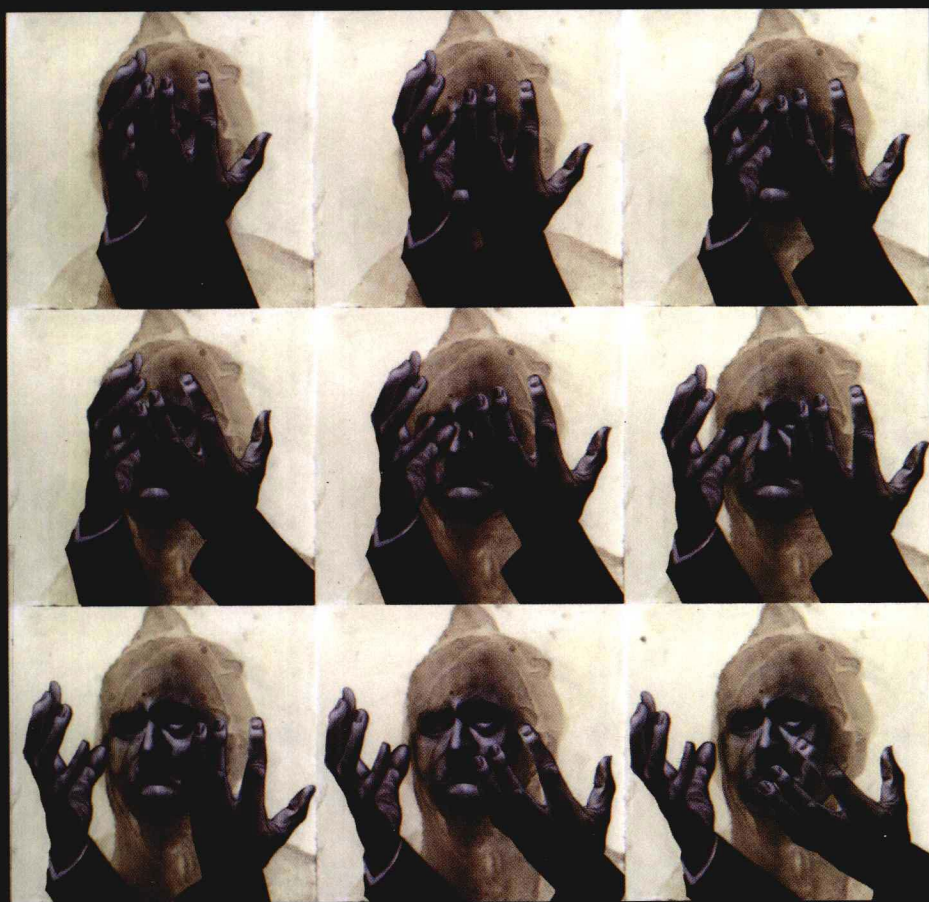


PROPAGANDA, WAR CRIMES TRIALS AND INTERNATIONAL LAW

FROM SPEAKERS' CORNER TO WAR CRIMES



EDITED BY PREDRAG DOJČINOVIĆ

a GlassHouse book

Propaganda, War Crimes Trials and International Law

From Speakers'
Corner to War Crimes

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Predrag Dojčinović



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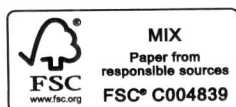
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To Daniël,
my Word

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Abbreviations

ANC	African National Congress
ARK	Autonomous Region of Krajina
BCS	Bosnian-Serbian-Croatian
CCL	Control Council Law
CDR	Coalition pour la Défense de la République (Coalition for the Defense of the Republic)
CDT	Cognitive Dissonance Theory
CIA	Central Intelligence Agency
ECHR	European Court of Human Rights
FBIS	Foreign Broadcast Information Service, an open source intelligence unit of the Central Intelligence Agency (CIA)
fMRI	Functional Magnetic Resonance Imaging
FRY	Federal Republic of Yugoslavia
HDZ	Croatian Democratic Union
ICC	International Criminal Court
ICRC	International Committee of the Red Cross
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the Former Yugoslavia
IHL	International Humanitarian Law
IMT	International Military Tribunal
IMTFE	International Military Tribunal for the Far East
IRA	Irish Republican Army
JCE	Joint Criminal Enterprise
JNA	Yugoslav People's Army
KLA	Kosovo Liberation Army
LRT	Leadership Research Team
MDR	Mouvement Démocratique Républicain (Democratic Republican Movement)
MRND	Mouvement Révolutionnaire National pour le Développement (National Revolutionary Movement for Development)
NATO	North Atlantic Treaty Organization
NGO	Non-Governmental Organization

