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“War always returns home” or on the continuity of sexual violence in war and in peace...

Summary

Sexual violence in wars was generally treated as an incidental occurrence or ‘collateral damage’. Invisibility and impunity for sexual crimes dominate peace agreements - justice for victims of sexual violence (mainly through sanctions and prosecutions) has not been included in peace agreements. UN Resolution 1325 (Women, Peace, Security, 2000) did not make progress in terms of women's participation in peace processes and agreements. Subsequent UN resolutions on sexual violence in war did not affect the reduction of sexual crimes in war zones. ‘Blue helmets’ (the so-called UN humanitarian armies in war affected areas) enjoyed immunity and committed sexual crimes with impunity; owing to pressure by feminist networks, immunity to ‘blue helmets’ was lifted (2016), but this did not bring justice to victims of sexual crimes (BH, etc.).

Impunity for sexual crimes committed during the war continued in Serbia in the so-called peacetime: The Law on Civilian Victims of War does not recognize or acknowledge victims of the war crime of rape; the efforts of civil society organizations to amend the law have been in vain. Before the Special Court for War Crimes in Serbia, cases related to the war crime of rape were mostly processed along the way! The state of Serbia uses Resolution 1325 to create a false image of a ‘leader in the region’ in the application of R1325 and does not recognize the war crime of rape. Warriors of Serbian name raped with impunity in Vukovar, throughout BH, Kosovo, and at the same time they did the same with impunity in Belgrade and throughout Serbia. The war is returning home - both during the war and in peace, there is an increase, normalization and brutalization of violence against women in the private and public spheres, and especially violence by participants in the war who suffer from PTSD.

The practice of impunity for violence and war crimes is perpetuated through impunity in the sphere of domestic violence, non-recognition of victims of rape crimes both in war and in peace. Sexual crimes in the so-called peacetime in Serbia unequivocally point to the connection between war and post-war sexual violence against women - former warriors, fans of war criminals (Mika Aleksić and D.M. Palma cases) and current sexual abusers - pimps in cooperation with the regime or with the complicity of the regime take advantage of women's poverty for all forms of sexual exploitation. Sexual violence against women, especially if it takes on the dimensions of a mass crime, as is happening in Serbia, should be recognized as a crime against humanity and sanctioned as a gender-based crime.

Sexual violence in wars – an incidental phenomenon

The war crime of rape was and remains a strategy of war, a strategy for conquering territories, a tool of ethnic cleansing, genocide, but it is primarily an act of hatred and crime against women. However, according to Ronda Copelon, a famous feminist lawyer, "Rape has, in many conflicts, been a tool of political terror, but the goal of raping women is also to destabilize society as a whole." Women are the basic pillar of maintaining the social community, not only in times of war, but even more so in the so-called peacetime".¹

¹¹ Ronda Copelon, Surfacing Gender: Re-Engraving Crimes Against Women in Humanitarian Law, *S. Hastings Women's Laws Journal*, Volume 51, Number 2 (1994)

"Despite the fact that this is one of the most massive and widespread forms of violence, the rape of women in the war throughout history has not attracted attention or caused special concern - whether it is an international or internal conflict. Rape was treated as a side effect in all conflicts and sometimes attracted attention for geostrategic interests or reasons of "war diplomacy".²

For example, the mass rape of women during the war in BH garnered much less attention as a crime against women, but was primarily treated in the context of ethnic cleansing and / or genocide. The Dayton Agreement recognized the results of ethnic cleansing and legalized the Republika Srpska resulting from that and other crimes. However, the agreement does not mention the war crime of rape anywhere.

Impunity for sexual crimes - peace agreements, UN resolutions and 'blue helmets' bring neither peace nor justice for victims of sexual crimes

It is obvious that the impunity of sexual crimes is the price of the so-called peace and peace agreements. By concluding peace agreements, a truce is achieved, although not always, between the belligerent parties. However, the cessation of armed conflict does not mean the presence of justice. Justice for victims of sexual violence (mainly through sanctions and prosecutions) has not been included in peace agreements. In some of the peace agreements (Uganda and Sudan), sanctions for sexual crimes are excluded because they would pose significant threats to the peace process; others argued that international engagement in the name of gender justice undermined peace and reconciliation. Sexual crimes are even justified as an integral part of 'cultural identity', the so-called customs that legitimize violence against women in both war and peace.

Unfulfilled expectations, betrayed hopes from UN Resolution

On October 31, 2000, the UN Security Council passed Resolution 1325 "Women, Peace, Security". It was the first time that the UN Security Council had advocated for the inclusion of women in peace processes and in the implementation of peace agreements at such a high level. At least that was the idea of Resolution 1325, for which many peace activists from all over the world had been fighting. The implementation of the resolution in the field soon showed its real - militaristic and bureaucratic - face.

