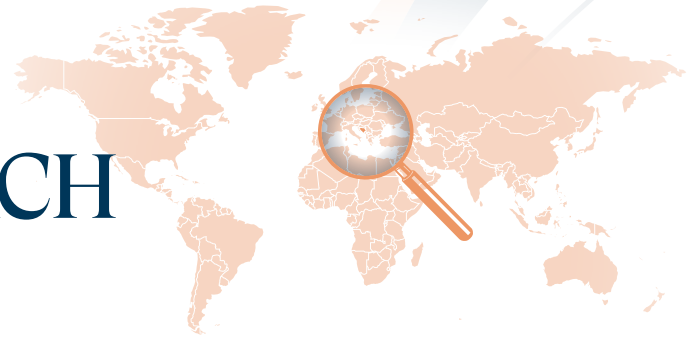



ADVANCING A HOLISTIC APPROACH TO JUSTICE AND ACCOUNTABILITY FOR CRSV SURVIVORS



The following case study has been written by an independent consultant on behalf of the Global Initiative for Justice, Truth and Reconciliation (GIJTR). This case study is informed by a combination of desktop research, document analysis and interviews. It therefore reflects these perspectives and findings, as compiled and written by the consulting author(s). Interviewees have been anonymized to ensure their safety and privacy but GIJTR extends its gratitude for the time and participation of all interviewees.

A Case Study of Bosnia and Herzegovina (BiH)

Author: Hana Popović, Humanitarian Law Center, Serbia

 Humanitarian Law Center

Section 1: Introduction and Background

Research for this case study on conflict-related sexual violence (CRSV) in Bosnia and Herzegovina (BiH) during the conflict there in the 1990s was conducted using a mixed-method approach, with internal expertise and resources available to the Humanitarian Law Center (HLC) utilized to gather reliable information. An extensive literature review was conducted to analyze existing studies, reports, and documentation related to the conflict and CRSV in the region. Reports from reputable international organizations, including the United Nations (UN), Amnesty International, Human Rights Watch, and Organization for Security and Co-operation in Europe (OSCE), as well as domestic ones, such as Trial International,¹ Women in Black,² and HLC's own reports, were the basis of this case study. Amnesty International reports were particularly valuable, as they included interviews with survivors of CRSV. As firsthand experiences and perspectives give a more in-depth insight into everyday issues CRSV survivors face, their voices were essential in capturing the main difficulties of survivors seeking justice and accountability.

The literature used for this paper is relevant to the field. It was selected based on keywords, frequency of citations, and previous knowledge. In addition, the International Criminal Tribunal for the former Yugoslavia (ICTY) cases served as a crucial reference point for the domestic courts in BiH, providing a factual backdrop by presenting historical events and establishing a legal framework that guided the proceedings within the domestic courts, thereby ensuring consistency and adherence to international standards of justice.

Interviews with spokespersons from Women in Black and TRIAL International were conducted in order to better understand both the challenges regional organizations face and their approaches to overcome them. Their insights, based on fieldwork and firsthand experience with survivors, provide a comprehensive understanding of innovations and challenges in BiH.

This case study examines recent innovations and challenges related to the pursuit of justice and accountability by survivors of CRSV. Section 1 covers the brief regional history of armed conflicts from 1991–1995 on the territory of former Yugoslavia, with a significant focus on BiH. It also examines existing formal paths to justice available to survivors in BiH and the challenges they face in their pursuit. Section 2 explores innovations and challenges in the survivor-centered approach to justice and accountability, focusing on the work of non-governmental and expert organizations and their approaches to supporting survivors and advocating for improvements in the field. Section 3 is a review of lessons learned and recommendations for the future based on the needs of survivors.

Background

The reasons for Yugoslavia's violent collapse are multifaceted, encompassing various factors. However, three distinct groups of causes can be identified as contributing to this event. First, the structural dimension of the nation played a crucial role, considering the country's remarkable diversity in terms of ethnicity, as well as social and economic development, which led to conflicting interests. These long-term, structural reasons made it challenging for Yugoslavia to balance the opposing and conflicting aspirations of its different regions.

Second, the historical circumstances surrounding Yugoslavia were significant. The nation faced a severe economic crisis in the 1980s and witnessed the collapse of socialism, including the disintegration of the Soviet Union in 1991. Moreover, key foundations of Yugoslav identity, such as the ideals of "brotherhood and unity," the policy of non-alignment, and the concept of self-

The Global Initiative for Justice, Truth and Reconciliation

In 2014, the International Coalition of Sites of Conscience (ICSC) launched the Global Initiative for Justice, Truth and Reconciliation (GIJTR), a consortium of nine international organizations focused on offering holistic, integrative and multidisciplinary approaches to issues of truth, justice and reconciliation. GIJTR works primarily with local populations, civil society organizations, survivors and governments to develop transitional justice approaches that are victim-centered, collaborative, and support dignity, respect, inclusion, and transparency in societies emerging from conflict or periods of authoritarian rule. Since its founding, GIJTR has engaged with people from 76 countries, worked with 681 CSOs, and has conducted 463 community-driven projects and supported 7,460 initiatives dealing with human rights violations.

For more information, please visit gijtr.org.



GIJTR
Global Initiative for Justice
Truth & Reconciliation

management, were shaken. This unique historical situation further weakened the bonds of Yugoslav integration and made way for nationalistic tendencies based on ethnicity.

Finally, individual personalities played a crucial role in the dissolution of Yugoslavia. While Slobodan Milošević stands out among them, other figures also contributed to the disintegration. It is important to note the significant role and responsibility of individuals during the country's challenging economic crisis, as their unwillingness to compromise and lack of political will to understand the needs and desires of others hindered the possibility of meaningful reforms.³

BiH was one of six former states that belonged to the former Yugoslavia. What sets BiH apart from other states in Yugoslavia is its unique ethnic diversity. According to the Census from 1991, Bosnian Muslims comprised 43.5% of the population; Bosnian Serbs 37.2%; and Bosnian Croats 17.4%.⁴

After a period of rising tensions, the first multi-party elections were held in the 1990s. The election results in BiH mirrored the ethnic composition of the state, with no discernable distinctions between class or gender.⁵ The Party of Democratic Action (Stranka Demokratske Akcije or the "SDA"), the national party of Bosnian Muslims, won most of the votes. By early 1992, nationalist sentiments had culminated in an independence referendum. In response to the referendum, Bosnian Serb forces took control of a significant portion of the territory, capturing between 50% and 70% of that land. They went on to establish their independent state known as Republika Srpska (RS), which bordered Serbia to the west. This chain of events marked a critical turning point in the dissolution of Yugoslavia and the subsequent conflicts that followed.⁶

The ensuing conflict was plagued by systematic and widespread human rights and humanitarian law violations. The ethnic cleansing campaign employed by the Bosnian Serb forces followed a distinct pattern in Serb-held territories: installing a Serb government, the non-Serb population would then be harassed, discriminated against, and forced to leave; those who stayed were arrested and imprisoned in detention facilities. Even though most of the detainees were men, women were also imprisoned. Moreover, in certain municipalities, so-called "rape camps" were set up, in which women and girls were regularly raped and sexually violated, and at times, forcibly impregnated or forced into marriage by military and paramilitary soldiers.

