

**“GENOCIDE”, “HATE-SPEECH”, AND “PEACE AS WAR”:
From the Dayton peace implementation to a July 11, 2018 Srebrenica-related
tweet**

Keywords:

Genocide; hate-speech; Dayton peace implementation; Treaty interpretation; ICTY.

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Field:

*International Relations,
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Abstract

This essay deals with all key responses to the tweet about the Srebrenica “genocide” Rajko Vasić published on 11 July 2018, interpreting those as a mini-model to elucidate the entire period of the Dayton peace implementation. The essay demonstrates that the international community, including primarily the US and the UK, relates to the peace implementation as a process of continuing war in Bosnia-Herzegovina by other means. “Hate speech” perspective and ICTY Genocide indictments/verdicts are explained here as an auxiliary tool to achieve the very same purpose. Most importantly, it is argued here, and supported through a number of examples, that the issue of meaning as attributed to one’s political interlocutor, or a treaty or legislation, is preponderant in politics. Lastly, the author presents details from the UN Security Council July 8, 2015 session to illustrate the key conclusions of his analysis.

DOI:

10.5937/politeia0-23461

Paper received on:

03.10.2019.

**Paper accepted for
publishing on:**

15.11.2019.

INTRODUCTION

Judging from the average response of the Bosnian public, on July 11, 2018, Rajko Vasić seems to have decided to defile, or defame, the solemn and dignified character of an annual event officially called “July 11 Commemoration for the genocide victims” in the mass-grave and memorial site at Potočari, a small village near Srebrenica in Bosnia. He did so with a single tweet (Vasić, 2018, July 10) that, in the Bosnian Serb originally written in Cyrillic, reads as follows: “Nešto mislim. Ako toliko volite taj Genocid nad vama, sačekajte sljedeću priliku.” In the (literal) English translation: “Methinks, if you love that much that Genocide over you, wait for the next opportunity.”

The tweet immediately provoked an outrage. It did so through an intermediary in the form of a Bosniak-Muslim politician named Reuf Bajrović, who recently served as a state minister, and who has been in the camp of Bosniak-Muslim revolutionaries standing for the making of the Bosnian nation, and advocating the end to the entity-based constitutional division of Bosnia-Herzegovina. Bajrović published, on the very same day, the tweet (Bajrovic 2018, July 11) with the following message: “Breaking [news]: To commemorate #Srebrenica genocide Bosnian Serb politician, Rajko Vasic, promises new genocide against Bosnian Muslims.” Importantly, Bajrović’s tweet was originally in English. This then caused an avalanche of discursive responding, qualifications, accusations, and counteraccusations.

The occasion was, and still is, extremely important. Here I will first say a few words about the general public and also about the institutional responses. Then, based on a modicum of elementary semantics, linguistics, and discourse theory, I will explain the

key aspects of the interpretation, and political qualification, of Rajko Vasić’s tweet. I deem the whole affair and discursive constellation of such an importance primarily because I think it can serve as a mini-model to enable an accurate understanding of the entire Dayton treaty implementation period. I will give a more specific explanation in sections 3, 4, and 5, of this paper.

PRELIMINARY, NON-SEMANTIC DATA

To start with, it was highly predictable that both Rajko’s and Reuf’s tweets were going to produce some high degree of emotional heat. The topic was such that it had to. That part of Bosnian modern history, to which both tweets refer through their specific frames, is subject to a severe, and very impactful, historical and political disagreement.¹ Simply put, the ethnic communities of Bosnia look at the period through a different, currently irreconcilable political, moral, and historical lens. As a least common denominator, I think both Bosnian Serbs and Bosnian Muslims would accept that the event in question has to be qualified as a massacre or a military action that violated the rules of a civilized armed fighting as a part of warfare. However, as to the exact nature of the massacre, or the violation, disagreements run deep. And they run deep not only because of the

¹ As Silber and Little reproduce the basic ambivalent perception of the period and the place, “The Serb triumph over Srebrenica was the ultimate in international humiliation, and not just because the world had stood by and watched the biggest single mass murder in Europe since the Second World War. There was a second, more revealing reason for international shame: hidden behind the public condemnation and outrage there lay a very real sense of relief; satisfaction that the messy, unresolved matter of the eastern enclaves, which cluttered up the peace-makers’ maps, had at least been settled. Neater maps, on which a peace settlement could be based, could now be drawn.” (Silber, Little, 1996: 350)

fact that the period remains clouded and opaque in historical terms; but also because of the ICTY verdicts concerning both the event itself, and the event in relation to the other events on which the ICTY passed other verdicts over the last 20 odd years, in particular in the Naser Orić case and in many other cases of Bosniak-Muslim armed force violations of the international humanitarian laws of warfare.

To return to the tweets published on July 11, 2018, one needs to bear in mind an extremely important fact: the tweets were quickly put to use as part of the election campaign by Bosnian parties as an introduction to Bosnian general elections held in October 2018. Of course, whatever the direction of public discursive developments, they were bound to influence to a degree the voter preferences at the general elections.

I have a status record of Reuf's and Rajko's tweets from 27 July, 2018: the latter received 20 likes, and 4 re-tweets; the former, in contrast, is much more impactful as to the discursive effect of the tweets; it has 115 likes and as many as 93 re-tweets. This immediately tells us one extremely important thing: Reuf's tweet is one that determined the atmospherics of the perception and interpretation of the tweet. Hence, it was through Reuf's understanding that Vasić was interpreted and judged by the public as to the nature and effects of his public discourse at the time. The public generally deemed Rajko's tweet important because Reuf re-tweeted it and endowed it with the connotation he did. In fact, I can safely say that Reuf's tweet was the cause of the latter developments, but we will see what this means exactly.

To continue, many have immediately jumped down Rajko's throat in the aftermath of Reuf's tweet. Reading the tweet today, at the time of the writing of this essay (25 Sep-

tember 2019), Rajko received 63 responses: many of them are probably an effect of Reuf's re-tweet, and many are very predictable from the Bosniak-Muslim point of view; they curse Rajko, mention 'his kin', and often contain counter-threats, or express the readiness to fight immediately, or to continue the military part of the story on 'Srebrenica'. Reuf, at the time of writing, has recorded only nine responses, but even today we can see that Reuf's re-tweet, and interpretation, essentially colored the understanding of Rajko's tweet as Reuf still has a count of 83 re-tweets and 102 likes. Today Rajko's tweet remains with only 19 likes, and 3 re-tweets: this probably means that some accounts were either removed in the meantime, or that the Twitter users retracted and deleted their tweets; either way, the change in relation to the July 2018 situation is slight indeed.

Now, what else has taken place after Reuf's re-tweet? First of all, many Bosniak-Muslim politicians and citizens expressed an utter dissatisfaction with Rajko's "promise of a new genocide" as Reuf put it. Media then followed promptly: for instance, some Bosniak 'victims' condemned Rajko's tweet publicly. Emir Suljagić responded to Rajko by saying: "we are waiting for you." In other words, one can see that, in some minds, the conditions are, and continue to be, very much war-like (Suljagić 2018).

