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UDC 341.485: 341.322.5-055.2(497.6 Srebrenica)”1992/1995”

UDC 341.645.2 (497.6 Srebrenica)”1992/1995”

**Review scientific article**

## **“GENDERCIDE” AND RAPE AS STRATEGIC TOOLS IN GENOCIDE IN BOSNIA**

**Abstract:** The War in Bosnia, which took place between 1992 and 1995, emerged from a political and economic crises in Yugoslavia. The conflict was significantly shaped by the aggressive rise of Croatian and Serbian nationalisms, which led to the systematic exclusion and targeting of the Muslim Bosniak identity. These tensions culminated in the Genocide in Srebrenica, the most brutal event of the war, which was committed from 11 July 1995 onward. During this period, the Army of Republika Srpska (VRS) carried out a meticulously planned operation that resulted in the collective massacre of over 8,000 Bosniak men and boys. Concurrently, women, children, and the elderly were forcibly expelled from the enclave in a targeted campaign of “ethnic cleansing”. These actions demonstrate that genocide is not merely a process of physical annihilation but also a deliberate strategy to dismantle the fabric of a targeted community.

This study delves into the gender-based motivations behind the violence employed during the war by examining the relations between gendercide, femicide, rape and genocide. Rape is used in the context of genocide as a strategy to target destruction of women’s biological role in reproduction of the particular group and their central role within a family. The central

hypothesis of this research is that sexual violence, particularly the widespread use of rape during the Bosnian War and the Genocide in Srebrenica, was not a by-product of conflict but a strategic and conscious tool of genocide. These acts were purposefully employed to annihilate ethnic identities, to induce the psychological collapse of the opposing society, and to achieve permanent demographic restructuring.

The research presents detailed analyses covering the historical background of the Bosnian War, the mass atrocities committed in Srebrenica, and specific cases of systematic sexual violence against women. To substantiate the organized and systematic nature of these crimes, the study relies on primary sources, including the landmark decisions of the International Criminal Tribunal for the former Yugoslavia (ICTY) and the compelling testimonies of survivors and witnesses. The testimony of individuals like Enver Husić, who provided an account of the surrender of men from column from Srebrenica, is critical to understanding the methodical nature of the mass killings. Furthermore, the harrowing experiences of women such as Aisha and Zilhada, who endured systematic rapes, and Nisveta, who suffered three months of brutal torture, serve as powerful evidence. These personal narratives vividly illustrate the profound trauma and lasting devastation inflicted by this violence at both individual and societal levels. The evidence presented underscores how these gender-based atrocities were a calculated component of the broader genocidal campaign.

The significance of this study lies in its contribution to illuminating the often-overlooked gender dimension of war crimes and genocide in Bosnia. It draws critical attention to the inadequacies of international law in comprehensively addressing gender-based violence as a core component of genocidal intent. The article aims to advance the pursuit of justice by asserting that rapes were not acts of war plunder or spontaneous violence, but rather a deliberate and strategic instrument of “ethnic cleansing”. The findings presented indicate that sexual violence served to reinforce multiple layers of genocide, including physical destruction, cultural devastation, and demographic change. In this context, this study advocates for a more accurate and holistic understanding of the events in Bosnia within academic literature and policy processes, arguing that the role of gender-based violence in genocidal processes is an indispensable element that must not be ignored.

**Keywords:** War in Bosnia, Genocide, Genocide in Srebrenica, Gendercide, Rape.

## “GENDERCID” I SILOVANJE KAO STRATEŠKA ORUĐA GENOCIDA U BOSNI

**Sažetak:** Rat u Bosni, koji je trajao između 1992. i 1995. godine, izbio je iz političke i ekonomske krize u Jugoslaviji. Sukob je bio značajno oblikovan agresivnim usponom hrvatskog i srpskog nacionalizma, što je dovelo do sistematskog isključivanja i targetiranja muslimanskog bošnjačkog identiteta. Ove tenzije kulminirale su Genocidom u Srebrenici, ključnim i duboko brutalnim događajem rata, koji je počinjen u period od jula 1995. godine i nadalje. Tokom tog perioda, Vojska Republike srpske (VRS) provela je brižljivo planiranu operaciju koja je rezultirala kolektivnim masakrom više od 8.000 bošnjačkih muškaraca i dječaka. Istovremeno, žene, djeca i stariji bili su prisilno protjerani iz enklave u ciljanoj kampanji “etničkog čišćenja”. Ove akcije pokazuju da genocid nije samo proces fizičkog uništenja, već i namjerna strategija razgradnje tkiva jedne zajednice.

Ova studija istražuje rodno zasnovane motive iza nasilja primijenjenog tokom rata, analizirajući međusobne odnose između gendercida, femicida, silovanja i genocida. Silovanje se u kontekstu genocida koristi kao strategija usmjerena na destrukciju biološke uloge žena u reprodukciji određene grupe i njihovu centralnu ulogu unutar porodice. Centralna hipoteza ovog istraživanja jeste da seksualno nasilje, posebno masovna upotreba silovanja tokom rata u Bosni i Genocida u Srebrenici, nije bilo nusprodukt sukoba, već strateški i svjesno korišten alat genocida. Ovi akti namjerno su primijenjeni kako bi se uništio etnički identitet, izazvao psihološki kolaps protivničkog društva i postigla trajna demografska restrukturiranja.

Istraživanje predstavlja detaljne analize koje obuhvataju historijsku pozadinu rata u Bosni, masovne zločine počinjene u Srebrenici i specifične slučajeve sistematskog seksualnog nasilja nad ženama. Da bi se potvrdila organizovana i sistematska priroda ovih zločina, studija se oslanja na primarne izvore, uključujući ključne presude Međunarodnog krivičnog tribunala za bivšu Jugoslaviju (ICTY) i snažna svjedočenja preživjelih svjedoka. Svjedočenje pojedinaca poput Envera Husića, koji je svjedočio o predaji muškaraca iz kolone koja se kretala iz Srebrenice, ključno je za razumijevanje metodične prirode masovnih ubijanja. Nadalje, potresna iskustva žena poput Aiše i Zilhade, koje su preživjele sistematska silovanja, te Nisvete, koja je tri mjeseca trpjela brutalne torture, služe kao snažni dokazi. Ove lične priče jasno ilustriraju duboku traumu i trajnu devastaciju koju je ovo nasilje nanijelo na individualnom i društvenom nivou. Prezentirani dokazi naglašavaju kako su rodno zasnovani zločini bili proračunati dio šire genocidne kampanje.