Women and girls were also sexually violated during military attacks on their villages and towns. Such attacks weren't as organized or planned but were based on the same motives. The aim of such attacks wasn't rooted in sexual desire, but rather in the need for male dominance and power over the "other," in this case, Bosnian Muslims.⁷ The sexual violence that occurred during the 1990s war was not an unfortunate incident; it was systematic and should be understood in societal relations outside the context of armed conflict. A number of men were also victims of sexual violence during the war, especially in places of detention. The motives behind these attacks were the same as for women: dominance and the need to humiliate and degrade the victim.

However, cultural and societal norms in BiH often discourage men from openly discussing their personal experiences, including traumatic events. The pressure to conform to traditional notions of masculinity can contribute to the reluctance of Bosnian men to publicly share their stories. Some male witnesses before the ICTY spoke about sexual violence they were subjected to, but almost none before the domestic courts.

There are no definitive numbers on how many people were raped and sexually abused in BiH during the wars; international organizations estimate somewhere between 20,000 and 50,000 women, men, and children.⁸ These were mainly Bosnian Muslim women; however, Bosnian Croat and Serb women were also victims of sexual and gender-based violence (SGBV).

The reports by international non-governmental organizations and the media about widespread sexual violence against Muslim women in BiH as early as 1992 caused great interest in the global public. Women's groups, in particular, played an essential role in mobilizing, advocating for, and developing methods to prosecute gender-based violence. Protests and conflict-related rape and sexual violence were closely associated with the understanding that sexual violence was used strategically as a weapon of war and that it was widespread and systematic. For the first time, the global community saw how sexual violence in conflict might be utilized as part of an ethnic cleansing or genocide campaign.⁹ In both resolutions that preceded the establishment of the ICTY, the Security Council expressed great concern over the mass and organized detention and rape of Bosnian Muslim women.¹⁰ This was the first time sexual violence against women in an armed conflict was presented as a separate issue within the UN system and as directly related to the "violation of peace and security in the international community." It was precisely the issue of sexual violence that contributed to the mandate and establishment of the ICTY.¹¹

After three years of intense conflict, which ended in NATO military intervention against the Bosnian Serbs, the Dayton Peace Agreement was signed on December 14, 1995, which formally ended the war in BiH. The conflict resulted in devastation, with a death toll exceeding 100,000 individuals, including those who went missing, and millions of people becoming refugees or internally displaced. And many of the people who survived sexual violence suffered other human rights violations as well, including detention, torture, inhuman treatment, and forceable displacement. Most of them had to endure losing multiple family members, including children. Women in BiH faced major economic struggles after the war. Their homes were burned down, they lost jobs, or their family breadwinners were killed or went missing, leaving them particularly vulnerable with no financial safety net.

CRSV has had a lasting impact on survivors. Many have developed post-traumatic stress disorder (PTSD) and other psychological syndromes. Others have reported feeling "insecurity, shame, self-blame, depression, fragmented memories, lack of concentration, nightmares, scenes of events from the past, anxiety, and mistrust of other people."¹² As a result of these syndromes, many survivors have been unable to continue their active day-to-day lives, rendering them unemployed and living in poverty. Survivors feel stigmatized by society due to their experiences, with many choosing not to speak about them out of fear.

The exact number of children born of war (CBOW) is unknown. Their fathers do not acknowledge them, and they are sometimes rejected by their communities and families. Many mothers do not tell them the truth about their conception out of fear. Without adequate psychosocial care for the mother, the cycle of trauma persists, potentially affecting the well-being of the child as well. CBOW experience many challenges: identity issues, stigma, discrimination, lasting trauma, and marginalization. Additionally, CBOW are not recognized as civilian victims of war.¹³

Pathways and Processes for Seeking Justice and Accountability

The ICTY has had a pioneering role in prosecuting CRSV in former Yugoslavia. More than a third of all people convicted by the Tribunal have been found guilty of sexual-related crimes. In landmark cases such as Furundžija¹⁴ and Kunarac et al.,¹⁵ the ICTY found that rape may constitute torture and a crime against humanity. Similarly, it found that sexual enslavement may also constitute a crime against humanity.¹⁶ The ICTY's Rules of Procedure and Evidence afforded revolutionary protections to CRSV witnesses. Rule 96 prohibited evidence in cases of sexual assault based on prior sexual conduct; additional corroboration of victims' testimony was not required; and consent of the

survivor could not be used as a viable defense if they had been subjected to or threatened with violence, fear, duress, detention, or psychological oppression.¹⁷ As the ICTY's primary focus was retributive justice, as opposed to distributive and restorative justice, its mandate did not explicitly include provisions for compensation to the victims, the only exception being Rule 106, which stipulated that ICTY judgments could be used in compensation proceedings before domestic courts.¹⁸

The Victims and Witness Section (VWS) of the ICTY was the first of its kind. It provided logistical, psychosocial support to witnesses with the aim of ensuring they felt safe and comfortable while testifying. However, Medica Zenica, a Bosnian NGO that offers psychological support to survivors of sexual violence, has highlighted that ICTY failed to provide financial support to witnesses, which resulted in the inability of some to testify in The Hague because they could not afford appropriate clothing, luggage, and toiletries. Many of them reported feeling shame about their financial situation.¹⁹ The ICTY's request for the private information of certain witnesses from Medica Zenica raised concerns about the confidentiality between therapist and client, which is crucial for survivors to rebuild and heal.²⁰

The failure of the ICTY to address the long-term psychological, social, and economic needs of survivors of CRSV has been expressed by both survivors and NGOs in the field. When an ICTY trial ends, all the support provided to the survivors in that case ends as well, despite the ongoing need for assistance and protection. Consequently, local NGOs were left to fill the gap that ICTY and local authorities left in BiH.

One of the goals of the ICTY was to prepare domestic judiciaries in the region for war crime trials.