Secondly, many in the Bosniak-Muslim camp also interpreted Rajko's tweet as a 'denial of genocide.' Hence, they qualified it as a 'hate speech' that invites and deserves a judicial processing and closure. Interestingly, people without any legal powers publicly, through social media, demonstrated the way to 'proceed with the case legally,' but also thought that there was no need to analyze the semantics of the tweet or support their reasoning with the semantics-based considerations.

Rajko was thus treated as one who either violated the legal provision on the public safety and order, or one who uttered a piece of ‘hate speech’ harming the feelings of the victims, hence, again he was alleged to be punishable under law. Some media, however, presented a different picture. TV1, in Central News on July 12 (anchored by Nikolina Veljović), claimed that Rajko’s tweet was universally condemned, both by Serbs and Bosniaks, and concluded that, “the people are no longer crazy” (TV1 2018), meaning that they don’t accept messages of hate by politicians regardless of the former’s ethnic affiliation.

This, in my view, indicates a paradoxical nature of the entire situation: first, if one poses the claim that Rajko produced hatred, or polarization, one faces the condition of a political perspective that is not generally shared in Bosnia; hence, one cannot accuse Rajko of a fully illegitimate position. In contrast, when one, like TV1, claims that Rajko’s tweet was universally condemned, hence illegitimate across Bosnia-Herzegovina, in both entities, one also had to admit that Rajko’s tweet was no big deal at all, and that it had no especially harmful, or truly polarizing, effects in a discursive-political sense.

Thirdly, one needs to have in mind that everyone at the time looked at the two sides: one being the international community, and the other the Bosnian judicial bodies. Of course, as the actual commemoration took place at Potočari, on July 11, the whole setting turned into a political theatrics of the most dramatic kind. This is not unusual with the political-commemorative events that restage a kind of trauma with a high potential of political use or abuse – think, for instance, of the physical assault on Serbian President Vučić during the 2015 commemoration at Potočari. The international community reacted very quickly to Rajko’s tweet. High Representative

Inzko condemned Rajko’s discourse on July 12, a day after the Potočari commemoration, and stated as follows:

“The High Representative condemns in the strongest possible terms recent statements by a number of public figures denying the genocide in Srebrenica, glorifying war crimes and using hate speech and even threats. The genocide committed in Srebrenica is a fact confirmed by two international tribunals. Those who seek to gain political benefit through glorifying war crimes and disrespecting the victims and their families are acting outside the norms of civilization.

Specifically, the statement made by Rajko Vasic, SNSD Main Board member, on the Srebrenica genocide – on the day of the burial of Srebrenica genocide victims and the day of commemoration – goes far beyond a denial. Apart from being deplorable, hurtful and offensive, it threatens violence. And not any violence. It threatens genocide. This is a criminal offence. The Federation Criminal Code contains a specific incrimination, and the Federation Criminal Code is for such offences applicable wherever they are committed. The High Representative urges the competent judicial bodies to promptly react” (OHR 2018; OSCE and the EU mission to BiH issued similar statement, for which see OSCE 2018; see also N1 2018, July 11).

Informally, and unofficially, some sources even claimed that the international community representatives visited the SNSD, Milorad Dodik’s party, and threatened with serious consequences for the upcoming general elections in Bosnia as Rajko Vasic is a member of the party’s central board, and is claimed to serve as an unofficial advisor to Dodik; Dodik, however, declined all the accusations and simply pointed out that the SNSD does not issue press releases through Twitter. In other words, that Rajko’s tweet

was his own, private matter. Anyway, the state prosecution office issued a statement to the effect that they opened a file in the case of “Rajko Vasić tweet”, and later that they sought an international legal assistance, as a part of which they invited a number of individuals in their potential role of witness (see Faktor, 2018). However, an indictment was never issued, and I do not think it was ever officially formulated.

In the Bosnian Serb block, Rajko’s tweet did not produce as high and pressing a heat as in the Bosniak-Muslim one, at least not officially or publicly. While we have every reason to believe that the majority of Bosnian Serb residents of the Republika Srpska (RS) either disagree with the ICTY verdict of genocide, or hail the military operation of the RS Army around Srebrenica as liberating and even constitutive of the territorial integrity of RS, or both, the few public Bosnian Serb voices did nothing to deepen or reemphasize the polarization of the public opinion in Bosnia at large. It is worth highlighting a pretty lonely response by Aleksandar Vranješ (2018), a SNSD advisor serving today as BiH Ambassador to Croatia, who pointed out that a July 9, 2018 threat by the wartime commander of Srebrenica RBiH Army units, Naser Orić, remained virtually unnoticed, let alone publicly condemned, by the High Representative; at a launch of a book on Srebrenica at the Zenica School of Islamic Pedagogy, Orić claimed that the war would come much sooner than “they [he and his comrades] thought the last one would come”, and quoted the Serbian poet laureate and Serbian Science and Arts Academy member, Matija Bećković’s famous lyrics “we will be chasing each other again” (Orić 2018, July 9). Vranješ concluded his article by stating, “Should the BiH Court set a precedent by giving the Serbs a prison sentence for some tweets, provided that we simply watch

in silence, we should better start packing our property for a departure [i.e. exodus from the RS].” He thus suggested that many Bosnian Serb RS residents either agree with the tenor of Rajko’s tweet, or simply disagree both with the ICTY genocide verdicts against the RS wartime military or political leadership and with the historical theses on the Bosnian Serb commission of genocide in the area of Srebrenica or elsewhere.

In August 2018, Milorad Dodik called for a special session of the Republika Srpska National Assembly at which the body decided to take a strong stand on a Special Srebrenica Report issued by the RS Government in 2004, probably under duress and with a lot of arm-twisting by Bosnian High Representative Paddy Ashdown, in which the RS Government almost verbatim accepted the characterization of the Srebrenica massacre as genocide – they took explicitly as their premise the official 1999 ICTY indictment against the Bosnian Serb Army General Krstić. This time, Dodik and SNSD managed to distance the Assembly from the Report, and called for the establishment of an international commission to look anew into the Srebrenica 10 to 19 July 1995 history, and especially to address the issue of the official number of Srebrenica Bosniak-Muslim victims (Radio Slobodna Europa – Radio Free Europe 2018). In October 2018, SNSD and Dodik won the Bosnian general elections by a landslide.

THE ISSUE OF MEANING

Among the many threatening, some even highly offensive, direct replies to Rajko’s tweet, one stands out by its calmer and more collected tone. Amil Šukalo replied to Rajko as follows: “Methinks: if you desire that much to turn out smart, I am sorry; wait for the next opportunity [original: “Nešto mislim.

Ako toliko želiš da ispadneš pametan, žao mi je. Sačekaj drugu priliku.]” This reply is *ad hominem* too, but it is miles away from the other, more offensive, or more heated ones. More importantly, there is a degree of mocking and humoresque imitation as it reproduces the syntactical structure of Rajko’s original tweet. Also, it makes one think. How can a single tweet cause such different responses that must rest also on different interpretations or perceptions?

