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FROM "BROTHEROOD AND UNITY" TO HATRED AND CONFLICT:

A COMPARATIVE ANALYSIS OF THE USE OF SEXUAL VIOLENCE AS AN "ETHNIC CLEANSING" TOOL DURING THE WARS IN BOSNIA AND HERZEGOVINA AND IN KOSOVO.

Dissertation in: History of Eastern-Europe, Nation-Building and Protection of Minorities

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This thesis is dedicated to all the women and girls who have somehow suffered and died during the wars in Bosnia-Herzegovina and in Kosovo, and to all those who are silently suffering and dying at the hands of the dark, grisly, criminal forms of sexual violence.

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ABBREVIATIONS AND ACRONYMS

ABiH - *Armija Bosne i Hercegovine* [Army of the Republic of Bosnia and Herzegovina]

Bosnia - Bosnia and Herzegovina

CEDAW - Committee on the Elimination of Discrimination Against Women

CSM - Community/Association of Serbian Municipalities

CRSV - Conflict-Related Sexual Violence

DPA - Dayton Peace Accords

EC - European Community

EU - European Union

FBiH - *Federacija Bosne i Hercegovine* [Federation of Bosnia and Herzegovina]

FRY - Federal Republic of Yugoslavia

GBV - Gender-based violence

HDZ - *Hrvatska demokratska zajednica* [Croatian Democratic Community]

HDZBiH - *Hrvatska Demokratska Zajednica Bosne i Hercegovine* [Croatian Democratic Union of Bosnia-Herzegovina]

HOS - *Hrvatske Odrambene Snage* [Croatian Defence Forces]

HRW - Human Rights Watch

HVO - *Hrvatsko Vijeće Obrane* [Croatian Defence Council]

ICC - International Criminal Court

ICJ - International Court of Justice

ICTR - International Criminal Tribunal for Rwanda

ICTY - International Criminal Tribunal for the Former Yugoslavia

IDPs – Internally displaced persons

IICK - The Independent International Commission on Kosovo

ISIS - Islamic State of Iraq and Syria

JNA - *Jugoslavenska narodna armija* [Yugoslav People's Army]

JMO - *Jugoslovenska Muslimanska Organizacija* [Yugoslav Muslim Organisation]

KFOR - Kosovo Force

KLA - *Ushtria Çlirimtare e Kosovës* [Kosovo Liberation Army]

KSC-SPC - Kosovo Specialist Chambers & Specialist Prosecutor's Office

NATO - North Atlantic Treaty Organization

NGOs - Non-Governmental Organisations

OHR - Office of the High Representative for Bosnia and Herzegovina

OSCE - Organization for Security and Cooperation in Europe

OSCE-KVM - OSCE Kosovo Verification Mission

PTSD - Post-Traumatic Stress Disorder

RS - Republika Srpska

SANU - *Srpska Akademija Nauka I umetnosti* [Serbian Academy of Sciences and Arts]

SDA - *Stranka Demokratske Akcije* [Party of Democratic Action]

SDS - *Srpska Demokratska Stranka* [Serb Democratic Party]

SDG - Sustainable Development Goal

SFRY - Socialist Federal Republic of Yugoslavia

SGBV - Sexual and gender-based violence

UN - United Nations

UNCHR - United Nations Commission on Human Rights

UNHCR - United Nations High Commissioner for Refugees

UNIFEM - United Nations Development Fund for Women

UNMIK - United Nations Missions in Kosovo

UNPROFOR - United Nations Protection Force

UNSC - United Nations Security Council

UNSCR - United Nations Security Council Resolution

UNSG - United Nations Secretary-General

USA - The United States of America

VRS - *Vojske Republike Srpske* [Bosnian Serb Army]

WHO - World Health Organisation

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ABSTRACT

Sexual violence is a present-day emergency that pervades our societies and afflicts thousands of innocent women and girls around the world, especially in war-torn regions. Indeed, the combination between war and sexual violence produces a destructive experience that can affect women's mental and physical health and can undermine the foundations of entire families and communities. During the wars in Bosnia and Herzegovina (1992-1995) and in Kosovo (1998-1999), it is estimated that a total of about 100,000 women and girls – the majority of whom belonged to the Bosnjak and Kosovo Albanian ethnic groups - were systematically abused, assaulted, kidnapped, raped, tortured, enslaved, even detained in "rape camps" and forcibly impregnated.

The present dissertation illustrates and analyses comparatively the function and the consequences of the massive recurrence of sexual violence in these two countries. The comparative analysis enables us to capture the complexities of the phenomenon and to answer each of the research questions regarding the causal relations between sexual violence and armed conflict. In fact, through a multi-methodological and multi-disciplinary approach based on the study of existing theories, historical events, and quantitative data, it is possible to demonstrate the intentionality of the transgressors – mainly Serbian armed forces - to commit and pursue such cruel crimes. Sexual violence did not represent a simple by-product of war, but rather a quite effective weapon of war aimed at "ethnically cleanse" determined territories.

The events in the former Yugoslavia signal a historical turning point as they contributed to increasing awareness towards victims and survivors of sexual violence to the extent that the crime is now punishable under International Law. However, the path to sustainable and lasting peace is still long: most aggressions and violations remain largely unpunished and are not always addressed. In essence, my goal is to further explore the topic and the regions object of the thesis, to contribute meaningfully to future research and effective responses to the issue, to expand the current understanding of gender-based violence in ongoing conflicts as well as in peacetime.

KEYWORDS: sexual violence; women; war; ethnic cleansing; Bosnia and Herzegovina; Kosovo.

Chapter 1: INTRODUCTION

"In the last three years, I have heard many stories of Yazidi[1] women captured and enslaved by ISIS. Most of us have been victims of the same violence. We were bought at the market or given to a new recruit or a high-ranking commander who would take us to his home to rape, humiliate and almost always beat us. At that point we were sold or given away again, and again raped and beaten, then sold or given away to another militant who raped and beat us, and again sold or given away, raped and beaten, and it went on until we were desirable enough and not yet dead."[2]

- Nadia Murad[3] (2017, p.179).

In both ancient and modern times, the world has too often read, seen and heard of people being constantly subjected to discrimination, intimidation, humiliation, violence and abuse. However, only some stories make the headlines. We know remarkably little about the contexts and conditions in which vulnerable people are trapped, the forms of abuses they are forced to undergo, the impact and consequences for them, their families and communities. What we do know is the fact sexual violence represents an outrageous crime, a frightful plague, a tragic social reality that continues to pervade our societies and particularly war-torn regions all over the world. Indeed, in wartime, regular and non-regular security forces use the most disparate and horrifying strategies to achieve their goals instead

[1] Despite the different use of the name "*Yazidi*" or "*Ezidi*", they are basically a Kurmanji-Northern Kurdish-speaking minority, who nowadays live scattered in northern Iraq, but also in surrounding countries such as Iran, Syria and Turkey. For centuries, they have faced persecution as their religion is perceived as heretical by Islamic clerics. Most recently, the Islamic State of Iraq and Syria (ISIS) carried out a genocide of Yazidis in 2014. Thousands of women and girls were captured and treated as sex slaves or spoils of war, some were sold as brides, while those who refused to convert to Islam were tortured, raped and eventually murdered. In October 2014, the United Nations reported that more than 5.000 Yazidis had been murdered and 5.000 to 7.000 (mostly women and children) had been abducted by ISIS. In the United Nations Security Council Resolution (UNSCR) n. 2331, the UNSC acknowledged that sexual violence and trafficking in persons was used by ISIS as a serious international crime. The Council noted that all survivors of sexual violence and trafficking in armed conflict are legally entitled to "*assistance and services for the physical, psychological and social recovery, rehabilitation and reintegration* […]". See the UNSCR: Resolution 2331 (unscr.com). For a complete analysis of the Yazidi case, see: Chertoff, E. (2017). "*Prosecuting Gender-Based Persecution: The Islamic State at the ICC*". The Yale Law Journal. Vol. 126 (4): 1050-1117; Shulman, M., R. (2017). "*Sentimentality Has its Place in Human Rights Activism: Nadia Murad Basee Taha's Testimony and The Yazidi Story*". Senior Projects Spring 2017; Solomon, A. (2019). "*Sexual and Gender-Based Violence Against Arab Women Refugees: Yazidi Minority in Northern Iraq*". Brigham Young University: Undergraduate Honors Theses.

[2] Translated from original text: "*Negli ultimi tre anni ho sentito tante storie di donne yazide catturate e schiavizzate dall'ISIS. La maggior parte di noi è stata vittima della stessa violenza. Ci compravano al mercato oppure ci regalavano a una nuova recluta o a un comandante di alto rango che ci portava a casa sua per violentarci, umiliarci e quasi sempre picchiarci. A quel punto venivamo vendute o regalate di nuovo, e di nuovo violentate e picchiate, poi vendute o regalate a un altro militante che ci violentava e picchiava, e ancora vendute o regalate, violentate e picchiate, e andava così finché eravamo abbastanza desiderabili e non ancora morte*."

[3] Nadia Murad is one of the loudest voices of the ongoing campaign to bring members of the ISIS to justice for the crimes perpetrated against the Yazidis ethnic community. In 2014, she was kidnapped from her hometown Kocho (Northern Iraq) and held by the Islamic State for three months. In 2018, she and Doctor Denis Mukwege were jointly awarded the Nobel Peace Prize for "their efforts to end the use of sexual violence as a weapon of war and armed conflict". Dr. Mukwege is a Congolese gynaecologist specialized in the treatment of women who have been raped by armed rebels.

of resorting to, as one would reasonably expect, "common" military strategies such as the deployment of troops, insurgency, negotiation, or other tactics. Most often, a brutal feature of conflicts is the persistent recurrence of sexual violence against women who, as explained by Hilmi M. Zawati (2010, p.144), "[are] regularly targeted by the enemy, who see them as the property of their opponents, and by police officials and peacekeepers who take advantage of their powerlessness and displaced status." Sexual violence represents in fact one of the cruellest forms of human rights violation in war settings, in which a victim's body is used as an efficient and cheap instrument to inflict severe physical and psychological harm. Not only the body is violated, but the autonomy, dignity, humanity, the sense of identity too. Its consequences are so deep that they undermine the foundations of entire communities, given that it takes generations to forget the scars and forgive the aggressors.

"*Why do you conduct your research on such a sensitive and complex subject?*". This is the most common question I have been asked while talking about my final thesis. And it has been quite challenging to provide a short and straightforward answer. The topic and the research design were chosen and constrained by several factors. Sexual violence as a weapon of war and "ethnic cleansing" has attracted my attention and interest after having read an inspiring book and watched a touching movie. The book is "*The last girl: my story of captivity, and my fight against the Islamic State*" (2017) written by Nadia Murad, a young Yazidi[4] woman who personally witnessed the capture and enslavement by combatants of the so-called Islamic State of Iraq and Syria (ISIS), and for which she won the 2018 Nobel Peace Prize. "I want to be the last girl in the world with a story like mine" , says Nadia Murad in her book (2017, p.333). The movie is "*In the land of blood and honey*" (2011), written, produced, and directed by Angelina Jolie[5] who has been able to depict the war in Bosnia and Herzegovina from the point of view of a dramatic love story between a Bosnian Muslim woman and

[4] The Yazidi ethnic group represents a unique case: it is the most recent United Nations recognized attempt at genocide of members of the world's oldest religion as well as the 74th attempt at their genocide. In the Office of the UN High Commissioner for Human Rights (OHCHR) document *"'They came to destroy': ISIS Crimes Against the Yazidis*", it is stated that "*ISIS has sought to destroy the Yazidis through killings; sexual slavery, enslavement, torture and inhuman and degrading treatment and forcible transfer causing serious bodily and mental harm; the infliction of conditions of life that bring about a slow death; the imposition of measures to prevent Yazidi children from being born, including forced conversion of adults, the separation of Yazidi men and women, and mental trauma; and the transfer of Yazidi children from their own families and placing them with ISIS fighters, thereby cutting them off from beliefs and practices of their own religious community, and erasing their identity as Yazidis*." Source: United Nations Security Council. (2016). A/HRC/32/CRP.2. Available at: http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/A_HRC_32_CRP.2_en.pdf.

[5] Jolie, as Special Envoy for the UN High Commissioner for Refugees, and William Hague, former United Kingdom foreign secretary, co-chaired the First Global Summit to End Sexual Violence in Conflict in June 2014 in London to launch a more permanent global initiative on the issue. This was the largest gathering ever brought together on the subject, with 1,700 delegates and 123 country delegations including 79 Ministers. The Summit agreed practical steps to tackle impunity for the use of rape as a weapon of war, and to begin to change global attitudes to these crimes.

a Bosnian Serb military officer. Angelina Jolie's fictional interpretation is able to display on a screen, to a limited extent, the horrific testimonies of Muslim women held captive in a "rape camp".

Both the power of the words and the images are of great impact. Learning about the stories of young women being captured, sold and bought as much as a packet of cigarettes, and being kidnapped, enslaved and repeatedly sexually abused made me think very deeply about what kind of beasts human being sometimes are. I then realised how these two stories are inextricably intertwined and how, as the years go by, the abhorrent issue is still present in the minds of those who directly suffered the abuse. Therefore, there is a moral, social, cultural, humanitarian need and commitment to share these stories, to make them known, to make people understand that these practices exist and persist.

To date, sexual crimes in the context of an armed conflict fulfil the legal requirements of war crimes. However, in spite of the abundance of international conventions and covenants on human rights, Patricia Hynes (2004, p.432) claims that the 20th century is at the same time the century of progress, development, and innovation but "also the century of record-breaking death and human rights violations perpetrated within war, both declared and undeclared." This is demonstrated by the acceleration of darker, overlooked, silenced conflicts in which entire peoples are intended to be eliminated on the basis of (alleged) ethnic or religious differences[6]. At the onset of the 21st century, the situation is not improved as expected. Sexual violence has been employed "as a tactic of war, torture and terrorism" (UNSC, 2021a, p.7) in some areas characterised by political instability and humanitarian crisis. According to the annual United Nation's Report of the Secretary-General (UNSC, 2021a)[7], some of the most shocking known examples of sexual violence during armed conflict are taking place before our eyes: Afghanistan, Central African Republic, Colombia, Democratic Republic of the Congo, Iraq, Libya, Mali, Myanmar, Nigeria, Somalia, South Sudan, Sudan, Syria, Yemen. This list of countries could have gone on to include many other ongoing conflicts where sexual violence represents a dramatic scourge[8], and where alleged cases are

[6] For instance, the Nazi "Final Solution" against Jews; Cambodians during the Pol Pot regime; Muslims in Yugoslavia; Tutsis in Rwanda; and Kurds in Iraq; just to name a few.

[7] Established by Security Council Resolution 1960 (UNSCR, 2010), the Monitoring Analysis and Reporting Arrangements (MARA) gathers information on CRSV whether affecting children or adults. It requires the UN Secretary-General to include in its Annual Report on Sexual Violence a "naming and shaming" listing mechanism which consists in publishing the name of parties in conflict credibly suspected of committing or being responsible for CRSV. See the Resolution: Resolution 1960 (unscr.com).

[8] In past conflicts, sexual violence targeting women and girls has been used in Afghanistan, Algeria, Angola, Argentina, Bangladesh, Belgium, Bosnia and Herzegovina, Cambodia, China, Chile, Congo, Côte d'Ivoire, Croatia, Cyprus, Democratic Republic of Congo, East Timor, El Salvador, Ethiopia, Germany, Guatemala, Haiti, Honduras, India, Iraq, Italy, Kenya, Korea, Kosovo, Kuwait, Liberia, Malawi, Mozambique, Myanmar, Nicaragua, Papua New Guinea, Peru, the Philippines, the Russian Federation, Rwanda, Sierra Leone, Somalia, South Africa, Sri Lanka, Sudan, Syria, Vietnam, Uganda.

understudied, undocumented and underestimated. A recent example is given by the events in Ethiopia during military operations in the Tigray region[9]: the UNSC Report (2021a, p.7) has documented that "alleged serious violations of international humanitarian and human rights law, including sexual violence, were recorded in northern and central Tigray".

What is common in almost all contexts is that the culture of silence that stigmatises the victims continues unchallenged and is closely intertwined with the culture of impunity that afflicts the perpetrators. In fact, the number of victims will continue to grow and the perpetrators will continue to enjoy impunity unless sexual violence is addressed in a programme of urgent priority agreed at a local, regional, national and international level. Although sexual violence in wartime has only recently gained increased attention to the extent that the crime is punishable under International Law, the path to eradicate it is still long and can undermine the restoration of a sustainable international peace besides the fact that its occurrence may persist even after the cessation of hostilities, especially in those areas characterised by significant ethnic or religious differences. As declared by, "[s]exual violence is no longer treated as merely a by-product of insecurity, but rather as a significant form of insecurity in itself" (UNSC, 2017, p.6). This implies that the phenomenon must be put at the top of the global human rights agenda. "The era of silence at the level of national and international institutions has given way to a sense of urgency to bring all the tools of diplomacy to bear on the issue", declared United Nations Secretary-General (UNSG) Antònio Guterres (UNSC, 2017, p.6). However, only history will have the last word.

The case studies analysed in this thesis are unique for they demonstrate how sexual violence did not represent a simple by-product of war, as it has long been assumed, but rather the aim of the military and political campaign pursued by certain armed groups and political leaders, that is the conquest of the territories of Bosnia and Herzegovina and Kosovo. Indeed, sexually-driven acts have proved to be a powerful effective weapon of "ethnic cleansing" to the extent that what happened first in Bosnia (1992-1995) was successfully replicated in Kosovo years later (1998-1999). Although these two cases vary immensely in number, form, diffusion, incidence, scale, and other features, in both

[9] In the Tigray region in Northern Ethiopia, there is an ongoing conflict between the northern command of the Ethiopian National Defence Forces, the Eritrean Defense Forces and the Tigray People's Liberation Front. The region stands now on the edge of a humanitarian disaster. Troops and militias aligned with all parties involved in the conflict have subjected hundreds of women and girls to sexual violence. From November 2020 through June 2021, according to UN human rights experts, a total of 2.204 survivors reported sexual violence to health facilities across the Tigray region, although the exact number of victims is unknown. Source: UN Office of the High Commissioner for Human Rights. (2021). Available at: Tigray conflict: UN experts call for urgent action to stop violence against women | PressReleasePoint. Likewise, from February to April 2021, Amnesty International has reported 1.288 registered cases of sexual violence. Source: Amnesty International. (2021). Available at: Ethiopia: "I don't know if they realized I was a person": Rape and sexual violence in the conflict in Tigray, Ethiopia - Amnesty International.

events women and girls were systematically abused, assaulted, kidnapped, abducted, raped, tortured, enslaved (even forcefully impregnated while being held captive for weeks and months inside "rape camps" and released only when abortion was no longer feasible)[10] as a way to achieve one specific goal: the massive dispersing of a people from a determined territory, namely ethnic cleansing.

1.1 Notes on terminology

Among some the challenges I have encountered are those regarding terminology and definitions, which need to be clarified. When I chose to focus on the phenomenon in its entirety, I decided to concentrate exclusively on the violence perpetrated against women and girls, leaving out male victims and other categories of sexual orientation that are part of the LGBTQ+[11] community. This is due to the fact that, incontestably, the vast majority of victims are female and the majority of the theories on sexual violence I analysed would not apply to men. Yet, in line with the most commonly used binary approach to gender[12], "women" and "girls" are therefore recognized as female by virtue of their biological attributes at birth. However, this does not mean that women are inherently more "peaceful" than men, or that all men are more "warlike".

For the purpose of this thesis, I refer solely to sexual violence against women in a conflict environment. Unlike violence in peacetime, in wartime the impact and the consequences become even harder: new forms and modalities of sexual violence and different types of aggressors come into play. For this reason, it is pivotal to make a clarification regarding the use of the term "sexual violence"[13]. Throughout the thesis, I adopt a broad definition of sexual violence as a metaphor of the top of an iceberg, as an umbrella term that includes all the diverse nuances and interpretations of violence that derive from it: rape, gang-rape, harassment, abduction, genital mutilation, slavery, enforced prostitution, enforced sterilisation, forced marriage, forced pregnancy, and other grave forms of abuse. It must be observed that in many scholarly texts the term "rape" is sometimes preferred and overused. However, following Cockburn's critique (2013, p.440), the sexual act of rape "in the circumstances of war is an understatement, even a euphemism." The same applies for other terms

[10] It is estimated that a total of about 100,000 women and girls were victims of sexual violence during those conflicts.
[11] LGBTQ+ is an inclusive term covering people of all genders and sexualities. It stands for lesbian, gay, bisexual, transgender, queer (or sometimes questioning), and others. The "plus" represents other sexual identities including pansexual, asexual, intersex, cisgender and Two-Spirit.
[12] Usually, it is one's biology, physical appearance, and sexual configuration that determine one's gender. However, my understanding is that gender and sex are just constructed concepts. They are interpreted according to each one's perspective. They are flexible and changeable, depending on the societal and temporal context.
[13] See also the connotation derived from international criminal law, which includes the range of war crimes and crimes against humanity that include rape and sexual slavery among others, as defined in the Rome Statute of the International Criminal Court: Article 7 (1) (g), and Article 8 (2) (b) (xxii). Available at: Rome_Statute_English.pdf (icc-cpi.int).

such as SGBV[14] (Sexual and gender-based violence) and GBV[15] (Gender-based violence), which are used widely and interchangeably among scholars and humanitarian workers but are limited by the gruesome nature of the violence in wartime. SGBV primarily refers to sexualized acts of violence, including rape, sexual assault, sexual abuse, etc.; while GBV refers to acts of violence (whether they are sexual, cultural, physical, economic, or psychological in nature) that are perpetrated because of gender identity. Since the difference between the two terms is not clear-cut and one's gender is difficult to be determined, I use the acronyms SGBV and GBV interchangeably to refer to the broad definition "sexual violence" (i.e., the gender-based, sexual, and criminal nature of the violence).

Given the precise phenomenon under examination, the connection between armed conflict and SGBV/GBV is expressed with the form "conflict-related sexual violence" (CRSV), as found in the 2014 UNSG Report on CRSV[16] (UNSC, 2014, p.1), that refers to:

> "[…] rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilization and any other form of sexual violence of comparable gravity perpetrated against women, men or children with a direct or indirect (temporal, geographical or causal) link to a conflict. This link to conflict may be evident in the profile of the perpetrator, the profile of the victim, the climate of impunity or State collapse, any cross-border dimensions or violations of the terms of a ceasefire agreement."

Furthermore, regarding the different ethnic groups mentioned here, I will use the terms "Serbs", "Croats", "Bosnjaks", "Bosnian Croats", "Bosnian Serbs", "Montenegrins", "Albanians", "Kosovo Albanians" and "Kosovo Serbs"[17], to indicate not only the people as such but also, when the context so demands, certain security forces and armed groups of various kinds as well as those relevant actors who were politically and militarily responsible for the policy of ethnic cleansing and the atrocities committed. On the other hand, I will use the term "Bosnjak" to refer to the Bosnian Muslim group, and "Kosovar" to indicate all the peoples inhabiting Kosovo, including the small

[14] The United Nations High Commissioner for Refugees defines SGBV as: "*any act that is perpetrated against a person's will and that is based on gender norms of patriarchy and unequal power relations. SGBV is an abuse of power that inflicts harm on the survivor. It may be physical, psychological, sexual or socio-economic in nature. It involves rape, sexual assault, physical assault, forced marriage, denial of resources, opportunities, or services as well as psychological or emotional abuse. Common forms of SGBV include intimate partner violence, honour-related crimes, child marriage, female genital mutilation, trafficking, and conflict-related sexual violence.*" Available at: 5ec7c1084.pdf (unhcr.org).

[15] Article 1 of the UN Declaration on Violence Against Women defines GBV as: "*any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life*." Proclaimed by General Assembly Resolution 48/104 of 20th December 1993. Available at: Microsoft Word - Document1 (un.org).

[16] See the 2014 UNSC Report on CRSV: https://www.refworld.org/docid/53abe9114.html.

[17] It must be clarified that many literature references and authors use the versions '*Kosovo'* or '*Kosovar'* Serbs/Albanians.

minorities. Finally, I will constantly use the shortened form "Bosnia" instead of Bosnia and Herzegovina[18].

1.2 Gendered violence in peacetime and in wartime

As a matter of fact, sexual violence is a serious, present-day emergency that concerns millions and millions of people in every corner of the globe. Wood (2006) points out that, obviously, sexual aggressions vary among countries and among within-country groups, as a multitude of social and cultural mechanisms regulate whether these acts are condemned or tolerated. In addition, while some individuals engage in sexual abuses against women as a form of sexual gratification, others might be more interested in showing a form of power and control, and others might not associate the violence with sex or power at all (Wood, 2006). Nonetheless, although any person can experience sexual violence - regardless of gender, race, ethnicity, age, religion, profession, and sexual orientation - the most affected ones are primarily women and young girls. According to the 2018 estimations of the World Health Organization[19] (WHO, 2021), about 736 million women (almost one in three) have experienced intimate partner violence, non-partner sexual violence, or both, at least once in their life.

GBV is a phenomenon so deep-rooted in our societies that in 2012 the then UN Special Representative on Sexual Violence in Conflict, Margot Wallström, (UNSC Meetings Coverage, 2012, para.6) had emphasised that "[i]t has become more dangerous to be a woman fetching water or collecting firewood than a fighter on the frontline." This is right. Real war takes place everywhere, on a daily basis and even in broad daylight. "Even peacetime, it could no longer be denied, is a war-zone for women", declares Cynthia Cockburn (2013, p.441). In fact, contrary to what most people believe, many acts of violence do not happen in a dark alley or in a run-down part of a town between unknown acquaintances. It is widely acknowledged that sexual abuses most often materialise in our daily lives behind closed doors: in our neighbourhood, in our homes, in our schools, in our health facilities, in our places of worship, within families or romantic relationships[20], between friends and acquaintances. Victims and aggressors may be our sisters or brothers, our daughters or sons, our mothers or fathers, our wives or husbands, our best friends, our teachers, our caregivers, our co-workers, our favourite singers or actors, the person we constantly meet on the train, the person in front of or behind us in a queue, the person who is supposed to protect us (i.e., the security forces).

[18] Geographically talking, Bosnia and Herzegovina is formed by two regions: Bosnia covers about four fifths of the state, the higher northern lands with the cold winters of continental climate; Herzegovina covers the southern coastal lands. On a political level, its evolution and current complex system is unravelled in the second and, particularly, in the third chapter.
[19] On behalf of the United Nations Inter-Agency Working Group on Violence Against Women.
[20] For instance, globally, between 38% and 50% of murders of women are committed by intimate partners (WHO, 2019).

Moreover, with the eruption of the Coronavirus Disease (COVID-19) pandemic, there has been an increase in reports of domestic violence by women living in abusive situations caused by the lockdown measures (WHO, 2021). The WHO confirms the urgent need to address violence against women as a public health priority, while Amnesty International (2021, p.31) underscores that "the voices of women and girls must be central to governments' post-COVID-19 recovery plans, which should prioritize eliminating gender-based violence and addressing its root causes".

The alarming predictability and frequency with which GBV recurs in both peacetime and wartime remains beyond horrific. In this regard, there are some similarities between peacetime and wartime sexual violence. The first point of convergence concerns the patriarchal system that continues to "give power to men while subordinating women" (Hagen and Yohani, 2010, p.18). Tamara L. Tompkins (1995) explains that in the political, economic, cultural and educational realms, women are treated unequally. For instance, "[i]n most developed countries, women still earn only seventy cents for every dollar that men do", while in many developing countries "women's productive activities are not even accounted for since customs, laws or religion dictate that husbands consider everything that women earn or produce as theirs entirely" (Tompkins, 1995, pp.852-853). Therefore, expressions of power imbalance, gender discrimination and acceptance of violence represent stereotyped values that are already structurally embedded in some societies and that, during wartime, become increasingly pronounced. Every now and then, this is demonstrated by the fact that victims of abuse are blamed for not behaving in a "normal" manner, for wearing clothes considered too "sexually provocative" or "too girly", for frequenting desolate places. The second similarity consists in the objectification and commodification of women's sexuality. For instance, the portrayal of women as objects in the media and advertisements exposes their identity and appearance to certain conceptions of socialized gender and sexual roles (Tompkins, 1995). Thus, men and boys regard women's bodies as property, as a means that provides pleasure besides expressing dominance. The third characteristic that we can recognise as belonging to both peacetime and wartime is the lack of reporting and the difficulty to rely on statistics. Indeed, stigma and fear of coming out and telling the story prevent many victims from reporting the abuse. This aspect is elaborated in detail in the next chapter.

However, pivotal differences exist between GBV in peacetime and wartime. The main difference is that in the first case we witness an incredibly personal crime "located within the category of individual risks", as described by Lene Hansen (2000, p.59). It means that its consequences are bound to individual cases and do not jump into the category of collective security problems as they arise in cases of armed conflicts. While women are more likely to be assaulted in the private and

domestic sphere, sexual abuse in wartime often occurs in the public sphere where they are exposed to extreme vulnerability. Indeed, social and cultural mechanisms become weaker in conflict zones, "resulting in higher levels of sexual violence as the *opportunity* and/or *incentive* to engage in sexual violence increases" (Wood, 2006, p.321). In this optic, the crime of CRSV is understood "in much less sexual terms" since the attack may be primarily directed against women because of their nationality, creed, ethnic identity and "only secondarily because of [their] sexual features" (Hansen, 2000, p.59). Simply put, wartime exaggerates and exacerbates the conditions that give rise to sexual violence. In conflict zones, sexual violence can assume various forms, can be more dramatically accentuated, and can even been used as part of a military plan to achieve certain goals. Zawati explains that (2010, p.145) while in past conflicts sexual assaults "had been regarded as a natural outcome and standard operating procedure of warfare", it is now well-known that they join "a long list of weapons and tactics" used as peculiar strategies to terrorize populations, destroy communities, cleanse territories.

Notwithstanding, CRSV needs to be studied by taking into consideration specific cases. As extensively studied by Wood (2006, p.317), the frequency with which sexual violence occurs during wars depends on a number of factors, and it varies substantially:

> "[…] in prevalence; in form; in who is targeted (all women, girls and men as well as women, or particular persons, perhaps members of an ethnic out-group); in whether it is exercised by combatants from a single party or more generally; whether it is pursued as a strategy of war; where it occurs (in detention, at home, or in public); in duration; whether it is carried out by a single perpetrator or by a group; whether victims are killed afterward; and whether its incidence varies with other forms of violence against civilians or occurs in a distinct pattern."

In light of the above, LaShawn Jefferson (2004, p.326) claims that there are several critical factors that make CRSV resistant to eradication: the first has to be found in the "women's subordinate and unequal status in peacetime", a status that renders them more prone to sexual assaults in times of war; the second factor is represented by the failure to translate public outrage "into vigorous investigation and prosecution of perpetrators"; the third reason refers to "inadequate services for survivors" that "suggests a lack of commitment to facilitating rape survivors' reintegration into society". Indeed, many States fail to guarantee women's rights as well as to prevent and prosecute routine and widespread discrimination and GBV. In some countries, rapists are still allowed to marry their victims. Women are prevented from divorcing or having abortions. "Even where discrimination is prohibited, it often persists in practice", reckons Jefferson (2004, p.327). In many others, abusers

are not registered as sex offenders and may never spend a day behind bars, while the abused person will be identified and labelled as a sexual victim and obliged to spend the rest of her or his life partially dead inside. Wistfully, victims of sexual violence are still blamed for the assault on account of the clothing they wore, or they are simply not believed and shamed for even making an accusation. Therefore, the rules of human interaction, customary practices and legal protection will never change as long as violent aggressions are tolerated in everyday life. Jefferson (2004) concludes that unless States take seriously the problem of eradicating the chronic, routinized, structural and legal discrimination and violence against women, GBV will continue to pervade our societies.

1.3 Research questions and methodology

In this thesis, I attempt to understand and explain the causes, the reasons, the impact and the consequences of the deliberate and strategic use of sexual violence against women belonging to specific ethnic groups within specific territories. Central to the purpose of the research is the study of CRSV in the former Yugoslavia but, because events during the Yugoslav secession wars are complex and intricate, the analysis will be comparatively conducted through the eyes of two particular regions and national groups in order to provide a more precise, in-depth research: the first case refers to the Bosnjak national group during the war in Bosnia and Herzegovina (1992-1995), the second one to the Kosovo Albanian ethnic group during the war in Kosovo (1998-1999).

The cruelty of the ethnically-motivated GBV in different times and places demonstrate the intentionality of the transgressors to commit and pursue these crimes. The biggest problem is that, despite the subsequent founding of the "ad hoc" United Nations International Criminal Tribunal for the former Yugoslavia (ICTY) to prosecute and try individuals responsible for serious violations of international humanitarian law, such aggressions and violations remain largely unpunished and are not always addressed. Therefore, to assess how these countries witnessed such brutalities and to explain the main similarities and differences between them, I pose the following research questions:

- Under what circumstances do belligerents choose to carry out various types of violence against innocent civilians?
- Why do they prefer to abduct and sexually abuse women and girls, particularly those belonging to specific ethnic, religious, and national groups?
- What is the function, the impact, and the reasons behind the practice of GBV in wartime?
- Is sexual violence used strategically and deliberately as a weapon of war and ethnic cleansing?
- Can any theory provide a valid explanation?

- Which theory best depicts the link between armed conflict and sexual violence?
- Do the case studies covered in the thesis support any theory?
- Why did some areas witness much more violence than others?
- What are the consequences for the victims and the perpetrators?

Given the complexity of the topic, I adopt a multi-methodological and multi-disciplinary approach in order to obtain multiple and different viewpoints that enable to answer each of the research questions and to better understand the whole phenomenon. However, one might immerse herself/himself into the specific context of where such brutalities take place, into the minds of the aggressors, into the clothes of the victims.

The arguments for comparison and the resulting similarities and differences are clear and persuasive in that I analyse two cases that are completely intertwined and, to a certain extent, complementary. To begin with, the spatial, temporal and political proximity is pretty evident: the conflicts have been fought within the same geographical region (the Western Balkans), in a very short time frame (3 years from one conflict to the other), and within the same political institution (the former Yugoslavia). In this way, I would minimise the risks of going out of context, away from the main causes and consequences, and from achieving the intended objectives. It is a kind of juxtaposition that cannot be replicated across very diverse cases with the same precision and richness. The completeness of the comparative analysis and the interdisciplinarity of the arguments is one of the strengths of my research - both from a historical, political, religious and ethnic point of view - along with a special focus on feminism and women's organisations but also on the impact and consequences of CRSV.

Moreover, in searching for textbooks, research, documents, and reports on the subject, I found a lot of information on the Bosnian case, less on the Kosovar one, and almost nothing on a comparative analysis between the two. Through a detailed analysis and fruitful comparison of various works of academic literature, historical sources, direct testimonies, data availability and statistical resources, it is attainable to outline a complete picture of the awful crime. In fact, I draw upon a wide range of scholars, authors and researchers - followed by a careful critical analysis of those texts – belonging to distinct educational and ethnic backgrounds, who have extensively studied the phenomenon but who have not attempted to underline and frame it with respect to two case studies that are so closely related to each other. In light of this, the content of analysis consists of a myriad of interdisciplinary articles, books, reports, publications, official documents deriving from the

following sources: the United Nations (UN) and its various agencies[21]; international tribunals[22]; governmental bodies; non-governmental organisations (NGOs) and other international organisations[23]; online newspapers and websites[24]; scholars, journalists, experts and writers - with peculiar attention to feminists - who have addressed CRSV[25] and those who have dealt with the conflicts in the former Yugoslavia[26].

By following a comparative analysis approach, I examine in much detail why sexual violence has been employed as a weapon of war and ethnic cleansing in Bosnia and Kosovo. My final aim is to expand the current understanding of sexual violence in conflict areas and to develop further insights into the topic and regions covered by this thesis. It is urgent to change the culture of silence surrounding sexual violence as well as the culture of impunity for perpetrators, and to fill the current gap and incompleteness that exists between cases in Bosnia and Kosovo. Along a theoretical gap, this dissertation aims to complement the analysis of CRSV by offering a new, comparative, richer, more comprehensive, and suggestive examination of the phenomenon from a historical, political, socio-cultural, legal and gender-based lens. Incorporating these factors into a single framework enhances the knowledge of some of the fundamental processes that led to these heinous crimes. In fact, my observation tries to include all necessary information while being careful not to exclude important elements, facts, or events. Nevertheless, there are some shortcomings and weaknesses associated with it. These include sexual violence against men and boys; its systematic use in other adjacent conflicts such as in Croatia; children born as a result of rape[27]; social and legal measures aimed at preventing ordinary men from becoming aggressors; women and feminist organisations in pre- and post-Yugoslav states; the failure to halt GBV in peacetime as well as in wartime.

In essence, I hope it will meaningfully contribute to future research, policies, strategies, and responses to the issue; that it will provide policymakers and peacekeepers with a more comprehensive

[21] Among others: the UN Commission on Human Rights (UNCHR), the UN High Commissioner for Refugees (UNHCR), the UN Development Fund for Women (UNIFEM), the Committee on the Elimination of Discrimination Against Women (CEDAW), the World Health Organisation (WHO), the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities.
[22] The ICTY, the International Criminal Court (ICC), the International Court of Justice (ICJ).
[23] For instance, Amnesty International, Human Rights Watch (HRW), Organization for Security and Cooperation in Europe (OSCE), Kosova Women's Network, Medica Mondiale.
[24] The most important ones are the Balkan Insight, BBC, CNN, Euronews, The New York Times.
[25] Among these: Allen, Brownmiller, Copelon, Di Lellio, Gërxhi, Gottschall, Jefferson, Kraja, MacKinnon, Parin, Reid-Cunningham, Salzman, Seifert, Skjelsbaek, Stiglmayer, Tompkins, Wood, Zarkov.
[26] Authors such as Bieber, Clark, Friedman, Hyden, Jones, Judah, Obućina, Sancaktar, Sotirović, Ther, Zawati.
[27] For a better analysis and a discussion of the children born as a result of rapes, see: Carpenter, C. R. (2006). "*Recognizing gender-based violence against civilian men and boys in conflict situations*". Security Dialogue. Vol. 37 (1): 83-103; and Carpenter, C. R. (2000). "*Surfacing Children: Limitations of Genocidal Rape Discourse*". Human Rights Quarterly. Vol. 22 (2): 428-477.

gender-based approach for dealing with social, cultural, and legal issues. Sexual violence can no longer be disregarded or belittled. It is one of the most abominable crimes against humanity that must be eradicated with all available forces and means. Hence, I have attempted to be as transparent, explicit, and clear as possible in the presentation and discussion of the arguments. In case of a potential replication, other researchers can take use of this thesis and critically assess both my methods and results. Finally, my wish is that by writing a thesis on such a delicate and complex phenomenon, there will be benefits not only on an academic level but also on a moral, social, cultural, and humanitarian dimension. Above all, my greatest wish is to reach people's hearts and souls.

1.4 Outline of the thesis

This thesis is organized into three chapters. The opening chapter contains a general overview of the phenomenon and of the reasons why I have chosen to focus on certain aspects instead of others. It also compares the occurrence of GBV in peacetime and in wartime and it explains the linguistic choice to use certain terms. In the end, it illustrates the research questions, the methodological approach, the strengths and weaknesses of the research, and the hoped goals I wish to achieve.

The second chapter is dedicated to the literature and the theoretical review of the phenomenon. It begins with a critique moved toward the enduring historical invisibility of the crime of CRSV. An immense halo of silence – coupled by the reluctance to denounce and the impunity of the responsible - has characterised this crime, becoming a taboo, a social stigma, a secret to be taken to the grave. Then, it investigates the role of feminism and women's organisation, which have helped victims and survivors to break the deafening silence. Throughout the years, and notably with the discovery of massive cases of GBV during the war in Bosnia, women's groups have played a crucial role for understanding the issue, gathering information on the spot, putting pressure on governments and international organisations, delivering aid to the civilian population and helping them recover after having been subjected to inhuman atrocities. Consequently, the four leading theories that conceptualise the link, the nature and the contours of CRSV are presented and critically scrutinised in order to have a clearer portrait of the phenomenon in general, and in Bosnia and Kosovo in particular. Through a multi-disciplinary review of the theories, I determine which one is most applicable to the events in the former Yugoslavia. Therefore, GBV served the Serbian authorities as a powerful instrument of annihilation and mass destruction of the Bosnian Muslim and Kosovo Albanian peoples, as a deliberate policy of ethnic cleansing to further their political and military agenda. The last part of the chapter explores the impact and the consequences for women victims of CRSV and demonstrates, on the one side, how these theories are extremely interconnected and

intertwined, and, on the other side, how GBV leaves not only individual psychological and relational consequences but it also affects entire families and communities.

The third chapter is devoted to the historical background of Bosnia and Kosovo, as well as the former Yugoslavia, and the peoples who have suffered the most during the conflicts: Bosnjaks and Kosovo Albanians. In the beginning, I did not want to spend too much attention on the chronological timeline of the conflicts, but I was so flabbergasted by the brutal consequences and results of the conflicts that I found it imperative to dedicate a full chapter to the main protagonists of the research. Therefore, for each case study, respectively, I provide an extensive historical examination: from the origins of the Bosnjaks and Kosovo Albanians, their evolution under various empires and states, their subjugation under the Yugoslav regime, through the analysis of the role of nationalism and religion, the patterns of ethnic cleansing campaigns and the use of sexual violence, until post-conflict scenarios and current problems. Emphasis will be placed on the salient moments of the conflicts, the nationalistic drift of the majoritarian Serbian ethnic group and the consequences in the aftermath of the conflicts. The chapter helps explaining why, once the regime collapsed, Bosnjaks and Kosovo Albanians were brutally targeted to the extent that women and girls suffered indiscriminate GBV. Through an analytical and comparative discussion between the two cases, the mechanisms and motivations that led to massive ethnic cleansing and killings campaigns are unravelled. Using qualitative and quantitative data from a variety of sources, the main differences and similarities between the occurrence of massive GBV during the conflicts in Bosnia and Kosovo are brought to light. In the end, the chapter explores those special provisional measures that have been put in place by national governments to support victims of CRSV.

I terminate the thesis with a summary that highlights the preeminent arguments affronted and explores the most significant findings. It follows an investigation of the recommendations for the civil society, policymakers and peacekeepers, alongside the analysis of the coping strategies that are considered essential for halting the occurrence of GBV in both peacetime and wartime. In conclusion, I focus on the possible implications stemming from the comparative analysis, future prospects, as well as current ethnic-based confrontations in Bosnia and Kosovo.

Chapter 2: UNDERSTANDING AND EXPLAINING CONFLICT-RELATED SEXUAL VIOLENCE

Sexual violence against women represents a frightening and horrifying social reality, a global burden, a violation of human rights that cannot be justified under any circumstance and by any political, cultural or religious claim. Unfortunately, it continues to pervade our societies and, in some conflict scenarios, its recurrence heightens and can reach high levels in terms of magnitude, number of victims and scope, to the point of making us feel annihilated.

In both ancient and modern times, the impact of the brutalities of a war environment extends far beyond the number of combatants and civilians who are violently affected. Paradoxically, armed conflicts are fought and won using different methods and techniques: first of all, in battlefields using conventional weapons such as firearms, bombs, grenades, drones and missiles over a protracted period of time; and, in addition, by employing strategic military campaigns as that of sexual violence (in all its nuances and forms). Since military strategies are designed to accomplish some larger objectives, Lisa Sharlach (2000, p.90) asserts that "rape [and other forms of GBV] may even be a shrewder military tactic than murder because rape is difficult to prove, there is no corpse left as evidence, and war crimes tribunals and domestic courts seldom prosecute soldiers for rape". Susan Brownmiller[28] (1994, p.181) has for long time tried to explain and document the recurrence of sexual violence in wartime, claiming that female bodies have become another battlefield:

> "Sexual sadism arises with astonishing rapidity in ground warfare, when the penis becomes justified as a weapon in a logistical reality of unarmed noncombatants, encircled and trapped. Rape of a doubly dehumanized object - as woman, as enemy - carries its own terrible logic. In one act of aggression, the collective spirit of the women and of the nation is broken, leaving a reminder long after the troops depart".

As I am going to discuss and disclose in this chapter, during the wars in Bosnia and in Kosovo, innocent women of all ages belonging in most cases to the Bosnjak and the Kosovo Albanian ethnic groups have been conscientiously and overwhelmingly targeted by "Serbs" (i.e., Bosnian Serbs, Serbian Armed Forces, Yugoslav People's Army [JNA - *Jugoslavenska narodna armija*][29], regular and irregular paramilitary groups and militias organisations). It is now well-known and acknowledged that the central aim of Serbian nationalists was to *"ethnically cleanse"* those territories lost, or on the

[28] For further information, see Brownmiller's ground-breaking book "*Against Our Will: Men, Women, and Rape*" (1975).
[29] The JNA was formed predominantly by Serbs and Montenegrins.

way to secede, after the Socialist Federal Republic of Yugoslavia (SFRY) had collapsed in the beginning of the 1990s. The intent behind the employment of GBV was that of terrorising, weakening, and destroying an entire people because of the value and meaning that women have within certain traditional societies. Since women are believed to represent the centre, the honour and the sanctity of the family and the community, "by destroying the women, attackers are one step closer to wiping out their ethnic enemy", declare Kristine Hagen and Sophie Yohani (2010, p.17). Here lies the peculiarity of the post-Yugoslav wars: the gross abuses of women's human rights on a massive scale due primarily to ethnic and gender differences. These two characteristics are precisely what made Bosnjak and Kosovo Albanian women "eligible" for being sexually abused (Skjelsbaek, 2006).

In order to effectively counter the issue of CRSV, it is thus pivotal to understand the reasons behind its occurrence if we want to bring justice for victims, their families and communities, with the hope of helping the international community and national governments to implement further measures and plans on how these crimes are to be prosecuted and how victims are to be recognised as innocent victims of war, and protected thus from further psychological and physical harm, social ostracism and discrimination. However, the issue under scrutiny has only recently become a matter of public discussion among scholars, lawyers, politicians, psychologists, historians, and the whole international community. In fact, victims of CRSV are being ignored by history, despite being an active part of it. Perhaps, one of the reasons why this phenomenon continues to occur depends on the silence of the victims and the taboo for the society that keeps such atrocity hidden and buried.

2.1 Silence and taboo

"Maybe that's their [Serbian] way of hurting Muslim women and Croatian women, and the whole female race. Killing them isn't interesting enough for them anymore. It's a lot more fun to torture us, especially if they get a woman pregnant. They want to humiliate us… and they've done it, too. Not just in my case, either, all the women and girls will feel humiliated, defiled, dirty in some way for the rest of their lives… I feel dirty myself somehow. And I feel as though everybody can see it when they pass me in the street. Even though it isn't true, no one could know about it. But the humiliation is there".

- *Sadeta*, Bosnian Muslim girl, twenty-year-old at the time of the interview in July 1992 (Stiglmayer, 1994, p.96).

The cruelty of CRSV has been largely ignored, understudied, and not acknowledged as being politically and culturally significant until recently; it "has been one of history's greatest silences"

(UN Action, 2011, p.4). According to Ruth Seifert (1993, p. 9), in almost five decades the savagery of CRSV has never been a subject of discussion and understanding: history has usually "placed a cloak of silence over the atrocities committed against women". Indeed, it took ages to become a priority concern for the whole world.

The callous treatment of women during armed conflicts all over the globe and throughout humankind history reveal the need for the imperative commitment to tackle the problem of GBV once and for all. The paradigm and theoretical shift in the universal understanding of the impact, the documentation, and the conceptualization of CRSV occurred at the beginning of the 1990s[30], exactly when the world came to know about the innumerable atrocities committed during the fratricidal wars in the former Yugoslavia and, to a greater extent, during the genocidal campaign in Rwanda[31]. These events, which occurred just after the collapse of the Cold War system, exposed the entire world to a kind of violence that was considered unimaginable to happen again after World War II's experience of brutal crimes against civilians and entire communities. But the massive gender-based persecutions that occurred during World War II had been partially obscured.

The discovery of the Nazi concentration camps led the international community to adopt, in 1949, a series of Conventions (i.e., the Four Geneva Conventions[32], which define violations of human rights under three general headings: war crimes, crimes against humanity, and genocide), and, in 1977, the Additional Protocols[33], which establish international legal standards for humanitarian treatment in wartime:

- The fourth Geneva Convention is the only one to mention "*rape*". In Article 27 (UN, 1949, p.179), it states: "Women shall be especially protected against any attack of their honour, in particular against rape, enforced prostitution, or any form of indecent assault."

[30] Prior to the 1990s, the only occasion where rape crimes committed during a conflict were prosecuted by an international war crimes court was at the Tokyo Trial in 1946.

[31] In 1994, nearly 1 million people (mainly belonging to the minority Tutsi group) were killed in ethnic conflict by the majority Hutu group during a 3-months period, the most rapid genocide in recorded history. For a complete account of the mass rape reports occurred in Rwanda see: Human Rights Watch, (1996). "*Shattered Lives: Sexual Violence During the Rwanda Genocide and Its Aftermath"*. New York: Human Rights Watch; available at: http://hrw.org/reports/1996/Rwanda.htm. For a comparative discussion of the roots of ethnic conflict, the mechanisms and motivations that led to genocidal rape, ethnic cleansing and mass killings in the former Yugoslavia and Rwanda, see Zawati, H. M. (2010). "*The Triumph of Ethnic Hatred and the Failure of International Political Will: Gendered Violence and Genocide in the Former Yugoslavia and Rwanda*". Lewiston, N.Y.: The Edwin Mellen Press.

[32] The Four Geneva Conventions are referred to: the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field; the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea; the Treatment of Prisoners of War; the Protection of Civilian Persons in Time of War.

[33] The Additional Protocols to the Geneva Conventions were developed and adopted by States to make international humanitarian law more complete and more universal, and to adapt it to new types of warfare and political contexts which had not previously been considered. Protocol I is related to the Protection of Victims of International Armed Conflicts, while Protocol II concerns the Protection of Victims of Non-International Armed Conflicts.

- Article 76 (1) - Protection of women - of Protocol I (UN, 1977a, p.282) provides that "Women shall be the object of special respect and shall be protected in particular against rape, forced prostitution and any other form of indecent assault.".
- Article 4 (2, e) – Fundamental Guarantees - of Protocol II (UN, 1977b, p.2) prohibits acts that are considered "outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault."

However, in all of them, the act of sexual violence as a war crime, crime against humanity and genocide is not explicitly mentioned; it "is not designated as a 'grave breach' but only as a lesser abuse", claims Miranda Alison (2007, p.82). Rhonda Copelon[34] (1994, p.200) argues that the concepts of "*honour*" and "*dignity*" of women used by the Convention and the Protocols are a core problem since they somewhat fail to recognise SGBV as a fundamental crime against women, as a "violence against a woman's body, autonomy, integrity, selfhood, security, and self-esteem as well as her standing in the community". Furthermore, this conceptualisation seems to give more weight to the chastity and virginity of women, as well as the traditional social view of "invisible" women within societies, rather than acknowledging a specific serious crime: "[w]here rape has been treated as a grave crime, it is because it violates the honour of the man and his exclusive right to sexual possession of his woman as property", underscores Copelon (1994, p.200).

Indeed, one of the worst crimes documented in the former Yugoslavia and in Rwanda was exactly the systematic SGBV that achieved startling levels in terms of number of victims and organisation. Something never witnessed before. According to various data gathered by numerous international organisations (Geneva Declaration Secretariat, 2008, p.39):

- in Bosnia, between 14.000 and 50.000 women of all ages were systematically raped, sexually assaulted, mutilated, tortured, in public spaces or in concentration camps (named "rape camps") until death occurred; or held in domestic and sexual slavery for extended periods, and even forcefully impregnated and released only when abortion was no longer feasible.
- In Kosovo, the estimated number of sexual abuses fluctuated from 23.200 to 45.600 between August 1998 and August 1999[35].

[34] Copelon (1944-2010) filed countless amicus briefs in cases heard by the International Criminal Tribunals for the former Yugoslavia and Rwanda.

[35] Although estimates of the numbers of Kosovo Albanian war-related sexual violence survivors range from 23,000 to 45,600, research mounted by international organizations such as HRW (Federal Republic Of Yugoslavia: Kosovo - Rape As A Weapon Of "Ethnic Cleansing" (hrw.org)), the Centers for Disease Control and Prevention ((12) (PDF) Sexual Violence Against Refugee Women (researchgate.net)), the UNFPA (Assessment Report on Sexual Violence in Kosovo.

- In Rwanda, the number of women victims of SGBV is estimated to have been ten times higher than in Bosnia – between 250.000 and 500.000 - and it happened in just 100 days from April to July 1994.

Despite it is almost impossible to record each case and to rely on such numbers, these estimates reveal the most brutal side of a conflict and how some military operations are so accurately planned and practiced. "Numbers are unprovable", exemplified Copelon (1994, p.204); while Albana Gërxhi (2017, p.175) highlights that they remain just an estimation rather than real number of victims, on the one hand, because of "the difficult context on which such violence happens", while, "on the other hand, many of the women victims of violence would not report their experience bearing the shame and most of the times feeling guilty of what experienced". These feelings are usually accompanied with the possibility of being rejected by the family and the community after admitting the sexual abuse. In its valuable report on the conflict in Kosovo, the Independent International Commission on Kosovo[36] (IICK, 2000, p.91) found out that GBV - in particular rape – "is notoriously difficult to quantify statistically, due to societal inhibitions against reporting". As underlined by the Human Rights Watch (HRW) report, "*Kosovo: rape as a weapon of ethnic cleansing*" (2000), the cultural stigma and women's reluctance attached to rape further complicated the documentation efforts. In the case of Kosovo, HRW was able to discover "only" ninety-six credible accounts of rape, advancing that this figure represents only a fraction of the actual incidents that occurred. According to Zawati (2010, p.141), the conservative nature of the Muslim society was the reason why the cases of SGBV of Muslim women were under-reported and un-reported:

> "In Muslim societies, including Bosnia-Herzegovina and Kosovo, women are valued for their sexual purity. Sexual intercourse is forbidden outside marriage, and if a woman has engaged in unlawful sexual acts, even against her will, she will be blamed and judged by her family and society for this victimization. Of course, this attitude is due to customary and traditional values, not to Islamic teachings and rules."

Namely, the testimony of forty-eight-year-old Munerva, a traditional Muslim woman who felt victim of the Serbian ethnic cleansing campaign in Bosnia, allows us to comprehend the injurious effects on women of blaming themselves for being sexually abused, which cause them to internalise

UNFPA (phdn.org)) and OSCE (Kosovo/Kosova As Seen, As Told (osce.org)) has been unsuccessful in identifying the real numbers of victims.

[36] The IICK was a commission established in 1999 by the government of Sweden to examine the events in Kosovo.

the feelings of shame and guilt and to keep the experience buried. Munerva was repeatedly raped at home while her three sons and a daughter-in-law were in the house:

> "Then they [two Serbian soldiers] brought me to the other room. I squeezed my legs tight together. One of them was with me, the other one was waiting in the living room. I begged him and cried, and I crossed my legs. Then he took out his thing, you know, and he did it and it sprayed on me. When he was done the other one came and did the same thing, but I kept my legs crossed the whole time. When they left, my sons came out and found me in a complete mess. They asked me what happened: "What'd they do to you?" I said, "Nothing." I couldn't tell them about it, I really couldn't tell them about it. I'd rather die than have them find out about it." (Stiglmayer, 1994, p.101).

