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Heroes or Traitors?

ICTY's Legacy and Nationalist Narratives in Serbian Political Discourse

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Introduction

Approximately three decades after the dissolution of the Socialist Federal Republic of Yugoslavia (SFRY, hereafter ‘Yugoslavia’)¹ and the conflicts both leading up to and resulting from the breakup, commonly known as the Yugoslav wars, the region largely remains confined to so-called ‘negative peace’ (Tepšić and Džuverović 2025). In the Western Balkans² (WB), this condition is characterized by an absence of direct violence coexisting with unresolved grievances, fragile institutions, and entrenched ethno-nationalist ideologies (ibid). With local political elites commonly employing competitive victimhood narratives and exacerbating debates on who bears the responsibility for and who suffered the most during the wars (Džuverović 2021, 11; Milanović 2016b, 18), these post-war societies remain deeply divided. Genuine reconciliation appears to have stagnated, leaving room for nationalist narratives and ethnic tensions, once found at the very core of the Yugoslav wars, to yet again flourish in the years following the dissolution (Milanović 2016a, 38). Such tensions manifest most visibly in the political and discursive struggle over the memory of the 1990s, and, in Serbia particularly, through the contestation of the International Criminal Tribunal for the former Yugoslavia’s work (ICTY, hereafter ‘the Tribunal’) (Clark 2008; Milanović 2016a). In a nutshell, while armed hostilities ceased decades ago, the past continues to be fought over – just not on the battlefield, but in the symbolic and discursive spaces constructed primarily by politics and political elites, disseminated through media into public memory. These competing national versions of history reproduce a climate of mistrust and polarization, in which victimhood and national exceptionalism jointly dominate public conversation. That being the case, this thesis is anchored in the notion that the legacy of the Yugoslav wars and the international interventions that followed continue to shape political discourse, national identity, and broader societal dynamics in Serbia, within the wider post-Yugoslav context.

In an effort to examine why institutional attempts at reconciliation failed, thus creating fertile ground for the perpetuation of preexisting nationalist narratives, this

¹ This refers to the six republics of the SFRY, i.e. Serbia, Croatia, Bosnia and Herzegovina, Montenegro, Slovenia, and Macedonia, all of which became independent states after its dissolution in the early 1990s (Kosovo* declared its independence in 2008 and its status remains disputed to this day).

² The Western Balkans, as employed by the European Union and other relevant international bodies, comprise of the six non-EU countries in the WB region, i.e. Serbia, Montenegro, North Macedonia, Bosnia and Herzegovina, Albania, and Kosovo*. Croatia and Slovenia are ‘excluded’ from this grouping, as both countries are now EU Member States. While ‘former Yugoslavia’ refers to a historical and territorial entity, ‘WB’ is a contemporary political-geographical category. In this research, the term ‘WB’ is used to contextualize post-conflict dynamics shaped by unresolved war legacies and EU accession processes, even where empirical focus is placed on an individual case.

research will center around the ICTY as the most prominent and politically impactful justice mechanism deployed in the aftermath of the conflicts. The Tribunal had a mandate to bring criminal charges against individuals deemed to have violated international humanitarian law during the Yugoslav wars (Huyse 2003, 100). In other words, it was tasked with establishing individual responsibility for the war crimes committed – an approach that intended to prevent collectivization of guilt, create a common factual record of events and thereby contribute to peace and reconciliation in the region (ICTY n.d.a). Established in 1993 under United Nations Security Council Resolution (UNSCR) 827, it was the first international tribunal to prosecute individuals for war crimes and crimes against humanity since Nuremberg. Presenting itself as a cornerstone of transitional justice, the Tribunal claims its main achievements to be ‘holding leaders accountable, bringing justice to victims and giving them voice, establishing the facts, developing international law, and strengthening the rule of law’ (ibid.).

However, although the ICTY’s legal impact may be considerable, as numerous scholars claim, its societal footprint in the region has remained deeply contested (Orentlicher 2010; Omerović and Alić 2018; Ramet 2012; Clark 2008; Milanović 2016a). The Tribunal’s verdicts were frequently misappropriated to reinforce entrenched nationalist discourses by respective political elites, disappointing victims across ethnic lines, thus contributing to enduring ‘cycles of hatred’ in the region (Minow, 2002). The existing research reveals that, in Serbia especially, the ICTY’s rulings predominantly failed to resonate with the general public, as they were continuously presented as politically motivated attacks on the nation as a whole by nationalist political elites and government-aligned media outlets (Milanović 2016a; Milanović 2016b; Steflja 2010; Clark 2008). This has led to a great deal of claims, both by political officials and the public, that the Tribunal and its work were never impartial, but rather an instrument of foreign power targeted at collectively stigmatizing the Serbian people (Milanović 2016a, 22-24; Milanović 2016b, 35). Moreover, this perception was reinforced by the largest number of Serb defendants on the Tribunal’s docket, with about 70 percent of those indicted being Serbs (Clark 2008, 346), by the severity of many sentences imposed on Serb leaders compared to those of other ethnicities, reflected in a higher average of years’ imprisonment (Orentlicher 2010, 55) and by several highly controversial acquittals of Bosniak and Croat commanders, all of which is widely cited in Serbian public discourse as evidence of the ICTY being a political court with double standards, reluctant to punish non-Serbs (Milanović 2016a, 43). In practice, these reinterpretations involved transforming individual

accountability into emotionally charged narratives of collective victimhood, external oppression and moral exceptionalism, i.e. frames that not only delegitimized the Tribunal and its verdicts, but simultaneously reinforced the very identity structures it sought to challenge. Far from fostering a shared truth about the past, the Tribunal's work was recontextualized to fit into existing ethno-nationalist narratives, thereby intensifying as opposed to dismantling collective grievances. As such, the ICTY became entangled in local identity politics, used not to reckon with the past, but as a tool to reinterpret the past through a lens of ethnic victimhood, external persecution and injustice. Ultimately, what was 'on paper' intended to be a mechanism of justice and reconciliation inadvertently became a source of renewed polarization, moral relativism, and denialism (Milanović, 2016a). The Tribunal's retributive model relied on the establishment of juridical truth that, in the absence of local legitimacy, became susceptible to discursive appropriation and symbolic inversions.

Within this broader context, this thesis focuses on Serbia, and, more specifically, on the case of Biljana Plavšić, which was chosen as a highly illustrative example of how attempts to 'individualize guilt' and 'hold leaders accountable' can become discursively transformed into narratives of collective victimhood and patriotic sacrifice. As the former co-president of Republika Srpska, she was one of the highest ranking officials, as well as the only woman indicted by the ICTY. Facing eight counts in total, including those of genocide and crimes against humanity, Plavšić voluntarily surrendered herself to the Tribunal, pleading guilty to a single count – persecution as a crime against humanity (Combs 2003, 931). While her guilty plea was internationally heralded as a milestone in accountability, and thus, potentially justice and reconciliation, in Serbia, on the other hand, it was widely condemned as an act of betrayal (Subotić 2012, 44–49). Nevertheless, Plavšić retracted her alleged remorse whilst incarcerated, both through the interviews she gave and her two-volume memoir titled *I Testify* (Svedočim), and was, regardless of this, granted an early release after serving two-thirds of her eleven-year sentence (ibid., 44). She received a 'hero's welcome' (Mihajlović Trbovc 2018, 408) upon returning to Serbia, which marked a sharp reversal within the nationalist discursive field: the figure that was once framed a traitor could be transformed into a dignified martyr who sacrificed herself and bore the punishment for 'her people' (Babić 2012).

It is precisely this transformation that fundamentally motivates this research. By investigating how the ICTY-related discourse, and Plavšić's case in particular, was articulated through Serbian political discourse and mediated into the public sphere, this

thesis seeks to shed light on the linguistic and symbolic ideological mechanisms through which international justice was resisted, reframed, and ultimately turned into an arena of nationalist contention. In other words, the central concern of this thesis is to probe into how these politicized interpretations of the ICTY's work in Serbia contributed to the reproduction of nationalist victimhood narratives, and shaped public understandings of justice, guilt, and national identity in the post-conflict period. In doing so, special attention is paid to the extent in which the Tribunal's retributive justice framework succeeded or failed in its stated objective, i.e. to individualize guilt and promote reconciliation, and, at the same time, to how these ambitions were mediated and transformed within national political discourse. The Plavšić case serves as a focal point through which these dynamics are explored in greater detail. As outlined, whilst treating it as a representative of the general trend, this research investigates how legal narratives of her case were rearticulated within dominant political discourse (and disseminated into the public sphere through media) by tracing the discursive trajectory of her voluntary surrender, sentencing, guilty plea, and subsequent withdrawal of remorse, as well as pre- and post-release statements. Principally, the thesis examines how such representations influenced the broader perception of the ICTY, justice, truth, and national identity, together with the ideological and affective functions these framings performed within Serbian nationalist discourse. In addition to this, the analysis seeks to identify recurring lexical patterns or symbolic tropes that (re)emerged around the ICTY and Plavšić's case, and question whether any of these discursive elements notably persisted in contemporary national rhetoric. In doing so, this thesis aims to demonstrate the ways in which the legacy of international justice perpetually continues to shape the formation of national identity in Serbia, all while reflecting on what this reveals about the general limitations of the transitional justice mechanisms operating in politically contested and hybrid political settings.

Within the set-out framework, the research at hand contributes to the existing scholarship on transitional justice, nationalism, and post-conflict reconciliation and memory studies by conducting a narrowly-focused, discourse-oriented analysis of the ICTY's reception in Serbia through a singular, emblematic case. Whilst numerous studies have examined public perceptions and receptions of the Tribunal, far less attention has been given to the highly specific linguistic and symbolic mechanisms through which its legal narratives were translated into nationally-resonant meanings. By applying Critical Discourse Analysis (CDA) to the Plavšić's case, the thesis provides an empirically grounded example of how attempts to individualize guilt can wind up discursively inverted

into narratives of collective victimhood and moral exceptionalism. Lastly, on a broader level, the findings shed a light on the limits of externally driven transitional justice mechanisms in contexts where their basal legitimacy is contested, with political elites playing a central role in shaping their societal interpretation.

1. Literature Review

1.1. Transitional Justice and the ICTY's Conflicting Legacy

Ever since its conception in 1993, the ICTY has been regarded as both a major legal milestone and a source of contention (Orentlicher 2010; Ramet 2012; Milanović 2016b). Created under the UNSCR 827, it marked a new normative tendency to prosecute serious violations of international humanitarian law with the use of international criminal justice (Clark 2009, 463). The Resolution itself states its conviction that by prosecuting those responsible, the Tribunal shall 'contribute to the restoration and maintenance of peace' (ICTY 1993, preamble). Yet, as an extensive body of scholarly literature demonstrates, the ICTY's capacity to achieve high expectations that went far beyond those of purely legal nature remains deeply disputed, much like its contribution to post-conflict reconciliation in the region (Omerović and Alić 2018; Ramet 2012; Clark 2008; Milanović 2016a). Even though early institutional accounts can be seen highlighting its vital role in codifying crimes against humanity, including the creation of rich jurisprudence that recognizes crimes like sexual violence and overall advances individual criminal responsibility (Orentlicher 2010), by mid-2000s a more critical current of scholarship emerged, questioning the very premise that individual legal accountability could translate into reconciliation and lasting peace. Amongst others, Clark (2009, 59) argued that the retrieval of truth through law failed to resonate with deeply divided ethnic groups, i.e. that 'facts alone will not help form a shared past', as long as they are not universally acknowledged, but competing against each side's victim-centric narrative. While accounting for widespread denialism, she notes that 'reconciliation requires an all-encompassing truth that embraces these different truths' (Clark 2008, 335). Moreover, Hamber and Kelly (2018, 2) identified acknowledgement of the truth about the past as one of the key puzzle pieces necessary for reconciliation to occur, remarking that individuals must recognize their own role in the past conflicts. As such, strictly juridical truth often neglects the socio-emotional dimensions behind the complex process of reconciliation. This central critique, echoed by Ramet (2007), Verovšek (2018), Orentlicher (2020) and

Kostovicova (2023), portrays the ICTY as an archetype of international retributive justice detached from social, especially local, legitimacy.

Empirical studies reinforce this critical view. Omerović and Alić (2018, 17) demonstrate that citizens across the region, regardless of their ethnicity, perceive the Tribunal as politically motivated and externally influenced, often citing lack of impartiality and ethnic balance in prosecution as rationale behind their beliefs. Additionally, the authors point out the fairness of trials being frequently brought to question in Croatia, Bosnia and Herzegovina, and Serbia, with Serbs tending to be unsatisfied with its work most vocally (ibid., 2). In his analysis of the six public opinion surveys conducted by Belgrade Center for Human Rights (BCHR) throughout mid- to late-2000s, Milanović (2016b, 6, 35-36) finds that negative public perception in Serbia (and Croatia alike) stems not merely from a lack of information, but from deliberate elite-driven propaganda that reinterprets the ICTY's work as anti-Serb persecution. His research concludes that the Tribunal operates in a 'bias-driven downward spiral' — meaning the more it challenges established nationalist narratives, the more likely that it will generate distrust, and hence less likely that it will be believed (ibid., 37). Highlighting the suffering of the Serbian citizens both under the Milošević's regime and during the NATO bombing in 1999, Nikolić-Ristanović and Hanak (2006) deduce that the main issues standing in the way of a coherent, nationally owned reconciliation framework are particularly Serbia's polarized political culture and competitive victimhood narratives. As a consequence, in lieu of fostering individual accountability, the Tribunal's work became embedded in the complex politics of national identity, generating a discursive inversion in which punishment symbolized unmerited humiliation, not justice (Steflja 2010, 4). Importantly, socio-psychological examination further proposes that when communities experience humiliation and shame, together with perceived international bias, they are far more likely to interpret the prosecution of their leaders as attacks on collective identity, leading them to reject judicial conclusions and embrace alternative narratives instead (ibid., 16). Moreover, literature highlights another dimension of the predicament, i.e. the role of conditionality. As Spoerri (2011, 1846) demonstrates, since national cooperation with the ICTY was linked to prospects of EU accession and foreign aid, it is clear why it was more frequently than not perceived as externally enforced and not internally embraced in Serbia. This is crucial because the experience of coerced compliance had a major impact in further undermining the Tribunal's legitimacy, thus making its work more easily intelligible through narratives of national injury and victimhood.

What this body of literature essentially suggests is that the key scholarly debate no longer revolves around the question of whether the ICTY's work mattered in legal terms but around answering why its legal findings failed to become socially authoritative. Namely, its contribution to international criminal law, as well as to establishing accountability and a factual record is widely acknowledged, yet why these findings never translated to public recognition and reconciliation remains deeply contested. As Milanović (2016a) argues, the main issue was not as simple as the Tribunal lacking evidence, but that it 'failed to persuade its target audiences', because facts alone could not overcome elite manipulation, distrust it mediated, and, as a consequence thereof, entrenched nationalist belief systems in place. Additionally, scholars such as Spoerri (2011) and Steflja (2010) maintain that, in Serbia particularly, these findings entered a preexisting discursive environment in which they could easily end up reinterpreted through the language of coercion and collective injury.

1.2. Nationalism, Victimhood, and Politics of Memory

Literature on post-Yugoslav nationalism provides complementary insight into how such inversions could come to take root so easily in the first place. Drawing on Benedict Anderson's (1983) and Ernest Gellner's (2006) constructivist understandings of the nation, authors such as Vujačić (2003), Tepšić (2012), and Tomić (2014), explore the ways in which the elites, recognizing the power of memory and emotion, exploit national historical myths for the purposes of political mobilization. In her work, promptly titled 'The Dissolution of Yugoslavia: Competing Narratives of Resentment and Blame', Sabrina P. Ramet argues that, in the Yugoslav successor states, much like elsewhere, successful politician-driven propaganda played on preexisting emotions of their receptive audiences, usually utilizing old grievances and fear 'as a kind of fuel for their drive to power' (Ramet 2007, 64). Within this context, she claims that the Serbian historical narrative is one of victimhood and moral exceptionalism, in which the entire nation is demonized both by the West and its neighbors (ibid., 31). This scholarly body is especially relevant for the research at hand because it helps explain why the ICTY entered the Serbian discursive environment already predisposed to interpret external intervention through the lens of collective injury. These identity/nationalist narratives, cultivated through political discourse, media, and even public education, thus frame international interventions, ICTY included, as a continuation of historical injustice against the Serbs, with many leaders claiming its hostility and anti-Serb bias in an effort to discredit its findings (Orentlicher

2020, 5). Trials proved to be a convenient space for establishing the ‘Serb-self’ in opposition to the ‘foreign-other’, in that manner allowing defensive nationalism and denialism, which were already present within each of the warring sides, to prosper. As Steflja’s work (2010, 2-4) demonstrates, the Tribunal came to be one of the main sites where the ‘Serb-self’ could be restored not only in opposition to the other formerly Yugoslav ethnonational groups, but also in opposition to the ‘international other’, which was marked as hostile. Seen through this lens, the trials did not merely judge individuals, they, instead, became symbolically charged settings where national identity, and its humiliation and victimhood alike, was being renegotiated. With each judgement being interpreted as an attack on the nation and not the individual/defendant and, therefore, a form of collective punishment predicated on ethnicity, the notion that individual accountability would counteract collective victimhood showed to be futile (Selimović 2015, 236). Identifying this legitimacy gap between international justice and local recognition, scholars such as Kostovicova (2023, 108) argue that reconciliation requires bottom-up, deliberative engagement, as opposed to top-down determination in order to overcome identity politics. Ultimately, ‘even if the ICTY can establish a factual record of what happened, it cannot contribute to national reconciliation if this record is not recognized and internalized by the peoples of the former Yugoslavia’ (Akhavan 1998, quoted in Clark 2008, 335). That is to say, as long as there is no national acknowledgement, there is room for denial and moral relativism. These works jointly shed light on why the Serbian discourse was so particularly receptive when it came to reinterpreting the ICTY’s work through narratives of collective victimhood and external hostility, however, what they do not fully explain is how these reinterpretations were accomplished at the level of discourse itself.