This brings us to the key issue of this essay: the issue of meaning. This is the preponderant issue of politics. There are several reasons why I think so, but the key one is as follows: our attitude to our fellow human beings is always reflected in our attitude to the meaning of their utterances; such attitudes are never self-evident, and in a majority of cases they primarily depend on the politics that defines one’s key treatment of the other human being. As my argumentation in this essay evolves, it will be increasingly clear what I mean by the politics, and how the issue of meaning plays a key role in it. For a start, think of the distinction between the poststructuralist views of meaning and interpretation, on the one hand, and more objectivist views on the other. The former are characterized by a view of meaning as an open-ended series of interpretations: the successive interpretations motivate, but never fully justify each other. That is why the poststructuralists tend to claim that the competition between meanings, or interpretations, is often determined by the power-factor, if at all, not by application of the inter-subjectively valid criteria, or standards of interpretation. Hence, the poststructuralists tend also to expect a much higher frequency of misunderstandings and, importantly, semantic imputation, than the objectivists.

The latter, for instance Donald Davidson,

whose semantic theory is based on the notion of truth, and who time and again emphasized the constraints of rationality (e.g. of empirical validity and coherence) in the process of interpretation, view meaning as an inter-subjectively verifiable structure that is discovered by an application of a ‘semantic epistemology’ similar to the building-up of a theory of the external world. Meaning is objectively given despite the fact that it is not fully visible, or externally, publicly available. And we may be correct or incorrect about the attribution of meanings to our interlocutor’s sentences, according to solid and publicly presentable standards that guide our verbal behavior overall. Our mothers teach us the building blocks of the language using a lot of marks that signal approval and disapproval, and that help us to mark those bits of verbal practice that need to be reinforced in distinction to those bits that do not go together, or are not permissible at all for some further reason.²

Now, most importantly, meaning cannot to a greater extent depend on the speaker’s intention because a major part of anyone’s language is learned, or passed as given from a teacher to the student of language. Of course, anyone can produce a metaphor, or play with

2 There are so many interesting works dealing with the issue of meaning that I can only mention a few here that are important to me as well as to the basic contours of the argument presented in this section: for instance, Bloor (1997) dealing with Kripke’s skeptical argument about meaning is an interesting read; for a basic overview of the key theories, I suggest to the reader to start with Kutschera (1975); Hirsch (1967), too, is an interesting read; Eco (1992) is a rich source of the material for the difference between poststructuralist and objectivist perspectives; for Derrida and poststructuralist position, see Norris (2002); for a take on Lyotard that is very much to my liking, see Frank (1988). For Donald Davidson, who is my favorite overall, see essays collected in Davidson (1984; 2001; 2005); for some of my earlier presentations of the issue, see Pehar (2016b: 90-104), (2019: esp. 72-85) and (2011: 144-157, 185-212).

some rules occasionally, or mispronounce a word inadvertently. However, a successful metaphor depends very much on the given meaning of the words that compose it. How can it be otherwise? Sometimes, the author's intention may be unclear: especially when the author in question is a collective, not individual user of language. But, in such conditions, we need to add some further words to the picture and decide on the way to resolve the puzzle through some verifiable pieces of evidence. If you add some further words, you need again to take those words in their ordinary meaning. This means that, *prima facie*, when one states that the speaker claims X, but another one can demonstrate that the speaker's words should be taken as meaning Y, the dilemma is one that is objectively soluble: there is a pertinent and reasonable answer to the question of which of the two interpreters is right. Furthermore, whoever is right must rely only on publicly available pieces of evidence, assuming that the words we use as parts of an explication carry primarily the ordinary meanings, not some meanings that one can arbitrarily add, or twist as one likes, or as one can imagine freely, without considering the pertinence or accuracy of one's ideas.

This directly applies to Rajko Vasić's tweet published in July 2018, of which Reuf Bajrović claimed it promised a new genocide "against Bosnian Muslims." The first question is whether Vasić addressed the issue of genocide in the meaning of a crime, or a mass murder that can be described in terms of the Genocide Convention, or the ICTY genocide verdicts. Partly, he may have connoted the said concepts. However, his words were obviously addressed to the perceptions of 'Genocide' as held by an unidentified group of (Bosnian) people. "That you love that much" is a constraining, or qualifying, adjective in Rajko's tweet. In other words, Rajko refers to the

process of a strange masochistic admiration of whatever the group of people names and sees or envisages as 'Genocide'; it also refers to the fact that the word is repeated publicly so often, and to the fact that the Bosnian war is viewed in terms of something bad and terrible that was done by a people against a people, and that marks a price of a thing that is admired exactly due to the height of the price. The word, and the attitude of 'love', means that a group of people strangely, but perhaps understandably, enjoy their position of a victim who keep pointing to the status of a victim as a quasi-argument in support of their own alleged special, even exclusive, right to the state for which that sacrifice was offered. Now, Rajko's proposition is conditional. It is given as a conditional advice. It does not read as a warning or a threat.

It assumes the attitude that is said to characterize the group of people to which Rajko does not belong, the attitude of 'love', and then, based on such an attitude, it draws a strange, but also logical implication; that is, logical in light of the attitude, not *per se*. Of course, if you love something, you will perhaps have to wait for an opportunity to get it. Or, perhaps, Rajko suggested to the recipients of his message that, when one loves that particular matter that much, one also gets the matter; all one need to do is to wait for an opportunity. In other words, judging from the words of the tweet, in accordance with the meaning they ordinarily carry, the tweet's message is nearly tautological; it is cynical, or ironic, only if one believes that genocide was really committed against the Bosnian Muslims in Srebrenica in July 1995.

Now, Rajko's opinion here differs from the opinion of many Bosnian Bosniak-Muslims: he thinks that the Bosnian Serb Army did violate the rules of international law of warfare, but it did not commit genocide. Hence,

from the standpoint of Rajko's worldview, those who enjoy emphasizing their status of 'a victim of genocide' are bound to reproduce the event, and to arrive at a next available opportunity (of living through 'whatever they say they love'). I do not know if Rajko's prediction is right, but surely it does not deviate too much from common sense.

Therefore, the very simple componential analysis of the meaning of Rajko's words contained in the tweet (for such a kind of analysis, see Leech 1981: 89-109), of which Reuf Bajrovic claimed that it 'promises a new genocide', unambiguously suggests the following: Rajko simply passed an advice of a conditional kind, with an underlying message to the effect that, as they relate to X now, it is logical to expect that there will be a next opportunity to get X. Summarily, one faces two possibilities: either Rajko meant something like "if you love that torture we gave you last time, wait for the next one", or he meant something like "if you are in love with X, wait for the next opportunity to date X." Given the actual meaning of the words Rajko used, I think the genuine and plausible interpretation is proposed through the latter version.

Hence, under the objective meaning of the words used in the tweet, and given Rajko's views on the items to which the elements of the tweet refer, this is the only reasonable interpretation of the tweet. Importantly, if one projects into Rajko's words the victims' usual perception of the 'genocide in Srebrenica', one will get a message that offensively connotes another round of genocide as a majority of the Bosniak-Muslim commentators of the tweet experienced it. However, the temptation to perform such a projection should be resisted. I know the temptation is strong, but have in mind that the tweet is by Rajko, not by the NGO 'Women of Srebrenica.' He, of course, addresses the victims of Srebre-

nica massacre, and also those who claim that they represent them today; however, he does so from his own perspective, not from theirs. They think he should take their perspective. He does not. He thinks he needs to take his own perspective. As to their perspective, he on his part sufficiently indicated that he deemed it weird as expressed through the strange notion of 'the love of Genocide'. Hence, the accusation that Rajko is a bad person, of which Rajko, methinks, does not care.