Given the above, in traditional as well as in modern societies the taboo of sexual violence - of sexuality in general - provokes the emergence of the "*culture of silence*" that maintains the topic hidden, at the margins of public attention and debate. Hence, it becomes more difficult to discuss it openly and loudly, and consequently to effectively counter the phenomenon. Skjelsbaek (2001, p.228) states that one of the main problems with the reliability of data lies precisely in the feelings that stem from the crime: "shame, guilt, fear and taboos keep victims and perpetrators silent and this poses a great challenge to outside analysts and it is precisely the same feelings of shame, guilt, fear and taboo which make sexual violence such an effective weapon". In addition, it is quite logical that aggressors decide not to speak out about what they have committed with the fear of being accused of a barbaric crime, branded as criminals and then imprisoned. Likewise, government and military authorities never admit to encouraging the use of sexual violence or turning a blind eye to what happens within the territorial borders of their countries (Sharlach, 2000).

Nowadays, the silence and the taboo that have covered for so long the topic of CRSV has finally been broken, although some social stigmas are still present. Over the past few decades, many scholars from different fields of study[37], activists, advocates, lawyers, journalists, politicians, policy-makers, human rights organizations, and the international community, have become increasingly concerned about this dramatic plight. Notwithstanding, all those actors are accused not to give enough importance and priority to the issue and to come out to the surface "only at the emotional moment when the side in danger of annihilation cries out for world attention", as declared by Brownmiller (1994, p.182). On the same line of reasoning, Howard Clark (2000, p.158) adds: "'Something must

[37] Many scholars who addressed the issue of sexual violence in wartime come from the fields of politics, international relations, sociology, psychology, history, anthropology, women's studies, gender studies, law, human rights.

be done' was one of the dominant feelings of the 1990s when faced with media images from one ethnic conflict after another and victims crying out for international intervention". In his insightful book "*Civil resistance in Kosovo*" (2000), Clark criticises the international community and illustrates how the world woke up too late when the war erupted in Yugoslavia and how the war in Kosovo could have been prevented if the international community had included the Kosovo Question into the peaceful stipulation of the Dayton Peace Agreement (DPA) in November 1995[38], and if it had listened to the several warnings of the Kosovo Albanian civil society and its non-violent movement[39]. Zawati too (2010, p.197) contends that the international community failed to prevent and rapidly stop the wars in the Balkans and in Rwanda, arguing that the myriad atrocities "were committed in the face of an international conspiracy of silence".

Indeed, in the case of the post-Yugoslav wars there were initially few reports of what was happening to women. Seifert (1993, p.9) stresses out the fact that "the Red Cross and other humanitarian relief organizations have for a long time been informed about the existence of rape camps without bringing the scandal to public attention". As a matter of fact, the first instances of massive SGBV were notified in spring 1992 by Independent Zagreb feminists, "but they were not taken seriously because they did not have a 'clear national approach'" (Morokvasic, 1997, p.79). According to Mirjana Morokvasic (1997, p.79), "it was only when the nationalists of the warring parties grasped the propaganda value of women's suffering that rape stories spread all over the media, both local and international". On the same line of reasoning, Skjelsbaek (2010) suggests that it is highly likely that stories of sexual violence in Bosnia received more attention by the international media because it took place in Europe among white Western peoples. Instead, what appeared to be a systematic attempt at destroying a community[40] through the establishment of concentration and rape camps was publicly reported only as early as August 1992 by Roy Gutman[41], at the time journalist for the American newspaper Newsday. However, unlike in Bosnia where the occurrence of SGBV was strongly condemned, the situation in Kosovo did not receive the expected scrutiny it needed and revealed the lack of attention to women's and girls' needs (Kosova Women's Network, 2011). Also, the IICK (2000) advocated greater emphasis on the gender dimension of humanitarian intervention,

[38] The DPA signalled the end to the wars in Croatia and Bosnia.
[39] During the 1980s and early 1990s a nonviolent resistance movement led by Ibrahim Rugova sought to find a peaceful solution to the Kosovo dire situation and avoid war. More details are found in the next chapter.
[40] Primarily: Bosnjaks, Bosnian Croats, Bosnian Serbs, Serbs, Croatians and Kosovo Albanians.
[41] See: Gutman, Roy, (August 23rd, 1992). "*Mass Rape — Muslims Recall Serb Attacks*," New York City: Newsday. Gutman was the first journalist to report on the use of sexual violence in the "ethnic cleansing" campaigns carried out by Serbian military and paramilitary troops against Muslim and Croatian populations. For his courageous and persistent reporting, he won the 1993 Pulitzer Prizes.

denouncing the insufficient attention paid to the use and impact of rape as a weapon of war during the war in Kosovo.

Thence, once the atrocities committed in Bosnia and in Rwanda were reported and revealed to the entire world, they achieved an unprecedented resonance which brought the issue to the global human rights agenda and into the consciousness of the people, leading to profound transformations in legal, cultural, political, and social understandings of the problem. Beyond the shadow of a doubt, the culprits could no more be left unpunished. As a result, two "ad hoc" international tribunals[42] were officially set up in the 1990s with the aim of criminalising, for the first time in history, sexual violence in the context of an armed conflict under international law: the ICTY (International Criminal Tribunal for the Former Yugoslavia) and the ICTR (International Criminal Tribunal for Rwanda). The former represents the first international war crimes tribunal since the Nuremberg and Tokyo tribunals. It was established precisely to prosecute perpetrators for serious violations of international humanitarian law (including mass killings, torture, methodical detention of civilians, rape, enslavement, forced pregnancy, and the practice of "ethnic cleansing") committed within the territory of the former Yugoslavia since 1991 (UNSC, 1993c). On the other hand, the ICTR signalled a turning point into the international jurisprudence with the sentence of the "*Akayesu"* case, in which rape and sexual violence were defined as acts of genocide for the first time in history (ICTR, 2001).

Thus, the tribunals established a legal international precedent by indicting individuals solely for the crime of SGBV. Jefferson (2004) highlights that the great commitment and will of the international community to provide accountability for CRSV crimes indicate the substantial aim to deter similar future episodes. However, both international criminal tribunals received several critiques on account of the failure to meet expectations for establishing accountability and responsibility for the brutalities in the former Yugoslavia and in Rwanda. Accordingly, Jefferson (2004, p.337) claims that "in terms of sexual violence prosecutions each criminal tribunal risks being remembered for what it missed doing, rather than for what it achieved". There should be no safe haven for all the wrongdoers but, according to the number of individuals accused by the ICTY from 1996 to 2017 (ICTY, 2016), only 78 individuals on a total of 161 had charges of SGBV included in their indictments. Out of the 78 defendants, 32 have been convicted for their responsibility for crimes

[42] The International Criminal Tribunal for the Former Yugoslavia (ICTY) was established in May 1993 by the UNSCR 827 and it began its proceedings at the Hague in 1996; and the International Criminal Tribunal for Rwanda (ICTR), established in November 1994. These tribunals were followed by the establishment of "hybrid" courts in Cambodia, Sierra Leone and East Timor, based on a different model, which are part of the national judicial system but supported by the international community.

of SGBV, as defined under Article 7 (1) of the ICTY Statute[43]; and 4 of them were additionally convicted for failing to prevent or punish the actual perpetrators of the crimes, under Article 7 (3)[44] of the Statute. As one may discern, these numbers are shockingly low considering the hundreds of thousands of women sexually abused. "[T]he number of successful prosecutions has been paltry compared to the scale of the crimes", reckons Jefferson (2004, p.326). Moreover, the tribunals have not given the appropriate support and protection to victims: "[d]uring trials, survivors of sexual violence are reported to have received inadequate witness preparation, and experienced aggressive cross-examination, which left them feeling re-victimised and humiliated" (Bastick, Grimm and Kunz, 2007, p.156). This caused disappointment among victims, women's rights activists and other actors involved in the prosecution of SGBV.

The ICTY's jurisdiction was also extended to Kosovo, despite the idea of establishing an international-led Kosovo War and Ethnic Crimes Court (KWECC) as the local arm of the ICTY was soon abandoned due to resistance from Kosovo Albanian lawyers and judges who feared lack of ownership in the future court as well as complications of an additional layer between the domestic judicial system and the ICTY (Amnesty International, 2008). With regard to the conflict in Kosovo, "of the hundreds, potentially thousands, of cases of alleged sexual violence, not a single perpetrator" has been convicted by the ICTY (Kosova Women's Network, 2011, p.84). The very first conviction for CRSV in Kosovo has been issued by the Basic Court in Pristina in July 2021, against a former Serbian policeman, Zoran Vukotić, sentenced to ten years in prison for the acts of rape and his participation in the expulsions of ethnic Albanian civilians back in 1999 (Gashi and Bami, 2021). In addition, Adam Jones[45] (2006, p.366) points out to the controversy of the ICTY in ruling out war crimes prosecutions of North Atlantic Treaty Organization's (NATO) leaders "accused of attacks on civilian targets and other breaches of international law" during the Kosovo war.

The lack of provisions for the protection of women or their unequal application has led to the increasing report of allegations of GBV in wartime and to the adoption of numerous international

[43] ICTY Statute: Part V) INDIVIDUAL RESPONSIBILITY, Article 7(1): "*A person who planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of a crime referred to in articles 2 to 5 of the present Statute, shall be individually responsible for the crime.*" Available at: Case Law of the International Criminal Tribunal for the Former Yugoslavia: V) INDIVIDUAL RESPONSIBILITY (Article 7(1)) (hrw.org).

[44] ICTY Statute: Part VI) COMMAND RESPONSIBILITY, Article 7(3): "*The fact that any of the acts referred to in articles 2 to 5 of the present Statute was committed by a subordinate does not relieve his superior of criminal responsibility if he knew or had reason to know that the subordinate was about to commit such acts or had done so and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.*" Available at: Case Law of the International Criminal Tribunal for the Former Yugoslavia: VI) COMMAND RESPONSIBILITY (Article 7(3)) (hrw.org).

[45] For further information, see: Jones, A. "*Gender Inclusive: Essays on Violence, Men, and Feminist International Relations*" (Routledge, 2009).

humanitarian and human rights reports, documents, conventions, and resolutions. Nowadays, CRSV is explicitly and categorically prohibited by international law, and perpetrators are held responsible for committing such crimes. In 1998, amid trials of the ICTY and ICTR, the International Criminal Court (ICC) was created to try war crimes, crimes against humanity, and genocide. For the first time in history, the Rome Statute, which established the ICC, elevated the acts of SGBV (committed as part of a widespread or systematic attack directed against a civilian population) to one of the most heinous war crimes ever:

- in Article 7 (1) (g), it is stated that "rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity" are to be considered as crimes against humanity;
- in Article 8 (2) (b) (xxii), the same forms of sexual violence as war crimes are labelled "grave breach of the Geneva Conventions" (ICC, 2011, pp.3-6).

However, it was not until 2008 with the adoption of the United Nations Security Council Resolution (UNSCR) 1820 (UNSC, 2008, p.3) that forms of GBV can also be recognised as "a constitutive act with respect to genocide". Furthermore, the UNSCR 1820 (2008, p.3) calls forth States "to comply with their obligations for prosecuting persons responsible for such acts, to ensure that all victims of sexual violence, particularly women and girls, have equal protection under the law and equal access to justice, and stresses the importance of ending impunity for such acts". The adoption of all these resolutions represents a significant step towards the complete integration of gender concerns within international law and the recognition that CRSV is an abominable crime that challenge, on the one hand, the maintenance and promotion of peace and security and, on the other hand, the protection and safeguard of women.

Although the occurrence of CRSV has not been stopped and continues to be a commonplace, the establishment of the ICTY and ICTR "has subsequently led to a number of symbolic, procedural and substantive victories for both victims and gender justice" (Henry, 2014, p.95), and they "have paved the way for more refined understandings of sexual violence abuses in conflict" (Gërxhi, 2017, p.180). The phenomenon has since then become "a much-discussed subject in personal memoirs, journalistic accounts, films with Hollywood stars and human rights and activist campaigns" (Henry, 2014, p.94). In fact, a variety of movies, books, reports and documentaries on this phenomenon have been released in the past three decades. Recently, on 19th June 2015, the UNGA (2015, p.2) adopted the Resolution A/RES/69/293 which proclaimed the 19th June of each year as the International Day

for the Elimination of Sexual Violence in Conflict[46], "in order to raise awareness of the need to put an end to conflict-related sexual violence, to honour the victims and survivors of sexual violence around the world and to pay tribute to all those who have courageously devoted their lives to and lost their lives in standing up for the eradication of these crimes." Furthermore, many CRSV-focused organisations[47] mushroomed over time and started to work together, share knowledge and expertise, provide support and help to victims of CRSV and their families, improve women's livelihoods and restore their agency, gather precious documentation, to the extent that we have much more information about where these acts happen and who are the wrongdoers. It is worthwhile to mention that the documentation of CRSV (and other gross human rights violations and war crimes) would have never been reported by local and transnational NGOs, the UN, international organizations and the media, if the victims were not able to speak out about what they have gone through. It is only thanks to strong women that we have come to know what happens in certain contexts and situations. As a matter of fact, many international and regional reports draw "their conclusions from the most literal of sources: persons who have survived the atrocities and those who, perhaps not having been raped or tortured themselves, have witnessed the perpetration of atrocities on others", in addition to women's visible "scars" on their bodies, emphasises Beverly Allen[48] (1996, p.313-314).

The phenomenon will never be deterred unless and until victims' stories are spread and heard. "People must hear the horrifying, think the unthinkable and speak the unspeakable", emphasises Tompkins (1995, p.852). For many, testifying before a court requires great boldness, especially if they know that war criminals and their devotees are still out there somewhere and could still do great harm. Allegedly, when victims of sexual abuse decide to testify at war crimes trials the aim is that of brining justice to them, their relatives, and to all the dead victims. Nicola Henry (2014, p.104) advances the idea that many victims and witnesses do it simply because they perceive to have the moral and civic obligation towards their community and their fellow female peers: "the choice to defy the stigma and shame and confront perpetrators in court may likewise represent a desire to speak on behalf of those who do not have the courage to testify". Some empirical facts may help us understanding this instance. In his intense study on the ICTY witnesses, Eric Stover[49] (2005) found

[46] The date was chosen to commemorate the adoption on 19th June 2008 of the UNSCR 1820, in which the Council condemned sexual violence as a tactic of war and an impediment to peacebuilding.
[47] Some organisations are: Centre for African Justice, Peace and Human rights; Civitas Maxima; Dr. Denis Mukwege Foundation; Equator Foundation; IFHHRO | Medical Human Rights Network; IMPACT: Center Against Human Trafficking and Sexual Violence in Conflict; Mukomeze Foundation; REDRESS; Sterk Huis; Women's Initiatives for Gender Justice.
[48] Allen served as consultant to the U.N. International Criminal Tribunal for the former Yugoslavia.
[49] For further information on the opinions and attitudes of individuals who have appeared before the ICTY, see: Stover, E. (2005) "*The Witnesses: War Crimes and the Promise of Justice in The Hague*".

out that 90% of respondents indicated a moral and civic duty to speak for the dead as the main motivation for testifying.

With the massive occurrence of GBV in the 1990s, there was a conceptual shift of regarding the language of human rights (and therefore women's rights) that spread more widely and entered into the official vocabulary of major international agencies. The extreme cases of SGBV witnessed in the Bosnian war marked a historical watershed between how the phenomenon was conceived before (or rather neglected) and how it became a pillar of human rights. Henry (2014, p.95) points out that, in the past, "wartime rape has been viewed and treated, at least historically, as abhorrent, incomprehensible and unspeakable, yet at the same time as inevitable, excusable or even laudable". Instead, since the war in Bosnia, academic, political, legal, cultural and diplomatic circles have moved from perceiving CRSV as an unfortunate but inevitable "by-product of war" resulting from the chaos and violence of war, to seeing it as a military strategy, a weapon of war, of psychological mass destruction, a tool of genocide and ethnic cleansing (Allen, 1996; Clark, 2000; Di Lellio, Kraja, 2020; Gottschall, 2004; Kirby, 2012; Littlewood, 1997; MacKinnon, 1994; Salzman, 1998; Seifert, 1994; Sharlach, 2000; Skjelsbaek, 2001; Stiglmayer, 1994; Tompkins, 1999; Wood, 2006, Zarkov, 2003; Zawati, 2010). At the international level, UNSCR 1820 (2008, p.1) explicitly indicates that in some conflicts "women and girls are particularly targeted by the use of sexual violence, including as a tactic of war to humiliate, dominate, instil fear in, disperse and/or forcibly relocate civilian members of a community or ethnic group". Also, the 2015 UNSC's report on CRSV states that:

> "Sexual violence is not incidental, but integrally linked with the strategic objectives, ideology and funding of extremist groups. It is used to advance such tactical imperatives as recruitment; terrorizing populations into compliance; displacing communities from strategic areas; generating revenue through sex trafficking, the slave trade, ransoms, looting and the control of natural resources; torture to elicit intelligence; conversion and indoctrination through forced marriage; and to establish, alter or dissolve kinship ties that bind communities" (UNSC, 2015, p.24).

Moreover, Zawati (2010, p.169) asserts that the high number of rape reports in the former Yugoslavia and Rwanda demonstrate that systematic mass rape was employed "as a weapon of war for different purposes, including humiliation, extracting information, political terror, intimidation, ethnic cleansing, and breaking down the morale of the opponent's civilian population by inflicting physical and psychological injuries on the victims and stigmatizing them and their families". As I am going to analyse in depth in the course of the thesis, the cases of Bosnia and Kosovo make an

exception for the methodical and organised way to deliberately detain, rape and impregnate Bosnjak and Kosovo Albanian women. According to the UN Committee on the Elimination of Discrimination Against Women report (CEDAW, 1994, p.1), the brutalities carried out in Bosnia "were premeditated, carefully organized and meant as acts to humiliate, shame and degrade the entire ethnic group. They were not just products of the 'war environment'". It was not an unfortunate by-product of the conflict, claimed Roy Gutman (1994), but rather the "aim of the campaign" pursued by ethnic Serbs, central to the conquest of the Bosnian territory.

In a follow-up report, the UNGA (1994) further stated that "this heinous practice [abuse of women] constitutes a deliberate weapon of war in fulfilling the policy of ethnic cleansing carried out by Serbian forces in Bosnia and Herzegovina, and [...] that the abhorrent policy of ethnic cleansing was a form of genocide." With regard to the Kosovo conflict, HRW (2001, p.130) established that:

> "Rape and other forms of sexual violence were used in Kosovo in 1999 as weapons of war and instruments of systematic "ethnic cleansing." Rapes were not rare and isolated acts committed by individual Serbian or Yugoslav forces, but rather were used deliberately as an instrument to terrorize the civilian population, extort money from families, and push people to flee their homes. Rape also furthered the goal of forcing ethnic Albanians from Kosovo".

To conclude, as claimed by Skjelsbaek (2001), the best "coping strategy" to break the silence related to GBV is to speak up about the issue. But in view of the persistent stigma and ostracism faced by victims, many women prefer in fact not to come forward to seek help or to speak out. However, another conceptual shift at the social and cultural level is the fact that women today are less marginalised and discriminated against by their families and communities in comparison with decades ago. The growing awareness and sensitivity towards victims of GBV smashes decisively the sense of embarrassment and shame that has characterised the humankind history. This generates a common awareness of women's experiences.

Currently, Cockburn (2013, p.435) observes how the technological innovations, the development of social media and the internet make it easier and faster to spread worldwide the news and stories of sexual abuses: these new instruments "bring the news of war immediately to audiences both near to and far from conflict". A recent powerful event that further changed the conception of victims of GBV is represented by the social media campaign #MeToo[50] against sexual harassment

[50] The movement began in October 2017 when The New York Times printed the first allegations of sexual harassment, abuse and rape committed by the famous film executive Harvey Weinstein. He was accused by dozens of women and was fired from his own company inside a week. Some days after that, actress Alyssa Milano suggested on Twitter that

and abuse that, since 2017, has reached every corner of the globe (Seales, 2018). However, Seales (2018) shows that its resonance has inevitably gained greater traction in those countries where the freedom of press and the media is rightly exercised and guaranteed. Skjelsbaek (2018, p.2) praises the widespread share of experiences of GBV and the use of the hashtag #MeToo that "opened up a language, recognition, and an outlet for talking about experiences that had far too often remained inarticulate to those affected as well as their surroundings". She also finds a similarity between the #MeToo campaign and CRSV by claiming that, in both cases, GBV has been overlooked until silence breakers started to speak up and tell their experiences. Fortunately, survivors like Nadia Murad who are relentlessly speaking out, are changing the narrative and bringing hope for all those who continue to suffer. When silence breakers and their dramatic stories develop on a massive scale the result becomes extraordinary: policymakers and academics cannot ignore any longer the impact of the phenomenon. In fact, as acknowledged by Skjelsbaek (2001, p.228), "it is only by making policy-makers, journalists and lawyers and other analysts aware of the issue that one can stop the tradition of impunity and silence" that has for so long characterised our history.

2.2 The role of feminism and women's organisations

Until the break-up of the cycle of silence and taboo about the issue of CRSV, that has brought to the recognition of the problem as a violation of human dignity and human rights with a peculiar gender-based resonance, this crime was not considered and addressed as a serious matter of public concern. Particular credit is owed to feminist organisations, scholars, lawyers and activists for being the first to have investigated, documented, and raised consciousness about this dreadful issue. They filled the void left by governments and the international community to meet the overwhelming needs of civilians. Through the years, women's organisations and groups, local or international, have played a crucial role for understanding the issue, gathering information on the spot, putting pressure on governments and international organisations, delivering aid to the civilian population and helping victims recover after having been subjected to certain atrocities (Korać, 1996).

Maja Korać (1996, p.140) has extensively studied the issue of CRSV and has praised the political action of local women's groups[51], as well as the support of women's groups worldwide,

anyone who had been "sexually harassed or assaulted" should reply to her Tweet with "Me Too", to demonstrate the scale of the problem. Half a million people responded in the first 24 hours.

[51] Among these, it is worth mentioning Medica Mondiale, Women for Women International, and Women in Black because they were the first women's organizations that provided a place for refugees in the war. The first is a German-based internationally renowned women's rights and aid organisation that worked for raped women in Bosnia and in Kosovo. The second was founded in Bosnia and Herzegovina in 1993 to bring financial and emotional support to women affected by the Bosnian War. The third is an international peace movement founded by Israeli women. During the Balkan war, the Women in Black in Belgrade were a profound example of ethnic cooperation that was an inspiration to their compatriots.

because it is notably thanks to them that "rape in war has become a world human rights issue", particularly during the conflicts in the Balkans. In fact, the brutalities witnessed in the Balkans represent a turning point for women's empowerment and emancipation, remarkably in those regions affected by war. Dubravka Zarkov[52] (2003) claims that: "[t]here have been few events in history that have caused such a global feminist response among activists, lobbyist and academics alike and caused - or at least contributed to - defining gender and women-specific policies in major international organizations and agencies" (Zarkov, 2003, p.1). Women were no longer regarded exclusively as victims or survivors (Zarkov, 2003), but increasingly as active actors, martyrs, heroines, who have harshly fought to bring the issue of GBV to the surface in a world still stuck in a muddy male-centred vision of the society. On the one side, women have been promoting the gender feature as a legitimate category of analysis and discussion; on the other side, they have significantly changed the people, media, governments, organisations, and the international community's sensibility and conceptualisation concerning the link between CRSV and women's human rights, to the extent that now more victims and witnesses are willing to speak out about what they have experienced.

For instance, during the war in Bosnia, several women's organisations[53] dedicated to the promotion of women's rights had established a tribunal[54] (named the Global Tribunal on Women's Human Rights) at the 1993 UN World Conference on Human Rights, held in Vienna, in order to bring attention to women's rights issues such as abuses in the family, violations of women's bodily integrity, and war crimes in conflict situations (Centre for Women's Global Leadership, 1993). Therefore, "[t]he notion that these acts violate women's human rights has been created by women, not by states or governments", remarked Catherine MacKinnon[55] (1994, p.184). At that time, the coalition harshly protested the failure of existing humanitarian and human rights laws and mechanisms to protect and promote women's human rights, calling for the immediate creation of an "ad hoc" War Crimes Tribunal "to adjudicate the atrocities, including rape and forced pregnancy, being committed in the

[52] For a clear picture of how the representations of female and male bodies in the Croatian and Serbian press in the late 1980s and in the early 1990s shaped the process through which ethnicity was generated, see: "*The body of war: Media, Ethnicity, and Gender in the Break-up of Yugoslavia*" (Zarkov, 2007); "*Conflict, Peace, Security and Development: Theories and Methodologies"* (with Helen Hintjens, 2015); "*Narratives of Justice in and out of the Courtroom: Former Yugoslavia and Beyond"* (with Marlies Glasius, 2014); "*Gender, Violent Conflict, and Development"* (2008); *"The Postwar Moment: Militaries, Masculinities and International Peacekeeping*" (with Cynthia Cockburn, 2002).

[53] The organization was the Global Campaign for Women's Human Rights, a coalition of approximately 950 women's organizations from all over the world.

[54] The tribunal was coordinated by the Centre for Women's Global Leadership, in collaboration with the International Women's Tribune Centre, the Asia Pacific Forum on Women, Law and Development, the Asian Women's Human Rights Council, the Austrian Women's Shelter Network, the Caribbean Association for Feminist Research and Action, the Family Violence Prevention Fund, the Fund for a Compassionate Society, the Humanistic Committee on Human Rights, ILANUD and FIRE at Radio for Peace, the Match International Centre, Women in Law and Development in Africa, Women's Aid, and the International Solidarity Network of Women Living Under Muslim Laws.

[55] MacKinnon was the special gender adviser to the Prosecutor of the International Criminal Court for the crimes committed in former Yugoslavia. The Bosnian Serb leader Karadžić was sued for genocidal rape by MacKinnon herself.

former Yugoslavia and in other parts of the world" (Center for Women's Global Leadership, 1993, p.51). In the post-war context, it was evident the need of a court designed by and for women, a court that could adequately address these multiple forms of violence against women. Recognizing this need, diverse women's organizations[56] from all the corners of the former Yugoslavia worked together to organise a Women's Court in Bosnia with the aim of demanding justice for the crimes committed against them during the wars and the enduring inequalities and suffering that followed and that continue to persist. In spite of the legality of the court, it represented a great, powerful, inspiring, thought-provoking achievement and it has been appreciated because of its moral value and gender-based approach (Peace Is Loud, 2015). During its first hearing in 2015, women testified publicly about their experiences of SGBV. "All of this can spur the fight against impunity – can spark more official, legalistic responses, and can also change the way we conceive of justice by reminding us to always put victims at the center", highlights Peace Is Loud (2015, web).

Additionally, Zarkov (2003, p.2) has provided the feminist movement with an invaluable insight over the former Yugoslav women's organisations[57], academics and activists, claiming that, despite the different standpoint and perspectives among them, they often did not follow nationalistic attitudes or align themselves with their own ethnic group's ideology; instead, "nationalism was seen as a common enemy". They continued to cooperate and sharing information and knowledge before, during and after the conflicts. Zarkov (2003) has further noted the massive efforts put in place by grass-roots women organisations in almost all the territories of the former Yugoslav republics: the establishment of anti-war groups; centres for victims of war violence and refugee women; the first S.O.S lines for counselling and support of victims of GBV - just to name but a few.

In relation to the feminist scholarship, the seminal text that has provided a real breakthrough in this field of research, and that has firstly demonstrated and tried to explain the reappearance of SGBV in wartime is Susan Brownmiller's book (1975), "*Against our Will: Men, Women and Rape*". The author criticised the dominant understanding of SGBV, and in particular of rape, as being exclusively a demonstration of sexual desire and aggression. She provided a new insightful interpretation of the discourse about rape reframing it as "not a crime of irrational, impulsive, uncontrollable lust, but […] a deliberate, hostile, violent act of degradation and possession on the part

[56] These organisations include: Mothers of the Enclaves of Srebrenica and Zepa and Foundation CURE from Bosnia and Herzegovina; the Centre for Women's Studies and the Centre for Women War Victims – ROSA from Croatia; the Kosovo Women's Network; the National Council for Gender Equality from Macedonia; Anima from Montenegro; Women's Lobby Slovenia; and Women's Studies and Women in Black from Serbia.

[57] By the end of the post-Yugoslav wars, almost every middle-sized town in Slovenia, Croatia, Bosnia and Herzegovina, Serbia has at least one feminist group, usually with a range of different activities: from humanitarian to S.O.S. hotlines and women's crisis centres against sexual violence.

of a would-be conqueror, designed to intimidate and inspire fear" (Brownmiller, 1975, p.391). In her memorable book, she offers many historical examples that have had a powerful impact on the legal, cultural and political sphere of that time as well as recent days. Brownmiller (1975) observed that the past two centuries were marked by a massive increase in the scale of rape in armed conflicts: from the Japanese rapes in the 1937 occupation of the Chinese city of Nanking[58] (generating what historians now call the "*Rape of Nanking*") to the World War II mass rapes committed by both the Nazis[59] and the Allies[60]; from the abuses committed by Pakistani soldiers in Bangladesh[61] to the crimes of American troops during the Vietnam War[62].

Despite Brownmiller is considered the first author attempting to give an historical overview and gender-based interpretation of the phenomenon of CRSV, at the time she conceived GBV as being not only strategically used for military purposes - "as a weapon of terror" and "of revenge", as a direct attack against the enemy - but also as "a familiar act with a familiar excuse" that takes place in both peacetime and wartime (Brownmiller, 1975, p.32). Gërxhi (2017, p.176) has underlined how Brownmiller's conception of the occurrence of GBV in wartime is conceived from the perspective of a hierarchically patriarchal society that is "closely connected to the special psychological conditions of combatants and their expression on exercising power and violence toward women". In

[58] Japanese forces sieged the city of Nanking and raped approximately 20.000 women and girls. Also, the Japanese forcibly abducted and abused between 100.000 and 200.000 women (euphemistically named "comfort women") from Korea and the Philippines and made them to work as sexual slaves for the Japanese military. Japan denied these operations after the war, and has only recently admitted responsibility. See: Brownmiller, S. (1975), pp.53-62. For further research, see: Chang, I. (1997). "*The rape of Nanking: The forgotten holocaust of World War II*". New York: Basic Books.

[59] See: Brownmiller, S. (1975), pp.43-53. For further research, see: Hedgepeth, S. M., and Saidel, R. G. (2010). "*Violence against Jewish Women during the Holocaust*". Waltham: Brandeis University Press.

[60] See: Brownmiller, S. (1975), pp.63-72. Probably all the States that were part of the Allied side during WWII have committed sexual abuse against women civilians. It is estimated that Soviet forces raped up to two million women during the Soviet occupation of Germany. For further research about the sexual abuse committed by Allied forces in Germany, see: Heineman, E. (1996). "*The Hour of the Woman: Memories of Germany's 'Crisis Years' and West German National Identity*". American Historical Review. Vol. 101 (2): 354-395; and Teo, H-M. (1996). "*The Continuum of Sexual Violence in Occupied Germany, 1945-1949*". Women's History Review. In Italy, the term "*Marocchinate*" is a term applied to the mass rape (an estimated 3,000 women, ranging in age from 11 years to 86) and killings committed during World War II, committed mainly by the Moroccan soldiers, colonial troops of the French Expeditionary Corps (FEC). See: *Mass Rape Of Italian Women By French Colonial Soldiers In 1944*: UNCENSORED HISTORY: Dark Chapters Of History: Images Of War, History , WW2: Mass Rape Of Italian Women By French Colonial Soldiers In 1944. In France, the US military systematically spread the myth of French women as sexually experienced and available, resulting in public sex with prostitutes and outright rape (between 10,000 and 20,000) of the civilian population [See: Roberts, M.L. (2013). "*What Soldiers Do: Sex and the American GI in World War II France"*. University of Chicago Press; and Lilly, R. (2008). "*La face cachée des Gi's Broché*". Petite Bibliothèque Payot].

[61] After the mass rapes of Bangladeshi women by Pakistani soldiers in 1971 (approximately 200,000 women were raped), the government of Bangladesh was so concerned about the number of husbands ostracizing raped women that it encouraged men to view rape survivors as national heroines. See: Brownmiller, S. (1975), pp.78-87. For further research, see: Islam, R. (1998). "*Noroholtta o Nari Nirjatoner Kodca, 1971*" [Chronology of Genocide and Persecution of Women in 1971]. Dhaka: Munirul Haque; and Ibrahim, N. (1998). "*Ami Birangana Bolchi*" [Wartime Raped Women Speaking]. Dhaka: Faysal Arifin Dipan.

[62] US troops carried out an unknown number of ethnically targeted acts of sexual violence during the Vietnam War. However, unlike the other cases analysed by Brownmiller, there has been few scholarly research about the occurrence of sexual violence during the Vietnam War. See: Brownmiller, S. (1975), pp.87-118.

Browmiller's words (1975, p.69), women in wartime are being subjected to GBV not purely because they "belong to the enemy camp, but because they are women and as such are enemies". At the same time, Alison (2007, p.78) has, on the one hand, praised Brownmiller's early work on rape claiming that it "was highly significant in demonstrating that we cannot seriously explain sexual violence in terms of individual isolated acts by deviants", as an expression of sexual desire; while, on the other hand, she has criticised Brownmiller's arguments because they are too generalised and do not demonstrate, for instance, "why particular men rape while others do not".

Thus, throughout history, the mainstream literature has offered impoverished conceptions and has rarely mentioned the issue; when it had been examined, it was usually treated as an unfortunate, inevitable "by-product of war" (Alison, 2007; Seifert, 1994; Tompkins, 1999). As a matter of fact, GBV within the context of a conflict - be it ethnic, religious, ideological, economic, regional, international - had frequently been considered an integral part of the "rules of the game" of war, as declared by Ruth Seifert (1994, p.58), where women are abused and taken by the victors' soldiers as a reward, as booty of war. Instead, these findings were completely in contrast with the events that occurred during the wars in Bosnia and in Kosovo, which have changed the world's perception of sexual violence in armed conflict on account of the frequency of the abuses against women and the goal pursued by Serbs to get rid of Bosnian Muslims and Kosovo Albanians' populations and to finally create the dreamed "Greater Serbia" composed exclusively of Serbian people.

For this reason, in the years following the discovery of the widespread sexual abuses in the former Yugoslavia, there has been remarkable efforts to document, explain, and seek solutions for this abhorrent phenomenon. A growing number of scholars, in particular women, contributed exponentially to the acknowledgement that CRSV is an outrageous crime with a peculiar gender-based aggravating factor that must be seriously stopped and addressed[63]. In fact, "the idea of rape as a weapon of war has a distinctly feminist heritage", claims Paul Kirby (2012, p.799), that continues to develop further paramount insights of the issue.

However, this does not mean that the theme of CRSV has been exclusively investigated by women and feminist scholarship: more and more male scholars, lawyers, journalists and academics have become interested in CRSV, providing further noticeable engagement and research in the global fight against GBV and developing important networks of scholars and policy-makers in this field of

[63] The leading analysis of the events occurred during the Bosnian War is an edited collection of feminist voices, along with other academic articles and reports, written by journalist Alexandra Stiglmayer (1994) and entitled "*Mass Rape: The War Against Women in Bosnia*".

study[64] (Skjelsbaek, 2018). As a result, the research on CRSV is witnessing a conceptual shift from being predominantly focused on "patriarchal relations as a point of departure for analysis, to a positivist scholarship that had a different ethics of engagement as well as epistemology" (Skjelsbaek, 2018, p.9) that pays close attention to the particularities of the war zones and that provides a powerfully and more comprehensive understanding of the phenomenon.

2.3 Analysis of the leading theories of the link between sexual violence and war

The attention given to the gender-based component of armed conflicts has prompted the academic community to create forms of knowledge and the international community to put in place practical measures aimed at legal, political, social and cultural changes. Certainly, due to the type of violence, it is complicated to give a full description of the function, the impact, and the reasons behind the phenomenon, but there are many scholars and activists who have attempted to explain and understand it, considering various approaches and using different methodologies. Skjelsbaek (2018, p.7) observes how "the research field of CRSV is largely guided by the same aims, namely to give voice to silenced experiences, to produce knowledge with emancipatory aims and to strive for social justice". Furthermore, although most of the literature and scholarly texts focusing on CRSV present different forms of analysis, goals, and explanations, according to Skjelsbaek (2001, p.213) "there is a strong consensus that sexual violence can be regarded as, and is being used as, a weapon of war", as a brutally effective means to accomplish strategic objectives, such as to achieve ethnic cleansing, to instil fear in the population, to gain control over a specific territory, to control reproductivity.

Nonetheless, the strong consensus may walk into the trap of obscuring "important, and frequently unacknowledged, differences in our ways of understanding and explaining it" (Kirby, 2012, p.798). Another trap when dealing with CRSV is the negligence of the intersection of some aspects such as ethnicity, gender, nationalism, religion, and culture. Jonathan Gottschall (2004, p.129) stresses that "while there is significant agreement on some of the causal factors for wartime rape, there is no unified theory that can bring coherence to all the information associated with it". Therefore, Gottschall (2004) has critically analysed the four prominent theories of the root causes that link GBV with war (the feminist theory, the biosocial theory, the cultural pathology theory, and the strategic rape theory), whose contrasting but meaningful interpretations of the issue may help us to have a

[64] A collective effort to bring together policy makers and scholars in the field of CRSV is represented by the Missing Peace Initiative, started in 2012 by the United States Institute of Peace (USIP), the Human Rights Center at UC Berkeley (HRC), Women In International Security (WIIS) and Peace Research Institute Oslo (PRIO). Moreover, the Young Scholars Network, formed in 2013, is an extension of the Missing Peace Initiative to bring together a global community of scholars currently researching innovative methodologies to address the prevention of sexual violence in conflict.

clearer portrait of the reasons why GBV is being employed in modern conflicts. Indeed, the various approaches proposed by Gottschall, and which I will analyse and use in the attempt to shed light on the issue in question, are focused on significant, yet disparate, conditions, factors, and motivations.

2.3.1 *The feminist theory*

The feminist approach refers to the construction, elevation and reinforcement of the concepts of masculinity, misogyny, chauvinism, and patriarchy. These characteristics are imbedded in our societies and continue to perpetuate the myth of women as inferior subjects. For instance, in both practice and law, "women are frequently denied their right to equality before the law; their right to substantive equality; their rights to freedom of movement, association, and expression; and equal access to education, work, and healthcare" (Jefferson, 2004, p.327). Women are even considered sexual objects belonging exclusively to men, expected to have specific tasks and roles within families and communities: biological reproducers, working as teachers or nurses, upbringing children, tending the house, doing laundry, supposed to act and dress a priori like a "lady" (Alison, 2007; Jefferson, 2004; Seifert, 1993). Hence, in many communities there is still the commonly and mistakably belief that one's biology, physical appearance, and sexual configuration determine one's gender; that there are fixed, stereotyped, gender-specific forms of labour, etc.

According to the feminist view of the world, until gender equality is not completely addressed and encouraged, on the one hand, there will be no space for a peaceful, equal, and sustainable world; while, on the other hand, it allows fixed values and ways of thinking to be integral parts of our societies in which even GBV becomes a "normal" and non-criminalized act. Generally, the feminist theory "presents the issue purely in the context of male-female gendered power relations" (Alison, 2007, p.78) and explains the recourse to GBV "as a crime motivated by the desire of a man to exert dominance over a woman" (Gottschall, 2004, p.130), as well as "a conscious process of intimidation by which all men keep all women in a state of fear" (Brownmiller, 1975, p.32) to maintain certain social structures and hierarchies. With regard to the wartime milieu, it is conceived as an expression of soldiers' masculinity represented by the qualities of "competitiveness, combativeness, physical strength and assertiveness, courage, and ambition" (Cockburn, 2013, p.438), which are already present in everyday settings but that become increasingly and symbolically visible for armed forces in times of conflict. Allegedly, these qualities are seen in contrast to those of women who are traditionally and stereotypically portrayed as sensitive, gentle, tactful, submissive, not aggressive,

easily influenced, as mothers and nurturers[65]; whereas men are deemed as warriors and as women's protectors.

The gendered conception of the society presents a precise cultural and structural significance in relation to armed conflicts: when a woman is sexually abused, it is intended by her husband, father, brother and son as a violation of his property and thus as a direct attack against them (Brownmiller, 1975; Hagen and Yohani, 2010; Korać, 1996; Morokvasic, 1997; Skjelsbaek, 2001; Seifert, 1994; Stiglmayer, 1994; Wood, 2006; Zawati, 2010). In fact, in patriarchal societies, women are envisioned as transmitters of culture, and when they are spoiled so too are families and communities (Hagen and Yohani, 2010). As Alison (2007) and Seifert (1994) puts it clearly, soldiers primarily target "enemy" women owing to their cultural position and vital importance in constructing and maintaining the ethnonational group. In 1998, the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities' (1998, pp.4-5) report on contemporary forms of slavery (including systematic rape and sexual slavery in armed conflicts) and submitted by special rapporteur Ms. Gay J. McDougall, confirmed that in many cases the conditions of women in armed conflict situations are due "to a deliberate and strategic decision on the part of combatants to intimidate and destroy 'the enemy' as a whole by raping and enslaving women who are identified as members of the opposition group". However, it is also true that "there are often cases of men raping members of their 'own' ethno-national group, their 'own side' in the war, but these are less frequent and are more commonly isolated incidents rather than systematic" (Alison, 2007, p.79).

Therefore, sexual violence within the feminist realm is typically conceived "as motivated by a universal male tendency towards indiscriminate violence against women and a generalised masculine desire to maintain a system of social control over all women" (Alison, 2007, p.78). Of course, this does not entail that every society is patriarchal and misogynistic and that in every conflict every male, whether he is a soldier or a citizen, sexually abuses women. Alison (2007) is sceptical about this narrow-minded conception for the central reason that it blurs the complexity of the issue, and it does not take into account other important aspects such as the role of ethnicity, nationalism, religion, culture, politics, social and economic disparities. Likewise, a similar judgment is done by Allison Ruby Reid-Cunningham (2008, p.283): "most feminist discourse on rape has focused on macro-system factors such as patriarchy and misogyny, but it is important to investigate, describe, and discuss the impact of other factors". Furthermore, although most of the feminist scholars and advocates agree on the causal factors of the occurrence of GBV in conflict situations, Alison (2007)

[65] This view is held by some groups of feminists, but not all.

argues in favour of addressing the phenomenon not exclusively through the lens of a women's issue but within the broader framework of human rights.

Given the above, it is crucial to make a distinction between the different standpoints found within the feminist movement. Skjelsbaek (2001) has deeply investigated the phenomenon from a feminist point of view grouping together diverse schools of thought and feminist currents according to their empirical focus and to which groups of victims the arguments relate to. In her analysis of 140 academic articles on CRSV published in the 1900s, the vast majority written by women, Skjelsbaek (2001) proposes the following three different conceptualisations:

1) *Essentialism*: all men are deemed as "essentially sexually aggressive" (Skjelsbaek, 2001, p.218). This conceptualisation views all women as victims in both peacetime and wartime, but in the latter case women are believed to be abused in order to assert militaristic masculinity and, as a consequence, to suppress feelings of insecurity, gentleness and fear that are commonly considered feminine. "The war-zone is a place where pre-existing gender relations become accentuated so that if women are perceived as men's possession in times of peace, they will be perceived as such even more so in times of war", emphasises Skjelsbaek (2001, p.217). To make things clearer, women are sexually violated and raped because they are unconsciously considered objects of hatred and possession, and this perception is exacerbated in times of humanitarian crises (Seifert, 1994). Copelon (1994, p.213) too confirms that a conflict environment tends, on the one hand, "to intensify the brutality, repetitiveness, public spectacle, and likelihood of rape", and, on the other hand, "diminishes sensitivity to human sufferings and intensifies men's sense of entitlement, superiority, avidity, and social license to rape". However, this interpretation is very limited and static firstly because it "does not evaluate how ethnic, religious and political power relations interact with gender relations in an understanding of patriarchy", and secondly because it "does not reveal an understanding that men can also be victimized and violated" (Skjelsbaek, 2001, p.218).
2) *Structuralism*: this conceptualisation considers certain women to be at greater risk of sexual abuse, firstly because of their gender and secondly because of their distinct ethnic, religious, political identity. Skjelsbaek (2001, p.218) acknowledges that "men belonging to the most powerful ethnic, religious or political groups" exert power over both "their" women (as a form of protection) and the women of the "other" (i.e., the opponent ethnic, religious or political group) as a reinforced expression of hate and dominance. Much of the literature suggests that the attempt to ethnically cleanse a territory by targeting women belonging to specific ethnic groups has proved to be an effective weapon to get rid of the entire group. The events in

Bosnia and in Kosovo are the most evident ones that support this instance. However, like the previous conceptualisation, it does not take into account the fact that men too can be victims of sexual violence.

3) *Social-constructionism*: the last conceptualisation provided by Skjelsbaek (2001, p.227) combines and expands the previous two conceptualizations: "it is only the last conceptualization which manages to explain the most comprehensive empirical reality (the victimization of men and women) and also manages to explain why it is that sexual violence is the 'preferred' form of violence (because this is the form of violence which most clearly communicates masculinization and feminization)". It does not assume gender relationships as fixed and universal within an already-established patriarchal system, but as socially constructed and thereby both men and women belonging to particular ethnic, religious or political groups are potential aggressors and victims. In the course of the Bosnian War, Amnesty International (1993) reported numerous testimonies of allegations of men being subjected to sexual violence[66] and forced to perform sexual acts with each other. As evidenced in the "Bassiouni Report"[67] (UNSC, 1994, p.75), there were various reports of men often "forced to rape and sexually assault women, […] to perform fellatio on guards and on each other, […] to perform other sex acts on each other, and they suffer castrations, circumcisions, and other sexual mutilations". According to the Organization for Security and Cooperation in Europe (OSCE, 1999), men were targeted and sexually abused in the Kosovo War too. Even nowadays, in almost all the countries covered by the UNSG report on CRSV (2021a), there are documented incidents of sexual violence against men and boys[68], most of which occur in detention settings. Robert M. Hayden (2000, p.37) maintains that the slight difference between men and women victims of sexual violence in ethnic conflicts is that "where such violence against a man shames him personally, sexual violence against women in the context of ethno-national conflicts shames the group to which she belongs". In his extensive study on the link between gendered violence and genocide, Zawati (2010, p.169) has observed that sexual

[66] For analysis, in global-historical context, of the sexual torture and rape of Bosnian males, see: Augusta Del Zotto and Adam Jones. (2002). "*Male-on-male Sexual Violence in Wartime: Human Rights' Last Taboo?*". Annual Convention of the International Studies Association (ISA), New Orleans. Available at: (9) (PDF) "Male-on-Male Sexual Violence in Wartime" (DelZotto/Jones) (researchgate.net).

[67] Advanced by the UN Commission of Experts and established pursuant to UNSCR 780, which was adopted unanimously on 6th October 1992, after reaffirming Resolution 713 (1991, available at: http://unscr.com/en/resolutions/doc/713) and subsequent resolutions. The UN Security-Council expressed its concern about the continued "*widespread violations of international humanitarian law*" in Bosnia and Herzegovina.

[68] In many trials the ICTY also examined charges of sexual assault against men, including in its first-ever case, that of Duško Tadić. See the ICTY initial indictment, Case no. IT-94-1-I: Tadic and Borovnica - Indictment (icty.org). The Trial Chamber II found Tadić guilty on 9 counts and partially guilty on 2 counts and was sentenced to 20 years of imprisonment. See the ICTY judgment: Microsoft Word - 70714SE2.doc (icty.org).

violence against enemy's males "tends to convey a two-fold message: to destroy the victims' sense of masculinity or manhood on the one hand, and to confirm their failure to protect their women and motherland on the other". The answer to the question "why human beings, in particular women, are the target of GBV?" must be found in the "feminisation" of the victim. The perpetrator becomes "masculinised" and empowered once it sexually abuses his/her victim, and "it is precisely this line of thought which allows the conceptualization to include the victimization of men" (Skjelsbaek, 2001, p.226). This also reflects the construction and maintenance "of female sexuality as passive and male sexuality as active" (Alison, 2007, p.81). In my opinion, by following this conceptualisation it is possible to denote a similar social and cultural stigma to that of women about the fact that men too prefer not to speak out about sexual abuses. In truth, the effects, the shame, the social stigma, the difficulty in talking deriving from being subject to certain brutalities are the same for every human being. Men too know they are going to be discriminated against if their stories are made public. What is problematic is the lack of information, reports and research about men victims of sexual violence in both peacetime and wartime. This does not imply that sexual violence against men is not as recurrent and widespread as it is against women, but that all acts of sexual violence – being it against men, women, children, the elderly, and regardless of race, ethnicity, religion, political and sexual orientation - must be categorically condemned.

As we can see, the picture is very complex and multifaced, and any feminist approach examined in order to obtain a clearer understanding of CRSV may fall victim to generalised assumptions and negligence of some important factors. With regard to the scholarly texts analysed by Skjelsbaek (2001, p.227), "it is only through interaction with the victims/perpetrators as well as an understanding of the nature of the conflict and culture in which the acts of sexual violence took place, that the researcher can explain the effects of war-time sexual violence". Her analysis is quite peculiar and provides a broader insight of the issue but, as criticised by Kirby (2012, p.800), while it "may tell us much more about contingent historical factors (different wars and differing contexts may display different patterns of rape) or analytical distinctions (between acts that are essential to a strategy and those that are peripheral to it)", it does not tell us what the philosophical foundations of research are. Notwithstanding, what comes out from of Skjelsbaek's examination (2001, pp.213-214) is that it is proved that the majority of the authors who have investigated the issue of CRSV "argue that any convincing analysis of this phenomenon must have as its basis a clear gendered understanding of the war-zone". In spite of the different interpretations and currents within the feminist movement and scholarship, the overall feminist approach has contributed to an invaluable

documentation and understanding of CRSV. Currently, few scholars from other disciplines deny the assumption that the patriarchal and misogynistic character of almost every society in the world does not represent a fundamental trait to take into consideration when addressing the phenomenon.

2.3.2 *The bio-social theory*

Perhaps the least favoured theory especially among feminists, lawyers, social scientists and academics, it generally intends CRSV as "an inevitable, genetically determined reflex" of men's sexual desire (Gottschall, 2004, p.132). It combines biological as well as sociocultural factors: men are inherently and naturally aggressive, predispose to exert their control and demonstrate their power to the "other" gender; the environment and social context where they live influence men's behaviours and beliefs.

In their controversial book "*A natural history of rape: biological bases of sexual coercion*" (2000), biologist Randy Thornhill and anthropologist Craig Palmer adopted evolutionary biology to explain the causes of SGBV, comparing human rape with other species (such as scorpion flies, orangutans, and certain species of ducks), and recommended new approaches to its prevention. Their main argument revolves around the fact that "men inherit a genetically transmitted propensity for rape" (Wood, 2006, p.322). This conception of the issue, as expected, was subjected to harsh critiques. Brownmiller (2000) has conspicuously condemned Thornhill and Palmer's book, and especially Thornhill himself by stating that "he has not conducted any original research on human rapists and victims. He has merely compiled a record of observed forced copulations in some lower species". A similar scholar who has proposed a biosocial understanding of CRSV is Roland Littlewood (1997, p.9), who asserts that CRSV is "primarily a question of political power" among men who are by nature inclined to commit violence and other barbarity. Following Littlewood's arguments, Gottschall (2004, p.134) suggests that "[s]ince this behaviour is well documented in societies spaced widely in dimensions of space, time, and cultural complexity, the simplest assumption is […] that wartime rape is in some sense "natural" to human males".

Notwithstanding, this theory has one thing in common with the feminist approach: they both assume that GBV is a crime committed because of the propensities of men. However, while the feminist theory considers gender differences, misogynistic attitudes, and the maintenance of patriarchy to be primary factors of sexual violence, the biosocial theory explains the phenomenon more in terms of biological and social factors. In a chaotic conflict environment, men - regardless of their nationality, ethnicity, creed and social status - are more prone to perform countless atrocities

towards innocent people. The example of UN peacekeeper troops' allegations of GBV committed in a variety of conflicts over time, including the post-Yugoslav conflicts, reveal the failure of the international community to provide the adequate response to such a crime. Zawati (2010) demonstrates how the UN troops sent in Bosnia went even further than just committing human rights abuses, including the rape of local Muslim women: they are accused of having disarmed the defenders of the Muslim enclaves and having helped Serbian forces, after the fall of the UN "Safe Area" Srebrenica[69], to separate Muslim youth and men for execution. MacKinnon (1994, p.192) upholds that these instances add a touch to the perversion of the events, and further exacerbate the image of the UN as the international organisation founded exactly to protect people and peoples and guarantee their rights: "[w]ho is going to watch the men who are watching the men who are supposedly watching out for us [women]?". Cases recorded among others are found in Cambodia, Democratic Republic of Congo, East Timor, Haiti, Liberia, Sierra Leone, and South Sudan, as recalled by HRW (2016). However, HRW (2016) is convinced that many more cases occurred in other conflicts area but, owing to the lack of transparency about investigations and prosecutions, as well as the fear of the troop-contributing countries of being judged as guilty as those they were fighting against, they were not publicly reported. It could have created a scandal that further undermined the credibility of the UN and other international organisations.

Therefore, according to Gottschall (2004, pp.134-135), on the one hand, the bio-social theory gives the "impression that invoking a sexual or biological component to rape mitigates the rapist's culpability, making him a helpless victim of innate and ineradicable impulses"; on the other hand, it does "a poor job of accounting for the fact that in many conflicts, many soldiers apparently do not rape". Many in fact are forced and obliged to rape. It is proved that in Bosnia and in Kosovo, Serbian high military authorities and politicians have been encouraging the soldiers to sexually abuse the Bosnjak, Croatian and Albanian civilians (Amnesty International, 1993; Di Lellio, Kraja, 2020; OSCE, 1999; Stiglmayer, 1994): many victims, aggressors, and eyewitnesses have confirmed that their former friends and neighbours were obliged to do such things. But this does not mean that CRSV is a crime committed exclusively by soldiers. As stated by Stiglmayer (1994), it is concordant with facts that most of the perpetrators belonged to regular armed forces, but almost every Serb participated in the sexual abuses: high officers and commandants, members of paramilitary groups,

[69] Since the beginning of the war in Bosnia and for three years, the city of Srebrenica, with its majority Bosnian-Muslim population, had been one of the major conflict points until on 6th July 1995 when the Bosnian Serbs decided to implement their "endgame." Approximately 8,000 Bosnjak men and boys were murdered. For a complete analysis of the Srebrenica genocide, see: Jones, A. (2006). "*Genocide: A Comprehensive Introduction*". London: Routledge. See also: David Rohde. (1997). "*Endgame: The Betrayal and Fall of Srebrenica, Europe's Worst Massacre since World War II*". New York: Farrar, Straus and Giroux; Eric Stover and Gilles Peress. (1998). "*The Graves: Srebrenica and Vukovar*". Zurich: Scalo Publishers.

policemen and co-workers, friends and acquaintances of the abused women. The testimony of Slobodan Panic, a twenty-three-year-old Serbian guy from Northern Bosnia who was working as a carpenter until the day Serbian troops invaded his town, teaches us that many local citizens were mobilised and forcibly recruited in the Serbian forces, and that those same citizens were more prone to come out and speak about what they have committed:

> "I stood guard outside the [Luka] camp and had to make sure no one went into the camp without authorization. Right away on the first day, May 16 [1992], a soldier in a camouflage uniform came up to me and said, "Come here!" He was big, with black hair, and heavy – he must have weighed more than 220 for sure. He took me over to the camp halls, and they had brought me two girls outside there; they held them and told me that I had to rape them. I answered that I couldn't do it, and this tall guy said, "Go on, do it, or would you rather be killed?" I looked at him and he was serious. And so I had to go ahead and do it. About ten other soldiers were standing around watching. I think they were from Serbia, because of the dialect they were speaking. I didn't have an erection, nothing at all, only a little… These two girls were somewhere between fifteen and twenty-two years old." (Stiglmayer, 1994, pp.158-159).

