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Raped Life. Sexual Violence as a Forward-Looking War Practice: Case of Bosnia and Herzegovina

Zgwałcone życie. Przemoc seksualna jako perspektywiczna praktyka wojenna. Kazus Bośni i Hercegowiny

• Abstrakt •

Równouprawnienie płci jest jednym z imperatywów kategoriycznych wynikających z powszechnych praw człowieka. Jednak współcześnie w wielu narodowych kontekstach prawa i potrzeby kobiet nie są respektowane. Wojna w Bośni i Hercegowinie po pierwsze ukazała światu, jak cienka jest granica pomiędzy koegzystencją a nienawiścią, a co więcej zaprezentowała, jak w łatwy sposób można wykorzystać ciało kobiety w polityczno-wojennej grze, by następnie zapomnieć o ich ofiarności.

Artykuł poświęcony jest długotrwałym skutkom wojennej przemocy seksualnej. Na podstawie analizy ilościowej i jakościowej badań terenowych autorka pragnie ukazać, jak boszniackie kobiety nieustannie doświadczają przemocy seksualnej pomimo zakończonego konfliktu.

Słowa kluczowe: wojna; przemoc seksualna; Bośnia i Hercegowina; kobiety

• Abstract •

Gender equality is one of the categorical imperatives of universal human rights. However, today, in many national contexts, women's rights and needs are not respected. The war in Bosnia and Herzegovina has shown the world how thin the line is between coexistence and hate, and what is more, it has shown how easy it is to use a woman's body in political and war games and then forget about their sacrifice.

The article is focused on the long-term effects of wartime sexual violence. Based on a quantitative and qualitative analysis of field research, the author wants to show how Bosniak women constantly suffer from sexual violence despite the end of the conflict.

Keywords: war; sexual violence; Bosnia and Herzegovina; women

Introduction

[...] It is all done with words and images. To modify an old adage: Sticks and stones may break your bones, but names can sometimes kill you. The process begins with creating stereotyped conceptions of the other, dehumanized perceptions of the other, the other as worthless, the other as all-powerful, the other as demonic, the other as an abstract monster, the other as a fundamental threat to our cherished values and beliefs (Zimbardo, 2008, p. 33).

Philip Zimbardo describes in this way the process of creating an alien, which often turns into a victim of mass violence. The twentieth century on many examples has shown how the process of dehumanization and the destruction of the Other takes place. So far, there have been written tons of literature on the topic that deals with the subject of mass crimes, their patterns, and practices from various scientific perspectives – literature that focuses on the aggressive actions of the perpetrators, more often overlooking their victims.

Susan Sontag notes that nowadays we are all witnesses of someone else's suffering, the misfortunes coming to other countries (Sontag, 2016, p. 34). This leads to the fact that we usually treat them holistically, creating a general character. As a result, the suffering of many social groups is forgotten – the annihilation of the Roma (*Porajmos*) is one of the best examples, because for many years it stayed outside the discourse of the Second World War crimes. Undoubtedly we can say that it was a kind of exclusion from the possibility of participation in the common discourse of memory because of ethnicity. As Artur Domoślawski notes, exclusion has many circles – “[...] we can be excluded because of our ethnicity, sexual orientation, and faith. Or gender” (Domoślawski, 2016, p. 9). An example of gender exclusion are women involved in conflicts.

Even though rape was recognized as an international crime by the United Nations Security Council in December 1992 (Wallström, 2014), sexual violence is still considered as a taboo subject. It does not matter whether it is considered in the context of domestic violence or in the context of war. As Joanna Ostrowska points out, the experiences of the victims of war sexual violence will continue to be ignored, moreover, they will not fit into the canon of “cause and effect” narrative and will probably not be a part of the collective memory (Ostrowska, 2018, pp. 7–8). Even though in the 1990s, due to the war in Bosnia and Herzegovina and genocide in Rwanda, the category of sexual violence was permanently introduced into international law, mostly it is still reduced to a documented number of cases only. Although the scale of the crime is not forgotten, the victims are unfortunately forgotten. The already mentioned Joanna Ostrowska noted that: “[...] the

silence is a symptom of a permanent hierarchy of suffering, which is based on the conviction that not everyone can belong to the ‘good company’ of victims [...]” (Ostrowska, 2018, p. 9).

As Rhonda Copelon notes, genocide includes a range of forms of violence used to destroy a nation “based on its identity as a nation”. In other words, even if one of the tools of destruction is sexual violence, nevertheless, the crime will be interpreted through the prism of all acts of violence. But we should remember that sexual violence destroys “a woman based on her identity as a woman” (Copelon, 1995, pp. 197–214). The feminist discourse points out that the perception of sexual violence as part of genocide or ethnic cleansing takes away the attention from the loss of individual dignity. The silence becomes a new punishment for people affected by sexual violence, they become invisible victims of conflict. Not infrequently after the conflict is over, they are left without care, both medically and psychologically.

The war in Bosnia and Herzegovina is usually interpreted from the perspective of mass murder, mainly in the context of Srebrenica. As a consequence, these interpretations are gender-specific, because they refer to the massacre of men and boys, but it should be noted that according to available statistics, more than 20,000 Bosnian Muslim women were affected by sexual violence during the conflict (Iwanek, 2015, p. 228). Based on the experience of Bosnian women, the author wants to analyze the category of sexual violence as a long-term war strategy. In case of the war in Bosnia and Herzegovina, it is undoubtedly possible to talk about a well-thought-out ethnic cleansing¹ plan, where sexual violence became one of the tools.