Summing this all up, it is clear that the whole trouble started with Reuf's misinterpretation of Rajko's tweet. Originally, the tweet contained no threat, or promise of a new genocide. It was addressed to those who Rajko disagrees with. And, according to their own thinking, Rajko, or anyone for this matter, cannot disagree with them. And here I side with Rajko. I think one can disagree with them as with anybody if one has a plausible reason for disagreement. The important question is of how to disagree without meeting the opprobrium of those who view themselves as so innocent, and so victimized, that they must not be opposed at all. One must follow their order, or be turned into another aggressor, into one who should exclusively be blamed for the start of a new war.

In other words, Reuf performed what I name as a "semantic imputation" vis-à-vis Rajko's tweet. He knowingly, and recklessly, attributed to the tweet the meaning it does not carry. Rajko cannot promise a new genocide against Bosnian Muslims simply because Rajko does not believe that genocide was committed in the vicinity of Srebrenica in July 1995.³ Reuf viewed a meaning

³ Hence, purely semantically speaking, when Rajko uses the term 'Genocide,' in the meaning of 'the alleged event that took place in July 1995 near Srebrenica,' to him this is like a reference to 'unicorns', or, to use Bertrand Russell's famous example, 'the present king of France.'

that is threatening simply because he decided to view it as such, and perhaps also for propaganda purposes, not because it was there, in Rajko's tweet or in the reconstruction of Rajko's meaning in accordance with the most reasonable interpretive guidelines.⁴ Perhaps more important than anything else, Reuf published his tweet in English and thus implicitly invited the international community to react against Rajko, i.e. to side with him against Rajko. One important section of the community gladly and immediately accepted Reuf's invitation.

This means that they welcome and agree with a semantic imputation. They think it is ok when one deliberately and recklessly distorts another person's meaning. They think it is ok to misrepresent one, and then, even worse, to indict and convict one based on the misrepresentation. As to, in particular, High Representative Inzko's response to Rajko's tweet, we need to emphasize primarily the following: Inzko, in fact, attributes to the tweet a contradictory meaning – that it both denies genocide, and threatens one. This is, however, impossible. Rajko also cannot threaten genocide with a reference to 'a unicorn' as an aspect of his tweet. In other words, strictly speaking, Inzko attributes to Rajko's tweet a meaning-less, hence belief-less, and hence 'empty', content. Despite this, Inzko wants one to remember only the aspect of legal indictability/punishability; this is why his call to prosecute Vasić at once, based on the BiH Federation law (while Rajko Vasić is primarily a citizen of Republika Srpska), follows his semantically imputing qualifica-

⁴ For more detail on the notion of semantic imputation, and an interesting example, see Pehar (2016a); this kind of imputation is highly frequent in political communication – for instance, Lenin is one who often imputed meanings to his philosophical and political adversaries; for some further thoughts and examples, see Pehar (2016b: 102-4), and Pehar (2019: 149-150).

tion of Rajko's tweet as a threat of (another round of) genocide.

Therefore, as I will show additionally in the below sections, foreign representatives' response to Rajko's tweet has nothing to do with justice. You are not allowed to sue a person because s/he disagrees with you over a sensitive issue. You can sue him or her only if s/he called for an illegal action based on his or her view that is in disagreement with yours, regardless of the sensitivity of the issue. If you apply force, including the force of the judiciary, against someone only because s/he disagrees with you, you are thereby producing the state of war. Whoever is in agreement with the person sued has the right, inborn and inalienable, to respond to the force by their own use of force. In the condition of disagreement, one has to communicate with the opposite party to overcome the disagreement to the satisfaction, and with the consensus, of both parties. That is, if one is civilized and not delusional; and if one does not have a different agenda.

PEACE (IMPLEMENTATION) AS WAR

Another reason as to why the issue of meaning is important to politics is that collective promising, i.e. the treaty or law making, is important to politics, and one's attitude to the factor of meaning necessarily determines one's attitude to the kind of promising. A long time ago, human speakers noticed that occasionally some partners to treaties propose what they called 'sophistic interpretations' (Wheeler 1984); the partners propose a reading of the documents that blocks effectively the application of the document, producing thereby a ready excuse to liberate oneself from the commitment.

Something similar to that kind of interpretation took place in the course of the

implementation of the Dayton peace agreement for Bosnia-Herzegovina (DPA). In my book (2019), I substantiated the view that, over the last 20 years, predominantly American implementers of the DPA, supported by a not small number of international assistants from the UK, Germany, Austria..., supplied an interpretation of the treaty that goes against both the spirit of compromise and the interpretation under which the treaty was originally endorsed and signed. Given the fact that the key figure in the process became an American-led dictator officially proposed by the EU, widely known as the High Representative, the non-original interpretation became an operative meaning of the treaty. However, as I amply documented in the book, the interpretation was sophistic and, more importantly, it was the closest one could get to the interpretation by one of the signatory-parties to the document, the Bosniak-Muslim as represented by the longtime President of Bosnia-Herzegovina, Alija Izetbegović.

In terms of the arbitrariness of interpretation, the analogies one should think of include the 'Dred Scott' case of US Supreme Court, and especially the case of the Spartan king Cleomenes who signed a truce on 'thirty days' (*triginta dierum*), and then, a few days later, decided that he could raid the fields of his enemy overnight, because the truce refers to 'days', not 'nights'. Cicero, who mentions this example in the *De Officiis* (On moral duties, I33), claims that this was certainly 'a malitiosa interpretatio iuris', a malicious legal interpretation, and an example of the saying 'summum ius, summa iniuria', 'a maximally stretched law turns into a maximal injury to law'. As those examples suggest, such a kind of interpretation introduces, or in the second case reintroduces, the state of war into human relations by violating the promise and con-

sequently undermining the common trust in language that is required for the parties to continue implementing a treaty in good faith. Typically, the process I named 'dediscourification' takes place, with some key parties losing their faith in the ability of language to guide the human relations and provide the medium of the process of conflict-resolving (see Pehar 2016c; 2019: 15-41). This pertains to the process of implementing of the DPA, too, and my book emphasized exactly this point: the official interpretation and implementation of the DPA makes of the peace process essentially the state of war; it means a continuation of war by other means.

In other words, the international community led by the US sided with the Bosniak-Muslim interpretation of the DPA and, as the former effectively determined the peace process officially, imposed the interpretation on the remaining parties to the treaty. The latter, the Serbs and Croats, logically viewed this as a disturbance of the balance of the compromise, or as an undue treatment of the equal parties to a document, thus as injustice. Now, when you have that, you cannot have the process of treaty implementation in good faith. What you have is crisis after crisis, and this is exactly what we have had throughout the process of implementation of the DPA. Hence, if one thought that the case of Rajko Vasić's tweet is an aberration, one was wrong. It is a typical case. Throughout the implementation process of the DPA, we continuously witness the cases where the international community unduly sides with one interpretation of the document, and then, mostly by the institutional forms of power (OHR, OSCE, American Embassy, UK Embassy, media...), but backed also by the hard forms, imposes it on the entire community, or on all the constituent peoples and on both entities. In the case of Rajko Vasić, one imputes a meaning to his tweet.