1.3. Rethinking Justice: The case of Biljana Plavšić

An existing strand of scholarly work also examines how international justice is refracted through domestic discourse and media, acknowledging the major impact the latter has in shaping the realities of contemporary societies. Much like this thesis, these studies do not treat ICTY’s work and judgements as self-explanatory, but they emphasize that their public meaning was always generated by mediation, that is, domestic interpretive frameworks, political interests and media mechanisms. For example, in her analysis of media reporting on ‘homecomings’ of ICTY defendants, Mihajlović Trbovc (2018, 413) reveals how these events were strategically (mis)used by political actors to gain political

points and promote an intended historical narrative. Celebratory welcomes of politically prominent figures evolved into a routine element of political folklore, in which those convicted were greeted no differently from the acquitted, suggesting the irrelevance of verdicts themselves to officials organizing these welcomes and their supporters (ibid., 417). At the same time, in her dissertation, Ljubojević (2013) claims that not only does media form reality, it also (re)shapes the past by interpreting it through ideologically charged perspectives of the present, often neglecting earlier viewpoints that are not complementary. Moreover, by transforming ‘legalese’ into ordinary language accessible to a broader audience, it inevitably alters and reconstructs original discourse and meanings embedded into it (Ljubojević 2013, 51). This has particular significance for the thesis at hand as it proposes that the gap between legal judgement and public understanding of it is not just found in the reception of it, but also in translation, as legal meanings do not simply ‘travel and land’ in the public, national sphere, but are rearticulated within its preexisting ideological vocabularies. Literature also reveals that a major portion of outlets across the region report through a perspective aligned with dominant, nationalist political discourse that plays on existing ethnic divides, with a smaller number of civic-oriented media resisting the trend (Strupinskienė 2023, 121). Accordingly, Serbian mass media routinely ‘re-nationalized’ the Tribunal’s work by embedding it into emotionally charged narratives that frequently encompass lexical choices such as *injustice* or *suffering* (of the individual and therefore ‘its people’). In this setting, nationalist elites aim to position themselves as protectors of their ethnic lands and ‘their’ people (ibid., 121), which goes hand in hand with the observation of trials being a political battlefield predetermined by international and domestic power asymmetries, instead of a process aimed at establishing a common truth (Mihajlović Trbovc 2018, 409). What these works summarily demonstrate is how the ‘afterlife’ of ICTY’s judgements depended less on what the Tribunal managed to establish legally, and more on the political, symbolic frames through which those findings were made publicly intelligible.

Within this broader landscape, the case of Biljana Plavšić, the former president of Republika Srpska and the only woman convicted of crimes against humanity before the ICTY, has received a fair share of scholarly attention, likely due to the fact that her guilty plea and the subsequent withdrawal of remorse are highly representative of the tensions that lie at the very core of the ICTY’s controversial reception. Her case appears in a handful of works regarding the Tribunal because it, at least initially, appeared to embody the logic behind international criminal justice, i.e. if a high-ranking perpetrator was to

acknowledge responsibility, thus contributing to truth-telling, that action would potentially open space for reconciliation. Several academic papers and articles reviewed take note of how her legal narrative, first articulated through a statement of guilt (ICTY n.d.b.) which was regarded as an act of ‘treachery and betrayal’ by many Serbs (Combs 2003, 936; Simić 2018, 6), was quickly absorbed back into familiar nationalist tropes that ‘justified, legitimized, and contextualized the crimes’ (Subotić 2012, 41; Mihajlović Trbovc 2018, 408). The two-volume memoir, published whilst she served her sentence under the title *I Testify* (Svedočim), combined with media coverage back home, enabled her to be reframed not as a perpetrator who accepted the responsibility, but as a figure that ‘suffered for her people’. Research reveals that, by the time she was granted an early release in 2009, the image of *Biljana the traitor* established at her conviction fully shifted to *Biljana the victim* (Babić 2012, 19). In analyzing Plavšić’s sentencing speech together with first-hand interviews she conducted as a part of her research, Simić (2018, 6) sheds light on the certainty that Plavšić’s words were indeed never remorseful but ‘a political response to Serbian victimization and Serb accusations of the ICTY being anti-Serb and biased’. This particular trajectory is thus highlighted as an illustrative example of how international criminal justice mechanisms and its judgements can be symbolically inverted and transformed into stories of national endurance, martyrdom, sacrifice, or simply political persecution. At the same time, the scholarship reviewed suggests that Plavšić’s path post-release was not created by denial alone, but that what was at play was a much more complex symbolic reversal where guilt, punishment, suffering, and national belonging were arranged into a morally legible tale of sacrifice.

What all of the foregoing literature jointly demonstrates is that discourse surrounding the ICTY was never disseminated in a neutral communicative environment, but rather continually mediated through political interests, emotionally charged language, and entrenched identity narratives. Additionally, it makes it clear that the public comprehension of ICTY’s judgements in Serbia should not and can not accurately be understood without factoring in the central role of political discourse and media in translating legal outcomes into nationally resonant stories. What the scholarship reviewed thus demonstrates is that the ICTY’s work in Serbia was heavily filtered through nationalist narratives of victimhood and anti-Serb bias, with multiple authors noting the symbolic reframing of Biljana Plavšić’s image from traitor, over victim, to martyr. However, far less attention has been given to the precise discursive mechanisms that made this transformation possible, i.e. to the recurring discursive tropes, lexical fields and

narrative patterns through which the legal language of individual responsibility was translated into a nationalist grammar of betrayal, sacrifice, and collective suffering. It is precisely this gap in the existing scholarship that this research aims to address.

2. Theoretical Framework

For the purpose of investigating how the ICTY's work was interpreted, resisted, and re-signified in Serbian political and media-mediated discourse, this research is theoretically anchored in critical scholarship on transitional justice (TJ), with keen attention drawn to the limits of retributive approaches in post-conflict societies. That being the case, the framework adopts transitional justice as the primary conceptual perspective, within which notions of legitimacy, nationalism, and identity construction shall be treated as analytically integral dimensions due to their vital role in shaping the societal reception of international criminal justice. In other words, these perspectives inform the analysis on how the ICTY-related meanings were reinterpreted in Serbia but do not constitute fully-fledged theoretical frameworks. Furthermore, the theoretical discussion shall be supplemented by secondary analytical concepts, such as victimhood, martyrdom, moral inversion, 'them versus us' dichotomy, etc., which will also be employed as interpretive tools where relevant. This means that, more specifically, TJ is used here as a singular overarching theoretical frame, with the aim of examining the core assumptions attached to the belief behind retributive justice itself, namely that prosecution can establish truth, individualize guilt in a resilient way socially, and thus contribute to reconciliation. Therefore, other concepts elaborated on in this section are not introduced as parallel theories, but as analytical dimensions that help explain why this chain of logic proved to be unstable in the Serbian case.

The primary theoretical foundation for this thesis is the complex field of transitional justice. Huyse (2003, 97), while identifying four principal justice approaches ('retributive and based on prosecution, restorative and based on mediation, truth commissions produce historical justice, reparation policies aim for compensatory justice'), claims justice and reconciliation to be nearly 'twin notions', that is to say, without seeing 'justice be done', reconciliation is not feasible. Despite the substantial amount of criticism surrounding the punitive approach, central being arguments that political circumstances may hinder prosecution, victims' needs may be sidelined, practical limitations, and the risk of trials impeding with reconciliation, the overall inclination, principally Western, is to fixate on the retributive dimension of justice (ibid). It is important to keep in mind that this

thesis does not outright reject the retributive justice logic as a whole and that it, instead, examines the limits of the expectations attached to this notion once legal processes 'escape' the courtroom and enter a politically contested public space.

Within this field, international criminal tribunals, such as the ICTY, are seen as mechanism designed to establish accountability, i.e. the truth about the crimes committed, individualize guilt, and ensure that justice is done, thereby seeking to contribute to the reconciliation process in the aftermath of mass violence (Clark 2008, 332). However, as Hamber and Kelly (2004, 8) argue, reconciliation is a voluntary act that can not be imposed and that, among other things, requires substantial social, economic and *political* change. Furthermore, Bloomfield et al. (2003, 163) maintain that, for it to be lasting, the reconciliation process must be 'homegrown', asserting that this means that the 'international community must facilitate instead of impose' (ibid., 164). Simply put, although retributive mechanisms like the ICTY are indeed essential for documenting crimes and prosecuting perpetrators, they have very limited transformative capacity when operating in isolation from the broader societal context of the fractured societies affected by the conflict (Clark 2008, 334). This distinction between legal achievement and social effect is central for the research at hand, as the verdict may as well be completely valid in juridical terms, yet remain equally weak when it comes to public authority or emotional acknowledgement. As Clark (2009, 475) further sees it, the question is not whether or not these trials are able to establish the truth, but if these truths will be internalized, or, as she puts it, 'facts alone will not help to form a shared past'. This argument is of special relevance for environments where competing ethno-national narratives already dominate public memory, attested by the persistence of denialism and competing truths, in which 'we' is always the principal victim and 'they' is the aggressor (ibid., 476). Together, these insights bring us to a central theoretical point of contention: the ICTY's retributive justice model relied on the establishment of juridical truth that lacked social recognition necessary for reconciliation to occur. Hence, this research treats TJ as the conceptual nexus for understanding why the Tribunal's verdicts wound up translated into political narratives that radically diverged from their intended meaning. With this in mind, the thesis takes on an approach in which the limits of retributive justice are not primarily analyzed from the point of view of legal shortcomings, but takes a deeper look into the issues behind social translation, reception and recognition.

Within the TJ scholarship, this predicament is closely linked to the question of legitimacy – when juridical verdicts are perceived as externally imposed or politically

biased, they are unlikely to be met with recognition or trust among their target audiences. Legitimacy is therefore treated here as an analytical dimension, integral to proper functioning of retributive justice mechanisms, as it helps explain and understand why legal findings may be institutionally valid yet fail to persuade and be seen as credible in the eyes of those they are essentially meant to address. As Richmond (2014, 109) argues, legitimacy in peacebuilding³ is shaped by norms, customs, and expectations that are derived from the Western socio-historical experience. In assuming that international authority should take precedence, liberal peacebuilding efforts may encompass institutions that feel foreign, disruptive, or imposed to the local communities (ibid). This unequal relationship between the international and the local leads to frequent questioning on whose standards matter, which helps explain why international justice mechanisms may not resonate with the affected communities in their essence. This is especially relevant in the case of international tribunals, whose authority may be stable on a strictly formal law level while remaining highly fragile on a local symbolic and political one.

Moreover, Chandler and Sisk (2013) highlight that international interventions are heavily reliant on local political elites to interpret and ‘pass down’ these external norms to the general public, thus reinforcing their position of power by providing them with room to mediate, reshape, or potentially resist international agendas. The central role of the elites extends from state- and peacebuilding to nationalism, with ‘a major stream of analysis in the nationalism literature describing how elites throughout history have promoted and manipulated nationalism to serve their statist and personal ends’ (Chandler and Sisk 2013, 76). In Serbia, this dynamic has enabled various political actors to paint the ICTY as externally imposed and, therefore, biased, ultimately diminishing its legitimacy at their convenience by re-evoking the existing mistrust toward international institutions. As such, this pattern, thoroughly observed in the state’s TJ trajectory, conveniently demonstrates how external legal authority clashes with local political legitimacy, thus creating a space in which the elite’s nationalist interpretations of justice, guilt, and identity can flourish. Understanding this central role of mediation is crucial for the purposes of this research, because it helps pinpoint the moment in which legal meaning becomes politically contestable, i.e. external judicial interventions do not enter domestic discourses ‘intact’, as they are filtered through actors that frequently have strong incentives to reinterpret it.

³ Although the ICTY itself is not a peacebuilding effort per se, it was formed as a part of a broader LPB framework that sought to stabilize the post-conflict societies of the former Yugoslavia through external and institutional interventions.

Building upon the aforementioned limitations of the retributive approach to TJ and elite-driven reframings of external agency, this thesis further draws on constructivist approaches to the concept of nationalism, which further clarify how national identities are produced and reproduced through common narratives, symbols, and interpretations of history. Nationalism is thus also treated as another analytical concept that helps better understand the discursive environment into which retributive justice steps in. Köchler's (1995, 3), for instance, sees the nation as a symbolically constructed community where national identity develops through shared meaning and historical storytelling, which directly supports this research's broader argument of the contemporary Serbian nationalism (reframing of the ICTY's verdicts and the Plavšić case included) operating more so through discursive, and not primordial mechanisms. Godina's (1998, 419) analysis also reinforces this view by showing how both Yugoslav and post-Yugoslav nationalism emerged as a result of shifts in symbolic hierarchies and 'reorganization within an identification matrix', which, in the latter case, released latent conflicting narratives once suppressed by a supranational identity. In practice, this manifests in the form of political elites drawing on nationalism as a source of power and authority, whilst mobilizing existing symbolic repertoires when reshaping national meaning (Milanović 2016a, 14). Therefore, what matters for this research is less about whether such identities are 'real' or not, but how they are narrated, moralized and politically employed in the present.

Taking a step back to look into the origins of the study of nationalism, it is evident that even its founders, such as Anderson (1983), highlighted the constructed nature of national identities, describing them as 'imagined communities'. Furthermore, Chandler and Sisk (2013) note that influential works by Gellner (1983), Hobsbawm (1990), and Breuilly (1994) document how elite political actors mobilize and manipulate nationalist sentiments/identities to serve statebuilding projects while pursuing political and personal gain (Chandler and Sisk 2013, 76). Scholarship focused on the Balkan context expands on these insights, with Ramet (2007, 63) demonstrating how all formerly Yugoslav nations perceive themselves as victims, yet she also claims it is just Serbs who have 'a notion of national entitlement, captured in the phrase 'Heavenly Serbia'', with resultant discourse drawing heavily on motifs of external hostility and collective suffering. Vujačić (2003, 95) similarly argues that nationalist narratives actively shape political reality and that 'the power over the use of symbols' is an integral part of political struggle'. Finally, Tepšić's (2012) work underlines the importance of constructing a moralized 'Other', as national identity is often constructed through the 'them' versus 'us' dichotomy, and the defining of

one nation's identity is often achieved in contrast to this 'Other'. This brings us to one of this thesis' key points, i.e. that nationalist narratives foster the use of negative stereotypes on these other groups in order to rely on the discursive construction of 'enemies of the nation'. Therefore, within the primary theoretical frame, nationalist narratives provide grounded discursive infrastructure through which international justice was and continues to be interpreted. When ICTY's verdicts are filtered through victimhood-centric identity narratives, individual accountability can wind up reframed as collective punishment, and legal judgment as an attack on the nation, which, in turn, obstructs reconciliation. The analytical lens of nationalism and identity construction is hence essential for understanding the mechanisms behind how the legitimacy gap within Serbia's transitional justice process translated into discursive resistance, symbolic inversion, and reproduction of nationalist meaning-making. Within settings such as this one, the nation is imagined as a morally cohesive community, thus making any judgements against political representatives easily reinterpreted as judgements against the collective itself.

In conjunction, the perspectives outlined above create a coherent basis in support of this thesis's principal puzzle — why and how did the ICTY's retributive justice approach fail to generate societal recognition in Serbia and instead became embedded into nationalist discourse. Anchored in transitional justice theory, this framework highlights how, when lacking local legitimacy, juridical truth and individual accountability become susceptible to political reinterpretation. Lastly, in order to investigate the specific mechanics of the Plavšić case, the research shall draw on a couple of relevant, secondary analytical concepts, such as victimhood, martyrdom, and moral inversion. While victimhood narratives portray the entire nation as being unjustly persecuted, martyrdom frames the retributive punishment of their ethnic representative as sacrifice for the collective, that is the nation, with moral inversion successively transforming his or her guilt and accountability into patriotic suffering. Two additional analytical concepts employed in the analysis section are particularly important for this study. These are not fixed categories derived from a single body of theory but are developed in relation to transitional justice and nationalism literature for the purposes of this thesis, as specific interpretive tools. The first is 're-collectivization', which is used to describe the process through which responsibility that is formally individualized in law terms becomes reattached to the nation in public discourse. The second is 'protective individualization', which refers to particular discursive moves which, on the surface level, appear to make a clear distinction between individual guilt and collective innocence, yet, in practice, preserve the nation as the central

moral reference point, thereby fundamentally sustaining the collective frame they nominally seem to reject. Much like the primary ones, these concepts are not treated as standalone theories, but as analytical tools that enable a more fine-tuned investigation of how international justice was symbolically inverted in and by dominant Serbian political discourse. Together, they make it possible to track the trajectory of a case that did not just rely on outright rejection of legal responsibility, but on more subtle transformations into narratives of sacrifice and collective injury. As such, the theoretical framework thus establishes a coherent explanatory path from transitional, i.e. retributive justice, through legitimacy issues and nationalist identity politics within it, all the way to discursive transformations which will be examined empirically in the subsequent analysis.