NMT	Nuremberg Military Tribunal
NSDAP	National Socialist German Workers' Party
OSINT	Open Source Intelligence
OTP	Office of the Prosecutor
PNR	Paradigm of Narrative Rationality
POW	Prisoner of War
PRO	Public Records Office
PSD	Parti Social Démocrate (Social Democratic Party)
PTB	Pre-Trial Brief
PTSS	Posttraumatic Stress Syndrome
RPF	Rwandan Patriotic Front, also "RPF-Inkotanyi"
RSK	Republic of Serbian Krajina
RTB	Belgrade Radio–Television
RTL	Radio-Télévision Libre des Milles Collines
RTS	Radio Television Serbia
SANU	Serbian Academy of Sciences and Arts
SAO	Serbian Autonomous Region
SCP	Serbian Chetnik Movement
SCSL	Special Court for Sierra Leone
SDS	Serbian Democratic Party
SJT	Social Judgment Theory
SPS	Socialist Party of Serbia
SRS	Serbian Radical Party
TC	Trial Chamber
TMWC	International Military Tribunal Trial of the Major War Criminals
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNPROFOR	United Nations Protection Force
VRS	Army of Republika Srpska

Contents

<i>List of figures</i>	ix
<i>Contributors</i>	xi
<i>Acknowledgements</i>	xiii
<i>Abbreviations</i>	xv
 Introduction	 1
PREDRAG DOJČINOVIĆ	
 PART I	
Analysis, investigations, prosecutions	31
 1 The indictable propaganda: a bottom-up perspective	 33
NENAD FIŠER	
 2 Word scene investigations: toward a cognitive linguistic approach to the criminal analysis of open source evidence in war crimes cases	 71
PREDRAG DOJČINOVIĆ	
 3 Propaganda as a crime under international humanitarian law: theories and strategies for prosecutors	 118
DAN SAXON	
 PART 2	
Expert evidence	143
 4 The challenges of understanding Kinyarwanda key terms used to instigate the 1994 genocide in Rwanda	 145
MATHIAS RUZINDANA	

5	Propaganda, hate speech and mass killings	171
	ANTHONY OBERSCHALL	

PART 3

Trials and jurisprudence: a scrutiny 201

6	Hitler's notorious Jew-baiter: the prosecution of Julius Streicher	203
	MARGARET EASTWOOD	

7	Propaganda in the jurisprudence of the International Criminal Tribunal for the Former Yugoslavia	231
	MICHAEL KEARNEY	

8	The ghost of causation in international speech crime cases	254
	SUSAN BENESCH	

9	Crimes of atrocity, the problem of punishment and the <i>situ</i> of law	269
	LAWRENCE DOUGLAS	

	<i>Index</i>	295
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List of figures

2.1	Map of <i>Velika Srbija</i> (Greater Serbia)	97
3.1	“The Ten Commandments”, <i>Kangura</i> , No. 6, December 1990	134
4.1	Title page of <i>Kangura</i> , No. 26, November 1991	152
4.2	Title page of <i>Kangura</i> , No. 6, December 1990	160
5.1	Testimony of witness A. Oberschall, ICTY, December 2007	179
6.1	Photo of Julius Streicher	206
6.2	Brundage memo: Interrogation of Streicher	207
8.1	Radio Television Libre des Milles Collines (RTL), Statute, p. 1	258
8.2	Cartoon from <i>Kanguka</i> , No. 58, May 1992	263

Introduction

Predrag Dojčinović

Today the Stürmer carries the headline: "Synagogues are dens of thieves." Underneath: "The shame of Nürnberg" and a picture of the synagogue there.
July 27, Wednesday

A couple of weeks ago the Nürnberg synagogue, on which I reported on July 27, was "solemnly" demolished under Streicher's supervision.
August 24, Wednesday Victor Klemperer, 1938¹

A preliminary sketch: What is in a word?

