

# ‘NOBODY LISTENS TO US AND NOBODY CARES’

## WOMEN STILL WAITING FOR JUSTICE IN BOSNIA AND HERZEGOVINA

‘When they raped me I felt like I was dead’

H., INTERVIEWED BY AMNESTY INTERNATIONAL IN MARCH 2009 IN TUZLA

More than 13 years since the end of the 1992-1995 war in Bosnia and Herzegovina (BiH), women victims of rape and other forms of sexual violence have still not received justice. As a result of their experiences during the war, many survivors still suffer severe physical and psychological problems.

Amnesty International visited BiH in December 2008 and March 2009 to meet women survivors of sexual violence. The women talked about their experiences seeking justice for the human rights violations they had suffered during the war.

Such crimes against women occurred on a massive scale during the war and the suffering for many survivors continues. Post-traumatic stress disorder is common. Psychological effects include nightmares, depression, poor memory, lack of concentration, flashbacks, anxiety, distrust of other people, and feelings of insecurity, shame and self-blame. Physical symptoms include headaches and other physical pain, sexual dysfunction, sleeplessness and gynaecological problems.



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Sabrina, who said that at the age of 13 she was held in sexual enslavement for two months in an apartment in Višegrad and repeatedly raped by soldiers. Thousands of women and girls were raped in Bosnia and Herzegovina (BiH) during the 1992-95 war. To date, only nine men have been convicted of these crimes before the State Court of BiH.





**Bosnian Muslim women calling for justice outside the offices of the International Criminal Tribunal for the former Yugoslavia, Sarajevo, July 2008.**

Thousands of women survivors also lost family members. Many remain without a stable source of income and with no psychological support. Many are not able to find or maintain jobs because of their psychological condition, driving them into poverty. Some have not returned to their homes because they continue to fear for their safety. Due to the social stigma attached to rape they live on the margins of society.

## OBLIGATIONS UNDER INTERNATIONAL LAW

Under international human rights and humanitarian law, the BiH authorities are obliged to provide the victims of violations with access to a remedy and reparation.

The right to an effective remedy is mainly understood as ensuring access to justice; the authorities have a duty to investigate effectively and

independently all allegations of war crimes and human rights violations and bring perpetrators to justice.

The UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law define reparation to include restitution, compensation, rehabilitation and satisfaction and guarantees of non-repetition. Reparation is intended to acknowledge and redress the harm caused to the victims: addressing their suffering and helping them to rebuild their lives. Those responsible for human rights violations should be brought to justice and the causes of the violations addressed so that they do not reoccur.

Amnesty International is concerned that the government of BiH has failed to fulfil its obligations to thousands of women who survived sexual violence.

## JUSTICE FOR RAPE SURVIVORS

*“Sometimes I feel as if the perpetrators were still above me, still controlling my life.”*

M., interviewed by Amnesty International in Bosnia and Herzegovina in March 2009

The vast majority of women survivors have been denied access to an effective remedy. Those responsible for war crimes of sexual violence, including rape, continue to evade investigation and prosecution, and impunity for their crimes prevails. Some occupy positions of power and many live in the same communities as their victims. Very few perpetrators have been brought to justice through the international or domestic courts.

The International Criminal Tribunal for the former Yugoslavia (ICTY) was established in 1993, during the war in BiH, to prosecute serious violations of international humanitarian law, including acts of sexual violence. The ICTY was initially welcomed by victims of rape, who hoped to receive justice. They thought that it would be able to prosecute all cases of war crimes committed during the war, including rape.

These hopes, however, have not been realized. The ICTY was able to prosecute only a limited number of cases due to the fact that it had to complete its work by the 2010 deadline. Cases against high-ranking military and political officials were prioritized.

As of March 2009, the ICTY had prosecuted 18 cases related to sexual violence in BiH. However,

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in its judgments on these cases, the ICTY established that sexual violence could – depending on the circumstances – be prosecuted as war crimes, crimes against humanity or genocide. In its jurisprudence the ICTY also defined these crimes.

In 2005 the War Crimes Chamber of the State Court of BiH was created with the aim of investigating and prosecuting war crimes that could not be prosecuted at the ICTY. Many survivors felt positive that they would at last receive justice in their own country. However, since its creation the War Crimes Chamber has prosecuted few cases of sexual violence. Only 11 such cases had been completed with a final verdict as of April 2009 and a total of nine people have been convicted. Six other cases remain pending before the Trial Chamber or are under appeal.

## FAILURE TO PROVIDE REPARATION

*“No one acknowledged my rights, no one acknowledged me as a victim.”*

N., interviewed by Amnesty International in March 2009 in northern Bosnia

The BiH authorities provide financial support and other social benefits to those awarded the status of “civilian victims” of war, in both the Federation of BiH and the Republika Srpska, the two semi-autonomous administrative entities of BiH which were created after the war.

