

The Subject of Wartime Sexual Violence: Post-Conflict Recognition in
Bosnia and Herzegovina

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Summary:

Over the past decades, there has been a growing consensus that rape is a weapon of war. Placing issues of gendered violence into international focus, feminists have registered an unease with the way in which the narrative 'reproduces a limited register through which we can hear, feel, and attend to the voices and suffering of . . . those who are raped' (Baaz and Stern, 2013, p. 2). Building upon this insight, and tracing its implications in Bosnia and Herzegovina (BiH), I ask after the ways in which the subject of wartime sexual violence is rendered visible, produced, and recognised through post-conflict justice processes in BiH. I begin with an examination of the visibility lent to the subject of wartime sexual violence from the 1990s to the contemporary context, arguing that the dominant subject has been the Muslim-female-victim. Seeking to move beyond this limited register, I examine the multiplicity of subjects that are produced through sites of post-conflict governance in BiH, including sites of legal-bureaucratic recognition, psychological intervention, and witnessing. Examining each site, I engage with the production of the subject of wartime sexual violence, asking which forms of recognition are made possible. I argue that while the subject of wartime sexual violence is often rendered visible through these processes, this does not equate to the subject's social recognition in any straightforward sense. I conclude with an examination of the conditions of possibility for social recognition in post-conflict BiH. Drawing together feminist methodological approaches with the concept of witnessing, I develop a notion of the feminist researcher as witness, enabling an examination of questions of intersubjectivity as a basis for forms of social recognition. In developing this concept, I make a broader, feminist critique of post-conflict justice practices to the extent that they actively limit the possibilities for social recognition.

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Introduction: Visibility, Recognition, and the Subject of Wartime Sexual Violence

Introduction

This thesis examines the multiplicity of subjects that are produced through post-conflict justice processes in BiH. To do this, it engages with multiple sites of post-conflict governance, examining sites of legal-bureaucratic recognition, psychological intervention, and witnessing. At each site, I engage in the production of the subject of wartime sexual violence, and ask which forms of recognition are made possible. The thesis argues that while the subject of wartime sexual violence has often been rendered visible through such processes, this has not always equated to the subject's social recognition in any straightforward sense. As such, the thesis concludes with an examination of the conditions of possibility for social recognition in post-conflict BiH. Drawing together feminist methodological approaches with the concept of witnessing, I develop a notion of the feminist researcher as witness. In doing so, I examine questions of intersubjectivity as a basis for forms of social recognition. Developing this concept enables the thesis to make a broader, feminist critique of post-conflict justice to the extent that it actively limits the possibilities for social recognition.

A Portrait of the Subject

In August 2014, while conducting preliminary fieldwork in Sarajevo, I happened across a video installation *How Do You Want to be Governed* by artist, Maja Bajević¹. The installation, featured in the Art Gallery of Bosnia and Herzegovina (BiH), located just across from Trg Oslobođenja (Liberation Sq.), captured my attention to the extent that

¹ Bajević is a Sarajevo-born artist working in Paris, France.

it attended to issues of frame, gendered violence, and the production of the subject that are central to this thesis.

Figure 1 – Stills from *How Do You Want to Be Governed?* (Bajević, 2009).



How do you want to be governed? How do you want to be governed? How do you want to be governed?

These words, spoken in English, bellowed out into the deserted gallery. The video installation features a woman sat in the centre of the frame. Just outside the frame, to the right, an arm, gendered male, stands over her alternately caressing and pushing at her head. Each act is accompanied by the repetition of the question – how do you want to be governed?

Throughout the performance, themes of gendered and sexual violence are apparent. Though the body of the male is situated outside the frame, his presence domineering, making himself known through his repetitive interrogation. This interrogation is almost absurdly cyclical, marking its difference through the tone and intonation of his voice. At times, the tone gives the impression of disinterest, while at others it is more aggressive and threatening. As his hand moves, the woman is sat still, moving only slightly in reaction.

Stood in the gallery, meeting the gaze of the woman in the video, I began to ask who was this subject of gendered violence, noting a number of possible responses. At first glance, it was possible to view the woman in the video as a victim to the extent that she seemed to be 'en

route to harm or violation by virtue of one's compromised status' (Gilson, 2016, p. 75).

However, from a feminist perspective, this reading jarred. It seemed to too readily equate the fact of her victimisation with the label victim, and produced victimhood as a fixed and static category, affording the female subject in the video little 'contingency' or 'agency' in her position (Baines, 2017, p.3). Later, and armed with my newly purchased exhibition guide (Ecker & Fink, 2014), I began to look at the ways in which the choreography and the performance of the video installation invited more complex readings. Bajević's piece makes reference to an artwork by Raša Todosijević, *Was ist Kunst?* [What is Art?]. This work, similarly to Bajević's piece, features a woman sat in the centre of the frame, while a hand, gendered male, alternately nudges and pulls at the woman's face. Throughout, the question *Was ist Kunst?* is repeated. However, there are also important differences in framing. *Was ist Kunst?* casts a woman named Marinela Koželj in the installation, with Todosijević as artist and choreographer of the performance. Koželj is featured in the installation as object, featured to the extent that her presence is used to make a broader point about what counts as art. *How Do You Want to be Governed?* subverts this framing. Here, it is Bajević herself who is at the centre of the frame, part of the installation as both subject and director. To the extent that she is author of the performance, Bajević invites complexity into simplistic readings of victimhood, encouraging the viewer to examine the politics of framing with regard to the production of the subject of gendered violence. Examining the complexities of framing further also invites a reflection of the viewer's role in the production of the subject of gendered violence. Meeting the gaze of Bajević, those who stop to view this installation are invited into the encounter. As I stood in front of the screen I came to anticipate each repetition, the violence enacted becoming intimate, felt, and embodied. As a viewer, I was unable to remain a passive bystander. Produced as witness to the encounter, I became implicated in its frame, prompted to respond.

This piece has acted as a reminder to question the politics of the frame and a challenge to think beyond what is initially apparent. In beginning to explore the production of the subject and subjectivities through the various post-conflict justice processes discussed in this thesis, I am challenged to resist easy conclusions, and instead, to lay out the complexities inherent in the ways in which subjects are formed and appear to us. Focusing on post-conflict justice frames in BiH is not only useful to the extent that it enables an exploration of the production of the subject, but also because it enables an examination of the conditions of the subject's production. As Judith Butler has argued, frames function to determine the 'norms that condition the possibility of recognition' (Butler, 2001, p. 25), and as such alert us to the ways in which some lives are made to 'count', while others are precluded from counting (Butler, 2006; Butler, 2009). In this thesis, I examine multiple frames of wartime sexual violence in BiH as they come to explain, produce, and recognise the subject of wartime sexual violence. In doing so, I explore the ways in which the subject of wartime sexual violence becomes visible, and the conditions of possibility that this establishes for the subject's recognition. In the next section, I elaborate on the central problematic with which this thesis will contend.

The Visibility of Wartime Sexual Violence in BiH

Feminists have drawn attention to the historic invisibility of the subject of wartime sexual violence (e.g. Brownmiller, 1975; Henry, 2011; Koo, 2002). Taking up this argument in the context of feminist security studies, Katrina Lee Koo has suggested that women have faced an international community which is indifferent to issues of rape, considering it 'outside the realm of the political' (Koo, 2002, p. 531). This has resulted in a context in which women's bodies, 'only come into view long enough to be considered part of the overall strategy of war . . . When in view, their bodies can be targeted for abuse in a highly politicised, sexualised, eroticised, mythologised and violent manner, only then . . . to be dismissed as an unfortunate

by-product of war' (Ibid, p. 531). In this context, feminists sought to politicise the subject of wartime sexual violence (Harrington, 2010), rendering it an issue of international concern. Following Baaz and Stern (Baaz & Stern, 2013), I suggest that this visibility emerged as a result of two concurrent shifts. To the extent that these shifts come to bear on the production of the subject of wartime sexual violence in the BiH context, and will be discussed in greater depth in Chapter One, it is useful to examine this shifting terrain further.

Over the past decades, there has been a distinct shift in narratives pertaining to the underlying causes of rape in war. Maria Eriksson Baaz and Maria Stern map this with reference to the 'Sexed' and 'Gendered' Stories of wartime sexual violence. The 'Sexed' Story holds that 'historically, rape has been integral to warring because war is (supposedly) enacted by men and men are subject to their biologically driven needs; hence men rape' (2013, p. 17). Widely criticised for an essentialist view of gender, this narrative problematically understands its subjects as 'subordinate to the forces of nature: women appear as silent victims of the expression of men's biology, and men as subjected to the drives of their bodies', casting rape as a by-product of war (Ibid, p. 19). The 'Gendered' Story presents a challenge to this narrative, locating the cause of wartime sexual violence as bound up with the production of idealised forms of masculinity through military and militarised structures, as well as the excision of all that is associated with the feminine (Ibid, p. 19-21). Further, and to the extent that it is not possible to realise identity in its totality, rape functions as a 'way to try to perform and regain masculinity and power' (Ibid, p. 21). No longer conceived as a product of biological and natural urges, or as a mere by-product of war, sexual violence comes to be explained through recourse to ideas of gender and they are constructed and produced.

Situated in a broader context of evolving international political, legal, and ethical norms regarding humanitarian intervention², the subject of wartime sexual violence also became visible as a crime in the context of international law. Amid feminist contentions that wartime sexual violence had traditionally been neglected within international law, academics and policy-makers increasingly debated the status of women's experiences of violence in international law (Ní Aoláin, et al., 2011, p. 156). Emerging reports of rape and sexual violence in the context of Bosnia and Rwanda prompted unprecedented international legal action in this regard, with both the International Criminal Tribunals for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) including crimes of rape and sexual violence in their remit both as an act of genocide and as a crime against humanity (Askin, 1997). Both tribunals, in turn, delivered historic verdicts regarding sexual violence as a war crime. An early verdict in the ICTR found Jean-Paul Akeysu guilty of genocide with respect to the 'mass rape of hundreds of Tutsi women' (Farwell, 2004, p. 391), while the ICTY 'heard the first war crimes prosecution in which rape and sexual assault was the single charge', and established the terms under which rape could be considered a crime against humanity (Campbell, 2004, p. 331). Particularly, the judgement of *The Prosecutor v Kunarac* outlined that for rape to be understood as a crime against humanity, there must be an attack directed at a civilian population which is both 'widespread and 'systematic' (quoted in Farwell, 2004, p. 393). Charges brought forward in the ICTY and the ICTR have been noted to the extent that they represent a 'momentous' shift in terms of the visibility of women's experiences of rape in conflict (Henry, 2011, p. 99), and have been central to putting questions of justice, responsibility, and accountability for gendered war harms on the international agenda (Campbell, 2007).

² A detailed explication of these evolving norms is beyond the scope of this thesis. For further discussions of legal, political, and ethical norms regarding humanitarian intervention see *Saving Strangers* (Wheeler, 2002).

As a result of these shifts, a consensus has begun to emerge among academics, policy-makers, activists, and the media that sexual violence is a weapon of war (Kirby, 2013; Skjelsbæk, 2001). The emergence of this consensus can be traced to reports of sexual violence in war in Bosnia and Rwanda and subsequent emerging literature and global policy responses. As Skjelsbæk notes in *Sexual Violence and War*, a literature study of 140 scholarly texts published in the 1990s, that ‘although these texts are very different in terms of academic discipline, analysis and goals, together they reinforce . . . [that the] use of sexual violence in the war-zone is too widespread, too frequent and seemingly too calculated and effective for it not to be a part of a larger political scheme and hence a weapon of war’ (Skjelsbæk, 2001, p. 213). Owing much to feminist scholars who have opposed the invisibility of wartime sexual violence in drawing ‘connections between sexual violence and the history of war’³ (Kirby, 2013, p. 799), this consensus solidifies shifting framings vis-à-vis understandings and explanations of sexual violence war. No longer ‘a regrettable but inevitable aspect of warring’, wartime sexual violence is understood ‘as a strategy, weapon or tactic of war, which can be prevented’ (Baaz & Stern, 2013, p. 2)(see also Card, 1996; Farwell 2004). This framing has been ‘compelling’, both ‘revolutionary in its global appeal and exemplary in its successful call for engagement to redress the harms of rape’ (Baaz & Stern, 2013, p. 2). As such, wartime sexual violence is very much an issue of international security concern (Meger, 2016), with a range of international legal provisions and UN Security Council Resolutions directed toward the issue.

Though important to acknowledge the work that feminists have done in terms of placing wartime sexual violence on the international agenda, there is also a need for caution. A growing number of feminist have registered an ‘unease’ with the ways in which wartime

³ For an in-depth discussion of both the connections between sexual violence and the history of war, and sexual violence in times of nominal peace, see Bourke 2007, Brownmiller 1975. These interconnections have also been discussed with regard to a ‘continuum of violence’ between war and peace (Cockburn, 2004)

sexual violence has become visible (Baaz & Stern, 2013) (see also Henry, 2014; Meger, 2016).

Elaborating on these concerns in *Sexual Violence as a Weapon of War?*, Baaz and Stern write,

The notion that rape is a (systematic) weapon of war whose use can ultimately be hindered depends upon a narrative or a frame of understanding which assigns particular meanings to rape in war, as well as to rapists and the victims/survivors of rape . . . Simply put, our fear is that the dominant framework for understanding and addressing wartime rape has become so seemingly coherent, universalizing and established that seeing, hearing and thinking otherwise about wartime rape and its subjects (e.g. perpetrators, victims) is difficult. In other words, this dominant framework reproduces a limited register through which we can hear, feel and attend to the voices and suffering of both those who rape and those who are raped. (Baaz & Stern, 2013, p. 2)

Building upon this insight, and tracing its implications in the context of BiH, this thesis asks after the production of the subject of wartime sexual violence in BiH, asking how this subject comes to be apprehended or recognised in the context of post-conflict justice processes in BiH. The thesis makes a move between an examination of the ways in which the subject of wartime sexual violence becomes visible in BiH, both in an historical and contemporary context, to an interrogation of the possibilities for recognition that are enabled and disabled through such visibility. Particularly, the thesis will examine which subjects are made to count in post-conflict justice and recognition processes in BiH, examining the tensions inherent between forms of visibility and modes of recognition pertaining to the subject of wartime sexual violence. To examine these questions in context, it is useful to turn to reflect on the conceptual and methodological journey of this thesis.

Mapping the Thesis: Conceptual and Methodological Journeys

This section will focus on three central points of elucidation regarding the conceptual and methodological journey of the thesis. First, an elaboration of the two central research questions of the thesis. Here, I reflect on the framing of the first question - who is the subject

of wartime sexual violence? - discussing the developing ambiguities surrounding the use of the term *subject*. Second, I narrate the conceptual journey of the thesis through reference to its overarching focus on the politics of recognition. Third, I turn to reflect on the methodological story of the thesis. Given the shifting politics of post-conflict recognition, and the consequent movement of the subjects that are made possible, I also elaborate on the shifting methodological tools through the thesis.

First then, it is useful to elaborate on the central research questions and the importance of framing. The impetus for this thesis is the recent and growing feminist unease around the ways in which the subject of wartime sexual violence has been made visible, particularly through the 'rape as a weapon' narrative which has increasingly been accepted as consensus in the global policy context (Baaz & Stern, 2013). Focusing its empirical examination on post-conflict justice practices in BiH the thesis proceeds from the insight that visibility has not been equal to recognition in any straightforward sense. The empirical application of this insight leads the thesis to an exploration of several sites of post-conflict justice practice, examining the ways in which the subject of wartime sexual violence is produced, the forms of recognition that are offered at each site, and the limits of these forms of recognition with regard to the subject.

To navigate these issues in context I devise two interrelated research questions which guide my research – who is the subject of wartime sexual violence? And how is this subject apprehended or recognised in the context of post-conflict justice processes in BiH? The first establishes the mode of inquiry for the thesis, while the second extends this inquiry toward the ethical dimensions of subject production – apprehension and recognition - in the context of post-conflict justice processes in BiH. The question – who is the subject of wartime sexual violence? - is deliberately phrased. Gesturing toward the social conditions of the subject's production, it is inspired by Butler's reading of Caverero (2000) in *Giving an Account of*

Oneself. In this text, Butler reflects that for Caverero, the question of - 'who are you?' – is a direct question addressed to the Other which is central to recognition (2001, p. 24). This question 'assumes that there is an Other before us, one we do not know, whom we cannot fully apprehend' (Ibid, p. 24). Framed as social and intersubjective, the question remains open to a multiplicity of responses and subjects. In this thesis, the curiosity about the *you* is applied to the *subject of wartime sexual violence*, examining the conditions of the subject's production in post-conflict justice processes in BiH. The question, to the extent that it is framed as intersubjective, always already contains a notion of recognition. Reflecting this, the second research question drives the thesis to examine questions of recognition and subjectivity in post-conflict justice processes in BiH. Particularly, the thesis will address this question conceptually and empirically through an examination of several post-conflict frames.

The central research questions are operationalised in several ways throughout the thesis, responding to the specificities of the context encountered. The thesis begins with an historical engagement with emerging narratives of wartime sexual violence in BiH. Through tracing variously situated narratives, it becomes apparent that the subject of wartime sexual violence is produced and becomes visible as victim. Paradoxically, this visibility also places limits on the subjects that are able to be apprehended. Chapters Two, Three, and Four move to examine contemporary frames of post-conflict recognition. Here, the central research questions are examined through several empirically-situated operationalisations which help the thesis to navigate particular post-conflict sites. In each context, I wondered about the interplay between post-conflict justice practices and those it claimed/aimed to support. I asked after the way in which the institutions, organisations, and individuals interacted with the subject of wartime sexual violence, with each other, and with me, as researcher. Further, I observed how and whether these organisations related to the various and concurrent projects that were underway. In doing so, I grapple with a number of different post-conflict justice frames,

examining how each is productive of particular subject(s) of wartime sexual violence. I also attend to the possibilities and limitations of recognition in each context.