3. Methodology

3.1. Research Design and Case Selection

This thesis employs a qualitative research design, grounded in an interpretive approach, for the purpose of analyzing political discourse (and media discourse where relevant). Structured as a singular case study, the research focuses on the Plavšić case in depth, treating it as a critical, highly illustrative example of the keen interplay between transitional, retributive justice and nationalist narratives in Serbia, that promptly exposes the friction between official judicial narratives and domestic political interpretations of them. This case was not selected because it is statistically representative but because it is analytically revealing, while this choice is in line with the logic behind single-case research that argues that one carefully chosen case can illuminate much broader mechanisms and limits that may not even be as visible in some larger comparative designs (Flyvbjerg 2006). Existing literature places an emphasis on how cases as such often reveal more universal limits of international justice mechanisms when it comes to reshaping of entrenched ideological structures (Subotić 2012; Clark 2009; Orentlicher 2020). Taking into consideration the fact that one of the study's central objectives is to probe into how meaning is constructed through language, a qualitative design was deemed as the most appropriate method. That is, the main concern here is not to measure frequency or establish causal relationships, but to explore meaning-making processes and discursive transformations. In line with this approach, the study relies on Critical Discourse Analysis (CDA) to investigate how political actors frame, reinterpret, and contest ICTY's work, as it is recognized as a highly useful methodological tool for investigating how these narratives become embedded in language and public consciousness. Moreover, CDA allows for a

systematic examination of how discourse reflects and reproduces power relations, ideological frameworks, and collective identities, which is of special importance for a research that examines not only what was said about the Tribunal but also how legal categories such as guilt, responsibility, remorse, justice, and reconciliation got translated into political and national vocabularies.

The case of Biljana Plavšić was selected as a representative, analytically significant example, as the highest ranking official and the first Serb leader to enter a guilty plea, but also as a figure celebrated upon her return ‘back home’ after vocally retracting remorse, her entire trajectory encapsulated the overarching tensions between the Tribunal’s alleged achievements of individualizing guilt, establishing facts, and holding leaders accountable on one side (ICTY n.d.a), and the dominant Serbian political sphere’s interpretation of these same legal events on the other side. To provide a bit more detail on the background of the case, Plavšić was a high-ranking wartime official and former president of Republika Srpska, frequently referred to as the ‘Serbian Iron Lady’ (Simić 2018, 3), who was indicted by the ICTY, voluntarily surrendered in 2001, pleading guilty to persecutions as crime against humanity in 2002 she was sentenced to eleven years of imprisonment the following year, yet granted early release in 2009 (Subotić 2012, 42-44). Her subsequent, very open, public retraction of remorse and a symbolic homecoming is what makes her case particularly useful for investigating how legal admission of guilt could be transformed into narratives of betrayal and sacrifice.

It is vital to note that this case study, as well as any and all findings derived from it, should not serve as a basis for generalization, but as a concrete instance that effectively demonstrates how nationalist narratives can absorb and reverse international justice interventions. Nevertheless, the analysis is guided by an assumption which is substantively grounded in the existing scholarship, i.e. that ICTY-related discourse in Serbia did not function as a neutral transmission of legal findings, but rather as a politically mediated interpretive field where meanings of justice and guilt were actively modified and resignified. Therefore, the Plavšić case is recognized as invaluable because it brings together several discursive layers that are central for this thesis: the Tribunal’s own legal, institutional language, Plavšić’s self-representation, Serbian/Serb nationalist political framings, and, last but not least, how media mediation circulated these meanings in the public sphere.

3.2. Data Collection and Corpus Construction

When it comes to the timeframe, the research primarily focuses on the period from Plavšić's voluntary surrender in 2001, through her early release in 2009, encompassing her statement of guilt, sentencing, incarceration, publication of memoirs, and other key public interventions within this frame. This constitutes the central timespan to which CDA is applied to in-depth. The core analytical corpus prioritises Plavšić's own discursive output together with broader political discourse on the ICTY in Serbia, while media reporting on her case is used as a secondary, triangulating source wherever available, in order to trace how these narratives were mediated into the public sphere. For the purposes of this thesis, political discourse is not understood as strictly political speeches or parliamentary materials, but more broadly, as a field of public meaning-making through which legal events are interpreted and attached to questions of national identity, justice, responsibility, and victimhood. Therefore, the analysis' reliance on ICTY's institutional texts, Plavšić's self-representation, and media articles containing official's reactions is justified as all of them are treated as discursive sites where political meaning of the Plavšić case was constructed and mediated. To wit, media reporting is utilized both in its role as a source through which political narratives were communicated into public discourse and, in instances where specific articles or statements are more closely examined, as discursive material on its own. This does not mean that the research claims to offer a comprehensive analysis of media contents, but rather that selected media texts are analyzed as illustrative and analytically significant because the translation from legal categories into nationalist vocabularies is observed in them. The primary materials specifically pertain to her official statement of guilt before the ICTY, as well as her subsequent written and spoken output, most notably the memoirs she wrote while serving her sentence, titled *I Testify* (Svedočim), and few later interviews she gave, which are treated as central texts for the purpose of examining shifts in self-representation and narrative framing.⁴ The corpus also incorporates relevant ICTY's legal and institutional texts, including the amended indictment, statement of guilt, sentencing judgement, and its press materials, which are useful because the analysis first reconstructs how the notions of guilt, responsibility, remorse, and reconciliation were first articulated within the Tribunal's own discourse before examining how they were domestically reinterpreted. In addition to these primary sources, segments of the general Serbian political discourse on the ICTY are incorporated through a

⁴ Considering that a significant portion of the corpus analyzed consists of materials primarily in Serbian language, including Plavšić's memoir and selected media articles, all translations from Serbian to English are my own unless indicated otherwise.

combination of publicly available statements and existing scholarly analyses. The works of Marko Milanović, Diane Orentlicher, Janine Natalya Clark, Olivera Simić, Jelena Subotić, Jovana Mihajlović Trbovc, and other relevant authors are used to showcase a broader pattern of the political elite's narrative framing and public perception of the Tribunal in Serbia, in this manner allowing these selected academic sources to function as empirical thresholds into dominant discursive trends. This reliance on existing scholarship is important given the fact that the analysis does not attempt to reconstruct the entire Serbian political and media archive from the abovementioned timeframe but it draws on already documented patterns of ICTY reception, public distrust, denial, and observations of nationalist reinterpretation instead (Milanović 2016a; Orentlicher 2020; Clark 2008; Simić 2018; Subotić 2012). Moreover, the analysis includes several online media articles published at the time of Plavšić's release in 2009. These are treated as primary sources for the purpose of discourse analysis not because they provide neutral, factual information, but because they are seen as public textual artifacts through which her punishment, responsibility, release, and symbolic status were reframed. In instances where these articles quoted political officials, such quotations are treated as mediated official discourse, essential for the logic of this research. It is also important to note that, although the empirical focus of the thesis is Serbian political and media discourse, the analysis also occasionally touches upon Republika Srpska based sources that are directly relevant for the Plavšić case. These are treated as a part of wider Serb ethnonational discursive field and the use of them is supplementary and case-specific, highlighting the reception of Plavšić's release among the political community with which her wartime authority was most directly associated with.

Lexical choices employed in these sources are critically analyzed in order to probe into how her plea, sentencing, withdrawal of remorse and post-release positioning were discursively transformed, thus shedding a light on the overarching mechanisms through which legal reality was symbolically 'domesticated' into a broader narrative of collective victimhood. This means that the corpus is constructed through purposive sampling, thus prioritizing texts that are analytically relevant when it comes to identifying discursive patterns related to justice and national identity, instead of aiming for more statistical representativeness. Special attention is also given to the recurring lexical fields and narrative patterns, including references to betrayal, sacrifice, martyrdom, victimhood, external threat, anti-Serb bias, moral dignity, religious suffering, and the unclear distinction between individual responsibility and collective innocence. Additional, select references to

her later public statements beyond the aforementioned timeframe, together with those to contemporary political discourse, are used illustratively, with the purpose of identifying the persistence and ‘afterlife’ of the identified tropes, and are not treated as a separate, full analytical corpus.

3.3. Analytical Framework

The analysis is conducted using Critical Discourse Analysis (CDA), primarily drawing on the work of Norman Fairclough (2010, 25) and his conceptualization of language as a form of ‘social practice’, that, as such, cannot be defined independently but only relationally to broader social structures. This implies that each and every linguistic choice participates in sustaining or transforming existing social relations, while simultaneously reflecting its inherent interconnectedness with power and ideology. His approach thus places a particular emphasis on the tension between ‘socially shaped’ and ‘socially shaping’ nature of language use (ibid., 92). This brings us to one of the core arguments behind CDA, namely that ideologies may become so ‘naturalized’ that they end up being seen as ‘commonsensical and based in the nature of things or people’ (ibid., 37). Therefore, with the goal of denaturalizing these assumptions, CDA treats language not as a neutral mechanism but a historically and institutionally situated one, with regard to ideological effects frequently operating through these taken-for-granted premises. CDA was chosen instead of a more general discourse analysis approach because this research does not only deal with the organization of meanings in texts, but more so with how those meanings reproduce or challenge the relations of power, ideology and collective identity. These principles are of particular relevance for this research, as they enable a systematic inquiry into how juridical categories are re-contextualized within political discourse and selectively mediated into the public sphere, in addition to how specific lexical and narrative instruments legitimize alternative interpretations of legal outcomes.

In this sense, CDA establishes an analytical bridge between broader nationalist repertoires discussed in the section above and concrete discursive mechanisms surrounding the case of Biljana Plavšić that are examined in this thesis. As opposed to treating discourse as a passive, unprejudiced reflection of the events, the analysis approaches it as an active site for meaning-making, in which legal processes and outcomes are translated and ideologically appropriated. Rather than attempting to measure public opinion or evaluate the Tribunal’s effectiveness in achieving its ambitious goals, the analysis focuses on how meaning is discursively produced, interpreted, and transformed. This essentially

means that the thesis does not claim it establishes what the Serbian collective ‘really thought’ about the ICTY or about Plavšić, only that it investigates the dominant interpretive frames through which these beliefs were made publicly available and reinforced and legitimized. The analytical procedure is thus structured around three major steps. First, it reconstructs the more general Serbian political and media-mediated discourse on the ICTY, focusing on narratives of anti-Serb bias, external pressure, selective justice, and collective victimhood. After that, it analyzes the Tribunal’s own construction of guilt and responsibility in Plavšić’s case, while paying close attention to the internal tensions between legal individualization, its expectations, and the language of reconciliation. Lastly, it examines the symbolic reframing of Plavšić’s image by following the shifts from betrayal to sacrifice and martyrdom through her own writing, political reactions, selected media texts, and later retrospective statements.

3.4. Limitations

This thesis has multiple limitations that stem from general data availability, its research design, and methodological approach. First and foremost, the construction of a comprehensive empirical corpus is restrained by the availability of the sources from the early 2000s, with regard to both media and political discourse. While primary materials related to the Plavšić case, which are discussed in the following section, are accessible either online or in the existing literature, and thus form the core of the analysis, a more exhaustive, systematic access to media coverage and political statements from this period is limited. As a result of this, media sources are referenced primarily for illustrative purposes and are not treated as a comprehensive dataset, as highlighted above. Secondly, parts of the analysis deliberately rely on the existing scholarly literature as it is treated as an empirical point of departure for broader patterns of public perception of the ICTY in Serbia and political discourse on it. This particularly goes for papers such as those written by Marko Milanović, Olivera Simić, Jelena Subotić, Jovana Mihajlović Trbovc, and other relevant authors, which are not only used as theoretical premise, but are also referenced as interpretive sources that document both dominant narratives and Plavšić’s own output.. Although this approach is methodologically well-founded in qualitative research designs, it is acknowledged that it calls for a certain degree of mediation between discourse found in primary sources and its analytical reconstruction. Thirdly, whilst the study’s single-case approach, focusing exclusively on Plavšić, allows for an in-depth examination of intricate discursive mechanisms surrounding it, the findings are not meant to generalize beyond this

specific empirical and contextual framework of this thesis. Instead, her case is used as a fragment that illuminates broader dynamics already identified in the literature on transitional justice and nationalist discourse. The fourth limitation is regarding the geographical and political scope of the discourse analyzed. As stated, while the thesis primary focus is on Serbia, it also incorporates selected Republika Srpska materials because Plavšić's political identity and symbolic reception were embedded in a wider Serb ethnonational space. Although this strengthens the analysis in certain aspects, it is recognized that these sources can not simply be equated with Serbian state discourse. Last but not least, it is vital to note that this thesis does not claim whatsoever that the Serbian public discourse on the ICTY was or is homogenous, but that it chose to focus on the dominant and politically consequential nationalist framings, as they are seen as the principal discursive mechanisms through which the Plavšić case was resignified, while also recognizing that liberal media, civil society actors, and human rights organizations articulated counter-narratives that challenged this denial and glorification. Finally, since the analysis is grounded in CDA, it is inherently interpretive by its very essence. Interpretation, and even identification of discursive patterns, lexical choices, and thus narratives is shaped both by the analytical framework previously laid out and is fundamentally subjective, as it is subject to researcher's choices and understanding. Even though analytical rigor is sought with systematic application of CDA principles, the findings must be seen as contextually grounded interpretations, and not objective and exhaustive representations of discourse. However, this, and other limitations should not undermine the validity of the findings, but expound the conditions in which they should be considered.

4. Analysis

4.1. Political Discourse on the ICTY in Serbia: Dominant Narratives and Framings

The ICTY entered the arena of Serbian political discourse not just as a legal institution but a highly charged symbolic actor whose meaning was swiftly mediated through preexisting nationalist narratives from its establishment (Milanović 2016a, 39; Orentlicher 2020, 5). The purpose of this subsection is to reconstruct dominant political framings of the ICTY in Serbia, relying primarily on relevant, existing scholarly work and selected supporting materials in order to put in place the broader discursive environment the case of Biljana Plavšić later entered and was resignified. To reiterate, from the very beginning, it was evident the Tribunal was not viewed as a neutral mechanism of justice

whose judgements were unprejudiced and even-handed, but much rather as an external, politically motivated institution, one whose work was inseparable from the wider struggles over the memory of the hostilities that took place in the 1990s, national identity and victimhood (Clark 2008, 338; Steflja 2010, 10; Spoerri 2011, 1845). This means that what was at stake was never only legal accountability as such, but political meaning that was inherently attached to it. The analysis of this broader framework is essential because the Plavšić case did not occur in discursive isolation – it was, much like the rest of the cases, filtered through an interpretive grammar that was already in place, and that rendered the Tribunal as untrustworthy, hostile, and ultimately illegitimate in the eyes of the majority of the Serbian public (Combs 2003, 936).

Taking a look at the level of its institutional aspirations, the ICTY was officially presented as a mechanism capable of establishing facts, individualizing guilt, and, therefore, contributing to reconciliation (ICTY n.d.a.). However, the reality on the ground was that these juridical ambitions and claims did not translate into shared understanding socially. Instead of this, its findings were subject to political interpretation and became absorbed into preexisting narratives of grievance, denial, and collective victimhood (Milanović 2016a, 23; Orentlicher 2020, 4). This is exactly why what the Tribunal framed as individualized accountability could wind up re-read as symbolic injury to the nation as a whole in public discourse, as opposed to prosecution of specific perpetrators that were on trial (Steflja 2010 7; Clark 2009 472). Correspondingly, it itself is an empirical question whether the ICTY actually shaped the views and attitudes of the affected populations of the former Yugoslavia, which makes the issues of its reception in Serbia, and elsewhere, central, not secondary to its legacy (Milanović 2016b, 5). This undeniable gap between legal findings and political, domestic reception of them is central to the Tribunal's contested legacy in Serbia and is thus used as a point of departure for the analysis that follows.

One of the central functions of the Serbian political and media-mediated discourse on the ICTY was not simply to criticize it, but to delegitimize it in advance. In this discursive framework, the Tribunal was never a court that was applying legal doctrines to individual defendants, but an external, politically motivated actor that was meddling in national history, and future likewise, from a position of foreign power (Steflja 2010, 8). Therefore, the actual substance of particular judgements mattered far less than the narrative through which they were made intelligible to the general public – i.e. the political discourse casted the Tribunal as selective, anti-Serb, and structurally biased, thus creating

an environment in which its findings could be dismissed before even being engaged with on evidentiary grounds (Clark 2008, 336). Accordingly, this framing is found in Serbian media discourse from the early 2000s, with ICTY's 2004 outreach report noting that a number of Serbian media outlets commonly reacted to indictments of Serb defendants by arguing anti-Serb bias (ICTY Outreach Programme 2004), while later scholarship that examined the role of media demonstrates how Serbian media representation framed the Tribunal as victor's justice, a Western-controlled institution or as a threat to the Serbian identity (Ljubojević 2013, 184; Steflja 2010, 3). Moreover, for many Serbs, the fact that US's foreign aid and hopes of EU accession were contingent upon cooperation with the ICTY created an image of 'coerced compliance' instead of alleged cooperation. This made conditionality a central part of the issue, and, in this manner, hardened the views that the Tribunal was both anti-Serbian and illegitimate, since it needed coercion to function, further reiterating sentiments of national victimhood (Spoerri 2011, 1846). This is precisely why the ICTY's legal authority struggled to gain traction in Serbia. As Milanović (2016a) shows, resistance to its findings cannot be explained simply due to a lack of information; overall attitudes towards the Tribunal were embedded in belief systems that are shaped by ethnic nationalism, competitive victimhood, and political/elite-mediated interpretation of the past. Orentlicher (2020, 3) similarly highlights that even in cases where judicial facts are meticulously established, they do not automatically become socially authoritative in polarized societies; instead, they enter preexisting 'wars of memory' instead of displacing them. This brings us to the point that, in the Serbian context, the ICTY was discursively redefined from a 'mechanism of justice' into a symbol of external hostility, and that this delegitimizing framework impacted, and even structured the reception of pretty much every legal event connected to it.