In this regard, an important aspect that discredits the bio-social theory concerns the age of the women abused. Gottschall (2004, pp.133-134) declares that "if wartime rape is primarily motivated by sexual desire […] then soldier rapists would be expected to predominately target women at the ages of peak physical attractiveness". But this was not the case of the post-Yugoslav wars where women of all ages have been sexually abused (Stiglmayer, 1994). Beyond this, Seifert (1994, p.56) emphasises the evidence that GBV does not emerge naturally when a man finds a woman sexually attractive at a certain age, since "the rapist's sexuality is not at the centre of his act; it is placed instrumentally at the service of the violent act". Stiglmayer's (1994, p.84) emphatic formulation meticulously describes the diversified reasons behind the vicious sexual acts committed by soldiers during the Bosnian War, and presents an utter interpretation of why men abuse and rape women in wartime situations:

> "A rape is an aggressive and humiliating act, as even a soldier knows, or at least suspects. He rapes because he wants to engage in violence. He rapes because he wants to demonstrate his power. He rapes because he is the victor. He rapes because the woman is the enemy's woman, and he wants to humiliate and annihilate the enemy. He rapes because the woman is herself the enemy whom he wishes to humiliate and annihilate. He rapes because he despises women.

> He rapes to prove his virility. He rapes because the acquisition of the female body means a piece of territory conquered. He rapes to take out on someone else the humiliation he has suffered in the war. He rapes to work off his fears. He rapes because it's really only some "fun" with the guys. He rapes because war, a man's business, has awakened his aggressiveness, and he directs it at those who play a subordinate role in the world of war".

In addition, the use of sexual violence as not merely a result of male-driven instincts is unveiled by the existence of concentration and "rape camps"[70]. The installation (carefully plotted and dramatically structured) of what is reminiscent of Nazi concentration camps debunks the bio-social approach in that armed groups purposely wanted to inflict pain on the imprisoned women belonging to a different "ethnic" group. Both men and women were forcibly taken to designed facilities where they were detained, tortured and continuously raped (usually by groups of men). Places where atrocities knew no bounds. Those camps were usually old buildings "such as hotels, schools, restaurants, hospitals, factories, peace-time brothels, or even animal stalls in barns, fenced pens, and auditoriums" (Salzman, 1998, p.359), and were found throughout Bosnia[71]: in central Bosnia (in the capital Sarajevo and the city of Zenica); in the North-western part near the city of Prijedor (Keraterm, Omarska and Trnopolje); in the South-eastern part near the city of Foča (Miljevina); in Eastern Bosnia in the cities of Višegrad and Goražde; in Northern Bosnia in the cities of Odžak, Doboj and Brčko (Stiglmayer, 1994).

Although the exact number of those camps is inaccurate, in its special report for Bosnia, the CEDAW Committee (1994, p.1) had recorded 200 registered camps being "scene of large-scale rapes, forced prostitution and other abuses". The majority of these camps were run predominantly by Serbs, but a number of reports alleged the existence of Bosnian Muslim and Croatian-run rape and internment camps. Discordantly, the "Bassiouni Report" (UNSC, 1994), identified 162 detention centres where women were detained and sexually assaulted. Among these, 88 were controlled by Bosnian Serbs, 17 were run by Croats[72], 8 by Muslims, 14 jointly directed by Croats and Muslims[73],

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[70] For a clear picture of the rape camps in Bosnia, see: Salzman, T. A. (May, 1998). "*Rape Camps as a Means of Ethnic Cleansing: Religious, Cultural and Ethical Responses to Rape Victims in the Former Yugoslavia*", available at: Rape Camps as a Means of Ethnic Cleansing: Religious, Cultural, and Ethical Responses to Rape Victims in the Former Yugoslavia on JSTOR.

[71] It must be noted that in Kosovo the existence of such rape camps has never been confirmed, see: HRW (2001). *"Under orders: War crimes in Kosovo"*. Human Rights Watch, available at: UNDER ORDERS: War Crimes in Kosovo (hrw.org).

[72] Amnesty International (1993) reported the story of a Serbian woman from the town of Capljina, in South-West Bosnia, who was arrested by members of the *Hrvatske Odrambene Snage* (HOS - Croatian Defence Forces), a Croatian right-wing paramilitary organization. She was detained from May until late August 1992 at Dretelj, an internment camp for Serbs, together with some 110 other men and 60 women, many of whom were regularly raped.

[73] To be mentioned is the joint Bosnian Muslim-Croat camp at Čelebići in Central Bosnia, and whose deputy commander, Bosnian Muslim Hazim Delic, was later found guilty of war crimes – rape, torture and murder - according to the ICTY

and the rest operated anonymously. In other words, rape camps show that man's nature is the same across cultures and ethnicities, and, in fact, whether the camps were Bosnjak, Croatian, or Serbian, they all had some things in common: they were "usually undocumented and very vague", they were kept secret and established in inaccessible areas throughout Bosnia, and once discovered they were immediately dissolved (Stiglmayer, 1994, p.115).

Finally, in contexts of war where the ethnic or religious factor plays a fundamental role, acts of SGBV tend to be driven by an intersectionality of factors that merges gender and ethnicity as reasons for crime. Therefore, by focusing only on biological features (hormones, sex, and reproduction) one can make the huge mistake of absolving men of their responsibility and of ignoring many other important factors such as the sociocultural environment that surrounds the conflict. Indeed, CRSV must be understood through the social and cultural context in which it is being discussed.

2.3.3 *The cultural pathology theory*

The cultural pathology theory takes into account the socio-historical background of a definite region and ethnic group, but through the lens of cultural psychoanalysis, that is, the comprehension of sociocultural factors that may have contributed to the frequency and ferocity of GBV. In fact, the main goal of this approach "is to peer back into a nation's history and see what developmental factors conspired to cause its men to descend to the vilest barbarism" (Gottschall, 2004, p.131). Paul Parin[74] (1994) has provided a valid explanation of the importance of considering psychoanalysis when dealing with such an issue, suggesting that:

> "Every political movement, especially every warlike or otherwise violent conflict, is determined in part by the psychology of the active parties, and that such conflict in return call forth emotional reactions in individuals, groups, peoples, nations, and organised institutions, reactions that can be understood psychologically" (Parin, 1994, p.35).

The case of the post-Yugoslav wars teaches us how the combination among social and cultural factors such as nationalism, patriarchy, historical grievances, gender relations and religious differences, fuelled ethnic hatred and led the Serbs to turn on their non-Serbian neighbours and to

prosecutors (1996) and given a sentence of 20 years in prison. See the ICTY indictment, Case no. IT-96-21: Delalic et al. - Initial Indictment (haguejusticeportal.net).

[74] Parin (1916-2009) served as a physician with Josip Broz Tito during the liberation of Yugoslavia in the Second World War. In 1992, he received the prestigious Erich Fried Prize for his literary achievements.

commit GBV and other brutalities. According to Parin's point of view (1994, p.45), the strategic propaganda campaigns advanced by all sides involved in the post-Yugoslav wars mirrors tools of chauvinistic power politics: "media takeover, ruthless imposition of party forces (police, military), the whole arsenal of ancient national pretensions to greatness, and to support it all emotionally, the hatred of an inferior, unworthy, politically and sexually unprincipled, traditionally despised people". It is pivotal to remember that until the SFRY broke apart, the total control of the Communist Party over radio, press and television played a huge role in shaping the perception and the emotions of the different national groups. Things changed drastically with the gradual disintegration of Yugoslavia.

Parin (1994, p.40) has demonstrated how the mass psychology of the Yugoslav population had been manipulated, prominently after the rise of the Serbian party ruler Slobodan Milošević[75], by the nationalist propaganda machine aimed at demonising the enemy and at developing the sense of "us and them": "we are the just ones, the good ones, the threatened ones – those people over there are unjust, bad, dangerous". In fact, the social construction of ethnic and national antagonism and the ideals of masculinity, virility, power cultivated by soldiers makes it more conducive to adopt certain ways of behaviour rather than others (Seifert, 1994). The main purpose of the Serbian leadership was to instil the "warrior ethos" not only into soldiers' mind but also in that of every citizen. The Serbs living in Croatia, Bosnia and Kosovo were said to be threatened by the respective majoritarian national group in the event of possible secession. But the same was true for the Croats and the war propaganda staged from 1990 by the independent Croatian government chaired by former general Franjo Tudjman and his right-wing party, the "*Hrvatska demokratska zajednica"* (HDZ - Croatian Democratic Community). Before the outbreak of the war, both the Serbian and Croatian nationalist parties "gained public support by serving the populace a diet of lies, inventions, and propaganda, sometimes horrifying, sometimes sentimental" (Parin, 1994, p.41), that paved the way to the cruel clashes among the different Yugoslav nationalities.

In Kosovo, the propaganda campaign of Serbian supremacy within the SFRY began even earlier the 1990 constitutional amendment that revoked the autonomy of Kosovo and imposed Serbia's direct control over the region's security, judiciary, finance, and social planning (Zawati, 2010). As early as 1981, local and federal mass media started to share news about the uprising of Kosovo Albanians who sought to obtain more autonomy from Serbia (Salzman, 1998). Kosovo Albanians' claims for self-determination provoked the Serbs, who feared a double-acting threat: first

[75] Milošević was a Yugoslav and Serbian politician who served as President of the League of Communists of Serbia from 1986 to 1989, as the President of Serbia within Yugoslavia from 1989 to 1997 and as President of the Federal Republic of Yugoslavia from 1997 to 2000.

of all, the loss for a second time of a region considered the cradle and heart of the Serbian medieval empire and culture, a consideration that transmuted into a magical ethno-nationalist myth; secondly, the fear of the growing Muslim Albanian demographic population and the alleged widespread rapes committed by Albanians against Serbian women (Di Lellio, Kraja, 2020; Judah, 2008; Salzman, 1998; Stiglmayer, 1994; Zawati, 2010). Zawati (2010, p.165) underlines that the alleged rape reports in Kosovo during the 1980s "awakened Serbs' national feelings, contributing to the bloody break-up of Yugoslavia in the early 1990s and leading to the rape and sexual torture of Bosnian, Croatian, and Kosovar Albanian women". Thus, Serbian media and politicians had supported the idea that the Albanians were pursuing the goal of ethnically cleanse Kosovo, and rape was used "as a deliberate policy of terrorizing and humiliating the Kosovar Serbs to force them out of the province and create an ethnically pure Kosovo" (Zawati, 2010, p.165). The events of 1981 in Kosovo catapulted to power Milošević, considered by Stiglmayer (1994, p.14) as "the most zealous advocate of the thesis of the 'genocidal Kosovo Albanians'". Consequently, the uprising was militarily suppressed and the Serbian leadership, in concomitance with the Orthodox Church, "called for the 'protection' of all Kosovar Serbs population and their holy places in Kosovo" (Stiglmayer, 1994, p.14), first and foremost Gazimestan[76]. As profoundly described by Tim Judah[77] in his outstanding book "*Kosovo: What Everyone Needs To Know*" (2008), this was the place where the Serbs – together with Croats, Hungarians, Romanians, Albanians, and other ethnic groups – fought against the Ottomans back in 1389, the famous "Battle of Kosovo", and where Milošević chose to celebrate its 600th anniversary on 28th June 1989 in front of hundreds of thousands of Serbs (by some estimates there were a million people). For the historic event, Zawati (2010, p.97) demonstrates how everything was prepared carefully: "[t]he bones of Prince Lazar, the Serbian ruler and hero killed at the Battle of Kosovo, had been exhumed one month earlier and taken on a tour around the country, becoming an object of pilgrimage for the Serbian nation". On that occasion, Milošević invoked and flamed the spirit of the Serbs through "the famous, prophetic phrase that is now engraved on the history of the people of all of the former Yugoslavia" (Judah, 2008, p.69):

> "The Kosovo heroism has been inspiring our creativity for 6 centuries, and has been feeding our pride and does not allow us to forget that at one time we were an army great, brave, and proud, one of the few that remained undefeated when losing. Six centuries later, now, we are

[76] Gazimestan is the name of a memorial site and monument commemorating the Battle of Kosovo (1389), situated about 6-7 kilometres southeast of the actual battlefield. The name is a portmanteau derived from Arabic *ghazi*, meaning "hero" or "champion", and Serbian word *mesto*, meaning "place". Every year, on Vidovdan (St. Vitus Day), 28 June, a commemoration is held by the monument, which in later years is also covered by an image of Prince Lazar, who led the Serbian army at the battle.

[77] For a complete overview of Kosovo, see: "*The Serbs: History, Myth and the Destruction of Yugoslavia*" (New Haven: Yale University Press, 2000); "*Kosovo: War and Revenge*" (New Haven: Yale University Press, 2002).

being again engaged in battles and are facing battles. They are not armed battles, although such things cannot be excluded yet. However, regardless of what kind of battles they are, they cannot be won without resolve, bravery, and sacrifice, without the noble qualities that were present here in the field of Kosovo in the days past" (Jared, I. 1999).

Therefore, Milošević and other Serbian leaders have indoctrinated the Serbian people in hatred for the non-Serbs, especially for those of Muslim faith. They began to reinforce Serbian nationalism and to unify all Serbs living in other Republics. The combination of all these aspects created an atmosphere that encouraged the subordinate position of women, further exacerbated by the belief that they are customarily recognised as the biological and cultural reproducers of the nation. Florian Bieber (2020. P.117) believes that, in wartime, "the primary role of women is thus focused on giving birth and raising children". Kosovo Albanian women posed a threat to Serbian nationalists to the extent that many instances of Albanian massive birth-rates were continuously reported by Serbian media as a way to eradicate the Serbian religious and national minority from Kosovo, and to explain the decline of the Serbian population in the region (Bieber, 2020).

However, while Kosovo Albanian fecundity was vilified, Serbian women too have been attacked and accused by Serbian leaders - including politicians, clergymen, military leaders, and educated people – owing to their failure to maintain their maternal and societal duties (Zawati, 2010). Salzman (1998, p.352) compares the Serbian military agenda with Serbian women's bodies and illustrates how the latter have been exploited as a "weapon of war" in both constructive and destructive ways: "[b]y not giving birth to more children, women have placed the survival of the nation in jeopardy. Therefore, Serbian women must heed the battle call and respond by offering their bodies as incubators, preferably to male children". Yet, Zawati (2010, p.179-180) acknowledges the overwhelming link between nationalism and gender, in particular women's reproductive capabilities, based on the notions of male domination and female subordination:

"Accordingly, Serb nationalists envisaged a threefold role for Serbian women in maintaining the Serbs' national identity: (a) serving as biological producers of future generations, to which purpose they passed laws that denied women the right to abortion and granted them maternity leaves and rewards to encourage them to stay home and raise Serbian children; (b) serving as family caretakers and cultural transmitters from one generation to another, as historical, national and religious myths play a prominent role in constructing and shaping a Serb's national identity; and (c) becoming the symbol of the Serbian nation as a mother who sacrifices her children for the cause of the mother-homeland".

As it is clearly discernible, women in the former Yugoslavia, regardless of their national and ethnic belonging, were successfully targeted by the nationalist project of the Serbs which aimed both at encouraging high birth-rates among Serbian women and at demonising non-Serbian women's high birth-rates. Hence, the birth-rates of the various Yugoslav nationalities were considered out of the ordinary and became a central question of national security and defence (Korać, 1996). Additionally, Morokvasic (1997, p.76) points out to the media amplification of the demographic threat perceived by the Serbs:

> "Well-known demographers started calculating the number of years it would take for the Serbian nation to disappear if the birth rates did not increase, poets were producing verses in praise of the fertility of women of their nation, legislators came up with draft bills which threatened the reproductive rights acquired by women (namely the right to abortion)".

In his outstanding book "*Debating Nationalism: The Global Spread of Nations*", Bieber (2020, p.117) observes that the Albanians were categorically demonised, "presented as sexually active and aggressive, and the difference in birth-rate, which had primarily socio-economic causes, was reframed in national terms", as being part of the supposed strategic Albanian plan to get rid of the Serbs. Of course, this perception instilled into people's mind help generating a sense of hatred, fear, revenge, punishment.

Furthermore, MacKinnon (1994) illustrates precisely how the widespread availability of pornography, after the fall of communism, influenced considerably people's consciousness, in particular that of soldiers. MacKinnon (1994, p.77) emphasises that as long as pornography is so common, accepted and normalised, "a whole population of men is primed to dehumanize women and to enjoy inflicting assault sexually", and that in wartime this premise becomes more intense. During the war in Bosnia, pornography was even available in the rape camps: "in one military prison, the pornography was customized to suit the guard's sexual tastes, in echoes and parallels to the acts they performed" (MacKinnon, 1994, p.77). Moreover, MacKinnon (1994) exposes the falsified data, the shameless lies and the untruth news that were at the core of the Serbian propaganda strategy, and to a lesser extent of the Bosniak and Croatian's one, and that were constantly displayed on television and other mass media instruments. The main aim was to spread the idea that Muslims had to be considered dangerous fundamentalists, and Croats genocidal fascists (Stiglmayer, 1994). Thus, as MacKinnon (1994, p.75) clearly pinpoints it, in such a hostile climate, "xenophobia and misogyny merge here; ethnic hatred is sexualized; bigotry becomes orgasm".

> "One elderly Croatian woman who was filmed being raped was also tortured by electric shocks and gang raped in the Bucje concentration camp by Serbian men dressed in generic camouflage uniforms. She was forced to "confess" on film that Croatians raped her. This disinformation – switching the ethnic labels – is especially easy where there are no racial markers for ethnic distinctions, and it is a standard technique" (MacKinnon, 1994, pp.75-76).

Other women who were held captive in the rape camps have reported that some sexual performances as well as gang rapes were videotaped, sold, and spread all over the pornographic industry since they were indistinguishable from real porn videos and movies (MacKinnon, 1994). As a result, more men were consciously recruited and encouraged to join armed forces and inflict sexual abuses to the enemy's women. Yet, many tortures and rapes in the concentration and rape camps were organised as "sexual spectacles, ritualized acts of sadism in which inflicting extreme pain and death [were] performed and watched for sexual enjoyment" (MacKinnon, 1994, pp.79-80), not so far from being a spectator in a cinema or in a theatre. MacKinnon (1994) concludes her touching analysis of the role of pornography by comparing the Nazi media propaganda with that of the Serbs: the Nazis usually published anti-Semitic hate propaganda and disseminated videotapes about women imprisoned in brothels or forced to run naked before their executions. However, with regard to rape pornography, the Serbian nationalists had undertaken a method that has been defined unique and unprecedented in history: "[t]he world has never seen sex used this consciously, this cynically, this elaborately, this openly, this systematically, with this degree of technology and psychological sophistication, as a means of destroying a whole people" (MacKinnon, 1994, p.75). In her opinion (MacKinnon, 1994), pornography was used by Serbs in the Bosnian War as part of the genocidal campaign against the Bosnjak and Croatian population[78].

Zawati (2010, p.55) concludes his analysis of the socio-cultural factors with an investigation on the role of religious leaders who successfully manipulated people (despite former Communists had any religious commitment) and "encouraged national extremism, consecrated independence wars, and inspired inter-religious hatred". But while all the religious denominations participating in the post-Yugoslav wars took actively part in the nation-state building process that had begun even before the dissolution of SFRY, the leaders of the Catholic and the Orthodox Church were remarkably engaged in promoting a sense of national-religious belonging. The Orthodox Church has been criticised for not having taken a harsh position towards the accusations of war crimes committed by

[78] A strategic plan not so distant from the genocidal campaign put in place by the Nazis against Jews and Roma people, other religious and ethnic minorities, homosexuals, prisoners of war, political opponents, and mentally and/or physically handicapped people.

Serbs against Muslims and Croats. Zawati (2010, p.58) asserts that it has even "officially denied the existence of death camps, genocide, and systematic mass rape of Muslim and Croatian women". Quite the opposite, the Muslim community developed a strong link between religion and ethnicity very recently. Francine Friedman[79] (1996, p.225) stresses that Bosnian Muslims have been reluctant to any form of nationalism that might have threated the multicultural order of Bosnia: they "were caught without shelter in the crossfire between Croatia's desire to be free of Serbia hegemony and Serbia's aspirations to recreate its dominant role in Yugoslavia".

In conclusion, the initiative of historical and socio-cultural analyses expands to a great degree the comprehension of the phenomenon of CRSV: it "can only be understood by looking into a variety of actions, discourses and events, spanning a longer time frame than the actual conflict", as affirmed by Anna Di Lellio[80] and Garentina Kraja (2020, p.149). Of course, the historical, political, and economic arguments must be taken into consideration because "if presented in isolation without their sociohistorical context, psychoanalytical interpretations […] can suggest a false picture" (Parin, 1994, p.36). Studying the background of a particular region and ethnic group is also essential when dealing with interventions and solutions. In my opinion, advocates and supporters of these arguments widely contribute to a constructive new perspective of the overall topic that may help us to better understand the reasons behind the massive use of GBV in Bosnia and in Kosovo. Nonetheless, all things considered, this approach is considered too narrow by Gottschall (2004, p.131) who argues that whereas it "may help us do a better job of understanding the dynamics of wartime rape in given cases, it provides little help in understanding the phenomenon as a whole".

2.3.4 *The strategic rape theory*

The last theory I am going to analyse is currently the most influential one among the others proposed by Gottschall (2004, p.131) since it is "widely credited by activists and scholars and largely taken for granted by international commissions and journalists". In this case, the recurrence of CRSV is deemed intrinsically related to the pursue of a specific military and political goal. Despite it fails to provide an explanation for conflicts in different societies and at different time, the strategic rape theory represents the most suitable approach to understand CRSV as a war crime, a crime against humanity

[79] Friedman was the expert consultant for the International Tribunal for the Prosecutions of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia. She is author of other two outstanding books: "*Bosnia and Herzegovina: A Polity on the Brink*" (London: Routledge, 2004); and "*Yugoslavia: A Comprehensive English-Language Bibliography*" (Wilmington, Del.: Scholarly Resources, 1993).

[80] Di Lellio worked for years as political adviser of the Prime Minister of Kosovo, and as research analyst and advisor on the Kosovo Liberation Army program of reintegration for the International Organization for Migration (IOM) and the UN Mission in Kosovo (UNMIK).

and a form of genocide, and to explain the extreme events in the former Yugoslavia as well as in other disparate conflicts.

Indeed, the massive reports of SGBV in Bosnia and Kosovo indicate the Serbian willingness to scrupulously raze a people and its culture to the ground based on the policy of ethnic cleansing, a policy employed to homogenise, to "*Serbianise*" a specific territory, especially those already inhabited by Serbs. In order to "ethnically cleanse" a land in the most rapid, easy and effective way possible, GBV was proved to be an impressive useful method. The confession of Cvijetin Maksimovic, a Serbian soldier who was twenty-three-year-old when he was captured by Croatian troops in Brčko in Northern Bosnia, elucidates us the reasons of the Serbian military strategy:

> "It's because of territory – they [Serbs] have to drive out the non-Serb people in Brcko and annihilate them so that Brcko can become Serbian. Otherwise this Brcko could never belong to Serbia; too many Croats and Muslims would be living there. The rape is part of it; it spreads fear and terror so that the people flee and don't come back. This expulsion and all, it's made the Serbian people in Bosnia into haters, it's sown hatred. The killing and the raping were supposed to teach us to hate". (Stiglmayer, 1994, p.158).

Stiglmayer (1994) interviewed survivors of GBV in Bosnia to reveal, to a seemingly deaf world, the horrors taking place in that part of Europe and the world. One of the most moving testimonies that more than any other summarises the obnoxious actions carried out by the Serbian forces during the Bosnian War comes from Emina. Her family's story tells us about the dramatic consequences of the beginning of a war in which hatred, rage, power, strength, chauvinism, and destruction dominated the whole scene and in which civilians, mostly women, belonging to particular national groups paid the highest price:

> "On June 22 [1992] the Chetniks entered our village with their tanks and armoured cars. They came from Prijedor and Volar [a Serbian-inhabited neighbouring village]. About thirty Chetniks went into each house. They killed men between the ages of fourteen and sixty right off. They questioned kids about their fathers and brothers, and then they beat them. […] They brought our neighbour's daughter Sanela, fourteen years old, and a girl from the neighbouring village. They dragged us to the cellar and raped us there. Two of them held me tight, and the third one raped me. I tried to defend myself, but they used a knife on me [she shows a scar on her leg]. In the evening, when the Chetniks were gone, my brother Semsudin and his friend Asim Muic came back from the woods where they were hiding. My brother sewed up the

wound of my leg. Then we went outside to see what happened in the village. There were mutilated bodies of dead people lying everywhere, in front of all the houses, in the gardens, on the street, and in the fields. I knew all of them. These people were my relatives, friends, neighbours. I felt a great pain, but I wasn't able to cry. It was hot, it was summer, and the smell of blood was in the air. The Chetniks didn't let us bury the dead for five days. Then, two days before they took us to Trnopolje, me and my sister and a few others who survived, we buried the corpses. After those five days they all stank, and worms were crawling around on them." (Stiglmayer, 1994, pp.97-98).

There are thousands of dramatic stories like this. Documented evidence suggests that, in some cases, raping and humiliating enemy's women represented a regular widespread crime rather than being the exception of the ethnic cleansing campaigns. In her remarkable study on the logic of sexual violence in the Bosnian War, Seifert (1996) declares that it is inadmissible to talk about random actions performed by individuals since it is acknowledged and reported that Serb's military plans followed specific warfare phases: conquer of a town, destruction of objects of cultural heritage, massive murders, establishment of concentration camps, sexual abuse and subsequent forced impregnation of enemy's women. These actions were meticulously planned and calculated: "Muslims and Croats are murdered, imprisoned in camps, and deported; to prevent their return they are purposefully terrorized, tortured and raped; their houses and cultural sites are blown up" (Stiglmayer, 1994, p.19) so there will be no reasons to remain. On account of all this cruelty, the Serbs achieved in part their largest goal: the control of those nationality-mingled territories, located within the new independent States' borders formed after the SFRY's collapse, where Serbs formed a conspicuous minority of the total population (mainly in Bosnia and Croatia). To some extent, an ethnically pure land formed as a result of ethnic cleansing campaigns is the Republika Srpska (RS) in Bosnia.

Notwithstanding the escalation of massive GBV that resulted from the armed conflict in Kosovo derives from diverse reasons since Kosovo was still a formal region of Serbia, HRW (2001, p.130) discloses that rape and other forms of sexual violence "were not rare and isolated acts committed by individual Serbian or Yugoslav forces, but rather were used deliberately as an instrument to terrorize the civilian population, extort money from families, and push people to flee their homes". The psychological and social impact of these atrocities is quite evident. Through acts of GBV, torture, detention, killing, robbery and intimidation, victims and witnesses would be hesitant to return where such events took place, despite being their birthplaces. GBV was employed in different circumstances of the war and remarkably during NATO's aerial bombing intervention in 1999 against Serbia: "during house searches, detention in makeshifts prisons such as schools, private

homes, and hospitals, and forced displacement" of hundreds of thousands of Albanians (Di Lellio and Kraja, 2020, p.157). Here again, it is impossible to talk about individual acts driven by the male tendency to abuse vulnerable women. Di Lellio and Kraja (2020, p.157) remark that "[i]t was perpetrated on a scale too great to suggest randomness, it was directed against victims of all ages, and it was carried out over several geographical areas." HRW's report (2000) on the situation in Kosovo in the end of the 1990s precisely describes the extreme brutality and reality of wartime SGBV and the systematic, strategic, deliberate physical and psychological agony inflicted on the victims, destroying the very kernel of life and human existence:

> "Police, soldiers, and paramilitaries raped women throughout Kosovo; the attacks occurred under a variety of circumstances. The most common circumstances that emerged from the testimonies of victims of rape and sexual violence and from corroborating accounts provided by eyewitnesses were rapes in women's homes, rape during flight from the country, and rape while in detention. In one typical scenario, government forces entered women's homes and raped them either in the garden, in an adjoining room, or in front of family members. Women victims and eyewitnesses also reported rapes that occurred as soldiers and paramilitaries extorted money from Kosovars attempting to flee the country. When families could not produce money, and sometimes even when they did, wives, sisters, and daughters were forced to leave with police or soldiers. Some number of those women experienced rape and sexual assault. In at least one case, the attack took place in front of the entire group of internally displaced persons (IDPs) on the road. Finally, in another common scenario documented by Human Rights Watch, Serb soldiers and paramilitaries separated women from the men and held the women and children hostage in schools and various abandoned buildings. During the period of captivity, soldiers and paramilitaries took some of the women to other sites to torture them sexually. Almost all of the rape testimonies collected by Human Rights Watch were gang rapes, involving more than one perpetrator. The identities of perpetrators, however, were frequently difficult to discern. Men and women interviewed struggled to distinguish between police and paramilitaries. Victims described perpetrators of rape as dressed in camouflage outfits and sporting black masks or scarves. Yugoslav Army soldiers generally wore uniforms, typically green camouflage; special police units generally wore blue camouflage uniforms." (HRW, 2000, section 3, para.17-18).

The analysis of the strategic use of SGBV reveals additional motives by the high proportion of gang-rapes reports, which often followed a ritualized pattern according to which "the sequence in which the rape is carried out is determined by each man's status in the group" (Seifert, 1993, p.18).

For instance, during the war in Kosovo, HRW (2000) documented 96 cases of rape by Serbian and Yugoslav forces against Kosovo Albanian women and, of course, many more incidents have gone unreported. Virtually, all of the sexual assaults documented were gang-rapes involving at least two aggressors.

Taking all these characteristics into consideration, Skjelsbaek (2001, p.213) declares that the recurrence of GBV across the former Yugoslavia was "too widespread, too frequent and seemingly too calculated and effective for it not to be part of a larger political scheme and hence a weapon of war". As pinpointed previously, Serbian soldiers fought the war with the aim of creating the dreamed "Greater Serbia" by conquering territories inhabited by ethnic Serbs and by destroying everything and everyone that was non-Serbian. The UN Commission on Human Rights (UNCHR, 1993, p.55) that investigated allegations of GBV in Bosnia stated that "rape has been deliberately used as an instrument of ethnic cleansing and most of the rapes documented have been committed by Serbian forces against Muslim women".

However, it is important to mention that different forms of SGBV against women have been perpetrated by all parties involved in the war and in almost all the territories of the former Yugoslavia, but "Muslim women have been the chief victims and the main perpetrators have been members of Serbian armed forces" (Amnesty International, 1993, pp.5-6). Stiglmayer (1994, p.138) defines the sexual abuses committed by Bosnian Muslims and Croats against Serbian women not to have been carried out with the aim of ethnic cleansing, "but rather to get revenge, show contempt for women, annoy the enemy, celebrate male supremacy". Moreover, Stiglmayer (1994) accused the Bosnian and Croatian side because of the lack of reports of Serbian women victims of SGBV. According to Stiglmayer (1994, p.138), the fact that there are seldom allegations of abuses towards Serbian women is probably due to the national and ethnic belonging of these women since "they are the wives, sisters, and daughters of the aggressors". Bosniak, Croatian and Kosovo Albanian leaders, as well as the media, were more reluctant to spread this news since they wanted to preserve their status as "the good side in danger" and did not want for any reason being held responsible for similar atrocities as those committed by the aggressor side (i.e., the Serbs). Contrastingly, during the Kosovo War, HRW (2001) has reported that throughout Kosovo the KLA[81] (Kosovo Liberation Army, or UÇK, *Ushtria Çlirimtare e Kosovës*) and other unidentified groups of armed ethnic Albanians have abducted, and in some cases raped, women belonging to the Serbian minority as well as those women belonging to

[81] Idriz Balaj, a KLA commander of the "Black Eagles" Special Unit, was tried for the rape of a Roma/Egyptian woman among other crimes against humanity but acquitted both in the first instance and on appeal at the ICTY. See the ICTY indictment, Case no. IT-04-84-PT: https://www.icty.org/x/cases/haradinaj/ind/en/har-ai060426e.pdf.

other minority ethnic groups. In this case, "[t]he intent behind many of the killings and abductions that have occurred in the province since June 1999 appears to be the expulsion of Kosovo's Serb and Roma population rather than a desire for revenge alone" (HRW, 2001, p.455).

One of the motives that better than other explain the coordinated attempt to destroy a whole ethnic community concerns the existence of concentration camps established accurately to rape women and to get them pregnant. Sadeta, a Bosnian Muslim from the village of Rizvanovici in Northern Bosnia, was interviewed by Stiglmayer (1994) in the Gasinci refugee camp in Northern Croatia, when she was twenty-year-old. Sadeta recounted how everything happened in just two days after the Serbian army's invasion on 22nd July 1992, the day when all the men of the village were either killed or taken in buses to the Keraterm concentration camp:

> "We all [five women and ten children] sat together in the courtyard. […] One of them was about twenty-five years old, the other guy maybe thirty. They had camouflage uniforms on, lots of chains around their necks, with the [Serbian Orthodox] cross, and they were also wearing these earrings with crosses. One of them wore a red headband. I didn't know them before, but they came from western Bosnia, 'cause they were speaking the same dialect we do. We stoop up and followed them. They took us into an empty house. There was only one room with a bit of furniture. And that's where they did what they wanted to with us… They gave us orders about what we had to do, how we had to act, get them excited one way or another, and then satisfy them. They made us fondle them and kiss them… They just behaved like they could do whatever they wanted. They made jokes, they said we didn't know what real pleasure was, and they thought the other ones – they probably meant other girls they raped – were much better than we were… They swore, they cursed our *balija*[82] mothers, and they made fun of us [both girls were virgins]." (Stiglmayer, 1994, pp-94-95).

Another story is that of forty-year-old Kadira, a Muslim woman who was detained in a rape camp in the northern Bosnian town of Doboj together with approximately other 2.000 Muslim and Croatian women from May to June 1992. Kadira described her story by claiming that she was raped about every day, always by several men:

> "It was a camp of abuses, humiliations, rapes… I don't know how to put it into words. Everything, everything, the very worst thing there is, that's what they did there. Sometimes

[82] In Serbo-Croatian, the mother of a person who is the butt of anger is frequently the object of insults. "*Balija*" is a very contemptuous reference to Muslims.

> they'd [Serbs] coming back from the front, where they suffered some losses. Then they'd be completely out of control. They'd just run through the hall, pull us out by our hair, and beat us. […] God, what horrible things they did. They just came in and humiliated us, raped us, and later they told you, "Come on now, if you could have Ustasha babies, then you can have a Chetnik baby, too". […] Women who got pregnant, they had to stay there for seven or eight months so they could give birth to a Serbian kid. They had their gynecologists there to examine the women. The pregnant ones were separated off from us and had special privileges; they got meals, they were better off, they were protected. Only when a woman's in her seventh month, when she can't do anything about it anymore, then she's released. The they usually take these women to Serbia." (Stiglmayer, 1994, pp.118-119).

It is unimaginable how hard it is for victims to speak about what they experienced. "You know, you can only talk about it with someone who's gone through the same thing. You can't describe it with words", concluded Kadira. Her story is just one of the thousands that remain untold. It describes very well the Serbian purpose to demoralise and annihilate a person and its entire ethnic group, as well as it demonstrates the intentionality behind the forced impregnation of women belonging to a different nationality or ethnicity. Indeed, when "women are raped repeatedly, most fertile women will become pregnant at some point", observes Copelon (1994, p.206). It is different from the pregnancy derived unintendedly as a consequence of the act of rape, since the forced impregnation may be used as a military and cultural operation. Pregnant women were in fact frequently freed from the rape camps and "sent back over enemy lines, usually with cynical inscriptions on the vehicles regarding the children about to be born" (Seifert, 1994, p.59). While many times abortion is not a practical solution, especially in wartime, other times women deliberately choose not to have an abortion on the grounds of cultural and religious dogmas[83]. Even though children develop and inherit half of the genes from each parent, in highly patriarchal societies there is still the wrong perception that children are viewed as symbolically belonging to the father's ethnicity. From the point of view of the aggressors, children are deemed "somehow clean and purified, as 'cleansed' ethnically. The babies made with Muslims and Croatian women are regarded as Serbian babies"; whereas from the point of view of the victims, "children would be regarded as polluted, dirty, and contaminated" (MacKinnon, 1994, p.191). Consequently, they are rejected "because they are viewed as the 'enemy', thanks to their paternity and the circumstances of their conception" (Reid-Cunningham, 2008, p.286). Similarly, Reid-Cunningham argues that families and

[83] It is estimated that about 5.000 infants were abandoned or killed in the aftermath of the Bosnian conflict (Reid-Cunningham, 2008).

communities regard the victims of forced impregnation as "tainted by 'the enemy'" (2008, p.281), and therefore they are socially stigmatised and punished although "[s]ometimes communities will re-accept a raped woman if she aborts, abandons, or destroys her baby" (2008, p.286).

Hence, women's bodies became a means of communication between the actors involved in the war and the children born from rape circumstances reminded both women and their community of what had happened. The forced impregnation of enemies' women had the goal to destroy women's sanctity, to damage parent-child and spousal relationships, to destabilise the community's integrity, to bear into the women's wombs Serbian children, to render the rape survivors unmarriageable or unable to bear children (MacKinnon, 1994; Reid-Cunningham, 2008; Seifert, 1994; Zawati, 2010). Salzman stress out that:

> "[t]he frequently reported intent of Serbian soldiers to impregnate Muslim and Catholic Croats, the presence of gynecologists to examine the women, and the intentional holding of pregnant women until it was too late to legally or safely procure an abortion all point to a systematic, planned policy to utilize rape and forced impregnation as a form of ethnic cleansing."

The most important element that supports the strategic rape theory is the fact that Serbian military officers and commanders have, on the one hand, directly and indirectly encouraged sexual violence against Bosnjaks, Albanians and Croats, and, on the other hand, have tolerated and not condemned sexual abuses of all kinds. Tompkins (1999, p.864) asserts that SGBV was most commonly manifested in the form of military brothels, "as a means for alleviating boredom and mollifying or maintaining troop morale". Other times it may not be a strategy authorized by explicit orders, but it is the result of the conflict environment in which some acts are considered permissive. However, the majority of the reported allegations of GBV demonstrates a totally different picture of the situation. According to Elisabeth Jean Wood (2014), the evidence through which it is possible to discern that military leaders did not take the appropriate measures to prohibit GBV is represented by the role of those same leaders within the highly hierarchical military apparatus. Without doubt, the concepts of discipline and authority are quite accentuated in wartime and any order must be followed if a soldier does not want to be punished. Wood (2014, p.468-469) observes that "if the leadership chooses to promote rape of civilians, for example, combatants will rape with high frequency against the chosen target, and if the leadership chooses to prohibit rape, combatants will not rape (except in isolated instances)". Kadira's story may better help convincing us that most of time the rapes were

happening on orders from above, given the case that many perpetrators were locals, sometimes former friends and neighbours of the victims:

> "I knew a lot of them; they were our friends and neighbors… some of them enjoyed doing it, and others were forced to do it. I know a few guys who used to work with me; they were forced to do it. You can tell, and one of them in particular, a close friend of my husband's, that's what he told me, too… The local Serbs, they went easier, they weren't so extreme. But as soon as foreigners came, whether they were Arkan people or Seselj people, then they had pressure on them, and you knew they just had to do it too. There were three men I knew, they're dead now, they refused; they didn't want to go along with it, and so they killed them. […] I'm sure our Serbs wouldn't have done that to us on their own, not our neighbors. There was only one Muslim village, that was our village, we were all mixed up together there. The other villages were Serbian, but we never had any problems with one another, we were good friends; we watched out for each other and helped each other out… The orders came from Serbia, those were Serbian directives." (Stiglmayer, 1994, p.120).

Further evidence of a Serbian military policy to ethnically cleanse Bosnia and other non-Serb territories is found with a policy document: the so-called "RAM Plan", meaning "frame" or "framework" (Allen, 1996; Mann, 2005; Salzman, 1998). It was a plan apparently written by the Special Psychological Services of the JNA in late August 1991, one year before the first instances of widespread GBV in Bosnia were revealed. Allen (1996, p.316) confirms that the RAM Plan had determined that, "given the particular nature of the enemy culture, the most effective way to destroy it is to strike it at its "most fragile" point: 'women, especially adolescents, and children'." Also, Salzman (1998) believes that this plan would officially represent the documented proof of a Serbian policy decreeing the use of GBV against non-Serbs. Notwithstanding, when RS's President Radovan Karadžić[84] was asked to comment the allegations of GBV committed by Serbian soldiers occurring in Bosnia, he denied any directive to rape Muslim women (Stiglmayer, 1994, p.163). Even the indictments before the ICTY (2011, p.3) of Karadžić and General Ratko Mladić[85] (named the

[84] Karadžić is a Bosnian Serb former politician who served as the President of RS during the Bosnian War (1992-1996). He was a fugitive from 1996 until July 2008, after having been convicted of genocide, crimes against humanity and war crimes by the ICTY.

[85] Mladić is a Bosnian Serb born in 1943 in a tiny mountain village near Sarajevo. Initially a Communist Party member, he switched to fervent Serb nationalism. He was close to Milošević, who gave him command of the Bosnian Serb Army. He was popular among his soldiers, who called him "falcon," the symbol of a Serb warrior-hero. On 24 July 1995, Mladić was indicted by the ICTY for genocide, crimes against humanity, and numerous war crimes (including crimes relating to the alleged sniping campaign against civilians in Sarajevo). A fugitive from the ICTY, Mladić was arrested on 26 May 2011 in Lazarevo, northern Serbia. On 8 June 2021, his life imprisonment sentence was confirmed. See the ICTY indictment, Case No. IT-95-5/18-I: Ratko Mladic - Amended Indictment (haguejusticeportal.net). See the ICTY decision on amendment of indictment, Case No. IT-09-92-I: Decision on amendment of indictment (icty.org).

"Butcher of Srebrenica") for violation of Article 7 (1) – individual responsibility - and Article 7 (3) – command responsibility - of the ICTY Statute demonstrate that they "knew or had reason to know of the involvement of his subordinates in the commission of crimes, and the manner in which [they] failed to take the necessary and reasonable measures to prevent crimes or punish the perpetrators thereof." Both Karadžić and Mladić "significantly contributed to achieving the objective of the permanent removal of Bosnian Muslims and Bosnian Croats from Bosnian Serb-claimed territory", underlined the indictment[86] (ICTY, 2009, p.6). In addition to them, former Bosnian Serb politician and President of the RS (1996-1998) Biljana Plavšić[87] was indicted and convicted (making her the only woman) by the ICTY[88] (2000a) for genocide, complicity to commit genocide, extermination, murders, intentional deprivation of life and other crimes committed during the war in Bosnia.

Furthermore, Annex IX of the "Bassiouni Report" (UNSC, 1994, pp.74-75), which is completely dedicated to rape and sexual assault against women, illustrates meticulously the specific patterns of conduct followed by the perpetrators:

> "(a) Rapes and sexual assaults are conducted in ways that emphasize the shame and humiliation of the assault--such as forcing family members to rape each other, raping the victims in front of family members, including children, and raping persons in public places or in front of other internees;
> (b) Large groups of perpetrators subject victims to multiple rapes and sexual assaults;
> (c) Young women and virgins are targeted for rape and sexual assault, along with prominent members of the community and educated women;
> (d) In custodial settings, perpetrators go through the detention centres with flashlights at night and choose victims randomly, returning them the next morning, thereby terrorizing the entire population of the camp;
> (e) Perpetrators tell female victims that they will bear children of the perpetrator's ethnicity, that the perpetrators were ordered to rape and sexually assault them, or that, if the victims ever

[86] See the ICTY indictment, Case No. IT-95-5/18-PT: 091019 OTP Submission of Marked-Up Indictment (icty.org).
[87] Before entering politics, Plavšić taught biology at the University of Sarajevo. From 28 February 1992 to 12 May 1992, she became one of the two acting Presidents of the self-proclaimed Serb Republic of Bosnia and Herzegovina. Thereafter she became one of two Vice-Presidents of the RS and from circa 30 November 1992 she was a member of the Supreme Command of the armed forces of the RS. She is also remembered for admitting that she was guilty of persecuting non-Serbs on political, ethnic and religious grounds. In 2003, she was sentenced to 11 years in prison. See the ICTY judgment: ICTY. (February 27th, 2003). "*Prosecutor v. Biljana Plavšić*." Case No. IT-00-39&40/1-S. Available at: Microsoft Word - plavsic judgement final PIS.doc (icty.org). But later Plavsic pleaded guilty, and in 2009 she was released. See the ICTY final decision: ICTY. (September 14th, 2009). "*Decision of the President on the application for pardon or commutation of sentence of Mrs Biljana Plavšić*." Case No. IT-OO-39& 0/l-ES. Available at: Decision of the President on the application for pardon or commutation of sentence of Mrs. Biljana Plavšić (icty.org).
[88] See the ICTY initial indictment, Case no. IT-00-40-I: Plavsic - Initial Indictment (icty.org).

tell anyone or anyone discovers what has happened, the perpetrators will hunt them down and kill them;

(f) Victims are sexually assaulted with foreign objects like broken glass bottles, guns, and truncheons;

(g) Castrations are performed through crude means such as, forcing one internee to bite off another's testicles, and tying one end of a wire to the testicles and the other end to a motorcycle, then using the motorcycle to yank off the testicles;

(h) Perpetrators tell victims that they must become pregnant and hold them in custody until it is too late for the victims to get an abortion;

(i) Camp commanders often know about, and sometimes participate in, the rape and sexual assault of internees and former internees." (UNSC, 1994a).

"These patterns required logistical coordination", highlights Salzman (1998, p.258). They suggest that a systematic planned policy to sexually assault the enemy's people was adopted by Serbian military leaderships. A kind of military policy defined by the "Bassiouni Report" (UNSC, 1994, pp.76-77) with two different terms: policy of both "commission" and "omission". In the first case, military commanders and officers deliberately ordered their subordinates to rape and sexually assault people who were not members of the particular ethnic or religious group; in the latter case, they failed either to prevent sexual assault or to punish the aggressors.

Based on the testimonies collected from victims, it is possible to disclose four different types of rape: individual rape; gang-rape; incestuous rape; rape by thrusting sharp or rough objects into the victims' genitals (Zawati, 2010). While most of the perpetrators usually belonged to regular military and police units[89], those responsible for some of the most inhuman aspects of the ethnic cleansing campaigns were instead paramilitary units that operated throughout the Western Balkans (UNSC, 1994). According to the "Bassiouni Report" (UNSC, 1994), two paramilitary units[90] have played a major role during the conflict in Bosnia as well as in Kosovo: the "*White Eagles*"[91] associated with

[89] Along with local citizens although to a much lesser extent.

[90] Other paramilitary groups include units called "*Kninjas*" or Red Berets, "*Grey Wolves*", "*Yellow Wasps*", "*Skorpions*", "*Guard Panthers*", "*Serb Falcons*", "*Jackals*"; RS's "*Delta Force*".

[91] Also known as the "*Chetniks"* but not to be confused with the Serbian nationalist movement and guerrilla force born during World War II.

Vojislav Šešelj[92], and the "*Tigers*" associated with Željko Ražnatović[93](better know as Arkan). Both of them "had reputations for using rape as a weapon of war in Bosnia" (HRW, 2000) and after the end of Bosnian War they moved to Kosovo where they committed similar savagery. The former's followers are reported to have waged ethnic cleansing campaigns "against ethnic minorities in Serbia's provinces of Vojvodina and Kosovo"; whereas the latter's adherents "have staged military training exercises allegedly designed to intimidate Albanian residents in Kosovo" (UNSC, 1994). Indeed, HRW (2000) considers some of the atrocities perpetrated in Kosovo, including widespread SGBV, a repetition of what had just happened years before in Bosnia: "[a]lthough there were fewer rapes in Kosovo, both the threat of rape and actual rape were very much a part of the assault on Kosovo. The mere threat was enough to force women and families to flee." For both cases, the "Bassiouni Report" (UNSC, 1994, p.76) seems to provide an exhausting explanation of those other factors that are considered very important by advocates of the strategic rape theory:

> "[…] similarities among practices in non-contiguous geographic areas; simultaneous commission of other humanitarian law violations; simultaneous military activity; simultaneous activity to displace civilian populations; common elements of the commission of rape and sexual assault, maximizing shame and humiliation to not only the victim, but also the victim's community; and the timing of the alleged rapes and sexual assaults."

Additionally, MacKinnon (1994) captures very well the essence of GBV occurred in Bosnia, and all the connotations deriving from its calculated use, with a new interpretation of the crime, and in particular of rape, defined by her as "genocidal". It was in that context that the term "genocidal

[92] Šešelj is a Serbian politician, founder and President of the far-right Serbian Radical Party (SRS); he was convicted of war crimes by the ICTY. Between 1998 and 2000, he served as the deputy Prime Minister of Serbia. After spending 11 years and 9 months in detention in the United Nations Detention Unit of Scheveningen during his trial, Šešelj was permitted to temporarily return to Serbia in November 2014 to undergo cancer treatment. He led the SRS in the 2016 elections, and his party won 23 seats in the parliament. On 31st March 2016, he was acquitted in a first-instance verdict on all counts by the ICTY, but the acquittal was appealed by prosecutors from the International Residual Mechanism for Criminal Tribunals, a UNSC agency which functions as oversight program of, and successor entity to, the ICTY. In 2016, the Appeals Chamber partially reversed the first-instance verdict. Šešelj was sentenced to 10 years in prison, but because of time already spent in ICTY custody, he was not obligated to return to prison. See the Trial Judgment summary: Trial Judgement Summary for Vojislav Šešelj (icty.org).

[93] Ražnatović was a Serbian mobster and paramilitary commander. He was head of the Serb paramilitary force called the Serb Volunteer Guard during the post-Yugoslav wars. He was on Interpol's most wanted list in the 1970s and 1980s for robberies and murders committed in a number of countries across Europe, and was later indicted by the ICTY for crimes against humanity. At the end of the 1980s he headed the fan club of Yugoslavia's most famous football team, Red Star Belgrade. He was recommended as someone who could discipline football hooligans, and it was said he organized them into an ethnonationalist pro-Milošević militia. Arkan was elected to Parliament by the Kosovo Serbs in 1992, though he lost his seat the next year. Up until his assassination in January 2000, Ražnatović was the most powerful organized crime figure in the Balkans.

rape" was coined (Jones, 2006), stressing the existing link between large-scale GBV against women and the wider campaign of ethnic cleansing of a particular ethnic, national, religious group:

> "This is ethnic rape as an official policy of war in a genocidal campaign for political control. That means not only a policy of the pleasure of male power unleashed, which happens all the time in so-called peace; not only a policy to defile, torture, humiliate, degrade, and demoralise the other side, which happens all the time; and not only a policy of men posturing to gain advantage and ground over other men. It is specifically rape under orders. This is not rape out of control. It is rape under control. It is also rape unto death, rape as 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" (MacKinnon, 1994, p.190).

Overall, according to the strategic rape theory, the perceived role of transmitters of culture embodied by women (notably in patriarchal societies) suggests that women are the primary targets in the midst of wars "because of their cultural position and their importance in the family structure" (Seifert, 1994, p.62). When a woman belonging to a particular group is abused, the grievous physical and psychological injuries impact on the victims themselves but the sufferings are perceived also by the entire group. In a simpler way, when a woman is spoiled so too are families and communities. On the same line of thinking, Zawati (2010) expresses his concern about the dynamic link between sexuality and nationalism by stressing that nationalist Serbs used SGBV as a double-edged weapon:

> "They explored the use of gender as a weapon of mass destruction against Bosnian Muslim and Kosovar Albanian ethnic and religious groups by attacking women as guardians of their national ideology and culture. On the other hand, they knew how to employ historical and religious myths to awaken Serbian women's national feelings and encourage them to produce combatants and how to sacrifice them in the cause of creating "Greater Serbia," their national 'mother-homeland'" (Zawati, p.197).

Therefore, a far-reaching consensus has been built around the notion that "wholesale rape represents just another ordinance like bombs, bullets, or propaganda that a military can use to accomplish its strategic objectives" (Gottschall, 131), even though using one's body as a weapon has no costs and it is more effective than using mainstream weapons. This consensus is progressively growing in time because of the violent recurrence of CRSV and of the planned strategy thought and

employed by the military, irregular forces, governments, political leaders, etc. Wars are won not only exclusively through military actions and through the spreading of blood, but through the destruction of the community's culture and integrity and by targeting the civilian population (mostly women and children). It is proved to be a quicker way to end enemy's resistance and to achieve military or political goals: in other words, sexual violence against women belonging to specific ethnic, national or religious groups often serves the deliberate purpose of destroying the enemy's whole cultural identity and cohesion. Although for Gottschall (2004, p.132) this theory seems to have failed "in bringing wartime rape within a single explanatory context", in my opinion, this theory is the most convincing among those analysed because, as it is widely demonstrated during the post-Yugoslav wars, SGBV, in all its nuances, was strategically and systematically used as a tool of ethnic cleansing.

However, what is still under scrutiny of scholars and academics concerns the fact that the Serbs had not indiscriminately been using GBV against the Croats, Bosnjaks and Albanians. As a matter of fact, very few cases of sexual assaults have been reported (HRW, 1994) against the same or other ethnic groups living in other regions: in the autonomous province of Vojvodina (composed of Hungarians, Slovaks, Roma people and other minorities); other minority groups in Kosovo[94]; in other Republics such as Slovenia, North Macedonia and Montenegro; and in the Sandžak region (shared between Serbia and Montenegro where half the population is Bosnjak)[95]. With regard the latter region, it is striking to indicate that, in spite of the fact that the largest portion of Muslims residing in the Sandžak region call themselves Bosnjaks[96], during the war there were "few if indeed any reports of sexual violence" (Hayden, 2000, p.34). Among the most prevalent crimes occurred in early 1990s in Kosovo, Sandžak, and Vojvodina[97], HRW (1994, p.1) documented "incidents of police abuse, arbitrary arrests and abuse in detention", along with other human rights abuses, constant harassment, and oppression. Hayden (2000) illustrates that it would be unlikely that widespread GBV would not have been noted given the exceptional attention of international news media about the crimes committed in Bosnia. The explanation why these territories witnessed very few instances of GBV is that they were still under the direct control of the FRY.

