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## Milorad Dodik's Public Attitudes and Perceptions Toward the ICTY: Operational Code Analysis

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### *Summary*

The International Criminal Tribunal for the former Yugoslavia (ICTY) was formally closed on 21 December 2017. During the quarter century of its existence, ICTY's rulings had a significant impact on public discourses and narratives about the Bosnian war. Different opinions among the citizens of Bosnia and Herzegovina (BiH) about ICTY's role and its verdicts have emerged over time, especially among the leaders of the dominant ethno-political parties representing the three ethno-constituent groups – Bosniaks, Croats, and Serbs. Milorad Dodik, current member of the BiH Presidency, a former President of Republika Srpska (RS) entity, and the leader of one of the most prominent political parties in RS, was particularly vocal and critical about the work of the ICTY. This paper closely examines Dodik's public views and opinions toward the ICTY. We use content- and operational code analysis to analyze key features of his perceptions toward the ICTY's work while serving as the President of RS for two consecutive terms.

*Keywords:* ICTY, Milorad Dodik, Bosnia and Herzegovina, Bosnian War, Perceptions, Crimes, Operational Code

### **Introduction**

The International Criminal Tribunal for the former Yugoslavia (henceforth the ICTY) was established in 1993 by the United Nations Security Council (UNSC) in line with Chapter VII of the UN Charter, as a response to mass atrocities taking place in Croatia and Bosnia and Herzegovina at the time. It aimed to bring the most responsible individuals to justice “for appalling acts such as murder, torture, rape, enslave-

ment, destruction of property". Since its establishment, the Court has irrevocably intended to change "the landscape of international humanitarian law and provide victims an opportunity to voice the horrors they witnessed and experienced" (ICTY, 2019). By doing this, the ICTY also aimed to prevent any future crimes, to bring justice to all victims and their families and, as the end goal, to contribute to the long-lasting peace in the countries of former Yugoslavia. The ICTY's precedent-setting decisions on war crimes, crimes against humanity and genocide showed that "an individual's senior position can no longer protect them from prosecution". Bosniak population, in particular, believed this to be very positive for development of relations in the conflict's aftermath (Subotić, 2009: 129).

Prior to its official closing on 21 December 2017, the official ICTY Prosecution reports pointed to 160 persons being charged for war crimes perpetrated on former Yugoslavia's territory. During its work, the greatest number of cases prosecuted at the Tribunal have dealt with alleged crimes committed by Bosnian Serbs and Yugoslav National Army. However, the Tribunal investigated cases of war crimes perpetrated by Bosnian Croats and Bosniaks as well. In the initial phase, the Bosniak-dominated central government of BiH prioritized helping the ICTY to arrest some high-ranking Bosnian Serb officials (Lamont, 2010: 125).

After 24 years of work the ICTY closed its doors, which resulted in different opinions among the public and political elites worldwide and especially in the countries that were affected by the 1990's war (Bonora, 2019: 124-125). In BiH, various political actors were particularly vocal in their opinion on the ICTY's closure, among them, Milorad Dodik, leader of the largest political party in Republika Srpska entity, current member of the BiH Presidency, and a former Prime Minister and President of RS. Dodik's public perceptions of the ICTY are often interpreted as negative and undermining its existence and role of the ICTY, in spite of the fact that the Government of RS, under Dodik's leadership in 2005 and 2006, forwarded documents to the ICTY's Office of the Prosecutor as well as to the BiH Prosecutor's Office, and appointed a working group for cooperation with the ICTY (Orentlicher, 2010: 30).

The main goal of this paper is to examine Dodik's public attitudes toward the ICTY, and whether or not they have changed or evolved during the first mandate (2010-2014), and the second mandate (2014-2018) as the President of RS. We use Walker, Schafer and Young's (1998) operational code, which enables us to understand how former RS President Dodik publicly reacted and articulated his public criticism toward ICTY at a specific time, and thus, shaped the public narrative in RS and in BiH not only on the nature, role and successes of the ICTY in post-conflict transformation of the country, but also on the prospects of the general societal reconciliation and in light of the current political challenges. In order to understand

Milorad Dodik's evolution in perceptions toward the ICTY we examine his public statements and rhetoric in the major media in BiH. This is a comparative study and will aim to outline the key differences between the two terms as RS President. In order to better understand Dodik's perceptions, we divided them in three clusters, which are later on compared and analyzed in detail, guided by the results obtained in the operational code analysis.

This article contributes to the existing literature on political party leadership, by examining the relationship between party leaders' personality, norms and rhetoric, and general consequences of their actions in shaping the public opinion in order to fulfill their party's defined (ethno)political interests. There are a few contemporary studies addressing the relationship between influential political party leaders' interaction with their followers and voters (cf. Steinberg, 2008; Greenstein, 2009), and some that expand beyond the analysis of electoral politics and leaders' center-stage positions in shaping public opinions (cf. Aarts et al., 2011; Bittner, 2011). We will focus on the position of Milorad Dodik as a party leader and the President of RS and examine his communicative performance and consistency in relation to ICTY.

### **1. Mapping Dodik's Political Perceptions and his Role in Shaping Public Discourses**

Milorad Dodik appeared as a candidate in the first multiparty elections in 1990, when he was elected a member of Parliament. Although Dodik served as a delegate of Serb Democratic Party (Srpska demokratska stranka, SDS) in the RS Assembly during the Bosnian war, after the end of the conflict, he worked hard on establishing an image of a "moderate", appealing to the international community that eventually endorsed his rise to power. In 1996, he founded the Party of Independent Social Democrats (SNSD)<sup>1</sup> to challenge the dominance of Karadžić's SDS. Soon after, entity President Biljana Plavšić nominated Dodik for Prime Minister of RS, in spite of the fact that his party had only secured two seats in the entity's Assembly (Šedo, 2007: 223-235). Although it lost power to the SDS in 2001, Dodik soon reemerged as a viable option for Western political patrons due to his more moderate platform during the political power shift in 2006, when the international community gradually returned political sovereignty back to institutions in BiH. Over time, Dodik and the party he led attracted exponentially more members and became the strongest political party in RS. His political agenda slowly developed along the lines of strong nationalist rhetoric and socially-oriented populism, merged with a cunningly enveloped pro-EU stance (Hasić and Sijamija, 2018).