In the case of the DPA interpretation, one imputes a meaning to the entire peace agreement, using the loopholes and ambiguity, and vagueness, of the document as the point of entry. That is why, at the beginning, I stated that the case of Vasić's tweet could be taken as a mini-model to explicate or elucidate some wider processes in Bosnia-Herzegovina.

It is perhaps insufficiently known that we saw the precursors to Vasić's tweet case very early in the process of implementation of the DPA. A jewel of Yugoslav literature, the *Bridge over Drina River*, was removed by the Office of the High Representative (OHR) from Bosnian school textbooks after being designated as a piece of 'hate speech'. Ivo Andrić won the Nobel Prize in literature for the highest form of artistic expression that the international supervisor of Bosnia marked as 'harmful to its people and pupils', and thereby, most importantly, sided with the interpretation of Andrić one can find among the Bosniak-Muslim circle of interpreters, but not among the Serb or Croat.⁵

"HATE SPEECH"

'Hate speech' is an ill-defined notion. Proposed definitions of the concept are many and varied, reflecting the vagueness of the idea itself. However, a majority of those refer to the fact that an individual may view, on behalf of a group (of racial, ethnic, religious, national...kind), one's piece of discourse as 'offensive' – this covers the subjective aspect of the definition - and then they also add that 'hate speech' is one that advocates

5 Vanita Singh Mukerji published a persuasive and sharp critical assessment of OHR's 'tailoring' of the Bosnian literature: "False rhetoric and flawed logic: Underestimating literature," *Kritika*, etc. 2001, at <http://www.ac.wvu.edu/~kritika/VSMukerji.htm> ; however, currently the paper seems unavailable.

'hatred' against the group of the said kind.⁶ As we see, the definition is primarily focused on the emotional aspects of a discourse, and such aspects are very often subject to controversy and misreading, or even worse, abuse.

Hereby I do not intend to claim that there is no such a thing as 'harmful speech'; there are many ways in which discourse can cause harm to concrete individuals taken in their role as individuals or representatives of collectivities: for instance, by lying, by spreading confusion through incoherent speech, or by the use of publicly marked but indeterminate terms (such as 'populism'), or, as we saw, by semantic imputing. In all such cases, harm is caused by the cognitive aspects of discourse, and we can clearly point with our finger to the detail that's problematic in a discourse. However, we should bear in mind that not all cases of lying are subject to a judicial indictment; in many cases we leave it to public morality to condemn the discursive harm-producing individual. Also, my theory of dediscoursification poses the claim that the worst discursive harm an individual can inflict is through motivating his or her interlocutor to opt out altogether of the use of discourse in relation to the harm-producing individual. Clearly, this causes a major trouble for the trouble-maker as well, perhaps not in a Real-political, but certainly in an ethical

6 This definition is proposed in an Editorial note to Coliver (Ed.) (1992); however, in an *Encyclopedia Britannica* on hate speech (Curtis 2015), which is an excellent brief overview, the definition reads as follows: "Hate speech, speech or expression that denigrates a person or persons on the basis of (alleged) membership in a social group identified by attributes such as race, ethnicity, gender, sexual orientation, religion, age, physical or mental disability, and others." The topic of 'hate speech' is very much in fashion, hence, it is impossible to acquaint oneself with all the books and essays published on the topic; the closest to my line of thinking is Abel (1994); Coliver (Ed.), (1992: 363-374) is a good analysis of the question of whether the hate-speech laws work; Smith (1995) is valuable, as well as Lee (1990) and Butler (1997: esp. 71-102).

sense.

As the notion of ‘hate speech’, in contrast, is ill-defined, one should not find it strange that we see it employed often in the politically heated contexts, and as part of an attempt to assault judicially, hence threaten and effectively silence, one’s political enemy. Think of Socrates and the Athenian jury’s decision to execute the philosopher for corrupting the youth by his conversations, or of the Catholic Church use of the accusation of heresy, or of the Nazi and Stalinist persecution, and often prosecution, of their political enemies (see also Heinze 2006). Judicial and constitutional hermeneutics in the US took such phenomena seriously, and over the last hundred years developed a doctrine of ‘protected speech’,⁷ which boils down to the assumption that a speech, esp. a public one, should not be suppressed, and that one should not be convicted for publicly saying something that other society members find offensive, or even factually wrong, or misleading, or disagreeable. The proper way to deal with an offensive speech is to talk back,⁸ not to attempt to put the speaker behind bars simply for the words s/he uttered. Additionally, there are some limits placed on the doctrine, but those limits are taken as strict, unambiguous, and applicable only to the most serious cases of an offensive speech – for instance, if one’s speech causes an imminent lawless action. In other words, to be indictable, one’s speech needs to immediately cause a visible and harmful effect, and thus to have the character of an action-demanding or action-inviting dis-

7 In this regard, by now everyone must be aware of Justice Oliver Wendell Holmes, Dissenting Opinion in *Shenck v. USA* (1919) case before the US Supreme Court, which set the standard; for a good overview of the topic, see Walker (1994).

8 As I learned from Donna Gomien at a seminar in Norway; see her commentary on the European Human Rights Convention, Gomien (2005).

course.⁹ Applied to Vasic’s tweet, this doctrine obviously implies that he should not be tried in court.

Within the Council of Europe area, the conditions are somewhat murkier. However, again, the European Convention of Human Rights, Article 10 (Macovei 2004), governs relations of this kind;¹⁰ and this article guarantees an individual the freedom of expression. For instance, if one decides to publish an essay, with a string of clear arguments that cast doubt on the International Criminal Tribunal for former Yugoslavia (ICTY) verdicts in several cases of the indictment on the basis of the Genocide Convention, I think one should be pretty confident that the freedom of speech Article of the Convention protects him sufficiently from judicial prosecution. In the past some governments tried to argue against individuals on the basis of the allegation that those individuals who criticize a work of a domestic court are likely to undermine the public trust in the judicial branch. However, the European Court of Human Rights tends to argue principally against such a position: when a judicial body fails to perform properly, an individual is entitled to criticize it to expose the weak spots in its argumentation (Macovei, 2004: 57-9). It would be utterly unjust if, for instance, a court whose verdict

9 On the other hand, note here that ‘an action-inviting discourse’ may be built up gradually over a more extensive period of time, in small steps and in a less visible form, in which case the problem either cannot be handled legally at all, or it can but in a superficial and arbitrary manner.

10 I believe that in Europe, esp. within the EU, there is a more general tendency than in the US to respond to the cases of hate-speech by considering legal action, or banning or silencing a ‘hate speaker;’ this is, as I learned from Donna Gomien, due to cultural factors and/or, partly, the influence of historical considerations; see also Dembour (2006); anyway, I have mixed feelings about the European Human Rights Court decision in ‘Smajić v. BiH’ case (2018; see <https://globalfreedomofexpression.columbia.edu/cases/smajic-v-bosnia-herzegovina/> for more detail).

is based on counterfeit-data were protected from public scrutiny, or worse, if the individuals publicly criticizing the work of the court were tried and punished “for spreading unease or disobedience among the general population.”