These moves of delegitimization are accompanied by an additional, perhaps even more major transformation – the discursive collectivization of that which was formally framed as individual criminal responsibility. The Tribunal's normative promise claimed that the central aim behind 'holding individuals accountable regardless of their position' (ICTY n.d.a.) was to separate the perpetrators from the broader national collective and identity, which should essentially prevent the attribution of guilt to the entire ethnic groups. Yet, in the Serbian political discourse, both indictments and convictions alike were continuously reinterpreted as collective accusations, as if the defendant stood not only for him or herself, but for the Serbian nation, projecting the feeling that it was the nation itself that was on trial (Kostovicova 2023, 22). Moreover, as it is impossible to put every single

guilty person on trial, those being prosecuted inevitably become symbolic representatives of a much larger group (Clark 2008, 335). As Gustafson (1998, 68, quoted in Clark 2008, 335) sees it '[T]hose who would occupy the dock *are inevitably and widely seen as symbolic representatives of their group*'. The point here is not that the ICTY explicitly imposed collective guilt, but that the proceedings were narrated as if it did, bringing many in Serbia to believe that the Tribunal had an agenda to establish the guilt of the Serbian people as a whole from the get-go. Additionally, Clark's (2008, 336) critique of the claim that war crime trials can even 'individualize guilt' is of particular relevance here; in highly polarized societies, like those of the former Yugoslavia, the narrow legal attribution of responsibility can easily wind up politically translated into evidence that the whole group itself is under attack. Paired with the controversies surrounding the ethnic distribution of indictees, as the reality is that the Tribunal indicted a total of 161 people, out of which 72 were Bosnian Serbs and 25 were Serbs from Croatia and Serbia (Ramet 2012, 1), this perception was additionally bolstered by several highly controversial acquittals of non-Serb commanders, most notably those of Naser Orić, Ante Gotovina, and Ramush Haradinaj, which were frequently employed in Serbian public discourse as confirmation that the Tribunal punished Serbs more readily than others (Milanović 2016a, 43; ICTY 2008; ICTY 2012a; ICTY 2012b). The ICTY's proceedings thus fed into what Steflja (2010) terms 'defensive nationalism' among the Serbs, which nurtured established narratives of collective victimhood and martyrdom. This allowed the defendants to portray themselves as heroes defending their nation's dignity and sovereignty from the foreign judges and prosecutors which were equated with an external threat. The result here is the emergence of a clear discursive mechanism: legal accountability was symbolically converted into national injury. Once that shift took place and was established in the eyes of the audience, defendants could be repositioned not just as individuals facing judgements, but as figures who bore the burden of nation's humiliation, suffering and moral defense. It is precisely this interpretive shift that made possible the symbolic rehabilitation of Biljana Plavšić.

Taking an even deeper look into the victimhood narrative and the genealogy of a foreign threat, it becomes clear why this dynamic was particularly effective, as it builds on historically anchored notions of injustice, allowing for these legal interventions to become interpreted through an already familiar narrative of external hostility. According to a survey conducted by the Strategic Marketing and Media Research Institute (SMMRI) in Belgrade during 2004, 74% of the respondents thought there was a conspiracy behind the

Tribunal's work, while 30% believed the whole purpose behind it was to justify the 1999 NATO bombing of Serbia, which caused hundreds or thousands civilian casualties (Clark 2008, 338). Research conducted by the Belgrade Centre for Human Rights (BCHR) in 2005 further shows that more than two-thirds of the population see the larger number of Serbian indictees as anti-Serb bias (ibid.). What matters here is not just the presence of the victimhood among other narratives, but the capacity it has to restructure the moral field; once Serbian suffering was in place as the primary interpretive lens, the ICTY's prosecution could likewise be presented as profoundly unjust as it seemed to minimize, ignore, or perhaps even instrumentalize that suffering. Ramet (2007) goes as far as to argue that the Serbian historical narrative is essentially structured around victimhood and moral exceptionalism, while Tepšić (2012) places an emphasis on the constitutive role of a hostile 'Other' in Serbian identity formation. In this discursive architecture, legal accountability is not seen as a response to a crime, but a continuation of historical persecution by other means.

It is important to note that the persuasiveness of this discourse did not just depend on what it said, but on how it was affectively structured, i.e. on the emotions it evoked in its receptive audience. The Tribunal and indictments thereof were rarely framed using neutral legal language, on the contrary, narratives surrounding them were much more commonly embedded in an emotional vocabulary reliant on humiliation, betrayal, injustice, and suffering (Milanović 2016a; Steflja 2010; Mihajlovic Trbovc 2018). This affective loading was central to the political force behind these narratives, as they relocated the Tribunal from the register of law into the register of collective experience, which was more appealing and comprehensible to a broader audience. Once the ICTY's prosecution was translated to signify persecution, or, in other words, shame, wounded dignity, and externally imposed dishonor, judgements thereof needed no longer to be assessed as legal findings and could instead be cast off as as morally illegitimate before any real engagement with evidence took place. This is why Serbian political discourse proved to be so resilient. As Vujačić (2003, 91) sees it, nationalist discourse is highly relevant precisely because it provides symbolic and mobilizing functions in moments of political crises, while, at the same time, Tepšić's (2012, 77; 2019, 99) explanation of the 'friend-enemy' logic behind identity formation helps to understand why the figure of a hostile, foreign judge could be so easily incorporated into an already very familiar polarity of the national Self and the threatening Other. Simply put, emotion did not simply embellish the discourse, but was an anchor of it. By tying the ICTY to preexisting affective repertoires of grievance and

historical injustice, political discourse in Serbia managed to turn legal accountability into an experience of collective injury, in this manner strengthening its own legitimacy in the eyes of the receptive audience.

Moving on to the question of agency, i.e. who performed these discursive actions and with what purpose. The role of political elites is central in this regard. According to Salmon and Anderson (2013, 42-44), external interventions do not operate in a social vacuum; they are interpreted, mediated and likely strategically reshaped by the local elites, making it possible for them to convert international norms into highly useful resources of domestic political struggle. In the case of Serbia, the above-elaborated framing of the ICTY as hostile, biased and anti-Serbian had clear political profitability, as it enabled the elites to mobilize support through shared grievance by collectivizing guilt, preserve symbolic innocence by illegitimizing, and consolidate political and social authority by presenting themselves as defenders of the Serbian nation fighting against external injustice. Insisting upon that the nation remained under threat resulted in the Tribunal's interventions getting folded back into what incited the conflicts in the first place, that is, nationalism, in lieu of weakening it. Political utility mutually reinforced itself with broader institutional and social conditions that did not support war crime trials. The OSCE Mission to Serbia's 2003-2014 analysis of war crimes proceedings in Serbia records both persistent political pressure on war crime institutions and weak public support for prosecutions thereof, ultimately establishing an environment in which anti-ICTY framings could be strategically (ab)used and amplified by political actors for personal gain (OSCE Mission to Serbia 2015, 24). Later political statements, detailed in the section on contemporary echoes, showcase how this framing persisted well after the Tribunal's most active years. This is in tune with Džuverović's (2024) broader insight claiming that local political agency in the Balkans should not be romanticised as inherently emancipatory and Tepšić's (2019) argument that reconstruction of the post-conflict identity often carries on through elite managed continuity instead of genuine transformation. What emerges as a consequence here is not simply a general climate of anti-ICTY sentiments relevant for this thesis, but a more complex politically productive discourse where external enemy or, in other words, a foreign threat, helps generate internal cohesion, at least on the surface level. And it is within this elite-mediated grammar of collective grievance, moral exceptionalism, and defensive nationalism where reinvention of ICTY defendants becomes possible, much like in the case of Biljana Plavšić.

The success of these framings exacerbated by the elites can be observed on the level of public reception, where distrust towards post-conflict justice mechanisms remains largely widespread (OSCE 2015). In his analysis of the Serbian public's attitude towards the ICTY Milanović (2016a, 48) notes that this distrust cannot be simply reduced down to unfamiliarity with legal facts and/or insufficient information. This pattern is also clearly visible in data gathered via surveys. As per a 2006 public opinion survey conducted by the Belgrade Center for Human Rights and the OSCE, the vast majority of the respondents did not believe that the Tribunal would trial Serbian defendants impartially, citing the fact that the number of indicted Serbs was the highest as the reasoning behind their opinion. The same survey also revealed that merely 15% of the respondents claimed they supported Serbia's cooperation with the Tribunal 'because of justice', while most of the others showed support for utilitarian considerations (Belgrade Centre for Human Rights 2006). This underpins the above-elaborated, that is that the ICTY entered a discursive environment in which all of its actions were to be understood through preexisting narratives of bias, humiliation, and anti-Serbness. Another important insight is that most citizens encountered the Tribunal only indirectly, through 'mediators' such as media, political actors and other interpretive audiences they saw fit, which essentially means that the ICTY's findings and overall work reached the general public after it has 'passed' through several ideological filters (Milanović 2016a, 9-11). Notably, these same discursive patterns also remained observable even a decade later. A 2017 survey reports that 56% of the respondents consider ICTY to be partial and biased, while 76% of people who perceive themselves as well-informed on war crime trials share the same view, which additionally suggests that distrust was not simply generated out of ignorance but due to these entrenched interpretive frames (Kostić 2018). This is important to mention because it strengthens the view that the Tribunal's 'failure to persuade' was not just of communicative nature, as it points to a deeper crisis in reception of it. This again brings us to a reality in which judicial findings were not disseminated in an ideologically neutral public space, where they would potentially have the opportunity to be evaluated solely on legal grounds, but were, instead, filtered through nationalist interpretive frames that pre-defined what should be counted as fair, just, credible, and politically, socially, and morally acceptable. Within this framework, distrust towards the ICTY and rejection of its findings seem to reinforce one another in a self-sustainable loop: the more the tribunal tried to challenge dominant national narratives, the easier it became to dismiss them as biased (Milanović 2016b, 37). In this context, the public's distrust should not be understood as a

coincidental byproduct of the Tribunal's work, but as one of the principal consequences of the discursive war that relentlessly envelops it. Once the political elites successfully manage to establish it as external and hostile, national grievance was further validated.

The case of Biljana Plavšić is particularly revealing as a part of this already consolidated interpretive environment. Her trajectory brings together a great number of tensions that essentially structured wider Serbian responses towards the ICTY in an exceptionally concentrated form; the tension between legal and political meaning, between individual accountability and collective identification, between language of remorse in front of the Tribunal and language of national loyalty and martyrdom in front of the domestic audience. As Subotić's (2012, 46-47) work exhibits, Plavšić's statement of remorse and guilty plea were, by many 'back home' initially received as an act of betrayal of the nation, rather than as an act of accountability, while reinterpretations later on, after she vocally retracted her remorse, again recast her not as a perpetrator but as a figure who symbolically bore the suffering on behalf of 'her people', i.e. the Serbian nation. In a similar manner, Babić's (2012, 30-46) analysis of Plavšić's post-release discourse shows how both self- and national representation can be organized around notions of sacrifice and martyrdom, while Mihajlović Trbovc (2018, 408) locates her celebratory return from prison within a pattern where 'homecomings from the Hague' were turned into politically useful spectacles. Furthermore, Simić's (2018, 10) interviews with Plavšić that took place in 2017 further highlight the persistence of anti-ICTY, victimhood, and martyrdom frames in her own retrospective output. However, at this stage of the analysis, the main point is not yet to examine discourse surrounding Plavšić in detail, but only to take note of the fact that this did not disrupt the dominant grammar of the Serbian public discourse on the ICTY. Instead, it exposes that same grammar with special clarity.

In summary, outlined together, these patterns showcase that the Serbian political and media-mediated discourse on the ICTY was structured by a somewhat stable set of mutually reinforcing actions; the Tribunal was delegitimized as externally imposed and bias, legal accountability was translated into collective national injury, Serbian suffering was put to spotlight in a way that displaced the suffering of others, and last but definitely not least, the political elites packaged all of these notions into an affectively potent discourse grievance, humiliation, injustice, victimhood, symbolic innocence and moral exceptionalism. The importance of this broader discursive architecture for this thesis is the understanding that it created the conditions in which the meaning of individual cases could be transformed. In other words, the case of Biljana Plavšić, that this research centers

around, became symbolically available for reinterpretation not in spite of this discursive environment but because of it. Therefore, the analysis in the following sub-sections moves from these broader political framings of the ICTY in Serbia to answer the more specific question of how this one case navigated its way through these narrative structures already in place and was gradually re-signified within them.

4.2. The Discursive Construction of Guilt: Plavšić's Guilty Plea and Sentencing

Building further upon the broader discursive environment outlined above, this sub-section moves analytical focus from political interpretations of the ICTY as a whole to the internal logic behind its legal discourse. The purpose here is not yet to investigate how meanings of this discourse were subsequently transformed in the Serbian public sphere, but to reconstruct how the notions of guilt and accountability were initially articulated within the Tribunal itself. It is important to note here that, in doing so, this analysis does not treat the ICTY just as a judicial body responsible for administering justice, but sees it in its more comprehensive role as a producer of specific normative language it employed, and through which the past is interpreted, structured, and, in a way, given meaning.

Taking a look at the level of institutional discourse first, we take note of the ICTY constructing the notion of guilt through a highly formal legal framework, which was primarily grounded in the idea of individual criminal responsibility. Accordingly, the Tribunal itself states that this framework was designed explicitly with the aim of detaching the actions of the accused from the collective identity, in this manner preventing the attribution of guilt to an entire ethnic or national group, all while 'combatting denial and preventing attempts at revisionism' (ICTY n.d.a.). When it comes to Biljana Plavšić, this logic is clearly visible across different procedural stages of her case, all the way from indictment to plea agreement and, finally, sentencing. She was first indicted in 2000 under Article 7(1) and Article 7(3) of the ICTY Statute and accused of 'acting individually and in concert with others in a joint criminal enterprise' (2003b para. 8), facing a total of eight counts encompassing genocide, complicity in genocide, persecutions, extermination and killing, deportation and inhumane acts (ibid. para. 2). The amended indictment situated her responsibility within a wider campaign of ethnic cleansing which was directed against Bosniaks, Croats and other non-Serbs, while still attributing liability to her specifically as a senior political actor (ICTY 2002a, para. 3). Plavšić initially pleaded not guilty after her voluntary surrender in January 2001, only to enter a plea agreement in October the following year, thus pleading guilty to a single count of persecutions on political, racial,

and religious grounds as a crime against humanity, resulting in the rest of the counts being withdrawn. This essentially means that even the official legal narrative operated in a way that can be defined as ‘dual movement’, i.e. formally speaking, it acknowledged the systemic, collective character of the crimes that took place during the Yugoslav wars, yet formally it insisted it was assigning responsibility on the level of the individual accused (ICTY 2003b, para. 8). This made even the Tribunal’s own discourse a sort of a double-edged sword from the very beginning, as the same legal framework whose goal was to prevent the attribution of guilt to the national collective also had to depict the broader political and social contexts that made it possible for these crimes to occur. An argument can therefore be made that it is precisely because this notion of ‘individualization of guilt’ emerged out of a legal narrative that, for the most part, described mass, organized, systemic, and territorially extensive nature of violence, the idea to isolate guilt at the level of individual political actors remained discursively fragile from the its very conception.

Even Plavšić herself echoes this institutional logic in her statement of guilt – most explicitly, she says: ‘This responsibility is mine and mine alone. It does not extend to other leaders who have a right to defend themselves. It certainly should not extend to our Serbian people’ (ICTY 2002b, para. 4). This wording is perhaps the clearest articulation of the Tribunal’s idea of individualized guilt within the case itself, and, an argument can be made that she was probably highly aware of this. However, at the same time, this statement should not be reduced down to a simple juridical acknowledgement. Although it might appear so at the first glance, the logic of responsibility is not entirely straightforward, even here; while she overtly rejects the extension of guilt to ‘our Serbian people’, it also unequivocally avoids assigning responsibility to the ‘other leaders’. Notably, this possessive formulation of ‘*our* Serbian people’ is also revealing, as it maintains Plavšić’s discursive identification with the national group even while her rendering attempts to shield it from the blame. The statement itself hence performs this individualization in a formally legal sense, but in a way that preserves procedural distance from the guilt of others while reaffirming the defendant’s symbolic closeness to the community in whose name that distinction is being made. An emphasis should be placed on that, the statement, although delivered in a legal setting, also constitutes a form of hybrid discourse, as it is simultaneously juridical, yet personal and political. It is unmistakably juridical since it is articulated as a part of a plea before the ICTY, personal because it is spoken in the first person form as a confession and self-explanation, and political as it directly engages notions of leadership, collective identity, historical memory, and the moral positioning of

the Serbian people as a whole. This discursive hybridity is vital for the analysis because it implies that the statement is inherently neither neutral nor should be seen as a legal truth, but as a layered narrative in which responsibility is framed side by side with historically and nationally embedded meanings.