<sup>1</sup> The SNSD is not a classical "successor party". It was created in 1996, and has transformed since then. It could be classified as a nationalist and secessionist party (Stojarova, 2009).

His public support for the European integrations has transformed and faded over time. For Dodik, it became clear that it is more lucrative to be politically nationalist than moderate and cooperative, and thus he “upgraded” his rhetoric to fit his newly formed goals of consolidating power in RS and within BiH institutions (Hooper, 2015). After realizing that entities have lost huge chunks of their decision-making power over time, and that further dismantling of the Dayton Peace Agreement (DPA) by both Office of High Representative (OHR) and Bosniak political forces would inevitably lead to further loss of power, Dodik took upon himself the task to “safeguard the DPA” hoping it would not only preserve RS as a separate entity, but that it would eventually allow it to gain enough political and institutional independence to secede from BiH. His appeal among the Serb electorate has risen proportionately by antagonizing calls of the Bosniak leaders for abolition of RS as a “product of genocide” (Clark, 2014: 104).

Dodik and his government maintained a strong public presence and influence by controlling the editorial board of the public broadcasting service in the RS – Radio Television of the Republic of Srpska (RTRS), thus establishing and reinforcing a highly centralized and much concentrated political power within the RS in comparison to the Federacija BiH entity (Hasić and Karabegović, 2018: 8). Dodik also remained heavily involved in micro-managing the party organization, outlining its key political strategies and reforms, and personally supervising relations with the general public. He constantly articulated party views in media reports as if these were *a priori* party-approved. Thus his messages were crafted to appeal to large masses, and clear and clear-cut vocalization of their ethnic-based “protectionist policies” was designed to bring the voters closer to their leader’s vision, while concrete policies and the party’s issue-orientations remained secondary. These strategies were further enhanced by exerting high levels of control over editorial politics in public broadcasting, and utilizing public structures and resources for private ends or trading favors, locally known as *štela* (Hasić, 2020).

Dodik’s public views and positions toward the ICTY have been particularly controversial, uneven and challenged. The RS government initially opposed the surrender of suspects among Bosnian Serb perpetrators of war crimes, but this approach softened in the first term of the RS former Prime Minister Milorad Dodik, who allowed the Tribunal to open an office in Banja Luka and appointed a working group for cooperation with the ICTY. He even said that “the public mood had shifted to a degree that surrendering Serbs to the Tribunal was no longer seen as the act of a traitor, but instead as a courageous step” (Orentlicher, 2010: 30).

Dodik’s vocabulary was later negatively directed toward international officials, judges, political elites in “Sarajevo circles”, adding that the resentment toward international officials was fueled even more by the international recognition

Table 1. Dodik's Public Communication and Consistency in Following his Views and Perceptions

	Communicative Performances	Behavior	Consequence	Consistency	Behavior	Consequence
<b>Milorad Dodik</b>	1996-2002 Open, but cautious.	Dodik initially criticized SDS-led government in RS, then called for return of Bosniaks and Croats to RS, and later built relations with the international community in BiH.	Inner-party consolidation, party opposition toward war-time narratives, nationalist and isolationist policies of RS.	Clear goals and policy positions.	Dodik worked to strengthened inner-party structure and leadership-building; SNSD worked to clearly define its public policy goals.	Party operates in opposition, Dodik unexpectedly appointed as RS PM (1998); SNSD utilized available resources to strengthen its relations with international community and selected non-Serb political elites.
	2002-2007 Instinctive, hostile, and goal-oriented.	Dodik aimed to pull RS out of isolation and to consolidate his power locally by defending RS institutional capacities and positions within BiH; later his public statements were charged with negative sentiments, vulgar language, and borderline hate speech toward non-conforming journalists and political opponents.	Steep rise of SNSD's membership, stronger inner-party support for Dodik's public appearances; stronger public support for SNSD and consolidation of power in the RS Assembly; consolidated approach in RS toward pending police and defense reforms in BiH.	Primarily program-oriented goals, later converted to nationalist and anti-Dayton policies. The first clear signs of inconsistency.	Party steadily spread its influence in RS and in BiH institutions; Dodik's public appearances gained wide-scale popularity, he embodied party stances and popularized them through sudden nationalist and pragmatic political rotation.	SNSD gained popularity, and peaked in 2006 elections, strong majority in the RS Assembly, occupying all key positions in the RS government and in BiH Council of Ministers; other parties expressed a strong commitment to enter into political coalitions.