Based on the Dayton Agreement, the country comprised two legal entities: the Federation of BiH and RS, with both entities having their judicial system. Therefore, criminal proceedings could be conducted before 10 cantonal courts in the Federation, five district courts in the RS, or the Basic Court in the District of Brčko. As a result, there are four different Criminal Codes and Laws on Criminal Procedure. In March 2005, the Special War Crimes Chamber (WCC), a hybrid court comprising national and international judges, was established as a part of ICTY's Completion Strategy. Its job was to take cases passed down from the ICTY that involved mid or lower perpetrators and to self-initiate cases.

In practice, the implementation of the War Crimes Chamber's jurisdiction did not proceed as smoothly as initially planned. Despite its establishment, the WCC did not gain exclusive authority over war crimes, as the entity courts had already been involved in handling war crimes cases for a decade before the WCC's formation, and their jurisdiction was not revoked upon its creation. This situation led to several issues, affecting both legal certainty and the satisfaction of victims and the public.

The entity courts applied the criminal code that was in force in BiH at the time the crimes were committed (the 1976 Criminal Code of Yugoslavia), whereas the WCC applied the newer 2003 Criminal Code of BiH, which included expanded provisions concerning war crimes, genocide, and crimes against humanity. As a result, different laws were applied, leading to divergent standards of sentencing for similar offenses.

Furthermore, some court decisions were subsequently challenged, particularly for violating the prohibition against the retrospective application of laws. In several cases, harsh sentences handed down by the entity courts were replaced with more lenient ones by the WCC, creating a perception of injustice and contributing to legal uncertainty for perpetrators. This also added to the distress experienced by victims of these perpetrators.²¹ This diminished the survivors' trust in

the judicial system, especially as the perpetrators' ethnicities were sometimes a factor during the investigation and the processes themselves.

Survivors of all war crimes have three official paths to justice: criminal procedures, compensation, and being granted the status of civilian victim of war, as discussed in section 2.

Section 2: Innovations, Opportunities, and Challenges

Based on UN Principles and Guidelines on the Right to a Remedy and Reparations for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (UN Basic Principles), all war crime victims have a right to remedy and reparation. This right was enshrined in the BiH national legislation with the Dayton Agreement in 1995.²²

Generally, reparations consist of restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition. Not all forms will be required for all survivors of human rights violations. The appropriate selection should consider each survivor's needs and wants.²³ This encompasses psychological, economic, social, and legal support for survivors through all processes of seeking justice, and also for those that opt out of it entirely. To access other forms of support, survivors seeking justice through formal mechanisms almost exclusively must rely on NGOs.

Like other witnesses, survivors play a passive role during an investigation and criminal procedure, providing evidence for establishing the facts of a crime. As a result, some survivors feel demoralized. As noted by Seida Karabašić, from the NGO Izvor, which gathers women and families of missing persons, "Victims feel so used at court, they just give testimony and feel squeezed—like all the energy has been taken from them." This particularly applies to survivors of CRSV who are already economically, socially, and psychologically vulnerable.²⁴ However, some survivors report that acknowledgment of crimes by official institutions and a fitting punishment for the perpetrator give them a sense of satisfaction. Through criminal cases, institutions admit that certain crimes occurred, which is an essential step in a political context where crime denial is frequent.

Monetary compensation affords funds for the basic needs of survivors. Many of them still face trauma, making their daily lives difficult. As many survivors of CRSV are women, who were homemakers or lost their jobs during the war or were unable to keep a job after the war due to trauma, monetary compensation allows them some breathing space. Based on the law, compensation can be awarded to victims during criminal proceedings. However, this is more an exception than a rule. Criminal courts refer most of the victims to civil lawsuits, with the pretext that awarding compensation during criminal proceedings would lead to undue delays. There are inherent drawbacks to this solution. First, some witnesses, especially in sexual violence cases, are awarded protective measures during criminal proceedings to hide their identity. Most survivors opt for protective measures because they cannot face the perpetrator, their families or communities do not know they were CRSV victims, or they simply don't want to speak about their experience publicly. However, when entering a civil suit, witnesses have to renounce these protections as the lawsuit requires complete identification of the plaintiff. Survivors are then put in a position of having to weigh whether to protect their identity or forgo reparations. Secondly,

another lengthy legal procedure means the survivor must testify again, which can lead to re-traumatization. Defense attorneys often ask imposing questions, making survivors feel like they are the ones on trial, not the accused.²⁵ And finally, civil suits require hiring legal representation that most survivors cannot afford.

Between 2007 and 2010, victims filed legal proceedings against administrative units of BiH, and at times, against the state itself, seeking compensation. In 2014, the Constitutional Court of BiH decided to apply statutes of limitations to these lawsuits, contrary to international standards that suggest that statutes of limitations should not be applied to claims for redress, compensation, or rehabilitation needed by victims of certain crimes. Consequently, the claims of war crime victims were rejected, and they were burdened with significant costs related to the proceedings. Many of these victims, who are mostly financially disadvantaged, couldn't afford the costs, leading to enforcement proceedings and property seizures by authorities as compensation to the courts. Such actions had severe emotional consequences, with some victims even experiencing suicidal thoughts upon receiving notices of scheduled enforcement hearings. While most survivors in the country were exempted from paying these fees, property seizures continue in RS.

In 2018, the Constitutional Court ruled that imposing such fees in a specific war crimes case violated the victim's right to access to courts and property. Following this judgment, the Federation of BiH Attorney's Office and the BiH Attorney General's Office waived their claims for the proceedings' costs. However, courts in RS continue to impose court fees on victims, leading to inconsistencies in the exercise of victims' rights to reparations in the country.²⁶

In recent years, there has been improvement. Thanks to tireless lobbying by NGOs, mainly TRIAL International, the WCC awarded compensation in a criminal proceeding to a survivor of CRSV in June 2015. The Court convicted two Bosnian Serb soldiers for raping a 14-year-old girl after they had taken her from her home in Orahova.²⁷ Several more judgments followed. Granting compensation within the criminal proceedings imposes an extra penalty on the perpetrator, acknowledges the harm suffered by the victim, demonstrates societal disapproval, and serves as a deterrent against future offenses.²⁸

Apart from advocacy, education initiatives conducted by international judges, prosecutors, and lawyers have helped to overcome existing challenges. Consequent legal reforms have aligned the domestic judiciary to international standards, enhancing its proceedings' credibility.²⁹ Consequently, compensation claims are being awarded during criminal proceedings for CRSV more frequently. However, a new problem has now arisen owing to the accused transferring their property to someone else before or during the procedure in order to claim they cannot pay the compensation. It is, therefore, important for prosecutors to request a temporary measure to prohibit the dissolution of property until the end of the procedure. Additionally, survivors may also seek out monetary reparations from the State of BiH after a successful criminal procedure.³⁰