Značaj ove studije leži u njenom doprinosu rasvjetljavanju često zanemarene rodne dimenzije ratnih zločina i genocida u Bosni. Ona skreće kritičnu pažnju na manjkavosti međunarodnog prava u sveobuhvatnom adresiranju rodno zasnovanog nasilja kao ključne komponente genocidne namjere. Članak nastoji unaprijediti potragu za pravdom tvrdeći da silovanja nisu bila akti ratnog plijena ili spontano nasilje, već namjerno i strateški instrument “etničkog čišćenja”. Prezentirani nalazi ukazuju da je seksualno nasilje služilo da ojača višeslojne dimenzije genocida, uključujući fizičko uništenje, kulturnu devastaciju i demografske promjene. U tom kontekstu, ova studija zagovara preciznije i holističko razumijevanje događaja u Bosni unutar akademske literature i političkih procesa, tvrdeći da je uloga rodno zasnovanog nasilja u genocidnim procesima neizostavan element koji se ne smije ignorisati.

**Ključne riječi:** Rat u Bosni, genocid, genocid u Srebrenici, “gendercide”, silovanje.

## Introduction

The War in Bosnia (1992–1995) and the Genocide in Srebrenica represent some of the most devastating examples of the international conflict triggered by the dissolution of Yugoslavia. During this period, Serbian and Croatian nationalists sought to implement the projects of Greater Serbia and Greater Croatia in order to destruct and separate Bosnia and Herzegovina. In July 1995, and following months, the Army of the Republika Srpska (VRS) killed over 8,000 Bosniak men and boys. In addition, it committed systematic rapes against women, and relocated mass graves revealing the physical, cultural, and demographic dimensions of genocide. Raphael Lemkin’s definition in the 1948 United Nations Genocide Convention encompasses not only mass killings but also the destruction of societal structures; however, the legal and ethical role of rapes within genocide remains a subject of debate. This study aims to examine rapes in the War in Bosnia as a tool of genocide, analysing their strategic nature through historical context, case studies, and survivor testimonies. The ongoing impact of war wounds underscores the urgency of this research.

The hypothesis of this study is that rapes were used as a systematic tool of genocide: These actions, consciously implemented to eradicate ethnic identities, collapse the group identity psychologically, change demographics and establish superiority. The actions were aimed to support the physical-psychological dimensions of genocide beyond individual violence. Particularly, the gender-based targeting of women (for example, the imposition of bearing a Serbian child) extends Lemkin’s definition in the gender context and questions its legal status through the decisions of the International Criminal Tribunal for the Former Yugoslavia (ICTY).

The research questions the legal-ethical classification of rapes within the scope of genocide crime, their compatibility with Lemkin’s definition, deficiencies in international law, the impact of testimonies, and the role of patriarchal structures. Key questions include: How do rapes align with genocide’s elements of physical destruction, cultural devastation, and demographic change? How do patriarchal society and deficiencies in international intervention affect impunity? These questions aim to illuminate the strategic role of gender-based violence and fill gaps in the literature. The study examines the war from the perspectives of gendercide and rape. The killing of men in Genocide in Srebrenica was examined from theoretical prospective of gendercide, why the rape committed against women was examined from aspect of the destruction of cultural identities and societal structures within the group.

Based on the qualitative methods frame, the research performs comparative analysis through historical analysis, case studies, legal document examinations, primary and secondary sources. Interpreted through the lenses of Lemkin’s framework, the findings examine sociological-psychological perspectives, as well as victim impacts and patriarchal roles.

The paper first explains the theoretical framework of gendercide and femicide. Then, it shed lights on the historical-political background of the ethnic conflict. After that, it discusses the case analyses including current testimonies, victim reports, and legal developments are included.

## 1. CONCEPTUAL AND THEORETICAL FRAMEWORK

### 1.1. The Concept and Theory of Gendercide

The term gendercide was first introduced by Mary Anne Warren in her 1985 book, *Gendercide: The Implications of Sex Selection*. Warren defines gendercide as “forms of unjust sexual discrimination that reduce the number of women or men, occurring through direct killing or indirect means.”<sup>1</sup>

Warren establishes a parallel between the concept of genocide and what she terms gendercide. The Oxford American Dictionary defines genocide as “the deliberate extermination of a race.” Similarly, gendercide refers to the intentional extermination of individuals of a specific gender. Terms such as genocide and femicide specifically denote the killing of women and girls. However, the term gendercide is gender-neutral, as such killing acts target both men and women. The need for such a neutral term arises because gender-based discriminatory killings are equally unjust when the victims are men. Furthermore, this term highlights that gender roles can have lethal consequences and that these consequences bear similarities to the destruction caused by racial, religious, and class-based prejudices.<sup>2</sup>

Warren provides a broad framework of analysis. She addresses the concept of gender-based discriminatory killing in a gender-inclusive manner, emphasizing that all such acts of killing are equally unjust and linking the gender factor to racial, religious, and class-based prejudices.<sup>3</sup>

In her work *Gendercide: The Implications of Sex Selection*, Mary Anne Warren addresses the concept of genocide clearly and concisely:

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<sup>1</sup> Christine Overall, “Gendercide”, *Canadian Journal of Philosophy*, volume 17, issue 3, 1987, 684.

<sup>2</sup> Mary Anne Warren, *Gendercide: The Implications of Sex Selection*, Totowa, NJ: Rowman & Allanheld, 1985, 22.

<sup>3</sup> Adam Jones, “Gendercide and Genocide”, *Journal of Genocide Research*, volume 2, issue 2, 2000, 186.