2007-2011	Very relentless and polarizing.	Dodik demonstrated a stronger shift toward promoting publically destructive discourses in BiH, and reinforced his divisive narratives on the negative role of the international community in BiH.	Rise of membership and public support for SNSD; strong political divisions in BiH, inability to reach compromise on key reforms.	Steadily divisive and openly provocative and aggressive.	Dodik and SNSD use their position in both RS and BiH government structures to solidify its position within the system, and create a patronage network of followers and loyal voters.	SNSD further hardened its position and became a strong veto player; RS-level policies were designed to work for inner-group members and irritate the opposition; BiH-level policies were disintegrative and served the same purpose.
2011-2015	Unpredictable and mostly opportunistic.	Subversive, skilled, and systematic political attacks on the systems and against Dodik's political opponents, along with multiple threats of referenda, which are not seriously challenged by the OHR.	Stronger party propagation of advanced RS-Serbian and RS-Russian relations; Dodik continued his polarizing public engagement.	Aiming for nominal uniformity in negative and disparaging politics.	Dodik worked to create an authoritarian type of rule in RS and further strengthened his position locally; SNSD was not willing to compromise and pushed for strong destructive policies in BiH.	SNSD ultimately lost its position at state-level government and parliament, as well as its position in the BiH Presidency (in 2014 elections), while maintaining strong local presence in RS and in most Serb-dominated local communities.
2015-present	Antagonistic and aimed toward institutional and systemic destabilization.	Dodik's public statements full of negative sentiments and opposition toward domestic and foreign interventions; Dodik strongly promotes his irredentist politics in BiH and in Serbia, where he seeks support.	The US government imposes sanctions against Dodik; his and SNSD's narratives of RS being a 'state within a state' continue and gain foothold in RS and numeric voters' support increases.	Homogeneously adverse political action aimed at political fragmentation of the system and BiH as a state.	Dodik and SNSD worked to damage the opposition parties in RS, to reconsolidate and fortify their power in state-level institutions, and to strengthen the position of RS within the system.	SNSD managed to control and shape the decision-making over key issues in RS (i.e. referendum on Day of RS) and in BiH (i.e. EU coordination mechanism); SNSD and Dodik regained their position at state-level institutions, while maintaining primacy in RS by dismantling or largely neutralizing the opposition.

of Srebrenica genocide. Dodik's rhetoric confronted the General Framework Agreement for Peace with his idea of RS as a unit entitled to self-determination, with which he had awoken the passions that led BiH into 1992-1995 Bosnian war (Toal, 2013). Dodik often uses words such as "terror" and "history falsification" to clarify his positions, and habitually equates them with the negative role the international community had in the post-conflict reconstruction of BiH. He does not focus on what ICTY's "biased" judgments bring to the multicultural post-conflict BiH society, but rather he focuses on what they fail to do and how they negatively affect the positions of Serbs within Bosnian society. Such "relativization and equalization" works for Dodik to maintain his "genuine Serb" image, a person who belongs to his people, a person close to the Serb electorate, equal to them rather than above them (Hasić, 2020). His political views have influenced the policy-making and the perceptions of people following him. Dodik's constant rhetoric about Serbian war heroes, the incompetence and unfairness of the ICTY and his general disagreement with the work of the ICTY, all lead to slow but effective change of perceptions of residents of RS as well.

## **2. Methodology: Data Collection and Analysis**

We initially collected and systematized Milorad Dodik's statements on the ICTY made during his first term as the President of RS, from 15 November 2010, and during the second term, from 12 October 2014, until ICTY's final closure on 21 December 2017. Then, we conducted a qualitative content and operational code analysis of his statements (cf. Walker, Schafer and Young, 1998). We aimed to scrutinize the impact of Dodik's publicly expressed perceptions on the nature and work of the ICTY, and implications that such perceptions might have had on certain policy orientations and/or outcomes.

We started with coding reoccurring Dodik's public statements, paying special attention in which of his two terms speeches took place, clustering the statements in two groups: speeches from the first term in group number one and from the second in group number two. In order to assess the operational code beliefs, we employed the Verbs in Context System (VICS). As a method of content analysis, "VICS draws inferences about a decision maker's operational code beliefs from public statements such as speeches or interviews made by the decision maker" showing choice propensities for conflictual and cooperative actions in world politics as well (Walker, Schafer and Young, 1998). Moreover, we engaged in examination of five philosophical and five instrumental propensities identified by George (1979) and Holsti (1977), where we evaluated what authors identify as "attribution properties that the leader expresses, conceptualized as positive or negative valences for self-other behavior". This is further amplified by using four features of the scoring system, and

firstly diagnosing the use of power by others in the political universe and the leader's own propensities for exercising political power, positive and negative sanctions. Finally, we focused on the operational code analysis of the verbs in the leader's rhetoric. It was important to do this because they "indicate the balance, central tendency, and dispersion of these forms of power attributed to the self and others as descriptions of self-other relationships" (cf. Walker et al., 1998: 177).

**Table 2.** The Operational Code Dimensions

Philosophical Questions	Instrumental Questions
P-1 What is the "essential" nature of political life? Is the political universe one of harmony or conflict? What is the fundamental character of one's political opponents?	I-1 What is the best approach for selecting goals or objectives for political action?
P-2 What are the prospects for the eventual realization of one's fundamental political values and aspirations? Can one be optimistic or must one be pessimistic on this score, and in what respects the one and/or the other?	I-2 How are the goals of action pursued most effectively?
P-3 Is the political future predictable? In what sense and to what extent?	I-3 How are the risks of political action calculated, controlled, and accepted?
P-4 How much "control" or "mastery" can one have over historical development? What is one's role in "moving" and "shaping" history in the desired direction?	I-4 What is the best "timing" of action to advance one's interests?
P-5 What is the role of "chance" in human affairs and in historical development?	I-5 What is the utility and role of different means for advancing one's interest?

Source: George (1979) cited in Walker, Schafer and Young (1998)

At the core of the operational code analysis are three dimensions with a common focus upon the power relationships between self and others. Namely, they are the following: (1) diagnostic propensities, (2) choice propensities, and (3) shift propensities in the management of conflict and bargaining with others, which the leader exhibits through positive and negative attributions to the self and others (Walker et al., 1998). We identified Dodik's operational code as "a belief system", which is made of ideas and attitudes in which "elements are bound together by some form of functional interdependence". These helped us to characterize the self-other valences as forms of behavior, whether cooperative or conflictual, that represent the exercise of political power between the Self and Other(s) (cf. *ibid.*: 176).

We characterized the valences as cooperative or conflictual, depending on the keywords he used while speaking about the ICTY and processed them by using VICS, a content analysis system for retrieving and identifying attributions in speech.



