lack of political will, the project quickly proved to be unworkable (Dragović-Soso and Gordy, 2010). The commission became anathema to Serbia's pro-transitional justice civil society segment, in particular, which viewed it as an effort to rationalise the state's involvement in the most recent conflict (Dragović-Soso and Gordy, 2010: 207).

Conceptually, truth-seeking efforts through commissions, but also through trials, face the inherent conceptual problems that "coming to terms with the past" faces. The term is too broad, since it connotes so many different ideas (for example remembrance, commemoration, acknowledgment, truth-seeking, etc.), but it is also too narrow since it expects that the only successful outcome of the process is for a society to come to terms with its past by facing the truth that has been uncovered (Obradović-Wochnik, 2013). This can lead projects in this realm to failure, as the connection between knowledge and acknowledgement is not always linear (Obradović-Wochnik, 2013). Forcing individuals to accept or reject war crimes, without any middle ground, also simplifies the process of coming to terms with the past to focus on acceptance or rejection of the truth. It ignores the complex process that leads to this, in which a person needs to discuss, interpret, understand and finally come to terms with a past that may be painful or contested (Gibson, 2006; Obradović-Wochnik, 2013). All of the above examples are a testament to the complicated environment that these efforts have to operate in and how easily they can be used for ethno-national purposes. They present an all too easy opportunity for individuals with motivation and capability to hijack the projects for their own political purposes, under the banners of truth and reconciliation.

1.6 Relevant ICTY trials

The thesis focuses on three particular ICTY cases, those of Ante Gotovina, Dario Kordić and Tihomir Blaškić. Many other trials were, however, also frequently brought up in discussions and were relevant at the time of fieldwork. Most notably, these were the ones of Slobodan Milošević (President of Serbia during the conflict, who died in ICTY custody in 2006, but remains a popular topic), Radovan Karadžić (President of Republika Srpska during the conflict, who was sentenced by the ICTY in 2016), Ratko Mladić (a prominent Bosnian Serb leader during the conflict, who is currently on trial at the ICTY) and Vojislav Šešelj (a prominent war time and current nationalist politician, who was found not guilty on all charges by the ICTY in 2016).

1.6.1 *Ante Gotovina*

Ante Gotovina was the Croatian general in charge of the controversial Operation Storm. After a 2001 indictment by the ICTY, he spent four years in hiding, before being captured. In 2011 he was convicted of committing crimes against humanity and sentenced to 24 years' imprisonment, but in 2012 he was acquitted on appeal and immediately released. The former general has inspired the strongest public reactions in Croatia and also led to the most serious tensions with the ICTY (Cruvellier and Valinas, 2006: 9). More than any other case or individual, this one has been emblematic of the nexus of politics, symbols, rituals and collective memory in Croatia (Pavlaković, 2010).

1.6.2 *Dario Kordić and Tihomir Blaškić*

Dario Kordić and Tihomir Blaškić were initially indicted in 1995 together with a number of other individuals for the events that occurred in the Lašva Valley part of Bosnia, but their cases were later separated. Blaškić was sentenced to 45 years' imprisonment in 2000 after being found guilty of committing, ordering, planning or otherwise aiding in crimes against the Bosnian Muslim population in the region. In 2001 Kordić was sentenced to 25 years' imprisonment for many of the same or similar crimes, committed in the same localities, as Blaškić. The trial chamber in the case showed that various military units in the region acted under the direct orders of Kordić, despite him not holding a formal position in the chain of command. Furthermore, it showed that when he was involved in HVO (*Hrvatsko Vijeće Obrane* or Croatian Defence Council – the name of the official military formation for Croats in Bosnia) attacks, he intended to commit the crimes associated with them and that at the time he held both political and military authority. In 2004 Blaškić had his sentence reduced on appeal after his legal team successfully showed that, due to the Kordić judgment, it was clear that Blaškić did not have effective control of troops in the area. The appeal was based on evidence that had been withheld until President Stjepan Mesić provided documents from the intelligence services, showing the presence of a parallel chain of command. In other words, Kordić's conviction allowed for Blaškić's release; moreover, the good outcome for Blaškić was a bad outcome for the Croatian state.

The trails of Kordić and Blaškić, as well as the “Lašva Valley” case as a whole, are interesting due to their social, political and legal intricacies. They allowed for the study to analyse how trials for crimes based outside of Croatia may have an effect in the country. They also raise the issue of the involvement of the Croatian state in the conflict in Bosnia,

which changes the nature of the conflict there to an international one. Combined, the two trials show that the conflict in Bosnia was politically driven and that Croatian state intelligence services operated an unofficial chain of command with Bosnian Croat forces. Additionally, at the time of his trials, Blaškić was the highest-ranking person to be tried at the Tribunal.¹⁶

1.7 Relevant domestic trials

1.7.1 Mirko Norac

During the war Mirko Norac was a General in the Croatian Army and in 2003 he became the first Croatian army General to be found guilty by a domestic court. This initial trial (of two) was for the killings in Gospić of a number of ethnic Serb civilians and was run in Rijeka. In 2004 the ICTY issued an indictment against Norac for crimes committed during Operation Medak Pocket, but promptly transferred the case to a Zagreb court in 2005, where he was subsequently found to be guilty. The issuing of the initial arrest warrant against Norac, in 2001, stands out as one of the most striking examples of public demonstration against the transitional justice process in Croatia, with somewhere between 120,000 and 150,000 people demonstrating on the streets of Split. The scale of the initial public reaction, in particular, took the Croatian government by surprise and shows the power that civil society, together with allied political actors, holds to challenge the state (Rangelov, 2013: 78). The Norac trial is interesting from a legal perspective since it was started at the ICTY and was then transferred to domestic courts; it involved a significant public reaction from the outset and initial demonstrations were organised under the populist slogan of “We are all Mirko Norac”; and, it was relevant during different time periods, starting in 2001 and ending in 2008.¹⁷

1.7.2 Branimir Glavaš and Tomislav Merčep

Branimir Glavaš is most well-known as the wartime leader of Osijek (at the very least unofficially, as the person who commanded the local paramilitary and military groups) and later as a member of Croatian parliament, a role he was still in during his war crimes trial. Following the 2005 indictment for the torture and murder of Serb civilians in Osijek during

¹⁶ Since then the Prlić et al. (IT-04-74) case has involved more senior Croat officials in Bosnia.

¹⁷ See: Slobodna Dalmacija (2001).

the war, legal proceedings against Glavaš were met with frequent setbacks, but in 2009 the Zagreb County Court found him guilty and he fled to Bosnia, where he remained at large until his arrest in 2010. In 2015 he was released from prison as the sentence was rescinded.

Tomislav Merčep was a senior HDZ politician before and during the war in Vukovar, and later Zagreb, who ultimately came to command a large number of paramilitaries across several of fronts of the war. He was implicated in war crimes (including murder, torture and the blowing up of Serb homes) in Vukovar, Zagreb (the Zec family murders and the detention centre in the Zagreb Fairgrounds), Pakračka Poljana and a number of locations around Gospić. The Zec family murders remain prominent in the Croatian media to this day. The ethnic Serb family was murdered (husband, wife and their 12-year-old daughter, Aleksandra. Their younger son survived) in Zagreb in 1991 by paramilitaries belonging to a unit run by Merčep. The murder of Aleksandra Zec, in particular, has caught the public's imagination and Oliver Frljić, Director of the Croatian National Theatre in Rijeka, has written and directed a play about her murder that featured prominently in Croatian media. Despite a significant degree of investigative reporting on Merčep during the war and in the 1990s, he was only arrested in 2010. The trial is still on-going.

The trials of Merčep and Glavaš deal with the very essence of a wartime narrative since both individuals rested on their laurels from the war in order to avoid prosecution for war crimes. These ex-paramilitary commanders enjoyed what was essentially untouchable status in Croatia and their cases are examples of local judicial institutions attempting to overturn this form of protection.

1.7.3 The Lora prison

The Lora prison trials involve crimes committed in Lora, an army prison camp in Split that was open from 1992 until 1997 and mainly housed civilian Serb residents of Split and prisoners of war. A number of these prisoners were tortured and killed, although the exact number remains unknown. In the initial 2002 trial all eight of the accused were quickly acquitted, in a case marred by intimidation and harassment of witnesses. In a retrial, in 2006, all eight individuals were subsequently found guilty. Since then further investigations have taken place into events at Lora, which may lead to further trials (named "Lora 2", "Lora 3" and "Lora 4"). The Lora trial is a case study for the exploration of domestic judicial capacity and possible bias in the system. There were two instances of contradictory verdicts

in this case as it was moved between different types of domestic courts. Perhaps, this is also indicative of change in institutional capacity over time.

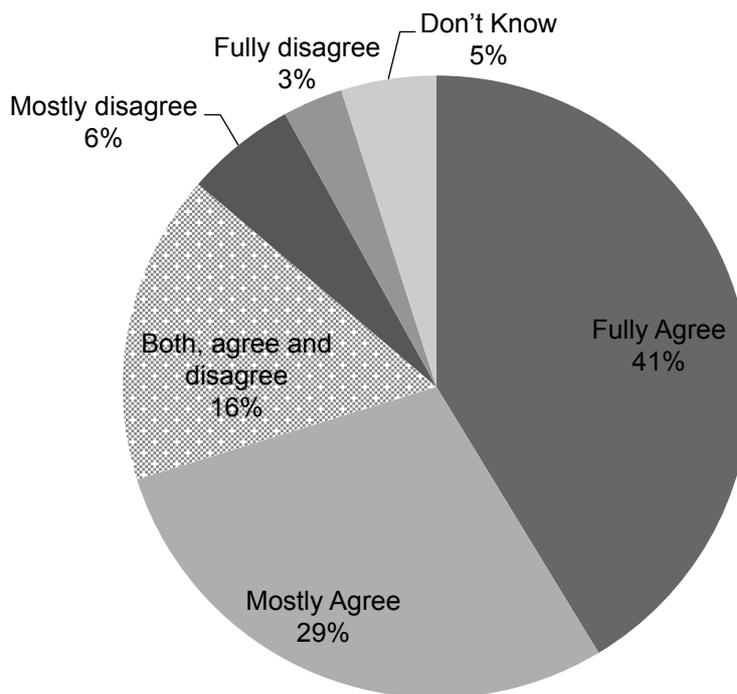
1.8 Croatian society and the war

At best, the Croatian public remains ambivalent about its relationship with the Tribunal and war crimes prosecutions in general. The Croatian public's engagement with issues of transitional justice, at the very least in the form of mass public showings of support or opposition to certain issues, has undoubtedly shrunk. The frequency of and attendance at such events has decreased significantly (Cruvellier and Valinas, 2006). In 2001, for example, there were about 120,000-150,000 people demonstrating in Split in support of Norac and Gotovina, respectively. In 2005 when Gotovina was arrested, on the other hand, only about 40,000 gathered. Similarly, in 2002 there were daily demonstrations in front of the court of the "Lora" case, whereas by 2005 there were none. Turnouts are not necessarily always signs of opinion, rather than mobilisation, but they can provide clues to general sentiment that can be investigated further. Among human rights activists and journalists, there is a shared feeling that public acknowledgement of and debate about crimes committed against Croatian Serbs have increased. It is now more generally accepted that Croats also committed war crimes and cases have reflected this (Cruvellier and Valinas, 2006: 19). Prosecutions against Croats in domestic courts have increased significantly and include the notable cases of Norac, Merčep and Glavaš. This picture, however, is not necessarily a true reflection of the importance of the topic in Croatian society, since it still holds the capability of prompting mass support.

The acquittals of Ante Gotovina and Mladen Markač, retired generals in the Croatian Army, on 16th of November 2012 are demonstrative of this. The former generals were greeted by the top echelons of Croatian politics and the Roman Catholic Church upon their return to Zagreb, as well as a jubilant crowd of over 100,000 people. It is not surprising that the acquittals elicited such a public reaction and variety of interpretations, chief of which was that the acquittals defined Operation Storm as legal and legitimate, since the case of Gotovina has for a long time defined the Croatian relationship with the ICTY and the transitional justice process more broadly. They were also seen as vindicating the Croatian state of joint criminal enterprise in this instance, supporting the claim that war crimes committed by Croats were of a sporadic and isolated nature. These reactions can, however, be misleading if interpreted as signs of public sentiment. Up until this point, public demonstrations were consistently decreasing in scale, hence it is illogical to argue that the

size of demonstrations alone is a reflection of support for issues related to transitional justice. The fact that the public outpouring in 2012 was so much greater than in 2011 may show that issues of transitional justice were important in the society even in the absence of large-scale demonstrations, only at this point the motivation behind the public turnout had changed from protest to celebration. This sentiment can be traced more deeply in the media discourse and also hints at the dependence of civil society on political allies. As the HDZ started to support ICTY efforts, civil society mobilisation against such efforts increasingly came from the margins of Croatian politics and war veterans' associations' capability to attract significant crowds became limited to Zagreb, Split and, more recently, Vukovar (Rangelov, 2013: 81). There, however, remains a pervasive attitude in a large part of the Croatian public that officials and soldiers who have been indicted or sentenced by the ICTY or domestic courts are considered heroes, not criminals (Figure 1).

Figure 1. To what extent do you agree with the following statements about ICTY? Our officials and soldiers indicted/sentenced by the ICTY or domestic courts are heroes, not criminals.



Source: Kolstø (2011)

Serbs remain the largest ethnic minority in Croatia and make up 4.36% of the population, down considerably since the 1991 level of 12.2% (Croatian Bureau of Statistics, 2011). The UN Human Rights Committee expressed concerns in 2015 over the level of discrimination and violence against Serbs and Roma, in particular (UN Human Rights Committee Report,

2015). Moreover, Serb returnees continue to struggle to access government programmes aimed at facilitating their return (Human Rights Watch, 2016). Most recently, a Council of Europe Report (2016) expressed concern over: the surge of nationalism and political radicalisation having an impact on minority rights, especially in war hit areas; the small number of minorities employed in public service; the limited right to use minority languages and scripts in certain locations; the use of hate speech in media and political discourse; and, the public debate concerning minorities being dominated by anti-minority rhetoric and prejudice.¹⁸

1.9 Research Design

The thesis takes a single case study approach, since such a research design can effectively capture the complexity and particular nature of the research question (Stake, 1995). This is essential in a process as complex as transitional justice or with social constructions such as norms. This type of study can still be comparative if it uses and develops concepts, such as transitional justice, which are applicable to other countries and if it can make inferences that are relevant outside of this single case, which this attempts to do (Landman, 2008: 28). Such intense examination can lead to deeper theoretical analysis and theory development, albeit often at the expense of generalisability. That is not to say that single case studies cannot be generalised with at all; a well executed one can address theory and issues that have wider intellectual relevance, it can use concepts which are applicable in other contexts and it can make inferences that apply to countries or time periods beyond the scope of the original case (Halperin and Heath, 2012: 205). The conclusions have to, however, be “contingent generalisations” that should not be mistakenly overgeneralised with (George and Bennett, 2005: 84).

Single case studies on transitional justice have become more popular in recent times, despite showing ambiguous results thus far (discussed further in Chapter 2). These have highlighted the expressivist aspects of war crimes trials, but they have also noted the highly complex nature of each case, making comparison difficult. This does not mean that such studies are of no comparative use, rather it means that cases need be chosen carefully: that they should provide a fair test of the theory in question and that the cases testing arguments should be different from the cases in which the arguments were induced (Geddes, 2003).

¹⁸ For more information on the current status of the Serb minority in Croatia also see the Serb National Council (*Srpsko narodno vijeće or SNV*) sponsored *SNV Bulletin #6*, available at: <http://snv.hr/file/attachment/file/bilten6-compressed.pdf>

Consequently, the thesis uses both idiographic and nomothetic approaches, since it draws conclusions about transitional justice broadly, whilst also making reference to the unique characteristics of Croatia and its experience with the process. The thesis is based on qualitative methods and descriptions of variance, while employing an inductive approach to the relationship between theory and research.

In this thesis, Croatia provides a critical and exemplifying case study. It is critical, since well-developed theories exist which this thesis tests and provides a better understanding of (Bryman, 2016: 62-63). It is exemplifying, also known as representative or typical, since the objective of the thesis is to capture the circumstances of an everyday situation (Bryman, 2016: 63; Yin, 2009: 48). It is a mixture of the two since many instances of transitional justice exist across the globe, but each is also highly unique. In other words, the case study provides more description of the process in this instance, it uses established theories to explain a single case and it also tries to develop theory and identify new variables worth pursuing in future research, although it is far from an outlier case (George and Bennett, 2005: 75). Finally, the case study is both internally and externally valid. It makes conclusions about the Croatian case, but it also says something about transitional justice that may be applicable to other cases.

1.10 Structure of the Thesis

The thesis, and themes particular to each chapter, are organised along an initial methodological plan, which involved a literature review, followed by a media analysis, followed by the fieldwork that involved survey, focus group, dyad and interview discussions based on themes previously noted in the literature (and discussed in more detail in the respective chapters) and finally the Qualitative Comparative Analysis (QCA). The themes covered were: sources of information on the transitional justice process; the dominant war narrative; understandings of law; Croat perceptions of the Serb minority in Croatia; and, the position of the war veterans in Croatia. This thematic construction is based on already existing literature, providing additional validity to the themes, but potentially limiting the creation of new themes that the literature may have missed. New themes were, therefore, added to the respective chapters and elaborated on within pre-existing frameworks present in the literature.

Following this introductory chapter, Chapter 2 outlines the relevant literature in the area of transitional justice, both globally and specifically in the former Yugoslavia. The third chapter

provides an overview of the methodologies used for the study and mainly focuses on the experience of conducting focus groups in a post-conflict scenario. It includes a discussion of the benefits, but also the possible pitfalls, of such a socially interactive method when approaching potentially sensitive topics.

The fourth chapter presents the results of the media analysis that preceded the fieldwork and helped inspire the interview guide. Based on the tradition of agenda-setting theory, the chapter analyses thematic reports on a series of ICTY and domestic war crimes trials. It looks at how different types of media portrayed trials; which trials dominated the news; and, what kind of societal values are reflected in the media or which the media may be influencing.

Chapters 5 to 9 are wholly based on the focus group, dyad and interview data. The fifth chapter follows up on the media analysis by providing an overview of participants' perceptions of sources of information available to them. Participants seem to trust few sources in an atmosphere of general distrust and pessimism with institutions. They, therefore, only trusted participants and television pictures. This paved the way for everyday narratives to have more of an influence than narratives presented from above by institutions.

Chapter 6 provides a detailed overview of the war narrative and its various characteristics by drawing on prior research, but also adding certain nuances that became obvious in the fieldwork. Many of these characteristics are universally accepted across the public and with all participants, while others are deliberated on and others yet only exist with certain target segments (especially the notion that the war is not over). The chapter argues that the war narrative is so strong that it often undermines other narratives due its powerful everyday nature, which makes it difficult for trickle-down effects of norms to occur. This outline of the war narrative sets the background for the subsequent chapters, which look at what effect the war narrative has on other narratives and attitudes.

Chapter 7 focuses on how the justice narrative has affected the rule of law and understandings of law in Croatia. It finds that the development of them has been stymied and that a tolerance for certain crimes exists, such as revenge crimes, crimes of passion or killings of Serb civilians. This is partly due to the strength of the war narrative and partly due to the distrust of the ICTY and domestic judiciary. A further consequence of this is discussed in Chapter 8, which looks at attitudes towards the Serb minority. Participants displayed contradictory attitudes that featured many facets of the war narrative. Most agreed Serbs should be equal members of Croatian society, but they also did not believe Cyrillic signs

should be put up in Vukovar. The introduction of bilingual signs reduced trust in government institutions and was interpreted as a continued threat against Croatia. Finally, the ninth chapter looks at the position of *branitelji* (or “defenders”, the name given to Croatian war veterans in Croatia) in society; how they are viewed by others and how they view themselves. Much of the narrative surrounding them is unifying, especially since they embody much of the war narrative, but their associations are on the other hand seen in a highly negative light, even by war veterans themselves. Much like war veterans feel that Croatia is still threatened by external or internal forces, so they also feel that their position in society is continuously threatened.

The tenth chapter presents the results of a Qualitative Comparative Analysis performed on all of the fieldwork data. It provides a systematic comparison based on the presence of deliberation on topics (discussed in more detail in each chapter), in order to be able to make comparisons across target segments. It highlights the unanimity on many themes, but it also shows how teachers stand out from the other two target segments due to their high levels of deliberation and how war veterans stand out due to their high levels of distrust and pessimism. Distrust of institutions proves to be a key differentiator in many of the analysed areas. Chapter 11 concludes the thesis with an amalgamation of QCA results with observations from previous chapters. It then presents a discussion of what lessons can be learned from the Croatian case for future transitional justice processes, whether the process can be deemed to have been successful (if it can ever be deemed as such) and if this analytical framework, of deliberation, is at all useful or not.

1.11 Key terms

Several terms are used throughout the thesis that can be difficult to translate or have broad and potentially ambiguous meanings in Croatian. Firstly, “Serb” is used to denote someone of ethnic Serb origin in Croatia, whereas “Serbian” denotes someone who is from Serbia, it does not denote ethnicity. Likewise “Croat” denotes ethnicity, while “Croatian” only someone from Croatia (they may be Serb and Croatian, for example).

The most prominent of the words that struggle to be translated is *narod*, which can be taken to mean people or nation, defined in an ethnic sense. The word is composed of the root *rod*, from the verb *roditi*, to give birth (Hayden, 1996: 791). By definition, this view of the people or the nation only encompasses those of a specific ethnicity. *Narod* was left in the original Croatian form in excerpts to highlight this.

Related to this is the notion that there exist “our people” (*naši* or literally “ours”) and “your people” (*vaši* or literally “yours”). The concept of *naši* features frequently in the transcripts and, depending on the situation, it can mean either Croats, Croatians or even former Yugoslavs as a whole. Most often, it refers to the *narod*. These instances are translated, but they are worth highlighting since they may look out of place in English syntax. *Branitelji* (Croatian war veterans of the Homeland War) was left in its original Croatian format.

Various transitional justice efforts, norms and discourses are referred to under the umbrella term of the “justice narrative”. These are defined as they arise in the following chapters, but the overall term is, much like the process, quite broad. It is used throughout to describe the efforts of transitional justice authorities. Finally, the quoted excerpts from the focus groups, dyads and interviews have been translated from Croatian into English and kept as close to the original as possible. The language is both natural and spontaneous, which means that it is often poorly structured, grammatically incorrect and full of factual inaccuracies (although at times these are telling of deeper meaning).

CHAPTER 2

Literature review

This study aims to further the literature on transitional justice, norm diffusion, the ICTY and the legacy of the Homeland War in Croatian society. Since research on transitional justice started in the 1990s, and proliferated significantly after 2000, there has been little consensus over exactly what is being studied and what effect the process has had on societies. Generally, reviews have been pessimistic and positive outcomes have only been identified in highly specific areas, such as expressivist aspects of trials. In comparison, studies on Croatia are few but they do highlight particular areas of interest, such as competing narratives and ambiguous politics of compliance.

2.1 Transitional justice in theory

The literature on transitional justice is both broad and varied. Transitional justice was first used to describe societies in transition from undemocratic to democratic regimes (Kritz, 1995). The term has since then taken on a variety of broad and specific meanings, encapsulating both political and legal transformations (Nagy, 2008; Sriram, 2007). There is little consensus over what the term means, it can apply to different types of transitions and there is no consensus as to what criteria to measure the process by (Nettelfield, 2010). Concepts it is frequently linked to, such as “coming to terms with the past” and “reconciliation”, have been plagued with an equal degree of ambiguity. For example, Dragović-Soso and Gordy (2010) have attempted to define “coming to terms with the past” as “genuine transformation in popular consciousness”, but as Dragović-Soso admits, the use of the term remains limited by the inconsistent use of the phrase (Dragović-Soso, 2014). Obradović-Wochnik (2013) has even argued that this ambiguity has prevented Serbian civil society initiatives working on “coming to terms with the past” to connect with the public, due to the narrow and binary definition of the term they used.

Teitel (2000) coined the specifically legal definition, most relevant to this study, which focuses on legal responses to deal with the repercussions of human rights abuses committed by repressive regimes. Since then numerous studies have looked at the process through this narrow view, often focusing on the dynamic between deterrence, retribution and expressivism (Mani, 2002; Roht-Arriaza, 2006; Teitel, 2000). Even the literature on “coming

to terms with the past” has started to assume the existence of a relationship between truth and the process of coming to terms with it (Gibson, 2006).

Many studies, based on both broad and narrow definitions of the term, have been relatively critical of the transitional justice process and its application (Baines, 2007; McEvoy and McGregor, 2008; Millar, 2012; Miller, 2008; Shaw, 2007). Early analyses of the ICTY (discussed below) were equally pessimistic. Bass captured the general sentiment of these studies when he stated that war crimes trials represent “the least awful alternative” (Bass, 2000: 304), a view that remains prevalent in more recent studies (Dembour and Kelly, 2007; Haslam, 2007). Comparative and quantitative large-N analyses have shown ambiguous results: predominantly that they have no effect or little effect on societies (Hafner-Burton and Ron, 2007; Hafner-Burton and Tsutsui, 2007; Horne, 2015; Lynch and Marchesi, 2015) but at times that they do have an effect (Sikkink and Walling, 2007). Thoms et al. (2010) provide a contemporary review of the efficacy of transitional justice efforts globally by focusing on state level policies and institutions. They find that empirical evidence remains insufficient, that second-generation systematic approaches have only just started and that, as discussed above, current conclusions tend to be highly varied (Thoms et al., 2010). They believe this is because most studies focus on short-term outcomes and often use narrow criteria for success. Their general conclusion is that most studies find transitional justice to have either positive or no effects, rather than negative ones, but they stress that even that observation has to be treated with caution, given the lack of comparative analyses (Thoms et al., 2010). Bass (2000) does, however, point at the expressivist legacy of documentation that these trials often create, which have been noticed in single case qualitative research. These produce more fruitful analyses of the microcosms that these processes take place in.

Rangelov and Teitel (2011) argue that today transitional justice is different in a variety of ways. It has moved from exceptional transitional responses in times of crisis to normalised or entrenched justice seeking; increasingly disassociated from the politics of transition and less frequently linked to periods of conflict, whether past or current. It has also started to involve a growing variety of actors beyond the realm of the state, who are often agents in the globalisation of transitional justice. These actors have diverse interests and aims at stake in the process, but they nevertheless largely adopt a judicialised discourse. The process has changed so much that it is debatable how “transitional” it actually is and if the terminology and concept are still relevant.

Rangelov (2014) proposes a different interpretation of transitional justice, one of deliberation, by drawing on the earlier works of Osiel (1998) and Teitel (2000). He focuses

on the capability of trials to bring about the discursive engagement of actors through public deliberation, which involves multiple representations and perspectives of the past (Rangelov, 2014: 48). This deliberation has the potential to question the role of nationalism and the complicity of the nation in past events (Rangelov, 2014: 49). More generally, he identifies a shift from legalisation to judicialisation and from state to private actors. Law, therefore, currently has multiple politics and purposes. The key effect of this is the normalisation of justice-seeking across a range of social conditions, such as conflict, peace and transition. Similarly, Kent (2011) argues that transitional justice is about the past and working through it.

This study, as well as a number of recent studies focusing on former Yugoslav states (Gordy, 2014; Nettelfield, 2010; Obradović-Wochnik, 2013; Ostojić, 2014; Pavlaković, 2014; Subotić, 2009), analyses the expressivist aims and effects of war crimes trials. Osiel (1998) argues that law's key goals of deterrence and retribution should not receive the same amount of attention in transitional situations, when prosecutions should be evaluated on their pedagogical potential. When such trials are effective as public shows, they can lead to a shift towards more liberal values. These aims also have to be proven to work effectively in unison with the more traditional aims of deterrence and retribution. Domestic and conventional criminal courts also have expressivist aims in their work (Anderson and Pildes, 2000; Feinberg, 1970) and court decisions hold a greater significance than most other occurrences (Brooks and Gewirtz, 1996). Even retribution has been argued to be a form of expressivism (Hampton, 1984).

The discord between retribution, deterrence and expressivism arises from the application of traditional criminal law, developed to address conventional deviance, to mass atrocity, which is a unique phenomenon. Despite the acknowledgement of this by most scholars and practitioners, Drumbl (2007) points out that the methods of punishment and sentencing for such crimes remain surprisingly ordinary when compared to Western legal systems. Courts often prove to be insensitive to the nuances of affected societies, especially with regards to reconciliation (Osiel, 2009). For example, Ostojić (2014) shows how a disregard of local political nuances in Serbia alienated transitional authorities and threatened the legitimacy and stability of domestic institutions. Transitional justice efforts are, therefore, most likely to succeed if they act in accordance with the domestic political situation.

Drumbl (2007) concludes that domestic or international tribunals designed for the purpose of punishment for war crimes struggle to achieve the aims of retribution and deterrence, while greater success (although still limited) is achieved in pursuing expressivist goals.

Expressivist goals are not held in the same high regard by courts and practitioners as retribution or deterrence, but such aspects of trials can have a strong messaging effect and can help affirm the value of law in society (ICTY Prosecutor v. Kordić and Čerkez, IT-95-14/2-A). This can lead to a level of pedagogical performativity that can be hard to reproduce via any other legal mechanism.

2.2 Norm diffusion

The premise that expressivist messages of courts may lead to norm change in societies is based on the belief that norms “cascade” or “spill-over” from one level of society to another. Finnemore and Sikkink (1998: 895) outline the process of normative change as a three-stage “cascade”. During the initial stage of norm emergence, norm entrepreneurs use their organisational platforms to call attention to issues by naming, interpreting and dramatizing them. They attempt to persuade a critical mass of norm leaders to embrace these new ideas. Once these entrepreneurs achieve widespread success, the second stage begins, as a tipping process pushes the norm toward universal acceptance and other actors join in.

The second stage is characterised more by a dynamic of imitation, as norm leaders attempt to socialise other actors to become norm followers. The reasoning for this second stage, where the “cascade” through the rest of the population begins in proper, can vary. It can range from a combination of pressure for conformity; desire to enhance legitimation (both domestic and international); processes of socialisation or institutionalisation; and, demonstration effects. During the third stage norm internalisation occurs and norms acquire a taken-for-granted quality. They are no longer debated, but instead, they are widely accepted. In other words, the logic of appropriateness (discussed below) is so heavily integrated in law, bureaucracy and expectations of behaviour that people and states conform to them naturally, out of conviction and habit.

Finnemore and Sikkink (1998: 897) additionally outline three logics that guide norms: the logics of appropriateness, consequences and emotion. Of these, the logic of appropriateness is the most relevant to this study and leads to several conclusions in the realm of international criminal justice. First, as norms of criminal accountability for war crimes and other violations of international humanitarian and human rights law begin to cascade, the notion of individual responsibility should also gain international momentum. Local actors in affected states, not only advocates in advanced liberal democracies, should

increasingly blame atrocities on individuals (i.e. specific leaders), rather than collectives (i.e. whole communities or ethnicities).

The logic of appropriateness, coupled with the theory of norm cascades, captures the mentality and tactics of advocates of international criminal accountability. It remains, however, debatable how norms gain social force in a situation when the institutional and social requirements for the rule of law are absent. The difficulty in accounting for this scenario arises from the potential absence of norm leaders or a lack of willingness in the population to accept a norm. Justice cascades have since been identified in comparative regional studies, most notably of Latin America. Lutz and Sikkink (2001) offer such a study, in which they also go on to identify a larger human rights norm cascade in the region that the justice cascade was a part of. They argue that the success of these processes is inextricably linked to the wider progress of human rights and democracy norms in the region.

Risse, Ropp and Sikkink (1999) provide an analysis that looks at human rights norm change specifically in a transitional situation at state level. They identify a “spiral model” that they claim is universally applicable in such circumstances. The model’s first phase involves state repression that is serious enough to disallow any significant opposition to challenge the state’s violations of international human rights norms. A state may never move past this phase. If a state does move past this, then the next two phases involve the gathering of information on the norm-violating state by human rights networks and the government making concessions to domestic opposition. This allows for the opposition to gain strength, which can lead to pressure from above and below. Finally, the fourth phase involves human rights norms attaining prescriptive status in the state, which can eventually lead to the full acceptance and implementation of them. This means that even actors opposed to the norm change may start using the language of human rights norms. This may be only for show or for strategic purposes, such as to avoid punishment, but it does lead to a spill-over effect.

The authors claim that the model is universally applicable, despite the exclusion of the former Yugoslavia from their study. They reach this conclusion by treating collective understandings embedded in domestic institutions and political cultures as fixed, rather than dependent on politics. This questions if the model is actually universally applicable and if it has been over-applied. After all, it is debatable if any model could accurately capture transition in all situations. Despite this, the authors make some useful points. Firstly, they identify socialisation and institutionalisation of norms as important. Second, they show that international organisations, both governmental and not, can act as “teachers” of norms. Third, they confirm that human rights norms are more likely to be implemented and complied

with, if they resonate or fit with existing collective understandings. This last point is particularly relevant to a society such as Croatia, where a long tradition of human rights norms already existed and was present in the law but eroded during the conflict.

Subotić (2009) and Lamont (2010) have questioned the universal validity of these models by focusing on the former Yugoslav states. In her analysis of Croatia, Serbia and Bosnia, Subotić argues the “spiral model” is incorrect as it assumes that domestic norm believers are required to take the lead in norm change. In many states these are absent or lack the authority to influence social change, while states may still display institutional markers of compliance. Lamont (2010) agrees with this and points out that most Latin American analyses studied NGOs that were initially composed of direct relatives of victims. The Krajina Serb community, for example, was almost completely ejected from Croatia in 1995, which may help to explain the relative absence of local NGO pressure since the victims of human rights abuses were no longer members of the domestic political community. Subotić (2009) identifies three types of international pressure that lead to normative change. Coercion ties compliance with material rewards; symbolic pressure appeals to a state’s desire to be perceived as a legitimate international actor; and, bureaucratic pressure works under conditions of uncertainty when states comply because they think it will resolve internal problems.

International pressure on states does not enter a domestic political vacuum; rather, it always interacts with domestic political conditions to guide strategies of compliance. Relevant factors for this are domestic demand from below, veto players (also known as spoilers) and competing coalitions (Subotić, 2009). Subotić identifies three major coalitions that can act as agents of normative and institutional compliance, other than the ones mentioned by Finnemore and Sikkink. Norm resisters are political elites that are opposed to policy change and who will use international norms to further consolidate their rule. Instrumental adopters use norms to distinguish themselves from other groups and to position themselves as international reformers in society. Compliance in this case is still driven by external incentives, such as appeals to legitimacy. Finally, true believers fully accept international norm models and often spearhead norm adoption, but are frequently internally divided and weak. Subotić’s work, as well as this genre of research in general, provides some common sense observations on transitional justice and norm change that are useful for guiding future research.

2.3 Transitional justice in the former Yugoslavia

Much of the early work on transitional justice looked at the process globally and initial case studies were based on Latin American experiences. Since then authors have incorporated newer cases, such as the former Yugoslavia, Rwanda and South Africa, among others. These have employed a varied and inconsistent set of methodologies and the resulting conclusions have been equally diverse.

2.3.1 Early works

Initial studies of the ICTY were generally critical of the Tribunal's work and concluded that it has negative effects, if any. Bass (2000) saw the ICTY as a gesture by Western powers to give the appearance of moral concern for the Yugoslav states. Snyder and Vinjamuri (2003), in a seminal study on the Tribunal, argue that the prosecution of perpetrators of atrocities according to universal standards risks causing more atrocities than it could ever prevent, because it does not pay sufficient attention to political realities. They claim that a norm-governed political order must be based on a political bargain among competing groups and on the creation of robust administrative institutions that can predictably enforce the rule of law. Preventing atrocities and enhancing the rule of law will frequently depend on striking politically expedient bargains that create effective political alliances to contain the power of potential perpetrators of abuses, which the authors call spoilers.

With regards to the ICTY, Snyder and Vinjamuri claim that trials did not deter subsequent atrocities or contribute to bringing peace to the region. More broadly, they argue that neither the Yugoslav nor the Rwandan tribunals had a significant impact on reducing atrocities globally or on changing the reasoning of actors in East Timor, Chechnya, Sierra Leone and any other conflicts. The authors admit that, although the Tribunal may not have prevented the emergence of peace, it may have hindered efforts to diffuse ethnic tensions. The conclusion of the work is that purely pragmatic approaches are inadequate if they do not address the long-term goal of institutionalising the rule of law in transitional societies. It identifies amnesties as the best first step towards neutralising spoilers so that institutional transformation can proceed. In situations where legal accountability is not prevented by the threat of spoilers, trials should be carried out through domestic judicial institutions so as to strengthen their capability, credibility and legitimacy. In general, the authors argue that improvements in Serbian, Croatian and Bosnian democracy and human rights preceded and facilitated improved relations with the ICTY, and were not caused by it.

Snyder and Vinjamuri view the ICTY, and domestic criminal tribunals, pessimistically and as a tool of retributive justice. It should, however, be kept in mind that the authors lacked the benefit of longer-term hindsight during their analysis. They were assessing short-term impacts of what is, by its nature, a long-term project with matching effects. This can make their analysis seem generalised, especially regarding the expectation for the ICTY to immediately prevent violence in region, given its initially small amount of power and financial backing.

Stover and Weinstein (2004), in another seminal study, also focus on short-term effects as they look for a connection between the processes of reconciliation and justice. They investigate how societies affected by war and mass atrocity pursue justice for past crimes and, at the same time, rebuild their communities. Specifically, they look at what effect the international community's involvement in criminal trials of suspected war criminals was having on the rebuilding effort. They claim that justice is most effective when it works in concert with other processes of social reconstruction and reflects the requirements of victims. They see this as perhaps the greatest lesson learned by the courts.

Stover and Weinstein contend that a primary weakness of writings on justice after war and mass atrocity is the lack of objective evidence to substantiate claims about how well criminal trials achieve the goals ascribed to them. They believe insufficient attention has been paid to the effects, both positive and negative, that tribunals have had on post-war societies. They claim that any goals of attempting to broaden the ICTY mandate to include extra-legal goals in order to promote reconciliation among opposing parties, was unrealistic. Trials alone could not establish an incontrovertible historical record since each group could reinterpret the facts according to their own views. They do raise two important implications on public pedagogy of trials: that the relationship between a tribunal and the local populace is a critical dimension of its success; and, that the domestic legal system in a state must be influenced by the international one for effective war crimes trials to take place in the country where the crimes were committed. In Bosnia, specifically, a strong rule of law system would not be delivered by the ICTY, but by national courts. The tribunal's judgments can, however, build a body of norms that national courts can apply.

Stover and Weinstein, much like Snyder and Vinjamuri, take a pessimistic view of the court by looking at short-term effects through the lens of retributive justice and find it hard to judge the effectiveness of transitional justice. They argue that there is no direct link between criminal trials (international, national and local/traditional) and reconciliation, although this

could change over time. Social reconstruction after ethnic conflict is a slow and fragmented process, occurring at multiple levels (individual, community and state) that are influenced by a range of different factors, including social identity, fear, collective memory, governmental policies, security and protection, and past experience with the international community.

In response to this, the authors present an ecological model of social reconstruction for post-war countries that have experienced serious breaches of human rights, including genocide and ethnic cleansing. Drawing on research by developmental and community psychologists, they suggest that social change in post-war countries must be aware of the relationships and dependencies that exist between and among individuals, institutions, and community and societal groupings. Social reconstruction must therefore engage all levels of society, from the individual to the state, although most probably at different times and in different ways. Much like Snyder and Vinjamuri's analysis, this study also analysed short-term effects and focused on an ambiguous and broad theme, that of reconciliation, which makes for a difficult analysis. Other than these studies, the often quoted and pessimistic literature on the ICTY is extensive. Studies, such as those by Cobban (2006), D'Amato (1994), Kerr (2004), Lombardi (2003) and Zacklin (2004), are all in a loose sense relevant to this study, but they do not provide any specific contributions to warrant a further discussion in this instance. It is also worth noting "insider's tell-all" types of works, most notably by Hartmann¹⁹ (2007) and Del Ponte²⁰ (2008). These have a limited academic value, but they are significant since at times they were cited by focus group participants in this study as proof that the Tribunal was biased in its work.

2.3.2 *Single case studies*

Single case studies of ICTY effects on specific states have yielded ambiguous, although generally more optimistic, results. McMahon and Forsythe (2008) find that the ICTY had little progressive effect on Serb political leaders, parties, institutional change or society, primarily due to the strength of traditional Serb nationalism. The ICTY did, however, play an important role in maintaining the concentration of the international community focused on Serbia by building a network of governments, regional organisations, and NGOs committed to peace building in the region. The authors also highlighted such networked pressures at play in

¹⁹ Florence Hartmann was the official spokesperson for Carla del Ponte while she was the Chief Prosecutor of the ICTY.

²⁰ Carla del Ponte was Chief Prosecutor at the ICTY from 1999 to 2008, and the ICTR from 1999 to 2003.

neighbouring states. In Croatia, this often came in the form of demands from the EU, NATO and the United States' government, who even went as far as threatening to block IMF and World Bank loans. Although they find no evidence for the Tribunal influencing actors when acting in isolation, they do ask the important question of whether similar transnational pressures could have been achieved in Serbia in the absence of the ICTY.

Ostojić (2014) is also pessimistic and attributes Serbia's lack of cooperation with the ICTY to the international community's disregard of the domestic political situation (as opposed to the prevalence of "norm resisters"), which ultimately alienated domestic authorities. Dragović-Soso and Gordy (2010), on the other hand, adjudge the record of transitional justice in the region and country to be mixed with regards to a range of transitional efforts. They find that judicial institutions have lacked consistency, efforts at truth commissions have consistently failed and that civil society has been divided with regards to reconciliation. Despite the plethora of negative views in the literature, Gordy (2014) warns that the progress of transitional justice should be put into context and that disenchantment with particular incidents can all too easily be allowed to taint the whole process. The fact that these painful memories are being discussed and confronted at all is exceptional, while the speed at which it has happened is unprecedented. Gordy (2014) admits the international community had a key role in bringing about this confrontation, at times even forcing it, but he also points to the participation of civil society in the region, which often spearheaded efforts in documentation, research and debate. These initiatives operated on the cultural level, as much as on the political and legal ones. The studies discussed above show, once again, that time is needed to see the full effects of the ICTY and that transitional justice in a region can be affected by multiple causes with many domestic and international variables at play. This is made all the more complex by the emphasis on dangerously ambiguous terms, such as "reconciliation" and "coming to terms with the past."

Subotić (2009) also stresses the importance of complexity in this environment. She regards the Tribunal as one instrument in a range of options that can pressure states to comply with international human rights norms. She finds that in the cases of Croatia, Serbia and Bosnia compliance with such norms becomes a political strategy that allows states to go through the motion of fulfilling international demands while actually rejecting the profound social transformation that norms require. This challenges accounts that predict increasing social support for international models of transitional justice through the creation of lasting coalitions with domestic allies and application of pressure on domestic governments to change their politics. In Serbia this led to the transitional justice process being hijacked by domestic political actors who used it as an international and domestic strategy to achieve

specific local goals. In Bosnia, on the other hand, the process was politicised by the internal structure of the Bosnian state, which was restricted due to the Dayton Peace Agreement. Her analysis of Croatia is discussed in a later section.

Nettelfield (2010) provides a more optimistic view of the ICTY. She argues that, contrary to much contemporary analysis, Bosnia would have been much worse off without the ICTY. She claims that the most effective way to address the question of effectiveness, without any agreed-upon criteria, is to be explicit about the methods utilised and about the basis for findings in the course of evaluation. She shows how the ICTY has contributed to expanding the norm of accountability for war crimes; increased civil society's support of the criminal justice process; built a fact-based historical record to remove any myth-based narrative of the war; raised the military's trust in judicial investigations of war crimes; and, developed domestic capabilities for prosecutions.

The premise of the work is that local courts are more effective than international ones and that the latter should only be used when needed. The rule of law is a realistic target in transitional situations, even if only by establishing local judiciary capacity. The presence of the ICTY shaped formation of activism and social mobilisation. It also encouraged other, similar, civil society groups and initiatives. It can be considered a "channel of political socialization" that helped shape attitudes (Almond and Verba, 1989). In Bosnia, the court did this by providing an opening for collective action by creating a space for discussion about atrocities, legitimacy for others to follow suit, and a flow of information about the war, that was led by victims. Furthermore, court documents provided a source against which claims about crimes could be evaluated.

Nettelfield identifies the lack of institutional support as the greatest obstacle to norm change and pedagogy in Bosnia. International trials, however, led to local institutional change by creating local judicial capacity. The ICTY furthered this by providing experienced legal professionals, advising on lessons learned in The Hague and passing on information gained in court. International officials in the country headed the process to create a favourable environment for local trials. She concludes that the promotion of the rule of law during transition itself helps build stronger institutions, especially where members of the former regime are still in power, as was the case in Bosnia. More generally, the book shows that the court's work has aided processes of democratisation.

Nettelfield clearly shows that international criminal law has its rightful place in transitional circumstances, but it can only be a small part of the process of post-conflict social repair.

Bosnia is a unique state, which limits the number of comparisons that can be drawn with it. Nevertheless, the powers the courts have to facilitate political participation from below and to create judicial capacity are useful in the former Yugoslavia and beyond. Overall, she sees the ICTY as a positive influence in the region, although it could have achieved more. In particular, it could have used the Outreach Programme more efficiently. This useful analysis looks at previously ignored areas, such as the role of civil society and local forces that used the ICTY's work to achieve democratising ends. It shows that domestic political crises arise, not so often from the mechanism itself (in this case the ICTY), but from the denial of crimes and behaviour surrounding that denial. Elites' admission of wrongdoing often paved the way for further social reconstruction, which can be viewed as a norms cascade. It also highlights the importance of the internalisation of human rights norms and identifies the presence of a spill-over effect (or norm cascade), created by the establishment of the rule of law.

Nettelfield agrees that parallels can be drawn between her study and the situation in Croatia, and with that in mind, offers certain observations. She believes that no concerted effort has ever existed to demystify the Homeland War or to challenge the glorification of Croatian Generals, and sees this as a significant obstacle to progress. She views Croatia's relationship with the ICTY as fraught, but thinks that the positive contributions are more easily identifiable than elsewhere. The country's greater overall desire for EU and NATO membership made ICTY cooperation a priority, which much like Serbia, meant that the citizens of Croatia take a highly pragmatic approach to the court.

A further area of note in the literature focuses on the involvement of civil society in the transitional justice process. Dembour and Kelly (2007) find a variety of sites of activism where the role of civil society can be observed, inside and outside of the courtroom setting, sometimes in cooperation with other actors. The challenge for law and associated professionals is to provide a legal framework that acknowledges the parallel requirements of civil society consent and contestation in international criminal law. Rangelov and Teitel (2011) expand on this theme further by claiming that global civil society represents a site of struggle for discursive hegemony over the meaning and conception of justice. In this model, civil society becomes an arena where the legitimacy of justice claims and structures is produced, fought over and negotiated. They see the ICTY's lack of engagement with civil society as one of its greatest and clearest shortcomings. That is not to say that there was a significant civil society to engage with since, as Bilić (2012) and Dvornik (2009) point out, broad civic formations with such interests were not present at the time.

As the relationship between civil society and the rule of law evolved in the former Yugoslav states, civil society mobilisation to further this cause helped both strengthen and weaken the rule of law (Rangelov, 2013). Rangelov stresses that the role of civil society in shaping the rule of law in the region as a whole frequently reflected the ability of civil society actors to harness their relationships with political and legal institutions (Rangelov, 2013: 80). This meant that, in particular when dealing with sensitive issues, actors often played contradictory roles. Subsequently, the rule of law was simultaneously weakened and strengthened as civil society produced and questioned the legitimacy of legal institutions. Obradović-Wochnik (Obradovic-Wochnik, 2013) highlights another contradictory dynamic: that civil society in Serbia struggled to connect with the public due to misinterpretations over what “coming to terms with the past” entails. NGOs in the country simply ignored narratives about the past that did not fit into their own interpretations of the process, leading to a binary system of rejection or acceptance (Obradovic-Wochnik, 2013: 217). This reduced the public’s relationship with the past to accepting the truth, ignoring the complex processes that are necessary when the past is painful or disputed.

Little consensus exists over the efficacy of transitional justice mechanisms in the former Yugoslavia. Initially pessimistic studies, analysing the region as a whole, have now given way to single case studies that have produced more ambiguous results. They point to a highly complex situation on the ground in which few parallels can be drawn from state to state. These studies do, however, highlight the importance of certain actors (such as domestic courts and civil society) and the positive legacy that has been left behind (such as a protection of human rights). Research on Croatia has partly reflected this, although through a much narrower set of studies.

2.4 Transitional justice in Croatia

2.4.1 Identity, ICTY compliance and competing influences

Most studies of the transitional justice process in Croatia have focused on political elites. Many authors discussed below argue that politicians proved to be more effective at preventing the spread of transitional justice norms than trials were at enabling their spread. Peskin and Boduszynski (2003) found that ultimately politicians had more influence over how the Tribunal was accepted by the population than anything that the Tribunal or the Outreach programme had to say. They also point out that there was effectively no domestic pressure from civil society in Croatia to investigate war crimes committed by the Croatian

government and impetus for this was almost completely external (Peskin and Boduszynski, 2003: 1123).²¹ Lamont (2010) frames this in the larger strategy of successive Croatian governments to accept the normative and legal framework of the Tribunal system, while also occasionally mounting legal challenges to specific indictments and investigations. This meant that the state was propagating countervailing norms that often limited its ability to cooperate with Tribunal requests. Despite prosecution and conviction of Croatian generals, Croats continued to believe that its own citizens did not perpetrate war crimes (Lamont, 2004). Prime Minister Ivo Sanader and his government regarded compliance as an unavoidable legal obligation, while at the same time attempting to challenge the Gotovina indictment before a domestic audience. Strategic compliance with the Tribunal was designed to fit within a broader legalistic strategy of defiance that allowed HDZ-led governments to present their formal compliance with international obligations, while also contesting ICTY indictments.

Lamont (2010) identifies this as particularly evident in Croatian civil society, which served to harden non-compliance attitudes. While elites continued to advocate human rights norm affirming rhetoric, as per ICTY requests, civil society pushed more aggressively for a complete rejection of the court's jurisdiction. This came for the most part from war veterans' and victims' organisations, which were driven by recent war memories and access to state funding. Domestic and foreign human rights NGOs were comparably weaker and faced opposition from other groups and the media. Subotić (2009) also found that in Croatia the overriding goal of integrating the state into the EU was so strongly shared by most political actors that it superseded all other ideological differences. This was due to a "European" self-identity, defined in many ways in opposition to Serbia, which overpowered existing nationalist narratives. Instrumental adoption served the Croatian state well and allowed for governments to present transitional justice as a necessary step to Europe. This meant that Croatia was proactive internationally and reactive domestically to the needs of the process. The strategy allowed the state to prove to the international community that they respected international rules while preserving almost intact the national understanding of the character of the war and Croatia's role in it.

Zambelli (2010) frames this within Croatia's attempt to distance itself from the Balkans through a process of "othering". This meant that Croatia's situation shifted from the identity of a post-war victim of aggression that viewed the outside world with suspicion and fear, towards an active advocate of change in the region and a supporter of international

²¹ This is no longer wholly true and since the 2003 study there have been a greater number of efforts.

institutions such as the ICTY. In order to achieve this, the state had to redefine the nature of its cooperation with the ICTY and rearticulate the definition of sovereignty it was employing in its official discourse. Croatia's identity as a law-abiding and law-governed state began to depend heavily on its cooperation with the ICTY. Being capable of trying criminals in domestic tribunals, as well as allowing their trials abroad, demonstrated the state's maturity and its belonging together with Western European countries. An important question that arose in the early stages of this discourse was concerned with whether collaboration with the Tribunal would erode state sovereignty. Croatia had to comply with EU conditions, among many reasons, in order to conform to its identity as a Western and democratic country. Non-compliance would have meant staying at the "Balkan" level of closed-minded nationalism and pursuing of antiquated interpretations of sovereignty and state interests. In other words, it would have brought it closer to the feared "other". Moreover, Zambelli stresses the importance of the potential criminalisation of the Homeland War as a significant obstacle to the new coalition government that followed the Tuđman era. After all, the war was and still is considered one of the foundations of the modern Croatian state and a cornerstone of Croatian national identity. This also extended to the ICTY, which was and is seen as potentially criminalising the Homeland War.

2.4.2 Competing understandings of the past

Zambelli (2010) also discusses the other common theme of the transitional justice literature on Croatia, that of interpretations and understandings of the past in Croatian society and politics. Pavlaković (2010) analyses the process of constructing the past in the country and argues that association of memory with one's own ethnicity is in turn a potentially significant barrier to reconciliation. If people view the past through the prism of ethnicity, they are likely to view the present and future in the same way, thereby further reinforcing ethnic divisions. The presence of ethnic narratives critically influences an individual's response to the ICTY and the truths that it establishes. Pavlaković presents this issue as a juxtaposition between the Croatian politicians' version of the truth, constructed through public commemorations to create a purely victorious narrative, and the counter-narrative that the ICTY has created, which casts the country as a victim and a perpetrator of crimes.

The above issue is further exacerbated by selective truth acceptance in Vukovar (Pavlaković, 2010). Serbs and Croats typically accept only those truths that support and corroborate their own ethnic narratives, while at the same time discarding or denying those that do not. Because both the Serb and Croat meta-narratives are firmly based around the

notion of a defensive war, they are often not willing to accept that their own side may have committed war crimes. When they somewhat begrudgingly do concede that crimes were carried out, it is usually attributed to individual excesses, while crimes committed by the other group were premeditated and sanctioned. Clark (2012) provides an insight into this and the interplay between war facts and war myths. She adopts a micro-level approach to the Tribunal's legacy, looking at its impact on the ground and, specifically, at whether and to what extent it has aided inter-ethnic reconciliation in Vukovar. The fact that the Tribunal has held so few trials in relation to Vukovar has impacted on inter-ethnic relations in two crucial ways. First, as guilt has not been individualised to any significant extent, this has created the space for individuals to decide for themselves who is culpable, and all too frequently they fall back on notions of collective guilt. Second, because neither side believes that it has received justice from the Tribunal, this has encouraged people to focus and draw attention to the suffering and pain that members of their own ethnic group endured during the war. Clark concludes that it is simplistic to assume that trials contribute to reconciliation by documenting the truth and that we cannot assume the existence of one "truth" that everyone can agree upon. She identifies the prevalence of competing truths in Vukovar and that the ICTY, therefore, operates in an environment of opposing and competing truths. Truth is a highly contested concept in the former Yugoslavia and there are few shared truths about the events of 1991. For example, Serb interviewees consistently referred to the war as a civil war, while Croat interviewees highlighted that it was a war of Serbian aggression. Clark's work concludes that the ICTY has had little positive impact on reconciliation between Serbs and Croats in the city. In doing so, it has effectively problematized two commonly used claims: that criminal trials aid reconciliation through the dispensing of justice and through the establishment of truth.

Closely related to this is the interplay between legitimate defenders and war criminals. Clark frames this around Operation Storm, the case of General Gotovina and what she calls rejected truths. In Vukovar, and in Croatia more generally, there exists a strong identity based upon defence. This is particularly so among former combatants and it is one of the principal reasons why the "truths" that the ICTY uncovers may fail to gain local acceptance. The Tribunal's original judgment against General Gotovina fundamentally challenged the accepted wisdom that the Homeland War was a purely defensive war. In order for the population to accept the Tribunal's judgment, they would have had to radically review their views and perceptions of the war. In other words, they would have been forced to go against the national meta-narrative.

The biggest obstacle to this, according to Clark, is that Croatia's politicians and media have continued to promote the national meta-narrative and have cultivated a deep sense of Croatian victimhood. Moreover, the majority of the media has only sporadically and often in a biased manner reported about decisions in favour of Croatian Generals. By doing so, they have contributed to the escalation of an obviously deeply imbued attitude in a major part of Croatian society, that of denying or justifying that crimes were committed by their own side. There appears to be little will to settle and reconcile these competing versions of the truth in Croatia. There were, however, some notable exceptions, such as *Feral Tribune*, *Novosti*, *Novi List*, as well as a range of newer online portals that reported on these issues in a more objective and critical manner. These have, however, all come under attack recently and many have been forced to change, if they still exist at all (Chapter 4 will provide a more detailed outlined of these).

Pavlaković (2010) delves into the issue of General Gotovina in more detail and finds the case emblematic of the nexus of politics, symbols, rituals and collective memory in Croatia, as well as more broadly in Yugoslavia. He points out that history is constructed not only through facts, but also through myths that are often more influential than statistics. In another study, Pavlaković (2007) highlights that commemorations and trials have significantly affected the way history is being constructed in Croatia, for the most part without the participation of historians. As discussed above, Croatian politicians used public commemorations to create a purely victorious narrative of the founding of the state, while the ICTY has attempted to construct a counter-narrative.

Today, the rhetoric at the anniversary of Operation Storm has changed a number of times, due to the initial judgments and later acquittals in the cases of Gotovina and Markač. Croatian politicians now acknowledge that war crimes did occur and that there were Serbian victims as well as Croatian ones, something that would not have realistically been possible during the Tuđman era. Even if the ICTY can be discredited as a "historian", Pavlaković reminds readers that the archives collected by the Tribunal and the transcripts from the trials have become invaluable resources to researchers working on this time period. He concludes by identifying two key trends with regards to the dynamic between legitimate defenders and war criminals. That Croatian leaders are now willing to cooperate with the ICTY and in doing so, admitting that war crimes have taken place. On the other hand, that no systematic effort has ever existed and may never exist to demystify the Homeland War or challenge the glorification of General Gotovina and others like him. The most recent acquittals of Croatian Generals show that the construction of history and a national meta-narrative in Croatia remains an actively on-going process.

The most recent relevant work by Rangelov (2014) argues that Croatia provides an opportunity to analyse how judicial processes can promote public deliberation about nationalist narratives and representations of the past (through the lens of deliberative justice). The predominant war narrative, however, continues to affect judicial outcomes: most cases are conducted in the lower courts (which remain biased) and participation of the accused in the war (if they were a member of the Croatian police or armed forces) is often used as a mitigating circumstance in sentencing (Rangelov, 2014: 150). Rangelov also highlights the central role that local courts play in the process of transitional justice.

Overall, although works on Croatia are few, they do highlight the most relevant themes to the transitional justice process in the country. First, they focus on the importance of identity in elites' strategies of compliance with the ICTY. Second, they investigate the concept of competing narratives within the state, both among elites and the public. Together they point to an ambiguity both messages and actions from a top-down perspective that translates into competing "truths" at the micro level of everyday interaction.

2.5 Conclusion

Transitional justice has been assessed from a vast range of perspectives, leading to an equally broad range of conclusions, with no consensus over whether the process helps societies recover from past human rights abuses or not. Both positive and negative studies, however, stress that local and collective understandings of law and the past are the key to such rehabilitation. Transitional justice, and associated processes, occur not only at the level of politics or law, but also on the levels of culture and emotion. The interplay between these is highly dependent on the relationships that exist between individuals, institutions and societal groupings. Analysis of these processes requires cross-disciplinary approaches that can research social change in its many guises.

This can help shed further light on the effects of transitional justice and if norm spill-over does occur in the mechanistic fashion some models describe. The little literature that exists on Croatia focuses on themes that can help with this, such as the mythology surrounding the Homeland War and competing narratives among elites and the public. Broad concepts, such as identity and reconciliation, have been studied at the micro level in specific locations, such as Vukovar. Specific concepts that are arguably better suited to analysis, such as norm compliance, have also been studied, but only at the level of elites. These studies do not take

enough steps to avoid the methodological trap of interpreting state compliance as indicators of norm entrenchment or diffusion.

Norms and narratives as constituent parts of identity could provide a more easily analysed concept in this sense. Moreover, analysis of everyday norms and narratives is missing in Croatia, other than in Vukovar. This means that there is a lack of research on how top-down and bottom-up narratives interact in Croatia, which this study hopes to fill.

CHAPTER 3

Researching norms and narratives in a post-conflict situation

The study called for a methodology that can allow for research depth, rather than width, since the issues being investigated were both complex and sensitive. Qualitative methods were, therefore, considered more effective than quantitative ones, due to the nature of the research information that the study required. The primary method of data collection in the study was focus groups in conjunction with follow-up interviews, as well as dyads and individual interviews for particularly hard to organise. These were supplemented with a media analysis, a brief survey and QCA. Questions in the survey, focus groups and interviews were inspired from a media analysis and nationally representative surveys covering similar themes, which allowed for representative comparisons of responses. This chapter will discuss the reasoning behind the methodology and the experience of fieldwork, including the problems encountered. Discussions sometimes led to sensitive topics that were particularly personal and emotional to participants, which brought about methodological issues that are rarely discussed in the transitional justice literature and that may add a new set of problems to focus group research. The discussions had the potential to cause significant upset among participants when a high amount of importance was attached to topics, such as the war narrative. The methodology behind the media analysis will be discussed in the following chapter, as it ties in closely with the results of the media analysis.

Finnemore and Sikkink (1998) argue that we can only have indirect evidence of norms, just as we can only have indirect evidence of most other motivations for political action. This poses a methodological problem since norms can be hard to measure (if they can be measured at all), they often only present themselves in interactions between individuals and, consequently, often take a lot of time to observe or study. Norms can benefit from an interactive method of inquiry, such as focus groups, which can help explore narratives that become more apparent through group interaction. They can highlight which narratives are contested, which are reinforced and which are perceived as threatened by others.

Much of the scholarship on narratives has focused on the level of elite political narratives, thereby missing how ordinary people build and negotiate their concept of identity and the nation. These are taken-for-granted and implicit understandings, which can be made explicit through the use of focus groups and in-depth interviews (Fox and Miller-Idriss, 2008: 540).

Wodak et al. (1999), for example, used focus groups and interviews to explore how ordinary Austrians constructed their national understanding. Söderström (2010) also found the approach useful due to the spontaneous responses it elicits, thereby giving more honest and natural answers to relatively specific questions. The method is particularly well-suited to exploring everyday narratives that are reproduced in the micro setting (Fox and Miller-Idriss, 2008: 542).

Surveys could also research this concept by studying attitudes, perceptions, and stereotypes, in order to provide a representative picture of how a public constructs the world around them. They are, however, not good at studying the nuanced variation that occurs in everyday speech, which also involves non-verbalised gestures such as shrugs, nods, laughter and silence (Fox and Miller-Idriss, 2008: 555). Moreover, exclusive use of survey methodology would not be fit for this purpose, as it can only analyse public perception along one dimension, without investigating the reasons behind these perceptions. Ordinary conversation can, for example, show cynicism where surveys would have merely shown answers that are societally acceptable or appealing to researchers' perceived expectations.

Questions about the Homeland War will elicit discussions that refer to the war. Left to their own devices, however, ordinary people may ignore such references in favour of other categories that are more suitable for a given situation (Fox and Miller-Idriss, 2008: 556). Here participant observation could prove to be particularly useful, since the method would not guide participants towards particular responses. Focus groups, however, can compensate for this by, at times, using indirect questioning that can shed light on the interpretive frames that people employ (Fox and Miller-Idriss, 2008: 556).

In other words, focus groups provide a healthy middle ground: they allow for relatively natural expression of narratives, which can effectively highlight taken-for-granted concepts, whilst also keeping conversations relatively on-topic. Some degree of structure allows for comparison to nationally representative surveys, while follow-up interviews and indirect questioning provide more open-ended depth to discussions. Finally, focus groups are useful in post-conflict scenarios, where recent history is both a sensitive and emotional topic.

3.1 Survey elements

The study employed survey methodology in two ways: one was the referral to previous, nationally representative surveys conducted in Croatia, the second was a survey that was

handed out to all participants prior to the focus groups, dyads or individual interviews. The representative studies helped inspire both the survey and focus group questions in this study (see Appendices A and B). They allowed for a representative comparison to be made with the collected data, thereby helping alleviate the problem of representativeness that is inherent to focus group methodology.

The nationally representative surveys that were used and referred to throughout this study are:²²

- The Kolstø (2011) survey that focused on the war narrative in Croatia and attitudes towards reconciliation, war crimes and forgiveness (2011).
- The Belgrade Centre for Human Rights survey on attitudes towards the ICTY in Croatia (2011).
- Several studies by Ilišin (2011) published in one paper, which provide a comparative analysis of youth attitudes in 1986, 1999 and 2004, supplemented by a control sample of older individuals (over 30) and members of the Croatian political elite in 2004.
- A post-2011 election survey by Ipsos Puls (2012).

The survey handed out before focus group sessions was relatively short and the initial part of it was only concerned with personal details about participants, while the rest asked for their opinions and attitudes towards certain issues. This allowed for comparison of the respondents to the general population. This proved to be useful, but it was not without its shortcomings, primarily because most respondents came to an organised group discussion, prior to which they were asked to be as open and honest as possible. Having signed the consent forms, participants were then given the surveys, the content of which they frequently discussed with the researcher and amongst themselves. In other words, they often (although not always) influenced each other and even answered questions in unison. In some cases parts of the group or the entire group decided that a question was inappropriate and in unison wrote in a more appropriate question or answer. For example, three members of the Zagreb war veterans group discussed and then in unison wrote down a comment to the question “To what extent do you agree with the following statement: Croatian officials and soldiers convicted at the ICTY or in domestic courts are heroes, not criminals.” They commented that this was not a relevant question since the ICTY did not sentence a single

²² Other surveys are referred to, but not as consistently and often as the above.

member of the Croatian Army, only members of the *HVO*.²³ The group dynamic, therefore, did not allow for the survey to be conducted in a rigorous fashion. It did, however, help initiate discussion amongst the group and in many instances acted as a useful introduction to the topics about to be discussed. In this sense it served a useful purpose outside of the comparison of results.

3.2 Focus groups, dyads and interviews

3.2.1 Why focus groups?

As was already touched upon above, focus groups were chosen since they can best gather data on the complex interactional dynamics that lead individuals to share some truths, withhold others, and build alternate versions of reality in a group (Hollander, 2004). They do not “force” opinions on individuals (such as surveys may do) and they strongly reflect the independence of human opinion by further removing the interviewer from the study (by encouraging the group to discuss amongst themselves, rather than directly with the moderator, especially compared to individual interviews) and by focusing on social context, where opinion tends to be created, thereby increasing external validity (Albrecht et al., 1993; Söderström, 2010: 4). These perspectives may exist independently outside of the group setting, but they are more likely to be revealed through the social gathering and interaction that is inherent to the focus group (Gibbs, 1997). The methodology uses social context by encouraging group interaction to show how people talk about an issue and, therefore, effectively displays and discusses differences in the group (Lewis, 2003: 60). When used properly, they are also exceptionally useful in giving a voice to marginalised groups (Morgan, 1997: 133). Overall, focus groups provide sequences of narrative to analyse, rather than only instances.

In terms of the nature of the topic, focus groups are good at tackling abstract concepts and investigating issues that could be illuminated by the display of social norms (Lewis, 2003: 60). Moreover, anthropological research has shown that publics that have recently witnessed violence or atrocity (even if from a distance) may hold coping practices that are taken-for-granted in society (Das, 2001).²⁴ Focus groups are adept at exploring taken-for-

²³ This is factually ambiguous, since some were members of the Croatian army when convicted, but for crimes committed whilst in the *HVO*.

²⁴ It is questionable how “recent” the conflicts in the former Yugoslavia are, as nearly 20 years has passed since they ended. Obradović-Wochnik (2013) has shown that the public in Serbia similarly continues to speak as if past is still continuing, as if the wars are not over.

granted concepts since, more so than any other interview method, they permit spontaneous expression of ideas by participants by allowing individuals to employ the language that they are used to using to discuss an issue to an extent that is difficult to replicate in a more structured and formal interview (Bertrand et al., 1992). Essentially, the approach shows not only how individuals feel but also why they feel that way and how they construct narratives.

The method is useful in the case of Croatia and transitional justice since it is effective in gaining trust when interviewing ex-combatants (who also made up a large proportion of the pensioners interviewed in this study), whose trust can be hard to attain and who often attempt to provide narratives that fit with their ideas of what the researcher is looking for (Christensen and Utas, 2008; Söderström, 2010). When constructed with the appropriate care and run properly, they also become effective in discussing sensitive issues. Moreover, this spontaneity adds to reliability since respondents are not able to coordinate their answers in advance, as they may do in surveys or individuals interviews with a similar number of participants (Söderström, 2010: 4). Much of this can also be completed through participant observation, although this would take longer and the topics of interest may never actually arise (Söderström, 2010).

Finally, in terms of the research population, the small geographical area and centralised nature of Croatia suited focus group research well. Groups could be arranged easily in both urban and rural areas, as travel between the two is cheap, quick and well organised. This means that a study need not focus only on the major urban hubs while costs and time in the field can be kept under control. This allowed for the usual problem of representativeness in focus group research, which is discussed in more detail below, to be somewhat alleviated.

3.2.2 Issues to be aware of with focus groups

The predominant problem for focus group research is representativeness, especially when compared to surveys. It is important to keep in mind that the methodology does not serve the same purpose as surveys and is better used to highlight types of responses and attitudes that can be valuable in directing future, more quantitative research. The best solution to this problem is to use existing quantitative research as a secondary source or as a control, in order to allow the study to explore perspectives in more detail, without having to worry if these are the most widely shared ones. While focus groups do not provide a basis for empirical generalisability, they do allow for conclusions to be drawn about narratives as

types of collective experience by looking at sequences rather than merely instances of speech (Stanley, 2016: 244).

Group process provides the opportunity for a researcher to collect rich experiential information by using group interactions; it is the unique advantage of focus group research, but it can also undo it (Carey and Smith, 1994). Limitations of the approach arise from psychosocial factors that can potentially limit the quality of the data; the impact of participants censoring and conforming in the group setting can severely limit results (Carey and Smith, 1994). Alternatively, instead of participants withholding information, it is also possible that their contributions may not represent their “true” underlying beliefs and feelings, which they may have altered due to the context of the group.²⁵

The social context in which focus groups are held is inextricably linked to the group process and it is a dynamic that warrants specific attention. The social contexts of focus groups, in other words the relationships among the participants and between the participants and the researcher, as well as the more comprehensive social structures within which the discussion takes place, all influence the way the data is generated and the nature of what is produced (Albrecht et al., 1993; Hollander, 2004; Morgan, 1997; Stewart and Shamdasani, 1990). The effects of this are yet to be investigated in any depth, so it was important to avoid contaminating the data by paying careful attention to the composition of a group. For example, when interviewing teachers, the presence of a head teacher in the discussion may force other teachers to adapt their answers to what their superior would like to hear. This was not always possible; the non-urban pensioners group involved a husband and wife, who may have tailored responses based on each other’s participation.²⁶ The collection of individual data after discussions, either through individual in-depth interviews or through a survey, is a popular method used to alleviate this problem. This approach allows for discussants to elaborate on views they expressed during the discussion, fill in gaps in their contributions, describe thoughts or memories in more detail, or share their reactions to the focus group discussion, including their comfort with discussing their experiences and feelings (Kitzinger, 1994; Morgan, 1997).

²⁵ The list of studies highlighting these, and other closely related issues, is comprehensive. For more details see: Albrecht et al. (1993), Hollander (2004), Morgan (1997) and Stewart and Shamdasani (1990).

²⁶ The couple did not seem to influence each other, but in order to alleviate this further, the follow-up dyad included the husband. At the very least his opinions did not seem to change, although this does not account for the wife.

Standardisation can be problematic in loosely structured focus group interviews. As a project level design issue, this concept addresses the extent to which identical questions and procedures are used in all groups (Morgan, 1997: 142). The advantage of such an approach, and its most common justification, is the high degree of comparability that it allows across different groups (Morgan, 1997). This comparability is particularly useful when the aim of the research is to compare the responses of different categories of participants. The disadvantage of standardisation, on the other hand, is that a study must stick with whatever questions and procedures were chosen prior to commencing field research. This can be restrictive when investigating fluid concepts, such as those that focus group research often tackles, and can limit the liberty of respondents to develop a topic during a session. Overall, some standardisation is necessary, but researchers working with sensitive or controversial topics need to pay special attention to achieve the correct balance of freedom of expression mixed with comparable results. Focus groups in this study were consequently semi-structured; a core set of questions was used in all groups while the rest depended on the specific discussions.

Finally, as with most qualitative methods, lack of quantification can lead to undue subjectivity on the part of the researcher in analysing results and arriving at conclusions (Bertrand et al., 1992). A range of solutions and tools exist to deal with this problem, for example QCA was used as a control in this study to alleviate the problem, as well as the aforementioned longitudinal analyses.

3.2.3 *Why follow-up interviews?*

Follow-up interviews were used to alleviate the risk of the social context of the focus groups from affecting the data, and they were a means to further explore the most interesting opinions expressed. This particular method was chosen as previous focus group studies have used it effectively to gain more depth. Moreover, it produces a narrative that addresses the continuity of personal experiences over time (Morgan, 1997).