Substantial investments have also been made in the infrastructure of the judiciary, including courtroom renovations and the implementation of technology that enables remote testimony, thus reducing the need for witnesses to confront the accused physically. Additionally, investments have been made in providing psychological support within courts and the prosecutors' offices. Survivors of CRSV can also file suits before other courts. In 2000, 12 female survivors of Omarska camp filed a lawsuit against Radovan Karadžić before the US District Court in New York. He was consequently ordered to pay \$745 million in compensation. Even though it was never paid, the plaintiffs report that the judgment is symbolic for all victims.³¹

Another avenue for monetary compensation and acknowledgment of crimes perpetrated against them is the official status of civilian victims of war. However, there is no existing state law in BiH for reparations for victims of war, including CRSV survivors. The Federation of BiH, RS, and the Brčko District have their own legal mechanisms for reparations.

The Federation of BiH regulates war reparations by Law on Principles of Social Protection, Protection of Civil Victims of War, and Protection of Families with Children. Survivors of CRSV are recognized as a separate category of war victims. However, to obtain that status, survivors need a special certificate confirming they suffered sexual violence. The certificate does not require proof of physical disability. The Law was amended in 2016, and an independent expert commission was introduced with a mandate to issue these certificates. Members of the Commission are experts and professionals vetted by associations of survivors.³²

In June 2023, the government of the Federation proposed a new law on civilian victims of war, which is currently under consideration in the Parliament. The new law would keep the distinction of survivors of CRSV as a separate category of civilian victims but add CBOW as a different category. If the law is passed, this document will be the first in the Federation to recognize CBOW as civilian victims, with all the rights that accompanying it.³³

In the RS, on the other hand, the Law on Protection of Civilian Victims of War, adopted in 1993, does not recognize CRSV survivors as a separate category of civilian victims of war. CRSV survivors are required to submit medical documentation proving they suffered 60% of bodily injuries due to rape in order to qualify for monthly compensation. The money received ranges from €50 to €175 per month, based on the injuries suffered. Additionally, the Law on Protection of Victims of War Torture, adopted in 2018, enables CRSV survivors to apply for a “victim of torture” status. However, to do so, they must relinquish the identity protections they may have received during criminal procedures. Additionally, a strict deadline of October 2023 was set for all applications. This unduly forces victims and survivors to share their experiences publicly, perhaps before they are ready. The law grants civilian torture victims special medicinal spa treatment, which could help with physical and psychological ailments caused by trauma. However, these treatments still haven't been made available to the survivors.³⁴

Work of NGOs

The HLC's mission is based on three pillars: documentation, justice, and memory of all war crimes during the 1990s wars, including CRSV. The judicial pillar includes legal representation of war crime victims before Serbian courts, monitoring all war crimes trials held in Serbia, and representing victims in compensation proceedings. Therefore, HLC's work on sexual violence can be divided into three levels.

HLC's approach to documenting cases of CRSV involves a comprehensive information system that contains data on 113 victims of rape or other forms of sexual violence. Among these cases, the majority, comprising 97 victims, are covered by HLC's witness statements, while 16 cases are supported by various secondary documents. In cases where victims were killed or died due to the consequences of CRSV (11 documented victims), HLC conducted interviews with their family members or eyewitnesses to gather pertinent information.

Systematic collection of data on CRSV occurred during the war in BiH. In 1993, HLC researchers traveled to refugee camps in Turkey and other locations, conducting interviews with CRSV victims and survivors from BiH. The “Foča case” stands out as one of the most meticulously investigated

instances, with HLC researchers collecting documentation from 27 survivors of CRSV. This crucial information was used by the ICTY prosecution, which contacted witnesses for testimonies during the sessions, to build the Kunarac et al. case.

Beyond the Foča case, HLC registered an additional 39 survivors of CRSV from the wars in Bosnia and Croatia that took place between 1991 and 1995. Subsequently, as the conflict in Kosovo began in 1998, HLC researchers conducted several other interviews with CRSV survivors in the region. However, the majority of the remaining CRSV cases related to the Kosovo conflict were registered after 2005. This coincided with the initiation of the Kosovo Memory Book project by HLC, which aimed to document all killings and disappearances in Kosovo between 1998 and 2000, encompassing cases of CRSV as well.

Throughout its documentation efforts, HLC has adhered to relevant guidance and protocols, ensuring that sensitive information is handled with care. Some of these protocols include limited access to certain data, maintaining confidentiality when needed, and ensuring that events and cases are appropriately linked to provide a comprehensive understanding of the situation. Only certain HLC employees have access to the witnesses, and they work to ensure absolute confidentiality of delicate information. HLC's dedication to documenting cases of CRSV has played a crucial role in shedding light on the atrocities committed during times of conflict and providing support to victims and survivors seeking justice and accountability.

HLC has represented survivors of CRSV before the High Court in Belgrade. Providing legal aid to injured parties has helped avoid the secondary victimization of these survivors. In these cases, HLC's lawyers ensured that all survivors exercised the right of a vulnerable witness, being allowed to testify under a pseudonym from a separate witness room. This allowed the victims to avoid directly facing the accused and thus having a disturbing emotional reaction and experiencing re-traumatization. Although the Office of the War Crimes Prosecutor stated in its Strategy for Prosecution of War Crimes, endorsed in 2018, that one of their priority actions would be investigating committed sexual violence in war, a total of only six cases regarding sexual violence has been brought before the war crimes department of Belgrade's Higher Court: "Bratunac" 1 and 2, "Brčko" 1 and 2, "Kalinovnik" and "Skočić." HLC represented survivors in five of them, and organized the transport for witnesses/survivors from BiH to Belgrade, provided accommodation and psychological support, and offered preparation for hearings.