We concentrated on three dimensions, propensities, of a power between the Self and Others in the leader's perceptions of the ICTY. We then continued in understanding whether the leader's attribution was positive/cooperative (+) versus negative/conflictual (-) valences toward the ICTY in order to examine his stances toward the Tribunal in his first and second term (*ibid.*: 178). What was important at this stage was to do the diagnostic propensities and attribute positive/cooperative (+) versus negative/conflictual (-) valences to others and by doing this we attempted to understand Dodik's nature of politics (P-1), realization of political values (P-2), political future (P-3) and other questions as well. In order to find the answers to the operational code questions dealing with the previously mentioned propensities, we used the following reasoning to link to the indices with the concepts in the operational code construct. Diagnostic propensities such as the leader's net attribution of positive/cooperative (+) versus negative/conflictual (-) valences to others indicate the answers to the first philosophical question dealing with the nature of politics (P-1), as indicated below (cf. Nhandara, 2015).

In addition, we identified the keywords in the corpus of the text which enabled us to investigate the patterns of collocation between keywords which gave us the pattern of occurrence and by which we understood how Dodik spoke about the ICTY and in which context. By using the transitive verb classification in VICS, we were able to spot cooperative and conflictual words in Dodik's speech, which in the end showed us his stance toward the ICTY. Dodik's speeches and keywords were identified and clustered in groups "Mandate 1" and "Mandate 2", meaning: the first and second term in office as President of RS. Later on, we explored the differences in Dodik's rhetoric in Mandate 1 and Mandate 2 by summing up all the results we got after the analysis and by dividing it by the number of statements, hence getting an average number. In the first Mandate, the total number of analyzed statements was 9, and in the second Mandate, there were 10 statements in total.

After obtaining the average number, by making a scale of intensity varying from "very slight intensity" to "extreme intensity", we explained the intensity of Dodik's statements toward the ICTY, Serbs, Bosniaks, and other subjects. The results show whether he was cooperative or conflictual, pessimistic or optimistic, what was the political future, where the locus of control was situated, what were his tactics, what was the timing of cooperation and control, etc.

Tables 3, 4 and 5 below show the results for each index after the VICS analysis and the average value when the numbers were totaled and divided by the number of statements.

**Table 3.** Dodik's First Mandate

	<i>Average</i>	1	2	3	4	5	6	7	8	9
P-1 (outlook on the world)	<b>-0,560</b>	-0,500	-0,370	-0,692	-0,800	-0,769	-0,359	-0,200	-0,739	-0,615
P-2 (possibilities of implementing political goals)	<b>-0,236</b>	-0,125	-0,091	-0,179	-0,370	-0,143	-0,182	-0,424	-0,550	-0,064
P-3 (ability to foresee political events)	<b>0,403</b>	0,769	0,600	0,552	0,461	0,655	0,152	0,168	0,182	0,091
P-4 (control over historical developments)	<b>0,571</b>	0,314	0,446	0,250	0,407	0,653	0,815	0,867	0,615	0,778
P-5 (role of accidents)	<b>0,690</b>	0,692	0,778	0,370	0,615	0,815	0,867	0,940	0,583	0,552
I-1 (strategy direction)	<b>0,256</b>	0,093	0,288	-0,778	0,314	1,000	0,867	-0,235	0,757	0,000
I-2 (strength of tactics)	<b>0,224</b>	0,265	0,257	-0,200	0,526	-0,250	0,757	0,910	-0,407	0,168
I-3 (risk propensity)	<b>0,189</b>	0,757	0,501	-0,692	0,250	-0,143	0,408	0,757	-0,370	0,233
I-4a (timing of the tactics)	<b>0,373</b>	-0,433	0,653	0,818	0,400	0,168	0,265	0,407	0,857	0,222
I-4b (timing of words and actions)	<b>0,024</b>	0,971	0,000	-0,833	-0,433	0,653	-0,333	0,250	0,409	-0,462
I-5a (role of progress)	<b>0,448</b>	1,000	0,289	0,583	0,910	0,526	0,000	0,815	0,714	-0,800
I-5b (role of promise of gains)	<b>0,002</b>	0,265	0,179	0,133	0,757	-0,511	-0,125	-0,133	0,238	-0,778
I-5c (role of support and challenge)	<b>0,237</b>	-0,143	0,064	0,818	-0,600	0,461	0,258	0,408	0,424	0,446
I-5d (role of punishments)	<b>0,134</b>	0,097	0,545	-0,359	-0,750	0,233	-0,209	0,769	0,504	0,382
I-5e (role of losses)	<b>0,314</b>	0,940	0,782	0,200	0,832	0,402	-0,370	0,000	-0,615	0,655
I-5f (role of defiance)	<b>0,356</b>	0,945	0,000	0,168	0,867	0,552	0,778	0,182	0,407	-0,692

