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The Mass Rape of Bosniak Women: A Case of Genocide and Femicide

"These rapes are to everyday rape what the Holocaust was to everyday anti-Semitism. Without everyday anti-Semitism a Holocaust is impossible, but anyone who has lived through a pogrom knows the difference." –Catherine Mackinnon (Engle 2005:786)

Although the international community primarily concentrates on the atrocities of the Jewish Holocaust, many different countries and communities have experienced tumultuous and violent genocides. For example, countries such as Namibia (1904), Armenia (1915-1923), Ukraine (1932-1933), Indonesia (1965-1966), Bangladesh (1971), Burundi (1972), Cambodia (1975-1979), East Timor (1975-1979), Rwanda (1994), and Bosnia-Herzegovina (1992-1995) also have suffered genocides in the 20th century (Totten 1997). During the majority of genocides, perpetrators rely on various torture and killing mechanisms. For example, during the Holocaust, the Schutzstaffel (the SS) committed genocide by shooting, gassing, starving, torturing, sterilizing, raping, and experimenting on Jews, Russians, Poles, Gypsies (the Roma and Sinti people), homosexuals, and even some Catholics (Botwinick 2010). The diverse reasons behind genocide include: economic distress, self-interest, group conflict, and other social difficulties (Staub 2000:369). From 1992 to 1995, the Former Yugoslavia engaged in a brutal civil war, splitting it into different states: Bosnia-Herzegovina, Croatia, Macedonia, Montenegro, Serbia, and Slovenia (Coulson 1993:88). Starting in April 1992, the Serbian army began its "liberation" of the Serbian Orthodox Christians by systematically murdering, and torturing the Bosnian Muslim (Bosniak) population with the intention to "cleanse" the Bosniaks from Bosnia-Herzegovina (Wood 2001:60). Similar to the Holocaust, the Serbs employed concentration camps to carry out this "ethnic cleansing," utilizing the techniques of starvation, torture, rape and

other inhumane forms of “punishment.” Additionally, in Bosnia-Herzegovina, during the 1992-1995 “ethnic cleansing” of Bosniaks primarily by Serbs, at least 60,000 Bosniak women were violently raped and tortured in “rape camps” (UN “Sexual Violence: A Tool of War”). The systematic collective rape of Bosniak women represents both an integral part of genocide and an illustration of the “institutionalized killing of women,” otherwise known as feminicide (Sanford 2008:104). By recognizing this mass rape as a combination of genocide and feminicide, the definition of humanity and of human rights expands to rightfully include women's rights.

The term “genocide” was first employed in 1944 by a Jewish lawyer, Raphael Lemkin, “to describe the Nazi-led extermination of Jews” also known as the Holocaust/*Shoah* (Wood 2001:59). According to the UN Genocide Convention, genocide is defined as

acts committed with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group, and forcibly transferring children of the group to another group. (UN 1948:1).

We must recognize that this 1948 Convention does not recognize political, gender, sexuality, or economic groups in their definition of possible persecuted groups in genocide. The major difference between a “mass killing” and “genocide” is that a “genocide” has the “apparent purpose of eliminating the whole group,” whereas a “mass killing” only refers to the murder of a large group of people (Staub 2000:368). Therefore, with this definition, genocide could be both systematic killing of a certain *religious* group such as of the Jewish people during WWII and the mass killing of an *ethnicity* such as the Tutsi in Randa in 1994 (Wood 2001). In the case of the Former Yugoslavia, the Serbian army committed genocide by *systematically* killing Muslims (Bosniaks) in order to “cleanse” Yugoslavia of its religious “others.”

Femicide, a variation on the more generalized terms “genocide” and “femicide,” refers to the “institutionalized killing of women” (Sanford 2008:104). “Femicide” alludes to the murder of women and more specifically to “the killing of females by males because they are female” (Sanford 2008:112). Therefore, both legal scholars and feminist scholars employ “femicide” to signify the violent consequences of patriarchal societies for women (Sanford 2008). The crucial difference between “femicide” and “feminicide” is that “feminicide” “encompasses more than femicide because it holds responsible not only the male perpetrators but also the state and judicial structures that normalize misogyny” (Sanford 2008:112). That is to say, the state, legal, and judicial systems are complicit and participate in the institutional toleration of the mass murder of women (Class Notes 10-31-11).