In a conflict-affected country, women are usually at risk only because they are women, and they become victims during and, what is more, often after the war. By analyzing both the socio-cultural conditions existing in the Bosnian Muslim community and international involvement in the situation in Bosnia, and based

¹ “Ethnic cleansing” is a translation of the Serbian expression “etničko čišćenje”, which was a part of the dictionary of the Yugoslav National Army. Although the crimes in Bosnia and Herzegovina have been internationally recognized as genocide, the author decided to use the category of ethnic cleansing. According to Bernard Bruneteau’s theory, genocide is characterized by the annihilation of the entire social group. Escape routes are closed – borders are being sealed to ensure that all who are destined for extermination are killed in the area controlled by the perpetrators. Ethnic cleansing, on the contrary, concerns a social group in a given territory. It takes various forms of annihilation, e.g., forced emigration which is caused by terror, but unlike genocide, escape routes are not closed – the escape of enemies is part of the ethnocide. Ethnic cleansing does not seek for total annihilation. Bosnian case fits into the category of the ethnocide, but we have to remember that the genocidal practices are visible (Bruneteau, 2005, pp. 169–178).

on her observations as well as interviews conducted with women from Bosnia², the author will try to answer the questions whether wartime sexual violence is still alive in the perception of the Bosnian community? How did sexual violence affect the post-war life of the women affected by it?

Sexual Violence and International Law

It seems that the statement that rape has followed wars since the dawn of time seems to be trivial because the context of conflict releases such behaviors in man that would never happen in ordinary everyday life. However, when we begin to consider sexual violence as part of planned warfare against other countries or ethnic groups, then the reflection on sexuality in war context takes on a new dimension – it starts to be assumed as a crime in social consciousness.

Before we start to analyze the term ‘sexual violence’ in the context of international law, it is worthwhile to analyze the issue itself. Sexual abuse in conflict is most often reduced to mass rape, to the creation of brothels, or sexual enslavement. It is necessary to reject these regularities and start to pay attention to its other dimensions and their strategic use³. It is worth to emphasize that sexual violence is both physical and psychological aggression affecting the sexual sphere of the victim (McDougall, 1998, pp. 7–6). Lawyer Irina Terzic classifies forms of sexual violence like rape, forced pregnancy, forced sterilization, forced abortion, forced prostitution, sexual abuse, human trafficking, sexual slavery, castration, psychological abuse, and any other form of sexual violence of comparable severity (Terzic, 2016). Terzic claims that rape, i.e., physical assault of a sexual nature

² The interviews were conducted with women who were affected by sexual violence during the war. Moreover, young girls who were born after the war were invited to the project. The research aimed to check awareness of the scale of the crimes committed during the war in Bosnia and Herzegovina. It is worth noting that none of the respondents from the second generation was a child born from the war rape, and no member of their family was affected by sexual violence. There were 13 interviews conducted with women affected by sexual violence – some of them took place at the turn of October and November 2018, during the author’s two-week stay in Bosnia and Herzegovina. Besides, several interviews were conducted during a five-month research residency in 2019–2020, as part of the author’s doctoral project on the post-memorial category in the context of Bosnia and Herzegovina. At that time, 43 interviews were conducted with Bosniak Muslim women aged 18–25. The author will use the changed names of the respondents in the article.

³ Of course, the approach that assumes that it is only women who are subjected to sexual violence is very reductive, as men and boys were also victims of rape and sexual abuse during the war in Bosnia. However, in the article, the author reflects on the situation of women, therefore the aspect of male victims of sexual violence will be overlooked.

carried out in conditions of oppression (Ostrowska, 2018, p. 53), is the most common form of sexual aggression⁴. Sexual violence was used for both the moral and physical destruction of the opponent. Therefore, sexual violence takes on both a physical and symbolic (psychosocial) dimension. The literature assumes that this is a distinctive feature of “new conflicts” (Münkler, 2004, p. 78). The German political scientist Herfried Münkler points out in his book *The New Wars* that:

[...] the strategy of sexual violence from wild mass rape to the internment of women who are systematically raped and then deported, or who are pregnant and shown naked to the public – can be interpreted as an attempt to the large-scale policy of ethnic cleansing without resorting to genocide. In this way, a system of fear, anxiety, violence, and demoralization is created to force large sections of the population to “voluntarily” abandon their homes with their belongings and leave the country of their ancestors with just a few things (Münkler, 2004, p. 78).

Sexual violence occurs throughout the world. In the war context, the using of human sexuality to fight the enemy as a weapon of war in a mechanized way and on a huge scale appeared during World War II. In this context, we can speak about the developed violence system related to sexuality. Although no special camps of sexual violence have been set up, as it was in the case of Bosnia and Herzegovina (“rape camps”), still it has been organized as a multidimensional project. Besides the above-mentioned practices and ordinary daily humiliation within camps, during the World War II criminal medical experiments related to sexuality and procreation were carried out, chemical sterilization methods were practiced, which together with mass abortions were used to stop procreation of a particular group (Król, 2014, p. 28). The trials that took place after World War II – the Nuremberg Military Tribunal in 1945–1946 and the Tokyo International Military Tribunal for the Far East in 1946–1948⁵ – were significant events for the development of human rights. Although both the Nuremberg Tribunal and the Tokyo Tribunal did not convict anyone for creating a system of sexual violence.

⁴ According to international law, sexual penetration of the vagina or anus by the penis of the torturer or any object used by the perpetrator is considered as rape. Rape also includes mouth penetration with the torturer’s penis (Jarvis, 2003, p. 173).

⁵ It is worth noting the situation of so-called “comfort women”, that is, sex slaves of the army of Emperor Hirohito. In the “rape centers” there were Japanese, Korean, Chinese, and Dutch women. Between 1932 to the end of World War II over 200 thousand women were forced into prostitution. However, during the trials in Jakarta in 1948, just 11 officers were convicted for committing rape, and only against 35 Dutch women, other victims were overlooked. Moreover, the Military Tribunal for the Far East did not convict any Japanese leader for creating a system of sexual slavery (Bartuś, 2014, p. 76).