**Table 4.** Dodik's Second Mandate

	<i>Average</i>	1	2	3	4	5	6	7	8	9	10
P-1 (outlook on the world)	<b>0,366</b>	-0,042	0,000	0,996	-0,300	0,412	0,230	0,726	0,881	0,000	0,757
P-2 (possibilities of implementing political goals)	<b>0,269</b>	1,000	0,167	-0,143	0,667	-0,251	0,617	0,167	-0,669	0,067	0,401
P-3 (ability to foresee political events)	<b>0,270</b>	-0,219	0,217	0,083	0,727	-0,095	0,821	0,727	0,250	-0,135	0,328
P-4 (control over historical developments)	<b>0,419</b>	0,669	0,665	0,056	1,000	0,412	0,667	0,444	0,167	0,223	-0,112
P-5 (role of accidents)	<b>0,055</b>	0,083	0,297	-0,600	0,183	0,456	-0,824	0,167	0,048	0,857	-0,116
I-1 (strategy direction)	<b>0,171</b>	0,889	0,667	0,400	-0,139	0,163	-0,217	-0,069	0,155	-0,364	0,226
I-2 (strength of tactics)	<b>0,174</b>	0,287	0,083	0,445	-0,524	0,600	-0,350	0,707	0,000	0,121	0,372
I-3 (risk propensity)	<b>0,469</b>	0,467	0,406	0,500	0,059	0,554	0,925	0,236	0,273	0,616	0,656
I-4a (timing of the tactics)	<b>0,076</b>	-0,112	0,533	0,000	0,866	-0,824	0,000	-0,112	0,064	0,333	0,021
I-4b (timing of words and actions)	<b>0,336</b>	0,849	0,000	0,696	-0,169	-0,169	0,578	0,230	0,183	0,616	0,550
I-5a (role of progress)	<b>0,232</b>	0,715	0,200	-0,556	-0,296	-0,111	0,166	0,328	0,545	0,785	0,320
I-5b (role of promise of gains)	<b>0,139</b>	0,091	-0,424	0,856	0,526	0,136	0,143	0,087	-0,337	0,500	-0,183
I-5c (role of support and challenge)	<b>0,114</b>	0,200	0,941	-0,313	0,000	0,096	0,457	-0,139	-0,323	0,000	0,230
I-5d (role of punishments)	<b>0,098</b>	0,333	0,232	0,089	-0,117	0,333	-0,160	-0,600	0,656	0,217	0,000
I-5e (role of losses)	<b>0,144</b>	-1,000	0,325	-0,211	0,616	0,116	0,000	0,550	0,000	0,451	0,600
I-5f (role of defiance)	<b>0,411</b>	-0,115	0,185	0,349	1,000	0,305	0,963	-0,431	1,000	0,646	0,217

**Table 5.** Operational Code Indices

## Dodik's First Mandate

	<i>Average</i>
P-1 (outlook on the world)	<b>-0,560</b>
P-2 (possibilities of implementing political goals)	<b>-0,236</b>
P-3 (ability to foresee political events)	<b>0,403</b>
P-4 (control over historical developments)	<b>0,571</b>
P-5 (role of accidents)	<b>0,690</b>
I-1 (strategy direction)	<b>0,256</b>
I-2 (strength of tactics)	<b>0,225</b>
I-3 (risk propensity)	<b>0,189</b>
I-4a (timing of the tactics)	<b>0,373</b>
I-4b (timing of words and actions)	<b>0,024</b>
I-5a (role of progress)	<b>0,448</b>
I-5b (role of promise of gains)	<b>0,002</b>
I-5c (role of support and challenge)	<b>0,237</b>
I-5d (role of punishments)	<b>0,134</b>
I-5e (role of losses)	<b>0,314</b>
I-5f (role of defiance)	<b>0,356</b>

## Dodik's Second Mandate

	<i>Average</i>
P-1 (outlook on the world)	<b>0,366</b>
P-2 (possibilities of implementing political goals)	<b>0,269</b>
P-3 (ability to foresee political events)	<b>0,270</b>
P-4 (control over historical developments)	<b>0,419</b>
P-5 (role of accidents)	<b>0,055</b>
I-1 (strategy direction)	<b>0,171</b>
I-2 (strength of tactics)	<b>0,174</b>
I-3 (risk propensity)	<b>0,469</b>
I-4a (timing of the tactics)	<b>0,076</b>
I-4b (timing of words and actions)	<b>0,336</b>
I-5a (role of progress)	<b>0,232</b>
I-5b (role of promise of gains)	<b>0,139</b>
I-5c (role of support and challenge)	<b>0,114</b>
I-5d (role of punishments)	<b>0,098</b>
I-5e (role of losses)	<b>0,144</b>
I-5f (role of defiance)	<b>0,411</b>

### 3. Interpretation of the Operational Code Analysis Results

Upon completion of the quantitative interpretation and analysis of the results on Milorad Dodik's belief system generated through his public statements, we engage in grouping his statements in three clusters, depending on the main subject of his delivery. The first category refers to his views on "ICTY and Serb identity", the second is on the ICTY as a "dysfunctional" and "inoperable" institution, while the third category relates to Dodik's public perceptions on the international community, political decisions and other factors influencing ICTY's work and its verdicts.

#### 3.1. Dodik's First Mandate as the President of RS

Dodik's statements need to be taken in a wider context of societal ideologically-based movement for relativization and equalization of guilt, as a means of reconciliation based on numerical proportions or everyone's relative and shared guilt for the

tragic events that happened during the war in BiH, aimed at neutralizing the narrative established by ICTY's verdicts on premeditated and planned Serb aggression and mass crimes against non-Serbs. The analysis of Dodik's statements indicates a conflictual tone in the first mandate regarding the outlook on the world, and a hostile view of the "political universe" (P-1 index and result of -0,560). His statements show a weak intensity of pessimism in relation to the realization of political values and possibilities of implementation of political goals (P-2 index and result of -0,236). Additionally, the results indicate he puts the "Self" as locus of control, and a high predictability of role of accidents, forecasting the future and political outcomes of his actions, with the score of 0,690.

In one of his statements from 2012, Dodik highlights his basic postulate about the relations between the ICTY and "Serb identity":

By leading the politics of selective justice at the expense of Serbs, in this verdict as well, it [the ICTY] tried to write the history in which the only culprits of this war were Serbs. We cannot escape the impression that even this verdict in the case against General Tolimir [Army of Republika Srpska, VRS] had a political background, especially after the acquittal of Ante Gotovina, Mladen Markač [Croatian Council of Defense, HVO] and Ramush Haradinaj [Kosovo Liberation Army, KLA], and precisely because of that, we cannot trust the Hague Tribunal.<sup>2</sup>

Another statement from the same year reflects a similar sentiment:

The acquitting verdict is shameful and humiliating for all Serb victims, who have been repetitively exposed to the unscrupulous international injustice that is being carried out by the ICTY.<sup>3</sup>

Dodik's tendency is to establish himself as a "genuine Serb", a person that belongs to and with the people. His intention is to get closer to his co-ethnics by presenting himself as equal to them. The statements he made in public portrait Serbs as victims who are humiliated by the acquittal verdicts pronounced to non-Serbs tried before the ICTY. He uses words such as terror and history falsification in the same sentence, whereby the international community intends to create a false sense of externalized responsibility within the denial culture Dodik was actively building during both his terms at the top leadership positions in RS. He continued on the same ideological trajectory in the following years by stating:

<sup>2</sup> December 2012. [https://www.glassrpske.com/novosti/vijesti\\_dana/Sunovrat-pravde-za-laznu-istoriju/lat/103182.html](https://www.glassrpske.com/novosti/vijesti_dana/Sunovrat-pravde-za-laznu-istoriju/lat/103182.html), accessed in June 2018.