Throughout this thesis, there is a deliberate slippage in the term 'subject'. Most often, 'subject' will be used to designate a socially, materially, and discursively produced individual or group of individuals. As I move to explore each context, subject(s) will be seen to appear in a number of guises including the victim, the survivor, the client and the witness⁴. As the thesis unfolds, and as I move to examine the production of the subject across post-conflict frames, this social, material, and discursive context becomes ever more complex. Attending to narrative across these contexts - reflecting on the historical context of wartime sexual violence both internationally and in BiH, broader conceptualisations and narratives about wartime sexual violence in international politics, and the narratives surrounding post-conflict justice processes for sexual and gender-based violence in contemporary BiH - it becomes apparent that the *issue* of wartime sexual violence (as it is debated and discussed by policymakers, academics, human rights activists etc.) cannot easily be detached from its socially-situated subjects. As such, the term, 'the subject of wartime sexual violence' acquires a dual meaning conveying a sense of the way that the social and discursive milieu through which the subject is constituted evolves. This slippage conveys that the 'subject of wartime sexual violence' is both produced by, and produces itself against, frames made up of interwoven histories, narratives and subjectivities.

Second, I reflect on the conceptual story of the thesis. As will become apparent, there is considerable movement in terms of the conceptual tools of the thesis, as well as the conclusions that are drawn with respect to the politics of recognition. As the central research questions establish, one of the key trajectories of the thesis is the conceptual movement

⁴ It should be made clear that the various subjects that arise through the thesis are both context- and temporally-specific. As such, they do not (and cannot) be seen to define all one is.

between questions of subjectivity, apprehension and recognition. Drawing from Butler, the thesis understands apprehension to 'imply marking, registering, acknowledging without full cognition', while recognition is 'the stronger' term' bound up with particular norms and frames which determine who is able to be seen as a subject (2009, pp. 4-5). Reading between apprehension and recognition provides the tools to begin to draw out post-conflict frames of recognition and ask after their limits with respect to subjects. This mode of inquiry is central to the broader conceptual journey of the thesis, inspiring movement from *visibility* to *recognition* and eventually, *agency*, mapping onto the changing empirical context encountered through each chapter and my own gradual process of 'unlearning' in the process of conducting research (Spivak, 1988, p. 295).

The thesis drives this movement through the examination of subject production through the process of interpellation, building on the work of Judith Butler (1997a; 1997b) after Louis Althusser (1984). For Althusser, interpellation functions through ideology, understood in as far as it is practiced by individual subjects (Ibid, p. 41). Ideology, for Althusser functions 'in such a way that it 'recruits' subjects among the individuals . . . or 'transforms' the individuals into subjects'. Elaborating through example, Althusser narrates the oft-cited scenario of the policeman's call (Ibid, p. 48). In this scene, the policeman hails an individual; recognising themselves in the address, the individual turns in response. As Butler aptly notes of this scene, '[t]he act of recognition becomes an act of constitution: the address animates the subject into existence' (1997a, p. 25). Althusser's interpellative scene is explicitly disciplinary. This understanding is productive to the extent that it enables the examination of the ways in which specific post-conflict governance practices hail the subject into place. Yet, in this formulation, the subject appears as a mere 'effect' of governance (Ibid, p. 26) - the formulation allows no space for agency, and thus little room for subjects to speak back. Through the thesis I draw on the Butler to push the limits of Althusser's interpellative scene. Early in the thesis the disciplinary nature of interpellation is most apparent, as it continues 'to force itself upon you,

to delineate the space you occupy, to construct a social positionality' (Ibid, p. 33). However, in constructing the possibility for social existence, the site of interpellation is also one at which agency becomes possible (Ibid, p. 16). With this insight, and through the process of reading at the limits of frames of post-conflict recognition, sites of post-conflict governance also become sites at which agency is exercised.

Conceptually, the thesis moves with its empirical context. In each chapter I focus on different sites of the subject's production which are explored through several frames, brought together by an overarching focus on the politics of recognition. This shifting empirical context is intrinsically tied to the conceptual shift from visibility to recognition to agency. In Chapter One, drawing upon recent feminist insights on narratives surrounding sexual and gender-based violence, I explore the (limits of) visibility regarding the subject of wartime sexual violence in BiH through an historical examination of narratives surrounding wartime sexual violence as they emerged in the 1990s. In particular, I find that the visibility of the subject of wartime sexual violence was contingent on the production of a limited subject, one produced as victim and coded as female and Muslim. In this chapter, analysis is drawn toward the contemporary context and to my field research in BiH, discussing the ways in which the advent of the PSVI again rendered this issue (internationally), and similarly problematically visible.

To the extent that the PSVI framed much of my initial field research in BiH, Chapter Two moves to examine sites of post-conflict justice in the legal-bureaucratic frame – the civilian victim of war status and a reparations proposal that was under development by the IOM. The conceptual drawing of this frame responded to the focus that these mechanisms placed on locating victims, and subsequently giving them particular legal status through administrative processes. Building this frame conceptually, I drew upon multiple literatures including transitional and post-conflict justice literature which examine liberal, victim-centred justice frameworks. Developing the notion of victim-centred justice conceptually, I draw on

Honneth's (1995) and Fraser's (1997) conceptions of recognition. Drawing connections with transitional justice literature, recognition is explicitly framed as a granting of status, which is premised on an individualised relation to self. I argue that in liberal, victim-centred transitional justice recognition is imagined as it is conferred on to subjects, produced as victim. The chapter draws congruences between the post-conflict justice context and wider literature on liberal governance and peacebuilding, adding weight to examinations of the relations of power between governance and the governed and between legal-bureaucratic post-conflict justice practices and victim-subjects. The chapter notes particularly that legal-bureaucratic frames of recognition are limited to the extent that the subject of wartime sexual violence appears as victim, where the identity of victim is determined *a priori*.

Viewing this frame as severely limited in terms of recognition, particularly with regard to the possibility of social recognition, I move in Chapter Three to examine psychological intervention and psychosocial recognition in BiH. Building the psychological frame, the thesis traces the development of the concept of trauma and its relationship with war with particular attention to issues of subjectivity. In doing so, I examine the history of the concept of trauma from its individual and individualised application to subjects to a more generalised and generalisable notion. This leads to an opening of the subjects made possible, including the survivor, the client, and the witness. The chapter reads this opening with respect to the literature on psychological and psychosocial intervention (e.g. Howell, 2011; Pupavac, 2004a; 2004b; 2004c), bridging the psychological with the issues of governance discussed in Chapter Two. Examining the psychosocial frame empirically, I reflect on interviews with psychotherapists and psychologists working at two psychosocial organisations, Medica Zenica and Vive Žene, and in the Witness Support Office at the Court of BiH. The exploration of these sites and their subjects presents a challenge to the extent that both legal-bureaucratic and psychological, trauma-based frames are invoked. While, psychologists seek to extend recognition to subjects – imagined as survivor- or victim-client - through the intersubjective therapeutic process, this

is also marked in the BiH context by the demands of the legal justice process. Psychosocial organisations negotiate recognition through the therapeutic relationship with the demands of the criminal justice process which they work to support. For the psychologists in the Court of BiH, the criminal justice process was a primary preoccupation. As I continue through this chapter, I drew on the literature on witnessing, atrocity and the law to make sense of the production of the legal witness. Further, I use this literature to examine the limits the legal process places on psychological, intersubjective recognition.

Taking stock of the limits of visibility, and legal -bureaucratic and psychological recognition, Chapter Four moves to consider testimony and the possibilities of witnessing in the BiH context. This chapter grounds its empirical analysis in sites of post-conflict justice which lay outside of the PSVI frame. Conceptually, the chapter draws its frame through an exploration of literature on testimony, witness, and witnessing, turning particularly to literature on the Holocaust (e.g. Agamben, 1999; Felman & Laub, 1992; Levi, 1988). The first sections use this literature to expand witness beyond its limited legal conception toward a notion of witnessing as a social, intersubjective form of recognition which entails response and responsiveness toward subjects (Butler, 2001; 2006; 2009). This conceptual frame is empirically informed by two sites of post-conflict witnessing – Ženski Sud (The Women’s Court) and interviews with two survivor associations in Sarajevo (Interviews 16 & 17, Sarajevo). The former elaborates the affective and performative aspects of witnessing responding directly to the embodied experience of the court. It takes stock of the ways in which the various roles and positionalities in the court shaped the experience, finding that witness extends beyond survivor-subjects. The two survivor associations invoke notions of legal witness as they explain the import of their work, marking the ways in which they act strategically *within* the criminal justice framework to achieve justice. Yet, closer attention to these interviews reveals a second dimension of witness to the extent that intersubjective recognition is invoked and demanded through our conversation. Elaborating an expanded notion of witness which moves between

subjects, these sites demand an analysis which accounts for the affective, performative, and intersubjective dimensions of recognition – witnessing.

Providing space for summary, the conclusion deliberates on the ethico-political dimensions of witnessing in the post-conflict justice context. With the thesis reflecting specifically on its intervention into feminist, peacebuilding, and development literature, I argue that the notion of social, intersubjective recognition, elaborated through the concept of witnessing, entails an openness toward subjects. The practice of being open toward subjects, together with the expanded purview of the subjects that are imagined at sites of post-conflict justice, lead to the conclusion that ethico-politically cognisant research into post-conflict justice must give an account of the ‘contingency and *agency*’ of its subjects (Baines, 2017, p. 3, emphasis added).

Third, having elaborated the central research questions and the conceptual journey that the thesis takes - from visibility to the various frames of recognition, and finally to agency – it is useful to expand on the methodological story of the thesis. Given the conceptual movement of the thesis makes in the thesis, particularly with regard to the drawing on different frames of recognition, it is inevitable that the methods also shift to adapt to this shifting conceptual and empirical context. The first chapter seeks to examine historical emerging narratives on wartime sexual violence in BiH, asking after the ways in which the subject of wartime sexual violence is made visible in the BiH context. Examining a range of situated narratives from global to the BiH context, I draw primarily on secondary literature discussing wartime sexual violence in BiH (e.g. Allen, 1996; Stiglmeier, 1994a), wartime sexual violence a global context (e.g. Skjelsbæk, 2001), and on power relations between variously situated actors (Helms, 2013; Korac, 1998; Žarkov, 2003). This literature informs the exploration of visibility and the subject. Methodologically, these texts are read to note categorisations of identity of the subject of wartime sexual violence, how and whether hierarchies are put into place with respect to forms of gendered violence, and how these narratives map onto developments in

global feminist understandings of wartime sexual violence. Secondary literature on relations of power between global human rights communities, organisations and persons in the former Yugoslavia, and organisations and persons in BiH is used to elaborate and give context to my own ethnographic impressions of epistemic violence in the BiH context. Examining content and tone in this secondary literature, as well as several international human rights reports (Amnesty International, 1993; Helsinki Watch, 1993), it becomes apparent that the dominant image of the subject is as victim.

Chapter Two moves to discuss sites of post-conflict justice BiH in the legal-bureaucratic frame of recognition. Examining the sites of legal-bureaucratic recognition demanded engagement with policy drafts and documents (e.g. ICMP, 2007a; ICMP, 2007b; Van der Auweraert, 2013) to prepare for interviews with governmental and international institutional staff (Interviews 3, 4, 7, 12, 13, & 14, Sarajevo), subsequently enabling me to make sense of the administrative justice framework described. What initially struck me were the narrative continuities with global framings of the subject of wartime sexual violence in BiH discussed in Chapter One. Thus, I began to interrogate the ways in which the victim-subject that emerged in the previous chapter was implicit in the logic of the legal-bureaucratic frame, focusing particularly on the narrative continuities in modes of counting victims. The analysis that follows attends to the limitations of administration justice processes by reading international institutional claims about the granting of status against the views of those working closely with survivors, in psychosocial and survivor associations (Interviews 16, 17 & 19, Sarajevo; Interview 18, Zenica; Interview 21, Ilidža; Interviews 22 & 24, Tuzla; Interview 23, Banja Luka).

Moving to discuss sites of psychological intervention and recognition, the thesis continues its focus on the production of subjects. In Chapter Three, I draw on interviews with psychotherapists and psychologists at multiple post-conflict justice sites (Interview 21, Ilidža; Interview 24, Tuzla; Interview 40, Sarajevo). I supplement this with a reading of published

documents and reports by the organisations discussed (e.g. Husić, et al., 2014; Sud BiH, n.d.), and well as key secondary literature on psychosocial organisations in BiH (e.g. Helms, 2013; Skjelsbæk, 2012; Walsh, 1998). Exploring the conditions of the subject's production, the chapter draws together these sources to unpack the political strategies of each organisation and to build a picture of their interaction with the subject of wartime sexual violence. Particularly, in discussing the imagining of the subject of wartime sexual violence I am attentive to the language used in publications and interviews – Medica Zenica most often refer to survivor-subjects referencing their feminist approach to trauma, while the psychologist at the Court of BiH refers almost always to witnesses or victim-witnesses denoting their legal approach. Responding to the empirical context in which the therapeutic relationship is put to the service of the criminal justice process, the question of recognition is deliberated with regard to the potentialities and limitations of the psychological frame, as well as its interaction with legal-bureaucratic frames discussed in Chapter Two.

Reflecting on the limits of the subject's production through the thesis, Chapter Four asks again – *who is the subject of wartime sexual violence in BiH?* – drawing out the legacy and limitations of frames of recognition in BiH. Applying this question at various sites of witnessing, I trace a performative process of address and response at sites of post-conflict justice. In the case of Ženski Sud, I draw on a range of sources including ethnographic field notes, interviews with BiH organisers (Interviews 26 & 31, Sarajevo), documents provided on the Court process (e.g. Žene u Crnom, 2016), and secondary literature (Clark, 2016; O'Reilly, 2016). Through these sources, I explore the various roles that participants are called to perform, noting points of interactions and the ways in which subjects are called to respond. Moments of witnessing are read through performances of emotion such as collective song, crying, or affirmative gestures, or else moments of intensely felt silence denoting active listening during testimony. These moments are read as sites of the subject's production as witness. Tracing witnessing with regard to interviews with two survivor associations, I read

between interview transcripts, my field note reflections, and my translator's impressions of the interviews. While I begin by tracing the aims and projects of each organisation noting how they invoke previously encountered post-conflict recognition frames, what really jumps out of both contexts are the moments of miscommunication and misrecognition. Rather than an end to discussion, these moments lead to further conversation about the role of the researcher in responding ethically to the subject of wartime sexual violence in BiH. Their address, questions and comments are linked to broader literature on the problems of over-research (Clark, 2008) to examine how the feminist researcher can be witness to the subject of wartime sexual violence in BiH.

Having set out the conceptual and methodological journey of the thesis, it is useful to elaborate further on my approach to field research in BiH.

Methodology and Approach

Building upon feminist methodological approaches (e.g. Moon, 1997; Nordstrom, 1997; Stern, 2005; Wibben, 2011), I seek to pay attention to the ways in which my interview participants narrated their roles within the post-conflict justice process, reflecting on the ways in which they bring their everyday lives into such narratives. Conducting fieldwork interviews and participant observations at various sites of post-conflict justice and with variously situated individuals, I examine the ways in which each person and context was implicated in the production of the subject of wartime sexual violence. Further, I ask how these differently situated individuals reflect on their own roles in this process, as well as how they negotiate the context within which they work. In this section, I examine the way in which my methodology and approach unfolded throughout my fieldwork, and explain the ways in which I approached the analysis in the thesis.

The research was conducted over the course of a period of preliminary fieldwork, and two more substantial fieldwork visits to BiH. During my preliminary three-week visit over July and August 2014, I established some initial contacts working on issues related to wartime sexual violence and other forms of gendered violence, and met with several academics and activists in Sarajevo. Establishing several key contacts during this visit, at this point it appeared that a focus on the subject of wartime sexual violence would be too narrow, prompting me to think about a range of institutional and organisational initiatives across a continuum of gendered violence. Though I noted several legal reforms and ongoing war crimes cases related to wartime sexual violence, as well as organisations who continued to provide support for these persons, the issue did not seem to be at the forefront of institutional and organisational agendas.

At this time, the PSVI and the associated *International Protocol on documenting and investigating sexual violence in conflict* had been launched just a month and a half earlier in London. It was only later that year, as I was planning my second fieldwork visit that various links and photos from promotional events launching the protocol in BiH filtered through from colleagues I had met in Sarajevo on my initial visit⁵. On my first substantial fieldwork visit from February to May 2015 the difference in terms of the visibility of the subject of wartime sexual violence was marked, with a range of institutional and organisational projects developing around the issue. Even those who were not directly involved in the implementation of the initiative had something to say about it. As such, I spent much of my fieldwork following the impact of the initiative and its associated projects, later reflecting on what and whom had been left out of this process.

⁵ The Post-Conflict Research Center were particularly active in terms of promoting the initiative and its associated protocol. See: <http://www.p-crc.org/our-projects/preventing-sexual-violence-in-conflict-initiative-psvi> (Accessed 15/09/2017)

I conducted forty-five interviews, primarily on issues related to the subject of wartime sexual violence, over two fieldwork visits, from February to May 2015, and in October and November 2015. These interviews encompassed a range of different institutions, organisations, and individuals, including both international and local staff. I conducted interviews in four primary locations in BiH, Sarajevo, Tuzla, Zenica, and Banja Luka, chosen because these cities were home to the most prominent institutions and organisations working on issues relation to post-conflict justice and the subject of wartime sexual violence, with many at the forefront of the implementation of the PSVI. Most of my interviews were conducted in English, with participants provided the option of conducting interviews in Bosnian via a translator if they felt more comfortable to do so, and where it was appropriate. I worked with two different translators from February to May 2015, both helping me during interviews and at particular events in which translation was not provided. During this time, I met a third translator through a mutual friend who was finishing her Masters studies in English and Translation Studies, and had a background in gender and human rights issues. Feeling almost instantly comfortable with the third translator, and finding our conversations over coffee after the interview both thought-provoking and insightful, I worked with this translator through my fieldwork visit in October and November 2015. This translator accompanied me on interviews with the representatives from survivor associations, discussed in-depth in Chapter Four. All interviews were conducted with written consent from participants and I often used the form with its written summary of my research as a way of opening up questions and conversations about my area of focus. This was something I found particularly helpful in interviews where the representative had not had a chance to read the description provided in my initial email, and in a context in which representatives had engaged with more than one researcher that

week, sometimes even in that day. At this point in the interview, I asked participants if they were comfortable with being recorded⁶.

