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The Tribunal of Women of Former Yugoslavia: a feminist approach to Justice.

Silence is all we fear. Speech redeems
Emily Dickinson

The more words we can muster, the freer we are
Herta Muller

...we would be ever more alienated from ourselves,
if we forgot what we did, what befell us.
Forgot our own selves.
With no voice striving to tell this.
Christa Wolf

1. Women, the guardians of Memory

As time goes by, it seems we left behind the days of horror, when war raged in Bosnia-Erzegovina (1992-95), with its macabre appendage of unheard of violences and individual tragedies: the ethnic cleaning planned by the Serbs, with inhabitants of whole villages brutally deported, evicted from their houses and suddenly made into enemies and usurpers; the desperate marches of the uprooted ones, the long sieges, children and weakest people starved to death, torture and mass suppression of men, boys and old men; mass graves, concentration camps, crushing terror, women raped, often made slaves in brothel-camps in order to degrade and dishonour them and thus destroy, by a grim patriarchal logic, the adversary's ethnic roots.

And yet, for the survivors, time seems to be suspended; the past lives on in the memory, through all the daily acts of life, and calls for justice; lives on in the present, felt in the emotional void of those who lost sons, daughters, husbands, brothers, sisters, fathers, mothers; keeps troubling the sleep, often artificially induced, of those in whose violated bodies its wounds still ache, and who wander in a dark waste, a prey to anguish, depression, loss of confidence and self-esteem, shame, loneliness; goes on feeding a sense of alienation in those who followed the routes of diaspora, invading the places disfigured by bombs, looming on the houses now occupied by the criminals; the latter go about in liberty and put threatening derisive looks on their victims, often forcing them to look down lest they encounter those all-knowing eyes, to step on quickly so as to mark and keep a distance from the evil their presence evokes and renews, inflicting a pain too keen for words, making them dumb.

I remember a mother in Srebrenica sadly whispering: “For me no time has past, not by a single day: I have never lived since then.”

Indeed it is not easy to start living again close to people who took everything from you, in an unrecognizable place marked by a destructive existential void; it is not easy, for the Muslim community now reduced to a minority, to assert their rights as citizens in a district that the Dayton agreement allocated to the Sprska Republic, born out of genocide, mass graves and ethnic rape, thus legitimizing the ethnic division and rewarding the unhealthy nationalist policy which dismembered Bosnia and wiped out its multicultural reality.

This paradoxical situation opens the way for the sponsors of cynical *realpolitik* who advocate “forgetful reconciliation”, and contend that instead of wasting time on the past one should leave it for historians to ascertain what truly happened; that now it is more important to create conditions for a new development that can open the door to a future where everybody may live.

The first opponents of this subtle form of negationism, indifferent to the grief of survivors who still seek the bodies of their dead to give them a decorous burial, are women; they, the guardians of memory, dare to lift their voices not only to tell their personal tragedy, but more, or above all, to call for justice and truthfulness, necessary if a whole community must be healed, enabled to overcome the hatred and rancour that feed divisions and fix the other’s image in the mind as that of the enemy.

To the term “reconciliation” they prefer “reparation”, since genocide destroys the lives of people, who, if they are to process their mourning, recover their dignity and go on living, must see the authors of such a crime against humanity tried by a jury; which alone, by ascertaining the truth, acknowledging the evil done, listening to the victims of such ferocity, can put an end to the climate of impunity, born and bred by the extreme ethnic contraposition that made hangmen into heroes, and victims into “superfluous being” to be suppressed.

Munira Subasic, President of the “Srebrenica and Zepa Women’s Association”, very clearly describe show and why reparation should occur: “Today I must find what is left of my son, but also give the murderer a name. Unless this happens there can never be coexistence, never what you strangers call “peacemaking”; there will be no trust, no human rights; I cannot divide the Serbs into good and bad ones, so as a victim I shall have the right to suspect in every Serb my husband’s and my son’s murderer. Criminals must answer for their actions, whatever their nation or their name. Unless this happens, there will be no Bosnia, nor any possibility of life there.”

Reparative justice, women insist, is based on the victims’ need for recognition and participation, on the appeal to remember the feelings of the offended person: a necessary condition to render the survivors living beings, enabling them to recover their full humanity, go beyond the status of victims and start projecting a new future.