Upon closer examination of the linguistic and rhetorical structure of ICTY's discourse in this case, most notably in the guilty plea statement, but also in the indictment and sentencing judgment, it becomes revealing that the way the Tribunal constructs guilt functions not only through precise legal categories, but also through a moral vocabulary that gives those categories wider meaning. For example, terms such as persecution, responsibility, and criminal conduct formulate the formal, legal basis of guilt, while all references to terms such as remorse, truth or reconciliation frame the notion of guilt as a piece of a more encompassing social process. This means that the legal discourse employed doesn't simply describe and classify the crimes committed; it interprets them, assigns meaning to them, and, more broadly, projects expectations regarding what the acknowledgement of guilt should mean beyond the courtroom, and thus, about truth and reconciliation. This hybridity becomes of particular importance once we take a deeper look into the internal structure of Plavšić's statement. On one hand, she nominally acknowledges the scale of the crimes that took place and the organized nature of persecution, conceding that 'many thousands of innocent people were the victims of an organised, systematic effort to remove Muslims and Croats from the territory claimed by Serbs' (ICTY 2002b, para. 1). Yet, on the other hand, this acknowledgement is accompanied by a narrative of explanations which preserve the possibility of discursive reinterpretation. On multiple occasions, her statement frames the Serbian conduct and experience with a language that relies on fear, historical trauma, victimhood, and defensive nationalism. Most notably, she goes on to say 'I immersed myself in addressing the suffering of the war's innocent Serb victims', adding that 'this daily work' validated in her mind that 'we were in a struggle for our very survival and that in this struggle, the international community was our enemy' (ICTY 2002b, para. 3). Formulations like this one are central for the thesis at hand because they show how, even at the very moment when this confession took place, Serbian suffering continues to be the primary interpretive frame through which all of the events are understood. This indicated that, even as guilt is supposedly being acknowledged, it remains embedded in a justificatory vocabulary structured by defensive nationalism and fear of an existential, external threat.

The result of this is recognized as one of the central tensions in the text; on the surface level, the statement seeks to individualize criminal responsibility, yet it simultaneously revolves around the Serbian victimhood as its primary site for moral reference. Even in its most self-critical form, ‘In this obsession of ours to never again become victims, we had allowed ourselves to become victimisers’ (ICTY 2002b, para. 3), it doesn’t fully depart from the underlying victimhood narrative. Instead, it can be argued that it reworks it – basically, a wrongdoing is being admitted but it is being narrated as something emerging from prior fear, historical memory and collective vulnerability. This is of special significance from a CDA perspective because it means that the statement itself does not negate nationalist discourse in its core, i.e. underlying content. In part, it rather reproduces the symbolic grammar through which nationalist reinterpretations would later become possible. Therefore, within itself, the confession contains a tension between acknowledgement and justification, between responsibility and contextualization. Furthermore, additional tension emerges from the way in which Plavšić makes a distinction between ‘leadership’ and ‘the people’. From one perspective, this distinction is profoundly anti-collectivist as it attempts to shield the Serbian people from the extension of guilt, in this manner, once again, performing the very individualization the Tribunal aimed to achieve. Alternatively, the collective, that is, the nation, remains morally central throughout the statement, especially visible in the claim that ‘The knowledge that I am responsible for such human suffering and for soiling the character of my people will always be with me’ (ICTY 2002b, para. 4). Individual responsibility here is not just expressed as liability for the pain inflicted on the victims but also as damage which was done to ‘the character’ of the national collective. In the same way, when she states that ‘our Serbian people’ have already ‘paid a terrible price’, then referring to ‘our leadership’, which have ‘led an effort which victimised countless innocent people’, the account concurrently condemns political doing and preserves the wider collective as a symbolic community of suffering. What is ultimately observed here is not a clear separation of individual responsibility and collective identity, but, instead, a highly unstable discursive environment in which guilt is ostensibly individualized while national suffering remains symbolically central.

This political dimension of the statement becomes more prominent once Plavšić moves from ‘confessing’ to evaluating the conduct of nationalist leadership, in this manner distancing herself from it. Whilst she criticizes those who ‘without shame’, proceed to seek ‘the loyalty and support of our people’, she states that they do so ‘by provoking fear and

speaking half-truths in order to convince our people that the world is against us' (ICTY 2002b, para. 7). This sentence is of high significance for this research because it almost explicitly addresses the mechanism this thesis traces on a broader level, i.e. the reproduction of nationalist discourse grounded in fear, selective truth and construction of external threat. At the same time, the very fact it found its place in a guilty plea reveals, yet again, that this speech was not solely directed towards the Tribunal, but also towards a wider Serbian audience back home. Therefore, its purpose from the get-go was not only to admit guilt, but to intervene in the domestic struggle over political meaning, truth and national identity even from the dock – killing two birds with one stone. This is an additional reason as to why this statement can not be read as a purely legal act, as it is evidently also an attempt to reframe the moral vocabulary through which the war, leadership, and Serbian collective and its national identity are understood.

Moreover, the political dimension of the statement gets reinforced even further through moral/national symbolism employed in it. Plavšić invokes the figure of St. Sava, tying it to 'great Serbian leaders' in order to say how both have demonstrated 'a noble endurance and dignity, even in the most difficult circumstances' (ICTY 2002b, para. 7), thus embedding her confession in a specifically Serbian historical and moral vocabulary. What is even more vital is that this shifts the register of this plea from juridical accountability to a question of morality in reframing the issue in question from 'simple' criminal responsibility to something tied to the character of the Serbian people as a whole. This is analytically significant because it constructs a clear-cut distinction between the nation's supposed ethical essence and the leaders who betrayed it, preserving the moral exceptionalism of the collective even while acknowledging the crimes that were allegedly committed in its name. Interestingly enough, this framework allowed Plavšić to recast her role, even though she admits that it was 'our leaders, including myself' who 'abandoned this path' (ibid.), what separates her from the rest is exactly this recognition of the abandonment. Likewise, this reference exceeds the strictly legal function of the plea. These remarks do not function just as symbolic 'garnish' – their underlying role is to transform the statement into an attempt to morally re-narrate both the nation and the speaker as a part of it before multiple audiences; the Tribunal, the international public, and the national community to which she continues to speak. However, as mentioned, ambiguities around the entire concept of guilt are internal, and can be traced back to the very construction of it, that is, although the Tribunal rested on the idea of individual accountability, the scale and collective nature of the crimes inevitably situate all of those accused with them within a

larger political and social context. In a similar way, although admissions of remorse may be treated as indicators of moral recognition, their legal function remains tightly intertwined with sentencing deliberations which ultimately raises a number of questions regarding the complex relationship between juridical truth and moral honesty.

The sentencing judgement also plays a crucial role in this construction of guilt as it does not frame the plea as a merely procedural act, but also sees it as a moral and social contribution. This is made clear by the Trial Chamber stating that it will ‘give significant weight to the plea of guilty by the accused, as well as her accompanying expressed remorse and positive impact on the reconciliatory process, as a mitigating factor’ (ICTY 2003b, para. 81). Additionally, it identifies a wider range of mitigating circumstances in the *Plavšić* case, including ‘voluntary surrender; a guilty plea; expression of remorse; good character with no prior criminal conviction; and the post-conflict conduct of the accused’ (ICTY 2003b, para. 65). In parallel, the ICTY’s press release condenses this same logic in even more explicit terms, highlighting the same mitigating circumstances which are deemed ‘substantial’, while stating that her guilty plea and acknowledgement of responsibility ‘should promote reconciliation in Bosnia and Herzegovina and the region as a whole’ (ICTY 2003a). It is evident here that the discourse employed by the Tribunal goes beyond the legal determination of punishment, as it itself attributes the plea a performative function; this admission of guilt was not only expected to resolve an individual case but to, at the same time, generate wider societal meaning by furthering acknowledgement and reconciliation, which should contribute to a general moral reckoning with the past. Simply put, the ICTY itself did not treat the guilty plea as a neutral procedural shortcut but as a speech act loaded with ethical, social, and political significance. These formulations reveal one of the Tribunal’s fundamental assumptions i.e. that juridical truths, when articulated through performative acts as such, can extend beyond the courtroom and generate larger societal meaning. Yet from a discursive perspective, the translation of legal acknowledgement into wider societal recognitions is undoubtedly contingent, not guaranteed. The expectation that meanings produced in a courtroom will maintain the same normative value when they reach the public sphere rests on an extremely fragile assumption that legal (or as a matter of fact any) discourse can travel without substantial reinterpretation. And as the architecture behind *Plavšić*’s statement shows, the language of responsibility is neither fixed nor it is immune to contestation.

It is also important to note here that the Tribunal’s use of highly formal legal terminology represents an additional layer of distance (and dissonance) between juridical

meaning and the public's understanding of it. Central concepts like 'persecution as a crime against humanity' and many others have precise legal definitions, yet once they enter political and media discourse they unavoidably become subjects of oversimplification, emotional reframing and ideological reinterpretations. This brings us to one of the key claims of this thesis, which also shows the necessity of using CDA for the purpose of understanding the dynamics at play – meanings produced by the ICTY were structurally predisposed for mediation, even long before they even reached broader public debates. This is precisely where it becomes clear how fragile the discursive architecture behind the Tribunal's stated goals really is. Basically, the guilty plea was expected to perform multiple functions all at once: express remorse, establish truth, individualize guilt, and, as a 'byproduct' of these three, contribute to reconciliation. Yet none of these functions can exist and operate in an isolated environment, as shown above. The same plea that establishes accountability also mitigates punishment. The same statement that speaks of personal responsibility also invokes fear and suffering. The same discourse that seeks to break up the tie between the individual accused and the nation repeatedly speaks in the name of 'our people'. Therefore, this thesis argues that Plavšić's guilty plea cannot be seen as a purely legal act, but rather as a discursive one, sitting at an intersection of these internal tensions; somewhere between responsibility and justification, individualization and collectivization, legal truth and political meaning.

In accordance with this, analysis of both the plea and the sentencing has shown that even the ICTY's construction of guilt is not a purely definite, technical legal process; it is also a complex discursive endeavour that blends juridical reasoning with normative expectations regarding truth and reconciliation. The significance of the Biljana Plavšić case is found not just in what the ICTY aimed to say through it, but also in the ambiguities already embedded in the act of saying. In summary, the Tribunal formally attempted to establish a coherent narrative of guilt grounded in individual criminal responsibility, with the ultimate goal of fostering reconciliation. Yet the plea that articulated this narrative simultaneously brought forth several key elements of nationalist grammar: victimhood, moral symbolism, historical fear, external threat, and collective suffering, which made it highly susceptible for later reinterpretations. This brings us to one of the most relevant conclusions stemming from the analysis conducted: the failure of guilt to become individualized did not occur after the statement entered Serbian public discourse. Instead, the possibility for later inversion was already embedded within the internal structure of the statement and the normative expectations that the Tribunal attached to it. It is ultimately

precisely this discursive instability that sets the tone for the transition to the following subsection – the legal construction of guilt did not simply ‘confront’ nationalist discourse from the outside, but already showed signs of rupture through which it could be appropriated, reframed, and, finally, inverted.

4.3. From Betrayal to Martyrdom: The Symbolic Reframing of Plavšić

Maintaining that the subsection above adequately demonstrated that the instability of the individualized guilt in this case was embedded in the underlying structure of the Plavšić’s plea speech, the logical next step is to investigate what exactly happened once that speech entered a discursive environment already saturated with defensive nationalism, collective victimhood, and deep seeded distrust towards the ICTY. In such an environment, one of the first dominant nationalist understandings of her admission of guilt and ‘confession’ was not one of moral courage, acknowledgement or reconciliation, but betrayal. In other words, her admission was not primarily received as recognition of individual criminal responsibility; instead, it was interpreted as an act of symbolic disloyalty towards the Serbian people as a whole, as it seemed to validate already established claims of the Tribunal being anti-Serb and politically motivated. The existing literature has identified the paradox of the Plavšić case; initially celebrated by numerous international observers and the ICTY itself as a breakthrough for truth and reconciliation in the region, yet it instead produced exactly the opposite effect among Serbs in Republika Srpska and Serbia alike, where she was labeled a ‘traitor’ and ‘coward’ that sold out national principles in exchange for a ‘favorable deal’ with the other (Subotić 2012, 46-48).

The betrayal framing is evident when one takes a closer look into the reactions of Republika Srpska Serbs after her guilty plea was made public. For example, a 2003 SENSE report that summarizes statements made by a number of people from Banja Luka and Pale, records reactions such as ‘Ona je izdala srpski narod’ [‘She betrayed the Serbian people’] and ‘Biljana je prodala ideje za koje smo se borili’ [‘Biljana sold out the ideas we fought for’], while another respondent condemns her for bringing ‘sramotu cijelom srpskom narodu’ [‘shame upon the entire Serbian people’] (SENSE 2003). Statements such as these ones are analytically significant because they do not factor in the legal aspect of the case at all, i.e. the issue was not whether the crimes happened or not, not whether responsibility should or shouldn’t be individualized. Instead, what is central here is that her admission was viewed as a symbolic transfer of dishonor onto the nation, additionally validating a hostile international narrative about Serbs. That is to say, the plea was so far

from being understood as an end to collectivization that it was the ultimate confirmation thereof; by saying what she did before the ICTY, Plavšić was seen as having spoken directly against ‘her people’. This is the inversion the analysis in the previous subsection led up to: a plea that meant to isolate guilt at the level of an individual was immediately reabsorbed back into the grammar of collective national injury and betrayal.

Other reactions around the same time period reinforce this same logic. As elaborated on in Babić’s reconstruction of initial receptions of her confession, Mirko Šarović, a Bosnian Serb politician who served as the third Serb member of the Presidency of Bosnia and Herzegovina from 2002 to 2003, claimed Plavšić’s act to be ‘pure trade’, while Vojislav Šešelj, former Deputy Prime Minister of Serbia and himself an ICTY defendant, denounced her to be ‘the greatest traitor’ (Babić 2012, 20-21). In his writing for *Glas Javnosti*, Kosta Čavoški, a Serbian politician and a retired professor at the University of Belgrade’s Law School, described she ‘threw her personality in the mud of betrayal and made a dirty rug out of herself’, adding that the only thing remaining with her was ‘a terrible curse and eternal shame’ (ibid.). A similar metaphor also appears in politician and journalist’s Dragan Jovanović 2002 text published in *MIN* under the title ‘Izdaja Crvenog oblaka’ [‘Betrayal of the Red Cloud’], in which he compares Plavšić to a defeated indigenous chief whose surrender marked the beginning of a national decline. The most striking line in this article – ‘A Biljana Koja Svedoči predala se dragovoljno kao poglavica Crveni Oblak ... nimalo indijanski, nimalo srpski. Koga Karla del Ponte i Medlin Olbrajt brate, teško njemu i njegovom imenu, za vjeki vjekov’ [‘And Biljana Who Testifies surrendered voluntarily like Chief Red Cloud ... not one bit Indian, not one bit Serbian. Whoever is embraced as a ‘brother’ by Carla del Ponte and Madeleine Albright, woe to him and his name, forever and ever’] – is especially charged (Jovanović 2002). Here, betrayal is articulated as symbolic alignment with foreign powers and the external Other, jointly with estrangement from Serbian belonging and collective. These reactions are of special significance because they unequivocally transform the plea from a statement about personal guilt into a statement about national loyalty, and, once confession is filtered through a nationalist frame, it loses its connection to accountability and becomes desertion.

Plavšić’s own discursive output on her surrender remained within a similar lexical field. According to a *B92* report from 2005, she presented cooperation with the tribunal as a ‘dug prema istoriji, a ne izdaja srpskog naroda’ [‘debt to history, not a betrayal of the Serbian people’], while also claiming that she did not want ‘da njen narod pati’ [‘for her people to suffer’] because of her potential refusal to appear before the court. Further down,

the article reports her insistence that she could not bear ‘taj teret da narod pati zbog mene’ [‘the burden of the people suffering because of me’] (B92 2005). These formulations are vital because they show how, even as she attempts to negate the accusation of being a traitor, she does so by employing a language imbued with collective burden and protection as opposed to relying on juridical logic of personal accountability. The emphasis continually remains on defending ‘the/her people’ from suffering, external pressure, humiliation and injustice. This shows that even her self-justification operated as a part of the same symbolic grammar that made room for the betrayal accusation to be so effective in the first place. As per 2005 Institute for Peace and War Reporting, general political mood in Republika Srpska was not only shaped by this perception that Plavšić dishonored the Serbian nation, but also by the initial fear of officials involved in the war that her admission might implicate them and thus damage the legitimacy of the Serb wartime rationale (Valenta 2005). In this sense, her plea was not simply condemned as a personal choice, but as a politically dangerous act. Therefore, what was in reality being contested was not whether the nation stayed the primary moral reference or not, but how loyalty to the nation should be performed and understood. Ultimately, it is clear what the answer was in the early phase of the plea reception – by admitting guilt before the ICTY Plavšić crossed a boundary from being a representative of the nation and became a traitor of it.

