Explaining Compensation in Post-war Bosnia and Herzegovina: The Case of Victims of Torture and Sexual Violence

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Abstract

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This chapter explains the different compensation outcomes for two categories of war victims in post-war Bosnia and Herzegovina (BiH)—victims of sexual violence and victims of torture. Unlike victims of torture who have no formal rights vis-à-vis any authorities in BiH, survivors of sexual violence have since 2006 been recognized as a victim category with compensation rights. This chapter explains these outcomes using rationalist arguments and shows that compensation for victims is mainly determined by whether and how victim associations leverage their moral authority and mobilization resources, as well as the international salience of their demands to convince domestic political authorities that compensation is expedient. Acting as policy drivers, this chapter presents victims through the prism of activism but also explores some tensions in the growing debates about the politics of victimhood.

Keywords

- Compensation
- Mobilization
- Sexual violence
- Torture
- Transitional justice
- Victim
- Victimhood

Introduction

Almin is one of the estimated 200,000 survivors of torture from the 1992–1995 war in Bosnia and Herzegovina (BiH).[1] As the president of a Sarajevo-based victim association, he has been at the forefront of the struggle for the formal recognition of survivors of torture because they 'are the only population which came out of the [Bosnian] war without any rights.'[2] This is why pressing the state into legally defining victims of torture as a separate victim category has become the declared objective of his association, as well as the hundreds of similar associations across the country. Recognition encapsulated in the legal 'status' would allow such victims a privileged access to social and medical services and material assistance, as well as provide them with the moral satisfaction of having their suffering acknowledged. Indeed, victims of sexual violence have been more successful and secured compensation. In June 2006, the existing *Law on Civilian Victims of War* in the larger part of the country was amended to include survivors of sexual violence.[3] It legally recognized them as a 'special category' of victims with rights for monthly payments, preferential medical care, and additional benefits for family members. However, this success pertained to one part of the country, leaving many other survivors without any formal legal rights vis-à-vis the state authorities.

How do we explain this variance in which these categories receive compensation in the post-war state of BiH but also beyond? Is this varied approach to compensating war survivors driven by the victims' activism or the political authorities' reluctance to distribute scarce state resources? At a broader level, this chapter explores the rationale of post-war authorities to offer compensation to some categories of victims, while others have no such privileges? The literature on post-war transitional justice and human rights does not offer conclusive explanations to these questions. In this chapter, I advocate a rationalist approach to why some victims succeed while others fail. I show that compensation is mainly determined by whether or not victim associations are able to leverage their moral authority, mobilization resources, and international salience of their demands to convince domestic political authorities that compensation is in the authorities' political interest. This chapter advances our understanding of the various roles of victims in post-war states. Post-war transitional justice scholarship only rarely discusses political roles of survivors of gross human rights violations (Dixon 2016). Most commonly, victims are analyzed through the prism of trauma and moral questions of justice. Although political scientists often underestimate victims' roles in the political arena (see Cousens et al. 2001; Bose 2002), they play a key role in driving processes of post-war reckoning with injustice. By pressing for the formal transformation of their demands into state policies and leveraging their resources as well as political and external allies, victims often become drivers of socioeconomic redress. This chapter is thus a contribution to the growing debates of 'politics of victimhood' and the struggle for justice and recognition (see García-Godos 2013).

I draw on rich empirical data collected during fieldwork across Bosnia from 2013 to 2015 to present my arguments.[4] In total, I conducted 114 interviews with victims, leaders of victim organizations, pro-victim groups, political representatives, international and domestic human rights experts, and a range of Bosnian practitioners in the field of transitional justice. I triangulate these interviews with other relevant literature, media articles, and policy reports in order to explain the different outcomes. My analysis is structured as follows: I first discuss the concept of compensation and how it plays out in post-war politics. Next, I introduce the case of Bosnia and its victim population. The core of the chapter is then divided into four sections. I first analyze the development of the two studied categories of victims and how they pressed for their demands. I then discuss the three proposed factors, which increase the likelihood of compensation success. The conclusion brings these arguments together.

Compensation as a Post-war Policy of Recognition and Assistance

Compensation has been also promoted internationally as a tool to stabilize post-war societies. This belief has resulted in its inclusion among reparation principles proposed by the United Nations (UN) in 2005.[5] The definition contained in this document contrasts compensation against other reparative tools. It defines conpensation as monetary payments for all gross human rights violations such as torture, killings, abductions, and rape, which cannot be undone (i.e., when it is impossible to return to the situation *ex ante*). The other important tools are 'restitution,' especially as the return of property or jobs and 'rehabilitation' as services for survivors such as medical care, psychological support, and re-education. In reality, compensation policies commonly include both payments and services. This is why I merge the UN definition of 'rehabilitation' and 'compensation,' so that compensation here comprises not only state-provided material and monetary but also in-kind benefits. I thus define compensation as a *set of state-provided material and in-kind benefits for victimized groups and individuals*.

Compensation has indeed been increasingly recognized as a tool of reparative transitional justice (de Greiff 2006; Wemmers 2014). Advocates of this stream see material reparations as mechanisms that bring direct benefits to those who suffered rather than focusing on perpetrators as in the case of trials (see especially van Boven 2010). For example, Pablo de Greiff (2006) argues that material and symbolic reparations help victims to regain their livelihoods, provide them with acknowledgment of their suffering, signal the society's acceptance of responsibility, and pave the way for a stable post-war society. Although material redress was previously a common tool of 'victor's justice,' that is, when the victor imposed reparation payments, given the contemporary prevalence of civil wars, compensation has been increasingly shifting to the domestic political arena and ideas of victimhood.

Nonetheless, within domestic post-war politics compensation can be seen as a challenge for post-war budgets and understandings of who is a rightful victim and who is not. Compensation also presents domestic authorities with qualitatively different political stakes than other justice tools. For example, lustration and

trials can be perceived as threatening the post-war power balances by removing some individuals from office and the public sphere. Truth commissions may divide the public opinion over past narratives and uncover inconvenient facts (Wilson 2001; Wiebelhaus-Brahm 2010). However, compensation is neither removing politicians from power nor taking out skeletons out of the closet (see Nalepa 2010). The battleground over compensation is most commonly in the realm of symbolic politics, war narratives, and financial concerns (Wolfe 2013). Therefore, when security is precarious and finances limited, compensation is rarely a critical policy for peace- and state-building, but rather features as a 'posttransitional measure' of justice, which comes at later stages of post-war recovery (Powers and Proctor 2015, p. 10).

There are two main reasons why compensation is a critical transitional justice policy to study in order to understand how victims in post-war states are treated. First, it is a tangible and measurable policy of state assistance, which allows for the assessment of the varied state approaches to victimhood. It thus helps us to uncover the victimhood preferences of state actors in a clear manner. Second, poised between policies of justice and welfare, compensation is stricken with tensions over recognition and is related to the long-term concerns about domestic post-war policies of recovery, rather than international transitional justice and peacebuilding only. It thus allows for the study of local dynamics of post-war justice from a new perspective of rationalist politics. Therefore, as this chapter argues, as a policy of assistance and recognition, compensation is not adopted as the outcome of what is just or fair but as the outcome of complex political, economic, and reputational influences being exerted on policymakers.