[94] Bosniak, Turkish, Roma, Ashkali, Egyptian, Gorani, Croat and Montenegrin communities.
[95] Even though Montenegro was still part of the FRY until 2006.
[96] For a complete overview of the Bosnjaks in the Sandžak region, see: Dimitrovova, B. (October, 2001). "*Bosniak or Muslim? Dilemma of one Nation with two Names*". Southeast European Politics. Vol. 2 (2): 94-108. Available at: Bosniak or Muslim (ceu.hu).
[97] In 1991, in the region of Vojvodina, the Serbs constituted 44% and the Hungarians 25% of the population. It saw little trouble since the Hungarians and other minorities had little alternative to remaining part of Serbia. Another important factor was that it represented one of the richest regions in the whole Federation, along with Slovenia and Croatia.

Thus, it can be concluded that once the Serbs had achieved their military and political goal, GBV was no longer used on purpose as an instrument of war: "once territories in Bosnia had been successfully "ethnically cleansed" to consolidate control, sexual violence was no longer practiced against the minorities who remained" (Hayden, 2000, p.34). This suggests that the strategic rape theory must be taken into account for very specific cases since it explains only part of the whole picture. Indeed, in order to analyse the effects of CRSV, Skjelsbaek (2010, p.40) maintains that it is pivotal to understand, on the one side, "the nature of the conflict and culture in which the acts of sexual violence take place", and, on the other side, the consequences for victims of such awful crime.

2.4 Impact and consequences of sexual violence

"Every rape is a grave violation of physical and mental integrity. Every rape has the potential to profoundly debilitate, to render the woman homeless in her own body and destroy her sense of security in the world. Every rape is an expression of male domination and misogyny, a vehicle of terrorizing and subordinating women. Like torture, rape takes many forms, occurs in many contexts, and has different repercussions for different victims. Every rape is multidimensional, but non incomparable".

- Copelon (1994, p.213).

Although the reasons behind the methodical recurrence of GBV in the surreal context of an armed conflict may never be thoroughly explained and understood, the investigation of the impact and the consequences for women victims of CRSV must be taken into account. Undoubtedly, the combination between these two circumstances – war and sexual violence - represents a double tragic burden for those abused and produces a destructive experience which can affect both women's mental and physical health, and the community's identity and integrity. Being a victim of CRSV is one of the most horrific and humiliating experiences that a human being can go through; it leaves severe psychological and relational consequences for individuals, families, and entire communities; and the person suffering from it takes a long time to overcome the harrowing event. It is just unthinkable what entails to be subjected to certain kinds of atrocities, and in fact "fewer people can imagine the experience of wartime rape as it actually happens" (Tompkins, 1995, p.851).

By taking into consideration all phases and aspects of a conflict, Hagen and Yohani (2010, p.15) have defined the occurrence of GBV in wartime as a continuation of the violence perpetrated in peacetime, but they have clarified that during wars it "tends to be of a greater magnitude, frequency, and intention" causing a multitude of nightmarish consequences and life-threatening, perhaps

irreversible, injuries and traumas at the physical, emotional, social and psychological level - markedly for young women - as well as serious implications for their social development and their long-term life opportunities. Skjelsbaek, (2010, p.27) points out that CRSV is usually "followed by other forms of violence, such as torture or killings, which makes it hard to isolate the consequences of sexual violence itself". Salzman (1998, p.371) also asserts that GBV "is just one of the many layers of trauma that these women have experienced". In fact, forms of physical and psychological pain deriving from torture, rape, verbal abuse, death of loved ones, slavery and starvation may be accompanied with other types of violence such as total domination and heartless humiliation that aim to maximise the trauma for the victims (Reid-Cunningham, 2008).

Moreover, according to Seifert (1994, p.55), the violence witnessed by innocent women during the Bosnian War "represents the most severe attack imaginable upon the intimate self and the dignity of a human being", a violent and forced attack whose results are also directed to and felt by women's families and communities. Zawati (2010, p.164) explains that when a woman is abused, the perpetrator usually sends two destructive messages: "one to the victim who was touched by the enemy, declaring her no longer acceptable as a wife or candidate for marriage; and the other to her society that their blood and race are polluted by the fact of their women giving birth to the children of their enemy". During the wars in Bosnia and Kosovo, the primary goal of the use of GBV was exactly that of destroying family and community's structures, "to damage the fabric of the enemy society" (Zawati, 2010, p.164), to humiliate and annihilate the enemy, to drive out the non-Serbian population from the conquered lands and to stifle any wish to return because, in symbolical terms, "the acquisition of the female body means a piece of territory conquered" (Stiglmayer, 1994, p.84) and "a rape of the body of that community" (Seifert, 1994, p.64). To have a clearer idea of what it means to be a direct victim or a witness of CRSV, Stiglmayer (1994, pp.92-93) presents the moving testimony of twenty-four-year-old Hatiza, a Bosnian Muslim victim of rapes during her captivity in the Trnopolje camp in northern Bosnia:

> "That's something you never forget. I still carry it around with me in my heart, in my soul. I think of it when I go to bed and I think of it when I get up. It doesn't let you go… Before I got my first period afterward, I was about to have a nervous breakdown. I couldn't sleep, and I kept smoking one cigarette after the other… They did it to humiliate us. They were showing us their power. They stuck their guns in our mouths. They tore our clothes. They showed the 'Turkish women' they were superior. […] All the dead people are continually before my eyes. […] And those are our brothers, our true brothers. I was in the camp, I was raped, and I still

can't understand that our friends are doing it, people who until yesterday were our friends. I'm thinking legal conviction would be too good for such a bloodthirsty people."

While interviewing the victims and witnesses, Stiglmayer (1994) referred that she felt she was hurting them once again because of the reminders of their stories. Indeed, being subjected to sexual violence, regardless of whether it happens in wartime or peacetime, may produce more physical harm and social ostracism in both the short and long run than being instantly killed by a bullet. Among "the most frequent symptoms reported for the sexually tortured women are severe anxiety, sleeping disorders, nightmares, apathy, loss of confidence, depression, and suicidal inclinations" (Seifert, 1996, p.40). With regard to the long-term psychological effects of rape, Tompkins (1995, p.858) observes that they "may include persistent nightmares, a fear of being alone, a fear of crowds, a fear of anyone walking behind them and a fear of indoor or outdoor places which are consistent with the location of the rape". Other indelible scars that remain even longer because they can hinder the full reintegration of women into civil society and their families are eating disorders; self-harm; alcohol and drug abuse; unwanted pregnancies; infanticide; debilitating gynaecological problems; untreated sexually transmitted diseases (including HIV, hepatitis, syphilis); chronic health problems such as diabetes, asthma, and arthritis; and post-traumatic stress disorder[98] (PTSD) (Jefferson, 2004; Reid-Cunningham, 2008). In addition, many victims commit suicide following the abuse and the subsequent traumas derived from it, while many others die in the attempt to have an abortion (Reid-Cunningham, 2008). The action of forced impregnation presents thereby an additional psychological torture which may have a potentially lifelong impact, whether choosing to have an abortion or not, or choosing to raise the child or kill him/her (Copelon, 1994).

In this respect, what is important to mention, but it is not a focus of this thesis, concerns children born as a result of rape. This is an undocumented issue that needs further research and understanding, as those children who were kept by GBV victims are now "reaching an age when they might be insisting on knowing more about what happened during the war and about their own personal histories" (Skjelsbaek, 2010, p.49). A movie that describes pretty well the status of those children is "*Grbavica*"[99], which won the Golden Bear at the Berlin film festival in 2006. It tells the story of Esma, a single mother, and Sara, her daughter, who discovers she is a "war baby" as her mother had

[98] PTSD is a psychological and behavioural disorder resulting from extreme situations of stress or from extended exposure to a traumatic event such as sexual assault, warfare, traffic collisions, child abuse, domestic violence or other threats on a person's life. Symptoms may include disturbing thoughts, feelings, or dreams related to the events, mental or physical distress to trauma-related cues, an increase in suicidal and intentional self-harming attempts. The diagnosis of PTSD came into use in the 1970s and 1980s to describe the condition of USA military veterans who reported great psychosocial distress long after the traumatic events of the Vietnam War (Reid-Cunningham, 2008).
[99] Grbavica is a quarter of the city of Sarajevo, Bosnia and Herzegovina.

been raped during the conflict, and it shows all the social, economic, psychological difficulties of the post-war period. Salzman (1998) considers those children as a constant reminder of the enemy's oppression and violence, something that causes strife and resentment. In his words, the forced impregnation of enemy women is a kind of "cultural genocide".

Thus, victims of sexual abuse are more prone to be afflicted by social and relational problems, and particularly intimate relationships, which can affect their ability to recover from the trauma. Perhaps one of the most tragic effects of SGBV is the inability of women to have a normal sexual life with their partner. According to Reid-Cunningham (2008, p.290), "sexuality may be perceived as a threatening reminder of a brutal victimization, and the survivor may be unwilling or unable to have sex with her husband or partner". Reid-Cunningham (2008, p.289) further points out that, sometimes, family members, friends, or neighbours can make victims feel isolated, excluded and misunderstood since they "do not comprehend the magnitude of the assault's impact on the survivor". Unfortunately, Jefferson (2004, p.329) holds the position that in many patriarchal societies "sexual violence is the only crime for which the community's reaction is often to stigmatize the victim rather than prosecute the perpetrator".

The suffering derived from SGBV causes a horrific endless anguish for the entire family and community. In some cultures, there is the belief that a woman victim of sexual abuse has to be killed by her own family "because of the shame the assault brings on the family and the community" (Reid-Cunningham, 2008, p.285). That is why many women prefer to stay silent in order to avoid the stigma associated with rape. In 2002, the United Nations Development Fund for Women[100] (UNIFEM, 2002) released a commissioned report, written by two independent experts (Elisabeth Rehn[101] and Ellen Johnson Sirleaf[102]), on the impact of armed conflict on women's lives during and after conflict. At the time, they had visited 14 conflict-affected areas[103] where they interviewed several women who

[100] UNIFEM is the women's fund at the United Nations. It provides financial and technical assistance to innovative programmes and strategies that promote women's human rights, gender equality, political participation, and economic security.

[101] Rehn is a former member of the Finnish Parliament (1979-1990) and former member of the European Union's Parliament (1995-1996), who became the first female Minister of Defence in the world in 1990. Between 1995 and 1998 she served as UN Special Rapporteur for the human rights situation in Bosnia and Herzegovina, the Republic of Croatia, the Federal Republic of Yugoslavia, and the Former Yugoslav Republic of Macedonia. In 1998-99 she was appointed by the UN as Special Representative of the Secretary-General in Bosnia and Herzegovina. Between 2001 and 2003 she was UNIFEM's independent expert on women's role in peace-building.

[102] Johnson Sirleaf is a Liberian politician who served as the 24th President of Liberia from 2006 to 2018, becoming the first elected female head of state in Africa. She won the Nobel Peace Prize in 2011 together with Tawakkul Karman and Leymah Gbowee, with the following motivation: "*for their non-violent battle for the safety of women and their right to full participation in the work of building peace*".

[103] Bosnia and Herzegovina; Cambodia; Colombia; the Democratic Republic of the Congo; East Timor; the Former Yugoslav Republic of Macedonia (FYROM); the Federal Republic of Yugoslavia, including Kosovo; Guinea; Israel; Liberia; the occupied Palestinian territories; Rwanda; Sierra Leone and Somalia.

had survived brutalities such as rape, sexual exploitation, mutilation, torture and displacement, and they had understood that most often women "refuse to speak about what happened to them for fear of being mocked or ostracized or further violated" (Rehn and Johnson Sirleaf, 2002, p.117).

When women come from a traditional, patriarchal society that cherishes very gingerly women's chastity, virginity, and fidelity, they will probably "face divorce or abandonment if they are raped, even if inflicted against their will" (Zawati, 2010, p.172). The Muslim tradition of Bosnian and Kosovar societies, even if it is secular, does not represent an exception. Tompkins (1995) claims that the social and cultural background of a woman matters a lot when such abuses happen. Tompkins (1995, p.886) suggests that great effort must be made "to target and educate husbands and fathers who callously reject these women as stained goods", in order to finally break the myth that only sexually pure or chaste women are acceptable as wives. According to Tompkins (1995, p.886), this "is the root of the gender stereotyping that leads men to rape women to begin with. This is the heart of the problem which must be confronted in order to construct a solution". In their critical examination on the nature and consequences of CRSV, Hagen and Yohani (2010, p.16) assert that in those patriarchal societies, like that of the former Yugoslavia, "where the sanctity of a woman's sexuality is valued, displaying a woman's dishonour in the public area destroys the entire underlying social order of a community and the core self-worth of the victim". Furthermore, Copelon's (1994, p.209) study on the crimes against women in wartime illustrates in a precise way the substantial stigmatisation deriving from sexual violence: "[i]t is a given that women are terrified and, at best, reluctant to come forward to charge rape. Admitting rape in a sexist society is a public dishonouring and has consequences for the ability to continue or build relationships with one's community and with male partners". Tompkins (1995, p.858) advocates the view that "this is the darkest, most destructive aspect of rape - women internalize both the cause and the effect of rape, thereby doubling the harm". As a matter of fact, in most of the cases women suffer and die in silence. Their families and communities – as well as the states that should at least guarantee their social and economic safeguard – often fail to provide the appropriate support, love, compassion, acceptance, and well-designed programs to help the victims.

One of the reasons why the whole community suffers is that quite often, in the circumstances of an armed conflict, the sexual act takes place in public and "in the presence of three different audiences: other women (to instill fear), other soldiers (to promote solidarity), and other community members (to show complete suppression)" (Hagen and Yohani, 2010, p.15). In some cases, men and relatives are also forced to witness in silence when their relatives - wives, sisters, mothers, or daughters – are being raped, and many family members are killed or tortured while trying to protect

their loved ones (Hagen and Yohani, 2010). In the course of the post-Yugoslav wars, the unprecedented high proportion of gang-rape reports in public and private areas, and specifically in former public buildings, demonstrates this instance. In summary, the valuable analysis done by Hagen and Yohani (2010) illustrates the impact of sexual violence in wartime at an individual and societal level. Sexual violence is being employed in armed conflicts as a tactic to:

> "(a) extend violence to women because of their ethnic or social group; (b) promote sexual dominance, hatred, and destruction; (c) intimidate women and destroy their personal identity; (d) exploit women during their vulnerability while demoralizing men for a failure to protect their women; (e) change the demographics of a region by forcibly impregnating women; (f) force a population to flee while instilling terror; (g) serve the group membership and solidarity of the soldiers; (h) provide serial sexual outlets for soldiers through brothel type arrangements; (i) annihilate a cultural group by severing a woman's ties to her community; and (j) implement a strategic military tactic to defeat the enemy in a way that will ensure the effects of victory will be felt long after the initial rape" (Hagen and Yohani , 2010, p.17).

Moreover, the post-conflict environment can also put women at greater risk of vulnerability, discrimination, and exploitation (poverty, trafficking, prostitution, to name but a few). In her study on the psychological effects of war on women, Hynes (2004, p.435) declares that the physical, mental, sexual, spiritual, and social harm can even worsen in the aftermath of armed conflicts:

> "Women and girls are uniquely harmed by war-related disintegration of health, education and social services, by the breakdown of civil society and security, and by the loss of basic environmental assets, including potable water, sanitation, land, food, and fuel sources".

Hynes (2004) goes further in her valuable analysis by arguing that in post-conflict scenarios, many victims are effectively consigned to a "social death", which occurs when, on the one side, the community - into which someone is born and raised, and inherits the cultural and social aspects of everyday life - shuns and isolates the victim; while, on the other side, the environment itself facilitates the risks of poverty, sexual exploitation and violence, homelessness, discrimination in law and custom. Skjelsbaek (2006, p.379) has collected the voices of some Bosnjak women who have experienced such an ordeal during the Bosnian war with the aim of comparing "the traumatic events they had experienced to their accounts of post-conflict life". Skjelsbaek (2006, p.378) recalls that when she had conducted the interviews, between 2001 and 2002:

> "Both I and the interpreters cried at several points during the interviews. One of the interpreters told me it was particularly hard to hear the rape stories in the aftermath of war, because it made her realize that she lives among perpetrators and victims of such crimes, and that it was within such a world that her children were growing up."

One of the stories comes from Azra[104], aged forty-four at the time of the interview:

- I: If I ask you whether you feel like a victim or a survivor, how would you answer?
- Azra: If I survived 1992, I can survive anything! I feel like a survivor, but the situation in Bosnia now is very uncertain. You know it is very confusing [she cries]. You can survive something – yes, definitely I survived and therefore I am a survivor – but I live my life from a distance, without really knowing where I am going with my life. The environment and the life conditions here are so strange, they are so hard [she cries even more]. You know, I know that I survived, but I do not know why. I can only thank God that I did, but what am I going to do with the fact that I am alive? The life conditions here are so hard and so strange.
- I: Do you think it is harder to talk about rape during the war compared to other crimes that people experienced?
- Azra: I think so, but it is a new situation now because before nobody talked about these crimes, and now in The Hague [i.e., the ICTY] they talk about it as a very specific crime. It is like killing really, in my opinion. You know, I think sometimes that it would have been better for me if they had killed me instead of raping me." (Skjelsbaek, 2006, pp.384-385).

In the end, Azra confessed that while in the aftermath of the war she was hesitant to tell her husband what she had gone through, in a second moment she found the courage to tell him everything. She appreciated the support and empathy receive from him: "[h]e has never made any bad comment about what happened to me, because he is aware that women who were much older survived the same experience" (Skjelsbaek, 2006, p.384). Stories like Azra's are very powerful and give the impression that being subjected to SGBV is no longer a taboo, a shameful confession, a social stigma. Unless a common global awareness and understanding of victims of sexual violence is finally brought to the surface, for women and girls it will always be hard to heal health issues and to counter the socio-cultural oppression. Yet, continued attention and practical intervention from governments, the civil society, international organisations, NGOs, and the families themselves, are urgently needed. For instance, during the interview, Azra demonstrated her worries on her living conditions:

[104] Azra is an imaginary name given by Skjelsbaek in order to protect her anonymity.

> "We do not pay rent because we live in a deserted house, but the owner applied to get back and get the house, and I will probably be ordered to move from the house. But where shall I move? I do not know what to do, because I cannot go back to my village and I do not have the money to pay the rent here in Sarajevo. It is too expensive. The food is expensive. To send your children to school is expensive. And… I mean everything is very expensive when you do not have money." (Skjelsbaek, 2006, p.388).

Jefferson (2004) acknowledges the important progresses in terms of justice and accountability for female victims of CRSV, but she is critical about the post-conflict programs and services provided to the victims in order to assist their reintegration into their communities. In reality, how governments deal with and are committed to the recovery phases of victims of CRSV may really "improve women's human rights in all aspects of their lives and eradicate discrimination against them" (Jefferson, 2004, p.344). Specific gender-based laws, customary practices, educational and work programs, financial aid, are all some practices suggested by Jefferson (2004) that can actively curb the phenomenon of GBV. Furthermore, Jefferson (2004, pp.344-345) believes that there are some practices deemed as impediments to women's equal and autonomous sexual decision-making that are so well established in some societies and that must be eradicated from the ground:

> "[…] ending forced marriage; eradicating discriminatory nationality laws; decriminalizing adult, consensual sex; ending wife inheritance; ending widow "cleansing"; criminalizing spousal rape; ending inheritance and property rights discrimination against women; reviewing personal status laws and customs and guaranteeing women equal rights in the family; ending all harmful customary practices that subordinate women sexually; and vigorously condemning, investigating, and prosecuting all forms of violence against women, in particular sexual violence."

The adoption of the UNSCR 1325 (2000) on Women, Peace, and Security[105] (WPS), which passed unanimously in October 2000, recognises and promotes the inclusion of women in peacebuilding processes in pre- and post-conflict societies, firstly as a means to prevent conflict and to achieve sustainable peace, and secondly to ensure women's greater participation in decision-making processes. According to Skjelsbaek (2010, p.42), "[t]his marked a turning point in international commitment and engagement for women's participation in peacemaking and protection

[105] The UNSCR 1325 and the pursuant resolutions make up the so-called Women, Peace and Security (WPS) Agenda that ensure international political leadership and engagement in the prevention and mitigation of CRSV. See the UNSCR 1325 at: http://unscr.com/en/resolutions/doc/1325. The pursuant UNSCR are n. 1612 (2005), 1674 (2006), 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013); 2122 (2013); 2242 (2015); 2467 (2019); 2493 (2019).

needs." Likewise, Cockburn (2013, p.444) has praised the increasing gender awareness of the international community and national governments, but she criticises one contrasting aspect of the UNSCR 1325: the fact that the focus has been put on women's sexual vulnerability without even mentioning "those who were the main source of danger to women". The masculine culture of violence and superiority seems to be still part of the peace and security discourses, both in language and in practice. Another limit of the UNSCR 1325 is the lack of accountability mechanisms since it is not a binding treaty, and thus there is no penalty for violating the Resolution.

Notwithstanding, Skjelsbaek (2010, p.42) points out that through a gender-based promotion and emphasis towards the issues of representation, inclusion, education, participation and equality, the result "would presumably lead to increased attention being given to protection of and respect for women's rights, including protection from gender-based violence in situations of armed conflict, and initiatives to put an end to impunity for such crimes". Governments, NGOs, international organisations and the civil society should look at this resolution as an ideal guide for the final eradication of discrimination and violence against women. Hynes (2004, p.21) provides a short list of what are the most important domains every actor has to work on in order to ensure women have: "(a) equal access to economic, social, and political power, (b) legal recourse so perpetrators of rape are brought to justice, and (c) tools to deconstruct masculinity and gender inequality in the military and community". Finally, I recall the recommendation given by the Health and Human Rights Info (HHRI, 2014, p.12) that advocates for a strengthening understanding of human rights principles, particularly women's human rights: "it is therefore vitally important to provide help and assistance to survivors, to restore their dignity and self-respect, and create conditions in which they feel protected and belong in a community".

2.5 Findings and reflections

The pressure from the victims of sexual violence, their advocates, feminist and women's rights organisations and movements, and humanitarian organisations, has brought the international community to the enlightening path towards the final recognition of GBV - in all its forms and manifestation - as an unjustifiable and unforgivable crime, as an outrageous crime against human dignity. Even though there is a divergence between what it is written, said and done, and the reality itself, what is undeniable is that the intersection between GBV and armed conflict is a very complex issue that cannot be generalised, and that the gender-specified nature of sexual aggression must come into play every time the topic of CRSV is discussed. I want to emphasise that the purpose of this chapter is primarily to illustrate that having some theoretical approaches on which to base the general

framework of the plight of CRSV is beneficial for understanding the reasons, impact and consequences of the crime itself. While each theory examined offers contrasting interpretations, methodologies, and findings, each has extraordinarily contributed to a much-needed open dialogue to the extent that the literary realm has developed valuable insights for a better understanding and explanation of the phenomenon, and that the international community has begun to take practical measures to diminish its incidence.

The different kinds of knowledge and expertise about CRSV provided by multiple voices, approaches and prescriptions enable better communication between various stakeholders, prevent and mitigate the crimes, and increase social justice (Skjealsbaek, 2018). The feminist movement has the merit of being the first to have addressed the previously ignored issue and has clearly demonstrated that a gendered understanding of societies must always be put in the foreground. On the contrary, the bio-social approach has to be taken into account only by referring to statistics and data since almost all the perpetrators are male and the victims female, because, if taken alone, it does not provide a significant explanation of the whole phenomenon. Instead, the cultural pathology theory grasps paramount observation with an original conception of the role of social psychology and therefore contributing to an exhaustive comprehension, despite it must be exclusively employed in specific contexts. As stressed by Seifert (1994, p.57), understanding the reasons, the functions and the consequences of CRSV depends "on the historical and cultural context and must ultimately be discussed with reference to concrete cases". Finally, the strategic rape theory is widely regarded as the most influential one since, when assessed in the light of the study of specific armed conflicts, it explains the massive occurrence of GBV as part of a consciously calculated military plan. Moreover, it is the most useful theory when discussing the phenomenon by citing the legal credits of the crimes against humanity, war crimes, and genocidal attempts.

As I will address in depth in the next chapter, my research and examination of CRSV is conducted on the peculiar case studies of Bosnia and Kosovo, bearing in mind the most important characteristic of the theories just investigated and merging them together in order to investigate the recurrence of GBV within a historical-political framework, as well as illustrating similarities and differences between the two cases. As I have already discussed so far, the purpose of the recurrence of GBV within those two contexts has often been to terrorize and destroy – both culturally and institutionally – a whole community belonging to a different ethnic, national, religious group, and it has been employed as a cheaper, more devastating weapon than other conventional warfare weapons. Moreover, as I shed light on the tremendous sufferings and traumas of CRSV victims, as well as their

families and communities, I think that victim's experiences talk by themselves for the widely strategic use of sexual violence as a tactic to harm and exterminate the civilian population.

To conclude, I think that any attempt to explain and understand the phenomenon must be done by simultaneously and comparatively analysing the theories explored so far within a specific historical context, since "each approach complements and completes the other" (Gottschall, 2004, p.134), each is intertwined and interdependent to each other. Indeed, it is only through a combination of all these theories that academic scholars can address the complexity of the issue, and world leaders and organisations can efficiently develop interventions and policies to counter, or at least to limit, its recurrence and to help victims of sexual abuses recover after the dreadful experience. Moreover, it is only through the adoption of a gender-based approach and the identification of the relationship between gender and ethnicity or nationality that a more complete understanding of its causes and consequences can be facilitated.

Chapter 3: FROM "BROTHERHOOD AND UNITY" TO HATRED AND CONFLICT

Sometimes, the wars waged among the various peoples of the SFRY are presented to us - by scholars, politicians and media - as ethnic or religious conflicts. Instead, the peoples of Yugoslavia were so accustomed to living together that it probably "took very great effort to get them to start shooting at each other" once the peaceful social and institutional bond that had united them for so long broke apart (Hayden, 2013, p.xiii). As it is illustrated in this chapter, hatred and conflict emerged as a product of the political power of ethno-nationalist leaders and their tormented desire for territorial control. Josip Broz Tito[106] founded the SFRY after World War II under the concept of "*Bratstvo I jedinstvo*"[107] (Brotherhood and Unity), an idea that envisioned a way to transcend ethno-national loyalties in the Balkan region. However, with his death in 1980, everything began to be conceived in exclusively ethnic terms (Zarkov, 2003). This is just one of the reasons, along with economic and political ones, that marked the dissolution of Yugoslavia and the beginning of an almost entire decade of armed conflict, which showed to what extreme extent human beings can treat each other.

Located in a strategic geographical position between Western and Eastern Europe, the Balkan peninsula has hosted throughout its history long-running battles involving various kingdoms and empires. In fact, the complex intersection between national identity, religion and politics should be seen in the light of the long-lasting Ottoman domination of the region and the more recent Yugoslav experiment. The constant subjugation of the peoples and the redrawing of political borders has given birth to one of the most poignant examples in Europe in terms of cultural melting-pot, tolerance and harmonious coexistence between various ethnic groups. Here, contemporary problems stem precisely from continuous border and political changes that have occurred quite frequently since the Middle Ages. Friedman (1996, p.7) underscores that "[t]his land has been traversed and conquered so many times by so many peoples that it is not surprising that most of the twentieth-century Yugoslavia's internal frontiers, as well as some external borders, are contested". Certainly, when borders are the

[106] Tito was a Yugoslav communist revolutionary as the leader of the Partisans during World War II, who served as the President of the Socialist Federal Republic of Yugoslavia from 14 January 1953 until his death on 4 May 1980. Viewed as a unifying symbol, his internal policies maintained the peaceful coexistence of the nations of the Yugoslav federation. Interestingly, he was born to a Croatian father and Slovene mother in the village of Kumrovec, at the time part of Austria-Hungary (now in Croatia). Tito gained further international attention as the chief leader of the Non-Aligned Movement, alongside Jawaharlal Nehru of India, Gamal Abdel Nasser of Egypt, and Kwame Nkrumah of Ghana.

[107] "*Brotherhood and Unity*" was a popular slogan of the League of Communists of Yugoslavia that was coined during the Yugoslav People's Liberation War (1941–45), and which evolved into a guiding principle of Yugoslavia's post-war inter-ethnic policy. The policy prescribed that Yugoslavia's and national minorities are equal groups that coexist peacefully in the Federation, promoting their similarities and interdependence in order to overcome national conflicts and hatred. Every individual was entitled to the expression of their own culture, while the ethnic groups had an oath to one another to maintain peaceful relations.

main object of disputes the most probable result is one: armed conflict, in which eventually defenceless people pay the piper (i.e., children, women, and ethnic minorities).

In the previous chapter it has been explained that, in view of their symbolic social and cultural value and to the facility of abusing them, women belonging to particular ethnic or national groups became the primary target of nationalistic and chauvinistic policies whose aim was the establishment of homogenous nation-states within demarcated boundaries. In furtherance of fully understanding a recurring phenomenon, one must investigate similar events in different contexts and, since both Bosnia and Kosovo share many features at a political and cultural level, it is possible to make an invaluable comparison that helps, on the one hand, to grasp in depth what are the roots of ethnic hatred and division, and, above all, what circumstances led to the horrific massacres of hundreds of thousands of civilians, the coordinated sexual assault of thousands of women and the subsequent forced displacement of millions of people. Therefore, as highlighted by Stiglmayer (1994), it is only by going back in time that we can find the answers to the research questions regarding the phenomenon of CRSV in a region so ethnically and culturally mixed, as well as to facilitate the comprehension of current social, political and economic challenges.

Through a temporal and spatial analysis of the history of Bosnia and Kosovo, it can be concluded that the ghastly widespread employment of ethnically-driven SGBV against women and young girls followed the same line of action and played a pivotal role for the ethnic cleansing campaigns, which were stridently carried out by all sides involved in the war but on a larger scale by Serbian armed forces. However, the history of both countries, of the peoples inhabiting them and in general of the former Yugoslavia, is as much complex as the phenomenon of CRSV. In the end, by a cross-cultural investigation and by examining analytical distinctions and similarities between the two cases, in conjunction with the use of sexual violence, I hope that the arguments will illuminate certain aspects of the tragedies endured by innocent women, mainly Bosniaks and Kosovo Albanians, and add further insights in the overall study of CRSV.

3.1 Ethnic composition in the Western Balkans

The Western Balkans are a highly diverse mosaic of ethnicities and cultures, a diversity that should be considered first and foremost in terms of faith and language moulded by a variety of turbulent historical developments that have led to contemporary national identities (Zawati, 2010). Contrary to common beliefs about the ethnic composition of the Balkans, almost all the peoples inhabiting the

former SFRY originally descend from a single race, the South Slavs[108], apart from the Kosovo region whose inhabitants are almost entirely ethnic Albanians. Friedman (1996, p.8) illustrates how the ancestors of today's South Slavs "were originally of the same Slavic stock, becoming differentiated only because of settlement patterns rather than by racial and cultural differences". In fact, they share considerable linguistic and cultural characteristics: it is well known that the South Slavic languages are mutually intelligible to varying degrees (especially Bosnian, Croatian, Montenegrin, and Serbian[109]) to the extent that it is possible to "communicate with each other with little to no difficulty" (Serafin, 2017, p.3). The only languages that are considered by Mikołaj Serafin (2017) "the black sheep" are Slovenian, Macedonian, and Bulgarian.

In this framework, the attempt to forge a common state based on shared South Slav origins was launched for the first time in the mid-19th century with the Illyrian movement[110] (Friedman, 1996; Tomić, 2014; Zawati, 2010). It was proposed by Ljudevit Gaj, father of Croatian nationalism in the 1830s, who advanced the idea that "all South Slav nations were originally Illyrians, and must be united by cultural bonds, notwithstanding their divergences in belief or historical claims" (Zawati, 2010, p.71). Assuming that the "Illyrian" populations lived scattered under different imperial rules, the construction of a cultural, linguistic and ethnic unity of all South Slavs included Serbs, Croats, Slovenes, and even Bulgarians, but not Bosnjaks and Albanians since they were not yet considered national groups on a par with the others. However, many relevant sources show that the Slavs arrived in the Balkan territories in the 6th century A.D. when the Illyrians were already settled[111]. Later on, the Illyrian movement developed into "*Jugoslovenstvo*" (Yugoslavism), which in 1918 achieved the

[108] The name "*Yugoslavia*" is in fact a combination of the Slavic words "*jug*" (south) and "*slaveni*" (Slavs), thus it means the land of the South Slavs. The contemporary Slavic countries are Belarus, Bosnia-Herzegovina, Bulgaria, Croatia, Czech Republic, Macedonia, Montenegro, Poland, Russia, Serbia, Slovakia, Slovenia, and Ukraine. The number of Slavonic languages is even greater. In addition, there are local South Slavic minorities in non-South Slavic neighbouring countries such as: Albania, Austria, Greece, Hungary, Italy, Kosovo, Moldova, Romania, Slovakia, Turkey, Ukraine.

[109] Serbo-Croatian is the primary language of Serbia, Croatia, Bosnia and Herzegovina, and Montenegro. It presents three different dialects (Shtokavian, Kajkavian, Chakavian), two further variants (Ekavian and Jekavian), and four mutually intelligible standard varieties, namely Serbian, Croatian, Bosnian, and Montenegrin. Regarding the transcription of Serbo-Croatian; Croats prefer Gaj's Latin alphabet, while Serbs favour Serbian Cyrillic. The Chakavian and Kajkavian dialects of Serbo-Croatian differ noticeably from Shtokavian and they are spoken by a much smaller number of people in the Balkans than the latter. The Slovene language is closer to Chakavian and Kajkavian, and in fact it has some commonalities with the West Slavic languages. Interestingly, Montenegrin has being intentionally developed in a way that is supposed to distance it from Serbian linguistics, representing the newest variant of Serbo-Croatian. Bulgarian and Macedonian belong to the Eastern South Slavic dialects that derive form the eastern subgroup of the South Slavic languages, they both use the Cyrillic script and are very closely related; indeed, Macedonian has actually been regarded as a dialect of Bulgarian for most of its history, although it now enjoys the status of a separate language.

[110] Illyria is the ancient name of the territory of the western part of today's Balkan Peninsula, inhabited by numerous tribes and clans of peoples collectively known as the Illyrians. They spoke an Indo-European language and the Illyrian tribes formed different kingdoms.

[111] The earliest recorded Illyrian kingdom was that of the Enchele in the 6th century BC, as the oldest known people on the Adriatic shores of Western Balkans.

goal of unifying South Slav peoples under the establishment of one single institutional entity: the Kingdom of Serbs, Croats, and Slovenes (renamed the "Kingdom of Yugoslavia" in 1929).

But the project was ultimately realized after the Second World War with the founding of the SFRY, which housed five official nations (Slovenes, Croats, Serbs, Montenegrins, Macedonians), had at least three official languages (Slovenian, Serbian-Croatian, Macedonian), and its population was divided into three main different confessions: Roman-Catholics (Croats, Slovenes Hungarians), Orthodox Christians (Serbs, Montenegrins and Macedonians), and Sunni Muslims (Bosnjaks). This division applies only to those peoples of Slavic ancestry because the Albanians are not ethnically correlated with Slavic populations (a complete analysis of Albanians' historical path and cultural characteristics is found in the paragraph dedicated to Kosovo Albanians). Indeed, the origins of both the Slavic peoples and the Albanians have been the subject of controversial debate, ancient myths, and new original scholarly interpretations and theories[112]. For Zawati (2010, p.34), these are some of "the greatest motivating factors behind ethnic conflicts and divisions among the Yugoslav nations."

3.1.1 *Bosnjaks*

Bosnia and Herzegovina is a region considerably more diverse than the others since throughout its history it has been inhabited by three major ethnic groups distinguished along religious lines[113] within specific geographic areas: Serbs in the north and east, Croats in the southern region of Herzegovina, Bosnjaks in the north-western and central part. This sharp geographical and ethnic division is what sparked the harsh conflict in the early 1990s in which the Bosnjaks suffered the worst consequences. Like most Kosovo Albanians, they are of Muslim faith and have - since their incorporation into Yugoslavia - been constantly subjugated and coerced to enjoy an inferior political status. But, like every nation and national identity, the Bosnjak nation too "has not emerged suddenly but constructed and developed as a result of some historical events" (Sancaktar, 2012, p.2)[114].

The first turning point is represented by the Ottoman Empire's conquest of the region in 1463 and the gradual conversion of the autochthonous inhabitants to Islam. The Bosnjaks are in fact among

[112] For instance, when the SFRY imploded, each constituent group wanted to build their own nation-state and national identity also through historical revision and the creation of collective memories.
[113] The Serbs became Orthodox Christians as a result of the Byzantine influence and the Croats became Catholic Christians under the Roman influence.
[114] A remarkable contribution to the discussion of Bosnia's history, and particularly its Muslim inhabitants, has been done by Friedman (1996) in her book "*The Bosnian Muslims: denial of a nation".*

the few Slavs that are of Islamic faith[115]. However, although most historians and researchers trace the Bosnjak lineage back to the South Slav race, several Yugoslav and Bosnian Muslim scholars in the past two centuries have advanced the theory that the Bosnjaks are the progeny of the Bogomils, who were Turks from Anatolia practicing Bogomilism[116] (Friedman, 1996; Sancaktar, 2012; Zawati, 2010). Other scholars are convinced that Bosnjaks' forebears hailed from members of the "*Crkva Bosanska"* (Bosnian Church), an indigenous schismatic institution that broke from the Catholic Church on ritualistic grounds (Friedman, 1996). Notwithstanding these claims, Serbs and Croats have been promoting a different point of view: both accused the Turks for the forcibly conversion of the Bosnian people. Serbs claim that Bosnjaks were originally Orthodox settlers who were forcefully converted to Islam, while Croats assert that they were Islamicised Catholic Croats (Friedman, 1996; Tomić, 2014; Zawati, 2010). Actually, there is little historical evidence of it, and, in truth, most scholars agree that the Islamisation process did not happen suddenly but was a long-lasting process, and that Islam was accepted - forcibly or voluntarily - by all Slavic communities (Friedman, 1996; Sancaktar, 2012). What is beyond criticism is the fact that before the arrival of the Turks, Bosnjaks were constantly exposed to oppression and attacks from both the Orthodox and Catholic Churches.

Hence, it was under Ottoman rule that the Serbo-Croatian-speaking people who converted to Islam had begun to identify and call themselves "*Bosnjaci"* (Bosnjaks[117]) in order to oppose and emphasize their different origins from other non-Muslim communities (Friedman, 1996), as well as from the Ottomans (Sancaktar, 2012). Whereas this helped them to develop a strong sense of identity with their coreligionists, on the other hand, it "created tensions between them and their non-Muslim Slavic relatives" (Friedman, 1996, p.16). Friedman (1996) believes that opportunism may have played an important role since the religious conversion would have meant rapid social advancement, greater authority, freedom of movement, tax and rent benefits, and landownership. Despite the Turks were particularly tolerant towards the Christians denominations, prominently in the earliest years in the Balkans, by being a Muslim supporter of the sultanate "was clearly more rewarding", pinpoints Friedman (1996, p.32). Under these circumstances, the non-Muslim neighbours resented their lower

[115] Other indigenous populations of the Balkans who are Muslims are: Pomaks (Slavic Islamized), but also part of the Vlach people, Goran (Muslim population of Macedonian language), Torbechis (Slavic-speaking Muslim community) and Romas (Gypsy).

[116] Bogomilism was a heretical sect of Christianity that arose first in Bulgarian lands in 11th century and then spread throughout the Mediterranean, including Bosnia and Herzegovina. This heretic sect rejected the authority and the religious rituals of both Catholic and Orthodox churches. Also, it denied God's rule over all facets of life and believed that the path to salvation lay in the renunciation of material things. In fact, they were against private property in land and nature because according to Bogomilism, nature have been created and provided to human by Bog (God). Because of these heretic ideas and believes, Bogomils were suppressed by Orthodox and Catholic churches and feudal lords.

[117] The Turks too called Bosnian Muslims "*Bosnjaci"*, although very often both Bosnian Christians and Muslims themselves referred to the Serbo-Croatian-speaking Muslims as *"Turci"* to distinguish them from Bosnian Christians.

social and political status to the extent that "even the later Yugoslav experience could not totally erase the mutual dislike caused by their disparity" (Friedman, 1996, p.31).

The relative religious independence of the Christian denominations and their displacement throughout the Balkans contributed to the rise of Serbian and Croatian nationalism, but also to reciprocal enmity between these two groups. While the political and national awakening of the Bosnjaks originated under the Ottomans, developed more tenaciously during the Austro-Hungarian occupation and became consolidated in the second half of the 20th century, the Serbs and the Croats had become aware of their distinct linguistic and ethnic relatedness quite earlier. According to Zawati (2010, pp.68-69), "[n]ationalism and national awareness emerged among the South Slav nations at the end of the 18th century, influenced by the French Revolution's principles of liberalism and nationalism". They had developed exclusive national ambitions "to form new independent states on the basis of the reestablishment of the former glory of the Serb or the Croat medieval kingdoms" (Friedman, 1996, p.40). Zawati (2010, p.69) considers the pan-Serb movement a consequence of the achievement of autonomy under the Ottoman Empire, "shaped by the aspirations of a "Greater Serbia" and the myth of Lazar's self-sacrifice at the Battle of Kosovo in 1389". In 1844, the Serbian minister of interior Ilija Garasanin produced a plan ("*Načertanije*") whose goal was the unification of all Serbs within one Serbian state (Stiglmayer, 1994; Zawati, 2010). Yet, the pan-Croat national awareness paralleled the Serbian experience but emerged from the increasing aspirations of autonomy from the Habsburg monarchy[118].

All things considered, the Bosnian Muslims had more rights and privileges than other religious believers because of their creed rather than their ethnicity. But the situation started to change in the 19th century, an era of social, political and economic decline for the Ottoman Empire due to "relentless attacks from both internal and external forces" (Friedman, 1996, p.37): the slow processes of industrialisation and modernisation; continuous clashes with other European powers; the rise of ethno-nationalism; subsequent rebellions and unrests supported in part by the Pan-Slavic policy of the Russian Empire (Sancaktar, 2012). With regard to Bosnjak nationalism, it is quite controversial to hypothesise its origins since the Bosnjaks have never been consciously united, politically and socially talking, until the official recognition as a "*narod*" (national entity) under Tito's regime in 1968. Sancaktar (2012, pp.5-6) explains that for most part of Bosnia's history they had to rely on the

[118] Stiglmayer (1994) carefully points out that the pan-Croat movement originated from the Frankist Party, which aimed at an independent Croatian state that would also encompass Bosnia. This Party was the source of inspiration for some of today's extreme right-wing parties in Croatia, including the Party of the Right, which during the post-Yugoslav wars had its own irregular troops (HOS) that were later accused of ethnic cleansing campaigns and GBV against the Serbs and Bosnjaks.

Serbs, the Croats or foreign powers since "there was no a strong Bosniak bourgeoisie, intellectual elite or bureaucrats to stimulate, organize and lead Bosniak nationalism and national movement".

The second historical event that marked a turning point for the Bosnjaks, as well as for the Albanians, was the Berlin Congress in 1878 and the establishment of new nation-states that restructured the map of South-eastern Europe, "[a]lthough different regions [had already] obtained certain forms of political autonomy within their respective imperial contexts", clarifies Dorde Tomić (2014, p.272). During the Berlin Congress, the Great European Powers called for the revision of the Treaty of San Stefano[119], signed between the Russian and Ottoman Empires. It resulted in the Treaty of Berlin[120] that placed Bosnia-Herzegovina under Austro-Hungarian occupation - until it was annexed by it in 1908 – and whose aim was that of counteracting Russian influence in the region (Friedman, 1996; Sancaktar, 2012; Ther, 2014; Zawati, 2010). A new period began for the Bosnian Muslims. They passed from being members of the ruling elite under Ottoman rule to simply subjects constantly discriminated for their religious difference. After a short armed resistance against the new ruler, the Catholic Habsburg Empire "expropriated wealthy Muslim landowners, destroying social fabrics that had evolved over many years", as argued by Philipp Ther (2014, p.48). This triggered a wave of mass migration[121] to other Ottoman regions (Sancaktar, 2012). At the same time, Friedman (1996) and Sancaktar (2012) note that the Bosnjaks were increasingly emerging on a national and political level as a separate group that aspired to religious and educational autonomy, as well as political representation. In August 1900, a twelve-member committee of Bosnjak representatives from each region of Bosnia and Herzegovina developed a political programme to denounce the injustices the Muslim community was suffering:

> "Governmental tolerance and even encouragement of aggressive Catholic proselytism; misuse and neglect of Islamic mosques, graveyards, and schools; the absence of truly independent Islamic institutions to administer Muslim affairs; and the lack of genuine religious,

[119] The Treaty of Santo Stefano was signed on 3 March 1878 after the defeat of the Ottoman army at the hands of Russia. The treaty established the autonomous self-governing Principality of Bulgaria; the independence of Serbia, Montenegro and Romania; the acquisition of Armenian and Georgian territories in the Caucasus to Russia. Austria-Hungary was disappointed with the treaty as it failed to expand its influence in Bosnia and Herzegovina, while the Albanians objected to what they considered a significant loss of their territory to Serbia, Bulgaria, and Montenegro and this led to the formation of the League of Prizren.

[120] The Treaty of Berlin was signed on 13 July 1878 by Great Britain, Germany, Austria-Hungary, France, Italy, Russia and the Ottoman Empire. Romania, Serbia and Montenegro were officially recognised as independent states.

[121] Approximately 300,000 Bosnjaks migrated from Bosnia and Herzegovina to the Ottoman territories in the period of 1878- 1910. Thus, the Bosnjak population declined continuously during the Habsburg rule from 38.73% in 1879 to 32.25% in 1910, while percentage of Catholic Croats increased from 18.08% to 22,87%, and that of Orthodox Serb remained almost the same. See: Tanıl Bora, Bosna-Hersek (1994). "*Yeni Dünya Düzeni'nin Av Sahası*". İstanbul: Birikim Yayınları: 24-28; Malcolm, Bosna: 119-130.

educational, and cultural autonomy were cited as the major objects to Austria-Hungary's rule." (Friedman, 1996, p.66).

In 1906, some Bosnjak leaders formed a political party, called "*Muslimanska Narodna Organizacija"* (MNO - Muslim National Organisation), that gained recognition from the Habsburg Empire with the implementation of the 1910 Constitution for Bosnia and Herzegovina (Friedman, 1996). The representative assembly ("*Sabor"*) was in fact composed of members of all the constituent national groups according to their share of the population: Bosnjaks had twenty-four delegates, Serbs thirty-one, and Croats sixteen. Notwithstanding the irredentist pitfalls of both Serbian and Croatian nationalists that persist to our days, the Bosnian Muslims had realised to have a mutual goal with their neighbours: the establishment of an independent South Slav state. Together, they had founded a national movement, "*Mlada Bosna*" (Young Bosnia), that emerged on the scene and "began working for the liberation of Bosnia-Herzegovina from the Austro-Hungarian yoke and ensuring South Slav unity" (Zawati, 2010, p.80). Interestingly, Gavrilo Princip[122] - the Bosnian Serb who murdered Archduke Franz Ferdinand on 28th June 1914[123] - belonged to this movement (Friedman, 1996).

After the Great War, Bosnia and other Balkan territories were integrated into the new Kingdom of the Serbs, Croats, and Slovenes (the "tri-named nation"), that "was governed as a constitutional parliamentary monarchy, in which all South Slav peoples were constitutionally equal under the Serbian monarchy" (Friedman, 1996, p.91). In reality, the new institutional organisation was considered by some national groups as an excuse to form a greater Serbian-controlled State. In fact, Friedman (1996) reveals how the Serbs dominated the most important government posts, the banks, the bureaucratic system, the military and the police. When the "Vidovdan Constitution" was adopted in 1921, most non-Serbian parties rejected it, apart from the Bosnian Muslim delegates who hoped to improve their economic and social conditions by supporting the government (Friedman, 1996). In 1919, the founding of an openly confessional party, the "*Jugoslovenska Muslimanska Organizacija"* (JMO - Yugoslav Muslim Organisation), meant the political unification of all Bosnjaks who, even though they were unfairly underrepresented in military and state apparatus, were treated as a religious community (Friedman, 1996). Sancaktar (2012, p.8) clarifies that although the JMO was established by landowners to protect their economic and political interests, it also attracted peasants, craftsmen, traders, intellectuals and clerics: "[t]his party played very vital role in protection and development of Bosniak national identity until 1941 when it was banned by the Independent State of Croatia." In addition, a variety of Muslim-based civil and religious organisations had emerged in

[122] Princip is still revered as a hero in Serbia.
[123] His wife Sophie, Duchess of Hohenberg, was assassinated too. The event signalled the beginning of World War I.

the interwar years and, through the spread of Muslim-led newspapers and journals, they contributed to the construction and development of the Bosnjak identity. The most important organisation was "*El Hidaye*", which eventually formed the juvenile branch "*Mladi Muslimani*" (Young Muslims), that was "founded by Muslim clerics in order to protect and improve Islamic identity and consciousness among Bosniak people" (Sancaktar, 2012, p.8).

Nonetheless, the fact that they did not recognise themselves as a national group led to assiduous proposals by the Croats and Serbs to proclaim themselves as belonging to one or the other group[124] with the aim of appropriating old territorial claims[125]. In 1929, frightened by rising tensions and possible dissolution, King Alexander[126] suspended the Constitution and proclaimed a royal dictatorship, changing the name of the state to "Kingdom of Yugoslavia". As claimed by Friedman (1996, p.101), "the state became in effect a unitary Serb-controlled police state": political parties were dissolved; the legislature was abolished; democratic rights disappeared. Notably, for the first time in centuries, the geographic boundaries based on "ethnicity" were replaced by new ones ("*Banovinas"*), and therefore Bosnia and Herzegovina was partitioned (Friedman, 1996). This created an atmosphere of tension in all areas of the kingdom and the various communities increased their anti-Serbian sentiments[127]. Again, the JMO did not oppose the dictatorship and, according to Friedman (1996), this was partly due to pressure from the King. One of the "positive result[s] of Bosnian Muslim support of the government was the tolerance with which Islam was treated within Yugoslavia" (Friedman, 1996, pp.106-107). Other positive results were the maintenance of separate periodicals, newspapers, and religious schools.

In the years preceding World War II, Yugoslavia slowly returned to democracy. In 1939, the "*Sporazum"* (Agreement) was signed between Serbia and Croatia, giving far-reaching self-government to Croatia (Friedman, 1996). The coming war turned out to be the most important event of the last century, for it affected drastically the history of both Bosnia and Kosovo. On 25th March 1941, Yugoslavia was forced by Germany to sign the Axis Tripartite Pact, but, one day later, the military overthrew non-violently the government, and the royal family went into exile in England. According to Friedman (1996), the coup provoked a strong reaction from Germany, which, having

[124] Interestingly, after the 1923 elections in Bosnia and Herzegovina, almost all JMO deputies (seventeen out of eighteen) declared themselves to be Croats. See: Friedman (1996).
[125] This became a constant until the full recognition of the Bosnjaks as "*narod"* in 1968.
[126] King Alexander was finally killed in Marseilles in 1934 in a joint action of the Croatian terrorist organisation *Ustasha* and the Macedonian IMRO (Internal Macedonian Revolutionary Organization). French Foreign Minister Louis Barthou was also killed.
[127] The Croatian ultra-nationalistic paramilitary group, the *Ustaše*, was born exactly in this period as a reaction to the harsh treatment and persecution by the Serbs.

confidence in the Serbian monarchy, opted for military intervention to secure its hegemony in that part of Europe. After the brutal invasion of German, Italian, Hungarian and Bulgarian troops, Yugoslavia surrendered unconditionally, and its geopolitical composition changed dramatically. Bosnia and Herzegovina was entirely incorporated into Croatia - which became a declared fascist State headed by the "*Ustasha"* Party and its leader Ante Pavelić - on the basis of "geopolitical, historical, linguistic, and ethnic factors" (Friedman, 1996, p.122). In this regard, Friedman (1996, p.122) highlights how the Croats considered the Bosnjaks as "brothers and allies", and thus a positive cooperation had begun. The Bosnjaks realised that cooperation was necessary given what was happening to Serbs, Jews and Gypsies. For instance, Pavelić chose members of the JMO as his vice-premier: first Osman Kulenović and then his brother Džafer-beg Kulenović. Nonetheless, Muslim communities were also massacred by the *Ustasha*.

Simultaneously, Serbia felt under the direct control of Germany. As a reaction, some Serbs and Montenegrins began to form nationalist units – called "*Chetniks"* after Serbian anti-Turk guerrillas during the Ottoman era – led by general "Draža" Mihailović. They "primarily targeted the Bosnian Muslims" because of their support for the *Ustasha*, their past affiliation with the "Turks", and the bestialities committed by the Muslim SS "*Handžar"* division (Friedman, 1996, p.126). The Muslim Nazi division is worth to be mentioned. It was composed of twelve thousand Muslim volunteers and participated in anti-Serb and anti-Jewish massacres staged by the *Ustasha* (Friedman, 1996). However, Croats and Kosovo Albanians were indiscriminately targeted too: according to Zawati (2010, p.72), the *Chetniks* considered them "responsible for the dissolution of Yugoslavia". Therefore, this casued a reciprocal resentment that remained buried in the post-war period and came back into the minds of the people only after the dissolution of the Second Yugoslavia. Eventually, the Bosnjaks found themselves divided among those who supported one side or the other. Some blamed the crimes committed against the Serbs; others called for German protection and even proposed the establishment of a self-governing state under German leadership (Friedman, 1996; Sancaktar, 2012). "Bosniaks did not have a common coherent attitude, policy, strategy or response against these destructive events and assaults", emphasises Sancaktar (2012, p.8). The non-unitary position of the Bosnjaks is properly described by Friedman (1996, p.125):

> "Unlike most of the other Yugoslav national groups, Bosnian Muslims could be found in the Ustaše, in home-guard units, in purely Muslims militias, in multinational (Partisan) units, and -in small numbers- in the Serbs (Četniks) resistance forces. This situation, of course, meant that on occasion Muslims killed Muslims."

In the meantime, the Partisans – led by Tito[128] - represented the multi-ethnic resistance force, since they "were joined by people from each of the national groups throughout Yugoslavia, who were more responsive to the message of patriotism and internationalism than to the narrow, chauvinistic postures of the Ustaše and the Četniks" whose ultraconservative policies aimed at assimilating the Muslims, at appropriating their lands, and therefore at building their "Greater Croatia" and "Greater Serbia" states (Freidman, 1996, p.128). The extremist *Ustasha* and *Chetniks*, as well as the royal government-in-exile, were seen by the Allies – and later also by the Bosnjaks - as not conforming to the ideas of freedom, democracy and respect of national minorities. Instead, the growing support of all national groups for the Partisans was accentuated by their treatment of women, considered equally to men, both militarily and economically (Friedman, 1996). After the Teheran Conference in 1943, the Allies officially "channelled moral and material support to the Partisans" (Friedman, 1996, p.131), and gave them the leading role to form a new country once the war had ended. In another meeting held in Jajce (northern Bosnia) in 1943, representatives of the National Liberation Movement chose Tito, and the communists who were the majority, as their President. However, according to Friedman (1996), this political vision was not fully followed and realised because the Bosnjaks were not specifically recognised as a national group[129].

