

**Summary report on seminar  
Women's Court - a feminist approach  
to justice, January - December 2013**

# I Educational Activities in Process of Organizing

## Women's Court - Seminars

### **Summary report on seminar Women's Court - a feminist approach to justice, January - December 2013**

Educational seminars are consisted of workshops, lectures, video presentations and documentaries. These one-day seminars are interactive and of interdisciplinary character, with the same valuation of activist experience and academic knowledge.

During the process of organizing of Women's Court - a feminist approach to justice, this form of training is adjusted to the needs on the ground, and one of the goals of Women's Court is the strengthening of the feminist movement.

Therefore, during 2013 the focus of our work was directed toward women in places where civil organizations practically do not exist, so that we strengthen civil society, through our connections of solidarity (feminist movement within Serbia).

Special attention was focused on women belonging to ethnic minority groups (Bosniak and Albanian women in the Sandzak region on the territory of Serbia), as well as the refugee population and the internally displaced persons.

In the period of January-February 2013, were held 4 seminars with 75 participants:

- 25. 03. 2013, Presevo, 21 participants,
- 06. 04. 2013, Prijepolje, 22 participants,
- 22. 10. 2013, Priboj, 18 participants,
- 01. 11. 2013, Novi Sad, 14 participants,

Common features of the situation on the ground, as we heard from participants in the seminars are:

01. increase of fear among the public, and source of fear, above all, is the political elite
02. growth of distrust in state institutions (Prijepolje, Priboj, Presevo)
03. increase of poverty
04. increase of apathy
05. the continuance of ethnic distance (Priboj, Prijepolje)
06. need to organize and provide resistance

Seminar in Novi Sad was supposed to bring together the refugee population, but they have not responded. On the one hand it refers to the overall apathy and distrust in society, due to long period of unsolved problems of the refugee population and due to lack of political will in Serbia and in the countries of the region, and probably inadequate civil society work directed to this population.

## **On the political elites, institutions and economic situation**

Explaining the „fear of the government” and the fear of the „economic situation” it is said that: „...due to partocracy of this country, daily life is directly dependent of the will of party officials on the local level.”

„To find a job and stay at work, or to lose one, primarily depends on the politicians, whether you are or you are not in the party which currently is in the power.“ (**Zora**, Priboj)

„The state has the power, and not we, can we do something to change that? No. So, that is why we just talk, but first of all, we as women from all over the world, have to fight together against those who only think how to harm somebody.“ (**Havce**, Presevo)

„Blackmailed and helpless is what people feel and it is caused by the enormous political power of the parties.” (**Binasa**, Priboj)

## **On ethnic distance**

Nationalism is the key problem, especially as it relates to the case of Priboj (less to Prijepolje, as women themselves said), which is partially caused by the structure of the city.

Priboj is territorially divided into Serbian and Muslim parts of the city (separated by the river), while Prijepolje and is „urban“ and mixed, which, in the opinion of women, enabled for better or for worse relationships among the citizens.

„It is important to us that there are still people who deal with victims of war crimes, in this atmosphere where there are attempts to cram everything under the rug, as if the crimes have never happened. And the existence of Women in Black and others, who despite the prevailing culture of forgetfulness and denial, are still dealing with issues which are important to us here, is of great importance and support for us.” (**Nedziba**, Prijepolje).

## **The possibility of justice - Women's Court**

„How would it be to organize women, because she can not here, among us, openly come out and talk about everything that was happening to her, and that is because of those who are closest to her. I think there should be a feminist court in which a woman is supposed to help another woman.” (NN, Presevo).

„This is a great opportunity to get information in the short term. I see Women's Court as a great mechanism which will open women's eyes to realise what is happening to them.” (NN, Novi Sad).

„ To be a Woman in Black / Strengthening of activism on the local level / Education for Peace, civil disobedience / To connect in solidarity / Direct work with citizens / To pressure the government.” (flipchart Priboj)

Prepared by

Ivana Vitas i Marija Perkovic

## II Feminist Circle

### **The Report From the Feminist Circle „The War Crime of Rape“ (Women’s Court – Feminist Approach to Justice)**

**Place** : Belgrade, hotel „Radmilovac“

**Time**: April 26<sup>th</sup> - 28<sup>th</sup> 2013

**Number of participants**: 24 from 3 countries (Bosnia and Herzegovina, Germany, Serbia) and 14 towns (Novi Bečej, Leskovac, Beograd, Preševo, Dimitrovgrad, Vlasotince, Novi Sad, Zaječar, Niš, Kruševac, Kraljevo, Berlin, Sarajevo, Cologne)

*The main purpose of the circle was the education on: the subject of the war crime of rape; under which circumstances the rape is considered a war crime within the international law and the practice of Hague Tribunal for Former Yugoslavia and Rwanda; the judicial practice concerning rapes in Bosnia and Herzegovina.*

*We also discussed the limitations of the institutional justice, chances to improve its achievements and possible alternatives within civil society.*

*(Textbooks for the circle, edited by Miloš Urošević and Staša Zajović: “The War Crime of Rape”, 168 p., and “Practices Against Impunity of Crimes Against Women”, 27 p.).*

**I On the War Crime of Rape** – lecture by Gabi Miškovski, Medika Mondiale, Cologne / Germany

#### **On historical-political context:**

*The Gulf war (US aggression against Iraq) of 1991 gathered a broad feminist, antiwar network Scheherazade, which soon started dealing with the war in former Yugoslavia as well, since it started the same year. Large media coverage of Gulf war (such media presence, particularly of TV crews, happened for the first time in history) and then of war in former Yugoslavia as well, enabled almost direct broadcasting of the wars throughout the world and, therefore, made crimes against civilians, including war rapes, visible to the broad audience.*

„Our initial approach was to keep helping local peace movement at the territory of former Yugoslavia. Then the media started frequently talking about the mass war rapes. Stories were heavily politically manipulated and ubiquitous, so the donations started flowing in from all sides. For us it was extremely important to stop the donations from getting into the hands of the nationalist regime in Croatia or the Catholic church. Instead, we tried to

direct the donations toward the women's groups in Croatia that had already begun helping refugees (...) At the same time, Monika Hauser, a feminist gynecologist, along with psychologists, organized in Germany the support programme for the women survivors of rape. Monika concluded there were a lot of great women helping refugees and victims in Croatia, and therefore decided to head to Bosnia and Herzegovina. She went straight to Zenica. There were approximately 70.000 refugees in Zenica at the time. There already were some local initiatives working with them.

Together with local women, Monika founded a therapy center named Medika Zenica, that still exists. In cooperation with the local community, they also organized the shelter where women could come, clinics for abortions and psychological and medical treatments. There was also a kindergarten for children. At the time, I worked in the Bureau in Cologne that collected food and medicines for local women. As a feminist, I was not surprised to see how many rapes have happened in the war. What shocked me were the claims in Germany that it was the first time that such mass rapes have happened. All the talks about rape and all the consternation weren't for the purpose of helping and supporting the victims, but for the purpose of drawing a line between civilized Europeans and savages from Balkans" (Gabi Miškovski)

*Motive of the political manipulation of rapes was to establish a new Europe after the collapse of the Eastern Bloc. The key question was which nation was civilized enough to enter the new concept of the unified Europe.*

"Dominant opinion was that „Serbs do not belong to such Europe, since they are natural born rapists, Moslems also do not fit into such Europe, since they are culturally imbued with patriarchy, just as are the Moslem women who survived rapes“. That wasn't only racism against Serbs and Moslems, as „genetically deformed and unfit for a civilized world“, but it also meant that we Europeans were civilized and had no rapes here. It turned out that only civilized ones on Balkans were Croatian Christians.” (Gabi Miškovski)

### **Why men commit rapes?**

*Essentialist view would answer that „men are naturally more aggressive and their sex drive is more intense“. However, not all men are rapists. On the other hand, rapes in wars are extremely widespread. What exactly enables/encourages men to rape during the war? (some of the possible answers):*

- 1. Patriarchal culture that denies women as social subjects/actors (social aspect)*
- 2. Dangerous situation (war) that jeopardizes a man's patriarchal perception of his own masculinity (psychological aspect)*
- 3. Initiation rituals that enhance the bonds of brotherhood (in cases of group rapes) and determine hierarchical structures (social aspect)*
- 4. Impunity of the crime in judicial institutions (result of the patriarchal culture)*

### *1. Patriarchal culture that denies women as social subjects/actors*

"The first important perspective is the one of survivors themselves. They describe the rape as a brutal violation of personal integrity. For many of them, it is also a beginning of social marginalization. The two evils usually go together, which shows the fact that this isn't just a personal issue, but something related to the society in general. The society is still predominantly patriarchal and nurtures the culture of hegemonic masculinity that does not consider women as social actors. Femininity is, therefore, never determined or measured by itself, but always in relation to the masculinity. Women are reduced to bodies which exist in order to please men, bodies men can take whenever they wish." (Gabi Miškovski)

### *2. Dangerous situation (war) that jeopardizes a man's patriarchal perception of his own masculinity*

"It is a question what happens when male identity is jeopardized in such a way. One of the situations when men are deprived of the power of decision making is in the army. For many men, not all (although many do strive toward patriarchal ideal of masculinity), war is a situation of demasculinization – because they take orders from others and feel fear they are not supposed to feel. They start perceiving their bodies as vulnerable, what's also considered something exclusively reserved for women. War is a dramatic experience of bodily fragility – all it takes is one shot and you are gone. One explanation of the war rape would be that men perpetrate it in order to preserve the ideal and feeling of masculinity, to kill all the femininity there is within themselves, as well as femininity of others." (Gabi Miškovski)

### *3. Initiation rituals that enhance the bonds of brotherhood and determine hierarchical structures*

"There are additional aspects, particularly when it comes to group rapes. Such practices usually represent a kind of ritual of transition to the world of adults. Taking part in a group rape is an initiation ritual for young men. The organization of a rape determines the hierarchy within the group of perpetrators. Precedence goes to those of higher army ranks or members of privileged ethnic groups. It also assures the position of the leader of the pack who provides women, alcohol and cigarettes to others, like in Foča. Not only in former Yugoslavia but in other conflicts too, we see the situations of strengthening male bonds and brotherhoods, that usually start by heavy drinking and then move on to raping women, usually followed by murdering them. The example of Foča shows very well that it also serves to develop very profitable businesses. Those who trafficked women during the war remained the leaders of trafficking network afterwards." (Gabi Miškovski)

### *4. Impunity of the crime*

"Because of the social stigmatization that accompanies war rapes, criminal persecution of the crime of war rape is of vital importance. Women survivors of war rapes are never assured enough that what they have suffered is evil, wrong and disturbing. Therefore, it is very important that society, the authorities decisively say it was evil, wrong and impermissible. That's why prosecution is one of the key ways to send such message to women. For years, rape was neglected within the international criminal law. Rapes were

not prosecuted in Nuremberg, and rarely in Tokyo. No case of comfort women was persecuted.

Hague Tribunal for former Yugoslavia and Rwanda is a revolution of historical importance since it has treated war rapes as war crimes. It was a great success to include rape into the crimes against humanity and war crimes. It is a giant leap that can not be reversed. What's sometimes forgotten is that Hague Tribunal started it with cases of women from Bosnia and Herzegovina. For me it is important to know that women from Bosnia and Herzegovina were the ones who started speaking out loud.“ (Gabi Miškovski)

*On the other hand, attitude of military bigwigs toward war rape is ambivalent because:*

- *rapes can be a desirable part of military strategy*
- *rapes threaten military discipline*
- *through rapes soldiers can get sexually transmitted diseases*

"On one hand, rape can be useful as a part of military strategy, genocide and ethnic cleansing. Army authorities use it for the purpose, but only while it serves their goals and intentions. In case of a regular army, rape can pose a serious threat, particularly to army discipline. Another reason against it is the possibility of spreading sexually transmitted diseases. For example, during the WWI, one third of soldiers were always in hospitals. First ones to get infected were raped women, and then other soldiers as well. The only possible solution, from the military point of view, is to control rapes. One of the possible ways is by organizing brothels either with women who will work there on their free will or with women forced to it. Women's bodies are recreation for men. For example, a half of Asian-Pacific region was turned into a giant brothel for the American army. Even today, this part of the world remains a sex tourism region attracting Western clients. " (Gabi Miškovski)

*However, other questions being raised are rapes of children, even babies (since it decreases the possibility of getting sexually transmitted diseases), public rapes during conquests of villages, as well as rapes committed by members of the UN peace corps.*

"In armed conflicts in Africa today it often happens that as soon as soldiers enter a village, they start with public rapes. Also, young girls and teenagers are abducted to become wives of the soldiers who follow, comfort and entertain them. What I have learned in Uganda is that for many members of paramilitary forces it was a totally natural thing to do, nothing out of ordinary. I still haven't mentioned the issue of rapes by UN representatives and humanitarians. They are supposed to protect and help local civil population, but instead behave no differently than other soldiers. Every military presence, regardless of whether it's UN or other soldiers presence, is accompanied by prostitution. In already destroyed countries with no functional economies, it is a way to make some money. Lot of young girls in Zenica started going out with humanitarians, because of the small presents, little gifts they could get. Also, situations of war and armed conflicts always bring increase of domestic violence. If we want to see the whole picture, we also have to consider the subsequent consequences of war, such as growing trafficking,

increased social control, tendency among rape victims to get married to older men in order to hide their shame." (Gabi Miškovski)

***On the importance of role of (male) sexuality for understanding rapes:***

"When Medika started working, we used the term sexualized violence. This term is used in the research. At the time, the term emphasized the fact that it is about violence. Lot of people considered rape less important problem. Also, a widespread belief was that when a woman says No, it actually means Yes. That's why it was important to underline that it is about violence. Medika still uses the term sexualized violence, but I personally got back to the alternative term of sexual violence. In the meantime, I continued detailed empirical research, and I believe the emphasis should be both on violence and sexuality. It seems to me that it is important to examine the misunderstanding of sexuality that, depending on the context, lead to different emphasis – whether of violence or sexuality. We have to learn about sexuality as violence as well. Sexuality is something important for the constitution of a male actor/subject and should be critically examined." (Gabi Miškovski)

***From the talks:***

*"Domestic violence intensifies during the war and especially after the war. Trafficking also increases and becomes more visible than in peacetime."* (Svetlana, Vlasotince)

"I fully agree that domestic violence exists in all societies, but it increases under the conditions of armed conflict. While talking about war rapes, we should also bear in mind the increase of domestic violence. I remember that after the Gulf War my friends, activists from Israel, told about soldiers frustrated by the lack of chance to take part in army conflicts. They saw women in American army and ventilated their anger by beating their own women or children." (Gabi)

"I learned recently that there were 25.000 conscripts who were drafted during 1990s. Rapists are among us. The mobilization is covered with silence and I could not learn a thing about it. As you said, men nurtured their masculinity through rapes of women of all ages in Bosnia and Herzegovina, and I'd like to know what they nurtured through rapes of so many young girls. There were a lot of girls under 18, even those 7 years old and younger. And many of them had pregnant wives waiting for them at their homes, in Kraljevo." (Snežana, Kraljevo)

"National states are more or less criminal states. They make conventions in order to get themselves rid of responsibility. I thought it couldn't have happened to us. Arkan's „silk battalions“ consisted of women from Czech Republic, Poland, Ukraine – because „Serbian women are no whores“. Therefore, they imported „whores“. We reacted. It was an organized crime by the state of Yugoslavia and Yugoslav Army. These were state sponsored crimes against women. The crimes weren't committed for the purpose of ethnic cleansing, but in order to humiliate the women of the enemies. The rump presidency of Socialist Federal Republic of Yugoslavia decided that all paramilitary forces would be under the control of the Yugoslav Army. Soldiers of the Army also committed rapes frequently. The verdict in Perišić's case exempted the State from any

responsibility, as well as Milošević and Karadžić whom the court rendered no sentence. There is a cooperation between international judicial institutions and national states. And what UN did, supposedly in order to combat the impunity of crimes, was to invent the 1325 Resolution which resulted in punishing the activists striving toward demilitarization of the international law. No question was raised about the role of peace missions that could commit crimes with no repercussions, because they were protected by the immunity." (Staša, Beograd)

## **II Prosecution of rape before the International Criminal Tribunal for Former Yugoslavia and the Tribunal for War Crimes of Bosnia and Herzegovina**

lecture by Gorana Mlinarević

*The State Court of Bosnia and Herzegovina started prosecuting war crimes, organized crimes and administrative issues in 2005. It was established as a hybrid court and the regulations were copy pasted from the Hague Statute. Women were willing to testify before the Court, but it turned out that judges didn't have enough experience in rape trials and that a large number of requests for the prosecution of war crimes (13.000), along with political pressures, created such situation that the Court wanted to speed up the trials and therefore neglected the justice and paid attention only to fulfill the formal procedure.*

*In this part of the discussion we heard about:*

- 1. The general situation of the Bosnia and Herzegovina Court*
- 2. The importance of institutional justice and the rule of law*
- 3. The need for alternative models of justice*

### **General situation of the Bosnia and Herzegovina Court:**

"Judges were unwilling to prosecute rapes, avoided such cases, no judge wanted to preside in such cases. The court started treating women as material evidence. They were there not to tell their stories, but to prove things. During the trials they could only answer the questions and were frequently interrupted. Before the Hague Tribunal women said they felt well, but not before this Court. There are severe political pressures on the Court and it becomes more and more difficult to observe trials. The whole procedure becomes a bare formality.

There are examples of rapists sentenced to 25 years of prison who, instead of being in regular prisons, serve their sentences in half-open prisons. Severity of the crime of rape is being more and more depreciated. The court becomes increasingly closed for the public, due to the pressures. Ninety percent of testimonies in cases of rape and sexualized violence is closed for the public, under the excuse of protection of witnesses. But witnesses can testify from another room, with blurred faces and distorted voices, so there should be no reason to exclude the public. Often the judges play the role of psychologists and assess themselves whether a witness is telling the truth or not.