This initial betrayal framing also helps comprehend why her plea failed to produce the reconciliation effect the Tribunal hoped it would. As Subotić remarked, Plavšić’s statement of guilt was by many Serbs not received as an end to denial or truthful, but as a pure act of treachery done in return for personal, judicial benefits, while, on the other hand, the victims of crimes thought the apology was too superficial, detached, and ultimately compromised by the plea bargain itself (Subotić 2012, 46-48). This essentially means that the confession did not satisfy any of the warring sides, as it did not generate genuine moral recognition among the victims, nor did it destabilize nationalist denial among Serbs. Instead, it wound up ‘trapped’ between two highly incompatible understandings of it: the international one that saw it as remorse and progress and the domestic one, in which it was capitulation and betrayal. This tension is what set ground for and made the next discursive shift possible; once the traitor frame had established that Plavšić bore the burden of guilt before this anti-Serb court, in a latter phase it became possible to reverse the meaning of the burden itself: no longer treason, but sacrifice.

If the betrayal frame painted a picture of Plavšić’s plea being an act of disloyalty directed at the nation, her memoir, published in 2005, titled *I Testify* (Svedočim), can be

read as a direct attempt to answer and reverse that interpretation. In it, she is not a politician seeking to clear her name through legal argument. Instead of this, Plavšić's writing paints a picture of her as a truthful witness whose primary moral obligation was never to the Tribunal, but to 'her' people. This way of positioning herself is visible from the very beginning of the book, where she writes that, at the end of each day, she would ask herself: 'What have I done today for my people?' (Plavšić 2005, 4). In the same introductory section, she frames writing of this memoir as a national duty, describing it as 'and obligation towards the nation' because 'it is not Serbian to remain silent', further claiming that the very title is binding for her, 'as if I had sworn that I would speak the truth, only the truth, and nothing but the truth' (Plavšić 2005, 4). Formulations such as these ones are analytically significant for this research because they relocate the memoir from the register of confession and towards the register of testimony, in which Plavšić is no longer an accused political figure, but a moral witness trying to obtain authority through truth-telling on behalf of the national collective.

She goes on to employ the same logic in the way her political role is retrospectively narrated. In lieu of presenting holding office as power, she repeatedly recasts it as duty, burden and voluntary sacrifice. Whilst describing the way she entered into the presidency, Plavšić describes that being chosen for this position was 'an honor' but also 'a great sacrifice' (Plavšić 2005, 19). Furthermore, she elaborates that she never even thought of herself as simply a member of presidency, but as someone who took on 'the great obligation of representing her Serbian people', and that she was thus bound to 'a feeling of sacrifice, but a voluntary one' (Plavšić 2005, 28). This is perhaps one of the clearest points where the betrayal discourse starts to be symbolically reversed – if nationalist reactions framed her admission of guilt as treason, the memoir responds by redefining her political identity through modesty and service. The emphasis is thus shifted from making a compromise with the Hague to the willingness to bear burdens for the nation. Viewed like this, *Svedočim* does not simply answer to and reject the accusation of betrayal; it subtly renarrates the same actions as evidence of patriotic endurance.

Plavšić's writing further strengthens this reconfiguration by simultaneously insisting on her closeness to suffering of the ordinary people and from detached leadership, she was necessarily part of. She reminisces how people would approach her to share their grief and expectations, saying that she 'had already become a shoulder to cry on ... I was accessible to them, I was with them, I did not ride in cars, I ate with the people', whereas her colleagues, on the other hand, 'immediately distanced themselves from the people and

their suffering' (Plavšić 2005, 93). In a similar manner, she places her willingness to confront people's loss and anger in contrast with Radovan Karadžić, who was also a wartime president of Republika Srpska and one of her closest political associates, who, as she claims avoided such encounters, asserting 'I was ready to share with the people all their troubles. I would be ashamed of myself if, even for a moment, I thought of myself before the people' (Plavšić 2005, 110). The function these formulations served was to transform political legitimacy into moral proximity; then, the authority is no longer grounded in command but in shared hardship and her willingness to suffer together with the nation. This vocabulary is what essentially made it possible for the figure of the traitor to be recast as a figure of a martyr.

The self-sacrificial image gets additionally reinforced by a simultaneous claim of limited power, as Plavšić repeatedly portrays herself as morally burdened but institutionally constrained. In reflecting on what the wartime leadership allegedly looked like, she writes that herself and Nikola Koljević, wartime vice-president of Republika Srpska and her colleague in Bosnian Serb leadership, 'gave legitimacy to this government' even though they 'had no power whatsoever', while the real power belonged to those 'who had not been elected', and, therefore, felt no responsibility for what they did (Plavšić 2005, 125). Later on, she even complains that they used her as 'a kind of a screed, a badge', and that they exploited her authority and good reputation to legitimize party's conduct (Plavšić 2005, 151). The combination of these sentiments is discursively crucial; while she claims the burden of representation she distances herself from actual, operational control. As a result, we observe what is a carefully balanced self- image making her appear nationally loyal and symbolically exposed, but never fully in power. As outlined, this distinction is what is central for the next stage of reframing, because it does groundwork for later discourse to detach her from responsibility while preserving her suffering as principal.

Perhaps most explicitly, the memoir turns the betrayal accusation back to those who employed it by redefining truth and sacrifice patriotic acts. In one of the most revealing passages of her book, Plavšić writes that it was not only the Tribunal 'but also some Serbs who proclaimed me a traitor ... because of the truth and my readiness to sacrifice everything for the people', adding that they did so in order to present 'wretches, thieves, and cowards as heroes' (Plavšić 2005, 281). A similar logic appears again in the later section where she claims that, with her international contacts, she was 'telling the truth about my people' in an effort to diminish 'the layers of lies and prejudice' placed on them during the war', again concluding that she was 'not defending the regime, but the people'

(Plavšić 2005, 321). Here, the symbolic reversal previously hinted at becomes fully visible and explicit – betrayal is no longer an act of one who chooses to plead guilty, but of those who obscure the truth and exploit the nation for personal benefit. In contrast, sacrifice, truth and service are grouped together into a distinct moral vocabulary through which Plavšić reclaims her legitimacy. Therefore, the importance of *Svedočim* is not just found in its autobiographical content but in the underlying discursive work, as it establishes a narrative bridge through which the figure that was first labeled a traitor could later be reimagined as someone who spoke and suffered for the Serbian nation.

The symbolic reversal of Plavšić's image becomes even more evident in the discourse centered around her early release and return 'back home' in October 2009. Most strikingly, reports on it do not frame the release as a mere administrative completion of a prison sentence, but as a moment of moral restoration. The primary semantic field identified in the language employed by officials and selected media across the Serbia-Republika Srpska communicative space does not revolve around notions of guilt, conviction or criminal responsibility, but instead around those of justice, freedom and dignity. Upon welcoming her in Belgrade, several media outlets reported Milorad Dodik, Prime Minister of Republika Srpska at the time, stating that 'She had served her sentence and is free by all laws, earthly and divine' (Blic 2009; Danas 2009). The formulation he used is analytically significant because it does more than just acknowledging a legal fact – by invoking both earthly and divine law, it symbolically elevates her release above the procedural sphere and places it within a broader register of moral legitimation. At the same time, Dodik urged that 'injustice done to her' should be forgotten as soon as possible, thus subtly shifting the locus of injustice away from the crimes for which she was convicted and onto her punishment instead (Danas 2009). Discursively framed in this manner, prison is no longer a consequence of responsibility, but a site of suffering in which Plavšić becomes the wronged one. Moreover, Plavšić's own post-release output reinforced the same logic of inversion; in an interview she gave for the Swedish magazine *Vi*, which was later cited by the Serbian *Blic*, she explicitly stated 'I have sacrificed myself. I have done nothing wrong.' I pleaded guilty for crimes against humanity in order to bargain for the other counts of indictment. Had I not done so, the trial would have lasted three or three and a half years. Given my age, that was out of the question', thus presenting her guilty plea not as a moral acknowledgement, but as a strategic, self-sacrificial move imposed onto her by age and circumstances (Blic 2009).

Additionally, this same pattern is strengthened by other official's statements that categorically recode release as justice and suffering as an ordeal. Observing a compilation of contemporaneous official reactions, Rajko Kuzmanović, president of Republika Srpska at the time, was reported saying that 'justice' had finally reached Plavšić, and that, for her, 'justice is freedom' insisting that 'the Golgotha of this brave and educated professor, former president of Republika Srpska had ended (BUKA 2009). The word choice is particularly revealing; Golgotha does not merely illustrate hardship, it places Plavšić's imprisonment into a Christian register of trial, suffering, and morality. Likewise, the description of her as 'brave', 'educated', and 'former president' sets forth dignity and symbolic status whilst it entirely ignores criminal condemnation. Other reactions from the same corpus similarly minimize culpability by claiming that she 'was not asked much about the important matters for which she later answered', or by expressing that stance that she should've never been tried in the Hague at all (BUKA 2009). In sum, what emerges from this compilation is not at all a neutral reaction to her release, but a keen discursive effort to displace and minimize legal responsibility with the use of a vocabulary of unjust suffering, dignity, and retrospective exoneration. What this shift essentially does is gradually represent the convicted perpetrator as a morally burdened and ultimately vindicated national figure.

In the discourse surrounding Plavšić's homecoming, even her cooperation with ICTY gets painted as an act of service to the collective. When asked why he had personally arranged for the government aircraft to transport her back to Serbia and welcomed her upon the arrival, Dodik reportedly explained that he had done that 'for purely moral reasons' and out of respect for her decision to go voluntarily to the Hague so as to 'not burden Republika Srpska's institutional capacities' (Radio Slobodna Evropa 2009; B92 2009). This formulation completes the logic behind the transition from betrayal to sacrifice elaborated on in this subsection. While initial nationalist reactions illustrated Plavšić as a traitor who dishonored the nation by surrendering and confessing, homecoming discourse, in stark contrast, resignifies the same acts as bearing a burden on behalf of the state and its people. The phrase 'not to burden' is key here as it transforms personal legal exposure into collective protection and recasts submission to international justice as patriotic restraint. In such manner, this homecoming discourse does not merely welcome back Plavšić, but has a much higher purpose in a way it reorganizes the meaning behind her earlier actions in a way that makes it possible for even her 'assistance' to the ICTY to get integrated into a narrative of loyalty rather than treason. This resignification is probably most apparent in

Republika Srpska based media coverage. As clarified in the methodology section, the research does not treat these sources as part of Serbian-state media, but as supplementary, case-specific evidence of the wider Serb ethnonational discursive field surrounding Plavšić's release from prison. The gathered vox populi reactions published in *Glas Srpske* do not mention guilt, victims or evidence established by the court. On the contrary, the vast majority praise Plavšić for 'defending her own dignity and the dignity of the Serbian people', describe her time spent in prison as 'Golgotha', and either insist on her being 'unjustly convicted' or that she should have never been incarcerated to begin with (Milanović 2009). One of the respondents stated that she 'fought for the interest of her people and carried her cross honorably', while another rhetorically asks 'how long will the Serbs remain the usual culprits' (Milanović 2009). This is one of the most straightforward points of inversion from a CDA perspective. What the lexical field comprising of cross, honor, injustice and the Serbian people essentially does is it absorbs a criminal sentence into an already familiar grammar of national suffering. As a consequence, the individual conviction is not seen as proof of individual responsibility, but as further evidence of anti-Serb sentiment and national stigmatisation. What was formally intended to be individualized legal assessment winds up, therefore, symbolically re-collectivized as Plavšić's release was much less narrated as an end of the punishment for one convicted person but more so as moral vindication of someone imagined who has suffered with, and for, their people.

If her memoir is seen as the beginning of Plavšić's transformation into a burden bearing representative of 'her people', what discourse surrounding her early release does is translate that self-representation into a more public form of symbolic reinstatement. What occupies the central spot is not just a simple statement that her punishment has ended, but the insistence on her once again belonging in the political, and moral, space of the Serb nation. This is evident in the repeated ways in which her return was staged and reported on: she was personally welcomed by the Prime Minister of Republika Srpska, transported from prison to her home under special arrangements made by officials instead of returning quietly as a private citizen she was at that point, and openly treated as a figure of public significance, and, to an extent, a hero, instead as a convicted perpetrator. In this setup, the dominant lexical field is no longer one of guilt, conviction, criminal responsibility, or treason, but one of return, dignity, restored legitimacy, and sacrifice. Therefore, it can be concluded that the homecoming discourse does much more than acknowledge release; it overwrites the very meaning of both guilt and conviction by reinstating status and

belonging. One particular headline in *Glas Srpske* from 2009 conveniently summarizes the logic of this symbolic reinstatement, writing ‘Dobro došla predsjednice’ [‘Welcome back, President’] (Bašić 2009). The significance of this wording is actually in what is suppressed; Plavšić is not named a former prisoner, a convicted war criminal, or even simply as Biljana Plavšić but, first and foremost, as *predsjednica*, a legitimate national office-holder returning to her community. The text below further supports this discursive move by highlighting her education, dignity, and former official status, whereas her judicial identity, as defined by the Tribunal, is completely marginalized. The article concludes by stating that she had spent war ‘mainly engaged in humanitarian work’, and later published *Svedočim* as a way of gathering her memories from that period (Bašić 2009). What is observed here is not a simple report but a discursive reclassification in which the category of criminal responsibility is entirely displaced by the category of restored public legitimacy. At this stage, Plavšić is not yet ‘sacralized’, but is actively being reinserted into the moral and political community of the nation. The cycle of restorative logic is completed by the religious vocabulary employed by selected media analysed above, quoting both official and civilian reactions from that period. In it, Plavšić is described as ‘a highly moral statesman’, who ‘carried her cross with dignity’ (Milanović 2009; BUKA 2009). In short, this register recodes her release in terms of redemptive suffering; in it, imprisonment in an ordeal, endurance is a virtue, and freedom is a kind of moral rebirth, instead of a simple release from prison. In this way, the language evoking martyrdom completes the shift that characterizes homecoming discourse in essence, where her image is not only reestablished but symbolically purified through suffering.

Plavšić’s own post-release discourse additionally bolsters this transformation. The analysis of the 2009 interview she gave for Serbian daily newspaper, *Politika*, reveals that even the initial description of the setting is already meaningful. The article begins by painting a picture of her apartment in Belgrade as filled with flowers and icons, noting that she spends her days by reading, writing, meeting her friends, and going to church (Šuvaković 2009). In this very ordinary, everyday frame, she talks about both the plea and the aftermath thereof by employing a language of providence, national burden and personal fortitude. She asserts that ‘the people cannot be guilty of the policy of their leadership’, that she expected others to come forward too, so that ‘the Serbian people’ would no longer be accused collectively, later adding that she does not regret what happened because ‘God determined such a part’ for her (ibid.). This statement is analytically significant because it, in a way, repeats the earlier logic of guilt being individualized, yet it does so in a different

discursive register now. Here, the separation between the leader and the people is no longer viewed through the Tribunal's legal grammar, instead, it protects the nation from the blame, but with a particular purpose of recasting herself as the one who carried that burden on behalf of the nation. Moreover, by framing this as a result of divine intervention, the burden is no longer understood as merely judicial, but begins to take on the meaning of a much larger sacrifice. In this way, her point does not simply reaffirm individual responsibility, it actually reworks it in order to make it compatible with the idea of collective innocence and self-representation as a martyr. Later on in the interview, she claims that she never devoted herself to politics, but to 'her people', employing a language of torment in describing contemporary Serbian existence, stating that 'this people is crucified' and that 'Serbs in Kosovo are going through Golgotha' (ibid.). What matters for the analysis at hand is not whether these statements are accurate or internally consistent, but the way in which they absorb her personal legal trajectory into a wider national narrative of suffering, while it simultaneously reinstates Serbian collective victimhood as the dominant moral view. In this way, Plavšić does not just accept rehabilitation done by others on her behalf. Instead, she actively participates in this process by framing her imprisonment as just one instance within a larger history of national endurance and unjust suffering. Seen through this lens, it can be concluded that this homecoming was not a spontaneous emotional response, but a politically and media backed form of symbolic reinstatement.

The existing literature's description of 'ICTY homecomings' as normalized political and media spectacles is particularly useful in this regard as it helps explain why such events operate much less as moments of historical reckoning than as those of public reclassification. They play a major, perhaps even the most important role in establishing who the returning figure is now in the moral imagination of the community (Mihajlović Trbovc 2018, 406-8, 413-16). Additional, broader findings also point to this same direction, arguing that officials and support networks, together with receptive domestic audiences create enabling conditions for convicted actors to return back to public life by promoting nationalist interpretations of the past while rejecting Tribunal's findings (Strupinskienė 2023, 118-23). Yet what is truly interesting in the case of Biljana Plavšić is how this mechanism operated in a distinct manner, as she is not, like many others, rehabilitated through straightforward denial, but through a much more complex inversion in which guilt, punishment, national victimhood, and religion construct a particular narrative of sacrifice. Ultimately, this is what makes her case so intriguing for this research; the actor

once deemed a traitor is not just welcomed back after, but gets symbolically rewritten into someone who suffered, endured, and bore the blame in the name of the, or ‘her’, people. In sum, these discursive shifts together present the logic of the trajectory traced in this subsection – from betrayal, through sacrifice, all the way to martyrdom.