Explaining Compensation Outcomes: Moral Authority, Mobilization Resources, and International Salience

Having defined compensation as a policy of recognition and assistance, how can we explain why some categories are more successful than others with their compensation claims? Among post-war governments around the world there is no common approach to compensation. While the transitional justice scholarship focuses on structural determinants of trials and truth commissions, scholarship in human rights emphasizes the normative power of global norms of justice and redress (Keck and Sikkink 1998; Risse and Sikkink 2013; Wolfe 2013). However, neither of these approaches offers answers to the varied patterns of inter-category compensation. Assuming that victim categories, defined as organized classes of victims that share a source of victimization and/or suffering, gather in victim associations as the representative bodies of their demands, I propose that victim categories can increase their likelihood of compensation by leveraging moral authority, mobilization resources, and international salience. By either increasing or amplifying these three tools, each category can raise its chances for 'success,' defined as the attainment of the demanded compensation. The mechanism of change is in the response of political elites that are more responsive to victim categories who can threaten their political power, reputation, and economic benefits. This suggests that victims have the opportunity to convince domestic elites that compensation is in the elites' interest.

In order to develop the proposed concepts, I combine several streams in the literature on post-war justice. First, the literature on domestic causes of post-war transitional justice pays an increased attention to why political elites adopt some justice measures (Wilson 2001; Hagan 2003; Subotic 2009; Grodsky 2011). Some of these works adopt the rationalist approach I advance here and show that cost-benefit analyses offer answers to why some justice tools are adopted over others. However, they assume that transitional justice tools can pose a threat to incumbents, which is why they resist criminal prosecution or the enactment of truth commissions. However, compensation is not a policy that would pose the same level of immediate political threat, but rather a policy that can be used to advance political power in transitional post-war periods. Second, the growing scholarship on material reparation posits that structural conditions such as legacies of repression, democratic and economic development, and the regional clustering of justice tools explain why some countries are more likely to award material assistance to victims than others (Olsen et al. 2010; Kim 2012; Powers and Proctor 2015). Scholars studying reparations from bottom-up perspectives also add that victims' feelings of shame or threat as well as administrative obstacles explain why only some individuals are compensated (Kiza et al. 2006; Adhikari et al. 2012). Although these works are critical to explain variation across countries and individuals, they do not allow me to explore inter-category variation within a state. Finally, the human rights literature emphasizes global activism and the role of transnational networks, which transmit universal norms and coax recalcitrant governments to observe the script of human rights, part of which may also be compensation (Keck and Sikkink 1998; Risse and Sikkink 2013; Wolfe 2013). While this scholarship is better equipped to explain inter-category variation because external activists can target some

victims over others, the limited attention to domestic politics and the varied reasons why political elites concede remain underexplored in these works too.

To fill these lacunae, I build on social mobilization literature in comparative politics to propose that three factors explain why some categories are more successful than others with their claims. The first factor is 'moral authority' attributed to each of the victim categories in the domestic sphere. I define it as the public recognition that a category has the right to receive compensation. Each category is endowed with a different moral authority among its co-nationals. Depending on the strength of such 'deservingness,' victims are empathized with and perceived by the public and domestic authorities as legitimate policy claimants. In general, the highest level of 'deservingness' has so-called 'clean-hand victims' (Mendez 2016, p. 2), also referred to as 'ideal victims' (Christie 1986) because there is no responsibility attached to them. Identity properties are additional symbolic aspects of moral authority. Domestic elites are more sympathetic to victims whose identity corresponds to theirs (Kriger 2003; Roll 2014). Such victims can become national 'beacons of suffering,' a convenient political framing in elections (Mosse 1991; Carpenter 2006). This suggests that the higher the moral authority of a category, the more disposed domestic elites are to offer compensation.

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The second factor that drives compensation is the category's ability to mobilize and its skills, that is, 'mobilization resources,' as developed in the literature on new social movements. This literature suggests that differences in resources between groups, defined as the goods in their possession, explain why some are successful with their demands while others fail (McCarthy and Zald 1977; Tilly 1978). They propose that the broader the membership and networks, financial and informational resources, as well as the leadership skills and organizational capacities, the more successful the group in question is (McCarthy and Zald 1977). Those that reach out to a broad and varied set of constituents, that is, those with wide networks and allies, are more effective pressure groups due to the fact that they can be perceived as an electoral threat. This suggests that the higher the mobilization resources of a category, the more political elites are responsive to their demands.

The third factor that I propose drives compensation outcomes is 'international salience.' By this I mean the amount of international attention to the demands of a category and external support. International salience influences how prioritized a victim category and its demands are on the agendas of external actors and donors in post-war states. It is encapsulated in advances in the protection of human rights, such as new UN conventions and key resolutions about human rights, international court decisions, and the dominant topics of the day on the global humanitarian and human rights agendas. Context-specific atrocities also co-determine the international salience of some victims, which is often distinct from their domestic moral authority. As international salience shifts from issue to issue, victims can 'align' (McCarthy and Zald 1977) their demands with such trends and exert pressure on domestic authorities to comply. Domestic authorities may be sensitive to reputational and economic costs, which side-lining victims with high international salience may bring (Keck and Sikkink 1998). This suggests that the higher the international salience of a category and its demands, the higher the likelihood of compensation becomes.

Therefore, I propose that victim categories with higher levels of moral authority, mobilization resources, and international salience can at a specific time better challenge domestic authorities' political power and reputation. Conversely, domestic authorities would not gain many benefits from offering compensation to victims who do not bring any electoral points or external financial or reputational benefits, that is, to those with limited domestic moral authority, small networks and opportunities to mobilize, and who are not representative of some broader trends in human rights. In the remainder of this chapter, I show in the cases of victims of torture and sexual violence how these factors played out with regard to compensation in the case of two important victim categories in Bosnia after 1995.

Victimization and the Bosnian War

In the spring of 1992, Bosnia plunged into 43 months of fighting between Bosniaks (Bosnian Muslims[6]), Bosnian Croats, and Bosnian Serbs, with a direct participation of neighbouring states, as well as international forces. The heinousness of the war came as a shock not only to the world but also to those who had lived in the preceding socialist Yugoslav system where nationalism was the *bête noire*. The ethnically justified violence came as an anathema to the traditional Bosnian multi-ethnic way of life. The Serb strategy of 'ethnic

cleansing' later resulted in the Srebrenica genocide in 1995 while displacing half of the Bosnian population by the end of the war in December 1995. It soon became clear that the extent of the war crimes committed in Bosnia was unprecedented in the post-1945 European history. Indeed, already in 1993, the International Criminal Tribunal for the Former Yugoslavia (ICTY) was set up to deal with the human rights violations. Although the extent of victimization has since the end of the war been a common point of domestic disputes, there is enough research confirming the demographics of victimization and the death toll. By late 1995, out of the pre-war 4.4 million Bosnian citizens, 104,732 people lost their lives (Tabeau and Zwierzchowski 2010). An additional 1,370,000 were displaced, 1,200,000 became refugees, over 30,000 people went missing, and nearly 200,000 were incarcerated in brutal prison camps. The estimates of victims of sexual violence range from 20,000 to 50,000. Over 80 per cent of the war causalities were Bosniaks, followed by Serbs, and Croats (see also Tokača 2012, p. 115). This demographic skewness led to the fact that Bosniaks have, since the war, presented themselves as the war's biggest victims.