<sup>3</sup> November 2012. <https://www.tportal.hr/vijesti/clanak/dodik-haski-sud-krivotvori-povijest-2012-1129>, accessed in June 2018.

It is not possible to prove the indictment for participation in a joint criminal enterprise (...) This qualification is reserved exclusively for Serbs and the political establishment of the Serb people in Republika Srpska and Serbia, while others have not been prosecuted for the crimes they committed (...) by doing so, it [the ICTY] works to materialize the imposed guilt to the Serbs through verdicts.<sup>4</sup>

and

We all have seen how the former BiH Presidency member Ejup Ganić and others alike are being defended. Those who killed Serbs are referred to as war heroes by Bosniaks, and on the other hand, we Serbs say that all those who have committed crimes from our nation should go to The Hague and stand trial.<sup>5</sup>

Paradoxically, Dodik attempts to highlight the bias of the ICTY against Serbs as the “ones who are solely responsible for war crimes”, thus diminishing its role and external validity of its rulings in the wider societal reconciliation process. At the same time, he attempts to legitimize Serbs and their political leadership as responsible and constructive in cooperating with the ICTY through highlighting disproportionately the increased level of internalized responsibility to label and extradite all “rotten apples” within their own ethnic corpus to the same Tribunal he holds to be prejudiced and unfair.

The second cluster of sentences relates to Dodik’s public statements on the Tribunal as dysfunctional and useless. The first two related statements read the following:

It is obvious that The Hague did not achieve its mission of neither prosecuting the crimes, nor did it succeed in increasing the degree of trust among the people. Furthermore, I believe that due to The Hague’s practice, distrust among the people is even greater.<sup>6</sup>

and

The Hague Tribunal is not a court of justice, regardless of this verdict.<sup>7</sup>

Dodik’s main intent was to summarize the entire work of the Hague Tribunal as pointless and counter-productive with regard to increasing the trust among the former warring parties in BiH, which he acknowledges as one of its main goals. He

<sup>4</sup> April 2013. <https://www.nezavisne.com/novosti/bih/Dodik-Nece-se-dokazati-udruzeni-zlocinacki-poduhvat/188263>, accessed in June 2018.

<sup>5</sup> June 2015. <http://www.e-novine.com/entertainment/entertainment-licnosti/121984-Nismo-sve-pobili-dakle-nije-bio-genocid.html>, accessed in June 2018.

<sup>6</sup> April 2013. <http://lat.rtrs.tv/vijesti/vijest.php?id=84875>, accessed in June 2018.

<sup>7</sup> Slobodna Bosna. ‘Dodik: Haški tribunal nije sud pravde’. May 2013. [https://www.slobodna-bosna.ba/vijest/8172/dodik\\_haski\\_tribunal\\_nije\\_sud\\_pravde.html](https://www.slobodna-bosna.ba/vijest/8172/dodik_haski_tribunal_nije_sud_pravde.html), accessed in June 2018.

goes even one step further by saying that ICTY's existence has widened the existent gap between people and nations of BiH even further. He is distancing himself and the RS leadership from the consequences of the failed reconciliation process, and he perceives and extracts the responsibility onto the international community he deeply distrusts.

The second cited statement in this cluster refers to the initial verdict against Jadranko Prlić and other Croat military leaders of "Herceg-Bosna", an unrecognized geopolitical entity and self-declared Croat statelet in Bosnia and Herzegovina. In spite of the guilty judgment pronounced against all of them, Dodik maintains his characterization of the ICTY as "dysfunctional and ineffective", because the Tribunal has allegedly established its pattern of inconsistency toward the Serb political leadership, and the *ad hoc* verdicts against other military or political leaders cannot change this narrative. He does not refer to what this judgment brings and what are its potential effects, but rather focuses on what it fails to do. In effect, this only indicates that Dodik's vision of justice and ICTY's role is politicized beyond his own comprehension, and that even verdicts that support his first goal of relativization and equalization of guilt are secondary to his political goals of keeping ICTY's dysfunctionality image alive.

In the third cluster, there are two statements that support an argument on Dodik's perception of the ICTY as a highly politicized body under direct Western influence and patronage. Namely, he states:

The Hague Tribunal is a court of selective justice and has completely lost its legitimacy,<sup>8</sup> (...) and I am assured that the international community wanted Serbia to be definitely defeated through the Kosovo case.

Dodik extends his initial argument by analyzing an armed conflict other than the one taking place in BiH, and includes Kosovo and the acquittal of Ramush Haradinaj (KLA) into a greater context to illustrate and justify his own views on ICTY's politicized agenda and thus its ineffectiveness to bring justice and reconciliation to the whole region.

In his second statement, Dodik says:

Now we can see that the Hague Tribunal has massively violated rights in this and other cases, and kept people in custody far longer than it is possible and allowed in any legal system.<sup>9</sup>

<sup>8</sup> February 2013. <https://www.kurir.rs/crna-hronika/672993/dodik-novi-svedok-karadzica>, accessed in June 2018.

<sup>9</sup> November 2014. 'Haški sud je postao karikatura'. <https://www.dw.com/sr/haški-sud-je-postao-karikatura/a-18048739>, accessed in June 2018.