Since 2000, the UN has passed five resolutions (1820, 1888, 1889, 1960 and 2106) relating to the rape of women in war; it is even explicitly emphasized 'that the mass rape of women in war endangers world peace' and this crime is massively and systematically being committed against women in armed conflicts in: Afghanistan, Syria, Yemen, Myanmar, Libya, Congo ...

After the armistice in the wars, the United Nations send the so-called humanitarian army into conflict zones. Instead of protecting women, in many parts of the world, these military forces sexually abuse women and girls. Members of the "blue helmets" came to BH in 1995.

² Ibid.

Numerous cases of sexual exploitation were identified, some of the members were returned to their countries of origin, but "none of the returned police officers were prosecuted in their country after returning from the mission."³

Thus, members of UN peacekeeping missions or 'blue helmets' enjoyed immunity. Various women's peace networks, including the International Network of Women in Black, have launched a global campaign to lift immunity with "blue helmets and sanction sexual and other crimes." ⁴ Resolution **2272**, adopted in 2016, qualifies sexual crimes as "unacceptable", promises "zero tolerance for all forms of sexual exploitation and abuse", with mandatory recognition of the "heroic contribution of peacekeepers". It announces in the usual bureaucratic language that "steps will be taken towards prevention, investigation and responsibility of the perpetrators". Specifically, some of the UN agencies (UNDP) are doing nothing on the ground to support women victims of war crimes of rape: "When we arrived in front of the building of the sports center 'Partizan', we found a poster that UNDP supports reconstruction. We complained, and they said they knew nothing of it ...!"⁵ Only thanks to brave women, victims from Foča, the renovation of the sports center 'Partizan', one of the places where the most massive sexual crimes against women were committed in Foča during the war, was prevented!

Impunity for sexual crimes in war – the case of Serbia

Impunity dominates in Serbia both at the state and societal level. *The Law on Civilian Victims of War in Serbia does not recognize or acknowledge victims of the war crime of rape*. According to this Law, a woman who was raped in the war cannot receive the status of a civilian victim of the war if she does not have physical damage of over 50%! So far, all efforts of civil society organizations aimed at amending the law have been in vain. Before the Special Court for War Crimes in Serbia, cases related to the war crime of rape were mostly processed as incidental!

Twenty thousand women were raped in BH, mostly Bosniaks, and the perpetrators are mostly men of Serbian name. The National Action Plan / NAP for the implementation of Resolution 1325 (2010-2015) states that the institutions in charge of the implementation of R1325 will financially support programs to help women raped in the war, i.e., 'women who were subjected to torture and sexual abuse during the wars in the former Yugoslavia'⁶. Women in Black sent a letter to the competent institutions requesting an answer as to how they plan to implement the mentioned assistance programs. We never received an answer, but we checked that the mentioned part of the NAP was left out! In the Independent Monitoring for the Implementation of Resolution 1325 (2017), we asked this question: 'How come that there are so few

³ Olivera Simić, Ratni zločini silovanja–plavi šlemovi (Seksualno zlostavljanje žena i eksploatacija dece od strane mirovnih snaga: Slučaj Bosne i Hercegovine i Demokratske Republike Kongo)

⁴ International Conference of Women in Black in Montevideo/Uruguay, 19 -24 August, 2013.

⁵ Regional meeting of Women's Court, Tuzla 10 and 11 June 2021, stated by Halida Konjo Uzunović, President of the Victims of War Association "Foča 92-95"

⁶ National Action Plan (2010-2015)

indictments concerning sexual violence?"⁷ The state of Serbia uses Resolution 1325 for the false image of a 'leader in the region', while in the implementation of R1325 it does not recognize the war crime of rape, and the National Action Plan (2015-2020) does not advocate the recognition and prosecution of the war crime of rape. It is bound by **Article 11** of the above-mentioned Resolution, which emphasizes "the responsibility of all States to prevent impunity and prosecute those responsible for genocide, crimes against humanity and war crimes, including those related to sexual and other violence against women and girls, and in this regard, emphasizes the need to exclude these crimes, wherever possible from the amnesty provisions. " The state of Serbia denies the genocide in Srebrenica, celebrates war criminals - perpetrators of all forms of war crimes, failing to fulfill virtually any of the obligations assumed by Resolution 1325. On the contrary, it (ab)uses Resolution 1325 in redesigning Serbia as a peace-loving "power", generating a war-free past and erasing the blood-stained traces of war crimes."⁸

War returns home - violence on the patriotic front lines continues in the family context ...