In conclusion, the lack of a unified Bosnjak pole drove many to side with either Austro-Hungarian, Croatian, Serbian, Nazi or anti-fascist divisions, a historical ambivalence that accompanied them forever (Friedman, 1996). In fact, Friedman (1996, p.109) points out that the constant and unconditional support of the Bosnjaks for central governments, "whatever the ruler", is what "stood them in good stead throughout the interwar period and even the Tito years", but that their misfortune began exactly when they abandoned this policy in the 1990s.

3.1.2 *Kosovo Albanians*

The region of Kosovo has always been the theatre of political controversy and contestation among Albanian and Serbian scholars, politicians, intellectuals, and civilians. Both of them have different pretensions regarding the historical, political, cultural, and moral heritage of Kosovo. "Combined, they make a powerful clash point, a war of the myths which ended in violence and armed conflict", as stressed by Vedran Obućina (2011, p.41). In the previous chapter, we have already disclosed how the Serbian political and religious leadership had instrumentally invoked past events to consider

[128] Tito "had been sent from the Soviet Union back to Yugoslavia, the land of his birth" to reorganize the outlawed Communist Party (Friedman, 1996, p.127).
[129] The problem lay in the lack of a numerically larger group in Bosnia. Therefore, all communities had to share control of the soon-to-be created republic.

Kosovo as a sacred land, how they went to any lengths to retain legitimate possession over that land, and how they demonised and subjugated the Albanian people. On the other hand, Albania has always regarded Kosovo as historically and culturally belonging to it, bearing in mind the irredentist claims to form the dreamed "Greater Albania"[130]. Indeed, Judah (2008) asserts that the most salient issue in Kosovo is the opposition between the right to self-determination invoked by the Kosovo Albanians, which resulted in the country's independence in 2008, and the right to territorial integrity invoked by the Serbs. In addition, the questions "who was here first" and "who is the true autochthonous people of the Balkans" has always been a fierce debate among Albanian and Serbian historians (Obućina, 2011), to the extent that even toponyms[131] become a matter of political dispute: Kosovo Albanians historical and geopolitical writers, academics and researchers, still call the region "*Kosova"* and sometimes "*Dardania*"[132]; while "Kosovo" is a name of Slavic origin (meaning blackbird field) and it represents a special place for the Serbs who commonly refer to it as "old Serbia", "the cradle of Serbian civilisation" or "Serbian Jerusalem" (Clark, 2000; Judah, 2008).

"Whatever their origins, Albanians and Serbs have coexisted in Kosovo for centuries", living peacefully side by side and sometimes fighting together against the Ottoman invaders, pinpoints Clark (2000, p.xx). Vladislav Sotirović (2013b) asks himself whether the Albanians are the oldest, indigenous, autochthonous peoples of the Balkans as they proudly suppose or just newcomers to their present-day ethnical territories. The problem here is that in no medieval historical source before the 9th century are there any references to the Albanians. Therefore, various theories have been propounded. Many Albanian and foreign historians and ethno-genetic researchers accept the theory that Albanians descend directly from the ancient Illyrian populations[133], while Slavs did not arrive in the Balkans until the 6th and 7th centuries A.D. (Clark, 2000; Obućina, 2011; Sotirović, 2013b). In

[130] Greater Albania is an irredentist and nationalist concept that seeks to unify the lands that many Albanians consider their national homeland. In addition to the existing Albania, the term incorporates claims to regions in the neighbouring states, the areas include Kosovo, the Preševo Valley of Serbia, territories in southern Montenegro, north-western Greece (the Greek regional units of Thesprotia and Preveza, referred by Albanians as Chameria), and a western part of North Macedonia. For a better understanding of the concept and consequences for the creation of a "Greater" Albania, see: Čanak J. (ed.), "*Greater Albania*". Concept and possible Consequences, Belgrade: the Institute of Geopolitical Studies, Belgrade, 1998; Borozan Đ., "*Greater Albania*"- Origins, Ideas, Practice, Belgrade: the Institute of Military History of the Yugoslav Army, Belgrade, 1995.

[131] Most towns and villages in Kosovo have a Serbian and an Albanian name. For instance, it is "*Priština*" in Serbian and "*Prishtina*" (or "*Prishtinë*") in Albanian. Some places have totally different names ("*Uroševac*" is the Serbian name for the place Albanians call "*Ferizaj*") while a few have the same name in both languages (for example, Prizren).

[132] The name derives from the ancient Illyrian tribe – the Dardanians – who have supposedly lived there within a kingdom before the coming of Slavs. The name is possibly related to the Proto-Albanian word "*dardā"*, which means "pear", thus the "Pear country".

[133] The Illyrians were a group of Indo-European speaking tribes, who inhabited the western Balkan Peninsula in ancient times. They constituted one of the three main Paleo-Balkan populations, along with the Thracians and Greeks. The territory the Illyrians inhabited came to be known as *Illyria* to later Greek and Roman authors, who identified a territory that corresponds to most of Albania, Montenegro, Kosovo, much of Croatia and Bosnia and Herzegovina, western and central Serbia and some parts of Slovenia.

this regard, the appropriation of the name "Illyrian" by the political movement born in Croatia in the first half of the 19th century is deemed an affront in the eyes of the Albanians. Furthermore, for them, the regions of Kosovo and Metohija[134] ("*Kosmet"* in short) are considered as historically belonging to Albanians, and they look at other Slavic peoples as outsiders and occupiers. However, as explored by Sotirović (2013b), the "Illyrian" theory is not supported by any single historical source: it is just a German-instilled myth[135] aimed at claiming the right of possession of the land against Serbian pretensions. Other hypotheses refer to ethnic Albanians as descendants of the ancient Dacians, who have been inhabiting the lands south of the River of Danube, or as coming from the Caucasus Albania, an independent state mentioned in several antique sources (Sotirović, 2013b).

Despite the origins of the Albanians have been the subject of historical, linguistic, archaeological, and genetic controversies, the majority of 19th and 20th century Albanian nationalists, politicians and intellectuals have praised the "Illyrian theory" on the basis of historical continuity in that part of Europe and on linguistic grounds. They have exceptionally used it during the Balkan Wars of 1912–1913 to refute foreign claims on the territories inhabited by Albanians. Therefore, the language criterion had been particularly powerful for the advancement of both Albanian and Kosovo Albanian nation-building, although the linguistic origin of the Albanian language[136] is also subject to bickering among historians and linguists. The investigations concerning the origins of the Albanian language are based on the studies conducted by the late 19th century Austrian philologists Gustav Meyer. According to Meyer's linguistic studies, "modern Albanian language had to be considered as the last phase of old Illyrian language evolution" (Sotirović, 2013b, p.6). Albanian authors took up this theory. In fact, Sotirović (2013b, p.6) explains that "[t]he final aim of this propaganda work was to prove, using the scholarly evidence of research results, that Albanians were not members of ethnical Turks, Greeks or the South Slavic population, but rather members of a totally different ethnic group". The adoption of the Latin alphabet further demonstrate that Albanians worked for the

[134] Metohija (in Serbian) or Dukagjini (in Albanian) is a large basin and the name of the region covering the southwestern part of Kosovo. The term "Kosovo and Metohija" was in official use for the Autonomous Region of Kosovo and Metohija (1945-1963), and also for the Autonomous Province of Kosovo and Metohija (1963-1968). The term "Metohija" was dropped from the official name of the province in 1968, and thus the term "Kosovo" became the official name of the province as a whole. The change was not welcomed by Serbs, who continued to use the old name (for example in the 1986 Draft Memorandum of SANU). In September 1990, the new Constitution of the Republic of Serbia was adopted, changing the official name of the province back to the Autonomous Province of Kosovo and Metohija. This time, the change was not accepted by ethnic Albanians, who protested against the official use of the term "Metohija".

[135] The question of Albanian ethnogenesis was firstly examined by Johan Thunmann (1746−1778) in 1774 (*Research on history of the East European peoples*, Leipzig) and Johan Georg von Hahn (1811−1869) in 1854 (*Albanian studies*, Jena). In fact, German and Austrian scholars invented for Albanians both artificial tradition and artificial "imagined community" in order to be more scientifically stronger in their territorial claims against the Serbs, Montenegrins and Greeks. In this context, we cannot forget that the first Albanian state was created and supported exactly by Austria-Hungary and Germany in 1912−1913. In other words, the Albanians have been the Balkan clients of German political expansionism in the region.

[136] Due to insufficient evidence, the origins of the Albanian language remain a mystery.

establishment of a State for all Albanians, a decision of pure political nature "in order to distinguish themselves from the neighboring Greeks, Serbs, Montenegrins and Ottoman lords" who were using different types of script (Sotirović, 2013b, p.7). These claims had represented the basis for international recognition of the Albanian independent state that embraced all Albanian-speaking peoples in the Balkans[137]. Nevertheless, the main difference between Albanians from Kosovo and Macedonia, and those from Albania proper, is political-cultural since ethnic Albanians from Albania had not been influenced by Slavs and "succeeded to maintain their social system and cultural inheritance unaltered" for more time (Sotirović, 2013b, p.9). In brief, the common denominators that for Sotirović (2013b, p.9) unite all Albanians are the following:

> "[…] a culture different from the neighboring ones, three confessions which exist one beside other in religious tolerance, a common history of permanent resistance against any foreign power and subjugation, a partial (medieval) experience in independent statehood, a culture which shows an amalgamation of Illyrian-Balkan origins and East-West European elements, a very old and distinctive folk culture".

Overall, in contrast to Bosnia where all constituent groups had differentiated themselves on the basis of religious affiliation, those traits that nowadays certainly allow us to define who is an Albanian are language, history and a shared identity (Judah, 2008). In this case, religion is a divisive rather than a unifying factor. Generally speaking, the Albanians are a very secular people although a conspicuous portion of them is atheist. They are divided into three main confessions: Muslims (Sunni, Shia and Bektashi[138]), Roman-Catholics and Eastern Orthodox. The overwhelming majority of Kosovo Albanians are of Muslim background, like those Albanians in Macedonia and in proper Albania[139], even though in the latter case "it is impossible to give precise figures of the religious background of the country's people" owing to the long heritage of Enver Hoxha's communist dictatorship who had declared Albania to be the world's first atheist state (Judah, 2008, p.8).

[137] It is important to mention that the language has two regional variants: the Gheg dialect is spoken in northern Albania, including Kosovo, and the Tosk dialect in the southern part. As emphasised by Sotirović (2013b, p.7), "*the national unification of Albanian people on the basis of language was not completely successful since even today there are many difficulties for Gheg Albanians to properly understand the Tosk Albanian dialect*".

[138] The Bektashi Order is a Sufi Islamic creed with a long mystic tradition in Albania. According to some estimates, there are over seven million Bektashis worldwide: they are mainly founded throughout in Albania (where the headquarter is established), Bulgaria, North Macedonia, and among Greek Muslims from the regions of Epirus, Crete and Macedonia.

[139] Some Kosovo Albanians are Roman-Catholics who resisted Ottoman pressure to convert to Islam. They still conserve and practice their religion although they are a religious minority (approximately 65,000) among Kosovo Muslim Albanians and Kosovo Orthodox Serbs. In Montenegro, Albanians are mostly Muslims and Catholics while in North Macedonia they are mostly Muslims and very few of them are Orthodox.

In the past, to overcome Albanian religious diversity and separation, the First League of Prizren[140] (1878−1881) launched the motto "Religion of the Albanians is Albanianism" (Clark, 2000; Judah, 2008; Sotirović, 2013b), which was later implemented by the Communist regime in Albania (1967-1990). According to Sotirović (2013b), the League has the merit to have united all Albanians (the organization was made up by both Muslims and Christians) and to have defined their national identity and development. It is considered "the first experience of real Albanian nationalism" (Obućina, 2011, p.39). There are several reasons why Albanian national identity developed quite later than other neighbouring national groups (Croats, Serbs, Bulgarians, Greeks): the lack of a national church; the existence of strong clan structures; and the prolonged five centuries of Ottoman domination in which Muslims prospered and were better off (Clark, 2000; Judah, 2008). The Serbs too felt under Ottoman rule but, unlike the Albanians, they "had maintained cohesion as a national group under the stewardship of the Serbian Orthodox Patriarchate" (Di Lellio, Kraja, 2020, p.154).

One similarity Serbs and Albanians have in common is, apart from not being subjugated in an Albanian or Serbian-dominated state, the manipulation of symbols, events, legends, even the championing of medieval heroes, that helped to forge their respective national identities. According to Clark (2000, p.xx), the political use of ancient symbols, myths, and legendary figures lays "at the root of Kosovo's recent misfortunes"[141]. In the Serbian case, we have already discovered the figure of Prince Lazar and his self-sacrifice at the Battle of Kosovo in 1389; in the Albanian one, the biggest national hero is Skanderbeg[142], the son of an Albanian noble subdued by the Ottomans and sent to Istanbul as a hostage where he was converted to Islam and, once back in Albania, he fought against the Turks and converted back to Christianity (Judah, 2008). The promotion of this hero is "ambivalent" since he was Christian and the majority of Albanians are Muslims, and also because he allied with Serbian princes (Judah, 2008, p.26). Therefore, having some medieval heroes to whom to entrust one's national character is just a conventional political gambit[143].

[140] The League takes its name from the place where it was established, the town of Prizren in Metohija. The town was chosen for the very political purpose to claim that this old Serbian town was in fact Albanian, although at the time it was made up of 70% of Serbs and 30% of Albanians. The town was the capital of Serbia in the 14th century with the royal-imperial court and the Orthodox cathedral built in 1307. Today, only several Serbian houses are left.

[141] Furthermore, Judah (2008) presents the idea that today's Albanian flag (a red banner with a double-headed black eagle) is believed to have its origins in the seal of Skanderbeg.

[142] Gjergj Kastrioti (1405 – 1468), known as Skanderbeg (from the Turkish *Iskender Bey*, "Lord Alexander"), was an Albanian feudal lord and military commander who led a rebellion against the Ottoman Empire in what is today Albania, North Macedonia, Greece, Kosovo, Montenegro and Serbia. He became a central figure in the Albanian National Awakening in the 19th century.

[143] Monuments or statues of Skanderbeg are omnipresent in every part of the Balkans where Albanians live, but they have also been erected in Geneva, Switzerland; in Brussels, Belgium; in London, England; in Michigan, USA; in Rome and other settlements in southern Italy where there is the Arbëreshë community. The Arbëreshë (also known as Albanians of Italy) are descendants of Albanians who fled from Albania and other neighbouring territories between the 14th and the

Over the centuries, the region has experienced years of relative peace interspersed with revolts and conflicts. The contention between Albanians and Serbs over Kosovo[144] dates back to the Ottoman domination of the Balkans in the 14th century. In that period, "most scholars, unless they are Albanians, seem to agree that the majority of the population were Serbs, or at least an Orthodox Christian population that would later identify themselves collectively as Serbs" (Judah, 2008, p.14). The demography of the region began to change when the Ottomans encouraged the resettlement of faithful Albanians from the mountains[145] to the fertile plains of Kosovo and western Macedonia (Judah, 2008). On the other side, non-Muslim peoples (including Christian Albanians) migrated elsewhere, noticeably northward, or lived as peasants in the countryside. On account of their loyalty to the Ottoman Empire, Clark (2000, p.24) argues that "Albanians gained a reputation as travelling traders, as architects and builders, as soldiers and as administrators".

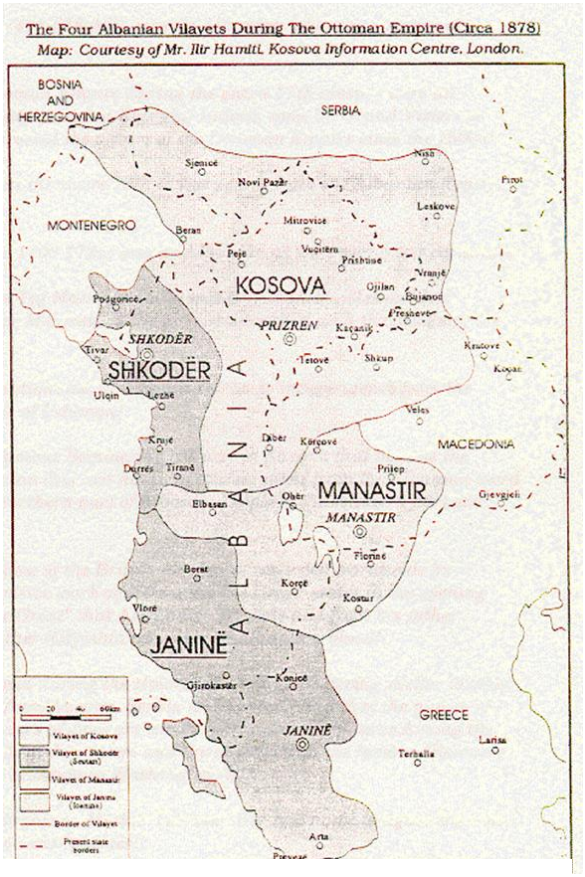

Figure 1: Map of the four Ottoman Albanian "*vilayets*" (1878). Source: Courtesy of Mr. Ilir Hamiti, Kosova Information Centre, London (In: Sotirović, 2013b, p.19).

However, once the Empire started to crumble, "Albanians realized that unless they organized themselves, their lands and future would be threatened" (Judah, 2008, p.35) by the expansionist intentions of the neighbouring states: Serbia, Greece, Montenegro, and Bulgaria. These countries, along with other European Powers, did not consider the Albanian nation as a political reality in need of its own state. For instance, when the question of Albania and the Albanians was put on the agenda during the Congress of Berlin, Sotirović (2013b, p.16) highlights that "the German Chancellor (Kanzzelar) Otto von Bismarck decisively rejected to speak about it with the explanation that there was no Albanian nationality." All in all, many politicians in Europe "shared opinion that the ethnical group of Albanians was culturally and politically incapable of a modern

18th centuries following the Ottoman advancement into the Balkans. Over the centuries, the Arbëreshë have managed to maintain and develop their identities and other important features such as the language, the Byzantine Rite Catholic religion, traditional costume, customs, art and gastronomy.

[144] For a full analysis of Kosovo history, see: Noel Malcolm (1998). "*Kosovo: A Short History*". London: Macmillan.

[145] During the time of Albanian national revival movement in the late 19th century, the Albanians called themselves as "*Shqipëtarë"* and the country "*Shqipëtaria"*. The name is most probably derived from the word "*shqipe"* what means "eagle" referring to the mountainous settlers of the high Albania. In addition, this word may come from old Dacian-Moesian language adopted by Bulgarians: in fact, in Bulgarian language the "*Shqiptars*" means "the highlanders".

national development and above all unable and incompetent to establish and rule their own national state"[146] (Sotirović, 2013b, p.16). In a nutshell, they had to live as an ethnical minority within the other Balkan States. As a consequence of the increasing suffering, dislocation, and oppression, 300 Albanian delegates from the four Albanian-inhabited Ottoman provinces, called "*vilayets*"[147] (see Figure 1), gathered in the city of Prizren in southern Kosovo to form the League (Clark, 2000; Judah, 2008; Obućina, 2011; Sotirović, 2013b). It firstly fought for unification of all lands inhabited by Albanians and the establishment of an Albanian state within the Ottoman Empire, and later it clashed with it and with the neighbouring countries. Sotirović (2013b, p.16) assumes that the national programme of the First League of Prizren "became Albanian primary national interest from 1878 onward": indeed, the programme was retaken by the Albanian Peja League (1899), the Greater Albanian Kosovo Committee[148] (1920), and the Second Prizren League (1943).

The years between 1878 and 1912, which saw the end of the Ottoman domination in the Balkans, were marked by permanent unrest, revolts and instability that resulted in August 1912 with the concession of a unified Albanian state within the Empire (Judah, 2008). Fearing a possible expansion of Serbia into the Balkans, the Austro-Hungarians "encouraged Albanian nationalism, hoping to create an Albanian state under their tutelage" (Judah, 2008, p.37). But it was too late since in October of that year, Montenegro, Serbia, Bulgaria and Greece declared war to the Ottomans (the First Balkan War), which was ultimately defeated. In the midst of this, on 28th November 1912[149], Albania declared independence and formed its own Republic which had borders similar to those of today, including Kosovo. Nonetheless, according to Judah (2008), the new-born State was unable to resist foreign control because it had not an army to mobilise, unlike Serbia, Montenegro, Bulgaria and Greece. To prevent the expansionist ambitions of these states and thus the propagation of conflicts to the rest of the Balkans, a conference of ambassadors convened in London in December 1912. The Albanian delegation - which also included Albanians from Kosovo, Macedonia and Montenegro – was invited to the conference, but the final solution on the Balkan frontiers was reached without any consideration of demographic and ethnic factors. Although the Treaty of London[150] (signed in 1913) formally recognised Albania, it had "left more than half the Albanians outside their 'homeland',

[146] Admittedly, this is how Kosovo Albanians were seen and treated under Serbian rule in the former Yugoslavia.
[147] The first "*vilayet"* is Shkodër and it encompassed much of what is now northern Albania. The second is Janina or Ioannina in much of southern Albania and what is now northern Greece. Monastir - today Bitola - covered a large part of Macedonia and also central Albania. Kosovo was the largest of them all, and it covered most of what is now the Sandžak region of Serbia, including Novi Pazar Skopje in Macedonia, and parts of modern Bulgaria.
[148] The name of the committee was "The Committee for the National Defence of Kosovo" or simply Kosovo Committee. Instead, Yugoslavia referred to it as the "Greater Albania Committee".
[149] Ever since this has been celebrated by the Albanians as their national day, known as Flag Day.
[150] It was signed on 30th May 1913 by Bulgaria, Serbia, Greece, Montenegro (the Balkan League), and Italy, Germany, Russia, Austria-Hungary (the Great Powers).

victims of a Great Power deal in the interests of European stability", as emphasised by Clark (2000, p.26). In contrast to Clark, Judah (2008, p.38) believes that "if it had not been for Great Power politicking, it is possible that there would have been no Albania at all." Indeed, what is true is that Albanians still see this Treaty as unfair, as a forceful separation of an ethnic group from its homeland Albania. Indeed, what today constitutes Kosovo was forcibly partitioned between Serbia and Montenegro. For Serbia[151], this meant the liberation and reappropriation of a historical sacred region, the "cradle" of their nation, and Albanian inhabitants were regarded as "a hostile demographic majority that could be either assimilated or exterminated" (Di Lellio, Kraja, 2020, p.154).

At the outbreak of the First World War, Kosovo was occupied by Austria-Hungary and Bulgaria, only to return to Serbia at the end of the war as a reward, a recognition of heroism and suffering for fighting alongside the victorious Entente allies (Clark, 2000; Judah, 2008). Kosovo and the majority of its inhabitants (mostly Albanians) were later incorporated into the first Yugoslavia, "the land of the South Slavs". As exemplified by Judah (2008, p.41):

> "The kingdom, which took in Croatia, Dalmatia, Vojvodina, Slovenia, Montenegro, Bosnia-Hercegovina, Kosovo, and Macedonia, was dominated by Serbia, as its core was the existing Serbian state, army, and Karadjordjevic´ monarchy. The biggest non-Slav minorities were Germans and Hungarians in the north, mostly in Vojvodina, and the Albanians, mostly in Kosovo."

For the minorities, being under Serbian control was brutal. However, Judah (2008) explains that while Germans and Hungarians were recognised as national minorities, the same did not apply to Albanians. In Kosovo, Serbia imposed punishments and restrictions to Albanian culture, and promoted repatriation programmes to Turkey or Albania. The aim of the new ruler was "to diminish old regional cum ethnic loyalties in a bid to create loyalty to something higher—that is, Yugoslavia itself" (Judah, 2008, p.45). Clark (2000) surmises that ethnic relations in the territory had worsened after Serbian forces began a policy of "ethnic cleansing" through methods such as razing entire villages to the ground, destroying cultural sites, massacring innocent people, raping women. These tactics were later re-employed in the 1990s. Moreover, Judah (2008, p.42) illustrates how Serbian forces "remembered the treatment they had received at the hands of Albanians during their retreat in 1915 and Albanians remembered their treatment at the hands of the Serbs in 1912 and 1913". This implies that mutual hostilities have never ceased to exist. Consequently, Albanian guerrilla bandits

[151] For more information on Serbian national identity and the importance of Kosovo, see: Brainier Anzulovic (1999). "*Heavenly Serbia*". New York: NYU Press.

("*kaçaks"*), which were supported by the Committee for the National Defence of Kosovo (Kosova Committee) set up in November 1918, fought against the Serbian and Yugoslav oppression for the liberation and re-unification of Albanian lands (Judah, 2008; Obućina, 2011). Their general set of rules was the same as in the 1990s:

> "In an abortive meeting with Serbs in autumn 1919, Azem Bejta[152] made eight demands which again echo in the 1990s: recognise Kosovo's right to self-government, stop killing Albanians, stop taking their land, stop the colonisation programme, stop army actions on the pretext of 'disarmament', open Albanian schools, make Albanian an official language and stop interning the families of rebels." (Clark, 2000, p.28).

In 1921, the Kosova Committee submitted a 72-page report to the League of Nations denouncing Serbian atrocities and claiming the murder and imprisonment of thousands of people, the destruction of thousands of houses and the denial of the right to education in Albanian language (Clark, 2000). During the interwar period, Clark (2000, p.10) observes how Yugoslav forces put down the revolts violently and initiated an ambitious colonisation process ("*Serbianisation*"): on the one side, by "offering incentives to Serbs and Montenegrins – especially former soldiers or members of cetnik bands – to settle"; on the other side, by repatriating Albanians and by murdering innocent individuals. However, many Serbs just refused to live there. Moreover, despite the "*kaçak*" resistance was overwhelmed with the unexpected aid of Albania, markedly its leader Ahmed Zogolli[153] (later King Zog), Kosovo Albanians remained fiercely anti-Serbian.

When Yugoslavia was defeated by the Axis powers, Italian-occupied Albania took over much of Kosovo (the east was given to Bulgaria and the north to Germany), Western Macedonia, and Eastern Montenegro. Finally, the goal of uniting all Albanian populations into one state was partially achieved (Judah, 2008). As explained by Judah (2008), most Kosovo Albanians welcomed the Nazi-Fascist occupiers as liberators from their Serbian rulers; whereas Kosovo Serbs were mercilessly attacked and their villages burned to the ground. In the wake of the Italian withdrawal, a second wave of mass expulsions was followed by the creation of the Second League of Prizren (September 1943), which aimed at retaining control of Albanian-inhabited territories. The decision to ally with Italy and

[152] Azem Bejta was the most famous military leader of the "*Kaçak movement*". In 1919 he led up to 10,000 badly armed rebels in the central Drenica region. They were soon driven off by the army and bands of Serbs armed by the authorities. Bejta was eventually killed in 1924, but his now even more famous wife, Shota Galica, carried on the struggle until her own death in 1927.

[153] King Zog was the leader of Albania from 1922 to 1939. At age 27, he first served as Albania's youngest ever Prime Minister (1922–1924), then as President (1925–1928), and finally as King (1928–1939).

Germany[154] meant the opposition of Yugoslavs and Partisans who wanted to form a federation of peoples. Indeed, during the Jajce meeting in 1943 - which laid the foundations for the new Yugoslavia - Kosovo Albanian delegates were not invited (Judah, 2008). "At first, the Yugoslav Partisans, who had good relations with the Communists of Albania, found few Kosovo Albanians willing to join their Slav-dominated movement", confirms Clark (2000, pp.29-30). Obviously, there were also Albanians who had fought against the Nazi forces and supported the cause of the Partisans[155]. In fact, once the concept of "self-determination" become the central pillar of the Partisans' agenda, more Kosovo Albanians began to join the movement, especially towards the end of the conflict (Clark, 2000). In 1944, the "Bujan Declaration" acknowledged the Albanian yearning for unification but it "was never adopted at a Yugoslav level" (Clark, 2000, p.30) and thereafter it was ignored and disregarded. As Judah (2008, p.49) explains in crystal-clear terms:

> "Those Kosovo Albanians that did fight for the Partisans now clearly expected that after the war Kosovo would remain united with Albania. It was, of course, not to be. As the Partisans took Kosovo they encountered resistance in several areas, the strongest being in Drenica, where Shaban Polluzha, a former nationalist fighter who had come over to the Partisans, now refused to lead his men north to fight the retreating Germans, arguing that they were needed at home to protect Albanians from attacks by Serbian Chetnik or nationalist groups."

When Germany left Kosovo in November 1944, the Yugoslav People's Liberation Army entered the region "securing a Communist post-war victory" (Clark, 2000, p.30). In February 1945, after the insurrection of both communist and nationalist Kosovo Albanians, Yugoslav forces established the martial law (Clark, 2000; Judah, 2008). With the ultimate defeat of the Axis powers, Kosovo reverted to Yugoslavia, again as part of Serbia. Judah (2008, p.49) assumes that the solution of including Kosovo into Serbia as a separate autonomous region "was a kind of compromise" between Albanian and Serbian requests[156]. The latter group was in fact the largest among Yugoslavia's peoples and, as claimed by Judah (2008, p.51), "the creation of a region for Kosovo and a province for Vojvodina in the north was indeed a way of diluting potential Serbian control", although the same principle was not applied to the Serbs living in Croatia, the Albanians in Macedonia or the Italians in Istria. Nonetheless, Judah (2008, p.52) considers the Albanians "lucky" to have been

[154] Germany even approved the creation of an Albanian SS Division - named "*Skanderbeg"* like the Albanian hero - which served to fight Yugoslav and Partisan forces inside Kosovo (Judah, 2008).
[155] The support of Kosovo Albanians to the Germans was different than the approach pursued by Albanians in Albania proper. Judah (2008, p.48) demonstrates how the resistance movement in Albania was directed against both Italians and Germans, and "[i]*t came from both nationalist and Zogist groups, and also from the communists led by Enver Hoxha*."
[156] The annexation to Serbia was also based on the requests of Kosovo's unelected "Regional People's Council", although it was formed by only 33 Albanians out of 142 members (Judah, 2008).

reincorporation into Yugoslavia, as many other minorities were either expelled or exterminated (Hungarians from Vojvodina, Italians from Istria, Germans from other areas).

3.2 The failed experiment of Yugoslavia

Ultimately, when World War II ended, Tito and the Communists were seen more compatible with the preservation of the multicultural asset of the Balkan territory and were granted by the international community the right to rule over all its inhabitants. From the ashes of a merciless war that saw millions of deaths, the Federal People's Republic of Yugoslavia was born (1945-1992), later named the Socialist Federal Republic of Yugoslavia (SFRY).

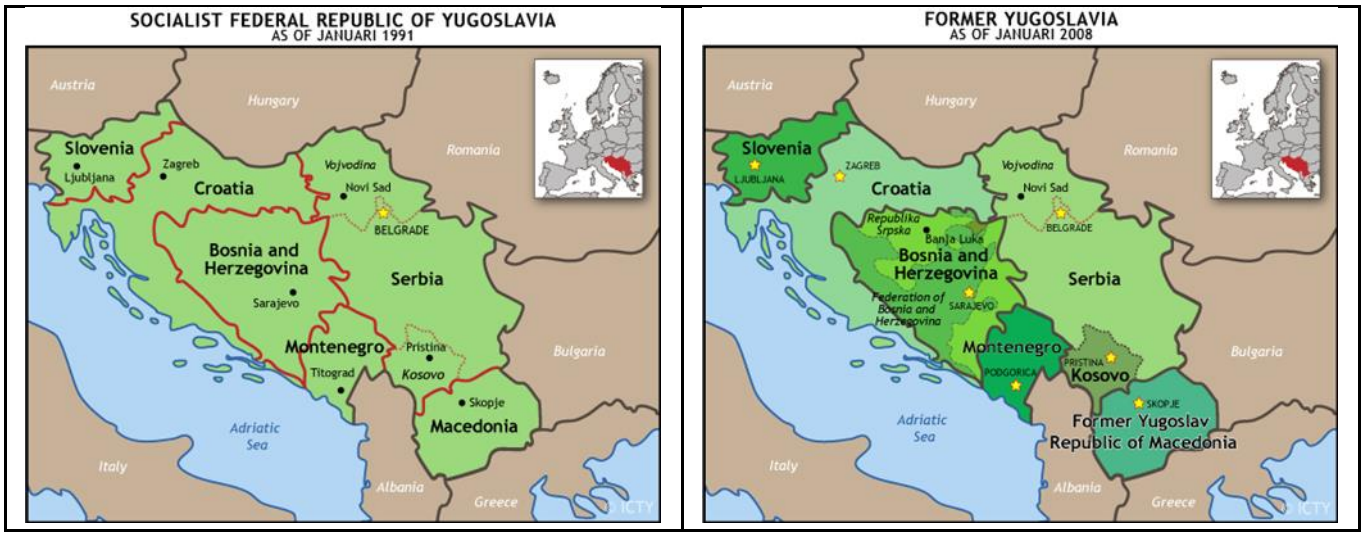

Figure 2: Political maps of the Socialist Federal Republic of Yugoslavia as of January 1991 (image on the left), and of the Former Yugoslavia after its dissolution as of January 2008 (image on the right) . Source: ICTY (n.d.).

In spite of the growing friction between capitalist and communist countries, Jones (2006, p.213) argues that the SFRY "gained a reputation not only for comparative openness, but also for successful ethnic pluralism." As showed in Figure 2, the 1946 Constitution included six republics (Serbia, Montenegro, Croatia, Slovenia, Macedonia, and Bosnia-Herzegovina) and two autonomous provinces within Serbia (Kosovo and Vojvodina[157]). Many of these nationalities had welcomed the promises made by the Communists, set aside Albanians from Kosovo where "there was virtually no support for the new regime whatsoever" (Judah, 2008, p.5). Among those promises, Friedman (1996, p.146) emphasizes the importance of the national policy proposed by Tito, based on the Leninist theory of nationality: the right to national self-determination, the territorial autonomy of nationalities, and their full equality. For Communists, class trumped ethnicity, race, and religion. Indeed, under the

[157] The creation of a region for Kosovo and a province for Vojvodina in the north was indeed a way of diluting potential Serbian control, but in an unfair sense in that the Serbs living in parts of Croatia were not offered the same thing.

slogan “Brotherhood and Unity”, “Tito succeeded in pushing national movements underground in the various Yugoslav republics by introducing national integration and replacing ethnic hatred with a zeal for unification and solidarity” (Zawati, 2010, p.72). It also served to keep hidden “the bloody massacres of World War II, which had left deep wounds in the psyche of the people” (Stiglmayer, 1994, p.12). Michael Mann (2005, p.354) suggests that the greatest achievement of Communism in both the Soviet and Yugoslav regimes was exactly the success “in damping down ethnic conflict for 40 years”.

However, the population was so divided that the SFRY had to face the strong “legacy of different cultural, political, and religious traditions on the one hand, and the revival of national movements and strong tendencies towards separation and sovereignty on the other” (Zawati, 2010, p.32). In order to achieve the complete elimination of ethnic nationalism and hostility, and to avoid the mistakes made by the First Yugoslavia, the concept of “Yugoslav people” was introduced as a way of denoting both the supra-ethnic connotation and the multi-national identity of all Balkan inhabitants. Therefore, it was believed that, over time, the minorities would overcome their reciprocal distrust as well as the distrust of the central government. Friedman (1996, p.146) suggests that “the assimilation of the members of all national groups into one overarching Yugoslav nation would heal the wounds caused by the war’s mutual national atrocities while encouraging individual loyalty to the state rather than to a particular “tribe” or nation”. According to Di Lellio and Kraja (2020, p.154) “the top-down, superimposed Yugoslav ideology temporarily silenced attempts at othering”, allowing the rise of a local elites in the 1970s that, in the case of Kosovo, could finally self-govern it and enjoy a certain autonomy from Serbia.

In Bosnia and Herzegovina, the lack of a numerically dominant nation led to its recognition “as a multinational conglomerate of Serbs, Croats and the a-national Bosnian Muslims”, dominated by none of the three constituent groups (Friedman, 1996, p.144). In reality, Serbs and Croats had more privileges and power. Here lies one of the main problems of the first years of the SFRY. In spite of the formal recognition of all peoples including minorities, Friedman (1996, p.3) asserts that the term “*narod*” (nation) was used to signify those South Slavs who lived in their own distinguished republics (Serbs, Croats, Slovens, Montenegrins, and Macedonians); while the term “*narodnost*” (nationality) denoted those minority populations living in large clusters within Yugoslavia such as Hungarians and Albanians[158] (even though Albanians were the majority in Kosovo). As Hungarians and Albanians had already an ethnic homeland outside Yugoslavia, they were not entitled to a

[158] At the time, “*Siptar*” was a standard Yugoslav term for Kosovo Albanians, seen as a derogatory connotation.

republic. Conversely, the Bosnjaks were not specifically included in any of these categories until their official recognition in 1961 as an ethnic minority (the category "Muslim" included in the census), and specifically after their elevation to the status of "*narod*" in 1968. From that time on, the Bosnjaks "were to be in a position of equality in terms of rights and privileges with the other five [recognised] nations" (Friedman, 1996, p.159), and Tito achieved the goal of halting, although temporarily, Serbian and Croatian revindications on Bosnia.

Despite the fact that the socialist regime was notably oppressive towards any religious community, it was exceptionally harsh towards the Islamic one[159]. Sancaktar (2012) perceives this approach not only as part of the communist pattern of rejecting religion affiliation, but also because of the fear of a fundamentalist drift. For these reasons, Bosnjak organisations such as El Hidaye were banned and some Bosnjak leader were arrested, including Alija Izetbegović[160]. Friedman (1996) illustrates how the Yugoslav regime had put in place measures to secularise and socialise the religious communities. Although its practise was not forbidden, "[t]he Yugoslav state had taken over the education, religious taxation, and judicial functions heretofore reserved for the Islamic community leaders" (Friedman, 1996, p.150). After the break with Stalin in 1948, the Yugoslav Communists developed a new undogmatic, experimental form of socialism based on economic self-management and decentralisation. Tito became then the symbol of the non-alignment movement[161], along with the Indian President Nehru and the Egyptian President Nasser. Therefore, Bosnjaks and Kosovo Albanians were "useful" for the Tito's foreign policy aspirations since a large portion of the non-aligned countries was Muslim. Friedman (1996, p.167) has promoted the idea that Muslim prestige and power within Yugoslavia grew in accordance with Tito's leverage in the movement:

> "Because Tito needed firm friendships in the Middle East and other Muslim-dominated areas to succeed in his policy of nonalignment, Bosnian Muslims were courted by Tito and his colleagues and were given privileges within Yugoslavia that in many ways were equal to those of the Serbs, Croats, and other nations to show that Muslims were not only tolerated but were valued."

[159] For a complete analysis of how national Identity, Islam and politics have evolved historically among Albanians and Bosnian Muslims in Former Yugoslavia, see: Bashkim Iseni. (2009). "*National Identity, Islam and Politics in the Balkan*". Bosnischer Islam für Europa, Akademie der Diözese Rottenburg-Stuttgart.

[160] Izetbegović (1925 –2003) was a Bosnian Muslim politician, lawyer, Islamic philosopher and author, who in 1992 became the first President of the Presidency of the newly independent Republic of Bosnia and Herzegovina. From 1996 to 2000 he served as a member of the Presidency of Bosnia and Herzegovina. He was the founder and first President of the Party of Democratic Action (SDA), but also the author of several books, most notably the "*Islamic Declaration"*.

[161] The first meeting of non-aligned states took place in Belgrade under Tito's sponsorship in 1961.

Consequently, economic, social and cultural conditions of the Muslim communities progressed rapidly, especially for Bosnjaks, while, hypocritically, the fate was different for Muslim Albanians. Unlike the Bosnjaks who were considered "Islamised" Slavs, the Albanians were viewed as an alien, second-class people who had to be subjugated. Even though they had maintained Albanian culture, on an economic and political level they went through dark times. The federal government preferred to invest in already developed areas instead of promoting modernisation and industrialisation processes in Kosovo (Clark, 2000), a region that was already suffering from unemployment, high birth-rate, and severe economic decline. Moreover, when Stalin expelled Tito from the Cominform, "[a]t one blow, former allies ostracised Yugoslavia – and the most virulent denunciation came from Tito's erstwhile protégé, Enver Hoxha" (Clark, 2000, p.37). Given the growing enmity between Yugoslavia and Albania, the hopes for self-determination vanished for a while, until Albania too distanced itself from the Soviet Union.

Another problem was the increasing role of the Serbs and Montenegrins within the State apparatus: they were placed in all mid and higher-level posts within the military, political, judicial, and administrative offices; and they were even encouraged to settle in Kosovo's areas. In addition, the decision to expand Kosovo's borders in the north by including Serb-populated villages[162] had the precise goal to increase the number of Serbs[163] (Petrović and Stefanović, 2010). The plight of Kosovo Albanians became more bitter in the years from the end of the war until 1966 when the political arena of Yugoslavia was dominated by Aleksander Ranković[164], the first Yugoslav Minister of Interior and then Vice-President who also controlled the secret police (the UDBA). According to Judah (2008, p.51), Rankovic "was on alert for any whiff of separatism or indeed any other political sin, irrespective of which quarter or nationality it came from." In short, Clark (2000, p.37) argues that the earliest Yugoslav years represented the worst period for Kosovo Albanians:

> "The option of full integration into Socialist Yugoslavia was not open to Kosovo Albanians. Even if it had been, traditional distrust of both Serbs and Communism would have created a strong reluctance to integrate. Rural Kosovo was suspicious of 'modernisation'. State

[162] The villages of Leposavić, Ibarski Kolašin, Zvečan, which are now part of the Community of Serbian Municipalities.
[163] Due to the stifling situation, thousands of Muslims emigrated to Turkey (as part of a secret agreement with Yugoslavia), Albania, or other Western countries. It is estimated that between 1952 and 1967 around 175,000 Muslims emigrated to Turkey alone (Judah, 2008, p.52): "[m]*any of those would have been Macedonian or Bosnian Muslims or ethnic Turks, but the majority are most likely to have been Albanians*."
[164] Ranković was considered to be the third most powerful man in Yugoslavia after Tito and Edvard Kardelj. Ranković was a proponent of a centralized Yugoslavia and opposed efforts that promoted decentralization that he deemed to be against the interests of the Serbian people. His in Serbia became apparent at his funeral in 1983, which large numbers of people attended. Many considered Ranković a Serbian 'national' leader and his policies have been perceived as the basis of the policies of Slobodan Milošević.

> campaigns against 'backwardness' did not only address the problem of illiteracy, but tried to 'secularise' Kosovo, forbade women wearing the veil, suppressed Shariat courts (1946) and closed mosque schools (1950). If there were now Albanian language publications such as *Rilindja* (Renaissance), and cultural societies and reading rooms opened throughout Kosovo, the limits of this social space could shift arbitrarily and suddenly."

In 1966, Ranković's excesses were brought to the attention of the Communis Party which toppled him[165] and his allies. Afterwards, new economic and political reforms were introduced, and demands for national self-determination were heard in all the republics. Although Kosovo had been promoted from a simple Serbian region to "autonomous province", Friedman (1996, p.156) explains well the significance of the change of direction of the Yugoslav leadership: "[o]nly after Rankovic's forced departure in July 1966, which spelled the defeat of conservative, antireformist forces within the party, were the Bosnian Muslims and various heretofore powerless groups able to secure more influence within Yugoslav society as it started to decentralize." Clark (2000, p.12) points out how the provincial government "gained more autonomy, introduced secondary schooling in Albanian, accepted Albanian and Turkish alongside Serbo-Croatian as official languages". Albanians began also to enter the administrative and political system not only at local but also at federal level. The decreased era of repression, associated with the worldwide outbreak of a youth protest that started in universities and that later spread throughout the society, had meant the flourishing of Albanian culture[166]. Students took to the streets to protest for their rights "demanding 'We want a republic' and even chanting pro-Tirana slogans" (Clark, 2000, p.39). Clark (2000) believes that the normalisation of relations between Belgrade and Tirana in 1971 is the event that allowed Kosovo Albanians to reconnect with their supposed "homeland". However, the struggle reversed around socio-economic and political issues, more precisely for the recognition of Albanians as one of the federative nations[167] rather than a possible unification with Albania. "As socio-economic conditions were among the major reasons for uprisings, it would be difficult to expect for people to call for the unification with Albania, which was in far greater economic difficulties, as well as under harsh dictatorship of Enver Hoxha",

[165] For a description of Ranković's increasing Serb-oriented policies and attempted obstruction of the reforms, see: Ilija Jukic (1970). "*Tito's legacy*". Survey 77.
[166] In addition, Obućina (2011, p.40) believes that the cultural revival of Kosovo Albanians "*came with the opening of the University of Prishtina, and with the Prishtina Radio and TV, and the Rilindja publishing house*."
[167] In 1968 it became legal in Kosovo (but not in Macedonia) to raise the flag of Albania (the Skanderbeg double-headed eagle, plus the Communist star).

pinpoints Obućina (2011, p.40). Notwithstanding, the central government in Belgrade did not sit on its hands and suppressed the demonstrations and imprisoned thousands of people[168] (Zawati, 2010).

The 1970s represent thus a watershed in the history of Yugoslavia. For the first time since the Ottoman Empire's collapse, Bonjaks and Kosovo Albanians increased their social and political status. In 1974, a new Yugoslav Constitution was adopted, which made Yugoslavia a confederation and, consequently, "weakened the center's decisionmaking capabilities" (Friedman, 1996, p.244). Kosovo and Vojvodina were granted equal representation on the federal presidency and gained the status of self-rule (except for foreign policy, defence, and a few other areas), including a veto power within the presidency (Friedman, 1996). However, the theoretical right to secession enjoyed by the other republics was not included. Indeed, the 1970s are referred as "Golden Age" by Kosovo Albanians. Although Kosovo has remained under Serbia's sovereignty, it was almost a full federal entity: "[i]t had its own national bank, parliament, government, and police, and thanks to increasing Albanianization and the greater numbers of qualified Albanians now able to do the jobs, Albanians were more or less in full control of Kosovo" (Judah, 2008, p.57). According to Judah's point of view (2008, p.55), "[t]hey were freer than they had ever been in Yugoslavia and better educated and in better health than they had ever been in the whole of their history."[169] By contrast, Bosnjaks were promoted as a national group and, therefore, they were no more a religious entity but effectively a national entity that now had to share equally political decision-making and resource allocation with the Bosnian Croats and Serbs. Tomić (2014, p.276) insists on the problem created by the 1974 Constitution because, on the one hand, "the increasing federalization of the country strengthened the republics (and autonomous provinces) and to a certain degree influenced the population's exclusive orientation to its "own" republic", while, on the other hand, "existing social and economic disparities grew again". In fact, both Bosnia and Kosovo were unable to catch up with the more advanced republics. Overall, these were one of the reasons that led to the dissolution of Yugoslavia in the 1990s.

The institutional system of the SFRY started to disintegrate altogether after the death of its long-time beloved leader Tito in 1980[170]. Judah (2008, p.57) highlights that, at the time, it was simply "unimaginable" to think of the cataclysmic consequences deriving from the death of a leader who had

[168] See also: G. Vucković (1996). "*Ethnic Cleavages and Conflict, the Sources of National Cohesion and Disintegration: the Case of Yugoslavia*". Ph.D., University of Southern California; L. Cohen (2001). "*Serpent in the Bosom: The Rise and Fall of Slobodan Milošević*". Boulder, Colo.: Westview Press.

[169] This wind of liberalization saw the development of Bosnjak and Albanian organisations and cultural centres.

[170] Based on the number of attending politicians and state delegations, at the time it was the largest state funeral in history; this concentration of dignitaries would be unmatched until the funeral of Pope John Paul II in 2005 and the memorial service of Nelson Mandela in 2013. Tito's legacy is very strong in former Yugoslavia countries, particularly in Serbia. For example, Podgorica was formerly called Titograd from 1946 to 1992 (though Podgorica's international airport is still identified by the code TGD).

maintained peace and cohesion in such a diversified region for so long. On a political level, Tito "left no successor, and was consequently followed by an eight-member collective presidency representing the six republics and the two autonomous provinces" (Zawati, 2010, p.94). Yugoslav elites and leaders of each republic started to vie for influence and resources for their own party structure and national group since they were then unable "to control the blazing discontent in their territories" (Zawati, 2010, p.94), and unable "to agree on any idea to overcome the crisis" (Stiglmayer, 1994, p.14). Friedman's (1996, p.178) has summarised in considerable detail what Tito's death meant:

> "[It] meant the end of the era of strong Titoist control. Even before his death, problems with the economy had arisen, as inflation and foreign debt and trade deficits rose precipitously during the 1980s and productivity declined just as precipitously. Clashes between leaders of the various republics were becoming more and more apparent, which made cooperation in solving these problems and reforming the political system difficult to achieve. Tito had tried to provide for political and economic continuity by creating a rotating collective presidency, supported by a multinational army, to be the supreme arbiters in case of interrepublic strife. No single leader would assume his mantle after his death. However, his passing meant the end of the Yugoslav federation, for his personal attention was the glue that bond the federation together cross-nationally and ensured some degree of consensus governance."

The situation of political uncertainty, economic stagnation, ethnic tension, lacerating nepotism and corruption (as shown by the Agrokomerc scandal) represented the prelude to the discredit of the communist elite that, aware of an imminent disintegration of the SFRY, resorted to nationalistic rhetoric and thus reverted the atmosphere of friendship, harmony and solidarity created under Tito's rule. Above all, the main threat came from Serbian nationalism[171] - and its most representative exponent Milošević – because it openly expressed "anti-Islamic sentiments - primarily toward the Kosovar Albanians […] but also toward the Bosnian Muslims" (Friedman, 1996, p.187). The Serbian leadership was afraid to lose control over these regions, both demographically and politically. At that time, Yugoslavia was the most "Islamised" country in Europe, being the place of thousands of mosques, hundreds of Muslim schools and periodicals. Muslims were in fact the majority in both Kosovo and Bosnia: in the early 1990s, Kosovo Albanians accounted for perhaps 90% of the total population (around 2 million people), and more than half were under the age of 19 (Clark, 2000); in Bosnia, according to the 1991 census (Friedman, 1996, p.156), Bosnjaks made up approximately 44% of the population, followed by 32.5% of Serbs and 17% of Croats, while 6% still defined themselves

[171] For insights into the roots of Serb nationalism, see: Branimir Anzulovic. (1999). "*Heavenly Serbia: From Myth to Genocide*". New York: New York University Press.

as Yugoslavs. The demographic data show that Kosovo was a fairly homogeneous reality, whereas Bosnia embodied exactly the concept of "Yugoslavia" as envisioned by Tito. In terms of politics, Zawati (2010, p.18) argues that ethnic hostility between Serbs and Albanians was fuelled by "the pretended notion of past inequity and present threats to the Serbian nation". In 1981, huge protests and demonstrations - organised by students and workers – that had spread throughout Kosovo resulted in the deployment of federal troops, the imposition of a curfew and the closure of schools (Clark, 2000). Petrović and Stefanović (2010, p.1101) identify the Albanian revolt as an opportunity for Serbian nationalists "to define Albanian nationalism as the new 'greatest danger' to Yugoslav unity and framed demands for the status of republic as anti-Yugoslav". In the meantime in Bosnia, in 1983, Bosnjak leaders[172] were arrested and imprisoned on charges of conspiring to create a homogenous Muslim Bosnia, hostile propaganda and counterrevolutionary activities (Friedman, 1996).

In a growing atmosphere of paranoia, people usually follow what their leaders tell them. Bosnjaks and Albanians have simply been used as scapegoats for the alleged subordinate social status of the Serbs and for the economic underdevelopment of Kosovo and Bosnia, and, on the grounds of high birth-rates, they have even been blamed for their increasing share in the overall population. The most influential document for Serbian patriots was the "SANU Memorandum"[173], written in 1986 by the most prestigious non-party body in Serbia, the "*Srpska Akademija Nauka i Umetnosti*" (SANU - Serbian Academy of Sciences and Arts). It sternly condemned the following issues: Serbs living in other republics were experiencing increasing discrimination; the 1974 Constitution did not guarantee the rights of the Serbs; decentralisation was leading to the disintegration of Yugoslavia; and previous socially-owned properties had been appropriated for private gains (Mann, 2005). In a nutshell, the Memorandum sparked a "political bombshell", for it criticised not only the historical humiliation and oppression of the Serbs in the other republics but also the Yugoslav regime:

> "Over the past two decades, the principle of unity has become weakened and overshadowed by the principle of national autonomy, which in practice has turned into the sovereignty of the federal units (the republics, which as a rule are not ethnically homogeneous). The flaws which from the very beginning were present in this model have become increasingly evident. Not all the national groups were equal: the Serbian nation, for instance, was not given the right to have its own state. The large sections of the Serbian people who live in other republics, unlike

[172] Among them, the figure of Izetbegovic stands out: he was the author of the provocative document "*The Islamic Declaration: A Programme for the Islamisation of Muslims and the Muslim peoples*", written in 1970 and republished in 1990, in which he presents his views on Islam and modernization. The document became one of the pretexts to arrest him and other Bosnjak leaders.

[173] Although it is more appropriate to say that it was leaked while still in draft form.

> the national minorities, do not have the right to use their own language and script; they do not have the right to set up their own political or cultural organizations or to foster the common cultural traditions of their nation together with their conationals. The unremitting persecution and expulsion of Serbs from Kosovo is a drastic example showing that those principles which protect the autonomy of a minority (the ethnic Albanians) are not applied to a minority within a minority (the Serbs, Montenegrins, Turks, and Roms in Kosovo). In view of the existing forms of national discrimination, present-day Yugoslavia cannot be regarded as a modern or democratic state." (Mihailović, Krestić, 1995, pp.117-118).

The fears of the Serbs were so deep-rooted in their minds that Kosovo Serbs were even deemed to be the object of "genocide". Many critics have pointed out this phrase found in the SANU Memorandum, according to which the Kosovo Serbs were experiencing a "physical, political, legal and cultural genocide" (Mihailović, Krestić, 1995, p. 128). Notably, Clark (2000, p.19) portrays the Serbs' common perception of the Albanians: "[d]irty, primitive and nasty, they were embarked on a campaign to make Kosovo ethnically pure, by driving out Serbs and Montenegrins by a variety of criminal means, and by maintaining their own birth rate, the highest in Europe." Furthermore, as we have already analysed in the previous chapter, lurid stories of rape and violence committed by Albanians against Serbian women came turbulently out. In 1987, the dubious truth of these accusations led the Republic of Serbia to amend its penal code by introducing the category of "ethnic rape" (Clark, 2000). Therefore, sexual violence against citizens of different ethnic groups was considered more aggravating than "regular" rape. The main problem conceived by Elissa Helms (2013, p.63) is that it "was thus understood as a crime against the ethno-nation rather than an injury to women." This represents one of the hallmarks of Yugoslavia's patriarchal and misogynistic society, a serious lack of consideration for the female gender, which would reach the pinnacle during the wars in Bosnia and Kosovo when women's bodies became sites of militarized violence, parallel to battlefields. The advocated social and cultural change concerning the position of women propounded by socialism did not constitute a break with the nationalist and patriarchal sexist ideology that, as Morokvasic (1997, p.68) observes, "[has] been a constant in the history of Yugoslavia".