This introduction may as well start from the beginning. The etymology of the first word from the title of this volume, *propaganda*, stems from the Latin root meaning "to sow" or "spread out." Over time, however, the initial connotation has considerably evolved in all domains of its semantic radius. The implications of the word have been richly supplemented with meanings cutting deep through many layers of every social habitat. From its utterly plain beginnings, the concept of propaganda has grown into a cognitive phenomenon active in virtually all spheres of our lives, public and personal. The litany of examples may sometimes seem endless.

We regularly expose our offspring to stories about forms of life residing beyond the known laws of physics. Whether this impulse is caused by a relentless metaphysical anxiety, as a current in philosophy would prefer to have it explained (away), or simply because we are neurobiologically and cognitively hardwired myth-makers, is unknown. However, once such ideas have been inserted into accessible and receptive minds, they can transform them into lifelong carriers and transmitters of these remarkably contagious narratives. The story of Santa Claus is an illustrative example of the functioning of this aspect of our propagandistic fantasy worlds.

Propaganda also constitutes the core of all commercially oriented advertising campaigns. Following thoroughly researched and carefully designed market-based scripts, advertising agencies frequently offer no more than counterfactual and counterintuitive ideas for consumption. Small grains of truth planted in these information packages make them even more successful. The miraculous shampoos

in television commercials, for instance, belong to some of the most successful brainwashers. And again, for some specific reason, we all respond to the direction proposed by this universal open market of cleverly and attractively wrapped up concepts, illusions and dreams. All of us are buyers and owners of price-tagged ideas. The words printed on them are never hollow. In their seminal study *Age of Propaganda*, Anthony Pratkanis and Elliot Aronson write: “The history of advertising and political movements attests to the fact that people tend to act on the names and labels that are used to describe an event or situation.”² This clearly implies that the same techniques of propaganda can be used in different spheres of social life. The most fundamental difference between marketing and politics, however, is that the latter offers beliefs and ideas free of charge.

The techniques of political propaganda, as part of a public struggle for distribution and preservation of power, constitute the strongest building blocks of public discourse in every society. All political programs and campaigns are strategic, that is to say: intentional, tactical, well thought out and planned, all based on anticipated responses by the targeted audience. This is, for instance, how Hitler addressed the method of propaganda in *Mein Kampf*: “With the help of a skilful and continuous application of propaganda it is possible to make the people conceive even of heaven as hell and also make them consider heavenly the most miserly existence.”³ As one-dimensional as they may sound, Hitler’s psychological insights did produce results in the end. In 1933, looking ahead, Hitler appointed Joseph Goebbels the head of the Ministry for Enlightenment and Propaganda. The *Führer* then developed sophisticated institutional networks and discursive models of political and military propaganda. The word “Jew” was placed in the epicenter of this mechanism. A much used argument by Hitler and his followers, such as Julius Streicher with his publication *Der Stürmer*, was a plot emerging from the notorious document called *The Protocols of the Learned Elders of Zion*. Originating from the 1864 French satire *Conversation in Hell Between Machiavelli and Montesquieu* by Maurice Joly, it was subsequently recycled into a new document by the Russian Czarist secret police and widely distributed by the Russian Orthodox priest Sergei Nilus in the first years of the twentieth century.⁴ This most fatal example of a conspiracy theory claimed that Jewish leaders held a secret meeting with the purpose of gaining total ideological and economic domination in the world. In adopting this narrative, the Nazis were in fact using the same storyline that had already been deployed by Czarist Russia to discredit the Bolsheviks. According to Randall Bytwerk, an expert in Nazi propaganda, “Julius Streicher, not gifted with a critical mind, was one who accepted the *Protocols* in their entirety.”⁵ The propagandist in that case believed in his own propaganda. At about the same time, believing in their cultural and ideological supremacy, and as part of their attempts to influence the perception of Japan’s role in Asia in the 1930s, the Japanese had developed a unique propagandistic concept of *shisōsen*, or “thought war.”⁶ In other words, they knew that they were playing a mind-game. The Japanese principal theoretician of propaganda and one of the leading scholars and intellectuals of the late 1930s, Koyama Eizō, wrote explicitly

about planting beliefs into the masses in order to incite hatred and disgust of the enemy.⁷ All politically motivated collective and individual enterprises, regardless of their ultimate intentions, try to do the same thing: to methodically exploit the plasticity of the human mind in order to direct, influence or control its future actions. This touches upon the very essence of cognitive conditioning as part of a wider propagandistic framework.