The war ended in December 1995 with an external intervention and the so-called Dayton Peace Agreement (DPA). To keep the state together, DPA created a multi-levelled governance, institutionalizing two so-called 'entities'—the smaller Bosnian Serb Republika Srpska (RS) and the larger Bosniak-Croat Federation of BiH (FBiH), which further includes ten cantons in order to provide for Croat self-administration.[7] A new international organization was also created to monitor the peace, the Office of the High Representative (OHR). Thereafter, vast humanitarian aid was provided for the country together with extensive military peacekeeping forces. Because the weak central Bosnian government was given only limited decision-making powers in the realm of social policies, victim-centric policies have since been primarily limited to politics at the subnational level of entities (and cantons), that is RS and FBiH. Overall, the complexity of the multi-national state created by DPA led to the anchoring of ethnicity as the defining aspect of political and social life (Bieber 2008). Under the conditions of a divided and ethnically polarized society, the question of redressing victims has led to tensions over the past narratives and the symbolic understanding of victimhood.

BiH has become a tough case for post-war peacebuilding but also an experiment of transitional justice. While retribution at the ICTY has played out prominently in Bosnian post-war society, victim-centric approaches to justice have remained in the background until victims launched their campaigns. Given the different collective war narratives in these two administrative units and the concentration of most surviving victims in FBiH, victims have voiced their demands differently. As the sections below demonstrate, victims in FBiH have leveraged the scale of their victimhood label (especially the Bosniaks), while victims in RS have become protectors of their state-like entity. Elites in FBiH have supported the victimhood narratives while RS elites have been warding off opposition to RS, denying crimes, and presenting their own claims to victimhood. Competition over 'our' and 'their' victims has since accompanied most policymaking in the divided post-war Bosnian state.

Successes and Failures of Victims of Torture and Rape

Alongside the much-discussed case of Srebrenica survivors, two categories of victims in particular have featured in debates of Bosnian victimhood: victims of torture and sexual violence. Both underwent comparable and irreparable suffering, which cannot be undone and can thus only be compensated. Compensation in the form of pursuit of legal recognition and material assistance, also referred to as 'status' in Bosnia, has stood at the forefront of their claims since the establishment of their associations in the early post-war years (Helms 2013; Delpla 2014). As a scholar of Bosnia put it, obtaining a 'status' has become an 'obsession' for many victims and their associations (Delpla 2014, p. 246). However, not all victims have been successful. This section first offers an overview of the studied categories and their compensation outcomes. It then explains their moral authority, mobilization resources, and international salience, which explain the various outcomes.

Goals and Outcomes of Victims of Torture and Rape

The Bosnian war produced thousands of invalids and bereaved families and a significant number of people who were detained in camps, tortured, and raped. Civilian men and servicemen formed a large proportion of victims of torture while detained women formed the majority of victims of rape and sexual abuse. These two categories have shared many characteristics and many were detained in the same camps. The most heinous crimes committed in camps were in the region of Bosnian Krajina and eastern Bosnia. Beatings, starvation,

forced sexual acts between family members (including between men), rape of teenage girls, forced pregnancies, sexual abuse through penetration with foreign objects, and prolonged violent rapes were only some of the reported instances of violence. Immediately after the war, victims of torture and rape were slower than other victim categories such as families of the missing or disabled civilians to gather in organizations. As some respondents suggest, torture ‘paralyzed people by fear and trauma’[8] and victimization by rape carried a heavy baggage of shame that hindered victims from speaking out.[9] However, these categories gradually set up associations for war detainees (in Bosnian *logoraši*) and female detainees.[10]

Despite the silence and taboo surrounding these crimes, leading survivors organized themselves under three umbrella victim unions, divided by ethno-national[11] characteristics. Within the Federation, Bosniak victims set up their own Union of Camp Detainees of BiH (SLBH) in 1996 (Jouhanneau 2013a, p. 137). Although it was meant to be a Union for all *logoraši* in BiH, Croats by 1998 established their own Association of ex-Detainees of the Homeland War (HULDR) in Mostar, and Serbs the Association of Camp Inmates of Republika Srpska (SLRS) with a seat in Banja Luka in 2002. The highest membership of SLBH and HULDR was around 58,000 in total, while SLRS claimed to number around 50,000 people, consisting of both military and civilian ex-detainees (Božić 2014, p. 182). After much delay, independent victim associations for women were set up in FBiH (2003) and in RS (2013). These associations introduced compensation in the form of a victim status as their key demand. As torture without physical injuries was not included in the previous Yugoslav legislation,[12] victims who could not prove the defined levels of physical harm were not eligible for any compensation in the form of monthly allowances, rehabilitation services, or free healthcare. Thus, they were not treated as equivalent to other victims. Therefore, although punishing perpetrators has never ceased to feature strongly in victims’ demands due to the existence of ICTY and local courts, official recognition in the form of a ‘status’ featured prominently in their demands from early in the process.

Nonetheless, in the early post-war period there was no clear consensus of where, how, and from whom to demand compensation. Opinions among the leading representatives of ex-detainees in FBiH varied from class actions against the Bosnian state to initiating cases against RS. The two unions in FBiH further oscillated between demanding amendments of the existing laws for civilian victims to creating a new entity or state law. The latter options generally dominated, leading in 2000 to the poorly prepared submission of a draft state law for all Bosnian victims of torture (there was no RS Union at that time) to the Bosnian Parliament (Tabučić 2003). After the RS Union was established in 2002, the Bosniak SLBH started pushing for an entity law that would apply only to FBiH rather than a state law that would include RS. In 2005, SLBH representatives specifically asked FBiH authorities to treat civilian *logoraši* in the same way as civilian victims, and military *logoraši* as disabled veterans. They later returned to their pursuit of a state law, but they never canvassed enough support across BiH. As many SLBH members were also former soldiers, SLBH’s leaders started to justify a state law as an expression of a united BiH that they both fought for during the war and desired thereafter. In addition to this aspirational justification, they also presented the state law as an expression of the principles of non-discrimination as all ex-detainees across BiH would be recognized. The Croat HULDR later agreed to join this effort but Serb *logoraši* never agreed. While SLRS has been vague about its goals, it has been adamant that a state law was impermissible. None of their compensation demands, though, has ever been successful.