In terms of the nature of data, individual in-depth interviews are effective at generating deep personal accounts, understanding personal context and exploring specific issues in greater detail (Gillham, 2000). In this sense, they can further investigate what leads to the narratives that will have arisen during the focus groups. In terms of the nature of the topic, individual interviews are effective at understanding complex issues and processes, such as motivations and decisions (Gillham, 2000). Much like focus groups, they allow for subjects

involving social norms and sensitive issues to be discussed, but with the addition of being able to explore private topics in greater detail. Finally, in terms of the research population, interviews can reach participants who are likely to be less willing or able to travel (Gillham, 2000). Once again, Croatia was well-suited to this since travel to any one interview was quick, affordable and convenient.

There was a notable difference between focus groups, dyads and interviews, especially follow-up interviews. As the following chapters will show, data from focus groups proved to be far richer and more useful in the analysis. In some ways, follow-up interviews were unnecessary other than to confirm that social context did not contaminate focus group data in any way (and narratives did not change in the individual setting). Their main use was to cover areas that were not discussed in focus group discussions, especially with particularly talkative groups, such as war veterans and pensioners. Individual interviews or dyads were often used with teachers since focus groups proved hard to organise. The lack of group dynamic did affect the nature of the data, but focus groups with teachers were relatively well structured compared to other target segments (they were the least verbose). Dyads and interviews, therefore, did not differ as much from focus groups as they may have with other target segments.

3.2.4 Conducting the focus groups

Overall the focus group interviews were conducted in a semi-structured manner and the researcher moderated all groups.²⁷ Each section began with a broad topic, where the researcher would let the participants speak relatively freely and develop the topic as they saw fit. Following this the researcher asked more specific questions and was involved more actively (at least compared to the initial phase) in directing the discussion. The different stages of the focus groups were planned based on the analysis of group processes and models of small group behaviour provided by Finch and Lewis (Finch and Lewis, 2003). By understanding these dynamics, it was possible to choose the best approach for the discussion as it moved through different phases of the group process.

The initial phase set the atmosphere for the discussion and laid out the ground rules (Finch and Lewis, 2003: 177). The researcher would introduce himself, welcome participants and outline how the discussion would work. The key aim of the phase was for the researcher to

²⁷ The literature on focus groups does not reach a consensus over how structured discussions should be, therefore, a middle ground has been chosen (see: Morgan, 1996).

make participants feel comfortable. After this the information sheet, consent form and survey were passed around, one after the other rather than simultaneously. Following this, in the brief second stage, the voice recorder was turned on and introductions would be made on the recording for transcription purposes (Finch and Lewis, 2003: 177).

Stages three and four were differentiated by their semi-structured and structured discussions; in this study they were repeated a number of times. Initially, in the third stage, the researcher would introduce the general topic of discussion and start it off (Finch and Lewis, 2003). The goal would be to encourage discussion and involve as many participants as possible. The researcher's job during this early phase was to note down certain more general opinions about the war, war crimes and the transitional justice process. The key aim was to balance group interaction against the need for individual detail, as well as the value of free-flowing debate against the need for coverage of specific topics (Finch and Lewis, 2003). The next stage would follow-up on this debate with a more structured discussion. It was the researcher's job to move on to the more specific topics that are directly related to the norm or narrative under investigation.

The final sixth stage would bring a close to the group discussion. The aim was to finish on a positive note, for example by discussing potential solutions to the problems discussed. This was particularly important when discussing sensitive and emotionally charged topics, as is the case with the Homeland War. At this point the recording device would be turned off and, once again, as at the beginning of the focus group, confidentiality would be reaffirmed. The researcher could note any further comments down later on, if they were deemed to be relevant to the discussion (always ensuring that anonymity is protected).

A digital recording device was used to record discussions. The researcher also took notes to capture any physical gestures, changes in tone or other aspects of conversation that a recording device cannot. Using an assistant was not deemed to be economical or necessary in this study, although this hindered the recording of physical gestures, especially in sensitive or emotional discussions where maintaining eye contact with participants was important. The researcher transcribed the records as soon as possible after the sessions, ideally on the same day or the day after. These were rough copies, which were later supplemented by a paid transcriber who took greater care with the transcription in order to allow for more rigorous linguistic analysis.

The approach to transcription outlined above is necessary in focus group research in order to capture the full richness of the data. A transcript alone cannot easily represent the

complex process of communication (elements such as tone, pace, inflection and physical gestures) and subsequent meaning (satire, humour, sarcasm, emotion, intensity, etc.), both of which can be attained through the immediate and detailed recording of field notes (Carey and Smith, 1994: 126). The advantages of such an approach are the completeness of transcription, the detailed record of the original language used and that the data will remain intact for subsequent analysis. The drawbacks, on the other hand, were that the sessions had to be split up to allow for transcription, with often at least one day between each, and that the researcher could be selective and biased when writing the notes up, due to the memories being so recent.

Finally, the group context must once again be kept in mind during this part of the process. Most writers admit that such group interaction is an important feature of focus group methodology, however, they continue to use the method as a tool for collecting individual level data in a group setting, thereby ignoring the impact of group dynamics (in particular, see: Bertrand et al. 1996; Carey and Smith, 1996; Hollander, 2004; and Morgan, 1997). This proved difficult in the actual analysis, since it requires rich discussions with little moderator involvement, ideally across all focus groups to allow for comparison. While this was attempted in the following chapters when possible, ultimately many of the groups did not run smoothly enough to allow for in-depth sequential analysis. For example, teachers often gave binary (“yes” or “no”) answers, even when asked to elaborate, and war veterans often went into individual narratives with little group interaction. While such instances also hold analytical value (for example, what does the silence or the lack of willingness to elaborate mean?), in most cases it did not allow for effective analysis of narrative sequences. Such sequences allow for a particularly in-depth look at how norms and narratives are constructed.

3.2.5 Analysing the transcripts

The transcripts were analysed using narrative analysis. This approach was suited to the qualitative, single case and constructivist nature of the study, since it focuses on identifying the key narrative (or story) that is being told by participants, it looks at how this narrative is constructed, what the intention of the participant is, what the nature of the audience is and what the meaning of the narrative is (Riessman, 1993). It also suits the open-ended nature of the focus group discussions, which allow for narrative segments and follow-up questions. Other approaches in discourse analysis are instead based on segmenting data, which can at times lead to an incomplete analysis or to a “culture of fragmentation” that decontextualises the data (Atkinson, 1992).

In narrative analysis, the focus shifts from “what actually happened” to “how do people make sense of what happened” (Bryman, 2016: 589). Narrative analysis is, therefore, well-suited to gaining an insight into how individuals construct the world around them and to a constructivist approach to research design. In qualitative analysis, it focuses on the stories that individuals employ to account for events and it has effectively been used to retell traumatic and major life events (Riessman, 1993). This means that narrative analysis is both a data collection and a data analysis technique. It is an approach to analysing the data generated from focus groups, but the focus group themselves form a part of the narrative analysis since they are used to stimulate the telling of narratives to be analysed (Bryman, 2016: 590). The transcripts were then categorised and examined as instances and, when the data allowed for it, as sequences.

The categories were, when possible, derived from existing literature so as to increase the validity and reliability of the analysis. When this was not possible, then categories were formed in a manner that took into account the highly subjective nature of such an endeavour. Given the thesis’ constructivist approach (although this is true in social science research more broadly), it was important to be aware that interpretation of data is a reflexive endeavour in which meanings are constructed, rather than discovered (Mauthner et al., 1998). The researcher, the method and the data are reflexively interdependent and interconnected. (Mauthner and Doucet, 2003: 414). This thesis is, therefore, infused with the researcher’s epistemological and ontological assumptions. Moreover, the story present in the thesis cannot be decontextualized from the researcher’s own personal background (a Croatian citizen of Croat ethnicity who has lived abroad for some time) and institutional surroundings (studying for a PhD at a British university, but also the broader academic environment such a project takes place in). It was, therefore, important to ask how participants’ accounts were meaningful in this particular research context and how data was constructed. Different researchers, especially those with differing backgrounds or those looking at the data during later time periods, may interpret these categories differently. This is why attempts were always made to connect conclusions to existing literature or to include a more systematic research design (for example, one using mixed methods and QCA) in order to increase validity, reliability and, hopefully, replicability.

3.3 Events relevant during fieldwork

The fieldwork took place from September 2014 until March 2015, during which time a number of events relevant to the research were ongoing in society. These in great part featured in discussions and are listed below in descending order of relevance.

3.3.1 *Cyrillic signs in Vukovar*

The 2011 Croatian census found that Serbs comprise over one third of the population in Vukovar, thereby requiring bilingual signs in the city. This resulted in a series of demonstrations in Vukovar in late 2013, as well as some other Croatian cities, to protest this move. The initial rally involved over 20,000 individuals, featured slogans such as “VUKOVAR, NE BYKOBAP”²⁸ and was likened to previous public shows of support for the Croatian generals in Split.²⁹ The proposed bilingualism frustrated war veterans and many ordinary citizens due to the wartime experience of the city. Signatures were also collected across the country for a referendum to change the law on minority rights and bilingualism. The topic was directly addressed in the interview guide (see Appendix A), but frequently arose spontaneously before the moderator had a chance to move on to it.

3.3.2 *War veterans’ protest on Savska Road*

The demonstrations on *Savska Road*, in front of the Croatian Ministry of Veterans’ Affairs, lasted from October 2014 until April 2016. They involved a number of war veterans’ associations asking for the resignation of the Minister of Veterans’ Affairs. They continued despite a change in government and, therefore, Minister. They were not in the interview guide, but were frequently brought up as an example of the plight of war veterans in Croatia, of their connection to Croatian right wing parties or of their privileged position in society.

3.3.3 *Provisional release of Vojislav Šešelj*

Vojislav Šešelj was provisionally released from the ICTY on medical grounds in November 2014. Not only did this lead to a marked increase in criticism of the Tribunal in focus groups, it even led to a participant cancelling a follow-up interview as they found the event too

²⁸ This translates to “Vukovar (in the Latin alphabet), not Vukovar (in Cyrillic).”

²⁹ “Vukovarska Riva”, *Index.hr*, 18 February 2013.

upsetting. From that point on the release was often used by participants as an example of ICTY inefficiency.

3.3.4 Arrest of Milan Bandić and the sale of INA

Corruption and the generally poor economic situation in Croatia featured heavily in all discussions. This was exacerbated in October 2014 by the arrest on corruption charges of the long-standing Mayor of Zagreb, former Presidential candidate and current member of parliament, Milan Bandić. In addition to this, during December 2014 there were a number of large demonstrations in Sisak to protest against the selling off and subsequent redundancies at the largest Croatian oil company, INA, whose refinery is based in the city. All discussions in Sisak, as well as in some of the other locations, featured much discussion on this topic. This is relevant to the thesis because, as Chapter 9 shows, participants did not make a semantic distinction between the processes of transitional justice and neoliberal transition. Instead, they saw them as inherently connected.

3.3.5 2015 parliamentary elections

The 2015 parliamentary elections were announced in September and held in December of that same year. Informal campaigning had begun far in advance so the topic of an upcoming election was common throughout discussions. Moreover, the centre-right “Patriotic Coalition” led by the opposition HDZ, frequently employed war veterans, nationalist symbols and war memories in their rhetoric.

3.4 The participants

The participants in this study were ordinary, inasmuch as they did not form a part of any elites. They were also targeted, since the study spoke to only middle and high school history teachers, members of smaller war veterans’ associations and pensioners in Zagreb, Sisak, Zadar and a non-urban location for each segment.³⁰ The participants took part in focus groups, for the most part, but when it was not possible to organise one then they took part in dyads or individual interviews. Follow-up interviews were held with a number of these

³⁰ There was an additional non-urban group of members of war veterans’ associations, since the two were simultaneously organised.

individuals. In total, 52 individual took part in 13 “groups” (Table 1). 30 were male, 22 were female. Pensioners were predominantly male (only two females), teachers were roughly evenly split, while three of the five war veterans’ groups were wholly female.

Table 1. Overview of focus groups.³¹

Location	Target segment	Number of participants	Number of follow-up interviews
Zagreb	Pensioners	4	2
Zagreb	War veterans	4	2
Zagreb	Teachers	2; 1; 1	0
Zadar	Pensioners	4	0
Zadar	War veterans	6	2
Zadar	Teachers	3	1
Sisak	Pensioners	5	2
Sisak	War veterans	3	0
Sisak	Teachers	3	2
Non-urban	Pensioners	5	2
Non-urban (Banovina)	War veterans	5	1
Non-urban (Slavonia)	War veterans	2	0
Non-urban	Teachers	2; 1; 1	0

Middle and high school history teachers were targeted because they are central to the process of teaching young people about norms, values and narratives. Holding the groups across four locations allowed for a comparison across communities that had different levels of exposure to the war and to the transitional justice process. The target segment was small enough to reach a good portion of the population in each location, somewhat alleviating the lack of representativeness in focus group research.

Pensioners, the second target segment, are a highly politicised and large grouping in Croatian society. They are particularly interesting since they lived through Yugoslavia, the Homeland War, the Tuđman regime and the post-Tuđman period. They were educated under a different system than the one currently in place. Finally, pensioners were evenly spread between the urban and non-urban settings, especially compared to the other target segments.

³¹ If a dyad was held with, for example, two additional individual interviews then this is denoted as “2; 1; 1”.

The third target segment was composed of members of war veterans' associations. As an influential and vocal grouping, they allowed for an exploration of attitudes about transitional justice in this influential part of Croatian civil society. The aim was to target veterans' groups that are not consistently being quoted in the newspapers, since their opinions are readily available.

The focus groups were held in and drawn from the cities of Zagreb, Sisak and Zadar, as well as one non-urban location for each segment other than for war veterans. Zagreb was used as it is the largest city in Croatia and it remains the political and cultural centre of the country. It also provides an example of a large metropolis that was not on the frontline of the war. Sisak was selected because it was directly affected by the war, a domestic war crimes trial dealt with crimes committed in the city and, as an industrial hub, it has a larger working class population than most cities. Zadar was used since it is in a different region of Croatia than Sisak and was also directly affected by the war. Moreover, the region is known as a hotbed for Croatian right wing, often nationalist, politics.³² The non-urban locations were determined based on where it was possible to find participants, although an attempt was made (relatively successfully) to keep the locations within a close distance to the three chosen cities, rather than in completely different parts of Croatia.

Questions may be raised as to why cities such as Vukovar, Knin, Split and Osijek were not chosen, given their relative importance during the war and in Croatian society. Firstly, this study is not targeted at the ethnic Serbian population in Croatia, therefore there was no need to seek out communities with clear ethnic divides. Moreover, these communities have been investigated in great detail; the lacuna of research on attitudes is not as significant in these locations. Split was not chosen since it is too similar to Zagreb and does not have the image of being as staunchly right wing as Zadar. Finally, the region of Slavonia is the largest omission from the study, other than the one dyad. It is not be feasible to focus on all regions of Croatia, but Slavonia offers existing research that this analysis can draw upon.³³ The region can also be used in the future to expand the scope of this study and validate results. Results from the survey, focus groups, dyads and interviews have all been anonymised. Below are some further details on all of the groups and how they were organised.

³² Indicative of this are the 2003, 2007, 2011 and 2015 parliamentary election results where right wing parties have consistently fared better than in other parts of Croatia. See: <http://www.izbori.hr/2003Sabor/index.htm>; <http://www.izbori.hr/izbori/izbori07.nsf/fi?openform>; <http://www.izbori.hr/2011Sabor/rezultati/rezultati.html>; <http://www.izbori.hr/140zas/rezult/1/nrezultati.html>

³³ In particular, see Blanuša (2002) and Clark (2012).

Zagreb Pensioners (ZG.P³⁴)

The group was organised via two contacts, which led to a group of three acquaintances and one separate individual attending. The group was relatively well-educated (two had finished university level education, a third was a highly skilled worker) and the average age at the time of the discussion was 76. Some of the participants were from war hit areas, but only one was on the frontline during the war. The group ended in a walkout after several arguments had taken place.

Zagreb War Veterans (ZG.V)

The group was organised by a small war veterans' association that invited members of several others to take part. This included a victim's association from Vukovar. Only one person was from a location on the frontline, but all were there during the war. Their average age at the time of the discussion was 50 and half had completed higher education.

Zagreb Teachers (ZG.T)

As with all groups of teachers, this was one was particularly hard to organise. The initial focus group saw two cancellations on the day (these were later organised as individual interviews), so a dyad was initially held. All members were recruited separately, all were highly educated, all bar one were not on the frontline during the war and the average age was 42.

Zadar Pensioners (ZA.P)

This group was difficult to organise and was ultimately organised through the help of the Zadar war veterans' association that took part in the study. The participants were not all familiar with each other before the focus group, although some were. They were from many parts of Croatia, but were all in Zadar during the war, three out of four held university degrees and their average age was 74.

³⁴ This denotes the code used to identify different participants in the transcripts.

Zadar War Veterans (ZA.V)

This group was referred by one of the Zagreb war veterans. All participants came from a single association, which was both a war veterans' and a victims' association for women. Half had university degrees, the average age was 53 and all were from and spent the war on the frontline.

Zadar Teachers (ZA.T)

One participant from this group invited two others to take part. The group was, again, difficult to organise and two of the three were currently out of work (reflective of the cuts common in Croatian education). Two were from the frontline and lived there during the war, all were highly educated and their average age was 28.

Sisak Pensioners (SI.P)

The participants were all good friends and were recruited through a single contact. They were all highly educated and highly skilled workers who had been involved in the local oil and steel industries. A number were also war veterans and all of them were from frontline locations and were on the frontline during the war. Their average age was 67.

Sisak War Veterans (SI.V)

The Sisak war veterans were the most suspicious group encountered in the fieldwork. One participant refused to complete the survey and they constantly questioned the researcher's motivations. The group was wholly composed of a single women's war veterans' association. They did try to invite another association (for men), but they cancelled on the day. The group was educated to high school level, all were from the frontline, all fought on the frontline and their average age was 59.

Sisak Teachers (SI.T)

The Sisak teachers were composed of two friends and one other individual who was considerably younger than the others. The group was difficult to organise since schools in Croatia have two shifts, one morning and one afternoon, so teachers are rarely free at the same time, especially in smaller locations. They were all from Sisak and were on the frontline during the war. Their average age was 33.

Non-Urban Pensioners (NU.P)

These pensioners were a group of friends from a small village roughly half way between Zagreb and Karlovac. The village was close to the frontline for a period of the war. The group was highly suspicious and a silent ally (discussed in more detail below) was used to organise the group and to help run it. All were not from the frontline, three spent the war on the frontline, two of which were war veterans that had fought on several fronts. The average age was 63 and the group was educated to high school level.

Non-Urban War Veterans Banovina (NU.V)

This group was organised through a human rights NGO and was both a war veterans' and a victims' association for women. Through the discussion it became obvious that they were also in close contact with more than one of the other associations involved in the study. They were all from the frontline and took part in the war, they were highly educated and their average age was 57.

Non-Urban War Veterans Slavonia (NU2.V)

This dyad was organised simultaneously as the above via the Zagreb war veterans' group. It consisted of two friends who were the only ones locally who were willing to speak. Both were 55 at the time of the conversation, held high school diplomas, were from the frontline and fought locally in the war.

Non-Urban Teachers (NU.T)

This group was also quite hard to organise, especially due to the shift problem in smaller localities where they may only be two history teachers. One such locality involved two teachers interviewed separately (close to Sisak), the other involved a dyad (close to Zagreb). Only one was from the frontline and was there during the war, their average age was 37.

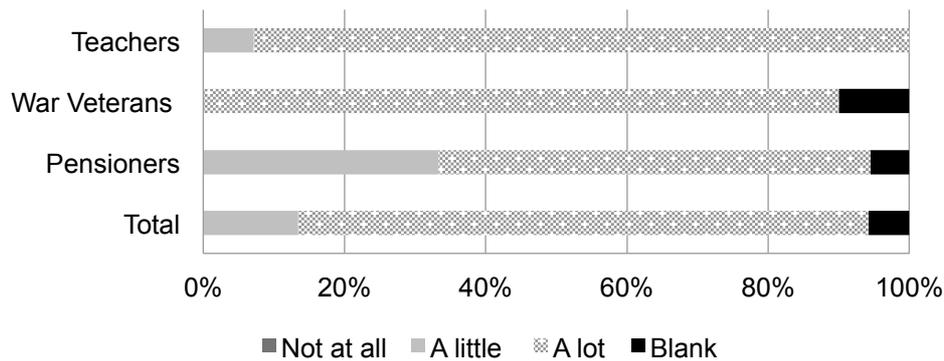
3.5 Comparison of survey results

Other than personal details, participants also answered eight other questions that were drawn from previous survey questions on topics relevant to transitional justice (in other words, dependant variables). Below is a brief overview of how these 52 respondents compare to the rest of the population. Only the most relevant results will be expanded upon for the sake of brevity. Generally, these results were similar to nationally representative studies, other than for teachers who stood out from the representative results, as well as from the two other target segments.

How interested are you in your national history and the fate of your nation?

This question is hard to compare to other surveys, since it featured in the Ilišin (2011) study that asked respondents to rank a list of priorities, including themes such as “sex and love”, “work” and “friendship”, on which national history and the fate of the nation ranked quite low. The below results (Figure 2), however, highlight a slight difference between pensioners and teachers, but especially war veterans, since pensioners did not seem to express as high an interest in the topic in question.

Figure 2. How interested are you in your national history and the fate of your nation?

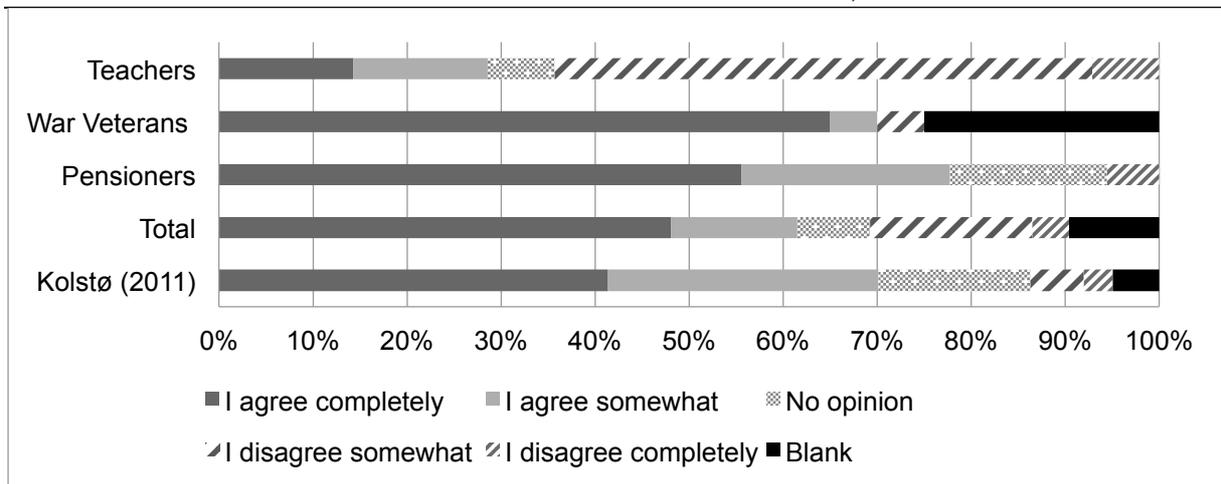


Source: Own compilation

To what extent do you agree with the following statement: Croatian officials and soldiers convicted at the ICTY or in domestic courts are heroes, not criminals.

The respondents were relatively similar to the nationally representative study conducted by Kolstø (2011) in that most respondents agreed that convicted Croatian officials and soldiers are heroes, not criminals. Teachers stand out in this regard, which hints at a different understanding of law and the war by teachers in this study.

Figure 3. To what extent do you agree with the following statement: Croatian officials and soldiers convicted at the ICTY or in domestic courts are heroes, not criminals.

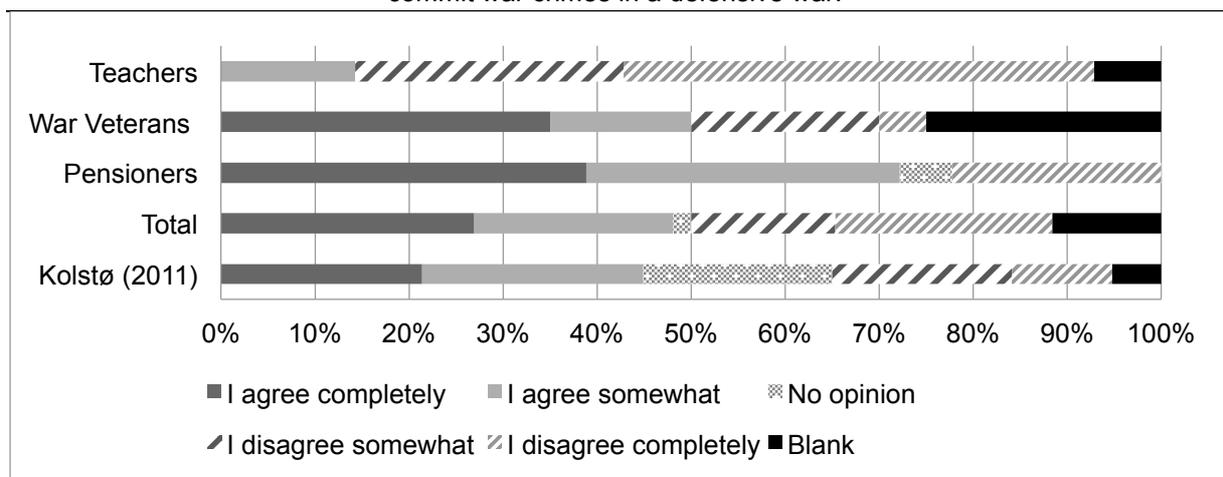


Source: Own compilation; Kolstø (2011)

To what extent do you agree with the following statement: The Croatian side could not commit war crimes in a defensive war.

Again, the total results are quite similar, especially in terms of overall agreement, to the nationally representative results. The teachers, once again, stand out due to their disagreement with the legal notion and important facet of the war narrative, that war crimes were not possible in a defensive war.

Figure 4. To what extent do you agree with the following statement: The Croatian side could not commit war crimes in a defensive war.

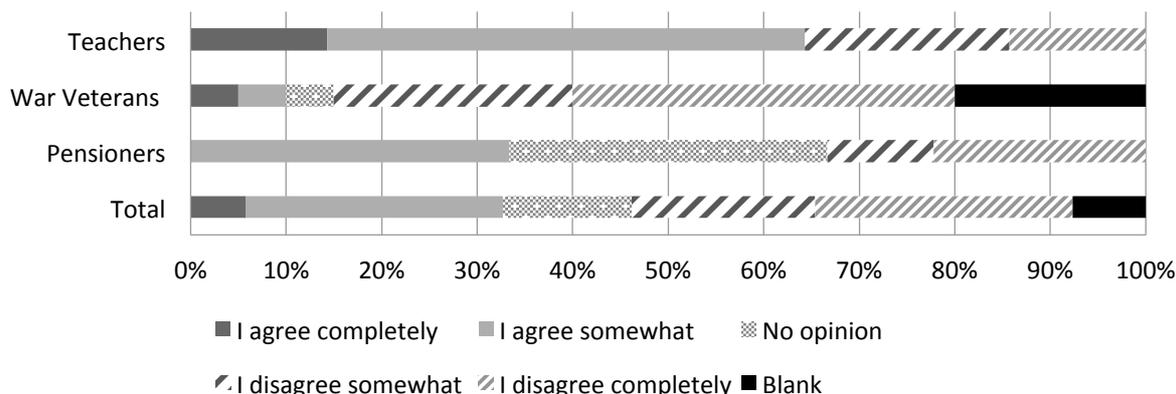


Source: Own compilation; Kolstø (2011)

To what extent do you agree with the following statement: schoolbooks about Croatian history in the 1990s present the history of Croatia correctly.

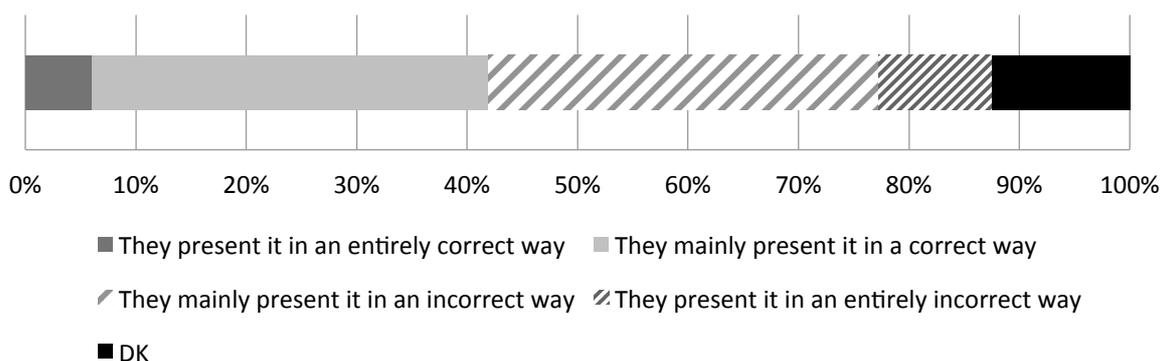
This question also featured a great divergence between the opinions of teachers and other segments, although none seemed to agree. Teachers did complain about schoolbooks during conversations, but not enough to warrant making it a grave issue of concern, whereas (as subsequent chapters will show) war veterans particularly lamented how authorities and schoolbooks presented Croatian history. The Kolstø (2011) survey asked a similar question (Figure 6), the results of which are relatively similar to those obtained in this study's survey.

Figure 5. To what extent do you agree with the following statement: schoolbooks about Croatian history in the 1990s present the history of Croatia correctly.



Source: Own compilation

Figure 6. Do you think that the state authorities of Croatia present the history of Croatia in a correct way?

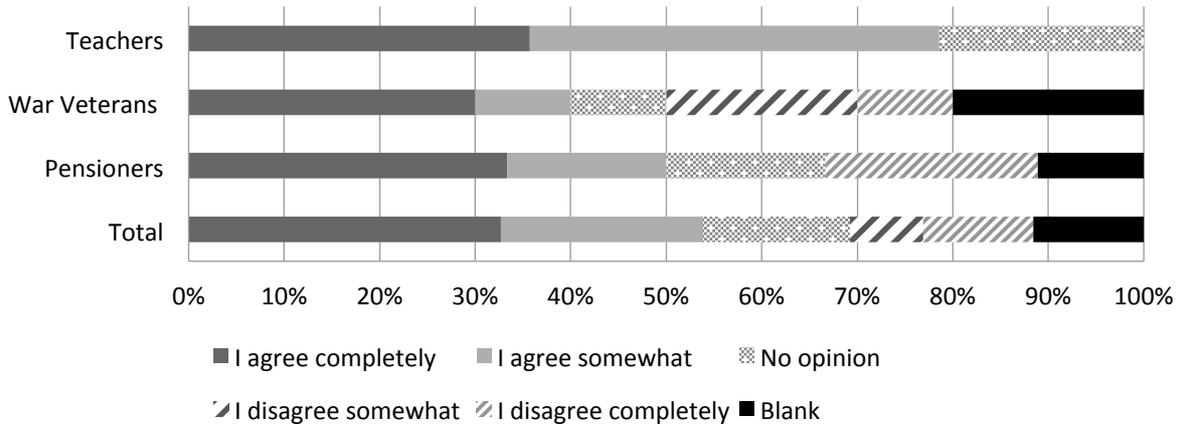


Source: Kolstø (2011)

To what extent do you agree with the following statement: representatives of the Serb minority in Croatia should be involved in the development of museums about 20th century Croatian history.

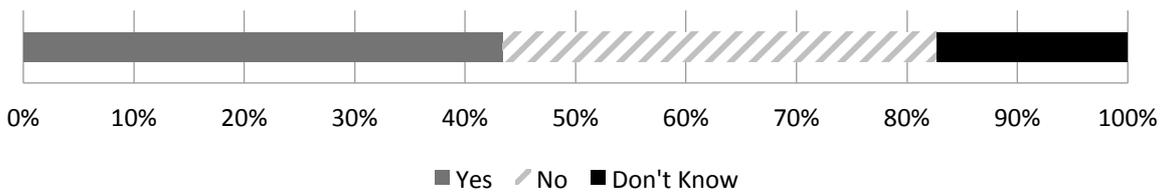
This question could also not be directly compared to nationally representative results, but the comparison that can be made shows slightly divergent results in that respondents in this study seemed more accepting of Serb minority involvement in the development of history museums in Croatia. War veterans and pensioners were typical in this regard and matched results from the Kolstø (2011) survey. History teachers, however, diverged considerably and expressed more positive attitudes (Figure 7).

Figure 7. To what extent do you agree with the following statement: representatives of the Serb minority in Croatia should be involved in the development of museums about 20th century Croatian history.



Source: Own compilation

Figure 8. Do you think representatives of Croatian Serb institutions should be involved in the development of history museums dealing with the 20th century?

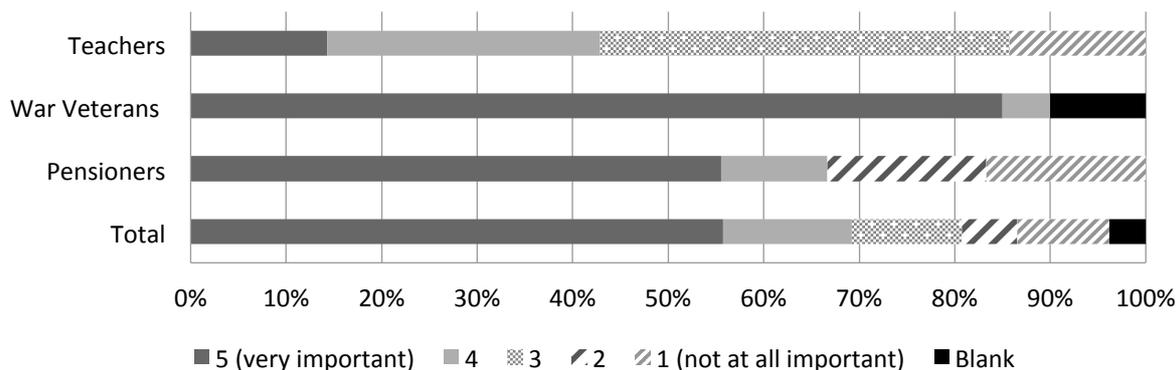


Source: Kolstø (2011)

How important is it to you to demonstrate your national belonging and being true to your national tradition?

This question had no comparison to prior surveys, but it did serve to better understand the participants. In particular, it showed a clear distinction between the three target segments, since war veterans found demonstrating national belonging and being true to national tradition very important, while teachers were far more neutral on the subject.

Figure 9. How important is it to you to demonstrate your national belonging and being true to your national tradition?

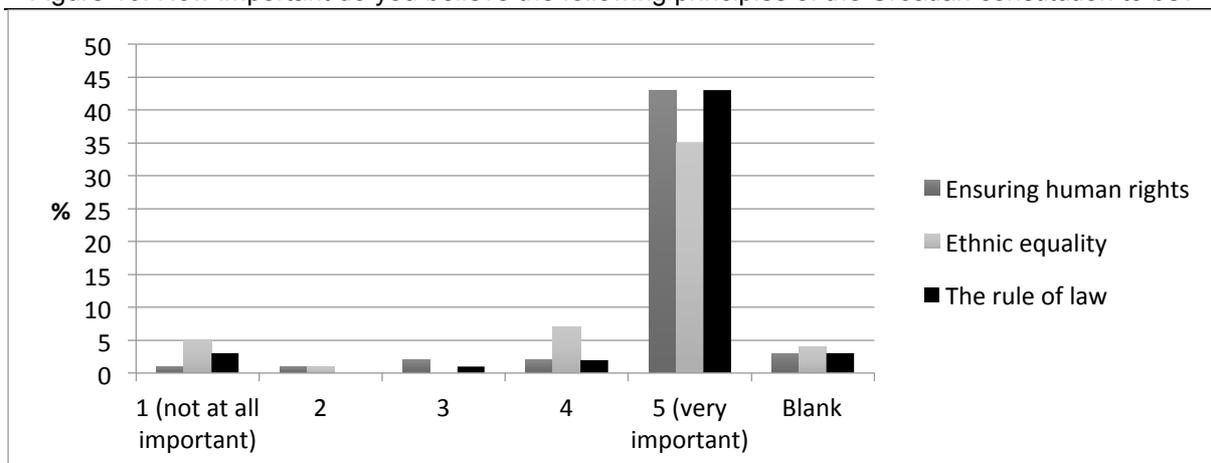


Source: Own compilation

How important do you believe the following principles of the Croatian constitution to be? Ensuring human rights, ethnic equality and the rule of law.

Respondents were asked to rate each of these principles on a scale from not at all important (1) to very important (5). This is the type of question in which most individuals will rate all principles highly. This was the case for all groups, but all groups also prioritised ethnic equality slightly less than than the other two principles (Figure 10). Results were similar to the nationally representative study by Ilišin (2011), which asked respondents to classify responses in order of preference. There, ensuring human rights ranked highly (second), while ethnic equality and the rule of law were at the bottom of the list.

Figure 10. How important do you believe the following principles of the Croatian constitution to be?



Source: Own compilation

To what extent should future governments focus on achieving the following aims?

The final question of the survey asked participants to rank a set of government aims, once again on a scale from not at all important (1) to very important (5). Teachers stood out since they ranked “finding out the truth about what happened during the Homeland War” much lower than the other two target segments. The high priority given to fighting corruption, present with all three target segments, has also been replicated in nationally representative surveys (see: Ilišin, 2011; Ipsos Puls, 2012).

Table 2. To what extent should future governments focus on achieving the following aims? Ranked in order of highest importance.

War Veterans	Teachers	Pensioners
1. Finding out the truth about what happened during the Homeland War.	Ensuring human rights and freedom.	Finding out the truth about what happened during the Homeland War.
2. Fight against corruption.	Fight against corruption.	Fight against corruption.
3. Protecting the dignity of the Homeland War.	Harmony among ethnic minorities and Croats.	Ensuring human rights and freedom.
4. Ensuring human rights and freedom.	Finding out the truth about what happened during the Homeland War.	Protecting the dignity of the Homeland War.
5. Punishing war crimes	Punishing war crimes	Punishing war crimes
6. Harmony among ethnic minorities and Croats.	Protecting the dignity of the Homeland War.	Cooperating with the ICTY.
7. Cooperating with the ICTY.	Cooperating with the ICTY.	Harmony among ethnic minorities and Croats.

Source: Own compilation

3.6 Problems specific to the situation

During the fieldwork it became apparent that there were problems associated to the study of norms in post-conflict societies that were not well-covered in the methodological or transitional justice literatures. The topics being discussed in the focus groups were not sensitive, but they did touch upon sensitive issues and in the group setting (as opposed to the individual or survey setting) had the potential to cause significant upset to participants. The challenges to the researcher focused on recruitment problems and general suspicions;

insider/outsider status; and, ethical concerns, in particular the prevalence of post-traumatic stress disorder (PTSD).

3.6.1 Recruitment and suspicion

The study employed snowball sampling to recruit participants within the chosen target segments. In other words, participants referred the researcher on to other potential participants, which was useful to overcome general distrust of researchers and unease with talking about the Homeland War, despite the limitations this puts on representativeness. This was particularly helpful with war veterans' groups, where many had overt connections to political parties. In one instance, a group even admitted to having had to first gain permission from the local leader of a political party to participate in the focus group. Often a gatekeeper was used in such a situation in order to gain access to participants. This usually involved meeting a member of the group for a coffee to provide more information on the research, to answer any questions, but most importantly, to build a rapport. In some instances several such meetings took place before gaining the trust of the gatekeeper or gatekeepers, who were then willing to help organise a focus group and sometimes even introduce the researcher to similar groups in other cities.

In particularly suspicious groups (most notably non-urban pensioners) a so-called "silent ally" was employed. This person, usually also the gatekeeper, was an individual trusted by the assembled group who would partake in the focus group (regardless if they were also a member of the target segment). The person would be prepared by the researcher as to what the group was about and instead of actively participating in the group, they would sit there in silence, providing prompts and reassurances as and when was necessary. Most often this took the form of looks and nods, as unsure participants would look to the silent ally for affirmation that they could speak openly. The gatekeeper and silent ally also have a responsibility to the participants, must understand the research and be sensitive to the needs of the participants while researchers, on the other hand, must be aware of the complexities of the gatekeeper's and silent ally's role (Homan, 2004).

Examples of suspicions were present in many situations. Interviewed teachers who were asked to recruit colleagues in several instances stated that they could not recruit older colleagues because they were too scared to talk to about the Homeland War. In another instance, with a non-urban war veterans' group, the researcher was asked at the outset if he held a Croatian passport, as this was crucial to holding the discussion. These suspicions

were often exacerbated by the presence of the recording device and the consent form. War veterans, for example, were worried that the researcher would not report truthfully on the discussion, so the transcripts were sent to a number of groups for approval. This offer, more than the actual act, often assuaged any fears.

The required consent forms proved to be even more problematic. Several gatekeepers and silent allies suggested handing them out at the very end, which was not possible due to ethical concerns and in a number of groups a significant amount of time had to be spent explaining and stressing anonymity and data protection. This further stresses the need for gatekeepers and silent allies who strongly trust the researcher and can serve as a powerful helper in such a situation, as long as they are aware of the requirement for voluntary consent. The ability to convince participants of a researcher's good intentions constitutes a significant practical problem, but if dealt with in a sensitive fashion, it should not compromise the ethical integrity of a study (Roberts, 2012).

3.6.2 *"On je naš": Insider/outsider status*

It is important to be aware that, while the researcher and participants may share many aspects of their identities, thereby facilitating a harmonious relationship, it is equally possible that parts of their identities can lead to a significant social distance between the two parties. In order to avoid such a scenario and to encourage a more harmonious relationship with participants it is wise for a researcher to focus on commonalities (Kempny, 2012: 47). Overall, techniques from anthropology proved invaluable in the research and can be used extensively in qualitative data collection in political science.

The researcher (as a Croatian citizen who has lived abroad for the majority of his life) was able to gain access to certain situations due to an understanding of Croatian cultural specificities that an outsider would not be able to easily, or at least quickly, attain. The advantage of a certain cultural intimacy and understanding of the society's values and feelings of empathy is that it makes it easier to establish trust (Van Ginkel, 1998: 256). This very insider status and intimacy can also be a curse, especially when discussing norms that have a certain taken-for-granted status, which the researcher can also take for granted (Kempny, 2012: 43). While an outsider will struggle to "get into" the field, an insider struggles to "get out" in order to have a more objective view of a familiar environment (Van Ginkel, 1998: 258). Moreover, it necessitates the researcher to take on a position of naïveté in front of participants, who may otherwise assume a researcher is familiar with (taken-for-granted)

concepts or norms and may, therefore, not feel the need to elaborate on them at all. Nevertheless, the insider status helped immensely in this study, sometimes explicitly (such as with the citizenship question) while at others times tacitly through an understanding of implicit rules or “socio-cultural grammar” that helps guide behaviour and interpretations (Fleisher, 1995: 12; Wolcott, 2005). This intuitive insider knowledge helps better understand social situations, which in turn helps maintain good relationships with participants (Kempny, 2012).

The outsider status was also present, as a researcher coming from “the West” it was often a hindrance in the form of distrust. In such situations it often helped to refer to shared backgrounds in order to build rapport, which helped overcome the social distance between London and the group location, but also the social distance between the researcher’s place of birth (the largest city and capital, Zagreb) and rural locations, in particular. Such connections immediately made participants feel that they could, at least on some basic level, relate to an outsider (both in terms of location but also, often, in terms of education). These methods are commonly used by anthropologists doing fieldwork, but as Kempny (2012: 46) warns, they must be used carefully so as not to tread into the realm of manipulation.

3.6.3 *Sensitive topics: The minefield of PTSD*

The most concerning issue throughout the fieldwork, and one that at times caught the researcher by surprise, was the prevalence of PTSD among participants. This manifested itself exclusively in the focus groups and highlighted the powerful and potentially harmful effects of the group dynamic. A large proportion of the participants in the war veterans’ group discussions had suffered extreme trauma and loss during the war (some groups had a dual role as victim support groups). Many were diagnosed with severe PTSD, in extreme cases this had led to suicide attempts (which the group openly acknowledged during sessions) and recurring health problems. This, however, only showed itself in focus group discussions rather than prior to them, further exemplifying the unpredictable but also truthful nature of the group dynamic. Precautions were taken so that at the outset of every focus group conducted in the study, the researcher stressed that the issues to be discussed were potentially of a sensitive nature, that it was wise for participants not to take part if they were concerned that the issues could cause distress and that they could remove themselves from the group at any time. Additionally, extra care was taken to follow through all of the phases of the group discussion in particularly sensitive groups.

Regardless of the precautions taken, PTSD did present a serious problem in the fieldwork and a significant peril to participants' health. In one group of veterans, with pronounced problems with PTSD, a participant admitted to suffering from the condition before the recorded discussion started. Despite the researcher insisting the participant not take part, the individual thought it was important to put their views across, especially because they suffered from it and thought the research could highlight the problem (a recurring theme across the groups). During the group certain topics were consciously avoided if it seemed as if the participant was become agitated and the group finished relatively uneventfully, despite some crying by participants, which was a common occurrence in other groups as well. Two weeks after the focus group, however, the gatekeeper from the group made the researcher aware that the participant in question had to re-enter rehabilitation for PTSD as a consequence of participation.

PTSD was also present in the other groups, since many of the pensioners also took part in the war. One such group highlighted, quite starkly, that many individuals might not be aware that they are suffering from some kind of mental trauma. In the said group of pensioners, a respondent broke down in tears whilst speaking about what, at the time, seemed like a relatively non-sensitive topic. This was not in response to a question but came out during a short narrative by the participant. The participant removed himself from the group for a brief period, before returning once again. There is, therefore, a constant need for the researcher in the field to be cautious and aware of how such sensitive topics can affect individuals.

The above description paints a highly fraught picture of fieldwork, but certain practical measures can help alleviate such problems. For one, as in many other disciplines that deal with sensitive issues, general care must be taken to not cause feelings of distress or emotional harm (Kempny, 2012). Respondents must be reassured that the group is a safe environment to speak about the problem, that they can stop at any time and help, in whatever form is practicable, should be provided after the session. It is also always wise to attempt to find out if enough time has passed since the event occurred, although in this case at least the time period was clear (Kempny, 2012).

Small steps can also be taken during the actual sessions. Other than following the phases of focus groups quite strictly, an attempt can be made to increase eye contact during particularly sensitive moments in order to show interest and attentiveness, albeit at the cost of note-taking. Finally, in this particular study, a sign that a participant was uncomfortable with the topic was a general unwillingness to participate or organise a follow-up interview. In such instances it was important to find a balance between being pushy enough to be

effective (which is sometimes necessary), but not so pushy to make a participant uncomfortable or to risk causing (potentially further) harm. Usually gatekeepers or silent allies were effective at providing advice on this matter.

Participants often responded to the researcher's warnings about the potential harm caused by the discussion by insisting that they saw the benefits in such a study. It can be argued that the greatest benefit of such research is the creation of knowledge, but this has to be placed in context with the potential burden placed on participants (Traianou and Hammersley, 2012). It can often also be therapeutic to discuss such issues in the group setting, but the researcher must carefully manage the group to achieve this effect. In other words, although benefits do exist (and on balance the researcher would not be exposing the participants to such risk if the benefits did not outweigh potential risks), it is important to keep in mind that the concept of benefits is not only highly complex, but also specific to a time and location. Ultimately, however, no study justifies the hospitalisation of a participant.

Discussing war crimes and related trials risks putting the researcher in yet another rarely discussed ethical dilemma. During the fieldwork a participant from a group of pensioners, in relatively vague language, made it known to the group that they knew someone who had killed a family of civilians in an act of revenge. Such situations put the researcher, and group as a whole, in a moral dilemma that is hard to deal with. In these instances, it may be acceptable to break with the promise of confidentiality in order to discuss the issue with a trusted third party (for example an academic). Moreover, it is the duty of the researcher to inform authorities of any criminal offences that may have been confessed to in interviews. In practice, however, such admissions or stories are not always particularly clear. Much of the above hints at a certain lack of preparation in the current academic ethics preparation and approval process.

It is common practice in anthropological and ethnographic research to take great care to understand the reciprocal nature of the relationship between the researcher and participants, and, to therefore aim to give something back to the informants for their help and services (Kempny, 2012). As such, the researcher often offered help to all participants, gatekeepers and silent allies after meetings. Examples of this include offering help and advice on university applications for a participant's daughter, offering translation services, providing further literature to groups interested in reading about certain related topics, providing supplies (snacks, beverages, etc.) for the next war veterans' association meeting and so on. Ultimately no ethical code is perfect and their use in real-life situations will never be simple, because of this disjoint between the abstract and the practical, it is important for the

researcher to think about what they should do as researchers and what is ethical or not in doing research (Traianou and Hammersley, 2012). It should also be borne in mind that the researcher can experience considerable stress in such situations. This was alleviated by allowing at least a day of rest between groups, not only to transcribe, but also to “recover” from sessions, as well as by keeping in touch with local academics and colleagues who had shared similar experiences.

3.7 Benefits of focus groups in practice: Silence and laughter

The spontaneity of responses and the consensus that is built among, as well as across, groups showcases the usefulness of focus group methodology when studying norms and narratives. For example, war narratives draw on emotional reactions based on symbols of struggle (Pavlaković, 2014); focus groups are adept at exploring such emotional stories. They can also elicit a discussion of the logic the public uses to justify why certain verdicts are not accepted as valid while others are not. Subsequent chapters will discuss how particular images that came up naturally in discussions and dyads were used to justify why crimes in the eyes of international or domestic courts are at times interpreted as acts of self-defence.

The social nature of insights gained using focus groups can also become apparent through less direct interactions, such as pauses and laughter. Pauses were often indicative of a lack of knowledge among participants. Groups, for example, often struggled to define what a war crime is:³⁵

Researcher – How would you define a war crime?

(Long pause)

ZG.T.1 – Interesting.

(Long pause)

ZG.T.1 – How to explain that?

ZG.T.2 – I suppose what is done in war but does not follow the Geneva Conventions.

ZG.T.1 – The breaking of human rights.

³⁵ Some of the passages reproduced and themes discussed in this section will also be used in other chapters. In this chapter, they primarily serve to highlight the benefits of the methodological approach, rather than to make any arguments about the data.

ZG.T.2 – What is outside those rules. As far as I listened to The Hague tribunal, roughly speaking (dyad with Zagreb teachers).

The pauses also highlighted awkwardness or an unwillingness to answer questions. This was quite stark in the case of the Sisak war veterans who refused to discuss Croatian involvement in the Bosnian conflict:

Moderator – What is your opinion of the trial of Dario Kordić?

(Long pause)

SI.V.1 – I would rather not talk about that.

SI.V.2 agrees

Moderator – Could I maybe then ask you about Tihomir Blaškić?

SI.V.1 – I would rather not talk about individuals at all.

SI.V.2 – You asked us about a defensive war, not about individuals.

Moderator – Not a problem, we can skip this (focus group with Sisak war veterans).

Croatian military involvement in Bosnia was not of a defensive nature and it, therefore, has the potential to undermine the official defensive war narrative. This is particularly the case with groups that strongly believe in the war narrative, such as war veterans' groups. The above response illustrates how the group struggled to deal with a question relating to ICTY trials concerning Croatian involvement in Bosnia, first by struggling to provide an answer and then by asking to move on from the question. SI.V.2 finishes the exchange by hinting at the potential that individuals' actions (or what can be interpreted as court cases) have to undermine established narratives.

Laughter provided another social insight into particular topics. At the most basic level, it showed the poor opinion individuals or whole groups had of certain institutions, such as the ICTY, domestic tribunals, the United Nations, the Croatian government, the media and so on. These types of responses were common across all groups:

Moderator – What is your opinion of the outcomes of trials at domestic war crimes trials?

All laugh

ZA.V1 – We have so many stories.

ZA.V.3 (pointing at a picture on the wall) – Do you see that picture, the one in yellow, read what it says.

ZA.V.4 – Yes, that is just one of the Croatian soldiers who has been sentenced for war crimes.

ZA.V.1 – In a Croatian court.

ZA.V.4 – In a Croatian court. I do not even think we can call the Croatian judiciary the Croatian judiciary (focus group with Zadar war veterans).

Much like pauses, however, laughter at times indicated unwillingness to answer or a lack of knowledge about a topic. This was striking across a number of groups when discussing the role of the Church (with no specific mention of which Church) as a source of information on the war or its role in the war:

Moderator – What about the Church as a source of information?

ZA.T.2 – Oh no (laughs). I think all three religions present in these parts are quite biased in the portrayal of anything. The Islamic community, the Serbian Orthodox Church and the Catholic Church all strongly adhere to...

ZA.T.1 (interrupts) – Their Church.

ZA.T.2 – Their flock (laughs). And the infallibility of their own ethnicity. I really think...

(Long pause and researcher moves on to the next question)

(Focus group with Zadar teachers)

There were few uniform answers on this topic and, as the above passage showed, the exchanges were always brief and awkward among the group. At other times respondents claimed to lack the knowledge to be able to answer. Overall these answers hint at the taboo nature of the topic of Church involvement in the conflicts, which became apparent through these social interactions, rather than direct discussion of it.

3.8 Qualitative Comparative Analysis

A range of solutions and tools exist to deal with the lack of quantification in qualitative research, however, only QCA, which was used as a control in this study to alleviate the problem, will be discussed here. The basic premise of QCA is that combinations of necessary and sufficient combinations can causally explain outcomes in qualitative research (Ragin, 1989). Initially, a truth table is used to list all possible combinations of conditions and outcomes, which shows how often they appear in the set of cases that is being considered (Ragin, 1989). Boolean algebra is then employed to derive implicants, which are used to conclude what combinations of conditions are necessary or sufficient for the outcome to occur or not (Ragin, 1989). The method has been commonly used in political science

(Avdagić, 2010; Krook, 2010; Pennings, 2003; Vis, 2009; Werner, 2009) and international relations (Chan, 2003; Koenig-Archibugi, 2004; Maat, 2011; Thiem, 2011). It has also been applied to a lesser degree in law (Arvind and Stirton, 2010; Miethe and Drass, 1999; Musheno et al., 1991; Williams and Farrell, 1990) and anthropology (Moritz et al., 2011).

QCA is based on dichotomization, which can introduce problematic measurement biases in fundamentally non-dichotomous phenomena (Rihoux, 2006). Two pitfalls need to be kept in mind when using QCA. Firstly, few authors using the various types of QCA consider possible measurement error in enough detail; as with any research tool, it cannot be applied blindly. Secondly, contrary to the original design of QCA as a tool for testing propositions of deterministic necessary and sufficient conditions, many scholars implicitly or explicitly employ it as a tool for inductive theory generation (Hug, 2013). In this study, however, the purpose of QCA is to illustrate and to validate. QCA helps illustrate patterns that occurred across the interviewed target segments and to help ascertain why they occurred. The QCA was completed using R and the QCA package for R developed by Dusa and Thiem (2012).

3.9 Conclusion

Norms and narratives require an interactive method of inquiry since they only become apparent in interactions between individuals. Focus groups can provide this by effectively exploring the construction of narratives, contestation over some and agreement over others. Other methodological approaches exist but often cannot reach the necessary depth of inquiry over the same period of time or suffer from issues of representativeness as much as, or more than, focus groups. Focus groups do not provide a solution to all of these problems, but they can provide a useful alternative in specific situations, such as when investigating social norms in a post-conflict society. In such circumstances focus groups effectively reflect the independence of opinions by allowing for free flowing discussion, they lead to more truthful answers through spontaneity, they probe taken-for-granted concepts and they help in gaining trust with cautious individuals, such as ex-combatants. The approach also allows for the investigation of opinions through its interactive nature, which enables the narrative analysis of pauses and laughter in sequences of discussions.

Focus groups suffer from issues of representativeness and the group context can undo their usefulness as much as it can be the cause of it. In the post-conflict context, however, there are additional issues that can affect the research, even when the topics to be discussed are not directly sensitive. Firstly, general suspicions made recruitment and the signing of

consent forms difficult, which resulted in the extensive use of gatekeepers and silent allies who also had to be briefed on necessary ethical considerations. Secondly, the interplay between being an outsider as well as an insider provided opportunities for further exploration of taken-for-granted concepts, but it also threatened to limit research by creating too wide a gulf between the researcher and participants or by participants believing the researcher was too familiar with concepts. Finally, PTSD and various ethical concerns threatened the health of participants and put whole groups in difficult moral dilemmas. Entering the field without preparation for such eventualities can have serious consequences for both participants and the researcher. This hints at a certain lack of preparation in the field of transitional justice for undergoing this type of fieldwork, since topics are sometimes not expected to be sensitive, although they frequently are. The set of problems that occurs in the group setting also shows how the methodology has a unique potential to reach narratives that are otherwise hard to research. This study will highlight the usefulness of focus group research within certain parameters, such as when research would benefit from an observation of group interaction in a limited time frame and on a specific topic.

Media analysis: How the media reported on transitional justice

The domestic media played a significant role in disseminating news about the transitional justice process in Croatia. The nature of this dissemination is an important factor in the success, or lack thereof, of transitional justice efforts in the country. This chapter aims to shed light on this relationship by showing what the press media wrote about war crimes trials and events in the civic sphere in Croatia from 2000 until 2015. It also describes the position that the media hold in terms of shaping opinions on war crimes trials in Croatia and generally how the media can shape opinion. The chapter asks the question, how does media portrayal influence opinion on justice? It deals with media portrayal of events relevant to the transitional justice process and sheds light on what the implications of this might be. The chapter is, however, far from conclusive, instead it points to a lacuna of research studying the relationship between prevalent norms in society (discussed in the rest of this study) and media framing. Its purpose in the thesis is to contextualise the environment that participants live in and that the norms operate in.

Several assumptions guide the analysis. First, results from focus groups, interviews and prior survey data show that the media, including the written press, continue to play a role in how the Croatian public forms attitudes about political and societal issues (a detailed discussion of trust in sources of information is left to Chapter 5). Second, information on transitional justice is, for the most part, gained from the media, rather than directly from the ICTY or domestic courts. Third, the media do not tell audiences what to think, but rather what to think about (Cohen, 1963). This means that what the media discuss and how they frame issues has the potential to have a great impact on how the public perceives war crimes trials and the transitional justice process as a whole.

4.1 Setting the agenda

The media analysis is grounded in the theories of agenda-setting and priming. This literature is vast and at its core it is concerned with the transfer of issue salience from the media to the public (McCombs et al., 2014: 790). It has been expanded to cover a range of forms of communication, from social media to political advertising (Bantimaroudis et al., 2010; Kliger-Vilenchik, 2011). The source of the effect has been argued to originate from a “need for orientation”; as the need rises so does the power of the media to influence the public agenda

(Chernov et al., 2011). This is important in a conflict or post-conflict situation since during such uncertain times, publics become particularly susceptible to the agenda-setting effect (Bratić, 2006). The confusing experience of war is usually witnessed at a distance³⁶ and is, therefore, confusing to the majority of the public, making the need for orientation acute (Bratić, 2006). Key events, such as negotiations, strategic battles or human rights violations require media reports and these are essential in satisfying the need for orientation (Bratić, 2006). Post-conflict periods, when fates of a state can be decided, are equally, if not even more so, viewed at a distance. It is in this context that the media can effectively frame public agendas. Moreover, political considerations discussed at this level, if internalised, can become reasons for why an individual takes a particular stance on a political issue (Zaller, 1992: 266).

Audiences in modern liberal democracies, including in post-2000 Croatia, have a choice in media outlets. Each individual draws from a variety of media sources (for example national television broadcasters, online portals and weekly magazines, covering anything from politics to sports) depending on personal interest. These include both broader, nationally focused outlets, as well as niched, special interest media, which match their own preferences and experiences. This social process of “agendamelding” is based on the interaction between the *vertical* media that reflect the basic institutions of society (national broadcasters and radio stations, the largest dailies), the *horizontal* media that are more varied and focussed on special interests (magazine, specialist online portals, Facebook, Twitter) and the individual who receives these messages (McCombs et al., 2014: 793-794). A high level of agreement between individuals’ media of choice and the audience on basic issues helps build a stable civic community (unless publics are somehow coerced; McCombs et al., 2014: 794).

Media frame selection has a significant effect on the audience’s perception of reality and journalists are no different to the publics they write for: they also attempt to interpret masses of information, which they then package into more understandable frames (Camaj, 2010; Cappella and Jamieson, 1997; Iyengar, 1991; Neuman et al., 1992; Norris, 1995). The process of framing involves the selection of certain aspects of events and making connections between them in order to promote a specific interpretation of the events (Entman, 2004: 5). Media framing is, therefore, the central idea of a news story that provides a method to understand events or to conceptualise information (Gamson and Lasch, 1983: 398; Neuman et al., 1992: 60). Competing interests aim to further the issues they see as

³⁶ Even when not, only events in close proximity are seen directly, whereas major events are still seen at a distance.

important and mass media news is crucial in this respect, since they select how much attention is given to issues, according to a variety of “pressures”, such as political elites, public opinion and real-world events (McQuail, 2010). Consequently the media give public recognition to the current agenda and further influence political opinions (McQuail, 2010).

Journalists do not work in a vacuum, the society they live in influences their work. Social norms, ideological orientations, audience considerations, organisational influences, economic pressures and a vast range of other factors, all influence news production (Shoemaker and Reese, 1996). In this sense the media reflect the norms and values of the society they operate in. Further studies have supported this: that media framing is influenced by the national contexts that journalists work in and that international events are interpreted along national priorities (Bennett, 1990; Camaj, 2010; Clausen, 2003; Dimitrova et al., 2005; Ryan, 2004; Yang, 2003). Moreover, frames embedded in culture are both long lasting and slow to change (Van Gorp, 2007: 63). Major events hold the potential to change such attitudes (Gamson and Modigliani, 1989), although it is debatable what constitutes major in the realm of transitional justice since, as Gordy (2014) has shown in Serbia, even major events that held the potential to shock the public did not seem to have any kind of permanent effect.

4.2 Different types of frames

McCombs (2004) expands on the original agenda-setting theory by showing how the effect occurs on two levels: the first is the transmission of issue salience (traditional agenda-setting); the second is the transmission of attribute salience (attribute agenda-setting). The first level involves an issue gaining enough prominence to appear on the public agenda. The second and subsequent level is one of comprehension, in other words, how much salience certain attributes of an issue gain (McCombs 2004, 41). Media messages usually contain information on both levels, but the nature of the influence is separate and not necessarily connected (McCombs, 2004). More broadly, the effects of agenda-setting are limited in that they are both peripheral and short-term, so the more recent news stories are often more salient in public eyes (Iyengar and Kinder, 1987).

Iyengar (1991) outlined how the news can be presented in either episodic or thematic form, a framework that this chapter employs. Episodic news frames take the form of a case study of event-oriented reports and depict public issues in terms of concrete instances. Thematic news frames, by contrast, place public issues in a more general or abstract context. The

essential difference between the two formats is that episodic framing tends to lead to individualistic attributions of responsibility for issues, rather than societal, while thematic reports tend to have the opposite effect (Iyengar, 1991: 16). Few news reports are exclusively composed of one frame or the other, although usually one clearly predominates (Iyengar, 1991: 14). The dominance of the episodic frame means that many vital issues do not receive the coverage that will allow the public discourse to critically analyse them and many societal problems may be ignored due to the lack of traceable symptoms (Gamson and Modigliani, 1989; Gitlin, 1980). In conjunction with agenda-setting, the theory of priming helps further explain the effects of media on the public. It is based on the belief that by focusing on some issues while ignoring others, the media influences the standards by which political elites are judged (Iyengar and Kinder, 1987: 63).

For example, a recent study by Camaj (2010) found that international news agency reporting on the Kosovo status negotiations (2006-2007) predominantly used the episodic news frame by focusing on specific events instead of discussing context or the interpretation of the events or the issue as a whole (Camaj, 2010: 649). The superficial reporting stressed conflict and rarely discussed causes of the problems, potential solutions or broader socio-economic impacts (Camaj, 2010). The implication of this is that audiences may not gain a full understanding of the pertinent issues and may, therefore, be alienated from international news in general (Camaj, 2010).

Other conceptualisations of framing exist, many of which overlap with one another and many that break framing down into more detailed components (Cappella and Jamieson, 1997; Dimitrova et al., 2005; Price and Thompson, 2002; Semetko and Valkenburg, 2000). For the purposes of this study, however, it was important to merely ascertain the degree of thematic reporting and the nature of those thematic reports. Furthermore, many analyses of more detailed framing breakdowns require representative, quantitative analyses that were outside the scope of this study.

The conceptual framework has further potential shortcomings. Most people receive information from a variety of sources, which they trust in varying degrees, the media form only one set of these. For example, Iyengar and Kinder (1987: 118) found that people who were more involved in public life experienced a weaker agenda-setting effect, presumably because their priorities were already decided upon quite strongly. There are also differences among the media: radio and print are sometimes more or less trusted than, for example, television. Moreover, evidence regarding causality remains inconclusive and it is not possible to tell the exact nature of the interaction between different agendas (those of the

media, public and political elites). Rogers and Dearing (1987) argue that these need to be clearly distinguished and that their interactions are not unidirectional, but complex and multifaceted.

4.3 The media in Croatia

The media have historically bred distrust in much of communist Europe, so the effect of the media may be different in Croatia than in North America and Western Europe, where many of the above-mentioned studies took place. Media systems in Central and Eastern European countries have had to both transition and transform since the 1990s (Gross and Jakubowicz, 2013: 1). Both processes are still on-going and so far the variety of outcomes has made it hard to draw any firm regional parallels, other than that it is wise to be cautious with any attempts at comparison (Gross and Jakubowicz, 2013: 2). Whereas some systems immediately began removing the legacy of communism, others, such as Croatia, moved towards repressive tendencies once again, even if only briefly. Media systems across Central and Eastern Europe continue to wrestle with problems of political influence, economic pressures and culture (Gross and Jakubowicz, 2013: 11), all of which can be seen in Croatia as well. Political communication in the region has become Westernised and politicians now try to follow, rather than lead, public opinion (Bajomi-Lázár, 2013: 62). Recently, however, media freedom has decreased in Croatia (Vale, 2016).

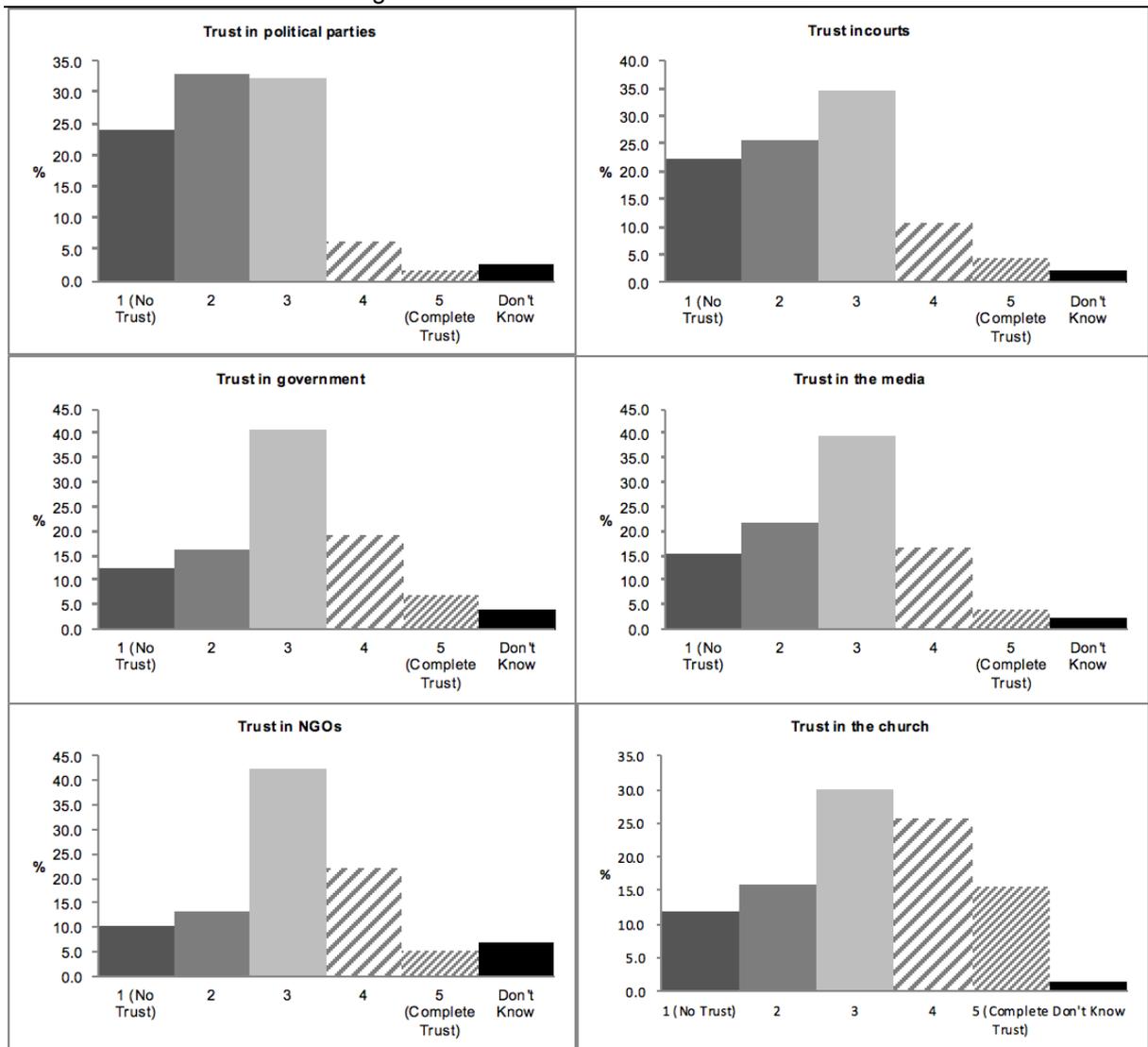
Since 2000, pluralism and diversity have become stressed values in the Croatian media, before which state interests and state sovereignty were seen as paramount (Peruško, 2007: 231). Limits on private ownership were relaxed in 1998 and then again in 2003, leading to a diverse variety of owners in the industry (Peruško, 2007: 232). Both the print media and television sectors are marked by significant foreign ownership (Peruško, 2011: 11). Europapress Holding (EPH) is the largest domestic media print company and it owns *Jutarnji List* (one of the top three dailies), *Slobodna Dalmacija* and *Globus*, as well as the press distribution company *Tisak* (Peruško, 2011: 11). *Večernji List* and *24 Sata* (the other two of the top three dailies), are on the other hand owned by Austrian company *Styria* (Peruško, 2011: 11).

Six daily newspapers, out of 15, have national reach. In 2009 *24 Sata*, a free nearly wholly episodic newspaper, had 31% of the market share, followed by *Jutarnji List* (13.6%) and *Večernji List* (13.4%; Peruško, 2011). *Slobodna Dalmacija* had 6.8%, but around 50% in Dalmatia due to its regional focus, much like *Novi List*, overall fifth with 4% market share but

over 50% in the Rijeka region (Peruško, 2011). Increase in Internet and smartphone use means that all of the major newspapers have a website and these feature among the top 20 Croatian sites (Burić, 2016). There has also been an increase in Internet portals, which make up the top visited websites in Croatia. Overall, however, the written press in Croatia are in decline and becoming more tabloid-like in an attempt to attract readers (Burić, 2016). Television remains the predominant source of information, although official figures are infrequent and hard to obtain (all of the above are from 2009).

Generally, the written press in Croatia are not trusted, especially in comparison to the rest of Europe. The *Eurobarometer 82* (2014) results on media use are indicative of this. When given the choice between “tend to trust” or “tend not to trust”, the Croatian public overwhelmingly (62%) responded, “tend not to trust”, versus 33% to the opposite effect. Other sources were also predominantly not trusted, although not to the same degree: television was split 55% to 41% and the Internet 44% to 35% (*Eurobarometer 82*, 2014). According to the *Eurobarometer* media trust index, which amalgamates these scores into one metric, Croatia scored lowest in Europe for media trust, as 52% of respondents had “low or zero trust” in the media (*Eurobarometer 82*, 2014). This is further supported by a 2012 survey that ranked trust in the media as less than the President’s office, Parliament, government, army, police, church or NGOs (Ipsos Puls, 2012) It was only more trusted than political parties and the judiciary (Figure 11).

Figure 11. Trust in institutions in Croatia.



