

Stop violence against women

Justice shelved – impunity for rape in Bosnia-Herzegovina

Bosniak, Croat and Serb women who endured horrendous crimes of sexual violence have still to obtain justice. Nearly a decade after the armed conflict in Bosnia-Herzegovina of 1992-95, only a handful of those responsible have been brought to justice for the widespread rape and sexual abuse of women. Women were held in sexual slavery and subjected to repeated rapes and other forms of torture by armies and paramilitary groups on all sides of the conflict.

Vigorous campaigning by women's organizations, which first revealed to a shocked world the extent of the abuses in 1992, has made a crucial contribution to the recognition of rape as a war crime. Prosecutions for rape and sexual enslavement as crimes against humanity took place at the International Criminal Tribunal for the former Yugoslavia, and the Rome Statute of the International Criminal Court subsequently recognized rape, sexual enslavement and other crimes mostly committed against women and girls as war crimes and crimes against humanity.

Despite this, virtual impunity continues. There have been almost no prosecutions for rape and other crimes of sexual violence before domestic courts in Bosnia-Herzegovina, denying most women access to justice, redress and reparation. The men who raped them enjoy continuing impunity, while the lives of the victims remain socially and economically blighted. Apart from services provided by women's organizations, appropriate medical and psychosocial support remains generally unavailable.

In June 2003, as the Tribunal began to prepare for its closure in 2010, the international community proposed the establishment of a State Court with a War Crimes Chamber in Bosnia-Herzegovina, which is expected to start proceedings in early 2005. However, moves to create a national war crimes court in Bosnia-Herzegovina have not satisfied doubts that the perpetrators will ever be brought to justice.

The new court – created in a process that appeared driven by international financial and political factors – will fail to deliver justice and redress unless women feel that it is safe to testify. There would have been even fewer prosecutions at the Tribunal if it were not for the courage and determination of women who have stood up to threats and intimidation.

There is no effective protection for witnesses from attacks and intimidation inside the country or under an international protection scheme such as that in place at the Tribunal. Women prepared to testify at the State Court need to be guaranteed protection of their physical safety and access to psychological, social and economic support both during trial proceedings and afterwards.

Moreover, rapists could escape justice and prosecutions may be hampered because domestic law fails to reflect developments within international law. The definition of rape in the Bosnia-Herzegovina State Criminal Code currently limits the scope of acts that should be considered as rape. Under the Code, rape as a crime against humanity involves "coercing another by force or by threat of immediate attack". However, the Tribunal has ruled that, even where physical force was not directly used or threatened, rapists cannot

escape liability if the woman was in "circumstances that were so coercive as to negate any possibility of consent".

To ensure justice for women subjected to sexual violence during the war, reforms to law and to practices in the police and judiciary must be carried out, and the definitions of rape and sexual enslavement developed in Tribunal case law must be incorporated into domestic criminal law.

[Photo captions]

Cover photo: Destroyed mosque, Central Srebrenica. © AI

Left: Medica Zenica established mobile health clinics during the conflict in Bosnia-Herzegovina in the early 1990s to provide medical care and psychosocial assistance to survivors of sexual violence. © Medica Mondiale
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Support our campaign: together we can make a difference

- ***Take an interest:***

Find out and monitor how your community, government, police, security forces and courts respond to violence against women and girls.

- ***Take a stand:***

Speak out about violence against women. Challenge prejudiced or dismissive attitudes.

- ***Take action:***

Join our global campaign for women's right to freedom from violence and discrimination.

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In the home and in the community, in times of war and peace, millions of women and girls are beaten, raped, mutilated and killed with impunity. Join Amnesty International's campaign to demand action by governments, communities and individuals to stop violence against women throughout the world.

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Together we can make our voices heard

Join our call on the government to take action to end impunity for the perpetrators of crimes against humanity and war crimes against women.

Urge the government of Bosnia-Herzegovina to:

- bring national law defining rape and other crimes of sexual violence into

line with international law and provide for full reparations to all victims of such crimes

- make a public commitment to investigate all crimes of sexual violence against women, and to bring prosecutions wherever there is sufficient admissible evidence
- offer psychosocial and medical support to all vulnerable witnesses, and dedicated witness protection programmes for potential women witnesses at the state court that include resettlement
- train and support personnel in the investigation and judicial processes to ensure a gender-sensitive approach in sexual violence cases
- recruit women to the offices of the War Crimes Prosecutor and the investigative agencies, and ensure that the national courts work in cooperation with women's organizations experienced in working with women who have survived rape and other war-related violence against women

Send your appeals to the Minister of Justice: Slobodan Kovac, Ministarstvo pravde BiH, Trg Bosne i Hercegovine 1, 71000 Sarajevo, Bosnia-Herzegovina and to: Lord Paddy Ashdown, High Representative for Bosnia-Herzegovina, Emerika Bluma 1, 71000 Sarajevo, Bosnia-Herzegovina

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What you can do

- Join Amnesty International and become part of a worldwide movement campaigning for an end to human rights violations. Help us to make a difference.
- Take action on Amnesty International's website at web.amnesty.org/actforwomen/actnow-index-eng
- Make a donation to support Amnesty International's work.

Want to know more?

Contact the Amnesty International office in your country at the address in the box (right), if there is one.

Or contact

Amnesty International's International Secretariat in London:

Peter Benenson House, 1 Easton Street, London WC1X 0DW, United Kingdom

Or visit Amnesty International's website at www.amnesty.org/actforwomen

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