The state of Serbia, which was officially "not at war" yet produced and exported war, immediately at the beginning of the war faced the consequences of the war, which necessarily "returns home", in the form of normalization and brutalization of violence. This refers to violence against women in the family, as evidenced by the experiences of women who work on the SOS hotline for women and children, victims of violence: "Men who attack them, in 80% of cases, are their husbands, increasingly use guns, bombs and machine guns as a means of blackmail and intimidation, and twice as often threaten to kill. Some of the men who returned from the front lines (whether from the so-called JNA or volunteers) continued the massacres in their house: they batter women, beat their children, sleep with machine guns in their bedside cupboards, rape their own wives in the middle of the night..."⁹

On the SOS hotline, women also testified about sexual abuse: "Rape reports increased by 50%: marital rape by war veterans, rape in bars for returnees from the battlefield, rape of refugee women while they were on the run or while here with their families. A special category are the stories of returnees about war rape at the front lines."¹⁰

Serbian-named warriors raped with impunity in Vukovar, throughout BH, and they did the same with impunity in Belgrade and throughout Serbia: "When they return from the battlefield where they raped women of other nations, Serbian warriors abuse and rape a woman in their house."¹¹

⁷ Mina Damjanović, 'Zločin seksualnog nasilja u ratu', *Nezavisni monitoring za primenu Rezolucije 1325*, Women in Black, Belgrade 2017.

⁸ Staša Zajović, *Nezavisni monitoring za primenu Rezolucije 1325*, cit.

⁹ Lepa Mladenović: *Stop nasilju nad ženama, Žene za mir, Žene u crnom*, Belgrade 1993.

¹⁰ Ibid.

¹¹ *Žene za mir* 1997, published by WiB

Arkan, together with other criminal warriors, formed the so-called sex battalion in Erdut. According to *Borba* (December 28-29, 1991), Goran Hadžić and Arkan brought to Erdut and its surroundings 'about 300 women of dubious morals from Belgrade, Serbia (...). There are also women from Czechoslovakia, Poland and the USSR caught for smuggling in Vojvodina. This group of detained women was also called the "silk battalion". "Such and similar information appeared in the press, and the JNA is directly responsible for this because all volunteer units have been placed under the control of the JNA. Forcing women into prostitution and abusing female sexuality are part of the classic militaristic arsenal."¹² Of course, everything took place in cooperation or with the tacit consent of the state and its army!

III When does the war end, and when does peace for women begin? Or about the connection between sexual violence in war and in peace

Peace is not achieved by ending war or armed conflict or by concluding peace agreements ("armed peace"). Rather, peace is an ongoing process aimed at eradicating war and the causes of war, and it is patriarchal violence against women and especially sexual violence in war that threatens world peace, which is also emphasized in UN resolutions. For women, peace is "the absence of fear, life without violence, freedom from male sexual violence, the absence of hatred, misery, all forms of discrimination, injustice and, of course, the application of the laws of transitional justice, demilitarization."¹³ etc.

The experience in Serbia shows that the principle and practice of impunity for violence and crimes is perpetuated through impunity: through domestic violence, non-recognition of victims of rape crimes both in war and in peace. That is why it is justified that feminist theorists and activists insist on gender-based sexual crimes in war "not only because women are most exposed to sexual violence in war, but also because violence continues in the so-called peace. Rape in war is recognized because it is considered a consequence of exceptional or abnormal circumstances. However, when women are victims of rape in everyday life, they are not trusted mainly because the daily war against women is not recognized."¹⁴ Of course, this does not mean that rape is identical in war and peace because war intensifies brutality, but similar patterns are reproduced.

The war in Serbia continues by other means. The experience of Women in Black in relation to labor rights has shown that women, in addition to slave exploitation, are exposed - in both the public and private sectors - to growing sexual abuse, harassment, sexual blackmail, in the presence of and with state approval. In the case of war violence and war crimes, it is a matter of state-organized crimes, and according to the same value system, the regime protects sex

¹² The Belgrade Women's Lobby, announcement, 8th Jan, 1992.

¹³ *Women's Charter of Peace and Security* created during the educational activities of the WiB throughout Serbia regarding security in Serbia from 2005 onwards.

¹⁴ Ronda Copelon, op. cit.

criminals, most of whom were active participants in the war. The frequency of all forms of violence, the epidemic of sexual abuse in Serbia leads to the normalization or 'banality of evil' (Hannah Arendt).

On the continuum of sexual violence in war and in peacetime...

I will refer only to two cases of sexual crimes in Serbia, the so-called peacetime period, which unequivocally indicate the connection between war and post-war sexual violence against women.