Source: Ipsos Puls (2012)

Despite the above, when it comes to the transitional justice process, the Croatian public seems to have used the media as a primary source of information. Klarin (2009) offers two potential explanations as to why the Croatian public, as well as the publics of other former Yugoslav states, may not see the ICTY or courts in general as fit for this purpose. First, because the publics have no experience of an independent judiciary, they may simply see the ICTY as an instrument to be used by the international community, much like Yugoslav courts were used as “an instrument in the hands of the ruling class” (Klarin, 2009: 95). Second, the publics the ICTY had to interact with have grown accustomed to widespread corruption and to violent nationalism, so there was a need by the political structures and media in the countries to educate against these (Klarin, 2009). In Croatia, as elsewhere in the region, it was these structures that often produced the opposite effect (Klarin, 2009).

4.4 Method and analysis

The media analysis, inspired by agenda-setting theory, encompassed all thematic press reports on selected war crimes trials and civil society instances from 2000, when press liberalisation started, until 2015. Printed media were chosen since they provide an opportunity to analyse both vertical and horizontal media sources, thereby providing a broader overview of frames. Additionally, printed media mirror television coverage (Funkhouser, 1973: 64) and agenda-setting has been associated with them as much as with other types of media. Peruško (2011: 12) has also shown that media concentration (measured by audience and advertising share of the top three sources in each medium) is high for both television and daily newspapers (Table 3).

Table 3. Concentration of the media audience at the national level (0-100: 0-35 low concentration, 35-55 medium concentration, over 56 high concentration).

Medium	Market concentration of top three sources
Television	75
Daily newspapers	58
Internet portals	39
Radio	25

Source: Peruško (2011: 12)

The media analysis included most of the major news outlets in Croatia, both weeklies and dailies, as well as a range of online portals, some of which focus on issues of transitional justice. All dailies³⁷ and the two online editions of the major television broadcasting channels represented vertical media (that reflect the basic institutions of society) and the others all fell into the category of horizontal media, which was composed of weeklies and Internet portals (Table 4).

³⁷ Arguably *Slobodna Dalmacija* and *Novi List* could be classified as horizontal sources since, although they are dailies, they have relatively niche audiences. *Slobodna Dalmacija* is, however, now owned by one of the major press publishers in Croatia and *Novi List* has indicated its strong institutional affiliation when, for example, in 2015 it was accused of letting a journalist go due to pressure from a political party.

Table 4. List of written media sources used in study.

Type of source	Vertical media sources	Horizontal media sources
<i>Dailies</i>	Jutarnji List; Večernji List; 24 Sata; Novi List; Slobodna Dalmacija	
<i>Weeklies</i>		Feral Tribune; Globus; Nacional; Novosti; Vojna Povijest
<i>Online portals</i>	Dnevnik (Nova TV); HRT	Dnevno.hr; H-Alter; Index.hr; Tacno.net; T-Portal

Most of these sources had a history of political leanings; in fact, some were created with that express purpose in mind. This is of relevance inasmuch as some will have been supportive or opposed to the transitional justice process based on their political orientation. This does not mean that these sources were consistently and wholly supporting or opposing the process, they may have had inconsistent reports or editorials, but on the whole they often leant one way or stayed relatively neutral. An attempt was made to balance these as much as possible, but the table is also a rough reflection of the media picture in Croatia, which is composed of several online portals that support transitional justice and one particularly vocal portal that is staunchly opposed to it (Table 5).

Table 5. Sources' support or opposition to transitional justice.

Type of source	Supportive of transitional justice	Neutral/Both	Opposed to transitional justice
<i>Dailies</i>	Jutarnji List; Novi List	24 Sata	Večernji List; Slobodna Dalmacija
<i>Weeklies</i>	Feral Tribune; Novosti	Globus; Nacional	Vojna Povijest
<i>Online portals</i>	H-Alter; Index.hr; Tacno.net; T-Portal	Dnevnik (Nova TV); HRT	Dnevno.hr

Source: Own composition

The analysis focused on key trials at the ICTY and in domestic courts, as well as events in the civic sphere. These involved better and lesser known trials and events spread out over the period of analysis (Table 6).

Table 6. Overview of analysed trials and events.

Trial/event	Issue	Year(s) ³⁸
<i>ICTY trials</i>		
Ante Gotovina	Emblematic of the nexus of politics, symbols, rituals and collective memory in Croatia.	2001 - 2012
Dario Kordić and Tihomir Blaškić ³⁹	Crimes committed outside of Croatia in Bosnia.	1995 - 2005
<i>Domestic trials</i>		
Mirko Norac	Public reaction to a trial and change over time, since the case was relevant during different time periods.	2001 - 2008
Branimir Glavaš and Tomislav Merčep ⁴⁰	Influence of the war narrative on the judiciary.	2005 – present
Lora prison	Domestic judicial capacity and possible bias in the system.	2002 – present
<i>Events in the civic sphere</i>		
Death threats sent to the leading investigative journalist of the independent newspaper <i>Feral Tribune</i> , Drago Hedl, directed at him and a witness in a war crimes trial.	Freedom of the press and who has the right to report on the Homeland War and associated trials.	2005
Assault on Zoran Pusić, President of the Civic Committee for Human Rights, by individuals who claimed to be war veterans from Vukovar.	The role of civil society in the transitional justice process and which groups are allowed to participate in this.	2006
Public skirmish between Croatian President Ivo Josipović and Milorad Pupovac, President of the Serbian National Council.	Who is allowed to represent the Serbian minority's views and interests.	2012
Introduction of Cyrillic as an official alphabet in Vukovar.	Recognition that ought to be provided to different communities (in this case, the Serbian minority in Vukovar).	2013
Heckling of Prime Minister Milanović during the 2013 Operation Storm commemoration in Knin.	Who has the right to discuss the Homeland War and the presentation of opposing views.	2013

³⁸ For trials this denotes the period from the initial indictment to the final verdict; for events in the civic sphere this denotes when the event occurred.

³⁹ These are analysed as separate cases in the analysis.

⁴⁰ These are also analysed as separate cases.

The search for articles was completed using online archives, predominantly from the news outlets themselves, sometimes via electronic repositories.⁴¹ This was done with a variety of broad keywords (for example, the names of the Generals) until no significant number of new articles was turning up. Although some articles were published only online, all of the printed articles were also reproduced online. All of the dailies had archives that covered printed and online articles to 2000. Articles deemed to be wholly episodic were discarded and a tally was not kept of these. There was no need for this given the analysis did not investigate episodic reporting and these were easy to discard since they were often considerably shorter than their thematic counterparts.⁴² They would often include brief updates on court dates, witness testimonies or investigation progress. In total 4,795 thematic or semi-thematic articles were analysed, most of which dealt with war crimes trials, rather than civil society instances. These were broken down by year of publication and presented as such below, when appropriate. The analysis focused on key trials at the ICTY and in domestic courts, as well as events in the civic sphere. These were broken down by year of publication and presented as such below, when appropriate.

4.5 Reporting on war crimes trials

In line with global trends, reporting on war crimes trials in Croatia was predominantly episodic by a large margin. There was also a strong emotional aspect to reporting on the ICTY specifically and reports often stressed collective memory by using terms such as “us” or “all of us”, with a particular focus on victimhood (Ristić, 2014: 132-133). When the media were writing thematically about war crimes trials, then they were for the most part writing about the trial of Ante Gotovina, since this trial alone dominated so much of the reporting. The total number of thematic reports broken down by trial shows the stark difference between the Gotovina trial and the others (Table 7).⁴³

⁴¹ Most notably for *Feral Tribune*, which is held in the Central and Eastern European Online Library (www.ceeol.com).

⁴² For example, a typical episodic article would state that a trial has resumed on a certain date and who was called to give evidence. This would often be no longer than one or two paragraphs. A typical thematic article would be an editorial, which could be exceedingly long (over ten paragraphs).

⁴³ The Merčep and Glavaš legal processes are still on-going and are likely to feature more reporting.

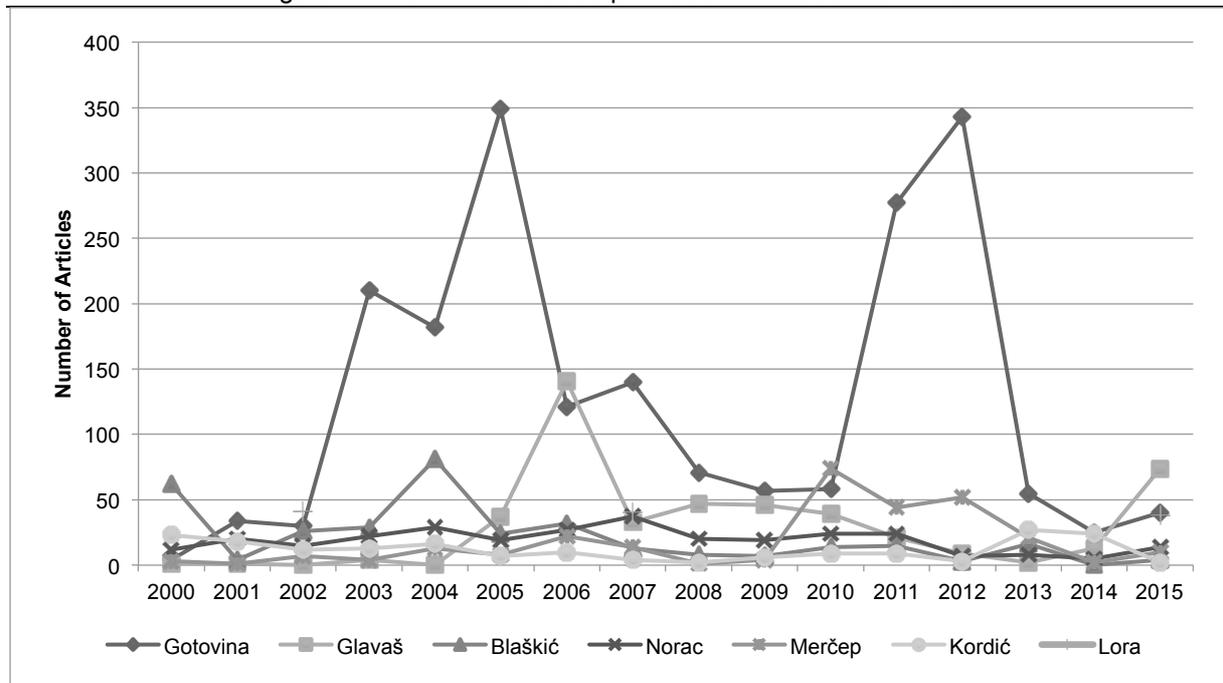
Table 7. Total number of thematic articles per case from 2000 until 2015.

Trial	Total Thematic Reports
Gotovina	1996
Glavaš	468
Blaškić	338
Norac	302
Merčep	280
Kordić	185
Lora	119
<i>Total</i>	<i>3,688</i>

Source: Own compilation

The total number of articles does also seem to indicate that there is no difference, at least in these trials, between reporting on ICTY and domestic war crimes trials in terms of number of reports. Other than the Gotovina trial, other trials are all reported on relatively evenly. Not only was the Gotovina trial the overall most reported on, but since 2003 there were only two years when other trials were reported on more than it, and even then only slightly so. Figure 12 tracks this over time and clearly shows that, even when the trial was “quiet”, it was still written about more than or nearly as much as any other case.

Figure 12. Number of articles per case from 2000 until 2015.



Source: Own compilation

This is important since, according to the agenda-setting hypothesis, problems that receive the most prominent attention in the news also become the problems the public views as the most important (Iyengar and Kinder, 1987: 16). In other words, transitional justice may come to be defined by the Gotovina trial. This is further supported by a study conducted by *Documenta*, in which they analysed all of the evening news broadcasts by the main national television channel (*HRT*) following the sentencing of generals Gotovina and Markač in 2011 (Jakovčić and Kunac, 2011). This study found similar results: that reports during the two-week period of analysis involved little reporting of context regarding the trials or the war (Jakovčić and Kunac, 2011). In other words, the reports did not involve discussion of why the former generals were in The Hague in the first place.

The case of Tihomir Blaškić was the initially most reported on trial, which is not surprising since it was one of the earlier high profile trials at the ICTY. The only other trial to feature more reporting in 2006 and 2015, respectively, was of Branimir Glavaš. The latter period is particularly interesting since most of these articles discussed his role in Croatian politics in the run-up to the 2015 parliamentary elections. His role on the Croatian political scene garnered more media interest than his wartime past, although the two were frequently connected. Likewise, reporting on Gotovina in 2014 and 2015 also predominantly focused on party politics.

4.6 Themes

The dominant war narrative dictates media discourse on war crimes trials and discusses the conflict nearly exclusively in terms of Croatian defence and victimhood in the face of Serbian aggression (Jović, 2009; Ristić, 2014). Reporting on the Gotovina trial predominantly focused on five topics: Western integration (discussed in 15% of total reports); party politics (15%); ICTY bias or inefficiency (13%); the rule of law in relation to the predominant war narrative (13%); and, the aims of the war (11%). During the 2002-2006 period Western integration, in other words Croatia's accession to NATO and the European Union, was the most discussed theme, while the second intense period of reporting from 2010 to 2012 focused predominantly on the rule of law. Reporting dropped off drastically in 2013 (following the acquittals of the generals in 2012) and since then has featured rarely in the media. Moreover, Operations Flash and Storm saw positive wording and positive value ascription in a broader discursive strategy of justification (Ristić, 2014: 122). The crimes during the operations were not denied, but they were instead declared irrelevant since they took place

in the context of far more important issues, such as the foundation of the country (Ristić, 2014: 123).

Especially during the initial phases of the search, capture and trial of Gotovina, reporting on him and the trial focused on Croatia's accession to the EU and NATO, which at the time was preconditioned on his capture and extradition to The Hague. As the daily *Novi List* argued in 2004, the escaped general was the "personification of the final reliability of our country's relations with the EU and the international community in general." This was often interpreted in a negative sense by the vertical media (the main dailies), which saw it as blackmail by the EU and ICTY, which "had become an instrument through which they blackmail and demean us" (Canki, 2004). Many of these debates were connected to Croatian party politics, internal workings of government and elections. *Jutarnji List* lamented, "It is a sad fact that the main representatives of the Croatian government, in fear of election results, are still not ready to say that one important line 'I insist that General Gotovina is arrested and extradited to The Hague as soon as possible'" (Butković, 2005). It was also common later, especially in 2012 before the acquittal, to write about the politicisation of the generals and how the government may have sold them out. For example, online portal *Index.hr* wrote, "Everyone is arguing about who betrayed Tuđman. But who betrayed Gotovina?" (Klauški, 2012).

Towards the later period of reporting, surrounding the first-degree verdict of Gotovina, the discussion centred on the rule of law, which was often contrasted with the aims of the war (in terms of what was allowable in order to achieve them) or with the predominant war narrative (in terms of how unearthing facts through trials may contradict or support the narrative). Some outlets saw this as an opportunity to bolster the war narrative, "After the brutal aggression, rampage, never before seen suffering, destruction and humiliation of a third of the territory under occupation, through which the country was divided, Operation Storm came and Croatia was liberated. As the commander of this operation, Gotovina will turn from the hero he became following the indictment, into a national myth" (Ivkošić, 2011). Others saw it as an opportunity for the Croatian public to confront the past, "Franjo Tuđman, Gojko Šušak, Jure Radić, Gotovina, Markač and the others conducted a criminal enterprise and Croats now have to come to terms with this" (Novi List, 2011). Moreover, Ristić (2014: 134-135) showed that reporting on the Gotovina trial for the most part ignored issues of transitional justice, European norms and the benefits of EU or NATO membership, in lieu of the emotional destruction, lost national pride and threats to national identity that the trial triggered.

Reporting on domestic war crimes trials followed a slightly different pattern. Articles on Glavaš, Merčep, Norac and Lora generally focused on two issues: the efficiency (or lack of it) and bias of Croatian courts on the one hand, and the importance of finding out the facts about what happened during the war on the other. Discussion of court efficiency and bias was particularly dominant in the cases of Glavaš (discussed in 31% of thematic articles) and Lora (51%), although it featured heavily in all other cases too (13% for Norac, 16% for Merčep). *Jutarnji List*, saw the freedom of the accused in the Lora trial (who had fled from court) as “mocking their victims and the judicial system of Croatia” (Modrić, 2006). While Lora was often seen as a blemish, the case of Norac was seen as a success (domestically but also by outside observers, such as the OSCE) and discussed as such, “... the long-term track record, except in the trial of Mirko Norac and Tihomir Orešković in Rijeka – shows that in high profile trials, [the courts] most frequently free the accused, even when there is no doubt that they killed someone” (Butković, 2004).

Reporting on fact-finding was often juxtaposed with the predominant war narrative, although as with Gotovina, fact-finding was not always considered to argue against the war narrative. For example, in 2000 *Feral Tribune* wrote about the Glavaš trial, “What else should take place to prompt the state prosecutor to show interest for all those murders and summon those who know a lot about them to testify? The case of Čedomir Vučković... could be an interesting beginning of the uncovering of Osijek’s dark stories. Of course, if someone does not believe that to also be an attempt to criminalise the Homeland War” (Hedl, 2000). Reporting on the Norac trial stands out compared to all other domestic war crimes trial in that it featured the highest degree of discussion about the fact-finding and the war narrative, which were discussed in 48% of thematic articles. *Index.hr* summarised this well, when they stated that “Norac will still not officially lose his title of General, the convicts in The Hague will be celebrated as heroes, and the Homeland War will remain torn between politics and history” (Klauški, 2008). This article is an example of a range of articles common at the time in the horizontal media, who hold the potential to actively question the broader issues at stake in this trial. Horizontal media differed in one other important aspect from vertical media: they reported on topics for much longer. In the cases of Kordić, Norac and Merčep, both *Dnevno.hr* and more liberal portals such as *H-Alter* and *Tačno.net*, continued to report thematically on the trials far past the point where vertical media had stopped doing so.

4.7 Reporting on events in the civic sphere

The nature of events in the civic sphere is different to trials since most of them (except the instance of Cyrillic signs in Vukovar) happened at one fixed point in time and were not on-

going in the same sense as trials. Other than the events in Vukovar, the other events also did not capture the attention and imagination of the public in same way as the trials did, consequently overall reporting was lower. The most reported on instances did, however, occur recently and, given the short-term effects of agenda-setting (that more recent issues will be far more important in the eyes of the public), this means that there is a great potential for such events to shape the public agenda (Iyengar and Kinder, 1987: 46). As subsequent chapters will show, many of the themes discussed in the articles analysed below also reverberate strongly in the survey, focus group and interview data.

Much like with reporting on war crimes trials, there was a large discrepancy in the number of reports on different events. As Table 8 demonstrates, reports on Vukovar outnumbered reporting on all other instances by a large margin.

Table 8. Total number of thematic articles on events in the civic sphere.

Event	Total number of Thematic Articles
Vukovar Cyrillic signs (2013) ⁴⁴	792
Josipović vs Pupovac argument (2012)	171
Hedl death threat (2005-2011)	72
Milanović heckling (2013)	64
Pusić assault (2005)	8

Source: Own compilation

It is unclear why Vukovar took such a focus, although as later chapters show, the city forms a key symbol in the Croatian war narrative. Much of the debate about Cyrillic in Vukovar taps into the war narrative and the amount of reporting exemplifies the central place the city occupies in the Croatian version of the war narrative (these concerns outweigh, for example, potential economic concerns or other issues). Reporting on this instance also usefully exemplifies the higher proportion of Internet portal involvement in reporting on civil society instances (which may also partly explain the increase in reports over time). Of the total 792 thematic reports on Cyrillic in Vukovar, 301 were recorded on the right wing, often nationalistic, portal *Dnevno.hr*. This further shows the importance of Vukovar in the Croatian war narrative, but also the growth of horizontal media in Croatia. These media hold the potential to question events in society and, as *Dnevno.hr* shows, allow for views from both sides of the spectrum.

⁴⁴ Reporting also occurred in 2014, but only a minimal amount.

4.7.1 Vukovar: Themes discussed

The short-term effects of agenda-setting mean that this issue, covered so intensely and recently, may have exerted a strong influence that remains on the public agenda today. The amount of protest and the referendum attempt surrounding this further highlight the importance of the issue on the public agenda, although it is important to keep in mind that public protest is not always reflective of an issue's salience and these events have also seen the involvement of many extreme but vocal groups and individuals. For the most part the issue (that on the face of it was primarily concerned with the recognition that ought to be provided to the Serb community in the city) was discussed in relation to four broad themes: the rule of law and the interpretation of it (24%); party politics and government efficiency (17%); minority equality and relations (15%); and, the war narrative (13%).

For many vertical media outlets, the events were an example of the lack of rule of law in Croatia, in that this was a law that had to be enforced but the state was struggling to do so, while others saw it as a misinterpretation or misuse of the law, since it should not apply to Vukovar. For example, *Novi List* quoted the President of the Croatian Parliament, "Vukovar is Croatia, Vukovar is Croatian and Croatian standards and laws have to be implemented in it for the sake of all the citizens of Vukovar, but also for all the citizens of Croatia" (Novi List, 2013). The discussion of minority laws also stood out: it was sometimes discussed as a problem in terms of the rule of law, at other times it was presented in terms of human rights and democracy. Party politics in particular were often referred to in these debates, as the two sides in it were seen as reflecting the political make up of Croatia. *Jutarnji List* wrote "the balance of power between the conservative and liberal options in the country are transparent when we talk about Cyrillic in Vukovar" (Butković, 2013).

When discussing the events with regard to minority equality or relations, sources often argued that dialogue was necessary. *Večernji List* wrote, "Everyone has to sit down at the table, including the government of the Republic of Croatia, members of the *Stožer*⁴⁵ for the Defence of Croatian Vukovar, war veterans' organisations, representatives of the Serbs, and talk until they find a solution" (Zadro, 2013). At the same time, the newspaper, much like many other sources, associated Cyrillic with the memory of the Homeland War, "the Serbs

⁴⁵ *Stožer*, meaning both committee and headquarters, for the Defence of Croatian Vukovar is the full name of the group organising the protests in Vukovar, however, they are most commonly simply referred to as the *Stožer*. The use of *stožer* as "headquarters" highlights the use of military terminology in war veterans' associations' post-war activities.

also have a great role in this since they have to accept the fact that it was under this alphabet that a lot of evil happened in the nineties” (Zadro, 2013). Articles frequently tapped into the war narrative (discussed in more detail in Chapter 6), in which Vukovar holds a large symbolic role of victimhood. Much of this debate was centred on the atrocities committed in the city during the war by Serb forces and on the missing victims. So it was not uncommon to read, “while the residents of Vukovar are still looking for the bones of their children, Cyrillic should not be brought in” (Sabolić, 2013).

On the other hand *Dnevno.hr* wrote about the theme of the war narrative more than other sources, so much so that it was discussed as frequently as the rule of law and party politics. Their point of view was relatively specific: they saw the events as proof that the Homeland War was not over; they stressed the need to first find the missing victims; and, they saw Cyrillic as a symbol of Greater Serbian aggression against Vukovar specifically and Croatia generally. They connected this to what they see as broader issues in Croatian society, which are also reflected in the focus group data: the existence of a conspiracy in Croatian government; many parts of the government being pro-Serbian or Yugonostalgic; and, the view that Croatian politics is defined by a conflict between communists and Ustashe (a recurring theme). An article from April 2013 titled “The Fight for Croatian State Independence Continues” summarises the various facets of this in saying, “The introduction of Cyrillic in Vukovar is not the main goal of the Yugoslav-minded politicians in the Republic of Croatia, instead their goal is to help the Greater Serbian politics to take down the Croatian state, the Republic of Croatia, and to once again create a new kind of ‘Yugoslavia’ that would be, as those before it, the grave of the Croatian *narod*. This would be nothing else than ‘Greater Serbia’” (Ćuk, 2013). This article also exemplifies a common dynamic in the Croatian horizontal media. The original article was taken from *Dragovoljac.com*, another similar Internet portal. It is common practice for Croatian media outlets to “borrow” articles from one another, thereby increasing their dissemination.

4.8 Conclusion

Given the predominance of episodic reporting in the written press and television (at least in the case of Gotovina on the main national channel) it is possible that the public does not draw connections between various connected issues, such as for example war crimes trials, unearthing facts about the conflict or the general inefficiency of Croatian courts. These would not be discussed in episodic reports, leading to a general ignorance of broader societal problems. When the public did read thematic reports about war crimes trials then

they were more than likely to be reading about the trial of Gotovina (something that is likely to also hold true for episodic reporting). Reporting on this trial alone made up 55% of total thematic reporting in the 3,475 articles analysed in this study and was the predominant war crimes trial news story during all years from 2000 until 2015. This does not, however, mean that the Gotovina trial made up 55% of total reporting on war crimes trials, since this study did not analyse all trials or even all transitional justice related reports.

When the public read about Gotovina, they read reports that connected the trial to Croatian accession to the EU and NATO; Croatian party politics; ICTY bias or inefficiency; and, the rule of law and its interaction with the aims of the war or the war narrative. No one topic took precedence in terms of frequency of reports overall, although some were more frequent during certain periods, so further studies could reveal what elements have remained on the public's agenda. If individuals did read about domestic war crimes trials, then they would have read something slightly different. The focus in these reports was for the most part split in two ways, on the one hand was a discussion about the efficiency of Croatian courts and on the other a discussion about fact-finding, which could be in support of or against the predominant war narrative. The trial of Norac, however, stood out compared to other domestic trials. Not only was it one of the few trials considered to have been well-run, but it also featured a much higher proportion of reporting on the war narrative being juxtaposed with a fact-finding effort. This opens up the question whether a well-run trial features less discussion about the judicial system and, therefore, opens up space for debates about other aspects of transitional justice (for example expressivist aspects). Moreover, the growth of horizontal media, from Internet portals to social media outlets, has allowed for a proliferation of views that have questioned many of the mainstream issues that have received shallow episodic coverage. Horizontal media were particularly active in their coverage of events in the civic sphere, again exemplifying their potential for the building of dialogue in society.

Assuming the hypotheses of agenda-setting and priming hold true: that issues which receive more attention in the news become the ones the public sees as most important and that the media, by focusing on some things instead of others influences how political actors are judged (Iyengar and Kinder, 1987), then what does this mean for the Croatian public's opinion of transitional justice? Given that frames are highly influenced by the environment that journalists work in, it is possible that the prevalent norms in society affect framing as much as framing may affect them. In other words, the media may be reflecting societal values rather than influencing them. Causality is hard to ascertain, the influence could flow in both directions, and a deeper analysis of narratives in Croatian society may at least shed more light on this.

The confusion of post-conflict transition means that the media do have a greater potential impact on audiences, especially in a situation where many people claim to be unfamiliar with events occurring around them, a common response in the focus groups. Messages that were more in support of transitional justice norms do, in this sense, have the potential to lead to a more positive agenda. The results in this study are, however, inconclusive in many ways. Focus group, interview and survey data show that many issues within the realm of transitional justice are not questioned seriously and that both the Croatian public and media share narratives surrounding the Homeland War. A future analysis could break the framing down into more detailed categories to gain a better understanding of how the media write about transitional justice. In tandem with nationally representative quantitative studies, such analyses could make broader conclusions about agenda-setting effects in Croatia.

Agenda-setting is about how much importance an audience attaches to certain issues and is usually measured quantitatively. The focus groups, however, showed that the importance of the issue was taken-for-granted and was importance as a topic was rarely discussed, interpretations were instead disputed in group discussions. This highlights a disjunction between agenda-setting and media distrust (discussed in more detail in the following chapter). Generally, despite high levels of distrust in the media, individuals nevertheless reproduced what the media write. Consequently, for many historical issues the primary source of information for individuals is the media or sensationalist publications, rather than academic, historical works, creating a reliance on the media for historical interpretation. Among certain groups this is further exacerbated by a sense that the Yugoslav regime falsified history and, therefore, nothing from communist historiography could be trusted, creating a vacuum that was filled by amateur journalists and quasi-historians, rather than scholars. Agenda-setting does seem to occur in this context, but it competes with agendas that already exist in the audience (gained from personal experience, hearsay, media images rather than articles or reports, and so on) and the media material is then recast using these other sources. This places an emphasis on the interpretation of an issue, rather than the salience of it. It also helps explain why many narratives related to the transitional justice process in Croatia feature so many contradictions, which are further explored in the focus group and interview analyses.

Sources of information: Who and what is trusted

Key facets of the Croatian war narrative are commonly reproduced in the media, at sporting events, in music and film, as well as by elites (Baker, 2010; Brentin, 2013; Pavlaković, 2014). The sources of this narrative and of information on transitional justice have been both imposed from the top-down by elites, institutions and predominantly vertical media and from the bottom-up, through everyday interactions among the public and horizontal media. This chapter explores what sources of information on the war narrative or the transitional justice process as a whole are available to the Croatian public. It compares how the public views elite, top-down sources compared to “everyday” bottom-up sources.

Political institutions and elites in Croatia are distrusted both in general and specifically as a source of information. “Everyday” narratives, such as for example stories about the war from individuals who participated in the conflict, resonated much more strongly with participants in this study. Despite this inherent distrust, elite narratives do seem to have contributed to this process in two ways. First, the Declaration on the Homeland War is seen as fact and its claims are rarely, if ever, questioned. In this sense, it has set the parameters for the discussion of the conflict. Second, while the government is highly distrusted, so are institutions of transitional justice, which means that the public is faced with two highly distrusted sources of information with regards to the war narrative and the justice narrative. The Croatian public generally, however, tend to see the ICTY as the greatest threat to the official war narrative and, therefore, to the legitimacy of the Croatian state itself (Pavlaković, 2014: 40). This still seems to be the case today, despite the fact that the only case involving Croatian officers ended with an acquittal (the fieldwork was conducted after the acquittals of Gotovina and Markač).

The analysis focuses on how elite, media and “everyday” sources are perceived as sources of production and reproduction of the war narrative, which forms an essential part of nation-building. Elites often “perform the nation”, for example through the use of national symbols and rituals to generate national solidarity (Fox and Miller-Idriss, 2008: 546). The message this conveys is mixed since it depends on individuals’ interpretations, which vary (Kolstø, 2006). In other words, people do not simply consume the meaning of national symbols; they simultaneously produce their meaning (Fox and Miller-Idriss, 2008: 546). The media, on the other hand, often fall into the realm of “choosing the nation”; people “choose” the nation from a set of options defined in national terms (Fox and Miller-Idriss, 2008: 542). This can be

defined by choice of newspaper (if a choice exists), of school for one's children or by the group one chooses to socialise in (Fox and Miller-Idriss, 2008: 546). The result of these two nation and narrative-building processes is that top-down messages are interpreted by the public, who construct their own meaning, which may not always be the one intended by elites. Additionally, such narratives have a certain taken-for-granted status in society (Billig, 1995: 37; Fox and Miller-Idriss, 2008: 544).

The theory and empirical data point to the conclusion that, even in a state that has witnessed and continues to witness polarising nationalist politics, the ordinary public is often indifferent to the messages it receives from elites or the media (Brubaker, 2006; Fenton, 2007). This means that political messages (often nationalist ones) do not resonate evenly in everyday life, which is not to say that they do not somehow shape them. At the bare minimum, although elites and the media as a source may be highly distrusted, they do together set the parameters within which narratives are produced and reproduced, thereby possibly limiting the discursive space available in everyday life. In Croatia, both rarely questioned the predominant war narrative and most sources operated within this framework. As Pavlaković (2014: 39) points out, the use of loaded terms such as Homeland War, *branitelji* and Greater Serbian aggression remain prevalent across Croatian society. An alternative theoretical interpretation leads to similar conclusions: although the media may not be successful in promoting particular messages, they do establish the boundaries of what kinds of interpretations are acceptable. In other words, the media provide the public with the symbolic and normative environment through which they interpret the world around them (Gerbner, 1973).

While the distrusted elites and media may set the parameters within which the war narrative is discussed, it is unlikely they are the sole source of production and reproduction of the war narrative. The war narrative becomes far more meaningful in everyday life by people talking about it (Fox and Miller-Idriss, 2008: 538). In Croatia, this micro-level narrative production is also far more trusted than any other source. It is at this level of ordinary people talking between themselves and often about themselves and their surroundings, in which the war narrative and associated worldview are reinforced (Fox, 2004).⁴⁶ Actors wishing to promote their messages to the public, for example as part of transitional justice efforts or nation-building projects, function within this complex interactive process.

⁴⁶ Moreover, in nation-building, the public also "consumes the nation", for example through museum displays, state media, state school curricula or consumer products (Fox and Miller-Idriss, 2008: 551).

5.1 The (generally) distrusted media

The written press in Croatia are not trusted, especially in comparison to the rest of Europe. The *Eurobarometer 82* (2014) results on media use, discussed in the previous chapter, are indicative of this. The focus group data highlight why this is: respondents did not see the media as independent, serious or useful, although this was not necessarily something only attributed to the Croatian press. As a teacher in Zadar remarked, “I think the media generally in all of these countries are at a very low level, especially in Serbia and Bosnia” (focus group with Zadar teachers). Teachers across the board agreed with this view, that the media are unreliable and that they had no “skilled improvement, but rather it is just listening to someone’s story, which may or may not be correct” or that “they are no embodiment of morality or objectivity. They frequently complain about lack of media freedom, but they only have themselves to blame for this” (dyad with non-urban teachers). Moreover, they were seen as selective and editorialised, “As far as the media are concerned, this is selective information release. The media are not at all relevant in creating a picture about it [the Homeland War]. The trend is to cover up the picture of it and to present a different one” (focus group with Sisak teachers). This can have the effect that individuals do not even try to stay informed, if the sources are not trusted:

ZG.T.4 – I have the impression that unfortunately we do not have any newspapers that are serious, where you can with certainty read something smart. We listen to everything, but with suspicion. In some way I feel that I cannot even remember it all. And then this happens, I hear but I also do not hear. If you do not believe in them, then you do not even try to remember what they say (interview with Zagreb teacher).

There was a feeling across all of the groups that the media were biased, often against Croatia, Croats and the predominant war narrative, in that they were trying to equalise crimes, something the ICTY is often accused of doing, “As time passes, [the media] provide less information on the Homeland War... They are aimed at ultimately creating a balance between the warring parties. And this is the link that has been dragged across all of this. Our media, if they talk about it, they are generally subjective and they always have the goal of equalising one side and the other” (focus group with Zadar pensioners). The reasons given for this were varied, but ultimately all related to some kind of corruption. As a Sisak pensioner remarked, “Corruption in Croatia is well-known. I think that journalism is very corrupt, just that we do not know about it” (focus group with Sisak pensioners). In this sense, the corruption in this specific industry is simply connected to the widespread corruption present in Croatian business and society. Respondents agreed that the motivations for this were a combination of politics and profit, although politics seemed to be the perceived prime culprit. This was evident in numerous instances:

NU.P.4 – In the beginning it was all realistic.

NU.P.1 – Yes, while the war was going on. But now every government, every department, has its journalist to write about it like this or like that.

NU.P.3 – In the beginning they wrote the truth, but later this all changed.

NU.P.1 – Sanader had his journalists and they were not allowed to say anything else (focus group with non-urban pensioners).

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NU.T.1 – Specifically, one of the two leading dailies, *Jutarnji List*, is exclusively on the side of the government, the President and the Prime Minister. It is generally assumed that this is because the owner, EPH, is in large debt, but only they are not being persecuted by the state and they are given space to act, despite being millions in debt (interview with non-urban teacher).

Throughout the group discussions it became clear that the views of the media were also closely tied to views about party politics in Croatia, where the left side of the political spectrum (in power during the focus groups) is often referred to by Yugoslav or Second World War labels, such as “communist” or “Bolshevik”. As the below passage demonstrates, certain individuals feel that the mainstream media in Croatia is controlled by these political elements, that other voices in the space are purposely marginalised and, as the discussion progressed, they connected this to corruption in Croatia. In other words, depending on an individual’s political leaning, they connected corruption and the state of affairs in Croatian media and politics to either a left wing or right wing party and history.

ZA.P.1 – This [the media] is all under the strong influence of the Bolshevik, communist government.

ZA.P.3 – That is right, it is all in their hands.

ZA.P.1 – Here and there you find a good journalist.

ZA.P.3 (interrupts) – These are rare...

ZA.P.1 – And they immediately get.

ZA.P.3 (interrupts) – And they are outcasts...

ZA.P.1 – And they immediately get...

ZA.P.2 (interrupts) – They now write at *Sedam*, *Dnevno* and so on.

ZA.P.3 – That is right, they are no longer present. They cannot express themselves.

ZA.P.2 – Bujanec and so on.

ZA.P.4 – Top Croatian journalists that have been laid off from the big publishers, newspapers and so on.

ZA.P.3 – Look at *Jutarnji List*, the Croatian state, this communist establishment, gave them, 800 million *krunas* to cover all of their losses (focus group with Zadar pensioners).

-

ZG.P.1 – Today the information depends on who is in power. Right now the communists are in power (follow-up interview with Zagreb pensioner).

The war veterans' groups not only felt that the media were biased, but also that they aimed to create a split in the Croatian public, often between the veterans and the rest of the population. The Zadar war veterans called the media the “creators of chaos” and generally the media in this case were seen to be ignoring the plight of the veterans and to be excluding them from the public scene (by not allowing them to have a voice):

NU.V.4 – The demonstration on Savska has lasted for 60 days. In the news it gets a minute or not even a minute.

NU.V.5 – What minute?

NU.V.3 – This is already old news, it does not exist anymore.

NU.V.4 – They are once again trying to create a barrier between the civilian victims and the *branitelji* (focus group with non-urban war veterans Banovina).

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ZG.V.4 – They removed all of the comments on the articles because they did not want to hear any other arguments. The message was sent that those who do not agree with the authors and think like them, for example on *H-Alter or Jutarnji List*, that they should go to their “Ustasha” media houses and not pollute the air here (focus group with Zagreb war veterans).

Despite distrust of the overall media, there is a disjunction in Croatia between the written press and television. Survey results show that television is far more trusted in terms of reporting on transitional justice issues than any other form of media. When asked which source respondents trusted most on ICTY reporting, two of the three national television broadcasters scored highest by some margin (*TV Nova* 39%; *HRT* 25%; and *RTL* 5%) compared to the main dailies (*Jutarnji List* 3%; *Večernji List* 3%; *24 Sata* 2%; *Novi List* 2%; and *Slobodna Dalmacija* 1%), although it is significant that a whole 20% of respondents claimed to trust none of the sources listed (Belgrade Centre for Human Rights, 2011). *Eurobarometer 82* (2014) showed that while 67% read newspapers at least once a week (which is significant in and of itself, given potential agenda-setting and priming effects), 87% watched television. This is not surprising given the global predominance of television, but the focus group discussions indicated that television and pictures, in particular, are considered as far more reliable than the written press.

In this sense, videos were seen as evidence of Croatian innocence in front of the ICTY. Most of the groups mentioned the videos of Knin after Croatian forces retook it, and Gotovina's speech to his soldiers before the start of Operation Storm as proof that the ICTY's indictment was misguided:

SI.T.3 – The trial of Gotovina, when they discussed the excessive shelling of Knin, was one of the most important points. But you have a huge amount of videos of the army entering Knin, not only in archives, but on YouTube.

All agree

SI.T.1 – That no one cared to watch.

SI.T.3 – They watched it for sure, it is just, (pause) well you can see that the city is not destroyed (focus group with Sisak teachers).

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ZG.P.3 – Gotovina was always threatening "Do not do this!" He is clean.

ZG.P.2 – He is a soldier, a professional.

ZG.P.1 – You have that video, where he organised a meeting before the start of Operation Storm. To act honestly, not to be savages, not to steal or to rob, and he even shouted at them. But look, I also believe that some things happened. But you need to know that this happened around Knin, it was liberated by the 4th Guards Brigade. These were all boys who during the war had to flee from the surroundings of Knin. They went to defend, they signed up.

ZG.P.4 – The Dalmatian Brigade. My uncle's son was in it.

ZG.P.1 – The boys probably, arriving in liberated Knin after four years of occupation, probably committed some crimes in revenge.

ZG.P.2 – But look, this happens in every war. Of course emotionally, when someone has killed, stolen from you, that you want revenge. It is just that the state has to prevent that in some way, so that it does not happen.

ZG.P.4 – To process it (focus group with Zagreb pensioners).

Participants in this last passage also use a common strategy among the groups: to first admit that Croatian crimes did occur, but then to justify or relativize them somehow. In the passage above, first the professional soldier Gotovina is portrayed as innocent, then a participant says that crimes did happen, but that these were done by "boys" under emotional stress (including a referral to personal experience) and, finally, that blame should be put on the state that should have done more to deal with the crimes. In other words, this group as many others, attributed responsibility for the crimes on another actor, the highly distrusted state.

Videos were also seen as proof of Croatia's victimhood and they helped construct such a narrative. Whereas most sources on the war and the transitional justice process were seen as unreliable or poor; personal experience, hearsay (both discussed later in this chapter) and pictures or videos were seen as the most reliable. This gives television a huge potential to shape attitudes and opinions:

ZG.T.2 – That what I remember is the most reliable. I know that I experienced something, that I saw it on television. Also people I spoke to, who I know well.

ZG.T.1 – Yes, not so much books, because books can be manipulated.

ZG.T.2 – They are not necessary in this instance (dyad with Zagreb teachers).

Ultimately some information may be only available or easily accessible through the media. With regard to transitional justice, this is also as a consequence of the perceived lack of information given out by transitional justice instruments, namely the ICTY and the Croatian judiciary. A war veteran in Sisak summed it up well, when they said, "You receive information from journalists, not courts. What you read, you read in newspapers" (focus group with Sisak war veterans). This perception that courts, and specifically the ICTY, do not publish information is wrong. The ICTY publishes information through a variety of means: including streamed broadcasts of hearings, publishing of transcripts, production of easy-to-digest case summaries, making court documents and press releases generally available, as well as other Outreach Programme activities.

The *Eurobarometer 82* (2014) results discussed above are indicative of the fact that the media, including the written press, remain in widespread use. How much the media influence public opinion on topics of transitional justice, however, remains ambiguous. Survey data has also shown that the Croatian public inform themselves about elections and political parties primarily through television, followed by radio and daily press, and only then family and friends (Ipsos Puls, 2012). Weeklies, the Internet and party activities lag behind significantly (Ipsos Puls, 2012). This means that there is evidence that the media is shaping at least some political attitudes.

Horizontal media sources were distrusted just like all sources other than television. Horizontal media were, however, the only ones that provided alternative views on the media landscape. Television pictures, on the other hand, were considered highly reliable or "truthful", but they have also reproduced the dominant war narrative, much like most vertical media. The Kolstø (2011) survey findings further support this, most respondents felt that the best way to remember the Homeland War was through television documentaries (24.9%),

ahead of educational programmes (21.3%) and books and memoirs (17.7%). This means that the framework produced by the most trusted media source is one that does not allow for questioning of the dominant war narrative. Moreover, even if it had, experience from Serbia hints that even this may not lead to a significant change in societal norms and understandings of the recent conflict (Gordy, 2014).

5.2 Highly distrusted elites: Courts, the government and political parties

Other survey data, on the other hand, shows that 73% of the public think that the ICTY is not prominent enough in the media to be acquainted with its work (Belgrade Centre for Human Rights, 2011). Focus group participants across the board felt that this was because the ICTY and domestic courts did not publish information actively, if at all. Publishing of information was not seen as the job of courts, be they domestic or international, and information about their work was considered to only be available through the media:

SI.V.1 – Courts cannot give information.

SI.V.2 – There is none.

SI.V.3 – They can protect citizens, if they even do that.

SI.V.1 – Information you get from journalists, not courts. What you read, you read in the newspapers (focus group with Sisak war veterans).

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NU.T.2 – To be honest, I cannot get information from our courts. I cannot reach it unless the proceedings are published in the media (interview with non-urban teacher).

These discussions often alluded to an inherent lack of transparency that this resulted in. Respondents, therefore, frequently discussed how the work of the courts is unclear, murky or conducted in secret (also helping feed conspiracy theories). :

ZG.P.1 – [The ICTY] did not give us information.

ZG.P.2 – We do not really know how much information they even have.

ZG.P.4 – It is hard to say. Does America know what happened here?

Moderator – What about domestic courts as a source of information on the war?

ZG.P.2 – I do not really understand the question, because courts are not the ones who give information.

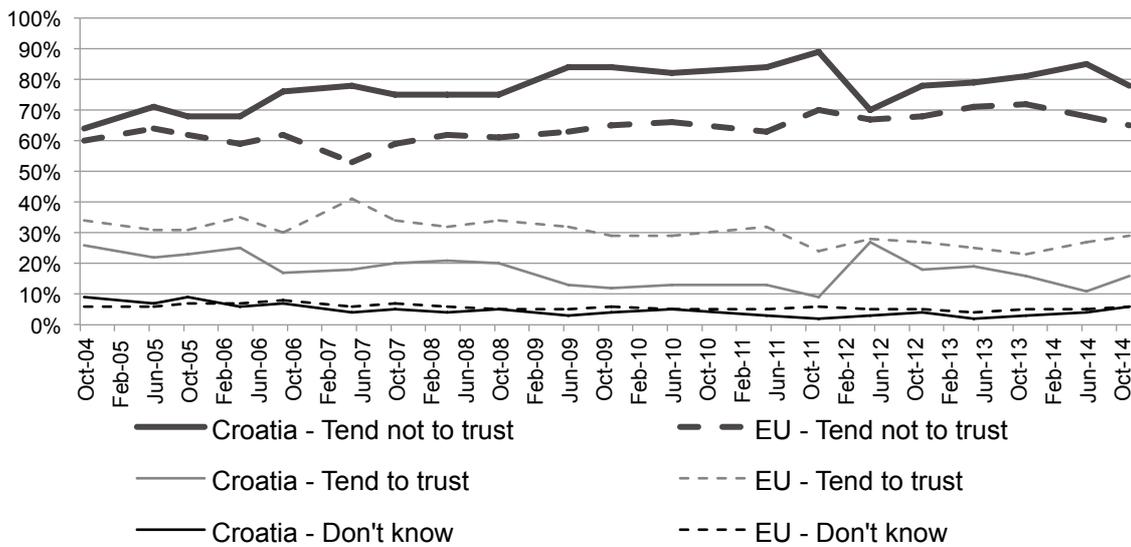
ZG.P.1 – The newspapers would report. Today is the trial of so and so. He has been sentenced to this amount of years. That was in the newspapers. But how the court

works, who or what it calls up, the functioning of the court, no one wrote about that (focus group with Zagreb pensioners).

This passage highlights that courts are ignored as sources of information. The participants, even after prompts, are unaware of any such functions of courts, which puts into question the hoped for expressivist effects of the ICTY. It would have been or is necessary to change the understanding of courts, or at least of the ICTY, in order to achieve such an effect with the public. The statements outlined above in combination with previous survey data show that the media, including the written press, do continue to play a role in how the Croatian public forms attitudes about political and societal issues. Moreover, they show that information on transitional justice is for the most part gained from the media, rather than directly from the Tribunal or courts. This means that what the media discuss and how they frame issues has the potential to have a great impact on how the public perceives war crimes trials and the transitional justice process as a whole. The media play a central role in the dissemination of information about war crimes trials and the Homeland War in general, despite being distrusted as a source. Courts, international or domestic, continue to provide information on their work, but the public do not see them as a source of information. It can also be argued that they should not be sources of information since this is not their primary role, but this does limit their potential to help audiences come to better understand the past (if that is an aim they aspire for). It is, therefore, the media that “set the record straight” when they report on the work of courts, not the courts themselves.

Much like the judiciary, the government in Croatia is not seen as particularly efficient or reliable. This general disenchantment with its work seems to extend across all parties, in that people find the whole system to be broken. Again, much like with the judiciary, the more extreme ends of the spectrum see the government as manipulative and infiltrated by unwanted elements. This is seen as being a consequence of the communist legacy of Croatia, but more specifically, as an effect of the lack of lustration in the country. *Eurobarometer* results from 2004 until 2014 show the staggering amount of distrust of the government in Croatia: in 2014 78% of respondents claimed not to trust the government versus 16% who did. Figure 13 shows how this compares over time with the EU average (*Eurobarometer*, 2004-2014).

Figure 13. Comparison of trust in government (Croatia and EU).



Source: Eurobarometer (2004 – 2014)

The reasons given in the focus groups for why the government is considered to be inefficient or useless range from the poor climate it has to work in to more pessimistic notions of it not even having an interest in helping people. As a consequence, it is not considered a reliable source of information. It is seen as sharing the same problems as the judiciary, those of staffing and an unfavourable working environment:

SI.P.4 – Plants can only grow in an appropriate climate. Same here. Just like with the trials.

All agree

SI.P.4 – It is not that the judiciary did not do well; no element did well. There are no oases.

SI.P.3 – The judiciary is a reflection of the whole situation (focus group with Sisak pensioners).

The Sisak pensioners semantically connected the judiciary and the government, who they did not see as separate, but as one and the same. Many respondents found that the government was not doing its job or as a non-urban war veteran put it, “My own state, government and system, in my country, do not function” (focus group with non-urban war veterans Banovina). Many groups were more pessimistic, believing that the government was not willing to help “ordinary people” and victims of the war felt that they were being ignored:

NU.P.1 – And those who are [in parliament], they are reading the newspaper, playing on their smart phones. They paid millions of euros for the voting system so that they do not have to raise their hands and signs. This is disgraceful. They gave nothing to people, ordinary people, who pay them, who they are there for.

NU.P.2 – They give nothing to the tax payer (focus group with non-urban pensioners).

-

NU.V.4 – Here in this town we have a family from Vukovar who cannot live there any longer because their girl, now a grown woman, was six years old when she was raped. Six years! What are we talking about! To this day she has such horrible trauma.

NU.V.1 – You cannot stay normal.

NU.V.5 – I can conclude on behalf of us all. This is a huge injustice.

NU.V.3 – Horrible.

NU.V.5 – A huge injustice. I will say something that may be blasphemy. My state is in an incredible financial crisis, but we are morally at rock bottom. I love this country, but we cannot take any steps forward until we clear up some things. It pains me horribly. We are all sick from the injustice, I dare say this. We are sick from being brainwashed. When someone persistently tells you that you are not a victim and that everything is good, to forget, to continue.

NU.V.3 – And let us reconcile!

NU.V.5 – But you cannot move forward until the truth is not clear (focus group with non-urban war veterans Banovina).

War veterans and victims were particularly distrustful of the government since they were seen as letting the victims down. The non-urban war veterans (above) saw the lack of recognition of their suffering as an attempt at manipulation and brainwashing, which prevented potential reconciliation. The government was painted as sinister and working against them. As a source of information the government was not trusted, since they were expected to only release what suits them at the time. History teachers, for example, did not find this particular to the Croatian government or to this time period. All of the groups viewed the government, and all parties in general, as opportunistic and willing to “sell out” in order to win elections. Once again, the idea that the public was being manipulated was often present:

SI.T.1 – No government will say everything it knows. Only what suits them.

SI.T.2 – Yes. And this is normal for every government. In the future they will not release any more information.

SI.T.3 – Throughout history it has always been like that. It has never changed, from Rome until now.

All laugh and agree (focus group with Sisak teachers).

-

Moderator – What about the government, current or previous, as a source of information?

ZG.T.1 – (laughs) Each in their own way. Whatever suited them, what they could use they used.

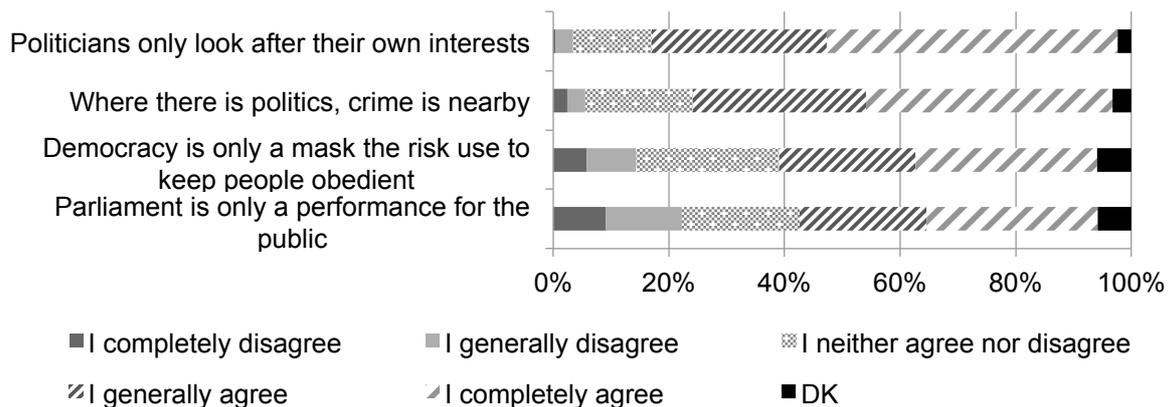
ZG.T.2 – If I were to compare it to how the American government justified the invasion of Iraq, then I would not trust any government (dyad with Zagreb teachers).

-

NU.T.2 – Our government is such that our Prime Minister or any minister is ready to announce on the anniversary of the SDSS⁴⁷ how the Serbs are whatever they need to be, to gain votes, that they are also the ones who helped lead to victory. And in the afternoon they will, if need be, say something else. Our government is definitely not good at telling the truth about the war, since ultimately, they are also responsible that all of the criminals who are still free and receiving pensions have not been indicted and sentenced. Not only on the side of the Croatian Army, but how would you say? Also on the side of the rebels (interview with non-urban teacher).

The end of this last passage is particularly interesting. Not only does it hint at the general disenchantment with Croatian party politics, but it also blames the government for not doing more to tackle the problem of war criminals, be it on the Croat or Serb (or as the respondent calls it, “rebel”) side of the conflict. The government is seen as failing both “sides” of the conflict and, particularly among teachers, is not seen to have any ethnic bias. As further passages below will show, other participants disagree with this, since they see the Croatian government as being infiltrated by anti-Croat elements. Again, survey data supports the perception that the government only works for its own self-interest. In the Ipsos Puls (2012) survey, respondents generally agreed that politicians only look after their own interests; that wherever there was politics, criminals were nearby; that democracy is only the mask the rich use to keep people obedient; and, that parliament is only a performance for the public, that the real decisions are made elsewhere (Figure 14).

Figure 14. How much do you agree with the following statements?

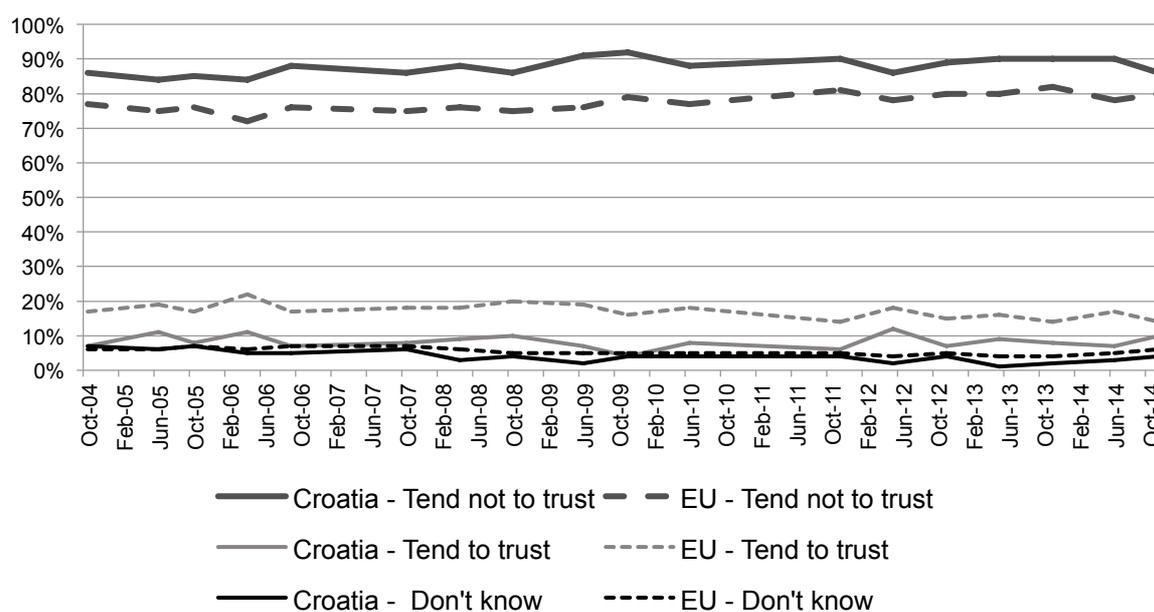


Source: Ipsos Puls (2012)

⁴⁷ The Independent Democratic Serb Party (*Samostalna demokratska srpska stranka* – SDSS) is one of the Croatian political parties that represents the Serb minority in the country.

Certain individuals were opposed to the ruling coalition at the time and expressed such opinions, to varying degrees. For the most part, however, group discussions revolved around general disappointment with all parties, which led to poor information on the war. Survey data suggests that political parties are trusted even less than the government (Figure 15; in 2014 78% did not trust the government, 86% did not trust political parties; Eurobarometer, 2004-2014) and Croats more often than not do not feel close to any political party (62.5% do not, 34.6% do; Ipsos Puls, 2012).

Figure 15. Comparison of trust in political parties (Croatia and EU).



Source: Eurobarometer (2004 – 2014)

Group discussions reflected this:

Moderator – And the government as a source of information on the war?

ZA.V.2 – Well they block! Not just this one, but previous ones as well (focus group with Zadar war veterans).

-

ZG.V.3 – Not a single one dealt with serious issues, the economy, and the war least of all. They were all governments only for themselves, separate from the *narod*. I do not defend the HDZ or the SDP (focus group with Zagreb war veterans).

-

ZA.T.2 – The statute of the city of Vukovar, in which the use of Cyrillic is included, was brought in by the HDZ, who have now of course changed their minds. As we said earlier, politics in opposition and in power is different (focus group with Zadar teachers).

-

NU.P.5 – We have the same problem in this country, during the time of the SDP and during the time of the HDZ. We once again have no money (focus group with non-urban pensioners).

The evidence suggests that the general preoccupation of political parties to win elections has led to a broken political system. In this sense, the government is mistrusted because political parties and their intentions are hugely distrusted. Moreover, some of the more extreme opinions saw the government as using information in order to split and manipulate the public, much like some participants saw the Croatian judiciary:

SI.P.1 – The biggest problem is that everyone, governments and those and these, they all talk about half-truths and half-lies. No one says the whole truth and everyone makes things sound nicer (focus group with Sisak Pensioners).

Numerous groups and individuals also distrusted the government since it was seen as being run by Europe or that it had been infiltrated by unwanted elements (Serb, Orthodox, UDBA, communist, Yugonostalgic, etc.). This is not all too surprising given the prevalence of conspiracy theories in the Balkans (Obradović-Wochnik, 2013: 198). There was a general impression that the lack of lustration in Croatia and the legacy of communism had led to this state of affairs. The first passage below is particularly striking: a question about domestic war crimes trials is connected to corruption and then to this type of infiltration. It is then juxtaposed with Croatian defense, creating a sense of a continued struggle for Croatian independence (in this case judiciary independence):

Moderator – What is your opinion of domestic war crimes trials?

ZA.P.2 – They are very susceptible. For example, the State Attorney's office. My personal opinion is that these people are not bad judges or bad people. But they are looking out for their own positions. They cannot do anything by getting approval from the side. They are told where to go, should they sentence someone, free someone and so on. There is no independent judiciary with us. That is my opinion.

ZA.P.3 – I am sorry, but imagine what kind of judges they are. That is this communist mentality. The mentality of the UDBA.

ZA.P.4 – That is right, that is right.

ZA.P.3 – Starting with Stipe Mesić. Just remember that he used to work for Dr. Franjo Tuđman. European should have made Tuđman a saint. Him and the Croatian army. Because this is truly an example to all of Europe of what it has done throughout all of history. And here Croatia only defended itself. And it showed how in this suffering, in this pain, how great the Croatian man is. And this I am proud of. But this, the judiciary. Still today, I personally am only waiting for the day when we will free ourselves from this UDBA and communist mentality. Because this is something horrific. An ideology crafted in hell. Truly (focus group with Zadar pensioners).

-

SI.V.3 – Politics blows from France or England or Germany.

SI.V.2 – I will tell you now, that our politics is run how Europe says. Europe blows a little, your Englishman David Cameron strikes the table with his fist in Parliament and says that Great Britain wants something. And as the big brothers say, so small Croatia does (focus group with Sisak war veterans).

-

NU2.V.1 – Greater Serbs, Yugonostalgics, persecutors of the Croatian national spirit throughout history, UBDA members. Today they have completely infiltrated all the pores of Croatian economic, political and daily life (dyad with non-urban war veterans Slavonia).

-

ZG.V.4 – We are still deeply in the process of transition because we have not undergone a single type of lustration (focus group with Zagreb war veterans).

While war veterans strongly expressed such concerns throughout all of the groups, other respondents either did not believe in this or focused on the lack of lustration following the disintegration of Yugoslavia, more than the infiltration of UBDA, communist or Yugonostalgic elements in Croatia (although a minority of pensioners shared the same opinion as the war veterans). The topic was capable of causing heated debate and in one group even led to a walkout, indicative of how much importance is attached to the legacy of communism in Croatia, but also show how damaging being branded a “communist” can be. Participants judged other individuals, and their opinions, based on their views of the past. In other words, current politics is judged based on understandings of communist and Second World War history:

ZG.P.1 – Today the information depends on who is in power. Today the communists are in power.

ZG.P.3 (shouts) – But there are no communists!

ZG.P.4 – You cannot talk about communists! There are no communists!

ZG.P.1 – How are there not? What is the SDP?

ZG.P.4 – There are no communists.

ZG.P.3 – Objectively speaking, there are more communists in the HDZ.

ZG.P.4 (shouts) – All of the HDZ are communists!

ZG.P.1 – And what is the SDP, is it not the successor to the Party?

ZG.P.4 (shouts) – The social democrat party!

ZG.P.1 (shouts) – Ah! And where did it come from! It is a successor to the Party!

ZG.P.3 (shouts) – And where did the HDZ come from (focus group with Zagreb pensioners)?

The issue of lustration following the Homeland War remains a dividing line in Croatian politics and society. War veterans and some pensioners strongly expressed a desire for it and the concept featured in many of the focus groups. The theme was more broadly connected to discussions over Second World War Ustasha/communist divisions, especially with older participants.

5.3 Trusted everyday sources: Participants and historians

Whereas the sources discussed above were for the most part distrusted; the ones discussed below are all considered more reliable, beginning with the Church. Discussions about the Church in Croatia, which was often taken to mean the Roman Catholic one, were often awkward. The topic was frequently ignored or laughed off, although as Figure 11 shows, the Church is relatively more trusted than most other institutions in the Croatia. This is to be expected given the central role the Roman Catholic Church plays in Croatian society and in the nation-building project of the state (Pavlaković, 2014: 29). It was often referred to as educational and reliable (especially compared to the state):

Moderator – Do you think you have a good understanding of the Homeland War?

SI.P.4 – I believe on the basis of my upbringing, and in terms of upbringing I mean what I learned from my wider family, in Church, in school from elementary school to university. These were all of my educators. And in society, and later when I worked, these were all educational measures that influenced me. On the basis of these criteria, which developed over time in me, I believe I understand [the Homeland War] (follow-up dyad with Sisak pensioners).

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NU.T.1 – With regard to any question connected to the Homeland War or trials, the opinion of the Church is very important to me. More so than the domestic media. It really means a lot to me, for one single reason. If I ever have to explain this, the Church has been with the *narod* for 13 centuries. The only such institution. I have been convinced by many, maybe unimportant and tiny examples, how the Church is better than the state because it is monolithic. It has existed with us Croats for 1300 years, while governments and states change (interview with non-urban teacher).

The above statement from the non-urban teacher is, however, slightly extreme and most groups ignored the topic or laughed it off. Teachers in particular responded with laughter: in Zagreb, Zadar and Sisak the question about the Church as a source of information was immediately followed by laughter. Respondents otherwise generally agreed that the Church only has a spiritual role in society and not a political one:

SI.V.1 – The Church takes care of souls. It does not care about this [the Homeland War].

SI.V.3 – Very little.

SI.V.2 – The Church preaches about the Lord. And to have faith in the Lord. Not in Milanović. In him I have no faith at all. But in the one up there I have faith. That is what the Church says (focus group with Sisak war veterans).

-

SI.T.1 – The Church is concerned with spiritual work, not political.

SI.T.2 – And charity.

All laugh (focus group with Sisak teachers).

The topic of the Church seemed to be generally ignored through these two methods: laughter or insisting it only has a spiritual role. The Church as a topic was, therefore, particularly hard to analyse as a sequence of narrative rather than just an instance, since it was difficult to gather the necessary data. This shows the participants' deliberate attempts at ignoring the topic, but it does mean that this type of data collection and analysis approach is limited in such situations.

The role of the Church in Croatian society remains large, although its role as a source of information on the Homeland War is ultimately limited. It is not an active publisher of information in the same way that historians, participants or courts might be. Moreover, it does receive criticism from certain segments of society, which was obvious in a number of discussions with teachers, who found it to be biased and political, though not universally so:

NU.T.4 – It misinforms.

NU.T.3 – I would never use it as a source on the war. It is clearly tainted with some ideology.

NU.T.4 – It is propaganda (dyad with non-urban teachers).

-

ZA.T.2 – In my opinion all three religions in this region are very biased in representing anything (focus group with Zadar teachers).

-

ZG.T.4 – More than anything I have the impression that there is not enough education in this institution or an honest attitude towards information, instead they push for an interpretation that had nothing to do with facts. Unfortunately. And their influence is big (interview with Zagreb teacher).

Across all target segments and locations, it was clear that participants of the war, predominantly former combatants but also victims, were consistently considered to be the most reliable source of information on the Homeland War. As might be expected, war veterans in particular felt that this was the case. Their passages (such as the one from

Zadar below) also highlighted the large role that fear plays in their lives, be it of infiltration or conspiracy in society, which they use to justify their position as defenders of this society. As in other groups, they also referred to physical repositories of their testimonies, the books published by them (which occurred with three of the five war veterans' groups):

ZA.V.6 – The most reliable source for people who did not live through the war are the ordinary small people and the types of interview that you [the moderator] are doing. That is how you will get the best picture.

ZA.V.2 – Exactly.

Moderator – So participants?

All agree

ZA.V.4 – Active participants who are still alive.

ZA.V.6 – Who can speak without burden.

ZA.V.2 – Because they have nothing to fear.

ZA.V.6 – We have nothing to fear in telling you to the truth.

ZA.V.2 – Because we have looked death in the eyes.

ZA.V.3 – Here we have a book of testimonies from women who took part in the Homeland War. When there are more books of testimonies like this one. When there are more *branitelji* who write down their testimonies, each putting their own on paper, what they lived through, that will be the best source of information (focus group with Zadar war veterans).

-

Moderator – What do you think is the most reliable source of information on the war?

NU2.V.2 – We, who are the participants of the times, witnesses, who can say what happened.

NU2.V.1 agrees

NU2.V.2 – No one waged war here other than Croats and Serbs. We were attacked here on our territory of the state of Croatia by Serbian citizens from what at the time was the Republic of Serbia, and their fellow nationals who lived with us. We know exactly what happened here. Why should someone from England, France, Germany, the EU, the USA, Canada, Australia, wherever, talk about the Homeland War? We waged the war, not them (dyad with non-urban war veterans Slavonia).

-

SI.V.2 – The most reliable source are those who were in the war, those who were on the frontline and who experienced and saw all kinds of things (focus group Sisak war veterans).

This sentiment was shared across all of the other groups, which often also involved individuals who had participated in the war, as combatants or as victims. For example, in the non-urban pensioners group individuals commented more than once that it is difficult to talk

about “if you were not there” (focus group with non-urban pensioners). This is not overly surprising given how much of the population witnessed violence directly (55% according to a 2001 survey; Caritas Croatia and the Franciscan Institute for the Culture, 2001). Other respondents, who did not partake themselves in the war, also referred to participants of the conflict as the most reliable source and even cited hearsay from participants as highly trustworthy:

ZG.P.1 – I have a lot of information and this theme is close to me. I went around to many areas hit by the war as a humanitarian aid worker... So I have first-hand information (follow-up interview with Zagreb pensioner).

-

ZG.T.2 – That what I remember is the most reliable. I know that I experienced something, saw it on television. People who I spoke to, and who I know well.

ZG.T.1 – Yes, and not so much books, because books can also be manipulated.

ZG.T.2 – They are not even necessary in this instance (dyad with Zagreb teachers).

The discussion between the two Zagreb teachers, also quoted earlier in the chapter, is particularly meaningful. The teachers not only find participants (and television pictures) to be the most reliable source, but they directly compare it to books, since books can be manipulated. Participants and television in this case are seen as making books redundant. Some groups specified that certain types of participants were more useful in this sense than others, for example both the non-urban pensioners and the non-urban teachers commented that commanders and their diaries would be particularly useful, compared to soldiers who may have “quite a narrow picture of a specific location” (interview with non-urban teacher). A number of respondents, much to the agreement of their groups, also pointed out that participants were only a reliable source inasmuch as both sides of the conflict were referred to:

NU2.V.1 – The most honest and fairest account about everything will be given by the very participants of these events, including members of the Croatian Army, and of the other army, on the other side, civilians who lived in these areas where it happened, and least of all career politicians (dyad with non-urban war veterans Slavonia).

-

ZA.T.2 – When we consider war veterans, including the ones from the other side, they can help serious, objective historians to create quality scientific and expert works, books and monographs (focus group with Zadar teachers).

These statements not only allude to the potential openness to hearing other views (although it is debatable how agreeable they would find those views), but also indicate that reliability is considered to include multiple perspectives. This is, however, based on the understanding that the war could have only been defensive in nature and only the details of this defence

are up for debate, not the defence itself. Moreover, participants were seen as an ideal source for objective historical works, ones that hold the most potential to be trusted. Oral history, a possible avenue for this, was mentioned across several groups as a useful method to capture the experiences of participants in specific locations. In fact, many of the war veterans' associations had produced such works, some brought them to the focus groups and all of them readily spoke about the works. A respondent in Zadar, for example, said that the "people who lived through these horrors and who this happened to, that is the source. For example, our group has already published two books. Let it stay written down" (focus group with Zadar war veterans). War veterans referred to these oral histories as their duty; to record what had occurred and in some ways to continue the defence of Croatia, by legitimising its defence and foundation.

Despite participants of the Homeland War being highly trusted as a source of information, war veterans' associations were not trusted at all. Even all of the war veterans' groups interviewed found the general grouping of war veterans' associations to be a highly unreliable source of information on the war. Across the board they were considered to be too numerous, fragmented and unclear in expressing their aims, mainly because they are perceived to only have their own monetary or political interests in mind.⁴⁸ In addition to this, there is a sense that every person looking to swindle a bit of money could create an association, which led to such a great number being created. This perception is discussed in greater detail in Chapter 9, but for now it provides an interesting juxtaposition with the notion that participants, on the other hand, were highly trusted. Whilst they rank highly, possibly highest, as a source of information, war veterans' associations were placed at the opposite end of the spectrum. This was made all the starker since war veterans themselves find the groups to be poor sources of information.

As several of the above passages hinted at, objective historical works are sought after, but their reliability seems to be based on the need to involve participants and to present sources from both sides. Currently it seems that works by historians are, with one exception, considered to be poor. For example, the Sisak war veterans claimed that what "pained" them was what Croatian historians wrote about Croatia, while the Zadar war veterans were worried that the books of Carla del Ponte or Florence Hartmann were writing the history of Croatia. So while war veterans were unhappy with historical works for these reasons, history teachers saw the works as limited due to the short timespan since the war ended and the fact that participants, discussed above, can be biased. A Zagreb teacher commented, "The

⁴⁸ The Croatian Ministry of War Veterans' Affairs runs a registry of war veterans and their associations. They record circa 6,300 associations. See: <https://registri.uprava.hr/#!ludruga>

advantage and the disadvantage is that we all survived that time, me included, so that this picture was also built through personal experience. No one can run away from that” (interview with Zagreb teacher). What all groups agreed on was that both sides had to be heard or seen for a source to be reliable:

NU.T.4 – Purely historically, there cannot only be one source.

NU.T.3 – There have to be more historical sources.

NU.T.4 – Yes, there always have to be multiple historical sources. You have to listen to one side and the other. For example, when I teach about the Homeland War, I always start by asking how do you think they talk about it in Sarajevo or Belgrade (dyad with non-urban teachers)?

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Moderator – What do you think is the most reliable source of information on the war?

NU.V.5 – Documents that our boys captured when they came to Petrinja. Those are documents that say exactly what happened among the Serbs.

NU.V.3 – So Serb documents (focus group with non-urban war veterans Banovina).