Although HLC did not have legal representation for the witnesses in the "Skočić" case, it was the first organization to which the survivors of this crime gave statements—with the help of NGO "Vive Žene," which provided support. HLC then assisted one witness in obtaining the status of a civilian war victim as a survivor of sexual violence in BiH. Currently, HLC is working on securing the same status for the other witness in the case. Following the end of the case, HLC expressed severe doubts about the ability of the Witness Service Unit at the War Crimes Prosecutor's Office ("the unit") to provide witnesses and survivors with adequate protection, as those witnesses were neither helped to understand how the court proceedings would work nor offered any psychological support. According to observers from the HLC, the witnesses were under a great deal of stress during the testimony, which had to be interrupted so they could receive medical assistance.³⁵

Courts does not rule on compensation claims in criminal proceedings. To award a property claim during a criminal trial, expert testimony is required to prove impairment of general life activity, which the courts do not want to engage in because they claim that it delays the process. Therefore, survivors are essentially forced to go into civil lawsuits. As mentioned, most CRSV witnesses use a pseudonym, and civil lawsuits demand that they use their full name. Not only that,

but a civil lawsuit means another court case for the survivors, meaning they would have to testify again, which could lead to re-traumatization. As a result, there are currently no civil litigation cases for CRSV survivors. HLC proposes that awarding a property legal claim during the criminal process is a necessity, especially to such sensitive categories, because each subsequent process and testimony increases the risk of witness retraumatization.

The amount and level of psychosocial support are assessed on a case-by-case basis. In 2006, HLC established a Team of Victim and Witness Support that offers legal and psychological help. HLC lawyers offer legal aid, which includes providing legal representation, writing submissions, preparing for court, and contacting institutions on their behalf. In all CRSV cases, HLC referred witnesses to psychologists and therapists to help them mentally prepare for the trial. In the Brčko case, the psychologist used dolls to demonstrate to a witness what the courtroom looks like, who would be sitting where, and how the trial would go. Additionally, HLC offers logistical help such as accommodation and transport to and from hearings before the Belgrade High Court for all witnesses. In the past, the HLC collaborated with Vive Žene, whose representatives accompanied CRSV witnesses while traveling to attend court. Based on this experience, it is crucial for CRSV witnesses to have an escort when they leave their hometowns, particularly when they return after the trial, to prevent them from being alone and vulnerable. Unfortunately, witnesses often feel taken advantage of because they are left uninformed about the proceedings, with many unaware of their rights and responsibilities. The approach adopted by the HLC is to provide comprehensive explanations to the witnesses about their concerns, with the goal of ensuring that they are not merely used for the criminal process and then disregarded, but rather, are informed from the outset about how, why, and for what purposes they are involved and are reassured that they will receive the necessary support in potential future CRSV cases.

As previously mentioned, the War Crimes Prosecutor's unit lacks the capacity to provide extensive support. They only communicate with witnesses via phone, and their involvement is limited to the courthouse premises. Once a witness enters or leaves the courthouse, their assistance ends. This limited level of help is insufficient, especially for victims of sexual violence who require more comprehensive support. Consequently, a significant burden falls upon the NGO sector to fill this crucial gap.

HLC has also used advocacy to improve support for survivors of CRSV in Serbia. In 2015, it developed a Model Law on civilian victims of war in cooperation with victims' associations and international standards. When the Serbian government adopted its version of the Law five years later, HLC publicly criticized it for failing to recognize CRSV survivors as civilian victims of war. To be recognized as a civilian victim under this law, the victim must have sustained at least 50% bodily injuries. Acquiring this status would give them symbolic recognition for their suffering. In the same way, it would confirm that their injury is more than physical. The Serbian government has not responded to the criticism.

HLC researched good practices in reparation claims of the victims of sexual violence directly in criminal proceedings, based on which it developed and presented a policy paper on the reparation claims of these victims during the criminal proceedings in 2021. In addition to outlining the legal options regarding this matter, HLC provided recommendations to enhance court practices. During its public presentation in June 2021, a particular focus was placed on the topic of re-victimization of this category of victims and ways of mitigating it.

As all CRSV survivors testifying before Serbian courts are non-Serbs, it could be said that the HLC exclusively offers support to non-Serbs as a distinct category of victims. These situations are

particularly sensitive, as these victims don't meet the criteria for free legal aid, given they are foreign citizens. Unfortunately, the state doesn't recognize them as a sensitive category, leaving them with limited options for support. This is where HLC steps in, playing a vital role in obtaining necessary documentation, such as final judgments, from their home countries, which they need for various purposes such as obtaining the status of a civil victim. HLC's involvement acts as a crucial intermediary, bridging the gap and ensuring they receive the support they deserve.

HLC ensures that its services do not create any incentive for victims to access certain aspects of the service in order to qualify for others. The organization's support is provided holistically, without any conflicts or conditions attached, to best assist and advocate for victims' needs and rights. All statements are given by survivors freely, and can subsequently be used to write criminal reports against the perpetrators.

The extent of justice attained is closely linked to the recognition and acknowledgment of victims' needs, encompassing their essential desire to be seen and acknowledged as true victims. This recognition plays a pivotal role in their journey toward justice and healing. Concurrently, feedback from victims regarding the support provided by HLC reflects a high level of satisfaction. The organization's commitment to understanding their experiences, offering psychological assistance, and ensuring complete anonymity has contributed significantly to this positive sentiment. As a result, victims have found a reliable source of support, fostering an environment conducive to their well-being and empowerment throughout their pursuit of justice and recovery.

To understand NGOs' impact on victim support, this case study now focuses on the work of relevant regional organizations. The most pertinent examples are TRIAL International and the Women's Court Network.

TRIAL International

Since 2008, TRIAL International, an organization dedicated to advocating for victims' rights, has been actively operating in BiH to ensure proper support, recognition, and reparations for survivors. Initially, the organization provided pro bono legal assistance to war victims, with great success before national and international bodies. Even though court cases have become rarer, the organization remains committed to supporting its initial beneficiaries, helping them achieve their right to seek reparations. Still, TRIAL focuses on preparing and presenting cases before the State and Constitutional Courts of BiH, the European Court of Human Rights (ECtHR), and the Human Rights Committee (HRC). Moreover, TRIAL engages with institutions responsible for enforcing court decisions or legislation and exerting influence on ministries, prosecutors, cantonal offices, the Missing Persons Institute, the Ombudsman, and others. They seek detailed plans and timelines, based on which they report on challenges encountered during implementation to the relevant UN bodies.³⁶

TRIAL's primary objective is to ensure that perpetrators of war crimes are held accountable for their actions, working closely with local partners, such as lawyers, human rights organizations, and survivor associations, to strengthen the BiH justice system's capacity. By providing legal expertise and assistance, TRIAL supports victims throughout the entire process of seeking justice.

One of the critical ways TRIAL supports victims is by assisting them in filing complaints and gathering evidence. They help victims document their experiences and provide guidance on effectively presenting their cases. Their legal experts also represent victims in court

proceedings, ensuring their rights are protected and their voices are heard while pursuing justice.