Having built strong contacts with activists and academics in BiH during my preliminary fieldwork, I began my interviews in this context, using the conversations to understand how the PSVI and other initiatives related to the subject of wartime sexual violence had shaped the post-conflict justice context. These interviews were particularly useful in gaining a sense of what had changed since I had conducted my preliminary fieldwork, and confirmed the impact that the PSVI was having in terms of the visibility of the subject of wartime sexual violence (Interviews 5, 15, & 35, Sarajevo). Initial interviews with feminist activists were also useful in gaining a sense of what feminism meant to them, as well as insights into the relations between feminist groups, both those in BiH and those across the former Yugoslavia (Interviews 5, 20, 25, 30, & 32, Sarajevo; Interview 27, Banja Luka). These conversations helped to shape my analysis of relations of power and voice regarding differently situated feminists discussed in Chapter One.

At this early stage, it became apparent that I was one among many researchers (and students) asking for interviews in BiH, particularly in Sarajevo, on one occasion being told this very explicitly by an interview participant (Interview 35, Sarajevo). It was clear that among many participants there was a palpable 'research fatigue' (Clark, 2008). This impacted upon the willingness of representatives to meet with me, as well as the time they afforded to interviews when we did meet. With many of my interviews it also affected the mode of engagement. While some, particularly those working for international organisations and institutions were reluctant to move off-script, often simply repeating lines from their publications verbatim,

⁶ Most of my interview participants were comfortable with recording. For those participants who did not consent to recording, I asked if it was okay to write down notes instead, supplementing this with my diary entry after the interview. The only unrecorded interview used at length in this thesis is my second interview with the senior representative of SULKS. I discuss this interview in more depth in Chapter Four.

others asked for questions in advance or asked if I had a survey they could fill out instead (see also Clark, 2008, p. 962). Wanting to keep the interviews as conversational as possible, I instead provided participants with a longer description of my research focus and a list of possible talking points based on information compiled prior to the interview from sources such as human rights and organisational reports, the organisations' website, as well as information that had been gathered from other interviews and conversations. I came to adopt a manner of conducting interviews best described as 'semi-(un)structured'. Asking questions at the beginning of interviews to start conversation, later parts of the interview tended to be more reflective and open-ended, helping to gain a sense of the ways in which different organisations and individuals navigated the post-conflict justice context. In all my interviews, I began by asking after the work of the organisation or the particular project I was interested in. Later questions depended on their response to this question, their relationship to the subject of wartime sexual violence, and their willingness to engage in a process of reflection regarding their own role in the particular post-conflict justice process that we were discussing. Talking points were therefore used primarily as prompts throughout interviews, where there was a lull in the conversation and where I could not curate a more conversational tone.

Prior to beginning interviews, I always introduced myself with a brief description of who I was, the research project, and my interest in the organisation, providing an opportunity to ask questions. Following Sandra Harding's call to place ourselves in the 'same critical plane as the over subject matter' (1987, p. 9), I tried to bring in details of my own experiences to situate questions. Often, I also drew comparisons with the UK context regarding issues of gender, rights, and social welfare. A context that I was particularly familiar with, this proved to be particularly effective at both putting representatives at ease and in opening up new avenues of conversation and insight. Often, a familiarity developed over the course of the interview enabling the conversation to develop, drawing out more nuanced thoughts, feelings, and

positionings regarding the post-conflict justice context. Throughout the thesis, I acknowledge the extent to which these conversations were encounters, involving the address and response of myself, and my participants.

It should be noted that this conversational context did not always develop. In many interviews, there was a distinct wariness on the part of the participant, which was sometimes difficult to overcome. On other occasions, particularly in encounters with male representatives of international and national institutions, my preference for a more conversational approach was taken as a cue to try to explain my project to me, giving me advice rather than responses to prompts and questions. To the extent that it informs the discussion of a particular organisation or institution, these encounters are also implicitly written in to the thesis. For example, through my descriptions of particular institutional sites including the Court of BiH discussed in Chapter Three.

Approaching interviews as encounter, aiming to draw out multiple layers of address and response between myself and interview participants, I initially intended, following Stern (2005, pp. 57-9), to engage in a process of co-creation with participants with regard to transcripts of interviews and my interpretations of them. In my approach to post-conflict justice and recognition processes in BiH, this proved to be more difficult than I had anticipated. Given the oft-noted research fatigue, and the extent to which this added to wider pressures faced by many organisations and individuals engaged in post-conflict justice processes, it became apparent that it would be asking too much of participants to ask them to read and respond to texts of interviews. Adapting to this context, in interviews where I felt that we had developed some sense of familiarity and where I had an opportunity to conduct a follow-up interview (Interviews 4, 16 & 20, Sarajevo; Interview 24, Tuzla; Interview 27, Banja Luka), I listened back to the first interview in preparation. Noting down my interpretations of salient points and expressions, as well as aspects of our conversation, I drew upon this as a

starting point for the follow-up interview. In doing so, I enabled these participants to respond to, push back against, and develop upon these interpretations. The process of co-creation was most apparent in interviews with the representative from the IOM (Interview 4, Sarajevo) discussed in Chapter Two, and the psychotherapist from Vive Žene (Interview 24, Tuzla) discussed in Chapter Three. I felt this responsibility most acutely with later interviews I conducted with representatives of survivor organisations (Interviews 16 & 17, Sarajevo). However, later when contacting these participants to inquire whether they would like to read transcripts of interviews I received no response. These interviews will be discussed in further depth in Chapter Four. In as far as these encounters are generative of responsibilities to respond, I also reflect on this issue in the conclusion, discussing possible directions for further research on this basis.

Participants were gathered both by targeting specific individuals and organisations, as well as through referrals to their colleagues on projects across organisations and institutions. Though I had initially followed the implementation of the PSVI in BiH, this approach led me to a range of other overlapping initiatives, projects, and organisations. For example, psychosocial organisation, Medica Zenica, had been involved in the implementation of the PSVI, which provoked an interest in the role of psychosocial and support organisation in BiH, discussed in Chapter Three, in turn, also alerting me to Ženski Sud (The Women's Court), that was taking place in BiH in May 2015. Discussions with the IOM regarding the preparatory workshops they had undertaken in the development of their reparations proposal, discussed in Chapter Two, led to interviews with survivor associations and an exploration of some of the participating governmental institutions in BiH. Following the research beyond the context of PSVI enabled me to gain a broader view of the post-conflict justice context, enabling my research participants to both shape and challenge what this context was.

My approach, both while on fieldwork and in coming to write the thesis, was one of deconstructing multiple layers and manifestations of silence. Most obviously, in following the PSVI, I observed a real absence of survivor organisations and survivor voices. Those involved in the implementation were most often international institutions or organisations who remained largely detached from the experiences of survivors. Psychosocial organisation, Medica Zenica, who provided forms of support to female victims of war, were involved in the launch of the protocol and implementation. However, survivors and survivor associations were only present during the promotional events where they were invited to give testimony before the launch of the protocol (Interviews 10 & 28, Sarajevo). At most, they were part of a process of consultation during preparatory workshops for post-conflict justice initiatives (Interview 4, Sarajevo). Participating alongside multiple other organisations and governmental institutions, these initiatives, if put into place, would likely affect their lives more than any other group involved in the post-conflict justice context. Yet, it was difficult to see how they would have impact on the eventual direction or content of these initiatives, particularly as the institutional priority seemed focused on balancing negotiations between entity representatives. When I spoke to senior representatives of survivor associations, some had not even heard of the initiative (Interview 16, Sarajevo).

This pointed to a wider need to engage in institutional and organisational silences regarding the production of the subject of wartime sexual violence. This issue was pertinent to consider in all three of the empirical chapters of the thesis. In Chapters Two and Three, which focus on legal-bureaucratic recognition and psychological interventions respectively, the institutions and organisations I discuss were heavily embedded within formal post-conflict and transitional justice processes, either through agenda-setting, or to the extent that they receive funding to support these processes. In this context, representatives often reproduced dominant, often problematic narratives regarding the subject of wartime sexual violence. To the extent that they worked within institutional transitional justice settings, they also had more or less fixed

understandings of the modes of post-conflict recognition regarding the subject of wartime sexual violence, often presented as a norm. Approaching the analysis of these institutions and organisations, it was then important to question what Hearn and Parker have referred to as ‘the silent unspoken, not necessarily easily observable, but fundamentally material reality’ of institutions (quoted in Kronsell, 2006, p. 109), asking after the ways in which particular representatives projected a picture of ‘normality’ surrounding their mode of engagement with the subject of wartime sexual violence (Kronsell, 2006, p. 109), and later asking, what other modes of engagement might have been possible. Though Chapter Four thinks through alternative sites of post-conflict justice and recognition, it nevertheless also comes with its own organisational silences. Casting a critical eye on these processes, I also engage with them to the extent that they offer possibilities for thinking post-conflict recognition differently.

While some of my interview participants upheld institutional silences, others more actively challenged them. Those participants who challenged their institutional contexts, or the formal transitional justice context did so out of a ‘sense of recognition’ that developed through the interview (Ibid, p. 126). Partly a result of the conversational approach that I took to interviews, this sense of recognition also developed through a mutual sharing of the ways in which gender had structured our experiences of institutions (Ibid, 127). Such instances most often developed with participants with whom there were clearly identifiable similarities in positionality (e.g. gender, class, university education). Such insights were productive in terms of informing my discussions and critique of particular modes of recognition regarding the subject of wartime sexual violence.

The transcripts of interviews (or my notes about them) also contain silences. The texts, and my interview notes often lack the nuance of gestures, facial expressions, and tone that were apparent and felt in the interview context. Where a particular expression or gesture seemed significant at the time, for example, actively contravening or subverting what was said, I noted

these down in my fieldwork diary entries after the interview, writing about its context and performance. Later, I used these notes to inform the writing of particular encounters, giving context to the way in which something was said. In contexts where the third translator was present, I also noted down her interpretations of the interview. In this sense, my writing of the interviews reflects not only what was said, but how and in response to what, giving a sense of the intersubjectivity of the encounter.

The thesis proceeds in four substantive chapters. While the first maps emerging narratives of wartime sexual violence in BiH, particularly examining the visibility of the victim-subject, the latter three chapters focus on sites of post-conflict recognition, including legal-bureaucratic, psychological, and witnessing. Within each of these chapters I examine various processes, mechanisms, and encounters which are explored as sites of interpellation (Althusser, 1984). These sites are examined as they are productive of the subject of wartime sexual violence, as they are productive of and produced by representatives with whom I spoke, and also as I come to be implicated in this process.

Issues of methodology are central to this thesis, understood as intrinsic to the approach, process, and findings of the thesis. To this extent, discussions of methodology and approach will recur throughout the chapters of this thesis. This issue is examined in Chapter One, as I discussed my approach to the subject of wartime sexual violence in a contemporary context, and with regard to the variously situated responses regarding emerging narratives about the subject of wartime sexual violence, and is discussed throughout the thesis as I reflect on the politics of each encounter. Further, questions of methodology and approach also inform the central conclusions of the thesis, in as far as I examine the conceptual and ethical implications of thinking of the feminist researcher as witness, part of an ongoing process of post-conflict social recognition.

Outline of Chapters

The thesis builds from feminist insights regarding the dangers of rendering the subject of wartime sexual violence (internationally) visible to think through its implications for the subject of wartime sexual violence in post-conflict justice processes in BiH. Centrally, this thesis asks, who is the subject of wartime sexual violence? And how is this subject made visible, apprehended, and recognised in the context of post-conflict justice processes in BiH? To address these questions, the thesis moves from an examination of the ways in which the issue and the subject of wartime sexual violence has been made visible, focusing in on narratives pertaining to BiH in its specificity, to a focus on particular sites of post-conflict justice and recognition. In this thesis, I take a relatively broad view of what counts as post-conflict justice. Primarily this is because it is not a thesis *about* post-conflict or transitional justice as such. Rather, I adopt a feminist curiosity to explore the production of the subject through sites of post-conflict justice, engaging with the multiple, and differently situated ways in which people interact, engage with, and navigate this context.

Chapter One, examines emerging understandings of wartime sexual violence in BiH, focusing on the visibility of the subject of wartime sexual violence. Guided by this focus, I examine narratives during the war, through to the contemporary context. I argue that the subject of wartime sexual violence is produced as victim, most often coded Muslim and female. The first parts of the chapter build on arguments in this introduction pertaining to framing and the visibility of the subject of wartime sexual violence. Particularly, I examine emerging narratives in the 1990s, moving from the global context to Bosnian voices. Examining international reporting, I note that there came to be a consensus that rape in BiH had been both 'systematic' and 'targeted' which rendered Muslim women particularly visible as 'victims' of wartime sexual violence. Placing these international narratives in a broader context, I explore how these framings mapped onto national(ist) reporting, as well as feminist advocacy. Focusing in on feminist narratives, I examine their strategies for rendering the subject of

wartime sexual violence visible. Drawing on Elissa Helms' *Innocence and Victimhood* (2013)⁷, I explore relations of power and voice among global, former Yugoslav, and Bosnian women and feminists. I argue that global feminist voices have predominated in terms of framing wartime sexual violence, with former Yugoslav voices obscured (Hayden, 2000). Through mapping divergences in narrative, I argue that framings by global feminists often obscured the ways in which regional feminist debates were positioned vis-à-vis regional ethno-nationalisms, and even more problematically, come to unwittingly and unknowingly reproduce its affective registers. Locating Bosnian women's voices in this context reveals a distinct silence. Obscured by the dominance of global feminist voices, often former Yugoslav feminists were presumed to speak on their behalf. This had the effect of compounding an already prevalent notion of Bosnian women as victim.

Latter parts of the chapter establish the conceptual and contextual ground upon which the rest of the thesis will build. Conceptually, drawing on Dubravka Žarkov's *The Body of War* (2007), I reorient debates discussed previously in the chapter, arguing that subjectivity must be approached as both intersectional and produced. Responding to a context in which global (feminist) framings have predominated, and in which such representations have lacked empirical grounding in the former Yugoslav and BiH context, obscuring the complexities of the production of the victim-subject, I argue that analysis must be grounded in particular sites of interpellation in the context of BiH. Latter parts of the chapter move discussions on visibility and subjectivity regarding the subject of wartime sexual violence through to the contemporary context. Here, I situate myself in the frame of the research, and examine my approach to the subject of wartime sexual violence in BiH.

⁷ Other scholars have also made a similar argument, see (Batinic, 2001; Benderly, 1997; Hayden, 2000; Korac, 1998; Žarkov, 2003). While I borrow Helms' framing of the debate, my analysis is enriched by the broader empirical context to arguments put forward in these texts.

Chapters Two, Three, and Four draw on my fieldwork interviews, which engage with a range of differently situated individuals who shape and interact with the post-conflict justice terrain in BiH. These chapters examine the active production of the subject at particular sites of post-conflict recognition. Chapter Two examines the way in which the victim-subject is counted and accounted for at two key sites of legal-bureaucratic recognition – the ‘civilian victim of war’ status and a reparations proposal that was being developed by the IOM. Conceptually the chapter draws on multiple literatures, moving to discuss issues of body counts, bureaucratisation, victim-centred justice, and liberal forms of recognition. In doing so, I build an eclectic framework which enables the chapter to address the ways in which the victim-subject is made to count, but is also accounted for in both national and international practices of legal-bureaucratic recognition. The first part of this chapter draws out an important question for this thesis, asking *who* is made to count in practices of counting and accounting through war and peace (Butler, 2006; 2009; Hyndman, 2007). Noting the importance of this question both in the context of the chapter and the thesis as a whole, I move to situate understandings of counting in the BiH post-conflict justice context. Particularly, I discuss how the discourse of national numbers (Jansen, 2005), becomes gendered through nationalist discourses, and draw equivalences between the politics of national numbers and the production of the victim-subject in contemporary BiH. These arguments reiterate those established in Chapter One in the contemporary context, noting the ways in which competing victimhoods establish women’s bodies as ethno-national markers, arguing that the most visible subject of wartime sexual violence has been the Muslim-female-victim.

The following sections of this chapter deal with each site of interpellation in turn. First, discussing the ‘civilian victim of war’ status and its application to victims of wartime sexual violence, I highlight the differential politics of recognition between the two entities of BiH. Empirically, this section draws upon several international reports (ICMP, 2007a; ICMP, 2007b; Popic & Panjeta, 2010), as well as several of my fieldwork interviews with survivor and support

organisations, international NGOs, and other academics and activists. In the chapter, I contend that the assumption of the victim-subject as Muslim and female enables those in the Federation to count, in as far as they are able to claim in the context of this legal-bureaucratic status, obscuring those residing in the Republika Srpska from counting. Yet, I also note the ways in which the visibility of the victim-subject has contributed to broader forms of social non-recognition, since those able to claim the status have been labelled, and stigmatised as victims of wartime sexual violence. The second substantive case with which I engage is a reparations proposal developed by the IOM, whose focus on victims of ‘conflict-related sexual violence’ was prompted by the visibility lent by PSVI funding. Drawing particularly on a IOM report on reparations in the former Yugoslavia (Van der Auweraert, 2013), and interviews with two UN representatives, I argue that the preparations for this reparations system counted and accounted for victims. Particularly, I suggest that the lengthy data-gathering process that the IOM saw as central to beginning any process of reparation counted victims in as far as they were perceived ‘missing’ from official statistics. Throughout this process, the IOM presumed an *a priori* victim, who was produced as both Muslim and female. Concluding, I argue that both processes, to the extent that they operate through a granting of status, which is nevertheless based on pre-conceived notions of who the victim-subject is, function to undermine possibilities for social recognition.

Chapter Three focuses on psychological intervention, examining forms of psychic and legal recognition. This chapter examines the production of a range of subjects. Moving beyond the victim-subject, the chapter meets the survivor-, the client-, and the witness-subjects, as I come to discuss three interviews with psychological professionals working at two prominent psychosocial organisations, Medica Zenica and Vive Žene, as well as in the Witness Support Office at the Court of BiH. Primarily, this chapter will examine the issues raised by trauma, psychological intervention, and post-conflict governance, seeking to understand how the people with whom I spoke navigate this context, and as such, explore the ways in which they

produce the subject of wartime sexual violence. This discussion entails both a historical and conceptual grounding. The first parts of the chapter examine the medicalisation of trauma from the First World War to the contemporary context, examining its development from a concept understood in relation to individual soldier-subjects to a generalisable concept which can be mobilised regarding populations and subjects. Conceptually, the chapter situates itself in literatures on post-conflict governance and therapeutic intervention (e.g. Howell, 2011; Pupavac, 2002; 2004a; 2004b; 2004c). Regarding these texts as useful in terms of understanding how diagnoses of trauma came to be targeted at whole populations, and later, the subject of wartime sexual violence in its specificity, I nevertheless suggest that this offers a limited reading of post-conflict therapeutic interventions, particularly with respect to the production of the subject. As such, I take cues from *Studying the Agency of Being Governed* (Stern, et al., 2015), paying attention to the ways in which psychological professionals engage with these structures of post-conflict governance, examining how they narrate their role within it, and as such, tracing the ways in which they produce the subject of wartime sexual violence.