In contrast, female victims of sexual violence partially succeeded. In FBiH they were vocal within SLBH through their section (created in 1997) and later a new organization Women-Victims of War, set up by Bakira Hasečić in 2003. The organizations stated clear goals: to facilitate victims’ return to ‘normal life,’ to break the silence surrounding rape, to assist in the delivery of truth and justice, and to change the entity law in FBiH, rather than the state legislation.[13] Unlike the unsuccessful *logoraši*, victims of sexual violence in FBiH have been successful. On 8 June 2006, the FBiH entity included victims of sexual violence as eligible for compensation and introduced sexual violence as a unique type of harm. The reform allowed victims of rape to claim identical benefits as civilian victims with full disability, which for 2015 translated into 586 KM (293 Euro) per month. Together with a monthly payment, they were formally granted financial support for their children, medical care, professional training, priority employment, psychological assistance, legal aid, and priority housing.[14] Thereafter, those who have registered as victims of rape have not been required to undergo medical assessments, just an interview with a victim association that forwards their application further evaluation. However, the reform was applicable only to FBiH and not RS, which at that time had not representative association for female survivors of rape.

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Gendering Torture and the Moral Authority of Victimized Women

The first difference in how these two categories played out in post-war politics has been their divergent quality of moral authority. During the war, the domestic awareness about the crimes committed in detention camps and rape on women was limited because of the complex nature of the war. However, already in April 1993, when an NGO *Medica Zenica* and other women's organizations started assisting raped women fleeing war-stricken parts of Bosnia, that the first information emerged documenting their experience. Bosnian journalists also increasingly started reporting about sexual violence against both women and men.[15] Subsequently, the Islamic Community in Bosnia issued a *fatwa* (ruling) to accept raped women as martyrs and their children as equal members of the community (Skjelsbaek 2011, p. 99). In response, the Bosniak Party of Democratic Action (SDA) by 1995 had called for the public acceptance of raped women and discouraged them from having abortions. As Helms suggested, the Bosniak leadership also started using narratives of rape as a tool to amplify sympathy, stress 'Serb barbarity,' and effectively attract more humanitarian aid (2013, p. 82).

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While women—especially Bosniak women—were by the end of the war seen as the main war victims to the degree that the war was 'sexualized' (Clark 2016, p. 77), significantly less attention and respect was afforded to the male experience of torture and sexual abuse. As Blagojević argued, it seemed as if the 'victimhood paradigm was exclusively attached to women' (2013, p. 165). Although the detention camps of Omarska and Trnopolje in the Krajina region captured media attention, male victims of torture were significantly less discussed in the public discourse in Bosnia. As some *logoraši* were also at the time of their capture soldiers, their 'innocence of victimhood' has been tainted by their active war participation. In some cases, ex-detainees spoke of the stigma of humiliation stemming from the abuse committed upon them, which many chose not to discuss in public.[16] Consequently, male ex-detainees have not been perceived as innocent victims on a par with women. Therefore, moral authority, that is, the general perception of deservingness of a category for compensation, of these two categories has been skewed towards victims of sexual violence.

Beyond these starting positions, the two categories amplified and influenced their moral authority in a different fashion. *Logoraši* relied on their political links and their roles of ultimate witnesses and 'guardians' of the war memories (Jouhanneau 2013b). SLBH furthered the narrative of genocide in Bosnia committed by Bosnian Serbs (not only in Srebrenica as was established by the ICTY) and that Bosniaks were the ultimate victims of the war, consistently invoked during commemorations and national days. However, the political links of some leading *logoraši* were frequently criticized by the public and the civil sector. The first president of SLBH, Irfan Ajanović, was not only the founding father of the main Bosniak political party, SDA, but even stood as SDA's candidate for the Bosnian presidency. The leadership has been subsequently and frequently accused of furthering its party and political ambitions, and ignoring the real goals of achieving a status.[17] The sources of funding and the personal wealth of some leading *logoraši* has antagonized several pro-victim groups (and even members of the unions). The political agenda later shifted with the departure of this first cohort. However, each subsequent SLBH leader has been linked to a political party: for example, the current president of SLBH Jasmin Mešković supports the Social Democratic Party (SDP). In RS, the main criticism has been directed at Branislav Dukić who has become a successful businessman thanks to the political alliances he forged. Not even a major financial scandal in 2012, when he was accused of systemic embezzlement of the SLRS's funds, could endanger his position: he dismissed the accusations and labelled the whistle-blower as a 'traitor of RS.'[18]

Similarly, SLRS has been affiliated with the nationalist and growing separatist tendencies of the Serb political representatives, first of the wartime Serb Democratic Party (SDS) and later Milorad Dodik's Alliance of Independent Social Democrats (SNSD). Despite Dodik's initial strategy to comply with external pressure and exercise moderate politics as the prime minister of RS, by 2006, he became one of the prime leaders of RS nationalism and propagator of Serb victimization at the hand of Bosniaks. Mirroring these tendencies, SLRS furthered the narratives of Serbs as the 'perennial victims' of Bosniak politics, often adducing to atrocities committed on Serbs from World War II. SLRS also became the main detractor of state-level institutions, basically parroting SDS's and later Dodik's rhetoric about RS's sovereignty and the alleged Bosniak conspiracy to destroy Republika Srpska. As an expert on RS politics—Srdjan Puhalo—put it, SLRS has followed the ideology of 'RS as the highest Deity'[19] and framed anyone trying to criticize it as a traitor. While one could argue that this ethno-national affiliation should increase *logoraši's* moral authority within their own communities, there is a great criticism among the public towards this 'immoral' politicization of

victimhood. As politics is in Bosnia seen as 'dirty' (Helms 2007), the political links of victims have been in some cases viewed negatively.

On the contrary, victims of sexual violence have consistently worked on increasing their moral authority by amplifying women's suffering in the media, rather than pursuing partisan connections (see Helms 2013). As rape is considered a particularly stigmatizing crime, the focus of pro-victim groups and Bakira Hasečić has been on truth-telling and testimonies at courts, as well as public campaigns. Nonetheless, despite the initial political amplifications of rape during and immediately after the war, raped women were in some circles dubbed as dirty and children born out of rape as little Četniks, referring to the Serb nationalist forces in World War II. Still, the women's organizations worked on countering these frames and presented women as the epitome of pure victimhood and innocence.[20] Hasečić and her frequent protest actions became convenient for Bosniak politicians. As there is a close link between national discourses and women (Yuval-Davis 1997; Žarkov 2007; Helms 2013), where victimhood can be amplified into an essentially female suffering, the suffering of women has been presented as the pure suffering of the Bosniak nation. As a political representative (and a veteran) noted in our interview, raped women have been portrayed as 'our mothers, daughters, and sisters.'[21] Such gradual build-up of the moral authority of women culminated in February 2006 after a film documenting the life of a girl born through rape won the Golden Bear Film Award in Berlin. Directed by a young Bosnian female film director, Jasmila Žbanić, the film *Grbavica—Esma's Secret*, galvanized the public.[22] Žbanić's film effectively fought against stereotypes surrounding rape, uncovering the deep misunderstanding of who victims of rape were and what they needed. The public support was difficult to ignore by the Bosniak (and also Croat) authorities who were preparing for critical elections in the fall of 2006. Therefore, moral authority has thus shifted across the two victim categories and their associations. While women's associations in FBiH have been able to amplify frames of womanhood and their link to victimhood despite the potent stigma attached to rape, *logoraši* amplified their political connections or ethno-national credentials. This has had negative effects on the public perceptions of the *logoraši* organizations.