The experience of the Second World War led international institutions to create a series of acts to prevent or relieve the effects of war. Article 3rd of the Universal Declaration of Human Rights assumes that everyone has the right to life, liberty, and security of his or her person, while the 5th mentions the prohibition of torture, punishment, and inhuman and cruel treatment. The document does not draw attention to issues related to sexual violence against women, but it can be concluded that any form of violence is a violation of its provisions. In 1949, the Geneva Convention relative to the Protection of Civilian Persons in Time of War, more commonly referred to as the Fourth Geneva Convention, was signed. This document introduced provisions on the protection of civilians during the war into the canon of international law. Its 27th article states that: “[...] women shall be specially protected against all attacks on their honor, especially rape, forced prostitution, and any insult of shame [...]” (IV Geneva Convention).

The Additional Protocol to the Geneva Convention of 1949 draws attention to physical integrity, cruel treatment or torture (Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977). It is a fact that violence against women, including rape, sexual exploitation, slavery, and violation of reproductive rights, whether in peace or conflict, violates rights as well as fundamental human freedoms. However, neither the experience of totalitarianism nor the Second World War forced the United Nations to establish a convention on the prevention of violence against women. The difficult situation of both women and children was acknowledged in 1974 when the Declaration on the Protection of Women and Children in Emergency and Armed Conflict was signed. However, it should be noted that the document does not mention acts of sexual violence. Moreover, in international law created after the Second World War, such categories as sexual violence or rape did not appear until the 1990s. The next wave of crimes, from the conflicts in both Bosnia and Rwanda, prompted the International Criminal Law to create appropriate legal definitions, which became the basis for prosecuting crimes committed on sexual grounds during the mentioned conflicts⁶.

On December 18, 1992, the UN Security Council, concerned about the situation in Bosnia and Herzegovina, stated that it strongly condemned the mass,

⁶ The breakthrough was the sentence in the case of Jean-Paul Akayesu, former mayor, who was found guilty of genocide by the International Criminal Tribunal for Rwanda in 1998. During the conflict in Rwanda, Akayesu became famous for his incitement to rape representatives of the Tutsi ethnic group. In 1998, the Court ruled that rape and sexual violence during the war in Rwanda were acts of genocide because they were used to destroy all or part of an ethnic group (Wallström, 2014).

organized and systematic detention and rape of women in Bosnia and Herzegovina, in particular Muslim women. However, the issue of rape as a crime against humanity was taken up during the meeting of the International Crimes Tribunal for the former Yugoslavia (ICTY) established in 1993 in The Hague, as well as at the meeting of the International Crimes Tribunal for Rwanda (ICTR) established in 1994, when the perpetrators of rape crimes were for the first time tried (Szpak, 2010, p. 118). At the session of the ICTY, rape by members of the army was considered as an instrument of terror. Article 5th of the ICTY Statute also states that rape, alongside torture and extermination, is a crime against humanity (Statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991). The same is stated in the status of the ICCR (Statute of the International Tribunal for Rwanda, New York, 8 November 1994). The crime of rape as a crime against humanity was then tackled for the first time. In Jean-Paul Akayesu's accusation, it is stated that he was responsible for crimes against humanity, including rape, as part of genocide. The ICC has recognized that rape and sexual violence can be considered as genocide when they are committed with the intention of total or partial annihilation of a specific group.

In 1993, the World Conference on Human Rights was held in Vienna, resulting in the Vienna Declaration and Program of Action. The document drew attention to the equal status of human beings. Its 18th article states that "the rights of women and girls are an inalienable, integral and indivisible part of human rights", it stresses:

[...] Gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking, are incompatible with the dignity and worth of the human person and must be eliminated. This can be achieved by legal measures and through national action and international cooperation in such fields as economic and social development, education, safe maternity, and health care, and social support (World Conference on Human Rights: Vienna Declaration and Programme of Action).

In December of the same year, the Declaration on the Elimination of Violence against Women was established in New York, which defines three contexts of violence against women:

1. Occurring within the family,
2. Having a social character,
3. Committed or tolerated by the country (Declaration on the Elimination of Violence against Women, 1993).

It does not define violence in a war context, but in a holistic interpretation of the above document, sexual violence in a war context can be considered as part of the violence context committed or tolerated by the state.

The Practices of Sexual Violence in Bosnia and Herzegovina

The war in Bosnia and Herzegovina, arising from the disintegration of Yugoslavia, was marked by enormous cruelty of which women were the victims. The American activist Barbara Ehrenreich considered that the exploitation of human sexuality during the conflict in both Bosnia and Rwanda was a preliminary phase of ethnic cleansing (Ehrenreich, 2001, pp. 261–283). Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights in the former Yugoslavia, also drew attention to the methodical use of sexual violence during the conflict in Bosnia:

Rape of women, including underage children, was committed on a large scale. A team of experts met victims of this practice among all ethnic groups involved in the conflict. [...] Rape was used in Bosnia and Herzegovina and Croatia as an instrument of ethnic cleansing. Rape is the use of violence and power to humiliate, disgrace, degrade and intimidate the victim (Mazowiecki, 1993, pp. 122–123).

Such widespread use of sexual violence can be considered as an economy of war. Even though special “rape camps” have been set up in Bosnia and Herzegovina, what will be discussed later, sexual violence does not need special facilities – it can be used “here and now”. In addition to being a cheap weapon, it has psychosocial consequences that destroy the community. As Veronique Nahoum-Grappe notes, sexual violence is used to “morally and politically destroy the collective enemy” (Nahoum-Grappe, 2007, p. 47). Moreover, on at least three levels, it fits into the strategy of ethnic cleansing done in Bosnia and Herzegovina, as it destroys societies in a physical, socio-psychological way and becomes an instrument of displacement.

a. Quantitative Analysis of Research

Considering that the study has taken a small sample, the author would like to emphasize that she is far from creating universalization based exclusively on the material brought from the field. As already mentioned, it is estimated that during the conflict, about 20,000 Bosniak Muslim women were affected by sexual violence, some statistics indicate that up to 50,000 may have been victims. The author wants

to show some of the dependencies that result from her research and that are also reflected in other analyses.

The author chose four keywords that implicate the long-term consequences of sexual violence:

1. Trauma – appears in 13 interviews,
2. Exclusion – appears in 10 interviews,
3. Stigma – appears in 7 interviews,
4. Shame – appears in 6 interviews.