In the latter empirical sections of the chapter, I examine two central forms of relations that psychological professionals at Medica Zenica, Vive Žene, and the Witness Support Office at the Court of BiH establish with the subject of wartime sexual violence. First is a healing relationship, which carried the promise of forms of individual, psychic recognition. Second is a relationship productive of legal witnesses. In this relationship, psychological professionals deploy their services for the purposes of legal post-conflict justice processes such that the witness is open to the possibility of forms of legal justice and recognition. I argue that psychological professionals in psychosocial organisations have become entwined with wider processes of post-conflict and transitional justice which require them to navigate the post-conflict justice context on behalf of the subject of wartime sexual violence. I suggest that these professionals are productive the subject of wartime sexual violence as victim, survivor,

client, and witness in these contexts. Though psychological professionals at the Court of BiH also form these two forms of relations, to the extent that they are positioned within the legal process itself, they are not able to develop long-lasting relationships with witnesses. As such they deploy forms of psychic recognition in the service of the production of the 'good enough' witness, a subject who is not likely to become 'retraumatised' in the process of giving testimony. Overall, I argue that the form of recognition offered through the psychological production of the subject oscillates between the psychic and the legal. As I argue, this functions to obscure forms of social, and socially-situated recognition, and as such cannot address the social and communal aspects of harm.

Chapter Four examines the production of the witness-subject further, discussing the problems that emerge regarding the visibility of the subject of wartime sexual violence in relation to contemporary testimonial politics in BiH. Particularly, I examine the possibilities for witnessing, as a form of social and intersubjective recognition. To broaden the purview of who counts as a witness, the chapter draws conceptually on the literature on Holocaust testimony and witnessing. This literature is instructive to the extent that it examines the limits of testimony, the relation of subjects and subjectivity to notions of testimony and witnessing, and the transformative possibilities of witnessing. Reading several key authors (Agamben, 1999; Felman & Laub, 1992; Levi, 1989), I examine the range of witness-subjects that emerge, broadening to include the observer and the eyewitness, among others. Further, and importantly, I develop a notion of witnessing, understood as intersubjective and requiring a *relation to* subjects, as a form of social recognition.

Empirically, the chapter explores two key sites of testimony and witness. First, I examine a feminist, alternative justice and truth-telling process, *Ženski Sud*, which I participated in as an audience member in Sarajevo in May 2015. The court, coordinated by feminist groups in the former Yugoslavia and led by the Women in Black, is not a court in a legal sense of the term,

rather, it seeks to centre female voices who testify to a continuum of wartime gendered harm. In the chapter, I draw out the multiple ways in which members of the court were called to participate, including as testifying witnesses, expert witnesses, and as audience members. I examine the ways in which the court was conducive of forms of witnessing through an exploration of the ways in which the court enacted forms of embodied and collective witness. I also argue that there were distinct limitations to the process of witnessing, examining how the court produced the subject of wartime sexual violence through dominant ethno-national categories of victimhood. Primarily, this meant that only those witnesses who fit the script of female, Muslim victimhood were counted through the court process regarding this form of harm. Recalling arguments in Chapter One regarding the relations of voice between feminist and women's organisations in the former Yugoslavia, I explore how the court drew upon an anti-nationalist feminist politics to engender collective witnessing. I argue that this excluded many potential witnesses, particularly those residing in the Republika Srpska, while also acknowledging the limitations that this reveals regarding my own participation in the process.

The second site of witnessing that I discuss are several interview encounters with representatives of survivor organisations. In this section, I discuss the negotiations that these organisations make in terms of testifying, while also reserving space for themselves and their members to remain silent. Throughout the section, I also bring my role as researcher and as witness into focus. Discussing conversations with two representatives from *Žene Žrtve Rata* (Women Victims of War) and one representative from *Savez Udruženja Logoraša Kantona Sarajevo* (SULKS/The Association of Concentration Camp Torture Survivors for Sarajevo Canton) I demonstrate how I was called to account for a legacy of past experiences with researchers, journalists, and human rights investigators. Through tracing the shifting address and response of each encounter, I examine the ways in which the politics of testimony intermingle with questions of research fatigue and the responsibilities of the researcher to respond, and I ask, what does it mean for the researcher to bear witness in this context?

Chapter One – Approaching Gender-Based and Wartime Sexual Violence in Bosnia and Herzegovina: Producing the Victim

Introduction

The subject of wartime sexual violence became highly visible in the context of war in BiH, and it is this visibility, as well as the issues of subjectivity and positionality that emerge from it that are of central focus in this chapter. As has already been noted in this thesis, the issue of wartime sexual violence in BiH became inextricably linked to two key shifts in conceptualisations of rape in war – the development of capacities to prosecute rape as a crime in the context of international criminal law, and with regard to the sex-gender debate in feminist thought. While these are important shifts in terms of the developing capacities of international law and the shifts in feminist conceptualisations of wartime sexual violence, this thesis concerns itself with the impacts of these shifts in the BiH context. As such, this chapter begins to unravel narratives about wartime sexual violence in BiH, moving from the global to the BiH context. Through this exploration, I argue, the dominant subject of wartime sexual violence emerges as victim. Further, in distinguishing between various differently situated responses to wartime sexual violence in BiH, from emerging understandings during the war to the contemporary context, I build a picture of the ways in which this victim-subject is produced, for what purpose, and to what effect.

For the purposes of the chapter, two texts have been particularly instructive, Elissa Helms' *Innocence and Victimhood* (2013) and Dubravka Žarkov's *The Body of War* (2007). Helms' anthropological text traces women's and feminist organising in the post-conflict context, drawing attention to the relations of power between global, former Yugoslav and BiH feminists, as well as the ways in which victimhood is produced and used by women in the BiH context. In this chapter, I direct Helms' arguments toward an analysis of the subject of wartime sexual violence, noting the production of victimhood in this context. Departing from

Helms, I adopt a broader focus regarding the post-conflict context. Further, while Helms locates victimhood as it is used and produced by women and feminist activists, I draw attention to the ways in which various institutions, organisations, and associations are involved in the production of the subject of wartime sexual violence. Moving beyond an analysis of victimhood and its strategic usages, I then attend to the politics of its production, later enabling an opening of the subjects made possible. Žarkov, focusing on discourses of ethnicity and gender in nationalist media in Croatia and Serbia in the years prior to and during the wars in the former Yugoslavia, provides useful insights into attending to the production of subjectivity in the former Yugoslav context. Particularly, she attends to the ways in which ethno-national categories come to be produced through gendered bodies in the former Yugoslavia.

The chapter proceeds in the following manner. The first sections focus on framings of wartime sexual violence from the global to the BiH context. First, I focus on emerging international and national understandings of war and wartime sexual violence in BiH, particularly highlighting interactions between nationalist media and governments in the former Yugoslavia, and international media and human rights responses. I note particularly that there comes to be an emerging consensus that wartime sexual violence is both 'systematic' and 'targeted', intersecting with the 'rape as ethnic cleansing' narrative. The chapter then moves to focus on feminist framings of wartime sexual violence. Here, I draw an analytical distinction between 'global' and 'former Yugoslav' feminists, later distinguishing Bosnian women's role in particular. Maintaining an analytical separation enables an engagement with the differently situated responses to the subject of wartime sexual violence, and thus an engagement with the strategies associated with each narrative. In this section, two key frames emerge—'rape as a tool of ethnic cleansing', and 'rape as a weapon of war'. Discussing these frames highlights two important points. First, each frame involves privileging different categories of identity—that of ethnicity and gender. Second, through an

examination of these emphases with reference to feminist debates, I highlight the ways in which the differently situated groups are productive of particular notions of 'victim' and 'victimhood'. Thus, an exploration of the frames of wartime sexual violence in BiH reveals the ways in which gender and ethnicity are produced through the subject of wartime sexual violence.

Importantly, this section culminates in a reorientation of the frame. Particularly, I draw upon Žarkov (2007), to argue that identities, including gender and ethnicity, must be seen as they are produced and as they intersect, noting that this production must be approached as it is situated in the former Yugoslav context. This move is significant since it decouples an essential linkage between victimisation and victimhood, and locates understandings of wartime sexual violence in BiH within a broader context of gendered discourse and relations within the former Yugoslavia. Further, setting the ground from which this thesis will build, this reorientation enables an examination of the ways in which the subject and subjectivities are held in place, and subverted in the context of wartime sexual violence in BiH. Throughout the thesis, I return to these points, examining this production in contemporary post-conflict justice processes in BiH.

The final sections of the chapter move to examine the visibility of wartime sexual violence and categories of victimhood within an organisational and institutional context, moving from a focus on debate during and in the aftermath of war through to the contemporary context. I briefly trace the vacillations in visibility of the subject of wartime sexual violence in the years after the war, before focusing on the ways in which I, as a researcher, approached the subject of wartime sexual violence in BiH. Particularly, I highlight the renewed visibility lent to the issue by the Preventing Sexual Violence Initiative (PSVI), locating the key areas of focus for the initiative, discussing how the initiative shaped my research, and what might have (initially) been obscured from focus.

*Framings of Gender-Based Violence: Global to Local
Emerging Reports of Systematic and Targeted Violence*

Roy Gutman was among the first to report on sexual violence during the war in BiH. On the 9th August 1992, Gutman published an article in the United States, with the same report featured in the *The Guardian* in the United Kingdom the following day (Lindsey, 2002, p. 60). The article detailed how ‘officials of Bosnia-Herzegovina’ feared that ‘tens of thousands’ of assaults had been ‘carried out against Muslim and Croat women in the Serb prison camps of northern Bosnia’, and highlighted that ‘reports of rape have been so extensive that some analysts think it was systematic’ (Gutman, 1993, p. 64). Relying on information released from the government of the former Yugoslavia, early reports into wartime sexual violence in BiH became bound with the ongoing ‘propaganda wars’ between the warring parties (Helms, 2013, p. 60). As such, reporting also became entangled with contestations over the number of women of *particular* ethnicities that had been raped. The extent to which the bodies of rape victims were counted¹ during the war is noted across the literature, with both Benderly (1997, p. 65) and Nikolić-Ristanović (2000, p. 43) referring to the ‘numbers game’ which was played out between the nationalist governments and other warring parties. Olujić notes that at the end of 1992, the Bosnian government released a report which stated that 14,000 women had been raped, while a later report released by the Bosnian Ministry of the Interior placed the figure at 50,000 individuals (1998, p. 40). Nikolić-Ristanović adds that the Bosnian government reported that 50,000 to 60,000 women had been raped, and possessed information on 13,000 cases (2000, p. 43). While the Commission for war crimes in the Federal Republic of Yugoslavia claimed that 800 Serbian women had been raped in detention sites (Ibid, p.43). Contestations over the numbers of victims drew upon ‘affective’ nationalist registers, with ideas of nation produced through the bodies of women (Knezevic, 1997).

¹ And still are. I discuss the politics of counting in contemporary BiH in more detail in Chapter Two.

Indeed, such contestations over numbers of victims came to be one of the central ways in which the bodies of those who had been raped became visible during the war.

Ongoing propaganda wars between nationalist politicians fuelled understandings of war in BiH as a civil war, particularly within the international media. Such accounts were characterised by a 'moral levelling' of the warring sides (Campbell, 1998, p. 70), often drawing upon orientalisng notions of 'Balkan mentality' and 'Balkan primitivism'. These, in turn, emerged as shorthand for understandings of the Balkans as 'defined by violence, incivility, even barbarism' (Bakić-Hayden & Hayden, 1992, p. 3). International accounts which framed the wars across the former Yugoslavia as civil wars emphasised that the violence was a product of 'ancient ethnic animosities', while emphasising 'revenge' and 'mutual hatred' as 'perennial Balkan characteristics' (Mojzes, 2016, p. 91). As such, violence in the region was understood as deeply and historically engrained to such an extent that those involved should 'be left alone to evolve their tribes into small independent nations' (Ibid, p. 91). Such narratives depoliticised violence and the wars in the former Yugoslavia, including in BiH, prolonging international indifference. Many feminists were openly critical of these narratives. Particularly, the insistence on non-intervention by the international community ran counter to international feminist aims to render the conflict and the violence within it visible. However, as I later discuss, many unwittingly reproduced aspects of this frame as they emphasised that rape in BiH should be viewed as a tool of ethnic cleansing.

Conflicting reports released by governmental officials, along with the lobbying of feminist activists and limited press coverage, prompted several international actors to investigate. Teams and representatives were sent to BiH and Croatia from multiple institutions and organisations including the United Nations, human rights groups such as Amnesty International and Human Rights Watch, NGOs such as the World Council of Churches, as well as officials from international governments, mainly from Europe and North America (Lindsey,

2002, p. 60). International institutions and organisations who sent investigators to the former Yugoslavia were keen to speak with survivors who were 'willing to testify' to their experiences. Such investigations were most often facilitated by women's organisations in the former Yugoslavia who were working with survivors (Ibid, p. 60). Often, investigators worked over a similar period of time, interviewing the same groups of survivors in order to validate and authenticate the accounts (Ibid, p. 60).

International reports joined the numbers game, detailing the extent of the rapes (Benderly, 1997, p. 65). However, they also began to build a consensus that acts of sexual violence had been carried out on a 'mass scale' and were 'systematic' in nature. That is, 'they were being perpetrated by Serbian men, and that the 'victims' were predominantly young, Muslim (and some Croatian) women' (Ibid, p. 61). In August 1992, the United Nations sent Special Rapporteur Tadeusz Mazowiecki to investigate allegations of rape crimes in Croatia and Bosnia-Herzegovina' (2011, p. 138). A few months later, in October 1992, UN Secretary General Boutros Boutros-Ghali appointed a Commission of Experts to investigate more widely, the focus on gathering evidence of breaches to international humanitarian law (Allen, 1996, p. 43). The Commission, chaired by Professor Cherif Bassiouni, concluded in its interim report (S/25274) that,

54. Based on the many reports describing the policy and practices conducted in the former Yugoslavia, "ethnic cleansing" has been carried out by means of murder, torture, arbitrary arrest and detention, extra-judicial executions, rape and sexual assaults, confinement of civilian population in ghetto areas, forcible removal, displacement and deportation of civilian population, deliberate military attacks or threats of attacks on civilians and civilian areas and wanton destruction of property. (quoted in Allen, 1996, p. 44)

The report continued, commenting specifically on investigations into sexual violence, that,

251. Rape has been reported to have been committed by all sides to the conflict. However, the largest number of reported victims have been Bosnian Muslims, and the largest number of alleged perpetrators have been Bosnian Serbs. (Ibid, p. 47)

Further still,

253. These patterns [that the Commission investigated] strongly suggest that a systematic rape policy existed [*sic*] in certain areas, but it remains to be proven whether such an overall policy existed [*sic*] which was to apply to all non-Serbs. It is clear that some level of organization and group activity was required to carry out the alleged rapes. (Ibid, p. 47)

Though the wording of the report is cautious, it highlights that initial investigations by international institutions and organisations came to an understanding of the rapes as systematic and targeted.

These findings were echoed in several other international reports at the time. The Helsinki Watch Report, *War Crimes in Bosnia-Herzegovina (Volume II)*, which collates reports of rape based upon collected testimony both by categorisation of the type of harm and by locating the place in which occurred, specifically highlights the systematic nature of human rights abuses, including that of rape (Helsinki Watch, 1993). Amnesty International reiterated these claims in January 1993, noting that although rape had been observed across the conflict in BiH, 'Muslim women have been the chief victims and the main perpetrators have been members of the Serbian armed forces' (Amnesty International, 1993, pp. 5-6). While the European Community report, published in December 1992, suggests instances of rape constituted a form of ethnic cleansing, providing an oft-repeated estimate of '20,000 women, mostly of Muslim ethnicity' that had been raped by Bosnian Serb soldiers (Olujić, 1998, p. 40).

As these reports began to emerge, journalists, feminist scholars and activists, as well as legal and human rights experts also began to provide their own analyses (Lindsey, 2002, p. 61).

These interventions again relied on female survivor's testimony for their analysis, placing emphasis on the scale of the violence aimed against women and pressing for an international legal response to rape in the former Yugoslavia (Ibid, p. 61). With evidence mounting through international investigations and their subsequent report findings, and with feminist and human rights advocates continuing to call for a legal response, the government of Bosnia-

Herzegovina moved to file ‘an application against Serbia and Montenegro in the International Court of Justice based, in part, on the allegations of mass and systematic rape’ (Henry, 2011, p. 139).

Further to investigations conducted by the Commission of Experts which had uncovered considerable ‘evidence of grave breaches of the Geneva Conventions and other violations of international law’ (ICTY, n.d.) the UN Security Council authorised the creation of the International Criminal Tribunal for the former Yugoslavia on 25th May 1993 (Henry, 2011, p. 65). In this context, and in response to growing evidence of systematic and targeted sexual violence, the UN Commission on Human Rights passed a resolution which placed rape within the remit of international humanitarian law (Ibid, p. 139). As was noted in the introduction, the inclusion of rape within the context of international humanitarian law, and its prosecution at the ICTY marked a turning point for the visibility of sexual violence in war. As Hyndman notes, these rulings were ‘significant not because it provide[d] a punitive response to systematic violence, but because it render[ed] sexual violence visible as a weapon of war’ (Hyndman, 2004, pp. 318-9).

Within this section I have begun to situate the emergence of narratives surrounding sexual violence in BiH, highlighting the range of actors involved in shaping this narrative. I have placed emphasis on the growing international consensus surrounding the systematic and targeted nature of rape in the war, and highlighted how this paved the way for understanding ‘rape as a weapon of war’. Next, I turn to focus in on the ways in which feminist voices shaped narratives about wartime sexual violence. Emerging alongside wider human rights discourse, they most often confirmed that wartime sexual violence was systematic and targeted. However, viewing emerging reports of wartime sexual violence in BiH through the lens of gender brought out important insights. I first turn to consider texts written by global feminist, later turning to consider the voices of feminists within the former Yugoslavia.