Returning now to the July 11, 2018 tweet by Rajko Vasić, my suggestion is to resist the hate-speech approach in its entirety; this means that we should try not to deal with the emotional undertones of the message as those are murky and subject to frequent misunderstanding and abuse, but with the narrative and argumentation. We need to try thinking in terms that, in accordance with the principle of charity, *prima facie* justify Rajko’s tweet and explain its reasoned, defensible motivation to the extent possible. This means that we need to take a productive metalingual perspective, not one that assumes too much or pretends that the semantic intentions of the author are self-evident. In other words, we need to deal with language as a **secondary** nature: one that does not prompt an automatic, unreflective, and unthinking response. Also, try not to think of any aspects of the author of the message as relevant to it: forget about his ethnic origin, or his name, or his place of residence, or his private history, or political affiliation.

Of course, you may decide to endorse a different perspective, and the first three sections tell us that, from the viewpoint of the Bosniak-Muslim dominant narrative and in light of the American misguidance of the Dayton peace implementation, it will be highly normal for some to endorse such a perspective. Look at High Representative Inzko’s immediate reaction! All you need to do is to impute a meaning to Rajko’s words. But, bear in mind that then a human being would be indicted and probably convicted for a single 13 word-tweet with 20/19 likes.

Moreover, he would be indicted as a follow-up to an angry “mob” reaction, and surely by some twisting of both letter and spirit of the law. It is strange that some states’ representatives, who claim to come from, or represent, mature 21st century democracies, can respond to some discursive phenomena in such a way unless, of course, they have a hidden agenda.

“GENOCIDE” AT ICTY AS FRAMED IN DISCURSIVE POLITICS OF THE UN SC JULY 8, 2015 SESSION

In section 3 I placed emphasis on the similarity between the fate of Rajko Vasić’s tweet and the entire process of the Dayton peace implementation. Now, the question I have not raised there is “*cui bono*” [Latin ‘For whose good?’]. What is the motivation?¹¹ Obviously, one answer is immediately suggested: for the good of the strongest. The only remaining question is: what kind of good? It seems to me, and I proposed a number of arguments in support of such a view in my book, that the strategy by the USA is one of ‘divide ut imperes’, or, in terms by Sir Francis Bacon, ‘separa et impera’ (see Pehar, 2019: esp. 265-273). The conflict is preserved so that the need for an external mediator remains strongly sensed. However, I also speculated that there may be another layer of motivation as I proposed in my chapter on the High Representative and US foreign policy towards Bosnia: the continuation of conflict within

¹¹ One peer reviewer raised the objection that my analysis entails some (unspecified) value-orientations; following a long tradition of the political thinking that starts approximately with Aristotle, I believe that such orientations cannot be avoided in political theory or a sound analysis of political practice: the issue of motivation and the issue of ethics, or value-attitudes, are necessarily intertwined; for my most succinct presentation of a discourse-ethics on which my considerations in this article are based, please see Pehar 2016c.

Bosnia has important international repercussions; the conflict-generated heat is repeatedly and expectedly projected to a wider arena of global politics (Pehar, 2019: 184-191). We will see one painfully clear example in the below.

Here I need to return to the issue of genocide since Vasić's tweet explicitly refers to the concept; and I will focus only on two aspects, without providing more detail due to the limitations on the size of this paper. One is politics, and the other is argumentation, especially at the ICTY.

Politics of the genocide verdicts at ICTY is undeniable. Here I do not have enough space to substantiate the following thesis, but here it is at least offered as a speculation: looking at the ICTY verdicts as a kind of history-writing, as a nearly official international version of the history of the wars of Yugoslav secession 1990-1999, it is clear that they suggest the image of the Bosnian Serb party as the bad guy, the key culprit, throughout history; Bosnian Muslims are protected entirely from such, or similar, qualification, contrary to historical evidence, whereas Croats, both in Croatia and Bosnia, enjoy a mixed record or a medium position of a semi-culprit (Pehar, 2019: 223-231). In the official presentations, the analogy between the Nazi aggression, and World War II Holocaust, on the one hand, and the 'bad' Serbs on the other is frequently drawn (see, for example, Brzezinski 1996). Now, here is the speculation: the purpose of the ICTY genocide verdicts is to justify the awkward process of the Dayton treaty implementation, its transformation into a warlike process by an enforced revision through misinterpretation and against the spirit of the original compromise; or to prepare the ground for an even more radical revision of the treaty. In other words, their purpose is of a 'Public Relations (PR)' -nature.

However, the key issue is as follows:

in political terms, it is clear that the ICTY genocide verdicts are a form of siding with the Bosniak-Muslim politics in Bosnia; Alija Izetbegović was the first to mention the possibility of the Bosniak-Muslim submission of the genocide indictment plea to the international courts – we have records of his statements to such an effect as early as April 1992, the month when the war started in Bosnia (Transcripts, 2006: 170). Clearly, he had no evidence at the time. Hence, he obviously approached the legal matter essentially in political and propagandist terms. This kind of approach continued till this day. Here is the argument one can hear almost every single month from many Bosniak-Muslim official mouths in today's Bosnia: "The entities created by genocide are essentially illegal and illegitimate, which implies that the call to eliminate such entities is legal and legitimate; Republika Srpska is created by genocide. Therefore, it is an essentially illegal entity. It should be eliminated." (Softić 2017, March 17; Čekić 2016; Lavić 2017, March 2) Again, this obviously indicates that the Bosniak-Muslim side is one constantly demanding a radical revision of the Dayton treaty, based mostly on its alleged position of 'a total victim',¹² and this cannot but create the atmosphere of a continuation of war by other means. USA, as I will show shortly, unambiguously supports such a position internationally. And here I will simply let you add two and two.

Now, has genocide really happened in Bosnia? Here I do not deal with this question. I am here interested only in the meta-level – how we talk about 'genocide', and what impact it has on peace in Bosnia. In this I

¹² In a well-argued article on the sense of collective victimhood, Bar-Tal, Chernyak-Hai, Schori and Gundar (2009: 237) claim as follows: "...a victim's position is also often a powerful one because it is viewed as morally superior, entitled to sympathy and consideration and protected from criticism."

share a part of the perspective evinced through Rajko Vasić's tweet. For a start, the controversial or 'shaky' character of the ICTY genocide verdicts is a topic of many learned essays and analyses, some by very influential and well-informed legal scholars (Schabas 2001; Baros 2016; Herman 2005; Herman (Ed.) 2011; Laughland 2007; Hayden 2008). Starting with the Genocide 1948 Convention, here is what Daniel Goldhagen (2009: 237) claims: "Even more problematic is genocide convention's failure to define genocide, let alone include objective criteria (such as a threshold number of people killed) that allow the international community to readily identify genocide while it is happening. This permits the world's countries to pretend that genocide is not being perpetrated when by any reasonable definition it is." And, of course, Goldhagen's premise allows us to pose the claim to the following effect: "This permits the world's countries to pretend that genocide was perpetrated when by any reasonable definition it was not." Because, that's the other side of Goldhagen's key point, that the countries use 'the genocide allegation' as an instrument of political struggle and as their perhaps economic, or military, or geopolitical interests dictate, not according to the considerations of justice.