Another traditionally fertile ground for propagandistic exercises is the realm of faith. Religious propaganda has always been, and still is, one of the most successful formulas applied to the human mind. Its power to communicate to people in all corners of the world messages of comfort, hope and salvation, or, equally, calls for conversion, conquest and combat, seems unlimited. In 1622, as part of the Catholic missionary work, Pope Gregory XV established the institution called *Sacra Congregatio de Propaganda Fide* (Sacred Congregation for the Propagation of the Faith), a secret council in charge of Catholic propaganda. It seems that the Pope at the time decided to replace the sword with the word. This body still plays an active role within the Catholic Church, only under a different name: *Congregatio pro Gentium Evangelisatione* (Congregation for the Evangelization of Peoples). The modification in the name speaks for itself. To modern audiences familiar with all its connotations, propaganda requires a different robe. “In the beginning was the word,” St. John is quoted in the Bible, and then “the Word was made flesh, and dwelt among us [. . .] full of grace and truth.” The missionaries and messengers continue to propagate following the footsteps of the disciples of “the Word.”

Across all spheres, propaganda is at its most effective when artistically packaged. This embellishment appeals to the human brain, which is an engine naturally designed for the processing and exchange of symbolic operations on a rather complex and personal level. Whether cerebral or more emotional, our responsive interaction with the environment is highly interpretative. Moreover, as “the symbolic species,”⁸ we have the language faculty and the capacity to develop various forms of conceptual thinking. By introducing new symbols, or, simply, by reinterpreting the old ones, propagandists can exercise substantial influence on human behavior. The best propagandists sometimes operate like the most sophisticated computer programs. They give us an illusion that we are engaged in a generous and genuine form of human communication. So, it is not what the communication really is, but what the human mind can be made to believe that it is. As the historical records clearly indicate, various forms of virtual reality based on false premises may have the most unfortunate consequences in any social reality. Any game between real and virtual, of course, is built on pieces of reality. Yet again, Hitler’s propaganda provides us with some of the most meaningful historical paradigms in this regard. One of the best-known examples, *Triumph des Willens* (Triumph of the Will), Leni Riefenstahl’s documentary film which used the images from the Nuremberg rallies and the rising National-Socialist ideology in the 1930s in Germany, is a masterfully composed patchwork of verbal and non-verbal symbols. The speeches in the film seem to be deliberately overshadowed by the power of the images and sounds. The countless swastikas placed against

a Fascist backdrop—uniforms, flags, buildings, brute force of male and female bodies—and Hitler’s well-known mustache replicated under the noses of many German men, are some of the most repetitive, explicitly propagandistic and, to some extent, possibly even subliminally effective,⁹ frames in the film. This is what Goebbels had to say about those who saw “the face of the *Führer*” in Riefenstahl’s film: “It will haunt him through days and dreams and will, like a quiet flame, burn itself into his soul.”¹⁰ The symbols implanted into art propaganda are not merely transient forms of artistic expression, they are designed to be memorized, transmitted and, if possible, acted upon. That is certainly one of the reasons Hitler recognized the need to control and influence multiple art forms, including classical music and theater, and high culture as a whole.¹¹ All major propagandists begin with the premise that the symbolic elements within an environment will inevitably condition its inhabitants and ultimately prompt their actions as well. The outcome of these initial actions is likely to generate further action, in a process somewhat resembling a self-propelling mechanism applied to human cognition. A form of repetitive automaticity is thus set in motion. Hitler demonstrated his awareness of this process, when, in 1936, he employed a graphic artist to transform the symbols of the Nazi ideology into the imagery subsequently displayed on posters, flags and uniforms.¹² The message had to be dominant and memorable. It had to appeal to some of the deepest collective sentiments of the German nation. Placing the symbols from the past in the context of a wider political and economic crisis in Germany, Hitler knew how to ‘sow’ and ‘spread out’ the Nazi ideas throughout German society. Aaron Lynch, a cognitive scientist who studies the programming and transmission of thoughts from an evolutionary point of view, writes that “the belief’s contagiousness depends heavily on the other ideas and cognitive traits of the population.”¹³ Any population, anytime and anywhere. So, even if disregarding a possible lingering influence from Wagnerian metaphysical heights and Wagner’s anti-Semitic writings on the Nazi ideology,¹⁴ many will at least always be able to recall the tune – *Vor der Kaserne / Vor dem grossen Tor* . . . – as the opening lines of *Lili Marlene*, the German Second World War song broadcast every evening by Radio Belgrade. Ironically enough, it is the words “Lili Marlene,” and not the Teutonic mythology woven into the Wagnerian notes and librettos, which left a lasting imprint on the minds of the listeners and, consequently, quite literally, on many artifacts of the war: uniforms, weapons and aircrafts. As a result, this overly simple piece of music eventually transcended the boundaries of ideology and had an equally motivating effect on the morale of soldiers from each side of the frontlines.¹⁵ The simple tune found its power in marrying the minds of soldiers with their combat equipment.