Global Feminist Voices

The next sections draw upon Elissa Helms' *Innocence and Victimhood* (2013)², making an analytical separation between 'global' and former Yugoslav feminists, where global feminist narratives refer to voices emerging from the United States, as well as the Western European context, and former Yugoslav feminist narratives refer to those who were situated in the Yugoslav context. In making this distinction, I do not suggest that such categories are 'singular' or 'homogenous in [their] goals, interests or analyses' (Mohanty, 1988, p. 61), rather, it allows for an examination of how 'feminist debates in the West on [rape in war] . . . informed and shaped feminist interpretations of the situation in the former Yugoslavia, as well as how debates in the former Yugoslavia came to be reproduced by global feminists (Batinic, 2001, p. 3). Thus, holding this distinction enables an exploration of 'the relationships of power and voice that exist within and outside of the region' (D'Costa & Lee-Koo, 2013, p. 453). Throughout, I focus on the relationship between feminist narratives, signalling their relation to wider narratives of wartime sexual violence which had begun to emerge in the international context. Further, and importantly, I trace the production of the victim-subject through these narratives, demonstrating the differently situated politics of this production.

As reports of wartime sexual violence in BiH emerged, issues of rape and violence against women were already firmly on the global feminist agenda³. In this context, many global feminists felt compelled to respond, helping to raise public visibility for the issue. Articles and reports written by scholars and activists were often accompanied by direct appeals for 'humanitarian, material and financial support' for victims, and provided further information

² See especially Chapter Two, 'Wartime: Gender, Nationalism, and Sexualized Violence'. This distinction is made by other scholars who are familiar with the former Yugoslav context, particularly with regard to narratives surrounding wartime sexual violence (e.g. Batinic, 2001; Hayden 2000; Lindsey 2002; Žarkov, 2003).

³ Ann Cahill's *Rethinking Rape* (2001), provides a detailed overview of debates over the framing of rape and sexual violence in the global feminist context, see especially Chapter One, 'Feminist Theories of Rape: Sex or Violence?'

about the ways in which individuals could place political pressure on international institutions to act (Batinic, 2001, p. 14). In this context, two key global feminist texts: *Rape Warfare* (Allen, 1996) and *Mass Rape* (1994a), an edited collection by journalist Alexandra Stigl Mayer, including contributions from Catherine MacKinnon, Rhonda Copelon, and Cynthia Enloe – both oft-cited in literature on wartime sexual violence, became ‘key starter texts’ for researchers in the BiH context (Lindsey, 2002, p. 67). These texts offer insights into global feminist framings of wartime sexual violence in BiH regarding the particular modes of analysis used by global feminists. As such, it is useful to unpack some of the key framings and arguments put forward in them.

Writing on the issue of wartime sexual violence in BiH presented global feminists with a challenge – how should one extend their conceptualisations of rape and violence against women beyond their immediate (mostly US) context (Rejali, 1996). Though there was general agreement that rape should be analysed with regard to ‘social structures and practices’ and that there was an interrelation between notions of gender and ethnicity (Ibid, p. 365), explanations and analyses diverged with respect to the categories of analysis which were privileged. Some global feminist narratives cohered with the growing consensus that war in BiH, and the role of rape within it, should be framed as ethnic cleansing. In these cases, often, drawing attention to categories of ethnicity had the unfortunate effect of decentring considerations of gender through their analysis (Hayden, 2000, p. 29). Other feminists were warier of framing ‘rape as ethnic cleansing’, and sought to draw attention to gender through their analysis. These accounts were a useful counterpoint to those who reproduced simplistic understandings of ethnicity through the ‘rape as ethnic cleansing’ narrative, yet they also lacked a specific engagement with the former Yugoslav or BiH context, particularly with respect to the role that ethnicity played in wartime sexual violence in BiH (Hayden, 2000, p. 28; Rejali, 1996). Rather, these global feminist accounts drew upon instances of rape in BiH to make broader claims about the role of sexual violence across different contexts. Importantly,

in different ways, both framings emphasised notions of victimhood. Those who suggested that rape was a tool of ethnic cleansing produced the victim as Muslim and female, often drawing upon orientalisng narratives or otherwise reproducing the affective registers of nationalist politicians and media, while those who emphasised categories of gender often failed to decouple the category of 'woman' from essentialised forms of victimhood. It is useful to unpack these narratives further to the extent that it enables an exploration of the ways in which victimhood emerges through each narrative.

Many global feminist narratives were in coherence with the wider emerging framings of the war, and the role of sexual violence in it, as a form of ethnic cleansing. Stiglmeier, for example, tentatively explains her process of becoming aware that sexual violence was being used in the war in BiH 'systematically', later coming to reflect on its impacts upon the women with whom she spoke (1994b, p. 82). Beverly Allen and Catherine MacKinnon argue the point more forcefully. Allen begins her text with a definition of the term 'genocidal rape' as 'a military policy of rape for the purpose of genocide currently practiced in Bosnia-Herzegovina', specifying the various forces and personnel thought to be committing these acts, including 'members of the Yugoslav Army, the Bosnian Serb forces, Serb militias in Croatia and Bosnia-Herzegovina, the irregular Serb forces known as Chetniks, and Serb civilians' (Allen, 1996, p. vii). Marxist feminist legal scholar, MacKinnon was a prominent advocate of the 'rape as ethnic cleansing' narrative throughout the war, notably instituting 'a civil lawsuit against Radovan Karadzic, the leader of the Bosnian Serbs, for genocidal acts of rape, forced pregnancy, enforced prostitution, other forms of torture, and extrajudicial killings' on behalf of victims of war rape (Kešić, 1994, p. 267). For MacKinnon,

[T]he fact of Serbian aggressions is beyond question, just as the fact of male aggression against women is beyond question, both here and in everyday life. "Ethnic cleansing" is a euphemism for genocide. It is a policy of ethnic extermination of non-Serbs with the aim of "all Serbs in one nation," a clearly announced goal of "Greater Serbia," of territorial conquest and aggrandizement. (Mackinnon, 1994a, p. 8)

MacKinnon, and other advocates of the 'rape as ethnic cleansing' narrative, acted as a rebuttal to those who continued to (mis)characterise the war in BiH as a 'civil war' (Mackinnon, 1994a; 1994b). Drawing attention to rape as a form of ethnic cleansing formed part of a strategy adopted by global feminist and other human rights advocates, as well as by the Bosnian government to highlight Western inaction in response to the war in BiH (Hansen, 2000, pp. 62-3). Highlighting that wartime sexual violence in BiH was an intentional act, part of a policy by Serb forces, rather than a by-product of the war in which all sides were equally responsible, rendered the civil war narrative increasingly untenable.

Calls for intervention to protect civilians, and later, also for the prosecution of the crimes committed against them, were characterised by the production of victimhood⁴. Framing rape as an 'exceptional' form of Serbian warfare (Ibid, p. 62), came with a corresponding emphasis on Muslim women as the primary victims. Narratives emerging from the international context often drew upon orientalising tropes to explain the violence in the former Yugoslavia. For example, Roy Gutman's foreword to key global feminist text, *Mass Rape*, details the impact of rape within Bosnian society:

A great many of the women were raped while being held captive, unprotected and vulnerable, their husbands and fathers having been taken away . . . In the conservative society in which the Muslims of rural Bosnia grew up, women traditionally remain chaste until marriage. Rape is a trauma with far-reaching consequences for these victims, who have well-founded fears of rejection and ostracism and of lives without marriage or children. (1994, p. x)

This representation reveals a simplistic and un-nuanced understanding of Bosnian society, and overtly reproduces orientalist and orientalising assumptions about the region and its people⁵.

⁴ Several scholars have previously made links between humanitarianism, interventionism and the production of victimhood, e.g. *The Empire of Trauma: An Inquiry into the Condition of Victimhood* (Fassin & Rechtman, 2009); *Muscular Humanitarianism: Reading the Narratives of New Interventionism* (Orford, 1999).

⁵ For a more detailed discussion about orientalism and the Balkans see (Bakić-Hayden, 1995; Bakić-Hayden & Hayden, 1992; Todorova, 2009). Tone Brinja's, *Being Muslim the Bosnian Way: Identity and Community in a Central Bosnian Village* (1995), is instructive in terms of subverting such simplistic narratives.

These assumptions become intertwined with the production of female victimhood through Gutman's description. As Dubravka Žarkov notes, '[t]he word chaste powerfully invoke[s] images of the innocence and vulnerability of girls awaiting marriage and childbearing' (2007, p. 145). The consequences of rape are read through the lens of victimhood, with the subject of wartime sexual violence presumed by Gutman to have be socially isolated, and without prospects for motherhood. While Gutman approaches gender uncritically, his narrative facilitating an all too 'easy association of Muslim women with victimhood' (Helms, 2013, p. 66), the extent to which the subject of wartime sexual violence is produced as victim, often simplistically and problematically so, is not confined to Gutman.

Worryingly, some global feminist narratives which adopted the 'rape as ethnic cleansing' frame functioned to reproduce the affective registers of nationalist governments and media in the former Yugoslavia. In *Rape Warfare*, Allen argues that wartime sexual violence in BiH must be understood in its 'criminal specificity' (1996, p. 89), placing emphasis on a Serbian policy of enforced impregnation (Allen, 1996; see also Carpenter, 2000). This was a position oft-argued by US feminist legal scholars, and was important regarding the prosecution of rape as an war crime and crime against humanity in the context of international law (Carpenter, 2000, p. 432). Throughout, Allen vehemently condemns Serbian aggression, particularly in the form of sexual violence, tracing its supposed logic from the point of view of an imagined 'Serb' perpetrator. In doing so, she also reproduces its affective registers by placing a strong emphasis on the production of ethnic markers in the act of rape, at the same time often eliding an analysis of gender. Though Allen states that it is not her intention to draw a causal link between the act of rape and the production of ethnic identity, she later laments that '[o]ne of the most tragic psychological results of this policy is that the victims, if they survive, often do so believing the Serb logic' (Allen, 1996, p. 98). In Allen's formulation, Muslim women are produced as the primary victims, rendered voiceless through the analysis.

In MacKinnon's *Turning Rape into Pornography* the reproduction of affective nationalism is also pronounced, as she attempts to demonstrate the ways in which 'pornography emerges as a tool of genocide'⁶ (1994b, p. 75). Drawing these connections, the essay focuses on the ways in which the bodies of women in the former Yugoslavia became 'erotized' prior to and during the war (Rejali, 1996, p. 366). Problematically, as Kešić notes, the Croatian media had already depicted gendered violence committed by Serbs in 'graphic detail' (Kešić, 1994, p. 269), with Mackinnon's description of the violence reminiscent of many of the 'horrible ("pornographic") stories and rumors' that had emerged early on in the wars in the former Yugoslavia (Ibid. p. 270). This repetition of the affective registers of nationalist wartime propaganda had the effect of solidifying, rather than subverting a narrative of victimhood.

Other global feminists were critical of the 'rape as a tool of ethnic cleansing' narrative and sought to emphasise the gendered aspects of the rape, beginning to articulate 'rape as a weapon of war'⁷. Emerging reports of rape in the context of the former Yugoslavia, as well as Rwanda, gave feminist scholars and activists a 'strategic opportunity' from which to render the experiences of women in war visible (Crawford, 2013, p. 509), and a context with which to develop conceptual frames to explain and understand wartime sexual violence. Indeed, for Ruth Seifert, wartime sexual violence in BiH provided a useful point from which to further conceptualise mass rape in gendered terms, with the international visibility of rape in BiH situated as an opportunity to extend and challenge dominant understandings of rape across multiple contexts (Seifert, 1994; 1996, pp. 35-6). Many drew similar comparisons across historical cases of mass rape, situating their analysis of wartime sexual violence in BiH within a global context of violence against women. In this view, wartime sexual violence could be

⁶ MacKinnon's analysis of wartime sexual violence in BiH has resonances with her earlier work on pornography and violence against women. See especially Chapter Eleven, 'Pornography: On Morality and Politics' in *Toward a Feminist Theory of the State* (1989).

⁷ Indeed, in the years following war in BiH, feminist accounts of rape in war used the language of 'rape as a weapon of war', citing global feminist texts written in response to BiH. For example: (Card, 1996; Skjelsbæk, 2001).

viewed along a global, historical continuum. Stiglmeier, while firmly pointing out that 'not all wars are the same, and each war provides its own specific motivations for rape', drew comparisons between instances of rape in the Second World War and Vietnam (1994b, p. 84). Rhonda Copelon writes of the historical invisibility of crimes against women from international justice as she advocates for an international criminal process which recognises the 'gender dimension of rape in war' (1994, p. 212). Catherine MacKinnon also discusses wartime sexual violence in BiH in the context of wider norms within international human rights discourse (1994a). Framing rape in war in terms of gender, and drawing global, historical comparisons and continuities, provided a useful counterpoint to those who examined wartime sexual violence as an exceptional form of Serb warfare (Hansen, 2000). Indeed, in drawing linkages between forms of mass rape in war, such accounts shifted focus away from BiH in its particularity, and as such, avoided the reproduction of affective nationalist registers which had featured in many of the previously discussed accounts. Those narratives that emphasised categories of gender, perhaps, did not reproduce victimhood to nearly the same degree or extent.

However, these narratives were not without issue. While many global feminists who later came to reflect on the BiH context adopted a more nuanced conception of gender (e.g. Hague, 1997; Hansen, 2000), many accounts which emerged during and in the direct aftermath of the war tended to draw upon essentialised notions of gender. Rather than producing *Muslim* women as the primary victims, these accounts instead emphasised women's *universal* vulnerability to rape (e.g. Seifert 1994; 1996). Furthermore, to the extent that the issue of wartime sexual violence in BiH was used to render broader issues pertaining to women's experiences of gender-based and wartime sexual violence internationally visible, these accounts cannot be understood to be *about* wartime sexual violence in BiH specifically. Writing with the aim of restoring 'rape to cultural memory as a systematic, historical and political event (Seifert, 1994, p. 68) (see also Copelon 1994), the BiH context was part of a

broader movement which sought to garner international public visibility for the issue of mass and systematic gender-based and sexualised violence. Lacking a specific engagement with gender in the former Yugoslav context, and adopting a broader global, historical focus, often served to produce *all* women as perennial victims of international patriarchy.

Tracing the ways in which global feminists framed wartime sexual violence in BiH, two central narratives have emerged. While some framed 'rape as a tool of ethnic cleansing', echoing wider international and nationalist narratives about wartime sexual violence in BiH, others sought to read gender into the analysis, beginning to understand 'rape as a weapon of war'. Both seeking to draw public attention to issues of wartime sexual violence, each narrative produced the subject of wartime sexual violence as victim. Proponents of the 'rape as ethnic cleansing' narrative drew attention to the ways in which Muslim women were the primary victims, often drawing upon orientalising tropes and affective nationalist registers, reproducing frames of victimhood in drawing attention to the subject of wartime sexual violence. Those who sought to situate gender in their analysis, drawing attention to the global, historical continuities between rape in war, used the BiH context as part of a wider strategy to garner global visibility for the issue. This framing also tended toward the reproduction of victimhood to the extent that it adopted an essentialised view of gender, producing *all* women as victims of male violence. In the next section, I consider the role of former Yugoslav feminists in shaping emerging debates over the subject of wartime sexual violence. In this context, it becomes apparent that the proximity of former Yugoslav feminists to regional nationalisms meant that framings of wartime sexual violence take on different significance regarding notions of gender, nation, and ethnicity.

Feminist Debates and the former Yugoslavia

Narratives of wartime sexual violence emerging from former Yugoslav feminists diverged along similar lines to global feminist accounts. Yet, in this context, varying experiences of war and nationalisms led to differences in framings of the war and the role of sexual violence within it. As such, divergences in understandings of wartime sexual violence take on new significance. As I explore, tracing differences in the former Yugoslav context enables an appreciation of the various strategic positions adopted vis-à-vis nationalisms in the region. Drawing out these differing positions, I outline the political stakes involved in opposing and cohering to regional nationalisms, and begin to highlight the complexities of relations between feminists in the former Yugoslavia. Furthermore, divergence in framings of wartime sexual violence reveal a context in which some forms of victimhood were more often challenged than others, with specific impact for the production of the subject of wartime sexual violence in BiH. It is first useful to position the narratives of former Yugoslav feminists regarding the international and global feminist narratives that have already been discussed in the chapter.

As reports of wartime sexual violence emerged in the former Yugoslavia, there was an initial lack of detailed, accessible, and reliable sources of information on the issue (Lindsey, 2002, p. 65). In this context, women's organisations across the region came to play a significant role in shaping emerging discourse. During the years of the war, several women's organisations were founded across the region to support refugees and survivors, as well as in opposition to the wars and the nationalist discourse that was perpetuated through them (Inglis, 1998, pp. 97-8; Žarkov, 2003). These organisations came to play a significant role in shaping the narrative, both in terms of providing their own analyses of wartime sexual violence (Lindsey, 2002, p. 63), and by establishing and building upon links with international feminist networks, attending conferences and communicating via an early email network called Zamir (Helms,

2013, p. 61; Lindsey, 2002, p. 67). Women's and feminist organisations often also served as 'gatekeepers' to testimony for many of the previously discussed reports by international and human rights actors (Lindsey, 2002, p. 65). Despite the presence of former Yugoslav feminists within emerging debates, global feminist voices came to dominate conversations about wartime sexual violence, heard over and above those more familiar with the region and its politics (Hayden, 2000, p. 28). Further, within many global feminist texts there was often a failure to emphasise the ways in which former Yugoslav feminists and women's organisations had shaped their narratives. Some obscured their role altogether, focusing exclusively on collecting and collating survivor testimony (e.g. Stiglmayer, 1994b). Others more readily acknowledged the influence of the groups with whom they worked, citing them in their texts (Allen, 1996, p. xiii; Mackinnon, 1994a, p. 5; MacKinnon, 1994b, p. 81). Yet, these accounts failed to discuss the complexities of former Yugoslav feminist framings of wartime sexual violence, lacked key detail about the strategic positioning of the organisations with whom they worked, and overlooked key differences in framings between organisations. It is then useful to examine the framings of former Yugoslav feminists in more depth.