TRIAL manages its databases based on internal regulations and specific requests from witnesses (“clients”), encompassing representation, administrative support for asserting rights, and assistance and referrals. To safeguard clients under security measures, internal databases remain confidential, with all external collaborators required to sign a memorandum of understanding. Additionally, dissemination of witness data under protective measures is strictly prohibited by law. “Victim folders” predominantly consist of physical copies, while select public documents are accessible in the electronic database. The structure of folders is tailored to suit clients’ preferences and needs. Due to the prolonged timeframe between criminal charges being filed and the actual verdicts, victims often seek assistance from TRIAL to gather information from both entity and state prosecutions. While TRIAL provides free legal aid, full representation lies outside its mandate. Thus, it sometimes opts to employ lawyers for strategic cases when necessary. Legal assistance predominantly revolves around administrative matters, gathering information, and helping survivors to be recognized as civilian victims of war.

TRIAL has faced a number of challenges to securing outcomes for survivors of CRSV. Prison sentences for sexual violence tend to be relatively small, typically ranging from six to 10 years, even with aggravating circumstances. Despite this, survivors find value in the fact that perpetrators are convicted, and in a definitive verdict acknowledging the occurrence of the crime. While the financial compensation is not substantial, the significance lies in perpetrators’ obligation to pay. Another major challenge is the complex and lengthy legal process of prosecuting war crimes. The lack of resources, delays in proceedings, and limited justice system capacity in BiH pose significant obstacles to achieving timely justice for victims. To aid in the process of empowerment, TRIAL collaborates with a psychologist who engages with survivors to discuss the implications of the verdict, helping them understand its meaning and enabling them to move forward with their lives.

TRIAL has also represented victims before UN bodies, resulting in pioneering decisions against BiH. Their reports show that two cases before UN bodies were decided regarding CRSV. In 2019, the UN Committee Against Torture issued a decision against the state of BiH regarding the case of sexual violence as torture during the war. Despite the 90-day deadline for implementing the decision of the case, as of August 2023, it still had not been implemented. The decision established BiH’s failure to fulfill its obligations to a victim of wartime sexual violence who was denied the right to receive appropriate and just compensation and complete rehabilitation.³⁷ The following year, TRIAL brought a case of CRSV before the UN Committee on the Elimination of Discrimination against Women (CEDAW). The Committee decided against BiH, concluding that “gender-based violence against women is a form of discrimination and torture.” The Committee called on the state to provide immediate support to survivors of wartime sexual violence. Again, BiH was found to have failed to provide fair and adequate compensation to the survivor, and to have been unable to conduct an impartial and effective investigation.³⁸

Women’s Court and Women in Black

Due to disappointment in formal institutional justice, the Women’s Court (Ženski sud) was created in 2015 as a regional network of 10 women’s organizations from ex-Yugoslav countries. These organizations had already established cooperation in activism and anti-war movements. The Women’s Court provides material and psychological support but also advocated for truth, justice, reparation, and memory preservation. In 2015, they held an open session of the “Tribunal for Women of Former Yugoslavia,” during which 38 witnesses publicly testified about their own

experiences. They played a vital role in establishing the Women's Court, actively contributing to program development and participating in the selection of other witnesses. They became integral participants, forming a resilient network of women united beyond national boundaries—the network aimed to represent a solid and supportive community that transcended physical and ideological borders between states. As active participants in the justice process, survivors encourage different court practices to influence the formal legal system. The network also provides alternative access to justice, given the frustrations many survivors share regarding formal justice processes. The network has three female psychotherapists that work with witnesses when needed.

During the session in 2015, the International Judicial Council of Women's Court was formed. It comprised eminent regional and international legal experts, historians, and peace activists. The Council gave recommendations and decisions based on women's testimony and the feminist justice model. It did not have the power to impose criminal sanctions but came to certain conclusions: crime against peace, the political responsibility of the states in the former Yugoslavia (intellectual elites supported the war), the media incited conflicts, the emergence of war profiteers, failure of international institutions that did not prevent disputes, etc.³⁹ Other participants in the session were various other activists, survivors, and experts.

The participants of the Tribunal received overwhelming support and positive feedback from the present survivors. One of them said: "I am encouraged and happy when I heard the voices of women from Serbia. I thought I would never hear a single woman from Serbia say what was happening." Another added, "It is a good idea to talk about how women in Serbia thought about women in Sarajevo. I am very emotional right now. I would like to see this continue in local communities and beyond. Each one has its own story. I'm glad this exists."⁴⁰

The Women's Court initiative has empowered survivors to commence complex and often lengthy legal procedures. For instance, Jovanka Tsarević from Zagreb received compensation, while Edina Karić from Bratunac initiated court proceedings that led to the conviction of her rapist.

Women in Black, a leading organizations in the network, offers psychological and emotional support to survivors and witnesses, pioneering an innovative approach to transitional justice by visiting the sites where crimes were committed in their name. These locations serve as a meeting point with survivors, allowing for personal engagement and support. In 2018, they had their inaugural encounter with women who had survived wartime rape in Foča. This event marked the beginning of their annual celebration of June 19, the International Day for the Elimination of Sexual Violence in Conflict, held in Belgrade's Republic Square and Foča.

Women in Black owns an internal database that consists of testimonies from the Women's Court sessions. Regarding protocols, witnesses provided three types of consent for the use of their testimonies in the book and film about the Women's Court. The Women's Court provides a platform for women to share their experiences of war and post-war violence, as well as stories of resistance. This initiative does not negate the institutional legal system, which primarily focuses on perpetrators of violence, but rather complements it. It also serves as a supplement to history, aiming to include marginalized perspectives and voices that official history often overlooks or erases.

A measure of justice has been achieved in certain cases, including for a survivor whose testimony in front of the Women's Court was taken into account during the trial of one of her perpetrators. The feminist approach to justice has empowered women survivors, allowing some to participate in activities of the Women in Black movement. This approach has restored their dignity, as some of these women faced setbacks in their pursuits before the institutional legal system.

Additionally, it has enabled them to understand the crime of forced mobilization, as witnessed by female witnesses from Serbia. While the approach acknowledges that all crimes are not equal, it emphasizes that the pain experienced is shared. Thus, the initiative creates a safe space where women can listen to each other without judgment, fostering a sense of equality in their shared experience. However, certain challenges have emerged through the process, such as the absence of women of Serbian nationality from BiH and Kosovo, who chose not to testify.