Based on the above considerations, as well as the generated keywords, it can be seen how disastrous the effects of rape are, both for the community and above all for the victim.

The trauma that appears in the history of every woman shows how extremely hard sexual violence has been for them. 20 years after the end of the conflict, the war in the form of trauma is still with its victims. This is probably also the result of the fact that the victims have come an extremely hard way after the experiences of the war. Stigmatization by society, self-stigmatization through a sense of shame are the first stages of (self-)exclusion, which can also lead to the disintegration of communities. However, it must be strongly emphasized that the experience of sexual violence has become an endless process of dehumanization for its victims, which returns in their memories, or is constantly continued through the society in which they have to live.

b. Qualitative Analysis of Research

Exclusion and Social Ostracism

Speaking about Bosniaks' social disintegration, one should inevitably refer to patriarchalism. In spite of 50 years of socialism, which was a time when the number of educated women increased, the end of the 1980s and the growth of nationalism in the Yugoslav context also led to reborn of patriarchalism (Majstorović, 2011, p. 281), which reduced the gender roles, thus degrading women to the position of biological sires and guardians of the nation (Haug, 2015, pp. 148–151). The traditional patriarchal system of values in the Western Balkans is a constant factor affecting the position of both women and men (Duhaček, 2015, pp. 108–125)⁷.

⁷ Speaking of social roles in the context of the Muslim community, it seems reasonable to pay attention to the element of Islam, which also influences the formation of opposition in gender cat-

The discourse of nationalist regimes presented the emancipation of women as an “unnatural” effect of the socialist system (Haug, 2015, pp. 148–151, 159). During the conflict in Bosnia and Herzegovina, the interrelationship between ethnicity and gender was used by nationalists to create a brutal militaristic tactic (Todorova, 2011, pp. 3–15), in which women became a special target on the part of enemy forces.

Widespread use of mass rape of Bosnian Muslim women had psychosocial consequences. In the context of a patriarchal community, sexual violence took a symbolic meaning – the female body became a “place” of ethnic cleansing. Patriarchal communities, such as Bosniak Muslims, are humiliated by rape. The torturer in this way communicates to the male part of the hostile community that they are unable to take care of its own women. Sexual acts of violence were committed in front of the relatives, bringing humiliation to the whole family – creating a collective victim who send the real victim – the woman – into the background⁸. In other words, raped surviving women lose their individuality and become objectified only as members of the group against which the crime was committed.

It should also be noted that often in such communities it is not the perpetrator who is guilty, but the victim becomes judged – rape marks women as “disgraced”. As a result, they have often been excluded from society and pushed into the margin. Moreover, the process of self-exclusion resulting from a sense of shame should be noted. It is not surprising that women who have been affected by sexual violence feel guilty about the whole situation. In the context of our interest, there is a sense of shame resulting from dehumanization, violation of both femininity and carnality –

“We didn’t talk about it because we were ashamed. Everyone knows very well that it wasn’t our fault. After all, they put the gun down, they were stronger. But there is still alive a sense of shame, we have scars⁹ that remind us. People saw it and knew what happened. They never pointed at me, but they were looking. I never

egories. However, in the case of the countries of the former Yugoslavia, it should be noted that the division of social roles has resulted from the cultivation of patriarchalism, which is a consequence of pastoral and rural traditions (Todorova, 2014, p. 299). In the case of Bosnia and Herzegovina, if we will analyze all of three communities – Catholic, Muslim, and Orthodox, we need to notice that the recovery of patriarchalism in the 1990s had a similar course, but was placed in a confessional context. Thus, it was a universal phenomenon, and religion played an instrumental role that contributed to the crystallization of ethnic boundaries between communities.

⁸ It is worth noting that many cases of sexual violence have been suffered by children, mostly young girls, but there have been cases of mass rapes of less than 10–12 years old children; *Ovako su branili Sarajevo: Čekao sam u redu da silujem devojčicu (12) ali ona je umrla...* (2016, February 17). Retrieved from: <https://www.kurir.rs/region/bosna-i-hercegovina/2138789/ovako-su-branili-sarajevo-cekao-sam-u-redu-da-silujem-devojčicu-12-ali-ona-je-umrla>.

⁹ The scars the respondent talks about are the result of the violence, Azra has almost invisible scars on her body and face after cigarette burns.

knew whether they were looking at me with regret or with envy or just out of curiosity. I didn't talk with most of them. I didn't want to. After we got married, my husband and I decided to leave the village"¹⁰.

Self-exclusion may also be a result of trauma, which often makes it impossible to perform basic household duties, leading to frustration among women, as they are unable to take care of the "heart and home" –

"[...] my husband is very supportive of me, I wouldn't have made home without him. At first, I couldn't do anything, but he understood, he also went through misery during the war"¹¹.

While genocide is equal to physical extermination, sexual violence in ethnic cleansing is keeping the victim alive in constant suffering. What can also affect the development of the entire community after traumatic events – sexual violence has an impact on the social roles of women in the post-war reality. The strong stigmatization of post-conflict rape survivors often generates further ostracism and social exclusion. Erving Goffman in *Stigma. Notes on the Management of Spoiled Identity* wrote that the stigma makes "the stigmatized person not fully human" (Goffman, 2015, p. 15). A woman who has been raped in a patriarchal society becomes "useless" and consequently, through her social group, she is dehumanized again. Goffman said that various forms of discrimination are practiced toward the "marked" women (Goffman, 2015, p. 15). What is more, a new identity is imposed on her, which makes her "stranger" (Goffman, 2015, p. 167). In other words, a woman in need of help automatically becomes an object of symbolic violence.