Responding to rising nationalisms in the former Yugoslavia, feminist groups met in Ljubljana for the first National Feminist Conference of Yugoslavia in 1987⁸ (Stojsavljevic, 1995, p. 37). Discussing the impact that nationalism and its accompanying rhetoric and policy were having on the situation of women in the former Yugoslavia, participants concluded that 'women would not recognise artificial male boundaries . . . and their common experiences as women over-rode male concerns for territorial rights and geographical boundaries' (Ibid, p. 37).

Drawing upon a framework established by Anthias and Yuval-Davis (1989) which examined the

⁸ Women's movements in the former Yugoslavia have a longer history. Batinic argues that the 'first women's organizations were founded in the second half of the 19th century in Serbia and the Southern Slavic provinces of the Habsburg Empire' and were linked to other European women's movements at the time (2001, p. 4). The AFŽ (Antifascist Women's Front) was also a key site for women's organising in the war effort both during and after the Second World War (Stojsavljevic, 1995, p. 37). Žarkov details the emergence of Yugoslavia's Second Wave feminism in the 1970s (Žarkov, 2003).

relationship between women, the state, and the production of ethnicity and the nation, feminists in the former Yugoslavia sought to explain the erosion of women's rights across the region, highlighting a continuum between the apparent 'emancipatory politics' of the socialist era and emerging ethno-nationalist rhetoric (Inglis, 1998, p. 70). Throughout this process, former Yugoslav feminists emphasised notions of solidarity across boundaries, coalescing over their opposition to rising nationalisms (Batinic, 2001, p. 6; Benderly, 1997, p. 70). At the time of the conference, it seemed as though there was a general consensus among feminists that Serbian nationalism was 'the main (if not the only) danger, and [they] worked in accord against it' (Žarkov, 2003, p. 2).

As war broke out across the former Yugoslavia, feminists became active in anti-war organisations (Batinic, 2001, p. 6; Korac, 1998), and founded organisations to support, aid and counsel survivors who were arriving in areas of 'areas of relative safety' (Helms, 2013, p. 60). Many others also sought to raise awareness and funds for survivors (Ibid, p. 60). In this capacity, feminists continued to speak about and against the nationalisms that became manifest through the war. Many organisations spoke out and wrote about the issue in both academic and activist forums, particularly as it related to wartime sexual violence (Helms, 2013, p. 60; Lindsey, 2002, p. 65). However, war made cooperation and communication between activists increasingly difficult (Batinic, 2001, p. 6), made even more so by closed borders (Helms, 2013, p. 61). In the early years of the war it was, for the most part, only possible to meet feminists from Serbia abroad (Žarkov, 2003, p. 4). During this period, there was a marked avoidance surrounding issues of responsibility for the war, and a reluctance to assess blame (Benderly, 1997). These sentiments are captured in an interview conducted by Žarkov with a feminist from Zagreb:

We actually talked a lot, but there were themes we never opened up. Who is guilty? Who started it all? Is everybody equally responsible? These things we never talked about. We hugged instead. It was too much, you know. There

were too few of us left. We could not bear to lose one more with a wrong question. So we kept silent and hugged. (2003, p. 4)

Issues of blame and responsibility are important as they mark a key point of fracture between feminists organising against the war (Benderly, 1997)(see also Žarkov, 2003, p. 4). If before the war, feminists across the former Yugoslavia had aligned on their anti-nationalist politics,

With the war in Croatia intensifying and especially after the war rapes in Bosnia were made public (in Summer 1992), *feminists in different territories started operating within rather different political contexts, each ridden with different internal contradictions.* (Žarkov, 2003, p. 4, emphasis in original)

As the war continued, feminist interpretations of nationalisms and wartime violence became increasingly polarised (Batinic, 2001; Benderly, 1997; Helms, 2013; Korac, 1998; Žarkov, 2003). While nationalism remained a common concern for feminists, there was disagreement over which nationalism should be considered most 'dangerous' (Žarkov, 2003, p. 5). Primarily, the divergence 'stemmed from feminists' different conceptualization of the intersection of gender and ethnic nationalism' (Korac, 1998, p. 40) (See also Benderly, 1997; Helms 2013; Žarkov 2003). While some feminists continued to promote an anti-nationalist politics, leading them to focus on the gendered aspects of rape, many others took issue with this position. These feminists emphasised that rape was only being targeted at *particular* women – highlighting the suffering of Muslim and Croat women (Helms, 2013, p. 61). In their view, rape should be framed as a tool of ethnic cleansing.

Feminists who continued to adopt a strongly anti-nationalist stance, emphasised that sexual violence should be seen as a 'crime of gender' (Helms, 2013, p. 60). Serbian feminists who remained strongly opposed to Serbian nationalism and militarism tended to emphasise the gendered aspects of wartime sexual violence wholeheartedly (Ibid, p. 61). These feminists sought to separate themselves from the Serbian nation, declaring that the politics perpetuated through the "Serbian Nation" had little to nothing in common with a "Woman's Nation" (Mladjenovic, et al., 1993, pp. 118-9). This came to bear on framings of wartime

sexual violence, initially understood as “‘male violence against women’” (Žarkov, 2003, p. 9) (see also Helms, 2013, p. 60-1). In this account, categories of ethnicity were completely obscured from focus, with women produced as perennial victims (Batinic, 2001, p. 8). Croatian anti-nationalist feminists adopted a slightly different stance. These feminists did not need to perform their opposition to Serbian nationalism to the same extent. Also moving to frame ‘rape as a weapon of war’ that was primarily used against women, they also spoke out against the ‘national and international demonization of Serb men and the Serb nation’ and Croatian military aggression in BiH (Žarkov, 2003, p. 8). Further, they were among ‘the first to explicitly accuse Croatian forces of raping Serb and Muslim women’ (Ibid, p. 8).

Placing emphasis on the gendered aspects of wartime sexual violence enabled feminists to prioritise their commonalities. Many of the women had formerly been involved in Yugoslav feminist networks, drawing upon a similar language to express their ‘feminist critique of patriarchal norms’ (Helms, 2013, p. 61). Furthermore, all were working in circumstances where politics and their everyday lives had become ‘increasingly reduced to ethnicity’ (Žarkov, 2003, p. 9). In this regard, feminists shared a common focus on opposing the nationalist and militarised discourse that was perpetuated by the governments of the former Yugoslavia (Helms, 2013, p. 61). Drawing actively on a discourse of women’s solidarity, anti-nationalist feminist groups such as the Women in Black (Serbia), the Center for Women War Victims (Croatia), and Medica Zenica (BiH) (Batinic, 2001, pp. 8-9), deliberately and explicitly worked with women across ethnic backgrounds, particularly in their work with survivors of wartime sexual violence (Žarkov, 2003, p. 8).

Anti-nationalist feminists were increasingly critical of the role of the media within the conflict, and were particularly vocal about the way in which wartime sexual violence was being used as political propaganda within the former Yugoslavia (Batinic, 2001, pp. 8-9; Žarkov, 2007). They called out the way in which the ‘sensationalist’ media coverage of wartime sexual violence

reproduced notions of female victimhood, particularly Muslim and Croat victimhood (Batinic, 2001, p. 9; Helms, 2013; Knezevic, 1997, p. 48). Their politics made them unpopular within their respective nations. Serbian feminists who had overtly distanced themselves from ideas of the 'Serbian Nation' became isolated within Serbia, becoming 'more dependent – emotionally as well as financially - on links with the feminist groups abroad' (Žarkov, 2003, p. 10). Croatian anti-nationalist feminists also came under scrutiny as a result of their stance, and were openly attacked in the Croatian media. Their opposition to government and media propaganda on the subject of wartime sexual violence saw several prominent feminists denounced as 'Yugonostalgics', 'traitors', and 'witches' (Kešić, 1994, p. 275).

As noted, varying experiences of war and nationalism across the former Yugoslavia also led to divergences in framings of the war and the role of wartime sexual violence within it. Despite general agreement over 'the need to condemn Serbian nationalism' (Helms, 2013, p. 60), feminist responses to other forms of nationalism made divergences apparent. Croatian anti-nationalist feminists had been most openly critical of nationalisms across the region (Knezevic, 1997), tending to stress that gendered violence should be framed as 'an extension of patriarchal nationalist ideologies in which both gender and ethnicity were relevant' (Helms, 2013, p. 62). Yet, while Serbian anti-nationalist feminists strongly and publicly criticised Serb nationalism (Žarkov, 2003, p. 9), they often failed to extend this critique to other nationalisms in the region (Duhaček, 1993, p. 136). In this context, some Croatian and Bosnian women's organisations began to emphasise that the violence overwhelmingly targeted Muslim and Croat women. These groups argued that rape, and the enforced impregnation of women by Serbian forces should be understood as a form of ethnic cleansing, arguing that these tactics amounted to an 'unprecedented phenomenon of "genocidal rape"' (Helms, 2013, p. 61). Advocates of this view became known in the region as nationalist feminists, led by Croatian feminist group called Kareta (Ibid, p. 61), other proponents of this stance included Bedem Ljubavi, Trešnjevka, Biser, and Žena BiH (Benderly, 1997, p. 59; Žarkov, 2003, p. 5). The

international 'vilification' of Serbia made a similar position completely untenable for Serbian feminists (Lindsey, 2002, p. 66), with those women's organisations who sympathised with the view that 'Serbian women were being raped *en masse*' (Ibid, p. 66) largely distancing themselves from feminism (Žarkov, 2003, p. 7).

The position taken by nationalist feminists regarding the subject of wartime sexual violence drew focus back to the victim-subject. Key to this framing was a conflation of notions of 'women as victims of war' and 'the nation as victim', with nationalist feminists in BiH and Croatia uniting 'behind the perspective that the nations of Croatia and Bosnia-Herzegovina are being raped and victimized by Serbia, and thus are victim nations' (Benderly, 1997, p. 59).

Nationalist feminists tended to privilege acts of sexual violence which could be framed within the 'rape as ethnic cleansing' narrative, i.e. those against Muslim and Croat women by Serbian men. This not only had the effect of 'downplaying other rapes and sexualized assaults', but it also produced Muslim and Croat women as the sole victims (Helms, 2013, p. 63). These representations played directly into the representations of wartime sexual violence produced by nationalist governments and media, and often reproduced their affective registers (Knezevic, 1997). Entering into an uncomfortable alliance with nationalist media, nationalist feminists were praised for their patriotism, as well as the 'heroic work' that they were doing for women (Ibid, p. 67). This functioned as a stark contrast to the ways in which anti-nationalist feminists had been denounced, particularly within the Croatian and Serbian media.

Relations between nationalist and anti-nationalist feminists during the war were tense, playing out in a series of clashes over how to frame wartime sexual violence⁹. What appeared

⁹ At a solidarity meeting in Zagreb in February 1993, several anti-nationalist feminists addressed the audience. Condemning the rapes of Muslim and Croat women by Serb forces, they also mentioned the rapes of Serb women by Croat and Bosnian forces causing 'uproar' among Croatian nationalist feminists (Žarkov, 2003, p. 5). A month later, an international solidarity conference in March 1993 organised by MADRE. Mostly attended by anti-nationalist feminists, the event was criticised by BiH and Croatian nationalist feminists for 'universalizing rape as a weapon of war and omitting to address the genocidal nature of the Bosnian rapes' (Batinic, 2001, p. 10) (see also Helms, 2013, p. 62).

to be a slight divergence in the context of global feminist framings, became magnified but also contextualised by placing focus on the former Yugoslav context. Tracing diverging frames in this context reveals the ways in which debates mapped onto former Yugoslav feminist positions vis-à-vis regional nationalisms. Further, decisions by former Yugoslav feminists to privilege gender or ethnicity in accounts of wartime sexual violence, thus framing 'rape as a weapon of war' or a 'tool of ethnic cleansing', should be acknowledged as strategic. It involved making complex and often difficult decisions about their position regarding constructions of nation and nationalism in the former Yugoslavia, impacting upon their place within society, as well as their ability to carry out vital support work. Nevertheless, these framings came with many of the same issues as global feminist accounts. Those who adopted the anti-nationalist position, emphasising gender in their analysis often produced women as perennial victims of male violence. Conversely, those who adhered to nationalist framings, found themselves prioritising Muslim and Croatian victims. These feminists entered into an uneasy alliance with nationalist governments and media, finding themselves implicated in the repetition of affective nationalist registers. Reproducing dominant ethno-national frames, nationalist feminists produced the ethnically-identified subject of wartime sexual violence as victim, most often cast as Muslim.

Tracing the emerging narratives in the context of the former Yugoslavia, I have commented primarily on the ways in which Serbian and Croatian feminist framed wartime sexual violence. Within this discussion, the place of Bosnian voices has been less clear. In the next section, I focus in on the positions of Bosnian feminist and women's organisations, commenting on their relationship with both global and former Yugoslav feminists.

Bosnian Voices and the Politics of Representation

In this section, I draw attention to the place of Bosnian feminist and women's organisations in debates over the framing of wartime sexual violence. This is of central significance since it is the primary context with which the thesis deals. Though the account offered thus far has referenced Bosnian and BiH feminist voices, their role in shaping narratives has not been made explicit. While Bosnian women *were* actively organisation around the issue of wartime sexual violence, at this time, the primary concern was issues of immediate support and survival, with women's groups offering their services to those who needed it (Cockburn, 2000; Helms, 2013, p. 65). Organisations such as Medica Zenica, Žene BiH, Biser, and Vive Žene were established during this period to support survivors of wartime sexual violence, providing aid, support, and psychosocial assistance. Yet, working in these difficult circumstances, the time for reflection and analysis regarding the subject of wartime sexual was a 'luxury' that most women could not afford (Helms, 2013, p. 65). As a result, Bosnian voices were under-represented within emerging analyses.

It should be emphasised that some Bosnian women did speak out publicly, often motivated by their opposition to dominant and often caricatured images of the 'Muslim, Balkan society in which they were said to live', as well as to counter their generalised representation as 'silent' victims (Helms, 2013, p. 64). Bosnian women, like their Croatian and Serbian counterparts, formed and joined anti-war groups and networks, as well as other support organisations and '(self-) help groups' for refugees in major cities (Žarkov, 2003, p. 3). Most often, these groups became situated within the ongoing debates among former Yugoslav feminists, positioning themselves within emerging (and diverging) understandings of wartime sexual violence within the former Yugoslavia. Many Bosnian women's groups adopted similar stances to Croatian nationalist feminist groups such as Kareta (Helms, 2013, p. 64). Though a few, including Medica Zenica, an organisation which offers psychosocial and other forms of support to

women victims of war, and established in April 1993 (Ibid, p. 97), aligned themselves with the anti-nationalist stance, similar in emphasis to their counterparts in Croatia.

In many other ways, the specific contributions and voices of women's and feminist activists in BiH were overlooked. In part, this can be attributed to the fact that feminist organising had been more limited in BiH prior to the war, the movement centring around the academic and cultural centres of Ljubljana, Belgrade, and Zagreb (Žarkov, 2003, p. 2). Despite the proliferation of women's and feminist organising during the war, those feminists working in Belgrade and Zagreb had long-established international links, and as such were more often called upon to provide context, information, and analysis. Anti-nationalist Serbian feminists had especially strong links within international feminist and civil society networks (Ibid, p. 8), while Croatian feminist groups had been working with refugees from both Croatia and BiH, many of whom were survivors of wartime rape, before the BiH organisations became established. The under-representation of Bosnian voices was compounded by the ongoing war in BiH. This context afforded limited 'access to the world media and scholarly journals', which feminists in other parts of the former Yugoslavia could access more readily (Helms, 2013, p. 65). Though some Bosnian women were able to publish during the war (e.g. Aida Džajić from Biser in Sarajevo) (Ibid, p. 255), those who did were unable to make their voices heard to the same extent as their Croatian and Serbian contemporaries (Ibid, pp. 64-5). Indeed, many of the international actors who investigated and reported on the issue, including news-media sources, international organisations and institutions, human rights organisations, and global feminists discussed in this chapter, 'tended to look to Serbian and Croatian women to speak about, and often *for*, victims of wartime rape in BiH' (Ibid, p. 65). The lack of internationally visible Bosnian voices reinforced dominant images of Bosnian-Muslim female victimhood (Ibid, p. 65-6). This was only perpetuated through continued emphases on 'rape as ethnic cleansing', the proponents of which, knowingly or not,

reproduced affective nationalist registers. Though drawing international attention to wartime sexual violence in BiH, this narrative functioned through a slippage between women and nation as victim, and was often implicitly or explicitly orientalisng. International investigative reports, as well as global feminist texts on the subject of wartime sexual violence, most often interviewed Bosnian women as 'anonymous refugees', focusing in on their experiences of violence and 'their relationship to their new surroundings' (Ibid, p. 64). Coupled with a wider absence of Bosnian voices in shaping narratives, particularly in the international arena, it became difficult for Bosnian Muslim women to be publicly visible in any other way.

The political strategies adopted by former Yugoslav feminists regarding their critique of nationalisms also played a key role in entrenching the representation of Bosnian women as victim. As I have noted, there was a general consensus around the need to condemn Serbian nationalism, with many also speaking out against Croatian nationalism. Feminist and women's activists had also been vocal about the use of sexual violence within nationalist political propaganda, with the Center for Women Victims of War in Zagreb registering the ways in which this might lead to the further victimisation of women (Korac, 1998, p. 47). Some feminists noted the use of sexual violence as political propaganda by the Bosnian government, alongside their critique of other governments (Batinic, 2001, p. 8; Korac, 1998, p. 47). Yet, generally, there was hesitance to overtly criticise Bosnian Muslim/Bosniac nationalism (Helms, 2013, p. 65). During the war, it seemed almost self-evident that 'Serbian and Croatian nationalisms were doing much more dramatic and visible damage to women [and their] hopes for gender equality' (Ibid, p. 65). Further still, in a climate in which criticism of nationalism was 'interpreted as an attack on the nation as a whole' (Ibid, p. 65), and where individuals who openly opposed nationalisms in the region were often made the target of aggressive and vitriolic campaigns in nationalist media (Batinic, 2001; Helms, 2013 p. 62), it was perhaps understandable that Bosnian Muslim nationalism did not come under more scrutiny.