The preoccupation with collecting documents or hearing from both sides and the trust in participants as sources of information opens up the space for a historical source that can tap into both. Historian Ante Nazor, the Director of the Croatian Memorial and Documentation Centre for the Homeland War (the individual and the institution were referred to interchangeably throughout all of the discussions), fills all of these requirements: he was a participant in the war as a conscript and he actively, as well as openly, collects documents from both sides of the conflict.⁴⁹ War veterans’ groups found him to be highly reliable and referred to him as the best source on the war, apart from participants; pensioners for the most part shared this sentiment; whilst teachers at times aired some doubts, but were also generally positive. This has the potential to build a historical narrative based on participants’ accounts from both sides, but it can also give a source heightened credibility simply because they were a participant and because they collected information from both sides. It does not take into account the importance of the interpretations being imposed on the data, which were rarely mentioned in discussions. The non-urban war veterans group quoted above, went on to say:

⁴⁹ Ante Nazor is a Croatian historian who also runs the Croatian Memorial and Documentation Centre for the Homeland War. The aims of the Centre are the collection and investigation of documentation and materials related to the Homeland War. Ante Nazor has been seen as politically aligned to the right side of the spectrum in Croatia and much of his work features the use of loaded terms, for example one of his books is titled “The Greater Serbian Aggression Against Croatia in the Nineties”. This study does not judge the value, quality or credibility of Ante Nazor or the Croatian Memorial and Documentation Centre for the Homeland War based on academic merit. Instead, it tries to show how the Croatian public view them and the potential they hold as source of information on the Homeland War.

NU.V.5 – [The Serb documents] are now with Nazor in the Memorial and Documentation Centre.

All agree

NU.V.3 – This is a very good thing.

NU.V.5 – These are reliable sources. You should turn to them.

NU.V.1 – They needed trucks since there was so much documentation.

NU.V.5 – And in there it is written exactly what happened, who killed who, all of the information (focus group with non-urban war veterans Banovina).

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ZA.P.3 – Facts. He only publishes facts.

ZA.P.1 – We have listened to him, we have read his work.

ZA.P.3 – This is what makes Ante Nazor great, so rare in Croatia. He has a doctorate in history, he will not even discuss things without the facts. He has the facts.

ZA.P.2 – Everything with documents.

ZA.P.1 – All documents.

ZA.P.3 – All with documents. And this is his greatness (focus group with Zadar pensioners).

These exchanges highlight the potential pitfall of this type of endeavour: where “facts” are not disputed because data collection is seen as being good. In the case of the non-urban war veterans this gesture is particularly strong, as they witnessed the collection of literal truckloads of documents. In other words, the reliability of the source is judged based on the volume of documents collected from a certain location. Moreover, Nazor is seen as collecting documents from both sides of the conflict, giving him added reliability:

NU.T.1 – I consider [the Memorial Centre] reliable based on what I have heard and followed, because I deeply believe that they are trying to show, as historians, the real truth. And that certainly involves the basic principle: not only one source and one side, instead they have definitely collected information from the opposing side. These include the captured documents and videos of Krajina, as well as more recently statements from Serb rebels. I believe they have also, if I recently heard correctly, involved some Serbs into the work of centre, so that they can also give their contribution to the real truth (interview with non-urban teacher).

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SI.T.3 – That is how the Memorial Centre for the Homeland War works. To listen to one side and the other (focus group with Sisak teachers).

Teachers generally had a positive outlook on the work of the Centre and of Nazor, but they were the only group that also sometimes expressed doubts about the project. Many actually had direct contact with Ante Nazor himself, either through their studies (for example, if he

was their supervisor) or through lectures that the Centre organised in their school (something Nazor is actively involved in). When they occurred, criticisms were levelled at Nazor's political leaning, the danger of an official historical narrative and the fact that it is still too early to conduct serious historical analyses:

NU.T.3 – He is distinctly politically oriented toward the right and he presents exclusively those sources that help the Croatian side. He will rarely present sources that can blemish the Croats in the Homeland War. So these sources are not good to me (dyad with non-urban teachers).

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ZG.T.3 – I think that as an idea, as a centralised place to store documents, which will ease the investigation of the period, certainly yes. But not as a place that could an official version of history and that period that everyone should adhere to, anyone in the country, and especially historians who primarily work with this. I would not dare say if they are moving in that direction, but they should certainly avoid it (interview with Zagreb teacher).

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ZG.T.4 – I know what they are doing. But they are only just collecting information and material. He is primarily concerned with giving lectures, he has a mission to say something about what he has collected. This is some kind of start (interview with Zagreb teacher).

Ante Nazor and the Croatian Memorial and Documentation Centre for the Homeland War tap into several factors of reliability in the eyes of the Croatian public. It focuses on participants of the conflict; a participant runs it; it makes a highly publicised effort at collecting source material; and, it collects material from “both sides” of the conflict. The centre was established by the government specifically to create official narratives about the Homeland War and its statute states that its aims are to investigate the truth and to make the public domestically and globally aware of the discovered facts. Ante Nazor also receives a high degree of media publicity, especially in contrast with other historians who may not so strongly identify with a political current. Despite the Centre still only being in its formative stages, it holds the potential to become the most trusted source on the Homeland War and one that dictates the official narrative of the conflict. In this sense, it also represents a danger, since it gains its credibility from its data collection methods, rather than its lack of bias or its objective and systematic interpretations of the data.

5.4 Unknown and suppressed

Despite the array of sources on the Homeland War available to the public, there remains a general impression that not all information on the conflict is known. Once again, teachers stood out to the other two target groups in that they were far more pessimistic. They

believed not enough time had passed in order to have all of the information and that interpretations of the conflict were now missing:

ZG.T.3 – We need to wait for the archives to open for everything to become accessible. Making decisive statements that it was like this has no foundations (interview with Zagreb teacher).

-

ZG.T.4 – I struggle to hold a class on the Homeland War. I have read many books, but what has been written on the Homeland War is generally boring. For the most part reviews of facts and dates. There are no real interpretations, which is interesting in history. Cause and consequence connections, meaningful opinions based on scientific research, arguments. There is no such literature (interview with Zagreb teacher).

There is also an impression that certain information is suppressed, once again mostly shared by teachers. The suppression is seen as predominantly focusing on Croatian war crimes, since “the winners write history” (dyad with Zagreb teachers). Teachers who mentioned this also mentioned that this was to be expected, since it was not pleasant to hear about crimes committed on one’s own side of the conflict:

NU.T.1 – Of course a special theme were situations in which Croats committed crimes. This was shown nowhere and it was only discovered later, after interventions from the other side – the Serbs, or specific organisations, like the Helsinki Committee, Amnesty International, who then published these things. The situation is such that you are at first in shock when you hear that such a thing even happened, and then there is the long path to the truth. Of course, it was not pleasant to hear that such things happened on the Croatian side (interview with non-urban teacher).

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ZG.T.3 – It is simply not pleasant to discuss crimes on your own side. Even a person who is the most conscious of that and tries to look at things in the most objective manner, this is not a pleasant realisation, that someone from your *narod*, city, street, building, committed crimes because someone was of a different ethnicity (interview with Zagreb teacher).

Both respondents here hint at the shocking effect that information that is opposed to the predominant war narrative can have on an individual. They also hint at the fact that the war narrative necessitates the suppression of certain information that runs counter to it. Similarly, the image of Vukovar (as one of the symbols of Croatian suffering and victimhood) was questioned by some teachers, who for example claimed that “we all know that Vukovar was sold out. We all know it, but no one is allowed to say it publicly” (dyad with Zagreb teachers). Others questioned Croatian involvement in Bosnia and the supposed division of the country during the war. It seems teachers are aware that topics that run counter to the predominant war narrative were and are being suppressed. This is an example of how top-down efforts interact with individual interpretations, albeit in a limited and far from mainstream way.

5.5 Conclusion

The data show that the media in Croatia are distrusted, more so than elsewhere in Europe. Specifically, with regard to reporting on the ICTY, they are not seen as objective. Moreover, of the different forms of media, the press is the least trusted. The reasons for this distrust is that they are seen as corrupt and biased, which has led to them reporting in a selective and editorialised fashion. Respondents believed that this corruption was fuelled primarily by politics, although also the search for further monetary profit. Television, however, is trusted far more than the written press or other forms of media. Often what was seen on television was considered to be fact, giving the medium some form of infallibility. Despite all of the above, surveys show that the public still uses the media to form political opinions and that newspapers still form a great element of this. Moreover, there was a general impression in discussions that some information is only available through the media, because courts, including the ICTY, are not considered to be sources of information, since this is not their job. The media in Croatia, therefore, remain important in the formation of public opinion, much like elsewhere in the world, despite the generally poor opinion of them in the country.

The Croatian public seem to trust few sources, which further helps explain the need for the media. The government is considered useless and inefficient, which reflects upon its reliability as a source of information. Trust in it is lower than in the rest of Europe and respondents had similar complaints about the government as they had about the judiciary: that it was trying to manipulate people and that it was working in an unfavourable environment. The more extreme view, expressed across all of the war veterans' groups and with some pensioners, was that unwanted, anti-Croat agents had infiltrated the government. Overall, however, the biggest complaint shared by all respondents was that the government was only concerned with itself due to party politics, which are seen as having created a broken system. Political parties are, therefore, trusted even less. Paradoxically, war veterans' groups are also highly distrusted, despite participants being the most trusted source of information. The groups were seen as overabundant, fragmented and unclear in their aims.

The Church generally seemed to be trusted by participants, although the topic was most often ignored or laughed off in discussions. Given its central position in Croatian society, it is not surprising that it is seen as reliable (as one teacher said, it has been with the Croatian people for over 1300 years) or that respondents are unwilling to question its role. Teachers, however, frequently also expressed doubts about its political connections and the roles all of

the churches played in the wars. Ultimately its role as a source of information remains limited, although it is seen as relatively reliable.

Participants were highlighted as the most reliable source across all target segments. So much so that they were seen as superior to books and hearsay was considered to be trustworthy, if from the right sources. In particular, respondents stressed that it was important to listen to participants from both sides. These criteria were also used to judge the reliability of historians, who were seen as more reliable if they spoke to participants and collected documents or testimonies from both sides. This opens up the space for a project like the Croatian Memorial and Documentation Centre for the Homeland War and Ante Nazor, which are seen as being preoccupied with both. This can be dangerous since the quality and value of interpretations are not questioned, because such an effort can make a publicised effort for data collection. Moreover, Nazor has overtly stated that he finds the ICTY to be political and incompetent, both in releasing Serb perpetrators and punishing Croat ones, which combined with the high trust in him and the extensive outreach of the centre could mean that his interpretation of the ICTY has a powerful impact on perceptions of the Tribunal. Only teachers questioned this project on this basis, highlighting that Nazor was known for a particularly political representation of the past.

Figure 16. Overview of sources' reliability.

Considered more reliable	
Participants	From both "sides"; cannot be manipulated (unlike books).
Ante Nazor/Memorial Centre	A participant; speaks with participants; actively and publicly collects documents from both "sides"; only seen as biased by very few.
Television	Pictures as "truth".
The Church	Influential but generally ignored; has been with with the <i>narod</i> for over 1300 years; only seen as biased by few; generally avoided as a topic.
Historians	Not serious; lack interpretations.
Non-TV media	Corrupted and biased by politics and profit; report selectively; necessary because some information only they can reach.
The government	Inefficient and useless, therefore, not trusted; more extreme elements see it as infiltrated by anti-Croat elements.
ICTY/domestic courts	They do not publish information, since it is not their job.
Political parties	Preoccupation with winning elections has made parties, and the Croatian political system, corrupt and untrustworthy.
War veterans' associations	Seen as overabundant, fragmented and lacking clear aims; few honest groups with most primarily concerned with personal gain.
Considered less reliable	

Source: Own compilation

Figure 16 summaries how different sources roughly rank in terms of reliability. This is not a quantitative effort at measuring this, but rather a visualisation of how different sources on the Homeland War rank in the eyes of the Croatian public. In this picture the media remain necessary, although there is a possibility for historians and related efforts (such as Ante Nazor and the Memorial Centre) to become more popular, since they are seen as more trustworthy. Participants and hearsay remain a far more reliable source and one that the public uses extensively to form opinions. In other words, the most “everyday” of all sources, participants and a documentation centre that focuses on participants, ranked as the most reliable sources, especially compared to top-down efforts such as the government or courts.

A comparison across all target segments and locations shows for the most part agreement (Table 9). All groups, bar a few exceptions, agree that participants and television images were trusted sources of information on transitional justice and the war narrative, while political courts (both international and domestic), political parties and war veterans’ associations were distrusted. Non-television media, Ante Nazor, the government and the notion of information being suppressed or hidden saw some disagreement between groups. For non-television media and the government, this took the form of varying levels of disagreement, predominantly because war veterans did not only distrust them, they thought they aimed to create splits in the Croatian people (the media), that they required lustration (the government) or both. The Church and historians as sources of information featured the starkest dividing lines. The Church was for the most part ignored during discussions by pensioners, trusted as a source of information by war veterans and distrusted by teachers. Teachers stood out on the topic of historians as well, they were the only target segment that was neutral or that in one instance trusted them as a source of information.

Teachers stand out from the other two segments since they are the only group to consistently question all of the more reliable sources (the Church, participants and Nazor). This may be because teachers are younger than the other two target segments, they are the only one that contained no participants in the war (although some grew up in areas that were on the frontline), they are generally better educated than the rest, socio-economically they may be faring better and, as trained historians, they may be more aware of the need to question sources. Nevertheless, none of these factors singularly help explain why they stand out in their inquisitiveness.

Elites and media are distrusted, but by performing and choosing the narrative, they set the parameters of it. Everyday interactions and discussions by the public lead to the talking of the narrative; this is where the narrative is debated, contested or affirmed. It is at this level that the most trusted source of information on transitional justice topics, participants, is to be found. Where superimposed elite or media narratives meet constantly evolving everyday interaction and talk is where moments of contradiction occur. These narratives, coming from above or below, can be in support or against transitional justice, but they are all equally subjected to this complex process of interaction. It is here that personal ties prove to be more trusted than impositions from above and where attempts by transitional justice institutions to change norms and narratives in a society can hit significant obstacles to diffusion.

Table 9. Comparison of opinions on sources of information across target segments.

	Source of information	General Agreement					Somewhat Contested				Highly Contested	
		Participants	ICTY/Domestic Courts	TV	Political parties	War veterans' associations	Croatian Memorial and Documentation Centre for the Homeland War	Non-television media	Government	Is anything being suppressed or hidden?	The Church	Historians
Teachers	Zagreb	Trust	Distrust	Trust	Distrust	Distrust	Mixed	Distrust	Distrust	Yes	Distrust	Neutral
	Zadar	Trust	Distrust	Trust	Distrust	Distrust	Trust	Distrust	Yes	Distrust	Neutral	
	Sisak	Trust	Distrust	Trust	Distrust	Distrust	Trust	Distrust	No	Ignore	Trust	
	Non-urban	Trust	Distrust	Trust	Distrust	Distrust	Mixed	Distrust	Yes	Distrust	Neutral	
War veterans	Zagreb	Trust	Distrust	Trust	Distrust	Distrust	Trust	Distrust and aim to create a split	Distrust and needs lustration	N/A	Trust	Distrust
	Zadar	Trust	Distrust	Trust	Distrust	Distrust	Trust	Distrust and aim to create a split	Distrust and needs lustration	Yes	Trust	Distrust
	Sisak	Trust	Distrust	Trust	Distrust	Distrust	Trust	Distrust and aim to create a split	Distrust and needs lustration	N/A	Trust	Distrust
	Non-urban Banovina	Trust	Distrust	Trust	Distrust	Distrust	Trust	Distrust and aim to create a split	Distrust and needs lustration	Yes	Trust	Distrust
	Non-urban Slavonia	Trust	Distrust	Trust	Distrust	Distrust	Trust	Distrust and aim to create a split	Distrust and needs lustration	Yes	Trust	Distrust
	Zagreb	Trust	Distrust	Trust	Distrust	Distrust	Trust	Distrust	Distrust	Yes	Ignore	Distrust
Pensioners	Zadar	Trust	Distrust	Trust	Distrust	Distrust	Trust	Distrust and aim to create a split	Distrust and needs lustration	Yes	Ignore	Distrust
	Sisak	Trust	Distrust	Trust	Distrust	Distrust	N/A	Distrust	Distrust	Yes	Trust	Distrust
	Non-urban	Trust	Distrust	Trust	Distrust	Distrust	Trust	Distrust	Distrust	Yes	Ignore	Distrust

Source: Own compilation

A story of Croatian defence: The narrative of the Homeland War

In Croatia there is a pervasive, nearly universal among ethnic Croats, notion that Croatia was a victim of Serbian aggression. According to this narrative, Croatia led a war of self-defence, with the aim of not only saving the Croatian state, but preventing the destruction of the Croatian nation (Pavlaković, 2014: 19). This narrative was also central to the nation-building process in the state, together with other strategies such as severing all ties with the multinational Yugoslav state and providing a history of continuity of the Croatian state into history (Pavlaković, 2014: 31). At the same time, a justice narrative is also present in Croatia, one based on the norms of transitional justice. Actors who wish to promote one or the other have similar expressivist goals, those of building a narrative, authenticating it as the truth and passing it on to the society in question (Drumbl, 2007). The official war narrative and the justice narrative exist in the same space and interact with each other; at times coming into conflict and undermining each other, at other times affirming each other and becoming aligned.

The war narrative has previously been extensively outlined by the literature on Croatia and transitional justice, especially Banjeglav (2012), Jović (2009), Koren (2011) and Pavlaković (2014). This has included detailed breakdowns of its various facets, many of which are also reproduced in the Declarations on the Homeland War and Operation Storm. This study uses those categorisations and builds on them, details of which are outlined below. The justice narrative is, however, less well defined and there is a greater need to be aware of how this narrative may be interpreted by other scholars. In this study, the justice narrative is defined as the stories that transitional justice institutions in Croatia and in The Hague try to impart on the Croatian public. These include specific versions of events as presented by courts through, for example, trial transcripts and sentences, as well broader norms concerning the primacy of rule of law, regardless of circumstances. Such an approach is inherently subjective and can be interpreted differently depending on individual views of these institutions (for example, if they are not trusted), but an attempt has been made to always connect the justice narrative to a trial or institution that is promoting it. Moreover, the notion of a justice narrative is linked to how individuals, as well as the researcher, construct their notion of justice. For example, the ICTY may be regarded as just by some, but also as unjust by others (for example individuals who are unhappy with its work), thereby making the use of “justice” to describe the narrative dependant on opinions about the tribunal itself.

The justice narrative comes into conflict with the war narrative over the notion of a defensive war. ICTY convictions, such as those of Dario Kordić and Mario Čerkez, form a large part of the justice narrative and show that the Croatian state supported armed forces outside of its own territory for purposes other than the defence of the Republic of Croatia. Such convictions have the potential to undermine a narrative of defence. The notion of a joint criminal enterprise by the Croatian wartime political and military leadership held similar potential, while domestic and international trials relating to war crimes by Croatian military personnel undermine the notion that crimes could not be committed in a defensive war.

At the same time, the justice narrative at times supports the war narrative or sees judgments that are aligned with it. For example, the justice narrative asserts that all war crimes must be investigated and processed, which Croatian authorities have been more than happy to do with regards Serbian perpetrators. Both narratives stress the importance of fact-finding, although one in a more universal sense than the other. Most significantly, ICTY decisions can be in conflict with or in line with the war narrative. The final verdicts in the Operation Storm case reaffirmed the war narrative (and the creation of the Croatian state): that the operation was legitimate and that no joint criminal enterprise was present.⁵⁰ The dominant national narrative is thus constantly contested by both external and internal sources (Ashplant et al., 2000: 16). At times this led to fierce rejection of war crimes processes, when they ran counter to the official war narrative, at other times the processes fit into or were modelled to fit into official narratives about the past (Ristić, 2014: 96).

The war narrative is important since it forms a kind of founding, or refounding, myth in Croatia. Much like in other societies, this helps the society explain its origins and define what it stands for (Eliade, 1963). Such myths are often marked by “monumental didactics” (Osiel, 1998: 4), in other words, public recounting of the heroic deeds as a national narrative. A myth of refounding marks a clear period of change from the recent past and celebrates the achievements of the main protagonists of this separation. Myths of founding and refounding frequently centre on legal proceedings or the drafting of legal documents, for example the Magna Carta for Great Britain and the Declaration of Independence for the United States of America (Osiel, 1998: 5). War narratives, in particular, are composed of emotional symbols and images related to struggle, survival and sacrifice, unlike more pacifistically minded narratives, such as the justice narrative (Pavlaković, 2014: 22). Wars and ethnic conflict provide particularly strong inspiration for the creation of national narratives of the past and

⁵⁰ This concerns only the individuals on trial in this case (Ante Gotovina, Ivan Čermak and Mladen Markač). Other individuals implicated in the joint criminal enterprise died before any potential processes were held.

many modern nations have built national sentiment on these foundations (Ristić, 2014; Zertal, 2005).

The Croatian war narrative is concerned with the notion that the war was defensive; that it was an attempt to create a democratic Croatian state, which the Croatian people expressed a desire for through a referendum; that a distinction must be made between the Greater Serbian aggressor and the victim; that the most recent war memory must be kept alive; and, that war heroes must be protected. It is inscribed by parliament in institutionalised form in the Declaration on the Homeland War (*Deklaracija o Domovinskom Ratu*) and the Declaration on Operation Storm (*Deklaracija o Oluji*). Croatia's first post-Tuđman government was initially willing to actively cooperate with the ICTY but, due to a public backlash and the threat of certain facets of the war being criminalised, they issued the Declaration on the Homeland War in 2000, the same year they came to power. The Declaration enshrined, in official writing, several key concepts (Narodne Novine, 2000):

- That the “basic values of the Homeland War are unequivocally accepted by the whole Croatian *narod* and all citizens of the Republic of Croatia”. In other words, the declaration is considered to be binding to all citizens.
- That “the armed aggression against the Republic of Croatia was conducted by Serbia, Montenegro and the *JNA* with an armed rebellion from a part of the Serb population in the Republic of Croatia.”
- That “The Republic of Croatia led a just and legitimate, defensive and liberating, not an aggressive and conquering war against anyone in which it defended its territories from Greater Serbian aggression within its internationally recognised borders.”
- That “the Croatian judiciary is obliged to process all possible cases of individual war crimes, serious transgressions of human rights and all other crimes committed in the aggression against the Republic of Croatia.”
- That the Croatian parliament “calls for all citizens, state and civil institutions, trade unions, associations and media, obliges all state officials and all state bodies of the Republic of Croatia” to protect these principles and values.
- Finally, the stated reason for issuing the declaration was “to stop the radical politicisation of the Homeland War and the worrying polarisation of Croatian society”.

The Declaration puts in official state writing a single interpretation of the past, regardless of whether or not it is correct, which paints Croatia as exclusively a victim of international “Greater Serbian” aggression; it puts the whole blame for the start of the conflict on Serbia (and none on the Tuđman regime); it ignores that there were elements of civil war (despite this still being an academically debated issue); and, it denies any official Croatian involvement in Bosnia, despite ICTY rulings contradicting this (Pavlaković, 2014). Moreover, it binds all citizens, media and public bodies to follow these points and elevates them to the status of core values of the Croatian state and *narod*. It also includes contradictions that were reflected in focus group discussions. For example, it refers specifically to *individual* war crimes (Narodne Novine, 2000: Article 6), a common manner of describing alleged Croatian war crimes, whilst also referring to crimes committed in *aggression*, which are seen as planned and committed by Serbia, Serbs and the *JNA* as a group. In comparison to the memory and narrative surrounding the Second World War, the Homeland War provides a much stronger foundation on which to build consensus and, subsequently, a nation-state (Pavlaković, 2014: 37). Certain topics on the Homeland War continue to be debated, both publicly and academically, however, there exists a general consensus that the Declaration and most of the themes outlined represent the truth. For example, the very term “Homeland War” is loaded, but is now used across nearly all of Croatian society, media and politics to refer to the conflict (Jović, 2009: 23; Pavlaković, 2014: 39).⁵¹ This chapter will outline these various themes in greater detail and attempt to show how pervasive they are in Croatian society.

Operation Storm had the potential to undermine the notion of Croatian defence since it was an aggressive military occupation to retake lands (at times this is also how it is justified as being defensive, because its aim was to *retake lost* lands). The Declaration on Operation Storm was issued in 2006 in order to pre-empt an ICTY verdict that might criminalise the military operation. Unlike its earlier counterpart, it does not focus on the core values of the Croatian state, but instead it attempts to define the nature and events of the operation. It cites key facts, actors, dates and goals, much like a historical document, although it is not academic in nature since it does not use sources or define terms (Koren, 2011). It was less influential than the Declaration on the Homeland War, although it also aimed to create an official version of events during the 1990s (Koren, 2011). It does, however, nevertheless include large elements of the war narrative:

⁵¹ Exceptions are certain NGOs, members of the ethnic Serb community (although the ones interviewed in this study did use it) and certain political parties.

- One of the justifications for the operation was that “from the occupied territories of the Republic of Croatia, Serb forces organised and conducted systematic aggression against the free and liberated parts of our country and neighbouring Bosnia and Herzegovina” (Narodne Novine, 2006: Article 1).
- Article 2 focuses on the legally legitimate nature of the operation, but also on the cooperation with the government of Bosnia and Herzegovina and the Tuđman-Izetbegović agreement specifically (Narodne Novine, 2006: Article 2).
- Article 5 states that “Operation Storm was, by all accounts, organised and executed in the last moment, because the defeat of the Serb forces prevented a repeat ‘scenario’ of Srebrenica in other parts of Bosnia and Herzegovina, especially in Goražde, Bihać, Sarajevo, Tuzla, Cazinska Krajina and Posavina” (Narodne Novine, 2006: Article 5).

This last point of the Declaration is particularly interesting, since it was often reproduced (word by word with regards to Bihać) in focus groups. Overall the Declaration presented a change of tact from its earlier counterpart, since it no longer focussed so much on defence (it is more focused on response to aggression), but instead it focuses on cooperation with Bosnia, as well as allies in the West, thereby countering any arguments over Croatian aggression in the neighbouring state. Despite being the less influential of the two declarations, it still enshrined facets of the war narrative in writing, thereby quasi-legally undermining the justice narrative, and elements of it were reflected in focus group discussions.

The core components of the dominant war narrative are summarised in the literature, and apparent in transcripts, as those of:

Defence: The conflict is seen as an act of self-defence against an aggressor (Jović, 2009). As Pavlaković (2014) notes, even the Croatian word for war veterans of the Homeland War is *branitelji*, or “defenders”, reinforcing this image of defence. Respondents consistently returned to notions of self-defence in the focus groups, dyads and interviews, when asked about the war but also when discussing other topics, such as for example the role of the Serb minority in Croatian society. It was often used to justify other views or to excuse actions (for example Croat war crimes).

Survival and struggle: As already discussed above, war narratives draw on emotional reactions based on symbols of struggle. In Croatia this is presented as the fledgling state

being unprepared and unarmed for the coming conflict (Banjeglav, 2012: 26; Peskin and Boduszynski, 2003: 1129). In the transcripts this was often referred to in terms of the “barefooted” or “bare-armed” Croatian soldiers who, without any preparation (as opposed to Serbs, who did prepare), fought off and survived the aggression.

Aggressors: Since Croatia is seen as having acted in self-defence, there must exist aggressors. These are frequently referred to as “Serbs/Serbia”, “Greater Serbs/Serbia”, “JNA”, “Chetniks”, “communists” or any combination of these words (for example “Serbo-chetniks”). Yugoslavia is often paired with communism, whereas Serbs are often collectively referred to as Chetniks (Banjeglav, 2012: 10-11; Jović, 2009; Pavlaković, 2014). In the group discussions aggression was referred to overtly, but it was also often implied by participants stressing how Croatia did not attack anyone, how the Croatian army never left the territory of the Republic of Croatia and how the situation would have been different had Croatia been “gone to someone else’s home”.

Yugoslavia as broken: This part of the narrative, less present than the others, is more central to the nation-building narrative than the war narrative. The two, however, often overlap and appear together. In the war narrative this is represented as betrayal by Yugoslav institutions, especially the JNA. The public is also split on the issue; some see the cause of this as Milošević and were not directly opposed to the idea of Yugoslavia. Others, however, see Yugoslavia as destructive for Croatia. Moreover, Pavlaković (2014: 32) points out that many facets of Yugoslavia’s breakup, including all of the above, as well as the hundreds of refugees, the appearance of extremist groups (such as Chetniks) and wartime media reporting, are all today associated with the Yugoslav state itself, rather than simply the violent dissolution of it. This part of the narrative was also used by participants to highlight how the current Croatian state had been infiltrated by unwanted elements or had not changed much from Yugoslavia, since they saw a continuity in Yugoslavia not functioning and the modern Croatian state not functioning. War veterans, for example, interpreted this as a problem of lustration, since they believed the same people to be in power in both regimes.

Victimisation: The Croatian victimisation narrative is built around several focal points, such as Vukovar and Dubrovnik, whose destruction (in the case of Dubrovnik more symbolic) is expressed across all of Croatian society (Banjeglav, 2012: 14; Jović, 2009). Further symbols are war crimes committed by the Yugoslav People’s Army (and associated paramilitary groups) and destruction in other localities, which are more locally pronounced (for example the attacks on Sisak and Zadar, murders in Petrinja, Glina, Škabrnja, and so on). This

component was reflected in the importance attributed to the Croatia-Serbia ICJ genocide case by Croatian elites. Their unhappiness with the final ruling (the case was dismissed) focused on the lack of recognition given to the amount of suffering and the level of victimhood experienced by Croatia.⁵² Participants not only referred to the key focal points, but they also created a distinction between “us, Croats, the victims” and “them, Serbs, the aggressors”. Much like with the notion of defence, victimisation was often used in passages to excuse and relativise certain Croatian actions.

War is not over: Finally, there is a perception (not covered elsewhere in the academic literature) among certain groups of society that the Homeland War, or at the very least the struggle for Croatian independence, is not over. The war was still central to some individuals’ lives and they saw issues from it as unresolved. This is sometimes attributed to Greater Serbian forces still being alive and present (inside or outside of Croatia), at other times it is seen as an attempt by the international community to take away Croatian independence (for example, through international tribunals or the EU). This also includes the notion that the Croatian government “works against Croatia” and that it has been infiltrated by unwanted elements. This is connected to the notion that the “other” to Croats, namely Serbs, have throughout history been oppressors of the Croat people and that history is repeating itself, so Croatia has to once again defend itself (MacDonald, 2002). This particular facet of the war narrative has not been outlined in the literature before, but it became obvious in the transcripts as participants consistently referred to an ongoing or constant defence, as if the war or struggle had not ended yet for them. Participants in this study, but war veterans in particular, consistently talked of the centrality of the war in their lives. It is, however, important to note that it is possible that this narrative is specific to the data gathering methods. In other words, that this centrality was brought about by the moderator asking questions about the Homeland War, which elicited narratives that may have otherwise been marginalised.

This is important to the process of transitional justice because trickle-down effects of human rights norms (Lutz and Sikkink, 2001; Osiel, 2009) compete with these narratives. If they are to take hold in society, they have to somehow exist alongside these competing narratives or overcome them. These narratives evolve as they are reproduced, but this reproduction is marked by repetition rather than innovation, which makes them particularly hard to change (Bernhard and Kubik, 2014: 286). The broader implications of this for transition is that

⁵² This ruling potentially undermined the Croatian interpretation of events, since it belittled Croatian victimhood; on the other hand the dismissal of the Serbian claim to genocide reinforced the interpretation that Operation Storm was a legitimate military operation.

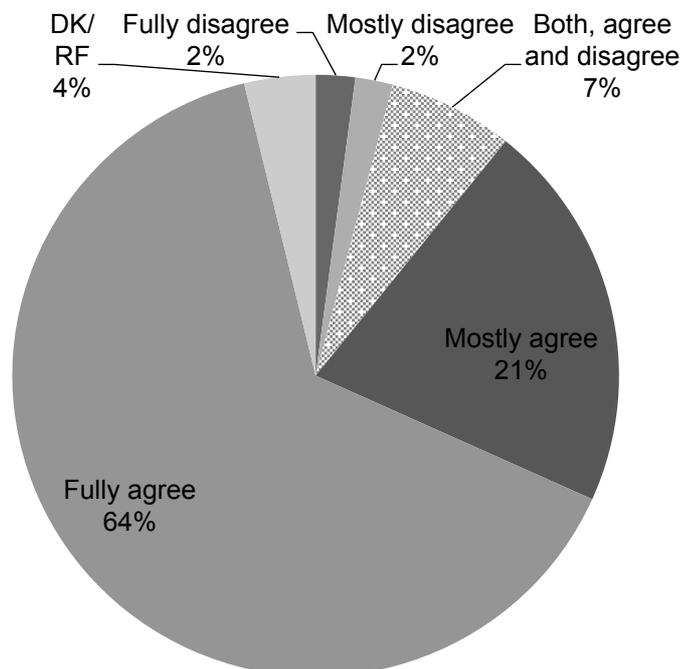
political actors who try to change such narratives often have a polarising, and therefore destabilising, effect on democratic establishments (Bernhard and Kubik, 2014; Linz, 1978; Sartori, 1976). By challenging the legitimacy of the narrative they also challenge the legitimacy of political elites (Banjeglav, 2012: 26). Consequently, what is contested, reinforced and threatened (or not) in the narrative becomes important for analysing the trickle-down effect of norms.

6.1 The war narrative

6.1.1 Defence

The sheer pervasiveness of the belief that Croatia was a victim of Serbian aggression and was, therefore, acting in self-defence is apparent in survey results. For example, Figure 17 highlights the percentage of the public that believes Serbia needs to admit it committed aggression against Croatia for relations to improve (Kolstø, 2011).

Figure 17. Serbia needs to admit that it committed aggression against Croatia in order for relations to improve.



Source: Kolstø (2011)

The group discussions and individual interviews reflected this since not a single participant expressed a different opinion in either setting. Even groups that did not agree on many topics agreed wholly on this one. For example, a pensioner in the Zagreb group, which

ended in a walkout, agreed when ZG.P.2 said that “all kinds of things happened, so you cannot look at things in black and white. But it is a fact that cannot be negated – that Croatia was attacked” (focus group with Zagreb pensioners). That Croatia was attacked was seen as fact across all groups:

ZA.T.3 – I think that Croatia led a defensive war and that there was no need to try some of our [generals]. Although it is possible to commit a war crime as a country in defence, again, I think the guilt should not have been equalised so much.

ZA.T.2 – Given the number of killed Serb and Croat civilians, where we know that many more Croat civilians died and much more property was destroyed and cultural monuments and everything on the Croat side because this all took place on the territory of the Republic of Croatia. I think that, although more Serbs were tried, maybe many more should have been. Or at least this ratio should have been different. Maybe they should have focused on the worst or those most responsible, and here I mean mainly the leadership of the previous state, the leadership of Serbia, the leadership of the RSK, and of course then also some of our Croatian generals who were responsible. In this way they instead started a great number of cases that created a sense of suspicion in the *narod* that maybe they were trying to equalise the aggressor and the victim.

ZA.T.3 agrees.

ZA.T.1 – Yes.

ZA.T.3 – Especially after the first judgment to Gotovina, of 24 years, because of that and because of this joint criminal enterprise and such things.

ZA.T.2 – And let us look the excessive artillery shelling of Knin, which firstly was not shelled, it was attacked with rockets, and secondly, it was damaged far less and attacked less than any other Croatian city that was close to the front line (focus group with Zadar teachers).

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NU.V.5 – It was not [a civil war], it was a war, an aggression against Croatia and Croatia defended itself. If someone is killing me then I will not accept that it was a civil war. No one from Croatia went to Serbia.

NU.V.4 – Vučić held fiery speeches with Šešelj about how the Croats should be destroyed, and today he is the Prime Minister of the Serbian government.

NU.V.5 – I am too emotional, it is better if I do not speak (focus group with non-urban war veterans Banovina).

-

NU.T.1 – For Croatia it was a true defensive war against the neighbouring *narod* who was not allowing us our freedom and who wanted to conquer us militarily, subdue us and force us to stay in the failed state of Yugoslavia (interview with non-urban teacher).

These passages highlight the complex narratives interwoven in the theme of self-defence. The Zadar teachers begin with the admission that crimes were possible in the context of a defensive war, but then throughout the passage go on to compare numbers of victims and damage between the Serb and Croat sides (without mentioning actual figures), thereby accusing transitional justice authorities of attempting to equalise guilt. They end the

sequence by stating that Knin was not attacked by artillery, but by rockets. The cumulative effect is that by comparing levels of suffering and citing possible technicalities over how the destruction of Knin came to happen, they minimise notions of Serb victimhood and suffering, which was proven by investigators and trials. The non-urban war veterans group, on the other hand, highlights how this narrative of suffering (on both sides) is always followed by the caveat of “the Other” as the aggressor or initiator of violence holding a larger share of the blame. Moreover, the passage also highlights how this narrative is laced with emotion.

The concept is intrinsically attached to quite obviously related themes, such as Serbian aggression, Croatia never attacking Serbia and no one wanting the war. The self-defence argument is also related to more abstract topics and worries, such as the fear of an equalisation of guilt, to war crimes trials, to the failing Yugoslav state and even to a war of the *narods*. There was, however, no agreement over whether the conflict was seen as ethnic or political, since there was no consensus over if the *narod* or the state was attacked. Teachers, who disagreed with other target segments on topics, were equally vociferous in their agreement that Croatia was attacked.

Great importance was attributed to the label “defensive” in describing the war. In Zadar war veterans lamented that the Homeland War is not a good name for the conflict, “because it has to be called defensive” (focus Group with Zadar war veterans). There was also a general impression that this label could not and ought not to be questioned:

ZG.T.2 – It is to in any case cherish [the dignity of the Homeland War] and in no way question it, to not disparage it.

ZG.T.1 – Absolutely, not to question that it was a defensive war (dyad with Zagreb teachers).

Across all groups an equal amount of importance was attached to the conflict not being labelled a civil war or an armed conflict. Highly emotional narratives regarding this theme did not follow legal logic, but rather a folk theory of law that helped justify the foundation of the Croatian state:

NU.T.3 – It was not a civil war but it was the Homeland War, for the defence of the state territory, because we were attacked (dyad with non-urban teachers).

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NU2.V.1 – They are all Balkan tribes and they all want armed conflict. That is what they call [the conflicts]. They were not armed conflicts, rather it was an attack by one state on another internationally recognised sovereign state, the Republic of Croatia (dyad with non-urban war veterans Slavonia).

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NU.P.1 – The known facts are, for example, that the former army, the *JNA*, attacked the state of Croatia and that we defended ourselves (focus group with non-urban pensioners).

Croatia is also seen as not wanting a war and therefore having no part in starting it. This is, once again, in accordance with the Declaration on the Homeland War. Moreover, this sentiment was equally present across all groups:

ZA.T.2 – But I think the main reason the [Serb] population is no longer here is the Serb rebellion led by the leaders of the RSK and the leadership in Belgrade. If they did not lead to this, then I believe most of this population would still be living in Croatia as normal citizens (focus group with Zadar teachers).

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NU.V.3 – I only have one opinion, that maybe it should not have come to this because no one wanted a war. Of the Croats, no one wanted war, we only wanted our own state (interview with non-urban war veteran Banovina).

The notion of defence in the eyes of the Croatian public has implications for transitional justice since it makes it hard for any narratives, other than the war narrative, to exist in the discursive space. The everyday narrative of defence poses a barrier to understandings of justice imposed from above and attributes blame wholly to one side of the conflict, further endangering any prospects for reconciliation society.

6.1.2 *Survival and struggle*

The fact that Croatia did not start the war is supported by the widely held belief that Croatia was unarmed, unprepared and unorganised in the lead-up and early phases of the conflict. Imagery of struggle and survival related to these themes creates the backbone of the narrative of Croatian defence and victimhood on the one hand, and Greater Serbian aggression on the other. Again, this was expressed strongly across all target segments and locations. References to being “barehanded” and “barefoot” were common with war veterans’ groups in particular. This was often juxtaposed with the Serb or *JNA* side, which was considered far more prepared:

SI.V.1 – The war was forced on us, we met it unprepared, barefoot, without weapons. I went to war in sneakers (focus group with Sisak war veterans).

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ZA.V.1 – We had nothing to defend ourselves with at the beginning.

ZA.V.2 – We had to buy our own weapons. I bought myself a pistol and a rifle, all by myself.

ZA.V.1 – That is because the Yugo-army took all of the munitions, weapons, down to the smallest bullet and to airplanes, with them (focus group with Zadar war veterans).

Serbs here are seen as scheming and conniving, as opposed to the innocent and unprepared Croats. The Zadar war veterans also highlighted that this unpreparedness was starker in the case of women, who “had not finished regular army training, who did not know how to hold a rifle” (follow-up interview with Zadar war veteran). Teachers displayed this narrative, but often analysed it through the arms embargo placed on Croatia at the time. For example, the Sisak teachers agreed in their belief that it was not possible that Knin was destroyed during Operation Storm as much as had been claimed, since “as the professors say, no one knows where they could have found so much ammunition and artillery to fire, because there was none at [the Croatian army’s] disposal. In order to even begin a counter-attack, they had to first conquer weapons depots. For the army to even function properly, given an embargo was placed on the sale of weapons to the Republic of Croatia” (focus group with Sisak teachers). The notion of Croatian unpreparedness and lack of arms exists next to the belief that the opposing side, the Serb side, was prepared and well-armed:

NU.T.1 – It has been proven that the whole army stood, with all of its armaments, on [the Serb] side. In this war, in which youths who up until yesterday were wearing sneakers, leather jackets, had long hair, and listened to rock or urban music, swapped this civilian clothing with weapons that were comical compared to a tank – some kind of rifle or automatic rifle without enough bullets, for the most part using their own inherent intelligence or will for survival, to successfully with great sacrifice and losses, first stop and then four years later defeat the enemy that attacked (interview with non-urban teacher).

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NU.V.4 (discussing the retaking of Petrinja and entering the local hospital) – [The Serbs] had everything in the hospital. During five years of war we had not seen such high quality medical equipment (focus group with non-urban war veterans Banovina).

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SI.V.3 – My neighbour was from Dvor. His and my children went to school together. One day my son came home and said ‘Mom, you know, Zoki has taken a pistol and rifle with him from home.’ They were all hunters. We were not even allowed to get a hunting licence” (focus group with Sisak war veterans).

Unpreparedness was attributed to the unforeseen start of the conflict, which surprised Croats but which Serbs were prepared for. This led to an unorganised Croatian defence:

NU.V.4 – In 1991 we lived peacefully in these parts. We could not believe that our neighbours would do what they did. I was working at the hospital in [the city], I went to work and I could no longer return home. With just a small purse over my shoulder (focus group with non-urban war veterans Banovina).

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ZA.T.2 – We always have to begin from the position that this was an army being created. Usually it takes an army eight years to be formed, but in Croatia this all happened very quickly. Maybe many people who would not be accepted into the regular army had to be accepted because the situation was such. I am not surprised that there were Croatian war crimes and people who have been sentenced. This is normal given the situation (focus group with Zadar teachers).

This feeling of the unorganised and unprepared defence was frequently brought up as a mitigating circumstance in discussions, but it is also present in Croatian society more broadly, including court rulings and arguments (for example in the Mirko Norac ruling and in the Tihomir Blaškić defence closing arguments). As later chapters will show and as was shown in the methodology chapter, in more extreme instances it is used to explain the reasoning behind crimes committed against civilians, sometimes even partially excusing them. The image of barehanded defence also frequently involved references to how young the Croatian soldiers were, creating an image of a young, baby-like Croatian army pitted against the well-armed, professional *JNA*, “You know that we did not really have our own army in 1991. These young boys went there naked and barefoot. In sneakers and jeans. We had to cloth them, knit gloves for them. I have this information first-hand” (focus group with Zagreb pensioners). These points of view also help explain (together with many others) why most Croats do not feel there was an organised effort by Croatian authorities to expel Serbs from Croatia, since the war was led in such an unorganised fashion. Indicative of this are the results of the Belgrade Centre for Human Rights (2011) survey, which found that 63% of the Croatian public did not think there was such an effort, as opposed to 26% who think there was. This facet of the war narrative is so strong that it is also used to make legal arguments made by laypeople and professionals alike.

6.1.3 *The aggressors*

There was consensus across groups that Croatia could not have committed any aggression, since Croatia did not go to Serbia, but rather that “they came here”. It was not enough to state that Croatia was attacked, but a comparison was made that Croatia did not attack at all:

NU.P.1 – Did we destroy their state? We were not there. We did not even burn a house there, nor did we kill anyone. But they destroyed everything here.

NU.P.3 – We killed them here when they came.

NU.P.1 – They are guilty for everything that was destroyed. The factories and everything (focus group with non-urban pensioners).

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NU.V.5 – We were defending ourselves. Not a single weapon, not a single rifle, was fired at Serbia.

NU.V.3 – Our young boys went.

NU.V.4 – They came here. That one thing is clear and factual. The ones they captured, who survived, were taken to Sremska Mitrovica to camps. In Serbia. Everyone knows that. The whole world knows it (focus group with non-urban war veterans Banovina).

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ZG.P.4 – I do know this: that our Croatian armed forces did not go into Serbia (interview with Zagreb pensioner).

Notions of betrayal and one's home being threatened by the aggressor were common in more emotional passages, while many individuals also referred to the national symbols of defence, such as Vukovar and other cities. Aggression was often seen as a war crime in and of itself, although less so with teachers and locations farther from the frontline:

SI.V.1 – A war crime is exactly what she (another participant) said, when another power, Serbia, Yugoslavia, commits a war crime against us. The moment they came on to Croatian territory to kill the Croatian *narod*, they committed a war crime. This is a massive war crime on everyone who was killed. They killed them on our territory. In our house, in our country. This is a war crime.

SI.V.2 agrees (focus group with Sisak war veterans)

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NU.P.1 – They attacked us. They came here. They chased away and destroyed a whole city, Vukovar. Not only Vukovar. Pakrac, Glina, Sisak, Petrinja ... if we can compare this to Istra and the Italians, or the Hungarians. This is a different matter. If this is a different matter, why is it so? Because they did not stab a knife in the Croat heart, or the back. No Croats attacked these poor Serbs. They attacked us (dyad with non-urban pensioners).

JNA or Serb aggression was related to the infamous line drawn by SRS leader Šešelj as the border of Greater Serbia: Virovitica, Karlovac, Ogulin, Karlobag. This has become an enduring image of perceived Greater Serbian ambitions, pronounced by a radical politician, but adopted in Croatian eyes as the goal of all Serbian aggression and of Serbian imperialism:

ZG.P.1 – Virovitica, Karlobag, this is where the border went. That part of Croatia they wanted to conquer. Today people still know about this.

All shake heads in agreement

ZG.P.3 – This was the imperialist politics of Slobodan Milošević!

All agree vocally

ZG.P.3 – This we know nearly everything about (focus group with Zagreb pensioners).

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SI.P.4 – Currently he is in the news again, but I would remember him even if he was not – Šešelj. He drew the line in the field. Virovitica, Karlovac, Karlobag. And you live in Croatia. So where will you put me? He puts us in Greater Serbia (dyad with Sisak pensioners).

For the most part, the *JNA* or “Serbs” are referred to as the aggressors, meaning a certain type of military formation. Across all groups there was, however, also mention of Serb civilian involvement in the fighting, which was not considered to be the case for Croats. This built an image of honest defence versus conniving aggression:

ZA.V.1 – We had to guard Serbian churches. And when we searched them, do you know what we found? Munitions.

ZA.V.2 – Their churches were used as storage for munitions. And we still left them alone. That is what us Croats were like.

ZA.V.1 – And their houses were full of weapons.

ZA.V.2 agrees

ZA.V.2 – While we had nothing to defend ourselves with (focus group with Zadar war veterans).

The image of honest defence was further based on the premise that Croats only attacked individuals who had weapons in their hands or posed a direct threat to Croatian soldiers. These arguments often excused alleged war crimes:

NU2.V.2 – If the circumstances and facts from the time were realistically evaluated, I think there would not have been cause to prosecute Mirko Norac for war crimes. Norac, as one of the people in charge of Croatian formations in Lika, where he is also from, did not lead any actions against people who did not have weapons in their hands. They had weapons in their hands.

NU2.V.1 – That is right.

NU2.V.2 – He led operations against Serbs who took weapons in their hands and fought against their own homeland, against her government and her citizens, Croats (dyad with non-urban war veterans Slavonia).

Key to this was the notion, prevalent across all groups interviewed, that Serb civilians frequently and historically carried arms, which they used against the Croatian army in the Homeland War. In other words, the Serbs as a group are seen as aggressive and armed for the purposes of attacking Croats or achieving Greater Serbian goals:

NU.P.3 – In this war they did not all have uniforms on. You could not find a person with a military cap all the way to Dvor, but they all had rifles. They all had guns.

All agree

NU.P.1 – Civilian defence, they had guns.

NU.P.3 – They were just standing in their gardens. And what do you do then? You cannot kill him, but he can kill you (focus group with non-urban pensioners).

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NU.T.1 – War is a very unfortunate situation. I have never been, but from what I know, it is hard to stay sane in such a situation, especially since it has historically been proven that among the Serb population it is often hard to tell who is a soldier and who is a civilian. Civilians often armed themselves, even women, even older women. If a scout passes by, a certain military unit, through a village where there is no fighting, and a civilian, even an old lady, there were such stories, takes out a bomb or a pistol and starts to act militarily – what can you as a soldier, surrounded by gunpowder, blood and smoke, do except to eliminate the threat? But then, when a reporter, some agency or the UNPROFOR arrives and sees the situation and sees the dead old lady on the ground, not being aware of what happened, of course their conclusion can be that a war crime occurred (interview with non-urban teacher).

The above passage employs a particularly common and powerful image of armed Serb civilians, often used to justify alleged war crimes during Operation Storm, the *baka* (grandmother) with a rifle:

ZG.T.2 – Of course we know what a war crime is, but as you can imagine yourself, maybe you heard some stories, of what actually happened in the field, what kind of unbelievable situations.

ZG.T.1 – Yes. You have certainly had the opportunity to hear these.

ZG.T.2 – Yes. On some battlefields you had the case – a *baka* shoots at you and kills your friend, your fellow fighter.

ZG.T.1 – Yes. These are the most common examples.

ZG.T.2 – And now, of course someone shot the *baka*. Now people come and see – the dead *baka*. This is just a trivial example.

ZG.T.1 – But one of many (dyad with Zagreb teachers).

Given the general belief that Serb civilians bore arms against the Croatian army, it is not surprising to see certain (often based on legal verdicts) war crimes being questioned by the general public, but especially by more extreme elements, including war veterans. In group discussions with all war veterans and some pensioners this led to a questioning of well-known cases such as those of Norac, Glavaš, Gotovina and Merčep, among others. It comes as no surprise then that numerous respondents, and much of the Croatian public, see military operations such as Operation Storm (an organised military action) as legitimate retaking of Croatian land and that collateral damage (civilian or otherwise) was natural, given the nature of the aggressor. Moreover, some individuals even saw the case of the Zec family (an incident involving paramilitaries, unrelated to any military goal) as justified or at the very

least unexplained. The consequences for transitional justice are profound since the rule of law was not given much priority in these situations in relation to the aims of the war.

6.1.4 *Yugoslavia as broken*

The idea that Yugoslavia was broken (borrowing from Pavlaković, 2014) forms a greater part of the nation-building narrative in Croatia, than it does of the war narrative. It was predominantly evident in the group discussions when speaking about the aggressor in terms of the *JNA*. Here two points were crucial: that the *JNA* was a Serb or Chetnik army and that the *JNA* attacked Croatia, thereby not making the conflict a civil war. The *JNA* narrative, which fits into a broader narrative of a failed Yugoslav system that was unfair on Croats, also neatly fits into the powerful narratives of Croatian self-defence and Serbian aggression:

NU2.V.2 – When it suited the Serbian politics, [the *JNA*] turned into the Serbian army. It acted under the guise of Greater Serbian politics on the side of Serbian politics. That is when the aggression by force happened on the territory of the Republic of Croatia (dyad with non-urban war veterans Slavonia).

Overall two sides existed in this debate, much like they do in Croatian society more broadly. On the one side are individuals who were not or are not dissatisfied with Yugoslavia, but who felt that Milošević abused his power to destroy the federal state and Croatia. This does not mean these individuals lived through Yugoslavia, although many did, but they may have an idealised version of it in their minds (most commonly referred to as Yugonostalgia). On the other side are individuals who believe that Yugoslavia itself was detrimental to Croatia and consequently see any connections to it as threatening. Feelings around this varied across groups, war veterans all fell into the latter anti-Yugoslav camp while the other two groups were split between the two. This has further implications in the realm of transitional justice since it greatly affects how people understand their past. Those that see Milošević as criminal and Yugoslavia in a more positive light may see the environment that Milošević was operating in (the dissolution of a state) as open to delinquency. It is not a long jump then to view other politicians in the post-Yugoslav period as also being criminal, including Croatian elites. Those who see Yugoslavia itself as criminal and damaging Croatia may be more lenient in their judgment of any Croatian politicians since they saw the need to leave criminal Yugoslavia as paramount and, therefore, they associate delinquency with Yugoslavia alone and not with the Croatian state at all.

6.1.5 *Victimisation*

Victimisation (Croatia as a victim of aggressive Serbian politics) was primarily centred around several national symbols, such as Vukovar and Dubrovnik, as well as a range of smaller ones particular to regions. Vukovar, however, is the nationally dominant symbol; central to the war narrative and one that has the single greatest capability to raise tensions between the states of Croatia and Serbia, between these two ethnicities in Croatia and between various political parties and actors.⁵³ Proof of this was the crisis with Cyrillic that was on-going at the time and which was frequently used to discuss how and why Vukovar is special in Croatia. In many ways, the concept of Croatian victimhood is defined by the image of Vukovar as the “heroic, victim city”. It was discussed as such across all of the groups and was frequently used as a reference point in related narratives:

NU.T.4 – When you sit every day in the basement while the sirens are wailing, when you listen to what is happening in Vukovar, then you have no dilemma. They attacked us, we are miserable and who knows what will happen (dyad with non-urban teachers).

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ZG.V.2 – The Serbs from Vukovar who in 1991 did not write in Cyrillic are those who took part in that same aggression, against their neighbours (focus group with Zagreb war veterans).

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ZG.P.1 – Has anyone from the Serbian side apologised?

ZG.P.2 and ZG.P.4 – Tadić apologised.

ZG.P.1 – Please, this is not an apology. He said “I am sorry” if I remember correctly, he said “I am sorry that Vukovar suffered”. He did not say what it suffered from.

ZG.P.4 – No, he apologised.

ZG.P.1 – No! This is not an apology! He said he was sorry for the victims of Vukovar, but he did not admit the mistake. He did not say which victims. Vukovar was not hit by an earthquake. Or a flood. This is not an apology.

ZG.P.3 – And what was Tadić doing during the war?

ZG.P.1 – I do not know what he was doing.

ZG.P.3 – So how can he apologise for something that he did not do?

ZG.P.2 – He represented Serbia.

ZG.P.1 – He was in Vukovar as the President of Serbia, but he did not admit their fault.

ZG.P.3 – How did he not?

⁵³ The study involved several individuals who were from Vukovar and had lost numerous family members and friends during the conflict.

ZG.P.1 – He did not say “we attacked Croatia, I am sorry, Vukovar suffered due to Serbian politics”. Croatian victims today want an apology.

ZG.P.2 – I look at it this way. This is my personal impression. That Tadić is honest and that he would like to apologise. But he has Serbian politics he needs to lobby with and the electorate there and so on. So he cannot do what we want him to do.

ZG.P.4 – I understood him to have apologised. To have said he was sorry.

ZG.P.1 – Do you know how many people died in Croatia? And it is difficult for him.

ZG.P.2 – Of course.

ZG.P.1 – 20,000 people died in the Homeland War.

ZG.P.2 – It is horrific. And in Vukovar they watch criminals walk down the street.

ZG.P.1 – Could he not have said that it was their mistake and to apologise. He did not have to say that it was his fault, but that it was the fault of Milošević’s aggressive politics. He could have said that.

ZG.P.3 – Who sent [Milošević] to The Hauge?

ZG.P.2 – That is what I wanted to say, that ultimately the Serbs sent him to The Hague.

ZG.P.1 – Well alright, they sent him. They had to.

ZG.P.3 – What more do you want!

ZG.P.4 – Do not argue, we are just talking.

ZG.P.1 – You are defending Milošević and Serbian aggression (focus group with Zagreb pensioners)!

In this long exchange, Vukovar is used as the example of Croatian suffering, but the passage highlights many more dynamics at play in the narrative. Serbian politics is seen as continuous from the Milošević regime to the current one and ZG.P.1 condemned the others for defending this new regime, since they therefore also defended the old one. How they viewed politics today was judged based on how they viewed the past. Moreover, as the discussion became more heated, ZG.P.1 used Croatian victimhood and suffering, expressed using casualty figures, to highlight the legacy of Serb aggression, thereby also preventing any further debate, although only momentarily. It briefly stopped the discussion as participants individually acknowledged the suffering, highlighting the powerful impact of such a symbol in exchanges.

Vukovar is not only central to the war narrative; it is also emblematic of relations between ethnic Serbs and Croats in the country (discussed in more detail in Chapter 8). The city is in many ways seen as unique, but it is also seen as representing the struggle of the whole Croatian nation and people. The most well-known atrocity committed in Vukovar, the

murders at Ovčara farm, is also the most well-known war crime in Croatia, the one most-believed to have actually occurred and the one that is most-considered to constitute a war crime (Belgrade Centre for Human Rights, 2011). The fall of Vukovar also provides an interesting insight into what is considered to be “truth” or fact in the Homeland War. In this case, the date of the fall of Vukovar is considered to be a universal fact (18 November 1991) that was not questioned in a single focus group, despite large parts of the ethnic Serb community referring to different dates (for example, when Croatian forces re-entered the city in 1995). This seemingly small detail is illustrative of how difficult it can be for different interpretations to enter the discursive space on this issue:

ZG.P.1 – Šljivančanin took all 200 heavily injured people to Ovčara. There they were killed and buried.

All agree vocally.

ZG.P.1 – These are facts. I did not make this up, this is nothing political (focus group with Zagreb pensioners).

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NU.T.3 – What is known is what part of Croatia was occupied, when Vukovar fell, exactly what and on what day. Operations Flash and Storm. This is known (dyad with non-urban teachers).

This is not to say that events surrounding Vukovar are not questioned at all. Its fall, that it was a victim of the war and who attacked it remain unquestioned, but there is debate over why Vukovar fell and what role it played in behind-the-scenes politics in Croatia at the time. Theories about the city being sold out by the Croatian government (namely President Tuđman) or by the international community (fortifying the image of ICTY ineptitude) were prevalent and frequently referred to as one of the great unknowns about the war:

NU.T.4 – Now I am reading some things about why Vukovar fell. I did not know that 1,500 were sent to help Vukovar and that they then, I do not know how many kilometres before Vukovar, they were stopped and returned back to where they came from because for some reason it did not suit Tuđman, I do now know exactly what happened. I did not know this ten years ago. Now this information is slowly... we all know Vukovar was sold out (dyad with non-urban teachers).

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ZG.P.1 – But Ovčara was a huge crime. From the hospital they took 200 injured people, from the Vukovar hospital, the hospital was in a desperate state, they were keeping people in the basement, without medication, without care or doctors.

ZG.P.4 – Yes.

ZG.P.1 – In the presence of the Red Cross, that Major arrived, what is his name, Šljivančanin, he told the Red Cross, and there is a video of this. He was sentenced but only for a few years, I think he is already out.

All agree.

ZG.P.1 – And the representatives of the Red Cross were there, since this is a hospital (focus group with Zagreb pensioners).

Survey data supports the notion that Vukovar is considered to have been “sold out” in some kind of secret agreement, with 40.1% expressing some degree of belief in it, compared to 20.5% not and 19.4% having no opinion (Ipsos Puls, 2012). Moreover, survey data shows that the Croatian public sees the ICTY as biased against Croats, much like other ethnicities see it biased against them (see: Belgrade Centre for Human Rights, 2011; Kolstø, 2011). The data also shows that the Croatian public is either unaware of the number of individuals sentenced at the ICTY (in 2011, 42% claimed not to be aware) or that they for the most part underestimate the total number of individuals sentenced (for the public awareness figures see Belgrade Centre for Human Rights, 2011; the actual figures can be accessed on the ICTY website).

The group discussions support the general impression that none or few Serb war criminals had been sentenced for crimes committed in Vukovar, although strictly speaking this is not the case. In the “Vukovar Hospital” case at the ICTY, Mile Mrkšić, a Colonel from the *JNA*, was sentenced to 20 years’ imprisonment for murder, torture and cruel treatment, while Major Veselin Šljivančanin of the *JNA* was initially sentenced to five years’ imprisonment for torture, although this sentence was later increased to 17 years, then reduced to a total of ten and he was released after serving six (partly explaining the confusion among the public, given the initial sentence saw a large amount of reporting by the Croatian media). The ongoing ICTY trials of Vojislav Šešelj and Goran Hadžić also include charges related to Vukovar, as did the trial of Slobodan Milošević when he died in 2006. Serbian courts have convicted 15 people of crimes committed in and around Vukovar (as of 2015), although this has seen little reporting in Croatia, while the ICJ rejection of the Croatian genocide claim against Serbia in 2015 received considerable coverage. Vukovar plays a key role in the Croatian narrative of victimisation, it is seen as definitive proof of Serb crimes and even as the definition of a war crime:

ZG.V.3 – In my opinion a war crime is possible when a territory is occupied or so-called liberated. For example in Vukovar or Škabrnja a horrible war crime was committed. When the aggressor occupied and the Serbian army arrived, the Chetnik army, and when they ran people over with tanks, raped them (focus group with Zagreb war veterans).

This quote, although extreme, was also commonplace across most of the other groups, in particular with war veterans and teachers. Indicative of this is that many respondents, when asked to define ethnic cleansing or what situations came to mind when the term was used,

most often referred to Vukovar. For instance, a teacher in Zadar said, “the first picture that comes to mind when I think about ethnic cleansing is of course Vukovar” (follow-up interview with Zadar teacher). The more dangerous consequence of this is the apologetic attitude taken towards war crimes committed by Croatian forces, since their crimes are seen as crimes of passion committed under the mitigating circumstance of self-defence against an aggressor that committed rampant war crimes. War veterans commonly used the phrase “crime in war” to distinguish between a “war crime”, which is seen as different (discussed in more detail in Chapter 7):

ZG.V.2 – When someone, for example, loses five to ten family members in Vukovar, they were slaughtered, and then he finds himself in some other area, defending different parts of Croatia, in a certain moment it can happen that he comes across a person, maybe even an unarmed one, who provokes him. Maybe they shout “We will repeat Ovčara”, and his family was killed at Ovčara, then he may shoot this person and kill them. That, if you ask me, is not a war crime. This is a crime in war (focus group with Zagreb war veterans).

Vukovar is also seen as representative of the tensions still present in Croatian society. The city is seen as proof of the division between Serbs and Croats, due to the impression that known war criminals are walking in front of their victims (and an associated perception that amnesties were offered to these criminals) and due to the number of persons still missing:

ZG.T.3 – There are still people there who claim, and I have no reason not to believe them, that they are traumatised by the fact that people who literally participated in the rapes, murders, whatever inhumane acts, on the other side, are now normally walking around. They must have been under the amnesty and nothing can be done to them (interview with Zagreb teacher).

So why is Vukovar considered so unique? Participants listed a range of reasons, but three main ones were apparent: the degree of missing persons or graves is far larger than anywhere else in Croatia (this was particularly emphasised by war veterans’ groups); it is considered to be not only a victimised city, but also a heroic one; and, the tensions discussed above are particularly strong in Vukovar:

SI.V.2 – And what, in Vukovar there are maybe 10% Serbs, maybe not even that many, who have remained. And now these who are returning, whose parents shot at us. The youth want to come back, for Croatia to rebuild their houses, to give them jobs, money and so on. And now they are returning, asking for their alphabet. How for such a small number? Where do they get the right?

SI.V.1 – Where were they, who are not asking for Cyrillic, when Vukovar fell? How did none of them die? And now they ask for their alphabet, their place in the sun in Vukovar, they want all rights.

SI.V.3 – I respect the Roma, all minorities, they have not done me any evil. But this is different, to speak about this minority. Who lived and worked there.

SI.V.2 – And now they want to return.

SI.V.1 – They left. No one forced them to leave. If Vukovar fell and there was a massacre there, then Croats could not have made them leave, since they were stronger. How come they were not massacred? How come only the Croats were massacred? And now they want to return. Is this not out of spite? Or defiance? This is not about the minority. I respect minorities. I work in a foundation for sick children, where my child is the same as a Roma child, sickness is sickness. There is no difference there. You help everyone. But this is a provocation. They are waging war in peace. They are raising the blood pressure of these people who wear black for their parents.

SI.V.2 – Who do not know where their sons, daughters or fathers are.

SI.V.3 – For one thousand and something they still do not know where they are (focus group with Sisak war veterans).

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ZG.P.1 – I cannot now say they should have Cyrillic in Vukovar, when the wounds are still fresh. Why should these people? A few hundred women were raped, no one has been sentenced for that. For a thousand people from Vukovar no one still knows where their graves are. But the family wants to know; everyone wants to know where their son or brother is buried, where his bones are (interview with Zagreb pensioner).

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ZG.T.1 – I think Vukovar should be left out of [the Cyrillic] story. It should have been under a glass bell.

ZG.T.2 – It is absurd to me that, not to mention soon, after the end of the war they are forcing this in our heroic city (dyad with Zagreb teachers).

The exchange between the Sisak war veterans highlights this notion of how Cyrillic is connected to the war in Vukovar and to the victimhood of the city. The participants cite numbers, the threat of job losses (to Serbs) and war crimes against Croats in Vukovar. Vukovar represents all of this to them: the numerical magnitude of Croatian suffering, the poor economy and the greatest symbol of Croatian victimhood. Moreover, as the passage continues, they frequently state how they respect minorities, but that Serbs do not deserve those rights, since they are criminals. They use notions of Croatian victimhood to deny Serbs their legal rights.

For teachers, Vukovar was over and over again used as an example of how difficult it is to teach the Homeland War in class, due to the complicated nature of the Homeland War narrative and, in particular, Vukovar. The Zagreb teachers quoted above prior to the start of the formal discussion lamented how they could not teach about Vukovar since they found it hard to be objective, since the subject was too emotional for them, despite students asking for more material on it. Another Zagreb teacher claimed it was too politically fraught and that she feared how parents would react. Teachers across all groups agreed that ultimately children seem to be gaining this knowledge from their close family, more than school, which generally focussed more on the Second World War. This shows a highly emotional and

personal connection with the war narrative, which can be hard to undermine by competing narratives, such as the justice one.

6.1.6 *The war is not over*

The final element of the war narrative is a perception that the Homeland War somehow continues. Predictably this was most common among war veterans, but it was expressed in different ways among all of the groups. At the most basic level this is the feeling that tensions remain present, while on the more extreme end it is the idea that what the Serbs “did not manage to do with weapons and the task the *JNA* did not complete, this will be won at the negotiating table” (dyad with non-urban war veterans Slavonia). This involves notions that Serbs would still readily kill Croats; that calls for hatred remained prevalent; that Croatia is somehow still being disadvantaged economically; that the war had not stopped (especially in Vukovar); or, that the war had turned into a phase of attrition:

SI.V.2 – Listen, I am not a historian. I have not completed any great schools, but I tell you, what has started in Vukovar will spread to all of Croatia.

SI.V.3 – If they start to rape.

SI.V.2 – Let me ask you, in what state is there another state? And our government has allowed the Republic of Serbia. In a state you have another state. In which state? In England would they allow another state (focus group with Sisak war veterans)?

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ZA.T.3 – What is happening now is that Croatia is attacking Serbia over Šešelj, and Serbia is attacking Croatia over Cyrillic, because it cannot keep ten signs safe. Tensions are being kept high (focus group with Zadar teachers).

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ZG.V.1 – I, as a journalist, call this a permanent ideological civil war. There is no shooting, there are no bombs being put in theatres. It is not like Dublin in Ireland, or like Belfast or Spain. However, here this kind of war continues for 40 years. And in certain phases it becomes very intense. And this is a fact in Croatia. Everyone knows this (focus group with Zagreb war veterans).

The Sisak war veterans use graphic terminology, such as “rape”, to liken Cyrillic signs in Vukovar to the cities secession from Croatia and to conquest by Serbia. Especially with war veterans and pensioners, just like in discussions about Croatian government institutions and the media, much of this is attributed to a kind of infiltration of the system by unwanted elements (teachers did not express this attitude). The Zadar pensioners below saw the Croatian state as failing them to the extent that they saw it as an affront against Croatian

independence. This led to an impression among the two older target segments that war will come again and could do so at any time:

ZA.V.4 – We have a feeling that [the Serbs] are laughing at us. We have a feeling that they can attack us again whenever they want to. Why? Because even our people who are in power take part in this. We feel betrayed (focus group with Zadar war veterans).

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ZA.P.2 – Look at the poor Marić⁵⁴ who they arrested on the border and are holding. [The Serbs] have made themselves the successors of Yugoslavia to have the right to prosecute criminals in the whole region of the former Yugoslavia. Who are they? Who gives them the right?

ZA.P.3 – In some ways, Croatian independence is not respected.

ZA.P.2 – Not to mention that our government has done nothing to help this poor man (focus group with Zadar pensioners).

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NU.P.5 – It is important for us to say what we think of our neighbours, the Serbs, how we now view them. In no way and never will we once again look at each other the same. Even if we lived another 100 years. They will come again. They said that even our great-grandchildren will fall victim to the Serbs.

NU.P.2 – They teach that. But we do not. Our future generations will not hate. They are vengeful. If there is a war, they will attack.

NU.P.3 – They are vengeful. If there is a war, they will attack. If they cannot fight with anyone, they will fight between themselves.

NU.P.1 – People take this hatred and animosity from generation to generation. From old Yugoslavia, to the Second World War to now (focus group with non-urban pensioners).

The last passage is quite striking, considering the community where the group took place was not on the frontline (although it was slightly hit by the war) and was not ethnically mixed. It did, however, see Serbs as intrinsically aggressive due to historical interpretations of the Second World War. It is possible that homogenous communities have more extreme views since they have so little interaction with the other ethnicity, but the strength of the stance is nevertheless surprising. The above passages also highlight how these older generations and war veterans see interaction with ethnic Serbs and how this interplays with the war narrative. The issue of missing persons, which was often highlighted as the greatest obstacle to reconciliation in the region, is portrayed here as a mechanism of staying in the past and of the war “continuing”.

⁵⁴ Veljko Marić is a Croatian war veteran who was arrested by Serbian authorities on the Serbian-Bulgarian border in 2010 for the killing of a Serb civilian in October 1991. A Serbian court sentenced him to 12 years in prison.

The fears present amongst these groups are best described by a Zadar war veteran, “Greater Serbia is an idea that lives and will continue to live in many Serbs and generations after us” (focus group with Zadar war veterans). The idea of “Greater Serbia” is considered a key element of Serbian aggression as much as it is seen as proof of future aggression or the conflict not being over, but instead continuing in a different sphere. In many Croatian eyes, the concept is one of a Serbian state continuously looking to aggressively expand across its borders; this perceived continuity in Serbian foreign policy helps explain both previous acts of aggression and contemporary actions. Additionally, the distinction made between the savage and aggressive Serbs and the victimised Croats helps perpetuate the difference between the two states. This is also used to justify the separation of the states, and thereby the war, as well as the fact that it was not a civil war. This makes the war narrative particularly detrimental to certain aspects of reconciliation since so many events are interpreted as attacks on Croatia.

6.2 How the war narrative is reproduced

The reproduction of the war narrative involves two distinct features, other than the categories described above: the first is a preoccupation with numbers and the second is a personal and local manner of speaking about events. This is important for expressivist efforts in transitional justice because such efforts need to be able to connect with already present narratives. If they fail to do so, they may be ignored or misunderstood completely. This means that it is important to consider where to speak to people (everyday narratives versus top-down narratives) and how to speak to people (in this case, to use numbers or not).

6.2.1 Numbers

Various sets of figures or statistics were frequently used in group discussions and interviews to prove points to the moderator or to other participants. For instance, during a heated discussion about the number of Croats indicted for war crimes in the Zagreb pensioners groups, one participant shouted at the other, “Do not speak off the top of your head! You have to use data” (focus group with Zagreb pensioners). The same participant then later frequently repeated that 600 *branitelji* are being tried in Croatia, using it as proof of their superior knowledge. Numbers were often seen as important in many of the other groups and were used as definitive proof of one point or another. A Zagreb war veteran, for example,

claimed, “Up until 1995, 10,000 Croatian soldiers have been convicted in military courts of the Croatian Army for minor or major offences. I will not go into the details of whether these convictions included war crimes, and how many if so, but they did happen” (focus group with Zagreb war veterans). The main numbers cited during discussions were the number of dead (Croatian military personnel or civilians) and the number of war veterans, although there was no consensus over numbers, which many participants felt was the crux of the problem:

ZA.V.4 – Today in Croatia we do not have, after all this time, the exact number of dead Croatian *branitelji*. We have some partial figures. [The Ministry of War Veterans’ Affairs] use some number of 7000 dead *branitelji*. There is a great epidemic among the *branitelji*, 29,000 people have already died. We ask ourselves, we really ask ourselves, I will say it out loud, what was this ammunition irradiated with (focus group with Zadar war veterans)?