*“The concept of genocide, in its generally accepted sense, is not limited solely to the complete extermination of a race or ethnic group. In some cases, even when many members of the targeted race or culture survive, it is appropriate to classify certain actions as atrocities bearing the character of genocide. Moreover, genocide does not always necessitate direct or intentional acts of killing. Deaths caused deliberately or negligently through starvation, disease, or neglect, as well as cultural dissolution, can also be classified as genocide. Indeed, some genocidal acts do not result in death; instead, they involve situations such as the unjust denial of reproductive rights.”<sup>4</sup>*

In this context, Warren argues that for an action, law, or policy to be considered genocidal, two conditions must be met: it must lead to an absolute or relative reduction in the population of a specific racial or cultural group, and the methods by which this reduction occurs must be objectionable on independent moral grounds – for example, violating individuals’ rights to life, freedom, or security against unjust aggression.<sup>5</sup> These formulations have been valuable in developing a gender-based analysis of genocide.<sup>6</sup>

Following her reference to the definition of genocide in the Oxford English Dictionary, Warren explains the distinction and significance of the term *gendercide*.<sup>7</sup> Warren justifies the term *gendercide* as follows:

*“The term gendercide refers to the deliberate extermination of individuals of a specific gender. Other terms such as genocide or femicide are used to refer to the destruction of girls and women due to their gender. However, gendercide is a gender-neutral term, as its victims can be either men or women. A gender-neutral term is*

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<sup>4</sup> Warren, *Gendercide: The Implications of Sex Selection*.

<sup>5</sup> *Ibid.*

<sup>6</sup> Adam Jones, *Gender Inclusive: Essays on Violence, Men, and Feminist International Relations*, New York, NY: Routledge, 2009, 231.

<sup>7</sup> Adam Jones, “Gendercide: Examining Gender-Based Crimes Against Women and Men”, *Clinics in Dermatology* volume 30, issue 2, 2013, 227.

*necessary because gender-based discrimination is equally unjust when the victim is a man.*<sup>8</sup>

## 1.2. The Concept and Theory of Femicide

Femicide, first introduced by Diana Russell in 1976 during the First International Tribunal on Crimes Against Women, is a term used to describe the killing of women by men specifically because of their gender.<sup>9</sup>

Diana E. H. Russell, one of the organizers of the International Tribunal on Crimes Against Women, is the co-editor of the book *Crimes Against Women: Proceedings of the International Tribunal*.<sup>10</sup>

The idea for the International Tribunal on Crimes Against Women was first proposed in August 1974 at the international feminist camp in Femø, Denmark. This initiative was developed as a feminist response to the United Nations' declaration of the International Women's Year. The concept of the tribunal took shape during a workshop at the International Feminist Conference held in Frankfurt in November 1974, with the participation of over 600 women. It was further developed at an international planning meeting in Paris, during which a Coordination Committee was established.<sup>11</sup>

Although there are extensive studies examining the motivations, psychology, and other factors related to the gender-neutral term homicide, research adopting a gender-focused perspective specifically addressing the killing of women is quite limited.<sup>12</sup>

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<sup>8</sup> Warren, *Gendercide: The Implications of Sex Selection*, 22.

<sup>9</sup> Grzyb, Magdalena et al., *Femicide Definitions, Femicide across Europe: Theory, Research and Prevention*, Bristol: Policy Press, 2018, 17–31.

<sup>10</sup> Diana E. H. Russell, "Report on the International Tribunal on Crimes against Women", *A Journal of Women Studies*, volume 2, issue 1, 1977, 1.

<sup>11</sup> Russell, "Report on the International Tribunal on Crimes against Women", 1.

<sup>12</sup> Nadera Shalhoub-Kevorkian, "Reexamining Femicide: Breaking the Silence and Crossing 'Scientific' Borders", *Journal of Women in Culture and Society*, volume 28, issue 2, 2003, 581–608.

Russell’s work pioneered formal discussions on the killing of women, and the topic has continued to evolve in subsequent years. Caputi and Russell further developed the term femicide, defining it as “the misogynistic killing of women by men, motivated by hatred, contempt, pleasure, or a sense of ownership, rooted in historically unequal power relations toward women.”<sup>13</sup> Femicide represents the most extreme manifestation of violence against women, encompassing the killing of women by men due to their gender, murders driven by misogyny, and killings motivated by a sense of ownership and domination.<sup>14</sup> Femicide is often overlooked as a cultural norm or a crime of passion; however, it is not possible to attribute femicide to a single cause.<sup>15</sup>

The concept of femicide is defined as “an extreme form of gender-based violence that results in the killing of women and may include torture, mutilation, cruelty, and sexual violence.”<sup>16</sup> This term can be used either to simply describe the killing of a woman<sup>17</sup> or to indicate gender as the motivation<sup>18</sup> for the murder.

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<sup>13</sup> Jane Caputi and Diana E. H. Russell, “Femicide: Speaking the Unspeakable”, *The World of Women*, volume 1, issue 2, 1990, 34.

<sup>14</sup> Konstantinović Vilić, Slobodanka et al., *Društveni i institucionalni odgovor na femicid u Srbiji*, Pančevo: Udruženje građanki FemPlatz, 2019, 67.

<sup>15</sup> Karen Stout, “Intimate Femicide: An Ecological Analysis”, *The Journal of Sociology & Social Welfare*, volume 19, issue 3, 1992, 29–50.

<sup>16</sup> United Nations Department of Economic and Social Affairs, *Handbook for Legislation on Violence Against Women*, New York, United Nations, 2010, 24, ST/ESA/329.

<sup>17</sup> Musalo, Karen et al., *Hastings Women’s Law Journal*, volume 21, issue 2, 2010, 172; Victoria Sanford, “From Genocide to Femicide: Impunity and Human Rights in the Twenty-First Century Guatemala”, *Journal of Human Rights*, volume 7, issue 1, 2008, 112–113; United Nations Department of Economic and Social Affairs, *Handbook for Legislation on Violence Against Women*, 24.

<sup>18</sup> Musalo, “Crimes Without Punishment: Violence Against Women in Guatemala”, 173; Sanford, “From Genocide to Femicide: Impunity and Human Rights in the Twenty-First Century Guatemala”, 112.