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Mobilizing Allies and the Public

Different mobilization resources of the studied categories are the second factor that influenced the outcome. In FBiH, *logoraši* relied on their subnational organizational structures, political financing of their activities, and party networks, only later realizing that other than political allies might be necessary. Initially, they drew on their political networks and furthered their prominent political allies. SLBH has had strong allies among SDA members, while SLRS relied on its political links with Milorad Dodik. SLRS became a key organization of the so-called *Serb Movement of National Associations* (SPONA) in 2006.[23] SPONA participated in protests supporting Dodik and against all centralization efforts, such as the police reform of 2006 and against Kosovo's declaration of independence (Katana 2008). Meanwhile, SLBH members decided to pursue judicial mobilization after a series of failures to be recognized and after May 2007 when the International Court of Justice (ICJ) ruled that Serbia was not obliged to pay reparations to Bosnia (Delpla 2014, p. 249). SLBH's mostly Bosniak members subsequently filed thousands of lawsuits at the Banja Luka municipal court in RS (Kulaga 2011). The idea was that in the short term, the judicial process would remedy individual victims; however, the long-term plan was that the entity governments would adopt a new law in order to prevent further litigations and payments. After the start of litigation in FBiH, SLRS members started their own legal cases against FBiH. Although the litigation movement gathered momentum (up to 30,000 people filed their cases), by 2016 only a handful of the cases has been successful (Augustinovic 2016). The rest were dismissed both in FBiH and RS because of statutes of limitations. Consequently, some detainees have even been asked to cover the costs of the legal proceedings. When the first rulings against detainees in RS were quashed, Dukić stated that the Federation's *logoraši* want to bring RS to the verge of bankruptcy, portraying them again as 'destroyers of Srpska' (FENA 2014).

Therefore, mobilization efforts in RS have only rarely been directed at passing a new law, as in the Federation, but rather at increasing their political credentials as protectors of RS. From the initial insistence on a new entity law for victims of torture in RS, by 2007 the leadership declaratively decided to push for the inclusion of *logoraši* into the existing legislation for civilian victims and veterans. However, there were no signs of activism in this direction beyond these declarative statements. Moreover, when SLBH succeeded in creating a broader coalition among the three ethno-national unions to push a draft state law into the state

parliament in December 2013, SLRS retracted its support at the very last moment. Although the unions signed a memorandum of cooperation, few observers believed that the SLRS was going to follow through. Any united front for a state law was illusionary as networking among the *logoraši* has been extremely difficult.[24] Their mobilization resources have thus been restricted to the entity level. The leadership has also been dependent on the financial support of their political patrons. As a human rights activist sighed, 'if they want to get any money, they must be part of the system.'[25] Although SLBH has tried to dissociate itself from its political links as its leadership changed, the on-going lack of cooperation with SLRS and other victim associations (Delpla 2014, p. 241), made their demands for a state law a difficult sell.[26]

Mobilization resources of victims of rape differed. As they were never adamant that a state law was needed and only pursued an entity law, they were able to create broad cross-Federation networks and gain important allies although their numbers were much lower than those of *logoraši*. The women's organizations gradually gained experience and independence through the care and education given to them by civil society projects mainly sponsored by women's NGOs. *Medica Zenica, Vive žene,* and *Snaga žene* were particularly important to offer legal, psychological, and medical assistance. The involvement of *Medica Zenica* with its experience and high domestic respect was critical. *Medica* had built up a reputation of a dedicated local organization, which escaped the usual portrayal of Bosnian NGOs as 'foreign spies' or political organizations. Therefore, *Medica's* assistance to Jasmila Žbanić and her screenplay for *Grbavica* was thus an important token of cross-sectional cooperation. While the film boosted the moral authority of victims of rape, the women's organizations used this publicity for their long-term plans to launch a wider campaign called 'For the Dignity of Survivors.' In early 2006, when the film won its award, all film screenings in Bosnia were preceded by signing a petition to offer the victimized women compensation.

The director of *Medica* stressed in our interview that after *Grbavica* won the award and the public galvanized behind the call for compensation, local politicians in FBiH could not withstand the public pressure. As the Bosniak SDA was challenged by new political subjects and worried about the upcoming elections, demonstrating its concern for a symbolic and highly debated issue was an instrumental political move. Moreover, with the backing of veteran associations in FBiH and most other victim associations, the change had a wide coalition of supporters that would have been politically difficult to overlook.[27] Unlike *logoraši*, who have repeatedly failed to convince political elites that they were united and strong enough to challenge the legitimacy of the incumbents' political power, the women's movement presented a case of effective and cross-sectional mobilization at a time when domestic authorities had much to lose politically and in terms of their reputation. Nonetheless, they had an additional ingredient, the high international salience of their demands.

International Salience of Wartime Sexual Violence

International salience as the level of external attention given to a category and its demands has been far superior among the victimized women than *logoraši*. Initially, both Bosnian victims of torture and rape were given great international media attention but these levels over the post-war years changed. In 1992, the two main portrayals of the Bosnian war had been photos of emaciated men behind barbwire at the Omarska camp, compared by the world media to Nazi concentration camps, and bereft fleeing Bosnian Muslim women reporting brutal rape camps. By 1994, an expert UN Commission led by M. Cherif Bassiouni documented the existence of 715 prisoner camps where men and women were systematically tortured, abused, and raped (Bassiouni 1994, pp. 58–9). The detailed report until this day provides some of the most gruesome description of the brutal crimes committed in Bosnia. After all, its findings not only sent shockwaves to the world but also resulted in the establishment of the ICTY in May 1993. ICTY's investigations and further research only reaffirmed the report's conclusions (Faber and Stiglmayer 1994; Allen 1996; Žarkov 2007; Skjelsbaek 2011).

However, beyond the wartime attention given to former camp detainees, the international salience of *logoraši* gradually dropped. Although the leadership of *logoraši* has appealed to foreign embassies and the EU, leveraging the idea of moral 'shame' because international actors 'should have stopped the war but did nothing,'[28] all efforts to nudge external actors, including the ICTY, to set up a fund for victims and provide compensation never came to fruition. While *logoraši* have not been paid any special attention by external actors (although some new projects may be remedying this lack of care), victims of sexual violence have featured prominently in the global discourse of victim-centric remedies. In particular, due to the creation of

the ICTY, Bosnia became a test case for the international prosecution of war crimes and rape. Indeed, the ICTY and its Rwandan sister tribunal anchored rape as a crime against humanity (Walsh 2008). As some scholars argued, the public exposure of rapes in the former Yugoslavia worked as a 'condensation point' (Keck and Sikkink 1998, p. 181) for a global campaign against sexual violence in war (Cockburn 2001; Korac 2006; Irvine 2013). By 2000, the UN adopted a critical resolution (1325) whose aim was to address the impact of wars on women and girls, calling for women's inclusion in post-war peacebuilding efforts, a true novelty. Resolution 1325 was also adopted during what some called the 'golden age' of women's civic engagement in Bosnia (Irvine 2013, p. 25). Bosnian feminist organizations used it to canvass for gender issues more broadly.