In this statement, Dodik is referring to the perceived violations of human rights in the case of Vojislav Šešelj, leader of the Serbian Radical Party, who was held in ICTY's custody for 12 years without conviction due to the unusually protracted trial. Wording such as "longer than it is possible and allowed in any legal system" suggests that Dodik believes the ICTY is a hybrid political body which follows no recognized legal systems, and that being outside of any known legal framework allowed it to develop some unconventional system features of its own, primarily directed against the interests of Serbs.

In general, Dodik's first term as the RS President was predominantly characterized by statements on the negative relationship between the Serbs and the Hague Tribunal, marked by its disfunctionality, partiality, and cases of selective justice at the expense of Serbs. Throughout his statements, he calls his people not to trust the ICTY, especially because the verdicts are humiliations for Serb victims who are exposed to unscrupulous international injustice. He adds that the Tribunal has completely lost its legitimacy and operates outside of any recognized legal system. His aim is to keep the negative image of the ICTY to dilute his own people's perceptions of guilt, and to numerically relativize all the war crimes committed by all ethnic groups engaged in the Bosnian war.

### *3.2. Dodik's Second Mandate as the President of RS*

In analysing Dodik's rhetoric in his second term, we used the same framework for the analysis, and divided the statements into three basic clusters covering the same thematic units as in the first term.

The results show that in P-2 index, which refers to the realization of political values and possibilities of implementation of political goals, Dodik was slightly optimistic (0,269). He scored low (0,055) in prediction of role of accidents, and in his ability to forecast the future and political outcomes (P-5 index). What is particularly interesting about this timeframe is Dodik's score 0,174 on I-2 index, which is of the weakest intensity in terms of his tactics. When it comes to "role of defiance", which is explained by I-5f index, Dodik's public declarations show an average intensity of 0,411 during his second mandate.

There are three analyzed statements in the first cluster. One of them obstinately refers to Dodik's perceptions of "Serb victimhood", and reads:

When [the ICTY] was established, all had been already written. And then, only those Serbs with the confirmed indictments were arrested. So, we have no intention to hear any attempts from anyone to make any of this our commitment or Republika Srpska's problem.<sup>10</sup>

<sup>10</sup> November 2017. <https://rs-lat.sputniknews.com/politika/201711221113537990-dodik-o-pre-sudi-mladicu-udzbenici/>, accessed in June 2018.



and

We reject the possibility that this is a verdict against any story on Republika Srpska. It only exists in the perception of Bosniaks in BiH.<sup>11</sup>

Dodik used a similar rhetoric as in the first mandate, but his statements now tie Serbs to the 'statehood' of Republika Srpska, and masked goals of the ICTY toward changing the political realities in BiH through its verdicts. Namely, in the second mandate he firstly used the past tense when talking about how ICTY's establishment and verdicts were written by the international community in order to put solely Serbs on trial. What is interesting about this statement is that Dodik speaks in the future tense, by saying how Serbs would not take the verdicts as something valid and as a political commitment imposed to them from the outside. He does not see ICTY's verdicts as Republika Srpska's problem, but he also does not say whose problem they are or should be. He only stresses how ICTY's verdicts will have no legal consequences in RS, and how judgments remain in the sphere of historical circumstances about the past conflict, with no legal bearing whatsoever. It is evident that Dodik signals that RS, as an entity, is not legally responsible for anything that happened in the last war, and that only individuals committing the crimes can be considered guilty.

In the second part of the statement, he outlines a similar thought:

The verdict is a proof of inadequate treatment of victims and it is absolutely selective toward the victims and perpetrators of crimes committed, which is conducted by the Hague Tribunal for years.<sup>12</sup>

and

We see this as a slap in the face for Serb victims, for whose suffering nobody has been convicted.<sup>13</sup>

In this particular news article, Dodik refers to Ratko Mladić's indictment for genocide in Srebrenica, and argues that he had prevented the genocide that was planned for Serbs living in BiH and Croatia. He points out the inadequate treatment and selectiveness of the Tribunal toward Mladić, but also toward Serb victims. Additionally, Dodik now puts Serb victims and perpetrators on the same level, and by equalizing them he is again trying to achieve and highlight general numerical rela-

<sup>11</sup> BUKA. 'Šta je izjavio Milorad Dodik'. November 2017. <http://www.6yka.com/mobile/novost/132050>, accessed in July 2018.

<sup>12</sup> November 2017. <https://rs-lat.sputniknews.com/politika/201711221113537990-dodik-o-presudi-mladicu-udzbenici/>, accessed in June 2018.

<sup>13</sup> November 2017. <https://rs-lat.sputniknews.com/politika/201711221113537990-dodik-o-presudi-mladicu-udzbenici/>, accessed in June 2018.

tivization of guilt. The statements clearly indicate Dodik understands and actively operates with the subject of Serb victimhood in the second mandate. He continues in similar manner as in the first mandate, and additionally highlights the inadequate treatment of Serb military personnel and victims.

Both statements in the second cluster relate to Tribunal's image of dysfunctionality and the inability to bring justice or reconciliation to the region. One of Dodik's statements reads:

the negligible efforts in the reconciliation process that have been invested in various local communities and in the territory of BiH, the Hague Tribunal has constantly undermined with its decisions.<sup>14</sup>

Dodik perceives Tribunal's role as misguided, and that its pronounced verdicts will help to collapse the process of reconciliation among peoples in BiH. However, he did not explain whether it was because Serbs were dissatisfied with the verdicts that they decided the reconciliation should not be bolstered any further, or whether the reconciliation was never an option because 'they' knew the ICTY was installed to impose guilt. The second statement in the cluster highlights a similar point:

The live streaming of the suicide [of Slobodan Praljak, HVO BiH General] in ICTY's courtroom best describes the character, severity, and intent of that court. Perhaps this is the most horrible illustration of that judicial institution's functions, which planted a new seed of strife in BiH and further alienated all of us from reconciliation.<sup>15</sup>