Due to large number of requests for prosecution of war crimes, approximately 13.000, a strategy for prosecution of war crimes was passed. In lower courts we had examples of witnesses entering courtroom together with defendants, sat together etc., since these courts had no support for the witnesses. They send out summons threatening witnesses with fines in case of absence. It is hard for women to go back to the places they were driven out from, it's yet another trauma for them. In Hague feminists lobbied and observed trials, in Bosnia it almost does not happen at all. Women's NGOs aren't interested in the subject, especially in the court itself. "(Gorana Mlinarević)

**On the importance of institutional justice and the rule of law:**

"I do not want to live in a world with no rule of law. I believe that the lack of rule of law is one of the reasons why it's so hard for you. Legal justice is never autonomous. There are always political judgments. Criminal justice is no justice. But we do have some rules. If we wouldn't have them, the only thing remaining would be violence. That's why I stick to the rules. That's why I stick to the detailed rules, including the rights of the defendants. I believe that the rule of law should protect people from arbitrariness. The question is who defines the rules, who wants them, who would profit from them." (Gabi Miškovski)

"Our women find criminal prosecution and sanctions important. We should focus the courts. We are lacking the stories of women, because all we get are interpretations of their stories. Transcripts aren't available. The question is how would the alternative court make it possible for women to tell their stories. The process of lustration was imposed to us by the international community. We have a consensus that everyone responsible for crimes should be prosecuted, but lack of professionalism is a major obstacle. When a woman comes to Trebinje, she enters the territory of the enemy. The atmosphere is bad. Women who testified before the Bosnia and Herzegovina court, which works in the nationally mixed community, also felt it was a problem for them. For instance, in Mostar. There are physical threats, breaking into premises." (Gorana Mlinarević)

*The fact that the Criminal Law of Yugoslavia from 1954. treated rape as a criminal offense punishable by high penalties shows to what extent the impunity of crimes and changed social circumstances after the war (in former Yugoslavia) disabled the rule of law today, and at the same time shows how useful it could be. In 1954. only Yugoslavia had such a law, while today rapists walk around freely.*

"In Socialist Federal Republic of Yugoslavia rape was a serious crime punishable by serious sentences. Today in Bosnia and Herzegovina, rapists get one year of prison or suspended sentences. After the war, prison time for rapes got shortened. In Bosnia and Herzegovina we have 3 war criminals elected for local positions, because there is no lustration. After they serve their sentences they can freely take part in the political life. At the moment we have many defendants accused of war crimes and rapes, but allowed on bail pending trial because there is allegedly not enough space in prisons and they can't influence the witnesses (...)

The problem of social justice in Bosnia and Herzegovina is the problem of a complicated legal system. In 2006 the Federation became the first in the world to entitle the survivors of rape to reparations without the precondition of disability. In other parts it takes 60% of

physical disability. The law prescribes a small pension, health insurance, positive discrimination when it comes to employment, education and housing. But women in the Federation still only get compensations, because the procedure is too complicated and requires the confirmation by nongovernmental organizations. Around 500 women won the struggle for pensions. There's also child care that takes the form of traumatization of the second generation. Women feel marginalized again and again. That's how it is in the Federation.

This law does not apply to women in Republika Srpska or Brčko District. There is a requirement of 60% disability. Prijedor is a good illustration of the situation. Women can not get reparations. They can get compensated through trials for war crimes. Criminal Law includes the issue of compensation. Women plead in favor of compensation. There's an issue of witness protection. Using the length of trials as an excuse, the courts do not deliver compensations but refer women to civil suits that are rather hard to manage for women. There is a group of women in Foča who tried it but with no avail. " (Gorana Mlinarević)

**On the need for alternative models of justice:**

"In 2008 we had a great conference in Medika Mondiale titled „In Search of Justice“. We discussed the question of justice for women and girls survivors of war rapes. Around 50/60 women attended the conference and some of them were very experienced in international courts. Most were activists from around the world. The reason we made the conference was our discontent with the official justice. For instance, what women in Congo need is exactly the criminal justice and the rule of law. They said the courts were inaccessible and they had no chance to do anything. To go to court and testify is like a journey to another planet for women from small villages in Congo.

On the second day of the conference we had guests who talked about the alternatives. There were activists from Indian state of Gujarat. They have a traditional model of reaching justice in cases of domestic violence. They proclaimed themselves to be the court. They sat under the tree and every Wednesday people could come and tell their stories of domestic violence, and they would start a kind of trial. They have their rules and standards of proceedings. Women and men started addressing them, because regular court trials were too lengthy and exhausting. Therefore, women's courts became the solution. For example, some women wanted to get divorced but keep their dowry. It was discussed in the public space and women no longer were the ones who should feel ashamed. Instead, perpetrators of violence were shamed. They invited witnesses to such trials. Sometimes neighbours, sometimes village leaders came and took part. The practice got rooted to such an extent that they are now in touch with regular courts that sometimes redirect cases they can't resolve to them." (Gabi Miškovski)

***From the talks:***

"I felt motivated by the solidarity of women's groups with women witnesses. Does lack of support and solidarity of women's groups exist from the very beginning or is it something more recent? Many women came to the Special Court for War Crimes in Belgrade. We

followed the trial to „scorpions“ for three years. We were with them, for Lovas, Suva Reka, Zvornik. Our support was important to them, our understanding and listening. No other women's group appeared, only us and our network. They weren't there for women coming to the court. I expected all justice to be fulfilled in Hague." (Ljilja, Beograd)

"We have a network helping women witnesses. But there isn't much interest in exerting pressure on the court, no one tries to work with the court, to change it. Lack of interest of women's and feminist groups in changing the court structure is a major problem." (Gorana)

"Trials in Bosnia and Herzegovina started only after the state had proven to be capable of processing the crimes. A woman who testify come on her own and isn't allowed to tell anything out of the questions asked. And she might be confused. Did the court use the possibility of intervener? It is a person with the right to intervene (...) Intervener did intervene for women victims of war in Croatia, as well as in cases of domestic violence. She has a right to speak and assist the victim." (Anelija, Dimitrovgrad)

"Feminists dealing with the issue of war rape in Zagreb started an initiative. We are going to Zagreb in order to make a work group consisting of women from all parts of the region. We want to build a network. There's 15 of us on the list. We will collect the information and widely distribute them. The idea is to first exchange information on what is going on in our countries when it comes to war rapes. As soon as we get the records, we'll send them to you. Nela and I worked a lot on the issue." (Lepa, Beograd)

"The textbook contains a lot of data and they are all touching. I would underline the importance of testimonies as prevention. A woman who was repeatedly raped in seventh month of pregnancy, it was an ethnic rape, said she wouldn't wish that to happen even to her worst enemy. It was more horrible than being murdered. It really shook me. Is there a possibility for delivering some kind of tripled sentence, since a baby she carried was also raped, and children were present as well." (Milka, Leskovac)

### **III Feminist ethics of responsibility: the case of Serbia / Germany** **Gabi Miškovski and Teodora Tabački**

*This part of the circle discussed an important issue – the issue of collective responsibility, but also all other responsibilities (moral, criminal, metaphysical...). At the same time, a situation of contemporary Germany seen from the perspectives of a citizen and of an immigrant, shows all the varieties of power individuals possess, and therefore all the varieties of perception of responsibility and necessity of recognizing privileges we have or don't have in society today.*

*The discussion showed two (partly) different positions and dispelled the prejudice present in civil circles in Serbia that Germany had forbidden Nazi party after the war – it turned up to be just a myth. Perspectives of a German citizen (Gabi Miškovski) and an immigrant to Germany ( Teodora Tabački) were somewhat different when it comes to:*

1. *understanding the role of Nuremberg trials for denazification in Germany (Teodora thinks that it „liberated“ Germany from any further guilt, while Gabi believes it did have important impact on the society)*
2. *perception of the Eastern Germany after the unification as a country that became source of neofascism, due to the lack of previous facing with the Nazi crimes (Gabi), and the opposing view that it is a dominant but incorrect belief of Western Germans who consider Eastern Germans less worthy and do not understand the breakdown of social structures after the fall of Socialism in DDR (Teodora).*

"It applies not only to Serbia and Germany, but all the countries of the world, since citizens everywhere can hardly claim they new nothing about what was going on in their name. Here it was about policies of ethnic cleansing, concentration camps, nazistic legislation that introduced racial segregation at all levels and during the 1930s started banning all civil rights of Jews, Roma, Sintis and all others labeled as degenerated ones, including communists and homosexuals. Extent of these crimes isn't comparable to others and making parallels is unpopular in Germany. **The core of fascism is no numbers but strategies of exclusion.**

What is subject to comparison is the silence of vast majority of Germans. It's rather hard to consider Germans innocent victims after the Red Army had marched into Germany. Those who usually speak of German victims are German right wingers (...). Usual reason for organizing right wing meetings is the reparation for Sudeten Germans who lost their properties after the war. And then we have counter-meetings (...) It is very indicative that both regimes included term Socialist in their names. They manipulated the idea of social policy and solidarity. Both regimes were tolerated and accepted with understanding in other European states. They were against what they perceived to be a greater threat, the threat of communism." (Teodora Tabački)

"I can not compare Serbia and Germany, that's beyond my capacity, but would like to say something on responsibility. I was born after the WWII. I had to learn a distinction between guilt and responsibility. I felt guilty for a long time. And it was my mistake, since it's not the same thing. Silence after the WWII, silence in Germany could have been transgenerational. The two regimes are comparable, they were supported by majority of population, by masses. Process in Germany was slower than in Serbia, but it's impossible that they didn't know what was going on. People went missing and it wasn't talked about. It is our decision whether we want to see or don't.

Rebelling against my parents, who did not want to talk about what Nazism did, I became a communist. That's why I choose not to see the crimes happening in USSR. I was blind for the crimes. It was my decision to be blind. We have individual responsibility, but also collective responsibility not to forget the ones murdered and the ones who survived. After the WWII Germany was in a way rewarded, since it was given the role of protection zone in the Cold War. After the war ended and Germany was defeated, there were two plans for rebuilding the country: to make an agricultural country or to industrialize it again.

That's what brought so called German miracle. In 1960s it was one of the most prosperous countries of the world.

German economy was repaired by US credits. Due to the success, new conflicts were soothed. But nazistic Germany was so successful in destroying Jews that there were almost no left. We had no one to reconcile with, as you do. It was a reconciliation not within the country but between two countries: Germany and Israel.

In 1968 we had students' revolution in Germany that opened the issue of Jews in Germany. Today we can discuss everything in Germany, because we went through the story of holocaust. All discussions always bear in mind the background of holocaust. Such heritage strongly influenced Germany and our political behaviour. Ones were against the intervention in Yugoslavia, and the others were pro intervention in order to prevent our experience form happening again." (Gabi Miškovski)

"Companies that made infrastructure of extermination were reconstructed. Even today these companies did not pay reparations to forced workers. They are run by grandchildren of Nazis, because they were only good patriots. There is a political continuum. Most Nazis turned into Christian democrats." (Teodora Tabački)

"Majority of doctors, engineers, lawyers who were part of the system died in peace, were not trialed. An image is being made that we were the only victims. The position of victim has always been a strong mobilization factor. Reducing ourselves to a sole identity and accepting only one identity others don't belong to is an indication of patriarchal society. Being closed toward outside world and xenophobic goes hand in hand with hatred against women / misogyny." (Gabi Miškovski)

"Process of denazification was soon stopped during the period of Cold War. The conclusion of the court was that it happened in one historical period and could not happen again. Contemporary fascism is being ignored. A month ago we heard for the first time that guards from Auschwitz will be trialed. They belonged to units of extermination which did it voluntarily. Until this very day, they lived all right." (Teodora Tabački)

"I disagree with the claim that Nuremberg trial did not have an impact on German society. In the first years German society was unwilling to hear a thing. The later trials were slow and complicated. Nuremberg is an important fulcrum German society leans on even today. I don't know what would have happened with us without this trial. I don't think it freed Germans of responsibility. At the time, Germans weren't able to have a national trial.

We see rising racism, xenophobia and right wing movements all over Europe. Murders that happened in Germany pose a problem. Racism and xenophobia aren't sufficient reasons. Raise of racism in Germany isn't so strong because the economy is good. There are right wing movements and neofascism, but not so strong as in France and Greece. We are not free of it because of what happened to us. We are neither better nor worse than others. Economic crisis most heavily affects the poorest in Germany. Our government

demonstrates skill in overcoming the crisis. There is no danger of the mobilization of the poorest classes.

There isn't a single part of Germany that was not influenced by the students' movement. Protesters took the power and changed school textbooks. When it comes to the difference between the east and the west, Eastern Germany considered itself better and believed there was no need to face with the past. We are an antifascist state. They did not go through the painful process we had in the west. When two Germanies unified, it was devastating for the people in Eastern Germany. Eastern Germany did not have the process of facing the past. Most of neonazies come from the Eastern Germany." (Gabi Miškovski)

"That's a favorite thesis among Western Germans (that most neonazists come from the Eastern Germany). From 1989 to this very day, clubs, centres and everything that provided some content for the youth are, one by one, being closed in Eastern Germany. Nazistic party was not banned in Germany. Nazis have up to 15% in parliaments of the federal states." (Teodora Tabački)

***From the talks:***

"Genocide is the parallel between Milošević and Hitler. Whom was Milošević defending in Bosnia and Herzegovina? He went there to commit genocide and got us all into his plans. I heard for him for the first time at Gazimestan. Even though I didn't vote him, I do have certain responsibility." (Milka, Leskovac)

"The story of corporative responsibility is a story of secondary graves. Imagine the logistic needed for that. There were no more killings, but a large number of people participating in moving of the bones. Killing is the first part, the second is digging out the bones and moving them to secondary graves. It always happens in cases of crimes regimes committed. That's about the state of criminals, that isn't about the army and the police, but broader logistics." (Gorana, Sarajevo)

"All these years I keep wondering how comes that soldiers were so willing to kill. How comes that the Serbian nation so easily accepted everything Milošević imposed in various ways. People believed the one and only imposed truth. They believed everybody was against the Serbian nation and no one wondered was it really possible. Families sent their sons to war with celebrations. How comes we all so easily fitted into the atmosphere of celebration when sending drafted soldiers to serve the army, to war. How comes it happened in my family that we destroyed our own family, the family we claimed to be the most important thing for us, and so easily sacrificed the lives of our men, sending them to war to defend the family honour. The role of media is also important. Milošević had his soldiers. He died unconvicted, that I can not forgive, but there are many supporters of his. How comes that, after so many crimes, a democratic government allows to the criminals from the 1990s to rise into power. Milošević's supporters hold high positions in all structures." (Snežana, Kraljevo)

## **IV What a supporter needs when talking with a woman who survived war trauma**

Lecture by Lepa Mladenović

Women who survived war violence have the need to repeatedly talk it over. But at the same time, it's hard for them to talk, since war rapes and crimes are out of ordinary experiences of shame of the humanity as a whole, experiences many people don't know how to listen, and therefore both female and male survivors most often remain silent.

Each of us has our own mechanisms of defense from traumatic experiences and if we want to be supporters, we should first start becoming aware of our defense mechanisms that get triggered while listening to the painful experiences of others.

This brief text is intended to be a draft guide for women who want to hear the stories of women survivors of some form of male violence against women: war rape, exile, murder or disappearance of family members etc.

If we want our talk with a woman to be empowering – it is important to know that not every kind of talk means support.

Many non-supportive forms of communications are widespread and conveyed through generations as if they were some kind of laws, such as the idea that it is supportive to tell a woman not to be afraid or to forget the situation that frightens her. What we should actually do is exactly the opposite – make space for the other person to feel safe to express all of her feelings in front of us, including the emotion of fear, so that she could accept herself with all her hard to accept emotions. For the beginning, it is important to know that traumatic emotions are the ones our organism produces in situations when violence can be neither avoided nor opposed to. Emotions are forms of adaptation to the conditions of violence, injustice or crime and their purpose is survival.

Goal of this text is to briefly describe the basic principles supporters should know when listening to a woman survivor of violence. For feminist movement activists it is important to know that one of the key aspects of understanding war violence is to see it as a form of patriarchally based violence resulting from the historical inequality of social distribution of power between men and women. These forms of crime have no immediate cause.

Another important thing we need to know is: in order for a survivor of severe forms of violence to heal, she needs to tell several times about her traumatic experience to persons of trust. Hence, persons who know how to listen. It means that her healing process depends on us. In order to get free from the pain she carries, she needs us who want to hear her pain. Whether a survivor of violence will feel autonomous depends on us who will listen to her with open hearts and minds.

Listening with empathy is supportive. This brief text intends to describe the basic principles of active listening that make it possible to create a safe space of trust where a woman survivor of violence could tell us her story. As an example of a survivor of violence, in this text I will take a woman survivor of war rape. But basic principles of empowering listening, listening with empathy, are similar for all traumatic experiences.

Principles of supportive listening and creating a space of trust between us and a survivor of violence can be summed up as:

**awareness of ourselves**  
**confidentiality**  
**active listening**  
**ventilation**  
**validation**  
**normalization**  
**care of ourselves**

## **1. AWARENESS OF OURSELVES**

In order to be able to listen to another woman and make the process of listening empowering, it is important to know that supportive listening does not mean to behave “spontaneously”. We choose how to behave, which means that our behavior has a certain intention and is accompanied by awareness of ourselves. It means we should know how to see ourselves with tenderness.