Summarising the Frames: The Subject of Wartime Sexual Violence as Victim

The previous sections traced narratives about the subject of wartime sexual violence from the global to the BiH context. In doing so, I have made apparent two main struggles of representation. The first pertains to the diverging framings of wartime sexual violence in BiH, which I identified as ‘rape as a tool of ethnic cleansing’ and ‘rape as a weapon of war’, and which emphasise categories of ethnicity or gender respectively. The narrative that rape was a tool of ethnic cleansing was accompanied by the weight of an emerging international consensus that rape in BiH had been systematic and targeted. This narrative, across its global and former Yugoslav advocates, had the effect of emphasising Muslim (and to some extent, Croatian) women as the primary victims of Serbian aggression. This had the corollary of rendering other forms of rape and sexual violence far less visible. Those who prioritised categories of gender through their analysis, emphasising that rape was a weapon of war, served as a useful counter to the ‘rape as ethnic cleansing’ narrative. However, global, as well as some former Yugoslav feminists who adopted this view, often came dangerously ‘close to substituting the antagonistic relationship between Bosnia and Serbia with one between women and men’ (Hansen, 2000, p. 66), producing *all* women as victims of male violence. As has been argued throughout this section, each frame in different ways produced the subject of wartime sexual violence as victim. In the contemporary context, these frames continue to hold salience regarding wartime sexual violence, sometimes to the extent that they are directly referenced by interviewees, and other times implicit in the ways in which the various post-conflict justice mechanisms discussed are structured. In this context, the framings tend to intersect and overlap, with their traces apparent through the ways that ethno-national categories of victimhood are produced through gendered bodies, particularly women. These frames therefore (re)appear explicitly and implicitly throughout the thesis, producing the subject of wartime sexual violence in contemporary BiH.

Second, this discussion of framing reveals a complex set of relations between global feminists, feminists in the former Yugoslavia, and Bosnian women and feminists. The purpose of tracing these various positions regarding the subject of wartime sexual violence was not to suggest that these narratives are distinct from one another. Indeed, throughout these sections I have traced the ways in which feminist narratives overlapped and informed one another. Rather, in this context, global feminist narratives came to dominate debates, rendering the complexities of positions and strategies adopted by feminists in the former Yugoslavia obscure. This is particularly important with respect to the 'rape as ethnic cleansing' narrative, which tended toward the reproduction of victimhood through emphasis of affective nationalist registers. The repetition of victimhood at a social, political, and contextual remove is politically dangerous to the extent that the figure of the victim becomes generalisable, able to be applied across bodies and across contexts. Focusing on the ways in which BiH women and feminists shaped debates on the subject of wartime sexual violence, it became apparent that many were unable to make their voices heard to the same extent as their former Yugoslav counterparts. Not only does this dynamic serve to compound the wider production of the Muslim, female through narratives of victimhood, but it also reveals regional power relations between feminists in the former Yugoslavia. This point is particularly important in the context of Chapter Four, in the discussion of a regional feminist post-conflict justice process, *Ženski Sud* (The Women's Court), initiated by Serbian anti-nationalist feminist organisation, the Women in Black.

In the previous sections of the chapter, the subject of wartime sexual violence has emerged as highly visible, both nationally and internationally. Importantly, this discussion has emphasised the ways in which the subject of wartime sexual violence became most visible through the bodies of Bosnian-Muslim women, who were more often than not, produced as victims. In the next section of the chapter, I offer a way to reorient this debate. Drawing particularly on insights from Dubravka Žarkov in *The Body of War* (2007), this section establishes the ground

for the ways in which the thesis will approach the subject of wartime sexual violence.

Crucially, this text views categories of gender and ethnicity as they intersect, and approaches questions of subjectivity through a discussion of production.

Reorienting Narrative: The Production of Gender and Ethnicity

Thus far, I have criticised two frames for understanding wartime sexual violence, as presented by both former Yugoslav and global feminist scholars. I have suggested that while framing ‘rape as ethnic cleansing’ often obscured the analysis of gender, advocates of the ‘rape as a weapon of war’ frame often lacked a specific engagement with ethnicity. In this section, I highlight two interrelated points which serve to reorient the debate surrounding wartime sexual violence in BiH. First, I argue, following several feminist scholars, that identity must be understood as intersectional (e.g. Anzaldúa, 1987; Crenshaw, 1989; Stern, 2005). That is, identities of gender and ethnicity (as well as sexuality, class, and religion) which are brought to bear on understandings of wartime sexual violence must be understood as they intersect. Second, I reapproach the argument that gender-based violence should be understood on a continuum. Specifically, I engage with feminist interventions which situate the production of gendered and ethnically-defined bodies, placing emphasis on the shifts and (dis)continuities of patriarchal norms and discourse, specifically as it pertains to the former Yugoslav context. Distinct from previous frames of analysis, this approach allows for an engagement with multiple manifestations of subjectivity as they are produced, and places analytical focus on this production as it is situated in the former Yugoslav, and Bosnian social context.

In order to approach gender-based violence in BiH critically, it is crucial to explore gender relations as they are situated within the former Yugoslavia, and as it relates to the production of ethnicity (Lindsey, 2002, pp. 76-7). Several scholars have sought to reorient debate in this manner. Morokvašić suggests that ‘both in the case of the disintegration of the country and

as far as the position of women is concerned, there has been a continuity and not a break with the socialist past' (1998, p. 68). While others have also suggested that it is important to take BiH seriously as a both a postwar and *post-socialist* space (Helms, 2013, pp. 28-36) (see also Ramet, 1998). Morokvašić argues particularly for an understanding of the continuity of gendered and gender-based violence as it is situated in the former Yugoslavia. She argues that,

[T]he disastrous effects of the war on women are an extension of the way in which socialism had 'solved' the national and the women's question: they reach a paroxysm in sexual violence against women in the name of the nation (Morokvasic, 1998, p. 68)

In order to understand the ways in which the subject of wartime sexual violence is produced in the context of BiH, it is necessary to explore the ways in which nationalism and sexism were 'deeply interwoven' in the years prior to the war, discussing the extent to which that they 'nourish' and 'rely' on one another (Ibid, p. 68). In order to do this, I turn to Dubravka Žarkov's, *The Body of War*, which explores the production of gender and ethnicity through the media in the former Yugoslavia through the dissolution of Yugoslavia into the war.

The Body of War provides a compelling account of how gendered, ethnically-defined bodies were produced through the media in the course of the disintegration of the former Yugoslavia, and through the subsequent wars in the region¹⁰. Žarkov situates her analysis in an account of the production of nationalist discourse in the 1980s. In contrast to feminist framings discussed in previous sections, which largely treated categories of gender and ethnicity as fixed to particular bodies, Žarkov demonstrates how categories of ethnicity were actively (re)produced through gendered bodies. Her analysis is framed in direct opposition to the dominant characterisation of the war as 'ethnic war', in turn challenging the

¹⁰ Hayden (1996) makes a similar argument with regard to the production of ethnicity and ethnic difference through nationalist discourse. I focus on Žarkov's account here because she more explicitly considers gender in her analysis.

understanding of 'rape as a tool of ethnic cleansing'. She notes that although this framing held some intuitive appeal within the former Yugoslavia, at least to the extent that it echoed the experience of 'the growing nationalism of different groups throughout the 1980s', the term 'ethnic cleansing' was also 'part and parcel of Eurocentric, Orientalist, and Balkanist perceptions of the Balkans' (Žarkov, 2007, p. 5). The emerging consensus surrounding the narrative of ethnic cleansing, often perpetuated both explicit and implicit presumptions of 'ancient hatred' and historical difference, and entrenched ideas of religious and ethnic difference. Indeed, 'the bloodier the war became, the easier it was to call it, and its violent strategies, "ethnic"' (Ibid, p.6). This obscured the ways in which the war, the violence within it, and the representations in the media were actively producing ethnicity through gendered bodies (Ibid).

The intersecting production of gender and ethnicity can be traced to the years prior to the war. Žarkov begins her analysis during the 'media war' of the 1980s. The term media war referring to,

[T]he direct and intensive engagement of the media of the different Yugoslav republics in forging nationalist politics, defending the leaders and the politics of, supposedly, "their own" nation and republic, while at the same time fiercely attacking leaders, politics, and general population of other nations and republics. (Ibid, p. 3)

Both female and male bodies came to be invested with particular, but differing identities. Specifically, 'states and their national and ethnic groups became personified or symbolically represented as female or male bodies' with 'notions usually associated with norms of sexuality or assumptions of "proper" manhood and womanhood . . . suddenly associated with matters that concern state territory, daily politics, and – last but not least – ethnicity' (Ibid, p. 2).

Media sources actively produced these identities in the years prior to war, beginning to discuss gender-based issues with increasing vigour throughout the 1980s. Issues such as

‘reproduction and sexual violence against women’, as well as ‘childcare, maternity leave, abortion rights, legislation on rape, [and] sexual morality’ previously only discussed within feminist and women’s organisations, were brought to the fore (Ibid, p. 4). This development was intertwined with the production of a public discourse of regional nationalisms which were ‘profoundly conservative and traditionalist’, and often opposed to the popular image of ‘the emancipation of women under socialism’ (Helms, 2013, p. 52). This increased visibility of gender-based issues in the late 1980s and early 1990s became tied to the notion of ‘a return to an imagined past of religious and clearly defined patriarchal (and heteronormative) gender roles’ (Ibid, p. 52). Public imagery, particularly those in the press, came to hold ‘the power to produce ethnicity’, and the ‘living and symbolic bodies of women and men were the primary sites of this production’ (Žarkov, 2007, p. 2).

Not only were gender-based issues brought to the fore prior to the war, they also came to be framed around notions of territory and nation. Gendered, and particularly female bodies were discussed,

[I]n light of the population growth, traditional values, and historic dreams of, or historic injustices against, a particular ethnic and religious group. Family values were redefined and reasserted in terms of ethnic and religious values. Ethnic groups declared themselves endangered and started counting their population. The white plague (a popular term that was coined to describe low fertility rate and negative population growth in Vojvodina and some parts of Serbia proper) became the most feared disease, and women – especially professional women and women who had abortions – were branded as the main culprits. (Ibid, p. 4)

Through this discourse, the gendered body was brought into the stories of ‘nation’, with ideas of territory becoming imbued with gendered symbolism. Gendered bodies became (re)producers of both ‘Nation’ and ‘territory’, which in turn was often ‘referred to as raped or pregnant, as virile or virginal’ (Ibid, p. 4). Thus, not only do gender and ethnicity intersect

within nationalist media discourse¹¹, but these identities are active produced regarding ideas of nation and territory. In this regard, wartime sexual violence in the former Yugoslavia must be understood as continuous with this production, which is nevertheless, specifically grounded in the social context of the former Yugoslavia.

The Body of War makes apparent the ways in which the production of ethnicity through gendered bodies is an ongoing, overtly political process of construction which can only be understood by attending to the former Yugoslav and BiH context in its specificity. In highlighting these arguments, I establish the ground from which the wider thesis will approach the subject of sexual violence. In subsequent chapters and discussions of the subject of wartime sexual violence, I explore the processes by which intersecting categories of gender, ethnicity, nation, and territory are produced, kept in place, and sometimes subverted within contemporary post-conflict practices of recognition in BiH. Reading Žarkov therefore enables a reorientation of debate, moving past discussions of the framing of wartime sexual violence, toward an interrogation of the production of subjectivity. Illustratively, Žarkov argues that proponents of the ‘rape as ethnic cleansing’ narrative, from the global to the local context, ‘consistently counted, included, and excluded’ bodies which had the effect of repeating ‘instead of subverting—the ethnicization of . . . the victim’ (Ibid, p. 154). As such, it is imperative to explore questions of subjectivity as a *production of*, rather than *cause of*, wartime sexual violence in BiH. I argue that this mode of investigation is central to a critical

¹¹ Žarkov discusses the multiple ways in which the bodies of those raped were produced regarding ideas of gender, ethnicity, and territory in the Croatian and Serbian media in Chapter Six, *Sexual Geographies of Ethnicity* (Žarkov, 2007, pp. 116-142). She notes that Serbian media sources often reported on the rapes to deny they were taking place, and to issue counteraccusations (Ibid, p. 117). Or otherwise framed the rape in terms of ‘ethnic purity’, focusing on the ‘presumed threat to that purity posed by Muslim men raping and impregnating Serb women’ (Ibid, p. 131). Croatian media accounts resonate with wider international narratives about wartime sexual violence. Many reported on the issue of wartime sexual violence more widely, but tended to focus on the rape of Bosnian-Muslim women, presenting them as victims and thus a ‘burden’ for Croatia (Ibid, p. 131). As has been noted, the Bosnian government also produced ethnicity through gendered bodies, appealing to Bosnian victimhood, as they issued calls for international support and intervention (Hansen, 2000, p. 62).

engagement with the subject of wartime sexual violence, and will enable the thesis to unpack the frames that produce and hold this subject in place.

In the final sections of this chapter, I turn squarely to the BiH context. Here, I move to discuss the visibility of the subject of wartime sexual violence within an international, national, institutional and organisational context, and highlight particular initiatives, projects, and organisations which are of significance to later discussions. Focusing on the developing post-conflict justice context, I note how the production of the victim-subject in narratives about wartime sexual violence continued to resonate, also discussing the ways in which some women actively drew upon this production to continue their work. In doing so, I begin to set the stage for a discussion of my approach to the subject wartime sexual violence in BiH, exploring issues of subjectivity, positionality, and methodology within my field research.

Wartime Sexual Violence in the Aftermath of War: Victimhood and Agency

In the years immediately after the war, the visibility of wartime sexual violence vacillated. Those who had been subject to this form of violence continued to be framed through the lens of victimhood, and women, in general, continued to be produced through 'national(ist) narratives' in the service of the production of national and ethnic identity (Helms, 2013, p. 47; Mertus, 1994). However, as noted, the war had encouraged a number of women's organisations to become established, and increasingly international interventions and funding were targeted toward civil society activities intended to support peace and reintegration (Belloni, 2001). Forming part of a wider process of 'civil' transformation which had begun in the later 1980s (Cockburn, 2002, p. 70), the international attention that was afforded to wartime sexual violence encouraged 'sympathetic' foreign donors to support women's organisations who were providing aid to refugees and victims of wartime sexual violence (Helms, 2013, p. 47, pp. 90-1). Yet, in other ways, the subject of wartime and gender-based

violence was far less visible within the post-conflict context. For instance, women had been notably absent from peace negotiations (Cockburn, 2013, p. 27; Inglis, 1998, p. 77), reflected in the omission of the mention of wartime sexual violence in the General Framework Agreement for Peace (GFAP) which brokered peace between the warring sides in Dayton in 1995 (Skjelsbæk, 2004, p. 26). Though Dayton incorporated numerous international human rights treaties into the BiH constitution, including the Convention on the Elimination of All Forms of Discrimination (CEDAW) (Inglis, 1998, p. 102), this was not matched by a willingness to address these issues. As Helms notes, during her initial fieldwork in the late 1990s and early 2000s, in a general sense, those issues faced by women 'took a back seat to other issues that were seen (by donors and by local male political elites) as more pressing' (2013, p. 93).

Nevertheless, international actors were keen to promote the growth of civil society in BiH (Belloni, 2001), which brought with it opportunities for women's organisations and NGOs to establish themselves. Organisations which were founded during the war, continued their activities under the NGO label, and new women's NGOs were established. Most often women's organisations in BiH continued to provide support and other forms of 'social service provision', with many claiming their work as 'apolitical'¹² (Ibid, p. 93). This label functioned as an effective strategy in a context in which 'conservative' assumptions about women's role within society predominated, both in the global and localised context (Helms, 2013, p. 93; Walsh, 1998). The label also distanced these groups from the 'formal political sphere' (Helms, 2003, p. 26), making them appear 'relatively independent from established circles of (male-dominated) power' (Ibid, p. 93). This distancing was reinforced to the extent that the work of

¹²Helms clarifies women's relationship to politics - '[t]o understand women's relationship to the political, it must first be observed that "politics" was most often understood as the formal sphere of political parties, government power, and elections'. This form of politics was most often seen as 'dirty' and 'corrupt'. In contrast, women as an (essentialised) group had, for the most part, not been a part of the governments who had brought war to BiH. In distancing themselves from politics, often claiming their work 'apolitical', women's organisations sought to create distance between themselves and these forms of politics. (2013, especially 158-166). This analysis concurs with my experiences talking to women's organisations in BiH (Interview 15, Sarajevo; Interview 23, Tuzla).

women's organisations 'converged smoothly with ideas of proper or natural female pursuits' (Ibid, 93). Thus, women's organisations, particularly those offering support and social provisions to survivors of wartime sexual violence strategically separated themselves from the politics of men, in the formal political sphere, which still bore the markers of wartime ethno-nationalist politics (Cockburn, 2002, p. 76; Helms, 2013).

The label of women's organisation or NGO also masked important differences in approach, which had a bearing on how they understood the role of women in society and their approach to wartime sexual violence. Many of the divergences that existed during the war were still present (see Cockburn, 2013, Helms, 2013). Organisations such as Medica Zenica had consistently framed their work as feminist (Helms, 2013, p. 97), aligning themselves with anti-nationalist organisations across the former Yugoslavia. In an early report, they describe their work as 'autonomous, feminist, politically independent, decentralized and [implemented] *in conjunction with women from all the republics of former Yugoslavia*' (quoted in Cockburn, 2013, p. 28). This was reflected in their approach to survivors which emphasised the 'restoration of women's dignity and self-esteem, viewing women as survivors rather than victims' (Walsh, 1998, p. 334). Many other women's organisations did not claim a feminist identity, adopting stances which were coterminous with those of nationalist feminists (Cockburn, 2013, p. 28). Others, shunning the label of 'feminist' altogether, actively promoted a "'return" to "traditional" women's roles in the patriarchal family' (Helms, 2013, p. 91). Nevertheless, for the most part organisations were not publicly vocal about wartime sexual violence at this time, with those organisations who continued to work with survivors of wartime sexual violence placing focus on service provision.