Subsequently, the women's agenda in Bosnia attained many external and domestic allies. In 2003, the OHR in Bosnia created gender projects, which finally led to the adoption of the *Gender Equity Law,* and later the *Law against Domestic Violence* in 2005 (Irvine 2013, p. 27). The effect of the opening of the gender agenda was encouraging for many victimized women. Moreover, rape has gradually started to be discussed in the public sphere. For example, at a conference organized in 2006 by *Medica*, a human rights expert with the OHR Madeleine Rees, an important voice in the global agenda of rape, and the later (female) ombudsman Jasminka Džumhur spoke in favour of a set of new socioeconomic policies for the raped women. This support was important for the subsequent campaign as domestic political actors had been under constant international pressure to respect human rights, which had conditioned funding and external political support, including the accession to the EU and membership of the Council of Europe. When rape was finally included as a crime entitling its survivors to compensation in June 2006, this change was met with positive external appreciation.[29] Reputational benefits coming from the law thus played an important role.

Nonetheless, while women in the Federation have used the combination of their domestic moral authority, mobilization resources, and international salience to press domestic authorities, the nascent association for victims of rape (created in 2013) in RS has never tapped into these global trends due to its divisive strategies and questionable moral authority. The RS Women Victims of War under Božica Rajlić-Živković has pursued an entity law for Serb female victims of torture, rather than female victims of all ethno-national backgrounds, antagonizing not only several pro-victim groups and victims of other than Serb ethnicity but also external actors. Also *logoraši* have been unable to leverage international salience of the ICTY's court decision or any other external developments due to the political nature of their domestic networks. Although torture has been recently raised as an issue by some international actors in Bosnia, given the current political focus on other reforms by the EU, the government has few incentives to adopt any new victim-centric laws. Therefore, the high international salience combined with significant moral authority and effective mobilization resources especially in the realm of networking stood behind the 2006 success of Bosnian victims of sexual violence.

Conclusion

'We missed our chance in 2006 when there was still some money in the budget and when politicians listened to victims and foreigners,' sighed a leader of a small local association of *logoraši*.[30] The reference to the year 2006 is not only a reflection on the compensation success of survivors of sexual violence in FBiH, but also an assessment of the deteriorating political and economic situation in Bosnia since then. The complex politicized moral authority of *logoraši*, their internal divisions that weakened their mobilization resources, and the lower levels of international salience of their issues have consistently prevented them from convincing domestic authorities that compensating them would bring any political or economic benefits. Their mobilization has been invalidated by their political links, which have also neutralized their opposition. Moreover, the war torture did not feature prominently on external agendas for peacebuilding and justice in the period preceding the changes in 2006, but also thereafter. While torture has been stressed by human rights advocates as a crime that has never been duly addressed in BiH, this attention has mostly come at times when external actors in the country have been weak and when other issues—mainly of an economic nature—have dominated their agendas after 2006. Given the current economic situation, political tensions, and weakness of external pressures, the context for adopting compensation is less favourable today than in 2006.

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Unlike the unsuccessful attempts of *logoraši* to secure their victim status, victims of sexual violence succeeded in 2006. It was thanks to the vigorous efforts of the victim associations and activists that rape survivors became a formally recognized victim category. As a respected Bosnian journalist mused, 'many

people do not understand what these women achieved, not only for themselves but for the entire Bosnia.'[51] It was the joint combination of strucural and actor-centric factors, i.e. the women's growing deservingness in the Bosnian landscape of victimhood, their fierce activism, and the surge in international prioritization of the issue of sexual violence, which made domestic authorities in FBiH realize that compensating women would bring reputational benefits from external actors without breaking the state budget in 2006. Combined with the political struggles in FBiH where the main Bosniak party was challenged by social democrats and more radical Bosniak parties, incumbents further saw political returns from conceding and awarding compensation to representatives of such a topical issue. Although the 2006 success was truly novel in post-war Bosnia, only 890 women were formally registered by 2015 and thus benefitted from the legal changes in FBiH. Moreover, except for monthly financial payments, none of the other services specified in the reform has been fully implemented. Due to increasing political involvement in the issue of wartime sexual violence across Bosnia, the worsening economic situation, and lack of capacity to implement the legal stipulation of the changes, many victimized women across the country still live unrecognized and in poverty. Therefore, while implementation of compensation is outside of the scope of this chapter, it is an important aspect of compensation politics that necessitates further exploration.

To conclude, this chapter offered a new theoretical lens to explain domestic post-war compensation policies, ~~shifting our attention from~~combining structural determinants and normative arguments ~~to~~with rationalist approaches to transitional justice. Explaining variation in compensation outcomes based on how victims ~~increase their levels of~~generate moral authority, mobilization resources, and international salience through activism, networking, and links to important allies, it established a new theoretical pathway to studying victim-centric post-war policies. In the case of victims of torture and rape, the chapter showed that the 2006 success of victims of sexual violence was the result of the combination of their significant rise in moral authority, effective mobilization resources, and superior international salience. By combining these three tools, victims of sexual violence in FBiH achieved an unprecedented success in reforming the then legislation for war victims. Because most of these tools have been lacking among victimized Bosnian Serb women and victims of torture across the country, they have not been successful. Therefore, this chapter contributed to the growing critical scholarship in transitional justice that argues that victim-centric policies are not driven by what is fair or just but especially by what is politically expedient. Looking at compensation from this perspective is an important aspect of the growing research in the politics of victimhood and how victims' involvement in policymaking can both assist war survivors to obtain some redress, as well as prevent them from accessing it.

References

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Adhikari, P., Hansen, W. L., & Powers, K. L. (2012). The demand for reparations. Grievance, risk, and the pursuit of justice in civil war settlement. *Journal of Conflict Resolution, 56*(2), 183–205.

Allen, B. (1996). *Rape warfare: The hidden genocide in Bosnia-Herzegovina and Croatia*. Minneapolis: University of Minnesota Press.

Augustinovic, M. (2016). Logorašima umjesto odštete sudski troškovi [Instead of compensation, detainees asked to pay court costs]. *Radio Slobodna Evropa*. April 2. Retrieved from http://www.slobodnaevropa.org/a/plp-logorasima-umjesto-odstete-sudski-troskovi/27648704.html

Bassiouni, M. C. (1994). *Final report of the Commission of Expers Established Pursuant to SC Resolution 780 (1992)*. United Nations. Retrieved from http://www.icty.org/x/file/About/OTP/un_commission_of_experts_report1994_en.pdf

Bieber, F. (2008). Dayton after Dayton? The evolution of an unpopular peace. In M. Weller & S. Wolff (Eds.), *Internationalized state-building after violent conflict: Bosnia ten years after Dayton* (pp. 14–30). London and New York: Routledge.