Before all, it is important to set up a goal of our communication. If the goal is to increase energy and empower another woman who’s been traumatized, it is important to be aware of ourselves throughout the whole process of listening and talking to her. Thus, it is important to see ourselves with tenderness. To observe our emotional reactions and breath with awareness of breathing, of ourselves and emotions in our bodies. While listening to her story, some moments will emotionally shake us. It’s important to become aware of our experiences that we might remember of and leave them aside. Sometimes we say that we leave them in brackets, and later on, on some other occasion we will take them out of brackets, revisit them and share them with others. That’s how we’ll be able to behave as we wish during the process of listening and talking to a woman in pain. It means we’ll make her the centre of our attention. And another thing: supportive listening isn’t the one resulting from the feeling of guilt toward victims or the feeling of anger toward perpetrators. Supportive talk is empowering when it comes out of the decision to build solidarity and sisterhood. To put it oldfashionedly, we are her companions, we are by her side. Before that we should find this sisterhood in ourselves that allows us to be friends to ourselves.

To sum it up, we have two dimensions of self-awareness. One is the awareness of our emotions and of where are they in our bodies during the talk. And the other includes exercising to accept ourselves and all of our emotions, in order to become able to hear what the other woman has to tell us. She will feel whether we have the capacity for listening to her, whether we are at peace with every possible emotion of hers or ours. Therefore, the first precondition is to develop unconditional friendship with ourselves. Only then we’ll be able to support others, tenderly.

## 2. CONFIDENTIALITY

In order to start telling us her story, a woman needs to know that we'll not share her intimacy with no one. Therefore, we should let her know, in some suitable moment, in the beginning or later on, that what she tells us will remain between us. We should tell her that freely, simply and using our own words. It's important to fully stick to this promise afterwards. We know that war rape represents one of the forms of loosing trust in others, and it means in the humanity in general. The trust we gain is crucial in her process of building trust in the community, and then in herself – we are part of her path of healing.

## 3. ACTIVE LISTENING

Listening to another woman is an encounter. She and myself are here. Active listening means awareness of ourselves and of the other person. Hence, we listen to her so that we can really hear her. We open a space within ourselves to hear the other person the way she hears herself. We are here for her, not in any kind of rush, at the best place in the world at the moment. Doing the best possible thing, here and now. It is the historical moment of being there for another woman. Our problems, thoughts and emotions that come along we leave aside. We will think and talk about them later on. Now we are listening to her without interrupting by our comments. Our active silence gives her the kind of space she has never had before. That's how we provide dignity for ourselves and for the other person. While listening to her, we are trying to feel which emotions, thoughts, values are there within her experience. We are feeling her words.

Active listening has many characteristics, but here are the few most important ones:

- **Non-verbal support:** looking at her and letting her know that we hear her.
- **Verbal support:** saying things to confirm that we hear her.
- **Open questions:** if we don't understand some part of her story, we are asking so called open questions. Open questions are the ones free of our opinions or values. For instance, we say: *Tell me more about it?* – or – *Would you clear it up to me?* Open questions let her know that we are interested in her story, that her story is important to us. That she is important to us. (We won't ask: *Why did you go there?* – since the word *why* can be understood as judgmental and as if sending the message that she shouldn't have been there).
- **Experiences are not compared to one another:** While listening we do not compare our or experiences of others with hers. Each experience is unique and at the moment it is the hardest for a woman who goes through it again while telling it to us. We must not compare her experience with ours. (For example, we won't say *It's much harder for you than for me...* Such comment only draws attention from her to us, and then she feels the need to defend us and therefore leaves her own story).
- **We neither comment nor evaluate.** Values she herself introduces into her experience are taken as they are. It is important that her story comes out, and it will be possible only if we provide her the freedom to see that everything she did was the best she could under given circumstances. It means we must not have any judgmental comments.

- **We do not interpret her experience.** Every woman has her own system of interpretation of her experience. For us it's important to hear it from her. We will not interpret it. Interpretation is no support, it takes away the energy and changes focus. (Therefore, we wouldn't say: They did it because they hate you...). Woman will tell herself how she interprets the experience. We do not know how she sees the world around her and why she did something. Only she can know it, but we can ask her.
- **We do not make generalizations.** Let her experience be unique (For instance, we won't make a remark such as *All men do it...*) Generalization is no support.
- **Expressing what we feel as supporters.** Feminist consultants respond with warm words, for example, tell a woman they are sorry that she survived such violence. On the other hand, it is important not to express emotions too intensely, because it would mean that we take the space that belongs to her. (For example, if we are angry at perpetrators, it is important not to show our outrage, because a woman then would not be the centre of our attention anymore, the perpetrator and our emotion toward him would take over that place – and it is this woman who is important to us).

#### 4. VENTILATION

It's a rather unusual term in our language. In psychological counseling and psychotherapy it is used to describe the space for emotions. It means that we provide a safe space for a woman to express her emotions. Ventilating thus means free expression of emotions. It's an extremely important part of the process of healing from the traumatic emotions – a possibility to feel our emotions. It means that active listeners are ready for the other woman to express her emotions and aware of the fact that it is good. For instance, it's good if she cries, and we therefore prepare handkerchiefs in advance. Or if she yells, wants to light up a candle... it's important that we support her. Unfortunately, very often people say: *Don't yell, don't cry!* Women had *to be silent and suffer* throughout history. Such advices are wrong. Our role is to support her expression of emotions, to treat her tears as a gift.

#### 5. VALIDATION

Validation in this context means confirming the experience of another person. While actively listening, we confirm that what has happened to her really did happen. Some experiences are unspeakable. It means that some experiences of torture no one ever tells about and women themselves can't speak of them, can't find the words to describe them, and the pain remains within their bodies. And if a woman can't express an experience, her body is wondering whether the torture / attack / violence ever really happened.

It is of crucial importance for a woman, if capable of it, to speak about what she has survived, repeatedly. Just think how many times you talk about some common events. Talking transforms an emotion into language. It is a crucial process when a woman starts observing her feelings. When she talks about emotions, they become the object of talking.

And then, when a feeling becomes the object of talking, a woman can see it from another perspective and become aware of herself and her feelings.

The goal of healing is to express all parts of the experience, through speaking, language, bodily movements or artistic expression.

Further on, for supporters validation of emotions means that we ask, through open questions, how a woman felt in certain situations. It is important that she names her emotions. We confirm everything she tells us, say that we understand that it happened to her, that we hear her, that now we know. For her it means that she can collect pieces of her experience and start feeling them as her own, that she can start the process of putting together a new picture of herself, where traumatic experience has its place as well. Validation is one of the key moments of healing. The very listening makes us the witnesses of her pain. Maybe first or only witnesses. Many women survivors of severe forms of sexual or war violence do not want to tell their stories because they see that most people aren't interested, but also because they feel that others can't hear their pain.

In order to start a journey of healing, she needs us as her witnesses. She needs to know that there is this woman who heard it all, who heard everything horrible that happened to her. If we don't understand something, it is important to ask open questions. She can refuse to answer if she doesn't want to, if she isn't ready, and that's where we stop. Her NO means an end to further questioning about the issue. She determines how much she can tell. She defines the borders. We tenderly follow her. And it's good if we show her that we are also willing to hear those intimate things other don't want to hear about. Of course, if you are ready to hear it.

Validation is achieved, above all, through active listening itself. The very empathy with another woman, while she feels she is being listened to, and our words that confirm we have heard her and let her know it affected us to hear what had happened to her.

## **6. NORMALIZATION**

'Normalization' is a term that means that our role of supporters is to tell a woman that what she goes through after the traumatic violence is normal. It means that it's important that we first understand that everything her organism chose to do during the crime and after it is the best she could do to survive under given circumstances. For us who listen to her it is important to realize the depth of the claim that in situations of violence, when we can't run away from violence nor defeat the attacker, our organism finds solutions that are the best under the circumstances. Solution may be to stay silent, get paralyzed or loose the feeling of our bodies...

Also, behavioral changes after the traumatic event are „normal“, since they are the ways her organism adapts to the experience. Hence, the role of a supporter is to tell her that what she feels is normal and that what she has done is the best she could. What does „normal“ mean in this context? After traumatic events organism produces many new behaviors that are surprising for the woman. For instance, loss of appetite or not wanting to go out in the street, confining herself in her room, chest pain etc. The new feelings and behaviors often also frighten the woman. She does not know why she feels so. „Normal“ means it's logical after the severe attack against our life to find various behaviors of adaptation to the new situation.

## 7. CARE OF OURSELVES

At the end of the list, I wish to add that we are equally important as the other woman, survivor of violence. After the encounter and hearing the story of another, it is important to find the way to care of ourselves. Trauma we have listened about leaves deep emotional impression. So, first we should find a person of trust or a friend whom we can tell how we feel, which emotions have occurred during and after the encounter. Second, we should take some time for ourselves and do something we enjoy, because traumatic stories of war rapes and crimes disturb meanings of our lives. They put under the question the meaning of our lives and the importance of trusting each other for bare survival. Victims of war rape often say: *I don't feel comfortable in my body anymore, and it means I have no home.* That's why encounters are extremely important: because our listening with trust can contribute to the other woman's ability to weave the threads of her new home that is to replace the one that has been violently taken away from her. That's what we strive toward through listening with tenderness for the other woman and ourselves.

Belgrade, April 2013

(In the process of writing I worked with my dear friend, feminist activist Tanja Marković, who has also written herself into this text. Thanks for the sisterhood)

## V Evaluation

Facilitated by Zorica Spasojević

*Summing up the three days of work of the circle on the subject of the war crime of rape, Zorica said that: „war rape presents a continuity of sexual violence against women. We discussed the successes and obstacles of court trials, mentioning the issue of reparation as well. We also discussed the analogies between nazistic Germany and Milošević's Serbia. Also, we considered what we need and can do in order to support women survivors of sexual violence. What have you learned during the seminar? Which questions it faced you with? Which war rape related subject would you deal with?*

*The circle was evaluated as excellent, even though some women don't regularly deal with the subjects we dealt with, but the numerous information and insights offered were very valuable for the field work of activists dealing with domestic violence (according to their words).*

*During the evaluation we also had 3 proposals:*

- 1. That Serbia should provide pensions for the women survivors of war rapes, just as it pays for Serbs on Kosovo.*
- 2. To address Fatou Bensouda, the chief prosecutor of International Criminal Court, and ask for women raped in war to be awarded 5 years of service.*
- 3. To submit the demand to the Minister of Education to include this subject into school classes of Civil Education.*

*Anelija:* War rape is a war strategy that humiliates and destroys women. The issue of war reparation is important, since women should get paid for the fear and pain they had suffered.

*Ceca:* I would like to thank Gabi and Gorana for the time they spent with us. It was very useful for me. It's also important to me that I was a member of this group.

*Xx:* I am grateful for being here and I learned a lot. I'll be able to convey the knowledge to other women.

*Staća:* This is revival and reassurance of the importance of idea and practice of the feminist movement as a place of common learning. I love this creative feminist approach to knowledge. Regardless of the limitations of the institutional mechanisms of justice, we have to point out their importance, and it is our great responsibility to search for new alternatives. Thank you Gabi for parallels between Germany and Serbia. Thank you for the internationalist solidarity.

*Milka:* The seminar meant a lot to me. I heard a lot of information. The textbook is great. From Gabi and Gorana I got many useful information. Thank you Lepa for the knowledge on how to talk to women survivors of rape.

*Tanja:* I am sorry I missed the beginning. Thank you all for what you gave me here. Thank you Gabi and Teodora. Thank you Lepa for today's workshop. I would like to hear more about the therapy for women who gave birth after being raped.

*Teodora:* I thank you all. It was very interesting to me, after so much time spent abroad, to see here the political dynamics comparable to the ones in Germany. Experience of exchange and making connections is the most valuable thing I've got. Question that remains open is about new left wing strategies in the region.

*Gabi:* I wish to thank Staća for inviting me and all of you for active listening. I enjoyed being here with you. It is important for me to know that research I do at the activist scene are useful. Information should be shared. The work I do is important. I learned a lot from the discussion on similarities between Serbia and Germany. I didn't especially deal with these similarities before, but I was thinking a lot yesterday and found it to be rather fruitful for reflection and that I would like to deal with the subject in future. I would like to continue these talks, since continuity of discussions is always important.

*Gorana:* I thank you all for inviting me to take part in the interesting discussions. I am glad to see the research is useful. Court and trials are very important for our region. It means a lot to women when rapist is declared guilty. We should discuss the issue of real justice. What justice really is? It is our political responsibility. It's urgent. Women have to feel what justice is for them. They have had hard war experiences. They are traumatized. And after the war they entered the new economic and political system. They went through traumas again. They lost the fulcrum. It's very important to have continuity. We exchanged experiences and learned a lot from it. That's important.

*Lepa:* For me, this is an event of historical importance. I deal with the issue of war rape for twenty years and it's important to me. I felt very lonely related to the subject, since there are no other women dealing with it. I am paying a tribute to Women In Black and Gabi. Thank you Staša for inviting Gabi. I am proud of Women In Black. I am fascinated by the seriousness, depth and determination Gorana and Gabi deal with the subject, since lives of women are usually not considered important. War rapes are usually not taken seriously. Nela gave me the text Gorana wrote on war rapes I didn't know of and I was really glad. Thank you all for taking part. A subject that remains open for me is the idea that all women and men should learn the basics of communication. Each encounter with us will be either place of healing or trauma. Either we support or push them backward. Communication that gives back the energy to the other person is important. Other subject that will remain with me, apart from the war rape and policies of the regime we lived in, is family traumatization. Whether you had support of your parents or not. Mine did not support me and then I stopped asking for their support. I had no family.

*Snežana:* On this seminar I learned about mass and systematic war rapes of women in a systematic and comprehensive way that reveals different layers of the phenomenon: historical, sociological, psychological. It means a lot to me and the most important for me was to introduce crime against peace into international legal institutions, since in my opinion states have the greatest responsibility. It would give us hope that denazification of Serbia might happen. Then, if the state would be marked as aggressor and criminal force, we could work on facing citizens with the past. Comparative analysis of Serbia and Germany meant a lot to me. For me personally, as a human being, it is very important to tell to the people I live with who they are, not to let them live in fake patriotic feelings while labeling us as enemies of the nation.

*Slavica:* I wish to express great respect to Gabi and Gorana for what they do. This seminar will be useful for me both professionally and personally.

*Olivera:* Thank you Gabi and Gorana, but also all of you. Every time with you I learn how little I know. I am glad to be here and to have a chance to learn. Many questions were raised. Emotional reaction to it is important and emotional exercise has helped me. It's crucial for working with women.

*Aleksandra:* I am grateful for this chance to learn. It was a pleasure to listen to Gabi and Gorana. For me, the most valuable story was the one from India. I didn't know there was no sexual harassment among Zapatista, that gives me hope.

*Zorica:* I am honored to be part of the seminar and would like to thank Women In Black and Miloš for organizing the seminar. Also to Gabi and Gorana for everything they shared with us. It was important to open this discussion. War rape is rarely mentioned in Serbia, and it is necessary to learn what had happened in Bosnia. This seminar gave me new strength and energy to transform responsibility and determination into action and sharing knowledge we have with new generations.

*Janja:* I would like to thank Monika Hauser, the founder of Medika Mondiale, because I think nothing would have happened here with no pressures from outside. That encouraged victims to speak out. Despite all the deficiencies, Hague Tribunal is important, since it was the first court that prosecuted rape as a crime against humanity and a war crime. Social and emotional intelligence of Women In Black is very important. We'll share all of this with others. Thank you Miloš for the textbooks. I have two proposals. First one is that Serbia should provide pensions for women survivors of war rapes, just as it pays Serbs on Kosovo. The other is to address Fatou Bensouda, the chief prosecutor of International Criminal Court, asking for five years of service to be given to women raped in war. The third proposal is to demand from the Minister of Education to include this subject in the Civil Education curriculum. Pupils should learn about this.

Report prepared by Marija Perković with the help of Miloš Urošević (transcript)

### III Organizing Support group – Experts for Women’s Court

#### Meeting with experts for Women s Court Zagreb, 21. - 23. November 2013.

##### Military violence against women

*Stasa Zajovic*

##### Summary of women`s testimonies during regional seminars (2011, 2012, 2013)

**Military violence:** the unrecognized war crime of coerced conscription of male relatives for military operations and harassment of women who have supported draft dodgers among their male relatives and other men.