These women are impelled by a deeply civilized consciousness, an ethic of “healing”, of care for life’s vulnerability, for human relations based on mutual respect and empathic emotions and feeling; they ask to make a full reckoning with the past, knowing that otherwise no future can be built upon unpunished crimes.

They have organized themselves into associations, finding solace in a group that, crossing the artificial boundaries created by nationalisms, assembles Bosnian, Serbian, Croatian, Kosovarian, Macedonian women, united in a strong and loving web of relations that has produced an active network of solidarity, able also to furnish material help and psychological support to those who suffered most.

Sharing the grief of the genocide's survivors living in the criminal state that favoured and realized it, of persons tortured by shame and guilt-feeling, they all together insist asking for truth, justice, reparation, and cultivating memory, going to the sites of massacre to honour the dead, showing evidence of the abuses, speaking in public places the language of no-violence and human rights, denouncing the reticent policies of their governments, attending together the trials' sessions.

With an emblematic gesture, Belgrad's Women in Black asked the Bosnian women forgiveness, taking upon themselves as Serbians moral responsibility for the crimes committed also in their name by the governments, and at the same time negating their consent to Milosevic's criminal regime. Asking forgiveness, for H. Arendt, means acknowledging the victim's pain thus "allowing life to go on"; though forgiveness does not cancel the action, it does start a reparative process aiming to reconstruct the social bond compromised by the wrong done.

2. The tribunal at The Hague: what justice?

At this point it is natural to wonder if the International Penal Tribunal at The Hague can really meet the demand for truth and justice so forcefully and resolutely uttered by the the courageous Balkan women.

For Stasa Zajovic, mouthpiece for the Belgrad Women in Black, that tribunal cannot fulfil reparative or transitional justice; which to obtain, women must invent something else.

Munira Subasic also says that she does not believe in the justice of The Hague tribunal, and that no justice will be actually done to the victims; however, she thinks that everybody should answer for their acts before an international tribunal able to judge and punish the criminals. "Were there no tribunal – she adds – we would not have even this faint hope of justice, although we have often asserted that the law is one thing, and justice another."

Indeed, if justice means not only to punish the guilty but also to acknowledge the wrong done, and be willing to change obnoxious attitudes; if it means to help the victims to lead as normal a life as possible, and start a process of actual reparation contributing to the development of civic society; The Hague tribunal has proved unfit for such a purpose, and even contradictory. Often its sentences have failed to identify the individual responsibilities of all parties, or to reconstruct the real events, and the consequence is that present and future political leaders could make an instrumental use of the 1991-95 events to bring back and enhancing the dreadful phantoms of nationalism.

Certainly The Hague tribunal was important as a symbol and for the definition it gave of war crimes and crimes against humanity, declaring them non-prescriptible no matter under what flag committed, and because it clarified and made clear rules

for proceeding and proofs valid for international trials; but for all that, by certain sentences based on a kind of “double standard”, it has showed all its weakness.

Today it cannot be denied that in former Yugoslavia barbarity prevailed with the complicity of UNO and NATO, whose responsibility for this is permanent and unpardonable; and yet none of those who during the war headed the peace-keeping operation, and ought to have protected the people, was brought before the tribunal, which rejected every appeal to this end.

With a surprising sentence Serbia was absolved from the crime of genocide: it was merely accused of having done nothing to prevent it, and of giving little help to capture the criminals.

Recently an appalling sentence fully absolved the two Croatians generals, Gotovina and Markac, previously sentenced to 24 and 18 years imprisonment for war crimes against the Serbian civilian inhabitants of Croatian Kraine. During the “Operation Storm” (August 1995) they carried out an awful ethnical cleaning, expelling 300.000 people and barbarously slaughtering more that 3000, mostly old and sick, who had not left their homes.

After this sentence, only Serbo-Bosnian Karadzic and Mladic remain in prison at The Hague waiting for justice, and this will certainly feed the Serbians’ sense of victimization, and a consequent dangerous nationalistic revanchism.

This fitful way of giving different readings of crimes according to the people who committed them, gives one the sense of facing an evasive, indefinite justice, conceding amnesty to persons who, in others’ eyes, are merely criminals. Above all, it inflicts another wound to the victims who feel snubbed, and a severe blow to the construction of a shared memory.