Although feminicide, rape, and other types of gendered violence occur in peacetime settings, communities engaged in war or liminal states usually have a higher occurrence of this type of violence because of the breakdown of social and institutional structures (Hayden 2000). According to the Geneva Conventions, rape is a “physical invasion of a sexual nature, committed on a person under circumstances which are coercive” (Green 2004:100). Collective or mass rape is defined as rape that is “committed: (a) as part of a widespread or systematic attack; (b) on a civilian population; (c) on certain catalogued discriminatory grounds, namely: national, ethnic, political, racial or religious grounds.” (Green 2004:100). In the case of Bosnia-Herzegovina, during the 1992-1995 genocide at least 60,000 Bosniak women were raped as “a part of widespread or systematic attack” and because they were Bosniak (Green 2004:100). The Serbian army employed different forms of (sexual) violence to rape these women and young girls including being “detained and raped, vaginally, anally, and orally; subjected to gang rapes, forced to dance nude with weapons pointed at them, and even enslaved” (Black 2000:1). One rape

survivor profoundly describes the horrific rapes as “destroying everything in [her]” (Bird 2000). The majority of these rapes—80%—occurred in so-called rape camps which consisted of houses, apartments, and schools (Engle 2005; Bird 2000). The military transformed the previously “safe” spaces of into violent, nightmarish “rape camps.” The conversion of schools, previously acting as positive centers promoting education and change, into horrific centers of mass sexual violence demonstrates how the Serbian army establishes its control over all parts of the communities.

The horrific atrocities of mass rape and genocide intersect in their definitions. In order to define a “mass killing” as genocide, one must first establish it as “systematic” and as having the “intent to destroy, in whole or in part” a social group (UN 1948:1). Therefore, the international community of the United Nations recognizes a “mass rape” as “genocidal” if it's “systematic” in nature and it demonstrates deliberate attempts to “destroy, in whole or in part” a social group (UN 1948:1). How would mass rape destroy a social group? How can one prove that mass rape is systematic? In the case of Bosnia-Herzegovina, many scholars have argued the genocidal nature of the mass rape of Bosniak women. Primarily, feminist scholar Catherine MacKinnon proclaims the importance of recognizing this mass rape as an integral part of genocide (Engle 2005). For example, MacKinnon calls “for attention to the extent to which the rapes of Bosnian Muslim women by Serbian men were systematic and extraordinary” by (Engle 2005:786). She also explains the reasons behind not considering rape as a “war crime” because “[r]ape in war has so often been treated as extracurricular, as just something men do, as a product rather than a policy of war” (MacKinnon 1993, 30).” (Strikwerda 1994:135). Therefore, the UN and other international bodies viewed rape as solely an “extracurricular” “fun” male-dominated activity rather than an integral part and tactic of war. From the analysis of perpetrator and victim

testimonies and news reports, we can discern how this “mass rape” was “systematic.” For example, according to war testimonies, “soldiers were sometimes *coerced* by superior officers to rape or help rape women. One Serbian soldier, for example, recounted that his commander *instructed* them to rape and then kill Muslim women because it was "good for raising the fighters' morale" (Olujic 1998:41 emphasis mine). Through the use of such straight forward terms as “coerced” and “instructed,” these testimonies demonstrate how these rapes were methodologically planned by superior officers in Bosnia-Herzegovina. Furthermore, the majority of the rapes occurred in Serbian-run “rape camps,” demonstrating again the necessary preparation and organization needed to implement collective rape (Engle 2005: 785;Olujic 1998:40).

These systematic collective rapes also had the “intent to destroy” the Bosniak opulation in Bosnia-Herzegovina (UN 1948). Specifically, these collective rapes acted as another “manifestation of deliberate attempts to 'cleanse' lineage as well as the landscape of non-Serbs” (Wood 2000:68). In other words, the Serbian military forces enacted collective rape as a war tactic to ensure that the Bosniak women were both so humiliated and violated that the only option would be to leave their communities, thus ridding the area of Bosniaks (Olujic 1998;Engle 2005). The assumption that the Bosniak communities will turn against the rape survivors because they are no longer “clean” or virginal is prevalent in this analysis (Engle 2005). Forced impregnation, a consequence of mass rape, also functions to “destroy” and “cleanse” the Bosniak population (UN 1948; Wood 2000:68). For example, the raped and pregnant Bosniak women were “denied abortions, to help make a Serbian state by making Serbian babies” (Carpenter 2000:447). The denial of abortions implicates the state in the toleration of forced impregnation. Namely, the Serbian army raped these Bosniak women “in

order to forcibly impregnate [them] with a different ethnic gene” and thus “cleanse” the Bosniak birth line (Engle 2005:789; Wood 2000:60). The “war-rape” children of the Bosniak women were thereby “forcibly transferr[ed]” from one social group (Bosniak) to another (Serbian) (UN 1948:1).