- **Coerced conscription:** *violent actions against women who went to the frontlines seeking their sons, especially if they, themselves, had opposed the drafting of their children.* The heaviest burden was on these women, who were hiding their sons in order to avoid their forced conscription and also on those who were looking for their relatives among men serving on frontlines. Testimonies from all over Serbia indicate that women suffered from PTSD and were affected by the general atmosphere of fear and hopelessness. (witnesses, south and central Serbia)
- **Military violence against women and entire families:** ‘Both of my sons were drafted, and one of them was under age.’ (witness from Serbia).
- **Repression and prosecution due to resistance to the regime and supporting deserters:** ‘I was dismissed from my job in 1988. The military police did not allow me to enter my office, because I had written that S. Milosevic was a moron whose policy was leading us into a civil war.’ (witness from Vojvodina)
- **Harassment of women:** deprivation of information by military authorities, psychological violence – receiving night calls, with a single question: ‘Do you have a son soldier?’ (witness from east Serbia)
- **Humiliation, exclusion from community:** depriving women of the right to humanitarian aid, threats that those who protested about their sons being coerced into war were going to be arrested... (witnesses in almost all parts of Serbia)
- **Life in isolation and constant fear of mobilization:** ‘Arkan troops were gathering the men who had come from Krajina as refugees and they were being sent back to war. My husband did not step out of the house for six long months...’ (refugee from Croatia, lives in Serbia)

- **War against civilians:** military terror on the border – ethnic segregation, basic human rights in jeopardy – lack of freedom of movement – military terror (at the hands of paramilitaries and masked men...) (witness from south Serbia)
- **Police terror during NATO bombing:** `I remained in Pristina with my four children and I never went out. I endured ten visits per day by armed forces. Once they wanted to take my husband away. I am happy because they did not harm my daughter, therefore she bears no trauma from that period.` (witness from Kosovo)
- **Humiliation, despair – the continuation of war by other means:** `There is no shooting, but molesting continues. And suffering, grieving for the beloved ones... no employment, no return, no home, only other kinds of harassment and daily humiliation...` (a woman from Srebrenica, living in Tuzla)
- **Psychological consequences of traumatic experience:** first of all, coerced conscription of family members, PTSD, disability... (witnesses from all over Serbia)
- **Psychological war through the media, generating enemies, and fuelling hatred towards others:** `...everything different should be proclaimed as hostile...` (witness from Croatia, living in Serbia)
- **Violence of war participants:** violence of the soldiers (homeland defenders), which remained unsanctioned: `You come to work and bullets are whistling around you, and you do not know if you will return. They were asking me whether I was Croatian or Serb because my name is Jadranka. They knew everything about us, who is who, who lives with whom. Serbs used to work with us, we were good colleagues and respected each other and when the war started they kept working, despite the war that was going on. But it so happened that one of soldiers sat at the bar and molested the waiter, who was a Serb, and he wetted his pants out of fear, right there in front of them.` (witness from Stubicke Toplice)

**I Goals of the Women`s Court:** the process of organizing Women`s Court – Feminist Approach to Justice (since 2011 until now), showed it is necessary to organize Women`s Court as:

- To give space to women`s voices to be heard, testimonies of women about the injustices and violence they were exposed to suffered during the war and in peace time. Women become proponents of justice – the character of Women`s Court is to subvert patriarchal power relations, domination and subordination, the structure of object/witness and agent/judicial bodies;
- To give space to women`s testimonies on violence in the private and public sphere – instead of being objects of narration/history, a voice from the margins of history. Women are becoming proponents of narration/history – a source of information about their own experience;
- To give space to testimonies on organized resistance of women – instead of dominant representations of women as helpless, passive victims. Women take over the role of leaders in the struggle against injustice and violence.

## **II The role of experts in Women`s Court :**

- The analysis of the wider social, economic, political and gender context of personal testimonies: experts explain/formulate the context within which injustice and violence occurred
- The analysis of injustice and violence: experts contextualize crime and violence and give historical frame, while traditional court never does that (Corinne Kumar).
- Connecting of subjective text/personal testimony with wider analysis – context. Connecting and equalizing of the personal and the political, the local and the international, the emotional and the rational...
- Review of the relationship between patriarchal domination and subordination: overcoming the unbalanced relationship between academic and activist, theoretical and experiential, objective and subjective.

## **III Levels of responsibility - whom we address through Women`s Court?**

- women, women`s organizations, civil society,
- the general public in the region,
- the international community
- state institutions, institutions of justice at the national and international level, etc.

## **IV Results and outcomes (what do we want?) to disclose, to denounce:**

- *The accountability* of (criminal, political, moral) state institutions for the war – they took part in. Accountability for premeditating/planning, organizing, committing crimes, which is not yet being processed by The Hague Tribunal.
- *War against civil society, permanent conscription*: for example transforming civil facilities into military institutions, misuse of educational and health institutions as military facilities, deterrence, restriction of freedom of movement, interruption of communication, state and societal violence over anti-war activists and human rights defenders,
- *exodus of young people*, exposed to constant danger because of forced mobilization – deprivation of future prospects,
- *prosecution of the different, i.e. minority communities* (according to ethnicity, ideology, sexual preferences)
- *ethnic engineering*: altering the demographic structure of the population throughout the country, such as in Vojvodina, for example, where the number of members of minority ethnic communities, especially Hungarian, but others as well, has decreased drastically, firstly, due to forced conscription and subsequently the women as members of those communities, had to follow their male relatives, in order to care for them and their families.
- *the consequences of the crime of forced conscription on women*: the gender perspective of this crime (influence on the socio-economic status, mental health, emotional integrity, physical health),

- *the consequences of peacetime military crimes on women: the deleterious consequences of the murder of soldiers in the barracks in Serbia (2004 and 2005) on the victims' family members,*
- *warmongering propaganda of relevant national institutions (in Serbia: The Serbian Academy of Sciences and Arts/SANU, The Serbian Orthodox Church/SPC, Radio Television Serbia/RTS),*
- *abuse of educational system – use of the educational system as an instrument of war and hate talk.*

## **V Political, legal requirements and legislative initiatives** (connected to military violence)

Connected to military violence:

### **1. Political demands**

**To denounce crimes against peace:** in the form of forced conscription and other kinds of military violence,

Explanation: The Yugoslav National Army sided with the Serbian regime, and together with various paramilitary forces, committed numerous crimes in the territory of the whole ex-Yugoslavia. The so-called, rump Presidency of SFRY (collective authority, consisting of representatives of Montenegro and Serbia, after all the other republics of SFRY had withdrawn their representatives at the beginning of the year), on 10<sup>th</sup> of December 1991, decided to put under joint control the Yugoslav National Army. Also it was decided that volunteers would have the same status as other members of Yugoslav National Army, which was meant to show that at there were no paramilitary formations, including those committing the most atrocious crimes.

By this act, the Yugoslav National Army (renamed as the Yugoslav Army in 1992 and in 2006, after the independence of Montenegro was proclaimed, as the Army of Serbia, enrolled in its ranks an aggressive criminal organization who conducted operations on behalf of and in the name of hundreds of thousands of those forced into war, who subsequently shared the accountability (criminal, but above all political and moral responsibility for complicity in the aggressor's ranks.)

**Denouncing of the crime of coerced conscription – crime against peace:** since the beginning of the war, until today, the numbers of coercively drafted men, deserters or fugitives from the battlefield have never been disclosed. Unofficial figures range from 380,000 to half a million. Likewise, it has never been disclosed how many of them left the country so as to avoid going to war. There are estimates that this figure also ranges around half a million, although this cannot be considered to be reliable information. Military and civic authorities refuse to disclose data regarding those crimes, because it has been classified as military secret. Disclosure of such data would be contrary to the

regime's interpretation of the conflict and the thesis that `Serbia was not involved in the war`. The disclosure of any data regarding deserters would mean that Serbia admits that the Yugoslav National Army (who sided with the Serbian regime) was an aggressor army, since a great number of soldiers went to war from Serbian territories and fought in the name of the hundreds of thousands of those who were forced to war. Thus it was proclaimed that it was their own accountability (criminal, but above all political and moral responsibility for complicity in the aggressor's ranks.) Officially, there are between 400,000 and 700,000 war veterans (according to War Trauma Centre in Novi Sad), but allegedly – officially – Serbia was not involved in the war in Bosnia and Herzegovina nor in Croatia, and the coercive conscription was in the context of a “military drills”. Ever since its inception, the anti-war movement has been demanding full disclosure of information on the war crime of coercive conscription, as well as the prosecution of those responsible for that crime.

## **2. Legal level** – Retributive and Restorative Justice

**2a) codification of crimes against peace** – relative to coercive conscription and broader.

**2b) incrimination of new forms crimes against peace:** during the process of organizing the Women`s Court, participants in the process considered that individual criminal accountability is very important, but insufficient to serve justice, so they requested the adoption of new classification of forms of accountability/incrimination of the following:

- **collective political responsibility (state, institution...)** since it involves states of organized crimes (first of all Serbia and Croatia),
- **collective political and moral accountability:** relevant national institutions (SANU, SPC...) who, with their warmongering propaganda, fomented a climate of condoning, justifying and glorifying crimes, and have never been prosecuted for it.
- **political and historical accountability:** the media and educational institutions who have been creating a climate of impunity, the distortion of the moral order and value system, generating hatred (on ethnic/racial, gender, sexual grounds...), etc.

**2c) initiate court proceedings** (retributive justice)

-to initiate legal proceedings against the Red Cross, Commissioner for Refugees of Serbia: their roles in coercive conscription refugees as part of the coercive conscription of men, first of all for Serbia, by providing data on refugees from the war-affected areas.

-to initiate legal proceedings for the murder of 16 employees of RTS 1999, and to investigate the of NATO for this crime,

-to initiate new legal proceedings for the murders of soldiers in the barracks all over Serbia: in 2004 and 2005,

## **2d) Restorative justice** – symbolic and material reparations...

-*Symbolic reparations for the men who refused to go to war:* `refusing to join an aggressive war, a war for territories, for expansionistic goals, to participate in the crime of ethnic cleansing and creation of ethnically clean territories...`

- *Symbolic and material reparations to mobilised refugees:* In the case of Serbia, the Humanitarian Law Fund has documented 10,000 cases. Also, measures of coercive conscription of refugees should be determined in Croatia and elsewhere.

- *Symbolic reparations for relatives of the drafted men:* because they were hiding their male relatives - draft dodgers - they were exposed to various kinds of repression and stigmatized- reparations can be in the form of acts of apology, admittance, etc.

- *Symbolic reparations for anti-war activists:* who provided emotional, political, moral, and legal support to all those who opposed war, and thus suffered from repression.

-*Symbolic and material reparations for the murder of soldiers in the barracks over Serbia:* in 2004 and 2005.

-*Demands for symbolic reparations:* memorials, monuments for deserters, culture of memory, etc.

## **3. Demands to the international community- the institutions:**

### **Explanation:**

-*European states never admitted deserters, nor did they accept desertion as a reason to provide asylum,*

-*Peace negotiations* (the Dayton Agreement, at the end of war in Bosnia and Herzegovina) or the Kumanovo Agreement (1999 after NATO military intervention) do not mention by a single word the problem of military fugitives and deserters.

-*International institutions of justice, including the Hague Tribunal:* they do not recognize the crime of coercive conscription, which the participants consider to be utterly unfair and unjustified. Therefore, they call for mandatory incrimination of the unrecognized and tacit, repressed crime of coercive conscription, as one of the most significant issues of the Women`s Court.

It is also necessary on the political level to:

**To initiate a global campaign for abolishment of immunity of members of UN peacekeeping missions:** instead of protecting women, in many parts of the world they have committed sexual crimes over women. As a pressure on the UN to abolish the immunity, the initiative of Women in Black from Belgrade has already been presented on the XVI International Women in Black Network Conference (Montevideo, August 2013), where it was accepted and the campaign is underway.

**Denounce the patriarchal and militaristic character of Resolution 1325,** which it reflects by dealing with war and military conflict as a permanent, natural, inevitable state of affairs, which is contrary to the role of UN in peacekeeping and security all over the world. We consider it crucial because the Resolution 1325 is being corrupted by the UN and especially by members of the UN.

**The military character of the International humanitarian law:** it is considered that war is not a crime and therefore it cannot be sanctioned, the inevitability of war, and war as a natural state, is considered as part of human nature, therefore being constantly renewed. Basis of humanitarian law is the justification of war (Gabi Mischkowski), etc.

### **I session: Violence on the ethnic level-the process of organizing Women`s Court**

(the part of the report and testimony on ethnic violence was prepared by Women in Black working group, brochure `Ethnic violence over women-process of organizing of Women`s Court-expert meeting Sljeme/Zagreb, November, 2013, 85 pages).

**I Goals of Women`s Court:** the process of organizing Women`s Court-feminist approach to justice (as of 2011), established that it is necessary to organize Women`s Court as:

- A space for women`s voices to be heard, testimonies of women on experience of injustice suffered during war and as peace time objects of injustice and violence. Women become agents of justice- the subversive character of Women`s Court-relation of patriarchal power, domination and subordination, object/witness and agents/judicial bodies,
- A space for testimonies of women on violence in the private and public sphere-instead of being object of narration/history, voices from the margins of history. Women are becoming agents of narration/history-source of information on our experience,
- A space for testimonies on organized resistance of women-instead of dominant representations of women as helpless, passive victims. Women take over the role of leaders in combating injustice and violence

### **II The role of experts in Women`s Court :**

- The analysis of the context by which personal testimony is placed in a broader, social, economic, political and gender context: experts explain/formulate the context within which injustice and violence occurred

- The analysis of injustice and violence: experts contextualize and historicise crime and violence, while traditional court never does (Corinne Kumar).
- Connecting of subjective text/personal testimony with broader analysis-context. Connecting and equalizing of the personal and the political, the local and the international, the emotional and the rational...
- Review of the relationship between patriarchal domination and subordination: overcoming the unbalanced relationship between academic and activist, theoretical and experiential, objective and subjective

### **III Levels of responsibility-to whom we address through Women`s Court?**

- to women, women organisations, civil society,
- publicity in the region,
- international community
- institutional states, institutions of justice on national and international level, etc.

### **IV Results and outcomes (what do we want?) to disclose, to denounce:**

*Accountability* of (criminal, political, moral) state institutions for the war they participated in. Accountability for the premeditating/planning, organizing, committing crimes, which have not been considered by Hague Tribunal

- *Discrimination by ethnicity*: misuse of educational institutions (ethnically divided education, revised history), intimidation and restriction of freedom of movement
- *Persecution of minority communities*
- *Ethnic engineering*: altered demographic structure of the population throughout the country, such an example is Vojvodina, where the number of members of minority ethnic communities, especially the Hungarian, but others as well, decreased drastically, firstly, due to coercive conscription and subsequently because the women as members of those communities, had to follow their male relatives, in order to care and sustain their families.
- *Consequences of the crime of ethnic violence on women*: the gender dimension of the crime (influence on socio-economic status, mental health, emotional integrity, physical health),
- *Nationalist propaganda of relevant national institutions and the media*

### **V Political, legal requirements and legislative initiatives**

#### **1. Political demands**

**Denouncing of the crime of coercive conscription of minorities-a crime against peace:**

It is necessary to disclose that coercive conscription in Vojvodina in the first place implied the mobilization of non-Serbian population (the case of Kucura with majority Ruthenian population and Tresnjevac with Hungarian population, where all the adult men were drafted). The Serbian state never disclosed the number of coercively conscripted men, but according to the anti-war movement in Vojvodina and Serbia, at that time, over 120 thousand of men were taken to the battlefield in the first ten months of the war.

Conscription in Vojvodina affected minority communities at first, and it practically forced them into exodus, initially into the neighboring Hungary. Pressure on minorities of the prosecuted areas with such population continued throughout the war and extended in the post-war period. In the past twenty years the demographic structure has changed significantly in Vojvodina, at the expense of non-Serbian population, which used to make up as much as 35% of the population. Emigrating from Vojvodina continued, first of all due to ethnic bigotry and then to economic pressure, too.

Today's picture of Vojvodina (Serbia) shows that ethnic cleansing was the ultimate aim of the wars waged by Serbia, and not their consequence.

## **2. Legal requirements: initiate court proceedings**

*(retributive justice and restorative justice)*

-Initiate court proceedings for inhumane treatment in the concentration camps organized on the territory of Serbia for members of the Croatian Army and for civilians as well (Stajicevo, Begejci, etc.)

-Initiate court proceedings for the case Hrtkovci and other places in Vojvodina (as a part of organized state crime, and not an individual case of members of the Serbian Radical Party. As was the demand of persecution in the case of Croatian population)

-Ethnic persecution organized by Serbia in aggressor wars on the territories of Croatia, Bosnia and Herzegovina and Kosovo, which were not prosecuted in any way (the case of Bijeljina in Bosnia and Herzegovina) or the outcome of the trial that was inconsistent with the crime (the Prijedor case)

## **Restorative justice** - symbolic, material reparations

Symbolic reparations:

- Acceptance of the Declaration on Srebrenica (which clearly defines the accountability of the Serbian state for the Srebrenica genocide)
- Establishing a culture of remembrance (memorials)

Material reparations:

- damage compensation for loss of property (return of property)
- compensation for the loss of employment (recognition of years of service, etc)
- compensation for physical and psychological harm, etc.

### **3. Demands of international community-institutions:**

A major reason why ethnic violence which went on in Serbia, and at the same time in Croatia and Bosnia and Herzegovina, as well as on our own territory (Kosovo and Vojvodina during the 1990's), was made possible were economic sanctions, which only strengthened the Serbian elite, whereas the population was drastically impoverished, and thus unable to rebel against regime. At the same time, pauperisation directly influenced the growth of national intolerance within Serbia itself.

The experience of the population of the Socialist Republic of Yugoslavia, as well as other cases of international embargo all over the world, shows how unlawful and counterproductive this mechanism actually is. Therefore, we demand that the mechanism of economic sanctions, which directly affects the population and not the regime itself, be excluded from the practice of political pressure.

During the process of organizing of Women's Court-feminist approach to justice, various kinds of violence were defined, both during the war and in the post-war period. These kinds of violence, as well as acts of resistance, are characterized by their frequency, so in all the testimonies they are intertwined, although according to women's accounts, some of them were more frequent than others.

Testimonies referring to the period of war are about violence over civilians, mostly women and children, but also about men who refused to go to war. In the post war period, they are mostly about economic violence over the poor, and in most of the cases those are women. It is almost impossible to draw a distinction between violence suffered during war and afterwards-it is a continuum of violence, an ongoing war, the continuation of war by different means...

Testimonies we have collected are very indicative, because they confirm what we do know of the character of conflicts in the territory of ex-Yugoslavia (wars against the civil society, ethnic cleansing, war crimes of rape, war profiteering, and then continuity of violence in the post-war period, impoverishment of most of the population and normalization of all kinds of violence such as structural, domestic violence, and so on...)

### **VI Witnessing within a safe women's space- ethnically based violence**

This is about the limited number of testimonies at Women's Court seminars-a feminist approach to justice during 2011as well as the testimonies of the roundtable discussion 'From maternal peace politics to feminist anti-military resistance' held in May of 2013 in

Sremski Karlovci. Besides, the testimonies from the first regional meeting of potential witnesses in Tivat, in September of 2013, were also incorporated in this part of the analysis.

It is important to mention that the large majority of participants are women who have experienced ethnic and other kinds of injustice, and who are civil society activists. The focus is, first of all, on ethnic violence.