However, they have largely failed to ensure adequate reparation to victims of war crimes of sexual violence. Gaps in the relevant laws and the way they are implemented



**‘The state and international donors prioritize other problems as if survivors no longer need help. We must not leave these women with no support’**

**Sabiha Haskić, left, executive director of Medica Zenica, an NGO which provides psychosocial assistance to women survivors.**

result in discrimination against women victims of sexual violence. Many survivors of sexual violence have not been acknowledged as victims and therefore not awarded this status, thus denying them their right to some forms of reparation.

In the **Republika Srpska**, the law on protection of civilian victims of war required them to register their claims for reparation by 31 January 2007. However, many women that Amnesty International spoke to, who should have been eligible, were too traumatized to come forward to register their claims. Others were unaware of the law – or the deadline – and others could not obtain all of the medical documentation required to support their claims. As a result of the 31 January 2007 deadline, all claims for reparation, including those from victims of rape, submitted after that date have been automatically rejected. The authorities said they have not kept records on how many women have received social benefits due to their status as civilian victims of war in the Republika Srpska.

In the **Federation of BiH**, the authorities have designated one NGO to carry out the initial interviews with

survivors of rape claiming the status of civilian victims of war. The NGO does not employ a psychologist to assist survivors when they give their testimonies. Interviews take place in the presence of several people, causing unnecessary stress to the survivors. The appeal process is not

M., a 53-year-old woman, lives in a remote village in BiH. She is a Bosnian Croat but lives in a Serb-dominated area. She said she was raped by a member of the Bosnian Serb Army during the war. She does not know the name of the perpetrator. As a result of the rape she has a painful disease which affects her internal sexual organs. She also suffers from post-traumatic stress disorder. She lives in extreme poverty, is unemployed and has no money to pay for treatment. She lives with her parents in an old house, with poor sanitary conditions, and the three of them survive on social benefits of 50 KM per month (€25). M., who lives in the Republika Srpska, was unaware of the law requiring victims to register their claims by 31 January 2007, or that she had any rights as a rape victim. As a result, she did not register a claim before the deadline and receives no financial support.

independent, as the only way to complain at this initial stage is to appeal to the same NGO that conducted the interview. Amnesty International believes this procedure is not sensitive to the women's psychological needs, and is concerned that the procedure itself can lead to further trauma. It could also discourage victims from applying for the status of civilian victim of war and receiving the resulting social benefits. According to information received, as of December 2008 only 500 women in the Federation of BiH had received social benefits as civilian victims of war.

As a consequence, very few women have sufficient income to afford medication even when prescribed by a doctor. J., one of the few survivors receiving social benefits, said she spends more than KM140 (€70) on medication out of her total monthly income of KM560 (€280).

The government has also failed to ensure the right to the highest standard of mental health for women survivors of rape. Not only has it not provided them with support from the state-run social welfare and public health system, but it has also failed to provide adequate resources to NGOs that provide psychological support to women. A representative of one NGO told Amnesty International that 90 per cent of survivors of war crimes of sexual violence are not receiving any psychological assistance.

## FIGHTING STIGMA AND CLAIMING RIGHTS

*"Nobody listens to us and nobody cares."*

F., interviewed by Amnesty International in March 2009 in Tuzla

War crimes of sexual violence are still a sensitive issue in BiH. There is little, if any, public discussion about these crimes despite the number of people affected. Many survivors feel excluded from society in BiH, and continue to suffer in silence as they are afraid to speak out about their ordeal. Several women told Amnesty

International that they had been divorced by their husbands after telling them they had been raped during the war. Others suffered physical and psychological abuse by their husbands, who blamed them for what happened.

In a forthcoming report, to be published in June 2009, Amnesty International illustrates the failure of the authorities in BiH to protect and fulfil the rights of survivors of war crimes of sexual violence to redress and reparation, as set out in international human rights standards.

## TAKE ACTION!

Please send letters to Nikola Špirić, Prime Minister of BiH, and send copies to Valentin Inzko, High Representative (representative of the international community in BiH). Please urge them to:

- Ensure that survivors of war crimes of sexual violence have access to justice, and that all cases of rape and other war crimes of sexual violence are promptly, independently, impartially and effectively investigated and prosecuted in accordance with international fair trial standards.
- Take immediate measures to develop a state strategy on reparation for victims of war crimes of sexual violence. The strategy should include ensuring restitution, compensation,

rehabilitation, satisfaction and guarantees of non-repetition to the victims. The strategy should also include provisions guaranteeing, to those who seek it, access to psychological assistance and other support. The strategy should be developed with the involvement of the survivors and NGOs that represent and/or work with them.

### SEND LETTERS TO:

#### Prime Minister (Chairman of the Council of Ministers)

Nikola Špirić  
Trg BiH 1, 71 000 Sarajevo  
Bosnia and Herzegovina

#### High Representative in Bosnia and Herzegovina

Valentin Inzko  
Emerika Bluma 1  
71 000 Sarajevo  
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