Recognizing the mass rape of Bosniak women as femicide highlights the importance of examining the culturally specific gender norms and the state toleration of rape and its consequences. Fundamentally, the mass rape of Bosniak women represented a symbolic “killing of females by males because they are female” (Sanford 2008:112). In order to understand why the mass rape “killed” the Bosniak women, one needs to investigate the status of Bosniak women and therefore the cultural ramifications of rape in Bosnia-Herzegovina. Similar to the Kurdish women in Turkey, the Bosniak women “represent the code of honor of the family and the code of shame via the blood revenge for non-family member's transgressions, which along with a male dominated strict hierarchy, provide many behavioral norms and unity” (Ahmetbeyzade 2008; Olujic 1998:34). Namely, in the Bosniak community the Bosniak women possess the “honor” of the family by remaining virginal and righteous (Olujic 1998). If the Bosniak women participate in sexual acts or in any way defy their male family members, they automatically bring “shame” into the family. Even if the sex wasn't consensual, as in rape, the Bosniak woman still violates her family's honor. Therefore, by committing mass rape the Serbian army “produced” Bosniak women that were “undesirable, soiled, and unfit for marriage” (Kalosieh in Engle 2005:791). For many of these women, “their rape often became the sole factor by which they were defined” (Engle 2005: 795). The mass rape thus ostracized and shamed the Bosniak communities by “soiling” the women (Kalosieh in Engle 2005:791). Consequently, the Serbian army relied on gender norms to target Bosniak women and ultimately humiliate the Bosniak men.

The institutional toleration of gendered violence reflects another facet of feminicide. The Bosnian state was first implicated in the mass rape of Bosniak women through its denial of abortions for the rape survivors. Although in 1992, the UN Security Council “declared the ‘massive, organized and systematic detention and rape of women, in particular Muslim women, in Bosnia and Herzegovina’ as an international crime that must be addressed,” it failed to confront the situation of the “war-rape orphans” (UN “Sexual Violence: A Tool of War”). Notably, the literature surrounding “forced impregnation” failed to recognize the “plight of war-rape orphans” because it both marginalized the children and associated them with perpetrators rather than victims (Carpenter 2000:430). The “plight of war-rape orphans” becomes apparent in their lack of nationality and citizenship (Carpenter 2000:468). In particular, 189 out of 420 children born to Bosnian refugees in Croatia “were denied citizenship until 1996 and were not given access to the Croatian educational system when they came of age” (Carpenter 2000:468). Therefore, these children exist in the “margins of the state,” as “stateless,” “nationless” people who lack state recognition and human rights (Das and Poole 2004).

International tribunals emerged in order to address this “massive, organized and systematic detention and rape of women” as an “international crime” (“Sexual Violence A Tool of War”). Specifically, the United Nations created the International Criminal Tribunal for the Former Yugoslavia (ICTY) in 1993 which has since “laid the foundations for what is now the accepted norm for conflict resolution and post-conflict development across the globe, specifically that leaders suspected of mass crimes will face justice” (UN “About the ICTY”). Although the tribunal confronted and persecuted the horrendous crimes of mass murders, tortures, and expulsions; the most momentous establishment was the inclusion of “rape as a crime against humanity...when it is committed in armed conflict against a civilian population”

(UN “Sexual Violence: A Tool of War”). Unlike a “war crime,” a “crime against humanity” “can take place during peacetime as well as conflict (Carpenter 2000:451). That is to say, the UN and other international bodies now regard mass rape (against women) as a “severe breach” of human rights rather than merely a “a violation of men's property rights” (Green 2004:99;Engle 2005:779). This change in international criminal law ensures that these courts consider women as autonomous humans instead of solely the counterparts and “property” of men (Engle 2005:779). In 2000, the UN opened a landmark case against three former Serb soldiers, Dragoljub Kunarac, Radomir Kovac and Zoran Vukovic, “on 33 counts of crimes against humanity and crimes against the laws and customs of war” committed in their hometown of Foca (Black 2000:1). Because the UN now regards collective rape as a “crime against humanity,” these soldiers were the first perpetrators of sexual crimes to be persecuted in the former Yugoslavia (Black 2000:1). Another crucial change to better the human rights of women in international law occurred in 2001, when the ICTY expanded the definition of slavery to include sexual slavery as another crime against humanity (UN “Sexual Violence: A Tool of War”). Consequently, as the UN perceives collective rape and sexual slavery, female-dominated violations, as a “crime against humanity,” the definition of humanity now encompasses both men *and* women.