One does not wish to deny that several criminals were judged and condemned, but they were just a small number, often rewarded with a diminished penalty; many minor criminals and mere “hands” in the business still go freely about among their victims, since national tribunals, who should try them, have neither will nor means to do so, being to a great extent manoeuvred by politicians who did share in the ethnic cleaning.

Therefore it is no wonder that Srebrenica women are going to erect, in the Potocari Memorial, the “Pillar of Shame”, with the names of UNO officials and military chiefs who gave more than 10.000 Bosnian Muslims practically into the hands of bloody-minded Serbian General Mladic ; and also the names of those who, programming and carrying out the ethnic cleaning, caused the dissolution of Yugoslavia.

The one really important outcome of The Hague tribunal was the unequivocal sentence asserting that in Srebrenica the crime of genocide was committed by the Serbo-Bosnian forces, in the full consciousness that “the destruction of such a great number of men unavoidably implied the physical disappearance of the Bosnian Muslims from Srebrenica.”

This is a sentence that, besides doing justice to the victims, as a precedent must condition judgments on similar cases all over the world.

Besides, it should not be forgotten tha the Srebrenica genocide, carried out in the name of ethnic cleaning, is among the most hideous for the means it employed:

thousands of civilians deported, mass murder, concentration camps, torture, rape of female bodies conceived as a war weapon then systematically and publicly practised on purpose to humiliate a whole community, stamp the males as weaklings unable even to defend their homes, and the women as simple containers destined to bear future “Cetnic soldiers”, thereby forcing all people of certain geographic areas to flee from their homes to escape shame and slaughter.

Let us not forget, either, that UNO has identified rape and sexual violence not only as war crime, i. e. a secondary product of armed conflicts, but also and above all as a crime against humanity. It is considered a specific type of torture reserved for women and a genocidal act, as it annihilates woman as such and is an outrage against both her dignity and the inviolable right of a person.

This demonstrates that being a female represents a further risk in time of war.

Says a desperate woman, repeatedly raped by Serbian Bosnian soldiers: “Rape crushed my pride and I shall never be again the woman I was... after the third rape I had already separated from my body... at the end I was destroyed, physically and psychologically. They kill your psyche.”

Balkan women are acquainted with this unending grief, and also know that all this suffering will never be really heard nor compensated in a penal court, whose function is that of

- classifying crimes according to previously established parameters, regardless of the inner experience of the outraged person,
- ascertaining responsibilities,
- emitting sentences,
- deciding penalties.

The trial gives priority to the objective view-point, which uses victims merely as witnesses. In court there is no space for the essence and history of the individual; a witness is expected to speak in a neutral voice, not to give way to emotion while expounding the facts, to exist as a common noun, i. e. witness, not as a proper name defining a unique being with a right to speak in the first person.

That is why Balkan women have found The Hague tribunal inadequate, and tried to invent something else, a different place, where victims are allowed to express themselves as subjects, and the attention will focus less on the crimes’ typology and more on the survivors, on the march of resistance to overwhelming pain they have set on in the hope to recover their bitterly negated humanity and go on living.

This different place is the “Tribunal for the women of former Yugoslavia. ”

3. Telling the truth in the first person : the Women’s Tribunal

The Tribunal of the women of former Yugoslavia, expected to open within a few years, was envisaged in 2000 by the following Women ‘s Associations: Women for Women, Sarajevo (Bosnia-Erzegovina); Centre for Women and Education to Peace, Soul of Kotor (Montenegro); Centre for Female Victims of War and Women’s Studies Centre (Zagabria); Kosovo Women’s Network; Women’s Studies Centre and Women in Black (Serbia).

All these women, whom the male folly of ethnic cleaning wanted to divide, share the same daily practical policy, made of

- resistance to militarism and nationalism,
- rejection of violence transforming conflicts into open war,
- search for truth and justice against the lie that cancels responsibilities, and for a shared narrative on which to build lasting peace,
- mutual recognition as a basis for “collaboration” and the sharing of knowledge, reflexions, emotions.