In almost all the areas and testimonies, the violence is multiple and interconnected, interlaced:

- **mixed families/marriages/communities**-they are the target of bigotry, ethnic-military-gender-economic violence, the source of fear for both communities,
- **ethnically based threats-a form of ethnic cleansing**
- **ethnically based life threats**
- **multiple discrimination**
- **cross-border ethnic clashes**
- **exclusion from community due to `otherness`-mixed ethnicities**
- **institutional violence exercised by the police, based on gender and ethnicity (in most of testimonies on ethnic violence)**
- **ethnically based isolation, rejection, harassment**
  
- **Mixed families/marriages/communities**-they are the target of bigotry, ethnic-military-gender-economic violence, a source of fear for both communities:

‘I was born in Croatia and I am Croatian by nationality. My husband is a Serb and we used to live in Zadar. Therefore, ours was a mixed marriage. My husband was drafted in 1991, along with everybody else, sent to the Yugoslav army, and my four-year-old daughter and I were alone in our flat in Zadar. We were left alone in a mixed Croatian and Serb neighbourhood. I was afraid of both ethnic groups. I had knotted together bed sheets, so as to be able to climb down from the first floor where we lived. My husband was not visiting home, because having been conscribed, they were not allowed to come home any more. I was afraid for my life and the life of my daughter because of my mixed marriage, and that is why I had tied sheets behind our radiator. It was not a very good solution, but I did not know any better. During 1991, you could hear Serbian houses being blown up in the air every night. You would just hear the sound of engine and the explosion after that, and it meant that one more house had been blown up.’ (refugee from Croatia in Serbia, 2011).

- **Ethnically based threats-a form of ethnic cleansing:**  
‘They have threatened me over the phone and wanted to kill me, forced me to go to Hungary. We were receiving calls with various threats: that they would demolish our house to the ground if I denounced the war or if I wrote against it. I used to be a deputy in the Parliament then. I was Vice-President of the Parliament of Vojvodina, which was controlled by Seselj’s party. I said that Vojvodina would

eventually look like Vukovar. I said then that we had no not have weapons and did not want war.(...)To us, as minorities in Vojvodina, it was very difficult, because the threats we were exposed to were a form of ethnic cleansing. Consequently, many people left .` **(a woman from Becej, 2011).**

- **Ethnically based life threats:**

`The atmosphere of fear and tensions was on. One week, a neighbour who lived across the road, with whom we used to be in good relations, heard me yelling at my son, who started running across the street, in Serbian language. And then the agony started and lasted until late at night. He threatened us from the window, with his gun, telling he would kill us both. He called the others as well to join and to be in solidarity with him. He shouted, thinking that if he got rid of the Serb citizens, the shooting in the city would cease. There were two women with him who held him back. Others were standing aloof. While he was threatening us, I was in fear mostly for my son's life, but did not realise it could be serious. What horrified me back then, were the neighbors. That silence.` **(a woman who moved from Belgrade to Zagreb, 2011).**

I will never be able to forget that very day, the 12<sup>th</sup> of March 1993. After the bloodbath of 1995, I came to Tuzla with two of my sons. I have lost 22 members of my family. They evicted us only because we were Muslims, people with different names and surnames. The worst part was being accused by our neighbours for committing crimes. I went to the Hague to testify. I was a mother of minor children at the time. They wrote that I had robbed houses, and killed people. I went all the way to the Hague.` **(a woman from Srebrenica, 2011).**

- **Multiple discrimination: on gender/racial-ethnic and economic level:**

`When I started working in Kamensko factory, there were no records of nationality. That was in the beginning and then I was registered as a Serb. It was in 1998. We had a good chief and there was no discrimination until 2000. I used to do the same job as other colleagues, but they were being awarded more points for their work, while mine were decreasing. They told me my work was worth as little as that of a Gypsy. I had to work sixteen hours per day, and I was a single mother. While my colleagues were going home, I had to stay and work throughout the night. My children, traumatised with the death of their father, had to stay home alone. At one point, I stopped working, grabbed my purse and left. But my chief ran after me and did not let me go. I had to go back. My trauma is discrimination in the labor market due to a criminal privatization. We were left jobless. It is well known that the state was to blame, just watching, the workers being thrown out into the streets, deprived of all rights, and nobody took the initiative to stop it.` **(a woman from Kamensko factory, 2013)**

- **Ethnically based cross-border clashes:**

`By the end of the year, my daughter and I left for Serbia with the intention to continue to Canada from there. We arrived at the Raca border crossing, and there was a notice: `Forbidden entrance to non-Serb population.` It meant that my

husband could cross the border, but I had to turn back. My daughter, who was attached to me, got off the bus with me. I had a back pack, a bottle of water and a thermos of tea. It was snowing and the wind was blowing, I do not even remember the time. We were going to some kind of lodging, which we were supposed to reach after 5 or 6 hours of walking, so we had time to figure out what to do. To see if we would try again entering Serbia or we would return to Krajina. We had no idea where to go. We were promised by a man from Benkovac, from where we had started, that there would be no problems at the border. All I had to do was go to the Ministry of Foreign Affairs in Benkovac and obtain a certificate that I was married to a Serb, and therefore I would get my marriage certificate and would be able to cross the border. The precondition was to inform the on which bus I would be leaving and there would be no problem. I started off again, but the encountered the same situation, and we were thrown out of the bus again. And then appeared a man, whom I had never seen before, who approached the customs officers and told them that he would transfer me and my daughter to Bijeljina, in Bosnia and Herzegovina. All sorts of thoughts crossed my mind, and I thought that we were done for, because I had no idea in whose car I was entering, or where he would take me. I had come to terms with the idea of an imminent end - that we would end up in the woods or in the corn field. But we were lucky, the man was fair. He knew what it was all about. He brought us to Bijeljina on New Years Eve...He brought us to the hotel and he asked me if I had any money. There was no electricity, no water. My daughter was drinking tea for eight days, because there was nothing else. This man informed my husband who was already in Belgrade, that I was there, and that he could talk to me. We talked and again through a policeman who worked in the Police city precinct, and was on duty at the moment, named Raca, asking them to let me to pass through. He informed them that I was going to cross the border the next day and told them to let me through. And that is how my daughter and I managed to come to Serbia.` (**refugee from Croatia in Serbia, 2011**).

- **Exclusion from the community due to `otherness` - mixed ethnicities:**  
`The neighbors did not greet me, they totally ignored me...` (a woman who moved from Belgrade to Zagreb, 2011).

`They were pulling down the Roma settlement because of the pending Universiade. They had brought police and dogs and put fences around us, so we could not be seen. Roma people knew they were being left on the street. They were not allowed to go into town. They could not work. The press could not speak of it. I decided then that I had to fight. I had to deal with the Welfare Centre. I am alone and if they killed me they would do it at once. I warded off all fear and continued.` (**a woman from Belgrade 2013**)

- **Institutional violence** conducted by the police based on gender and ethnicity (in the majority of cases on ethnic violence)

`I was born in Slovenia. I am one of the 25,600 persons who were erased. In 1992, they took away our permanent residence permit, because we had not asked for a Slovenian citizenship. They had deleted us from the list of residents. In one day we became nobody and nothing. For ten years we did not know about each other. We did not know what was going on. We were left with nothing, had no rights. Some of us had understood what was going on, very quickly. But, we were sure we were the only ones. I was afraid to talk to anyone. It was hideous to live without any documents or rights. There was silence and we did not talk to anybody about it.` (a woman from Ptuj, 2013)

- **Ethnically based prosecution:**

`My mother is a Serb and my father is a Croat...they expelled me quickly out of the apartment, in the middle of the winter, with my father who had suffered a stroke. After my mother died, I had stayed in this apartment with my father, while my husband was drafted. He was also from a mixed marriage, like me. He did not want to join the army but he had to. It did not matter that he was in the Serbian army, they evicted us in winter anyway. With my father who'd had a stroke and who was like a piece of furniture, whom I had to move to another family, because I did not know what to do with him...` (witness from Banja Luka, 2011).

- **Discharge from work for belonging to ethnic minority:**

`I was dismissed from my work in Belgrade, because I am of Croatian nationality. The newspaper in Zagreb for which I used to work, dismissed me for being a `Serb.` (witness from Belgrade, 2011).

Croat, my mother Serb, that I came from Belgrade. They knew every detail regarding my resettlement to Zagreb. Besides the fact that I was expelled from the position of museum curator in Zagreb, I experienced blackouts, alerts, and shootings in the neighborhood-Dubrava.` (a woman from Belgrade, who moved to Zagreb, 2011).

We never paid attention to the fact that my mother was a Serb and my father was a Croat. In April of 1992 the war had started officially in Banja Luka and it was strongly felt, because the army units of Banja Luka had been involved in the war in Croatia, so we can consider 1991 the year when war started. I was the manager of one department, in the company I worked for, and just by chance mandated had expired. Immediately afterwards, I was expelled from my position. The firm was functioning with difficulties as the other in Bosnia and Herzegovina, but I knew why I had been expelled and I did not rebel.` (a woman from Banja Luka, 2011).

We lived in a municipality which was neither at war nor in peace. My coercive conscription was my forced departure from my work place. One month later we were to go through Bosnia and Herzegovina. There were 250 workers. We had to get through administration. I left my bones there. We were standing for the whole eight hours. Some had told us that we were a bunch of people who did not want to

work. That very same day we had to declare who we were. I felt so miserable. The manager ordered us to go to work. We were going by train through the Strpce station. We had to work in order to survive. If you did not enter the train it was the end. You stayed there. We were going through the woods on foot. In one of the villages, ten boys lost their lives. It was a classical apartheid. The ones on one side and the others on the other. And until yesterday we were celebrating together. I felt like horns had grown on my head. Risking my life for the job, I could have left behind an orphaned child. Later we found out that people were killed in Strpce. In 2005 I suffered from a strong depression. It was a consequence of the war. People who were spending time with us were criticized. They did not want to betray us. It was the most painful. I can never forget it, ever.` (a woman from Priboj, Serbia, 2013).

- **Isolation, rejection, harassment on ethnic bases:**

`For us the war started in summer of 1991. All the paramilitaries were walking through Sombor. Tanks were coming every night and were leaving to Bezdan toward Vukovar. A rumble was continuously being heard from the direction of Vukovar and Osijek...() Summoners were knocking at doors all the time. They were from our neighborhood so you could not hide for long. Someone who escaped to Germany, could never come back. Their families went to Croatia. It was very hard for minorities and even more for Croats. They were expected to take sides. They could either fight against their own people or go to jail. Two villages, Monostor and Breg, had a majority Croat population. Monostor did not vote for the opposition and Breg did not vote for Milosevic. The former were summoned to join the army three times. I know a man who refused to go as reserve officer, he refused to take a uniform and weapons. He was in held remand in Belgrade, and he was sentenced to six months of prison. He has been labeled as Ustasha for life.` (a woman from Sombor, 2013).

`I am from Novigrad. I was at Biserka Biba Momcinovic (Civic action) in Porec of 1992. One morning, people in uniform came and took my brother out of his working place with the excuse that he should go to defend Bosnia. They took him to the police station, then to Umag, and Rijeka. It was in the newspapers. The public was informed. It helped me. I felt that one day justice would be served. I hoped I would find my brother. I mean, I still do, but I have lost hope that he will come back alive. They beat them up again in Herzegovina, in Tomislavgrad. There were six Serbs in the military police truck. They said what and who they were and what had happened to them. One of them jumped out of the truck.` (a woman from Novigrad, 2013).

## **VII Ethnically based violence-insights with public presentations**

The testimonies of women within safe spaces which were allowed during the seminar, or feminist roundtable discussions, offered detailed personal testimonies. It is logical that the situation was completely different in public spaces (on Public presentations), where we were provided with the insight on injustices and ethnic violence indirectly, and participants in the most of the cases did not speak through personal but collective (national) identity.

Public presentations in the course of organizing the Women`s Court are an integral part of the activist research process in order to gather information, suggestions, connected to the phenomena and perception of justice and selection of issues for Women`s Court.

Fieldwork has revealed how little the public is concerned with issues of both personal and collective accountability. The nationalist matrix is too strong and the issue of collective accountability is generally understood as the accountability of the `other side.` Shifting responsibility to the other (another ethnic group, first of all), is a common denominator of political language in the whole region, which prevents the building of a peace policy.

For example, this part of the process in Bosnia and Herzegovina (during 2012) showed that language is a means of spreading hate and discrimination. For example, daily life in Kozarac (and Prijedor) is still tainted with strong ethnic distance, and a life full of fear.

Ethnically based violence in **Croatia (during 2012)** is still largely determining the lives of women. At the same time, it is the hardest issue to tackle publicly, which indicates on the one hand, the normalisation of the nationalist discourse, which implies expressing resentment against others who are seen as different, due to a fear of those who harbour such feelings. It is combined with other kinds of violence-economic, social, and gender.

Ethnic distance was visible in **Macedonia (during 2012)** and fear which is generated additionally, by declaration that `Macedonian women did not learn the Albanian language,` through constant increase of ethnic tensions and `foretelling conflict` as a production of fear among the population, which contributes the deepening of the ethnic gap.

In this period, through Public presentations which were organized in **Serbia (during 2012)**, it could be concluded that ethnic distance was increasing in Vojvodina. The forms of injustice over women and the general population were on the rise in the sphere of labor/economic rights, but ethnic discrimination as well, first of all Roma population, but also concerning other ethnic groups in Vojvodina, the disabled and internally displaced persons.

In this period, through Public presentations in **Serbia (during 2013)** a total normalization of the nationalist ideology could be observed. On the other side, it is obvious that in places where Public presentations were repeated, in the places where they were organized for the first time, more frequent than in previous two years, political accountability was

ascribed rationally (i) to the Serbian state itself (Nis, Pirot, Presevo). When we speak of collective accountability and ruling nationalism, it is important to mention the experience of Nis and Public presentations (where women refugees participated, 'displaced persons' from Kosovo) and who have clearly expressed their attitude that 'they feel as 'second-class citizens in their own state'. Their experience is important in the deconstruction of the nationalistic matrix, for it shows a politically involved nation (the exclusion of unfit Serbs), and not its 'natural' condition (it is important to mention that there is 'ethnic distance' within this population toward Albanian population and that this issue should be addressed). Also, the discussion in which involved women 'displaced' from Kosovo, led to the conclusion that 'we', in fact, cannot be victims, because we are living in a state which does not admit ever having been involved in the war.'

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## **IV Organizational Board – Regional Meetings**

### **1.**

#### **International Women’s Court Advisory Board Meeting**

*Brief information on the most important items of the meeting, Kotor, 23 – 25 November 2012:*

*The meeting of the International Women’s Court Advisory Board – feminist approach to justice was an opportunity to sum up two years of fieldwork experience within the Steering Committee and share it with our friends from the International Advisory Board (IAB), so that the meeting of the SC in February could result in final decisions about organizing the Court itself.*

*It was concluded that the process had been conducted horizontally, in a democratic way and that it was an autonomous process that included the experience of the women’s courts, women’s tribunals and peoples’ tribunals that have been organized so far. The process of organizing the Women’s Court will remain an autonomous process involving both the activists – organizers, and the witnesses, thus implementing the idea of a different paradigm of justice and the agents of justice.*

The meeting was attended by: 17 women, 6 coming from international networks and 11 from the ex-Yugoslav successor states – members of the Women’s Court Steering Committee.

In the course of the meeting, the following issues were discussed:

#### **1. Aims and results**

*The aims of the Women’s Court have a twofold direction – altering of social awareness and concrete demands:*

- *acknowledging the suffering of women,*
- *changing of the cultural patterns of ethno-nationalistic patriarchy and war profiteering (by connecting war and poverty),*
- *demands for acknowledging the accountability of the very states as well as of the political, economic, religious and cultural élites,*
- *demands for amendments of the legislation, such as the demand to grant the status of civilian war victims to women victims of war rapes,*
- *demands for the expropriation of the property of the perpetrators, which will be spent for public causes.*

#### **2. Levels of responsibility (who do we address via the Women’s Court)**

1. *women,*
2. *the regional public,*
3. *the international community,*

4. *the institutions, institutions of justice on the national and international level.*

### **3. Topics at the Women's Court**

*Four principal topics emerged, with ethnic violence, which is omnipresent, being a common topic of the Women's Court, whereas the other topics will be selected by the activists themselves as of key importance for the region they come from.*

- Ethnically based violence
- Militaristic violence
- The continuity of gender based violence: war rapes, male violence against women in the aftermath of war, etc.
- Economic violence against women: criminal privatization, dismissals from work, unemployment, etc.

### **4. The audience of Women's Courts**

1. *Women and regional women organizations,*
2. *International women organizations and civic society organizations*
1. *Representatives of state (and independent) institutions*
  - 3a. *state representatives pay for their own costs of participation*
  - 3b. *they do not have the right to speak at the event*
  - 3c. *they cannot open or close the event*

### **5. The Structure of the Women's Court – feminist approach to justice**

*The structure of the Court requires taking care of two major issues:*

1. *The system of care for the witnesses and activists, preparation of testimonies,*
2. *The technical aspects of the organization of the Court*

*1. The system of care for the witnesses (and activists) comprises the ethical concept of care during the process of organizing of the Women's Court, and also in the period following the event; active involvement of the witnesses into the process, in decision making and mutual support. The witnesses ought to be women who have already been empowered, who are supported by the local groups and who, having been included in the process, know that it is an alternative court with no legal force (in the sense of any form of sanctioning), but that it exerts an influence on the perspective of the judicial system (through activists' demands for amendments of the legal system). (Activists should also have a support system in the course of organizing the court, and it has been suggested that they should receive support at least once a month).*

#### **2a Technical structure of the court –a three-day event**

1. *On the first day, the opening and artistic program take place*
2. *On the second day, the testimonies are heard, a maximum of 4 women witnesses per topic (20 testimonies at most), the registration of participants should be conducted for security reasons.*
3. *On the third day, the "sentence" of the judicial council is heard, and concrete actions are announced by the activists, followed by an artistic and activist program.*

**2b Technical structure of the Court – direct participants structure:**

1. witnesses, 4 per topic, testimonies limited to 20 minutes,
2. the expert witness whose title is changed into MODERATOR, one per topic (4 altogether), the expertise lasts for about 5 minutes
3. the jury, which is made up of 4 moderators, plus at least one more,
4. the judicial council that pronounces the sentence, which can also include men, and should also include individuals from the region, and those from the international public who are familiar with the situation in the former Yugoslavia and do not have to be lawyers necessarily, but to enjoy public reputation.