Blagojević, M. (2013). Transnationalization and its absence. In J. Hearn, M. Blagojević, & K. Harrison (Eds.), *Rethinking transnational men: Beyond, between and within nations* (pp. 163–183). London and New

York: Routledge.

Bose, S. (2002). *Bosnia after Dayton: Nationalist partition and international intervention*. London: C. Hurst & Co. Publishers.

van Boven, T. (2010). The United Nations basic principles and guidelines on the right to a remedy and reparation for victims of gross violations of international human rights law and serious violations of international humanitarian law. *United Nations Audiovisual Library of International Law*. New York: United Nations.

Božić, S. (2014). How much does justice cost in Bosnia and Herzegovina? In M. Toma (Ed.), *Regional school for transitional justice: Journal* (pp. 177–184). Belgrade: Humanitarian Law Center.

Carpenter, C. R. (2006). *Innocent women and children': Gender, norms and the protection of civilians*. Aldershot: Ashgate.

Christie, N. (1986). The ideal victim. In *From crime policy to victim policy* (pp. 17–30). New York: Springer.

Clark, J. N. (2016). Transitional justice as recognition: An analysis of the women's court in Sarajevo. *International Journal of Transitional Justice, 10*(1), 67–87.

Cockburn, C. (2001). The gendered dynamics of armed conflict and political violence. In C. N. Moser & F. Clark (Eds.), *Victims, perpetrators or actors?: Gender, armed conflict and political violence*. London: Palgrave Macmillan.

Cousens, E. M., Kumar, C., & Wermester, K. (2001). *Peacebuilding as politics: Cultivating peace in fragile societies*. Boulder, CO: Lynne Rienner Publishers.

De Greiff, P. (2006). Justice and reparations. In P. De Greiff (Ed.), *The handbook of reparations* (pp. 451–477). Oxford: Oxford University Press.

Delpla, I. (2014). *La justice des gens: enquêtes dans la Bosnie des nouvelles après-guerres* [Justice of the people: Investigation of the new post-war in Bosnia]. Rennes: Presses universitaires de Rennes.

Dixon, P. J. (2016). Reparations, assistance and the experience of justice: Lessons from Colombia and the Democratic Republic of the Congo. *International Journal of Transitional Justice, 10*(1), 88–107.

Faber, M., & Stiglmayer, A. (1994). *Mass rape: The war against women in Bosnia-Herzegovina*. Lincoln, NE: University of Nebraska Press.

FENA. (2014). Dukić: Republici Srpskoj zbog tužbi bivših logoraša prijeti bankrot [Dukic: Because of former detainees RS is on the verge of bankruptcy]. *24sata.info*. March 20. Retrieved from http://www.24sata.info/vijesti/bosna-i-hercegovina/186334-dukic-republici-srpskoj-zbog-tuzbi-bivsih-logorasa-prijeti-bankrot.html

García-Godos, J. (2013). Victims' rights and distributive justice: In search of actors. *Human Rights Review, 14*(3), 241–255.

Grodsky, B. (2011). *The costs of justice: How new leaders respond to previous rights abuses*. Notre Dame: University of Notre Dame Press.

Hagan, J. (2003). *Justice in the Balkans: Prosecuting war crimes in the Hague Tribunal*. Chicago: University of Chicago Press.

Helms, E. (2007). Politics is a whore': Women, morality and victimhood in post-war Bosnia-Herzegovina. In

X. Bougarel, E. Helms, & G. Duijzings (Eds.), *The new Bosnian mosaic: Identities, memories and moral claims in a post-war society* (pp. 235–254). Farnham: Ashgate.

Helms, E. (2013). *Innocence and victimhood: Gender, nation, and women's activism in postwar Bosnia-Herzegovina*. Madison: University of Wisconsin Press.

Hronešová, J. (2012). *Everyday ethno-national identities of young people in Bosnia and Herzegovina*. Frankfurt am Main: Peter Lang.

Irvine, J. A. (2013). Leveraging change: Women's organizations and the implementation of UNSCR 1325 in the Balkans. *International Feminist Journal of Politics, 15*(1), 20–38.

Jouhanneau, C. (2013a). *La résistance des témoins: Mémoires de guerre, nationalisme et vie quotidienne en Bosnie-Herzégovine (1992–2010)* [The resistance of the witnesses. War memories, nationalism and everyday life in Bosnia and Herzegovina (1992–2010)].
AQ10

Jouhanneau, C. (2013b). Would-be guardians of memory: An association of camp inmates of the 1992–5 Bosnian War under ethnographic scrutiny. In G. Mink & L. Neumayer (Eds.), *History, memory and politics in Central and Eastern Europe: Memory games* (pp. 23–38). London: Palgrave Macmillan.

Katana, G. (2008). SPONA htjela mirno, ali nije im se dalo [SPONA wanted peaceful but did not try much]. *Oslobođenje*. February 27. Retrieved from www.infobiro.ba

Keck, M. E., & Sikkink, K. (1998). *Activists beyond borders: Advocacy networks in international politics*. Ithaca: Cornell University Press.

Kim, H. J. (2012). Structural determinants of human rights prosecutions after democratic transition. *Journal of Peace Research, 49*(2), 305–320.

Kiza, E., Rathgeber, C., & Rohne, H.-C. (2006). *Victims of war: An empirical study on war-victimization and victims' attitudes towards addressing atrocities*. Hamburg: Hamburger Edition HIS Verlagsges.

Korac, M. (2006). Gender, conflict and peace-building: Lessons from the conflict in the former Yugoslavia. *Women's Studies International Forum, 29*, 510–520.

Kriger, N. J. (2003). *Guerrilla veterans in post-war Zimbabwe: Symbolic and violent politics, 1980–1987*. Cambridge: Cambridge University Press.

Kulaga, V. (2011). Udar na budžet Srpske težak 420 miliona KM [Budget of Srpska hit by 420 Million]. *Glas Srpske*. March 23. Retrieved from http://www.glassrpske.com/novosti/vijesti_dana/Udar-na-budzet-Srpske-tezak-420-miliona-KM/lat/55438.html

McCarthy, J. D., & Zald, M. N. (1977). Resource mobilization and social movements: A partial theory. *American Journal of Sociology, 82*(6), 1212–1241.

Mosse, G. L. (1991). *Fallen soldiers: Reshaping the memory of the world wars*. New York: Oxford University Press.

Nalepa, M. (2010). *Skeletons in the closet*. Cambridge: Cambridge University Press.

Nettelfield, L. J., & Wagner, S. (2013). *Srebrenica in the aftermath of genocide*. New York: Cambridge University Press.