A key lesson learned from this context is that retributive justice alone is insufficient for female survivors, as punishing perpetrators does not necessarily equate to justice for the victims. Restorative justice is essential in restoring the dignity the war took away from them. Despite some setbacks, the Women in Black initiative has created a safe space where women from different backgrounds can listen to each other without judgment, recognizing the commonality of pain despite diverse experiences of crime.

Section 3: Recommendations and Lessons Learned

Although there have been improvements in recent years regarding survivors' access to justice, there are still many deficiencies. Some survivors pursue legal action individually through criminal or civil court to receive compensation, but many lack confidence in the country's judicial institutions. Not only do survivors experience slow and ineffective prosecution of war crimes, they also fear being unable to obtain compensation from the perpetrators. Some prosecutors neglect their responsibilities, and court orders for perpetrators to compensate victims are not consistently enforced due to insolvency or the concealment of assets. In some cases, judicial institutions make survivors feel even more victimized, as an increasing number of them are required to pay court fees to the entities they sued after their claims were rejected due to the application of a statute of limitations that contradicts international standards. Additionally, children conceived through rape face ongoing challenges in having their legal status recognized and continue to endure severe social stigma, along with numerous other administrative barriers. Many survivors find that the available reparations do not adequately address their actual needs, nor do they sufficiently compensate.⁴¹

Challenges and Lessons Learned

Challenges arise when victims, who are not legal professionals, are faced with the daunting prospect of going to court. Their lack of familiarity with courtroom proceedings leaves them feeling uncomfortable and fearful, unsure of the roles and actions of those present. In order to safeguard their rights as victims, it is crucial to provide them with comprehensive explanations of courtroom dynamics and procedures. Mental strengthening and instilling a sense of empowerment are essential in convincing them that they are not merely evidence, but valued victims with a crucial role in seeking justice.

To ensure their testimony is strong, extensive support must be offered, particularly in cases of sexual violence where their testimony may be the sole evidence. As such, their statements must meet specific criteria, such as being vivid, precise, verifiable, and supported by indications or other testimony. Adequate preparation for their testimony is therefore of utmost importance.

When looking at possible improvements to the official legal system in both Serbia and BiH, witness support services have lacked mental health and psychosocial support (MHPSS), which could be beneficial for victims' well-being and emotional support during the process. Additionally, outdated definitions of rape, especially in Serbia, and armed resistance still taking place in certain areas need to be addressed.

Pursuing alternatives to justice also benefits survivors. Multi-stakeholder participation in the Women's Court initiative has demonstrated that bringing together diverse perspectives and expertise strengthens the pursuit of gender-sensitive justice. The involvement of survivors, activists, legal experts, and various other stakeholders ensures a more holistic and inclusive response to gender-based violence. By encouraging collaboration and understanding among different actors, multi-stakeholder participation enhances the effectiveness of efforts to deliver justice in a gender-sensitive manner, ultimately fostering a more inclusive and compassionate society.

TRIAL's main recommendation includes maintaining motivation for continued work despite the challenges, acknowledging the progress made, and remaining aware of the environment. Collaboration with other organizations is essential, as collective efforts yield a more significant impact. Securing funding is crucial to sustaining operations, and maintaining public awareness about the ongoing relevance of war crimes is vital to ensure continued support from donors.

Having capable and ready support services for victims is crucial. These services should have permanent staff to provide consistent assistance. Taking inspiration from the ICTY service, which serves as a positive example, organizations must prioritize the immediate collection of statements from witnesses and survivors. Time is of the essence because witnesses may relocate or pass away, and their testimonies hold crucial information needed for justice. By acting promptly, we preserve vital evidence and create a more compassionate and efficient legal system that protects victims and survivors.

Funding for this work is undeniably vital for HLC and other organizations to enable them to operate effectively. Together with other NGOs, HLC has been able to cover expenses such as transportation and accommodation, for example, when accompanying witnesses to hearings. The significance of networking with NGOs cannot be overstated, as it imparts a crucial lesson: comprehensive support is necessary. Various NGOs offer diverse aid, including economic empowerment courses, medical assistance, and even support for entire families that may experience secondary trauma effects. This multi-faceted approach ensures that the needs of victims and their families are addressed comprehensively and effectively.

Drawing from the success of the Women's Court initiative in delivering justice through a gender-sensitive approach, several recommendations can be applied in other contexts to enhance similar efforts:

1. Establish multi-stakeholder partnerships involving women's organizations, activists, legal experts, and survivors to foster collaboration and solidarity.
2. Adopt a survivor-centered approach by prioritizing survivors' voices and experiences in decision-making and program development.
3. Develop restorative justice mechanisms alongside retributive measures to focus on healing, reconciliation, and restoring survivors' dignity.

4. Address historical memory by recognizing and acknowledging the experiences of marginalized groups, ensuring a more inclusive representation of past events.
5. Encourage truth-telling initiatives, creating platforms for survivors to share their testimonies, raise awareness, and acknowledge gender-based violence.
6. Engage with international expertise through expert councils to inform decisions and address systemic issues.
7. Foster cross-learning among professionals and stakeholders to enrich strategies and promote effective gender-sensitive justice approaches.
8. Promote gender-sensitive education and awareness campaigns to challenge harmful norms and attitudes.
9. Provide psychological support within justice processes to facilitate healing and survivor participation.
10. Document testimonies in internal databases to preserve survivor narratives and support research and advocacy efforts.

Implementing these recommendations in other contexts can contribute to gender-sensitive justice, human rights, gender equality, and healing for survivors of violence.