Dehumanization and Disintegration of Society

Sexual violence causes "a symbolic death" in the individual and social context as well. As already mentioned, rape disgraces the victim with the stigma of being "useless", "worthless" for re-use, using a brutal metaphor. At the same time, it reduces women's chances of finding a partner and having a child as well (Iwanek, 2015, p. 357). Moreover, the traumatizing experiences of sexual violence are deeply adapted into memory, not allowing to engage in intimate contact again –

"I'm glad I met my husband two years after the war because I couldn't have made a family before. Even after two years, I was afraid of contact with him"¹².

¹⁰ Azra, 45, interviewed on 21.10.2019.

¹¹ Azra, 45, interviewed on 21.10.2019.

¹² Azra, 45, interviewed on 21.10.2019.

All these aspects contribute to the depopulation of the group. Despite the end of the war, the torturer still wins because, on the one hand, the victim is in constant humiliation, on the other hand, this limits the procreation of a particular community and consequently fulfils the tasks of ethnic cleansing.

Another important task of rape was to purposefully inseminate women. As Véronique Nahoum-Grappe noted, rape can be defined as: “[...] an attempt to take over the enemy’s historical space by carrying out a seed – an alien element, in the form of a child of an ‘ethnic’ enemy, into the community’s generational tree” (Nahoum-Grappe, 2007, p. 51).

Hence, sexual violence can also be interpreted as a crime against blood ties – it does not lead to killing the enemy, but to the situation that “the enemy will never be born” (Nahoum-Grappe, 2007, p. 50). Both the Serbian and Bosniak communities are characterized by a patriarchal family system. Thus, the strategic fertilization of Bosnian Muslims was equal to generating future “Serbian” generations. The female body was completely instrumentalized, degraded to the role of a sperm carrier. The woman is dehumanized, becomes an object reduced to a carrier, using the words of Wojciech Tochman, “women become buckets for sperm” (Tochman, 2018, p. 54). And what is more, they are forced to give birth to “ethnically relevant” children. In this way, the establishment of biopower is made. Michael Foucault claimed that power in a particular territory also assumes population management, including controlling life processes (Nijakowski, 2009, p. 101). The French philosopher considered that biopower classifies people as those who can live and those who should die (Foucault, 1998, pp. 58–59). In the case of sexual violence, it comes to controlling a woman’s body and selecting who should be born, at the same time leading to a halt in the reproductive processes of the hostile group. Furthermore, violent acts of violence have forced women to miscarry an ethnically hostile child, and very often women’s reproductive systems have been destroyed by systematic rape (Helms, 2007, p. 239). Moreover, forced insemination prolonged the continuity of the group of perpetrators, depriving the hostile group of its demographic future.

Right now, it is again worth noting the issues of social exclusion. Victims of war rape who carried the torturer’s child were often excluded by their community as a result –

“[...] I’ve been treated as a collaborator, who will give birth to another Chetnik, who can kill us in the future”¹³.

¹³ Irina, 46, interviewed on 17.12.2019.

Also, attention should be paid to the exclusion of children born from rape, which most often grow up in the ethnic environment of their mothers, and consequently were or even still are also mocked and stigmatized as “a Chetnik’s seed”¹⁴.

Forced Displacement

In this context, the categories of forced displacement can be analyzed from the perspective of refugees and forced deportation or displacement. Rafał Lemkin, the creator of the concept of genocide, decided that territorial domination has become a tool of genocide, because it provides the change of the demographic structure in the region, not necessarily by physical annihilation (Schreiber, 2013, p. 256). It is certain that sexual violence used on a massive scale is also a tool to fear control. Fear of even the possibility of an experience of sexual violence makes people run away. Hence, some of the geographical areas are automatically ethnically cleansed. In other words, acts of sexual violence become an impulse to leave the place of residence, the fear generated by even the possibility of sexual aggression leads people to migrate from a threatening place. The already mentioned Tadeusz Mazowiecki in his reports drew attention to community escapes, emphasizing that the reason for leaving the place of residence were threats, humiliation, use of violence. Additionally, he noted that many people decided to escape due to fear of cruelty without even witnessing the violence (Mazowiecki, 1993, p. 72).

Moreover, people affected by sexual violence easily decided to escape from their homes. Also in many cases, people experienced “socially forced migration”. Victims of rape, which were marked by the stigma of “violated”, were excluded from their society, arbitrarily forced to leave their place of residence. One of the respondents, 52-year-old Selma admitted that she had to leave her home, a small village, due to exclusion and the awareness that after experiencing rape, she will not be able to arrange her life there again –

“I’d always be there as that one who was fucked by Chetnik’s”¹⁵.

¹⁴ Children who were conceived from rape in Bosnia and Herzegovina are called “invisible children” or “forgotten children of war”. Often they were abandoned by their mothers and grew up in foster homes. In Bosnia in 2015, a non-profit organisation for “children of war” was established – “Udruženje zaboravljena djeca rata”, which creates a number of projects fighting against exclusion and often provides financial assistance to “invisible children”.

¹⁵ Selma used the vulgarity “koju su četnici jebali” in her statement, which may prove her confidence in how she would be treated by society.

During the interview, to the question if she had experienced verbal discrimination, she answered –

“Look, the behavior is enough to know that there is no place for you here”¹⁶.

The question comes to mind if the fear of verbal depreciation from the neighbors was not also the reason for escaping. It seems certain that sexual violence is also becoming a symbolic tool of displacement, which is also mentioned in the catalogue of crimes against humanity. According to the definition of the International Criminal Court, “Deportation or forced displacement of people means forcing people to change their lawful place of residence combined with deportation or other forced action, without a basis in international law” (Iwanek, 2015, p. 240).

However, considering the relationship between sexual violence and forced displacement, it is worth noting the category of resettlement. International law highlights that we can speak about two types of resettlement – out of state, and intra-state (Iwanek, 2015, pp. 240–241). Historian and cultural scientist Philipp Ther stated that deportation is usually the beginning of total annihilation. Basing his reflections on the example of the Holocaust, he concluded that often it is “deportation into nothingness, symbolized by the end of the railway track in Auschwitz-Birkenau” (Ther, 2012, pp. 18–19). For Bosniak Muslim women most often the “rape camps” were ends of their track. Those camps were created to use sexual violence on a massive scale, and also they showed the use beyond its “traditional” approach. The perpetrators practiced different methods of sexual violence, not only rape. Very often it consisted of humiliating the intimacy of the victim, verbal abuses, threats – it was terrible psychological torture on sexual grounds –

“[...] I was repeatedly humiliated. I was mocked by them. They were forcing me to undress. They were beating and touching me [...]”¹⁷.