### 1.3. Comparison of Gendercide and Genocide

Actions directed at both concepts are carried out in an organized and systematic manner, not only against an individual but against a community. The act of gendercide is perpetrated through sociological, cultural, or political pressures targeting a specific gender within society.<sup>19</sup> The abortion of female foetuses before birth or the killing of female infants after birth in China and India constitute primary examples of gendercide.<sup>20</sup>

Genocide, on the other hand, involves the creation of a detailed and systematic plan by a government or a powerful ideological group aimed at the destruction of a targeted group. Genocide does not necessarily require the act of killing; it can also be carried out through plans targeting a group through cultural and psychological destruction, or reproductive annihilation of a group.<sup>21</sup>

In both concepts, a human community is targeted due to its identity. Regarding gendercide, the targeting occurs based on gender identity (male or female). Regarding genocide, a group is targeted based on ethnic, religious, national, or racial identity.<sup>22</sup>

Both gendercide and genocide cause physical and psychological devastation to societal structures. As a result of gendercide, the gender balance of society is disrupted, and dynamics such as birth rates and the societal workforce suffer significant harm. Regarding genocide, both the physical existence and cultural heritage of the targeted group are destroyed.

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<sup>19</sup> Warren, *Gendercide: The Implications of Sex Selection*.

<sup>20</sup> Jones, "Gendercide: Examining Gender-Based Crimes Against Women and Men".

<sup>21</sup> Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress*, Washington, DC: Carnegie Endowment for International Peace, 1944.

<sup>22</sup> Ibid.

In both forms of violence, the perpetrated actions are attempted to be legitimized through ideological, cultural, or political justifications. Regarding gendercide, actions are sought to be justified with cultural excuses such as honour or societal order. Regarding genocide, the targeted group is portrayed as a state enemy or a threat, thereby legitimizing the actions.

As a result of gendercide and genocide, the demographic structure and cultural integrity of societies are irreversibly disrupted. Regarding gendercide, this manifests as gender imbalance and significant gaps in economic and social systems, while regarding genocide, it is observed as the complete destruction or severe damage to a community’s cultural, religious, or linguistic heritage.

Regarding gendercide, the aim is to alter the gender balance, make a particular gender more dominant, or facilitate the redistribution of specific roles. The killing of women before or after birth is<sup>23</sup> often based on the perceived or potential economic contribution of male children. Regarding genocide, the objective is physical, cultural or biological annihilation of a group.

Regarding gendercide, the ideological basis is typically rooted in cultural background, patriarchal norms, or economic concerns. For example, in India, the elimination of female children to avoid dowry expenses can be cited. Regarding genocide, the ideological basis is generally driven by ethnic, religious, or political reasons. An example of such ideologies is the genocide perpetrated by Nazi Germany against the Jewish community to achieve racial purity.

Although genocide has been defined and subjected to criminal sanctions under the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide, gendercide has not been explicitly defined as a crime in international law. It is more commonly addressed in public discourse within the context of women’s rights, children’s rights, or human rights violations.

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<sup>23</sup> Jones, “Gendercide: Examining Gender-Based Crimes Against Women and Men”.

Gendercide targets a specific segment of society (women or men) but does not necessarily aim to completely eliminate the targeted group. Genocide, however, involves an effort to partially or completely annihilate the targeted group.<sup>24</sup>

#### 1.4. Comparison of Femicide and Genocide

Both femicide and genocide target a specific group of people, with violence being perpetrated systematically and intentionally. Femicide addresses gender-based violence directed at women, while genocide targets violence against a national, ethnic, racial, or religious group.<sup>25</sup>

Both concepts are influenced by cultural, societal, and political contexts. Femicide stems from patriarchal structures that devalue women,<sup>26</sup> while genocide typically arises from one group's desire for dominance over another.<sup>27</sup>

Femicide and genocide are often legitimized through societal silence or implicit approval. In cases of femicide, victim-blaming or the normalization of violence is common. Regarding genocide, propaganda and hate speech are used as tools to legitimize violence.

Both types of actions are associated with the impunity of perpetrators. Regarding femicide cases, inadequate judicial processes are observed,<sup>28</sup> while regarding genocide, the slow functioning of the international legal system and the challenges in delivering justice are notable.

Femicide and genocide are part of a larger systematic mechanism of oppression rather than individual actions. Femicide is seen as a product

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<sup>24</sup> Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress*.

<sup>25</sup> Ibid.

<sup>26</sup> Caputi and Russell, "Femicide: Speaking the Unspeakable".

<sup>27</sup> Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress*.

<sup>28</sup> Susan Brownmiller, *Against Our Will: Men, Women, and Rape*. New York, NY: Simon and Schuster, 1975.

of gender inequalities, while genocide is typically planned and executed by state policy or organized groups.<sup>29</sup>

Both concepts are used as tools to inject fear to targeted groups and to suppress their societal existence,<sup>30</sup> and arise as a result of hatred and discrimination based on a group’s identity (gender, ethnicity, religion, etc.). Regarding femicide, women are targeted due to their gender, while regarding genocide, a specific ethnic, religious, or national identity is targeted.<sup>31</sup>

Both femicide and genocide fall within the scope of international law and human rights frameworks. While genocide is defined in the 1948 Convention on the Prevention and Punishment of the Crime of Genocide,<sup>32</sup> there is no specific international convention about femicide, though it is addressed within the framework of international human rights.

Femicide is a form of gender-based violence against women and is directly associated with gender inequality. In this concept, the target group consists solely of women. Genocide, on the other hand, is a systematic attempt to annihilate a national, ethnic, racial, or religious group.<sup>33</sup> The target group varies depending on a specific identity category.

Regarding femicide, the perpetrator’s motivation typically stems from individual and societal factors such as gender inequality, control, ownership, or hatred toward women. Regarding genocide, the motivation is generally driven by political, ethnic, religious, or national claims of superiority and the aim to completely eliminate the existence of a group.<sup>34</sup>

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<sup>29</sup> Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress*.

<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

<sup>32</sup> United Nations General Assembly, *Resolution 96-I: The Crime of Genocide*, 11 December 1946, A/RES/96-I.

<sup>33</sup> Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress*.

<sup>34</sup> Ibid.

Most femicide cases are committed at an individual level and do not rely on an organized structure (e.g., intimate partner violence or honour killings). Genocide, however, is systematically planned by states or organized groups and involves large-scale coordination.<sup>35</sup>

Femicide occurs as isolated incidents or as a result of the broader gender dynamics within a society.<sup>36</sup> It is widespread on a global scale but does not focus on a specific region or group. Genocide, on the other hand, typically concentrates on a specific region or group and represents a large-scale, collective attempt at annihilation.<sup>37</sup>

Femicide is typically rooted in patriarchal societal structures rather than a historical or political context.<sup>38</sup> Genocide, on the other hand, often arises as a result of historical aspirations, disputes, wars or political conflicts.