The case of Miroslav Mika Aleksić - Actresses who broke the silence about sexual violence testify to that. On January 17, 2021, actress Milena Radulović accused the owner of the acting school, Miroslav Aleksić, of rape. Four more women pressed the same charges against the suspect. The surviving women, two of whom were minors at the time of the crime, accuse him of rape and sexual harassment. Aleksić was in custody from January 16, 2021, indicted in April, and on September 10, 2021 he was placed under house arrest and given an ankle monitor, and it was announced that the trial would begin on October 1, 2021.

Miroslav Mika Aleksić was a member of the criminal armed formation "Tigers", which under the command of the criminal commander Željko Ražnatović Arkan operated during the war with the direct support of the regime and committing war crimes. "When the war ended, the 'service' formed a political party for Arkan that is still part of the ruling coalition today. Mika Aleksić was also on the first electoral list of that party. The culmination of his idolatry towards Arkan is the creation of a leadership authority in the image of his war commander."¹⁵ In his acting school, M. Aleksić prepared generations of young people for enrollment in the state academy of acting. Attending that school was not only a compulsory passage for further education, but also a status symbol for the children of the mainstream Belgrade intellectual elite. The moralistic shock caused by the accusations against M. Aleksić is actually complicity with the evil they knew about, but kept silent...

The case of Palma - *Dragan Marković Palma*, President of the Assembly of Jagodina, was accused of sexual violence (pimping, prostitution, pedophilia, etc.) in April 2021. D. M. Palma is also the founder of the United Serbia party, which grew out of the 'Party of Serbian Unity' founded by war criminal Arkan. Palma remembers Arkan as a 'good and honest man and host'.¹⁶ Palma has been in a coalition at all levels of government since 2004. He is the feudal boss of Jagodina, he has his own TV, his own company with 100 workers, within which there is a transport company that deals with the resale of coal from the "Kolubara" coal mines, and supplies the Serbian Army with coal. For more than a decade, Palma has organized "celebrations" for the most influential people in the country - politicians and businessmen, but

¹⁵ *Danas*, 1st Feb 2021, author Miloško Pantić.

¹⁶ *Vreme*, 28th May 2021.

also some international actors. "This circumstance makes the circle of potential accomplices broader, and the possibility of testifying smaller".¹⁷

Regime politicians directly interfere with and influence the judiciary in the investigation. They stand clearly and loudly in defense of Palma, and in fact in their own defense and cover-up of their own atrocities. In that sense, the Serbian Orthodox Church / SOC and the state act together. On June 6, 2021, in support of Palma, A. Vučić opened a factory plant in Končarevo, Palma's birthplace. The Patriarch of the Serbian Orthodox Church, Porphyry, also announced his public support for Palma by performing a liturgy on July 7, 2021, in the church of St. John the Baptist in Končarevo, whose founder is D. M. Palma. Arkan and numerous other criminals "atoned" for their sins, that is, tried to wash off the blood of the victims as the founders of the Serbian Orthodox Church, with the wholehearted blessing of the same church. There is plenty of evidence of unpunished sexual crimes within the SOC, of the protection of war criminals, sexual abusers and pedophiles by the highest representatives of the SOC. There is a long list of unpunished sexual crimes and criminals - the highest church dignitaries. None of them was punished before the state nor the church court. The regime's media also provide space for Palma on a daily basis, which, with the full protection of the regime, mocks the victims and everyone who is on the side of the victims, ridiculing the justice system.

These and numerous sexual crimes of a mass character are regime sexual abusers - pimps, who, in cooperation with the regime or with the complicity of the regime, use women's poverty for all forms of sexual exploitation.

Sexual violence against women – a crime against humanity, both in war and in peacetime ...

The advocacy of feminist theorists of Law that "sexual violence against women, especially if it takes on the dimensions of a mass crime, should be recognized as a crime against humanity, and should be sanctioned as a gender-based crime, is justified. Because both in war and in peace, rape dehumanizes and brutalizes primarily women but also the entire community"¹⁸.

Unless pressure is exerted to adequately sanction these and other gender-based crimes against humanity, it will be an act of complicity with the regime and with their sex offenders. It is high time to accept that Serbia was at war, that people were killed, raped, robbed in its name and that tens of thousands of women were raped by men of Serbian name during the war in BH, Croatia and Kosovo. Perhaps this would help to finally accept that the lives of Bosniak women in Foča and elsewhere, in Vukovar and elsewhere, in Đakovica and elsewhere in Kosovo, as well as the lives of women with Serbian names who are in the so-called peace victims of sexual crimes committed by the 'gears of that same machinery' (H. Arendt) of war and evil.

(Presentation at the session "*On the continuity of impunity - rape in war and rape in peacetime*", meeting of the Network of Women in Black, September 17-19, 2021)

¹⁷ *NIN*, 29th April 2021.

¹⁸ Ronda Copelon, op. cit.