Women became sex slaves¹⁸ –

“[...] I’ve become their housewife and whore as well [...]”¹⁹.

¹⁶ Selma, 52, interviewed on 29.10.2018.

¹⁷ Hida, 52, interviewed on 26.10.2019.

¹⁸ Sexual slavery, also mentioned in the catalogue of crimes against humanity. Tadeusz Mazowiecki emphasized that the practice of sexual enslavement in Bosnia and Herzegovina was the purposeful and forced imprisonment of women in specially created places where they were victims of sexual violence (Mazowiecki, 1993, pp. 174–175). In the Foča camp, women were also forced to serve their torturers, cook, clean their rooms, etc. (Iwanek, 2015, p. 226).

¹⁹ Almasa, 40, interviewed on 24.10.2019. Words are worth noting. The vulgarism was used to underline the dehumanization that Almasa experienced, and a sense of shame about the abuses she had to experience as well.

The diversity of practices has one goal, the torturer always seeks to mark the victim. By using the sexual identity of the victim, he aims to the dehumanization and marking his total power as well (Ostrowska, 2018, p. 28). It is worth returning to the previously discussed issue of symbolic displacement. Many women who survived the camps did not return to their hometowns. One of the reasons was the fact that they could live in the neighborhood of their torturers. After the signing of the Dayton Peace Agreement, many lands which before the war were mostly inhabited by the Muslim community, were incorporated into the Republic of Serbs (Republika Srpska – one of the two-component units of Bosnia and Herzegovina, mostly inhabited by the Serbian community) –

“After the war, I didn’t want to go back to Srebrenica [...] my house was probably occupied by the Serbs anyway. So, how could I go there and look them in the face”²⁰.

Hence, we can see that once again the tasks of the Yugoslavian ethnic cleansing are being fulfilled.

Conclusion. Rape – An Endless Crime

American lawyer Sherrie Russell-Brown talking about rape as a genocide act, said that it is:

[...] not rape out of control. It is rape under control. It is also rape unto death, rape as a massacre, rape to kill and to make the victims wish they were dead. It is rape as an instrument of forced exile, rape to make you leave your home and never want to go back. It is rape to be seen and heard and watched and told to others; rape as spectacle. It is rape to drive a wedge through a community, to shatter a society, to destroy a people. It is rape as genocide” (Russell-Brown, 2003, p. 350).

Sexual violence during wars is a type of struggle that takes place in a woman’s body, as a result of which the victims experience trauma, which is often intensified after the conflict. The case of Bosniak women shows us how, despite experiencing so many conflicts, the world constantly neglects the victims of sexual violence –

²⁰ It is worth noting that the respondent did not mention an individual torturer, but she considered the Serbian community as a collective executioner. Jasmina, 49, interviewed on 05.01.2020.

Another reason for an unwillingness to return could be the fear of being rejected by own community. Although, in the context of the previous reflections, none of the respondents mentioned this. However, it can be assumed that it was also a factor that increased the doubt of returning to the family.

not giving them proper care, and at the same time often depreciating the crimes they were affected by. After the war, Bosnian Muslim women were forgotten by the state and international organizations as well – affected by exclusion, poverty, unemployment, and lack of health care (Hughson, 2014)²¹.

What is more, women were deprived of memory. Analyzing the discourse about the war in Bosnia and Herzegovina, the concept of collective loss, in the form of a nation, usually appears. Trauma and suffering are now an inseparable part of Bosniaks' identity, but it seems to be mainly referred to as the 'Srebrenica massacre'. The memory of sexual violence of course exists, however, the discourse created around it is connected with the collective victim – rape of a woman from Bosnia is equal to the rape of the whole nation. The identity narrative showing the suffering of the woman has never been created. The contemporary memory of the war in Bosnia and Herzegovina has patriarchal character, it concerns mainly male victims²².

Gender-based violence is a result of a patriarchal social system. A woman becomes a victim because she is seen as a carrier of cultural-ethnic identity. This type of violence is also supported by a culture of silence, which shows patriarchalism as well. It pushes women's suffering to the background, making the war endless for them. Insofar, in Bosnian case, it seems inappropriate to use the category of femicide, which is defined as: "[...] misogynistic murders of women by men. A social phenomenon associated with a patriarchal system that predisposes women to be killed because they're women or because they're not properly women" (Fernandez & Pampal, 2007, p. 126).

In the Bosnian context, sexual violence was not associated with physical extermination, however, the murder took place in a symbolic sense. The rape victims, survivors of the camps, etc., were deprived of their dignity, the possibility of fulfilling social roles, and their sexual identity was destroyed. The victims are psychologically destroyed, broken, and what is more, often they are sexually dead. Referring to the title of the documentary film *Calling the Ghosts* (1996), victims of sexual violence can be considered as ghosts because they have been deprived

²¹ It is also worth noting how the journalist's approach looked like. As Slavenka Drakulić notes, after the war journalists often asked questions in refugee camps: "Was anyone here raped and speaks English", without maintaining any empathy towards the victims (Drakulić, 1994, p. 89).

²² During many interviews with representatives of the post-war generation, the author noticed that the war has become synonymous with the massacre in Srebrenica. None of the respondents – and what is more, none of the women respondents – mentioned sexual violence talking about war crimes. It would seem that the narratives of the young generation are related to events that became symbols such as Srebrenica, Sarajevo, or the destruction of the bridge in Mostar; the research was conducted in October 2019–February 2020.

of their voice and normal life. It can be sadly concluded that, in this context, the greatest problem of women affected by sexual violence is the fact that they have survived. For this reason, this problem can be considered in the context of an invisible feminicide. Because it raises the question if their dignity has been completely taken away from them, as well as their femininity, identity, and if the past atrocities are still alive in the form of trauma preventing them from living a normal life – can they live as before?