The above passage was typical of the narrative found in the war veterans’ groups since it used figures to justify conspiracy theories (over which there was no consensus across groups) and it saw a general disagreement with officially provided figures. There is no official number of dead that has ever been published or agreed on, which helps feed this narrative, but also leads to the general notion that if anything is known, it is that the number of dead is unknown. Exchanges such as this one were, therefore, common:

ZA.T.2 – We do not know the exact number of dead and missing, which will be researched for some time to come.

ZA.T.3 – It is always being guessed. Even the exact numbers for the First World War are not known.

ZA.T.1 – The number of people who took part.

ZA.T.3 – Today they are still playing with these numbers. Especially the number of people that died in Jasenovac.

ZA.T.1 – Yes, the statistics are always questionable.

ZA.T.3 – The side that suffered more inflates it a bit.

ZA.T.2 – The same for Bleiburg, one side inflates, the other deflates (focus group with Zadar teachers).

Particularly when referring to the number of dead, there was an impression that the disagreement over figures represented continuity from the Second World War. This was one of the reasons why many felt it was important to discuss numbers, in order to avoid the “Jasenovac” scenario, when “a part of historiographers competed over who would put more numbers into Jasenovac” (interview with Sisak teacher). This is important for the justice narrative since actors attempting to promote it need to be aware of this fear, which runs deep in Croatian society. As the above passage also demonstrated, the number of war veterans was deemed important, although much like with the number of dead, there is no

consensus on the actual figure. For the most part this was connected to pensions (as the debate on war veterans often was):

NU.P.1 – I would write a law: anyone who lies, who took a single *kuna*, who received a pension, but who was not in the war, should be shot. Not to jail. I am telling you, we would once again end up at 250, 300 thousand of our soldiers. And not 500, how many there are now. 526,000⁵⁵ (focus group with non-urban pensioners).

Generally there was a worry that numbers were being manipulated, for any range of reasons, especially among war veterans. All of the war veterans' discussions involved a large deal of citing numbers and data to support arguments. One of the non-urban war veterans' groups did this extensively when discussing various aspects of the war narrative:

NU.V.5 – In the region of Petrinja 128 Croatian *branitelji* from Petrinja died, 134 from other parts of Croatia. More than 350 civilians were killed, and there are 21 Croatian *branitelji* listed as missing and 74 civilian victims (focus group with non-urban war veterans Banovina).

This last passage is a good example of how numbers are often used to compare Croatian suffering to Serbian suffering. Despite the disagreement over total figures and the acknowledgment that numbers are being manipulated by various sources, figures of Serbian casualties were rarely mentioned. Comparisons were, therefore, made between the number of Croatian victims and anecdotal stories of Serbian victims. Numbers can be problematic on a different level as well, if a more precise figure can be found, it can be used to verify one side's narrative over another, triggering defensive reactions in the counterpart.

6.2.2 *Local and personal*

During the course of the focus group discussions and interviews it became apparent that participants across all of the groups discussed the Homeland War in a personal and local way. This was particularly common among the war veterans' groups, which often also contained numerous direct victims of the war. Respondents in these groups, therefore, frequently jumped to personal stories. Generally, survey data also shows that the public seem to identify quite strongly with their city, village and county, slightly more so than they do with Croatia (Kolstø, 2011). Schäuble (2014: 167), in her anthropological fieldwork in Sinj, found that people there connected more to local traditions, grounded in everyday experience, than to nation-state efforts to represent particular versions of history.

⁵⁵ As a point of comparison, in 2014 the number of active US army personnel was 515,888. See: https://www.dmdc.osd.mil/appj/dwp/dwp_reports.jsp.

A personal and local way of speaking about the war became particularly evident when groups discussed their understanding of the war, war crimes trials and the conflict in Bosnia. It was common for war veterans to claim they had a good understanding of the war since they had “felt the war on their own skin” and had “seen it first-hand”. This sentiment, however, was present across most of the other groups as well. One teacher proclaimed that they did “live through that time after all” (dyad with Zagreb teachers). The question “Do you think you have a good understanding of the Homeland War?” led to similarly personal responses with teachers and with pensioners. This was sometimes referred to in terms of personal experience, whereas others referred to it in terms of the personal experience of others they had spoken to. For example:

ZG.T.2 – I personally think I do. Not only from written sources, but also from my conversations with people. When I put all of that together then I think I have a fairly complete picture (dyad with Zagreb teachers).

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SI.P.5 – About its general characteristics, from people who experience it as such. I can only say what I saw and what I experienced (dyad with Sisak pensioners).

Interestingly, respondents were often aware that their own understanding could be subjective since they were “participants”. Responses were often also accompanied by references to local events or locations, especially in locations on or close to the frontline. In Sisak in particular such responses were commonplace:

SI.T.2 – It depends on the segment. For example, concerning the beginning of the Homeland War in the Sisak area. The constructions, the armament, here I am on my stomping ground. With regard to reported facts, I do not know anything (focus group with Sisak teachers).

The principal features of the war narrative were often told in a personal and local fashion, both close to and far from the frontline:

Moderator – What about that it was a defensive war, is that a fact?

ZG.T.4 – Yes, I do think that is a fact. I did after all live during that time, so I know who first started bombing. This I know. I have lived in Zagreb since I was 18, but until then I was in Daruvar. And I know what it looked like in the summer of 1991. Your colleagues up until yesterday just disappeared over night. A girl who I went to musical school with for four years, not a word, she just left. And at night in August, all of a sudden the shelling starts. They started falling all over the city. She knew something, I did not know it. So then we can ask, what are facts and what did you experience yourself and what was passed on in the family? That is something that I will also say to my own children. Maybe someone will say that someone provoked it and so on, but I know personally what happened in this one place. So I do think it was a defensive war (interview with Zagreb teacher).

This quote quite poignantly shows the presence of local experience being expressed in Zagreb. In fact, respondents in Zagreb discussed the war on a personal level as much as those in other locations, despite this being the location that saw the smallest amount of violence. The excerpt below is a typical example of this:

[Discussing sources of information on the war]

ZG.T.2 – I think, as I said at the start, that those sources that are available together with the experience, since we lived through those days.

ZG.T.1 agrees

ZG.T.2 – I just started high school.

ZG.T.1 – As did I.

ZG.T.2 – So you remember it all. And with later chats with people, participants. So a written source is not even necessary (dyad with Zagreb teachers).

In Sisak on the other hand, discussions frequently referred to how INA and the local refinery fared during the war. The personal and local understanding of the war is also transposed to interpretations of war crimes trials, be they international or domestic, and the view of crimes during the conflict in general. Among war veterans and victims, as well as the rest of the public, there is a distinct disappointment with the ICTY and war crimes trials in general (which has been shown in survey research. See: Pavlaković, 2014), but little is said about how such disappointment is always related to local incidents.

Moderator – Have there been enough judicial processes for the breaking of humanitarian laws during the war?

SI.V.2 – I don't know how much you know about Sunja, about these parts here. There was also massive artillery fire here, all kinds of stuff happened, every day at least 1000 artillery shells fell, how many people died. No one has been punished for that. Everyone talks about Dubrovnik etc. All these cities experienced the same as us (focus group with Sisak war veterans).

Such a local narrative makes the potential educational effects of transitional justice questionable. All of the above results, however, do not account for the fact that opinions and attitudes could be influenced from a variety sources. More importantly what it does show is the difficult and complex environment such efforts have to work in. Overall the consequence of this is that narratives (re)produced close to home become more powerful than narratives produced further afield and references to everyday life gives them additional credibility. Top-down narratives, such as the justice one, struggle to compete with such bottom-up narratives since the everyday worldview is so strongly associated with what respondents' viewed as the truth.

6.3 Bosnia in the war narrative

In some ways it is not surprising that the Croatian Homeland War, which much of the country witnessed directly, is referred to in personal and local terms. Such distressing events and images will naturally affect individuals profoundly. The case of the Bosnian conflict in the eyes of the Croatian public, therefore, provides an interesting contrast for comparison, since it was not experienced directly. The Bosnian conflict also has the potential to provide a powerful counter-narrative to the Croatian war narrative, since it involved Croatian aggression in a foreign state. This, however, does not seem to have happened. Moreover, despite the geographical removal, the conflict is still referred to in much the same way as the Homeland War: personally and, when possible, locally. As a theme it provides an example of the inherent contradictions present in the war narrative. It is important to keep in mind the lack of representativeness in this particular instance as these results are only indicative and require support from larger, quantitative research, as well as from comparative research with Bosnia.

A 2001 parliamentary exchange between Vesna Pusić⁵⁶ of the Croatian People's Party (HNS) and several members of parliament⁵⁷ encapsulated a range of these themes. The heated exchange began when Pusić proclaimed that she personally, not on behalf of her party, believed the Homeland War waged in Croatia was positive, but that it should not have been fought outside of the territories of Croatia, namely in Bosnia. This resulted in an avalanche of retorts, with one Member of Parliament quoting the Declaration on the Homeland War, stressing that it clearly states that Croatia led a defensive and liberating, not an aggressive and conquering war. Another Member of Parliament complained that she was incorrect on the basis of the Tuđman-Izetbegović agreement, which made Croatian military action in Bosnia legitimate. A number of members agreed with this, to which Pusić responded that she has the right to her own opinion, including on the Declaration, and that she believed the HDZ government waged an aggressive war in Bosnia. The reaction by others to this was possibly most telling of all: Vladimir Šeks requested the parliamentary session to be paused due to the insults of Pusić, the Speaker of the Parliament asked Pusić to apologise to all of parliament for belittling the Declaration on the Homeland War, which

⁵⁶ She has also served as First Deputy Prime Minister and Minister of Foreign and European Affairs (2012-2016) in a centre-left coalition under Prime Minister Zoran Milanović

⁵⁷ Vladimir Šeks and Ivo Sanader of the Croatian Democratic Union (HDZ) and Zdravko Tomac of the Social Democratic Party of Croatia (SDP). Ivo Sanader later became Prime Minister of Croatia. Tomac was always far more nationalistically oriented than most of his party and was aligned closely to HDZ policies during the 1990s. He was highly critical of the ICTY and formally left the party in 2003.

was agreed upon through a vote. She refused and was given an official warning. The incident, despite occurring in 2001, is emblematic of the war narrative's predominance and its commonly used symbols. It also shows the interaction between an emotional narrative and legal reasoning.

Given the lack of personal experience of the conflict in Bosnia, most participants simply found it hard to comment on or explained that they did not know much. This was usually explained in terms of not having been present there or how the only source available was the media and the general opinion of the media remains low:

SI.P.2 – About people here we can comment more easily, but over there in Bosnia only based on what it said in the newspapers. I cannot say if it is this way or that way (follow-up dyad with Sisak pensioners).

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NU.T.1 – I cannot really say since I was not there. I can just say what I heard, that the situation is always grey (interview with non-urban teacher).

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ZG.P.2 – I do not know much about it.

ZG.P.1 – That is why I think we should limit ourselves to Croatia. Bosnians can talk about Bosnia. We do not know enough about it. War hit us, and Slovenia and Croatia.

ZG.P.2 – But it is closely related. Croatia and Bosnia and Herzegovina.

ZG.P.1 – But we in Croatia are not familiar enough with the situation in Bosnia to be able to talk about it.

ZG.P.3 – That is what I tried to say, I do not have the right information!

ZG.P.1 – But if you lived in Croatia, then you can talk, since you know what happened in Croatia (focus group with Zagreb pensioners).

In the last passage the Zagreb pensioners also provide an example of how many participants and groups dealt with this thorny issue of negative Croatian involvement; by claiming to be ignorant of it. There was, on the other hand, also an impression that information on Bosnia was suppressed, either to help portray Croatian involvement as criminal (when it was not) or in order to hide actual illicit Croatian involvement in the conflict:

ZA.V.4 – (discussing the ICTY Kordić trial) I think it was conducted under a veil of secrecy, with a lack of information, especially for the public (interview with Zadar war veteran).

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NU.T.2 – The role of Croatia in the war in Bosnia is always suppressed. It is as if we are ashamed of this. What happened is a fact, but it is being hidden (interview with non-urban teacher).

The conflict was seen as grotesque and extreme, especially when compared to war in Croatia. This is an image that respondents still held for Bosnia today: that it is savage and chaotic. Some even held the view that historically this has been Bosnia's, as opposed to Croatia's, role in the Balkans:

NU.P.3 – It was hard to live in Bosnia, there are three nations there. And these are half-wild people (focus group with non-urban pensioners).

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SI.T.2 – Bosnia has always, from its establishment, not as this republic of Bosnia and Herzegovina, but from before the Romans, the area was like this. There were always conflicts between different factions (focus group with Sisak teachers).

By painting the Bosnian conflict as extreme, chaotic and unknown, individuals are able to more easily distance themselves from the reality of the situation. Bosnians (of any ethnicity) are likened to savages, much like Serbs, distinguishing them from Croats. They, therefore, do not belong to the same state or nation, nor is their role one of innocent victims. The fact that the Bosnian conflict is considered unknown also helps explain why it has not come into a significant conflict with the premise of a wholly defensive war. When participants claimed to know something about the war in Bosnia, it was frequently discussed in terms of what the individual had heard from someone else. Much like with the conflict in Croatia, knowledge and experience was discussed in terms of personal knowledge or hearsay. These discussions were particularly common in Sisak, which is also much closer to the Bosnian border:

SI.P.4 – My relative was there when Blaškić was there. So I asked him, so who was this Blaškić? And he said, Blaškić was no one. That he had nothing to do with what went on over there. And he was there, he knows (follow-up dyad with Sisak pensioners).

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SI.T.1 – So two roles, the first was arming and the second was this one. The third role, a certain grey zone, concerns participation, now I did not see this anywhere or read about it, I heard from various sources. I heard that Croatian forces participated in some military conflicts before signing the agreement Tuđman-Izetbegović (follow-up interview with Sisak teacher).

As the teacher from Sisak indicates, similarly to other respondents, there is a general impression there was Croatian involvement in the Bosnian conflict, other than the officially acknowledged one. Most of the public in Croatia did have direct contact with the war in Bosnia through the huge influx of refugees into Croatia from the conflict. Of all of the topics concerning the Bosnian conflict, this one was present most consistently across the groups.

Moreover, it was often discussed in a positive light, in terms of Croatia taking these refugees in:

SI.V.3 – Sisak was full of our refugees, Croats, from Krajina. And Bosnia had already started, so the Muslims were also in Sisak. So not only were we fighting someone, but we still also had to feed others.

SI.V.1– These people, yes.

SI.V.3 – The hall was full, the railway housing. At mine I had my cousin with her whole family, from Petrinja.

SI.V.1– Maybe this is the ethnic cleansing you were interested in (focus group with Sisak war veterans).

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ZG.P.1 – Half of Bosnia, maybe not that much, was here. In my house, I have a big one, I took a whole family. We helped, seeing as we had good connections abroad, for example with women in Vienna, they were collecting for them. I took personally things to the refugee camp. Took them to the hospital. We were helping them. You cannot say that we wanted this war. But if we had let all of these refugees over the borders, to go, then the world would have thought differently. Croatia carried on its own back half of the Bosnian war and the armament of itself (focus group with Zagreb pensioners).

Illicit Croatian involvement in the Bosnian conflict was, however, at times ignored or denied. In the most extreme instance, the Sisak war veterans group refused to speak about the conflict at all or related ICTY trials, further showing the amount of suspicion present, especially given this group hinted that they required approval from a local party leader to take part in the group discussion. Moreover, the defensive war is itself used as a defence mechanism by the group to avoid difficult topics:

Moderator – What do you think of the trial of Dario Kordić?

SI.V.1 and SI.V.2 vocally protest

SI.V.2 – I would not like to answer that question.

Moderator – Could I then ask about the related trial of Tihomir Blaškić?

SI.V.1 – I would rather not speak about individuals at all.

SI.V.2 – You asked us about a defensive war, about individuals no.

Moderator – We can skip it, it is not a problem.

SI.V.1 – They have their lawyers, a whole team working for them, who are familiar with their affairs.

SI.V.2 – We are just mere mortals.

SI.V.1 – I would rather not hurt any individuals, I do not want to talk about it (focus group with Sisak war veterans).

In many other instances, participants readily acknowledged Croatian involvement in the Bosnian conflict. Survey results are indicative of this: when asked if Presidents Tuđman and Milošević agreed on a division of Bosnia in Karađorđevo, thereby implying some kind of illicit Croatian involvement, 34% answered that they did not know, 40% answered that they did believe it to some degree, whereas only 17.1% were neutral and 14.7% did not believe there was an agreement (Ipsos Puls, 2012). Croatian involvement was presented in two perspectives, one negative (Croatia, or the *HVO*, attacking their neighbours) and one positive (the Croatian army coming to save Bosnia). The negative perspective, expressed by a minority of participants among teachers and pensioners, focused on backroom deals or covert Croatian military operations in Bosnia:

ZG.P.2 – It is a fact that [Tuđman] made a deal with Milošević to leave Posavina to Serbia, and for us to create Herceg-Bosnia. When you looked at meteorological maps on television, Croatia and Herceg-Bosnia were nearly the same colour. They already agreed that this would be a part of Croatia. You can see that was an agreement. And the Bosniaks are somewhere in the middle of it. This was ultimately a deal at the expense of the Bosniaks in Bosnia-Herzegovina (focus group with Zagreb pensioners).

The positive perspective, of Croatia saving Bosnia in some way, was particularly common with war veterans' groups and was tied to the idea that, following Operation Storm, the Croatian Army continued into Bosnia to free the area around Bihać. In numerous instances the siege of Bihać was referred to as "the next Srebrenica" and Croatia was viewed as preventing it from occurring (thereby further solidifying the narrative of self-defence, even outside of national borders):

NU2.V.2 – Military Operation Storm was a nice gesture for the international community. We returned our territories, but by returning our territories into the constitutional and legal framework of the Republic of Croatia, we also did something good for Bosnia and Herzegovina. We reached the defensive lines of Bihać, which was surrounded by Serbian forces. Then we chased them away, came to the defenders of Bihać, our and their generals shook hands and Croatia returned its army and *branitelji* to the territory of its state, and they stayed in their state. And then Bosnia became unburdened from a situation where Bihać could have maybe been in the same situation as Srebrenica.

NU2.V.1 – Not maybe, definitely (dyad with non-urban war veterans Slavonia)!

The two perspectives outlined above are not mutually exclusive. The interviewed war veterans' groups exclusively spoke of the positive one (if they spoke about it at all), while teachers (in particular) and pensioners (less so) often also highlighted the negative one. Teachers and pensioners often acknowledged viewed the two as separate phases of Croatian involvement in the Bosnian conflict:

ZG.T.3 – Croatia was definitely present there, even before the Tuđman-Izetbegović agreement. We were definitely on the cusp of international sanctions and there was pressure from the international public. Clearly the judgement by higher powers was that this involvement was not completely positive and friendly (interview with Zagreb teacher).

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ZG.P.3 – When the agreement was signed between Tuđman and Izetbegović, that when Operation Storm happened they also went towards a solution, that was clean. But there was also something before that (focus group with Zagreb pensioners).

The conflict in Bosnia is seen as a chaotic, unknown and barbaric conflict, where the Croatian state may have had some kind of illicit involvement, but where it also helped the neighbouring state in its defence against a common Serbian aggressor. Croatia's role in taking refugees from Bosnia is seen in a highly positive light, further solidifying the narrative of victimhood (the refugees being seen as a burden on Croatia). Both, however, are narrated in a personal and local manner, especially when considering that more people had personal contact or saw Bosnian refugees first-hand, whereas far fewer had a personal connection to the actual conflict. The nature of Croatian involvement in Bosnia, as shown by ICTY verdicts, has the potential to contradict a purely defensive war narrative in the country. This has not occurred since most Croats remain unaware of the nature of Croatian involvement in the conflict and, when it is discussed, the focus is more often on positive elements that fit into the defensive war narrative, rather than on potentially incriminating ones that would not.

The role of Croatia in the conflict in Bosnia shows the contradictions created by the interaction of the war and justice narratives. Individuals' narratives on the topic often reached obstacles where they struggle to explain events or where they contradict themselves, especially when emotional and judicial narratives do not overlap. This was also evident in the 2001 parliamentary setting, where the Tuđman-Izetbegović agreement (agreed after Croatian involvement in Bosnia had already started) was used to justify Croatian forces operating outside of Croatia, much like it was used in focus groups. The importance of this lies not only in how the two narratives interact, but also how much debate there is surrounding the issue. The theme of Bosnia provides an opportunity to question the dominant war narrative in Croatia and, both on the level of elites and the everyday, there is evidence of this happening, of some form of debate occurring, but also of the war narrative for the most part making it difficult for the debate to intensify.

6.4 Conclusion

The conflict is seen as one of self-defence against an aggressor. This opinion is nearly universally accepted (85% agree to a lesser or greater extent, while only 4% disagree; Kolstø, 2011). No single participant disagreed with this notion in group discussions and

interviews. Moreover, the idea of defence was expressed in every other mention of the war and was constantly brought up in discussions. This part of the narrative was built on personal and local experiences (for example, participants frequently referred to local, rather than national events, as proof) and consequently Croatia is seen by nearly all of the public as not having any part in starting the war and, therefore, bearing no guilt. This theme provides a basis for all other parts of the war narrative.

Survival and struggle form another cornerstone of the war narrative, as Croatia is seen as being unarmed, unprepared and unorganised for the required defence. Each target segment highlighted this in their own manner, for example teachers discussed the arms embargo placed on Croatia, pensioners discussed their own experiences of having no weapons, and women's war veterans' groups discussed the lack of training women had for war. Again, this was discussed in personal and local terms. The surprising nature of the conflict for Croatia was also seen as explaining why Croatia could not have planned any crimes, since they did not have the time or the means to do so. This is further supported by (and may help explain) survey evidence that Croats do not feel there was an organised effort to expel Serbs from the country. Unpreparedness was used as a mitigating circumstance in many discussions of potential war crimes, which has direct implications on how verdicts in trials are accepted in the country.

It was common to hear, across all groups, that Croatia did not go to Serbia; rather that "they" (Serbia, JNA, the Serbs, the Chetniks, and so on) came "here". Aggression was, in some cases, seen as a war crime in and of itself. This can be dangerous (and relevant to transitional justice) because aggressors are seen as composing a whole, or a large part, of the Serb minority in Croatia. In the groups this involved the powerful image of the *baka* with a rifle, representing the notion of armed Serb civilians attacking Croatian soldiers, thereby justifying potential Croatian crimes against Serb civilians. This was especially common when discussing Operation Storm and the trial of Mirko Norac.

This apologetic attitude towards war crimes is also present in the narrative of victimisation, another central part of the war narrative. Croatian victimhood is built around several focal points, chief among which is Vukovar. It is seen as representing the whole Croatian struggle, both during the war and today (in terms of ethnic tensions and political manipulation). Vukovar was discussed across all groups as what could have happened anywhere in Croatia, had the aggressor won. It was also seen as exemplifying ICTY ineptness and was frequently cited as the biggest war crime in Croatia. Teachers cited Vukovar as an example of how difficult it was to teach the Homeland War to students and all target segments saw

this notion of victimhood as a further mitigating circumstance in committed crimes, since they were often committed as revenge by victims of Serbian aggression.

Finally, there was a feeling among many participants that the war is not over, that it is continuing and that the Greater Serbian plan still exists. This notion was present in different ways with different groups, but it was always somehow highlighted. War veterans saw a continuation of the war “on the negotiating table”; pensioners (and war veterans) saw an infiltration of the system and a generally aggressive standing by Serbs and Serbia; and teachers highlighted general tensions present between neighbouring ethnicities and states (they did not, however, see this as an overt continuation of the war). More generally, there are unresolved issues that all participants attached an immense amount of importance to: missing persons, criminals walking freely close to victims, leftover mines and so on. There is also a clear generational difference here, since the two older segments (pensioners and war veterans) held more extreme views in this regard compared to teachers. This has the potential to continue perpetuating the war narrative by calling for a continuous defence against aggression, be it overt or covert.

All aspects of the war narrative are reproduced through the frequent use of numbers, as well as personal and local experiences. This means that any efforts to influence the overall narrative would have to engage with these. In other words, this could involve producing some kind of generally accepted figures (for example, the number of dead) and dealing with narratives on a local, not just a national, level. Naturally such attempts are not only highly complex but also hampered by local resistance to change.

One of the most striking aspects of the war narrative during focus group discussions was its sheer universality (Table 10). All groups and respondents wholly agreed on its interpretations of defence and Croatian struggle for survival. All groups discussed the conflict in exactly the same manner. War veterans, in particular, expressed total unanimity of opinions across all interviewed groups. They all followed a script that argued, in addition to the above, that Serbian aggression could not be questioned, that Yugoslavia was criminal, that Vukovar was the symbol of Croatian suffering, that the war was not over and that Croatian involvement in Bosnia was positive. Teachers and pensioners generally agreed with war veterans on most of these points, but the groups did, however, at times feature debate on these topics. Teachers questioned continued tensions (and generally felt these were not a continuation of aggression) and debated Croatia’s role in Bosnia. Pensioners also debated certain aspects, but what becomes clear from a comparison is how much the Zagreb pensioners and the Sisak teachers stand out from their counterparts in the rest of

Croatia. The Sisak teachers, a small city that was on the frontline during the war, expressed the war narrative in similar terms to the war veterans. This may be because the strength of everyday narratives, such as the war narrative, is particularly strong in smaller localities. This may also explain why the Zagreb pensioners show such different opinions, since the influence of everyday narratives is weaker in a larger city, although it is not possible to generalise with such data.

Table 10. Overview of debates surrounding war narrative (bold text denotes debates counter to war narrative).

Aspect of war narrative	Unanimity across groups			Some debate among groups (up)		Debate across many groups (over 4 groups)		
	Self-defence	Survival and struggle	Local and personal (yes/no)	Vukovar (are elements questioned? Yes/no)	Aggression (any debate over if it Serbian or if it is a war crime)	Yugoslavia criminal; Milosevic criminal; or both views present	War not over (yes/no)	Croatian involvement in Bosnia had negative elements (yes/no)
Teachers	Zagreb	Agree	Yes	Yes	Some debate	Both	No	Yes
	Zadar	Agree	Yes	No	Some debate	Milosevic criminal	No	Yes
	Sisak	Agree	Yes	No	No debate	Yugoslavia criminal	No	No
	Non-urban	Agree	Yes	Yes	Some debate	Both	No	Yes
War veterans	Zagreb	Agree	Yes	No	No debate	Yugoslavia criminal	Yes	No
	Zadar	Agree	Yes	No	No debate	Yugoslavia criminal	Yes	No
	Sisak	Agree	Yes	No	No debate	Yugoslavia criminal	Yes	No
	Non-urban	Agree	Yes	No	No debate	Yugoslavia criminal	Yes	No
	Barovina	Agree	Yes	No	No debate	Yugoslavia criminal	Yes	No
Pensioners	Non-urban Slavonia	Agree	Yes	No	No debate	Yugoslavia criminal	Yes	No
	Zagreb	Agree	Yes	Yes	Some debate	Both	No	Yes
	Zadar	Agree	Yes	No	No debate	Yugoslavia criminal	Yes	No
	Sisak	Agree	Yes	No	No debate	Milosevic criminal	No	Yes
Non-urban	Agree	Yes	Yes	No	No debate	Both	Yes	No

Source: Own compilation

The justice narrative competes and interact with the war narrative, but the war narrative's strength makes it difficult for the justice narrative to take hold in Croatia and, consequently, for the trickle-down effects of human rights norms to occur. Emotional notions of defence and victimhood, as well as the local and personal discussion of the conflict, make it difficult for other narratives to undermine the predominant understanding of the conflict. Perceptions

of Serbian aggression and the subsequent struggle for Croatian survival affect interpretations of the rule of law, thereby preventing the spread of rule of law norms (discussed in the following chapter). The feeling that the war is not over means that present day events are seen as a continuation of the aggression. Moreover, for some this is seen as an attempt to return to Yugoslavia, which is seen as a criminal entity. In other words, current and past events are being interpreted through the prism of the Homeland War. The issue of Bosnia encapsulates much of this debate, since even this conflict outside of the territory of the Republic of Croatia is being interpreted based on the understanding of the conflict in Croatia.

Even a small degree of debate, especially among the youngest of the target segments, points to how the justice narrative and the war narrative are interacting. They also point to some degree of success of the justice narrative to at least initiate debate within society. Nevertheless, respondents construct a context for understanding the past from a variety of perspectives and the war narrative has an advantage over others being propagated from outside sources due to its everyday nature, which makes it much more trusted. In comparison, the justice narrative is far removed from the everyday since it is seen as coming from institutions based in The Hague or Zagreb. The effect is that transitional justice contestation of the war narrative can potentially discredit the process, rather than change narratives, because it can be interpreted as a continued attack on Croatia. Moreover, the war narrative's dominance in the discursive space means that the Croatian public interpret a range of phenomena through the perspective of the Homeland War, the most significant of which are discussed in the subsequent chapters.

The law is the law: Understandings of law in the war

The UN Secretary General's report on transitional justice in 2004 reflected its intrinsic connection to the rule of law by stating, "Justice, peace and democracy are not mutually exclusive objectives, but rather mutually reinforcing imperatives." The UN Security Council, when setting up the ICTY, was "Determined to put an end to such crimes and to take effective measures to bring to justice the persons who are responsible for them," and was "convinced that in the particular circumstances of the former Yugoslavia the establishment as an ad hoc measure by the Council of an international tribunal and the prosecution of persons responsible for serious violations of international humanitarian law would enable this aim to be achieved and would contribute to the restoration and maintenance of peace" (UNSC Report 827, 1993). Broader aims of dispensing justice and achieving reconciliation in the region were secondary. Some of the recent scholarship also assumes that transitional justice is a necessary requirement for the establishment of the rule of law and that they reinforce each other (McAuliffe, 2010; Teitel, 2005), although the reality of the dynamic is far more complex. If post-Second World War justice is considered to be transitional justice (it did deal with transition), then it did successfully consolidate regimes and democracy, but it did not necessarily establish the rule of law or implement it. Karsai (2000) has argued that in the aftermath of the Second World War, when Hungarian leaders were faced with the inherent conflict between legal security and injustice, which forms the rule of law, they chose unjust and inexpedient law, unless its conflict with justice was intolerably great (Karsai, 2000a: 1). Drawing on the works of Gustav Radbruch (1946), they viewed the fundamental purpose of law as the creation of order and justice (Karsai, 2000a: 2).

Crimes against humanity, such as those witnessed in Croatia and the region during the 1991-1995 conflict, can express the core rule of law norm that there is no escaping law's protective force (Teitel, 2005: 853). Because such offences may be committed anywhere and under any circumstances, whether during war or in peacetime, they may be subject to international adjudications and prosecution by any state as a matter of universal concern (Luban, 2004). This concept, however, is not without its ambiguities. Controversies surrounding Article 98 of the ICC and Belgium's efforts at testing universal jurisdiction are both representative of this. Article 98 of the ICC has been challenged by the United States entering a number of bilateral agreements with the purpose of bypassing ICC jurisdiction over US nationals (for an example see Harmen, 2005). It has also been challenged by Malawi and Chad in the arrest and surrender of Sudan's President Omar Al Bashir (see

Tladi, 2012). Belgium passed a universal jurisdiction law in 1993 (expanded in 1999) that allowed it to hear cases concerning violations of humanitarian law, including genocide and other crimes against humanity, which happened anywhere, without any connection to Belgium. Again, this was challenged by the United States and Belgium had to give in to political pressure, which ended in the relinquishment of all elements of universality in the law (see Leonard, 2015; Panakova, 2011).

The main overlap between transitional justice and the rule of law is that the former aims to move society from instability towards stability, which includes adherence to human rights and general democratic principles, and this move involves the establishment of the rule of law (Sarkin 2015, 127). Both aim to achieve peace and stability in the long-term and share similar short-term goals, consequently both deal with the establishment and strengthening of institutions (Sarkin, 2015). This does, however, apply more to domestic initiatives than the ICTY, which has generally avoided claims that it is doing anything more than providing trials. Despite the numerous synergies between the two, the transitional justice process in many countries has often impeded what many would classify as the establishment of the rule of law (McAuliffe 2010, 129). It remains different to legal justice (especially when taking the form of show trials or political justice) because, as McAuliffe notes, “transitional justice is understood as non-ideal, but symbolic. Indeed, it is even welcomed as such” (McAuliffe 2010, 135). Legal justice, on the other hand, has four distinct characteristics: the law applied must be clear and unambiguous; the independent judiciary must not be influenced by government; judges should be consistently unbiased in their interpretation of the law; and, due process must be adhered to strictly (Elster, 2004: 86; McAuliffe, 2010: 129; Shklar, 1964). Not adhering to one or more of these facets does not turn legal justice in political justice, but these facets are often ignored due to the necessities of transition (Elster, 2004: 91). For example, adversarial trials can limit pedagogical effects and the potential for reconciliation (Stover, 2005: 23). Such trials can also constrain domestic understandings of legality and lower credibility in judicial institutions (McAuliffe 2010, 154).

This dynamic has led to two effects in the former Yugoslavia, both of which have been researched in Serbia. First, the rule of law developed via ICTY conditionality has led to stymied development of a culture of law in the country (Brodersen, 2014). Second, the negative perception of the ICTY and domestic judiciaries, which are seen as lacking independence, has hampered diffuse support for these institutions (Hagan and Ivković, 2006).⁵⁸ Using conditionality to establish the rule of law is problematic since, other than

⁵⁸ Diffuse support is defined as conferring legitimacy on an institution and it is considered rationally calculated (Caldeira 1986).

domestic and EU factors, it also depends on the performance of the ICTY (Brodersen, 2014). Moreover, this process of subordinating justice to political institutions also empties law of its meaning, thereby eroding potential for reconciliation and stability (Subotić, 2009). Unfortunately, the difficulties the institution experienced with victim interaction, lenient sentences, ambiguous decisions and contact with the region's publics meant that it struggled to spread a culture of law (Brodersen, 2014: 27). Conditionality, among a range of factors, meant that it was seen as a tool of the international community to control the region and the ICTY never came to represent justice, limiting its potential to establish a rule of law norm (Brodersen, 2014; Spoerri and Freyberg-Inan, 2008). Despite administering fair trials, the ICTY therefore never managed to develop a significant culture of law, at least in Serbia (Brodersen, 2014: 248).

The lack of diffuse support is based on the institution's poor image and inconsistencies interacting with processes of localisation, where norms are contested (Hagan and Ivković, 2006: 131). This is based on the notion that in situations where individuals feel they have an inability to influence structures of power around them, there is a greater risk of legal cynicism arising (Sampson and Bartusch, 1998: 783). The great pessimism and distrust associated with the image of the ICTY in the former Yugoslavia meant that it was always going to struggle with its broader goals of democratisation and the establishment of the rule of law, as long as confidence in judicial independence was lacking (Hagan and Ivković, 2006: 135). More broadly, legal prosecutions also came into conflict with particular political goals of the former Yugoslav states. Croatian leaders felt compelled to comply with EU conditionality, partly due to their own vision of Croatian identity as a Western and democratic state (Zambelli, 2010: 1673). Its identity as a law-governed state depended on ICTY cooperation and the ability to try criminals domestically (Zambelli, 2010).

The justice narrative in Croatia contained this inherent dynamic between the rule of law and transitional justice. As previously discussed, it also simultaneously interacts with everyday narratives and understandings of the war and the rule of law. The local dimensions of international justice, therefore, cannot be ignored (Slaughter, 2004). The amount of atrocities committed in the former Yugoslavia and the relatively short mandate of the ICTY (although it can be argued this is no longer so short) also required it to collaborate with local judicial institutions to properly address the crimes committed (Hagan and Ivković, 2006: 51). The ICTY has to be aware of local norms, understandings and attitudes, since its legitimacy is dependant on working in synchronisation with them and thereby creating a balance between local, national and international preferences (Arendt, 2006; Hagan and Ivković, 2006: 81). Respondents in focus groups reflected this as they constructed a context for their

understanding of crimes and trials out of a variety of perspectives. The result was that feelings of powerlessness, folk theories of law and general factual inaccuracies played large roles in shaping attitudes on law. Firstly, respondents felt powerless in a system that was unresponsive to their demands. Notions of corruption, inefficiency and dissatisfaction with government led to a general distrust of institutions, of which legal institutions, both domestic and international, were just one example. Secondly folk theories of law played a large element in legal reasoning, since respondents would often claim “not to be lawyers”, only to use that statement as a premise for developing an opinion that would be consistent with it. This enabled them to say statements that were not consistent with the law, which partly reflects that they are not lawyers, but it also illustrates a more important notion: that politics, law and emotion work in tandem to create a general understanding of the situation. In other words, individuals use several narratives to build a picture of their personal world. Finally, factual inaccuracies were common among respondents. These are quite common in the interview and focus group setting, but some of these idiosyncratic images, such as for example the *baka* with the rifle, have a broader implication because they also justify narratives. The image of the *baka* helps make the point that civilians were not innocent and consequently crimes against them are permitted.

A period of transition offers an opportunity for an actor’s identity to be defined or redefined, thereby creating the space for new norms to be incorporated with the new identity (Zambelli, 2010). It is, however, possible that the everyday reproduction of the war narrative makes it difficult for the justice narrative to take hold and for associated norms to spread. Attitudes and perceptions towards the rule of law, as well as general understandings of the law, remain warped in Croatian society. The result is that some people think that certain crimes are acceptable in specific situations. By drawing on interview, focus group and survey data, the analysis seeks to answer questions, such as, if convicted war criminals (at domestic or international trials) are considered heroes or criminals, if war crimes can be committed in a defensive war, and how important principles such as the rule of law, human rights, cooperation with the ICTY and punishment of war crimes, among others, are to the Croatian public. These norms were, for the most part, discussed as a part of broader discussions on the topics of war crimes in general, Croatian war crimes (and associated topics, such as ethnic cleansing and command responsibility), and trials at the ICTY or domestic tribunals. Discussions surrounding mechanisms of transitional justice, such as tribunals, make it possible to also draw tentative conclusion on the effects of such mechanisms on attitudes, perceptions and norms.

7.1 War crimes

Table 11 presents the results of three separate surveys that asked respondents to what extent should governments focus on achieving a list of specified aims ranging from the economy to various facets of transitional justice. The table presents the aims respondents marked as “very important” out of five options. “Punishing war crimes” and “cooperating with the ICTY” rank relatively low compared to a range of other aims, although it should be kept in mind that the two nationally representative surveys (Ilišin, 2011; Ipsos Puls, 2012) group the two aims together under one, which may lead to a more negative score for “punishing war crimes” due to the ICTY’s generally poor image. For example, in the survey handed out to participants prior to focus groups, punishment of war crimes received a considerably higher score than the separate category of ICTY cooperation. It is also possible that this is a frequent finding in surveys, since people tend to rank economic issues first and symbolic issues last, but their political behaviour (for example voting patterns) is not always reflective of this.

Table 11. To what extent should future governments focus on achieving the following goals?

Focus group participants		Ipsos Puls 2012		Ilišin 2011	
Fight against corruption	90%	Increasing the living standards of citizens	95%	Lowering unemployment	94%
Ensuring human rights and freedom	85%	Fight against corruption and organised crime	95%	Fight against corruption and organised crime	92%
Finding out the truth about what happened during the Homeland War	83%	Lowering unemployment	95%	Economic growth and development	88%
Protecting the dignity of the Homeland War	75%	Improving the position of young people	91%	Guaranteeing social justice and safety for all	84%
Punishing war crimes	75%	Guaranteeing human rights and freedom	90%	Guaranteeing human rights and freedom	79%
Harmony among ethnic minorities and Croats	62%	Guaranteeing social justice and safety for all	88%	Improving the position of young people	73%
Cooperating with the ICTY	42%	Improving the position of women	82%	Caring for the environment	77%
		Caring for the environment	77%	Improving the position of women	55%
		Combating addiction	74%	Improving relations with neighbouring countries	59%
		Encouraging population growth	71%	Developing private enterprise	63%
		Protecting the dignity of the Homeland War	70%	Encouraging population growth	52%
		Developing private enterprise	68%	Protecting the dignity of the Homeland War	52%
		Developing the regions and decentralisation of Croatia	64%	Harmony among ethnic minorities and Croats	52%
		Harmony among ethnic minorities and Croats	52%	Entry into the European Union	54%
		Entry into the European Union	37%	Developing the regions and decentralisation of Croatia	53%
		Strengthening military power and the security of the state	32%	Punishing war crimes and cooperating with The Hague	38%
		Punishing war crimes and cooperating with The Hague	29%		

Source: Own compilation; Ipsos Puls (2012); Ilišin (2011)

Attempts at discussing the general definition of war crimes often led to discussions of war crimes committed by Croatian forces. Consequently, most of the discussions on war crimes focused on what war crimes are *not* rather than what they are. Throughout the focus groups, in particular, crimes during the war (real or hypothesized) were discussed in different categories: those that were war crimes; those that were war crimes but were understandable or forgivable; and those that were not war crimes at all (if they were crimes at all, then they were “ordinary” crimes).

The most common narrative, especially with war veterans and pensioners, fit into the latter two categories: forgivable war crimes and “ordinary” crimes. This was based on the premise that crimes of passion or revenge were not war crimes. It was present in nearly identical format across all of the war veterans’ and pensioner groups, but not at all with the teachers. Moreover, they were usually highly emotionally loaded and in one instance a participant had to remove himself from the group whilst discussing the concept. The two excerpts below are particularly representative:

NU.P.1 – A colleague once told me that he saw them kill his whole family. He should not have gone there. And later he did that. When they later returned, he also killed them all. As a kind of revenge.

All agree

NU.P.1 – He experienced a breakdown. He had no purpose in his life, he had nothing.

NU.P.4 – His only real goal was revenge (focus group with non-urban pensioners).

-

ZG.V.2 – In war someone can commit a crime of passion. This a crime in war. Or in the situation, when someone for example in Vukovar lost five or ten family members, who were massacred. And he finds himself, as a man, in a different region, defending a different part of Croatia, and in a certain moment it can happen that a person he comes across there, and maybe this person is not even armed, but they provoke him. In that moment he is not conscious, he is controlled by emotions. If someone at a certain moment says ‘We will repeat Ovčara!’, and his family were all killed at Ovčara, he may shoot and kill the person. According to me, this is not a war crime. This is a crime in war.

ZG.V.3 agrees

ZG.V.2 – What was targeted, consciously, be it rape, murder, massacres, liquidation, destruction of culture, that is a war crime.

ZG.V.1 agrees (focus group with Zagreb war veterans).

These passages suggest a distinction between individual acts and acts carried out in response to policy or orders, thereby distinguishing crimes by individual soldiers that do not implicate the army, since the army did not order them. They also show an apologetic attitude

towards crimes committed as crimes of revenge or passion and a broader tolerance of deviance. Since war crimes were discussed in relation to Croatian forces, they were consequently broadly discussed in the context of a defensive war. Again, a categorisation was present: on the one hand war crimes were considered possible in a defensive war (but that these crimes were sporadic) and on the other hand war crimes were not considered possible in the context (but individuals did commit “crimes in war”). Teachers, in particular, thought it was obvious that they were possible:

Moderator – Is it possible to commit war crimes in a defensive war?

All – It is (focus groups with Sisak teachers).

-

Moderator – Is it possible to commit war crimes in a defensive war?

ZA.T.2 – Of course.

ZA.T.1 – Of course they can.

ZA.T.3 – They can (focus group with Zadar teachers).

-

Moderator – Is it possible to commit war crimes in a defensive war?

NU.T.3 – Of course, it is possible.

NU.T.4 – This is what happened to the civilian population and so on (dyad with non-urban teachers).

These passages with teachers also highlight how at times questions in focus groups can struggle to produce sequences for analysis, when participants may not want to discuss difficult concepts or see no reason to. As other sections have shown, teachers did feel this was possible, but that this was not done by the Croatian side in any systematic fashion. Pensioners were willing to elaborate on this topic and in doing so revealed interesting narratives. These involved the sporadic nature of Croatian crimes, as well as the influence of the former Yugoslav system of military training and education, which at times contradicted their understandings of international law⁵⁹ (many of these individuals also participated in the Homeland War). The non-urban pensioners also compared this to the US military, thereby relativizing Croatian crimes and removing any responsibility from the Croatian state:

Moderator – Is it possible to commit war crimes in a defensive war?

⁵⁹ For example, a respondent (cited below) claimed that the Yugoslav army code stated that war crimes were not possible in a defensive war and that recruits in the *JNA* had to answer exam questions to that effect, but he then goes on to say that the written code of conduct was based on the Geneva Conventions. No proof of the veracity of this claim could be found.

NU.P.1 – It is. Surely.

NU.P.4 – That is also possible. But I do not think there was much of that.

NU.P.1 – But this could have only happened sporadically. For example, individuals.

NU.P.4 agrees

NU.P.1 – In every army. If we compare it to America, they recently admitted abusing prisoners. Our ones also exist, but in a different way (focus groups with non-urban pensioners).

-

SI.P.4 – During the socialist administration in Yugoslavia we were taught that in a defensive war it is not possible to commit a war crime. In a defensive war. That is how we were taught. Not just us, all generations that sat that test until the 1990s. When we sat it we would even often ask, when you are defending yourself, if someone attacks our country and you defended yourself, can you commit a war crime? We were always told, no! However, war crimes are prescribed by international law. Before, in that old Yugoslavia, there was Article 120, and war crimes against the civilian population, against prisoners, against the injured and so on, were dealt with. So that they were not committed. A crime is a crime. That is how I see it. These criminal acts are prescribed. There is no debate about what kind of war they were committed in (focus group Sisak pensioners).

These results have been replicated in numerous longitudinal studies over the years. A 2001 survey found that a large majority of the public did not consider the Croatian army (74%) or volunteers (69%) responsible for war crimes (Caritas Croatia and the Franciscan Institute for the Culture, 2001). A 2011 study found that 44.9% of respondents did not believe it was possible for Croatian forces to commit a war crime in a defensive war, versus 29.8% who did (Kolstø, 2011). Focus group participants reflected this survey result: 48% did not think it was possible and 38% did.

In addition to self-defence and emotion, the unpreparedness of the Croatian armed forces also presented a mitigating circumstance in the eyes of participants. All of these were most strongly expressed by all of the war veterans' groups who held a clearly different opinion compared to the other target segments, that war crimes are not possible in a defensive war. Comments such as this were common among those groups:

NU2.V.2 – During those times I do not think it was possible to commit a war crime against anyone because there was no war being conducted or directed at the territory of another state, where we could have led a war in which we could have killed Serbs on their territories. We waged a war only on our territories and this was a purely defensive war where Croats fought a war for the defence of their homeland inside their own borders (dyad with non-urban war veterans Slavonia).

More specifically, war veterans' groups and pensioners who took part in the war acknowledged that crimes of some kind were possible on the battlefield. Again this was qualified in the case of Croatian crimes as either extremely rare or as a result of emotion:

NU.P.3 – When someone is running away and you shoot him, like a rabbit, this is a crime. You do not even want to take something from him, you just kill him. You do not know him, he is innocent. This is a war crime. But when there are battles, this is different. Look. People go crazy. This is easy to talk about to you who were not in the war.

(The participant struggles to continue, pauses and removes himself from the group; focus group with non-urban pensioners)

-

ZG.V.1 – A war crime can be committed on the frontline. Even in direct fights it is possible. But I cannot remember a single case, I mean in terms of alleged Croatian crimes, that would fit into that category. In principle it is possible, but I do not know of a single case (focus group with Zagreb war veterans).

The pause in the non-urban pensioners group also highlights the PTSD, trauma and emotion that can be triggered by questioning these narratives. The pause, or what is missing in this sequence of dialogue, shows the traumatic nature of the war narrative and how hard it is for top-down narratives to change everyday narratives. Further discussions on this topic led to a variety of elaborations of what war crimes were, but often with qualifications that the participants were not trained in law, which seemed to be viewed as a necessity in understanding the trials. This may be indicative of a failure of the ICTY Outreach Programme to make the institution more approachable to the publics in the target region. Equally, however, it may be a method for the publics to avoid dealing with ICTY rulings. Evidence for both was present in discussions:

SI.V.1 – They have their own lawyers, legal experts, a whole team working for them, with an insight into their business.

SI.V.2 – We are just mere mortals (focus group with Sisak war veterans).

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ZA.T.3 – I would, however, add, that I and ZA.T.2 do not understand legal things much, we are not lawyers (focus group with Zadar teachers).

There was consensus across all groups, in one form or another, that international law or the Geneva Conventions defined war crimes. Among a long list of examples was the knowledge that medical personnel are protected under the Geneva Conventions (focus group with non-urban war veterans Banovina); that prisoners of war have special rights (focus group with non-urban pensioners); that these conventions were taught to officers in Yugoslavia (focus group with Sisak pensioners); that international human rights constituted a universal standard of some kind (focus group with Zadar teachers and dyad with Zagreb teachers); at the very least that some kind of broader international conventions existed (dyad with non-urban teachers); and in a minor example of dissent, that the Geneva Conventions were still valid although The Hague's interpretation of them was incorrect (focus group with Zagreb

war veterans). These often led to folk theories of law creating contradictions in respondents' understanding: respondents were aware of generally implicit norms of behaviour and even law but they still showed a tolerance for transgression.

On a more basic level, some participants and groups felt that war crimes were obvious and known to all before the war or the existence of the ICTY. For example, some expressed a feeling that war crimes were "that which could happen in any war, to come to something inhuman" (interview with Zagreb pensioner). A non-urban teacher believed it to be "any act in war, on any side, that is not in line with moral, human laws. Any actions outside of what we consider to be civilised behaviour" (interview with non-urban teacher). Again, this points to folk theories of law or even a type of *lex non scripta*; transgressions of human rights were intrinsically understood but their transgression was still tolerated. More detailed explanations of war crimes did not have a consistently identifiable pattern across all groups. For example, war veterans and some pensioners' groups defined war crimes as aggression or conquest of one state by another, while teachers did not at all. This meant that, as discussed above, war crimes were considered to only be possible in another states' territory. War crimes were defined in relation to what the Serbs did "to us", to what Serbs inherently do:

NU.P.4 – A war crime is what the Serbs did to us. This is a complete war crime.

NU.P.1 – Yes. All of Serbia and the former *JNA* attacked Croatia (focus group with non-urban pensioners).

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ZA.P.4 – I think it is a war crime when someone kills innocent people whilst trying to conquer what is not theirs.

ZA.P.2 – Exactly, that is it. That is a good definition (focus group with Zadar pensioners).

In addition to aggression, war veterans' groups defined war crimes as the destruction of a culture and cultural heritage. The Zadar group focused on this in particular and all agreed when ZA.V.4 said, "[a war crime] is the way in which one attempts to destroy a different *narod* or different nation, with the aim of not only conquering their territory, but also to kill the members of that *narod* and everything that belongs to the cultural heritage of the *narod*" (focus group with Zadar war veterans). Likewise, the notion that war crimes were by definition "planned" or "conscious" acts was present for the most part only with war veterans. This is further supports the notion that crimes of passion are, therefore, not war crimes.

Finally, pensioners across all locations expressed that a war crime was the targeting of civilians, specifically unarmed civilians. Croatian war crimes were, however, quickly defended or excused in some manner, as ZG.P.1 does below:

ZG.P.2 – A war crime is what happens outside of battle.

ZG.P.4 – Killing civilians.

ZG.P.3 agrees

ZG.P.1 – Unarmed people, you come and you shoot them.

ZG.P.4 – And prisoners of war.

ZG.P.2 – Yes, this happened for sure.

ZG.P.3 – To kill unarmed people.

ZG.P.4 – To kill someone's daughter on their doorstep (referring to the Zec murders), this is also a war crime. These are examples.

ZG.P.2 agrees

ZG.P.1 – Croatia has sentenced its war criminals. It is known that the murderer of the Zec family is in jail (focus group with Zagreb pensioners).

This is significant because, as was already shown in the previous chapter, a key part of the Croatian war narrative is that Serb civilians were armed. By definition, therefore, war crimes against Serbian civilians can be seen as a lesser crime, if they are seen as a crime at all.

7.2 Croatian war crimes

Croatian war crimes, or alleged war crimes, were most often discussed in relation to Serbian war crimes. This relativity was brought up in numerous scenarios, so while Croatian crimes were considered to be sporadic, individual and unplanned, Serbian crimes were considered to have been premeditated, planned and committed by the whole group. This comparison was often expressed directly:

Moderator – What is your opinion about the claim that the Croatian state was responsible for ethnic cleansing during the war?

ZA.T.1 – I think to a far lesser degree than on the Serbian side. That is undeniable.

ZA.T.2 agrees – I am aware that the concept of ethnic cleansing was created as a euphemism for the genocide that the Serb side did at the beginning. However, it is difficult to accuse Croatia of ethnic cleansing because realistically, in many parts of Croatia that were far away from the conflict zones, there was a similar number of Serbs and it did not change much. In areas where conflict did occur, as a rule the flight of the population was prepared by the authorities of the para-state.

ZA.T.1 – Yes.

ZA.T.2 – They would often say themselves that they would either be in Serbia or that they would not stay here.

ZA.T.3 – Many left willingly.

ZA.T.1 – Willingly (focus groups with Zadar teachers).

In other words, the agency was on the side of the Serbs, who left willingly. Again, Croatian suffering was always compared to Serb suffering, using the logic that Croatia cannot be guilty since Serbia is much more guilty. This type of rhetoric could be found, sometimes less overtly, in nearly all discussions of Croatian war crimes across groups. As was already partly discussed in the previous chapter, there was a pervasive notion across all groups that crimes on the Croatian side were committed by individuals. This was expressed unequivocally across all groups and had several implications. Given individuals had committed crimes, the Croatian army was not seen as responsible:

NU.V.4 – I do not want to categorically say that maybe even the Croatian side committed crimes. If they did, then they should be punished. But these were not committed by Croats and the Croatian Army, but by individuals.

NU.V.5 – Individuals (focus group with non-urban war veterans Banovina).

Individuals were seen as not being able to taint the war, the way Generals or state policy could:

ZA.P.4 – On the Croatian side, if there were crimes, then they were committed outside the system of organised defence. They were committed by the horrible impulses of an individual. Like we have crimes today. A husband kills his wife. This involved these types of people. These types of people killed. And I cannot transfer this to the guilt of the entire Homeland War. This is the guilt of an individual and he should be harshly punished (focus group with Zadar war veterans).

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NU2.V.2 – There is only one truth, Croats cannot be put on trial for command responsibility at The Hague Tribunal. There was no command 'kill Serbs.' In fact all of the commanders told their units not to commit crimes and to be very considerate when entering into villages where they are, to be careful that nothing happens and that there are no excesses. What an individual could do, that is something different. He could have done whatever he wanted, but he cannot be tried for command responsibility (dyad with non-urban war veterans Slavonia).

The non-urban pensioners group even discussed alleged murders of children by Croatian forces as accidental. War veterans, on the other hand, used the distinction between individual and organised crimes to further discern between individual "crimes in war" and organised war crimes. Moreover, these individuals were seen across all groups as being

committed by non-professional soldiers. The Zagreb group of war veterans supported this by arguing, at length, that the ICTY did not sentence a single member of the Croatian army.⁶⁰

Key elements of the war narrative, such as the unprepared and unorganised (even clumsy) defence were expressed throughout. This further reinforced the notion that Croats did not commit crimes, especially compared to the organised Serbian ones. This view was held by all groups, but was particularly strongly expressed by teachers:

SI.T.1 – Unfortunately I do not think we were capable enough to organise something (laughs).

SI.T.3 – Yes.

SI.T.1 – They are giving us powers we do not have.

All laugh and agree (focus group with Sisak teachers).

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ZA.T.1 – No one is innocent in war.

ZA.T.2 – No one is innocent. In war people fight, not robots. If one of our generals unfortunately committed war crimes, then he has to be punished. I do not think the Croatian courts would willingly punish anyone who was completely innocent.

ZA.T.3 – I have not been to war, but in war sometimes innocent people get hurt. I think it is important that there were no planned actions, which they wanted to accuse them of, that there was no planned ethnic cleansing or genocide.

ZA.T.2 – This is why wars should be avoided at all costs. Normal people become dangerous. As my colleague said, we are convinced, all three of us, that on the Croatian side there were no ideas about a planned expulsion or destruction of the Serb community. These isolated cases... Croatia is a relatively small state and in the army there were several thousand people, which is a bigger army than some large NATO states currently. There was no total control. We always have to be aware that this was an army in the making. As a rule, it takes an army eight years to form, and in Croatia this was done very fast. Maybe many people were allowed into the regular army who would not have been allowed if the situation were different. I am not surprised that Croatian war crimes happened and that people were found guilty. This is normal, given the situation. It is unfortunate, but that is how it is (focus group with Zadar teachers).

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ZG.T.4 – I think this was more inexperience and clumsiness. That is what I think today. I would not go as far as to say there was purposeful political cleansing. But some clumsiness, yes (interview with Zagreb teacher).

The Zadar teachers highlight the constant relativization of crime, which portray Croatian crimes as unexceptional. They further this notion of unexceptional crimes by comparing the

⁶⁰ This is factually correct regarding crimes committed in Croatia, although Croatian army personnel have been sentenced at domestic war crimes trials, some following transfer from the ICTY. Additionally, it does depend on whether former *HVO* officers who later became Croatian army officers afterward are included or not.

Croatian army to NATO and by referring to the exceptional situation at the time. Groups with war veterans were, however, silent on the topic of whether Croatian war crimes were planned or not. Much of their discussions instead focused on how there was no time to commit war crimes, due to the urgency of the defence. This was a sentiment only expressed in those groups, although some of the other target segments did refer to the lack of weapons as the reason for no Croatian war crimes. The most striking juxtaposition with Serbian crimes was, however, the narrative of the *baka* with the rifle and other similar narratives of armed civilians. In discussions about war crimes this basic notion was present in many more formats. It was used to relativize Croatian actions in the war and featured many of the most common elements of the Croatian war narrative. For example, the Zadar pensioners below first relativize using figures, then portray Serbs as universally and inherently armed (from children to old people) and finally contrast this with the image of Christ, a victim, speaking the truth, as Croats now must do. It was a particularly powerful symbol when expressing any kind of tolerance of deviance:

ZA.P.3 – Here they mobilised, I think about 50,000-100,000 of them. There was not a peasant that did not have a weapon. And today we talk about this and that. This is why Tuđman pardoned them, because he would otherwise have to punish even the simplest of peasants because the *JNA* armed them all.

ZA.P.2 – From children to old people.

ZA.P.3 – That is right. Today we avoid this in discussion and in politics and so on. But this is a tragedy. As Christ said, the truth will set you free. And we have to speak the truth and only the truth (focus group with Zadar pensioners).

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NU2.V.2 – There is this mystery around the Zec family. If these people were really killed as civilians, then this was a war crime and we cannot run away from that. However, a lot is not known about what happened in the background. If someone from the Zec family picked up a weapon (dyad with non-urban war veterans Banovina).

This last quote is particularly interesting, since the participant used this to directly question a war crime case that has featured heavily in the Croatian press, but with no mention of any members of the family being armed. Such factual inaccuracies were quite common and not all too surprising with the lesser known cases, but their broader significance is that they help justify certain parts of the dominant war narrative. In this case this helps justify the notion (much like the *baka* with the rifle does) that Serb civilians were armed and that their murder did not constitute a war crime. In fact, some groups across all target segments felt that Croatia had tried all of their war criminals and investigated all committed crimes, so it was common for participants in these groups to see no reason for further inquiries. A minority view expressed across all groups was that Croatian war crimes were a fabrication by the

Serbian or former Yugoslav secret services in order to start the Serb rebellion or to equalise guilt.

The mention of ethnic cleansing inevitably led to a discussion of Operation Storm. This can be seen as representative of the Croatian public's view of war crimes since it contains the narrative of revenge and of sporadic crimes rather than organised ones. In numerous groups the questions "can war crimes be committed in a defensive war?" and "what do you think about the claim that the Croatian state was responsible for ethnic cleansing during the war?" led to an immediate response about Operation Storm. This is not surprising given how the trial of Gotovina captured the attention of the public for so many years and the emotion attachment much of the public has to it, since it was seen as holding the potential to delegitimise the Croatian state. The degree to which Croatian war crimes are connected to Operation Storm is best captured by the response of a Sisak war veteran, who threatened to remove herself from the group if the moderator did not stop focusing solely on Operation Storm, despite the fact that the moderator had not mentioned the theme at all and the conversation at the time was about the crimes and trials in Bosnia:

SI.V.3 – You have once again focused on one detail from this complex war. The war did not start with Operation Storm. The war started far earlier. Theoretically it started long before 1991 (focus group with Sisak war veterans).

All groups agreed that crimes did happen on the Croatian side and that this happened especially during the period of this military operation. Again, however, there was a perception across all groups that these were not war crimes but "crimes in war" motivated by individual revenge or emotion:

SI.T.1 – 90% of the crimes happened in 1991, by the Serb side, and a smaller number happened in 1995 after Operation Storm. I would connect these crimes more with some kind of criminals and, not to say it, cowards, who stole the belongings of these Serbs, who of their own volition, if you ask me, left the territory of the Republic of Croatia (follow-up interview with Sisak teacher).

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NU2.V.1 – Yes, during Operation Storm certain criminal offences were probably committed by the larger ethnicity and the Croatian Army, who by doing so showed their thirst for their homes. Let us call this uncontrolled revenge. These types of crimes, which are absolutely crimes and which I condemn as a man, were committed as crimes in war, not as war crimes (dyad with non-urban war veterans Slavonia).

This view seems to be influenced by the connected, equally widespread, belief that Serb populations across all of Croatia and in particular in the region to be captured by the military action knew that it was about to occur and had time to leave. Participants often referred to personal stories or hearsay to bring up examples of how the Serb populations knew the

attack was about to happen or how they were forced out by retreating Serb forces. This was a common pattern in sequences when Gotovina or Operation Storm were mentioned, as participants then often stressed that Serbs left willingly. This led to an impression that Croats were disadvantaged compared to Serbs, that judging them on an equal basis was unjust and that crimes were not possible or as severe:

NU.P.4 – Everyone in Croatia knows that there was no ethnic cleansing because just before Operation Storm the Serbs went around chasing their own away. They prepared buses and chased them away.

NU.P.3 – They ran them over.

NU.P.4 – They chased them away since they knew a military operation was being prepared. Someone told us, a Slovenian, but his wife was Serbian. He was in the military... Ordinary people knew that this was a show and was staged, and that the Serbs expelled their own people before our soldiers arrived. Gotovina could not then have even committed war crimes in Operation Storm, since there were no people.

All agree

NU.P.3 – The buses took them all (focus group with non-urban war veterans Banovina).

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ZG.V.3 – When in Okučani Operation Flash happened, the Serbs fled en masse. There are even documentaries about it. And then these, who you might call real Serbs, volunteers, Chetniks, were swearing at their own Serbs and were playing *Thompson* (follow-up interview with Zagreb war veteran).⁶¹

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SI.V.2 – People of the Orthodox faith, in other words Serbs, were always notified when to go, that there was about to be shelling. They would leave en masse. But to their neighbours the Croats they would not say anything. I will tell you that, you can freely write it down, I will even sign it. I am not scared of saying it and will always do so. They were notified and were ordered to move from the villages and the cities (focus group with Sisak war veterans).

Across the board there was, therefore, a feeling that Croatia did not commit any organised war crimes during the war generally and Operation Storm specifically. Numerous respondents felt that the Croatian state gave enough guarantees to local populations for them not to have to leave. Overall the juxtaposition between the situation of the Croats and the Serbs leaves an impression that legal understanding is being defined by the difference in playing fields for the two ethnicities and on emotional grounds. This is probably best exemplified in the recurring use of the concept of war crimes versus “crimes in war”. Further support for this notion is present in survey results. Whereas the public does not believe it

⁶¹ *Thompson* is a Croatian singer who is known for his nationalistic, often anti-Serb and provocative songs. Moreover he is known for using symbols associated with the Second World War Ustasha regime.

was possible for the Croatian side to commit *war crimes* in a defensive war (see above; Kolstø, 2011), the Belgrade Human Rights Centre (2011) survey found that 66% of the public did believe it was possible to commit *crimes* in a defensive war, versus 29% who did not.

Participants regarded the doctrine of command responsibility, also a key feature of the Gotovina trial, with a mixture of disbelief and confusion. Numerous individuals admitted they were confused about the concept, although there was a view across all groups that the unorganised nature of the Croatian defence mixed with the inherent difficulty in controlling vengeful individuals meant that it was not correct to try commanders, since it was impossible to control all individuals in such a situation. This is another example of folk theories of law playing a large role in legal reasoning: respondents first admitted not understanding the concept, then outlined the premise for their definition of the concept, before arguing for why they believed Croatian generals were not guilty of command responsibility. They constructed their understanding of the situation through a mixture of law, politics and emotion:

NU.T.2 – It is difficult to talk about command responsibility in 1995 in the Croatian Army, when a man after five years liberates his house and kills someone he found inside it. Of course he is guilty for that war crime and for the murder of a civilian, but it is hard to control him (interview with non-urban teacher).

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NU.P.1 – [Norac] was a young boy thrown into huge responsibility, to lead those people there. He could not, so young, command those types of people in the army. Those were mainly people from that region, from that place. What we just discussed, revanchism. Here the Medak Pocket and all of that happened. He was tried mainly for that and sentenced. What did they call it? A massacre. Compared to Čavoglave, what they did there, this is not normal, it is not even comparable (follow-up dyad with non-urban pensioners).

Many of these attitudes are also present in narratives on the ICTY and domestic war crimes tribunals. As the following section will show in more detail, there is a sense that too few Serbs were put on trial compared to the number of Croats. Overall all types of trials were considered too slow and there was a general feeling that many perpetrators of crimes are known but nevertheless free. Unsurprisingly there is, therefore, an impression that no one has been held accountable for the crimes committed and that justice has not been done:

Moderator – Do you think there have been enough trials for the breaking of human rights?

All – No!

NU.V.5 – If you follow the news on our state television, when they commemorate the anniversaries of the atrocities – Pakrac, Borovo Selo, Petrinja, Škabrnja, Čelija, any place where people died en masse and where there are mass graves – this mantra

always comes to me: the number of dead, the number of exhumed, how many civilians and how many *branitelji*, and then all of a sudden 'and up until now no one has been held responsible.

NU.V.3 agrees

NU.V.5 – I repeat, as a mantra, no one has been held responsible up until now.

NU.V.3 – And no one does anything.

NU.V.5 – I will say something openly. I do not blame Serbia now for this. My own state, authority and system, in my state, do not work (focus group with non-urban war veterans Banovina).

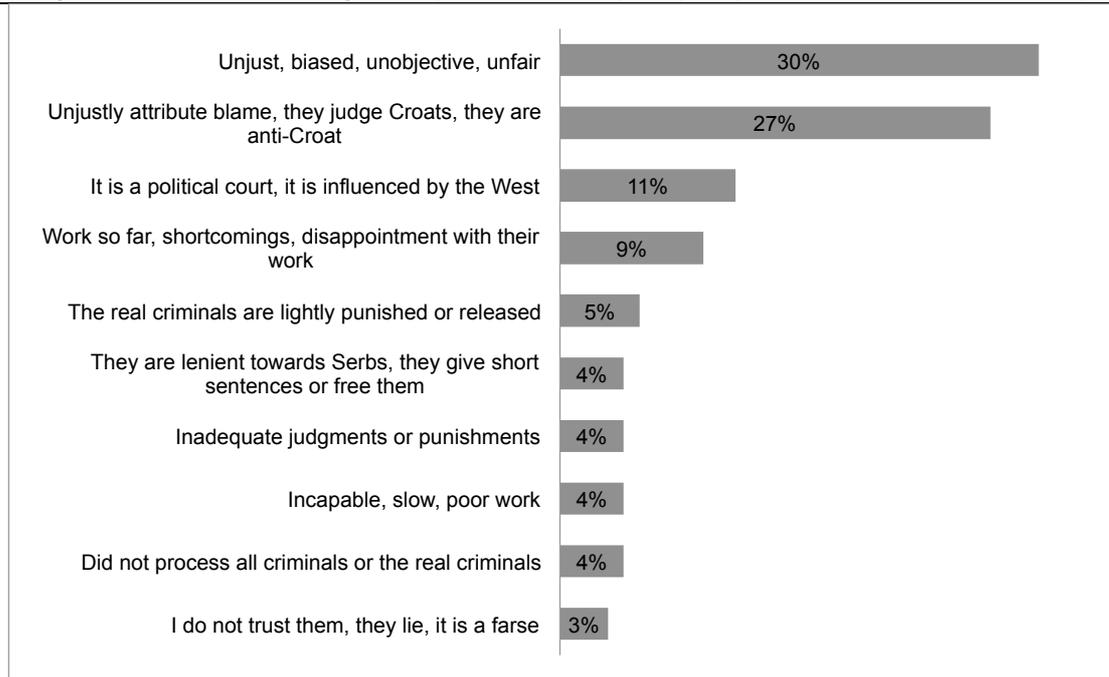
Victims, such as these, felt unrepresented by all types of courts. The Croatian state in its current form was blamed for crimes committed against the victims. They connected the lack of trials to the state and to its perceived infiltration. The resulting universal view of courts is of inefficient and often biased institutions that were for the most part not fit for purpose. Most groups, however, concluded that it would have been difficult to come up with a better mechanism to achieve justice.

7.3 The ICTY: Slow, inefficient, unjust and biased

The ICTY is and has been the primary, or at least the most visible, instrument of transitional justice in Croatia, as well as the region more broadly, since starting its work in 1993. It, therefore, had the potential to guide the whole process and to set the tone for the work of future institutions. It has, however, never been particularly popular in Croatia (in 2011, 65% of the public had a negative opinion of it and 24% a positive one, although this may have changed with the release of Gotovina in 2012; Belgrade Human Rights Centre, 2011) and most focus group discussions reflected this.⁶² The institution was generally seen as inefficient, political and biased against Croats and Croatia. Figure 18 outlines the main reasons that survey research has shown for negative views (Belgrade Human Rights Centre, 2011). This highlights how general distrust of institutions play a role in shaping attitudes about law.

⁶² This has depended on who was being tried at any one time, so the initial Gotovina verdict and the appeals verdict may have influenced popularity. Similarly, more popularity may have come about from the Ovčara perpetrators trial, while less from the temporary release of Šešelj.

Figure 18. Reasons for negative opinion of ICTY (multiple spontaneous answers allowed).



Source: Belgrade Human Rights Centre (2011)

There was, however, a feeling that it was necessary and verdicts at the Tribunal, both in “favour” of Croats and against, seemed to influence the opinions of participants. This points to some level of credibility given to the institution, despite the poor public opinion.

7.3.1 *The inefficient ICTY*

The ICTY was above all considered inefficient and all groups spent some time discussing this topic. Survey research has reflected this in that 69% of respondents in the Belgrade Human Rights Centre (2011) study felt trials were needlessly long, as opposed to 25% who felt that trial complexity justified this. Given the crimes it was dealing with and the emotional nature of the memories involved, it is debatable if it could have ever been seen as efficient since justice may never seem swift enough. It is, therefore, also important to note that it is possible that this categorisation is something the researcher was looking out for before the fieldwork started.

The most recurring theme was that the trials took far too long, which meant that sentences could not be carried out and that following the processes became boring:

ZA.T.2 – Maybe like after the Second World War, when they tried the military leadership of Germany and Japan, maybe that approach, to punish less people, but more

responsible ones, would be more efficient than many small processes in which some big fish avoided justice in the end.

ZA.T.1 – Or did not live long enough to see the trial end.

ZA.T.2 – Either they did not live long enough or they died before making it there. This took too long and there were too many small ones, instead of those big ones (focus group with Zadar teachers).

Many reasons were given for this inefficiency, for example that the institution lacked qualified professionals. War veterans considered it inefficient since it did not try the “aggressor” sufficiently, which it was in their eyes meant to do. All groups, but teachers in particular, felt the Tribunal was poorly implemented from its original design, which led to inefficiency:

ZA.V.4 – This Tribunal is not even a shadow of what it was meant to be.

ZA.V.3 – The idea was good (focus group with Zadar war veterans).

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Moderator – Do you think it was a mistake to establish the Hague Tribunal?

SI.T.2 – No.

SI.T.3 – No, it was established with a different intention.

SI.T.1 – As an idea it was good.

SI.T.2 – As an international court of justice.

SI.T.1 – However, what kind of court of justice is it if the Americans do not recognise it?