Olsen, T. D., Payne, L. A., & Reiter, A. (2010). *Transitional justice in balance: Comparing processes,*

weighing efficacy. Washington, DC: US Institute of Peace.

Powers, K. L., & Proctor, K. (2015). Victim's justice in the aftermath of political violence: Why do countries award reparations? *Foreign Policy Analysis*, 1–24.

Risse, T., & Sikkink, K. (2013). *The persistent power of human rights: From commitment to compliance*. Cambridge: Cambridge University Press.

Roll, K. C. (2014). Inventing the veteran, imagining the state: Post-conflict reintegration and state consolidation in Timor-Leste, 1999–2002. DPhil thesis, University of Oxford.

Simić, O., & Volčič, Z. (2014). In the land of wartime rape: Bosnia, cinema and reparation. *Griffith Journal of Law & Human Dignity, 2*(2), 377–401.

Skjelsbaek, I. (2011). *The political psychology of war rape: Studies from Bosnia and Herzegovina*. London and New York: Routledge.

Subotic, J. (2009). *Hijacked justice: Dealing with the past in the Balkans*. Ithaca: Cornell University Press.

Tabeau, E., & Zwierzchowski, J. (2010). *The 1992–95 war in Bosnia and Herzegovina: Census-based multiple system estimation of casualties' undercount*. Berlin: ICTY.

Tabučić, I. (2003). Logoraši hoće zakon i odštetu [Camp Inmates want a Law and Compensation]. *Nezavisne novine*. June 27. Retrieved from www.infoteka.ba

Tilly, C. (1978). *The routinization of protest in nineteenth-century France*. Working Paper 181. Retrieved from https://deepblue.lib.umich.edu/handle/2027.42/50956

Tokača, M. (2012). *The Bosnian book of the dead. Human Losses in Bosnia and Herzegovina 1991–1995*. Sarajevo: Research and Documentation Center.

Walsh, M. (2008). Gendering international justice: Progress and pitfalls at international criminal tribunals. In D. Pankhurst (Ed.), *Gendered peace: Women's struggles for post-war justice and reconciliation* (pp. 31–64). Abingdon, Oxon: Routledge.

Wemmers, J.-A. M. (2014). The healing role of reparation. In J.-A. M. Wemmers (Ed.), *Reparation for victims of crimes against humanity: The healing role of reparation* (pp. 221–233). Abingdon, Oxon: Routledge.

Wiebelhaus-Brahm, E. (2010). *Truth commissions and transitional societies: The impact on human rights and democracy*. Abingdon, Oxon: Routledge.

Wilson, R. A. (2001). *The politics of truth and reconciliation in South Africa: Legitimizing the post-apartheid state*. Cambridge: Cambridge University Press.

Wolfe, S. (2013). *The politics of reparations and apologies*. New York: Springer Science & Business Media.

Yuval-Davis, N. (1997). Women, citizenship and difference. *Feminist review, 57*(1), 4–27.

Žarkov, D. (2007). *The body of war: Media, ethnicity, and gender in the break-up of Yugoslavia*. Durham and London: Duke University Press.

List of Interviews

Interview 01/SA/NG. Goran B., Peacebuilding Network, Sarajevo, 7 April 2014.

Interview 03/ZN/NG. Sabiha Husić, Medica Zenica, Sarajevo, 14 September 2015.

Interview 17/TZ/NG. Branka Antić-Štauber, Snaga žene, Tuzla, 15 August 2015.

Interview 31/SA/MD. Nidžara Ahmetašević, journalist, New York, 5 December 2015.

Interview 33/BL/EX. Srdjan Puhalo, independent political analyst, Banja Luka, 19 April 2015.

Interview 41/VS/CV. Dragiša A., Camp Inmates Association, Višegrad, 11 August 2015.

Interview 45/BC/VT. Almir T., Union of Demobilized Fighters, Bihać, 15 August 2014.

Interview 53/KL/CV. Enes S., Association of Detainees, Ključ, 2 September 2014.

Interview 62/SA/EX. Lejla M., human rights expert, Sarajevo, 2 April 2015.

Interview 70/SA/CV. Jasmin Mešković, Union of Camp Inmates of FBIH, Sarajevo, 2 April 2015.

Interview 84/TZ/NG. Sinan Alić, Foundation Truth, Justice and Reconciliation, Tuzla, 17 August 2015.

Interview 98/CV/SA. Almin, Union of Camp Inmates of the Canton Sarajevo, 2 April 2015.

Interview 99/BL/CV. Zijahudin S., Association of Camp Inmates, Banja Luka, 15 April 2015.

Interview 106/SA/VT. Ismet I., United Organization of Fighters, Sarajevo, 7 September 2015.

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[1] I use 'Bosnia' and 'Bosnian' as shorthand for 'Bosnia and Herzegovina'. I also use the abbreviation 'BiH' as used in the local language.

[2] Interview 98/CV/SA.

[3] See the *Law on Principles of Social Welfare, Protection of Civilian Victims of War and Protection of Families with Children* (Official Gazette of the FBiH, 36/99, 54/04, 39/06, and 14/09).

[4] The main locations were the capital of BiH, Sarajevo, Banja Luka, Mostar, Tuzla, and several small rural areas in eastern and northwestern Bosnia.

[5] UN General Assembly, *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, December 2005, A/RES/60/147, available at: http://www.refworld.org/docid/4721cb942.html.

[6] The terms 'Bosniak' and 'Bosnian Muslim' are used interchangeably although there is a historical and political difference between them (see Hronešová 2012).

[7] I leave the District of Brčko out of the analysis here for the sake of brevity.

[8] Interview 53/KL/CV.

[9] Interview 62/SA/EX.

[10] Victims preferred these labels to specific mentions of rape or torture. Referring to 'detention' in the name of the associations was common in ex-Yugoslavia.

[11] In this chapter I use the term 'ethno-national' to describe Bosnian identities because it captures the symbolic marriage of ethnicity and nation in the country.

[12] Physical harm was assessed starting from 60 per cent for civilian and 20 per cent for military victims, respectively.

[13] See http://www.accts.org.ba/misija.html.

[14] See the *Law on Principles of Social Welfare of FBiH* (39/06, Art. 58).

[15] Interview 31/EX/MD.

[16] Interview 53/KL/CV.

[17] Interview 99/BL/CV.

[18] Interview 33/BL/EX.

[19] Ibid.

[20] Interview 17/TZ/NG.

[21] Interview 45/BC/VT.
[22] Interview 03/ZN/NG.
[23] Interview 84/TZ/NG.
[24] Interview 01/SA/NG.
[25] Interview 62/SA/EX.
[26] Interview 45/BC/VT.
[27] Interview 106/SA/VT.
[28] Interview 70/SA/CV.
[29] A new interest in the issue of wartime rape in Bosnia came with Angelina Jolie's 2010 film *In the Land of Blood and Honey* (Simić and Volčić 2014).
[30] Interview 41/VS/CV 2015.
[31] Interview 31/SA/MD 2015.