References:

- Bartuś, A. (2014). Wojskowe niewolnice seksualne armii Cesarza Hirohito. In: A. Bartuś (ed.). *Kobiety wojny. Między zbrodnią a krzykiem o godność* (pp. 69–80). Oświęcim: Fundacja na rzecz MDSM w Oświęcimiu.
- Bruneteau, B. (2005). *Wiek ludobójstwa*. Warszawa: Mówią Wieki.
- Chmielewski, P., & Szczesio, S.L. (eds.) (2011). *Bośnia i Hercegowina 15 lat po Dayton. Przeszłość – terażniejszość – perspektywy. Studia i szkice*. Łódź: Wydawnictwo Uniwersytetu Łódzkiego.
- Copelon, R. (1995). Gendered War Crimes: Reconceptualizing Rape in Time of War. In: J. Peters, & A. Wolper (eds.). *Women's Rights, Human Rights: International Feminist Perspectives* (pp. 197–214). New York: Routledge.
- Crimes of Sexual Violence* (n.d.). United Nations. International Residual Mechanism for Criminal Tribunals. Retrieved from: <http://www.icty.org/en/features/crimes-sexual-violence>.
- Declaration on the Elimination of Violence against Women* (1993). General Assembly Resolution 48/104 of 20 December 1993. Retrieved from: <http://niebieska.linia.info/pliki/dokumenty/Wa%C5%BCne%20dokumenty/Deklaracja%20o%20Eliminacji%20Przemocy%20wobec%20Kobiet%20z%20dnia%2020%20grudnia%201993%20roku%20Rezolucja%20Zgromadzenia%20Og%C3%B3lnego.pdf>.
- Domosławski, A. (2016). *Wykluczeni*. Warszawa: Wielka Litera.
- Drakulić, S. (1994). The Rape of Women in Bosnia. In: M. Davies (ed.). *Women and Peace* (pp. 176–181). London: Zed.
- Duhaček, D. (2015). Gender Equality in Serbia: “A Drop of Oil” in the Waters of Inequality? In: C. Hassenstab, & P. Ramet (eds.). *Gender (In)equality and Gender Politics in Southeastern Europe: A Question of Justice (Gender and Politics)* (pp. 108–125). London: Palgrave Macmillan UK.
- Ehrenreich, B. (2001). *Rytuały krwi. Namiętność do wojny. Geneza i historia*. Warszawa: Jacek Santorski & Co Wydawnictwo.
- Erber, R., & Newman, L.S. (eds.) (2009). *Zrozumieć Zagładę. Społeczna psychologia Holocaustu*. Warszawa: PWN.
- Fernandez, M., & Pampal, J.Ch. (2007). Ciudad Juárez, stolica kobietobójstwa. In: Ch. Ockrent (ed.). *Czarna księga kobiet* (pp. 123–134). Warszawa: Wydawnictwo W.A.B.

- Foucault, M. (1998). *Trzeba bronić społeczeństwa*. Warszawa: Wydawnictwo KR.
- Gibas-Krzak, D. (2016). *Bośnia i Hercegowina: determinanty dziejów. Pomiędzy Serbami, Chorwatami a supremacją Muzułmanów*. Częstochowa: Wydawnictwo im. Stanisława Podobińskiego Akademii im. Jana Długosza.
- Glenny, M. (1996). *The Fall of Yugoslavia: The Third Balkan War*. London: Penguin Books.
- Goffman, E. (2005). *Piętno. Rozważania o zranionej tożsamości*. Gdańsk: Gdańskie Wydawnictwo Psychologiczne.
- Haar, I. (2015). Wysiedlenia jako instrument totalitarnej polityki ludnościowej w Europie XX wieku. In: J. Wołoszyn (ed.). *Wysiedlenia jako narzędzie polityki ludnościowej w Europie XX wieku* (pp. 17–30), Lublin: IPN.
- Haug, H.K. (2015). Gender Equality and Inequality in Kosovo. In: C. Hassenstab, & P. Ramet (eds.). *Gender (In)equality and Gender Politics in Southeastern Europe: A Question of Justice (Gender and Politics)* (pp. 147–168). London: Palgrave Macmillan UK.
- Helms, E. (2007). “Politics is a Whore”: Women, Morality and Victimhood in Post-War Bosnia-Herzegovina. In: X. Bougarel, G. Duijzings, & E. Helms (eds.). *The New Bosnian Mosaic: Identities, Memories and Moral Claims in Post-war Society* (pp. 235–254). Hampshire: Ashgate Publishing.
- Hughson, M. (2014). *Gender Country Profile for Bosnia and Herzegovina*. Final Report, June 2014. Retrieved from: https://europa.ba/wp-content/uploads/2015/05/delegacijaEU_2014070314432045eng.pdf.
- IV Konwencja Genewska*. Retrieved from: https://mswia.gov.pl/ftp/OCK/dokumenty_Prawo_MPH/1949_12_VIII_IV%20konwencja_genewska.pdf.
- Iwanek, T. (2015). *Zbrodnia ludobójstwa i zbrodnie przeciwko ludzkości w prawie międzynarodowym*. Warszawa: Wolters Kluwer Polska.
- Jarvis, M. (2003). An Emerging Gender Perspective on International Crimes. In: G. Boas, & W. Schabas (eds.). *International Criminal Law Developments in the Case Law of the ICTY* (pp. 167–190). Leiden: Brill-Martinus Nijhoff Publishers.
- Król, E.C. (2014). *Kobiety nazizmu*. In: A. Bartuś (ed.). *Kobiety wojny. Między zbrodnią a krzykiem o godność* (pp. 13–31). Oświęcim: Fundacja na rzecz MDSM w Oświęcimiu.
- Machul-Telus, B., Markowska-Manista, U., & Nijakowski, L.M. (eds.) (2017). *Krwawy cień genocydu*. Vol. 2: *Ludobójstwa – pamięć, dyskurs, edukacja*. Warszawa: Instytut Wydawniczy Książka i Prasa.
- Majstorović, D. (2011). Femininity, Patriarchy and Resistance in the Postwar Bosnia and Herzegovina. *International Review of Sociology*, 21(2), 277–299. DOI: 10.1080/03906701.2011.581802.
- McDougall, G.J. (1998). *Contemporary Forms of Slavery: Systematic Rape, Sexual Slavery and Slavery-like Practices during Armed Conflict: Final Report*. New York: UN Sub-Commission on the Promotion and Protection of Human Rights. Retrieved from: <https://www.refworld.org/docid/3b00f44114.html>.
- Midlarsky, M. (2010). *Ludobójstwo XX wieku*. Warszawa: PWN.
- Münkler, H. (2004). *Wojny naszych czasów*. Kraków: Wydawnictwo WAM.
- Nahoum-Grappe, V. (2007). Gwałt jako broń wojenna. In: Ch. Ockrent (ed.). *Czarna księga kobiet* (pp. 47–61). Warszawa: Wydawnictwo W.A.B.