**6. The media issue**

*It was concluded that cooperation should be established with:*

- Close-minded regional media,
- Journalists from international media whom we know by name from the mainstream media and who are friendly should be contacted,
- Alternative media from abroad should be invited,
- Digital media (the Internet) should be used.

**2.**

**Meeting of Members of the Initiative Board of the  
Initiative for Women's Court – Feminist Approach to Justice**  
Skopje, February 1<sup>st</sup> – 2<sup>nd</sup> 2013

Hotel *Skopski merak*, Andon Dukov 27, Skopje 1000, Skopje, Macedonia

**Decisions and conclusions**

**1. The decision to change the name of the Board:**

At the meeting of the members of the Initiative Committee female court-feminist approach to justice, held on February 2<sup>nd</sup> 2013, in Skopje, it was decided that from this date, the Initiative Board will be renamed the Organizing Committee

**2. The decision about the implementation of program activities:**

Women in Black will continue to lead the process on behalf of OC of the Women 'Court

**3. The decision on the appointment of Technical (Operational) Coordinator:**

Zorica Trifunović – begins to work on February 15<sup>th</sup>, and will be paid from the KTK grant; description of activities related to technical coordination: communication between the OC members, fund raising, collecting the documentation, archiving, and the reporting.

Fee: 350 Euros (net) for the first six months.

- Mandatory presence of the Technical Coordinator at the OC Women's Court members' meetings;
- OC Women's Court members are obliged to send the information to the Coordinator.

#### **4. The decision on the composition of the Organizing Committee (organizations and representatives):**

##### **Bosnia and Herzegovina**

Lara, Bijeljina – Dragana Petrić  
Women to Women, Sarajevo – Memnuna Zvizdić, deputy- Mujic Indira

##### **Montenegro**

Centre for women's and peace education, Anima, Kotor- Ljupka Kovačević,  
Ervina Dabižinović – deputy

##### **Croatia**

Centre for Women's Studies, Zagreb – Rada Borić  
Centre for Women Victim of War - Rosa, Zagreb – Nela Pamuković

##### **Kosovo**

Kosova Women's Network - Igbale Rogova

##### **Macedonia**

National Council for Gender Equality, Skopje – Savka Todorovska,  
Đane Krešova- deputy

##### **Slovenia**

Slovenia Women's Lobby (network) – The representative is yet to be chosen.

##### **Serbia**

Centre for Women's Studies, Belgrade – Daša Duhaček  
Women in Black, Belgrade (network) – Staša Zajović

## **5. Proposed dates for the Women's Court:**

November 23<sup>rd</sup> – 25<sup>th</sup>, 2014 (Sunday - Tuesday)

## **6. Proposed locations of the Women's Court:**

Belgrade or Novi Sad, Ohrid or Skopje, Pristina, Ljubljana (to communicate internally and to choose the place before April 15<sup>th</sup> 2013)

## **7. Activities**

a.) Activities for different levels of responsibility (**who are we addressing with Women's Court?**)

- a) Women
- b) General public in the region
- c) International community
- d) Institutions, institutions of justice at national and international level

b.) Meetings of the members of OC Women's Court

### **7.2.1. Thematic meeting of the members of OC Women's Court: Preparing testimonies**

Date and place: **June 21<sup>st</sup> and 22<sup>nd</sup> 2013, Ljubljana**

A proposal for the selection of witnesses:

a) The experiences of women from Bosnia – preparation of witness: Gender-based violence

b) Marijana Toma, contextualization

c) The experiences of women from Kosovo-preparation of witness: Gender-based violence  
Sevdije Ahmeti and Veprora Šehu; ethnic violence

d) The experiences of women from Macedonia: ethnic and socio-economic violence, gender-based violence; militaristic violence

e) Experience of Croatian women: economic and social violence, gender-based violence

f) The experiences of women from Serbia: militaristic violence and ethnicity-based violence

g) The experiences of women from Slovenia: economic and social violence

h) Experiences of women in Montenegro: the economic and social violence

- Plan of the meeting: Day 1 – the report on the process of identifying potential witnesses in each country, to send info to the Coordinator (Zorica T) ten days prior to the meeting (to describe the identification process); Day 2 - the experience of women who have experience in preparing the witnesses;
- Participants: OC members and four women with experience in preparing witnesses ( let the Coordinator know the names of the participants by March 1<sup>st</sup> );
- Logistic preparation: Women's Lobby of Slovenia and Mirross.

### **7.2.2. Thematic meeting of the members of OC Women's Court: Preparation of witnesses for the testimonies**

Date and place: **Kotor or Tivat September 26<sup>th</sup> or 29<sup>th</sup> 2013**

- Participants: Members of the Organizing Committee (not obligatory for all, open to those who wish to attend the meeting), the experts for the preparation of witnesses – required presence of minimum two women, and the potential witnesses (20 – 30);
- The work plan of the meeting shall be established after a meeting in Ljubljana.

### **7.2.3 The meeting of OC members with then experts for the context**

Zagreb, November 22<sup>nd</sup> – 23<sup>rd</sup> 2013

### **7.2.4 Second meeting with witnesses**

Sarajevo, February 1<sup>st</sup> 2014

### **7.2.5 Meeting of OC members with the artists and the media representatives**

Belgrade, March 2014

### **7.2.6 Third meeting with witnesses**

Ohrid, May (first half of the month) 2014

**8. Proposed persons** (moderators or experts) who will provide the framework (context and concept) - Bojan Aleksov; Vlasta Jalušić, Vjosa Dobruna, Slobodanka Markovska, Biljana Kašić, Olga Škarić, Jasmina Husanović... (the list is open to amendment)

**9. Proposed members** of the Jury: Gabriela Kirkpatrick, Charlote Bunch, Louis Arbour; Vesna Rakić, Margareta, Stephan Lewis, Mirjana Trajkovska, Sevdije Ahmeti, and Baltazar Garzon (the list is open to amendment)

### 3.

## **Organizational Meeting for Women's Court,** **Ljubljana, June 21-23, 2013** **Themed OM for Women's Court - Witness Preparation**

Participants of the Organization Meeting for Women's Court (OMWC) were from all over former Yugoslavia: *Jovana Mihajlovic* (Women's Lobby Ljubljana), *Rada Boric* (Centre for Women's Studies, Zagreb), *Nela Pamukovic* (Centre for Female Victims of War, Zagreb), *Mara Radovanovic* (Lara, Bijeljina), *Munira Subasic & Kada Hotic* (Mother's Enclave in Srebrenica and Zepa Movement), *Ljupka Kovacevic* (Anima, Kotor), *Savka Todorovska* (Council for Gender Equality, Skopje), *Igballe Rogova* (Igballe), *Violca Krasniqi* (Violca Krasniqi) and *Nora Ahmetaj & coordinator Zorica Trifunovic* (Women in Black, Belgrade) as well as the following experts: *Marijana Senjak* (Zagreb), *Gorana Mlinarevic* (Sarajevo) and *Svetlana Slapsak* (Ljubljana).

**Friday, June 21st, evening: Short meeting - Discussion on how meetings will unfold**  
*Moderator: Nela Pamukovic*

**Saturday, June 22nd –**

#### **I. Discussion on Changes to the OMWC - morning**

*Moderator: Rada Boric*

*In this part of the meeting, we discussed the following changes and offered solutions:*

**1. The decision for Women for Women from Sarajevo to not be a part of the OMWC was agreed on, as well as coordinator Nuna Zvizdic's decision to no longer be a part of the OMWC.**

**2. NGO Lara from Bijeljina and Mother's Enclave in Srebrenica and Zepa Movement are members of the OMWC from Bosnia & Herzegovina - they agreed to take over the responsibility of organizing Women's Court (WC) in B&H - now the following women are members of the OMWC from B&H: Mara Radovanovic, Kada Hotic, and Munira Subasic.**

**3. Women from the Women's Network of B&H will decide at their meeting about the third organization in B&H - technical coordination - within a month's time from the**

**OMWC in Ljubljana, meaning by the end of July 2013. The suggestion that the third organization for technical coordination be from the Federation in B&H was agreed upon.**

**4. Women's Network of Kosovo will continue to be a Kosovar partner organization and member of OMWC, more specifically: Igballe Rogova, Violca Karasniqi and Nora Ahmetaj.**

**5. In accordance with the agreement within Women's Lobby Slovenia, Jovana Mihajlovic is the newest OMWC member (instead of Metke Roksandic); The peaceful institution that Jovana represents is a part of the Women's Lobby, which will remain in the OMWC network.**

*On the changes within OMWC: in this section we discussed personnel changes, as discussed in the above paragraph. The main points of the discussion are as follows:*

*- Participants agreed that it is unacceptable for donors to impose on the decision making, whereas donors stated that foundations have the exclusive role of technical assistance;*

**6. OMWC Participants are taking responsibility for the process of organizing WC, making decisions together, especially in cases when problems arise;**

*- a hierarchy between "victim" organizations and NGOs is unacceptable, as the organizations that are primarily based around victims/survivors acquired experience and experts and activists;*

*- respecting the autonomous process of organizing WC in each state in accordance with the feminist code, women's needs, and depending on the context.*

**II. Short overview/report on activism** tied in with WC in each respecting state

*Moderator: Zorica Trifunovic*

**Summary Discussion:** in this part of the meeting, presenters spoke about their activism and actions, which will be summarized in the following manner:

- *observed significant differences in the intensity of activities in the process of organizing WC, which is consistent with feminist principles of autonomy and respect for different rhythms of work;*
- *diversity of methods is more inclusive of larger numbers of women during the process of organizing, encourages more women to testify at WC, and deepens our knowledge/understanding: focus groups, feminist discussion circles, debates, conferences, film projections, public presentations, legal teams;*
- *new women are incorporated into the work process, as well as new themes relevant to WC, and new regions (in Serbia, women from Presevo Valley & Sandzak have joined, and in Slovenia more refugees have become involved);*

- *in all regions of former Yugoslavia, the process has shown interdependence and intertwining of various forms of violence against women (gendered, socio-economic, ethnic, militaristic);*
- *in most countries, especially in Serbia, the Hague Tribunal rulings aroused feelings of doubt in women towards institutionalized justice on a national and international level, which further solidifies women's need to further develop alternative models of justice, i.e. Women's Court, which should not be limited to "only" witnesses, but should also focus on putting pressure on justice institutions;*
- *the tension between different ethnicities is noticeably increasing, as is the climate of fear and uncertainty among both majority and minority communities (in Southern and Central Serbia, women feel this more than ever the ultimate consequences of authoritative policies/central government, while in Vojvodina, fear and uncertainty is mainly felt among the Hungarian minority as a result of intensified pressure from the Serbian government in that area. This in particular is attributed to the international community, i.e. Brussels Agreement, and the "loss" of Kosovo, etc);*
- *experience shows that in some areas, women outside of rebellious activist communities are more likely and more directly to be critical of the government than activists in NGOs, who before all else, are struggling to survive subservience to the state and donors (in parts of Serbia and Montenegro);*
- *more partner organizations are working in coordination with national and international institutions towards furthering certain themes that mobilize women (the UNDP, governmental institutions, and some feminist NGOs are focusing on the war crime of rape, in Kosovo the Kosovo Women's Network is organizing with the UNDP, the High Commissioner for Human Rights and EULEX around women who were rape victims during the war);*
- *in all regions, members of OMWC and general partner organizations promote WC at different levels, national and international, as with other types of activism, especially those linked to dealing with the past, conciliation, Resolution 1325, etc.*

### **III The Challenges of Identifying Potential Witnesses - Saturday Morning**

#### **Summary of Discussions and Reports:**

- **Women of Srebrenica (Munira Subasic & Kada Hotic)** *spoke about their experiences and what they lived through during the genocide - this transforms their pain and suffering into an active and permanent battle for punishing those crimes, truth and justice, justice in the courts, both the Hague Tribunals and in B&H; they spoke about their experiences as witnesses, the ways that they encouraged other survivors to testify, creating mutual trust and mutual support (an advantage over the so-called "professional" and "psychological" support); they spoke of solidarity with women victims from other ethnic communities over issues and objections in the national courts, such as the shortcomings in witness protection programs. They spoke about the consequences of the war in women's health.*
- **Experiences of Militaristic Violence in Serbia** *(forced mobilization during the war and violence after the war): militaristic violence carries with it other forms of violence - witnesses showed the different forms of violence/injustice that militarism intertwines with. Militaristic violence is always tied in with gendered, ethnic, class, or political lines; relatives of conscripted men carry the burden and the*

consequences of this crime; presenters spoke about their experiences in personal and organized resistance to conscription; there was also mention of visits and working meetings with potential witnesses for WC (in Leskovac and Krusevac) as a part of feminist ethics of care. The report was presented by **Stasa Zajovic**. Memories of militaristic violence, as well as the resistance to this violence is invisible, tucked away, and forgotten in Montenegro and Croatia (**Ljupka Kovacevic & Nela Pamukovic**).

- **Socio-economic Violence - Ljupka Kovacevic:** *the privatization in Montenegro primarily affects women as it brutally impedes on their labor rights; workers who attended focus groups are not yet ready to publicly testify due to two reasons: fear of public speaking, but more so due to the hierarchy of injustice - they view their own stories as secondary to those women who have survived war trauma; experience shows that workers do not connect their own poverty and war to war profiteering, which necessitates further political education. Rada Boric discussed how interdependent socio-economic injustices are intertwined with gendered, ethnic, and political violence. She also discussed the empowerment of women workers (Kamensko) through collective resistance. Savka Todorovska discussed the massive downsizing throughout Macedonia, the lack of any kind of support system for workers from unions, the willingness of workers to testify about the colossal violations of labour rights. Because of these injustices, the OMWC has to decide which type of injustices will be focused on.*
- **Ethnic Violence: Jovana Mihajlovic** spoke about the “erased” - after the Slovenian Independence (1991) there was exclusion from citizenship of Slovenians from former Yugoslavia, based on ethnic and political discrimination. **Violca Krasiqi** stated that all types of violence need to be addressed from a gendered perspective and that we ought to focus on all types of violence against women; in the coming period potential witnesses from Kosovo will be identified, and will be speaking about political violence in the 90s and in the twentieth century (institutionalized apartheid against Albanian population by the Serbian regime, massive lay-offs, economic and political consequences of repression of women; Violca raised awareness of the need to discuss sexual crimes against women by members of the international community, etc.

#### **IV Sunday June 23rd**

**Discussion on further processes of collective work with WC - Discussion on the next meeting - Kotor (Tivat) September 26-29, 2013**

*Moderator: Dasa Duhacek & Rada Boric*

*The following was agreed upon:*

##### **1. Meeting September 26-29:**

- *Marijana Senjak and Teufika Ibrahimovic will lead the preparations for the witnesses in September - they will recommend a third colleague if they deem necessary;*
- *Marijana Senjak is writing the witness preparation proposal in September - latest by the end of June 2013, so that we can send witnesses to preparatory meetings;*
- *Translation of documents into Albanian, as well as translating Albanian documents - WiB were told to contact translators Eda Radoman and Naile Mala;*

- *Proposals for potential witnesses to be sent by September 10th. At preparation meetings, potential witnesses (by country) will decide whether they will be going to Tivat. The meetings at the end of September (26th-29th) there will be 20 potential participating witnesses, 3 or 4 from each country, with a minimum of 1 per country. It is important to note that more than 4 women can come from one country if there is not more than 1 witness from another.*
- *Marijana Senjak will draft September's meeting itinerary by September 10th at the latest. Marijana suggested that members of the OMWC speak about the organizing process of WC for the introductory segment of the meeting.*
- *Attendance for the meeting in September is not mandatory for the members in this OMWC meeting, but it is encouraged that as many as possible attend. This was discussed at the meeting in Skopje in February 2013, and was confirmed here.*
- *It was agreed that the members of OMWC come to Tivat one day earlier (September 26th) and that the witnesses come on the Friday (September 27th).*

## **2. Meeting Experts, Zagreb, November 22 & 23, 2013**

- *Confirmation of experts who will be attending the meeting in Zagreb from November 22-23, 2013: Bojan Aleksov & Svetlana Slapsak, while the following still need to be contacted: Vlasta Jalusic (Dasa Duhacek to contact), Vjosa Dobruna (Violca Krasniqi to contact), Biljana Kasic (Rada Boric to contact), Jasmina Husanovic (Gorana Mlinarevic to contact).*
- *At the meeting in Ljubljana, a list of noted experts was drafted: Lepa Mladjenovic (Stasa to contact), Rada Ivekovic (Zorica), Sevdie Ahmeti (Igo), Snjezana Milivojevic (Sada), Marija Babovic (Stasa), Tanja Djukic Kuzmanovic (Ljupka), Fuada Stankovic (Zorica & Dasa), Marijana Toma (Zorica), Vanja Calovic (Ljupka), Gzime Starova (Savka), Fedra Idzamovic (Mara), Svenka Savic (after nomination, confirmed attendance).*

**3. Panel Proposal:** Gabrielle Kirk McDonald (Gorana), Patricia Sellers (Zorica), Vesna Rakic Vodinelic (Stasa), Baltasar Garzon (Stasa), Dianne Otto (Gorana), Christine Campbell (Gorana), Julie Mertus (Violca), Christine Chinkin (Zorica)

*Throughout July 2013, Dasa needs to draft a letter to be sent to the international participants.*

## **4. International Advisory Board:**

Merieme Helie Lucas (Secularism is a Women's Issue)  
 Gabby Miskovski (Medica Mondaile)  
 Charlotte Bunch (Centre for Women's Global Leadership)

*Prepared by: Stasa Zajovic  
 Belgrade, July 18, 2013*

#### 4.

### **Meeting of Women`s Court organizing committee Conclusions based on the transcripts and discussions 27th and 28th of September, Tivat**

Regional Women`s Court organizing committee was composed by Nela Pamukovic (Center for Women War Victims, Zagreb), Rada Boric (Center for Women's Studies, Zagreb) Kada Hotic (Mothers of Srebrenica and Zepa, Sarajevo), Stanojka Tesic (Women's Forum, Bratunac), Lovely Kovacevic (Anima, Kotor), Savka Todorovska (Council for Gender Equality, Skopje), Stasa Zajovic (Women in Black, Belgrade), as well as technical coordinator Zorica Trifunovic (Women in Black, Belgrade).