The background to their action, thought, and determination to establish the Women’s tribunal is feminism, which taught them to conjugate personal and political issues, and always to “start from themselves” when analysing problems. For being a feminist means to:

- try to modify the power relations limiting my own and other people’s lives,
- make politics a force for positive change,
- lighten the burden laid on women by patriarchal violence in its several aspects, by the offer of mutual support,
- seek together for health, consciousness, reparation, leave behind the shame and diffidence that annihilate abused women,
- transform the victim into an “educator” that can support and console those who are inured in dumb grief, and accompany them on the way to freedom, make them too subjects able to speak aloud, breaking the silence that rendered their lives abjectly meaningless.

Doubtless it was this feminist ethic that allowed the Women’s Associations of former Yugoslavia to build and keep alive, through the long years of conflict, an empathic relation, marked by the capacity for “togetherness” out of which the spirit of sisterhood, solidary and friendship is born.

The Balkan Women’s Project carries on the experience of the Women’s World Tribunal, operating since 1993. Since then women have been summoned in various countries from all parts of the world to discuss together specific problems (war, poverty, violence on women, arms, U.S. war crimes) that each of them analyzed contributing their own experience as victims, and reflections.

The project reacts to the failure of ordinary justice, as the voice of civilized society, specifically female, rejecting the popular idea that even the construction of peace must be the business of men’s power.

Unhappily that power is well known to be irresistibly fascinated by war, to the extent of inventing “humanitarian wars” which allow it to persist using arms against a present enemy, purportedly constructed by vile relentless advertising determined to militarize minds. History shows, besides, that when peace is conceived and ratified by male power, it is always uncertain for it does not go along with justice, but merely promotes the interests of the mightier, thereby preparing future wars.

In the Women’s Tribunal there are no judges, or public prosecutor, or condemned ones; the stage is filled only with women narrating in the first person their experience of sorrow, displaying the truth of facts preserved in their memory,

evidenced by the wounds on their bodies and the emotional void left by the loss of those they deeply loved and lived with.

In a place created for listening and affording dignity and recognition, narrative follows a singular path: it transcends polarization and contraposition between aggressor and victim, and seeks – as pointed out by Corime Kumar, the Tribunal’s international coordinator – to combine factual events with the subjective witness of those who experienced them. Its style means to promote a deep understanding of the social and ideological roots and context of the conflict, an idea of reparative justice apt to generate a future lasting peace, where all parties can daily work to reconcile, to reconstruct the broken bond, with respect for differences and mutual recognition, accepting responsibility for what happened, ready, with the non-violent ethic of truth, to understand and forgive each other.

The Tribunal also welcomes a jury of wise people who, by their observations, their remarks and shared experience, will help all women and men to take the road toward a concept of collective wisdom, of justice as the moral virtue liberating from the selfish impulse of prevarication. Within this warm relational atmosphere a new kind of political action will become possible, capable to value life and femininity, to sustain the vulnerable and frail elements of the human condition that appeal to every woman and man to make all instant of our life precious.

On these premises will Croatian, Serbian, Macedonian, Kosovar women open the Women of former Yugoslavia’s Tribunal.

Telling of the tragedy that destroyed their country shattering it into small, ethnically “clean” bits, they will renew their immense sorrow, but will also show the strength of their tenacious resistance to the evils of nationalism, militarism, war, genocide, ethnic rape; travelling across their personal experience and the nihilistic madness that upset their community, they will appear as protagonists of the process to peace based on truth and justice.

All women and men dreaming of and working for a future without wars will certainly be on their side and support them lovingly and gratefully.

Making their way toward the institution of the Tribunal, the women of former Yugoslavia constantly opposed the harshness of male power, showing how the “soft power” of women works and develops by cooperation. It can resist violence and start a change thanks to the moral authority of people who accept the task of tearing the veil of lies; the strength of a knowledge that fills the body with clarity of thought and warmth of emotion; the wisdom accompanying healing gestures; the lovingkindness that finds her own humanity in that of the other person and learns how to cure her wounds and also comprehend her grief, starting a mutual healing process.

So the Tribunal of the women of former Yugoslavia will tell another story, free from all nationalist manipulation, a story displaying a shared memory, source of authentic reconciliation.

This Tribunal will doubtlessly rise in the future and address young generations enabled, by the truth personally narrated by credible witnesses, to start on the road to change and peace as protagonists fully conscious and finally free from the burden of the past.

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