

The Women's Court: A Feminist Approach to Justice

PRINTER-FRIENDLY VERSION

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Karima Bennoune (Interview)

Peace is Loud

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*An interview by Peace is Loud with Karima Bennoune, University of California-Davis Professor of Law, author of [Your Fatwa Does Not Apply Here: Untold Stories from the Fight Against Muslim Fundamentalism](#), and *Peace is Loud* speaker*

From 1991 through 2001, a series of conflicts, including the Bosnian War, were fought on the territory of the Former Yugoslavia. During that time, ethnic, sexual and economic [violence against women](#) was rampant and rape was used as a tool for "ethnic cleansing". Neither international nor domestic trials adequately addressed these multiple forms of violence against women, and neither was focused on the interests of victims. It was evident that a court designed by and for women was needed in order to develop a feminist approach to justice in this context. Recognizing this need, diverse women's organizations, including the Mothers of the Enclaves of Srebrenica and Zepa, [Women's Forum](#), 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 worked for the past five years to organize a Women's Court. The Court was a ground-breaking event. During its hearings, which took place May 7-10, 2015 in Sarajevo, Bosnia, women testified publicly about their experiences of ethnic and sexual violence, and about militarism and economic harms throughout the wars that engulfed the region during the 1990s.

Peace is Loud: How do you see women's courts worldwide providing a pathway for justice, especially on issues like violence against women? How do you see them impacting international and national legislation?

Karima Bennoune: What is critical about the Women's Court in Sarajevo was the way it was constructed for and with the full participation of women victims themselves. Women designed the court. Women testified. Women were the experts and judges. The process employed feminist pedagogy, with the organizers consulting extensively on the ground over a period of years, and providing support to victims before, during and after the court met. The Women's Court was the first of its kind in the Europe region. This symbolic tribunal was jointly organized by women's groups from every part of the Former Yugoslavia. As the Algerian sociologist Marieme Helie-Lucas, Founder of [Secularism Is a Women's Issue](#) (SIAWI), who attended the hearings [wrote](#), "This, in and by itself, is a huge achievement, at a time when Europe is plagued with the rise of nationalisms, of extreme right forces that divide peoples along ethnic and religious lines..." At the Women's Court, women testified courageously of their experiences of losing family members to massacres, of mass rape and kidnapping, and of ethnic persecution. They demanded that such events never be repeated. This feminist re-imagining of a court in which women victims are the central focus was very inspiring and thought-provoking to me as an international lawyer. Their use of the model of a Court, but one that is entirely re-imagined in feminist terms, forced me to reconsider the contours of justice.

“I would like to tell this story. I would like it to be heard all the way to Australia,” one woman from Foca, Bosnia said. The immense contribution of the Women’s Court was to give women a space in which to speak locally, to be heard globally and to write a plural feminist history of the human impact of the wars in the Former Yugoslavia. 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. As one woman from Srebrenica, site of the infamous 1995 genocidal slaughter, said, “I stayed alive to tell the story. If we do not speak, how will they be held accountable?”

What does a feminist approach to justice mean to you, in the context of the Bosnian war and also in terms of ongoing conflicts around the world?

Feminist justice is victim-centered. Hence, one of the noticeable things about the court was that when women spoke about their experiences of sexual violence, they did so in the ways they felt most comfortable with. They did not necessarily share graphic details, but explained the impact the assaults had on them. For example, one Bosnian woman told of being raped by Serbs in front of her inlaws before the inlaws were killed, and of wondering if her inlaws might ever forgive her. At the Women’s Court, she was able to tell this story exactly as she chose to.

Feminist justice is holistic. As one woman victim from Montenegro noted, “We want this court to show the unbroken thread of violence against women, in war as well as in peace.”

Feminist justice is also universalist. Bosnian Muslim women told of their experience of losing family members to acts of genocide carried out by extreme Serb nationalists. One woman who lost all her sons and her husband said, “I was left alone but I fight on. I hope one day justice will prevail.” Serbian women from Croatia also recounted their experience of kidnapping, rape and other punitive and discriminatory abuses by Croat forces. Women’s voices from Kosovo, Montenegro, and Slovenia were also heard.

Above all, feminist justice is compassionate. As a woman from Croatia said, “We are all the same. The pain is the same. It does not matter if we are Croat, Serb or Bosnian. I empathize with every one of you.” The outstanding challenge is to make feminist justice effective. The Women’s Court organizers have a follow-up process mapped out to promote its recommendations, beginning with a September meeting in Montenegro.

What are some ways that people can ensure the stories of women in conflict are not lost, even when the media and textbooks fail to document them?

The most obvious way is to tell those stories ourselves when others fail to do so. That was the contribution of the Women’s Court. “Victims should speak freely. Books should be written against forgetting,” one of the witnesses from Bosnia testified. This was why I wrote *Your Fatwa Does Not Apply Here*, which also contains many testimonies of women’s suffering at the hands of extremists and of women’s resistance. Telling untold stories is a moral obligation.

One of the recommendations made by the Women’s Court judges was precisely that all the information collected during the five years of preparation and the May 2015 hearings be distributed in the media, through education, by libraries and at memorials all around the world. We must each contribute to this in our own ways.

How do you see social media playing a role in mobilizing support for survivors of violence, and calling for perpetrators’ accountability?

I can suggest one simple thing: Everyone reading these words and moved by them could tweet an excerpt from one of the testimonies, or from one of the [stories](#) in my book.

How can justice, reconciliation and reconstruction be manifested in countries where leaders are not being held accountable for human rights abuses?

There have at least been some accountability processes, however flawed, related to the wars in the Former Yugoslavia, both through the [International Criminal Tribunal for the Former Yugoslavia](#) and in domestic courts. This is in contrast to some of the country situations [documented in my book](#), such as [Algeria](#), where the “dark decade” of the 1990s that

was roughly contemporaneous with those wars, and that likewise saw as many as 200,000 victims, has occasioned near-total impunity. Still, the Sarajevo Women's Court was a vital effort to address the many unresolved issues in the Former Yugoslavia which is critical, as so many victims said, for ensuring that these abuses not recur. According to one woman from Montenegro, "Those who are responsible for everything that I've been through, and that I am still going through, are in positions of power even today. As they once organized the crimes in the past, today they organize the denial." I hope this feminist campaign for accountability in the Former Yugoslavia will inspire women activists elsewhere, in countries like Algeria, to undertake similar initiatives and create a global cascade of demands for feminist justice in places where there has been none.

How do you think lessons from peacebuilding efforts in Bosnia could be applied to present-day Syria?

One of the key lessons from the Women's Court is that to understand a conflict, the international community must hear the voices of the women whose lives it impacts. We are not seeing Syrian women on our television screens. We are not reading what they are writing about the war and how it should be stopped. This must change. The international community must refuse to accept the unacceptable. One woman from Bosnia spoke at the Court about 700 people being deliberately killed in one day in her village in 1992, early in the war. If the international community had reacted appropriately, the ghastly violence in Bosnia could have been stopped sooner. In relation to Syria, the same mistakes are being made again. If chemical weapons use by the government and sexual slavery employed by fundamentalist armed groups are not enough to spur effective global action, how many [Srebrenicas](#) will Syria have to experience before that day comes? The valiant witnesses at the Sarajevo Women's Court teach us that the time to act against atrocities, the time to speak out for justice is now.

- See more at: <http://portside.org/2015-05-20/women%e2%80%99s-court-feminist-approach-justice#sthash.Y9qOj3Mm.dpuf>