Meeting was not attended by members of the Regional Women`s Court organizing committee from Slovenia and Kosovo.

There were changes in Bosnia. Instead of Lara, a group of women's organizations in Bosnia and Herzegovina (Steering Committee of the Women's Court network of Bosnia and Herzegovina) proposed Stanojka Tesic from the organization Women's Forum from Bratunac as well as Jadranka Milicevic from Cure Foundation of Sarajevo, to be members of Regional Women`s Court organizing committee. Decision was accepted by the Regional Women`s Court organizing committee and the meeting was attended by Stanojka Tesic.

Steering Committee of the Women's Court network of Bosnia and Herzegovina made this decision on 29<sup>th</sup> of July in 2013 and the Regional Women`s Court organizing committee was informed upon this matter on 12th of September, 2013, so it was a good chance for this decision to be accepted by the initiative from Bosnia and Herzegovina. Lara is not any longer a member of Regional Women`s Court organizing committee, but it remains within Steering Committee of the Women's Court network in Bosnia and Herzegovina.

Stanojka Tesic requested that this decision of the Regional Women`s Court organizing committee should be written and promptly sent for the approval of the Steering Committee of the Women's Court Network in Bosnia and Herzegovina. (See the end of the list of organizations and their representatives, within Regional Women`s Court organizing committee).

Reports were presented on the work for organizing of Women`s Court in June, the challenges of identifying potential witness for Women`s Court, and organizing of the following regional meetings.

The biggest challenge is organizing of the Women`s Court in November of 2014. In

accordance with the agreement to intensify the work related to all aspects of the following regional meetings, including work on the key and final event.

Working groups for fundraising for the Women's Court itself, was proposed in November of 2014, consisted of: Stasa Zajovic, Rada Boric, Nela Pamukovic i Zorica Trifunovic.

We must make the first draft proposal with costs, and include other members of the Regional Women's Court organizing committee skilled in fundraising. The proposal should be completed no later than mid-November of 2014 and before the meeting in Zagreb.

The next meeting is scheduled for the end of November of 2013 (22<sup>nd</sup> -24<sup>th</sup>). The meeting should be attended by experts in the fields and aspects of violence against women, designated by Regional Women's Court organizing committee as dominant in the war and the post-war period.

During October, we should define a list of experts who will be meeting in Zagreb and Women in Black are committed to draft the agenda of this meeting until 15<sup>th</sup> of October, 2013. All members are obliged to propose experts (other than those already mentioned).

Funds are provided for a meeting with experts in Zagreb, in November 2013, as well as for the meeting with media, in March of 2014 in Belgrade. Funding for both meetings were provided by Women in Black.

For now, for other regional meetings which are planned, there is no allocated funds. All present members of Regional Women's Court organizing committee participated in psychological workshops with potential witnesses which are led by Senjak Marijana and Ljupka Kovacevic.

At the workshops, were 20 potential witnesses from all parts of the region, except Kosovo (2 from Slovenia, from Croatia 3, 4 from Bosnia and Herzegovina, Montenegro 3, 3 from Macedonia, and Serbia 5). A list will be made with all the participants of this meeting and in the shortest possible time will be sent to members of Regional Women's Court organizing committee, and it is required from them to distribute the list to the witnesses who were attending this meeting.

Following meeting with potential witnesses is supposed to be held in late January or early February of 2014. It is proposed that this meeting due to transportation costs, which represent a large item, should be held somewhere in Slavonia. Center for Women's Studies in Zagreb (Rada Boric) agrees to organize fundraising for this meeting. The input regarding the amount of cost will be provided by Zorica Trifunovic.

Where and when will be held new meetings with potential witnesses during 2014, will depend of the possibilities of organizing fundraising for this purpose. Since the work with witnesses is the crucial part of Women's Court, it will be needed to organize at least three regional meetings, except the one planned for January / February of 2014.

Upon conclusion of the meeting, the Regional Women's Court organizing committee is consisted of the following members:

1. Women's lobby of Slovenia, Ljubljana, Slovenia, (Metka Roksandic and/or Jovana Mihajlovic Trbovc)
2. Center for Women War Victims, Zagreb, Croatia, (Nela Pamukovic)
3. Center for Women's Studies, Zagreb, Croatia, (Rada Boric)
4. Association of Mothers from Srebrenica and Zepa, Sarajevo, Bosnia and Herzegovina, (Kada Hotic and/or Munira Subasic)
5. Women's Forum, Bratunac, Bosnia and Herzegovina (Stanojka Tesic)
6. CURE Foundation, Sarajevo, Bosnia and Herzegovina (Jadranka Milicevic)
7. Anima, Kotor, Montenegro (Ljupka Kovacevic)
8. SOZM, Skopje, Macedonia (Savka Todorovska)
9. Kosova Women's Network - KWN, Priština, Kosovo (Igballe Rogova and/or Vjollca Krasniqi i/ili Nora Ahmetaj)
10. Center for Women's Studies, Belgrade, Serbia (Dasha Duhaček)
11. Women in Black, Belgrade, Serbia (Stasa Zajovic and Zorica Trifunovic as technical coordinator)

Belgrade, October 2013

Zorica Trifunovic  
technical coordinator

## 5.

### **Regional Meeting of Organizing Committee of the Women's Court**

Zagreb, Sljeme, 23-24. November 2013.

The meeting was attended by:

Metka Roksandic (Women's lobby of Slovenia, Maribor, Slovenia), Nela Pamukovic (Center for Women War Victims-Rosa, Zagreb, Croatia), Rada Boric (Center for Women's Studies, Zagreb, Croatia), Kada Hotic i Munira Subasic (Association of Mothers from Srebrenica and Zepa, Sarajevo, Bosnia and Herzegovina, (Kada Hotic

and/or Munira Subasic)), Stanojka Tesic (Women's Forum, Bratunac), Jadranka Milicevic (CURE Foundation, Sarajevo, Bosnia and Herzegovina), Ljupka Kovacevic (*Anima*, Kotor), Dasa Duhacek (Center for Women's Studies, Belgrade, Serbia), Women in Black, Belgrade, Serbia (Stasa Zajovic and Zorica Trifunovic as technical coordinator).

The meeting was not attended by members from Macedonia and Kosovo: Savka Todorovska (Council for Gender Equality, Skopje) and Vjollca Krasniqi (Kosovo Women's Network, Pristina).

Part of the meeting was attended by experts from Bosnia and Herzegovina, who were participants of the expert meeting: Sabiha Husic (Medica Zenica), Teufika Ibrahimfendic (Vive Zene, Tuzla) and Jasmina Husanovic (University of Tuzla, Tuzla), and the second part was attended by Janja Bec.

According to the agenda were discussed several important issues:

## **1. Issue: Regional Meeting of the Organizing Committee of the Women's Court-its composition and actual open issues**

In accordance with the agenda it will continue to work on inclusion in the general work of Women's Court and other organizations from all countries, and especially from Bosnia and Herzegovina and Regional Meeting of Organizing Committee of the Women's Court will be aware of the situation by the end of January in 2014, especially regarding the representatives with autonomous decision-making in Bosnia and Herzegovina because it is difficult to function without clear agreement on decisions during the Regional meetings of Organizing Committee of the Women's Court.

It has been suggested that the next Regional meeting of Organizing Committee of the Women's Court will be in Lipik in January of 2014 but it is under the question if we can fully take advantage of this meeting for potential witnesses for the Regional meeting of Organizing Committee, because working with the witnesses does not allow and quiet and calm atmosphere for the Regional meeting of Organizing Committee of the Women's Court itself.

## **2. Place and time of Women's Court**

It is agreed that this great event will be held in Sarajevo, because besides the importance of the city, the place has the best conditions, and a possibility of decent and cheap accommodation for such a huge number of participants, as other cities do not have.

The place of the venue has not been decided yet, it should be continued to examine several possibilities and it is important to seek the symbolism and not the sovereignty of the place itself.

Further to the discussion is whether the event, because of the size of its importance should be opened or closed and in accordance to which of the principles.

The time of the event-it is decided that Women's Court will be held on 8th of March, 2015 (it will be Sunday) and some days before and after (7-9-10 of March, 2015). Within this year, 20-ieth anniversary of Srebrenica's Genocide will be marked and as well 20-ieth anniversary of Beijing Conference and adoption of Beijing platform.

### **3. Women's Court platform**

Will the big event as Women's Court is last 3 or 4 days? There was talk at the beginning, that it will last three days - including one day of testimony. Another idea is that testimony lasts for two days, so that the whole encounter will last 4 days. The Regional meeting of Organizing Committee of the Women's Court should make this decision urgently, based on arguments. It is important to know that we will have artists with us, so that the part of the event will be composed by art associations.

### **4. Meetings with witnesses**

The next regional meeting for the potential witnesses will be in Lipik, Croatia on 24<sup>th</sup>-27<sup>th</sup> of January, 2014. For this meeting we required funds for 3 witnesses in each of the countries, and if there are more, these costs would be covered by local funds.

It is important that now have joined from Bosnia and Herzegovina Medica and Vive Zene and will be involved in preparing the witnesses and can help us regarding and choosing and preparing the witnesses for the next meeting in Lipik.

The meeting with women in Tuzla who survived rape during war? They want to meet with Women in Black, because they have great confidence. It has been estimated that it is needed to have, except Lipik, at least 2 more regional meetings with potential witnesses.

### **5. Experts and the Trial Chamber**

At the meeting, the experts noted that we have no lawyer. All the members of the Regional meeting of Organizing Committee of the Women's Court are committed to give their suggestions. (Jasminka Dzumhur, lawyer from Bosnia and Herzegovina, is now on duty as Ombudsman (woman) in Bosnia and Herzegovina, and if her mandate stops, she could be the one).

It is important that we have a local lawyer for the Trial Chamber, as well. Vesna Rakic Vodinelić is a proposal from Serbia. We need to check the persons who have applied so far. The Trial Chamber should be composed of eminent persons from all over the world, but also from our region.

Great problem is expert in ethnicity and gender, we need to have complete picture. Proposals of the expert in ethnicity and gender are: Dubravka Zarkov (currently in Netherlands), Nuna Cengic (director of doctoral studies, the Peace Institute), Mia Sidran (currently in Vancouver) or Maja Korac and Ildiko Erdei to prepare themselves.

Further to expert meetings, they should be organized as small, thematic groups, give them materials, and have a one-day consultation on some of the issues - economic, ethnic, and all of the experts to gather some time before the court will be held. For gender-based violence we have no political or conceptual perspective, but we have therapists.

Check the experts for "story-telling", is an important part which is not mentioned, includes trans-generational trauma, memories, traumas that are not processed.

Manuals for women experts - there are a lot of materials with parts of testimonies, and we have to be careful that surnames of the witnesses will not appear, and to whom these materials may be given during the process.

## **6. Fund-raising and needs**

Foreign governments have already allocated funds for the next year and it is more secure that the resources will be provided in the 2015. Applications for this big event – non of the organizations can independently perform due to administrative conditions.

In Sarajevo, we should contact the embassies and to gather information on who could provide money for the Women's Court, as well as to create a "basic structure" so that the final application is completed by February.

UN democracy fund grant - up to 31<sup>st</sup> of December should be administered and it is a question still, if we will succeed. In Bosnia and Herzegovina still there is a mood for funding by embassies. The proposal is to create a team of 3-4 women in the region, and to schedule a meeting in Sarajevo with various embassies - Norway, U.S., Great Britain and other embassies. For these meetings should be made in a very concise paper.

For the regional meetings funds should be provided. If a country is organizing a regional meeting on a certain issue, then the country should provide the money.

It was agreed that the next meeting regarding fundraising should be on 23d of December in Tuzla.

## 7. Other

Video on Women's Court (8 min) should be up-dated in order to correspond to January of 2014. This part should be finished by the meeting in Tuzla, so we could watch it together.

Belgrade,  
December, 2013

the conclusions prepared:  
**Stasa Zajovic and  
Zorica Trifunovic**

## **V. Joint reflections of feminist approach to justice in the process of organizing the Women`s Court**

### 1.

#### **Report from the meeting Women`s Court – a feminist approach to justice Meeting of witnesses for the Women`s Court**

**Date:** 12 and 13 September 2013, Vrnjačka Banja, hotel Slatina

**Witnesses:** 13 (, Ružica Karalić, Borka Vasić, Marija Kovačev, Nadežda Kostić ,  
Natalija Stojanov, Lidija Radičević, Mirjana Mijailović, Marinković Srbijanka,  
Jakovljević Rosa, Tanja Savić, Vesna Đorđević , Kristina Nikolić, Danica Pupovac,)

**Moderators:** 4 Ljiljana Radovanović, Marija Perković, Staša Zajović, Gordana  
Radosavljević

At one of the numerous educational activities in the process of organizing the Women`s Court – at the feminist round table discussion which was held in 2013 in Sremski Karlovci, it was agreed that a plenary meeting of the potential witnesses for Serbia would be held on 12 and 13 September 2013. On that occasion, 15 participants of the round table discussion volunteered to be potential witnesses. Later, during the organizing process of the Women`s Court, other potential witnesses also joined in.

The program of the meeting (among other items) also comprised the following key elements for the process:

- **Feminist ethics of care – support to potential witnesses,**
- **Solidarity at work – support to victims of war, militaristic violence during wars and in the aftermath of war, working in refugee camps, support to displaced persons ,**
- **Women agents of justice – joint agreement on the preparation of potential witnesses from Serbia.**

The process of work and the dynamics were dictated by the participants themselves. The fact that joint activities lasted almost until midnight on the first day of the meeting serves as clear proof of the cohesion of the group. Creating space for the witnesses to talk and mutually listen to one another was an obvious process that successfully involved all the participants, in spite of the fact that several women were participating in this type of venue for the first time ever.

In that two-way process between the activists and the moderators, and activists and witnesses, including the witnesses who were participating for the first time in a venue organized by Women in Black, the fundamental idea of the Women's Court about an altered traditional agent of justice was unanimously supported.

#### **Women as agents of justice**

As the idea of the meeting was that, through discussions and the reaffirmation of the basic ethical and political values that are at the core of the idea of Women's Court, potential witnesses should become actively involved in the very process of its organizing. Joint reflection and defining of the political framework, in which potential witnesses (victims) redefine/adopt the feminist ethics of care and political solidarity, at the same time defining by themselves the further dynamics of the Women's Court process, successfully made possible the crucial idea of a different paradigm of justice that would give the women – victims the status of active political agents (agents of justice). How important it is to "conquer" the position of agents in a state that treats us as statistical figures transpires from the following excerpts of the discussion:

- "I feel even more deeply hurt by the definition that the state did not hurt me personally. When I am told that the injustice I was subjected to was not inflicted upon me "personally", the pain is doubled, because I am being ignored as a person." (Lidija)
- " We have to work publicly if we want to achieve our goal" (Borka)
- "Each one of us was given her safe and protected space here, but I think that we should not stop at this point, but raise legal issues and demand compensation for the victims from the state." (Marija)

The participants, potential witnesses, also discussed the need for furthering the process of joint activities and set several tasks to be achieved by WB as coordinators and also by themselves in the forthcoming period (more details are contained in the document on concrete decisions reaches during the meeting):

- "I expect a concretization of our testimonies; personally, I would like us to stop repeating the same discourse and to be introduced to the subject. Perhaps it is too early, but you could somehow ask us questions, try to structure the testimonies. I

would like to be asked precise questions, although I know that we have no answers... but we have no questions either." (Danica)

Support to the practice of women – witnesses as agents of justice was also confirmed in the segment of selection of the witnesses for the first regional encounters in Tivat on 27-29 September 2013. In a process that could have otherwise been uneasy, this group of women, aware of their historical responsibility and their responsibility toward other women as well, in a thoroughly democratic process, in compliance with the principles that emerged in the previous cycle of work, (the type of violence that was most frequently present in Serbia), selected the women who were going to attend that venue.

### **Feminist ethics of care – support to potential witnesses**

#### *a) Situation in the field*

In order for the process to be truly democratic and horizontal, part of the discussion was dedicated to the situation in the field, to problems in the process of organizing the Women's Court and those faced by the witnesses personally. In their analysis of the social circumstances in Serbia, potential witnesses emphasized the omnipresent fear, above all, but also apathy:

- "In Leskovac, everyone is connected on party basis, even the relatives who could talk about the injustices, live in fear of possible retributions against themselves or their family members, at the hands of political strongmen" ( Mirče)
- "I am not scared to speak out, but I am afraid that no one is interested." (Ružica)
- "The situation in the country is such that we have all been instilled with fear, the state holds us in fear, and we keep silent so as to avoid even harsher consequences." (Tanja)

#### *b) The importance of resistance*

At the same time, as the Women's Court is one of the possible models of the culture of memory (remembrance), which is important for revealing the whole truth, as continuity of duration, but also to maintain the continuity of resistance, the participants said the following:

- "The truth is that we have many problems, but it is important to conduct an analysis first, and then work step by step, to bring back the energy which is, nevertheless, still there. (Marija)
- "When you overcome fear you can do anything, you can reveal everything that happened" (Borka)
- "In this way I wish to cherish the memory of my daughter Nena. As much as I can, I wish to continue the work of my daughter, who was a great person and a great humanist." (Srbijanka)
- "All of us have memories, but the next important question is what we do with those memories. If all our memories come to nothing, unless we transform them into a pledge for someone's future, they will remain a heavy burden pressing upon us all."