Endnotes

- ¹ Trail International, Sarajevo office official website available at <https://trial.ba/>.
- ² Women in Black official website available at <https://zeneucrnom.org/en/>.
- ³ Marie-Janine Calic, *A History of Yugoslavia* (West Lafayette: Purdue University Press, 2019).
- ⁴ Statistical Office of the Republic of Bosnia and Herzegovina, *Census of Population, Households, Dwellings and of agricultural holdings in 1991, National composition of the population—Results for the Republic by municipalities and inhabited places 1991*, Sarajevo, December 1993, Statistical Bulletin No. 234.
- ⁵ Michael Mann, *The dark side of democracy* (UK: Cambridge University Press, 2005): 368.
- ⁶ Human Rights Watch/Helsinki, “War crimes in Bosnia-Herzegovina: Bosanski Šamac,” Report 6, No. 5, (April 1994): 3.
- ⁷ Gloria Gaggioli, “Sexual violence in armed conflict: A violation of international humanitarian law and human rights law,” *International Review of the Red Cross*, No. 894. (2014): 504; Dara Kay Cohen, Amelia Hoover Green and Elisabeth Jean Wood, “Wartime Sexual Violence: Misconceptions, Implications, and Ways Forward,” *Special Report of the United States Institute of Peace*, No. 323. (2013): 6.
- ⁸ Human Rights Council, Rashida Manjoo, Report of the Special Rapporteur on violence against women, its causes and consequences: Mission to Bosnia and Herzegovina, A/HRC/23/49/Add.3. (28 October–6 November 2012), 7.
- ⁹ Grace Harbour, “International Community Concerns About Sexual Violence in Conflict Predating the Establishment of the ICTY,” in *Prosecuting Conflict-related Sexual Violence crimes of Sexual Violence Under the Jurisdiction of the International Criminal Tribunal for the Former Yugoslavia*, Serge Brammertz and Michelle Jarvis (Eds), (Sarajevo, 2017): 21–22.
- ¹⁰ UN Security Council, Security Council resolution 808 (1993) International Criminal Tribunal for the former Yugoslavia (ICTY), 22 February 1993, S/RES/808 (1993); UN Security Council, Security Council resolution 827 (1993) [International Criminal Tribunal for the former Yugoslavia (ICTY)], 25 May 1993, S/RES/827 (1993).
- ¹¹ Judith G. Gardam and Michelle J. Jarvis. *Women, armed conflict and international law* (Hague: Kluwer Law International, 2001), 148–150.
- ¹² Amnesty International, *Whose Justice? Bosnia and Herzegovina’s women still waiting* (London: Amnesty International Publications, 2009), 54.
- ¹³ With the exception of Birčko District as of 2022, recognition has been only symbolic. For more on Birčko District, as a separate legal entity, below.
- ¹⁴ Prosecutor v. Anto Furundžija (Trial Judgment), IT-95-17/1-T, ICTY, 10 December 1998.
- ¹⁵ Prosecutor v. Dragoljub Kunarac et al. (Trial Judgment), IT-96-23 & IT-96-23/1-A, ICTY, 12 June 2002.
- ¹⁶ ICTY, “Crimes of Sexual Violence.” Available at: <https://www.icty.org/en/features/crimes-sexual-violence>.
- ¹⁷ ICTY. Rules of Procedure and Evidence. Rule 96. Revised July 2015. Available at https://www.icty.org/x/file/Legal%20Library/Rules_procedure_evidence/IT032Rev50_en.pdf.
- ¹⁸ ICTY. Rules of Procedure and Evidence. Rule 106. Revised July 2015. Available at https://www.icty.org/x/file/Legal%20Library/Rules_procedure_evidence/IT032Rev50_en.pdf.
- ¹⁹ Supra note 11, 16.
- ²⁰ Gabriela Miškovski and Gorana Mlinarević, “Problems with rape cases—Views of survivors, prosecutors and judges on prosecution of sexualized violence during the war in the former Yugoslavia,” in *War Crimes of Rape* (Reader), ed. Staša Zajović and Miloš Urošević (Beograd: Žene u Crnom, 2013), 17.
- ²¹ Kate Clark Nuhanović Foundation Center for War Reparations, *War Reparations and Litigation: The case of Bosnia* (Amsterdam: Nuhanović Foundation, 2014), 21–22.
- ²² The General Framework Agreement for Peace in Bosnia and Herzegovina. Annex 6: Agreement on Human Rights. Based on Annex 6 of the Dayton Peace Agreement, the European Convention on Human Rights and its Protocols as well as the International Covenant on Civil and Political Rights, the Convention against Torture and other Cruel Inhuman and Degrading Treatment are directly applicable in Bosnia and Herzegovina and so is the right to a remedy enshrined by them.
- ²³ Supra note 11, 36–37.
- ²⁴ Trial International, *Compensating survivors in criminal proceedings: perspectives from the field* (Trail International, 2016), 20.
- ²⁵ Supra note 11, 15.
- ²⁶ TRIAL International. *Double Jeopardy for wartime torture victims of Bosnia and Herzegovina*. Trial International media release. Available at: <https://trialinternational.org/latest-post/double-jeopardy-for-wartime-torture-victims-of-bosnia-and-herzegovina-after-having-their-compensation-claims-rejected-they-are-forced-to-pay-high-court-fees/>.
- ²⁷ Prosecutor vs. Marković Bosiljko i Marković Ostoje, S11 K 012024 14 Kri (Court of Bosnia and Herzegovina 2015).
- ²⁸ Supra note 19, 8.
- ²⁹ Mesić, Jasmin. “The Road from Stigma to Justice—Sexual Violence in War,” Online lecture organized by Humanitarian Law Center, Belgrade, June 15, 2021.
- ³⁰ Supra note 19, 14.
- ³¹ Supra note 11, 46–47.
- ³² Supra note 21, 41.
- ³³ Government of Federation of Bosnia and Herzegovina. “Utvrđen Prijedlog zakona o civilnim žrtvama rata u FBiH.” Government FBiH press release, 21.06.2023.gov. Available at: <https://fbihvlada.gov.ba/bs/utvrden-prijedlog-zakona-o-civilnim-zrtvama-rata-u-fbih>.
- ³⁴ Trail International and Foundation “United women of Banja Luka.” “Zakon nije dovoljno odgovorio na potrebe žrtava ratne torture u RS.” Trial International and Foundation “United women of Banja Luka” press release 2018. Available at <https://trial.ba/?p=1154>.
- ³⁵ Amnesty International, *Serbia—End the culture of impunity for crimes under international law* (London: Amnesty International Publications, 2014), 33.
- ³⁶ Supra note 17, 23.
- ³⁷ United Nations. UN Committee against torture. Decision 854/2017. Available at: <https://trialinternational.org/wp-content/uploads/2019/08/Decision-CAT-A-BIH-2August2019.pdf>.
- ³⁸ United Nations. Committee on the Elimination of All Forms of Discrimination Against Women. Decision 116/2017, Available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2f-C%2f76%2fd%2f116%2f2017&Lang=en.
- ³⁹ Women’s Court. “Ženski sud: feministički pristup pravi. Kratka informacija.” Women’s Court press release 2015. Available at https://zenskisud.org/pdf/zenski_sud_kratka_informacija.pdf.
- ⁴⁰ Ibid.
- ⁴¹ TRIAL International. *Bosnia and Herzegovina: study on opportunities for reparations for survivors of conflict-related sexual violence*. (TRIAL International, Vive Žene, Global Survivors Fund) March 2022, available at https://trialinternational.org/wp-content/uploads/2022/03/GSFR-reportBiH_ENG_Web.pdf.



GIJTR

Global Initiative for Justice
Truth & Reconciliation