Looking back at its initial etymological connotations, the multiple meanings and applications of propaganda and its techniques have all retained the resonance of its origin. The new meanings still “sow” the seeds of beliefs and ideas over the fertile grounds of our mental landscapes. The verb in propaganda has become multifunctional. In one of the most complete definitions to date offered by Garth S. Jowett and Victoria O’Donnell: “Propaganda is the deliberate, systematic

attempt to shape perceptions, manipulate cognitions, and direct behavior to achieve a response that furthers the desired intent of the propagandist.”¹⁶ The concepts employed by this definition offer an implicit insight into the nature of propaganda as a cognitive instrument in pursuit of its goals. Words such as *desire* and *intent*, for instance, reveal an internally operating mental process relating typically, although not inevitably, to an external subject or object. The potential for it to fit into specific legal conceptual frameworks also seems more than evident. The concepts of *deliberate*, *systematic attempt* and, again, *intent*, have their place firmly established in the domain of legal terminology, while the concept of *manipulation* resides comfortably in both conceptual domains, cognitive and legal. At the same time, around the central point of propaganda’s gravity, there is a strong revolving constellation of words and concepts that make this phenomenon as powerful as it is today. Some of the most frequently mentioned components and building blocks of propaganda are the concepts of *persuasion*, *manipulation*, *mind-control*, *brainwashing*, *misinformation*, *distortion*, *rumors*, *half-truths*, *lies*, *name-calling*, *labeling*, *insincerity*, *innuendo*, *deception*, *psychological operations*, etc.¹⁷ Alone, or as part of corresponding combinations, these concepts consistently reinforce the more formal definitions of propaganda. Yet, many definitions partly fail to recognize what propaganda is. They neglect the inner cognitive functioning of the mechanism itself which makes the phenomenon what it has always been in social and psychological domains: dynamic, adaptable and effective. The key binding elements connecting different components and fields of activity of propaganda remain within a cognitive process initiated by *intent*, followed by *action*, if and only if it is, directly or indirectly, mentally caused by the state of intent, and, finally, the *consequences* or results of the course of action which was planned, prepared, organized (i.e. intended, and, possibly, implemented or executed). It is precisely at this point that we can make out the basic outline of a vital point of convergence between the cognitive scientific and the legal conceptual frameworks. The inner semantic complexity of the key words allows these two domains to blend, albeit unnoticeably, in both theory and practice.

Propaganda and war crimes, a world in a phrase

The concept of *war crimes*, as used in the title and throughout this volume, is offered in two parallel meanings. The first can be understood in a wider sense of the phrase, as it is commonly used by the general public. It includes virtually all categories of crimes committed during a war. The outline of the second meaning can initially, and in historical terms, be recognized in the part of the Charter of the International Military Tribunal (IMT) dealing with jurisdiction and general principles or, more precisely, Article 6 thereof which defined individual responsibility through: (a) crimes against peace; (b) war crimes; and (c) crimes against humanity.¹⁸ Similarly phrased provisions were contained in Article 5 of the charter of the International Military Tribunal for the Far East (IMTFE). The ICTY and ICTR statutes do not use explicitly the “war crimes” label in categorizing the