### **Solidarity at work – support to the victims of war, militaristic violence during the war and in the aftermath of war, work in refugee camps, support to displaced persons**

This part of joint activities resulted from the need expressed by potential witnesses, in the previous round of encounters, before Women in Black. As part of the objective to acquaint the witnesses with the full meaning and practice of the policy of solidarity of WIB, an exhibition of photographs dating from the period 1993 – 1995 was displayed, as well as the publication containing a compilation of testimonies by women refugees from that period, when WiB activists worked intensely with the refugee population in refugee camps.

Learning about field activities deepened the understanding of Women in Black ethical principles and political practice (who do we select as "ours").

The potential witnesses wished to be informed about this part of WIB history which is less known to the public because this type of information facilitates their field work with the citizens, who are quite resistant to the anti-nationalistic policy of Women in Black, perceiving them merely as "traitors". They said that with this information, they felt as if they were given the "legitimacy" to advocate the political practices of Women in Black.

Prepared by: Marija Perković

## **2.**

### **Joint reflections of feminist approach to justice in the process of organizing the Women`s Court**

Belgrade 13<sup>th</sup> and 14<sup>th</sup> of December, 2013

The meeting of coordinators of the educational activities of Women`s Court-feminist approach to justice (for Serbia) was held in Belgrade, in the premises of Women in Black. Fourteen persons took part in this working meeting (thirteen women and one man) out of 7 cities (Krusevac, Leskovac, Nis, Dimitrovgrad, Vlasotince, Novi Becej and Belgrade).

During the first day were presented the experiences of Women's Commission for Truth and Memory in Colombia-a project coordinated by Ruta Pacifika/Women peace route. There was a documentary movie projection `The garden full of women`s hope` (32`), produced by Ruta Pacifika in 2013. In this movie were presented experiences of Women`s commission for the truth and historical memory, testimonies of women from all over Columbia, women`s solidarity in fight for the justice, contribution of women victims to feminist concept of justice.

Next day (14<sup>th</sup> of December), following activities were conducted:

## **I - The exchange of information on Women`s Court process**

After the short overview of organizational activities for Women`s Court in Serbia during 2013, we have started with joint analysis.

## **II - The analysis of the context connected to facing the past-transitional justice:**

Among the internal and the external obstacles were listed:

- Widespread climate of fear about coming to power great part of those who led and supported the wars of the 90s, the fear of political persecution, raising fascism within society, the demonization of civil society and distrust in NGOs;
- Conditioned by donors...
- The responsibility of civil society-the lack of critical attitude, the fear of revenge by the side of the state, society, family, excessive focus of NGOs on the state, problems in the group, fatigue, fight for survival, the burden of personal problems...
- Nationalist attitudes of victims of Serbian nationality, resentment due to the difficult economic position, and so on.

## **III - Strengthening civil society and relations of solidarity through Women`s Court process...**

*To the question: If by relations of connecting in solidarity and mutual support civil society organizations were strengthened or not at the local level through the organizational process of Women`s Court, the participants have responded:*

**Those relations of solidarity and cooperation among organizations which share the same value principles have strengthened but concerns the fact that some civil society organizations have nationalist attitudes, which prevent cooperation. Medias in some areas monitor all activities related to Women`s Court, while in others they do not show any interest.**

## **IV - Strengthening of feminist movement by organizing Women`s Court**

**Organizational process of Women`s Court encouraged cooperation, friendship, mutual trust and solidarity among activists within the Women in Black Network:**

There are no organizations within Women in Black Network with which we did not have contact or have not initiated cooperation. The process has enabled a lot of contacts with women and organizations with which we share the same values. We cooperate with each other. Through those encounters and relationships we understand what is a feminist approach` (Marija, Pirot).

`Networking is very important to us, because we act stronger that way and we are more visible. We have gathered around a feminist goal, the struggle for a better world` (Sanja).

### **V - What constitutes feminist approach for organizing Women`s Court?**

Participants have listed the following elements of feminist approaches:

#### **The gender dimension of militaristic violence – its impact on women's health...**

`It is feminist what women are talking about what they have been through while experiencing violence by the side of men, for the first time they have heard about consequences of that kind of violence over women and therefore it is feminist. We have find out the impact of this kind of violence on women`s health, on physical, emotional and mental integrity of women` (*Stasa, Belgrade*).

#### **The continuance of violence/injustice against women, during war and post war period, both on private and societal level...**

`Women continue to survive the consequences of violence. Women previously were not allowed to speak, and now they speak more. We have witnesses but they still can not talk of what have happened` (*Anelija, Dimitrovgrad*).

#### **Women`s resistance to militarism...**

`History has never seen resistance of women. They were hiding deserters. They resisted in the only possible way for them. The history of resistance in helping men. Disclosure of resistance is the most feminist to me` (*Marija, Belgrade*).

#### **The abolition of the hierarchy of pain, injustice among victims/ survivors...**

The process helps to value the pain equally. Women of Srebrenica who lost many family members and other women who have lost their jobs are not the same but we have to find a place for both of them` (*Marija, Pirot*).

#### **Disclosure of structural violence and its impact on women...(ethnic, economic, political, militaristic...)**

`It is feminist that women have testified on interweaving of different forms of violence. In this process, women have never talked only about one type of` violence` (*Stasa, Belgrade*).

**Women are the subject of the narrative/history: a source of information of the experience they lived through and the one they have survived...**

`In this process, we support each other, encourage each other to talk about our experiences` (*Ivana, Belgrade*).

`We have an obligation to ourselves as a witness, we are responsible for the narrative of the time and space in which we live. Nothing or very little is known about what was happening to women in Serbia during nineties` (*Mirjana, Leskovac*).

### **The process of joint learning-feminist ethics of care and responsibility**

`The process of learning is feminist too-how to hear and understand other woman is very important. We have to hear and see other woman. It can be risky. Those are the women with a lots of pain. We are `the other` to each other, but we have to find the space for that other one` (*Marija, Belgrade*).

`Witnesses identified the source of violence. They have designated the state as organized patriarchy, it is considered responsible for all` (*Stasha, Belgrade*).

### **VI - The significance of feminist perspective in the process of Women`s Court from the standpoint of the organizers and leaders of the process:**

Have we created a space for women victims? Did the process stimulate the trust between the witnesses and leaders? The participants have responded to those questions:

- We have created a space where the witnesses feel safe
- Witnesses have gained great confidence in us, but are very afraid of reviving their trauma

### **VII - Impact and lessons of the participants of working groups: what we have learned?**

Participants stated that:

- they feel very uncomfortable, even guilty about the difficult economic position in which witnesses are
- almost all of the witnesses face serious health consequences of a long-term stress

### **VIII - Impact on health - effects on body - health and integrity of the organizers of the head process**

What kind of impact it had on our body and mental health what we have heard from the witness on the terrain? What kind of problems? How do we face with them?

The organizers of the process of Women`s Court have said:

`We had different strategies. All of us who are working with potential witnesses have to take care of them all the time and we do not forget them` (*Svetlana*).

`My strategy is that I talk a lot afterwards. I do not close to myself and I manage to poll it out. I do not think about the possible consequences for me` (*Borka*).

`I have pressure, I can not sleep` (*Anelija*).

`I felt terrible after I have talked to witnesses. When I note down the story, I feel relieved. My solution for everything is sport` (*Milka*).

`I can not solve the feeling of being guilty. The stories have multiplied and I have been through nightmares and finished with neuro-dermatitis. I will never have any individual talks and that is how I will save myself. My solution was going home frequently in order to be alone` (*Marija, Belgrade*).

At the end we have arranged the activities for the coming period.

**(Prepared by Stasa Zajovic, the transcript done by Milos Urosevic)**

## **VI. Video Activism and Publishing Activity**

**Video activism:** Video activism involves the creation of video materials on the feminist approach to justice; activities include the translation and subtitling of documentaries related to the experiences of non-violent movements against impunity, crimes of neo-liberal economic globalization, and so on.

In this reporting period, the group for video activism made following films:

**Video clips Women`s court: Feminist Approach to Justice** – the data about the process of WoC organising. The clips are 8.33 minutes long, in following languages: English, Serbian, Montenegrin, Croatian, Slovenian, Macedonian and Albanian.

**15-M:** documentary (22 minutes): about the civil uprisings in Spain against neoliberal capitalism, and the reductions in social benefits. The film is made by citizens' initiative "Democracia Real - ya" (We want true democracy); as the supporting material, we will send you materials about the initiative. Of course, the materials can be sent in electronic form.

**Bolivian girl/Boliviana:** Documentary 2.34 minutes long; it shows the testimonies of three women from Bolivia – a shoe cleaner, transvestite, and a mine worker, they speak about their work, obstacles, dangers it brings, as well as the opportunities it provides.

**You are right / Tienen razon:** Documentary, 5.10 minutes long, shows the testimonies of women from Spain, who became homeless because they could not repay their housing loans.

**A Woman from Seville/ Sevillana:** Documentary, 5.09 minutes long, that shows overtaking of empty housing spaces, the squatting movement, and brings testimonies of those who live in squats, and their struggle to legalise squats.

**Ibercaja:** Film is 4.34 minutes long, about the facts on political-economical situation in Spain, as about the ways to psychologically stimulate people to take loans. People in the film testify about economic violence they survived, offering suggestions on how to solve this problem. Film is made for raising awareness about this problem, and about the creation of networks of mutual support, in order to legalise squatting.

**Turn off the dark** – Documentary 3.30 minutes long, about the action that has the same name, on the International Day of Human Rights, on December 10<sup>th</sup> 2012, in Belgrade, organised by: Labris, Centre for Integration of Youth, Regional centre for minorities, Association of the students with handicap, Atina, Udruženje Prostor and the Women in Black.

**Stadium – 90 minutes of equality** (15 minutes), produced by Democratic group Women's stadiums, documentary film about the women who fight to gain the right to go back to stadiums, from where they were expelled after cruel politics of gender apartheid and segregation in theocratic Iran. Film is translated and subtitled to Serbian language.

**The Perpetrators Unpunished, Victims Unrecognized – 20 Years After the Abduction in Strpci** (3:02 min.): Action on February 27<sup>th</sup> in front of the railway station in Belgrade regarding the 10-year anniversary of violence in Strpci (the abduction of Bosnian passengers from trail 671 on route from Belgrade to Bar in Strpci). In the film, Sandra Orlovic (Humanitarian Justice Fund), Masa Milutinovic (Youth Initiative for Human Rights), and Violeta Djikanovic (WiB) speak about the events that transpired.

**Why is the State Sleeping While my Workers' Rights are Being Violated?**

Documentary that lasts 5:27 minutes, depicting women's street march in Belgrade for workers' rights, in which 200 activists from the Serbian Women's Network took part.

**Republic of Zitzer – Women of Tresnjevac**, 10 minutes in length – depicts the non-violent resistance of women in Tresnjevac/Vojvodina against forced mobilization in 1992. The film was done by the German TV station ZDF, and translated by the Video Activism group.

**Antifascism is my Choice** – 5:02 minutes in length. Performance in Belgrade put on by WiB and the group Artie, for promotion of art and culture.

**May 31<sup>st</sup> – International Day of White Armbands – Prijedor** (2.56 minutes). The movie shows a street action organized by the “Because It Concerns Me” initiative from Prijedor for the international Day of White Armbands on May 31<sup>st</sup>. This was the first ever public manifestation commemorating non-Serb victims that was not banned by Republika Srpska authorities.

**Women in Black Remember Children Victims of War in Bosnia and Herzegovina** (5.33 minutes). This movie was made for the International White Armband Day, May 31<sup>st</sup>, and shows activists making statements commemorating children victims of war in B&H.

**They Have Left a Trace on us – We Will Never Forget the Srebrenica Genocide** (11.11 minutes). The movie shows the theater action in Belgrade on July 10<sup>th</sup> 2013 which was organized by Women in Black, in cooperation with Dah Theater, Art Klinika and Skart.

**We Remember – Crimes against Women in the Bosnia and Herzegovina War** (2.11 minutes). The movie shows the protest on May 24<sup>th</sup> 2013, held at the Republic Square in Belgrade, for women victims of the B&H war.

**Commemoration of 21 Years from the Closing of Omarska Concentration Camp** (5.44 minutes). The movie shows conversations held on August 5<sup>th</sup> at the place where the former concentration camp Tronopolje used to be. The movie also shows that the Women in Black won this year’s international Award against Genocide Denial.

**Food, Not Guns** (1.34 minutes): street action organized on June 12<sup>th</sup> by Women in Black on the Republic Square, as part of the Global Action against Militarization which is organized by the International Action Network on Small Arms (IANSA).

**Women in Black and Refugees** (4.49 minutes): the movie shows the work WiB did in refugee camps during the 90s, as well as the work done against forced recruitment of refugees. The movie was made with material of TV Arte’s movie Women in Black.

**-campaign-Declare!** (4,39’), the movie shows opening of the exhibition ‘Labyrinth’ and protesting vigil which reminds the authorities that Women in Black still demand that 11<sup>th</sup> of July should be proclaimed as the Day to remember Srebrenica’s genocide

**-Visitis to places where crimes were committed-Lovas (2,30`)**, produced by Ruta Pacifika, 2013. The translation and subtitle was done by Women in Black. The movie speaks of experience of Women's Commission for truth and historical memory in Columbia, initiated by Ruta Pacifika

**-Women's peace path.** In this movie, experiences of Women's Commission work were shown, testimonies of women from all over Columbia, women's solidarity in fight for justice, contribution of women victims of violence to feminist concept of justice

**-Women we do not forget (4')**, the movie shows scene action (Women in Black, Seville, Spain), the activists who reveal crimes over women victims of terror during the dictatorship of Franco in Spain, the movie shows a recognition to rebel women and continuity of women's fight for historical memory

**-We will never forget crimes of Vukovar (3,35`)**, film shows vigil and performance of Women in Black organized due to 22 years of crimes in Vukovar

**-Stop femicide (6,35)**, the movie shows vigil and performance Women in Black have organized due to 6<sup>th</sup> of December-Day of fight against femicide

All these films were made by the group for video activism of Women in Black, Belgrade.

***Publishing activity:*** the goal is to deepen the knowledge needed for the process of Women's Court - Feminist Approach to Justice: leaflets, readers, etc...

In this reporting period, following units were published:

**War Crime of Rape:** the reader – it is made primarily for the course on this topic; it contains essays of relevant authors (Susan Brownmiller, Gaby Mischkowski, Patricia V. Sellers, Olivera Simić, Vesna Nikolić - Ristanović and Miloš Urošević. The reader is 168 pages long, and was edited by Miloš Urošević and Staša Zajović. The design and the layout were done by Zinaida Marjanović and Marija Vidić.

**The report Women's court:** Feminist Approach to Justice, for the period between January and December 2012. The report is printed in 20 copies, with 109 pages, and is edited by Staša Zajović;

**Transcript from the meeting of IB WoC members,** held in Skopje, in February 2013: transcribed and edited by Marija Perković, it contains 46 pages.

**Leaflets:**

**Women's court: Feminist Approach to Justice – the data about the process;** leaflets are printed in English, Serbian, Montenegrin, Croatian, Slovenian, Macedonian and Albanian languages;

**Women's court: short info from the IB meeting, held in Kotor;** leaflets are printed in English, Serbian, Montenegrin, Croatian, Slovenian, Macedonian and Albanian language;

**Women's Court: Feminist Approach to Justice – the data about the process in Serbia;** leaflet is in Serbian.

**The Practices of Impunity of Crimes Against Women:** reader for the “War Crime of Rape” FDC, 26 pages, edited by Milos Urosevic and Stasa Zajovic.

**History of Anti-War Resistance in Serbia 1991-1992:** reader for the “From Maternal Peace Politics to Feminist Antimilitarism” FDC, 30 pages, edited by: Ana Imsirovic, Milos Urosevic, Stasa Zajovic.

**Report “Women's Court: Feminist Access to Justice”:** For the period between January and December 2012, English, 76 pages.

**Leaflet – Process of Organizing Women's Court in Serbia** (February – June 2013)

**Leaflets on the process of organizing the Women's Court in Serbia,** from February to September 2013;

**Leaflet “Legal Regulation of Crimes of Rape in War”**

**Leaflet “Support for Victims of War – Support for Refugees and The Displaced”**  
(Women in  
Black and solidarity actions with victims in Serbia)

**Booklet “Support for Victims of War – Support for Refugees and The Displaced”**  
(Women in Black and solidarity actions with victims in Serbia). The booklet contains five chapters: Work in Refugee Camps in Serbia, Krajina, Kosovo; Military Violence in War and After War (RTS and Topcider); and Rigged Political Trials – Victims of Slobodan Milosevic's Regime in Serbia. The booklet numbers 43 pages.

**-Transcript of the meeting Support to potential witnesses for Women's Court in Tivat,** 29 pages

**-Transcript of the meeting with experts for Women's Court in Zagreb,** 27 pages

**-Brochure Ethnic violence over women-process of organizing of Women's Court** (for the experts meeting), 85 pages,

**-Brochure Military violence over women-process of organizing Women's Court** (for the experts meeting), 118 pages

**-Brochure Feminist Ethics of care, support for the potential witnesses (report from the terrain 2013),** 60 pages.

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