Regarding femicide, methods of individual violence such as physical assault, intimate partner homicides, honour killings, and killings resulting from rape are commonly employed.<sup>39</sup> Regarding genocide, mass methods such as forced displacement, concentration camps, mass executions, mass rape, mass starvation, forced labour, and the use of chemical gases are utilized as tools.<sup>40</sup>

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<sup>35</sup> Ibid.

<sup>36</sup> Caputi and Russell, "Femicide: Speaking the Unspeakable".

<sup>37</sup> Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress*.

<sup>38</sup> Caputi and Russell, "Femicide: Speaking the Unspeakable".

<sup>39</sup> Ibid.

<sup>40</sup> Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress*.

## **2. CASE STUDY**

### **2.1. The Genocide in Srebrenica and its Connection to Gendercide and Rape**

#### **2.1.1. Mass Execution Committed Against Men and Boys during a Genocide in Srebrenica Through the Testemonies of Survivors**

A comprehensive summary of the execution of group in part by selectively killing members of the group based on their male gender can be found in a trail sentence of ICTY against Radislav Krstić (IT-98-33). The finding presented in the Krstić trial and confirmed in the Popović and Tolimir trials, which were being examined additionally in the Karadžić and Mladić cases as of mid-2013, are as follows: Only one-third of the initial column, which moved from Srebrenica on 11 July 1995, managed to pass into areas under the control of the Government Republic of Bosnia and Herzegovina after had been fleeing through the forest for days. The other men and boys were captured and killed by the Army of Republika Srpska (VRS) and several Serbian units. Many individuals in the column also lost their lives in the forest, but their exact numbers are unknown.<sup>41</sup>

The column of men and boys gathered outside Srebrenica in the villages of Sušnjari and Jaglići on the morning of July 11 and began to escape the area by walking in single file over the next twelve to twenty-four hours. By July 12, the column came under fire from VRS forces, and thousands of Bosniak men were quickly captured. Some surrendered to UN peacekeepers or were deceived into surrendering to VRS forces, whom they thought would uphold the Geneva Conventions; therefore, they came down from the hills and were subsequently arrested in places such as the Sandići plain or the football stadium in Nova Kasaba.<sup>42</sup>

Following their capture, the prisoners were held in inhumane conditions. During their detention, a lot of prisoners were beaten and killed; some were executed in front of other detainees. Subsequently,

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<sup>41</sup> Nettelfield and Wagner, *Srebrenica in the Aftermath of Genocide*, 242.

<sup>42</sup> Ibid.

the prisoners were collectively executed. The Srebrenica cases have identified key execution sites:<sup>43</sup> at least 1,000 individuals were killed at the Kravica agricultural warehouse, where many Sandići plain detainees were taken; over 800 individuals were killed in Orahovac after being detained at the nearby Grbavci school; over 800 people were killed at the Petkovci Dam; over 1,000 people were killed in Kozluk; and between 1,000 and 2,000 individuals were killed at the Branjevo Military Farm and the Pilica Cultural Center.<sup>44</sup>

The Krstić judgment summarizes the systematic plan for genocide: “In total, between 7,000 and 8,000 men were captured by Serb forces. Almost all of them were killed. Very few survived, and some of them, testifying before the Trial Chamber, recounted the horror of the mass executions from which they miraculously escaped.”<sup>45</sup>

Testimonies from individuals in the column who survived the mass executions, similar to those held in Potočari, have documented the connection between detention and execution sites, aiding in the description of methods employed by the VRS and, in limited instances, the identification of individual perpetrators. Such testimonies, in addition to corroborating other witness accounts, have resonated distinctively; witnesses have described the experience of mass genocide in profound and striking detail, elaborating on the rain of bullets, the screams of the dying, and the fear of remaining unnoticed amidst the corpses, particularly alongside their own friends and family members. Statements from survivors in three different locations – the Sandići meadow, the Kravica warehouse, and Orahovac – offer significant insight into the power of these testimonies and contribute to constructing a historical framework of the violence’s specific phases.<sup>46</sup>

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<sup>43</sup> Among the more limited execution sites are Jadar, the Cerska Valley, Tišča, etc.

<sup>44</sup> International Criminal Tribunal for the former Yugoslavia (ICTY), IT-05-88-T, *Vujadin Popović et al. Case Public Redacted Judgement*, 10 June 2010; ICTY, IT-05-88/2-T, *Zdravko Tolimir Case Summary of Judgement*, 12 December 2012; ICTY, IT-98-33, Summary of Sentencing Judgement, *Prosecutor v. Radislav Krstić*, 2 August 2001.

<sup>45</sup> ICTY, IT-98-33, Press Release, Summary of Trial Chamber Judgement, *Prosecutor v. Radislav Krstić*, 2 August 2001.

<sup>46</sup> Nettelfield and Wagner, *Srebrenica in the Aftermath of Genocide*, 243.

A striking example of testimony comes from survivor Enver Husić. During the fall of Srebrenica, Husić, then only seventeen years old, became a symbolic figure in many Srebrenica trials for his accounts of the escape and capture of men and boys from the column. His youthful face appears in a video recording by Belgrade journalist Zoran Petrović, which documents the surrender of Bosniak men and boys in an area near the village of Sandići. In this way, Husić has served both as exhibition material and as a witness in court.<sup>47</sup>

This footage became a well-known material within the region. It was also used in several documentary films about the genocide, including Leslie Woodhead’s documentary *A Cry from the Grave*. In these images, it carries a particularly powerful meaning for a survivor from the crowd of hungry and terrified men and boys to testify to what he saw not only through Petrović’s camera lens but with his own eyes. The visual authority of the video footage and the narrative of the testimony combined to showcase both the action and the emotion. In the Radislav Krstić case, after the prosecution showed this film, they asked Husić to confirm if it was him, specifically showing him a still frame from the footage: “Q: ...Is that you in that still image?” “A: Yes, it is.” “Q: This is you at the time of your surrender; is that correct?” “A: Yes.”<sup>48</sup>

The confirmation of his identity in the footage formed the basis of the prosecution’s investigation into how the men gathered in the Sandići meadow came to surrender. The VRS forces had disguised themselves as UN peacekeepers, wearing blue helmets and protective vests, which served as a factor compelling surrender. As Husić explained, “If we had not seen the UN soldiers and the UN personnel carrier, we probably would not have surrendered. But because of the presence of the UN peacekeeping force, there was some hope, and we thought they would not dare to kill us all in front of them.”<sup>49</sup> Husić’s statement indicates that the VRS forces coerced them into surrendering through deception.