Hence, let us notice here that the position of the ICTY verdicts may be similar to the position of the American interpreters of the ambiguities of the Dayton and also of the position of those accusers of Rajko Vasić who imputed to him all kinds of evil and punishable intent. Put as directly as possible, the meaning of the word 'genocide' may be stretched or distorted, or constructed arbitrarily, as a part of the ICTY genocide verdicts, which means that those controlling the work of the court have invested their energy primarily in a discursive politics, not in the issue of justice

or of a principled treatment of victims and perpetrators. This may then explain a large number of acts, primarily of a verbal nature, that no court could or should envy: evidence, primarily in forms of human bodily remains, changing according to the current need (for instance, the verdict in the Krstić case was based on 2000 exhumed bodies whose exact cause of death was unknown at the time) (Wilcoxson 2010); the acceptance of a highly questionable witness, witnessing under a coercive plea bargain, without a possibility given to the defendants to cross-examine him properly, and without established rules of procedure (Čivikov 2010); the highly equivocating nature of explicit verdicts (for instance, the Krstić-verdict addresses both 'destruction of the group' and 'an action that had a serious, and harmful, impact on the group') (Hayden, 2008: 504-5; Schabas, 2001: 45-7); the doctrine of 'joint criminal enterprise' that can be manipulated at will (and that was not mentioned in the ICTY Statute), and that many legal scholars claim is irreconcilable to the basic principles of legality, including one of individual criminal responsibility and evidence-based trial (Baros 2016); and, especially important, the definition of the group alleged to be a target of 'genocidal intent' as 'Bosnian Muslims', which ensured a highest possible degree of rhetorical and international-political visibility to both the verdict and the victim (see also Pehar, 2019: 229-231).

I do not think this is of crucial importance to my argument, but have in mind the following points of contrast: while the Bosnian Serb Army is claimed to have acted on a 'genocidal intent', for which General Krstić, who organized the buses to transport the Srebrenica children, women, and elderly out of the occupied/liberated area, was handed a 35 year prison-sentence, some other sentences were excessively lenient to anyone's

taste: for example, Naser Orić was handed a two years prison-sentence at ICTY, and one of the key arguments was that the troops under his command attacked, pillaged, and burned down the Bosnian Serb villages, and committed atrocities, to get food – ‘hunger’ was taken as extenuating circumstance (Sudetic 2010). ICTY’s ‘star witness’ for the cases of the genocide verdicts, Dražen Erdemović, who claimed to have alone executed 100 people in a group-organized crime of the murder of, as he claimed, 1200 persons, was handed a 5 year prison-sentence, and was released under protected identity after having served 3.5 years.

Politische Justiz is, of course, a widely familiar phenomenon (see also Chapter 3 in Pehar 2019). It is also socially and politically one of the most negative phenomena. First, it is negative simply because it is not justice at all, but simply a sign of power, or a confirmation of the currently prevailing power-relations. Secondly, and more importantly, it undermines the people’s trust in judiciary, and thus in the possibility that the key dispute settlement procedures can be effective. Thirdly, and most importantly, it produces both social/political polarization and dediscoursification: by demonstrating the readiness of an important decision-making body to found its decisions not on reasonable considerations, or on epistemologically sound inference-making, but simply on its sheer status, or on the political interest of the most powerful, it motivates the persons concerned, and also a huge section of the population, to lose their faith in discourse, to cease believing in the power of a fair and reason-supported dialogue as a dispute settling means; hence, it generates the state of war by a means of pseudo-law (for more detail and a notorious example, see Pehar 2016d).

This is not an achievement as it is not difficult at all to show an irresponsible kind of judicial decision-making. You simply impute

some imaginary causes to the defendant, or to those on whose behalf, or with whom, you claim the defendant acted, and then you say that the defendant ‘had the reason to know’ without bothering about the further details of the case. Or, you admit the witness statement full of inconsistencies; or you rely on a vivid imagery and rhetoric to present the effects of one’s acting as being morally worse than in reality, and similar. In my book on the rule of law (Pehar, 2014: 174) I used as an illustration a Nazi legal commentary from a *Legal Theory Weekly* (*Juristische Wochenschrift*, 67. Jahrgang’) from 1938, which is on an April 29, 1936 decision by a Prussian police commissioner to the effect that the “7th Day Adventists, a Reform Movement” were to be banned: the commentary approvingly stated that the ban rested on President Hindenburg’s February 28, 1933 “Volksschutz Verordnung” (co-signed by Chancellor Hitler), the people’s protection law clause that banned the communist party and suspended some basic freedoms introducing thus the state of emergency in Nazi Germany; most importantly, it emphasized that,

“[T]he danger [of the Adventists’ incitement to a communist-like violence] is clearly assumed [by the police commissioner] as given; because, in the verdict on the ban of the organization it is mentioned, among other things, that the organization members refuse the military service and are of an international outlook. Hence, including an additional clarification, it is demonstrated that the behavior of the group was in a position (Ger. *geeignet*) to cause confusion/unease/disorientation (Ger. *Verwirrung*) in the population... [T]hus, the order to ban the group was permissible and necessary even before that threatening possibility came close to being materialized; it is the task of the police force to prevent timely such dangers, and not to

wait for as long as necessary before such dangers get materialized.” (The quote originally in Hofer (Ed.), 1957: 103)

This quote demonstrates how easy it is to convict a party; you simply pose the claim that the party carries a danger, and you ‘know’ that it carries it due to some argument of the least convincing kind. At the moment of the conviction the danger does not have to be realized, but you, a perfect and omniscient judge, ‘know’ that the danger will be realized. Hence, your sentence serves a double purpose: it embodies ‘justice’, and it also timely prevents a danger from materializing; the sentence thus protects a society from some inherently dangerous groups or individuals. One needs to note here immediately that, by such a ‘method’, one can be easily convicted for a murder despite the fact one has not committed it in reality; or one can be exculpated from the indictment for a murder simply by reframing a description of reality (similarly to the US exculpating themselves from any wrongdoing at Hiroshima and Nagasaki by posing the claim that the bombing saved millions of (potential, imagined) victims “since it speeded up the ending of WWII”). Again, note that such methods were indeed employed many times, especially in Nazi Germany and through a period of Bolshevik, or ‘Stalinist’ Soviet Union history.

Applied to the ICTY verdicts, here I simply underline the fact of fallibility: judicial verdicts, everywhere and by everyone, are complex discursive structures; they are built through narratives that are based on some propositions having the function of premises to a complex inference. It is always possible that some pieces of evidence are wrongly taken for granted, or that some unreliable witness statements slip through, or that the employer of the court expresses a preference for one particular direction of verdict. This pertains

especially to the verdicts of genocide as the conclusion of very complex, very exhausting and politically pressing, judicial proceedings. As an illustration, who can today trace Dražen Erdemović to get some clarification on parts of his testimony?

On this, I think, there should be a basic agreement: genocide, as a historical event, should be distinguished from ‘a genocide verdict’ as a complex string of words stretched often over thousands and thousands of pages. The truth of the latter is not guaranteed; it is not God-given. Every sane human being knows that truth cannot be willed into existence; truth is an objective property of our discourses, a property with which reality, not a human will, endows a discourse. Of course, one can corrupt evidence, and historical reality is partly made by human beings, but a widespread corruption of evidence makes judicial decision-making impossible, and the historical past really cannot be undone by any human being (Thomas Aquinas would probably add that it cannot be undone by God either).