In a nutshell, the SANU Memorandum was explicitly an incitement to anti-Muslim feeling, aimed at manipulating the Serbian politics, press and population. Notwithstanding, Mann (2005) notes that it also adopted a moderate approach and an open dialogue about constitutional changes in favour of "a democratic, integrating federalism, […] in which political institutions at all levels of society are set up in a consistently democratic way, in which decision-making is preceded by free, rational, and public debate" (Mihailović, Krestić, 1995, p.106). According to Zawati (2010, p.19):

> "Although the SANU Memorandum contained no clear strategy of aggression, it did fuel Serbs' nationalism and generated the idea of turning the Federal Republic of Yugoslavia (FRY) into a greater Serbia, a notion that eventually transformed it into a sort of sacred scripture of the Serb nationalists in general and Milošević in particular. It has been used to justify the brutal aggression and ethnic cleansing against Albanian Kosovars, Croats, Bosnian Muslims, and Slovenes. It has also encouraged Serb national leaders to take any action deemed necessary to realize this dream, and is even believed to justify the use of force."

"[T]hose who argue that the end of Yugoslavia began in Kosovo are right", underscores Judah (2008, p.65). In 1989, Kosovo autonomy was abolished and, from that moment on, according to HRW (2001), the Serbian Parliament passed a series of laws that severely discriminated against ethnic Albanians[174]. Several weeks of peaceful as well as more turbulent protests began. They were violently crushed, the State of Emergency was imposed, and Kosovo's two main leaders, Azem Vllasi and Kaqusha Jashari, were prosecuted and replaced by "loyal" Albanians (Judah, 2008). When Milošević's made his famous speech at the Gazimestan Field on Vivodan Day (28th June 1989) to celebrate the famous "Battle of Kosovo", the Albanians understood easily that armed rebellion was not the solution. They were unprepared to take up arms because of their weak defence forces, the small population, and the reluctance to fight against the more organised and stronger Serbia. As pointed out by Clark (2000, p.64), "any armed uprising would have been suicidal." Instead, they resorted to non-violence, "with the image of Ibrahim Rugova as a modern-day Gandhi", as defined by Obućina (2011, p.40)[175]. Clark (2000, p.46) argues that the development of the non-violent movement stemmed from two major impulses: firstly, the extremist campaign of hatred and climate of oppression witnessed by Kosovo Albanians; secondly, the "vacuum of political organisation left by the rapid disintegration of the Communist Party" which linked generations of activists elsewhere in Yugoslavia fighting for pluralism and democracy[176].

Indeed, the extraordinary terror experienced in Kosovo was spreading throughout the various republics, which were afraid of the rising popularity of Milošević and its aggressive nationalistic-Serbian drift that was shaking the foundations of Tito's legacy based on the concept of "Brotherhood

[174] The "*Law on the Restriction of Property Transactions*"; the "*Program for the Realization of Peace, Freedom, Equality, Democracy, and Prosperity of the Socialist Autonomous Province of Kosovo*" - ironically called "Orwellian" by Clark (2000, p.71); and the "*Development Programme to Stop Emigration and for the Return of Serbs and Montenegrins*".

[175] Eventually, despite demands and efforts to negotiate more autonomy (including during the Dayton Accords), to alleviate repressive actions and to halt human rights abuses undertaken by the Serbian central government, the non-violent liberation movement precipitated in armed resistance led by the Kosovo Liberation Army (KLA).

[176] Indeed, the early 1990s saw the founding of a variety of political parties, organisations, and associations throughout Yugoslavia whose goal was that of obtaining more autonomy, free and fair elections, civil rights, openness. Often, they called on the protection and advancement of the ethno-national group they represented.

and Unity". "In effect, the failure to design a mutually acceptable status for Kosovo started a chain reaction that led to the unravelling of Yugoslavia", as highlighted by Petrović and Stefanović (2010, p.1073). This perspective is also shared by Aleksandar Marsavelski, Furtuna Sheremeti[177] and John Braithwaite (2016, p.3): "this was the domino that caused the rest to fall and disintegrate Yugoslavia". However, as illustrated by Judah (2008, p.61), the decision of revoking Kosovo autonomy "did not come out of the blue" but it was part of an "antibureaucratic revolution". The previous year, Milošević had secured the fall of the government of Vojvodina and Montenegro, and he had succeeded in bringing hard-line nationalists to power and in toppling the moderate Communist leaderships. In 1987, he was also able to shunt aside the President of Serbia, his mentor and friend Ivan Stambolić, who, unlike him, had harshly criticised the SANU Memorandum for inciting nationalism. Ultimately, in 1990, Serbia held a referendum to impose direct rule on Kosovo and Vojvodina and to dissolve the "autonomous" parliament and government. As emphasised by Judah (2008, p.65), Milošević knew exactly that "by playing the nationalist card he could secure both supreme power in Serbia, and then hopefully Yugoslavia, and also survive the demise of communism." Instead of bringing a new era of peace and order, Milošević was one of the causes of the failure of Yugoslavia: he fulfilled his own ambitions by relinquishing communism and adopting (Serbian) nationalism.

To sum up, historically, Albanians and Bosnjaks have been structurally discriminated against and repressed by the most powerful nationalities of the former Yugoslavia. Once the structure that kept the Balkan region in peace and harmony for such a long ceased to exist, they became the target of brutal indiscriminate attacks that resulted in ethnic cleansing actions carried out to form ethnically pure territories. In truth, the Yugoslav experiment failed to protect minority rights and to guarantee equal treatment and status among the Yugoslav peoples (Petrović and Stefanović, 2010). According to Bieber (2020, p.140), there are multiple factors that contributed to Yugoslavia's collapse[178] and the subsequent fratricidal wars: the death of the dominant leader, Tito; the growing social and economic inequality between the republics; the rise of nationalistic and chauvinistic elites; historical grievances such as those dating back to the Second World War that had never been addressed in a nuanced manner; competing views over the type of democracy and the balance of power; the collapse

[177] Sheremeti has lived the dramatic events of the conflict: at the age of 5 she lost her father and after the war she conducted interviews with victims of war crimes in Kosovo, such as torture, rape, deportation.
[178] See: Laura Silber and Allan Little. (1996). "*The Death of Yugoslavia*". (rev. edn), London: BBC Books; Hudson, K. (2003). "*Breaking the South Slav Dream: The Rise and Fall of Yugoslavia*." London: Pluto Press; Pavković, A. (1997). "*The Fragmentation of Yugoslavia: Nationalism in a Multinational State*." New York, N.Y.: St. Martin's Press.

of the Cold War system[179]. All these aspects "fuelled ethnic tensions and facilitated conflict" (Bieber, 2020, p.139).

After the Berlin Wall fell and communist dictatorships in Europe were toppled, the League of Communists of Yugoslavia was finally dissolved. Continuous negotiations between the republics over a reformed confederation that would serve the interests of each republic made little progress. Friedman (1996) explains that the atmosphere became increasingly conflictual to the extent that even the venue for its meetings was subject to dispute. Afterwards, the first truly multiparty elections would see the success of ethno-nationalistic parties and the formation of new sovereign republics: Slovenia, Croatia, Bosnia and Herzegovina, and (North) Macedonia. Instead, Serbia and Montenegro decided to reconstitute themselves in a new state known as the Federal Republic of Yugoslavia[180] (FRY), obviously against the will of Kosovo Albanians who were the second biggest national group after the Serbs. This meant the final defeat of the "Yugoslav" idea of a common state of South Slavic peoples, similar to the defeat of the "*Homo Sovieticus*" in the Soviet Union. Therefore, given the situation of political and economic uncertainty, fragility and tension that had been brewing over the post-Tito period, what would happen in the early 1990s in Yugoslavia would soon shock the whole world.

3.3 Ethnic cleansing campaigns

"Humans like to think they are rational, but the sum of their actions is often irrational – and sometimes it is evil."

- Mann (2005, p.426).

The dismantling of Yugoslavia had real, tragic consequences for its inhabitants, in particular ethnic minorities. Given that Yugoslav peoples not only coexisted side by side but became extremely intermingled[181], it is misleading to argue that armed conflict emerged as a result of differences connected to ethnicity, religion, language, traditions, costumes. As argued by Tomić (2014, p.279), the fratricidal conflict was "by no means a result of some sort of ancient hatred among the Yugoslav peoples […] but of the intentional use of nationalist violence" prompted by nationalistic leaders who even transgressed religious and moral codes that have for so long defended and promoted. Likewise,

[179] The other final blow to Yugoslav unity came from the weakening of the Communist ideology, which was further undermined by the modernisation processes – "*perestroika"* (reform) and "*glasnost"* (openness) - promoted by the Soviet leader Michail Gorbačëv.
[180] In February 2003, FRY was transformed from a federal republic to a political union officially known as the State Union of Serbia and Montenegro. In 2006, Montenegro seceded from the union, leading to the full independence of Serbia and Montenegro.
[181] Something demonstrated by the high proportion of mixed marriages and cultural relatedness.

Ther (2014, p.213) believes that the conflict was the result of "a politically engineered process" and not a consequence of ethnic hatred[182]; whereas Friedman (1996) reckons that economic issues, combined with political, geographic, demographic and other issues, may have fuelled inter-ethnic tensions. Indeed, wars and conflicts are not initiated and conducted by individual civilians. In most cases, a few people - usually political and military leaders - decide the fate of entire communities. As clearly emphasised by Mann (2005, pp.423-424):

> "Old (though not ancient) ethnic hatreds were stirred up among a substantial part of each community. But the perpetrators were not the Serbs, the Croats, the Bosniaks, or the Albanians as whole peoples. Radicalized nationalism spread quite widely among the rival communities, but it was stirred, manipulated, and coerced by elites, armed militants, and core constituencies of radical nationalism – especially threatened border dwellers, emigres, and refugees, and men in violent occupations, legal and illegal. War then made ethnic identity compulsory, triumphant over all other identities. One was forced to be a Serb, a Croat, a Bosniak, or an Albanian, regardless of class, region, and gender."

The upsurge of nationalism has reversed decades of progress in Europe towards democracy, peace, and humanity. Radical nationalistic leaders, who fostered predatory ethno-nationalism, became cynical manipulators, orchestrators, the main actors of the new formed states as they "tried to rally the population to their cause by means of nationalist propaganda and symbolism"[183] (Ther, 2014, p.212). They gained so much influence that, later, ordinary people did not define them "as war criminals, but as patriots" (Mann, 2005, p.425), heroes to be praised, admired, and even offered refuge in the face of an international arrest warrant. In addition, the ideological control of the press, TV, and radio broadcasters provided distorted, sometimes even fake, news about the enemies[184].

The so-called post-Yugoslav wars[185] began on 25th June 1991 when the Slovenian and Croatian Parliaments declared independence, an act preceded by a referendum in which the vast majority of residents voted for independence. In the Slovenian case, it followed a ten-day war and the subsequent withdrawal of the Yugoslav army that was needed "elsewhere to help draw the borders around the Greater Serbia, encompassing Serbian regions of Croatia and Bosnia that Milošević now

[182] See: Valère P. Gagnon. (2004). "*The Myth of Ethnic War: Serbia and Croatia in the 1990s*". Ithaca, NY.
[183] Each post-Yugoslav republic revived old patriotic national symbols: for instance, in Croatia, Tudjman resurrected the Croatian fascist flag - the red and white checks - derived from the *Ustasha* era. In Mann's point of view (2005), it is equivalent to a swastika for Jews.
[184] It was very common to listen to derogatory labels such as "*Chetniks*", "*Ustashas*", "*Turks*", and "*Islamic fundamentalists*".
[185] The only republic that experienced a peaceful process of unilateral declaration of independence (followed by a referendum) was (North) Macedonia.

intended to create" (Judah, 2008, p.68). Above all, it must be remembered that Slovenia was the richest and most European-oriented republic, had a homogenous citizenry, and housed few Serbs compared to Croatia and Bosnia in which they constituted a substantial portion of the total population: in the former, the Serbs constituted 12% of the total population, located in Krajina[186] (bordering Serb-dominated areas of Bosnia-Herzegovina) and Slavonia (bordering Serbia); in the latter, the Serbs were scattered throughout the region, particularly in Eastern and Northern Bosnia. Hayden (1996a, p.788) observes that some highly mixed regions "could not be permitted to survive as such, and their populations […] had to be separated militarily." The complex demographic structure (see Figure 3) was one of the main causes that led to ferocious armed conflicts first in Croatia (April 1992 - December 1995) and then, predictably, in Bosnia (May 1991 - December 1995).

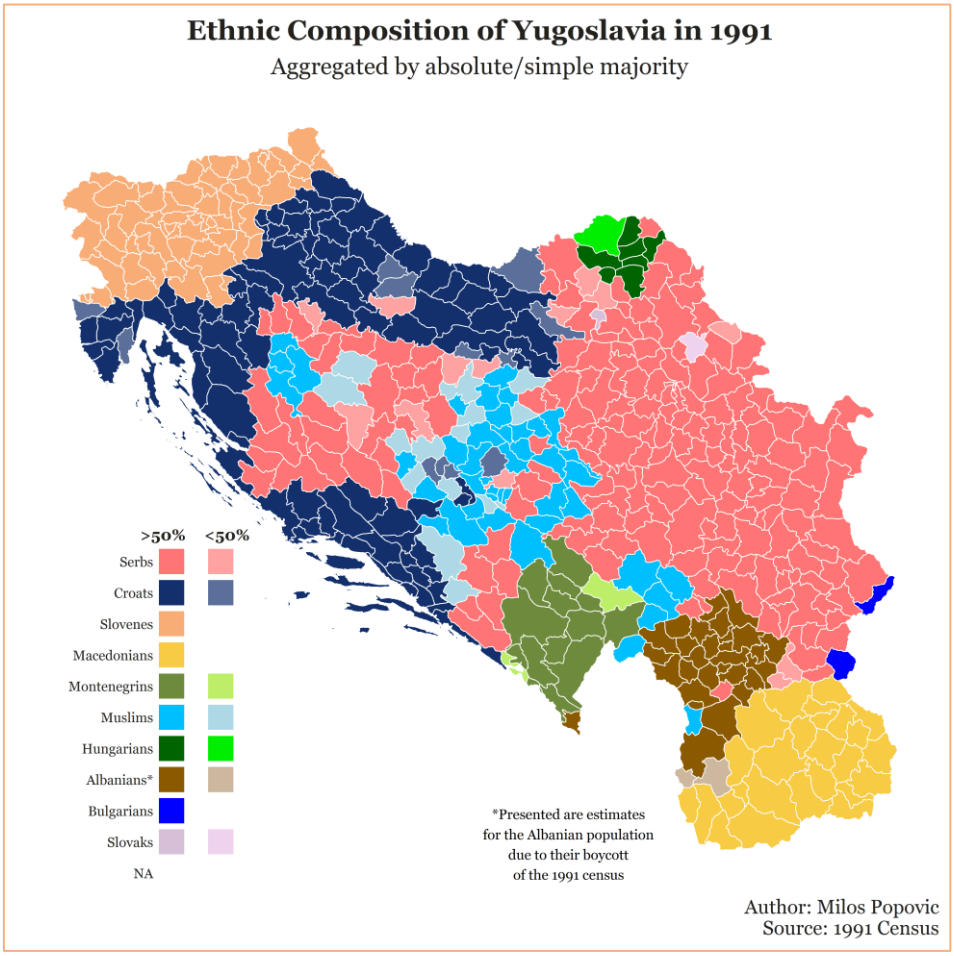

Figure 3: Map of the ethnographic dispersion of the six Yugoslav "*narod*" and biggest "*narodnost*" according to the last census in 1991. Source: Milos Popovic (2020).

[186] In some South Slavic languages, including Serbo-Croatian and Slovene, the word "*krajina"* still refers primarily to a border, fringe, or borderland of a country (sometimes with an established military defense), and secondarily to a region, area, or landscape. The word "*kraj*" can today mean an end or extremity, or region or area.

No one had idea that such atrocities would ever be repeated in Europe after the Second World War. It is a matter of fact that the level of savagery and cruelty provoked a harsh reaction from the public, the media, international organisations, political and religious leaders, the international community and European states. One major feature of the post-Yugoslav wars was "*etničko čišćenje*"[187] (ethnic cleansing), a military strategy that "eventually partially homogenized the post-Yugoslav societies, the most striking example being the creation of 'ethnically cleansed' territories like the Republika Srpska in today's Bosnia-Herzegovina" (Tomić, 2014, p.283), or like Kosovo. According to the definition given by the UNSC (1994, p.17), "ethnic cleansing" means "rendering an area ethnically homogenous by using force or intimidation to remove from a given area persons from another ethnic or religious group." Therefore, the JNA and other Serbian paramilitary groups conducted a methodical brutal campaign of ethnic cleansing, which obviously violates fundamental principles of international human rights and humanitarian law (UNCHR, 1993). The operation was carried out against the Bosnjaks, the Croats, and the Albanians, "inflicting a wide range of brutal measures and tactics that included destruction of culture, confiscation of property, forced deportation, rape, and murder" (Zawati, 2010, p.83). Through widespread terror, violence, mass killings, detention, torture, rape and prison camps, the Serbs ensured that non-Serbs would flee the area and never return. Indeed, millions of people (Serbs, Bosnjaks, Albanians, Croats) were driven out of their towns and houses by every possible and imaginable means, going so far as to rape innocent women, in order to create homogeneous societies free of any ethnic minority. Ther (2014, p.1) presents an impressive analysis of the ethnic cleansing campaigns of the 1990s and their historical preconditions:

> "The twentieth century, more than any other era in history, was shaped by organized terror. It was the century of concentration camps, gulags, and ideologically motivated mass murder. "Ethnic cleansing" was not at the extreme end of the scale of terror, partly because of the motivations behind it. The primary goal of ethnic cleansing was not to murder and destroy a population group but to forcibly remove one from a given area. Unlike the Nazis' death camps and the Bolsheviks' gulags, ethnic cleansing was not invented by a totalitarian dictatorship and did not signify a breach of civilization. Ethnic cleansing is a product of the nation-state and hence one of the basic components of modern Europe."

However, Ther (2014) advocates the idea that ethnic cleansing campaigns are not always conducted by means of violence and terror. States and governments can put in place segregation measures according to national criteria, such as those experienced by Kosovo Albanians in the 1990s,

[187] "*Etničko čišćenje"* is a Serbo-Croatian term used by Serb nationalists to describe their policy of expelling non-Serbs minorities from Serb-dominated territories.

resulting in a sort of legal or "bureaucratic" ethnic cleansing, as deeply analysed by Hayden (1996a, p.790): "[o]nce in power, the victorious nationalists in each republic began to enact systems of constitutional nationalism, meaning constitutional and legal systems devised to ensure the dominance of the majority ethnonational group". For instance, new citizenship laws[188] were enacted to privilege the majority ethnic group, which further nurtured discrimination and segregation. Jones (2006, p.391) adds that this sort of "discrimination embodied in law […] serves to marginalize and isolate a designated group – perhaps as a prelude to genocide." Another pattern of ethnic cleansing has been proposed by Mann (2005, p.357) and is based on the cultural eradication of the enemy's presence: places of worship of all religions, libraries, schools, and other monuments were systematically razed to the ground. This form of ethnic cleansing is also defined as "*memoricide*" (Rumiz, 2020, p.142), that is, the destruction of the memory, of the past, of the tangible history of the targeted people.

Therefore, the new republics aimed at protecting the overwhelming ethnic majority by excluding minority groups either, where possible, by legal means or, where required, by physical expulsion, removal and even extermination. That is why, due to the massive scale of deaths and systematic violence, many critics have called the pattern of "ethnic cleansing" a "euphemism for genocide". However, drawing a line between genocide and ethnic conflict is often difficult. Mann (2005) asks himself whether it may be misleading to refer to the post-Yugoslav wars as fought with a genocidal intent and, thus, to compare them with the Nazi Final Solution or the Rwandan genocide. The conceptual analysis of Hayden (1996b, p.734) explains why these horrific cases cannot be compared: "Hitler wanted the Jews utterly exterminated, not simply driven from particular places. Ethnic cleansing, on the other hand, involves removals rather than extermination and is not exceptional but rather common *in particular circumstances*." Indeed, the acts committed by Serbian forces had certainly the intent "to destroy, in whole or in part, a national, ethnical, racial or religious group", in accordance with Article II of the UN Convention on the Prevention and Punishment of the Crime of Genocide[189] (UN, 1948). After all, the crimes listed in the Genocide Convention constitute genocide precisely because "they are part of a larger enterprise", scheme or plan, in opposition to

[188] For a deeper analysis of how citizenship in Yugoslavia have been used for different and even opposing goals, see: Igor Stiks. (2010). "*A Laboratory of Citizenship: Shifting Conceptions of Citizenship in Yugoslavia and its Successor States*". University of Edinburgh, CITSEE Working Paper Series: Vol. 2010 (2). Available at: Microsoft Word - CITSEE WORKING PAPER 2010-02.doc (ed.ac.uk).

[189] It is an international treaty that criminalizes genocide and obligates State parties to enforce its prohibition. It was the first legal instrument to codify genocide as a crime, and the first human rights treaty unanimously adopted by the United Nations General Assembly, on 9th December 1948. It defines genocide as following: "[…] *any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group*." Available at: Doc.1_Convention on the Prevention and Punishment of the Crime of Genocide.pdf.

"ordinary" crimes (Hayden, 1996b, p.743). Legally, the most destructive event during the post-Yugoslav wars that has been judged as "genocidal" by the ICTY and the International Court of Justice (ICJ) was the dramatic massacre of Srebrenica of July 1995, in which more than 8,000 Bosnjak men and boys were ruthlessly slaughtered by units of the Bosnian Serb Army of the RS (VRS - *Vojske Republike Srpske*) under the command of Mladić and other paramilitary groups[190]. On the other side, Bosnjak women were sexually assaulted. The judgment of the trial chamber of the ICTY in the case against General Radislav Krstić (2001a, p.1) states concisely what happened in Srebrenica:

> "Within a few days, approximately 25,000 Bosnian Muslims, most of them women, children and elderly people who were living in the area, were uprooted and, in an atmosphere of terror, loaded onto overcrowded buses by the Bosnian Serb forces and transported across the confrontation lines into Bosnian Muslim-held territory. The military-aged Bosnian Muslim men of Srebrenica, however, were consigned to a separate fate. As thousands of them attempted to flee the area, they were taken prisoner, detained in brutal conditions and then executed. More than 7,000 people were never seen again."

The event was later labelled as the "Srebrenica genocide" after the ICTY (2004, p.12) declared that the "killing of the Bosnian Muslim men was done with genocidal intent". Nonetheless, Jones (2006, p.216) argues that "there are [and were] dozens of more quotidian examples" that have not been addressed by the international community. For instance, what happened in Kosovo reminded scenes echoed in Srebrenica and throughout Bosnia, "though on a smaller scale" (Jones, 2006, p.219); but the slaughters, abuses and crimes committed by Serbian forces were not judged as "genocidal". Overall, evidence suggests that the coordinated Serbian policy of ethnic cleansing had the goal to establish "a Serb-inhabited region purged of all non-Serbs throughout Serbia, Bosnia-Herzegovina, and Croatia" (Salzman, 1998, p.355), as well as Kosovo.

3.3.1 *Bosnia and Herzegovina*

In Bosnia, on the eve of Yugoslavia's disintegration, different ethno-nationalist parties were born. For the Bosnjaks, the two most prominent ones were the *Stranka Demokratske Akcije* (SDA - Party of Democratic Action), founded by Izetbegović who was released from jail in 1988; and the

[190] One prominent Bosnian Serb commander, General Radislav Krstic, was captured and turned over to the Hague Tribunal, where he was found guilty in August 2001 of the crime of genocide for his leading role in the carnage at Srebrenica. See the ICTY judgment, Case No. IT-98-33-T: krs-tj010802e.PDF (icty.org); ICTY judgment, Case No: IT-98-33-A: Microsoft Word - FINAL DRAFT _Post Corr_ 180404.doc (icty.org).

Muslimanska bošnjačka organizacija (MBO - Muslim Bosniak Organisation), headed by Adil Zulfikarpašić, former member of the SDA. According to Zawati (2010, p.81), "[w]hile the aim of Izetbegović's party, the predominant Muslim party, was to keep Bosnia-Herzegovina united, independent, and a peaceful home for all Bosnians, the MBO aimed at the protection of the identity of Bosnian Muslims" to the point of accepting the unification with Serbia, Montenegro, and Krajina, as part of a new Yugoslavia. Except these slight differences[191], Sancaktar (2012, p.12) argues that there were some important points of convergence between them: first and foremost, "territorial unity and political independence" as a way to preserve the Bosnjak nation; secondly, the struggle "against both Croatian and Serbian extreme nationalism which aimed to occupy Bosnia and Herzegovina, and against the Western peace plans that recommended division of the country." On the other hand, the Bosnian Serbs found their leader in Radovan Karadžić, who established the *Srpska Demokratska Stranka* (SDS - Serbian Democratic Party) that opposed any changes of the Bosnian political organisation that might have put the Serbian minority under the control of the Muslim majority (Zawati, 2010). Similarly, the Bosnian Croats formed their own party, the *Hrvatska Demokratska Zajednica Bosne i Hercegovine* (HDZBiH - Croatian Democratic Union of Bosnia-Herzegovina), a branch of the HDZ ruling party in Croatia, under the leadership of Stjepan Kljuić (after 1992, Mate Boban). Some of its moderate members called for the separation and independence of Bosnia from Yugoslavia, while the radicals wanted to secede and annex the Bosnian Croat-populated areas to Croatia (Zawati, 2010). Both Bosnian Serbs and Croats were in fact afraid to live under a Muslim-dominated regime that could deprive them of their basic rights.

In light of the aggravating Croatian nationalism and instead of guaranteeing the rights of the Serbian minority and assuaging their anxieties, Croatia had passed a new constitution that demoted the Serbs from a constituent people to a national minority (Mann, 2005). This move alarmed not only the Bosnian Serbs, but also the European Community (EC), which demanded the new self-proclaimed republics wishing to be recognised as independent states to accept comprehensive agreements and promote policies that would protect minority rights[192]. For these reasons, in summer and fall of 1991, the Serbian minority in the Croatian region of Krajina was able to successfully occupy, within three months, about one-third of Croatia and putting a large part of the local Croatian population to flight (Ther, 2014). Then, it declared independence from Croatia and established the "*Republika Srpska Krajina*" (RSK). Although the EC expressed reservations about whether Croatian law adequately

[191] Another difference emphasised by Sancaktar (2012) concerns the vision towards the concept of Muslim peoples' identity: whereas the SDA accentuated the Muslim identity (*Muslimanstvo*), the MBO gave more importance to the Bosnjak identity (*Bosnjastvo*). Eventually, the concept of "*Bosnjastvo*" prevailed.

[192] Another precondition of the EC for post-Yugoslav countries' recognition was the decision to hold a referendum.

ensured civil and human rights guarantees to the large Serbian minority, on 15th January 1992 the EC[193] decided to recognise the independence of Slovenia and Croatia (Friedman, 1996).

Bosnia found itself in an uncertain position given that the attempt to leave Yugoslavia "would surely mean war by Bosnian Serbs to integrate "their" zone of Bosnia into Milošević's Greater Serbia, while remaining within the Federation meant enduring Serb domination" (Jones, 2006, p.215). Friedman (1996) demonstrates how the differentiated structure of the Bosnian population before the explosion of the war created many difficulties for a feasible solution that would guarantee the interests of all national groups. In the winter of 1990, for the first time in its history and notwithstanding divergent perspectives, Bosnian parties agreed to hold free elections for the Bosnian Assembly, which resulted in the formation of a three-party coalition government[194]. The parliamentary seats coincided with the percentage share of the population number of each national group: out of 240, the SDA garnered 86 seats, the SDS 72 seats, the HDZBiH 44 seats (Friedman, 1996). However, as Friedman (1996, p.214) further reckons, this multinational government broke down very soon over a variety of issues, primarily the structure of Bosnia, and it occurred in a period characterised by other negative trends such as "increased political and military tensions, lack of tolerance for multiculturalism, use of national quotas for state and social organization, and the increasing absence of democratic procedures". In October 1991, Bosnjak and Croatian representatives voted to secede from Yugoslavia by holding a referendum the following year[195]. As a response, the Serbian members proclaimed the RS and requested JNA protection. Zawati (2010) illustrates how the quick military success in Krajina encouraged the Bosnian Serbs to consider the option to proceed in a similar manner.

Affected by a volatile and ominous atmosphere, the Bosnian government requested UN peacekeeping forces and pursued EC recognition (Friedman, 1996) but, instead, it was deprived of the needed international protection. For instance, "whereas the Bosnian Serbs were amply supplied with weaponry and [JNA] technology, the Bosnian Muslims were limited to what they could beg, borrow, steal, or slip past the embargo"[196] (Friedman, 1996, p.217). Several Muslim countries had

[193] Under pressure from Germany.
[194] Izetbegović was elected as the Chairman of the Bosnian Collective Presidency; the Croatian Jure Pelivan of the HDZBiH was chosen as the Bosnian Prime Minister, and Momcilo Krajisnik of the SDS was selected to head the Bosnian Parliament.
[195] In the meantime, the EC had established a judicial commission, chaired by French constitutional lawyer Robert Badinter, to consider applications submitted by the republics of the former Yugoslavia (Croatia, Slovenia, Macedonia, the Kosovo Albanians' self-proclaimed government, and Bosnia-Herzegovina). Zawati (2010) observes that whereas the first three republics were granted recognition, Bosnia's application was suspended until a referendum on independence could be held while Kosovo's application was rejected because it was not a republic.
[196] The embargo was imposed by the UNSC with the adoption of UNSCR 713: http://unscr.com/en/resolutions/doc/713.

supplied weapons to the Bosnjaks[197], while the Bosnian Croats were backed by Croatia and by Catholic European countries. Nonetheless, a multi-ethnic territorial defence force, the *Armija Bosne i Hercegovine* (ABiH - Army of the Republic of Bosnia and Herzegovina) was established, whose commanders General Sefer Halilović[198] (ICTY, 2007) and General Rasim Delić[199] (ICTY, 2006b) were later indicted for war crimes by the ICTY: the former was acquitted of all charges while the latter was sentenced to 3 years in prison.

Afterwards, in compliance with the EC's request, the referendum on independence planned in Spring 1992 did not see the same overwhelming majority of votes in favour of it as it happened in other post-Yugoslav republics: 62.89%, although the Serbs boycotted it (Friedman, 1996). On 6th and 7th April 1992, Bosnia and Herzegovina was respectively recognised by the EC and the United States of America (USA). In due course, a bloody civil war broke out and led to the establishment of "a number of ethnically consolidated sub-regions" (Ther, 2014, p.218). On 12th May 1992, at the 16th session of the Bosnian Serb Assembly, Karadžić announced the approval of the six "strategic objectives"[200] of the Bosnian Serbs to be achieved by military means (ICTY, 2002), as well as the creation of the VRS for which Mladić was appointed commander. Within just a few months, almost all of Eastern and Northern Bosnia (almost 70% of Bosnia) felt under Serbian control, also thanks to the support of the JNA and paramilitary units (Ther, 2014). Before the VRS was formed, the JNA "supplied tanks and light and heavy arms, which were used locally against the enemy and the civilian population" (Ther, 2014, p.216). Allegedly, the paramilitary units were heartless mercenaries, "dogs of war", composed of ultranationalists, criminals, unemployed, sociopaths, and therefore, as asserted by Mann (2005, p.421), "[t]he war brought them opportunities to smuggle, extort, and rob while defining themselves as patriots, bringing their skills to the defense of their community."

In the guarantee of total impunity, Serbian forces began the process of terrorizing Bosnian Muslims and Croats in the Serb-inhabited territories "so that they would never return" (Friedman, 1996, p.220). JNA officers, political leaders, radical and ultranationalist Bosnian Serbs thought that the "[o]verwhelming military force would quickly redraw Serbia's boundaries and force many Croats and Muslims to flee, for only this would make the new Serb lands secure" (Mann, 2005, p.390). However, in the first phase of the war, given the certain victory of the Serbs, ethnic cleansing

[197] Friedman (1996) highlights how the Islamic community did relatively little to halt the conflict, except by supplying weapons and condemning attacks against their co-religionists.
[198] See the ICTY judgement against Halilović, Case No. IT-01-48-A: Microsoft Word - JUD179R0000207831.doc (icty.org).
[199] See the ICTY amended indictment against Rasim Delić, Case No. IT-04-83-PT: del-ind060714e.pdf (icty.org).
[200] Among them: separation of ethnic communities in the country and in the capital city; establishment of the borders of Serbian territories; access to the sea.

campaigns "did not cover wider areas and were not total" (Ther, 2014, p.215). It was from the summer of 1992 onwards that the conflict reached unprecedented levels of inhumanity and destruction. By the third week of May 1992, the VRS had captured almost three-quarters of Bosnia-Herzegovina, had placed Sarajevo under what was to be three-and-a-half-years of siege and shelling, had caused the flow of thousands of people, and had set up concentration camps (Zawati, 2010). As soon as the international community became aware of the awful situation, the share of "[s]uch images, reminiscent of Nazi concentration camps, sparked an international uproar", as remarked by Jones (2006, p.215). As we have already seen in the second chapter, Mann (2005) explains that Serbian nationalists pursued a strategic military policy, evidenced by the existence of the "RAM Plan", to ethnically cleanse Bosnia and other non-Serb territories even by pursuing, encouraging and strategically employing sexual violence. As it is said, the end justifies the means. Indeed, the widespread GBV against women and girls[201], often repeatedly, often protracted, often by gangs, often in front of relatives, was considered an effective means to achieve the dreamed goal. According to MacKinnon (1996, p.186), it is clearly discernible that the policies and actions carried out by the Serbs had the specific aim of dismantling specific minority groups: "[i]t is a policy of ethnic extermination of non-Serbs with the aim of "all Serbs in one nation", a clearly announced goal of "Greater Serbia", of territorial conquest and aggrandizement."

The Bosnjaks experienced the worst atrocities, but it is pivotal to remind that extensive and methodical brutalities were committed by all sides involved in the war. The "Bassiouni Report" (UNSC, 1994, p.17) has clearly summarised that:

> "All parties involved in the conflict have committed "grave breaches" of the Geneva Conventions and other violations of international humanitarian law. These violations include the killing of civilians, rape torture, and the deliberate destruction of civilian property, including cultural and religious property, such as churches and mosques. But, there are significant qualitative differences. Most of the violations were committed by Serbs against Bosnian Muslims. The second largest group of victims were Croats, whose perpetrators have been Serbs from Serbia, BiH, and the Krajinas. Both Bosnian Muslims and Catholic Croats have also victimized Serbs in BiH and Croatia, but in lesser number. The policy of "ethnic cleansing", however, has been systematically carried out by Serbs in BiH and Croatia against their opponents, though Croats have also carried out similar policies, but on a more restricted scale, against Serbs in Croatia and Muslims in Herzegovina. Forceful population removal by

[201] Sometimes and on a much smaller scale, men and adolescent boys too were subjected to sexual torture and rape.

BiH of Serbs has also occurred in some limited areas, but not as a policy. In fact, BiH occupied areas contain both Croats and Serbs, while Bosnian Serb areas have been cleansed of all but Serbs. The Krajinas in Croatia also have been cleansed of Croats, while eastern and western Slavonia (Croatia) have been cleansed of Serbs."

Ethnic cleansing became the common goal of all parties involved in the wars, but "neither [Bosnjak] nor its Croatian counterpart ever matched Serb nationalism in destructiveness" (Jones, 2006, p.215). Mann (2005, p.417) postulates that the brutalities committed against Serbian civilians stemmed from "the righteous anger and gratuitous cruelty of revenge, bent on humiliating Serbs as Croat and Bosniak communities had been humiliated earlier." Despite the initial cooperation between Croats and Bosnjaks, when the former abandoned their latter ally, the fratricidal war became total, fought on all fronts, and "[t]his involved the Croats in the cleansing of the [Bosnjaks] and vice versa" (Mann, 2005, p.406)[202]. The city of Mostar on the Neretva River in Southern Bosnia is representative of the change of direction of the conflict. Once a city of tolerance where Jews, Christians (Orthodox Serbs and Catholic Croats), and Muslims lived side-by-side, it suffered tremendous sieges: the first in the spring of 1992 by Serbian forces who were beaten by Croats and Bosnjaks; the second in the spring of 1993 when Croatian nationalists attacked their former ally and destroyed the now famous Stari Most bridge (Hayden, 2013). After the conflict ended, Mostar[203] was divided between an overwhelmingly Croat west and overwhelmingly Bosniak east, while the Serbs disappeared. In 2017, Bosnian Croat General Slobodan Praljak, who was in charge of the Mostar bombing operations against Muslims, after hearing The Hague Court's verdict confirming his 20-year prison term for war crimes in Bosnia, defiantly shouted: "Slobodan Praljak is not a war criminal. I am rejecting the court ruling" (BBC, 2017). Then, he committed suicide in the court by taking poison.

Croatian and Bosnjak paramilitary groups also emerged: the Croatian "Jokers" and "Vitezi", which were later absorbed into the *Hrvatsko Vijeće Obrane*[204] (HVO - Croatian Defence Council), and the Bosnjak "Patriotic League" and "Green Berets" (Mann, 2005). These groups committed similar atrocities to the Serbian ones, aimed at a similar outcome: the cleansing of territories. The Bosnian Muslims were also flanked by a number of foreign fighters (known as the "*Mujahideen*")[205],

[202] In the second chapter, I have also mentioned the existence of a joint Bosnian Muslim-Croat camp at Čelebići in Central Bosnia.
[203] In 2004, the Old Bridge and much of the Old Town of Mostar were restored with the contribution of an international scientific committee established by UNESCO.
[204] See also the initial indictment against other HVO members: ICTY. (November, 1995). "*The Prosecutor of the tribunal against Dario Kordic, Tihofil also known as Tihomir Blaskic, Mario Cerkez, Ivan also known as Ivica Santic, Pero Skopljak, Zlatko Aleksovski*." Case no. IT-95-14. Available at: Kordic et al. - Initial Indictment (icty.org).
[205] The number of Islamic militants from foreign countries involved in the Bosnian as well as in the Kosovo war is controversial. They employed techniques similar to those used by Serbian, Croatian, Bosnian and KLA extremists, such

but it must be acknowledged that the post-Yugoslav wars (including the Kosovo War) attracted foreign fighters of all kinds and from many different countries to help each side involved. Among members of the "Jokers" group who have been convicted by the ICTY for war crimes and crimes against humanity, including rape, there are Anto Furundžija[206] and Miroslav Bralo[207]: the former was sentenced to 10 years of imprisonment (ICTY, 2000b), the latter to 20 years (ICTY, 2005). These crimes were committed in the Lasva Valley (in Central Bosnia) against Muslim communities who were driven out of the region. Likewise, Serbian civilians in the Posavina region (in Northern Bosnia) suffered a similar faith, sometimes "accompanied by a large-scale campaign of raping Serbian women, burning their homes and destroying their cultural and religious institutions" (Zawati, 2010, p.86). However, on many occasions, Bosnia's constituent groups helped each other and risked their lives to save, rescue, offer protection to those people who until days or months before were their relatives, neighbours, friends, work or school colleagues.

Despite in August 1992 the UN established the figure of a Special Rapporteur on the Situation of Human Rights in the former Yugoslavia, this position was unable and powerless to put pressure on UN member states to act as soon as possible. Mr. Tadeusz Mazowiecki[208] produced and submitted eighteen reports[209] on the situation of human rights in the former Yugoslavia, including reports on CRSV. He "called for immediate and concerted action, including the neutralization of heavy arms and the disarming of paramilitary units" (Ther, 2014, p.220). Stiglmayer (1994, p.22) has criticised the slow, ineffective response of the international community claiming that it has "a significant share of responsibility", but also the EC's efforts that were marked by disagreements among the member

as kidnapping, torture, murder, rape, pillage. For an exhaustive analysis of Islamic fighter in the post-Yugoslav wars, see: Krasniqi, K. (2018). "*Islamist extremism in Kosovo and the countries of the region."* Perspectives of Law and Public Administration. Vol. 7 (1). Available at: 7. Kole Krasniqi.pdf (adjuris.ro); Mathieson, N. (2018). "*The Intersection of the Bosnian War, the Mujahideen, and Counterterrorism Measures in Bosnia and Herzegovina*." Oxford Middle East Review. Available at: (PDF) The Intersection of the Bosnian War, the Mujahideen, and Counterterrorism Measures in Bosnia and Herzegovina | Nicola Mathieson - Academia.edu.

[206] Furundžija was the commander of the "Jokers". He was brought before the ICTY for the commission of crimes against Bosnian Muslims who were interrogated at the headquarters of the "Jokers" in Nadioci (Bosnia and Herzegovina) in May 1993. During the interrogations, those detained were subjected to sexual assaults, rape, physical and mental suffering. See the ICTY judgment, Case no. IT-95-17/1-A: fur-aj000721-e.PDF (icty.org).

[207] Bralo, also known as 'Cicko', committed a range of appalling crimes and was convicted of killing five people and of assisting the killing of 14 Bosnian Muslim civilians, nine of whom were children. He brutally raped and tortured a Bosnian Muslim woman and imprisoned her for approximately two months to be further violated at the whim of her captors. See the ICTY judgment, Case no. IT-95-17-S: Microsoft Word - Bralo Judgement -- final.doc (icty.org). Bralo initially pleaded not guilty before the UN court in The Hague but changed his mind during his trial and admitted that he was guilty. He acknowledged his personal responsibility for each of the crimes committed and made a public apology for his behaviour: "*I wish to make a personal apology to each one of my victims who I made to suffer and to each member of every one of the families affected by my actions. I wish to say that I am truly sorry for their suffering and the suffering of their loved ones. What I said in Court last time, I really meant. I am guilty, and I deeply regret it. My apology should go further. It should be bigger than the globe*." See the apology dated 20th October 2005 (p.126): 051020ED (icty.org).

[208] He was the former Polish Prime Minister and the first person to hold this position.

[209] From 1992 to 1995.

states based on different attempted solutions and historical friendships[210]. At the same time, Zawati (2010, p.255) pinpoints that the UNSC too "had divergent interests and agendas, making it difficult to arrive at a consensus regarding issues that require powerful intervention." Both the EC and the UNSC assessed the situation incorrectly and did nothing to stop the atrocities suffered by civilians, or they did it through resolutions, negotiations, embargoes, which did not bring the expected concrete results. It was only in February 1992 that the international community[211] - under pressure from member States, local and international organisations - sent UN protection forces (UNPROFOR) in the Balkans (Zawati, 2010). Nonetheless, Zawati (2010, p.250) claims that "the UN's real role was neither peacekeeping nor peacemaking, but desperate efforts carried by some UN organizations and a number of NGOs to mitigate the effects of mass killings, ethnic cleansing, and wartime rape."[212] In reality, Zawati (2010) illustrates that the UNPROFOR failed to accomplish its goals such as the demilitarisation of fighting zones, the formulation of a peace plan, the delivery of humanitarian supplies, the return of IDPs, and (most dramatically) the protection of UN "Safe Areas". Indeed, with the UNSCR 819[213] (1993a) and 824[214] (1993b), the cities of Sarajevo, Bihać, Goražde, Tuzla, Žepa, Srebrenica, and their surroundings had been placed under direct protection of the UN and thus they had to be exempted from attacks of any kind[215]. Thousands of civilians fled to the enclaves, which were considered places of salvation but turned out to be a trap, a sort of open-air lagers.

The ability of the international community to solve conflicts through peaceful solutions was dramatically undermined. Inside that complex war-torn context, diplomacy could just not work. The Carrington-Cutliero proposal of March 1992 to divide the country into three ethnic cantons "was little more than a plan for ethnic division and apartheid", using Zawati's words (2010, p.215), since it could have created ethnically split cities and isolated enclaves. Notwithstanding, all leaders of Bosnia's warring factions signed the agreement but, in the end, Izetbegović withdrew declaring his opposition to any division of Bosnia. Later on, the UN commissioned another peace proposal led by the UN Special Envoy Cyrus Vance and the EC representative Lord Owen: the Vance-Owen Plan involved the division of Bosnia into ten cantons (Sarajevo as an international open city). This time it was rejected by the RS's National Assembly, despite Karadžić had already signed it and despite pressure from Milošević and the international community (Zawati, 2010). On account of the frustration derived from the failure to find a compromise and resolve the conflict, Cyrus Vance announced his resignation

[210] Russia allied with Serbia; European Community's members with Croatia; Islamic countries with the Bosnjaks.
[211] With the adoption of the UNSCR 743. Available at: http://unscr.com/en/resolutions/doc/743.
[212] The use of force was just prohibited and therefore the only weapon available was that of diplomacy.
[213] See the UNSCR 819 at: http://unscr.com/en/resolutions/doc/819.
[214] See the UNSCR 824 at: http://unscr.com/en/resolutions/doc/824.
[215] However, "[p]eacekeepers [too] were fired on, injured, killed, humiliated and taken as hostages" (Zawati, 2010, p.238).

and was replaced by Norwegian Foreign Minister Thorvald Stoltenberg who, together with Lord Owen, established a new round of negotiations after which was decided to divide Bosnia into three ethnic mini states. Unfortunately, the Bosniak side rejected the plan.

Due to repeated changes in the balance of power and demographic changes, the UN "could not prevent the emergence of a second front" between Bosnian government troops and Croatian units over mixed regions in central Bosnia (Ther, 2014, p.217). Bosnjaks had once again been caught in the middle of a conflict whose major players were Croatia and Serbia. Friedman (1996, p.225) considers the Bosnjaks as people "caught without shelter in the crossfire between Croatia's desire to be free of Serbian hegemony and Serbia's aspirations to recreate its dominant role in Yugoslavia." In fact, the Bosnian Croats formed its own autonomous territory, the "Croat Republic of Herzegovina-Bosnia". The idea of forming two pure ethnonational states and uniting them with their respective constituent groups came out during a secret meeting between, on the one side, Tudjman and Boban, and, on the other side, Milošević and Karadžić: they agreed to separate Bosnia and Herzegovina into three parts as 60% for Serbia, 30% for Croatia and 10% for Bosnjaks (Sancaktar, 2012). Zawati (2010, p.13) explains that, for once, Croats and Serbs forgot the historical enmity and "directed their negative labelling, hate-stirring propaganda and stereotyping against Bosnian Muslims, and looked upon Bosnia as a no-man's land, seeking to eliminate it and divide it between them." In the end, the divergent political goals and ideologies, along with ancient enmity, resulted in no agreement.

Therefore, in 1993, Bosnian Muslims found themselves fighting a three-front war against Bosnian Serb forces, Croatian forces, but also the independent Muslim forces of Fikret Abdić (formed in the enclave of Bihać in North-Western Bosnia). Zawati (2010, p.119) argues that Bosnjak forces were unable "to establish a secure corridor between the encircled Muslim-controlled enclaves of Foča, Goražde, Žepa, and Srebrenica in Eastern Bosnia, while contacts were completely cut off between the Bihać enclave in North-western Bosnia and Sarajevo". Notwithstanding, "the HVO suffered a series of unexpected defeats, indirectly caused by the disastrous refugee crisis" (Ther, 2014, p.218), which brought tens of thousands of young Bosniak men into the ABiH, succeeding in liberating parts of eastern Bosnia by means of guerrilla warfare. Ther (2014, p.218) believes that, at that stage, the HVO "no longer held a significant enough advantage over the Bosniaks to create a fait accompli". Besides, the international community was urging both Zagreb and Sarajevo to forge a lasting alliance that culminated in the "Washington Agreement", signed on 18th March 1994 by the Republic of Bosnia and Herzegovina and the Croatian Republic of Herzeg-Bosnia. It divided the territories under their control into ten autonomous cantons, establishing the Federation of Bosnia and Herzegovina (FBiH) and ending the Croat-Bosnjak War. Consequently, Croatian and Bosnjak forces

had turned the tide with successful offensives that reversed territorial gains in a matter of weeks. Through "Operation Storm", within days, the region of Krajina was recaptured, causing "another biblical movement of people" as up to 200,000 Serbs fled to Serb-populated regions of Bosnia (Jones, 2006, p.220)[216]. In Western Bosnia, the ABiH, with the support of the HOS and HVO, conquered the region that was populated almost exclusively by the Serbs, who, again, were drove out of their houses (Hayden, 2013).

However, the "endgame" of the Serbian military plan was implemented within the UN-protected enclaves. In just few days, approximately 8.000 Bosnjak men were murdered in Srebrenica, representing thus the worst slaughter in Europe since the Holocaust. As stated by Zawati (2010, p.262), the fall of Srebrenica and other UN Safe Areas was the expression of "the failure of the international community in managing the Yugoslav conflict". In addition, Zawati (2010) notes that Dutch and French battalions bear a shared responsibility for having collaborated with Serbian forces; for having helped them to separate Muslim women and children from boys and men; for having prevented NATO airstrikes from being called in; for having watched everything without firing a shot; for having preserved their safety at the expense of a defenceless community. For the events of Srebrenica and because of their authority and responsibility for the functioning, planning, and directing of the military operations, both Karadžić and Mladić have been convicted of genocide, crimes against humanity and war crimes by the ICTY (2002, 2009, 2011). In addition, owing to the international community's failure to prevent the horrific massacres of Bosnjaks in the towns of Žepa and Srebrenica in 1995, Mr. Mazowiecki (UNCHR, 1995, Annex I) decided to resign as Special Rapporteur of the UNCHR in the former Yugoslavia, with the following words:

> "Events in recent weeks in Bosnia and Herzegovina, and above all the fact that the United Nations has allowed Srebrenica and Zepa to fall, along with the horrendous tragedy which has beset the population of those "safe havens" guaranteed by international agreements, oblige me to state that I do not see any possibility of continuing the mandate of Special Rapporteur entrusted to me by the Commission on Human Rights. […] These events constitute a turning point in the development of the situation in Bosnia. At one and the same time, we are dealing with the struggle of a State, a member of the United Nations, for its survival and multi-ethnic character, and with the endeavour to protect principles of international order. One cannot speak about the protection of human rights with credibility when one is confronted with the lack of consistency and courage displayed by the international community and its leaders. The

[216] Some months before, in May 1995, Croatian forces were able to conquer the Serb enclave of Western Slavonia, which resulted in "*the expulsion of virtually all Serbs from that part of Croatia*" (Hayden, 1996a, p.795).

reality of the human rights situation today is illustrated by the tragedy of the people of Srebrenica and Zepa. Human rights violations continue blatantly. There are constant blockades of the delivery of humanitarian aid. The civilian population is shelled remorselessly and the "blue helmets" and representatives of humanitarian organizations are dying. Crimes have been committed with swiftness and brutality and by contrast the response of the international community has been slow and ineffectual."

Some disconcerting data can help to better understand the devastating consequences of the war. After many years of work and research which resulted in the so-called "*Bosnian book of the dead*" (Ball, Tabeau and Verwimp, 2007), it has been possible to determine an estimate of the number of war-related deaths: 96.985, of which roughly 65% were Bosnjaks, 25% Serbs and more than 8% Croats. However, "this number should be seen as an approximation of a minimum and not as the complete total" (Ball, Tabeau and Verwimp, 2007, p.4)[217]. A quite threating issue arising from the conflict is the massive landmine contamination that turns out to be one of the most serious landmine problems in the world[218]. The Bosnian Mine Action Centre (BHMAC, 2019) has documented that in the period 1992-2016 a total of 8.802[219] mine victims have been registered: nearly 7.000 during the war, and a total of 1.802 in the post-war period. With regard to the number of displaced persons and refugees, according to the United Nations High Commissioner for Refugees report (UNHCR, 2000), by the time the war ended over half the 4.4 million people of Bosnia and Herzegovina's total population were displaced: around 1.3 million IDPs; some 500.000 refugees in neighbouring countries; and some 700.000 refugees in Western Europe.

The fratricidal war ended when NATO forces intervened with the use of widespread airstrikes, signalling a historic turning point[220] (Sancaktar, 2012). In due time, the VRS agreed to the cease-fire and, on 14th December 1995, "the General Framework Agreement for Peace in Bosnia and Herzegovina", so-called "the Dayton Peace Accords"[221] (DPA), was finally signed by Milošević and Tudjman - on behalf of the Bosnian Croat and Bosnian Serb population - together with the President

[217] The final estimate for the number of war victims in Bosnia is 104.732, produced in January 2010 by Jan Zwierzchowski and Ewa Tabeau (2010) after twelve years of data collection. Available at: Microsoft Word - Paper Berlin_1-2 February 2010 _final_.doc (icty.org).
[218] Most minefields are located along the boundary line of the two entities formed after the DPA and they have been set up by all warring factions. The current size of the suspected mine risk area is around 2% of the total area of the country and some 15% of the total population are exposed to the dangers of unexploded ordnance.
[219] The number of 8.802 registered persons in Bosnia and Herzegovina refers to both those who lost their lives and those who were injured in accidents (120 underaged females, 1.084 adult females, 629 underaged males, 6.821 adult males, 125 men of unknown age and 23 females of unknown age). By 1996, those who have died are 618.
[220] On 28th February 1994, NATO took its first wartime action in its history by shooting down four Bosnian Serb aircraft violating the no-fly zone over Central Bosnia, in accordance with the UNSCR 816. See the UNSCR: Resolution 816 (unscr.com).
[221] See the entire text at: https://www.osce.org/files/f/documents/e/0/126173.pdf.

of Bosnia and Herzegovina Izetbegović. Bosnia as a historical region of cultural melting pot ceased to exist. The country was divided into two entities: the RS (49% of the entire territory), a landlocked entity separated in half by the Brčko District, overwhelmingly populated by Serbs as a result of the ethnic cleansing during the war; and the FBiH (51% of the territory), mostly inhabited by Bosnjaks and Croats. De facto, as showed in Figure 4 and Figure 5, ethnic cleansing was legitimated: the Serbs were allowed to keep the territory they had successfully cleansed, including the city of Srebrenica.