4.4. Lexical Fields, Discursive Tropes, and Narrative Patterns

Since the subsection above chronologically outlined the transformation of Plavšić’s image from traitor to martyr, the purpose of this subsection is to identify the recurring lexical fields and discursive tropes the use of which made this transformation possible. As indicated, the significance of this case is not necessarily solely in the symbolic weight behind the respective moments like those of the guilty plea, the publishing of memoir, or the homecoming, but also in the way in which certain words, oppositions and narrative formulas across these moments repeatedly come up. Emerging from the materials analyzed, observed is a relatively stable discursive grammar structured around the following interrelated semantic clusters: betrayal and treason; collective victimhood and injustice; sacrifice, burden and service; religious/moral suffering; and the overall language of collective representation. All together, these recurring lexical choices expose that the legal discourse of individual criminal responsibility was continuously translated with a nationalist vocabulary that did not revolve around accountability, but oppression, endurance, and restored moral legitimacy.

The first major lexical field identified as one of the backbones that structured the Plavšić case is that of betrayal, accompanied by an intertwined, parallel vocabulary that relied on injustice and collective persecution. Whilst analysing the earliest reaction to her guilty plea, it was concluded that statements such as ‘Ona je izdala srpski narod’ [‘She betrayed the Serbian people’] and ‘Biljana je prodala ideje za koje smo se borili’ [‘Biljana sold out the ideas we fought for’], framed her admitting guilt as an act of disloyalty toward the national collective instead of an acknowledgement of personal criminal responsibility (SENSE 2003). Correspondingly, initial media and political reactions described the plea as some sort of a ‘trade’, while *NIN*’s article regarded her cooperation with the Tribunal as something ‘nimalo srpski’ [‘not at all Serbian’], in this way symbolically positioning her as someone who should be outside of the authentic national belonging (Jovanović 2002; Babić 2012, 20-21). What is highly interesting here is that this lexical field does not just entirely disappear as the discourse took a sharp turn towards the rehabilitation of her image as parts of it wound up reworked into a language of injustice. Later reactions no longer

focused on presenting Plavšić as a traitor to the nation, but more so as the one to whom injustice was done, with broader formulations like ‘how long will the Serbs remain the usual culprits’ revise the very meaning behind her sentence from individual guilt to stigmatization of the Serbian people (Danas 2009; Milanović 2009). Therefore, it is not the nationalist frame itself that gets changed in essence, but rather Plavšić’s position in it. It is the same act, just read differently, that initially led to her being marked as disloyal and later got reabsorbed into a narrative of national injury, in which she no longer appears as the traitor of the collective and through which she could become one more figure through whom that collective is imagined to suffer.

The second major lexical field is the one centered around sacrifice, burden-bearing and service, i.e. the one that made it possible for Plavšić’s plea and punishment to be reinterpreted not as admissions of wrongdoing, or treason any longer, but now as burdens she took on herself on behalf of the collective. It is important to note that the guilty plea itself basically set the tone for this pattern, in which Plavšić explains that she surrendered herself to the Tribunal ‘to spare my people’, and that the responsibility should definitely ‘not extend to our Serbian people’ (ICTY 2002b, para. 4). At first glance, statements such as these ones appear to appease the ICTY’s project of individualized guilt, however, once analyzed alongside her memoir and post-release interviews, it becomes clear that their discursive function is much more complex. In *Svedočim*, her political office is repeatedly described as ‘a great sacrifice’, a burden she voluntarily took upon herself in representing ‘her Serbian people’, while in the interviews that came after the release she just unequivocally stated that she had sacrificed herself and had done ‘nothing wrong’ (Plavšić 2005, 19; Blic 2009). In a similar fashion, Dodik’s explanation that he welcomed her on a moral basis because she had supposedly gone voluntarily to The Hague in an effort to ‘not burden the RS institutional capacities’, manages to retrospectively reframe even her surrender as an act of service to the collective (Radio Slobodna Evropa 2009; B92 2009). Therefore, emerging from this lexical field is a pattern that may be best described as ‘protective individualization’ – responsibility is indeed seemingly individualized, yet not in the liberal, juridical way the ICTY intended it to be. On a formal level, the separation of individual guilt from collective innocence is fully in line with the logic behind the retributive justice approach. However, this emphasis on separation performs a different function once integrated in nationalist discourse. By constantly insisting that ‘the Serbian people’ are not guilty, it implicitly feeds the claim that the nation was under accusation in the first place and must therefore be defended from collective stigmatization. Understood

like this, it becomes evident why individualization could not create space for acknowledgement or reconciliation, but, instead, got reworked into a defensive strategy that, on the surface level only, preserves collective innocence while it essentially elevates the individual bearer of guilt into someone who suffered on the nation's behalf.

The third major lexical field is characterized by notions of religion and morality, giving the discourse surrounding Plavšić the clearest martyr-like form. As the analysis above showcased, official and media reactions repeatedly narrated her imprisonment through explicitly Christian imagery; her sentence-serving is described as 'Golgotha' on multiple occasions, she is said to have 'carried her cross with dignity, while other commentary stemming from the same media environment presents her 'sacrifice' as morally elevated, not criminally implicating (Milanović 2009; BUKA 2009). Plavšić's own post-release rhetoric supports this same register, most notably the way in which she states that she does not regret her path because 'God determined such a path' for her, and, furthermore, she ties her own fate to the suffering of 'crucified' Serbs (Šuvaković 2009). What makes this lexical field significant is the fact that it no longer merely rejects or relativizes guilt, but it symbolically sanctifies suffering itself. Once punishment manages to get represented as an ordeal and endurance as a virtue, the political actor can then stop being primarily seen as an object of legal sanctions and can instead emerge again as a morally elevated sufferer. In this sense, the religious register does not just accompany nationalist reinterpretations of Plavšić's case, but by transforming juridical punishment into a source of symbolic purification and moral authority, it strengthens them.

The fourth pattern identified is tied to the language of collective representation, by the use of which Plavšić was reattached to the Serbian national collective as its symbolic representative, or even defender. This lexical pattern is first observed in the repeated use of possessive formulations such as 'my people' and 'our Serbian people', together with framings present in official statements and media that merge her dignity with the dignity and honor of the nation itself. For example, parts of the homecoming discourse praised her for defending 'her own dignity and the dignity of the Serbian people', while the headline that welcomed her back as the 'President' reinstates her as a legitimate representative actor that is returning to her political community, as elaborated on in the previous subsection (Milanović 2009; Bašić 2009). This same logic is additionally reinforced by that article's concluding claim that she had spent the war years 'mainly engaged in humanitarian work', later publishing her memories in *Svedočim* (Bašić 2009), which reconstructs her role in terms of care, testimony, and service, rejecting any criminal

implications whatsoever. Serbia-based press coverage follows a similar pattern, with reports quoting Plavšić saying that she ‘can’t wait to go to Banjaluka and see her friends’, and recording the scene of her arrival to Belgrade being accompanied with the song ‘There is no paradise without one’s native land’ [‘Nema raja bez rodnog kraja’], both of which frame her release not just as freedom from prison, but as a return to a community of belonging (Danas 2009; Blic 2009). Moreover, a similar pattern was already present in the memoirs, where she insists that she was ‘telling the truth about *my* people’ and was never ‘defending the regime but the people’ (Plavšić 2005, 321). All of these formulations essentially show how the figure of a convicted individual does not end up isolated by the Tribunal’s legal discourse, but manages to repeatedly get drawn back into the symbolic grammar of national representation. In it, Plavšić is not just a repentant perpetrator or a defender, but someone who is authorized to speak in the name of the collective and, in turn, to embody its dignity, suffering, moral understanding of self, and, thus, national identity.

Together, these lexical fields generate the following broader narrative patterns that structure the wider Serb ethnonational reception of the Plavšić case at the core. The first one is moral inversion, through which a convicted political actor gets gradually transformed into a morally injured figure. The second is re-collectivization, where a legal process designed to isolate individual responsibility gets translated into a narrative of collective Serbian suffering, stigmatization, and historical injustice. Lastly, there is protective individualization, in which the formal separation between the leader and the nation is retained but reworked into a defensive strategy that ostensibly shields the collective from the blame while it, at the same time, elevates the individual bearer of guilt as someone taking on the burden and sacrifice on its behalf. Thus, even this rhetoric of individualised responsibility ultimately gives a vital contribution to keeping the leader and the nation symbolically bound together in the way it employs a grammar of shared injustice, suffering and moral endurance.

In summary, what the case of Biljana Plavšić sheds light on is not simply the existence of certain recurring words or metaphors, but on the presence of a relatively coherent narrative structure through which this international criminal justice mechanism was domesticated into nationally resonant meanings. As outlined, betrayal gets turned into burden, burden into sacrifice, and sacrifice into sanctified suffering. Simultaneously, guilt is individualized yet effectively reabsorbed into the nation, while punishment is legally completed yet rhetorically reestablished as proof of moral dignity and value. These

patterns matter so much because they are confined to this individual occurrence chosen as the case study of this thesis. Rather, they unravel a much broader discursive logic through which an attempt to establish accountability in Serbia could be resisted, reframed and inverted. It is the transferability of these same tropes, such as injustice, victimhood, sacrifice, and external hostility, that makes it possible for this research to trace their afterlife beyond the Plavšić case, which the subsection that follows shall focus on.

4.5. Contemporary Echoes

Speaking of transferability, this suggests that what has been subject to this research's analysis is not merely an idiosyncratic biographical reversal, but just one instance of a much larger discursive repertoire through which the ICTY's work and verdicts were domesticated into Serbian nationalist meaning-making. This thesis takes notice of how the lexical fields that were identified in the previous subsection, namely victimhood, injustice, sacrifice, and external hostility, continued to structure later public discourse about the Tribunal and judgements thereof, regardless of who the central figure was for the most part. Therefore, the examples in this subsection are not meant to be seen as a new, separate case study, but as a way of illustrating how the same discursive grammar traced through the trajectory of Plavšić's case proceeded to echo in later Serbian responses to the ICTY.

Taking a look into later public statements, in 2016, for example, Ivica Dačić, Minister of Foreign Affairs at the time and currently Deputy Prime Minister and Minister of Interior, described the ICTY as an 'anti-Serb court' (*antisrpski sud*), saying that it did not contribute to reconciliation and that every new verdict only 'fuels hatred' (*raspiruje mržnju*), in this manner reproducing the same language reliant on external hostility and illegitimate justice that structured the reception of Plavšić's case (Al Jazeera Balkans 2016). The same patterns appeared the following year, after the sentencing of the former army general, Ratko Mladić, who had spent over a decade in hiding, when he stated that the Tribunal never wanted to bring about reconciliation, but 'the guilt of Serbs', while Toma Fila, famous lawyer and former member of the National Assembly of the Republic of Serbia, claimed that this doctrine of 'joint criminal enterprise' had been 'invented for Serbs'. Moreover, in this same article, Plavšić herself stated that the institution ignored 'justice and truth' and that she expected nothing else 'knowing the work of the Tribunal' (Večernje novosti 2017). The usage of a similar vocabulary is also observed in other later reactions in Serbian state media, from RTS headline framing Mladić's verdict as 'the end

of selective Hague justice', all the way to Tanjug's article published almost a decade later, writing that the treatment of Ratko Mladić revealed 'the inhuman essence of an anti-Serb court' (RTS 2017; Tanjug 2026). These formulations are significant because they point to the fact that the transition from individual accountability to collective grievance was not limited to Plavšić's personal trajectory, but remained present as a broader interpretive frame through which later judgements alike were read as judgments against the nation itself. It is also noteworthy that this mechanism of symbolic rehabilitation had been recognized much earlier. All the way back in 2001, a Serbian politician, Goran Svilanović, warned that anyone extradited to The Hague would 'automatically be treated as a national hero', claiming that among the respective communities even those already in Hague were marked as 'martyrs or heroes' and that this resulted in a 'replacement of theses', as the public debated continuously focused on the court and its work while 'crimes are being swept under the carpet' (B92 2001). In sum, when read together, the aforementioned examples suggest that the discursive logic this research traced through Biljana Plavšić's case – anti-Serb bias, collective accusation, and the moral upliftment of those processed by the Tribunal – remained both recognizable and politically usable across many different instances of public debate, far beyond the immediate context of her plea, release and homecoming.

At its core, the Plavšić case was recognized as highly analytically useful not because any of the latter examples are identical to it, but because it crystallizes, in a particularly clear form, the same discursive logic through which the ICTY's judgments can end up resisted, collectivized, and morally inverted. Her path from betrayal to sacrifice, together with symbolic rehabilitation, conveniently summarizes the patterns that time and again reappear in broader Serbian discourse; the reinterpretation of individual verdicts as collective accusation and punishment as injustice, side by side with the elevation of those processed by the Tribunal into morally dignified, even heroic figures. Within this framework, the case study explored by this thesis gives concrete empirical shape to a much broader pattern that is present across the existing literature, that is, that the ICTY's judgements were repeatedly filtered through nationalist narratives of injustice. Furthermore, the further-reaching significance of these continuities is underscored by present day international concern about this particular phenomenon. In recent Security Council discussions on the work of the International Residual Mechanism for Criminal Tribunals (IRMCT), several states shared their concerns about the persistent denial of crimes and glorification of individuals convicted by international criminal tribunals,

maintaining that such revisionism presents an ongoing obstacle to remembrance and reconciliation (IRMCT 2026, 58). Against this backdrop, it becomes even more clear that the Plavšić case is not an isolated discursive anomaly, but a remarkably revealing instance of a larger failure of international criminal, retributive justice to generate stable social recognition in a context where its meanings could be persistently reframed and resisted with the employment of nationalist narratives.

5. Findings and Discussion

5.1. The Instability of Individualized Guilt

The central finding of this thesis is that the ICTY's attempt to individualize guilt, as seen through the case Biljana Plavšić, did not land as a stable legal nor moral meaning in Serbian/Serb nationalist discourse. Even though that, formally, the Tribunal's framework was based on establishing a distinction between individual criminal responsibility and collective guilt of the nation, this distinction turned out to be discursively fragile from the very beginning. What the analysis has shown is that the instability did not emerge only after the guilty plea had entered the domestic public sphere, it was actually already embedded in the underlying structure of the plea itself. While the materials analyzed observed Plavšić explicitly stating that the responsibility was hers alone and should not extend to 'our Serbian people', critical assessment of her rhetoric concluded she simultaneously preserved the Serbian people as the primary moral community which she continued to address. Thus, her acknowledgement of guilt was not just articulated through juridical language, but at the same time through a language of fear, collective vulnerability, and national suffering. This finding essentially complicates the ICTY's broader assumption that the premise of legal individualization of guilt can, on its own, counteract collective understandings of guilt. The Tribunal claimed the act of pleading guilty to have a potential to positively impact, and contribute to reconciliation, leading to moral reckoning beyond the courtroom, yet the Plavšić case demonstrated that this road from legally established reality to social recognition thereof is not direct. Once articulated, legal meaning enters a wider discursive field in which it can be contested, translated, and ideologically appropriated. In the Serbian context, that field was already structured by deep-seeded distrust towards the ICTY, preexisting narratives of anti-Serb bias, existence of a foreign threat, collective victimhood, and, vitally, the perception that the prosecution of Serb leaders was an attack on the nation itself. The result of this is that the Tribunal's legal

narrative of individualised guilt was received in a context which was predisposed to collectivize it.

The key point here is not as simple as deducing that the Tribunal failed to communicate its message effectively. It is that the problem was much more fundamental, i.e. the meaning of guilt was, and could never be controlled by the legal institution alone. The ICTY could determine criminal responsibility strictly in terms of law, but it could not determine how that responsibility would be interpreted in a politically polarized public sphere. When it comes to the Plavšić case, the legal effort to detach guilt from the Serbian collective paradoxically reactivated the very collective frame it formally aimed to avoid. Her insistence that ‘our Serbian people’ should not bear responsibility implicitly gave a confirmation that the nation, that is its innocence, was at stake in the first place. Initial formulations as such, observed in her statement of guilt, ultimately set the scene for later nationalist interpretations to present her plea as a betrayal of the collective first, and later on as a sacrifice shouldered on its behalf. The broader implication of this finding is that, in this case, the failure to individualize guilt should not be understood as a simple failure of legal logic. In essence, the Tribunal did legally individualize responsibility; Plavšić was convicted as an individual defendant, not as a proxy of the Serbian people as a whole. However, this individualization remained discursively unstable because nationalist discourse reattached her to the collective at every stage of the case’s trajectory. By showing how the gap between legal judgement and social meaning is not just an issue of insufficient information or outreach, but a much deeper struggle over interpretation, identity and moral belonging, this finding supports the general critical literature on the limits of retributive justice in post-conflict societies. In these contexts, those on trial are rarely perceived solely as individuals, as they can often become symbolic figures through which communities negotiate their own innocence, injury and morality. Therefore, the Tribunal’s legal narrative remained prone to re-collectivization, by the use of which accountability could be politically reframed as a part of a wider narrative of national grievance, a process that helped shift the attention away from the responsibility of those in power.