Perhaps unsurprisingly, when it comes to the ICTY genocide verdicts, the US disagrees with my last paragraph. To the US those verdicts are as sacred as “the Bible”. In fact, the US has a clear position on the verdicts and the Bosnian war and peace process: either you admit that the ICTY genocide verdict is infallible, or the war continues in the sense that there cannot be real reconciliation without the admission. On July 8, 2015, three days before the 20th anniversary of the ‘Srebrenica massacre’, at the UN Security Council session on Bosnia, when the UK proposed a draft resolution, the US, backed by the UK, explicitly verbalized such a position (UN SC 2015). In diplomatic language this is called ultimatum, and the position voiced is obviously one immune to counterarguments, as the

US decided.

Therefore, and herewith I conclude my essay, all we need for a conclusion is to look at the transcript of the session. Then you see that the situation vis-à-vis Bosnia is bleak indeed. Because, Bosnia is exploited by the USA, and the UK, internationally as a site of drama in which peace is constantly delayed, a country ridden by a permanent crisis; the country's only use is to demonstrate some wider global disagreement or conflict. That's why the USA, and the UK, deliberately chose to press with the conflict-inducing session of July 8, 2015, to force the Russian Federation, represented by Ambassador Churkin, to pass veto on the draft and thus to make the PRC, and three more countries, abstain from voting for, or against, the draft resolution that singled out 'genocide' and 'Srebrenica' as key events of Bosnian modern history.

Ambassador Churkin pointed out at the start of the session that the resolution deals with divisive issues, and that Bosnian peoples have different perceptions of their history, esp. of the wartime (UN SC, 2015: 5-6). Hence, the proper course of acting for the Council was to take a balanced approach, without singling out any particular party or event. The USA, and UK, decided to try imposing a different agenda. The analogy between the Nazi Holocaust and Bosnian 'genocide' was again drawn (UN SC, 2015: 9, 20-21). I identified some very powerful rhetorical tools in US Ambassador Samantha Power's speech which I can mention here only in passing; what Roland Barthes called 'reality effect', i.e. the ability to simulate 'realism' in storytelling, was produced by incredible detailing in her speech;¹³ secondly, if you have not noti-

ced thus far, the American officials use an epic formula when referring to the Srebrenica massacre – they, including Ms. Power, speak of the victims, or the killed RBiH Army soldiers, as 'men and boys', and then one gets a wrong impression that the Bosnian Serb 'executioners' killed approximately 4000 men and 4000 male children, an impression that has nothing to do with the actual figures, ages, and percentages (Wilcoxson 2010).

Thirdly, and most importantly, both Ms. Power and the UK representative Mr. Wilson referred to 'genocide', a part or aspect of the ICTY verdicts, as 'a fact' (UN SC, 2015: 9, 20), which is of course a strange way of referring to a version, or narrative, of history. Oddly, both representatives acted as if they can enforce their worldview on the rest of the Council, or as if they view the ICTY Appeals Chamber as the most infallible of all human institutions. Consequently, as mentioned, the USA expressed the view that several items have to be taken as identical or fully overlapping: historical reality, ICTY genocide verdicts, the US stand on the verdicts, the US position on the conditions of reconciliation in Bosnia, and also the Bosniak-Muslim Srebrenica survivor's views and experiences as such.

Consequently, one undesirable discursive effect occurred. Ms. Power marked the Russian position as 'genocide denial', and she added explicitly, as 'madness' (UN SC, 2015: 8). Furthermore, she stated or suggested in a number of passages a kind of collusion, or alliance, or even identity, between Mr. Churkin and Bosnian Serbs. Finally, she imputed to the Russian representative a position deliberately harmful, offensive and humiliating,

family members and survivors of the Srebrenica massacre; the specific, and specifically named, persons were thus symbolically brought into the session in the role of direct supporters to the US/UK, and opponents to the Russian, position. Barthes has identified and described this rhetorical device in Barthes (1969).

¹³ She did this by recollecting her direct experience when she was a press reporter in 1995 Sarajevo; second, by presenting some gruesome scenes from the burial sites, and, third, also by mentioning specifics concerning some specific, and directly named victims'

to the Bosniak-Muslim Srebrenica survivors; as Ms. Power stated, the Russian Federation veto is “heartbreaking to those [victims] families,” and they would grieve “today doubly...because they lost their loved ones, and secondly because our collective effort to recognize and commemorate the genocide in Srebrenica was vetoed by Russia” (UN SC, 2015: 22). Here, we should bear in mind only the fact that, for the specific veto, hence for the ‘double grief’, at least the UK must be held co-responsible since it decided to put the draft resolution to the Security Council vote despite the explicit warning by the Russian representative.¹⁴

By presenting such a rhetorical frame, and drawing on such a set of ‘arguments’, the American representative, backed by the UK, demonstrates that there can be talk on Bosnia, and there can be ‘Bosnia’ as an idea and entity, only on American terms. Lastly, to conclude, the Bosnian war continues, and in the current Bosnian ‘state of war’, Rajko Vasić, and similar “deniers of genocide”, including perhaps the author of this paper and the Russian Federation and People’s Republic of China, must be prepared to be treated by American representatives in, or foreign policy-makers on, Bosnia as mad, immoral, and unreasoning beasts worthy of prosecution, and persecution, for their daring to spread ‘heresy’ and ‘offend’, and agitate, the Bosniak-Muslim Srebrenica survivors.

¹⁴ And, at the end of the session, Ambassador Churkin (UN SC, 2015: 22) emphasized that, “On the substance, some delegations – those of the United States and the United Kingdom in particular – criticized Russia’s position. They distorted our position, which, I stress, in no way justifies their comments. I would simply suggest that they should have listened to our statement more carefully.” In other words, Churkin confirms in the most unmistakable terms that we have yet again witnessed a case of semantic imputation.

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“GENOCID”, “GOVOR MRŽNJE” I “MIR KAO RAT”:

Od implementacije Dejtonskog mirovnog sporazuma do tvita o Srebrenici od 11 jula 2018.

Ključne riječi:

genocid; govor mržnje; Dejton; implementacija mirovnog sporazuma; ICTY; interpretacija sporazuma.

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Rezime

Ovaj se ogled bavi svim ključnim reakcijama na tvit o ‘Genocidu u Srebrenici’ što ga je Rajko Vasić objavio 11. jula 2018., pri čemu su te reakcije interpretirane kao mini-model za razumijevanje cijeloga razdoblja implementacije Daytonskog mirovnog sporazuma. Ogled pokazuje da se međunarodna zajednica, uključujući primarno SAD i UK, prema implementaciji tog sporazuma odnosi kao prema procesu nastavka rata u Bosni i Hercegovini drugim sredstvima. Stajalište „govora mržnje“ i tužbe/presude ICTY za genocid ovdje su objašnjeni kao pomoćno sredstvo postizanja iste svrhe. Najvažnije, u ogledu se iznosi, i sa nekoliko primjera podupire, teza da je problem značenja, kako se ono pripisuje političkome sugovorniku, ili sporazumima ili zakonima, od najveće važnosti u politici. Na kraju, autor prezentira detalje sa sjednice Vijeća Sigurnosti UN od 8. jula 2015. kako bi ilustrirao najvažnije zaključke analize.

DOI:

10.5937/politeia0-23461

Datum prijema članka:

03.10.2019.

Datum prihvatanja članka za objavljivanje:

15.11.2019.