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<sup>47</sup> Ibid, 244.

<sup>48</sup> ICTY, IT-98-33, Trial Transcript, *Prosecutor v. Radislav Krstić*, 11 April 2000, 2608-09.

<sup>49</sup> Ibid, 2642.

Enver Husić, after managing to escape from the Sandići plain, boarded a bus with women and children who had been expelled from Potočari. Another witness captured in Sandići testified about the crime that took place at the Kravica agricultural warehouse. This witness, known as PW156 in the Popović trial and P005 in the Tolimir trial, highlighted what he saw and heard at the Sandići plain at the time. In response to prosecutor Peter McCloskey's question about the soldiers' uniforms, PW156 stated: "They were all wearing very colourful uniforms. They were young, with neat haircuts and were neatly shaved. These were soldiers belonging to the regular army. When Mladić arrived, he stopped in front of us and addressed us. The first thing he said was: 'Do you know me?' Some people said, 'Yes, we know you,' while others preferred to remain silent. I didn't know anything. I was just silent. All I thought about was my fate. Mladić said, 'No one will hit you, no one will provoke you. We will provide you with food. It is very hot here where you are. We will find cooler accommodation for you.'"<sup>50</sup>

The cool accommodation Mladić mentioned was the Kravica warehouse. The witness, along with other prisoners, was marched towards the building and all were crammed into a narrow space. The witness described how the shooting began: "Then suddenly the shooting started, all kinds of weapons were used. I just put my head down in the corner and closed my eyes. The shooting went on almost until night." The witness pulled two bodies over himself and hid under the bodies of the dead. PW156 not only recounted that the execution was carried out systematically but also described how the soldiers hurled ethnic insults at the prisoners, cursing them "Turkish mothers" and "Islam tribe" while shooting them.<sup>51</sup>

PW156 managed to survive by remaining in the warehouse while VRS forces covered the corpses with straw. Eventually, unable to endure lying in the blood that covered him and the floor any longer, he left the building and made his way through the forest for several days towards Zepa, another UN-designated safe zone in the area.<sup>52</sup>

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<sup>50</sup> ICTY, IT-05-88-T, Trial Transcript, *Prosecutor v. Vujadin Popović et al.*, 7089-90.

<sup>51</sup> *Ibid.*, 7096-97

<sup>52</sup> Nettelfield and Wagner, *Srebrenica in the Aftermath of Genocide*, 245.

The systematic and organized nature of the crimes is evident in the accounts of survivors from mass executions. Among these are Ahmo Hasić and RM-255, who were detained in Potočari, Witness O from the Petkovci Dam, Witness PW156 and P005 from Kravica, and three men held at the Grbavci school who were ultimately taken to Orahovac. These men represent a significant exception among Srebrenica survivors, as typically only one person, or no one at all, survived from each execution site. However, at Orahovac, mirroring the situation at Kravica, three individuals survived and had the opportunity to recount the crimes that occurred there. Consequently, their narratives demonstrate consistency, offering detailed information regarding the conditions of transport, the presence of VRS personnel, the circumstances of detention at Grbavci school, and the executions at Orahovac. The three men repeatedly stated that trucks regularly arrived at the site, unloaded prisoners, shot each one, and then subsequent trucks would arrive, initiating this bloody cycle anew.<sup>53</sup>

Mevludin Orić described what he and Hurem Suljić, who had previously testified as a protected witness, saw from the hills: “We saw the pit, the grave that had been dug, and behind us, we could see the excavator and the loader. The excavator and the loader, these were two machines. The grave was also very deep. No one could get out. I think it was deeper than five meters.”<sup>54</sup>

The exemplary cases discussed above specifically detail acts of mass execution perpetrated against the male sex as a part of the genocide due to their male gender. From the witness and victim accounts provided, it is evident that the VRS forces aimed to completely eradicate Bosnian Muslim males due to their gender and perceived capacity for warfare, and that an organized and systematic crimes targeting males was planned for the purpose of elimination. The mass arrests and execution of males

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<sup>53</sup> Mevludin Orić remembered: “A truck would come every four or five minutes, people would get off, they would be killed, the truck would return, and it would continue.”

ICTY, IT-05-88-T, Trial Transcript, *Prosecutor v. Vujadin Popović et al.*, 29 August 2006, 962.

<sup>54</sup> *Ibid.*, 964.

by VRS forces have led to a gender imbalance in the country post-war and genocide. This has resulted in effects such as impacts on the social labour force, birth rates, and psychological devastation. As the definition of gendercide itself indicates, this act is committed in an organized and systematic manner against a particular community, thus aforementioned act of mass arrest and mass execution can be also identified as a gendercide.

### **2.1.2. The Genocide in Bosnia and Rape based on the Testimonies of the victims of Rape**

#### **Goražde Case**

Chiara Valentini recounted meeting a 30-year-old Muslim woman named Aisha in a room in the maternity ward of Zagreb Hospital. Aisha was born and raised in the city of Goražde. When Karadžić's Bosnian Serb "paramilitaries" began attacking Aisha's hometown, Goražde, a few days before the attack, she had told her husband to take their daughter to her mother and that she would follow. Unfortunately, she was unable to leave. The Serbian "paramilitaries" broke down her door one night and entered. These armed "paramilitaries" asked Aisha where the men had gone; when Aisha replied that they had gone to fight, the "paramilitary" leader said, "I see you are brave, so we will start with you." As they dragged Aisha into the bedroom, Aisha's friend was dragged into another room by other women. Aisha was ordered to undress and was raped by 3-4 people who fell upon her. After regaining consciousness after midnight, Aisha saw that two of the soldiers who had stripped her and were drinking coffee every Sunday were the husbands of the neighbouring women.