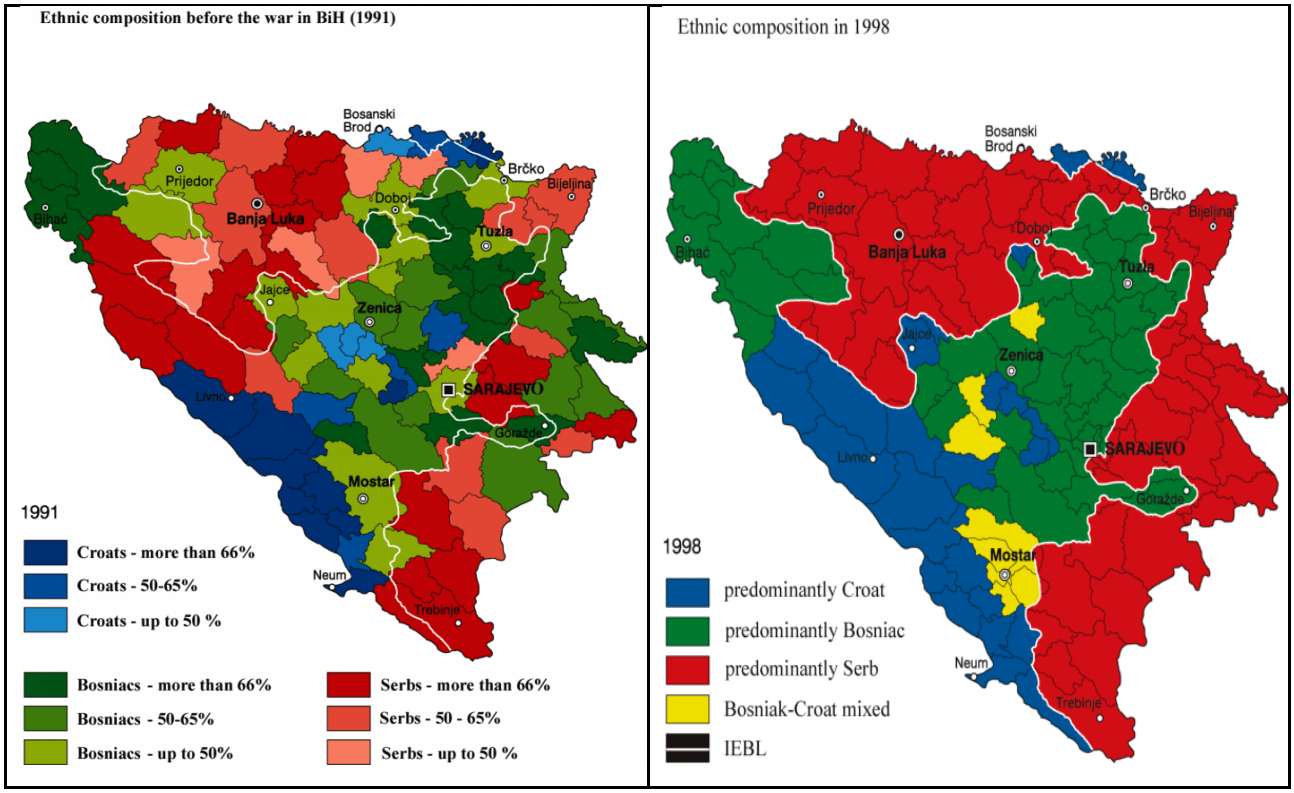

Figure 4: Maps of the ethnic composition of Bosnia and Herzegovina in 1991 before the war (image on the left) and in 1998 after the war (image on the right) with the establishment of the Republika Srspka and the Federation of Bosnia and Herzegovina. Source: Office of the High Representative in Bosnia and Herzegovina (2003; 2005).

Bosnia and Herzegovina	***RS***		***FBiH***	
Year	**1991**	**1997**	**1991**	**1997**
Bosnjaks	28,77	2,19	52,09	72,61
Serbs	54,32	96,79	17,62	2,32
Croats	9,39	1,02	22,13	22,27
Others	7,53	0,00	8,16	2,38

Figure 5: Effects of ethnic cleansing and national homogenisation in Bosnia-Herzegovina in 1992-1995 by comparing the population structure (in per cents) in the Republika Srpska (RS) and in the Federation of Bosnia and Herzegovina (FBiH)[222].

[222] Data presented on the workshop "*Quo Vadis Bosnia-Herzegovina*", Summer Academy 2000, European Academy of Bozen/Bolzano. (September 2000). Bressanone/Brixen, Italy. It is quoted in Sotirović, V. (2013a). "*From the Balkan history of diplomacy and politics.*" Vilnius: Lithuanian University of Educational Sciences University Press "Edukologija". Available at: (PDF) FROM THE BALKAN HISTORY OF DIPLOMACY AND POLITICS | Vladislav B . Sotirović - Academia.edu.

Although the attempt to reshape the "Bosnian mosaic" was only partially successful because it stopped the conflict, Bieber (2020, p.155) declares that this system risks reinforcing ethnic hostilities because it "gives considerable weight to ethnic belonging, as electoral units are largely mono-ethnic and many elected offices are assigned by ethnicity". As set forth in Annex 4 of the DPA (UNSC, 1995), a new constitution was adopted[223]. An extremely complex power-sharing system was established to ensure that the three dominant groups were equally represented in the political and administrative units. Each entity has its own legislative, executive and judiciary powers and constitution: the FBiH[224] is highly decentralised and includes ten cantons with their own assembly, government and judiciary (five are Bosniak, three are Croat, and two are ethnically heterogeneous canton); the RS[225] is centralised. The two regions are given wide autonomy, but they keep some joint institutions including the army, the judiciary and the tax administration. In addition, there is "Brčko District"[226], located in northeast of the country, which is a self-governing administrative unit under the federal sovereignty and formally held in condominium between the two entities. The District symbolises the multicultural character of what was once Bosnia. In real politics, Brčko remains under international supervision. At the federal level, three Presidents represent the country: one Serb, one Croat, one Bosnjak. However, the Office of the High Representative for Bosnia and Herzegovina (OHR) was founded (UNSC, 1995, Annex 10) to oversee the civilian implementation of the DPA. Zawati (2010, p.318) highlights that the office stripped the country "of any real sovereignty or independence", and that it was effectively placed "under direct occupation and left the presidency, the government, and the parliament as a puppet regime." The OHR has a kind of "governor-general–like powers", using Judah's words (2008, p.116), given that it has the "final authority" regarding interpretation of the peace agreement with respect to civilian implementation (UNSC, 1995, Annex 10, article 5). Zawati (2010, p.327) criticises the OHR because it "has maintained a narrow interpretation of his/her authority, and has remained silent regarding the non-compliance of the parties with several aspects of the DPA."

Moreover, a number of national institutions were set up (UNSC, 1995): the Constitutional Court of Bosnia-Herzegovina (Annex 4) to ensure the highest level of internationally recognized

[223] See the Bosnia and Herzegovina's Constitution at: http://www.ohr.int/ohr-dept/legal/laws-of-bih/pdf/001%20-%20Constitutions/BH/BH%20CONSTITUTION%20.pdf.
[224] The Constitution of the FBiH was adopted by the Constitutional Assembly of the FBiH, at the session held on 24th June 1994. See the Constitution at: CONSTITUTION OF THE FEDERATION OF Bosnia And Herzegovina (advokat-prnjavorac.com).
[225] The constitution was delivered by the National Assembly of RS on 28th February 1992 but had to be revised after the Dayton Agreement was signed. See the RS's Constitution: USTAV-RS_English.pdf (narodnaskupstinars.net).
[226] According to the 2017 Census, 42.36% of the population is Bosnjak; 34.58% is Serb; 20.66% is Croat. See the demographic statistics: http://www.statistika.ba/?show=12&id=30163.

human rights and fundamental freedoms; the Provisional Election Commission (Annex 3) to certify that the right social conditions exist for effective elections; the Commission on Human Rights (Annex 6) to consider post-war violations of fundamental human rights and freedoms; the Commission for Displaced Persons and Refugees (Annex 7) to award property restitution or compensation. In addition, the OSCE was given a major role in confidence building measures, supervising elections, and monitoring human rights (Annex 1-B; Annex 3; Annex 6). The DPA created military and civilian bodies to implement its provisions through the establishment of a multinational military Implementation Force (IFOR), as set forth in Annex 1-A, to implement the military aspects of the DPA: IFOR's role was crucial in separating the warring factions, consolidating the boundary lines of the entities, and creating a joint Military Commission (Zawati, 2010). Nonetheless, its mandate came to an end in late 1996, and it was replaced firstly by NATO and non-NATO-led Stabilization Force (SFOR), until December 2004, when it handed over its duties to a European Union Force (EUFOR), which continued to provide a stable environment, to promote the implementation of the provisions of the DPA and Bosnia's efforts towards European integration. As pinpointed by Zawati (2010), "[i]t must be emphasized that the DPA never recognized or approved the foundation of an army for the Republic of Bosnia and Herzegovina", but it had provided for the establishment of a military liaison mission between the chiefs of the armed forces of the two entities (Article II (i) of Annex 1-B). Likewise, Article III (3) of Annex 4 "had purposely omitted the responsibility of defence from the Bosnian central institutions and had assigned it to the armed forces of the entities, dealing with them as if they were armies of two de facto independent states" (Zawati, 2010, p.317)[227].

Almost thirty years later, "[t]he DPA has failed to achieve most of its goals" (Zawati, 2010, p.332) concerning any kind of reconciliation, peace, or integration among the conflicting ethnic entities in Bosnia: ethnic hostilities is stronger than ever; women and girls subjected to massive GBV do not receive the needed support; hundreds of thousands of refugees and IDPs have been unable to return safely to their homes in territories controlled by other ethnic groups; thousands of men and women are still missing; major war criminals are still out there unpunished. As asserted by Zawati (2010, p.316), "ethnic principles continue to undermine the DPA and divide the country into entities that encourage the domination of the nationalist parties and nourish ethnic and religious ideologies at the expense of the values of citizenship and democracy." For instance, during the elections for the rotating Presidency and the Parliamentary Assembly, as well as for local elections, the Bosnjak, Serb

[227] Annex 5, Article V (5) (UNSC, 1995) states that "[e]*ach member of the Presidency shall, by virtue of the office, have civilian command authority over armed forces* [of his entity]". It continues by stating that neither entity shall threaten, use force against, enter into or stay within the territory of the other Entity "*without the consent of the government of the latter and of the Presidency of Bosnia and Herzegovina.*"

and Croat ethnic-nationalist parties - respectively the SDA, the SDS and the HDZBiH - have been continuing to be dominant parties in the Bosnian politics. Moreover, on a cultural and social level, Judah (2008, p.125) acknowledges that a huge amount of progress has been made since the war, but Serbs and Croats still regard Serbia and Croatia as their motherlands: "[t]hey watch Serbian and Croatian television, go more to Zagreb and Belgrade than Sarajevo, send their children to university in those countries, and support them, not Bosnia, in international football matches."

In summary, the long history of multiculturalism and tolerance was swept away within a few years. The images of a variety of inhuman crimes and brutalities carried out by official army units and paramilitary brigades, derived from the existence of concentration and rape camps, and evolved in the genocidal massacre of a supposed UN Safe Area, remain symbols of what human beings can do to each other. It was something imaginable to happen again in Europe, but it did happen. Indeed, the DPA left one more post-Yugoslav question unanswered: Kosovo, a tinderbox ready to explode.

3.3.2 *Kosovo*

Serbs and Albanians have inhabited Kosovo for centuries: for the former, it is deemed the cradle of the medieval Serbian kingdom; for the latter, it is their homeland. With both parties feeling entitled to retain power over the territory, the threat of conflict was never far away. The wars in Slovenia, Croatia and Bosnia had harshly hit the FRY's international position, and the imposed economic sanctions exacerbated the situation and worried Milošević about his legacy. Therefore, Kosovo was seen as the last resort where to take back people's support and increase his popularity: Kosovo had to be "kept" at any cost. In the meantime, the Albanians reacted wisely when the FRY began its policy of constant terror and harassment, of "cleansing" them from employment in administrative, cultural, or sporting institutions but also of shutting down various cultural bodies. According to Judah (2008, p.70), "[t]hey were horrified by the ethnic cleansing and wars that were taking place in Croatia and Bosnia and, not having the means to defend themselves, felt Rugova's strategy was the right one for the times." Albanian democratic and pro-Western aspirations through non-violent means revealed also the "need to address illiteracy, polygamy, the education and rights of women" (Clark, 2000, p.63), which resulted in the creation of various civil, political and cultural organizations[228] that took the lead in establishing an underground civil society. Indeed, stuck in an adverse environment, in a

[228] Among others, the "Association of Philosophers and Sociologists of Kosovo" and the "Association of Writers of Kosovo". In addition, among the political parties, it is worth mentioning the *Lidhja Demokratike e Kosovës* (LDK - Democratic League of Kosovo) founded by Ibrahim Rugova; the *Partia Socialdemokrate e Kosovës* (PSD - Social Democratic Party of Kosovo) of Kaqusha Jashari and Shkëlzen Maliqi; and the Youth Parliament initially led by Blerim Shala and Veton Surroi (now known as the Parliamentary Party – PPK). The use of the word "League" in the LDK's name was of course designed to recall the League of Prizren of 1878.

kind of apartheid system[229], the Albanians began to build - sometimes secretly - institutions parallel to the Serbian ones (in education, medical care, and taxation)[230]. This strategy[231] "would avoid either war or submission to the regime while progressing towards their aspiration for independence" (Clark, 2000, p.95).

The right to continue living a dignified life through the establishment of parallel institutions and without resorting to violence represented, according to Clark (2000, p.107), "a remarkable success story of self-organisation and solidarity", along with dedication, perseverance and voluntary activity. Clark (2000, p.128) illustrates that the persistent non-violent strategy "had succeeded in limiting Serbian aggression and averting war, in keeping the population together and its social structures functioning, and in bringing repeated international condemnation on Serbia for human rights violations". In 1991, Albanians proclaimed a new Constitution[232] declaring Kosovo "a sovereign and independent state", and organised a referendum in which 99.87% of the votes were in favour of independence (Clark, 2000, p.82). On an international level, only Albania recognised the self-declared new country but, less than three years later, Tirana's political course formally took a different direction when it declared that Kosovo was an internal matter of the FRY. In the meantime, elections[233] for a Parliament and a President were finally organised: the LDK and Rugova became the recognised voice of the people. As pointed out by Clark (2000, p.83), "it was a sign of the Kosovo Albanians' attempt to 'internationalise' the issue" since the parallel elections were observed by eight monitoring teams from the West and covered by 82 international agencies[234]. Nonetheless, criticism increased towards the monopolisation of the political space by the Rugova and the LDK which, according to Clark (2000, p.117), maintained some features "of the old one-party style mixed with pre-communist authority patterns." In their analysis on the failure of Kosovo Albanian non-violence, Marsavelski, Sheremeti and Braithwaite (2016) argue that the campaign was effective not only in maintaining Albanian unity and building mass social solidarity to resist tyranny, but also in

[229] Serbian harsh measures against education effectively introduced a sort of "segregation system", as defined by Clark (2000): Serbs using one floor and Albanians another; the police blocking children, students and parents' entry to schools; the massive removal of Albanian teachers (and doctors too) who did not accept and recognise Serbian authority.
[230] Another milestone was the creation of the Council for the Defence of Human Rights and Freedoms (CDHRF) that "*became the main monitoring and collection centre for details of human rights violations and police maltreatment*" (Clark, 2000, p.55).
[231] Clark (2000, p.59) sustains that what emerged in Kosovo "*was a set of methods and organisational structures to identify violence with the Serbian oppressor while restraining counter-violence from the population*", to the extent that even inter-ethnic violence such as the medieval practice of blood feuds was harshly condemned (but not eliminated).
[232] Defined Kaçanik from the place it was signed, near the border with Macedonia.
[233] A Coordination Council of political parties was formed and provided the basis for organising free elections, but also called for the boycott of federal and Serbian elections and for the 1991 census (Clark, 2000).
[234] Observers included a US Congressional delegation, a Danish Helsinki Committee and representatives of the Unrepresented Peoples Organisation.

dramatically reducing blood feuds[235], and therefore the homicide rate in Kosovo. However, they criticise the non-violent movement for its mono-ethnic character and for not thinking about healing relations with local Serbs.

Most of the time, negotiations failed to achieve an agreement that satisfied both Serbian and Albanian claims. Therefore, despite the mobilisation of the international community to prevent the occurrence of "another Bosnia", progress towards the urgent need to solve the status of Kosovo Albanians was rather slow. In the first place, when Kosovo declared its unilateral independence, one year before Slovenia and Croatia, both the EC and the UN did not recognise it and instead they recognised other new-born states despite the lack of the supposedly prerequisite guarantees of minority rights (as expressed by the EC). Secondly, the "Badinter Commission" did not consider Kosovo's case for independence. Thirdly, in 1992, Kosovo Albanians were invited as observers at the London Conference[236] on the former Yugoslavia where they gained the agreement for a mission of the Conference - Organisation after 1995 - for Security and Cooperation (CSCE/OSCE) which installed a "long-term mission" to Kosovo, Vojvodina and the Sandžak region (Clark, 2000)[237]. Finally, Kosovo was not included into the DPA and, thus, Serbia still held the legitimate control over the region.

Instead of moderating its actions and reaching a diplomatic compromise, the FRY wanted the change of the demographic balance of Kosovo: the hoped goal was that of encouraging, on the one hand, the immigration and return of Serbs and Montenegrins and, on the other hand, the departure of Albanians. However, the harsh economic and social conditions under which was going Kosovo meant further emigration of Serbs and Montenegrins. "The Serb-controlled state economy was in ruins – a victim of a combination of criminality and corruption, mismanagement and obsolete technology, all compounded by sanctions", clarifies Clark (2000, p.113). Obviously, efforts were made by civil society and the political leadership to establish relations and reach common ground that transcended political and ethnic demands. As portrayed by Clark (2000, p.170), a spectacular experience of inter-ethnic cooperation was the 1996-1997 polio immunisation campaigns of children, "remarkably

[235] Blood feuds in Kosovo and Albania are regulated by the code of customary law, the '*Kanun'*, in a particular area. This included some provision for resolving feuds (and other issues related to the family and marriage, work and trade, house, livestock and property) by offer of payment or arbitration, and for periods of truce – for 30 days after a killing, the killer had a period of truce before he became liable to be shot. Some feuds went back generations. Many people are literally stuck in their homes because of the fear of being killed (it is forbidden to kill someone in his home). In many communities, he maxims of the Kanun are primary, they took precedence over all other laws. Honour (*nderi*) is just one of the four pillars of the Kanun, the others being hospitality (*mikpritja*), right conduct (*sjellja*) and loyalty to one's clan (*fis*).

[236] Sadly, Zawati (2010, p.124) observes that Rugova "*was isolated in a separate room, and forced to follow the conference proceedings on closed-circuit television*".

[237] This mission lasted only six months since the FRY refused its extension for being excluded from the CSCE/OSCE.

bringing together international agencies [the WHO, UNICEF, the Mother Theresa Association] with state and parallel health structures." For the first time in years, Serbian and Albanian doctors and health managers were working together for an important common interest. Clark (2000, p.171) pinpoints that "this offered hope for a 'normalisation' of Kosovo not based on ethnic domination. It was a mobilisation based around human need, a step towards social reconnection and building a measure of confidence." Furthermore, an agreement between Milošević and Rugova on the return of Albanian students and teachers to schools was signed in 1996 (Clark, 2000). But this did not deter the continuation, on the one side, of peaceful student demonstrations and, on the other side, of increasing violence, random arrests, beatings and killings (Zawati, 2010).

As a result, "popular frustration with the tame character of Rugova's resistance passed a tipping point" (Marsavelski, Sheremeti, Braithwaite, 2016, p.4). The Albanians understood that armed conflict was the only possible solution (and alternative to) non-violence to achieve full independence. Clark (2000, p.172) underscores that "the public showing of the Kosova Liberation Army (UÇK) on 28 November 1997 came as a warning that the time for any form of nonviolent protest was running out." In its early period, the KLA committed brutal crimes by targeting Serbian officials, police officers, collaborators, and other key figures in Kosovo, as well as civilians[238]. Among the founders of the KLA, it is worth mentioning the figures of Adem Jashari (seen as the "father" of the organisation); Ramush Haradinaj[239], Prime Minister for a period of three months before he was charged in 2006 by the ICTY (2006a) with war crimes during the Kosovo war, but later acquitted of all charges[240]; Hashim Thaçi, Prime Minister of Kosovo when it declared independence (2008-2014) and President of Kosovo (2014-2020) before he resigned on account of charges of crimes against humanity and war crimes. Along with Thaçi, in 2020 other KLA founders have been indicted by the Kosovo Specialist Chambers & Specialist Prosecutor's Office[241] (KSC-SPC, 2020a) for

[238] The reported total number of people killed by the KLA were 21, 10 Serbian police and other officials, and 11 Kosovo Albanians. Pretty soon, it was labelled as a terroristic organisation by the FRY.

[239] Haradinaj was acquitted of all charges on 3rd April 2008. He was feted on his return. See the ICTY indictment, Case no. IT-04-84-PT: https://www.icty.org/x/cases/haradinaj/ind/en/har-ai060426e.pdf. The presiding judge, Alphonsus Orie, said, "*The Chamber gained a strong impression that the trial was being held in an atmosphere where witnesses felt unsafe.*"

[240] See the ICTY judgment: ICTY. (April 3rd, 2008). "*Prosecutor v. Ramush Haradinaj, Idriz Balaj, Lahi Brahimaj*." Case no. IT-04-84-T. Available at: Table of contents (icty.org). The prosecution appealed against the acquittal and on 29 November 2012, Haradinaj and his co-defendant were acquitted for a second time on all charges. See the ICTY retrial judgment: ICTY. (November 29th, 2012). "*Prosecutor v. Ramush Haradinaj, Idriz Balaj, Lahi Brahimaj.*" Case no. IT-04-84bis-T. Available at: Haradinaj Judgement (icty.org).

[241] It is a court with international judges and based in the Netherlands, in The Hague, but part of the Kosovo judicial system, established in 2015 by the Pristina Parliament to prosecute alleged crimes committed by the KLA against Albanian, Roma and Serb civilians, based on allegations collected in a 2011 Council of Europe report.

crimes[242] committed during the Kosovo War: Kadri Veseli, former Chairman of the Kosovo Assembly and the Kosovo Intelligence Service; Rexhep Selimi, a high-ranking officer in the Kosovo Protection Corps and member of the Kosovo Assembly; and Jakup Krasniqi, former Chairman of the Kosovo Assembly and President (2010-2011). In 2020, they were arrested and transferred to The Hague to face a war crimes indictment. They are considered "individually criminally responsible" for the crimes charged, which were committed as "part of a widespread and systematic attack against persons suspected of being opposed to the KLA" (KSC-SPC, 2020b, para.6).

According to Judah (2008, p.75) the KLA has the merit "to rank as one of the most successful military organizations in history"[243] since it was able to emerge "at the right place, at the right time". From November 1997 to February 1998, the KLA gained control of certain parts of Drenica, central Kosovo, becoming a stronghold of Albanian nationalism (Clark, 2000)[244]. However, the propagation of the KLA meant the dispersion of non-Albanians and the creation of ethnically cleansed areas. The main goal of the KLA was to trigger the FRY forces to respond with an indiscriminate attack against Kosovar civilians that would cause international outrage. The OSCE Report (1999, p.30) illustrates the situation in 1998:

> "In Serbia, however, in a referendum in April 1998 Milosevic gained overwhelming support for his stance of rejecting any international mediation in the Kosovo conflict. Substantial additional Serbian military reinforcements were sent in to Kosovo in May 1998. Ignoring a "strong final warning" from European governments in June, Serb forces began concentrating their actions in the Drenica region and along the south-western border, using artillery to force villagers out of their homes and then going in to loot and burn them. Aid agencies estimated that some 200,000-300,000 Albanians were driven from their homes between April and September 1998."

[242] On 24th April 2020, the Kosovo Specialist Chambers and Specialist Prosecutor's Office filed a ten-count Indictment for the Court's consideration, charging Thaçi, Veseli, Selimi and Krasniqi for crimes against humanity and war crimes, including murder, enforced disappearance of persons, persecution, and torture. The indictment charges the suspects with approximately 100 murders of Kosovo Albanians, Serbs, Roma, and political opponents. See the indictment: Kosovo Specialist Chambers & Specialist Prosecutor's Office. (November 4th, 2020). "*The Prosecutor v. Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi*." KSC-BC-2020-06. Available at: ANNEX 3 to Submission of corrected and public redacted versions of confirmed Indictment and related requests.pdf (scp-ks.org). On 30th November 2021, the KSC has again refused the conditional release of Thaçi. See the second detention review at: Public Redacted Version of Thaçi Defence Submissions on Second Detention Review.pdf (scp-ks.org).

[243] Mann (2005) and Judah (2008) explore how the implosion of neighbouring Albania in 1997 created a situation that meant the arrival of conspicuous amounts of weapons in Kosovo.

[244] The armed struggled and the patriotic spirit proved to attract Albanian civilians' sympathies for the secession of Kosovo: "[f]*rom around 350 in January 1998, suddenly there were thousands*" (Clark, 2000, p.173).

Ultimately, the war erupted. Zawati (2010, p.124) believes that it "was well-prepared and meticulously carried out" so that the mistakes made in Slovenia, Croatia and Bosnia would not be repeated. The first of a series of massacres committed mainly by the heavily armed Serbian police, backed by paramilitary groups, against Albanian civilians and members of the KLA group, began in early March 1998, exactly in Drenica. To avenge the death of four Serbian policemen killed by the KLA, the police responded by reprisal attacks on villages, house-to-house raids and indiscriminate arrests, to the point of killing twenty-six Albanians in cold blood (Amnesty International, 1998; OSCE, 1999; Zawati, 2010). Among the leaders of the KLA who were discriminately targeted there was Adem Jashari who, the previous year, "had been sentenced in absentia to 20 years' imprisonment" (Clark, 2000, p.174). A week after the events in Drenica, Serbian police attacked the residence of Jashari's extended family, killing him and about fifty-four civilians (most of them women and teenage children), including more than twenty relatives (Amnesty International, 1998; HRW, 2001; IICK, 2000; Judah, 2008; Obućina, 2011; Zawati, 2010). Jashari embodied the struggle and continuous resistance of an oppressed people and he became a symbol so important for Kosovo Albanians that he is usually called "the modern day Skanderbeg" (Obućina, 2011, p.39). Judah (2008, p.27) adds that "[h]is image has become ubiquitous in Kosovo, his house a shrine, and the field where he and the family are buried a place of pilgrimage."

After the shocking massacre, massive demonstrations led by youth and women mushroomed throughout Kosovo, "asking for a 'peaceful divorce' from Serbia" (Clark, 2000, p.175). Many civilians joined the KLA too. Meanwhile, Clark (2000, pp.175-176) confirms that at the UNSC, "China and Russia continued to insist that Kosovo was an 'internal affair' (as are Tibet and Chechnya)", and thus the UN could not act in unison, apart from the imposition of an arms embargo with UNSCR 1160[245] (OSCE, 1999). However, the ethnic cleansing campaigns continued indiscriminately until on 23rd September 1998 when an ultimatum was issued by the UNSC[246] for "an immediate cease-fire in Kosovo, an international presence to monitor it, the withdrawal of "security units used for civilian repression", and dialogue on the future of Kosovo" (OSCE, 1999, p.31). The KLA announced a unilateral cease-fire, followed one week later by Serbia. On the other hand, NATO came to the scene by threatening military action against the FRY. By this time, the world had understood the dynamics of the ethnic conflicts in the former Yugoslavia and was ready to take prompt action to prevent similar destructive repercussions like those in Bosnia. Feared by an imminent air strike, the so-called "Milošević-Holbrooke agreement" was announced on 16th October

[245] See the UNSCR 1160 at: http://unscr.com/en/resolutions/doc/1160.
[246] With the adoption of the UNSCR 1199. The vote was 14 to 0, with China abstaining. See the UNSCR 1199 at: http://unscr.com/en/resolutions/doc/1199.

1998. Furthermore, it was concluded the establishment of the OSCE Kosovo Verification Mission (OSCE-KVM)[247], which had the mandate to investigate and document allegations of human rights violations committed by all parties to the conflict and to escort humanitarian organisations (Clark, 2000).

Again, atrocities against unarmed civilians had not come to a halt. A major turning point took place in the village of Račak, where forty-five ethnic Albanians were brutally killed (HRW, 2001; IICK, 2000; OSCE, 1999), followed by the denial of the FRY to permit access in Kosovo to ICTY's representatives. In a bid to solve the escalation of massacres and refugee flows, the six-country "Contact Group"[248] announced a conference with both Serbian and Albanian leaders – including exponents of the LDK and KLA - on the future of Kosovo, to be held in Rambouillet (near Paris) on 6th February 1999 (OSCE, 1999). A Dayton-like peace conference was followed by the presentation of a peace plan: the KLA would be disarmed, few FRY/Serbian troops would be kept inside Kosovo (except from some thousands border guards and security forces), and a 30.000 NATO-led international peacekeeping force would be employed (KFOR – Kosovo Force). Moreover, it established that Kosovo would have autonomous institutions (under OSCE supervision) for a three-year interim period, after which a new international meeting would determine the final settlement. While the Kosovo Albanian delegation eventually agreed to sign the agreement (on 15th March), the Serbian one did not and instead it continued fighting and deploying troops to Kosovo. NATO issued another ultimatum demanding Serbia's signature, but the Serbian Parliament, and in particular Milošević, confirmed the rejection of the Rambouillet proposals[249], considered a sort of "diktat" (Clark, 2000, p.183). One day before NATO started bombing the FRY, the Serbian National Assembly presented a counterproposal offering a "wide-ranging autonomy" for Kosovo within a sovereign Yugoslavia but at the same time rejecting the deployment of "foreign troops" in the province (Zawati, 2010). On account of NATO's rejection of the proposal, Milošević[250] ordered the army to attack Kosovo and expel Albanians, as part of an alleged military plan named "Operation

[247] Notwithstanding, the OSCE-KVM has been criticised by Clark (2000, p.179) because "[w]*hen it arrived was too late and too poorly prepared*", as well as because on 20th March 1999 it withdrew.
[248] It was formed by France, Germany, Italy, Russia, the United Kingdom, and the USA, and it requested the Serbian government to stop its violence against Albanian civilians otherwise they would impose other sanctions such as an asset freeze and investment ban.
[249] See the Rambouillet Accords at: 990123_RambouilletAccord.pdf (un.org). For a deep analysis, see: Dauphinee, E. (2003). "*Rambouillet: A Critical (Re) Assessment*", in F. Bierer & Ž. Daskalovski, "Understanding the War in Kosovo". London: Frank Cass.
[250] Milošević also attempted to spread the conflict to Macedonia by inflaming passions between the country's own Albanians and Macedonians, but this failed.

Horseshoe"[251]. Whether the plan had existed or not, such a massive operation of forced expulsion of civilians could not "be implemented without planning and preparation" (IICK, 2000, p.88).

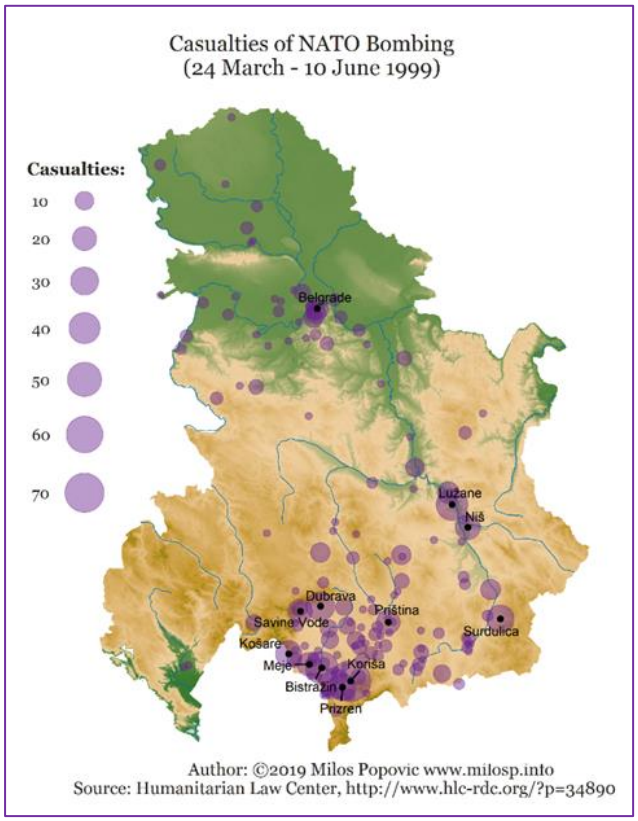

Figure 6: Map of the places and number of causalities in Serbia caused by NATO bombing in 1999. Source: Humanitarian Law Center, in Milos Popovic (2019).

Consequently, on 24th March 1999, NATO forces began their campaign of heavy aerial bombardments on FRY targets in Serbia, Montenegro and Kosovo itself, for 78 consecutive days[252]. In general terms, the NATO bombing was mostly accurate, although HRW (2001) reported that hundreds of civilians, both Serbs and Albanians, were killed and thousands were wounded[253] (see Figure 6). Zawati (2010, p.280) explains that "NATO's use of force against the FRY without the UN Security Council's authorization, however, provoked much debate over the legality of the action". A satisfactory answer to the legal intervention of NATO forces, in the light of several international and regional legal instruments and conventions, would require a long examination which is not the focus of this dissertation[254]. "One of the main reasons given by Western leaders for the intervention was to prevent a humanitarian catastrophe", confirms Judah (2008, p.112), but also "to prevent the conflict from spreading to the neighbouring states of Albania and Montenegro [and Macedonia]", as remarked by Zawati (2010, p.76), as well as to stop additional human rights violations, protect civilians in wartime and prevent an eventual genocide. Admittedly, Clark (2000, p.183) states that "NATO embarked on a campaign not to protect Kosovo, but rather to defeat and punish Serbia."

[251] The name was given by the German government (German: *Hufeisenplan*) to the alleged Serbian plan to expel the entire Albanian population from Kosovo. The existence of this plan has been widely discussed, but has never been proven.
[252] See: Herring, E. (2001). "*From Rambouillet to the Kosovo Accords: NATO's War against Serbia and its Aftermath*," in K. Booth, ed., "The Kosovo Tragedy: The Human Rights Dimensions". Portland, Or.: Frank Cass; Laursen, A. (2002). "*NATO, the War over Kosovo, and the ICTY Investigation*". American University International Law Review.
[253] NATO forces also killed twenty Serbian civilians when it struck a passenger train in Serbia, and killed a further seventy-three Kosovar civilians in bombing a refugee convoy. NATO also bombed the Chinese Embassy in Belgrade, a hospital, a prison, and the Belgrade TV station.
[254] For further discussions, see: Simma, B. (1999). "*NATO, the UN and the Use of Force: Legal Aspects*." European Journal of International Law; Gray, C. (2001). "*The Legality of NATO's Military Action in Kosovo: Is there a Right of Humanitarian Intervention?*", in S. Yee & W. Tieya, eds., "International Law in the Post-Cold War World: Essays in Memory of Li Haopei". London: Routledge; Wheeler, N. (2001). "*Reflections on the Legality and Legitimacy of NATO's Intervention in Kosovo*", in K. Booth, ed., "The Kosovo Tragedy: The Human Rights Dimensions". Portland, Or.: Frank Cass.

Moreover, it could have been the sense of embarrassment over the failure to intervene in Yugoslavia and Rwanda, which undermined the credibility of Western institutions and values, that led NATO to intervene. Notwithstanding divergent opinions on the direct involvement of Western countries, it was after the beginning of the NATO attacks that Serbia intensified its goal of ethnically cleansing Kosovo, once and for all, or at least of getting rid of as many Albanians as possible through familiar methods used in Bosnia. In fact, the shadow of the Bosnian War was looming over Kosovo: "[a]rmy units and paramilitary forces worked in close coordination to empty the territory of ethnic Albanians through selective acts of terror and mass murder", by beating, torturing, raping, abusing innocent people, as well as by looting, razing houses and places of worship (Jones, 2006, p.221). Therefore, there was nothing casual about the ethnic cleansing tactics carried out by the Serbs:

> "At the end of March, tens of thousands of Albanians from two districts of Pristina were rounded up and deported at gunpoint, by train, to Macedonia. Many more fled but after this there were no more clearances from Pristina[255]. Albanians were expelled from Pec´/Peja and the old town of Djakovica/ Gjakova was torched and people deported. In some areas, people were assembled to leave and marched or driven around Kosovo before being sent home. In some rural areas people were effectively herded from scattered hamlets into smaller, more concentrated areas and then deported or simply abandoned. Serbian paramilitaries, many of whom consisted of men released from prison on the condition they serve, rampaged across the countryside killing, looting, and torching homes." (Judah, 2008, p.88).

In just one week, from 31st March to 8th April, approximately 400,000 Albanians were forced to flee (Zawati, 2010). One of the worst single massacres by Serbian forces occurred on 27th April in the village of Meja, where at least 300 Albanian men (and some boys) were murdered (HRW, 2001, p.228): "[t]he massacre was apparently revenge for the KLA killing of five Serbian policemen in Meja on April 21." In 2014, the ICTY[256] (2003) convicted five Serb army and police generals for their role in the Meja massacre among other war crimes: Sreten Lukić, police colonel general; Vladimir Lazarević, army colonel general; Nebojša Pavković, army colonel general and Vlastimir Đorđević, police colonel general.

Like in Bosnia, sexual violence was undertaken during highly controlled and coordinated military operations as a way to persecute, destroy and force the expulsion of ethnic Albanians. Zawati

[255] In Prishtina, Ibrahim Rugova was under house arrest, Veton Surroi was in hiding, while Adem Demaçi was arrested twice but apparently felt free to walk in the street.
[256] See the ICTY indictment, Case no. IT-03-70: https://www.icty.org/x/cases/pavkovic/ind/en/pav-ii031002e.htm.

(2010) reveals how Albanian women, particularly young girls, were specifically targeted and sexually assaulted in a way similar to that witnessed in Bosnia just years before: often, women were raped in front of family members, relatives, and neighbours; often, they were gang-raped and killed afterwards. The evidence of hundreds of thousands of widespread reported cases demonstrates that "sexual violence was indeed systematic, that is, planned", as argued by Di Lellio and Kraja (2020, p.151). As we have extensively disclosed in the second chapter and as it is possible to notice in Figure 7, HRW (2001, p.130) concluded that rape and other forms of GBV were used by Serbian forces "as weapons of war and instruments of systematic 'ethnic cleansing'", aimed at devastating the fabric of the opponents' ethnic societies[257]. According to Hansen (2000), the allegation of the existence of mass rape and also Serbian-run rape camps in Kosovo was among the most important factors that legitimised NATO's intervention. However, no evidence of rape camps similar to the Bosnian ones has ever been found (HRW, 2000). The war and the brutalities associated with it ended on 9th June with the Kumanovo[258] Agreement, signed between the KFOR and the FRY. The following day, the UNSCR 1244[259] (1999) was adopted: Serb forces were forced to withdraw from Kosovo and be replaced by a KFOR forces[260] and a UN administration for un unlimited time (the UN Interim Administration Mission in Kosovo - UNMIK). Eventually, also with the mediation of Russia and the European Union (EU), the plan was accepted

Figure 7: Map of the reported incidents of sexual assaults in Kosovo from February to June 1999. Source: Human Rights Watch Report (2000).

[257] The Serbian nationalist campaign against the Albanians in Kosovo is well documented and discussed by Bracewell, W. (2000). "*Rape in Kosovo: Masculinity and Serbian Nationalism*". Nations and Nationalism. Vol. 6 (4): 563-90.
[258] Kumanovo is a city in North Macedonia.
[259] Again, China abstained. See the UNSCR 1244 at: http://unscr.com/en/resolutions/doc/1244.
[260] The north, in the region of Mitrovica, was controlled by 7,000 French troops; the south, in the region of Prizren, by 8,000 German troops; the west, in the region of Pec, by 6,000 Italian troops; the east, in the region of Gnjilane, by 6,000 US troops; and the central area, in the region of Pristina, by 8,000 British troops.

by Serbia. Together with four other top officials, Milošević was indicted on 24th May 1999 for war crimes and crimes against humanity committed in Kosovo[261] (ICTY, 1999). The others convicted were: Milan Milutinović[262], President of Serbia (1997-2002) and member of the Supreme Defense Council; Dragoljub Ojdanić[263], Chief of General Staff of the Yugoslav Army; Nikola Šainović[264], deputy Prime Minister of the FRY; and Vlajko Stojiljković[265], Serbian minister of internal affairs. Charges of violating the laws or customs of war, grave breaches of the Geneva Conventions in Croatia[266] and Bosnia and genocide in Bosnia[267] were added to Milošević a year and a half later:

> "From on or about 1 March 1992 until 31 December 1995, Slobodan MILOSEVIC, acting alone or in concert with other members of the joint criminal enterprise, planned, instigated, ordered, committed or otherwise aided and abetted the planning, preparation and execution of the destruction, in whole or in part, of the Bosnian Muslim and Bosnian Croat national, ethnical, racial or religious groups, as such, in territories within Bosnia and Herzegovina." (ICTY, 2001b, para.32).

In September 2000, Milošević[268] was toppled by a popular uprising, after refusing to recognize adverse election results (Jones, 2006, p.223): "[t]he successor government under Vojislav Kostunica saw surrendering Milosevic as the price of rejoining the international community." On 28th June 2001, he was arrested by Serbian authorities and extradited to the ICC in the Hague, but he died in March 2006 before a verdict was reached.

By the time the conflict had ended, thousands of ethnic Albanian and Serbian civilians were killed, and hundreds of thousands were displaced: the UNHCR (1999) reported that 848,100 Albanians fled

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[261] See the ICTY initial indictment, Case no. IT-99-37: Indictment (icty.org).
[262] Milutinović was found not guilty on all charges in 2009. See the ICTY decision on his early release: ICTY. (February 26th, 2013). "*Prosecutor v. Milan Milutinović; Nikola Šainović; Dragoljub Ojdanić; Nebojša Pavković; Vladimir Lazarević; Sreten Lukić*." Case No. IT-05-87-T. Available at: Microsoft Word - vol3.doc (haguejusticeportal.net).
[263] Ojdanić was sentenced to 15 years in prison. In 2013, he was granted early release and has since lived in Serbia. See the ICTY decision on his early release: ICTY. (August 29th, 2013). "*Prosecutor v. Dragoljub Ojdanić*." Case No. IT-05-87-ES.1. Available at: Public Redacted Version of the 10 July 2013 Decision of the President on early release of Dragoljub Ojdanic (icty.org).
[264] The ICTY sentenced Šainović to 22 years in prison. In 2015, he was granted early release after serving two-thirds of his sentence. See the ICTY decision on his early release: ICTY. (January 23rd, 2014). "*Prosecutor v. Nikola Šainović; Nebojša Pavković; Vladimir Lazarević; Sreten Lukić*." Case No. IT-05-87-A. Available at: Sainovic et al. Appeal Judgement (icty.org).
[265] On 11th April 2002, the day the "*Law on Cooperation with the Hague Tribunal*" was passed, Stojiljković shot himself on the steps of the House of the National Assembly of Serbia in Belgrade.
[266] See the ICTY indictment for the crimes committed in Croatia: ICTY. (September 27th, 2001). "*The Prosecutor of the Tribunal against Slobodan Milošević*." Case No. IT-01-xxx. Available at: ind_cro010927.pdf (icty.org).
[267] See the ICTY indictment for the crimes committed in Bosnia, Case No. IT-01-51-I: ICTY: Milosevic "Bosnia and Herzegovina" - Initial Indictment (icty.org).
[268] See: Cohen, L. (2001). "*Serpent in the Bosom: The Rise and Fall of Slobodan Milošević*." Boulder, Colo.: Westview Press.

Kosovo[269], while, according to the 1999 U.S. Department of State Report (1999), the death toll is estimated to be 11.000 (most of them Albanians). Their corpses were discovered in Kosovo and Serbia in 529 different mass graves. Within the three weeks following the peace agreement, the UNHCR (1999, p.7) had expressed that "[d]espite appeals by NATO and UNHCR to be patient, refugees begin to flood back into Kosovo, and in one of the fastest refugee returns in history 600,000 return to the shattered province". Conversely, some 200,000 Serbs and Roma[270] headed the other way to Serbia and Montenegro in yet another exodus of Serbian refugees in addition to that caused by Operation Storm in 1995 (Jones, 2006; Judah, 2008; Mann, 2005). Indeed, the territories of Krajina and Kosovo have experienced the most serious ethnic and cultural cleansing in the post-1945 Europe and are now among the most homogenous regions in Europe. Neither the international community nor Milošević and Karadžić were able to stop the exodus. Ther (2014, p.227) accuses the West of its incapacity to prevent the forced expulsion of the remaining Serbian population in Kosovo in 1999 or during the anti-Serb pogroms in 2004: "[t]he case of Kosovo shows that military intervention—in this case by NATO—can help stop ethnic cleansing but still fail to rebuild a multiethnic society." Since the end of the war, many non-Albanians have been subjected to terror, murder and robberies on a daily basis. Indeed, as it is emphasised by Judah (2008, p.98):

> "Many left because they were frightened, many because they did not want to live in an Albanian-dominated territory, and many because they were simply intimidated out of their flats, in Pristina and elsewhere, by Albanians who wanted them. Especially at the beginning, murders were common, but these declined to virtually none by 2007, in part because Serbs and Albanians had more or less physically separated and because Albanians understood that violence risked putting their national cause in jeopardy."

Nowadays, most Serbs are found within enclaves in northern Kosovo or in other areas surrounded by international troops. With regard to the ethnic composition in numbers (see Figure 8), according to the Kosovo Agency of Statistics (n.d.), in the last census in which Albanians participated (in 1981), the total population of the province was 1.58 million (77.4% Albanians and 14.9% Serbs and Montenegrins); while in the 2011 census it is estimated that the total population is 1.73 million (91% Albanians, 3.4% Serbs, and 5.6% made up of other communities, including Bosniak, Turkish, Roma, Ashkali, Egyptian, Gorani, Croat and Montenegrin communities). A vague resemblance to the Bosnian city of Mostar is the city of Mitrovica: here, the Serbian and Albanian populations have

[269] Of these, some 444,600 to Albania, 244,500 to Macedonia, 69,000 to Montenegro, and 91,057 were airlifted from Macedonia to 29 countries as part of the Humanitarian Evacuation Program (because of political pressures on the Macedonian government).

[270] Many Roma fled or were ethnically cleansed because the Albanians believed them to be Serbian collaborators.

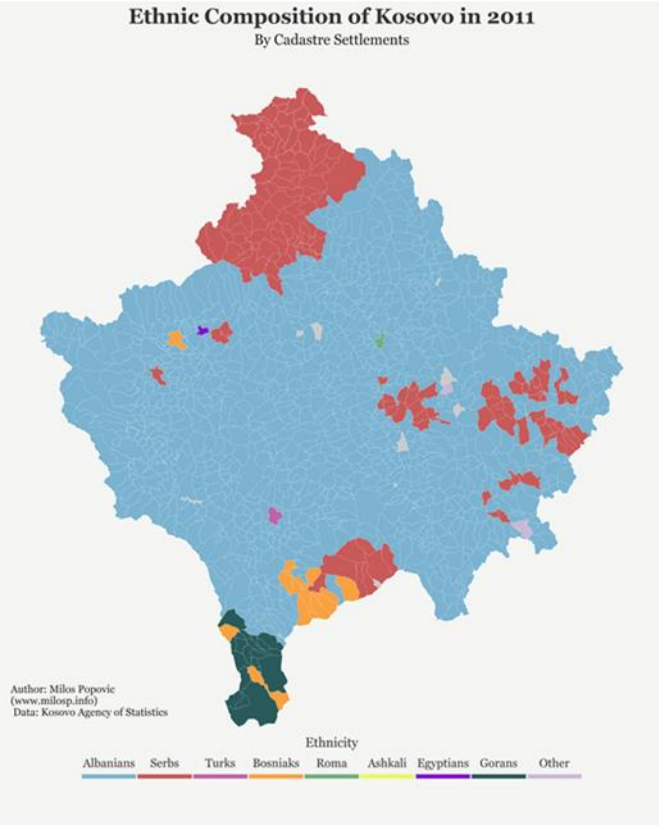

Figure 8: Map of the ethnic composition of Kosovo in 2011. Source: Kosovo Agency of Statistics, in Milos Popovic (2020).

always lived side by side but, as the war ended, Serbs "occupied" the northern part of the River Ibar that divides the city, while Albanians the southern shore[271]. De facto, the part of Kosovo located north of Mitrovica and the River Ibar remain under Serbia. Whatever precarious stability has been reached in Bosnia, the same was not matched in Kosovo because it remained, de jure, under Serbian sovereignty and, de facto, under international control. UNMIK's aim was to prolong the questions about Kosovo's final status for as long as possible, at least until Kosovo would reach certain standards concerning the rule of law, the respect of minority rights, freedom of movement, economic and property rights, dialogue and cooperation with Belgrade (Judah, 2008). Correspondingly, UNMIK fulfilled its mandate of helping to create Kosovo's institutions, to trainee the Kosovo Police Service (KPS), to oversee the establishment of a government (Judah, 2008). Simply put by Judah (2008, p.95), it gave Kosovo's people "the means to live as much of an ordinary life as possible." Gradually, it ceded power to local institutions and established the seeds for a democratic transition. However, many issues were left aside such as the lacerating economic conditions[272], the unwillingness to prosecute wartime criminals[273] and the subsequent absorption of several thousand KLA fighters into the so-called Kosovo Protection Corps (KPC)[274].

The event that "shattered the illusion of a stable and multi-ethnic Kosovo" (HRW, 2004, p.9) occurred in March 2004, in Mitrovica. On 17th March, violent rioting by pro-KLA nationalist Albanian crowds broke out in Kosovo, a day after ethnic Albanian media reported sensational, and

[271] On one side of the bridge everyone speaks Albanian, use euros, KS plates, and Kosovo cell phones, and looked to their leaders in Pristina. On the other, people speak Serbian, use dinars (as well as euros), Serbian number plates, Serbian phone networks, and Serbian documents.
[272] In spite of the immediate little economic boom "*thanks to reconstruction and the influx of tens of thousands of soldiers, UN staff, and other foreigners*" (Judah, 2008, p.105).
[273] Yet, tensions grew between exponents of the KLA and of the LDK, many of the latter in fact have been assassinated (Judah, 2008).
[274] The KPC was supposed to be a civil defence force, helping out in case of emergencies, such as forest fires and people being cut off by snow. However, it was widely understood to be a Kosovo army in waiting.

eventually, inaccurate reports that three young children had drowned after being chased into the River Ibar by Serbs. With lighting speed, violence spread all over Kosovo, causing international outrage. HRW[275] (2004) considered the event as the worst crisis since the end of the conflict: Albanians killed several Serbian people (as well as Albanians), destroyed hundreds of homes and dozens of Orthodox churches (along with UNMIK cars and buildings), and left more than 4.000 Serbs, Roma, Ashkali, and other non-Albanian minorities displaced. It followed a period of international negotiations to determine the final status of Kosovo, as envisaged under the UNSCR 1244, that is whether it should be independent or not. In the end, after 14 months of talks, the UN-appointed special envoy Martti Ahtisaari[276] (UNSC, 2007) drew up a plan[277]: those Serbian enclaves and those areas around Orthodox churches and monasteries had to gain special status within Kosovo, given their special cultural, economic and political links with Serbia. In addition, a transition period of 120 days was requested to ensure the continuity of UNMIK's mandate. The Ahtisaari plan was presented to the UNSC on 26th March 2007, but Russia[278] successfully blocked it. This is due to the fact that the former Soviet Union inherited five places, or "frozen conflicts"[279], which are similar with respect to Kosovo (Judah, 2008). If Kosovo is allowed to pass from being an integral part of sovereign country to a territory administered by the UN, to a full independent state, then the right to self-determination will supersede the right to state sovereignty and territorial integrity. Therefore, any potentially secessionist region in the world - from Tibet to Western Sahara, from Palestine to the Basque country, from Quebec to Northern Cyprus - might ask the UN to intervene and recognise its independence.

In short, the plan was not favourable for Serbia since Kosovo would have become a sort of EU/NATO protectorate. Two new organizations were also envisaged to exercise a sort of "outsider"

[275] The March violence left nineteen persons dead (eight Kosovo Serbs and eleven Kosovo Albanians), 954 wounded, 4,100 persons displaced, 550 homes destroyed, and twenty-seven Orthodox churches and monasteries burned. See the full HRW report at: Failure to Protect: Anti-Minority Violence in Kosovo, March 2004 (hrw.org).

[276] Ahtisaari is a Finnish politician, the tenth President of Finland (1994–2000), and a UN diplomat and mediator noted for his international peace work particularly during the Kosovo War and in its aftermath. Indeed, in October 2008, he was awarded the Nobel Peace Prize "*for his important efforts, on several continents and over more than three decades, to resolve international conflicts*". The Nobel statement said that Ahtisaari had played a prominent role in resolving serious and long-lasting conflicts, including ones in Namibia, Aceh (Indonesia), Kosovo (Serbia) and Iraq.

[277] Ahtisaari (UNSC, 2007, p.2) summarises the conflictual situation as following: "*The time has come to resolve Kosovo's status. Upon careful consideration of Kosovo's recent history, the realities of Kosovo today and taking into account the negotiations with the parties, I have come to the conclusion that the only viable option for Kosovo is independence, to be supervised for an initial period by the international community. My Comprehensive Proposal for the Kosovo Status Settlement, which sets forth these international supervisory structures, provides the foundations for a future independent Kosovo that is viable, sustainable and stable, and in which all communities and their members can live a peaceful and dignified existence.*"

[278] In effect, Russia had its own reasons not to set a precedent for separatist units inside its territory such as Chechnya.

[279] Transnistria, which has broken away from Moldova; the Armenian populated region of Nagorno-Karabakh, which has broken away from Azerbaijan; and Abkhazia and South Ossetia, which have both declared independence from Georgia. Donetsk and Luhansk, which are currently seeking independence from Ukraine; and Crimea, which has been annexed by Russia.

power (UNSC, 2007): an EU mission known as EULEX[280] (European Union Rule of Law Mission in Kosovo); and the International Civilian Representative[281] (ICR), modelled on the post of the OHR in Bosnia. A diplomatic "troika" - consisted of one ambassador from the USA, Russia, and the EU - was set up to see if there was any possibility at all to reach a status outcome acceptable to both Belgrade and Pristina. Albanians were suggested to postpone a declaration of independence until the end of the Serbian presidential elections[282] (on 4th February 2008), since both the EU and the USA had feared that a premature declaration could boost support in Serbia for the nationalist candidate, Tomislav Nikolić, who was "the leader of the hard-line nationalist Serbian Radical Party, whose founder, Vojislav Šešelj, was on trial at the UN's war crimes tribunal in The Hague" (Judah, 2008, p.142). On 17th February 2008, after a period of uncertainty and mounting tension, Kosovo unilaterally declared its independence from Serbia. Significantly, the first point of the declaration states that it:

> "[…] reflects the will of our people and it is in full accordance with the recommendations of UN Special Envoy Martti Ahtisaari and his Comprehensive Proposal for the Kosovo Status Settlement." (The Prime Minister Office, 2008, para.1).

Judah (2008, p.144) points out that it was unanimously approved by 109 members of the elected parliament, even though almost all Serbs boycotted the ballot, and he describes the general situation in the capital Pristina upon hearing the news of the long-awaited independence:

> "Despite the bitter cold, thousands celebrated in the center of Pristina. Free beer and water were distributed, and a massive cake was quickly gobbled up by anyone who could get near it. Groups danced in the street and paraded with Albanian flags, which were everywhere. Some had managed to get hold of Kosovo's new flag […]. Lots of American flags were waved, and many European ones, too. There were no untoward incidents. That night, Pristina was treated to a fi reworks display the likes of which had never been seen before."

[280] According to point 12 of the Ahtisaari plan (UNSC, 2007, p.8): "*The European Security and Defence Policy Mission shall monitor, mentor and advise on all areas related to the rule of law in Kosovo. It shall have the right to investigate and prosecute independently sensitive crimes, such as organized crime, inter-ethnic crime, financial crime, and war crimes. In addition, it shall have limited executive authority to ensure Kosovo's rule of law institutions are effective and functional, such as in the areas of border control and crowd and riot control.*"

[281] According to point 1 of the Ahtisaari plan (UNSC, 2007, p.8), the ICR: "*shall have no direct role in the administration of Kosovo, but shall have strong corrective powers to ensure successful implementation of the Settlement. Among his/her powers is the ability to annul decisions or laws adopted by Kosovo authorities and sanction and remove public officials whose actions he/she determines to be inconsistent with the Settlement. The mandate of the International Civilian Representative shall continue until the International Steering Group determines that Kosovo has implemented the terms of the Settlement*."