- Nijakowski, L.M. (2009). Biowładza w późnej nowoczesności. In: A. Jabłoński, J. Szymczyk, & M. Zemło (eds.). *Wiedza – władza* (pp. 109–127). Lublin: KUL.
- Nijakowski, L.M. (2018). *Ludobójstwo. Historia i socjologia ludzkiej destrukcyjności*. Warszawa: Wydawnictwo Iskry.
- Ostrowska, J. (2018). *Przemilczane. Seksualna praca przymusowa w czasie II wojny światowej*. Warszawa: Wydawnictwo Marginesy.
- Pioruńska, M. (2010). *Przyczyny rozpadu Jugosławii w latach 90. XX wieku*. Poznań–Opole: Sciptorium.
- Protokół dodatkowy do konwencji genewskich z 12 sierpnia 1949 r., dotyczący ochrony ofiar międzynarodowych konfliktów zbrojnych. Genewa, 8 czerwca 1977 r.* Retrieved from: <https://www.legal-tools.org/doc/6a78d9/pdf>.
- Russell-Brown, S. (2003). Rape as an Act of Genocide. *Berkeley Journal of International Law*, 21(2), 350–374.
- Schreiber, H. (2013). *Cultural genocide – ludobójstwo kulturowe – kulturobójstwo: niedokończony czy odrzucony projekt prawa międzynarodowego?* In: G. Michałowska, & H. Schreiber (eds.). *Kultura w stosunkach międzynarodowych*. Vol. 1: *Zwrot kultury* (pp. 252–274). Warszawa: Wydawnictwo UW.
- Security Council Resolution 798 (1992) [Bosnia and Herzegovina]*. Retrieved from: <http://www.refworld.org/topic,50ffbce582,50ffbce5ee,3b00f16163,0,UNSC,,BIH.html>.
- Sontag, S. (2016). *Widok cudzego cierpienia*. Kraków: Wydawnictwo Karakter.
- Statut Międzynarodowego Trybunału do Sądzenia Osób Odpowiedzialnych za Poważne Naruszenia Międzynarodowego Prawa Humanitarnego Popetnione na Terytorium byłej Jugosławii od 1991 r.* Nowy Jork, 25 maja 1993 r. Retrieved from: http://www.pck.org.pl/pliki/mph/1993_Haga_-_Statut_MTKJ.pdf.
- Statut Międzynarodowego Trybunału do spraw Rwandy*. Nowy Jork, 8 listopada 1994 r. Retrieved from: http://www.pck.org.pl/pliki/mph/1994_nowy_jork_-_mtkr.pdf.
- Sytuacja kobiet w konfliktach zbrojnych i ich rola w odbudowie i procesie demokratycznym w krajach po zakończeniu konfliktu* (2006, May 3). Retrieved from: <https://www.rownetraktowanie.gov.pl/sites/default/files/2005.2215.pdf>.
- Szpak, A. (2010). Przepęstwa seksualne w orzecznictwie międzynarodowych trybunałów karnych ad hoc ds. zbrodni w byłej Jugosławii i Rwandzie. *Studia Prawnicze KUL*, 2–3, 103–120.
- Terzić, I. (2016). *Položaj žrtava ratnog seksualnog nasilja u Bosni i Hercegovini*. Retrieved from: https://www.academia.edu/23132125/Polo%C5%BEaj_%C5%Bertava_ratnog_seksualnog_nasilja_u_Bosni_i_Hercegovini.
- The Prosecutor v. Jean-Paul Akayesu* (2001, June 1). Retrieved from: <http://unictr.irmct.org/sites/unictr.org/files/case-documents/ictr-96-4/appeals-chamber-judgements/en/010601.pdf>.
- Ther, Ph. (2012). *Ciemna strona państw narodowych. Czystki etniczne w nowoczesnej Europie*. Poznań: Wydawnictwo Poznańskie.
- Tochman, W. (2018). *Dzisiaj narysujemy śmierć*. Kraków: Wydawnictwo Literackie.
- Todorova, M. (2014). *Balkany wyobrażone*. Wołowiec: Czarne.

- Todorova, T. (2011). 'Giving Memory a Future': Confronting the Legacy of Mass Rape in Post-conflict Bosnia-Herzegovina. *Journal of International Women's Studies*, 12(2), 3–15. Retrieved from: <http://vc.bridgew.edu/cgi/viewcontent.cgi?article=1103&context=jiws>.
- Wallström, M. (2014, July 14). *Przemoc seksualna jako narzędzie wojny*. Retrieved from: <http://www.unic.un.org.pl/aktualnosci/35,2595,,,/>.
- Zimbardo, P. (2008). *Efekt lucyfera. Dlaczego dobrzy ludzie czynią zło?* Warszawa: PWN.