This paper argues for the international community to regard mass rape as genocide and femicide, specifically in the case of Bosniak women. A few questions that emerge are: Who has the right to speak for/about the victims? How can the “war-rape orphans” possess human rights? Do woman's human rights truly exist? What is the role of the victim/survivor in policy changes? What is the role of the engaged observer in policy changes? In order to understand the complexities behind the reasons for mass rape in the Bosniak community, one needs the help of

an engaged anthropologist. Specifically, the engaged anthropologist or social scientist like Catherine MacKinnon, provides a culturally specific analysis of the mass rape. With the help of MacKinnon, the International Criminal Tribunal for the Former Yugoslavia officially defined mass rape as a “crime against humanity,” rather than solely a crime against “men's property,” therefore expanding “human rights” to include women (Engle 2005:779).

Works Cited

Ahmetbeyzade, Cihan.

2008. Gendering Necropolitics: The Juridical-Political Sociality of Honor Killings in Turkey. *Journal of Human Rights*. 7:187–206.

Black, Ian.

2000. Serbs 'enslaved Muslim women at rape camps.' *The Guardian*.
<http://www.guardian.co.uk/world/2000/mar/21/warcrimes.balkans?INTCMP=ILCNETTXT3487>,
accessed December 2, 2011.

Bird, Chris.

2000 UN tribunal told of Bosnian rape camp horrors. *The Guardian*.
<http://www.guardian.co.uk/world/2000/apr/21/balkans1>, accessed November 2, 2011.

Botwinick, Rita Steinhardt.

2010 *A History of the Holocaust: From Ideology to Annihilation*. New Jersey: Prentice Hall.

Carpenter, Robyn.

2000 Surfacing Children: Limitations of Genocidal Rape Discourse. *Human Rights Quarterly* 22(2):428-477.

Coulson, Meg.

1993 Looking behind the Violent Break-Up of Yugoslavia. *Feminist Review* 45:86-101.

Das, Veena and Deborah Poole.

2004. *Anthropology in the Margins of the State*. Santa Fe: School of American Research Press.

Engle, Karen.

2005 Feminism and Its (Dis)contents: Criminalizing Wartime Rape in Bosnia and Herzegovina. *The American Journal of International Law* 99(4): 778-816.

Green, Jennifer.

2004 Uncovering Collective Rape: A Comparative Study of Political Sexual Violence. *International Journal of Sociology* 34(1):97-116.

Hayden, Robert.

2000 Rape and Rape Avoidance in Ethno-National Conflicts: Sexual Violence in Liminalized States. *American Anthropologist* 102(1):27-41.

Olujic, Maria.

1998 Embodiment of Terror: Gendered Violence in Peacetime and Wartime in Croatia and Bosnia-Herzegovina. *Medical Anthropology Quarterly* 12(1):31-50.

Portillo, Lourdes.

2001. "Señorita Extraviada" PBS.

Sanford, Victoria.

2008 From Genocide to Femicide: Impunity and Human Rights in Twenty-First Century Guatemala. *Journal of Human Rights* 7: 104–122.

Staub, Ervin.

2000 Genocide and Mass Killing: Origins, Prevention, Healing and Reconciliation. *Political Psychology* 21(2):367-382.

Strikwerda, Robert and Larry May.

1994. Men in Groups: Collective Responsibility for Rape. *Feminism and Peace*. 9(2): 134-151.

Totten, Samuel, with William S. Parsons, and Israel W. Charny.

1997. *Century of Genocide: Eyewitness Accounts and Critical Views*. New York: Routledge.

United Nations (UN)

1948 Convention on the Prevention and Punishment of the Crime of Genocide. UN.
<http://www.un.org/millennium/law/iv-1.htm>, accessed November 2, 2011.

United Nations (UN)

2011 Sexual Violence: A Tool of War. UN.

<http://www.un.org/preventgenocide/rwanda/backgroundunder.shtml>, accessed November 2, 2011.

United Nations (UN)

2011 "About the ICTY." UN.

<http://www.icty.org/sections/AbouttheICTY>

Wood, William B.

2000. Geographic Aspects of Genocide: A Comparison of Bosnia and Rwanda.

Transactions of the Institute of British Geographers. 26 (1):57-75.