[282] The elections were won with 51% against 49% of the vote by the pro-European President Boris Tadić.

The declaration of independence was soon followed by the approval of the Constitution[283] (Republic of Kosovo, 2015a) that strongly asserts the principles of democracy, secularism and ethnic pluralism. The institutional structure of the Republic provides for the figure of a President[284] (Articles 83-91) and an Assembly (Articles 64) composed of 120 directly-elected members, 20 of which are reserved for national minorities (10 seats for the representatives of the Serbs, and 10 for the other communities[285]). Obućina (2011, p.32) praises the Constitution stating that, unlike that of surrounding countries, it "does not recognize one particular ethnic group as a domicile nation". The official languages are Albanian and Serbian, but Turkish, Bosnian and Roma ones have the status of official languages at the municipal level (Article 5). The forms "people" and "communities" have been preferred with regard to the outdated, misleading Yugoslav concepts of "*narod*" and "*narodnost*". In addition, the decision to choose as the national flag a blue background with six white stars in an arc above a golden map of Kosovo reflects the multi-ethnic character of the country as the stars represent the six main ethnic communities living in Kosovo[286]. However, Obućina (2011) observes that an overwhelming number of flags on tops of houses and public buildings are Albanians or somehow represent the double-headed black eagle. Notwithstanding the national rebirth of the Albanian identity, Kosovo Albanians have developed a new "Kosovar" identity. Therefore, the majority of them has no intention "to submerge their new state and their power into that of another [Albania proper]" (Judah, 2008, p.120). After decades of struggles, they want to "enjoy their independence" (Judah, 2008, p.120). At the same time, Albania does not want to risk regional instability and continues just to support Albanian minorities in neighbouring countries.

Internationally, as of today, 117 UN member states[287] formally recognise Kosovo[288] (the last one being Israel in 2020). This came in the wake of the ICJ's[289] (2010) opinion that declared Kosovo's unilateral declaration to be in accordance with international law. Among the EU countries, only Greece, Cyprus, Romania, Slovakia, and Spain have not yet recognised it for historical "friendship"

[283] See the Kosovo Constitution: Microsoft Word - Constitution.of.the.Republic.of.Kosovo.doc (gjk-ks.org).
[284] The President serves as the head of state and represents the unity of the people, elected every five years, indirectly by the Parliament through a secret ballot by a two-thirds majority of all deputies. The head of state invested primarily with representative responsibilities and powers.
[285] 4 seats for the representatives of the Romani, Ashkali and Egyptians; 3 seats for the Bosnjaks; 2 seats for the Turks; 1 seat for the Gorans.
[286] Some people believe that, in reality, the stars represent the six regions of Albanian settlement in the Balkans, namely, Kosovo, Albania, Macedonia, Montenegro, Çamëria, and Preševo. The colours white, blue, and yellow were chosen because they are often associated with neutrality and peace, and are reminiscent of the Bosnia flag which features a blue background divided by a large yellow triangle (which depicts the shape of the territory of Bosnia) and a diagonal line of nine white stars. Like the stars of the Kosovo flag, the triangle stands for the three main Bosnian ethnic groups.
[287] See the map of the countries at: Kosovo Thanks You – Thank you from the Kosovar people!.
[288] The new self-declared state was soon recognised by Costa Rica, the USA, France, Afghanistan, Albania, Turkey, the United Kingdom; followed by 50 other countries after one year from the independence.
[289] See the ICJ's opinion: 141-20100722-ADV-01-00-EN.pdf (icj-cij.org).

motives or for real separatist problems in their own countries. Similarly, as expected, Bosnia too. On the other side, the Serbian government considered the declaration as null and void, while the Kosovo Serbs declared that they would not take orders from a "fake" state. In the years to come, direct talks between Serbia and Kosovo to resolve technical issues and normalise political, economic and social relations ended with a fairly promising breakthrough, also thanks to EU mediation[290]. The dialogue begun in 2011 and resulted in a variety of agreements (the most important one being the 2013 "The First Agreement of Principles governing Normalization of Relations", commonly known as the "Brussels Agreement"[291]) on several issues: freedom of movement across borders, mutual recognition of diplomas, customs stamps, regional representation of Kosovo, telecommunications, and integrated boundary line management (Armakolas, I., et al., 2017). It was also established to integrate the four Serb majority municipalities of northern Kosovo (North Mitrovica, Zubin Potok, Leposavić, Zvečan) into the constitutional and legal system of Kosovo through the establishment of a system of semi-governed local government: the Community/Association of Serbian Municipalities[292] (CSM). However, no steps have yet been taken towards its full establishment[293], but the road to a peaceful reconciliation between the historical rivals seems less uphill.

In the Western Balkans, the biggest problem posed by Kosovo's independence could mean further destabilisation of the region as it would inspire Albanian separatist sentiments in North Macedonia[294], Montenegro and Serbia. In the latter country, ethnic Albanians are the majority in some districts in the Preševo Valley[295] and, as early as 2001, the population (some also linked to the KLA) clashed with Serbian security forces. The new leadership in Belgrade seems to have learnt from the

[290] In accordance with the UNGA Resolution A/RES/64/298 (2010). See the UNGA Resolution: ~wtf01F63FFC.doc (securitycouncilreport.org).
[291] See the Brussels Agreements: https://www.srbija.gov.rs/specijal/en/120394. Point 4 of the Agreements states: "*The Association/Community will have full overview of the areas of economic development, education, health, urban and rural planning*."
[292] Today, the CSM include also the municipalities of Štrpce, Klokot, Gračanica, Novo Brdo, Ranilug and Parteš, in Southern and Eastern Kosovo.
[293] In December 2015, the Constitutional Court of Kosovo proclaimed parts of 2013 Agreement unconstitutional.
[294] Since the crumble of the Yugoslav regime, many Albanians in Macedonia felt like second class citizens despite they represented almost 25% of the total population (according to the 2002 Census), concentrated mostly in the western, north-western and partially middle area of the country with small communities located in the south-west. See the demographic statistics: 03-Naselenie-Population.pdf (stat.gov.mk). Therefore, Albanians asked for more access to jobs, education, and government institutions, as well as the use of Albanian symbols and the Albanian language. Ethnic tensions resulted in an armed conflict in 2001, where the ethnic Albanian National Liberation Army attacked the security forces of Macedonia with the goal of securing greater rights and autonomy for the ethnic Albanian minority. The conflict ended with the intervention of a NATO ceasefire monitoring force, which resulted in the Ohrid Agreement that established basic principles of the state such as cessation of hostilities, voluntary disarmament of ethnic Albanian armed groups, political power devolution, and the reform of minority political and cultural rights. For a discussion of the broader issue of Macedonian Albanians, see Nadège Ragaru (January, 2008). "*The Former Yugoslav Republic of Macedonia: Between Ohrid and Brussels*," in Judy Batt, ed., "*Is There an Albanian Question*?". European Union, Institute for Security Studies, Chaillot Paper 107.
[295] The valley geographically includes municipalities of Bujanovac and Preševo, and politically also Medveđa.

mistakes made by Milošević by peacefully resolving the conflictual situation. However, in 2021, the Helsinki Committee for Human Rights in Serbia (2021, p.6) released a report indicating that the Serbian administration is conducting the process of "Passivation of residence of Albanians", with the result that Albanians living in southern Serbia may lose their right to vote, their property, health insurance, pensions and jobs. According to the Committee (2021, p.6), "[t]his measure is, in essence, a form of ethnic cleansing through administrative means." Another problem concerns the possibility of redrawing borders, an idea that could easily lead to armed conflict. In 2018, the Kosovar and Serbian Presidents - Hashim Thaçi and Aleksandar Vučić, respectively - floated the idea of a "border correction", involving the exchange of the CSM for Albanian districts in Serbia (Russell, 2019). "I think they are both very much motivated by personal, political survival and power", declared Bieber of the two leaders (Beswick, 2018). The proposal has been criticised both domestically, by Kosovo and Serbia, and internationally, especially among EU countries. To the surprise of many, the USA administration showed support for the proposal, but this would mirror the failure of decades of diplomatic efforts designed to secure stability and peace (Santora, 2018). Nonetheless, on 4th September 2020, the USA contributed to the normalisation of economic agreements between Kosovo and Serbia with the informally known "Washington Agreement"[296] (Salama, 2020). But the one element that has attracted the attention of experts, which reflects American interests and willingness to increase its influence over the region, is the fact that the agreement was coupled with a second agreement concerning diplomatic ties with Israel[297].

3.4 Cross-National Comparison

"This nation forgets everything. They forget about us victims. But I will never forget about what happened to me."

- *Sabiha*, interviewed by Amnesty International in Bosnia (2009, p.39).

Each national group has blood on its hands, has suffered and committed brutal war crimes, crimes against humanity and against the dignity of women. At the outbreak of the post-Yugoslav wars, sexual violence as a weapon of warfare was unthinkable. By the time of the Kosovo War, the fear of sexual assaults became the essence of terror. However, the mindset of mutual hatred and

[296] It was signed at the White House in the presence of President Donald Trump. See the Agreement: Washington-Agreement-Kosova-Serbia.pdf (new-perspektiva.com).

[297] Serbia would move its embassy in Israel to Jerusalem, and Kosovo and Israel would normalize ties and establish diplomatic relations. This move also entails the recognition of Hezbollah as a terrorist organisation, the diversification of energy supplies (less reliance on Russia) and the prohibition of 5G technologies supplied by untrusted vendors (China), but also the decriminalisation of homosexuality.

disruption that led individuals and armed groups to commit extreme violence did not appear out of nowhere. The cases of CRSV in Bosnia and Kosovo reveal strikingly similarities and through this chapter, based on the historical examination of the main events and factors that drove the Western Balkans region into a hellish abyss of death and destruction in the 1990s[298], it can be summarised that the common ground for both cases is represented by macro cultural-political ambitions whose aim was to "ethnically cleanse" a specific ethnic or religious group from determined territories. In addition, with the advent of the fratricidal wars that created a highly critical and hazardous context, vulnerable women and young girls became one of the first targets of men's unprecedented violence. Bieber (2020, p.117) explains how the combination between nationalism and deep-seated ethnic hatred "reinforces patriarchal structures and traditional gender roles" by spreading the perception that women are the "key in preserving the nation", and, therefore, an attack against "women is intended as a direct attack against the enemy". In addition, Mann (2005) notes how the conservative nature of the army led to the hyper-masculinisation of men, who obviously developed a cult of machismo, virility, violence, and superiority towards the female gender.

The speed, scale and totality of GBV allegations confirm and support the "strategic rape theory", according to which GBV has been deliberately carried out with increasing efficiency as a way to ethnically cleanse territories. Considering these two specific cases, it is the most convincing theory among those analysed (feminist, bio-social, cultural pathology) because, albeit in different forms and circumstances, there is evidence that sexual violence was strategically and deliberately employed in both Bosnia and Kosovo as an instrument to inflict psychological and social pain on women, terrorise entire peoples and families, and, consequently, drive them out their birthplaces. Even in the case GBV was not specifically ordered, it was seldom prevented, investigated, prosecuted, or condemned by military and political leaders.

Sexual violence is a cruel crime that directly attacks the sexuality and dignity of the victims, going so far as to undermine the entire ethnic, national, religious community. And it is precisely the degree of efficiency that had prompted the Serbs to use such methods in Bosnia and to repeat them in Kosovo: in the latter case, Serbian authorities even called into question special security forces and paramilitary groups, including some that already "worked" in Bosnia[299]. The OSCE report (1999,

[298] Some of the most influencing factors are: the fragmentation of the political and institutional system along national and religious lines, the tragic economic decline, the systematic state repression, the loss of Yugoslavia's supranational identity, the destructive role played by growing ethno-nationalism, the strategic propaganda aimed at demonising the other group, the evocation and manipulation of ancient mythologies, the definition of the female national identity incited and hijacked by radical political and religious leaders and centred on ethnic and masculine pride.

[299] "Frenki" Simatovic's group; Raznjatovic's ("Arkan") Tigers; Šešelj's "White Eagles"; "Grey Wolves"; "Skorpions"; RS's "Delta Force".

p.54) clearly depicts the usefulness of recalling certain ultranationalist groups, given that merely "the rumour that "Arkan's Tigers" were about to enter a village was often sufficient to encourage the inhabitants to leave." As the armed conflict between the KLA and the Serbian police escalated intensively, the fear of rape among civilians grew drastically. "The fact of rape in Bosnia had already established the credibility of the threat", HRW confirmed in its report (2000), adding that, for women, the fear was so palpable that "[o]lder women often dressed their daughters in loose clothing and headscarves in an attempt to disguise young girls as grandmothers. Other mothers smeared dirt and mud on their daughters' faces to render them unattractive." Moreover, Skjelsbaek (2010, p.20) underlines that by the time of the Kosovo War "international organizations and NGOs were prepared to help and address issues of sexual violence. Some experts in this field who had learned from the Bosnia conflict were sent anew to the Balkans to build up centres providing rape victims with medical and psychosocial help." As acknowledged by OSCE (1999, p.106):

> "[…] it is clear that sexual violence was used as an instrument of "ethnic cleansing" following patterns similar to those seen in Bosnia-Herzegovina. Comments by Serb rapists as reported from Kosovo, such as "you are no longer Albanians because you will carry Serb children", are very similar to those reported as having been made by similar perpetrators in Bosnia-Herzegovina, in a way that indicates that rape was being used as a weapon to nullify the ethnicity of the women."

Indeed, victims of CRSV became "evidence of the enemy's bestiality. Symbol of the nation's defeat. A pariah. Damaged property" (Brownmiller, 1996, p.181). For men, the fact of being unable to protect their wives, daughters, sisters, and mothers would have meant a humiliation, a direct attack to the family and the community. Accordingly, "Albanian [and Bosnjak] women were targeted by state armed forces for who they were, not for what they did or may have done as participants in the insurgency", deduce Di Lellio and Kraja (2020, p.157). Massive SGBV occurred in both rural and urban areas, in homes, in refugee camps, during the displacement of civilians and in many different circumstances of the Serbian military operations, "irrespective of whether KLA were active in the area or nearby" (Di Lellio, Kraja, 2020, p.157). The majority of civilians who suffered the worst atrocities were in fact of Muslim faith[300], and the majority of criminals and aggressors were "Yugoslavs"[301]. However, the Yugoslav regime did not aim to eliminate the Bosnjaks and Albanians per se, but to drive them out to Serbian-claimed territories. It is enough to recall that culturally and

[300] The religious aspect should not be underestimated. In fact, the comparison between Bosnia and Kosovo may be particularly apt because, in both contexts, religion has provided the greatest determining characteristic in the differentiation between "national groups".
[301] Members of the FRY's security and armed forces, paramilitary groups, local inhabitants.

ethnically diverse regions such as Montenegro, Sandžak, Vojvodina, Preševo Valley, have not seen any bloodshed or cases of ethnically-driven GBV.

All things considered, the strategic rape theory is not the only possible and necessary explanation, and that is why the other approaches must be carefully considered when analysing a specific case of CRSV. If, for example, one were to set aside the cultural, pathological, social, and historical aspects of forty years of Yugoslav regime, one would end up belittling and misunderstanding the already complex phenomenon[302]. For instance, the nature of men is the same across cultures and ethnicities: this is demonstrated by the number of people (Serbian, Montenegrin, Croatian, Bosnjak, Kosovo Albanian) charged with sexually abusing women and, in general, with war crimes and crimes against humanity by local courts, the ICTY and the KSC-SPC. Moreover, shockingly enough, it has been proved that a number of UN and NATO troops were involved in various serious crimes, including killing and rape, something that goes far beyond peacekeeping missions. In this regard, soon after the end of the conflicts, the presence of international military, diplomatic and civilian personnel was followed by the exponential growth in the "demand" for trafficked women to be exploited for sexual purposes[303]. In post-war Bosnia, local women's organisations had estimated that around 50% of sex buyers at brothels were foreign citizens (Bastick, Grimm and Kunz, 2007). Instead, in Kosovo, the New York Times (2000) reported that an American soldier serving with the international peacekeeping force was charged with sexually assaulting and killing an 11-year-old Kosovo Albanian girl. Given the culture of impunity among international troops, it is highly probable that many other cases of sexual violence and killing against innocent women and civilians have been committed, not only in the former Yugoslavia but all over the world.

One of the most compelling similarities between the two cases is the failure of the international community to protect civilians and to meet expectations in establishing accountability and responsibility for the brutalities. Di Lellio and Kraja (2020, p.150) argue that "sexual violence could have been perhaps prevented, or more effectively opposed at the first signs of its deployment". Likewise, Zawati (2010, p.212) believes that "even after the eruption of violence, it would have been possible to reduce the number of casualties and mitigate the crisis were there sufficient political will to do so." Thus, it is crucial to be aware of the international community's intervention, its role in

[302] Until the beginning of the conflict, Yugoslavia seemed a territory far removed from the globalised circles of the Western world. A country whose history and people were largely unknown.

[303] There is mounting evidence that the UN has carried out a cover-up of the role played by its personnel in human trafficking and prostitution in Bosnia. In 2001, Kathryn Bolkovac, an American woman who served with the International Police Task Force (IPTF) in Bosnia, filed a lawsuit against DynCorp reporting that fellow officers were paying for prostitutes, raping underage girls and participating in sex trafficking. Her story is shown in the film "*The Whistleblower*".

halting the conflicts and the post-war "imposed" solutions, but as the price of inaction is incalculable, this line of criticism appears to be of little value for the purpose of this thesis. Instead, it is enough to say that while in Bosnia international intervention was procrastinated until it infamously failed (given the Srebrenica genocide), in Kosovo the NATO bombing did ultimately pressure the FRY to interrupt military action in its autonomous region. Had the great powers behaved differently and intervened promptly; had they known and understood in detail the "specific space where history, gender, and political hierarchies are defined and transformed" (Di Lellio, 2016, p.638); had moderate political and military leadership worked together to allow a peaceful transition from decades of authoritarian regime, we could be telling a different story now. The catastrophe could have been "averted" (Mann, 2005, p.380) or even "halted" (Zawati, 2010, p.212).

Indeed, for both cases, the straw that broke the camel's back and that somewhat triggered the escalation of violence against women began precisely after two historical moments: Bosnia's declaration of independence recognised by the EC and the USA in April 1992, and the beginning of NATO bombing in Kosovo and in the FRY in March 1999. Although violence, and in particular sexual violence, characterized much of the fighting throughout all regions and ethnic warring groups of Yugoslavia, the use of SGBV as a weapon of ethnic cleansing in the war in Bosnia was particularly widespread and more rampant. Rape camps and forced impregnation were typical of the Bosnian War but absent from Kosovo's records of CRSV cases. As asserted by Hayden (1996b, p.742), the prolongation of the conflict for four years "ensured that casualties would be higher than they would have been had partition been legitimated immediately". On the contrary, Kosovo suffered a shorter and less bloody conflict. But, unlike in Bosnia, the enormous turmoil created by the conflict - intertwined with the arrival of "foreign" armed forces and paramilitary groups in the region and the strong social stigma attached to Kosovo Albanians - has made the identification of war criminals and the collection of verified CRSV records rather arduous. As set forth by Skjelsbaek (2010, p.21), "[t]he Albanian population in Kosovo is seen as more traditional than in the other post-Yugoslav republics, and this affected women's possibilities, and perhaps also the courage, to come forward and talk about the ordeals they had been through."

The direct suffering of the victims is what needs urgent action and policy to focus on since, from their point of view, whether or not the crime is part of a military operation may not make much difference. As reported by Amnesty International, (2012, p.3) "[o]ne of the least visible, but most keenly felt, injustices is the ongoing failure to provide survivors of wartime rape and other forms of sexual violence with the reparation they desperately need - and are entitled to under international

law"[304]. In this respect, the Bosnian and Kosovo governments have put in place special provisional measures to support victims of CRSV socially, legally, psychologically, medically and economically; to fight GBV in the society and in the family; and to achieve gender equality. However, in both settings, the burden of service delivery is borne primarily by local NGOs and international organizations which settled and operated to maintain a peaceful environment, implement the agreements and monitor their development, reconstruct the countries, help healing those scars that more than others have caused the greatest suffering, outrage and disgust (i.e., sexual abuse):

- In Bosnia, the CEDAW concluded that investigations into CRSV "had been ineffective and slow and that compensation and support for the victims were inadequate" (UNSC, 2021a, p.36). There is no central governing body responsible for the social welfare system because it is organized at the entity level. In the FBiH, women's rights have been significantly secured through the adoption of the 2018-2022 Gender Action Plan[305], the 2018-2022 Action Plan for the Implementation of UNSCR 1325 "Women, Peace and Security"[306], and in particular with the amendments and supplements to the "*Law on Principles of Social Protection, Protection of All Civilian Victims of War and Protection of Families with Children*"[307] (ICMP, 2007, p.5) which states that "persons who have suffered sexual assault and rape are defined as a special category of civilian victims of war." This status entails the right to a monthly income[308], special schooling programmes and trainings, health, social, housing, and employment support. "This is unique in the whole world and was lobbied for by many NGOs in Bosnia and Herzegovina, […], along with a number of female parliamentarians and politicians", remarks Medica Zenica (2014, p.40)[309]. Disappointingly, however, it must be acknowledged that this small but significant success is dimmed and belied by the legislation in RS, which does not

[304] Under international law, the state is responsible for guaranteeing rights to justice, truth and reparation. In practice, local authorities have an obligation to deliver many of the services needed to ensure enjoyment of those rights, including healthcare services and access to the criminal justice system.
[305] It contains measures that will be implemented in order to achieve three objectives aimed at developing, implementing and monitoring a program of measures for gender mainstreaming in government institutions by priority areas; building and strengthening of the system, mechanisms and instruments for achieving gender equality; as well as establishing and strengthening cooperation and partnerships. See the official document: GAP-BIH-2018-2022_ENG.pdf (arsbih.gov.ba).
[306] It contains three objectives related to: increased participation of women in the army, police and peacekeeping missions, including participation in decision-making positions; increased degree of human security through gender equality; as well as improving the conditions and approach to the implementation of the UNSCR 1325 Action Plan. See the document: Akcioni-plan-ENG-KB-14.01..pdf (arsbih.gov.ba).
[307] Published in the Official Gazette of the FBiH, no. 36/99 of 6th September 1999, with amendments published in the Official Gazette of the FBiH, no. 54/04 and 39/06.
[308] The monthly income is of 70% of the base amount established by the Federal regulations of rights of war veterans and their families, which is 586.15 BAM (€300).
[309] One of the most important NGOs is the Association of Women War Victims (Udruženja žena žrtve rata, ŽŽR).

recognize a special status for women who survived CRSV[310]. The RS's "*Law on the protection of Civilian Victims of War*" only gives the right to this status to those who have 60% invalidity caused by abuse, rape, and other crimes, and only if the survivor filed the application before 2007 (Medica Zenica, 2014)[311]. Up until 2017, slightly over 800 victims of CRSV have been granted this status throughout Bosnia, most of them in the FBiH, while in the RS only 86 people had applied for the status (Amnesty International, 2017a). Moreover, unlike in the FBiH, there are no NGOs that work specifically with women victims of CRSV. Overall, there are numerous obstacles in the whole country such as lack of resources, lack of information, lack of appropriately qualified doctors, collection of data, unclear procedures and arbitrary refusals (Amnesty International, 2012). According to Amnesty International (2012, p.6), it is essential to engage in constructive discussions at the federal level in order to adopt common measures, but "[d]ue to the fragile political situation in the country, as well as its complex structure and fragmented institutional and legal framework, it is unclear when or whether these initiatives will be finalized and adopted."

- In Kosovo, "[p]rior to the government allocating personal pensions, the victims of sexual violence had no support from any institution except through local non-governmental organizations"[312] (Halili and Xhemajli, 2020, p.518). Di Lellio (2016, p.623) highlights the silence that has enveloped post-conflict Kosovo society on the issue of GBV, "whether because this specific crime revived memories of national victimization, or pointed to stains on the honor of whole families." Only recently, women have been granted the proper health and financial assistance, employment and vocational training, better access to justice and psycho-social rehabilitation. In March 2014, the President of Kosovo Atifete Jahjaga (first female President) established the "National Council on the Survivors of Sexual Violence During the War in Kosovo" whose work focused on four areas regarding: legal recognition and access to justice; economic support and empowerment; health care; and awareness raising to address stigma and discrimination (Halili and Xhemajli, 2020). The 2015 "*Law on Gender Equality*" acknowledges gender equality as a fundamental value for the democratic development of the society (Republic of Kosovo, 2015b). More precisely, the 2014

[310] In 2012, "*the Brčko District passed regulations that recognise the status of civilian victim of war for individuals who suffered permanent psychological damage as a consequence of sexual violence and rape. The law recognises them as individuals with a special status whose damage cannot be specified in percentage terms*" (Medica Zenica, 2014, p.41). However, the information about the exact number of individuals who have the status of civilian victim of war is unknown.
[311] This law has excluded a great many survivors of sexual violence from the benefits it offers. Recognised civilian victims of war in the RS are eligible for monthly benefits ranging between 100 (€51) and 350 BAM (€179.50), depending on their bodily damage.
[312] Such as the Kosova Rehabilitation Centre for Torture Victims (KRCT); Medica Gjakova; Medica Kosova; and the Kosovo Women's Network. These were the first supporters for CRSV-victims.

amendments and supplements to the "*Law no.03/L-054 on the Status and the Rights of the Martyrs, Invalids, Veterans, Members of Kosovo Liberation Army, Civilian Victims and their Families*" added the missing category "*Sexual Violence Victims of the War*"[313], which applies to all victims who survived GBV from 1998 to 1999 (Republic of Kosovo, 2014). Victims are now entitled to priority employment in the public and private sector, free medical treatment, access to education, release from property tax, residential care, a monthly pension of €230[314], and are excluded from a degree of physical injury as a qualification for eligibility[315]. However, victims of GBV were included into the broad category of war veterans rather that an "ad hoc" one. According to Amnesty International (2017b, p.9), the fixed time-limit "discriminates against women who were raped thereafter, predominantly Kosovo Serbs, Roma and some Albanian women." In fact, since 2018, only 300 women had applied: many fear stigmatization or family disapproval (Amnesty International, 2021). Moreover, those women who "already receive another war-related payment (for example, if their husband was killed or injured), will have to choose which benefit they want to receive, as the law prohibits beneficiaries from receiving two pensions" (Amnesty International, 2017b, p.9), as well as it denies free primary and secondary health-care[316] like other civilian victims of war.

To date, although various rehabilitation programmes for women victims of CRSV have been introduced, the post-Yugoslav Republics have still some way to go to meet their obligations and to guarantee women's fundamental rights once and for all. These programmes should be accessible, confidential and transformative, and their main goal should be to heal the wounds of post-conflict society and to address long-standing gender issues. But for all the atrocities committed and the expected progress on women's human rights, it seems that the basic problems are still out there. In most cases, the abuser continues to live freely and unpunished. In the absence of any appropriate action from state actors, the international community, the civil society, as well as the international and domestic judicial systems, sexual violence will continue to afflict countless number of victims every day in peacetime and, to a greater extent, with the outbreak of an armed conflict in which the ethnic or religious factor plays a significant role in society.

[313] See the full text: http://old.kuvendikosoves.org/?cid=2,191,800. See also the Regulation No. 22/2015 on Defining the Procedures for Recognition and Verification of the Status of Sexual Violence Victims: PL PER QEVERINE (rks-gov.net).
[314] Around 90% of the average salary for women in Kosovo.
[315] Nonetheless, they have a time limit to apply for the realisation of rights to these benefits, which is set at 5 years from the commencement of the work of the Government Commission for the recognition and verification of the status of victims of sexual violence during the war. The official date for the application process has been set for 2018.
[316] Victims are eligible only for the largely impractical option of receiving treatment abroad.

Chapter 4: CONCLUDING REMARKS

"Today, I can say that the tinderbox is still there unaltered, with its clot of grudges, remunerated false prophets and criminal-political interests, and it could take us by surprise again, just like the revolt in North Africa."[317]

- Paolo Rumiz (2020, p.9).

Today's global threats are complex and multi-faceted. Terrorism, armed conflicts, global hunger, clean water, transnational crime, drug and human trafficking, cyber-attacks, climate change and mass migration have complicated the security environment in unprecedented ways. Despite we live in such a globalised and interconnected world, a world that believes in human rights for all human beings and opportunities for all its citizens, it seems almost impossible to be unaware of the threats and the various human rights violations that are perpetuated constantly, sometimes even in broad daylight. Too often, and it has been demonstrated many times in history, the horrified-bystander world seems to turn a blind eye, to be focused on needs, interests and priorities other than human suffering, or rather only on specific geographical areas. Similarly, too often gender equality and women's rights are not recognised and guaranteed. Women continue to be treated as pure commodity, excluded from playing a pivotal role in our societies.

Research and studies show that it is possible to build a society in which women take the lead and become the pillar around which our lives revolve, a society in which gender-based crimes are so discouraged and criminalised that even potential aggressors would never act out in sexual violence. But obviously, criminals are not born as such. Their identity is constructed, shaped, and motivated by a multitude of socio-cultural factors[318], as evidenced by the case studies. Indeed, a general conclusion can be drawn the post-Yugoslav conflicts: firstly, the dramatic and overwhelming relationship among the national groups in the former Yugoslavia does not derive from ancient hatred but it has gradually been instilled in everyday life by aggressive nationalistic ideologies and programmes; secondly, women and girls were targeted because of the value for their communities, rather than just sexual

[317] Translated from original text: "*Oggi posso dire che la polveriera è ancora lì inalterata, col suo grumo di rancori, falsi profeti stipendiati e interessi politico-malavitosi, e potrebbe coglierci ancora di sorpresa, così come ci ha colto di sorpresa la rivolta nel Nordafrica.*"

[318] According to the WHO (2019, p.5), "[l]*ow education, exposure to violence in childhood, unequal power in intimate relationships, and attitudes and norms accepting violence and gender inequality"* may increase the risk of experiencing GBV.

attraction and desire; thirdly, women's agency became exacerbated by both the war environment and the already patriarchal, conservative, misogynistic "Yugoslav" society.

Unfortunately, women found themselves in a highly dangerous situation where patriarchal and ethno-nationalist notions replaced the multicultural, tolerant and harmonious coexistence between the various "*narod"* and "*narodnost"*. An atmosphere exacerbated by nationalistic political leaders who pursued the goal of "national territorial purity", sometimes basing their claims on false historical and religious myths. When a multi-ethnic environment (which Yugoslavia was) is caught in a multiplex regional cascade of violence, it is hard for women to live peacefully without the fear of imminent dangers. It is in that context that women's bodies became another battlefield of the war, in which sexual violence was employed on a large scale as a tool, an instrument, a weapon of war to achieve a precise scope: the systematic "ethnic cleansing" of ethnic and national groups from specific territories. It had nothing to do with sex, with "normal" impulses, with a few "bad apples" among the armed groups. Therefore, to answer the question "*why do belligerents prefer to abduct and sexually abuse civilians, especially women and girls, instead of killing them?*", it can be underscored that sexual violence is such an effective weapon because it aims at terrorising, humiliating, devastating the whole opponent ethnic or national group.

Although sexual violence was only one of the arsenals used in the former Yugoslavia, comparing CRSV in Bosnia and in Kosovo from different angles is of paramount importance for further academic studies and for developing effective prevention strategies aimed at tackling the overall phenomenon of gender-based violence. What is crucial to do in this regard is to recognize this offense as a gender-specific crime, to work towards greater equality, to prioritise cases, to provide courts with adequate tools, to ensure witness protection, to offer psychological and economic support, to involve the civil society, to break the taboo and to counteract stigmatization. The WHO (2019) and UN Women[319] have developed a gender-based framework, named "Respect", that contains a set of actions to prevent violence against women, with each letter representing a strategy[320]. Justice, truth, memory, transparency, empathy, love, cultural awareness, are just some of the core values that lie at

[319] Together with the Office of the High Commissioner for Human Rights (OHCHR), UN Development Programme (UNDP), UN Population Fund (UNFPA), UN Office on Drugs and Crime (UNODC), the Government of the Netherlands, Swedish International Development Cooperation Agency (SIDA), UK Aid, United States Agency for International Development (USAID) and the World Bank Group. See the document: WHO-RHR-18.19-eng.pdf.

[320] R for "Relationship skills strengthened"; E for "Empowerment of women"; S for "Services ensured"; P for "Poverty reduced"; E for "Environments made safe"; C for "Child and adolescent abuse prevented"; T for "Transformed attitudes, beliefs and norms."

the heart of those coping strategies that are considered essential for halting the occurrence of GBV in both peacetime and wartime:

1. Since these horrors are ageless, it is pivotal to make justice the norm and the priority, not the exception, for the gendered crimes. In this way, the Sustainable Development Goal (SDG) 16 "Peace, Justice and Strong Institutions" can be perhaps reached. Those responsible must be "promptly, independently, impartially and effectively investigated and, if there is sufficient admissible evidence, prosecuted in accordance with international standards for fair trial" (Amnesty International, 2017b, p.53). Local and national authorities must do more "to bring former leading police and military officials, who bear responsibility for committing these crimes, before justice" (Halili and Xhemajli, 2020, p.529). However, there are also many problems and shortcomings, noticeably those regarding the investigation and prosecution of cases: poor equipment of local courts, possible obstruction by politicised judges and lawyers, disappearance and protection of criminals. When it comes to the conflict in Bosnia, it is tremendously likely that, if local and national courts had prosecuted the aggressors in due time, the occurrence of sexual acts during the war in Kosovo could have been considerably avoided or at least diminished.
2. National and regional governments must allocate specific resources and provide the political and social basis to investigate and punish those directly involved in gender-based crimes. This can be done through the enactment of laws, severe sanctions, the establishment of resources for women's organizations or movements, grass-roots dissemination, outreach initiatives and awareness-raising campaigns, also thanks to mass media and the internet (WHO, 2019). In this regard, Jefferson (2004, p.335) suggests that the role of the civil society is indispensable since it can be "a significant deterrent and can aid post-conflict accountability efforts." Nevertheless, governments share a small responsibility, and public apologies and acceptance of the guilt are a powerful tool in transitional justice and process of reconciliation.
3. Specific training programmes for army units, peacekeeping forces and humanitarian aid workers are urgently needed. Jefferson (2004, p.335) claims that "[s]oldiers in the field should receive timely, clear, consistent, and regular training and reinforcement on the illegality and unacceptability of sexual violence in conflict, and should act as examples to other, nonregularized combatants." This also applies to high-ranking commanders who, in times of war, may encourage, directly and indirectly, the use of certain military tactics or even tolerate and not condemn abuses of all kinds. In addition, a gender-sensitive perspective and a clear zero-tolerance policy must be included as a key feature of these training programmes. These

policies are enshrined by the UN that launched the strategy "*Special measures for protection from sexual exploitation and abuse: a new approach*", dated 28th February 2017[321]. Therefore, any kind of sexual abuse, exploitation or misconduct must be punished administratively and, where appropriate, criminally.

4. The international community (i.e., the UN) must reform its system and make "the legality of any humanitarian intervention subject to a modified UN Charter and other relative international instruments", as emphasised by Zawati (2010, p.343). Above all, Zawati (2010) explains that unless the irresponsible hegemony of the superpowers on the Security Council is "loosened", so to speak, the UN's credibility will continue to be damaged. We have amply illustrated how the international community could have played a more effective role in managing the post-Yugoslav conflicts "if it had enforced the norms of the international humanitarian and human rights conventions and treaties without regard for its political interests" (Zawati, 2010, p.290). Furthermore, the international community must assist states in fulfilling their obligation under international law.
5. Women must be taken specifically (not exclusively) into consideration and involved in all phases of action that affect them, in accordance with UNSCR 1325 and SDG 5 "Gender Equality". By doing that, women's agency can increase, women's rights can be guaranteed, and their empowerment can help to overcome social and economic inequality, stigmatisation, and stereotyping. International organisations, as well as each one of us, require a paradigm shift in the thinking on gender, violence, and humanitarian intervention. "[L]obbying by women's networks is crucial to the inclusion of women's perspectives in transitional justice, and that the exclusion of women from decision making in transitional justice results in a net loss for women's concerns", as elucidated by Di Lellio (2016, p.624). A key lesson of how to deal with CRSV is demonstrated by the establishment of the Women's Court in Bosnia because it showed that policies and initiatives must be created by women, with women and for women, especially those actions that directly affect the female gender.
6. The culture of impunity of perpetrators and the culture of silence and taboo affecting victims must be eradicated and broken. Indeed, we must send a message around the world that the shame is on the aggressor and not on the victims. We must stop the trend of shaming and accusing victims of SGBV and at the same time of excusing and justifying men's behaviour. That is why social campaigns and public debates are an important step in reducing the

[321] The strategy focuses on four main areas of action: putting victims first; ending impunity; engaging civil society and external partners; and improving strategic communications for education and transparency. See the document: sg_report_a_71_818_special_measures_for_protection_from_sexual_exploitation_and_abuse.pdf (un.org).

stigmatization and raising awareness (Halili and Xhemajli, 2020, p.525) "so the whole of society can understand what this group of women went through". As exemplified by Salzman (1998, p.378), it is highly recommended that "[…] communities should be sensitized to receive rape victims and their children in love, compassion, and empathy to foster healing not only among the women, but within the community as a whole."

7. Victims and witnesses - including defendants and other clients - must receive appropriate protection at all stages (pre-trial investigation, during the trial and after its completion) given that they and their families might face threats and reprisals. Amnesty International's (2009, pp.24-25) research indicates that "the lack of adequate witness protection remains a significant barrier to access to justice for survivors". "[P]rotection programs are a cornerstone to successful prosecution", highlights Jefferson (2004, p.341). Some protective measures "may include, among other things, voice or image distortion, giving testimony via video-link, using pseudonyms in order to protect the identity of witnesses, exclusion of the public from a part or the whole of a court session, closed trials" (Amnesty International, 2009, p.25).
8. Education and information lay the foundations for a well-functioning democratic society, in line with SDG 4 "Quality Education". Tompkins (1995, p.851) reckons that GBV happens during wartime for the same reasons it happens during peacetime: "[i]t is a phenomenon rooted in inequality, discrimination, male domination and aggression, misogyny and the entrenched socialization of sexual myths." There is a growing consensus that social conditioning and gender stereotyping poses a significant challenge to the recognition, exercise, and enjoyment of women's human rights. This can be addressed through education and measures that ensure and respect gender equality. Grievously, we have misinformed our children about definitions and forms of sexuality, of consent, of love. We have undereducated our young men about what to do in situations of sexual assault. Likewise, the hypermasculinisation of men – and in particular of soldiers - is quite harmful since many change their attitudes and connections to this crime according to social expectations.
9. Promoting coordination, supporting partnerships, working across borders and ethnicities as well as across sectors and organizations, at local and national levels (as promoted by SDG 17 "Partnerships for the Goals"), may really represent a turning point in history. In order to evolve the values of cooperation and connectedness among various ethnic or national groups within a single country and, in the meanwhile, to put aside mutual hatred and resentment, the same groups must live together, work together, play together, study together, pray together. This applies also to those recognized territories conquered through ethnic cleansing and mass atrocities. Much effort is needed to ensure peaceful reconciliation, and dialogue is one of the

tools to address the root causes of potential conflict. Furthermore, no one should be left behind and this means addressing multiple and intersecting forms of discrimination based on sex, gender, class, race, ethnicity, disability, sexual and political orientation (WHO, 2019).

10. Sharing good practices and knowledge is beneficial for the overall success and for the elimination of recurrent mistakes. By providing ongoing updates to local NGOs and individual citizens, strengthening monitoring and evaluation systems, it is possible to build the evidence base on what works and facilitate knowledge sharing. This may help to reach SDG 10 "Reduced Inequalities". For instance, in spite of the fact that wealthier and more democratic countries live in a "safe" environment, in many underdeveloped countries security and safety appear to be utopian. You do not feel protected and fulfilled. In fact, wealthier countries have institutions that protect civilians, hospitals where to go if people are ill, police departments to denounce something, a good job that provides for basic needs and interests.

As far as GBV is a recurring atrocity, I want to stress again the fact that it is only thanks to the courage of some women, through the testimony of their personal experience before national, local, and "ad hoc" international courts (i.e., the ICTY), that CRSV is now finally recognised as a crime against humanity, against the dignity of the female gender, a humanitarian issue that affects and undermines the democratic and peaceful fundaments of our societies and families. And it is also thanks to bold prosecutors and activists such as Nadia Murad that some cases are being continuously and insightfully discussed, even if some have ended up in a lacerating whirlwind of forgetfulness and even if they happened many years before[322]. As we have disclosed in the beginning of the thesis, after having survived 74 attempts at genocide, on 30th November 2021 the Yazidi people has finally seen an ISIS member convicted of genocide, crimes against humanity and war crimes following his enslavement and abuse - back in 2014 - of a Yazidi woman and her 5-year-old daughter, which resulted in the child's death (Nadia's Initiative, 2021). He has been sentenced to life in prison by a German court[323]. This is the first historical genocide verdict against an ISIS member. As declared vehemently by Nadia Murad (Nadia's Initiative, 2021, para.2):

[322] An example of this is the unceasing work of the ICTY and the KSC-SPC in pursuing the goal of punishing those responsible for atrocities committed during wars.

[323] The French-based association "*Voice of Ezidis*" is also trying to stimulate the debate in France in order to set up an "ad hoc" tribunal to recognise the Yazidi genocide. See their website at: Home | Voice Of Ezidis. The Genocide of Yazidis has been officially recognized by several bodies of the UN and the European Parliament. In 2016, the Office of the UN High Commissioner for Human Rights (OHCHR) confirmed that "ISIS has committed the crime of genocide as well as multiple crimes against humanity and war crimes against the Yazidis, thousands of whom are held captive in the Syrian Arab Republic where they are subjected to almost unimaginable horrors." The document is available at: Microsoft Word - A_HRC_32_CRP.2_AV 150616-CoI.Syria_ISIS.Crimes.Against.The.Yazidis.docx (ohchr.org). In the same year, the European Union Parliament unanimously passed a resolution recognizing the ISIS's group systematic killing and persecution of Iraq's Yazidi Kurds, Christians, and other religious and ethnic minorities in Iraq and Syria as a genocide.

> "This verdict is a win for survivors of genocide, survivors of sexual violence, and the entire Yazidi community. Thank you to Germany for today's historic conviction. Germany is not only raising awareness about the need for justice but is acting on it. Their use of universal jurisdiction in this case can and should be replicated by governments around the world."

Finally, I believe that the convoluted phenomenon of GBV can only be effectively eradicated through coordinated action among the actors included in a democratic system that is attentive to the needs and protection of the most vulnerable, namely children, women, and ethnic minorities. In fact, these were the categories of people who have, on the one side, been forgotten by the international community, the academic and legal realms for most of human history (particularly during armed conflicts), and, on the other side, they are those who suffered some of the most shocking atrocities. My deep conviction is that a long-standing peace among the Balkans' ethnic groups, and in general in ethnically mixed regions all over the world, can only be reached by respecting and involving women as well as minority groups in every phase and aspect of decision-making, peace-building and social planning processes. But we cannot wait for governments to enact "ad hoc" laws when we can act in our daily lives and make a huge, effective change. Thankfully, there are people and organisations that continuously tackle the challenges of protecting and promoting human rights internationally and, more precisely, women's rights, education, youth activism, the right to return, mutual ethnic cooperation, and a variety of other grass-roots initiatives.

To date, normalising relations between, on the one hand, the RS entity and the FBiH, and, on the other hand, between Kosovo and Serbia represents the most complicated processes in the Balkans. As Zawati (2010, p.304) points out, both the Dayton and the Rambouillet Accords "looked like blueprints for castles in the air, lacking any firm ground on which to build them." Political parties do not seek to represent the interests of the whole population, but rather only those of a clearly demarcated section of the population. What is true and undeniable is that the atrocities committed in the 1990s and the consequences these two regions are experiencing today are solely the result of nationalistic policies, strategies, hate speech, and propaganda. Indeed, several surveys and opinion polls from Bosnia concerning people's feelings on ongoing peace-patterns and post-conflict resolutions show that religious and ethnonationalist extremism remains a key challenge for the prosperity and the heterogeneity of the Western Balkans. According to a 2019 poll organised by

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The document is available at: Texts adopted - Systematic mass murder of religious minorities by ISIS - Thursday, 4 February 2016 (europa.eu). Many States have recognized it as well, for example Armenia (2018), Australia (2018), Belgium (2021), Canada (2016), France (2016), Iraq (2014), Netherlands (2021), Scotland (2017), the United Kingdom (2016), the USA (2016). However, there are still many countries that need to recognise the genocide.

the International Republican Institute (IRI, 2019, p.13), for Bosnian people[324], the biggest security threat facing the country is conflict between ethnic or religious groups (56% of respondents). But when asked "*who is most responsible for the existing ethno-nationalist tensions?*", citizens confirmed that they are mainly political parties and leaders (58%), followed by mass media (16%), whereas only 8% blamed directly other ethnic or religious communities (IRI, 2019, p.92). Another question on the progress of inter-ethnic relations in recent years reveal a rather equally distributed opinion among the three main constituent communities: 51% state that they are on the same level than the previous few years, for 31% they have gotten worse, and for 14% they have improved (IRI, 2019, p.86). On the other hand, the main findings of surveys conducted jointly in Kosovo by the Kosovar Centre for Security Studies (KCSS, 2021) and in Serbia by the Belgrade Centre for Security Policy, reveal that citizens of both countries[325] support their governments' goals to pursue dialogue and resolve the dispute peacefully, but, at the same time, share negative perceptions with respect to transparency and its impact on the population. In addition, pessimism about the future is the common denominator as, in case of no agreement on the final status of Kosovo, "around 70 percent of respondents perceive that Kosovo is going to face with severe negative consequences" (KCSS, 2021, p.7). In this regard, however, they have diametrically opposed perceptions: "[w]hile most Kosovo citizens believe the goal of the dialogue is mutual recognition, in Serbia the goal is perceived to be return of Kosovo to Serbia with wider autonomy" (KCSS, 2021, p.5)[326]. Therefore, regardless of religious and ethnic belonging, people on either side wanted and want nothing but to live in peace. In spite of the passing of more than 20 years since the wars, the sense of fear and anguish seems to reign unabated in everyday life and recent developments suggest that the situation is far from being resolved.

Recently, in January 2022, Kosovo's parliament has banned the Kosovo Serbs from voting in the Serbian referendum on constitutional changes[327] on its soil (Dimitrievska, 2022). Western powers have welcomed the Serbian constitutional referendum and have called on Kosovo authorities to allow the Serbian minority to exercise their right to vote, following the past practice of setting up voting stations in Serb-dominated areas with the assistance of the OSCE[328]. The decision could fuel tensions

[324] The respondents to the survey approximately reflect the ethnic division of the total Bosnian population: Bosnjaks 51%, Croats 11%, Serbs 32%.
[325] Most of the respondents from Serbia belong to the Serbian community (91%, and 9% are classified as "others"). In Kosovo, 90% of the respondents are Albanians (90%), Serbs (8%) and other (2%).
[326] Kosovar citizens are slightly more optimistic: 47% believe that there will be peaceful and normal relations with Serbia in the near future. In the case of Serbia, only 27% of citizens believe in that. In addition, 48% of Kosovar citizens think that a final agreement with Serbia will be achieved in the next 3-5 years, compared to 25% of Serbian citizens.
[327] Amendments to the constitution aim to boost the independence of the judiciary and to enhance the transparency of the country's rule of law institutions as part of reforms needed for Serbia to move closer to EU membership.
[328] However, the parliament affirmed the right of citizens with dual citizenship to exercise their right to vote in accordance with constitutional standards and international practices, that is by mail or at the Liaison Office of Serbia in Pristina.

in the volatile part of the Balkans, although both countries – along with Bosnia - have been told to resolve their disputes in order to move forward in their bids to join the EU. Clark (2000, p.189) suggests that the persecution of non-Albanian populations "has continued to be the main obstacle to any viable progress in building a tolerant multi-ethnic, multi-cultural and multi-religious society under the rule of law."

The most tremendous fear that significantly risks sparking instability in the Western Balkans emanates from Bosnia where the RS has been repeatedly threatening to secede. Currently, there is a high risk of breaking up. On 1st November 2021, the High Representative for Bosnia and Herzegovina, Mr. Christian Schmidt[329] (UNSC, 2021b, p.3), gave his first report to the UNSG António Guterres warning that Bosnia "is facing the greatest existential threat of the postwar period"[330]. The imminent danger comes (again) from a Bosnian Serb nationalist leader, Milorad Dodik[331], who has persistently called for: the entity's unilateral withdrawal from the DPA and from federation institutions; the formation of its own army, intelligence unit, tax authority and judiciary; the drafting of a new constitution. "This is tantamount to secession without proclaiming it", affirms Schmidt in its letter to Guterres (UNSC, 2021b, p.1), adding that "[t]he prospects for further division and conflict are very real" (UNSC, 2021b, p.12). Dodik and other nationalist representatives of the RS have also continued to shamefully deny the Srebrenica genocide[332] and glorify convicted war criminals such as Mladić[333], therefore inciting ethnic, racial and religious hatred. Schmidt has also called for the reassessment of international peacekeeping forces given that, as of early 2021, EUFOR personnel in Bosnia comprises only almost 700 members. Then, on 3rd November 2021, the UNSC adopted Resolution 2604 (2021c) extending the mandate of the EU-led stabilization force in the Balkan country for another year, despite pressure from Russia and China to veto the Resolution if references to the OHR were not removed. Indeed, the Russian Federation's representative has denounced Schmidt's report as an "extremely biased and anti-Serb document aimed at destroying the glimmer of peace and cooperation among people in Bosnia" (UNSC Meetings Coverage, 2021, para.8). The reason is that Schmidt was appointed by the Ambassadors of the Steering Board of the

[329] Schmidt replaced Austrian diplomat Valentin Inzko after the latter held the OHR post for 12 years.
[330] See the Sixtieth report of the High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina to the Secretary-General of the United Nations: S/2021/912 - E - S/2021/912 -Desktop (undocs.org).
[331] Dodik is serving as the current Serb member of the Presidency of Bosnia and Herzegovina, the collective federal head of state. He was the Prime Minister of RS (1998-2001; and 2006-2010), and the President of RS from 2010 until 2018.
[332] On 12th August 2021, Dodik was quoted in Vijesti as saying: "*I would absolutely choose to go to prison rather than admit something that did not happen, and that is the alleged genocide in Srebrenica*". See the UNSC S/2021/912, p.15.
[333] On 8th June 2021, Dodik said at a press conference: "*I think General Mladić only entered directly into legend, because the Serbian people know that without his command and his spirit that he kept in the army, there would be much more suffering of our people*". See the UNSC S/2021/912, p.15.

Peace Implementation Council[334] (PIC-SB), following his candidature put forward by Germany, without having the consent of the UNSC as in accordance with Annex 10[335] of the DPA.

If the threat of secession is real, then the prospects for a peaceful future would disappear. It is a very precarious and serious situation that must be addressed immediately. We are forgetting that many places in Europe - as well as in the world - have been built on ethnic cleansings, and that current problems are the direct results of different circumstances, historical moments, conflicts, alliances, interests, compromises among powerful authorities and states (harking back to the 1878 Congress of Berlin). Entire peoples have been forced to live within certain States and boundaries and to redraw borders or to create new states in the Balkans, emphasises Judah (2008, p.151), "would simply open the Pandora's box of all disputed borders across the planet." It can set a precedent for territorial disputes that might cause a domino effect and re-open local frozen conflicts around the world, such as Northern Cyprus, South Ossetia, Abkhazia, Nagorno-Karabakh, Israel and Palestine, Western Sahara, Kashmir, Korea, etc. The question posed by Judah (2008) is that if Kosovo Albanians were granted an independent state, what then prevents Bosnian and Kosovo Serbs from seceding and perhaps joining the motherland Serbia? The answer is very complex, and the argument is "explosive" because, as claimed by Judah (2008, p.124), "it leads right back to the causes of the war in 1992." Another pivotal question to consider is the following: will the UN, the EU and other international and regional actors be able to protect the fragile peace they have helped to create?

In conclusion, the wars in the Western Balkans in the 1990s may have never truly been resolved. Too much blood and tears have already been shed on these lands. Too much pain and suffering has already been unleashed by wars fought in the name of political power and land grabbing. Too many innocent civilians and women have already suffered the most heinous crimes and violence. Indeed, what is left in the aftermath of the post-Yugoslav wars are "wounds and scars which will take generations to heal", highlights Skjelsbaek (2010, p.15). Neighbours have killed neighbours. War criminals have returned to their normal lives, some have even been employed in public institutions or run for politics. Public buildings such as schools, hospitals and police departments, which were the scenario of murder, rape, torture, have been cleaned up and reopened. Poverty and corruption are rife. Nationalist leaders have taken the scene once again. Victims of systematic CRSV do not receive the

[334] Members of the Steering Board are Canada, France, Germany, Italy, Japan, Russia, the United Kingdom, the USA, the Presidency of the EU, the European Commission, and the Organisation of Islamic Cooperation (OIC) represented by Turkey.

[335] Annex 10 of the DPA prescribes that all signatories and members of the UNSC need to consent to new OHR appointments; RS, Serbia and Russia have not given their consent in this case. Annex 10, DPA, article 2 (UNSC, 1995) states that: "*In view of the complexities facing them, the Parties request the designation of a High Representative, to be appointed consistent with relevant United Nations Security Council resolutions*."

appropriate protection and phenomenon has not been taken seriously enough. Nonetheless, it does not entail that we have to close our eyes, our ears, our mouths. In reality, the investigation of historical events in Bosnia and Kosovo serves to learn the mistakes made and can teach us a lot about how to prevent and react in future situations, as well as in everyday settings.

Together, we can cure our society of this appalling sickness that plagues us, and only then we will finally live in a more democratic, freer, fairer society. We are all responsible for this unlawful situation, for the climate of violence that we see, hear, read, and for the never-ending discrimination based on gender and ethnicity. We must never forget that it is likely that 1 in 3 of the women and girls – not counting the number of men, boys, children, and other gender groups - we also encounter on a daily basis are or will be exposed to acts of sexual violence. Therefore, as precisely remarked by Salzman (1998, p.378), since inhumanity knows no limits, we must act now if we want to end the frightening occurrence of GBV and CRSV once and for all because "[t]o remain passive in light of such injustice is a moral abomination and betrays those who have suffered, and will suffer, from this treatment." I firmly believe that our voices and our words, put together, are a powerful and effective means to help changing the social understanding regarding sexual violence and its victims. They fuel our strength to change the world in better. We owe it to the women and girls who somehow have suffered and died during the wars in Bosnia-Herzegovina and in Kosovo, as well as too all the women and girls who are suffering and dying at the hands of the dark, grisly, criminal forms of sexual violence.

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