SI.T.3 – That they do not respect.

SI.T.1 – This is an international criminal court for the second division. For those clubs who play county level matches. This is not a court for the top division, for the Security Council. Who would they prosecute on the Security Council, when they have the right to veto. No one. This is for us small ones. To give us some sense of justice and truth.

SI.T.2 – Of international justice.

SI.T.1 – International justice, because we are fooled by terminology. International.

SI.T.3 – To show that we are not forgotten, that they are thinking of us (focus group with Sisak teachers).

This last passage highlights another problematic aspect of the ICTY’s work, that it is frequently confused with the ICC. Given respondents were not particularly well acquainted with these legal institutions, this is not surprising, but once again factual inaccuracies in this instance served the purpose of reinforcing established narratives. This is significant since the institution is seen as highly political and influenced by larger, more powerful, states, which are seen as not being governed by the same rules as smaller states. The Sisak

teachers, above, discussed the notion of “international justice” as an injustice towards Croatia and other small nations. Several facts were seen as exemplifying ICTY inefficiency, chief among which was the release of Vojislav Šešelj. He was seen as proof of inefficiency and of ethnic bias (his temporary release was seen as a poor one, as opposed to Gotovina's good one):

SI.P.3 – [Šešelj] was there 11 years. And for 11 years you have been unable to sentence him. We who are not trained in the field would have been able to do it.

All agree and laugh

SI.P.1 – We would have brought papers and documents in order to sentence him.

SI.P.5 – And he insulted them.

SI.P.3 – In those 11 years you did not manage to come to a verdict (focus group with Sisak pensioners).

More broadly there was dissatisfaction that the leadership of the JNA was never indicted for war crimes in Croatia. This feeds into the notion of betrayal by Yugoslavia, which forms a key element of the Croatian war narrative. The JNA was seen as the aggressor, or at least a large component of what constituted the aggressor, and it also represented the Yugoslav or Serbian state. Because of this respondents saw JNA involvement as proof that the conflict was more than a civil war and more than just an ethnic Serb rebellion in Croatia, thereby giving such indictments more significance:

NU.V.5 – Radić, Perišić, Jokić.

NU.V.3 – So many.

NU.V.5 – I do not know the names. Why is Mladić currently there? They are not trying him for crimes in Croatia at all. Only Bosnia and Herzegovina. No one from the JNA. That is politics. Not even Kadjević (focus group with non-urban war veterans Banovina).

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ZG.P.2 – Why was no one from the JNA tried? The JNA was formed to defend Yugoslavia, not to lead a national war.

ZG.P.1 – Because of international politics that was like that at the time, so that Yugoslavia would not fall apart. But the JNA was meant to protect Yugoslavia. Croatia and Slovenia left this so they let the JNA do what they want.

ZG.P.2 – The biggest crime of the JNA was that it turned into the de facto Serbian army (focus group with Zagreb pensioners).

Vukovar was seen as an example of ICTY inefficiency and unjustness. The view that no one has been sentenced sufficiently, if at all, for war crimes in the city was expressed in varying degrees across all groups.⁶³ This was exacerbated due to the symbolic nature of the city:

ZA.V.3 – Has anyone been sentenced for Srebrenica and Vukovar?

ZA.V.4 – No one.

ZA.V.3 – What are we talking about here? This was a war crime, genocide was committed there.

ZA.V.2 – A hard to believe genocide in the 21st century.

ZA.V.3 – And no one has been indicted for that.

ZA.V.2 – If you tell your children, they cannot believe you. My grandchildren cry when they hear about the genocide against the Jews, not to mention if I speak about the Homeland War. Too horrific.

ZA.V.5 – That city was levelled to the ground. It is too horrific (focus group with Zadar war veterans).

Much of the above passage is factually incorrect (a number of individuals have been sentenced for crimes in both Srebrenica and Vukovar), but it does show how powerful this symbol of Vukovar is and how emotional it is. Other than a further example of factual inaccuracy being employed for the purpose of supporting the war narrative, this dichotomy points to a lack of Outreach or press coverage, since trials did take place (although it is debatable how happy the Croatian public is with their outcomes). The ICTY has in reality itself only sentenced Serbs for crimes committed in Croatia, whereas no Croats have been sentenced for such crimes (only for crimes in Bosnia). Efficiency was, however, often judged through the ratio of Serbs and Croats on trial. This undertone was always present in groups, sometimes through literal complaints about not enough Serbs being put on trial, at others more discretely by simply comparing the numbers without further comments. Other than the above views, respondents provided a vast range of other reasons for ICTY inefficacy, these included but are not limited to the institution being too complex, having no clear aims or being too opaque. Some felt this had the effect of raising tensions and digging wounds in the region, as well as portraying the institution as unjust.

⁶³ As was already discussed in Chapter 6, a number of trials dealing with these crimes have taken place and individuals have been sentenced.

7.3.2 *The biased and political ICTY*

Another recurring complaint about the ICTY was that it was biased against Croats and Croatia because it was attempting to equalise guilt between the warring factions, but especially between Croats and Serbs. Again, this has been shown in longitudinal research where it was found that 47.5% agreed and 11.8% disagreed that this was the aim of the Tribunal (Ipsos Puls, 2012). Much like with the category discussed in the previous section, it is possible that due to this commonly held belief and these survey results, the researcher may have been searching for this category in the fieldwork and, therefore, unduly aiding in its construction. The concept of equalisation of guilt has the potential to undermine the Croatian war narrative because respondents saw it as portraying the Homeland War as a civil war with no exclusively Serbian aggression, no exclusively Croatian defence and no unique Croatian victimhood. Participants felt this belittled victims and some consequently did not take the ICTY seriously since in their view it had a misconstrued notion of recent Croatian history. For example, a Zadar teacher claimed, “as soon as the stories started that Croatia committed some kind of crime and was being equalised with the aggressor, I immediately stopped following [the ICTY]” (focus group with Zadar teachers). This also highlights a connection between expressivist aspects of courts and their legal performance: as much as legal decisions can be perceived as unjust, thereby delegitimising expressivist messages, so can disagreement with the expressivist message (often based on emotion) delegitimise legal rulings.

War veterans saw “equalisation” as an attempt to equalise the aggressor and victims, as well as war crimes and crimes in war. This was not only attributed to the ICTY, but also to the Croatian government, civil society groups and the international community, further spreading a feeling of distrust of nearly all institutions, especially ones with a top-down approach to their work. There was a further notion that this attempt was a small element in a broader strategy of falsifying Croatian history:

NU.2.V.1 – This criminal enterprise, which the Prosecution wanted to use to sentence the generals, which would have solidified this idea of equalising guilt, this is the elementary concept with which they wanted to falsify Croatian history (dyad with non-urban war veterans Slavonia).

Once again, discussions on this topic frequently compared the number of Croats and Serbs on trial to prove that the Tribunal was biased against Croats (in the sense that the ratio of trials was not reflective of the number of crimes committed). In one extreme instance, a participant claimed that Croats were the most punished ethnicity and this has also shown up in survey research over a number of years (see: Belgrade Human Rights Centre, 2011).

Overall, however, there was an impression that this element of the ICTY trials damaged Croatia extensively. Participants also felt that the Tribunal, and the international community as a whole, thought of Croatia as an actor in a region that it wanted to portray as barbaric.⁶⁴ Some participants complained that this was demeaning since it equalised Croatia and Serbia, while others complained more about being portrayed as savage:

Moderator – Why do you think the ICTY had this approach [to equalise guilt]?

SI.T.1 – So that they could prove that we are all some kind of Indians, savages, and that we every once in a while, every 30 or 40 years, slaughter each other. That it is nearly a part of our folklore and that we act like that (focus group with Sisak teachers).

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ZA.P.3 – This is the plan of the European Union, because even in the European Union all countries will not be the same. Of course on the one side we will have England, Germany and France. But this here will be the region South-Eastern Europe (focus group with Zadar pensioners).

Much of this was related to the generally accepted notion that the ICTY was politically motivated and controlled by big power politics. This is partly the result of political bargaining between Croatian governments and the EU, NATO and ICTY over accession conditionality. For example, Lamont (2010) identified Tuđman's bargaining with the ICTY as the major reason why the transfer of individuals to the ICTY was viewed as a political process rather than a judicial one. This not only blemished the ICTY, but also the Croatian government, which was seen as only transferring individuals who did not possess necessary political connections with the government. Moreover, since so much reporting on trials has occurred around the transfer of individuals, these events held more potential than others to influence public opinion. Conversely, so did judgments, such as the appeals decision in the Gotovina trial, which can make the ICTY look fairer in Croatian eyes. Trials, indictments and verdicts were across the board seen as politically motivated and the institution was subsequently not considered to be independent:

NU.V.5 – Everything was decided by politics. And spheres of interest. Here the UN, that established the ICTY, failed. Completely. They allowed for certain interests to assert themselves. What are those interests? I mentioned a few countries.

NU.V.2 – It is sad that Croatia, specifically the parliament or government, did not create a law to allow civilian victims of war not to have to pay for legal fees in trials they commence (focus group with non-urban war veterans Banovina).

⁶⁴ Croatian institutions have also reflected this feeling and fear of being grouped in a region considered to be inferior. For example, the Croatian Academy of Sciences and Arts (*Hrvatska akademija znanosti i umjetnosti* or HAZU) sent complaints to the ICTY, EU and Western European universities over reports intended for Croatia being in Serbian. This is discussed further in the following chapter.

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ZA.P.4 – This is a political court and there not much to say here. It was directed in exactly how it had to judge.

ZA.P.1 – I just think that we did...

ZA.P.4 (interrupts) – We did help it. We did help.

ZA.P.1 – They looked through their fingers a bit.

ZA.P.3 – Mesić helped them.

ZA.P.4 – Mesić helped them a lot (focus group with Zadar pensioners).

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ZA.T.2 – I had this feeling as if Croatia was rewarded for admission to NATO and the EU by releasing the Generals. If that is true, then this is truly an embarrassment for the court and for international law.

ZA.T.1 – It looks like politicisation and no one can deny that.

All agree

ZA.T.3 – I want to add that there was a connection between the state and that court. The very extradition of the generals was a consequence of the fact that Croatia wanted to join the EU so they had to appease them, even though most of the *narod* was not in favour of extraditing the generals.

ZA.T.1 – Yes.

ZA.T.3 – In my opinion this is an embarrassment for Croatia.

ZA.T.2 – Especially because the majority of politicians said one thing in opposition, and something different in power (focus group with Zadar teachers).

The above sequences are all interesting. The non-urban war veterans connected the perceived politicisation of the ICTY to internal politics, meaning that international criminal law and proceedings were defined by perceptions of internal politics. The Zadar pensioners equally felt that Croatian politics (already infiltrated by unwanted elements) delegitimised the legal work of the court. Finally, the Zadar teachers connected the lack of continuity in Tribunal verdicts to internal and international politics, wholly disregarding the legal dynamics behind them.

The former ICTY Chief Prosecutor, Carla del Ponte, was seen as the embodiment of ICTY equalisation of guilt, institutional inefficiency, misunderstanding, political manipulation and anti-Croatian bias. Notions of institutional distrust were expressed most strongly when discussing Carla del Ponte, more than any other facet of the ICTY. Individuals were frequently visibly irritated or angry when discussing her and her name was cited as an example of all of the above arguments. These also at times alluded to a variety of

conspiracy theories, which have plagued the work of the Tribunal since its inception. Overall the ICTY was seen as closely related to the highly distrusted international community, another topic that features plenty of conspiracy theories. For example, 54% of respondents in the Ipsos Puls (2012) survey felt that some great powers tried to undermine the Croatian independence attempt in order to keep Yugoslavia intact, versus 5.5% who did not. This leaves the impression that the ICTY is seen as an institution created by big powers to dictate politics in the inferior Balkan region. This factor, possibly more than any other, contributes to the general distrust of the ICTY. Together with all of the other factors in this process, it helps create a widespread feeling of powerlessness, which respondents frequently expressed.

7.3.3 *The necessary ICTY*

Despite a range of critiques against it, the ICTY did attract a certain level of praise, although it is worth bearing in mind that such a construction may have been the outcome of the researcher hoping to see a positive perspective of the institution. The praise was not as universal as the criticism, for example war veterans had next to none. The only positive sentiment they expressed (other than that it did sentence some Serb war criminals) was that the institution initially had good intentions, which other groups agreed with:

SI.V.2 – The worst part is that the late President Tuđman, as far as I remember, supported The Hague and was a founder of it. He supported the trying of war criminals more than anyone.

SI.V.1 – Of course (focus group with Sisak war veterans).

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NU.T.1 – The ICTY certainly had good intentions, at least at the start when it was established. Their attempt to bring justice and to punish criminals who were proven guilty, to solve all dilemmas and unknowns, and if it actually managed to show the truth about what happened not to allow such an atrocity to ever happen again. I assume this is primarily based on the experiences of the 20th century. Where crimes were never punished, there was almost always once again trouble in the period that followed because of the unsolved crimes from the past. So as I said, the ICTY certainly had good intentions, but later over those 15 or so years we saw that there were certain situations where justice was not reached in the end (interview with non-urban teacher).

Pensioners and teachers, even in groups strongly opposed to the ICTY, also believed that in retrospect it was not a mistake. They believed that it did help Croatia, if not the region as a whole, and that it did punish crimes that ought to have been punished:

Moderator – Do you think it was a mistake to establish the ICTY?

ZA.P.1 – Maybe not. Because who knows when the war would have ended or how. The Americans got involved, and then the court came, so that it somehow ended up like this.

ZA.P.3 agrees – I have personally changed my opinion.

ZA.P.4 – The war happened and Tuđman was also an initiator of the idea...

ZA.P.3 (interrupts) – That is right.

ZA.P.4 - And I saw what this should be, that criminals would be punished, that they would be stopped. However, later I saw that this had nothing to do with this. Nothing to do with this.

ZA.P.3 – Well yes, in the end I was so disappointed. In the beginning I believed in the creation of the ICTY, that we would get the truth. To truly get the truth. Unfortunately, we all know how it played out and what happened.

ZA.P.1 – Stipe Mesić went there instead of Tuđman.

ZA.P.3 – What was done there. Now instead, this sentence is what it is, and ultimately in the eyes of the international community there is a written trail. And the position of the international community. At least it will not be like it is with Ante Pavelić and the Second World War, when that history and those laws were only written by the communists. And what do we know about the *NDH*? We know that the world has accepted that as soon as someone mentions “*Za dom spremni*”⁶⁵, imagine the absurdity of it, who on planet earth is not ready for their home. Even if Pavelić said it a million times, so what? Pavelić said “*Za dom spremni*”. Imagine how UEFA, FIFA and so on react. This is an embarrassment. And that is why I think that the ICTY, if there were such a court back then, then Ante Pavelić would have had a very different status. I am sure he would have. Now we are still waiting for any kind of debate over what really happened during the Second World War (focus group with Zadar pensioners).

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Moderator – Do you think it was a mistake to establish the ICTY?

ZG.T.1 – No.

ZG.T.2 – Perhaps it was not, I do not know, a mistake.

ZG.T.1 – A war crime has to be punished.

ZG.T.2 – Yes, in that light it definitely was not a mistake (dyad with Zagreb teachers).

ZA.P.3 compares the ICTY directly to the legacy of the Second World War, stressing its potential to document and the factual legacy it leaves behind. The ICTY did in his eyes change the debate on the Homeland War, since it has produced documentation that is not disputed in the way the Second World War still is today. Teachers stood out as the group that felt particularly positive about the ICTY. Other than the above opinions, teachers frequently expressed that it was better than no court at all and often it was compared to the domestic judiciary, which was seen as inferior. Some teachers also felt that the Tribunal was cathartic, or at least had the potential to be. The Belgrade Human Rights Centre (2011)

⁶⁵ “*Za dom, spremni*” was the official salute of the NDH (*Nezavisna Država Hrvatska* or Independent State of Croatia), the Croatian fascist puppet state during the Second World War. It was led by the Ustasha movement and was responsible for the mass killings of a high percentage of Croatian Serbs, Jews, Roma and political opponents (most notably Partisan fighters).

survey found that the Croatian public was roughly divided on this issue: 44% felt it was the right decision to establish it compared to 45% who felt it was not.

The image of the ICTY is maybe best exemplified in how its verdicts are interpreted by the Croatian public. The discussions focused on three cases, those of Gotovina, Kordić and Blaškić. As the previous chapter have shown, however, the trial of Gotovina was the only one that was discussed at any length and the only one that the public seems to be informed about. Much like media reports on the Gotovina trial disproportionately outnumbered reporting on other trials, it was mentioned more often in focus groups, dyads and interviews compared to other trials (Table 12).

Table 12. Number of mentions per trial in focus group and interview transcripts.

Trial of:	Gotovina	Norac	Glavaš	Kordić	Merčep	Blaškić	Lora
ICTY/Domestic court:	ICTY	Domestic court	Domestic court	ICTY	Domestic court	ICTY	Domestic court
Number of mentions in transcripts:	102	66	45	44	28	21	19
Total number of thematic articles:	1931	283	381	159	268	334	119

Source: Own compilation

Participants often admitted that they felt there were so many trials that Gotovina was just the easiest to notice or remember, which is not surprising given the predominance of reporting on the trial. All participants considered Gotovina to be innocent and believed the ICTY appeals chamber verdict to be correct. He was seen as standing out from other criminals because he was a professional soldier and was in the French Foreign Legion. Many shared the view of the Sisak teacher that you “never have crimes committed by the French Foreign Legion” (focus group with Sisak teachers). A recording of a speech Gotovina gave to his soldiers prior to Operation Storm, in which he warned them against committing crimes, was often cited as further proof of his innocence and military correctness. Finally, given crimes were considered to have been crimes of passion, Gotovina was not seen as responsible for these or as being capable of preventing them.

The Gotovina trial taps into many of the problems about the ICTY discussed above. A guilty verdict is seen as having the potential to undermine the Croatian war narrative by falsely criminalising the Croatian state, people and history, worries which were explicitly expressed across all groups:

ZA.V.4 – If Croatia, in other words if Gotovina, is sentenced for anything, that means that we are all criminals and that Croatia was created through crime.

All agree

ZA.V.4 – That is our justified fear. That means that the person who killed her brothers (points at ZA.V.1) was right, who killed her husband. Is that what it means?

All agree vocally

ZA.V.4 – That is what we are scared of. It means that the person who killed her brothers was right. That is how it ends, right?

All agree.

ZA.V.4 – This is why we are scared. The objectiveness of the ICTY is such a fabrication.

ZA.V.2 – A huge one.

ZA.V.4 – We, as a *narod*, swallowed that bait. Politicians sold Croatia for 30 pieces of silver.

ZA.V.3 – Our poet. 30 pieces of silver. We all know how Judas sold Jesus for that bag of coins (focus group with Zadar war veterans).

Moreover, the Zadar war veterans considered the Croatian government to be at fault, by selling the Croatian people out. They use biblical imagery to fortify the image of the Croatian *narod*'s victimhood (as Jesus), betrayed by its government (as Judas). War veterans and victims, therefore, feel unrepresented by the government. The ultimate verdict in the Gotovina case was seen as "correct" and as absolving the Croatian state of any guilt. The trial of Gotovina has come to represent ICTY bias in that it indicted Gotovina, inefficiency in that it had two wholly different verdicts, but also correctness since it did find him, and seemingly the foundation of the Croatian state, to be innocent. Prior to his release survey evidence showed that, although 65% of the public thought crimes against Serbs did happen during Operation Storm (varying from a lesser to a greater degree), only 43% of those individuals thought the Generals on trial were responsible for them in some way (again, from a lesser to a greater degree; Belgrade Human Rights Center, 2011).

ICTY verdicts in general did seem to leave some kind of impression on participants. Whereas the final Gotovina verdict can reinforce the war narrative, the guilty verdict for Kordić has the potential to undermine the war narrative and, therefore, erode trust in the ICTY. Teachers, but at times also pensioners, expressed the belief that ICTY verdicts were ultimately correct and viewed Kordić as guilty due to the ruling. These sequences also show there is acknowledgment of guilt, but that the political implications are seen as more important than the legal ones. Once again, the theme is ignored and participants tried not to discuss it at length:

ZA.T.2 – Given he was sentenced, I suppose he was guilty. I do not think it is such a big problem not to agree with the verdict, maybe he is innocent but I do not know, but what was problematic was his reception when he returned as a positive individual, despite that he was sentenced. This can be compared to the reception of Gotovina, who was found innocent. It is not fair to Gotovina, or to the victims.

ZA.T.1 – I agree.

ZA.T.3 – Bosnia is quite a complex theme. I would not like to add much (focus group with Zadar teachers).

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ZG.P.4 – I do not think it was fair that the Church went to welcome him and kiss him. He has served his sentence, so it was proven through a court decision. There is nothing else to consider. He should not have been welcomed like that (follow-up interview with Zagreb pensioner).

The last quote shows how an ICTY verdict can be seen as significant to individuals and that war criminals ought not be accepted back into society as they previously were. At the very least, the guilty verdict seems to have generated some kind of debate over how convicted war criminals should participate in society. Whereas verdicts did seem to make a difference, the number of years of imprisonment given in a verdict did not seem to be known or significant to participants. Despite the ICTY's huge unpopularity, this evidence shows that it may have some level of legitimacy in the eyes of the public and that, despite numerous criticisms, the verdicts it passed held some form of meaning with respondents.

7.4 Domestic war crimes trials: Just as slow, inefficient, unjust and biased

Trials in domestic courts are not as well known as those at the ICTY. Survey results have shown this and the interviews, individual or group, reflected this (see Belgrade Human Rights Centre, 2011). Overall there was once again a lack of diffuse support and trust, leading to cynicism with the institution. This provides yet another source of institutional distrust to the public, which together with a range of others, leads to scepticism regarding the whole process of transitional justice. Much like with the ICTY, domestic courts were also seen as lacking qualified personnel and as being slow. This was connected to a generally poor Croatian judiciary:

NU.P.1 – Our courts are worthless. Look at the statistics of unresolved cases. Last year they lowered them a bit. But until now they have been lagging. And now they have abolished county courts, they do not work well. They do not process people.

NU.P.5 – Our paupers are not in prison, our rich people are. And they will bribe the judges. Corruption is like that in Croatia, that he who has money does not have to fear anything (focus group with non-urban pensioners).

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NU.V.5 – The institutions have failed because they have not dealt with all the crimes. The system has failed. From the police, to the public prosecutor.

NU.V.3 (interrupts) – To the judiciary.

NU.V.5 – The judiciary (focus group with non-urban war veterans Banovina).

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ZA.P.1 – Here corruption and clientilism have taken over, so that our courts have stooped very low (focus group with Zadar pensioners).

This inefficiency of the Croatian judiciary was seen as emerging from several sources, such as corruption, broader institutional inefficiency and the legacy of communism. Some individuals also felt that it was not possible to question verdicts, since this could mark you as a communist sympathiser or as anti-Croat, depending on which verdict you question. In general, there was a feeling that the judiciary did not stand out from other state institutions, which were all developed in a poor climate. Similar as to the ICTY, a pervasive feeling was expressed that domestic courts were biased against Croats. War veterans felt that courts only processed Croats and that they would sentence a Croat quickly. The case of the Zec family was used across a number of groups, not only war veterans, as an example of bias against Croats and towards Serb victims. It was normal for the case to be directly contrasted with local crimes or with numbers of Croat victims, thereby discriminating against the Serb (or Orthodox) minority:

NU.V.5 – NU.V.3's parents were killed in Petrinja. Mother and father. When she went to the Republic of Croatia, she ended up having to pay court fees.

NU.V.3 – And Aleksandra Zec is the inspiration for plays and I do not know what else Frlić has done with her.

NU.V.5 – And in Croatia 400 children were killed.

NU.V.3 – She is given rights simply because she is Orthodox.

NU.V.1 – And in our region we have a 16 year old girl who was raped and killed. Her, her parents, her grandmother and her grandfather (focus group with non-urban war veterans Banovina).

War veterans and some pensioners attributed this bias to the lack of lustration in the Croatian judiciary, which allowed judges from the Yugoslav system to remain in place in the Croatian one. This remains significant in modern day Croatian politics since lustration laws continue to be discussed by political parties. It demonstrates how much sway that part of history holds over politics in Croatia today. Less common among these groups, but present, was the view that the judiciary was infiltrated by the UDBA or a communist mentality. The

theme of infiltration was present more broadly across all groups in the sense that Croatian courts were seen as influenced strongly by the ICTY, Europe or big power politics. This was seen as an attempt by the international community (especially Britain and France) to keep Yugoslavia intact and an attempt to equalise crimes. War veterans, in particular, saw it as a literal extension of the ICTY:

ZG.V.4 – They want to equalise it numerically. To realise the goal that it was an equal war, including in the number of crimes. Everyone is guilty. In that environment it is questionable how credible any case put before the Croatian public is (focus group with Zagreb war veterans).

Despite the range of criticisms levelled at domestic war crimes trials, positive views were present in a number of the groups. Teachers and pensioners often expressed the view that these courts provided difficult, given the environment, yet correct verdicts. There was a view that they did as much they could have done:

SI.T.1 – As much as they could, they did.

All agree (focus group with Sisak teachers).

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NU.T.1 – They did their job as much as they could and those cases they received they completed successfully. And even in those situations when the majority resented verdicts they still did their job, as far as I can comment on the legal side, satisfactorily (interview with non-urban teacher).

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SI.P.4 – In the last years, the last four years, the situation regarding war crimes here has changed drastically. It is unrecognisable now. People who have been sentenced in the last four years, it would not have been possible to even get them to a court four years before that (interview with Sisak pensioners).

As this last quote shows, there was a sense that domestic courts were improving. War veterans, however, did not share this notion as they felt the courts were biased against Croats. Much like with the ICTY, there was a pervasive view across all groups that not enough Serbs and too many Croats were processed (at least in relation to Serbs). All groups felt that most, if not all, Croat perpetrators had been dealt with at domestic trials. In reality, domestic courts have processed 3,553 individuals and sentenced 589, predominantly Serbs.⁶⁶

It is, however, questionable how well-known domestic war crimes trials are at all. The Norac trial was the best-known domestic trial across all groups (Table 12) while most other cases were generally unknown. Domestic cases were frequently discussed in relation to the ICTY,

⁶⁶ See: www.dorh.hr/fgs.axd?id=1841

sometimes because the two were confused and at other times because the ICTY seemed to embody the transitional justice process as a whole. Narratives about the ICTY and domestic courts were, therefore, at many junctures used interchangeably and it was common for individuals to jump from court to court when making examples. For instance, a war veteran stated, “when the ICTY prosecution interprets things, I return again to the Zec family, to the ICTY it is all a war crime” (dyad with non-urban war veterans Slavonia). Another participant on the other hand felt that “domestic courts viewed things through the prism of the ICTY” (focus group with Zadar war veterans). Distrust of one institution, therefore, affected the other. It is questionable if a particularly negative view of one drags the other down with it, but pessimism regarding both reinforced the more general cynicism regarding transitional justice.

Despite the overall pessimistic view of domestic war crimes trials, verdicts discussed in groups seemed to have some effect on participants. Verdicts were viewed as valid, although the institution’s credibility was often questioned. Some saw them as defining what constituted a war crime, others as a warning to future perpetrators. Teachers expressed this most consistently, although not exclusively, and when circumstances of trials were questioned, actual verdicts were nevertheless not (despite the usual relativization of crimes):

ZA.T.2 – I do not think a Croatian court would have sentenced [Norac] if he were completely innocent. In war both sides commit crimes. Everyone knows what the Americans did in Vietnam, but that does not mean that the Vietnamese side did not commit crimes (focus group with Zadar teachers).

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ZG.P.4 – To kill his daughter on the doorstep. That is also a war crime. This is an example.⁶⁷

ZG.P.2 agrees (focus group with Zagreb pensioners).

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SI.T.3 – Mirko Norac was tried and sentenced. As far as I heard not too much of this was invented.

All agree

SI.T.1 – Yes.

SI.T.3 – If he has sinned and committed a war crime, then that is that.

SI.T.1 – If he had not done anything, then he would not be in jail.

SI.T.3 – Yes (focus group with Sisak teachers).

⁶⁷ Referring to the murder of Aleksandra Zec and related trials.

Most striking was that war veterans also rarely questioned the validity of verdicts, despite numerous objections about the judiciary itself. For example, the Zagreb war veterans group admitted that war crimes did happen on the Croatian side and that these have been dealt with. They continued to state that when people say “hero, not war criminal”, they do not mean people like Norac, who were actually sentenced for war crimes.⁶⁸ This highlights the complexity of perceptions of transitional justice, since they are certainly not exclusively negative. Consequently, even by parts of society who have been traditionally opposed to trials of Croats, these institutions are seen as partially legitimate.

The case of Norac was, as previously discussed, also by far the best-known domestic war crimes trial. The case was mentioned frequently as proof of the quality of Croatian courts. Generally, he was considered guilty of the crimes committed, although participants across all groups felt the circumstances were unfair on the former general, due to the unprepared and unarmed nature of the Croatian defence in which revenge killings were a common problem. It would be interesting to see if such results would be equally reproduced outside of the group or follow-up interview setting. It is possible that a guilty verdict by a Croatian court means that individuals feel the need to show their respect for that in front of others, whereas individually they may doubt it more openly.

The case of Glavaš seemed to be the best known of the other domestic war crimes trials (and saw the second highest number of thematic reports as well; Table 7), although it most often came up in follow-up interviews and dyads, in other words, it rarely came up naturally during group discussions. Nevertheless, it was common for respondents to say they were not familiar with the trial. The Ipsos Puls (2012) survey reflected this: when asked about the murder of Josip Reihl-Kir, which has frequently been connected to Glavaš in the media, 45% of respondents claimed to not know what it was. When he was discussed, then he was across the board seen as necessary for the successful defence of Osijek. The recurring theme in these discussions was the question “what if Osijek had fallen?” This was equated to a “new” Vukovar:

NU.P.1 – If there were no Glavaš then Osijek would have also been occupied.

NU.P.2 – Just like Vukovar (follow-up dyad with non-urban pensioners).

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⁶⁸ The “hero, not war criminal” (and derivations thereof) slogan was first used at public demonstrations in Zagreb and Split in 2001, in protest against the Croatian indictment of Mirko Norac for war crimes. It has since then been used mostly for Gotovina, but it has featured in many other protests in support of the generals as well.

NU.T.2 – During the war there remained around 10,000 inhabitants in the city. Everyone else left out of fear of what was about to happen. Vukovar had fallen. And there was not a single person who could defend Osijek other than Glavaš (interview with non-urban teacher).

Teachers for the most part believed that reports of war crimes committed by Glavaš were true, while war veterans and pensioners did not share this conviction. All groups, however, agreed that his trial was somehow political. To war veterans and pensioners this made him a greater symbol of defiance (first against Serb aggression, then against corrupt party politics), while teachers felt that the motivations behind the trial were politically motivated:

NU.P.5 – Glavaš is guilty only because he stood up to the *HDZ*.

All agree

NU.P.2 – That is why he want to jail.

NU.P.5 – It is political.

NU.P.1 – It is a game of party politics.

NU.P.3 – If you remember he was the first to stand out against the *HDZ*. He is a national hero to me. The *HDZ* destroyed him (focus group with non-urban pensioners).

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ZA.T.2 – Is he guilty? I do not know. But unfortunately it is a fact that the indictment began when he was politically excluded from a large political party (follow-up interview with Zadar teacher).

The implication of this is that legal proceedings do not have the desired expressivist effect, since they are seen as political decisions. The trial of Merčep featured even less in discussions, although again some saw him as necessary, while others saw him as a war criminal (despite that the trial was still on-going at the time). When it was discussed, it was brought up spontaneously in focus groups and discussed almost exclusively in relation to the Zec murders (discussed in the previous chapter). Finally, the Lora trials were only known to any significant degree by war veterans in Zadar. This location is physically closest to where the crimes and trial have taken place. Moreover, members of the interviewed war veterans' group were personally connected to some of the accused. The trial was otherwise an unknown to the participants.

7.5 Conclusion

Respondents discussed and defined war crimes in relation to Croatian defence. They were across the board considered to be conscious, often planned, acts. This allowed for an apologetic attitude towards crimes committed in revenge, which were seen as crimes, but not quite war crimes and, therefore, viewed more leniently. Moreover, respondents frequently asserted that the killing of civilians was a war crime, but their definitions of ethnic Croat and Serb civilians differed. This justified the killing of Serb civilians by Croatian forces through folk theories of law and factual inaccuracies. For example, the image of the *baka* with a rifle was frequently used as a mitigating circumstance and led to a certain acceptance or understanding of Croatian crimes. The lack of preparation by Croatian forces meant that war crimes, defined as planned, were not seen as possible on the Croatian side of the conflict.

Overall, respondents in the study revealed a tolerance for deviance in the context of war crimes committed by Croats. Various factors of the dominant war narrative, such as the unorganised and unprepared defence, were seen as a mitigating circumstance to such war crimes. These crimes were often defined in relation to Serbian crimes, which were seen as a part of a planned aggression. War crimes in defence were seen as possible by teachers and some pensioners, but this did not happen with Croats or it happened sporadically. The “but” in these statements is crucial since respondents frequently used these contradictions, in tandem with a range of mitigating circumstances, to show that they were aware of what constituted a war crime but that tolerance for deviance in certain situations was acceptable.

Much like with the war narrative, there was a stark contrast between how teachers and war veterans perceived the law, while pensioners had mixed opinions (Table 13). The key difference was that, although there was consensus across all groups that the ICTY was inefficient, teachers nevertheless thought the ICTY was necessary and attributed significance to their and domestic courts’ judgments, whereas war veterans generally did not. Moreover, teachers had different understandings of what constituted a war crime and debated if Croatian war crimes were possible, while war veterans did not.

Table 13. Overview of perceptions of law.

	Perception	Crimes of passions are war crimes (yes/no)	Crimes possible in defensive war (yes/no/both)	Croatian war crimes (silence or debate present)	ICTY (inefficient/efficient)	ICTY (necessary/unnecessary)	ICTY/Domestic trials have significance (yes/no)
Teachers	Zagreb	Yes	Yes	Debate	Inefficient	Necessary	Yes
	Zadar	Yes	Yes	Debate	Inefficient	Necessary	Yes
	Sisak	Yes	Yes	Debate	Inefficient	Necessary	Yes
	Non-urban	Yes	Yes	Debate	Inefficient	Necessary	Yes
War veterans	Zagreb	No	Both	Silence	Inefficient	Unnecessary	Yes
	Zadar	No	No	Silence	Inefficient	Unnecessary	No
	Sisak	No	No	Silence	Inefficient	Unnecessary	No
	Non-urban Banovina	No	No	Silence	Inefficient	Unnecessary	No
	Non-urban Slavonia	No	No	Silence	Inefficient	Unnecessary	No
	Zagreb	Yes	Yes	Debate	Inefficient	Necessary	Yes
Pensioners	Zadar	No	No	Silence	Inefficient	Unnecessary	No
	Sisak	No	Both	Debate	Inefficient	Necessary	Yes
	Non-urban	Yes	Both	Debate	Inefficient	Unnecessary	No

Source: Own compilation

Transitional justice institutions, be they international or domestic, had to operate in the context of localised complexities and normative expectations in attempting to instil a rule of law norm in the public. Respondents across the board regarded all domestic and international institutions, including legal ones, as corrupt and inefficient and were consequently dissatisfied with and distrustful of them. On the whole they, therefore, felt powerless in an unresponsive system where justice was imposed from above. In this sense all legal institutions were painted with the same brush.

Localised folk theories of law also played a large role in the legal reasoning of respondents. This allowed for an apologetic attitude towards certain crimes, based on an understanding of the law that was not legally consistent but was consistent with emotional and political narratives. This means that in Croatian society the dominant war narrative plays a large role in shaping attitudes towards law. Finally, factual inaccuracies often served the purpose of justifying respondents' narratives. This involved several characteristic symbols, including core components of the war narrative, such as the *baka* with the rifle that vindicated Croatian crimes or at least lowered them to the level of common crimes, rather than war crimes. Croatian war crimes were seen as unexceptional crimes in war (to be punished more leniently), while Serb crimes are seen as exceptional war crimes (to be punished more harshly).

These factors led to an attitude in individuals that crimes are acceptable in certain situations or that they are, at least, not war crimes. Law is most effective when it takes into account the social norms that govern behaviour, including norms against disorder that may give rise to crimes (Meares and Kahan, 1998). In this instance institutional distrust coupled with the strength of the war narrative in society has led to a great deal of cynicism with the transitional justice process. Despite the ICTY and, especially recently, domestic courts providing legally sound judgments and strongly adhering to legal justice over political justice, this has not led to concurrent understandings of law. Localised narratives and normative processes have proven effective in undermining the potential trickle-down effects of rule of law norms.

This expectation may have been too high on legal institutions, but it does highlight the need for transitional justice efforts to take into account localised normative processes in their work and in their attempts at producing pedagogical effects. Arguably, it will simply take more time for these institutions, especially domestic ones, to achieve this effect and results from the focus groups are not exclusively pessimistic, far from it. Responses were different across target segments and the youngest segment, history teachers, had a far more optimistic view

of the ICTY and domestic courts than pensioners and war veterans' groups. Nevertheless, teachers also often displayed a tolerance for deviance, which may be a warning for the future if left unchanged. This is particularly important in relation to reconciliation, given that notions of legality are defined differently in relation to Croats and Serbs.

My Neighbour, the criminal: Serbs in the eyes of Croats

The strength of the war narrative and Croatian interpretations of the rule of law have become an intrinsic part of how Croats view the Serb minority in Croatia. The situation with Cyrillic signs in Vukovar exemplifies this since it has come to be seen by Croats as an aggression against them, rather than an issue of minority rights. Much like previous chapters have shown, however, narratives on the topic are marked by contradictions and emotional narratives. This chapter will investigate how Croats view Serbs in Croatia and how the war narrative features in this attitude. How have notions about the rule of law affected this? And, how have different types of institutions, such as the Church or the government, affected this? Answers to these questions in great part define how Serbs make up the “other” in Croat identity.

Identity, ethnic or national, involves both belonging and otherness, “there is no self without an other; no identity without alterity; no nation without rival foreigners” (Spiering, 1999: 153). According to Social Identity Theory, individuals are conscious of belonging to an “ingroup” as opposed to another “outgroup” and their behaviour is often biased towards the ingroup and against the outgroup (Langston and Peti-Stantić, 2014; Oakes, 2001; Tajfel, 1978). Moreover, the theory considers stereotypes about the ingroup and outgroups as constituent parts of identity (Joseph, 2004: 76). Serbs have composed the “other” to Croatian identity and Tuđman argued that this otherness was based on cultural, historical and geographical differences, which he used in his attempt to unify the Croatian people (Bellamy, 2003: 68). Political elites since then have furthered this image of Serbs as Croatia’s “radical other” and presented them as uncivilised, non-Western and savage (Zambelli, 2010: 1664). Unsurprisingly, there is a high degree of xenophobia towards Serbs in Croatia, especially returnees, who are seen as embodying this otherness and the collective guilt of Serbian aggression (Ramet et al., 2008: 24). Moreover, by showing how the “other” has throughout history oppressed Croatia and Croats, it was also possible to argue that history was repeating itself (frequently through historical revisionism) and that Croatia must once again defend itself (MacDonald, 2002).

The picture, however, is not so clear cut: in a study focused on Slavonia, Croat respondents were for the most part prepared to reconcile with Serb returnees, other than those who had committed war crimes (Babić, 2008: 221). Eastern Slavonia did feature higher tensions than Western Slavonia, due to the severity of the war there, associated war memories and

exacerbated present-day ethnic divisions, but primary social connections in local communities were being rebuilt gradually (Babić, 2008: 222). The intensity and speed at which this was happening differed to Western Slavonia, but coexistence has once again become a part of local social fabric.

Participants in this study differentiated with Serbs predominantly in terms of religion and language. National identity in Croatia is strongly based on religion (Babić, 2010; Smith, 1991). Throughout the fieldwork the notion of Croat Catholicism was commonly juxtaposed with Serb Orthodox Christianity. As much as Croats identified themselves as Catholics, they equally strongly identified Serbs as Orthodox. The importance of Catholicism to Croatian identity has been observed among elites and Prcela (2009: 211) has even argued that it has been overlooked as a factor in Croatian identity.⁶⁹ This identification stems from the 1945-1990 period, when Croatian Catholicism and Croatian national identity merged, as the Church presented itself as the only defender of the Croatian people's collective identity (Jakelić, 2010: 118). In Croatia, as well as in Bosnia, Catholicism became an identity marker for Croats (Sells, 2003). It became collectivistic and public; emphasised tradition and ascription; and, defined group boundaries towards the Other (Casanova, 1994: 217; Jakelić, 2010: 197).⁷⁰ During the Homeland War, many volunteers in the Croatian Army saw military deployment as more than just their national duty, but as a religious calling to defend Croatia and in some rural areas facets of Catholicism continue to provide a basis for resistance to centralisation and economic change (Schäuble, 2014). This union is probably best exemplified in the expression "*bog i hrvati*" (God and the Croats) that is built on a shared Croat feeling of suffering (Schäuble, 2014: 262). Today, these elements are recurring features in political speeches, religious sermons and in public discourse more broadly.

Identity has been argued to be predominantly linguistic in nature and language is seen as another large differentiator between Serbs and Croats (Joseph, 2004: 12). How people identify themselves is in many ways language and culture specific, so identity can be viewed as a key function of language, equal to those of representation and communication (Joseph, 2004). Language is seen as fundamentally linked with the history of the Croatian people (Fishman, 2006). In order to legitimise modern Croatian language (especially as a language planning project) and a distinct Croatian national identity, Croatian linguistic identity has

⁶⁹ *Matica Hrvatska*, the institution behind the cited publication, is a non-governmental organisation devoted to Croatian literature and culture. Its aims also include the promotion of Croatian national and cultural identity, and it has played an important role in the history of the standard Croatian language.

⁷⁰ It is important to note that this is not universal among the Croatian public or political elites. In 2009 President Stjepan Mesić had a highly public dispute with the Croatian Catholic Church over the place of Catholic symbols in public institutions.

been presented as reaching far into the past (Langston and Peti-Stantić, 2014: 45). The aims of language planning in Croatia since the 1990s have been exclusively symbolic in order to enhance this identity, in large part because ethnic foundations and identities in the region have been so hotly contested over time (Langston and Peti-Stantić, 2014: 57). Language policy was used exclusively in the service of national projects and purity of the language was argued to be essential for the survival of the *narod* (Kordić, 2010: 9).⁷¹ In the 1990s, the HDZ became an active agent of language change since they saw language as the main point of differentiation with other Balkan nations, especially Serbs (Bellamy, 2003: 146). In an effort to legitimise the Croatian nation, an attempt was made to erase anything from the language that could associate or remind Croats of their shared past with Serbs (Richter Malabotta, 2004: 80). Croatian and Serbian were now different languages and if this difference was not visible, then it had to become so (Kordić, 2010: 47).

Langston and Peti-Stantić (2014), however, argue that in Croatia the government itself has not been the primary vehicle of language change, instead this was achieved through non-governmental institutions with similar goals, but greater ambitions. The government rarely seemed eager or willing to introduce legislation or regulations to control language policies, even when conservative parties were in power (Langston and Peti-Stantić, 2014: 145).⁷² Laws that did and do exist were rarely enforced and allowed for exceptions, while even less was done regarding the norms of the language (Langston and Peti-Stantić, 2014: 145). Institutions that have been actively involved in this process and that propagated language planning most successfully functioned in a similar way to language academies in other states, both before and after independence (Langston and Peti-Stantić, 2014: 171). These primarily included but are not limited to the Croatian Academy of Sciences and Arts (*Hrvatska akademija znanosti i umjetnosti* or HAZU), the Council for the Norms of the Croatian Standard Language (*Vijeće za normu hrvatskog standardnog jezika*), the Institute for the Croatian Language and Linguistics (*Institut za hrvatski jezik i jezikoslovlje* or IHJJ) and *Matica Hrvatska*. These are not strictly government institutions, but they do all have significant connections (institutional or financial) to the state, so they do not form a part of civil society either. The government thereby did influence language change through sponsorship of practice rather than by law. The paradox here is that the reason that the issue of a “minority language” has arisen in Vukovar at all is because Croatian as the official

⁷¹ This was not only the case in Croatia, but in the region as a whole. Elites in the region believed it to be important for each nation to have its own language in order to differentiate it from other nations (Kordić, 2010: 167). Language purism was the consequence of nationalist understandings of language.

⁷² Langston and Peti-Stantić base this analysis on a model that divides level of language planning into macro (government) and micro (academic institutions; scholarly literature; and, communication with society) levels.

state language has been defined by law and, therefore, defined Serbian as a different language in need of protection. This would not be the case if the law regarded the two as different variants of the same language, since there would be no argument for the representation of multiple languages.

In the 1990s the above-mentioned institutions started to encourage an exclusive view of the Croatian standard language that actively looked to eliminate anything related to the “East” (Langston and Peti-Stantić, 2014: 277). This exclusivity defined Croatian identity based on religion (Western Christian and Catholic), language (Croatian and not Serbian) and alphabet (strictly not Serbian Cyrillic). Croatian alphabets were defined as Latin, Glagolitic and Croatian Cyrillic (Horvat, 2009: 18). HAZU even complained in 2007 to the ICTY about their reports intended for Croatia being written in Serbian, along a range of other complaints to the EU and Western European universities (HAZU, 2007). The HAZU called on the government to take more action in order to prevent Europe from introducing a single regional language for Croatia, Serbia and Montenegro. This can be interpreted as reflecting either the Croatian public’s or elite’s fear, discussed in previous chapters, that Europe and the West were treating Croatia as a part of an inferior region together with its neighbours. Whose fear it represents is debatable and indicative of the strange position of HAZU, since they and other similar institutions occupy a grey area between government institutions and civil society.

These notions of identity sit alongside the war narrative, which presents the relationship as one of aggressor and victim. In this sense, the Serbian Orthodox Church is seen as inherently aggressive, as opposed to the forgiving and compassionate Roman Catholic Church in Croatia. The Serb community is seen as taking advantage of their unique status in Croatia, granted to them by an open multi-ethnic state. These attitudes, however, feature a range of contradictions. The situation with Cyrillic in Vukovar, discussed at the end of this chapter, exemplifies this best. The Serb community feels the effect of these narratives, since they are seen as undeserving of some of the rights granted to them by the Croatian state. The implications of this can be exacerbated during turbulent times, such as war, where ingroup and outgroup relations are potentially dangerous and even a matter of life and death (Dugandžija, 2006). They become a matter of self-defence and, especially because of this notion, in Croatia they can be related to the feeling that the war is not over.

8.1 Contradictory attitudes towards minorities

Survey results on attitudes towards minorities are ambiguous and point to a generally positive view of them, whereas the focus group and interview data point to a far more pessimistic view of the Serb minority specifically. Three general trends are apparent in surveys: that the Croatian public claims to view ethnic minorities in Croatia favourably, that they rank harmony between ethnic minorities as a low political priority and that they do not believe localities with significant Serb populations should have signs in Cyrillic. The low priority given to ethnic relations can be seen on Table 11, where it ranked only slightly higher than “Cooperating with the ICTY and punishing war crimes” on three separate surveys. Participants in this study further reflected this, when asked to rate the importance of three principles of the Croatian constitution, ethnic equality scored lowest, although only marginally so (Figure 9). Surveys by Ilišin (2011) conducted in 1999 and 2004 support these findings (Table 14).

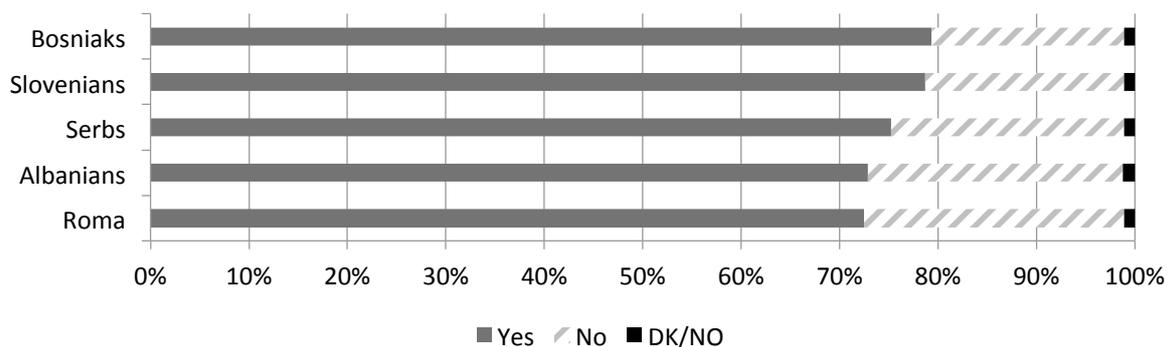
Table 14. How important do you believe the following principles of the Croatian constitution to be?

<i>Constitutional Values</i>	1999	2004	
	Young people	Young people	Elderly
<i>Freedom</i>	(1) 91	(1) 94	(1) 95
<i>Respecting human rights</i>	(2) 88	(2) 92	(2) 94
<i>Equality</i>	(4) 74	(3) 86	(4) 87
<i>Social justice</i>	(3) 76	(4) 82	(3) 89
<i>Maintenance of the environment</i>	(5) 73	(5) 79	(6) 83
<i>Gender equality</i>	–	(6) 79	(7) 80
<i>Peace building</i>	(6) 67	(7) 76	(8) 80
<i>Integrity of ownership rights</i>	(7) 65	(8) 73	(5) 86
<i>Ethnic equality</i>	(9) 58	(9) 71	(10) 75
<i>Rule of law</i>	(10) 55	(10) 64	(9) 79
<i>Democratic and multi-party system</i>	(8) 61	(11) 58	(11) 72

Source: Ilišin (2011)

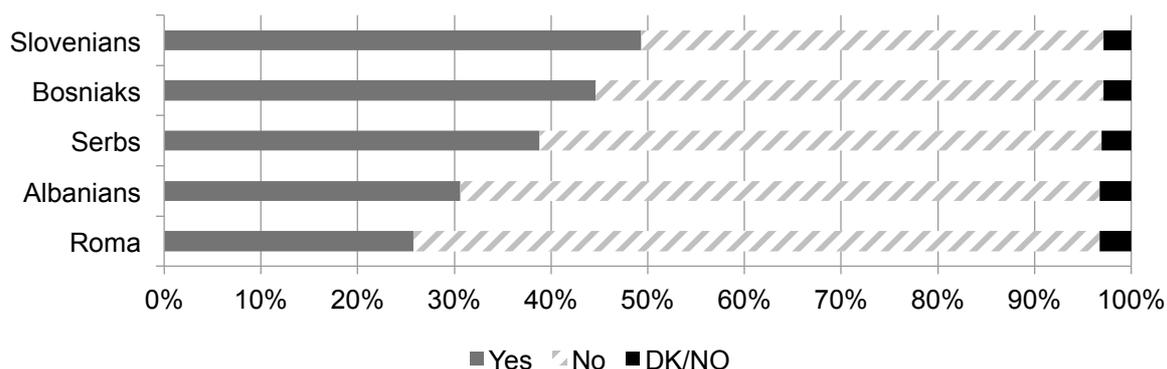
The Ipsos Puls (2012) survey found that the Croatian public generally looked favourably on different ethnicities living in Croatia (Figure 19) but less favourably on coming into familiar contact with members of those ethnicities (Figure 20).

Figure 19. Members of different ethnicities frequently come into close interpersonal contact. What form of interpersonal contact would you find acceptable with the following groups? To live in Croatia.



Source: Ipsos Puls (2012)

Figure 20. Members of different ethnicities frequently come into close interpersonal contact. What form of interpersonal contact would you find acceptable with the following groups? To be a member of your family.



Source: Ipsos Puls (2012)

What is striking here is not only the negative opinion of Serbs, but of all ethnicities listed. This calls into question the centrality of Serbs, they appear to be liked and disliked as much as other groups. Participants in this study also displayed ambiguous opinions in the survey element. A survey question regarding Serb minority involvement in the development of museums dealing with 20th century Croatian history received a generally positive response, but as the below passages will show, strong negative opinions of the minority were also present (Figure 6). This presents another instance of contradiction where norms of inclusivity, expressed by the public, meet a relatively strong war narrative by which issues of minority rights are instead interpreted as an attack on the Croatian people. Moreover, this highlights the conflicting nature of quantitative and qualitative research methods. Quantitative methods can miss narratives that influence behaviour and individuals may be

aware of the social expectations to express openness towards Serbs, although they may not act consistently with this opinion in specific situations (such as Cyrillic in Vukovar).

8.2 Serbs

Throughout all of the group discussions related to Serbs in Croatia, war veterans and pensioners were exceptionally vocal, while teachers were quiet. The two target segments spent much time discussing the Orthodox Church and the current position of Serbs in Croatia, in particular. Across all groups, however, much discussion centred on the war and the role of the Croatian Serbs in it. Much of this focused on the notion that there was no expulsion of Serbs from Croatia (that they left willingly), that they committed more crimes than Croats and that they knew the war was coming and were, therefore, prepared for it.

All groups felt that Serbs and Serbia had not punished their own criminals the way that Croatia had. Various reasons were given for this, from the strength of nationalism in Serbia to conspiracy theories concerning political elites in the region as a whole:

ZA.T.2 – The problem in Serbia is that it has not come to terms with the role she has played [in the war] and now the current government is quite radically nationalistic... (pauses) They allow them to be Greater Serbs, chetniks, nationalists, this and that (follow-up interview with Zadar teacher).

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ZG.V.4 – Courts in Serbia have not convicted a single officer. They have sentenced a few regular soldiers, volunteers. Courts in Croatia have convicted highly ranked officers from colonels to generals in the Croatian Army. Like Norac, the commander of the Gospić defence (focus group with Zagreb war veterans).

There was, however, disagreement over exactly what was necessary by the Serb side to be seen as trying their own. In the below passage, one participant felt that Serbia was doing enough by cooperating with the ICTY, which another participant saw as a defence of Serbian aggression. Accusations such as this can limit the potential for constructive debate about interethnic relations or even the past more generally:

ZG.P.3 – Who sent [Milošević] to The Hague?

ZG.P.2 – That is what I wanted to say, in the end the Serbs sent him.

ZG.P.1 – Well yes, they sent him, they had to.

ZG.P.3 – What more do you want?

ZG.P.2 – Do not argue.

ZG.P.1 – You are defending Milošević and the Serbian aggression.

ZG.P.3 – No!

ZG.P.1 – If I need to discuss this with you.

ZG.P.3 (interrupts) – This is our Croatian politics.

ZG.P.1 – Do not teach me about Croatian politics, I have seen it all up close.

ZG.P.3 – Do not teach me, I am older and I took part in the Second World War! I can read between the lines quite well (focus group with Zagreb pensioners).

This passage (also previously quoted) shows how such heated debates quickly lead to the topic of the Second World War. Pensioners and war veterans felt that Serbs, as an ethnicity, were inherently aggressive and hateful. Again, this was closely connected to the predominant war narrative and the feeling that the war is not over. In extreme cases, Serbs were seen as teaching their children to hate. This was compared to the peaceful nature of the Croat people:

NU.P.4 – Us Croats are that kind of *narod*. Even though the wounds are deep and it is difficult for someone who has lost someone, but reconciliation will come from our side before it comes from theirs. Although they maybe say it is not so. They are simply that kind of *narod*.

NU.P.1 – They would wage war now.

NU.P.4 – Yes, they are like that. It is in their blood.

NU.P.2 – Since they teach them to hate (focus group with non-urban pensioners).

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NU.V.3 – Šešelj said that he is not giving up on the Greater Serbian plan.

NU.V.5 – Šešelj will always say that.

NU.V.3 – In Serbia there were 4000 people [at the rally]. It means they are thinking about it.

NU.V.5 – Tadić is no better than him. What can you do?⁷³

NU.V.3 – They are full of hatred. They gathered in Belgrade, young people. I saw no old people. These were young people (focus group with non-urban war veterans Banovina).

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ZA.P.3 – The Croatian *narod* has never attacked anyone, since King Branimir. We may have to defend ourselves again. So we have use politics to somehow maintain peace here and to keep good neighbourly relations. I think this is elementary.

ZA.P.2 – It is just that [the Serbs] do not want this (focus group with Zadar pensioners).

⁷³ President of the Republic of Serbia from 2004 until 2012.

These exchanges all highlight how these Croat participants view Serbs. Non-urban pensioners saw Serbs as inherently aggressive and, through their discussion, created an “us versus them” division. Non-urban war veterans highlighted this inherent aggression by highlighting how young people, in great numbers, were attending nationalist rallies in Serbia. Finally, the Zadar pensioners used the symbol of King Branimir to portray how ancient and hereditary the trait of Croatian peacefulness is, as opposed to Serbian aggression.

This is closely related to how respondents viewed the Catholic and Orthodox Churches, the former as peaceful and the latter as aggressive (discussed below). It is also linked to the general view of the Greater Serbian plan, discussed in more detail in Chapter 5. Respondents believed that “Greater Serbia is an idea that lives on and will live on in many Serbs and generations to come” (focus group with Zadar war veterans) and attempts to introduce Cyrillic signs in in Vukovar were at times seen as an attempt to implement this plan.

Not all comments directed at the ethnic Serb community were negative. Since discussions predominantly focussed on the Homeland War, there were admissions across all groups that Serbs, although only a minority, did fight on the Croatian side in the war. Croatia was by some also seen as the homeland of the Serbs. Teachers generally felt that it was hard for Serbs during the war, while war veterans considered “good” Serbs to be the ones that fought on the Croatian side:

ZA.T.2 – There were those that even joined the Croatian Army and had some important tasks.

ZA.T.1 – Yes.

ZA.T.2 – For example around Šibenik, the island of Žirje where the military commander was Serb and who significantly helped with the defence of Šibenik. Little is said about the number of Croatian Serbs who voluntarily joined the Croatian Army and participated in the defence together with their countrymen, which is very difficult and should be praised (focus group with Zadar teachers).

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NU2.V.2 – I can say one thing from my personal experience, and my wife here can testify to this, that at the time, and it was a hard time, 1991 after the fall of Vukovar, I came home from the battlefield one day to find a colleague here, a Serb. I worked with him, before the war, and I was his friend at the time, we are friends today and we were friends during the war. That man came to me in tears to tell me he had to run away. He knew I was in the army. As soon as I realised that he was looking to me for help, as a friend, because it was not his fault he was Serb. He came to me out of dire necessity, since he was planning to run away. I told him that I know that it is not easy for him, people are doing things they will regret, it is a time when you have to look out for your own head, and that he is a friend and I know that he is not a Greater Serb, but his two cousins immediately joined the other side. One of them died in Bosnia. They were at a certain

moment taken by this Greater Serbian idea and they fought on the territory of the Republic of Croatia, Eastern Slavonia and later Bosnia and Herzegovina. And then, as much as now, I do not believe that it is his fault who his parents were or what his cousins did. He stayed in Croatia, he spent the whole Homeland War in Croatia. I told him that I would do everything in my power so that he would no longer be persecuted. I told others to stop and to this day he is grateful to me for that. And I made sure to find out if someone did that. Second, I told him that if he left now, then as far as I am concerned, he is no longer welcome in the Republic of Croatia and in this city. A time has come for us to pick sides and your ethnicity is not your fault. You are not guilty for the crimes of the Greater Serbs, but you can prove your loyalty to the Croatian state by remaining here. There were not few of these Serbs, there were also such Serbs who also fought with me, who defended their families, their homes, their homeland and I do not know what else. But that the great majority of these Serbs were seduced, they say seduced, I am not so sure, since I could not be seduced like that by anyone (dyad with non-urban war veterans Slavonia).

This last quote is indicative of the strength of social ties in the local community and the results have been replicated in the survey setting (Babić, 2008). Both quotes show how these memories are drawn from local knowledge or experience. Nevertheless, their logic states that Serbs did not help, although participants knew specific instances of Serbs who did help. Despite so many communities being destroyed, neighbours did protect each other and such memories have survived through the war narrative. This provides hope for the rebuilding of local communities, especially in war hit areas, where inter-ethnic tensions are particularly high.

All target segments believed that Serbs overall were manipulated by Greater Serbian politics. This creates yet another contradiction with the war narrative's notion of exclusively Croat victimhood and Serb aggression. Instead it reformulates it into Serbian state aggression and manipulation of all ethnicities in Croatia, painting them all as victims:

SI.T.1 – The Serb minority currently has a very interesting situation. I think they were manipulated in this whole story. They were a tool of Greater Serbian politics and Milošević used them for his own interests. They will never celebrate this because for them this is a national tragedy. If they will ever be proud or not, you will have to ask them.

SI.T.2 – This does not concern us (focus group with Sisak teachers).

The Sisak teachers laugh off, and thereby ignore, this difficult issue of what happened to the Serb community in Croatia. This reaction is similar to that of the group, and other groups, to mentions of the Church's in the war or to Croatian involvement in Bosnia. On the other hand, the Zadar teachers, for example, thought that Serbs considered themselves to be eternal victims and that they were only affected by the war on the frontline. Serb returnees were, however, only brought up and discussed by war veterans, who debated the topic at length. They universally saw them as accomplices to war criminals, although they also connected this in sequences to the failure of the Croatian state and of Croatian institutions:

NU.V.5 – So I told [a Serb returnee], this war criminal, I told him “in you, in every person who return from Serbia, I see the potential killer of my husband.” He responded “please madam do not be like that.” So I responded, “until you tell me who killed my husband, I have the right to think so. I can walk through the town with my head raised high. I have the right to say this. You are the killer of my husband until you reveal who actually is.” I explicitly told him, “Free me of this because it is not easy for me to look at each person who has returned as a potential murderer of my husband.”

NU.V.3 – And the institutions are not doing their job.

NU.V.5 agrees (focus group with non-urban war veterans Banovina).

To many in Croatia, Serbs are seen as the embodiment of collective Serbian guilt and collective Croatian suffering (Ramet et al., 2008: 24). Individuals have all too frequently employed notions of collective guilt, especially since guilt has not been individualised to any significant extent. Moreover, a 2004 survey found that a majority of the public was only prepared to forgive Serbs who were not criminals (Babić, 2010: 137). The combined implication of this is that, if many Serbs are seen as criminals due to their ethnicity (especially returnees), then readiness for forgiveness can be interpreted as low in Croatia.

8.3 The forgiving Catholics and the aggressive Orthodox

National and ethnic identity in Croatia is closely linked to religion (Babić, 2010; Smith, 1991). The Catholic and Orthodox churches featured in all group discussions. They were discussed as a source of information on the war and the Catholic Church specifically was seen as educational and reliable. For example, a non-urban teacher felt that since the Church had been with the Croatian *narod* for 13 centuries and that it was more consistent than any state. In many instances, however, the topic was laughed off.

The two churches came up in other parts of discussions as well. These can be divided into four separate categories: opinions about both overall; the Church as a key component of identity; the Catholic church specifically as forgiving; and, the Orthodox church specifically as aggressive. Overall teachers saw all Churches as politically biased (towards the right), political or corrupt, although this did feature some disagreement within groups. Pensioners also discussed the Church, although they were not as critical, while war veterans generally avoided the topic:

ZA.T.2 – The Islamic community, the Serbian Orthodox Church and the Catholic Church, they all strictly adhere to.

ZA.T.1 (interrupts) – Their Church.

ZA.T.2 – Their flock (laughs). And the innocence of their own *narod* (focus group with Zadar teachers).

-

NU.T.2 – They are politically right leaning, which is what Churches on these territories have traditionally been, since the time of the Turks (interview with non-urban teacher).

-

ZG.P.4 – The Church is all right but it cannot contradict what the constitution tells it. It has a religious function and that function it has to do. It cannot run politics.

ZG.P.1 – And it does not run politics. The parliament runs politics, the President.

ZG.P.4 – I am just saying my opinion, you can have yours.

ZG.P.2 – I sometimes talk to some people who are quite religious, I for one am not, but people are unhappy about how much the church is meddling in politics, in things that are not really its business, its job. As I said earlier, before you (ZG.P.1) arrived, this Latin-American Catholic Church is actually on the side of the poor, but ours was in an alliance with the HDZ. It never condemned the theft, the cheating, nothing. They only talk like you (ZG.P.1), about how communists or criminals are in power. I do not think this is the role of the church. It should deal with religious questions. That is my opinion.

ZG.P.1 – Do you know who defends the poor here? Who feeds the poor in soup kitchens?

ZG.P.2 – I know it is the Church, but they also receive donations from the state.

ZG.P.1 – Many do, even civil society organisations.

ZG.P.3 – Have you (ZG.P.1) looked at the treaty between the Vatican and our Church? Do you know how many billions are tied into it?

ZG.P.1 – I do not.

ZG.P.3 – Do you know how many churches have been built? How much they were shot at?

Moderator interrupts to calm participants down (focus group with Zagreb pensioners).

The last passage highlights the political associations that are at times made with the Catholic Church in Croatia, as well as the potential for disagreement associated with it. It also highlights the emotional nature of the topic and, much like in the narrative of Croatian defence and victimhood, the strategy of deferring to how much the Church suffered during the war (for example, when ZG.P.3 refers to churches being shot at), thereby avoiding the difficult discussion regarding its role in society. The common dissenting view to the above was that the Church has a role, but not a political one. Groups that on the whole disagreed with the above views thought that the role of the Church was purely spiritual:

SI.T.1 – The Church is concerned with spiritual work and not political.

SI.T.2 – And charity.

All laugh (focus group with Sisak teachers).

-

SI.V.2 – The Church talks about the Lord. And to have faith in the Lord. Not in Milanović. In him I have no faith. But in Him above I believe. That is what the Church says.

SI.V.1 – Most of us wore rosaries around our necks during the war. That tells you that few people would put a rosary around their neck and consciously commit a war crime. We wore rosaries around our necks to pray for our dead so that they could give us courage and strength.

SI.V.3 – To put up with it all.

SI.V.1 – I experienced a huge fear in war. I was a small woman of about 45 kilos, I had to carry a large rifle and then had to go to unfamiliar terrain where there was shooting. I was more scared of the luminescent bullets than the airplanes. I do not know why. Here I panicked. I prayed to God to give me strength. But why? To defend my home. When I saw the people from Vukovar, when I saw that evil, I saw my own children cry, I just could not allow this. I did not go to war because I hated someone. I went because I loved someone. I loved my children and my *narod*. I did not want to see them fleeing like that. I asked myself, what if everywhere was like Vukovar, what if these Croats here experienced the same? A man came to our company at night, where I worked. And the boss came. They let him live so that he could tell us what was coming. So I went to war because I loved my family, not because I hated someone. But now, war is war. When you see the injured, the dead, you start to hate the other side a bit. But as I said, I wore the rosary. And the priest would sometimes come to the battlefield. He never told us to kill. As far as the Church is concerned, not even in one mass. He would pray to God to also enlighten them. But he prayed for our bravery, our patience, to wage a war. And who is waging this war? But as I said, we came back to nothing. It is different when you are waging war in a different country against someone else. You come back from war to your home and your family. Many came back and had no house. They had nothing. They came back to despair. Who was there to welcome you? This is the difference. This is a defensive war (focus group with Sisak war veterans).

This last passage shows the connection between the Catholic Church and the notion of Croatian defence and victimhood. The rosary is first seen as proof that it was not possible to consciously commit a war crime. By referring to “conscious” crimes, the participant further supports the notion of crimes of passion, which are not considered fully conscious. Then, in the sequence the participant moves the conversation back to Croatian victimhood (Vukovar), suffering and a defensive war. By portraying the Catholic Church as purely spiritual and concerned with humanity, Serb or Croat, the participant vilifies the Serbs in comparison to the forgiving and compassionate Catholic Croats. Again, by moving the topic to Croatian suffering and defence, this also enables the conversation to move off the difficult topic of Church involvement in the war.

The Church was seen as identifying ethnicity in a number of ways. War veterans especially, but not exclusively, did not consider only Croatia and the Croat *narod* to have been attacked,

but also the Catholic Church. On the other hand they used the term Serbs (*Srbi*) and Orthodox Christian (*pravoslavci*) interchangeably to refer to ethnic Serbs:

NU.V.3 – For [the murder of] my parents Tarbuk gave the order. The Serb, Orthodox, leader (focus group with non-urban war veterans Banovina).

-

SI.V.2 – People of the Orthodox faith, Serbs, were informed when to leave before the artillery fire started (focus group with Sisak war veterans).

-

NU.P.3 – The Church protected its Catholic *narod*. It knew who attacked the Catholics (focus group with non-urban pensioners).

-

ZG.V.1 – [The Serbs] do not see themselves as members of the Serb ethnic minority, but as political Croats of Serb ethnic origin. Or some only as Orthodox Christians. Political Croats of the Orthodox faith. [...] And who in the last census did not identify themselves as Serbs.

ZG.V.2 – As Orthodox Christians yes, as Serbs no (focus group with Zagreb war veterans).

-

NU2.V.2 – Today they talk about Serb village, but these are not Serb villages, but Croatian villages with Orthodox inhabitants (dyad with non-urban war veterans Slavonia).

Teachers and other pensioners agreed with these notions in a general sense, although they seemed to see it more objectively:

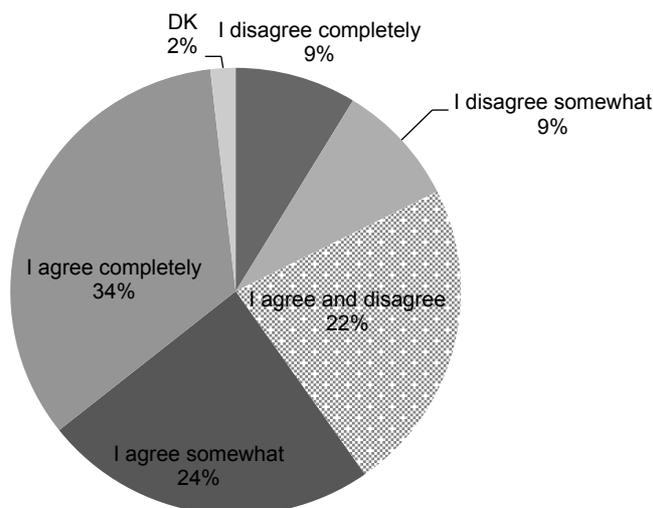
ZA.T.2 – The Croatian Catholic church acts more as a Croatian church instead of as a universal Catholic or Christian Church. The same goes for the Orthodox Church or for Islam. They act more under this notion of ethnic identity than under their notions of universality, as it should be (follow-up interview with Zadar teacher).

-

ZG.P.4 – In 1981 and 1982, before anything started, they were Catholics of the Orthodox faith. Actually Croats of the Orthodox faith. That is what they called themselves, without me asking. Later this heated up, took on a different shape and colour, and the hatred began (follow-up interview with Zagreb pensioner).

There is an attitude among the Croatian public that Croatia would be better off if all citizens followed Christian moral values (Figure 21). This may be indicative of a strong connection to the Church, but only inasmuch as there is a belief that the Church embodies those values.

Figure 21. Croatia would be better off if all citizens followed Christian moral values.



Source: Ipsos Puls (2012)

War veterans and pensioners saw the Catholic Church as forgiving and, therefore, Croats as a forgiving *narod*. This notion came up exclusively in a spontaneous fashion in those groups and never came up with teachers. Forgiveness was discussed through the use of Catholic symbols and language. Moreover, the topic was frequently associated with reconciliation in the region:

ZA.V.4 – In our Catholic country they say that, in order to forgive someone, that someone has to ask for forgiveness. They have to be aware that they sinned. If I hurt someone, who will forgive me anything if I am not first aware that I have hurt them. Only then can I ask them for forgiveness. I also need to repent and be aware that I have truly hurt them and I never want to do that again. [...] If someone truly apologised to me, maybe I would have that feeling. They have repented and I will forgive them.

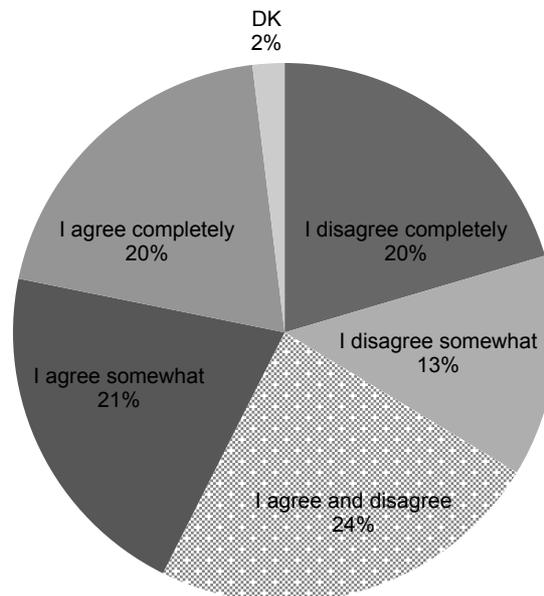
ZA.V.3 – You would, because you are Catholic (focus group with Zadar war veterans).