Aisha, who escaped from her house to the street while the Serbian soldiers were asleep, managed to reach the village where her husband had taken refuge with the help of a few Muslim soldiers. However, a month later, she discovered she was pregnant. Aisha expressed her feelings and thoughts by stating, "I couldn't hold that child; it disgusted me, and then

my husband might divorce me and prevent me from seeing my daughter again.“ She decided to go to Zagreb, where her sister lived, to have an abortion. However, a Christian gynaecologist told her not to kill a living being, that it was already quite developed, and that it would be a crime. The doctor offered to help her give birth and then place the child in a foster home. Aisha signed the papers to give the baby up for adoption to a German citizen living in Zagreb, but a few days later, she gave birth to a stillborn baby. Valentini learned that Aisha, after giving birth to a stillborn baby, was losing her mental balance.<sup>55</sup>

The attack by Serbian “paramilitaries” on Aisha’s home and their question about her husband’s whereabouts indicate a strategy aimed at eliminating men based on their warrior identity. The “paramilitary” leader’s statement, “I see you are brave, so let’s start with you,” can be interpreted as a continuation of targeting women through sexual violence based on their gender roles

The involvement of neighbours’ husbands in this attack demonstrates that even the social fabric was exploited for this violence. Aisha’s enforced pregnancy reveals the biological and psychological consequences of this violence. Aisha’s statement, “I couldn’t hold that child, it disgusted me,” reflects the devastating impact of a child born of rape on one’s social and personal identity, illustrating the effects of gendercide on women.

The refusal of Aisha’s request for an abortion, deemed a crime by the Christian gynaecologist, represented another dimension that stripped Aisha of her autonomy. Her stillbirth and near-total loss of mental balance demonstrate that gender-based violence is not limited to physical annihilation but also devastates women’s psychological and social identities. While there was no physical annihilation in this specific case concerning the female gender, a destruction of the woman’s psychological and reproductive health was evident. Women suffered severe psychological trauma from rape and forced impregnation, leading to lifelong impacts such as the inability to reproduce or be sexually active.

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<sup>55</sup> Elena Doni and Chiara Valentini, *Etnik Tecavüz: Boşnak Kadınların Dramı*, İstanbul: REAL Yayınları, 1993, 56-60.

## Prijedor Case

Zilha, a 44-year-old Muslim woman, recounted her experiences to Elena Doni. Although her name was not Zilha, she chose to use this name. Fearing that the Serbs would retaliate against her mother, who still lived in Prijedor, she opted for anonymity. However, her fear was not the sole reason for concealing her identity; shame due to multiple rapes also played a part. Zilha explained that she was divorced, living with her mother and two children. On April 16 1992, around 7:30 PM, police officers knocked on her door, stating she had to go to the center for a statement. She was forced to leave her home without even changing her clothes and was confined with a female nurse in a room for two nights. Afterward, she was taken to the Karaterm camp, an old brick factory, where the profound silence was continuously broken by the screams of those being tortured. In the dark of night, the door to her room was opened by the camp commander, who told her he would ask her a few questions. Zilha, paralyzed by fear, thought she wouldn't be harmed and would be released. However, a few seconds later, the commander explicitly stated his desire to have sexual relations with her. Despite Zilha's frozen terror, the commander tightly bound her with a thick rope. When Zilha pleaded, "You have a wife, you have a mother, think of them," the commander became even more enraged, pulled out a knife, and asked, "Which do you prefer?" After he finished, the commander left without untying Zilha, and then three more men arrived and also raped her. These acts continued, and Zilha endured similar experiences in the Trnopolje and Omarska camps. Zilha reported that the female prisoners' psychological state was devoid of hope, pushing them to the brink of suicide. Some succeeded in killing themselves by smashing their heads against walls, while others threw themselves from trucks while being transferred to different camps. Although Zilha was eventually released from these camps for 300 marks, she later settled in Zagreb because a Serbian family had occupied her home. She continued to suffer from nightmares and persistent depression, unable to overcome her feelings of humiliation.<sup>56</sup>

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<sup>56</sup> Doni and Valentini, *Etnik Tecavüz: Boşnak Kadınların Dramı*, 32-34.

Zilha’s experiences exemplify systematic gender-based violence and the targeting of women solely because of their gender. This encompasses acts involving extreme violence, torture, sexual assault, and the potential for killing, to which women are subjected due to their sex.

Zilha’s forced abduction from her home on April 16, 1992, and her subsequent detention at the Karaterm camp exemplify the systematic targeting of women during wartime based on their gender. The commander’s threat of rape and the subsequent sexual assault served as a mechanism of power and control beyond mere physical violence. The commander’s knife threat (“Which do you prefer?”) and Zilha’s helplessness highlight her struggle for survival, forced upon her due to her gender. This crime was not just an individual crime but part of a strategy aimed at humiliating and subjugating women based on their societal gender roles. The subsequent rapes by three other men reinforce the organized and systematic nature of these actions.

The similar rapes Zilha experienced in the Trnopolje and Omarska camps indicate that her ordeal was not an isolated incident but rather a reflection of a widespread policy of violence against women during the war. The suicidal tendencies of the female prisoners and the fact that some ended their lives by throwing themselves from trucks reveal the psychological devastation and level of despair caused by this systematic violence. The examined case of Zilha’s rape did not encompass only physical killing but also the destruction of a woman’s identity, dignity, and psychological integrity; Zilha’s depression, nightmares, and sense of humiliation are concrete consequences of this destruction.

Zilha’s desire to conceal her name stemmed from a combination of shame and fear. The shame reflects the societal dimension of femicide, where the burden of sexual violence is often internalized by women within patriarchal structures. Her concern for her mother’s safety indicates that this violence extends as a threat to family ties. Finally, her home was occupied by a Serbian family what completes Zilha’s physical and symbolic displacement, marking a point where femicide intersects with demographic and cultural destruction.