On top of Dodik's notion of the Tribunal as incompetent to fulfill its primary intent and main objectives, he believes the ICTY is the institution which planted a "new seed of strife in BiH" aimed at undermining locally-generated reconciliation attempts. In addition, he is implying that the ICTY is responsible for alienation of the formerly opposing sides in BiH. By using a very intense word "strife" he is warning about the new political conflicts, for which the ICTY should be held responsible. The final statement adds another layer to this point, and reads as follows:

ICTY's closure will leave four truths behind: Serb, Bosniak, Croat and Hagueian. And today, we still ask who killed 30.000 Serbs in the last war.<sup>16</sup>

<sup>14</sup> November 2017. <https://rs-lat.sputniknews.com/regioni/201711301113629735-dodik-hag-praljak/>, accessed in July 2018.

<sup>15</sup> November 2017. <http://rs.n1info.com/a345970/Svet/Region/Dodik-Tribunal-nije-doprineo-utvrdivanju-istine.html>, accessed in June 2018.

<sup>16</sup> November 2017. <http://ba.n1info.com/a229883/Vijesti/Vijesti/Dodik-o-Herceg-Bosni.html>, accessed in July 2018.

Dodik recognized the existence of “four truths”, but he did not say that there are “three lies” and only one truth, one of which might be shared among Serbs. The ICTY is not specifically targeted as the primary “bone of contention” between the competing ethno-national memories, but as a hybrid construction which serves the dual purpose of establishing a new “internationally acceptable” version of history and reinforcing one of the “narratives” that aligns with its own.

The final cluster of statements illustrates Dodik’s persistent tendency to connect the ICTY with the international politics directed by the Western powers. One of his statements reads:

The Hague Tribunal is a political court that is concentrated solely on “covering” the previously issued political orders on the character of the recent war and on the dissolution of the former Yugoslavia.<sup>17</sup>

Dodik repetitively ties the work of the Tribunal with an international political “cover-up” of the events that brought the dissolution of Yugoslavia and evoked the events leading up to the last war. He is not very clear about whom he targets among the Western countries, but he is fairly adamant the Western powers played an important role.

Dodik’s rhetoric on ICTY can be observed in the following statement:

I am certain that The Hague process against Vojislav Šešelj will provide a very significant contribution to the jurisprudence, but will also serve as additional proof of dishonor that has been promoted by the Hague Tribunal for years. By going voluntarily to The Hague, he was going to defeat the Tribunal. And he won.<sup>18</sup>

Dodik again praises Vojislav Šešelj’s legal strategy against the ICTY and the attempts of the West to impose a political verdict upon him for crimes he “did not commit”. He is undermining the Tribunal’s legal foundation and ties Šešelj’s case to a notion of ‘victory’ over ICTY’s political patrons. In this way, Dodik aims to attract political support of his voters in the General Elections held in October 2018, by portraying himself as an envoy of non-Western or pro-Russian politics, capable of negotiating political terms with the West.

## Conclusions

The aim of the paper was to analyze and systematize Milorad Dodik’s operational code toward the ICTY and its role in shaping political life in BiH. We collected re-

<sup>17</sup> November 2017. <https://www.blic.rs/vesti/republika-srpska/dodik-pravdu-haskog-tribunala-najbolje-su-osetili-srbi/e634qwn>, accessed in July 2018.

<sup>18</sup> March 2016. <http://balkans.aljazeera.net/vijesti/reakcije-nakon-presude-seselju-sok-i-nevjerica-u-bih-i-hrvatskoj>, accessed in June 2018.

levant and widely disseminated public statements from archival sources of scholarly articles, and other online and printed sources, namely 9 statements during his first term as the President of RS, from 15 November 2010, and 10 statements from the second term from 12 October 2014 until ICTY's closing on 21 December 2017.

In order to compare his statements in the first and the second term, we used the operational code analysis (cf. Walker et al., 1998) to construct and explain Dodik's belief system, which is made of ideas and attitudes in which elements are bound together by some form of functional interdependence. In order to assess the operational code beliefs, we employed the Verbs in Context System (VICS), which draws inferences about Dodik's operational code beliefs and shows whether he presents cooperational or conflictual propensities.

The results indicate the following: P-1 index of -0,560 points that Dodik was more conflictual in his first term. When the second term is taken into consideration, the score of 0,366 points to low levels of cooperation regarding the outlook on the world. It can be concluded that he had a hostile view of the "political universe" in the first term, while in the second mandate his views were friendlier. P-2 index, which illustrates realization of political values and possibilities of implementation of political goals, showed -0,236 for all analyzed statements in the first mandate, which indicates weak intensity of pessimism, while the second score (0,269) obtained after the analysis of Dodik's statements during his second mandate implies that he was slightly optimistic in his speeches.

Additional statistically significant values were recorded in P-5 index that gives an insight into the leader's prediction of role of accidents, and his ability for forecasting the future and political outcomes. In the first term, Dodik was exceptional in predicting (0,690), but in the second (0,055) his score was relatively low. When it comes to role of defiance, which is explained by I-5f index, Dodik's statements in the first mandate scored an average intensity, slightly stronger than in the second mandate. This suggests Dodik's changed rhetoric regarding the role of defiance.

When it comes to comparative content analysis of Dodik's statements, it shows that Dodik's public rhetoric in the second mandate was harsher and more confident. His wording regarding the ICTY mostly refers to anti-Serb political agenda and its inability to maintain a principled decision-making pattern. The majority of his public statements also indicate that Dodik's vision of justice and ICTY's role in promoting reconciliation locally is heavily politicized. Finally, it is important to highlight Dodik's belief that ICTY's verdicts which are in support of his "relativization and equalization" goal are secondary in importance to his political goals of keeping ICTY's dysfunctionality and negative image alive among the public and his voters.

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