-

NU.P.3 – I am a believer. How can I forgive a criminal who does not seek forgiveness?
This is a question of faith (focus group with non-urban pensioners).

This has the implication that forgiveness, in the eyes of these individuals, is interpreted as religious and specifically Catholic. The would-be sinner must, therefore, ask for it. Given there is a slight preponderance of citizens who believe that the Catholic Church is the predominant moral authority in Croatia (41% agree versus 33% who disagree), this can have far reaching consequences (Figure 22).

Figure 22. The Catholic Church is the moral authority whose opinions should be adhered to by all citizens.



Source: Ipsos Puls (2012)

Whereas some target segments saw forgiveness as exclusively Catholic or Croat, there was much wider agreement across groups that the Orthodox Church was inherently aggressive. Consequently, there was consensus that the Orthodox Church was involved in the war, directly or indirectly. For example, the Zadar war veterans described coming across Orthodox Churches being used as ammunition storage and a non-urban teacher noted, "I know the role of the Orthodox Church in the war, it is well known" (interview with non-urban teacher). It is, however, important to highlight that the researcher is not tied to either religion, which may offer a more objective view, but it may also lead to undue bias in portraying the position of religion in Croatian society as problematic.

8.4 Serb minority rights

The special place that the Serb minority holds in Croatia, due to the legacy of the war and the large size of it, was reflected in discussions. Respondents felt that the minority was unique and that it received more rights than other minorities, as well as more rights than Croats in Serbia. The Serb minority was considered unique for a range of reasons: for

getting special treatment as victims; for their perceived self-imposed segregation; for having to suffer for others' crimes; due to the Law of General Pardon;⁷⁴ and so on:

NU.T.1 – I think that today, some 15 years since Operation Oluja, they are given such rights and benefits that barely any other minority gets in Croatia (interview with non-urban teacher).

-

SI.T.2 – We cannot talk about any kind of reconciliation because [the Serbs] are equal citizens of the Republic of Croatia. No one belittles them. Just read an issue of the Serb *Novosti*,⁷⁵ by the Serb National Council, and you will see what kind of articles are put in there. Can you in any other country write those types of articles about the country you live in, to smear it, and to still receive funds from the government? As far as the Croats are concerned, there is no problem. I think we need to, as my colleague said, ask the Serb side how they view the process of reconciliation. Because we have no problems.

SI.T.1 – No one has gotten into a fight with anyone here since 1995.

SI.T.2 – Yes.

SI.T.3 – I do not see who still has to make peace, how this would even happen.

SI.T.2 – Yes (focus group with Sisak teachers).

-

ZG.V.1 – Auto-segregation and auto-ghettoization, through which [the Serbs] for their own reasons dissociate themselves from the complete national Croatian political corpus. So Hungarians go to Croatian schools, Russians go to Croatian schools, the Czechs and Germans go to Croatian schools, everyone. Only Serbs go to Serbian schools. This is not a question of their ethnic identity. This is a method of their auto-ghettoization and auto-segregation, which then of course leads to a separation (focus group with Zagreb war veterans).

Passages such as these were common. The exchange between the Sisak teachers also highlights that, despite referring to a process, the manner in which the participants discussed reconciliation implied that they felt there was no process. Instead, they transfer the problem and the blame for it to the Serb minority. Veterans complained a great deal about the Law of General Pardon, which they felt gave Serbs special rights, while on the other hand teachers felt that the general Serb population was unique in that a few “bad apples” had made it difficult for the whole ethnicity to live in Croatia. Generally, however, as in the above passages the ethnic group was often compared to others, especially Italians in Istria:

NU.P.5 – Because they did not stab the Croatian man in the heart or the back. No Croats attacked these poor Serbs, but they attacked us. But with the Italians it was different. When I was in the army, I was told not to sing the songs about our conquest of Trieste. And we gave Trieste back. There is no more war. In Istria there are many Italians. But

⁷⁴ The Law of General Pardon (*Zakon o općem oprostju*) was passed in 1996, following the end of the war. It protected former members of Serb forces from prosecution, other than for serious human rights violations (Narodne Novine, 1996).

⁷⁵ *Novosti* is a weekly magazine published by the Serb National Council (SNV).

they have not hurt Croatia in any way, but the Serbs wanted to put all of Croatia under the boot (focus group with non-urban pensioners).

At times the position of the Serb minority in Croatia was compared to the Croat minority in Serbia. Again, there was a feeling that Croats were worse off than their Serb counterparts:

NU.P.1 – They have Pupovac. But ours do not exist in Serbia.

NU.P.2 – Well they would slaughter them.

NU.P.1 – Stjepan Radić.⁷⁶ They killed him and injured his brother. They would do the same with us. Can you not see that there are none of us there (focus group with non-urban pensioners)?

These comparisons between the Serb minority and other minorities led to a feeling that the Serb minority should not, but does, receive more rights than other minorities. The reasons for this can be divided into four broad categories, each of which features many examples. First, because of what they have done and the legacy of that, so they do not deserve more rights until the country is de-mined or the missing persons are found. Second, because of what they do today, such as voting based on ethnicity. Third, because of what they may do in the future, for example to attack once again (this is connected to the notion that the war is not over). Finally, they should not receive more rights because Croats do not. Examples of all of these included:

ZA.V.4 – We need to continue living. Without coexistence it is not possible. Tell us where the bones of the dead are, where the left over mines are. Let us build a future together (follow-up interview with Zadar war veteran).

-

ZG.V.4 – This is no assimilation. One ethnic Hungarian Croatian votes right, the other left. One for the HDZ, the other for the SDP. But they do not vote based on their ethnicities (focus group with Zagreb war veterans).

-

NU.T.1 – With the Serbs, with who we waged war. We need to keep a civilised level of relations, respect, dialogue, but to never forget that inside of them there is a hidden seed of conquest, a call, which if it is watered slightly, can sprout out. To always be alert and to keep a certain distance (interview with non-urban teacher).

War veterans suggested using the issue of missing persons as leverage for the Serb community to gain more rights, while others claimed that special rights prevented

⁷⁶ Stjepan Radić was a Croatian political leader in the early 20th century. He founded and organised the Croatian Peasant Party (*Hrvatska seljačka stranka*), had a large degree of support in Croatia and advocated for Croatian autonomy within a federalised Yugoslavia. In 1928 he was assassinated in the Yugoslav parliament.

reconciliation. Some felt it was too soon for the Serb community to be given special rights, which is where Cyrillic was often used as an example.

8.5 Cyrillic

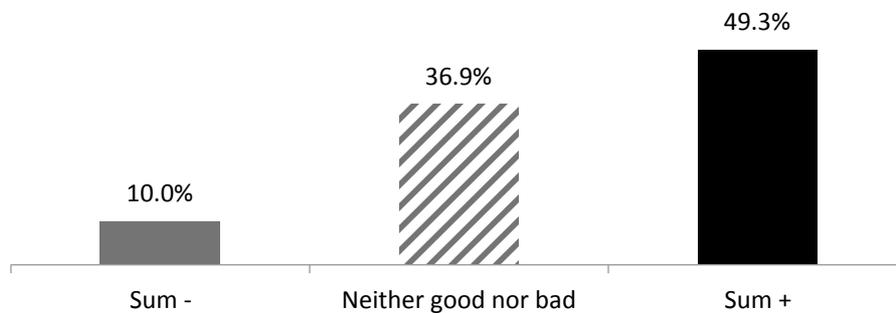
The issue of Cyrillic signs in Vukovar illustrates the inherent contradictions present in how Croatia and Croats deal with the Serb minority in the country. While nearly all respondents felt that Serbs should have the right to Cyrillic signs, they also felt that it was too soon to put them up in Vukovar. No date was, however, given for when the right time might be. While the Serb minority was for a variety of reasons seen as undeserving of this right, all segments agreed that the government created the issue in the first place. Survey results point to similarly contradictory outlooks.

Across a range of longitudinal measures, attitudes towards ethnic minorities can be interpreted as open and positive. The Kolstø (2011) survey asked a range of questions related to this topic and found that:

- Ethnic and civic identity were of nearly equal importance, although civic identity ranked higher than ethnic.
- Respondents felt they had the most in common with inhabitants of Croatia, regardless of ethnicity, rather than members of their ethnicity living abroad.
- There was some disagreement over whether ethnicities in Croatia were treated equally (44.3% felt they were, 45.7% felt they were not), although this does not indicate if respondents were unhappy with how Serbs, Croats or any other ethnicity were treated. Results from focus groups and interviews in this study indicate that it may be the case that Croats are being seen as treated unfairly. On the other hand, the regions that felt strongest that treatment was unequal (and therefore answered “no”) were Zagreb, Hrvatsko Primorje, Gorski Kotar, Rijeka and Istria, regions that also displayed the most openness towards ethnic Serbs in the rest of the survey. Slavonia, which on the other hand did not display this, featured the most respondents who felt that treatment was equal. Babić’s (2010) longitudinal results further support this difference between the regions.
- Both majority and minority groups were strongly (79.8%) seen as deserving equal rights. In other words, that no one deserved special rights.

- For the most part interethnic relations were regarded as positive or at the very least rarely negative (Figure 23).

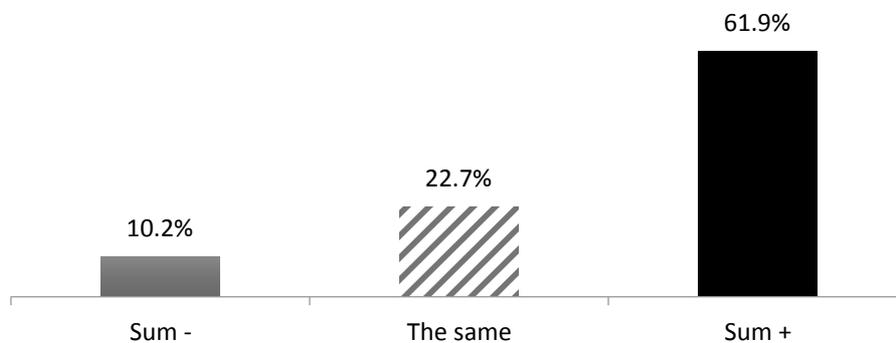
Figure 23. How do you evaluate interethnic relations in Croatia. Do you think they are...



Source: Ipsos Puls (2012)

- Interethnic relations were also seen as having improved in the last ten years (Figure 24)

Figure 24. How do you compare current interethnic relations in Croatia compared to ten years ago? Are they now...

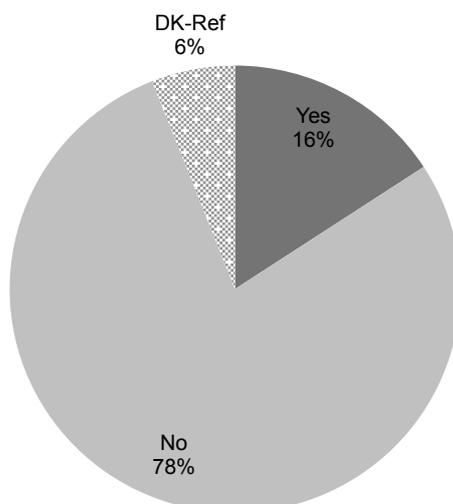


Source: Ipsos Puls (2012)

- The Ipsos Puls (2012) survey also found that respondents overwhelmingly felt that ethnicities should not live alone in their own states.

The above stand in stark contrast to the strong objection to Cyrillic signs in Croatia. The same Kolstø (2011) survey found that respondents were predominantly opposed to the introduction of such signs in villages and towns with significant Serb populations (Figure 25). Participants in this study reflected this nearly universally.

Figure 25. Do you think that the names of villages and towns with significant Serb populations should be also written in Cyrillic?



Source: Kolstø (2011)

That is not to say there was consensus among participants or groups on the issue as a whole, but all participants agreed that this policy ought not to be implemented at the time. Respondents universally argued that introducing Cyrillic signs in Vukovar and in Croatia more broadly was not the same. Vukovar as the “hero city” was frequently raised as the reason for why it was too soon to do so:

NU.T.3 – But we all forget that Cyrillic is also a Croatian alphabet.

NU.T.4 – Yes. And formally as well, but this means something different to them.

NU.T.3 – Something different, that is right.

NU.T.4 – Those wounds are still too fresh. I do not know, if I were from there, to have lived through it, I do not know how I would react. Currently I have no dilemmas about Cyrillic in Vukovar, just like Istrians have no problems with Italian. And they should have because the Italians occupied them, they depopulated them and everything. But they do not have a problem, 40 years have passed, and then do not have a problem.

NU.T.3 – Yes, yes.

NU.T.4 – Maybe in 50 years in Cyrillic in Vukovar will also not be a problem (dyad with non-urban teachers).

The teachers appropriated, integrated and welcomed Cyrillic into Croatian culture and society, but they do not see Cyrillic as representative of Serbs any more than of Croats. They, thereby, do not welcome Serbs into society in the same manner. At times Cyrillic in Vukovar specifically was seen as a continuation of the war and an act of aggression. It fit

into the dominant war narrative and featured similar characteristics: such as the direct connection between Serb aggression and the Croatian state's failure to protect its people; the notion that all Serb returnees are criminals, therefore, marginalising them in society; and, a folk theory of minority law, which misunderstands the actual law but makes sense in participants' internal logic:

ZA.T.1 – They are pouring salt on people's wounds. I do not know how someone even came up with the idea to put [the signs] right there.

ZA.T.2 – Someone wrote that law and they knew that it could be used in Vukovar. Obviously whoever was making this law was not aware of the geography and population, or it is simply a case of negligence.

ZA.T.1 – Yes.

ZA.T.2 – The state is at fault (focus group with Zadar war veterans).

-

SI.V.1 – This is a provocation! They are even waging war in peacetime (focus group with Sisak war veterans).

-

NU.P.3 – If I were in power, I would put this Cyrillic on two signs, one at the front of the column, one at the back. And then over the Danube. Who knows how to swim, who does not... (pause) This is just digging. Our children will have to once again wage war because of these types of things.

NU.P.1 – You are a minority *narod*. Surely the majority *narod* is the ruler in their own state. What are we talking about? This is what it is like all over the world.

NU.P.3 agrees.

NU.P.5 – Cyrillic slaughtered Croats!

NU.P.1 – Do you know how many ethnicities live in Vukovar? Hungarians, Russians... What if they all want their own signs and schools?

NU.P.4 – Especially in Vukovar (focus group with non-urban pensioners).

The language employed in many of these passages is highly symbolic ("hero city"), accusatory ("this is a provocation"), emotional ("blood from the war has not dried yet") and at times even aggressive ("and then over the Danube"). This highlights the significance of the issue and of the potential for Vukovar and Cyrillic to stir up emotions. As already noted in some of the above passages, the introduction of Cyrillic signs in Vukovar was across all groups seen as the fault of the government and as a political game of some kind. In extreme instances it was seen as a provocation or even an attack from Zagreb:

ZA.V.6 – Cyrillic in Vukovar and Cyrillic in Croatia is not the same thing. Cyrillic in Vukovar is a grenade from Zagreb directed at Vukovar. Zagreb is attacking Vukovar.

ZA.V.2 - Once again (focus group with Zadar war veterans).

-

ZA.P.1 – Cyrillic in Croatia? It would be normal to have it, like Bulgarian Cyrillic, Macedonian, like...

ZA.P.3 (interrupts) – Like English.

ZA.P.1 – This is our alphabet, not only theirs. Cyril and Methodius were also apostles to our ancestors.

ZA.P.4 – Cyrillic is not the problem.

ZA.P.1 – However, they are misusing Cyrillic. Just imagine this in Vukovar, it is such a clear example. The blood from the war has not dried yet, from the killing of the people in Vukovar and they are bringing, the Prime Minister is bringing signs with Cyrillic to put on... Even a blind man can see that this is a first class provocation. A provocation (focus group with Zadar pensioners).

Cyrillic in the above sequence is not discussed as a legal issue, it is politicised and turned into an issue of internal politics and, by referring to the blood that is yet to dry, connected to Croatian victimhood. All target segments connected the issue of Cyrillic in Vukovar primarily with the Croatian government, at least as the initiator of this effort, and not necessarily with the Serb minority. Overall it was seen as proof of special treatment of the ethnic Serb community. At times they were seen as a victim to party politics and at other times as an ally of the “infiltrated” government. Some saw it as a method for politicians to hide real problems, such as the economy, while other saw it deeply mired in party politics and blamed either the SDP or the HDZ:

SI.T.2 – This is political.

SI.T.1 – Against the current government.

SI.T.2 – Yes, the current government is using Cyrillic to annul greater problems than Cyrillic.

All agree.

SI.T.1 – It is cheaper to put up 100 signs than to remove loss making companies and to revitalise economic life.

SI.T.3 – You need to know that here, as soon as big problem arises.

SI.T.2 – A smaller one appears.

SI.T.3 – A media war starts. A new Cyrillic! A new Milošević!

SI.T.1 – Pure politicisation.

All agree

SI.T.3 – Always (focus group with Sisak teachers).

Discussions often moved from Cyrillic onto politics and corruption. One group of war veterans even saw it as a method for preventing Croats from getting jobs:

ZG.V.1 – (to the moderator) Do you know Serbian? My son was born in 1991 and he does not. In Croatia, not even in Zagreb, you do not spend a single hour learning Cyrillic. Do you realise that with a doctorate from the USA you cannot get a job in Vukovar if they introduce bilingualism? My son, a future doctor of mathematics, cannot work there.

ZG.V.2 – Bingo!

ZG.V.1 – At any moment, you cannot teach Serb children in a Serbian language you do not know. In English you can. Maybe in Swedish you can. But in Serbian you cannot! And where have we arrived? That in their auto-segregation and auto-ghettoization they are reaching the administration, and the judiciary, the educational system and staffing.

ZG.V.2 agrees

ZG.V.1 – It is about a crucial, incremental takeover of positions and power. And we are playing stupid. We are always pretending it is about two signs. No. It is a process, which Croatian veterans and victims of the Homeland War are trying to stop (focus group with Zagreb war veterans).

In this narrative Cyrillic in Vukovar is interpreted as much more than an issue of minority rights, but instead it is seen as a threat to Croatian jobs and as a continuation of the Croatian struggle for independence. This can be a powerful strategy by any political party or government to divert economic or minority rights concerns onto the war memory and, therefore, not having to deal with the real issue at stake. Despite that all groups acknowledged Cyrillic was also a Croatian alphabet and formed a part of the Croatian cultural heritage, many nevertheless felt it had been misappropriated and had become dangerous, since it could and was separating people. Given that both the SDP and HDZ were at times blamed for language problems, it is possible that what started as a 1990s HDZ policy of language change has come to be accepted by the majority of the mainstream political spectrum.⁷⁷ The Croatian language and associated alphabets may have become one of the primary sources of national and ethnic identification across the majority of Croatian society.

8.6 Conclusion

Participants in the study reflected the notion that Croatian identity is largely defined by religion and language. These elements are contrasted with the “other” to Croatian identity, Serbs. Whereas Croats see themselves as Catholic, speaking Croatian and writing in Latin, Serbs and Serbia are seen as Orthodox Christian, Serbian speaking and writing in Cyrillic.

⁷⁷ It is important to stress again that it was the HDZ that originally introduced bilingualism into the Vukovar City Statute in 2009, before using the issue to incite demonstrations in 2013.

This “other” is also greatly defined by the war narrative, so the Orthodox Church is seen as aggressive, as opposed to the forgiving Catholic Church. Not only were Croats attacked during the war, but also so was the Catholic Church, and general notions of reconciliation are seen as highly based on religion.

An overall comparison of the groups (Table 15) shows universal agreement on two issues: that Serbs fought on the Croatian side (and do not, therefore, all constitute the enemy) and that Cyrillic signs should not be put up in Vukovar. This exemplifies the core contradiction in the Croat view of Serbs. On all other issues, the same pattern as before was present, teachers and war veterans generally disagreed, while pensioners showed mixed opinions. It is, however, worth noting that teachers stood out in their lack of debate on this topic, whereas war veterans and pensioners discussed it at length.

Table 15. Comparison across groups of attitudes on Serb minority.

	Issue	Cyrillic signs in Vukovar (yes/no)	Serbs fought on Croatian side (yes/no)	Much or little debate on ethnic issues	Cyrillic a provocation/a attack	Church (Ignored/political/debated)	Serbs inherently aggressive (yes/no)	Returnees are accomplices (yes/no)
Teachers	Zagreb	No	Yes	Little	No	Political	No	No
	Zadar	No	Yes	Little	Yes	Political	No	No
	Sisak	No	Yes	Little	No	Ignored	No	No
	Non-urban	No	Yes	Little	No	Debated	No	No
War veterans	Zagreb	No	Yes	Much	Yes	Ignored	Yes	Yes
	Zadar	No	Yes	Much	Yes	Ignored	Yes	Yes
	Sisak	No	Yes	Much	Yes	Ignored	Yes	Yes
	Non-urban	No	Yes	Much	Yes	Ignored	Yes	Yes
	Banovina	No	Yes	Much	Yes	Ignored	Yes	Yes
	Non-urban Slavonia	No	Yes	Much	Yes	Ignored	Yes	Yes
Pensioners	Zagreb	No	Yes	Much	Yes	Ignored	Yes	Yes
	Zadar	No	Yes	Much	No	Debated	No	No
	Sisak	No	Yes	Much	Yes	Ignored	Yes	Yes
	Non-urban	No	Yes	Much	Yes	Ignored	No	No
	Non-urban	No	Yes	Much	No	Political	Yes	Yes

Source: Own compilation

The general impression was that Serbs were not seen as deserving more rights, despite respondents expressing openness towards minorities in general. Much of this dynamic was embodied in discussions about Cyrillic signs in Vukovar. A range of survey results and participants' comments across all groups indicated that ethnic minorities had a right to their own language, but that Serbs could not receive this right in Vukovar at the present time. This created a stark contradiction between general openness towards minorities, but no openness towards Serbs right now, with no indication of when the time might be right. Participants across many groups, in a narrative that featured numerous facets of the war narrative, interpreted Cyrillic in Vukovar as an aggression against Croatia, instead of as an issue of minority rights.

The ingroup versus outgroup dynamic in this instance has an implication on the ethnic Serb minority in the country, which in the eyes of the majority Croat public continues to be defined by the war narrative. The introduction of Cyrillic signs in Vukovar seems to have had the effect of simultaneously reducing trust in government institutions and making Croats feel threatened by a perceived Serb threat. The implications of this become more dangerous and pronounced in any instance of higher tensions, violence or war, when outgroup membership can become life threatening.

The defenders' truth

Under Tuđman war veterans' associations had a privileged position in society and their associations enjoyed special benefits, as well as extensive financial backing by the government (Fisher, 2003). The rest of Croatian civil society has, since 1991, been plagued by personality conflicts and fragmentation (Fisher, 2003). Support for the war veterans proved useful to the HDZ's discourse of defence and victimisation, while human rights focussed NGOs were called "anti-Croatian" by the HDZ and were generally perceived in a negative light (Fisher, 2003: 79). Veterans' associations have and continue enjoy prominent media coverage, since the media have used these issues to boost sales (Fisher, 2003: 76). The cumulative effect of the close connection between the HDZ and war veterans' associations is that they are not wholly independent from political institutions and that their actions are, therefore, tied to the performance of the HDZ and similar parties. They still form a part of Croatian civil society, but they also remain distinct from many other parts of it due to this close connection to state institutions. This is reflected in how war veterans' associations act and how they are perceived by the public.

War veterans from the Homeland War have undergone four distinct phases of reporting in the Croatian media, all of which were reflected in the focus groups and interviews by all target segments. The first phase was one of war veteran self-sacrifice and willingness to give their lives for the freedom of Croatia; the second was of war veterans as victims in a society that did not know what to do with them; the third was one of war veterans as frauds, stealing money from the state; and, finally, the last one was that of enemies of the state and threats to society (Car, 2008). War veterans' associations are believed to have prevented the transmission of international human rights norms to the public by fortifying non-compliance preferences in transitional justice (Lamont, 2010: 42). Civil society, more specifically war veterans' associations, provided a space where the mobilisation against transitional justice was allowed to flourish (Lamont, 2010: 42). The overall picture is, however, far more ambivalent since human rights NGOs played a certain role in catalysing the growth of human rights norms. War veterans' associations remained dependant on state funding, thereby tying their fate to the HDZ whether they were in power or not, which translated into how they acted as a grouping (Rangelov, 2013). Civil society actors have, therefore, often exerted pulls in opposing directions and the outcomes of their efforts have been equally ambiguous. Public protests over the indictments and trials of General Norac and Generals Gotovina, Čermak and Markač exemplify this.

The scale of the 2001 public demonstration against the trial of General Norac took the Croatian media and government by surprise. This showed the potential for civil society actors to challenge the state. In 2004, however, war veterans' associations struggled to reach the same level of mobilisation to protest the indictments of Generals Gotovina, Čermak and Markač without government support. Ivo Sanader, who in 2001 had helped organise the Norac protests as leader of the opposition, had become prime minister and become more committed to cooperation with the EU and the ICTY to further Croatian EU integration (Rangelov, 2013: 81). Without his support only 50,000 people attended the largest event in Split, with only minor crowds elsewhere (Rangelov, 2013).

War veterans' associations and nationalistically oriented political parties, especially the HDZ, have since Croatian independence been able to use the memory of the Homeland War in order to legitimise their efforts (Peskin and Boduszynski, 2003: 1123). War veterans' associations have had nearly exclusive access to state funding and have since then continued to enjoy relatively positive views in the eyes' of most media outlets, while human rights NGOs remain dependent on international funding and are often branded as "communist", even after 2000 (Lamont, 2013: 45-46). Because the war narrative has proven to be so enduringly influential in society, war veterans' associations have been able to exploit related symbols to more effectively further their political aims, at times ideological ones not specifically related to war veterans' direct interests.

This has two implications. Firstly, it allows the HDZ (or any other political party) to easily appropriate such groups for their own means, by strongly opposing any supposed attacks on the legitimacy of the Homeland War and calling them to arms when needed. This does not, however, mean that war veterans did not also use the HDZ to assure their own continued influence. Second, it means that political aims of war veterans' associations come to overshadow the humanitarian and therapeutic aims of such groups.

Given the prominent role of war veterans' associations in Croatia and in the sphere of civil society, it is important to understand how others in society see them, how they see themselves and how they interact with civil society more broadly. Moreover, in Croatia war veterans' protests receive much press coverage and public interest, potentially diverting attention from larger problems in the country. While the bond between the HDZ and war veterans' associations has certainly grown weaker since 2000, recent protests have once again shown how symbols of the Homeland War can be appropriated in order to mobilise

protests around political causes and parties. What briefly stopped in 2000 seems to have now returned to Croatia and protests in Vukovar and Savska seem to exemplify that.

9.1 The problem of the *branitelji*

War veterans were discussed at length in all focus groups. Generally, there was an impression across all groups that the actual number of war veterans was unknown and that they were hard hit by unemployment and poor pensions, in other words, that they returned to a dire situation. A large part of these discussions focused on the problems with war veterans. This construction of war veterans as a “problem”, by both participants and the researcher, is itself problematic, since this makes their situation in society difficult by portraying them in a negative light and, therefore, making them unwelcome (which they feel they are). Instead of highlighting that they may have out of the ordinary but manageable needs (as any former combatants do), they are branded as the sick child of Croatian society:

SI.P.2 – I have first-hand experience. My sister in law’s son was in the war. From his unit, half later committed suicide, only a couple landed on their feet and now have decent assets. He never wanted to deal with any of it. He was a bit messed up and he did not want to go around to all of those offices, to write those applications and so on. And he now lives in poverty and no one cares (focus group with Sisak pensioners).

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ZG.P.2 – My opinion of *branitelji* is that it is a catastrophe because firstly they have no place to work, their jobs are gone. Then young people, 35 or 40, who had jobs, had to get sent into retirement. These people now have nowhere to go so they gather, not all of them, in cafes, in bars, and that is all they do. And what can they do when they meet? They all have the same opinion; they are upset with everything and everyone. I think it would have been healthy for society if it upheld production, that people were given jobs, and not to have to live off the war, which has passed. It has contributed a lot to Croatia, it freed Croatia, but now they need normal jobs. It is catastrophic to retire a boy of 35 or 40. He will remain unemployed until the end of his life. That is horrible.

All agree (focus group with Zagreb pensioners).

War veterans expressed this notion in the broader context of coming back to nothing and of currently having nothing. They linked this problem to their lack of unification and misrepresentation.

ZA.V.6. – Currently there are 37 *branitelji* in parliament, and they have never had a shared idea, despite their party allegiances, to solve something for the Croatian *branitelji*. This has not happened a single time. Not in a single session of parliament. This means that there is not even a reason to talk about the war. Why should we talk about the war? This is something ugly, dark.

ZA.V.4 – It is the past.

ZA.V.2 – It is not the past to me. To me it was yesterday. My husband is gone. I am putting on a uniform, I am carrying a rifle, I am firing.

ZA.V.6 – This is all done by people who do not have a single wound from the Homeland War. They live comfortably on the cross of these *branitelji*. They cannot see the cross from some cosy office, who would see the cross? But we carry it every day. We live with these people, especially those who also took part. Now this happens on *Savska* and it is some kind of world wonder. Maybe someone has really had enough.

ZA.V.4 – I do not like to compare, but it really bothers me that the dignity towards the Second and First World Wars has to be sown into younger generations as something that needs to stay with the *narod*. And the feeling that you need to respect that (focus group with Zadar war veterans).

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SI.V.1 – As I said, we came back to nothing. It is different if you return, if you wage a war in another country against someone else, and then you return to your family, your home. Many came back here and no longer had a home. Had nothing. They came back to poverty (focus group with Sisak war veterans).

The above passages illustrate the preoccupation with the memory of the war, or in other words, the preoccupation with not letting it be forgotten since this would mean that the war veterans would be forgotten. In their eyes they are, therefore, not only defending the existence of Croatia, but also themselves and their status in society. The Zadar war veterans again highlight the use of Christian symbology to discuss their victimhood, but also how real the war remains to these individuals. To them it is still a party of everyday life, which creates a distinction between them and the non-veteran population. It also creates a distinction between them and veterans of the Second World War, who they see as revered, rather than forgotten, in society. The war veterans interviewed in the study all felt that they were not unified and that they wanted to have more of a say in Croatian society and politics. They felt manipulated (a common theme) and excluded. Within these discussions, a distinction was often made, explicitly or implicitly, between the “veteran” (*braniteljska*) population and the rest of the “civilian” population. The Zagreb war veterans below attributed different values to these populations, thereby creating a stratification in society. Again, many respondents felt that the “veteran” population should unify in order to gain a stronger voice and to influence societal values:

ZA.V.4 – We allowed ourselves to become disconnected, for politics to play us as it saw fit, to eat up and spit out the *braniteljska* population because they no longer needed them. It is should not be possible to create laws that are very harmful for the Croatian *branitelji* (follow-up interview with Zadar war veteran).

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ZG.V.2 – They say there 500,000 *branitelji* in the register, minus the 80 or 90,000 who are buried, but add to that their families, their friends, a range of citizens.⁷⁸ When in this country they will have the right, when they will have the right, although they are a minority. When they will have the right to participate, not to decide, but to participate in the defining of what are positive and negative values in this society, then we open the path towards reconciliation. Dialogue is required for reconciliation.

All agree

ZG.V.4 – Absolutely.

ZG.V.2 – There has to be reconciliation between a civil sector, which has power and money, and it decides.

ZG.V.1 – And arbitrates.

ZG.V.2 – What are negative and positive values. And it completely ignores a large part, multiply 500,000, every person has three or four dependants in his family or wherever.

ZG.V.1 – Half of Croatia really.

ZG.V.2 – So two million people have a system of values that are based on the values of the people who created this state (focus group with Zagreb war veterans).

The other groups agreed that war veterans suffered from a lack of pensions and that they wanted to be listened to; they wanted the rest of the public to hear their “truth”. The other groups also, however, felt that it was difficult to comment on the war veterans since they did hold a special status in society, for better or for worse. They were seen as possibly holding too much power, preventing anyone from speaking out against them:

NU.T.2 – The veteran scene is very strong, and rightfully so, they sacrificed a lot for the state, they created it, but this does not mean that they do not serve it. This does not mean that they can dictate the political picture of Croatia and if someone who was a war criminal on our side has to be tried, they do not have the right to organise protests and I do not know what. When in 2000 the politics of the current government, as they call it in Croatia the Yugonostalgics, the SDP, did not suit them, they then organised a demonstration of 200,000 people with the right wing parties in order to topple the government. Of course it is legitimate to protest and demonstrate, however, we know the underlying reasons. When someone today supports the current government, then he is a Yugonostalgic. If I wanted to prosecute a *branitelj*, then I would be a Serb lover (interview with non-urban teacher).

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SI.P.2 – Now a small joke. Ante Tomić wrote in *Jutarnji List*, about the *branitelji*. Imagine a situation where a *branitelj* wants the service of a woman for sex. And he calls and says “I want this and that”. She asks what he wants, oral or what. He asks for the price and she says 500 kunas. He says this is a bit steep. And Tomić started a story that *branitelji* who are *branitelji*, in this society with its unemployment and so one, ask for a bit too much in relation to those who have practically nothing. So the *branitelj* asks for a discount and she says no. So he says, what if someone from the other side now called

⁷⁸ The number of dead remains unknown, but these are far off current estimates. The Croatian Memorial and Documentation Centre for the Homeland War (2006) and Ivo Goldstein (1999) put the current estimate at 13,583 deaths, including military and civilian deaths, as well as all missing persons. Živić (2003) has a slightly higher estimate, at 15,970.

you. She says the price would stay the same. So the *branitelj* accuses her of equalising the victim and the aggressor (focus group with Sisak pensioners).

Teachers and pensioners felt that a range of sources was manipulating war veterans, including all governments to date. War veterans expressed this more strongly. They believed that because of this manipulation they were repressed and that their “truth” was not heard. This highlights the notion that war veterans, the state and the war narrative represented as “the truth” are all interconnected, not only in academic analyses, but also in the eyes of the public:

SI.V.2 – Those who were participants of the partisan (*narodno oslobodilačka*) fight, or war. They had memorials. They were praised. Today you cannot even say that you have a medal or that you were a *branitelj*, they all spit on you. That is what the Homeland War is to us.

SI.V.1– Politics made it so.

SI.V.2 – Yes.

SI.V.1- Now who is behind the politics? Maybe we are at fault. I especially blame us *branitelji*. This is what I have always been saying.

SI.V.3 – I agree. I agree that we should have been louder (focus group with Sisak war veterans).

All of the interviewed veterans’ groups agreed with the Sisak veterans, that it was their own fault for this state of affairs since “they did not fight enough”. This leads to a permanent call to arms by the veterans, who feel they have to not only continue to defend Croatia, but also Croatian values and their own rights within the Croatian state. Much like with the war narrative or Cyrillic signs in Vukovar, war veterans more so than any other group, interpret their position in the state as under attack.⁷⁹ This is made starker in the context of their perceived diminished rights in post-Tuđman Croatia and it does offer a higher potential for manipulation. Moreover, they felt that the media misrepresented them and contributed to this state of affairs:

ZA.V.3 – And how much does the media contribute to this insulting of the *branitelji*? Jure Jurić has killed Pero Perić. It will say that a Croatian *branitelj* killed Pero Perić.

All agree

ZA.V.3 – Or a Croatian *branitelj* beat his wife. But recently we had an incident here, where a drug addict attacked his girlfriend with a knife. And a Croatian *branitelj* was passing by and he jumped to the girl’s rescue. He got stabbed and I am not even sure if he survived.

ZA.V.4 – He did survive.

⁷⁹ In reality, however, war veterans receive a large number of benefits and vast quantity of monuments have been built and continue to be built across the country. These pay tribute to their sacrifices and reflect their role in society.

ZA.V.3 – It did not say anywhere that a Croatian *branitelj* saved a woman from a drug addict, it said that Jure Jurić saved a girl. If it is anything negative then, poof, Croatian *branitelj*.

ZA.V.6 – This is called, in the former UDBA or KOS, linguistic terror. Linguistic terror. Constantly someone is bombarding you with certain words and this goes into the consciousness of people. This has come into the consciousness of people. And it now causes fear (focus group with Zadar war veterans).

Josip Klemm was seen as a further example of manipulation.⁸⁰ The few times he was mentioned in the groups (he was vocal during the *Savska* protests and had appeared on television several times during the fieldwork), war veterans felt that he was dirtying the name of all veterans and that he was using the issue of veterans as a marketing platform for his own business. Some did, however, concede that at the very least Klemm was providing jobs for war veterans. The topic highlights two of the great preoccupations that both war veterans and the other groups seem to have regarding the veteran population: dishonest or fake war veterans and war veterans' pensions. All target segments agreed that this was a key issue at the time and war veterans complained of the fake stories (once again highlighting the issue of "truth" in their eyes) being invented by false war veterans:

SI.P.3 – You must have heard, there are also many of these false ones. These false ones maybe talk about the dignity [of the Homeland War] more than those that should be talking about it. Especially these days, it is popular to talk about it (focus group with Sisak pensioners).

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ZA.T.1 – There are many arguments here about the *branitelji* – who is one, who is not. Maybe this is the problem (focus group with Zadar teachers).

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ZG.V.3 – I know many people and I know that many watched the war on television. So that many people like to talk about it, who according to me were not there. They do more damage than anything else. I have listened to people, for example a boy came to me and said some rubbish about how people were slaughtering those or those. He does not know who I am or what I am. I tell him fantastic, tell me who did this and I will report him. And you will be a witness to testify that he told you that he did this and that, over there. Then he changes his mind. So I told him not to lie then, since that is how you spread disinformation. Now I should accuse him of lying, saying rubbish about things that did not happen. You were not there; you heard something from someone, who heard from someone else. That is how these stories are created. And that is how this happened in various veterans' associations, where various stories were created. Because everyone wants to be a hero. It is not quite that simple. Most heroes are either dead or heavily disabled (follow-up interview with Zagreb war veteran).

As previous chapters have shown, PTSD was present among participants. All groups considered PTSD to be prevalent, hard to diagnose and permanent among the war veteran

⁸⁰ Josip Klemm is a vocal war veteran who is the President of the Association of the Republic of Croatia Special Police and he is also the owner of the company *Klemm Security*, a private security company. He is frequently on television and in media speaking in support of war veterans' rights.

population. These individuals continue to face great psychological pains, but this also further reinforces the notion of perpetual victimhood in which events are often interpreted as further attacks on the war veteran population. War veterans admitted they suffered from it openly, talked about it at length and alluded to PTSD being a further manner in which their struggle or war was not yet over:

SI.V.1 – The world powers, you, Europe, you are playing with us. You are forgetting that we lived through this and that we are still here.

SI.V.2 – And we are still experiencing it.

SI.V.3 – It is still not over.

SI.V.1 – We are all on pills (focus group with Sisak war veterans).

Such exchanges were common, together with admissions of diagnoses. Moreover, they have the effect of making the notion of conflict or war current and ongoing, since the suffering has not stopped. Children and future generations were also mentioned as the individuals who will continue to suffer from the effects of their (war veteran) parents' suffering from PTSD. The other two target segments predominantly shared these opinions as well.

Unfortunately, despite the high number of female war veterans and war veterans' groups involved in this study, the analysis did not have the opportunity to investigate these groups to the extent that they deserve, which will hopefully be left to future studies. Generally these groups (war veterans in Sisak, Zadar and non-urban Banovina) did not immediately or openly complain of being treated differently to their male counterparts. Their roles in the conflict seemed to be "mothering"⁸¹ and at times lonely, since they were not numerous. Further probing did reveal stories of how they were treated differently during the war and how this has continued after the war. Both as soldiers and as associations they had to prove themselves to their peers, as well as to society as a whole:

SI.V.2 – When you are at your post, on the front, with people who are carrying rifles. When you arrive as a woman, you do not only have to prove yourself to them, so that they respect you and value you and look at you as an equal, but you have to do this to everyone, as if you fell from Mars. No one sees you as equal to them. You understand? That was an additional battle for women at the front with themselves and with people, with their friends.

SI.V.3 – Certainly, as in life (focus group with Sisak war veterans).

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⁸¹ Bourke (1999) has, for example, found evidence of maternal instincts playing a key role in the motivation of female fighters in the two world wars and the Vietnam War.

ZA.V.4 – Society, the local community, they thought why another association? Why are women even important? Maybe they were just prostitutes in the war? This is nonsense that people even said this or thought like this. It was simply thought of as too much at the time. On the other hand, they thought we were bored so we established it. That we had no purpose, no aim. So it was hard at the beginning. So we had to work harder to show that we can do this, that we want to do this, that this is truly for the aim of promoting peace, promoting the truth, something we lived through and experienced, we want to keep, we want to write, to save the photos, and to have more material (follow-up interview with Zadar war veteran).

The other war veterans' associations involved in this study seemed supportive of the female associations and the Zagreb and the Sisak groups attempted to equalise the gender balance in the focus groups of their own volition. They seemed aware that women and men may have different opinions and did not want to present themselves as biased. Moreover, the Zadar women's association was referred to the researcher by a male member of the Zagreb war veterans' focus group, further pointing to a certain openness, at least amongst these smaller associations.

9.2 The *udruge*

The war veterans' associations, also known as *udruge*, were seen as predominantly untrustworthy and a blight on war veterans, especially by the interviewed war veterans groups. A Zagreb war veteran's view was that "the associations are numerous, but there are few associations that I take seriously. They are very rare. The others were formed in order to socialise" (follow-up interview with Zagreb war veteran). Other than showing a general dislike of war veterans' groups, this individual believed their aim should not be socialisation. Given how often group discussions focussed on a persistent defence, it is possible this is seen as a more appropriate aim of associations. The defence is centered around pervasive political and societal complaints. Overall, how all of the interviewed war veterans' groups viewed other groups was best described in a long passage by the Zadar war veterans. They were seen as fragmented, too numerous, politically motivated and manipulated. Additionally, these sequences (such as below) often moved from discussions of veterans' issues to politics and how corrupt the world around them is.⁸²

ZA.V.2 – I was in a war veterans' association in Sveti Filip Jakov, but it fell apart. These people had PTSD, they did not like to talk about war, they had receded into themselves and they are easily manipulated. For example, when the presidential elections were on, the head of our group wanted Bandić for President. And we said that we should not discuss politics in the group. He was handing out t-shirts and so on. We did not like that so we parted and have not met since. Only when we need flowers or so on.

⁸² As stated in Chapter 5, the official number of war veterans' associations according to the Croatian Ministry of War Veterans' Affairs is roughly 6,300. See: <https://registri.uprava.hr/#!udruge>

[...]

ZA.V.3 – There is no umbrella organisation that keeps them all organised.

ZA.V.4 agrees

ZA.V.3 – They are all over the place. As they say, divide and rule. Well that is what they did with the war veterans associations.

All agree

ZA.V.2 – I think all of the presidents of these associations just fight for their seat and nothing else. I was a member of a group for PTSD sufferers and I did not get any care, any attention or anything that would help *branitelji* know their rights or get help. I left the group and I joined this one.

ZA.V.4 – I just wanted to add that a real cancer has started, a disease, when they allowed 200 umbrella associations to be established. This is the folly of the century. It is as if you are saying that you are building a house that will have 200 roofs. If the Croatian *branitelji* exist, if their families exist, who were hit directly or indirectly by war, there exist civilian victims, then I do not see a fourth option. What is this fourth option? It does not exist! But it is allowed, in the name of politics. This is done on purpose. 200 umbrella organisations, and I do not know how many small ones. A million small ones. Why? Because that is how you can manipulate (focus group with Zadar war veterans).

War veterans are seemingly aware of the political manipulation they are subject to. Others for the most part agreed with this view of war veterans' associations. They also found them too numerous, politically motivated and fragmented. This led to the view that while war veterans were respected a great deal, their associations were not. The number of associations alone is seen as proof of their unreliability:

NU.T.1 – We have seen an inflation of war veterans' associations and no one can convince me that from a few associations in the beginning, probably honest and reliable, this has not turned into personal interests. The law concerning associations has allowed a hyperinflation of associations. You then realise that every other association and their leadership must have some interests, you cannot ascertain who is reliable, who is honest, and who is saying something for certain reasons. Unfortunately, as much as I respect the *branitelji*, no one is questioning that, but associations as an organisation I rank very low in terms of reliability (interview with non-urban teacher).

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NU.T.2 – There are more war veterans' associations than war veterans (interview with non-urban teacher).

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ZG.P.4 – I think [the associations] are not united. They should be stronger in every aspect and united.

ZG.P.3 – They are fragmented (focus group with Zagreb pensioners).

In the eyes' of all participants in this study, the war veterans' associations were not representative of war veterans as a whole and were linked with ulterior motives. They were

seen as giving war veterans a bad name and were not even considered serious by war veterans' associations themselves. Furthermore, the protests at *Savska* were not wholly supported. While all groups agreed that war veterans had problems they had to tackle, the protesters and groups at *Savska* were generally seen as attempting to divide Croatia for political or corrupt purposes. In some ways, therefore, the perceived connection between war veterans' associations and the government has damaged their image in the eyes of the public. Even honest plights for better treatment may, therefore, be seen as merely political posturing on behalf of party politics.

9.3 Victims

A recurring topic in discussions was that of victims of the war. A "victim" was not only someone who was physically or mentally injured during the war, instead it was the whole Croatian population in varying degrees since the war narrative victimises all Croatians. The narrative, therefore, featured a type of stratification, where some victims were seen as more typical of the category than others. In this sense, war veterans were at the top of the hierarchy due to their sacrifices for Croatian independence. Below this were victims on the frontline or in occupied territories and victims who were directly hit by the fighting. Below this was the rest of Croatia, for example residents of Zagreb who were victims, but not as much as residents of Sisak. Finally there were Croats who fled Croatia to go abroad, who were victims but only to a minor degree.

This stratification is not simple to write about in the context of this study, since the researcher in some ways falls into the latter, and lowest, category, having spent a part of the war abroad and another part in less hit areas of Croatia, such as Zagreb and the Primorje region. This potentially provides a less biased view of such a construct, but it is also possible that a sense of stratification is only present because the researcher would fall into the "lowest" category and, therefore, view one category as lower than another. There is, however, evidence of similar stratification from Kosovo, which helps compensate for this potential bias.

In Kosovo a similar hierarchy of victims is semi-legally enshrined and allows for higher benefits and lower eligibility criteria for military victims (Ströhle, 2013: 252). The effect of this is that military victims hold higher social value and their calls to arms are legitimised (Ströhle, 2013). Competition over the "purest" commitment to the nation has also been contested among politicians and war veterans (Ströhle, 2010: 501). In that case, the heroic

self-representation of these groups allowed them to make claims for power and to establish clientilistic networks around them (Ströhle, 2010: 501). Hints of this are apparent in Croatia, for example with the HDZ presenting themselves as the war veterans' party or Josip Klemm using his status as a war veteran to further business interests. These types of formal and informal practices can segment social citizenship, as they have done in Kosovo, thereby creating social divisions (Cocozzelli, 2009: 119; Ströhle, 2013: 259).

During the fieldwork, war veterans' groups frequently made two specific distinctions: between war veterans and other members of society ("civilians"), and between war veterans who fought on the frontline and those who did not. War veterans in the non-urban and Sisak pensioner groups also admitted that those working behind the scenes during the war were equally responsible for Croatian independence, although this notion never came up with the war veterans' groups. The below are only some examples of this stratification:

SI.V.1 – I know what the Homeland War was, I know why I went to war, and I know how we conducted the Homeland War. And everyone who conducted the war, who was in the war, who took part, especially on the battlefields know what the Homeland War is. It is a different question for those who were here, but who were not on the battlefield. This means they were not directly involved in the action (focus group with Sisak war veterans).

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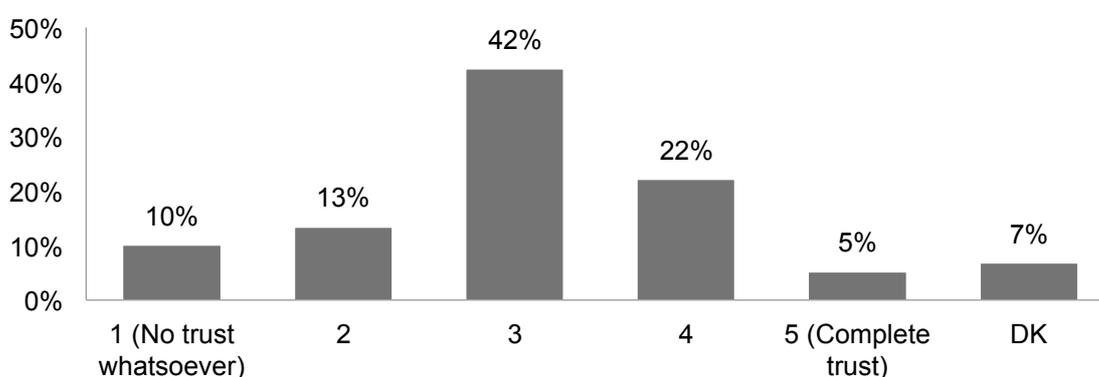
SI.P.5 – The defence of this Homeland War is attributed to one side, to one group. It is not attributed to all citizens. But my opinion is that all citizens who lived here, who produced oil, who produced iron, who produced other things, but I mention only these two strategic aspects, they are all participants of the Homeland War. Because they worked under artillery fire, which was worse than being in a shelter. Even on the frontline it was easier, since you had some shelter. They had bunkers there. In the workshops, in INA, you had nothing but work. Production had to continue (follow-up dyad with Sisak pensioners).

All participants, and especially those who were direct victims of the war (the non-urban war veterans' group in Banovina stood out in this regard), felt abandoned by authorities, such as the government, ICTY, judiciary, international community, etc. Victims levelled complaints at the ICTY because none of them had been called to participate in any trials, despite feeling that they had valuable information to present to authorities. Similar complaints were made regarding Croatian authorities. Moreover, war veterans' groups complained of a monopoly on victimhood by certain victims, especially Serb ones, which prevented others from being heard. The other groups also directed similar complaints at war veterans, since they saw that this segment of society was louder than civilian victims. This collective feeling of underrepresentation seems to have led to a degree of finger pointing between the various stratifications.

9.4 Civil society

Civil society as a subject did not receive the same amount of attention as war veterans and their associations. When it did, this mainly came from the war veterans' groups. The general public does not seem to hold a strong opinion on the issue, for example most seem to have a neutral opinion of NGOs in general (Figure 26).⁸³

Figure 26. Please rate on a scale from 1 to 5 the level of trust in the following political and social institutions: non-governmental organisations.



Source: Ipsos Puls (2012)

War veterans' groups, in particular, felt that civil society in Croatia, meaning human rights NGOs, was dysfunctional and looked to divide Croatian society. This is a common notion in Croatia and also in Serbia, especially with the right wing press. Despite the proportionately small size of human rights NGOs in both countries, they have often been seen in a negative light, particularly due to their relative success in attracting Western funding, which war veterans' associations have not been able to do. The constant theme in this narrative was that someone or some kind of entity, working in the background, was attempting to divide civil society and war veterans' associations, as well as to equalise guilt or portray the war as a civil war. Some attributed this to an unknown entity, others to infiltration of associations by unwanted elements and others to influence by the international community that was attempting to equalise crimes:

NU.V.4 – It obviously suits someone that they are all separated and act alone. Because if they were united then they would be too strong. I think that if *Documenta* and the war veterans' associations and the civilian associations, and other associations that exist,

⁸³ War veterans' associations technically fall under this, but many in Croatia may see them as a separate entity. War veterans' associations were not included in the survey as a separate category or question.

were to unite and to start working on collective questions, then everything would be solved quickly. But obviously this does not suit someone. There is a constant need to interfere and to instill some kind of hatred. There was a war. It is a fact that that the *JNA* and the Serbs wanted to occupy Croatia, but the Croats rose up and did not allow it.

NU.V.3 agrees

NU.V.4 – It was not a civil war, it was a war, there was aggression. Aggression by one state on another.

All agree (focus group with non-urban war veterans Banovina).

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ZG.V.3 – You will most likely speak to various non-governmental organisation, maybe you already have. I wanted to say what I think would be good. When you are speaking to me or to them. You should consider who comes from where. In terms of family. Not ethnicity. You can then get a complete picture of the truthfulness of my or their dialogue (focus group with Zagreb war veterans).

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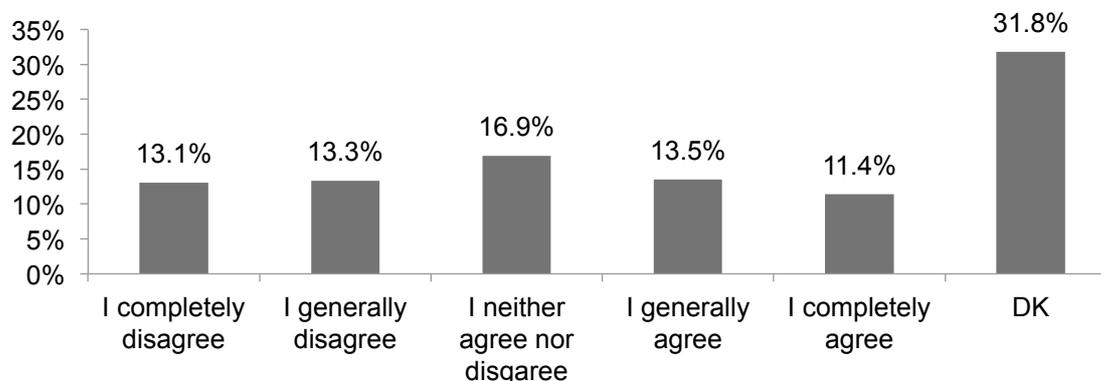
NU2.V.1 – The international community protects certain so called non-governmental organisations, world famous ones. The proof of this is *Documenta*, which as an international institution conducts certain investigations and their aim is the absolute, so-called, equalisation of guilt (dyad with non-urban war veterans Slavonia).

Members of war veterans' associations felt that they and NGOs such as *Documenta*, the Centre for Peace, Nonviolence and Human Rights, the Civic Committee for Human Rights and the Centre for Peace Studies had a basic disagreement over the war narrative and the notion of a defensive war. This meant that NGOs were seen as trying to criminalise the Homeland War:

ZG.V.1 – With their story and their relativization of the beginning of the war, and everything that leads on from there, they are trying to relativize things that cannot be relativized because we then have to relativize our complete history. Not the Croatian one, not the Serbian one, but the global one. We need to change our understanding of what war is. According to their theory every war is illegal. Defensive and otherwise. According to their theory Croatia is at fault because it accepted war. Croatia did not have to accept war. Serbia and Yugoslavia gave us an ultimatum: forget your sovereign wish of the *narod* expressed in a referendum, replace the leadership you chose, install a new set of political laws and abide by our demands. And if we really did this, there would not have been war (focus group with Zagreb war veterans).

The Zagreb group, in particular, also felt that these human rights NGOs actively prevented other groups, specifically war veterans' associations, from participating in the activities they undertook, thereby creating a monopoly in the space. There is not much support for this in the survey research. The public is relatively divided over the issue, but many respondents did not have an opinion at all (Figure 27).

Figure 27. Do you agree with the following statement: the most dangerous enemy of Croatia are so-called fighters for human rights, who come from the ranks of Yugonostalgics and members of foreign agencies.



Source: Ipsos Puls (2012)

Other target segments generally did not comment on this topic. Only the Zadar pensioners strongly agreed with the war veterans. They shared their opinion that civil society had been infiltrated (specifically by UDBA) and that they were aiming to write a false history. War veterans expressed a range of other opinions about civil society more broadly. Some believed that at the very least some human rights NGOs and especially *Documenta* had a similar aim to war veterans' associations in attempting to record an oral history of events. Others believed that the fight for monopoly in the sector was due to funding and that human rights NGOs were much better at attracting the significant international funding available, giving them an advantage. The non-urban war veterans in Banovina, for example, felt that although they disagreed with *Documenta* and other local organisations (most notably a local human rights NGO), they agreed that they also had the right to participate in the debate and provide their own view. Finally, and specifically with regard to transitional justice, some felt that only human rights NGOs had access to justice, since they had the necessary funding to engage with courts.

Other target segments did not comment on civil society nearly as much, nor were they asked as many questions on the topic. The one general thread that was common is that they believed that civil society groups, both war veterans' associations and human rights NGOs, do not communicate effectively despite having the same aims:

ZA.T.2 – I think both sides do a good job, but that the problem is more in communication rather than in the actual work. Both are trying to help people who have been suffered and are trying to get to the truth about the war (focus group with Zadar teachers).

This teacher went on to say that lack of communication was also the problem with RECOM.⁸⁴ In a follow-up interview he elaborated that he felt RECOM suffered from horrible leadership, despite being an initially sound idea. He felt that the far right in Croatia had, therefore, managed to convince the public that RECOM is an attempt to falsify the truth. This does highlight the two-sided nature of the project, which identifies with and involves many human rights groups that war veterans are highly critical of, such as *Documenta*, while also including war veterans' associations in the coalition. This novelty makes it both remarkable and confusing to outsiders. Overall, however, this was the only mention of RECOM throughout the fieldwork.

9.5 Twin transitions

During and since the Homeland War, Croatia experienced two simultaneous transitions, that of transitional justice and of a shift to the neoliberal economic model. Croatia's economic transition was marked by widespread corruption led by an elite class of businessmen and politicians. As a consequence Croatians do not make a semantic distinction between the two transitions, "capitalism" is linked to "democracy", which is linked to the "European Union", which is linked to the "ICTY", and so on. The dynamic between the twin transitions has broad societal implications. It shows the inconsistency between how a period of change is greeted and how it is experienced. It shows how war veterans, as a disproportionately influential part of civil society, do not only remove space for action from human rights NGOs, but also from more economically focused groups, such as unions. Finally, core parts of the war narrative, such as the notion that the aggression has continued, can be used in order to divert attention from economic problems in the state. The cumulative effect of this is that the transitional justice process could be suffering from an image problem associated with an economic transition marked by corruption, since they are seen as linked.

The two older target segments, pensioners and member of war veterans' associations, discussed at length the period during the war as one of hope, unity and harmony, which they juxtaposed with the post-war (and current) period where this hope was lost. The new situation was characterised by a loss of employment opportunities and a rise in corruption.

⁸⁴ The initiative for RECOM is a regional attempt to establish a commission for the establishment of facts about human rights violations committed in the former Yugoslavia from 1991 to 2001. It is a regional coalition formed of various human rights NGOs, war veterans' associations and victims' associations.

For some the memory of the war was characterised by this loss. The examples were numerous:

Moderator – Has your opinion of the Homeland War changed since the end of the war?

NU.P.2 – Yes, for the worse.

NU.P.1 agrees

NU.P.3 – It all started so well. Together. The *narod*, the people, there were Serbs there as well, people were coming from abroad. And in the end the representatives of the state trick you. This one starts to steal. From the President to whomever has an opportunity.

NU.P.1 – The difference [since the war ended] is huge. A lot of people expected to have a job, but they stayed on the street (focus group with non-urban pensioners).

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SI.P.2 – Many people were previously successful in the industry here, which was large here. Unfortunately today it is gone (focus group with Sisak pensioners).

-

SI.V.1 – Our companies have all disappeared. Or in our place there are now Serbs who conveniently stayed behind, who were not allowed to go to war.

SI.V.3 – They had work duties.

SI.V.1 – While we had rifles on our shoulders, they got work duty through their connections, so they were not allowed to go to the battlefield, instead they were in the companies. So you come back and you do not even have the company. You are killed by the poverty and misery. By the time you realised what they are doing to your state, you are old and sick. Young people came, like you new historians, who are now telling us what we should do. INA is failing. We remember 1995 when we had to work hard for INA. Do I remember? And what about those people who were left here with these work duties, who remained behind to care for the city, for my companies. Where have the companies gone? I defended my state. And now I should cower. They should call me up again, because jobs are disappearing. By the time we realised that it is not good to let someone else run your state... If you knew how to create it, then you also know how to run it.

SI.V.2 agrees

SI.V.1 – If you know how to guard your house, then you know how to run the family in that house. By the time we realised this, they had already ruined it for us (focus group with Sisak war veterans).

To the Sisak war veterans, Serbs and those who did not fight in the war represented two groups of people who were less deserving and less able to run the state, in comparison to those who literally fought for the country. They connect the disappearance of jobs to the Serb minority, specifically those who did not fight, and even feature a type of call to arms (“they should call me up again”). They not only ignore the economic reasons for unemployment, but also place blame on the Serb minority in the state. The closing down of the INA oil refinery was a relevant topic at the time and discussions in the predominantly industrial city of Sisak, where the refinery is based, saw much discussion about jobs as a

consequence of this. This feeling was, however, expressed across all geographic locations to a certain extent. Corruption was seen as the embodiment of this loss of hope and harmony. The concept of a job was even seen as one of the aims of the war, in other words, people fought and died for jobs:

NU.P.3 – In the beginning there was faith and hope.

NU.P.1 – That people got what they fought for. Their jobs. For no one to prevent that. If they had received that, that would be dignity, gratefulness for this Homeland War.

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NU.P.3 – That war would have at least brought you what you fought for. To have a job, for your child to get an education and to know that you will have work (focus group with non-urban pensioners).

As far as pensioners and war veterans were concerned, the legacy of the conflict and the transition to neoliberalism were inextricably linked. The Croatian government was seen as selling out the Croatian soldiers by not giving them a job to return to. Unemployment and economic struggle were discussed through the use of symbols of the Homeland War and, thereby, connected to the continuing need for defence. Additionally, all target segments saw reconciliation and the economy as connected. They regarded a strong economy as the key to reconciliation and saw some transitional justice issues as means to divert attention from the economy (such as, for example, the issue of Vukovar discussed in the previous chapter):

ZA.T.3 – And now it is getting to Croatia and Serbia throwing insults at each other. One complains about Šešelj and the others retort about ten Cyrillic signs. So this is being kept up.

ZA.T.2 – I think it is much more important for Croatia and Serbia to find ways to cooperate better economically, Vojvodina and Slavonia, so then people who would have work to do would be less burdened by these problem. It is the worst when a person is disempowered, humiliated and unemployed.

ZA.T.1 – It is toughest economically. They would be much happier in their situation without that (focus group with Zadar teachers).

-

SI.P.1 – Ordinary people. Now ordinary people do not need to reconcile, since they never fought. Just like someone mentioned, the economy. The airport in Osijek was approached by the Serbian side, they want to use the services of the Osijek Airport for their purposes. The economy will reconcile this, it has to.

SI.P.4 and SI.P.5 agree.

SI.P.1 – Common interests will be found in the economy, in investment (focus group with Sisak pensioners).

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ZG.P.4 – People [in Vukovar] are under heavy tensions and frustrations. If they were not frustrated, then none of this would be happening. But many are frustrated. Frustrated

because someone is fuelling the fire. And this is causing the bigger problem. If it were not so then everything would be fine. Instead of opening factories, instead of focusing on employment, they are doing this (follow-up interview with Zagreb pensioner).

Evidence that economic concerns are related to the legacy of conflict and socialism by certain parts of the public was found in the focus group discussions. War veterans and some pensioners' groups connected economic failures to the lack of lustration in Croatia following the war and the long-term effects of Yugoslav socialism. These two elements are merely two examples of a variety of reasons given by these target segments, as the reasons for Croatia's poor economic performance:

NU2.V.2 – The Great Serbs, Yugonostalgics, people who persecuted Croatia and Croats throughout history. Today they have infiltrated all parts of the Croatian administration and politics, all parts of life. That great idea of reconciliation, and thank God for Dr. Tuđman's great idea, since it is a major reason for today's freedom of the Croatian *narod*. However, after the war ended, I am absolutely for it, I was then and I am now, to undertake some kind of lustration. Why? What is happening in Croatia today, it is coming exactly from those cadres, those people, those currents of Croatian political life. They just have to work a bit for people to forget about the serious topics, like why is our economy like this, why is our economy in recession for 12 quarters, why despite joining the European Union Croatia has the worst European economy, why we do not see economic improvement in the near future. Those same currents, today and before, their aim is to remain in power and to destroy the pan-Croatian national spirit. The pan-Croatian national spirit was present in the war, in the defence and so on. And today it would be unique in the economic recovery, if it were not for these people (dyad with non-urban war veterans Slavonia).

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ZG.P.1 – I think [the other focus group participants] are people from an old environment of fear of communism. You cannot freely say that they wanted a Croatian state, you saw how they always kept on finding negative things. It really struck me when I told them we were craftsmen, for two generations now, my parents and now me. We truly could not wait for private capital to finally come, for entrepreneurship to start moving forward. But yesterday they started spitting on this "what are you business owners? You stole! You bought a yacht by cheating on taxes!" I do not have a yacht, my daughter lives downstairs. At the end of the day, if we have two generations, and we had many workers, we worked hard, and we were big. But I am not an enemy of the state. That communist mentality has remained in some people, with the older generation. That all those who have something robbed the state (follow-up interview with Zagreb pensioner).

-

ZG.V.4 – In Croatia the situation with the economy, finances, the administration of resources – Croatian waters, the floods – is poor. Poor administration of the sea. Of sources of oil, gas and energy. These are consequences of a catastrophic approach and running of the economy during the 50 years of socialism (follow-up interview with Zagreb war veteran).

It is easy to see how the above war veterans' passages can easily be interpreted as forming a part of their desire and attempt to return the HDZ to power, by using economic concerns as the reason. The intertwined narratives on what can broadly be described as transitional

justice issues⁸⁵ and economic concerns can mean that transitional justice efforts suffer from being seen as related to economic grievances. Moreover, self-conceptions of defence and victimisation in Croatia against larger, foreign powers may now be set against neoliberal globalisation instead (Schäuble, 2014). The disparity between how the period of change was greeted and how it was experienced is, therefore, also associated with any actors involved in transitional processes. Arguably this stems from the failure of transitional justice institutions to make it clear who they were designed to deal with and how, leaving other plights for justice to different actors. The cumulative effect is that some segments of society see economic failures as caused by issues in the realm of transitional justice, while others see transitional justice as a means to divert attention from economic failures.

9.6 Conclusion

War veterans and their associations, staunchly opposed to the transitional justice process, continue to be the most influential part of Croatian civil society. War veterans remain preoccupied with the war narrative and continue to see a need to defend Croatia, the values of the Homeland War and their own rights in society. They feel like “the radical losers in the war” (Schäuble, 2014: 201). This makes it easy for political actors to manipulate them, especially right wing parties, like the HDZ, who have in the past given war veterans special benefits due to their shared priorities regarding the Homeland War. Veterans might associate the HDZ with protection of the war, but they might also see it as a means to once again gain more funds and powers. This creates tensions between how war veterans are seen as individuals and how their associations are seen.

While war veterans remain respected by the Croatian public, war veterans’ associations are on the whole distrusted and viewed as fragmented, politically manipulated and too numerous. War veterans share this belief about their own associations. Given the preoccupation of war veterans with political and social issues, it is not surprising that socialising and humanitarian services of war veterans’ associations are ignored and seen as inferior. It is also then easy to imagine why others see them as politically manipulated. It is possible that what started as a means for the large associations to keep or get the HDZ in power, with the aim of maintaining or returning to a Tuđmanist state of affairs, has had a spill-over effect on the smaller associations that took part in this study. Only one group seemed to have an overt connection to the HDZ, while the others seemed dissatisfied with

⁸⁵ Lustration, the legacies of socialism and the Homeland War, perceived infiltration of Croatian institutions by unwanted elements, the need for a continued defence, and so on.

the political system as a whole, including the HDZ. Despite this and possibly inadvertently, their narratives featured symbols from the Homeland War, calls to arms, nostalgia over the Tuđman regime and so on; all mannerisms associated with war veterans' associations of the 1990s.

A comparison of views across groups (Table 16) shows a high degree of unanimity on this topic, especially in comparison to others. All groups agreed that war veterans were being manipulated, that the war veterans' associations were not to be trusted and that the key to reconciliation was in the economy. Transitional justice and neoliberal transition were semantically linked by war veterans and pensioners, while teachers generally did distinguish between the two. War veterans did express a worry that they and their sacrifices were being forgotten. This feeling was also shared by the other two target segments, but they discussed this more in terms of jobs and pensions, while war veterans had more emotional preoccupations about their position in society. Finally, the greatest difference in opinion was over what the role of human rights NGOs was, who war veterans and a group of pensioners saw as looking to divide Croatian society, while other groups were neutral on the topic.

Table 16. Comparison across groups of attitudes on war veterans.

	Issue	War veterans are being manipulated	Are the <i>udruge</i> trustworthy?	Key to reconciliation is the economy	Transitional justice and neoliberalism are linked	Main issue facing war veterans is	View of NGOs
Teachers	Zagreb	Yes	No	Yes	No	Jobs/pensions	Neutral
	Zadar	Yes	No	Yes	No	Jobs/pensions	Neutral
	Sisak	Yes	No	Yes	No	Jobs/pensions	Neutral
	Non-urban	Yes	No	Yes	No	Jobs/pensions	Neutral
War veterans	Zagreb	Yes	No	Yes	Yes	Being forgotten	Look to divide
	Zadar	Yes	No	Yes	Yes	Being forgotten	Look to divide
	Sisak	Yes	No	Yes	Yes	Being forgotten	Look to divide
	Non-urban Banovina	Yes	No	Yes	Yes	Being forgotten	Look to divide
	Non-urban Slavonia	Yes	No	Yes	Yes	Being forgotten	Look to divide
	Zagreb	Yes	No	Yes	Yes	Jobs/pensions	Neutral
	Zadar	Yes	No	Yes	Yes	Jobs/pensions	Look to divide
	Sisak	Yes	No	Yes	Yes	Jobs/pensions	Neutral
Non-urban	Yes	No	Yes	Yes	Jobs/pensions	Neutral	

Source: Own compilation

What does this high degree of unanimity over war veterans mean? The narrative surrounding war veterans, their sacrifice and the problems they face seems to be unifying. They embody the spirit of the war narrative since they are seen as the truest victims of the Homeland War, the ones who made the greatest sacrifices. Alternatively, it could also be that, because of their place in the war narrative, it is considered socially unacceptable to critique their position and actions (something that would be reflected in the focus group setting in particular). Others may have a fear of speaking out at all, which was reflected in some interviews with teachers, who alluded to negative aspects of the special status war veterans have in Croatian society. The position of war veterans also highlights the need for social justice, alongside restorative and transitional justice, in the aftermath of conflict (Cocozzelli, 2009). This often takes the form of a comprehensive social welfare system, which if neglected, can create social divisions, as it has in Kosovo (Ströhle, 2013: 247). This means that transitional authorities, be they internal or external, need to pay careful attention to the social divisions and structural inequalities that are the result of different war narratives and memories (Ströhle, 2013: 264).

At the time of the fieldwork the HDZ was not in power, but with an election on the horizon, it had started to frequently employ nationalist symbols to raise their popularity among voters. War veterans' associations proved to be a useful ally since they fervently rally behind such causes. The relationship between Croatian economic transition and transitional justice highlights this, since the two are semantically identical in much of the public's eyes and this allows issues between the two to be used interchangeably, easily diverting attention from one area by emphasising issues in the other. For example, calls for jobs for war veterans can be used to divert attention from broader issues of unemployment. This also shows the inconsistency between how a period of change can be greeted and how it can be experienced, with a stark contrast between hope and despair. The cumulative effect is that whilst war veterans' associations hold an influential position in society, they have been opposed to transitional justice and, given their preoccupation with the Homeland War, they can be manipulated by political actors. This allows political actors to divert attention from, for example, economic issues to issues related to the war narrative, which are seen as much more imminent in an atmosphere of perpetual defence.

Qualitative Comparative Analysis: Comparing the results

The interaction between different narratives and memories, produced and reproduced at different levels of society, is complicated and confusing. The preceding chapters have shown the structure of narratives associated with the transitional justice process in Croatia and how they interact with each other in some detail. It is, however, difficult to distinguish patterns across all of the investigated themes and target segments. This chapter will highlight some of these patterns by using Qualitative Comparative Analysis (QCA).

The main purpose of QCA is to take in-depth analyses of single cases and systematically compare them across a larger number of cases, often to ascertain causal factors (discussed in more detail in Chapter 3). In this study, however, the purpose of QCA was to illustrate and to validate. QCA helped illustrate patterns that occurred across the interviewed target segments and to help ascertain why they occurred. For example, how did teachers express different attitudes towards transitional justice and specifically where did their views differ from other target segments? Moreover, the method can more clearly illustrate where the war narrative is particularly strong and where there is some debate. QCA can also help validate results, by systematically showing how certain discussions recurred across groups and how debate over certain topics may have led to a different understanding of transitional justice. The purpose of the QCA was, therefore, not to ascertain causality or causal paths, but to look for patterns.