5.2. From Betrayal to Sacrifice

The second major finding is regarding the repositioning of Plavšić within Serbian/Serb nationalist discourse. The central claim with respect to this finding is that the transformation from narratives of betrayal to those of sacrifice did not present a departure from the nationalist discourse, but, instead, a reorganization that occurred within it. In both

of the phases identified, Plavšić remained firmly attached to the Serbian national collective, i.e. the thing undergoing change was not the centrality of the nation, but the moral role attributed to her in relation to it. As elaborated above, she was initially constructed as a traitor of the Serbian people for validating the Tribunal's narrative by pleading guilty. Later on, the same trajectory was reinterpreted as evidence that she actually sacrificed herself and carried a burden on behalf of that same people, particularly through her memoir, post-release interviews, and homecoming discourse. Therefore, it is inferred that the key transformation did not take place from nationalism to accountability but essentially from negative to positive national symbolism. The fact that, during this initial phase, her plea was more so interpreted as an act of disloyalty than as an admission of individual criminal responsibility is crucial because it points to how this act did not disrupt the collectivization of guilt, in reality, it latently intensified it. In other words, if her admission could be understood as a betrayal of the nation, then the nation itself was implicitly positioned as the real subject of the trial. Nationalist discourse deemed her confession to be morally unacceptable not primarily because it concerned her own actions, but because it claimed this to be a confirmation of an externally imposed narrative of collective Serbian national guilt. Additionally, this helps explain why the Tribunal's expectation that the plea would have a positive impact on reconciliation stayed, for the most part, unaccomplished. In a setting where the ICTY had already been delegitimized as anti-Serb, it is clear why it was not easy for remorse to be received as moral recognition.

What is interesting is how Plavšić's later rehabilitation did not necessitate for it to leave this nationalist grammar – it only required for her position in it to be reversed. By means of her memoir and later public statements, she started presenting herself as someone who always thought her primary obligations was to 'her people', in this manner redefining surrender, testimony, and punishment alike into acts that were never undertaken against her nation, but actually for it. Homecoming discourse gave its contribution in completing this transformation by displacing the previous vocabulary revolving around guilt with the one of freedom, dignity, injustice and moral exoneration. In this register, imprisonment was no longer seen as a consequence of criminal responsibility as it gradually got turned into a form of suffering through which the image of Plavšić could be morally elevated. The logic of sacrifice is clearly visible in several examples analyzed. For instance, Dodik's explanation that he welcomed her for 'purely moral reasons', because, as he claimed, she had gone to The Hague voluntarily in an effort to not burden Republika Srpska, retrospectively transformed cooperation with the ICTY into an act done for collective

protection (Radio Slobodna Evropa 2009; B92 2009). As a consequence of such framings, what was initially condemned as surrender and treason could now be redefined as restraint and burden-bearing. Therefore, it is noted that the same act was resignified without changing the underlying assumption that the Serbian collective was the primarily moral reference point. As such, the Plavšić case reveals that a convicted figure can not only be rehabilitated by denying responsibility, but through, what this research identifies as, moral inversion; here, guilt is not necessarily erased, but reinterpreted as suffering and sacrifice. This finding is also central because it showcases how the nationalist discourse is not static in observing its capability to absorb contradictions by reassigning moral roles, all while preserving a stable symbolic structure in which the nation remains morally central and under threat.

5.3. Lexical Fields as Mechanism of Moral Inversion

The third finding pertains to the concrete linguistic mechanism that made this reinterpretation of Plavšić's case possible. The symbolic shifts from guilt, over betrayal, to sacrifice did not take place only on the explicit level of political debate, but was produced by means of recurrent lexical fields that, step by step, managed to entirely reorganize the moral meaning of the case. Words associated with the notions of betrayal, injustice, victimhood, burden, dignity, suffering, and 'the Serbian people' did not just describe Plavšić's legal trajectory, but they had an active role in transforming its significance. This case thus confirms the central premise behind Critical Discourse Analysis – language is not a neutral vehicle of representing reality, but rather a form of social practice through which political meanings and identities get produced (Fairclough 2010). The most important function of the lexical fields identified here was that of moral inversion. The analysis of the ICTY's legal discourse shows that terms such as guilt, persecution, responsibility, remorse and reconciliation conferred the figure of Plavšić as an individual political actor who was accountable for the crimes committed against non-Serb populations. On the other hand, the Serbian/Serb nationalist discourse examined in this research repeatedly displaced this vocabulary with a different semantic field which was structured around injustice, suffering, sacrifice, loyalty and national dignity. As outlined, when punishment got renarrated into suffering and suffering into sacrifice, Tribunal's sentencing stopped signifying accountability and could thus be redescribed as an ordeal by means of which Plavšić's moral standing could then be restored.

This mechanism offers an additional explanation for as to why the legal individualization of guilt could so easily end up being re-collectivized. The recurring vocabulary identified did not just claim the ICTY to be unfair, but had a much larger function – it situated that unfairness within a broader narrative of Serbian victimhood and external hostility. At the same time, the continuous insistence on that the Serbian people as a whole were not guilty essentially functioned defensively by keeping the nation in the narrative's center, thereby implicitly suggesting that they were accused in the first place. This brings us to the key point: individualization may have been preserved formally, but was, in reality, politically reworked, now portraying Plavšić as the individual who had to bear the burden so that the people could remain innocent. This is exactly why her case matters much more than its proximate, factual context, as it shows how nationalists discourse can revert international criminal justice not just by directly rejecting legal findings, but by translating them into a different moral language. In other words, the legal vocabulary of guilt and responsibility was not outright denied, but displaced by a nationalist vocabulary of injury, dignity and sacrifice. Therefore, the struggle with the transitional justice process lies not only in the struggle over one institution or truthfulness of the legal facts established by it, but also in a struggle over the language itself, in which a convicted figure can be reclassified as a victim, witness and the bearer of collective suffering.

5.4. Afterlife of Discourse on the ICTY and Implications for Reconciliation

This thesis' specific findings point to more general implications when it comes to the limits of retributive justice in post-conflict societies characterized by contested memory and entrenched nationalist discourse. What the chosen case study reveals is not that individual criminal responsibility, much like the importance of documenting crimes and creating a judicial record, is irrelevant, but demonstrates how legal accountability and social recognition are analytically two very distinct processes. That is, even if a retributive justice mechanism can establish responsibility in law, it can not determine how that same responsibility will be interpreted in the political and symbolic life of the affected societies. This distinction in particular is central for understanding why did the ICTY's overarching ambition to bring about reconciliation come into such serious limitations in Serbia. In short, although the Tribunal's retributive model rested on the assumption that legal truth, established by individual conviction, would contribute to acknowledgement and thus, reconciliation, the analysis has shown that juridical findings do not automatically become

socially authoritative. As the *Plavšić* case demonstrates, the very legal acts that were institutionally treated as potentially reconciliatory, i.e. the guilty plea, remorse, sentencing, and punishment, got reinterpreted through domestic nationalist narratives as betrayal, injustice, and sacrifice. Therefore, what this research essentially questions is not whether the ICTY's findings were factual or fair, but if they managed to acquire legitimacy in the discursive environment they had entered. This finding supports the critical scholarship on transitional justice that, at its core, challenges the capacity of externally driven retributive justice mechanisms to contribute to reconciliation, if detached from local recognition. Even though the formal legal framework was designed to individualize guilt, Serbian/Serb nationalist discourse repeatedly attached responsibility back to the collective. Of course, this does not mean that the discourse accepted collective guilt, on the contrary, it intensely rejected it. But that rejection was exactly what kept the nation at the centre of the narrative – the more nationalist discourse insisted on the fact that the Serb people were not guilty, the more it managed to reproduce the assumption that the Tribunal's work was fundamentally about the people and not about the individual defendants. This paradox lies at the very heart of the ICTY's reception of the *Plavšić* case: the legal attempt to thwart collective blame wound up domestically reinterpreted as evidence that collective blame was being imposed.

Moreover, this case study shows how the very premise that reconciliation could be reduced down to the establishment of facts or the punishment of perpetrators is fallacious – both are necessary but neither is sufficient. On the ground, reconciliation calls for a certain degree of broader social acknowledgement, engagement, and readiness to integrate some uncomfortable truths into the collective memory of the nation. When such recognition is not found, even a guilty plea fails to produce the expected effect. On one hand, for victims, *Plavšić's* plea may seem insufficient, superficial, strategic or compromised by the plea agreement. On the other, for nationalist audiences, it may look like a capitulation in front of an anti-Serb institution, i.e. the foreign Other. In sum, in neither of these scenarios can it generate the shared moral language and understanding the Tribunal hoped it would. This then leads to important implications for how should the relationship between transitional justice and reconciliation even be understood. International criminal trials do not, and can not, operate outside politics once their judgements leave the courtroom and enter the existing interpretive lenses shaped by political elites, media, collective memory, and affective attachments. In Serbia specifically, the ICTY's findings did not enter an empty communicative space, but a space already imbued by narratives of external hostility,

historical injustice, selective persecution and collective victimhood. In essence, these narratives did not merely distort legal meanings after the fact, instead, they established the very framework through which legal meanings became publicly intelligible and resonant. That provides an explanation for as to why the same conviction could be read not as accountability for the crimes, but as further proof of anti-Serb stigmatization.

Therefore, the role of the political elites and media mediation of information is central in this regard. As shown in the analysis section, the meanings attached to Plavšić's case were not just produced by the Tribunal or Plavšić herself; they were circulated, amplified and stabilized with statements made by certain political actors and media reports that employed specific frames, lexical choices, and symbolic associations. This does not imply neither that the audiences were entirely passive nor that this discourse was homogenous. As previously clarified, Serbian public discourse did contain a certain level of counter-narratives, like those that were articulated by different civil society actors, human rights organizations and more critical media. However, what this thesis claims is that the dominant nationalist framings proved to be so politically powerful because they grounded legal events in emotionally resonant repertoires that relied on notions of humiliation, betrayal, suffering, injustice, and national dignity. It was these repertoires that made both the rejection of ICTY's legal discourse, and its absorption into preexisting identity narratives easier. At the same time, this research takes into account that overly simplified calls for 'local ownership' as an automatic remedy here are insufficient. This does not mean it advocates that the ICTY failed simply because it was international and too distant, nor that domestic mechanisms would necessarily produce better outcomes. In highly polarized post-conflict environments, local political actors can have very strong motives to protect national myths, reproduce denial, and turn notions of justice and truth into resources for political mobilization. The Plavšić case thus points us to this double-edged sword limitation – externally imposed justice can not fully succeed without local legitimacy, yet it is precisely local political discourse where justice may be resisted and reinterpreted the most. This complicates the assumption that reconciliation can be achieved either by international legal authority or by unrestricted reliance on domestic political agency on their own.

Furthermore, the relevance of Plavšić is found particularly in the fact that this discursive trajectory is not confined to her individual case alone. The shifts from legal accountability to national injury and from punishment to sacrifice promptly summarize a wider repertoire that continued to shape Serbian/Serb interpretations and views of the

ICTY at large. This does not mean that her case is analytically revealing because later examples are identical to it, but because it showcases, in a particularly visible manner, the broader discursive logic through which the ICTY judgements could be resisted, collectivized, and morally inverted. As the last subsection of the analysis reveals, later public discourse on the Tribunal continued to reproduce similar tropes grounded in anti-Serb bias, collective accusation, selective justice, and moral honor of figures prosecuted by it. The Plavšić case thus shows how nationalist rehabilitation can function without fully ‘erasing’ the conviction, as it can, instead, absorb it into a narrative where suffering becomes proof of loyalty and sacrifice. Additionally, taking into account the contemporary international concerns about this same phenomenon, i.e. revisionism as an ongoing obstacle to reconciliation, as per the abovementioned Security Council discussions on the work of the IRMCT, it becomes clear that the Plavšić case is not a discursive anomaly, but just one instance that, in a particular manner, reveals a broader failure of international criminal justice to gain stable social recognition in a setting where its meanings could be so persistently reframed through nationalist narratives.

Observing all of this thesis’ main findings, what follows is that transitional justice must not be understood just as a legal or institutional process, but as a struggle over meaning. The ICTY could and did punish, document and judge, but it could not ensure for its judgements to be socially received as justice. The Plavšić case was chosen as a case study because it demonstrates how, in nationalist discursive environments, punishment can end up transformed into sacrifice, guilt into burden, and conviction into moral vindication, thus revealing the limits of retributive justice in generating reconciliation on its own. Without sustainable forms of public engagement, education, memory work, and discursive contestation that would be capable of challenging nationalist frames, juridical truth remains vulnerable to appropriation. To that effect, the failure identified by this research is not just a failure of one case or one court, but a much larger difficulty when it comes to transforming legal accountability into shared social acknowledgement in post-conflict societies where national identity continues to be structured around victimhood and denial.

Conclusion

In summary, this master thesis examined how politicized interpretations of the ICTY’s work participated in the reproduction of nationalist victimhood narratives, thus shaping public understandings of justice, guilt, and overall national identity in Serbia during the post-conflict period. By employing a more narrowly focused analytical

approach centered around a singular case study of Biljana Plavšić's case, it aimed to investigate whether the Tribunal's approach to justice, grounded in a retributive framework, succeeded in its officially stated ambition to individualize guilt and contribute to reconciliation by exploring how its legal meanings were mediated and resisted within the Serbian/Serb ethnonational discourse. In a nutshell, the primary conclusion is that, even though the Tribunal managed to establish Plavšić's individual criminal responsibility in juridical terms, its individualization did not manage to gain a socially authoritative meaning. What the analysis ultimately showcased is that the issue lied much deeper than the simple explanation of the ICTY's message being distorted once it entered the domestic sphere. This is because, even at the level of the guilty plea itself, the discourse of individual accountability was never fully isolated from symbolic frameworks that revolved around fear, threat, suffering, and collective identity. In other words, by uncovering how Plavšić's statement of guilt used a language that implicitly preserved the Serbian people as the central moral community, all while formally echoing the Tribunal's logic of individualization, the analysis demonstrated how even the plea was never a solely legal act. It was a discursively layered statement where juridical meaning was imbued with a political and national one. This is why this research infers that later nationalist interpretations of the plea should not be understood as something that occurred externally, but, instead, as a development made possible by the tension already present within the case. The trajectory traced throughout this inquiry revealed that when the plea first entered the domestic discursive field which was already shaped by distrust towards the ICTY and narratives of national injury, it was first read as a betrayal. However that was not the end – via the memoir, interviews and homecoming discourse, this same legal path was regrouped to tell a story of sacrifice and burden. The significance of the identified lies in the fact that this move did not even require an abandonment of nationalist discourse, but only to reposition Plavšić within it, with the nation remaining the main point of reference through this trajectory.

Therefore, the central contribution of this thesis lies in the way it shows that such transformations are not achieved only through explicit political argument, but, at the same time, through the repeated use of particular lexical fields and symbolic associations. The core notions such as betrayal, injustice, victimhood, sacrifice, dignity, burden, and religious suffering did not merely accompany the reinterpretation of this case – they were among the principal means through which the reinterpretation was achieved, as it was by the use of them that punishment could be narrated as ordeal, responsibility as burden, and

release as moral exoneration. Additionally, the thesis developed and applied specific concepts of moral inversion, re-collectivization and protective individualization with the aim of capturing this movement as precisely as possible. Vitally, it also sheds light on how the continuous insistence on that the Serbian people were not guilty did mirror the formal logic of individual criminal responsibility, but essentially worked against it once seen through the lens of nationalist discourse, as it kept the collective at the center of the narrative by supposedly defending it from the blame.

Stemming from the concluded, the implications for transitional justice processes are significant, as this case study confirms that legal accountability and social recognition can not be treated as interchangeable. When it came to the Serbian setting, conditions in which the ICTY's findings and work circulated were not marked by a neutral communicative environment, as the public sphere was already saturated by narratives of external hostility and selective justice, which made all meanings exposed to ideological mediation and political instrumentalization. This is why the Plavšić case was seen as analytically valuable beyond its biographical specificity, as it condenses a moral general discursive logic. As touched upon in the final subsections of the analysis, later public discourse on the ICTY continued to reproduce the same patterns identified here; judgements against individuals were translated into judgements against the nation, punishment was translated into injustice, and those processed by the Tribunal into dignified actors characterized by endurance, or even heroism. Therefore, what Plavšić's case provides us with is not statistical representativeness, but analytical clarity.

As highlighted, even though narratives that opposed nationalist ones existed and persisted, the latter proved to be dominant and powerful enough to shape the broader public meaning of the Tribunal, as public opinion polls conducted in Serbia corroborated. This is precisely why it should never be expected for juridical work to generate reconciliation on its own. Justice can be formally established but not socially recognized, and, in contexts such as this one, reconciliation will not depend only on the verdict, but on much longer and more uncertain processes like those of public engagement, education, memory work, and, vitally, discursive contestation. The overall conclusion behind this research is thus that the limits of retributive justice are found not only in what courts can or can not do, but in the conditions in which their judgements are received. The ICTY succeeded to juridically establish Biljana Plavšić's responsibility, yet it could not prevent that responsibility from getting politically reattached to the Serbian collective and symbolically reworked into a narrative of sacrifice and national suffering. To put it plainly,

guilt may be established in the courtroom, but what it will come to mean once it exits the courtroom remains uncertain.

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