## Obudovac Case

Chiara Valentini recounts meeting Nisveta, a 24-year-old Muslim woman, at a café in Split. Valentini recorded Nisveta's story. Nisveta reported that one evening, two soldiers dragged her out of her home. After walking for some time, the car stopped, and Nisveta's eyes were covered with a gray blindfold. They covered her eyes because they didn't want her to understand where she was being taken. She was led up stairs to a place on the first floor and locked in a room. As soon as she entered the room, she was ordered to undress. Nisveta was confined in this room, which had completely covered windows and received light only from a lamp. Most nights, 5-6 men would enter this room and rape Nisveta. They did not stop at rape but also subjected her to torture. Although Nisveta could not leave the room, she understood from the screams that she was not alone in the building and that there were other women. Nisveta was confined in that room for exactly three months, enduring countless rapes and torture. One day, because she became pregnant, a soldier came to her with her belongings and left her at her home. With the help of a midwife, Nisveta suffered a miscarriage due to significant blood loss.<sup>57</sup>

Nisveta's experiences, when viewed through the lens of femicide, exemplify the systematic and extreme violence women were subjected to during the war solely due to their gender. Diana Russell's definition of femicide encompasses physical, sexual, and psychological violence where women are targeted simply for being women; Nisveta's story embodies all elements of this definition. The two soldiers forcibly dragging Nisveta from her home and covering her eyes to conceal her destination reflects that one of the purposes of the rape was to completely strip the woman of control. Being held in a room with fully covered windows, illuminated only by a lamp, and being ordered to undress demonstrates that sexual violence was part of a systematic plan.

Nisveta's experience, that she was subjected to rape and torture by 5-6 men each night, highlights that these actions were more than

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<sup>57</sup> Doni and Valentini, *Etnik Tecavüz: Boşnak Kadınların Dramı*, 39-40.

individual crimes; they represented a strategy aimed at oppressing and annihilating women based on their gender. The screams of other women indicated Nisveta was not alone, suggesting a collective policy of sexual violence against women during the war. Her pregnancy and subsequent miscarriage demonstrated the devastating impact of physical violence on reproductive health, while the excessive blood loss and her confinement for three months proved that systematic rape of Bosnian Muslim Women targeted women’s capacity to survive. The fact that a soldier brought her back to her home with her belongings suggests that this act may have been planned as a form of termination, signifying that she was discarded after being physically and psychologically exploited. The trauma she endured during her three-month captivity caused devastation that profoundly impacted the rest of her life.

### **Conclusion and Discussion**

The War in Bosnia (1992–1995) and the Genocide in Srebrenica, when examined through the lenses of gendercide and femicide, reveal that systematic violence targeted not only simple ethnic identity but also gender roles and societal dynamics within that identity. This study has demonstrated that the killing of over 8,000 Bosniak Muslim men in Srebrenica and the systematic rapes against Bosniaks women in Bosnia and Herzegovina were aimed not only at physical annihilation but also at the destruction of cultural identities and societal structures.

We examined that systematic strategy of eliminating men’s fighting capacity and biological reproduction was constitutional part of the Genocide in Srebrenica. As a such crime it cannot be identified as gendercide because Bosnian men and boys killed in Genocide in Srebrenica were targeting for execution not for sociological, cultural, or political pressure, but for destruction of national group. The violence against Bosnian Muslim women were focused on their social role, intended to create demographic change and psychological and physical devastation of the group, thus it cannot be evaluated as femicide.

In this context, Serbian nationalism's animosity towards Bosnian Muslim identity has made gender-based violence an inseparable element of genocide, and it has been highlighted that international law has been insufficient in addressing these dimensions. Ultimately, this research offers a significant foundation for pursuing justice in a region where the wounds of war are still felt and for understanding the role of gender-based violence in genocidal processes.

This study posits that rapes were consciously and strategically employed as a tool of genocide. The qualitative study, conducted through historical analysis, case studies, survivor testimonies and ICTY (International Criminal Tribunal for the former Yugoslavia) documents, faced limitations in scope due to challenges in accessing primary sources, victim silence, documentation deficiencies, and transparency issues at the ICTY.

The findings strongly support the hypothesis. The second section emphasized how the disintegration of Yugoslavia and dehumanization of Bosnian Muslims laid the groundwork for gender-based violence. The killing of over 8,000 men and boys in Srebrenica, examined as a case study, was not only presented as a tool of mass execution, but also the destruction of societal structure of the Bosnian Muslim. The aforementioned cases of rape demonstrated that systematic rape of women were aimed to cultural annihilation beyond mere physical and psychological destruction. Specifically, the systematic rapes experienced by Aisha and Zilhada provided evidence that rape was not merely an individual crime but a strategic tool used to annihilate ethnic identity and to cause psychologically collapse of the group. Nisveta's three months of captivity and torture highlighted the objective of creating demographic and cultural devastation by targeting women based on their gender. The sentences of ICTY confirmed the organized and systematic nature of these actions. Furthermore, witness testimonies and case analyses indicated that sexual violence was aimed to create long-term demographic change by targeting the social structure and reproductive capacity of Bosnian society. These findings clearly demonstrated that gender-based violence reinforced the physical, cultural, and psychological dimensions of genocide.

In conclusion, gender-based violence is an integral part of genocide; rape was used as a tool for ethnic annihilation, psychological collapse, and demographic change. The findings have validated the theoretical power of these concepts; Bosnia has served as a laboratory for understanding the relationship between gender-based violence and genocide. This study has contributed to the literature and policy-making processes, emphasizing that the gender dimension should not be overlooked.

Here are some recommendations for future studies. Firstly, oral history projects based on victim testimonies should be developed to examine the intergenerational effects of trauma. Experiences like Nisveta’s could be brought to light through such projects, clarifying the lasting impact on subsequent generations.

Secondly, a focus on victim-centred justice mechanisms is of great importance. New approaches should be designed that overcome the shortcomings of the International Criminal Tribunal for the former Yugoslavia (ICTY), particularly by strengthening witness’ support and protection system. Increased local and international cooperation will play a critical role in preventing impunity for such crimes.

A third recommendation is the integration of a gender perspective into genocide education. By making the Bosnia example part of this education, awareness can be raised and efforts to prevent gender-based violence can be strengthened.

Finally, interdisciplinary research focusing on topics like trauma, documentation, and ICTY policy should be encouraged. A combination of psychology, sociology, and law can offer methodological innovations for these complex issues. These recommendations emphasize that the legacy of Bosnia requires reshaping human rights policy.

The further research inquiries may include formation of human rights policy in the light of the legacy of the War in Bosnia and ethnic enmities.

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