The analysis used crisp set QCA for the sake of simplicity, both in terms of analysis and visualisation. This means that the various factors were, for the most part, dichotomised. The analysis of the whole set of factors showed no patterns, so the factors were divided along thematic lines (as they were discussed in the chapters). Themes that saw total agreement were removed from the QCA, but are discussed below. Logical remainders, such as parsimonious and intermediate solutions, which form a crucial part of QCA were ignored since the aim was not to ascertain causality. Both of these types of solutions are configurations of conditions that are populated by few cases, if any at all. Each of these allows a researcher to come up with counterfactual conclusions about causal roots, however, these are not pertinent to a search for patterns, such as in this thesis. QCA also uses the terminology of necessary and sufficient conditions. A sufficient condition is one that, if satisfied, guarantees a certain outcome. A necessary condition, on other hand, is one that *must* be satisfied in order to achieve the outcome. For example: it is *sufficient* to skip a

final exam to fail a course, but it is not the only way to fail a course; it is *necessary* to be female to be pregnant (Goertz and Mahoney, 2012: 21). These are important in QCA to draw conclusions about causality, but in this study necessary conditions were particularly illustrative of patterns, while sufficient conditions for the most part highlighted the complexity of the narratives. They are included below only if they had high coverage of cases.

The analysis aimed to explain whether the transitional justice process in Croatia was successful in achieving some of its stated goals (discussed below in more detail). This is based on the theory of deliberative justice, which argues that transitional justice is successful if it leads to a debate on topics relevant to the process. The analysis, therefore, looked for areas where debate or questioning over themes in the dominant war narrative occurred. The chosen “outcome” for the QCA was whether deliberation happened on the key topics that transitional justice deals with.

Other than the general limitations of QCA (discussed in Chapter 3), this application of the method has a range of further limitations. Primarily, this approach does not ascertain causality, although it does hint at what pre-conditions (necessary or sufficient) could lead to deliberation of transitional justice issues. Using crisp set QCA also means that many nuances associated with narratives were missed, but again the aim was to better illustrate results from preceding chapters. Because it dichotomises outcomes regarding transitional justice, the analysis loses much of the colour associated with attitudes and responses, not just from participant to participant, but also from group to group. Overall, although the QCA does not make an independent contribution to the finding, the results presented are a useful schematic summary of the previous chapters’ observations.

The following sections will outline the results of the QCA theme by theme. Each section will provide the relevant data used, the necessary conditions and the sufficient conditions, if any. Only conditions with significant coverage were included, meaning that a set of conditions had to cover more than one case (group) to be included. A presentation of the outcomes and the areas of universal agreement (those that featured no debate whatsoever) across groups precede these analyses. Together these also highlight potential future areas for study.

10.1 Outcomes

It is debatable if it is at all possible to talk about “success” of transitional justice, since such a high degree of ambiguity is attached to the goals of the process. For the purposes of the QCA analysis, the outcome of transitional justice was assumed to be the presence, or not, of a debate on transitional justice issues. This outcome was drawn from six topics taken from the focus group discussions that were defined as “aims” of transitional justice, for the most part relating to understandings of the rule of law. They are both factual questions (such as the first two, based on belief in ICTY rulings) and value questions (the remaining four). These highlight how transitional justice is concerned with both the transmission of facts and with normative change:

- Did only Serbia commit aggression during the war? This is contradicted by ICTY rulings on Croatian involvement in Bosnia.
- Was there Croatian involvement in Bosnia? Again, ICTY rulings relate to this.
- Are crimes of passion war crimes?
- Are war crimes possible in a defensive war?
- Did Croatian forces commit war crimes? Domestic war crimes trials proved this to be the case.
- Did trials at the ICTY or domestic courts have any significance in the eyes of participants?

The outcome was reduced to a binary 0 (if three or less of the topics saw debate) or 1 (if four or more topics saw debate). In other words, transitional justice was adjudged to have been “successful” in initiating a debate if four or more areas of the six saw debate (Table 17).

Table 17. Overview of QCA outcomes.

	Aggression (any debate over if it was only Serbian or if it is a war crime)	Croatian involvement in Bosnia had negative elements (yes/no)	Crimes of passions are war crimes (yes/no)	Crimes possible in defensive war (yes/no/both)	Croatian war crimes (silence or debate present)	ICTY/Domestic trials have significance (yes/no)	Deliberation present (yes=1, no=0)
Teachers	Zagreb	Some debate	Yes	Yes	Debate	Yes	1
	Zadar	Some debate	Yes	Yes	Debate	Yes	1
	Sisak	No debate	No	Yes	Debate	Yes	1
	Non-urban	Some debate	Yes	Yes	Debate	Yes	1
War veterans	Zagreb	No debate	No	Both	Silence	Yes	0
	Zadar	No debate	No	No	Silence	No	0
	Sisak	No debate	No	No	Silence	No	0
	Non-urban Banovina	No debate	No	No	Silence	No	0
	Non-urban Slavonia	No debate	No	No	Silence	No	0
	Zagreb	Some debate	Yes	Yes	Debate	Yes	1
Pensioners	Zadar	No debate	No	No	Silence	No	0
	Sisak	No debate	Yes	No	Debate	Yes	1
	Non-urban	No debate	No	Yes	Debate	No	0

Source: Own compilation

It is possible that on the topics that featured debate, individuals already disagreed due to their existing orientations, which was reflected in results. In other words, that debate was not a result of transitional justice, but of existing social divisions. Given the difficulty in ascertaining causality, it is hard to decisively dispute such an explanation, other than to highlight that the survey results (discussed below) showed no clear distinctions between groups that would point to inherent social divisions. For example, university education seemed to only make a small difference in attitudes, but not independently of other factors. Moreover, the lack representativeness means it is not possible to generalise with this data.

Across groups the difference between the war veterans and teachers becomes obvious, whereas pensioners show mixed opinions (Table 18).

Table 18. Comparison of group outcomes.

Deliberation Present	Deliberation Not Present
Zagreb teachers	Zagreb war veterans
Zadar teachers	Zadar war veterans
Sisak teachers	Sisak war veterans
Non-urban teachers	Non-urban Banovina war veterans
Zagreb pensioners	Non-urban Slavonia war veterans
Sisak pensioners	Zadar pensioners
	Non-urban pensioners

This simplification is useful for illustration, but it does miss nuances. For example, the groups of pensioners displayed mixed opinions compared to the overall less ambiguous teachers and war veterans; the Sisak teachers stood out compared to teachers in other locations; and, the Zagreb war veterans did feature some discussion, at least compared to other war veterans' groups. Finally, the theme of the ICTY being seen as necessary or not has been excluded in this part of analysis since it correlates exactly with the outcome of debate over transitional justice. In other words, groups that felt the ICTY was necessary also featured debate on transitional justice. This most likely indicates that both outcomes are the result of a third factor, but ultimately this study cannot ascertain the exact significance of this. It is possible that individuals who see a purpose to the ICTY may also see a reason to question recent history and dominant narratives.

10.2 Agreement

Before outlining the key differences between and among target segments, it is important to note the high degree of agreement across groups. In many ways, the most striking feature of this analysis is how much agreement is present across target segments and locations on key parts of various narratives (Table 19). This highlights that some narratives are too strongly ingrained in society to be easily undermined or even debated.

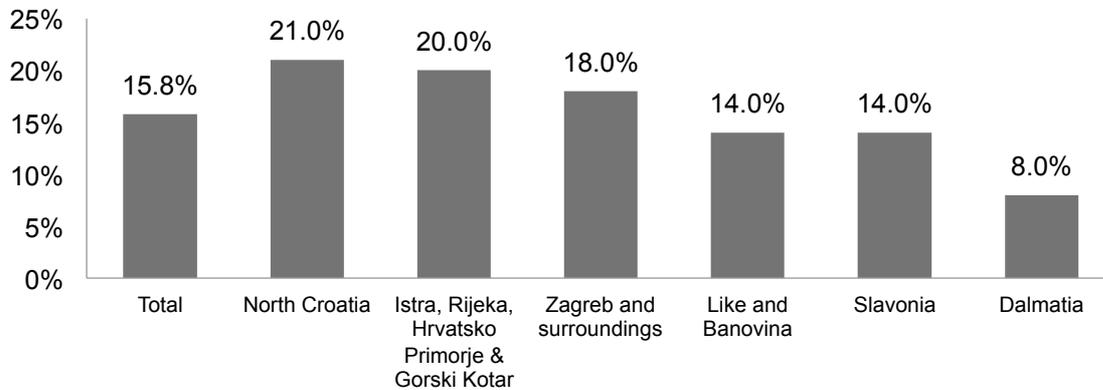
Table 19. Topics of agreement across all groups and target segments.

Theme		
<i>Sources of information</i>	Participants and television highly trusted.	The ICTY, domestic courts, political parties and <i>udruge</i> highly distrusted.
<i>The war narrative</i>	Agree that the war was in self-defence and a struggle for survival.	The war narrative is discussed in a local and personal manner.
<i>The rule of law</i>	The ICTY is regarded as inefficient.	
<i>Serbs in the eyes of Croats</i>	Agree that there should not be Cyrillic signs in Vukovar.	Acknowledge that Serbs fought on Croatian side.
<i>War veterans</i>	Agree that war veterans are being manipulated, that war veterans' associations are corrupt and untrustworthy and that the economy is the key to reconciliation.	

Within the predominant war narrative, the key notion of Croatian self-defence is not questioned at all, although all other elements are at least debated somewhat. Likewise, all participants discussed this in a local and personal manner, which hints at the everyday nature of this particular narrative. The ICTY is regarded as inefficient, although as subsequent sections will show, this does not mean their verdicts do not hold any significance. The view of the Serb minority, however, highlights the contradictions present among the Croatian public. Whereas there is widespread acknowledgment that they did fight on the Croatian side, there is also total agreement that there should not be Cyrillic signs in Vukovar. Given Vukovar's unique position in the Croatian war narrative, it is possible that views on Cyrillic in Vukovar are not necessarily also views on the Serb minority in Croatia. It

is also possible that views on the Serb minority vary according to where people live, more so than this study has been able to highlight. Survey data supports this notion (Figure 28).

Figure 28. Respondents who think that names of villages and towns with significant Serb populations should also be written in Cyrillic.



Source: Kolstø (2011)

10.3 Survey results

Qualitative Comparative Analysis of the survey results found no significant patterns and no patterns whatsoever across the whole set of questions. It was, therefore, necessary to significantly simplify the raw data (Table 20) to obtain a more manageable set data table (Table 21). In order to achieve this, the factors and conditions were dealt with as follows:

Independent Variables

2. Age: it was removed since no pattern at all was found and age correlated exactly with the target segments (teachers were youngest, war veterans older, pensioners oldest). This could have proven more useful if the study had used fuzzy set QCA, but in this instance splitting age along three categories did not prove to be effective.
3. Place of birth: this was also excluded since it correlated closely with where participants were during the conflict, which also seemed the more relevant factor.

4. Highest qualification achieved (UN): did most of the group hold a university degree of some kind (1), or not (0)? If the group was evenly split then it was marked as 0, since most of the group was not university educated.
5. Residence during 1991 – 1995 period (WR): frontline (1), or not (0). Frontline was defined as either occupied or attacked frequently. For example, Zadar and Sisak were on the frontline during the war, Zagreb was not.
6. Current residence (CR): same as above.

Dependent Variables

7. Interest in national history and the fate of the nation (FN): 1 indicated high interest (above 2.5), 0 indicated low (below 2.5).
8. Croatian officials and soldiers convicted at the ICTY and in domestic courts are heroes, not war criminals (HC): 1 indicated strong agreement (below 3.0), 0 indicated neutral views (3.0 and above).
9. The Croatian side could not commit war crimes in a defensive war (DW): 1 indicated agreement (below 2.5), 0 disagreement or neutrality (above 2.5).
10. School books about Croatian history in the 1990s present the history of Croatia correctly: this was excluded since the answers were far too nuanced to fit into crisp set QCA. An attempt was made to analyse the results using multi-value QCA, but this also proved inconclusive.
11. Representatives of the Serb minority in Croatia should be involved in the development of museums about 20th century Croatian history: as above.
12. Importance of demonstrating national belonging and being true to national tradition (NB): 1 indicated a high degree of importance (3.6 and higher), 0 little or neutral (3.5 and less).

Table 20. Survey raw data table.

Question	2. Age	3. Place of birth	4. Highest qualification achieved	5. Residence during period 1991-1995	6. Current residence	7. How interested are you in your national history and the fate of your nation?	8. To what extent do you agree with the following statement: Croatian officials and soldiers convicted at the ICTY or in domestic courts are heroes, not criminals.	9. To what extent do you agree with the following statement: The Croatian side could not commit war crimes in a defensive war.	10. To what extent do you agree with the following statement: school books about Croatian history in the 1990s present the history of Croatia correctly.	11. To what extent do you agree with the following statement: representatives of the Serb minority in Croatia should be involved in the development of museums about 20th century Croatian history.	12. How important is it to you to demonstrate your national belonging and being true to your national tradition?
Teachers	Zagreb	No	University	Not	Not	2.8	3.5	4.8	3.0	1.0	3.5
	Zadar	Yes	University	Front	Front	3.0	3.0	3.0	1.3	2.3	3.7
	Sisak	Yes	University	Front	Front	3.0	3.0	4.0	3.0	2.3	3.7
War veterans	Non-urban	No	University	Not	Not	3.0	3.5	4.8	3.3	2.0	2.5
	Zagreb	No	50/50	Front	Front	3.0	Blank	4.0	3.3	2.5	4.8
	Zadar	Yes	High	Front	Front	3.0	1.0	1.8	4.2	3.8	5.0
	Sisak	Yes	High	Front	Front	3.0	1.0	Blank	5.0	1.0	5.0
	Non-urban Baranovina	Yes	University	Front	Front	3.0	1.2	2.6	3.8	2.2	5.0
	Non-urban Slavonia	Yes	High	Front	Front	3.0	1.0	1.0	3.5	3.0	5.0
Pensioners	Zagreb	No	50/50	Not	Not	2.3	2.3	2.2	2.6	1.0	2.0
	Zadar	Yes	University	Front	Front	3.0	1.0	1.0	1.6	2.0	5.0
	Sisak	Yes	University	Front	Front	2.4	2.8	3.3	2.5	1.5	2.7
	Non-urban	No	High	Not	Not	3.0	1.0	1.4	4.4	4.6	4.2

Source: Own compilation

Table 21. Survey set data table.

Condition	UN	WR	CR	FN	HC	DW	NB	TJ
ZGT	1	0	0	1	0	0	0	1
ZAT	1	1	1	1	0	0	1	1
SIT	1	1	1	1	0	0	1	1
NUT	1	0	0	1	0	0	0	1
ZGV	0	1	0	1	0	0	1	0
ZAV	0	1	1	1	1	1	1	0
SIV	0	1	1	1	1	0	1	0
NUVB	1	1	1	1	1	0	1	0
NUVS	0	1	1	1	1	1	1	0
ZGP	0	0	0	0	1	1	0	1
ZAP	1	1	1	1	1	1	1	0
SIP	1	1	1	0	1	0	0	1
NUP	0	0	0	1	1	1	1	0

As already mentioned, there were no discernible patterns across the whole set. The QCA analysis showed that the necessary conditions for deliberation of transitional justice with the highest coverage were:⁸⁶

Neutral view of: Croatian officials and soldiers convicted at the ICTY and in domestic courts are heroes, not war criminals

OR

Little or neutral importance of demonstrating national belonging and being true to national tradition (hc+nb)

Low interest in national history and the fate of the nation

OR

Neutral view of: Croatian officials and soldiers convicted at the ICTY and in domestic courts are heroes, not war criminals (fn+hc)

Most of group held a university degree

OR

Little or neutral importance of demonstrating national belonging and being true to national tradition (UN+nb)

Most of group held a university degree

OR

Low interest in national history and the fate of the nation (UN+fn)

⁸⁶ Lower case lettering indicates the lack of presence of a condition, whereas upper case indicates its presence. “+” stands for the logical OR, while “*” stands for the logical AND.

These results are not conclusive, but they do hint at some patterns. Many groups where debate took place did not place a lot of emphasis on the fate of their nation or did not take an interest at all; did not consider Croatian individuals indicted by courts to be heroes; did not consider it important to demonstrate their national belonging; and, did have university degrees. Overall, however, there is no hard and fast rule present and sufficiency tests were even more ambiguous and confusing.

10.4 Sources of information

Sources of information were dichotomised from the raw data table (Table 9) to provide a set data table (Table 22) along the following lines:

- Croatian Memorial and Documentation Centre for the Homeland War (AN): trust in the source (1) or mixed levels of trust (0).
- Non-television media (NT): distrusted and perceived as aiming to create a split in the Croatian public (1) or only distrusted (0).
- Government (GO): distrusted and in need of lustration (1) or only distrusted (0).
- Is anything being suppressed or hidden (SU): yes (1) or no (0).
- The Church (CH): trusted (1) or distrusted/ignored (0)
- Historians (HI): distrusted (1) or trusted/neutral (0).

Table 22. Sources of information set data table.

Condition	AN	NT	GO	SU	CH	HI	TJ
ZGT	0	0	0	1	0	0	1
ZAT	1	0	0	1	0	0	1
SIT	1	0	0	0	0	0	1
NUT	0	0	0	1	0	0	1
ZGV	1	1	1	0	1	1	0
ZAV	1	1	1	1	1	1	0
SIV	1	1	1	1	1	1	0
NUVB	1	1	1	1	1	1	0
NUVS	1	1	1	1	1	1	0
ZGP	1	0	0	1	0	1	1
ZAP	1	1	1	1	0	1	0
SIP	0	0	0	1	1	1	1
NUP	1	0	0	1	0	1	0

The calculation for necessary conditions shows three results that highlight two factors:

Government distrusted, but NOT in need of lustration (go)

Non-television media distrusted, but NOT aiming to split the Croatian public (nt)

Non-television media distrusted, but NOT aiming to split the Croatian public

AND

Government distrusted, but NOT in need of lustration (nt*go)

Participants who felt that segments of the media did not aim to cause a split in the Croatian public and those who did not see a need for lustration of the government (as opposed to hard line anti-communists who felt institutions had been infiltrated by unwanted elements) were generally more open to deliberation on transitional justice. In this sense conspiracy theories were associated with individuals who also did not question issues related to transitional justice. All of the war veterans' groups and the Zadar pensioners strongly felt that some kind of infiltration had occurred and that someone was trying to split up the Croatian public. Analysis of the sufficient conditions was inconclusive, but it does somewhat highlight the special position of the Sisak teachers:⁸⁷

AN*nt*go*ch*hi	Sisak teachers; Zadar teachers
nt*go*SU*ch*hi	Zagreb teachers; Non-urban teachers; Zadar teachers
an*nt*go*SU*CH*HI	Sisak pensioners

Overall these results point a general distrust of institutions that accompanies a lack of deliberation on transitional justice issues. As the necessary conditions point out, the distrust is spread across all groups and the nuances here lie in the extent to which sources are distrusted, rather than if they are distrusted at all.

⁸⁷ These solutions have not been expanded for the sake of brevity and clearer illustration.

10.5 The war narrative

The raw data regarding the war narrative (Table 13) was dichotomised as follows:

- Vukovar (VU): elements over the Vukovar narrative were questioned (1) or they were not (0).
- Yugoslavia (YC), Milošević (MC) or both (BC) as criminal: this condition was not dichotomised, but was split into three possible options: that Yugoslavia was criminal, that Milošević was or that both were. In the table this is presented as binary, where 1 stands for the belief being present and 0 not. This was done because this view was expressed in such distinct ways and the criminalisation of one system or the other implies an important contrasting view of the past.
- The war is not over (WO): a belief in this notion (1) or not (0).
- Other conditions are present in the raw data table, but these make up a part of the outcome (TJ).

Table 23. War narrative set data table.

	VU	YC	MC	BC	WO	TJ
ZGT	1	0	0	1	0	1
ZAT	0	0	1	0	0	1
SIT	0	1	0	0	0	1
NUT	1	0	0	1	0	1
ZGV	0	1	0	0	1	0
ZAV	0	1	0	0	1	0
SIV	0	1	0	0	1	0
NUVB	0	1	0	0	1	0
NUVS	0	1	0	0	1	0
ZGP	1	0	0	1	0	1
ZAP	0	1	0	0	1	0
SIP	0	0	1	0	0	1
NUP	0	0	0	1	1	0

The analysis of necessity shows that only one condition was necessary (wo), so all groups that believed the war not to be over also did not deliberate on transitional justice issues, and vice versa. In other words, “wo” was the only necessary condition with 100% coverage that led to a deliberation on transitional justice. The sufficiency analysis highlights the importance of which system is considered to be criminal:

VU*yc*mc*BC*wo	Zagreb teachers; non-urban teachers; Zagreb pensioners
vu*yc*MC*bc*wo	Zadar teachers; Sisak pensioners
vu*YC*mc*bc*wo	Sisak teachers

Again, the Sisak teachers stand out since they were the only group to deliberate on transitional justice and believe Yugoslavia to be criminal. All other groups either considered Milošević to be criminal or both Yugoslavia and Milošević. Overall, however, the key difference regarding the war narrative is related to how relevant the war remains in individuals' lives. While it is factually inaccurate to claim the war is not over, what these individuals are most likely trying to say is that issues emerging from the war remain unresolved and that the war continues to play a significant role in their personal lives.

10.6 Serbs in the eyes of Croats

The conditions for how Croats viewed the Serb minority were dichotomised from the raw data table (Table 15) as follows:

- Debate on ethnic issues (MD): much debate (1) or little (0).
- Cyrillic is a provocation or an attack (CP): agreement with the statement (1) or disagreement (0).
- The role of the Church (RQ): the role was questioned or seen as political (1), or it was ignored (0).
- Serbs are inherently aggressive (SA): agreement with the statement (1) or disagreement (0).
- Serb returnees are accomplices (RA): agreement with the statement (1) or disagreement (0).

Table 24. Serbs in the eyes of Croats set data table.

	MD	CP	RQ	SA	RA	TJ
ZGT	0	0	1	0	0	1
ZAT	0	1	1	0	0	1
SIT	0	0	0	0	0	1
NUT	0	0	1	0	0	1
ZGV	1	1	0	1	1	0
ZAV	1	1	0	1	1	0
SIV	1	1	0	1	1	0
NUVB	1	1	0	1	1	0
NUVS	1	1	0	1	1	0
ZGP	1	0	1	0	0	1
ZAP	1	1	0	1	1	0
SIP	1	1	0	0	0	1
NUP	1	0	1	1	1	0

A calculation of necessary conditions highlights two factors with 100% coverage together and independently of each other:

Serb returnees are NOT accomplices (ra)

Serbs are NOT inherently aggressive (sa)

Serbs are NOT inherently aggressive

AND

Serb returnees are NOT accomplices (sa*ra)

In other words, groups that deliberated on transitional justice did not believe Serbs to be inherently aggressive and did not see Serb returnees as accomplices. Analysis of sufficiency did not reveal any significant patterns. Overall these results highlight the unanimity of opinions across groups and that what sets war veterans and the Zadar group of pensioners out from the rest is a higher degree of distrust and suspicion of returnees. The higher level of distrust is, however, also present in many of their other views and seems to define a large part of their worldview.

10.7 War veterans

The topic of war veterans in Croatian society saw a high degree of unanimity across the various topics. The raw data table (Table 16) was, therefore, reduced to only three conditions (Table 25):

- Transitional justice and neoliberalism seen as linked (TN): the group did not make a semantic distinction between the two processes and saw them as linked (1) or they did make a distinction between them and did not see them as linked (0). It is included in this section since most groups, but especially pensioners and war veterans, saw the legacy of the conflict and the transition to neoliberalism as inextricably linked. Their discussions of the position of war veterans in Croatian society frequently referred to neoliberal transition.
- Main issue facing war veterans (MV): the main issue facing war veterans is being forgotten (1) or the main issue facing war veterans are a lack of jobs and pensions (0).
- View of NGOs (VN): belief that NGOs look to divide the Croatian public (1) or a neutral opinion of them (0).

Table 25. War veterans set data table.

	TN	MV	VN	TJ
ZGT	0	0	0	1
ZAT	0	0	0	1
SIT	0	0	0	1
NUT	0	0	0	1
ZGV	1	1	1	0
ZAV	1	1	1	0
SIV	1	1	1	0
NUVB	1	1	1	0
NUVS	1	1	1	0
ZGP	1	0	0	1
ZAP	1	0	1	0
SIP	1	0	0	1
NUP	1	0	0	0

The analysis of necessary conditions once again highlights distrust as the main differentiator between outcomes:

Main issues facing war veterans are a lack of jobs and pensions (mv)

Neutral view of NGOs (vn)

Main issues facing war veterans are a lack of jobs and pensions AND neutral view of NGOs (mv*vn)

It is not surprising to see that war veterans worry about being forgotten, but these groups that do not deliberate on transitional justice (except the Zadar war veterans) also believe that the NGO community in Croatia is looking to divide Croatian society. In the case of teachers, a sufficiency analysis also shows that they all make a semantic distinction between transitional justice and neoliberal transition (tn*mv*vn). In other words, they deliberate on transitional justice issues and see a difference between the two processes. Overall, although the topic predominantly featured agreement, the differences between outcomes are focused on general pessimism and distrust on the one hand and a generally better understanding of what transitional justice is, on the other.

10.8 Overall comparison

Is a general sense of distrust within society the key factor to deliberative justice succeeding or occurring? These analyses cannot ascertain that, but they do highlight a certain correlation. A comparison of all of the above-mentioned areas also provides an interesting result. This analysis reduced each separate theme into a binary outcome. It included the areas of agreement and the area of disagreement to get an overall picture of each area. This method captured further nuances missed in the theme-by-theme analyses. The conditions in this analysis were:

- Sources of information (SI): given the general level of distrust, this was divided into higher levels (1) and comparatively lower levels (0).
- The war narrative (WN): whether there was any debate at all on issues (1) or not (0).
- Serbs in the eyes of Croats (SE): if four of more of the 7 factors were predominantly debated (1) or not (0).

- War veterans (CY): was there a high degree of pessimism (1) or a lower degree (0). Pessimism is defined as groups who believed the main issue facing war veterans is being forgotten (MV) and that NGOs look to divide the Croatian public (VN).
- Transitional justice and neoliberalism seen as linked (TN): this was included to check if it holds any significance. Again, either the group did not make a semantic distinction between the two processes and saw them as linked (1) or they did make a distinction between them and did not see them as linked (0).
- Outcome (TJ): the outcome was kept the same.

Table 26. Comparison set data table.

Condition	SI	WN	SE	CY	TN	TJ
ZGT	0	1	1	0	0	1
ZAT	0	1	1	0	0	1
SIT	0	0	1	0	0	1
NUT	0	1	1	0	0	1
ZGV	1	0	0	1	1	0
ZAV	1	0	0	1	1	0
SIV	1	0	0	1	1	0
NUVB	1	0	0	1	1	0
NUVS	1	0	0	1	1	0
ZGP	0	1	1	0	1	1
ZAP	1	0	0	1	1	0
SIP	0	0	0	0	1	1
NUP	0	0	0	0	1	0

The analysis of necessary conditions highlights two areas that receive good coverage across groups:

Low degree of pessimism regarding war veterans (cy)

Comparatively lower levels of distrust of sources of information (si)

Comparatively lower levels of distrust of sources of information

AND

A low degree of pessimism regarding war veterans (si*cy)

Groups with lower levels of distrust regarding sources of information and war veterans also tended to deliberate on transitional justice issues, whereas those with particularly high levels did not. An analysis of sufficiency highlighted similar areas, in addition to the importance of debate over Serbs in Croatia:

si*SE*cy*tn	Zagreb teachers; Zadar teachers; non-urban teachers; Sisak teachers
si*SE*cy*WN	Zagreb teachers; Zadar teachers; non-urban teachers; Zagreb pensioners

10.9 Amalgamating the results

The focus groups, dyads, individual interviews, QCA and survey data point to a number of attitudes and perceptions among participants that may also be reflective of the wider public. Despite concerns about the representativeness of the sample, the combination of the various interviews with QCA adds more depth to how transitional justice issues are being deliberated in Croatian society. Most striking was the agreement across target segments on certain topics, which were rarely questioned, if they were questioned at all. For example, the notion of Croatian and Croat self-defence, as a part of the predominant war narrative, was universally accepted. Nearly all participants expressed it in a similar manner to NU.T.1, “For Croatia it was a true defensive war against the neighbouring *narod* who was not allowing us our freedom and who wanted to conquer us militarily, subdue us and force us to stay in the failed state of Yugoslavia” (interview with non-urban teacher). There was, however, no unanimity over whether it was the Croat *narod* that was attacked or the Croatian state, meaning there was no consensus over if the conflict was seen as ethnic or political.

The war narrative is very much an “everyday” narrative and all participants discussed it in a local and personal way. Individuals on the frontline felt they knew it first hand, “About [the war’s] general characteristics, from people who experienced it as such. I can only say what I saw and what I experienced” (dyad with Sisak pensioners). Individuals who were not on the frontline spoke of it in a similar fashion, “I personally think I do [have an understanding of the Homeland War]. Not only from written sources, but also from my conversations with people. When I put all of that together then I think I have a fairly complete picture” (dyad with Zagreb teachers). Despite discrepancies in attitudes about the ICTY, there was agreement (strongly supported by survey data) that the ICTY was at the very least inefficient:

ZA.T.2 – Some big fish avoided justice in the end.

ZA.T.1 – Or did not live long enough to see the trial end.

ZA.T.2 – Either they did not live long enough or they died before making it there (focus group with Zadar teachers).

Many areas, however, were marked by differences in opinion. At times these were relatively nuanced. For example, all target segments trusted participants and television pictures as a source of information and distrusted other sources. What set apart those who did deliberate on transitional justice issues and those who did not, however, were the levels of distrust. Those that deliberated simply distrusted the non-television media, “I have the impression that unfortunately we do not have any newspapers that are serious, where you can with certainty read something smart” (focus groups with Zadar teachers). Those that did not, saw them as attempting to divide the Croatian public and especially war veterans from the rest:

NU.V.4 – The demonstration on Savska has lasted for 60 days. In the news it gets a minute or not even a minute.

NU.V.5 – What minute?

NU.V.3 – This is already old news, it does not exist anymore.

NU.V.4 – They are once again trying to create a barrier between the civilian victims and the *branitelji* (focus group with non-urban war veterans Banovina).

Likewise, all groups distrusted the government. Some exhibited merely distrust of an incompetent and selfish set of institutions and individuals that are no different to other governments through time:

SI.T.1 – No government will say everything it knows. Only what suits them.

SI.T.2 – Yes. And this is normal for every government. In the future they will not release any more information.

SI.T.3 – Throughout history it has always been like that. It has never changed, from Rome until now (focus group with Sisak teachers).

Those who did not deliberate on transitional justice saw a government that was infiltrated by “Greater Serbs, Yugonostalgics, persecutors of the Croatian national spirit throughout history, UDBA members. Today they have completely infiltrated all the pores of Croatian economic, political and daily life” (dyad with non-urban war veterans Slavonia). Likewise, the war narrative, despite universal agreement on certain facets, exhibited a key differentiator in groups of whether participants felt the war was over or not. The war remained a central theme to some participants’ lives and they saw issues from the war as unresolved:

NU.P.5 – It is important for us to say what we think of our neighbours, the Serbs, how we now view them. In no way and never will we once again look at each other the same. Even if we lived another 100 years. They will come again. They said that even our great-grandchildren will fall victim to the Serbs.

NU.P.2 – They learn that. But we do not. Our future generations will not hate. They are vengeful. If there is a war, they will attack (focus group with non-urban pensioners).

The war did not hold the same central position in the lives of those who did deliberate on transitional justice. Whereas the above pensioners saw insecurity, a Zadar teacher merely saw tensions, “What is happening now is that Croatia is attacking Serbia over Šešelj, and Serbia is attacking Croatia over Cyrillic, because it cannot keep ten signs safe. Tensions are being kept high” (focus group with Zadar teachers). Many of those individuals believed tensions related to the war were still present in Croatian society, they adjudged much of politics and society around them based on the war, but this did not define their lives in the same manner.

Groups that deliberated on transitional justice also saw the ICTY as necessary or not as a mistake, despite its many flaws:

Moderator – Do you think it was a mistake to establish the ICTY?

ZG.T.1 – No.

ZG.T.2 – Perhaps it was not, I do not know, a mistake.

ZG.T.1 – A war crime has to be punished.

ZG.T.2 – Yes, in that light it definitely was not a mistake (dyad with Zagreb teachers).

Those who did not deliberate, on the other hand, saw the ICTY as a mistake. They also exhibited far more distrust of Serbs. Here the key differentiators between those who deliberated and not were whether Serbs are seen as inherently aggressive or not. These types of exchanges were common with groups that saw Serbs as inherently aggressive:

NU.P.4 – They are simply that kind of *narod*.

NU.P.1 – They would wage war now.

NU.P.4 – Yes, they are like that. It is in their blood (focus group with non-urban pensioners).

These groups also viewed Serb returnees as accomplices to crimes committed by Serb forces during the war. One participant recounted a story of how she told a Serb returnee “in you, in every person who returns from Serbia, I see the potential killer of my husband” (focus

group with non-urban war veterans Banovina). Finally, the QCA and discussions showed how groups differed in their view of war veterans. While those that deliberated on transitional justice considered the main problem facing the population of war veterans to be a lack of jobs, those who did not deliberate (including all five of the war veterans' groups) were more preoccupied with the war veterans being forgotten or misrepresented in society:

ZA.V.6. – Currently there are 37 *branitelji* in parliament, and they have never had a shared idea, despite their party allegiances, to solve something for the Croatian *branitelji*. This has not happened a single time. Not in a single session of parliament. This means that there is not even a reason to talk about the war (focus group with Zadar war veterans).

Again, the differentiator is associated with different levels of distrust. Pessimism that certain individuals experience when interpreting the world around them seems to also be linked to a lack of deliberation on topics related to transition justice.

10.10 Conclusion

The purpose of QCA in this study was to illustrate and to validate results. The purpose was not to ascertain causality or causal paths, rather it was used to highlight patterns. By dichotomising factors or conditions, nuances of narratives were lost but certain aspects of them were better exposed. Necessary conditions identified key patterns, while sufficient conditions at times proved useful in emphasising the complexity of narratives across groups.

A key differentiator between whether groups deliberated on transitional justice issues or not was the perception of whether the ICTY was necessary or not. Those who felt it was necessary also questioned or debated over recent history and dominant narratives. Other themes also stood out, as Table 27 outlines.

Table 27. Overview of key conditions that lead to deliberation on transitional justice issues.

Theme	Necessary Conditions	Sufficient Conditions
	Individuals and officials convicted at the ICTY and domestic courts to be considered criminals, <i>not</i> heroes.	
<i>Survey responses</i>	Little importance attached to demonstrating national belonging. Little interest in national history and the fate of the nation. University education.	N/A
<i>Sources of information</i>	Government distrusted, but <i>no</i> need for lustration. Non-television media distrusted, but <i>not</i> considered to be aiming to cause splits in the public.	N/A
<i>War narrative</i>	War considered to be over.	Milošević or both Milošević and Yugoslavia considered to be criminal.
<i>Serbs in eyes of Croats</i>	Returnees <i>not</i> seen as accomplices. Serbs <i>not</i> seen as inherently aggressive.	N/A
<i>Veterans</i>	Main issue with war veterans are a lack of pensions and jobs, <i>not</i> that they are being forgotten. Neutral view of NGOs, <i>not</i> seeing them as aiming to divide Croatian society.	Only teachers: semantic distinction between transitional justice and neoliberal transition.
<i>Overall comparison</i>	Role of Serbs in Croatia debated. Lower levels of distrust.	N/A

Source: Own composition

Issues of distrust are present under all of the different themes as the key factor that differentiates between where deliberation over transitional justice issues took place and where it did not. It is on this level that war veterans, in particular, stand out. For example, all target segments distrust most sources of information, but war veterans and the Zadar

pensioners also felt that some parts of the media and government had been infiltrated by unwanted elements. Equally, these segments felt that the war was not over. These highly suspicious groups also happened to not deliberate on transitional justice issues and see no need for the ICTY, whereas the other groups at least featured some debate.

The QCA confirms a number of points made in the prior chapters. Mainly, it shows the general agreement across all target segments in several areas, such as high distrust of media; perceptions of ICTY inefficiency; that Cyrillic signs should not be put up in Vukovar despite Serbs deserving equal rights; that war veterans are being manipulated but that their associations are corrupt; and, that the economy is the key to reconciliation. As in most chapters, teachers stood out from the other target segments. The QCA also raised a number of further points. Statistical indicators, at least in this study, were not particularly indicative of patterns. War veterans' views and attitudes were nearly completely uniform, while teachers and especially pensioners showed variation. A key differentiator between whether groups deliberated on transitional justice issues or not was the perception of whether the ICTY was necessary or not. Those who felt it was necessary also questioned or debated over recent history and dominant narratives. Levels of distrust, however, proved to be the most common differentiator across the groups in this study. For example, is the Croatian government simply distrusted or is it also infiltrated and looking to split the public? Are Serbs inherently aggressive? Are all returnees accomplices to war crimes? This list also includes views on NGOs, non-television media and feelings of the war not being over. All in all, the QCA highlighted that those with lower degrees of distrust and pessimism with these institutions also deliberated on transitional justice issues.

While the analysis hints at a certain atmosphere of pessimism that is impacting the transitional justice process across all groups, it is also important to keep in mind that transitional justice is a process and that maybe the fact that issues related to it are being deliberated at all means that transitional justice institutions have succeeded in their work. The following, concluding, chapter attempts to draw conclusions on how successful the transitional justice process in Croatia has been in fostering deliberation on the past and if this analytical framework is helpful or not.

Conclusion

The thesis analysed what effect the transitional justice process in Croatia has had on norms and narratives related to the 1991-1995 conflict. The results point to ambiguous effects. The process took place in an atmosphere of cynicism and distrust of institutions, which greatly affected how participants regarded transitional justice authorities and narratives presented from top-down. Discussions on most topics across all target segments consistently shifted to how the environment in Croatia is corrupt and how politics in the state has ruined “everything”. To some participants, the Croatian state was at fault, as much as Serbian aggression, for the dire situation that today’s society is in. Justice narratives, as well as the hoped for trickle-down effects of human rights norms, struggled to compete with personal and local everyday narratives, unless were in line with everyday expectations. This greatly affected how participants came to understand the world around them. A thorough and society-wide reckoning with past wrongdoings committed by Croatian forces or state authorities has not occurred, despite rulings at the ICTY and in domestic war crimes trials showing that they did happen. A significant normative and cultural change did not occur in society and it seems that, as Drumbl (2007) asserted, war crimes trials preoccupied with retribution and deterrence (the primary aims of these courts) lack the capability to instigate such change in society.

The Croatian media did not discuss transitional justice issues in a thematic fashion, instead they predominantly used the episodic news frame and focused on incidents over analyses. They did not draw connections between various interrelated issues. When the media did report thematically on transitional justice, they for the most part reported on the trial of Gotovina, which has come to define much of the Croatian state’s and society’s relationship with the ICTY and the transitional justice process more broadly. The proliferation of horizontal media, such as Internet portals, has changed this dynamic somewhat since they have questioned many of the mainstream issues that received only episodic coverage by vertical media, such as the predominant daily newspapers. Media frames influence how the public view the world, but they are also influenced by the environment that journalists work in. This analysis did not ascertain if the media is reflecting societal values and narratives, or if it is influencing them. It did, however, describe this environment, regardless of how it came to be.

Everyday narratives held particular sway over individuals in this study, since their most trusted source of information on the Homeland War were participants. They were highlighted as such across all target segments and were seen as superior sources of information in comparison to the media, historians, courts and governments. Despite being distrusted, elites and the media do at the very least set the parameters of narratives by performing and choosing what is available in the discursive space. Everyday interactions and discussions, on the other hand, are where narratives come to be debated, contested and affirmed. It is here that top-down and bottom-up narratives interact. This is also where transitional justice efforts to change norms and narratives can hit significant obstacles, since individuals trusted personal connections and participants far more than the narratives presented to them by authorities from above. The personal and local, or everyday, nature of the war narrative is, therefore, relatively more easily reproduced.

In the eyes of participants, the nearly universal, predominant war narrative of self-defence and victimhood provided justification for certain actions, including some that have been interpreted as war crimes by legal authorities. This narrative can be dangerous, since it creates a notion of “us, the victims” versus “them, the aggressors”. Participants constructed a context for understanding the past from a variety of perspectives, but the war narrative was particularly influential due to its everyday nature and emotional appeal. In comparison, justice narratives are far removed from the everyday, they are seen as coming from institutions in The Hague or Zagreb. These institutions are often perceived as illegitimate, which can prevent trickle-down effects of transitional justice to occur. In extreme instances, the transitional justice process was interpreted as a continued aggression against Croatia. Some deliberation of the war narrative is, however, present and groups that deliberated on transitional justice issues did not see this enduring aggression. All groups, however, continued to interpret a range of events through the perspective of the Homeland War.

The war narrative is central to many other topics within the realm of transitional justice. Participants defined war crimes in relation to their understanding of Croatian defence. Consequently, they exhibited a certain tolerance for deviance in the context of crimes committed by Croats. Notions of an unorganised and unprepared Croatian defence were seen as mitigating circumstances to war crimes, which were often defined in relation to Serbian crimes committed as a part of planned aggression. Again, the elite and far-removed clashed with the local and everyday; transitional justice institutions in Croatia and the Netherlands struggled to instil a rule of law norm in the context of localised complexities and already present normative expectations. Respondents felt powerless in a system they felt

was unresponsive, untrustworthy, corrupt and inefficient, which imposed justice on them from above and, often, afar.

Participants also based their legal reasoning on localised folk theories of law, which again allowed for an apologetic attitude towards certain crimes. This understanding of law was not legally consistent, but was instead consistent with the political and emotional narratives prevalent in respondents' views of the world. The effect of this is that the highly emotional war narrative plays a large role in shaping attitudes towards law. Moreover, factual inaccuracies often helped justify these narratives. This involved typical symbols of the war narrative, such as the *baka* with the rifle, which lowered Croatian war crimes to the level of ordinary crimes, if they were seen as crimes at all. These were seen as unexceptional crimes in war, as side effects of a horrible state of affairs, to be punished more leniently in comparison to exceptional Serb crimes, to be punished more harshly. The ICTY's and local courts' generally sound legal judgments and strict adherence to legal justice over political justice has not helped significantly develop understandings of law, but it has helped foster deliberation on these topics with certain groups of individuals.⁸⁸ Localised narratives and normative processes may have undermined the trickle-down effects of rule of law norms, but that does not mean this will not change in the future, since the norms are at the very least being discussed.

The war narrative also defined how participants viewed Serbs, the "other" to Croat identity. The war narrative contributed greatly to the Orthodox Church being seen as aggressive and an obstacle to reconciliation, as opposed to the forgiving Catholic Church. Although a range of survey results and participants' comments pointed to openness towards the Serb minority and minorities in general, there was also consensus among participants and the wider public that Serbs should not be given equal language rights in Vukovar at the time. The issue of Cyrillic signs in Vukovar had two effects on participants, it reduced their trust in government institutions and made Croats feel threatened by a perceived Serb threat, to a lesser or greater extent. Moreover, individuals frequently use notions of collective guilt based on ethnicity to decide who is culpable for committed crimes. This can have serious implications during periods of higher tensions, when members of outgroups can become targets of violence.

⁸⁸ It is possible that there is a difference where judgments are not sound (for example, it can be objectively argued that the Šešelj trial was not legally sound) or where there is a big gulf between the reasoning of the trial and appeal chambers.

Finally, all participants agreed that war veterans faced significant problems in Croatian society, but the exact nature and degree of these differed among participants. All target segments, however, agreed that war veterans' associations were politicised and often corrupt. Despite this, associations remain a useful ally to political parties that can use nationalist symbols to gain their allegiance and those of voters who agree with their plight (such as all groups in this study that did not deliberate on transitional justice). The link between Croatian economic transition and transitional justice highlights this potential. To many respondents, the two transitions were semantically linked and were referred to interchangeably. This allows political elites to divert attention from one by emphasising issues in the other, in other words by covering economic woes up (such as for example high unemployment or stunted economic growth) by portraying them as attacks on war veterans (lack of jobs for war veterans specifically) or on all of Croatia (Cyrillic signs in Vukovar). This highlights how a period of change can be welcomed and how it can be remembered.

In so many facets, the war narrative enjoyed universal agreement among study participants and nearly universal agreement with the Croatian public, meaning the trickle-down effects of norms and justice cascades do not occur, as the justice narrative is wholly rejected. In other instances, with some groups and target segments, the complex interaction between two, or more, narratives produced a deliberation on topics relevant to transitional justice. This does not mean that norms associated with the process will take hold in society, but it does at the very least lead to a discursive space marked by numerous narrative options, rather than a monopoly. In the case of Croatia, as with many other case studies around the world, norm advocates were present and influential in society. These norm advocates, however, did not promote human rights but instead primarily promoted the war narrative and, often, the more extreme elements of it.

This analysis provides a further case study for how pressure for norm change comes from a variety of sources and that this pressure can be for or against human rights norms. The spiral model of norm change (Risse et al., 1999), which assumes that pressure on human rights norm violating governments will come from below, through domestic norm believers and transnational human rights networks, is correct in the case of Croatia, since these actors did exist and exerted pressure. It is, however, debatable how much influence they ever had and if they could ever have hoped to achieve significant results in the face of a grouping like the war veterans, who laid the foundation of their arguments in the powerful war narrative. The central role of emotion in periods of drastic change, or entrenched transition as in Croatia, has been overlooked in research on post-socialist societies (Schäuble, 2014: 15).

The case of Croatia shows how pressure from below can hamper the spread of human rights norms, especially when combined with dominant and emotional everyday narratives.

11.1 Was transitional justice successful?

It is highly debatable if the process of transitional justice can be reduced to a binary result of success or failure. It is equally debatable if causality can ever be ascertained in such a complex process, when even its beginning and end often remain hard to pinpoint and its realms of influence remain unknown. Despite the numerous instances of transitional justice across the globe, few cases are of any comparative use due to their intrinsic uniqueness. Even the countries of the former Yugoslavia provide little in the sense of parallels to be drawn. One comparison that may be of more comparative use with regards to a deliberative interpretation of transitional justice is Croatia's first such process, dealing with crimes committed during the Second World War and during the Yugoslav regime.

The legacy of both the Ustasha and the Yugoslav regimes remain in many ways misunderstood. The communist past, for example, was almost wholly ignored and not systematically addressed, as opposed to many other Eastern European countries which did tackle this period of their histories to varying degrees (Subotić, 2015b: 204). Such a process was difficult under the Yugoslav circumstances of the 1990s, which were marked by violent conflict and nationalism. The consequence of this was that human rights abuses from the communist period were presented as attacks by one ethnicity against another, depending on who was asked (Subotić, 2015b: 190). Communist crimes were never analysed in a political vacuum and were used for the purposes of nationalistic mobilisation (Subotić, 2015b: 190). In other words, transitional justice was politicised from the outset and serious examination of this period is yet to happen (Subotić, 2015b: 205). As Subotić (2015b: 205) warns, "if there is one lesson to be learned from the Yugoslav experience, it is for the transitional justice scholars and practitioners not to give up this historical ground so easily to others, but to insist on a careful and systematic evaluation of the communist past."

Similarly, a lack of systematic studies of Second World War, Ustasha and Partisan crimes has led to highly diverging understandings of this period of Croatian history. These different memories and associated commemorations have polarised Croatian society and instigated political, media and cultural debates (Pavlaković, 2008). More recent events, such as the debate surrounding the shouting of "*Za dom, spremni*" at football matches, exemplifies how a lack of understanding of the past can lead to dangerous present-day interpretations. Chief

among these incidents was the shouting of the salute by a Croatian national team football player, Josip Šimunić, to a crowd of 25,000 spectators in Zagreb in November 2013.⁸⁹ The Australian-born player highlighted his lack of understanding of the past himself in numerous subsequent interviews. In a post-match interview he said he “associates home with love, warmth and positive struggle – everything that we showed on the pitch to win our place in the World Cup... Some people have to learn history” (Bieber, 2013). Later, at his Court of Arbitration for Sport (CAS) trial, he continued to defend his views and claimed that he considered the salute to be patriotic and that he did not understand whom he actually insulted (Novi List, 2014).

More importantly, as Brentin (2016: 9) points out, while much media attention was directed at the incident, it focused on Šimunić himself and few outlets discussed the significance of the player “performing” in front of a “receptive” audience that had already been chanting the salute throughout the game. Accounts were centred on his individual stupidity, rather than the societal problem, much like in reporting on transitional justice issues that generally orientated towards reporting on incidents rather than broader analysis.⁹⁰ While most media outlets condemned the incident, social media reactions were far more ambiguous. Comments to many articles and on Facebook pages of newspapers often contradicted the outlets criticisms of the event based on different interpretations of the “true” meaning of the salute (Brentin, 2016: 9). These incidents have alarmed commentators and have highlighted how intense the interaction between different interpretations of the past within Croatian society can be (Brentin, 2016: 11).⁹¹ Most worryingly, they have highlighted how Ustasha symbols, which connote a specific interpretation of the past, have become normal in mainstream Croatian sport, culture and politics (Brentin, 2016: 11).

These examples show how easily memory can be used for nationalist mobilisation, especially when the discursive space is dominated or monopolised by nationalist elements. In this sense, deliberation of issues leads to a discussion about the past and does not allow it to be easily hijacked for other purposes. This also gives a good reason for establishing a tribunal outside of the former Yugoslavia, since it forces at least some part of the process of reckoning to be undertaken, although this does not mean that the target society will mechanically deliberate on it. Respondents in the Zadar pensioners group, overtly sympathetic to Pavelić and potentially the *NDH* regime, directly addressed this issue. They

⁸⁹ For an overview of the incident and all of the extensive reactions to it (including by media, elites, sports governing bodies and so on) see Brentin (2016).

⁹⁰ This was not, however, universal. Boris Dežulović of *Novi List* stressed that this was a societal problem and that the salute had become normal among Croatian football fans.

⁹¹ For a selection of reactions see Horvat (2013), Milekić (2016) and Simon Wiesenthal Center (2016).

felt that an institution such as the ICTY would have left a better legacy of that period through its ability to produce documentation, although this does not mean they would have necessarily been happy with such an institution's ultimate verdict (the participants seemed to think they would absolve Pavelić). The ICTY provided a set of "reference points" that focused public debate on the interpretation of facts, rather than the establishment of them (Rangelov, 2014: 48). The inherent uncertainty lies in who will engage with the trial and how, but this is also the significance of the process, since "indeterminacy is seen here as pregnant with opportunity" (Rangelov, 2014: 48).

Moreover, for a nation to thrive without significant internal conflict or inconsistency, it must accept its own existence through time and, thereby, acknowledge acts committed in its past that still burden the contemporary community (Maier, 1988: 14). Because many Croatians (adopting Maier's and Habermas' argument regarding Germans) had grown up in a psychological and institutional framework that had once descended into violence, it is possible that all Croatians are still potential perpetrators and the situation could happen again. Although this is quite an abstract concept, it does highlight the need to interpret and debate the past, but to also achieve a balance so as not to become obsessed and burdened by it.

It remains difficult to compare progress in any instance of transitional justice to another. In the case of Croatia, two violent periods of history have previously been ignored or hijacked for the purposes of nationalist mobilisation. If the most recently instance of transitional justice, from the 1991-1995 conflict, is compared to the previous two, then there may be reason to be optimistic. Although the Croatian public continue to interpret events in the past through the prism of the Homeland War, this most recent conflict also features deliberation in certain segments of society. By removing a part of the transitional justice process from the region, the ICTY at a minimum attempted to ascertain what occurred in the region, giving publics the chance to focus on interpretation. Although this did not guarantee a debate about the past in the region, it did at least provide some basis for it. It also helped develop local judiciary capacity, which may have held more potential to initiate deliberation. A plurality of views is present on facets of the Homeland War and, among participants in this study, these views were not polarising. The one group that ended in an argument ultimately disagreed over issues pertaining to the Second World War and the Yugoslav regime, rather than the most recent conflict, which highlights the unresolved nature of the former two compared to the latter. While it may not be possible to adjudge transitional justice an outright success, it can be said that it has achieved much more than has previously occurred in Croatian society and possibly more than many may have expected at the outset.

11.2 Deliberative justice: A useful framework for analysis?

Rangelov (2014) effectively uses the deliberative character of legal processes to create a framework for analysis for three former Yugoslav countries: Croatia, Serbia and Slovenia. This thesis further supports his case study of Croatia by providing a broader picture of where deliberation occurred within the realm of transitional justice. Is this a comparatively useful framework for future studies? The outcome of these two studies would say that it is, but only in combination with other forms of analysis that can help overcome the framework's limitations.

What this approach to transitional justice does show is that something is occurring in society, whereas so many other studies have shown little to no effect (Hafner-Burton and Ron, 2007; Hafner-Burton and Tsutsui, 2007; Horne, 2015; Lynch and Marchesi, 2015; Thoms et al., 2010). This may be exactly because what the process can help incite is a discussion about the past. The approach used in this thesis shows that this is happening in Croatian society by highlighting the nature and extent of the nuanced interaction between various narratives. This also shows how such processes are not mechanical, but fluid and highly complex. Unlike in previous instances of potential transitional justice in Croatia, which could have dealt with the legacies of Second World War or communist crimes but did not, the legacy of the Homeland War is deliberated upon by certain segments of society and has, for the most part, not been appropriated for the purposes of political goals. This is based on the assumption that deliberation on these issues will make it harder for nationalism and ethnic conflict to grow. A return to conflict is, however, still possible and unresolved issues from the past, for example the legacy of Ustasha and Partisan crimes in Croatia, can still come to define modern day politics.

This particular framework has limited comparative use due to its qualitative nature and due to the uniqueness of the environment. While a qualitative approach provides more depth to a study, which seems necessary when analysing such complex interactions within politics, law and culture, it does not lend itself to generalisation and comparison between cases. Furthermore, more could have been done to produce sequences to analyse rather than instances. The semi-structured approach to focus groups employed in this study allowed for comparison between groups, but it did occasionally prevent the free flow of conversation and particularly quiet groups, such as teachers, may have been more talkative in a less structured group and environment (for example, in a more informal focus group held in a

café), although this may have resulted in limited comparative data. In order to become more useful in ascertaining the success of transitional justice processes more widely, it would be necessary to develop a more systematic model. Instances of transitional justice around the globe are inherently complex and rarely suited to large-N studies, since the overall number of cases is not particularly high (as far as quantitative analysis goes) and the different cases are so unique. In-depth case studies are necessary and QCA, therefore, holds a great deal of potential for comparative studies since it combines deep qualitative analysis with medium-N case comparisons.

Finally, a reasonable timeframe for analysis of transitional justice remains debatable. 20 years have passed since the conflict ended, meaning we are no longer only witnessing short-term effects. It is, however, unclear when the “transition” part of “transitional justice” ends and when we can stop considering Croatian society as undergoing the process of transitional justice. Given that Croatian society is currently still struggling to interpret crimes committed in the 1940s, it is not unreasonable to assume that the legacy of the Homeland War will be long-lasting. Frameworks for analysis need to take into account that the effects of transitional justice can only become apparent in the long-term (Stover and Weinstein, 2004). Arguably, however, the real litmus test for transitional justice is whether a return to violence eventually happens.

11.3 Lessons for the future

So what could have been done differently in Croatia? This is a dangerously open-ended question that points more towards numerous incremental changes in the realm of practicality, rather than legal process. At the very least, the Croatian case provides a number of lessons for transitional justice.

11.3.1 Victims

Participants in the study highlighted the plight of victims of the conflict. For many, not only in the veterans’ and victims’ groups, these were highly emotional and personal matters. The emotional nature of these topics makes them easy to appropriate for political purposes and resolving them could limit the space that such opportunists act in. Specifically, focus groups and interviews highlighted three areas in which the status of victims could be improved. First and foremost is the issue of missing persons. This was raised in all groups, those that were

still searching for relatives and those who were relatively far removed from the conflict. This remains an issue in Bosnia, Kosovo and Serbia as much as, if not more, than in Croatia. It is conceivable to conduct a more systematic search for graves and it is possible that records of graves exist with the respective militaries. At the very least, such a practical move would remove much emotion from these debates. Related to this is the notion that the exact number of deceased could be ascertained, thereby lessening the amount of dispute over numbers.

Secondly, victims who survived the conflict but continue to suffer from the effects of it could be given more rights, assistance and support. For example, laws addressing sexual violence during the conflict have been slow to develop. The Croatian parliament only adopted the Law on the Rights of Victim of Sexual Violence during the Armed Aggression against the Republic of Croatia in the Homeland War in 2015 (Narodne Novine, 2015). This law provides extensive rights, assistance and support for victims of wartime sexual violence (Clarke, 2016). Moreover, the government is building four Veterans' Centres in Daruvar, Petrinja, Sinj and Šibenik as a part of a 20-year project to help war veterans and victims better integrate into society (Clarke, 2016: 143). The mere presence of the law and the centres is, however, not enough to help victims receive appropriate assistance and support. Moreover, psychological assistance in rural areas, in particular, remains limited (Schäuble, 2014: 201). At this early stage it is also imperative and practically possible to publicise these developments and new rights widely (Clarke, 2016: 143). This highly pragmatic process also opens up an opportunity for public deliberation on the issue of wartime sexual violence, which can help address the social norms that made it socially acceptable to ignore for this long (Clarke, 2016; Duggan et al., 2008).

Thirdly, a large number of individuals remain displaced regionally and globally. The implementation and enforcement of laws facilitating their return are lax, especially given the still present tensions in the region's societies. Nevertheless, more supervision from authorities could help ensure that the laws are being properly prescribed.

11.3.2 Perpetrators and their legacy

Despite the imperfect record of both international and domestic legal efforts at finding and trying perpetrators at all levels across the region, certain parts of society do want to find out who the perpetrators of the violence were, what their current whereabouts are and what their motivations were. Following the acquittals of Gotovina and Markač (and hence the legal

clearing of their names), Croatian President at the time, Ivo Josipović, stressed the need to find the real perpetrators of the crimes that the former generals were accused of (Jović and Romić, 2012). Although some may disagree with such efforts, they do so with limited legitimacy. Even those who only wish to see perpetrators from the opposing side tried can offer few legitimate arguments as to why all perpetrators should not be tried, although as the analysis has shown, who constitutes a perpetrator differs greatly between one's own and the opposing side. All participants expressed the more general desire, likely also present in the general public, to identify the key causes of the violence and to try and punish individuals responsible for it. One of the enduring questions that hangs over everyone's heads is "how did it come to this?"

For some the violence from the conflict has not stopped. Much of Croatia, as well as Bosnia and Kosovo, remains mined. Croatian demining efforts are extensive but left-over devices continue to claim lives and hamper efforts at rebuilding infrastructure. More could be done regionally to deal with this problem and to clamp down on what is in parts a highly corrupt industry (UNDP, 2015).⁹²

11.3.3 What other options existed?

Since attitudes and decisions on topics of transitional justice are so personal and emotional, it is debatable if trials could have ever provided an effective remedy. It is possible that Fletcher (2005), Snyder and Vinjamuri (2003), Christie (2001) and many others are correct in concluding that, although under some uncommon and particular circumstances trials can help with this process, these are so rare that it is difficult to draw any effective parallels between trials and reconciliation. Again, Bass' (2000: 304) pessimistic view of international criminal tribunals as the "least awful alternative" sounds plausible. The elements of justice and fact-finding discussed above hold some pragmatic, although possibly still idealistic, alternatives. What the results of this thesis show is that if the transitional justice process is to successfully engage with personal and emotional problems, then the "everyday" elements of the process also need to be taken into account. Such, more ambitious ventures, may be better suited to projects outside of the courtroom.

⁹² For more up to date information see: <http://www.mineactionreview.org/country/bosnia-and-herzegovina/anti-personnel-mines>.

Truth commissions and fact-finding efforts are one such possibility. The archives they build can be understood not as propagators of certain versions of the truth (although they often are in poorly run efforts), but as spaces where the past can be debated, interpreted and reinterpreted by various actors (Jones and Oliveira, 2016). This facet of archives aids deliberation on the past and the entrenchment of democracy (Jones and Oliveira, 2016). Civil society may be better positioned to cater to these types of projects than any court ever could.

The ICTY does have elements of this in its work, since the ICTY Court Records, or archives, will be one of its key legacies. They provide a repository of all of its investigative work, but the question remains what to do with them upon completion of the Tribunal's mandate. As much as there may have been a benefit to holding the Tribunal outside of the region, likewise there may be a benefit to keeping the archive at a distance. This may, however, lead to the archives suffering from the same lack of legitimacy as the ICTY. If the archives were to be moved to the region, then would they be kept in multiple locations? What is the symbolism of this? Is it at all practical? What location and form of archive will lead to deliberation of the past and a more thorough understanding of it, so as to avoid a return to violent nationalism in the region? These are the difficult questions that the transitional justice process in the former Yugoslavia will face in the near future and which may define how the work of the ICTY will be remembered. Arguably, this will be its greatest legacy.

Going forward it may also be beneficial for institutions involved in the transitional justice process to focus less on merely providing more information to publics in the region, but to also better understand why they are making the choices they are making and under what circumstances. Inundating publics with information and blaming them for not accessing the readily available data or pointing out inherent contradictions in attitudes may not help resolve any of the key obstacles that the legacy of conflict has created. Instead, it may be more important to better understand what feels "right" for individuals, in that circumstance and at that time, when they make decisions that may be discriminatory towards others. The focus is, therefore, not on information but on resolving psychological blockages.

11.4 Memories of war

What this study truly showed was how a small number of individuals constructed their memory and understanding of the Homeland War, as well as how this affects their lives today. The study would not have been possible without their honesty and willingness to

relive, often painful and traumatic, memories. The issues discussed were in the realms of politics, law and culture, but to all participants they were highly emotional. Many experienced the war at close range in a shockingly personal way. A Zadar war veteran openly spoke about how she lost four brothers and her husband. A woman in Banovina had to hide in her basement as a child, before her parents were found and killed by Serb paramilitaries. Some had to flee their homes, never to return. Others were fortunate enough not to have experienced extreme personal loss, but fought on the various front lines of the war. They were the rudimentary defence that has come to define the Croatian war narrative. A Sisak war veteran went to war “in sneakers with a kinder egg [hand grenade] on me, for protection. While they shot at us with tanks and planes” (focus group with Sisak war veterans).

Teachers in this study were, for the most part, too young to have experienced the war as directly as the war veterans and many of the pensioners. Instead, they witnessed it from bomb shelters or heard about it on television and radio, as well as from friends and relatives involved in the fighting. This target segment still shared the trauma of the other target segments; they still saw the same threat to their existence:

ZG.T.4 – I know what it looked like in the summer of 1991. Your colleagues up until yesterday just disappeared over night. A girl who I went to musical school with for four years, not a word, she just left. And at night in August, all of a sudden the shelling starts. They started falling all over the city. She knew something, I did not know it. So then we can ask, what are facts and what did you experience yourself and what was passed on in the family? That is something that I will also say to my own children (interview with Zagreb teacher).

All of the participants shared a common trauma, although at different levels. They spoke about it in a similar, local and personal, fashion. As the above teacher highlighted, this trauma and the strength of the narratives participants used to explain it to themselves, continues to affect the way in which participants view the world around them. Some are still reliving the war on a daily basis; others only see it in relatively specific topics. After all, I was asking these individuals questions about the war, be it directly or indirectly, so it is not surprising they frequently brought it up. What was more obvious was how in certain ways the communities where participants lived remained plagued by the legacy of the war.

War veterans' and victims' groups in all locations were still searching for the bodies of their loved ones. More than once they said they would give anything to be able to find a grave to light a candle at. Groups felt this was the worst fate of all, to not know where your loved ones were buried:

NU.V.4 – My brother died in the war as a soldier, but my aunt used to tell my mother “Be quiet, you are lucky because you have somewhere to light a candle”.

NU.V.2 agrees

NU.V.4 – I wander around everywhere and nowhere can I find such peace.

NU.V.2 and NU.V.3 agree

NU.V.3 – It is very ugly to say this, but I was happy when I found my parents’ grave.

NU.V.2 – A person finds some kind of peace. Now their birthdays come and go, Christmas, Easter, and I have no cross to light a candle at.

NU.V.3 – This eternal unrest.

NU.V.5 – I will just add that when I moved my husband’s bones to the family grave, a relative of mine said I looked joyful.

NU.V.3 – Yes, because you found peace.

NU.V.5 – And I replied, “You cannot understand the relief I feel that my husband now rests in his home” (focus group with non-urban war veterans Banovina).

This same group also felt their old neighbours, now back, were all potential perpetrators at worst and witnesses at best. Those who fought in the war relived the war in a different way, through PTSD. Many individuals sought treatment for this, war veterans’ groups acted as a therapeutic outlet for individuals, but some were not aware of how much the war still haunted them. One individual broke down in tears in the middle of a discussion; another had to return to a rehabilitation centre following their participation. For many participants, the war was still a heavy burden on their lives. To others it was so to a lesser degree, but they continued to view the world around them with suspicion and continued to see a divided society. War veterans in Slavonia asked the researcher if he held a Croatian passport before they could hold the agreed dyad, pensioners in Zagreb stormed out of the group following an argument over interpretations of what Yugoslavia was.

All participants also shared, to varying degrees, a notion that hope had turned to despair. That Croatia suffered and fought to the death for its independence, only for that to later be corrupted. They distrusted institutions meant to protect them, their Serb neighbours, the Serbian state, the Serbian Orthodox Church, and most sources of information available to them. Their memories were not only laced with emotion, they were defined by it. So much so that they reflected on the worlds of politics, law and culture through emotion. To these individuals, the lasting legacy of the Homeland War was distrust and disappointment with the world around them; within which they felt abandoned by the very state they fought to create.

This data paints a relatively depressing picture of stereotypes in Croatia and the prevalence of a certain version of the war narrative. It also highlights how difficult it is to promote alternative narratives when mechanisms to achieve this are limited in a society plagued by institutional distrust. The ingrained attitudes about “communists”, people who hate Croatia and the pervasiveness of conspiracy theories is alarming, especially with specific segments of society. Moreover, domestic politics is run by a relatively liberal elite that seems to be out of touch with the majority of citizens. There is, nevertheless, some hope. It lies partly in the notion that the Homeland War is at least being deliberated on more than prior periods of conflict and transition in Croatian history. In particular, however, it lies with younger generations and more educated segments of society, who have shown much more positive attitudes about issues pertaining to transitional justice in focus groups and in survey data (Belgrade Centre for Human Rights, 2011).

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Appendix A – Interview guide (in Croatian)

Uvod (5 minuta)

- Pitaj osobe da se predstave
- Predstavi teme:
 - Istraživanje analizira kako su različiti instrumenti tranzicijske pravde u Hrvatskoj (na primjer Međunarodni krivični sud za bivšu Jugoslaviju, tzv. Haški Tribunal, domaći sudovi za ratne zločine i razni projekti civilnog društva) utjecali na norme u državi.
 - Drugim riječima, istraživanje ispituje mišljenja o ovim institucijama i projektima tako da može analizirati njihove utjecaje na javnost i koje se poduke mogu izvući.
 - To će omogućiti istraživanju da procijeni uspjeh ili neuspjeh takvih inicijativa.

Opća pitanja (15 minuta)

- Je li mislite da imate dobro razumijevanje Domovinskog rata?
- Kako bi vi definirali ratni zločin?
- Može li se u obrambenom ratu učiniti ratni zločin?

Ciljevi rata i vladavini prava (20 minuta)

- Je li mislite da je bilo dovoljno sudskih procesa za kršenja međunarodnog humanitarnog prava počinjenih tijekom rata?
 - U pogledu različitih strana u ratu
 - U pogledu domaćih i haškog suda, kao i o općoj ocjeni ishoda suđenja kao
 - O njihovoj procjeni učinkovitosti suđenja kao instrumenta postizanja pravednosti
- Što mislite o tvrdnji da je Hrvatska država bila odgovorna za etničko čišćenje tijekom rata?

Dodatna pitanja:

- Što mislite, kakvo je bilo suđenje Anti Gotovini? Dario Kordić? Tihomir Blaškić?
- Što mislite, kakvo je bilo suđenje Mirku Norcu? Tomislav Merčep? Branimir Glavaš? Lora?
- Je li mislite da je bilo dovoljno sudskih procesa za kršenja međunarodnog humanitarnog prava počinjenih tijekom rata od strane Hrvata?

Ratna narativa i otkrivanje činjenica (25 minuta)

- Koliko su sljedeći izvori do sada bili vjerodostojni u davanju informacija o ratu?

- Podpitanja bi išla u smjeru procjene što je bilo dobro a što loše.
- čim više postavi pitanje ZAŠTO?
 - Od medija?
 - Od vlade?
 - Od Haškog tribunala?
 - Od domaćih sudova?
 - Od crkve?
 - Od udruga branitelja?
- Što mislite, koje su činjenice o Domovinskom ratu poznate i koje su nepoznate?
- Što se naglašava a što potiskuje i skriva?
- Je li bi građani Hrvatske trebali biti ponosni na Domovinski Rat?
- Što podrazumijevate pod dignitetom Domovinskog rata?

Monopol na javnu raspravu i zajednička javna rasprava (15 minuta)

- Što porazumijevate pod pomirenjem?
- Je li mislite da su ustupci i kompromisi nužni u ime pomirenja?
- Kako vi gledate na problem ćirilice u Hrvatskoj?
 - Kontrastirati to sa Istrom i talijanskim nazivima u mjestima ispod 33 % talijana; razmotriti kako poimaju tzv. Hrvatsku ćirlicu u BiH itd.

Kraj (10 minuta)

- Je li se vaše mišljenje o Domovinskom ratu promijenilo od kraja rata?
- Kako bi se mogao poboljšati proces pomirenja u Hrvatskoj?

Dodatna pitanja:

- Što mislite da će biti nasljedstvo Haškog tribunala?
- Je li mislite da je bila pogreška osnovati Haški tribunal?

Appendix B – Survey questionnaire (in Croatian)

Prvi Dio

1. Ime i prezime
2. Godina rođenja _____
3. Mjesto rođenja _____
4. Koju ste najvišu stručnu spremu stekli? _____
5. Gdje ste boravili od 1991 do 1995? _____
6. Prebivalište? _____
7. Koliko vas zanima vaša nacionalna povijest i sudbina vaše nacije? (označite kvaćicom ili križićem)

Nimalo	Malo	Puno
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Drugi Dio (Molimo Vas navedite u kojoj se mjeri slažete ili ne slažete sa sljedećim tvrdnjama)

	Potpuno se slažem	Donekle se slažem	Nemam mišljenje	Donekle se NE slažem	Putpono se NE slažem
8. Slažete li se i u kojoj mjeri sa slijedećom tvrdnjom: Hrvatski dužnosnici i branitelji osuđeni na Haškom Tribunalu ili na domaćim sudovima su heroji, ne zločinci.	<input type="checkbox"/>				
9. Slažete li se i u kojoj mjeri sa slijedećom tvrdnjom: Hrvatska strana nije mogla počinuti ratne zločine u obrambenom ratu.	<input type="checkbox"/>				
10. Slažete li se i u kojoj					

mjeri sa slijedećom tvrdnjom: udžbenici o povijesti Hrvatske od 1990ih prezentiraju Hrvatsku povijest korektno.	<input type="checkbox"/>				
11. Slažete li se i u kojoj mjeri sa slijedećom tvrdnjom: predstavnici Srpskih manjina u Hrvatskoj trebali bi biti angažirani u razvoju muzeja o 20om stoljeću u Hrvatskoj.	<input type="checkbox"/>				

Treći Dio (označite kvaćicom ili križićem 1-5, 1 znači da uopće nije važno i 5 znači da je vrlo važno)

	1 (nije važno)	2	3	4	5 (vrlo važno)
12. Koliko vam je važno pokazati vašu narodnu pripadnost i vjernost prema narodnoj tradiciji?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Koliko su vam važna slijedeća načela ustava Republike Hrvatske?					
<i>a. Osiguravanje ljudskih prava</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>b. Etnička ravnopravnost</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>c. Vladavina prava</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. U kojoj bi se mjeri buduća vlast trebala usmjeriti na ostvarenje sljedećih ciljeva:					
<i>a. Otkrivanje istine o događajima tijekom Domovinskog Rata</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>b. Osiguravanje ljudskih prava</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<i>i sloboda</i>					
<i>c. Borba protiv korupcije i kriminala</i>	<input type="checkbox"/>				
<i>d. Zaštita digniteta Domovinskog Rata</i>	<input type="checkbox"/>				
<i>e. Harmonija između etničkih manjina i Hrvata</i>	<input type="checkbox"/>				
<i>f. Suradnja sa Haškim Tribunalom i ostalim međunarodnim tribunalima</i>	<input type="checkbox"/>				
<i>g. Kažnjavanje ratnih zločina</i>	<input type="checkbox"/>				