International funding also had a bearing on the visibility of wartime sexual violence. Through the 1990s there was international policy interest in the psychological impacts of war and war violence (Pupavac, 2004; 2004a; 2004b), leading to a proliferation of psychological and

psycho-social interventions to support victims. The impact of this policy can be seen in the forms of support that came to be offered to the subject of wartime sexual violence. Many of the organisations established during the war, and continuing to work in its aftermath offered psychosocial support to survivors. Often the traumatic issues associated with war violence were privileged over and above other issues. With funding directed toward psychosocial care, other factors including the 'socioeconomic impacts of rape and other factors which can compound grief and stress' were neglected (Walsh, 1998, p. 333). Many organisations found it particularly difficult to obtain funding for 'income-generating and employment schemes' (Ibid, p. 334). Often, organisations embedded a 'psychosocial counselling component' to their work so that they could attract funding (Ibid, p. 334). This most often manifested in sessions with a psychologist in which women would collectively sew, weave, or knit items that they could sell (Helms, 2013, p. 113). Wartime sexual violence continued to play an important role in the work of women's organisations and NGOs, shaped by the needs of the women with whom they worked, as well as the possibilities for organising afforded in the context in which they were working. However, the issue was not so visible beyond these circles. Most discussions between organisations focused of the 'well-being of individual survivors' rather than drawing out 'wider political meanings' or analysis (Helms, 2013, p. 82)¹³.

Over the course of the decade after the war, the subject of wartime sexual violence again became publicly visible. In the context of BiH, women's organisations and associations of survivors were at the forefront of this visibility. In 2000, Savez Udruženja Logoraša Kantona Sarajevo (SULKS/Association of Concentration Camp Torture Survivors of the Canton Sarajevo), compiled a book of testimony entitled *I Begged Them to Kill Me* (Ajanović, 2000).

¹³ Women's organisations were speaking more openly about other gendered issues (e.g. women in politics, domestic violence) (Helms, 2013). Internationally, reports of sexual abuse and trafficker by UN peacekeeping forces emerged in 1999. Kathryn Bolkovac, a peacekeeper working in BiH for private security contractor DynCorp, built a case which incriminated members of the International Police Task Force in the abuse of trafficked women (Harrington, 2005, p. 181).

The book, which contains women's testimony to multiple forms of war violence, is centred primarily on the issue of wartime sexual violence. The book is important to the extent that it marks a new visibility for the subject of wartime sexual violence in BiH. However, the text was once again framed around familiar tropes of victimhood. Particularly, the text centres on the experiences of the Bosniac victim, emphasising 'the meanings of these rapes for the nation' and 'as part of a wider pattern of *Bosniac* suffering' (Helms, 2013, p. 83). Over the next few years several organisations were established by survivors, who began to speak openly and publicly about wartime sexual violence. In 2001, some of the women from SULKS who had published their testimony formed a Women's Section, associated with the organisation (Ibid, p. 106). Later, in 2003, *Žene Žrtve Rata* (Association of Women Victims of War) was established. The organisation's director, Bakira Hasečić, was most active, though many of its members were involved in giving testimony in war crimes trials in the ICTY, and later within the Bosnian courts (Ibid, pp. 105-6). This increased public visibility coincided with the announcement of several landmark judgements in the ICTY. For example, the 1998 judgements in *Mucić et al* and *Furundžija et al*, marked the first prosecution of rape as torture in the context of international law and the first case which had sexual violence as its primary focus (United Nations, n.d.). In June 2002, the convictions in *Kunarać et al* (often known as the Foča trial) were upheld, and in 2004 the trial of *Krstić et al* established a link between rape and ethnic cleansing (Ibid).

Cumulatively, these voices placed the issue of wartime sexual violence in BiH back into focus. The voices of survivors were soon joined by women's NGOs who had been working with survivors, and several international organisations, including the UN Population Fund and Amnesty International, who also sought to lend their weight to the issue (Helms, 2013, p. 197). This coincided with a campaign, 'Za Dostojanstvo Preživjelih/For the Dignity of Survivors', which aimed to secure public recognition for survivors of wartime sexual violence. The campaign, which was led by Medica Zenica, aimed to gain official recognition for survivors

within the already existing status of 'civilian victim of war' (Ibid, p. 197). Several organisations and individuals including NGOs, survivor associations, as well as 'sympathetic politicians and government officials' rallied behind the initiative. The campaign was also lent further visibility by the international success of Bosnian filmmaker, Jasmila Zbanić's film, *Grbavica* (2006). Set in Grbavica, a suburb of Sarajevo, the film follows the story of Esmā and her child, who was conceived of rape during the war. The film depicts Esmā as a single parent, navigating the struggles of everyday life in contemporary BiH. In the same year, an amendment to the law in the Federation of BiH was passed which allowed survivors to gain recognition with the 'civilian victim of war' status (Ibid, p. 197), an issue discussed in more depth in the following chapter.

This section has offered a brief account of the shifting visibility of the subject of wartime sexual violence in the decade after the war. In doing so, I have both highlighted the ways in which victimhood continued to be a dominant mode of representation concerning the subject of wartime sexual violence, as well as introduced some of the key organisations and survivor associations which will be discussed in later chapters of this thesis. However, increasing public visibility of the subject of wartime sexual violence in BiH should not be understood as a smooth, uniform, or uncontested process, nor should visibility be simplistically equated with recognition. Returning to these issues throughout the thesis, it is at this stage important to note that visibility for the subject of wartime sexual violence has not been evenly distributed across the country, with survivors far more visible in the Federation of BiH as compared with the Republika Srpska. This is a pattern which is notable across organisational, institutional, and legal provisions for the subject of wartime sexual violence in BiH. In the next section of this chapter, building upon insights regarding the shifting visibility of the subject of wartime sexual violence, I discuss my own approach to gender-based violence in BiH regarding my fieldwork conducted between February and November 2015. Through an exploration of some of my initial areas of focus, I comment on how particular policies and initiatives rendered the

issue of wartime sexual violence visible, moving to discuss the ways in which I became implicated in the frame.

Public Visibility and the Preventing Sexual Violence Initiative

In June 2014, a global summit was convened with the expressed aim of ending sexual violence in conflict. The conference, and the accompanying publicity surrounding it, placed the issue (again) into international focus. The conference also caught my attention. Taking place almost a year into my PhD research, it provided an important opening to thinking about post-conflict justice processes for wartime sexual violence in BiH. While the main conference took place in London, several awareness raising events took place across the globe, leading up to the launch of the *International Protocol on the Documentation and Investigation of Sexual violence in Conflict*. One such event took place in Sarajevo. The Post-Conflict Research Center (PCRC), an NGO based in Sarajevo, organised an exhibition of photos open to the public. Raising the public profile of the event, PCRC enlisted the help of a number of volunteers who wore red T-shirts bearing the PSVI logo. This wider publicity in the streets of Sarajevo was just the tip of the iceberg. When I began my fieldwork in February 2015, there were a host of organisations both international, regional, and national, that were involved in the initiative and the implementation of the protocol in some way. Its importance in terms of placing the issue on the agenda in BiH was reiterated to me in one of my first conversations on fieldwork at the Center for Interdisciplinary Postgraduate Studies (CIPS) at the University of Sarajevo,

At the moment . . . huge funding is [available] through the PSVI initiative, Preventing Sexual Violence Initiative, which means addressing the wartime sexual violence. And suddenly everyone's dealing with wartime sexual violence. . . Everyone is going to mention it now. But, if you would actually go

back to 2006/2007, even the ones that claim that they did throughout the years, haven't! (Interview 35, Sarajevo)

As noted, 2006 was an important milestone in terms of establishing access to the 'civilian victim of war' status for the subject of wartime sexual violence in the Federation of BiH. Similarly, the advent of the PSVI, with its international and national prominence, marks another key point of visibility for the subject of wartime sexual violence. It is then useful to explore the initiative and its surrounding events to the extent that it structured much of my initial research into gender-based and sexual violence while in BiH.

The conference in London was well-attended by state representatives and civil society actors alike; drawing together 'representatives of over 120 nation-states' as well as 'activists, doctors, youth delegates, humanitarians, lawyers, military officers and ministers (of defence and foreign affairs, not just gender and development)' (Kirby, 2015, p. 457). Furthermore, the presence of Angelina Jolie, UNHCR Special Envoy and Hollywood actress, as co-founder of the initiative, along with William Hague, lent the conference a wider visibility outside the immediacy of the Excel centre in which the summit was held. The visibility of the conference was underpinned by a wider policy initiative led by the UK government, 'inaugurated in May 2012 as the Preventing Sexual Violence Initiative (PSVI)'.

Ambitious in mission and scope, the initiative has sought to improve investigation and documentation of sexual violence in conflict; to provide greater support and assistance to survivors, including children; to ensure a standard of 'gender equality' in responses, including in security and justice reform; and to improve on international coordination, in large measure through the UN. (Kirby, 2015, p. 457)

The wider policy was supported by the United Kingdom in various international forums, 'most prominently [in] the G8 in April 2013, via the unanimous passage of UN Security Council Resolution 2106 in June 2013, and through a UN General Assembly statement in September 2013 endorsed by 155 governments' (Ibid, p. 457-8).

Along with the wider political and diplomatic capital that was invested in the issue, the UK government also backed the initiative financially. The Foreign and Commonwealth Office (FCO) announced ‘funding of £5 million over three years to support grassroots and human rights projects’ that were working on the issue of sexual violence in conflict (FCO, 2014, p. 17). In 2013, almost £2.7 million of this was allocated to support projects in a number of countries over a two-year period. Other than BiH, funding was targeted at several countries including Burma, Colombia, the Democratic Republic of the Congo, Guatemala, Iraq, Nigeria, Pakistan, Sierra Leone and Syria (FCO, 2014, p. 17). Further, the United Kingdom also launched the *International Protocol on the Documentation and Implementation of Sexual Violence in Conflict* which established standards of best practice for the documentation of sexual violence as a crime in international law.

Despite the United Kingdom’s support of this issue and the importance of this political and diplomatic support in making the issue visible on the international stage, ‘the entry of the PSVI onto this scene’ was not wholly expected (Kirby, 2015, p. 460). As Kirby notes, the subject of wartime sexual violence was not mentioned in the Conservative manifesto published prior to the 2010 general election, nor was it particularly progressive in terms of its support for human rights. Further, and unusually, the PSVI had originated from the UK FCO, while activities pertaining to development, gender-based and sexual violence would be considered under the remit of the Department for International Development (DFID) (Ibid, p. 460). As such, the success, at least in terms of pursuing and raising the profile of this issue, can be attributed to Hague and Jolie personally (Ibid, p.460)¹⁴.

¹⁴ In a recent article, Sara Davies and Jacqui True highlight the way in which ‘the PSVI was a conscious choice by Hague’, deploying ‘a purposeful use of his own narrative as a white, male Tory to talk about a crime rooted in deep-seated structural gender inequalities’. Hague’s involvement in the policy is read as a ‘deliberate effort to generate attention and proliferate “unconventional” allies for the WPS [Women, Peace, and Security] cause that underpins PSVI’ (2017, p. 706)

This pairing made for interesting, if highly gendered media coverage. In 2013, the Guardian's diplomatic editor Julian Borger reported on the launch of the initiative. The report, often tongue-in-cheek, focused on the two as an 'unlikely double act' (Borger, 2013):

Jolie brought with her dazzling fame but also the reputation for risk-taking and danger in her private life. Hague is cautious, decidedly untrendy and deliberate, occasionally plodding in style. (Borger, 2014)

Borger's 2013 report followed Hague and Jolie while on an official visit to the Democratic Republic of Congo to launch the campaign. Borger again drew upon this gendered language, noting how Jolie and the foreign secretary had 'spent four days visiting refugee camps' and 'were already finish[ing] each other's sentences' (Borger, 2013).

Jolie's involvement can be traced to her humanitarian work¹⁵ in her capacity as UNHCR Special Envoy. Further, in 2011 Jolie released, *In the Land of Blood and Honey*, a film set during the Bosnian war in the 1990s which specifically draws out themes of sexual violence. The film follows the story of a young couple who meet and begin dating before the war in BiH. Over the course of the film 'their affair continues, albeit problematically, when the Muslim woman is detained in a Serb camp where the Serb man is the military commander' (Helms, 2014, p. 612). While the film sparked some controversy among several war survivor's associations¹⁶, it is also credited with influencing Hague's decision to become involved when one of his advisors showed him the film (Borger, 2014). He stated in an interview with the *Guardian*:

"It was when I saw Angelina's film that I decided we should launch a global initiative on this," . . . "When you get into the detail of it, it's too terrible not to do something about. What is the point of politics if you don't address such issues and, if your position in the world enables you to see and understand the sheer extent of the horror, then you have a responsibility to do something about it." (Borger, 2013)

¹⁵ For a critique of celebrity humanitarianism see *Celebrity Humanitarianism: The Ideology of Global Charity* (Kapoor, 2013). Kapoor specifically suggests that 'celebrity humanitarianism legitimates, and indeed promotes, neoliberalism and global inequality' (p.1).

¹⁶ For a longer discussion of responses to Jolie's film see (Helms, 2014)

However, Hague and Jolie's partnership and the associated media coverage of the PSVI campaign should be read critically. The pairing of Hague and Jolie, along with their official visits to several country-beneficiaries, raised the profile of the campaign and created important visibility for wartime sexual violence. Such visits, argues Bliesemann de Guevara, often appear to offer an opportunity to 'see' the 'situation on the ground', yet they are also carefully choreographed events, 'composed of sequences of multiple conscious performances by all actors involved, both for one another and for domestic (and international) audiences' (2017, p. 2). While the publicity surrounding the PSVI conferred the human(itarian) aspects of the issue, this visibility also functions to obscure the politics of the policy. As Kirby suggests, the PSVI discourse operated within the current global policy consensus which frames 'rape as a weapon of war' (Kirby, 2015, p. 461) (see also Baaz & Stern, 2013), this limited its purview to cases of wartime and conflict-related sexual violence, perpetrated in the context of armed conflict. Further, the PSVI discourse worked with the assumption that 'conflict-related sexual violence flourishes where there is impunity, and that ending impunity will therefore radically alter the war calculus for perpetrators', framing its interventions in terms of deterrence (Kirby, 2015, p. 464). Indeed, the notions of prevention, deterrence, and impunity adopted through the PSVI were largely in-step with dominant responses to mass atrocity and war crimes in the context of international criminal justice (Cronin-Furman, 2013; Vinjamuri, 2010). These understandings also become evident in the application of the PSVI in context, particularly in the way the funding was apportioned. It is then useful to explore the application of the PSVI in BiH.

The PSVI in BiH

Throughout my research into the PSVI in BiH, representatives involved in its implementation emphasised the ways in which it had lent visibility to the subject of wartime sexual violence.

Many organisations spoke generally about the opportunities for promoting and extending visibility among the public. This was particularly pronounced in discussions surrounding the launch of the *International Protocol on the Documentation and Investigation of Sexual Violence in Conflict* in BiH. Awareness-raising events took place in several locations across BiH including Mostar, Brčko, Zenica, and Banja Luka, and were conceived as a way to open up public discussion about wartime sexual violence (Interviews 11 & 29, Sarajevo). This was elaborated further in an interview with two representatives of the PCRC, who were involved with running the PSVI events. They suggested that the events were intended to,

[I]ncrease organisations' understanding of how they might be able to use the protocol within their work. So, trying to link this top-down protocol and make it useful to grassroots organisations. In addition to that, a large focus of these events was just getting people to start talking about these issues, the silence and stigmatisation that is attached to these issues in Bosnia, means that there are very few events in Bosnia where these things are ever truly discussed outside of victim's associations. And there is very, very little coverage of these issues in mainstream media. So, it was about beginning a discussion of these issues. It was about coordinating with local media to try and get some local, national, and regional coverage of these issues that are being discussed. (Interview 29, Sarajevo)

Many of these events were coordinated in association with other organisations across the country including survivor associations and psycho-social support organisations, who were sometimes invited to speak at the events¹⁷ (Interview 11, Sarajevo). A representative from the Organization for Security and Cooperation in Europe (OSCE), who had worked within the

¹⁷ Initially during this interview, the fact that survivor associations were invited to speak at some of the launch events was framed in terms of an opportunity to 'give voice' to survivors. When I pushed further on this phrase, the representative reinterpreted her initial claim, stating that the survivor associations were sometimes invited to speak.

Rule of Law section with regard to wartime violence, claimed much wider visibility for the campaign. He stated that ‘the UK really deserves a lot of credit for bringing this really important issue to the global conscience’ (Interview 7, Sarajevo). While a senior UN representative credited the PSVI with helping to expand their existing initiatives. She told me that while the UN had been working on issues of wartime sexual violence before the initiative, they had never worked on this ‘scale’ before. Describing the importance of the PSVI in BiH, she described it as a ‘now or never’ moment, ‘all of a sudden, [wartime sexual violence] got back on the agenda’ (Interview 13, Sarajevo).

There was a lot of initial optimism surrounding the initiative in BiH. However, it is important to also explore its tangible outcomes for wartime sexual violence. One of the earliest interviews I conducted on the issue was in the UK Embassy building in Sarajevo with a representative from the Ministry of Defence who had been working on the initiative’s implementation. The building itself was fenced, with security personnel at the gate. Having been escorted through the building, I arrived at a small side-office where the interview took place. During the interview, I was keen to find out more about the implementation of the PSVI, asking specifically about the UK government’s allocation of funds in BiH. The representative told me that the UK Embassy in BiH had been given the remit for this allocation.

[T]hey [the UK government] let us completely. Because we have the capacity in the field, in Bosnia, we know what, perhaps, is a better focus than they [the UK government] would. . . . This is how I interpreted it - they were happy to also get ideas from the field. Especially from a country like Bosnia, as to how to develop this further. Because there was the will, there was the financial support. But again, . . . how do you implement it further? That was the question. . . . So, I think that most of the funds did go to the project section . . .

. and they focus on the support of associations of victims. . . . [T]hey have the capacity to decide which will contribute more on the future development.

(Interview 10, Sarajevo)

Exploring the various partner organisations of the UK Embassy, led me first to large international organisations who had been involved in a cross-institutional programme to improve support offered to survivors of wartime sexual violence, or what they termed 'conflict-related sexual violence' (CRSV). The project involved several UN agencies including, UN Women, the International Organization for Migration (IOM), the United Nations Population Fund (UNFPA), and the United Nations Development Programme (UNDP), who were also working with sections within the OSCE. Each organisation focused on a different aspect of CRSV. The IOM together with the UNFPA were working on a report which explored the current provisions for wartime sexual violence in the country. The report looked at the types of services that were available, the number of people who were registered with these services and the geographical distribution of these services. Beyond this, each agency had its own implementation remit. The IOM was focusing on the issue of reparations with the aim of developing a country-wide reparations proposal for victims of CRSV (Interview 4, Sarajevo). The UNFPA was responsible for overseeing medical services and provisions for survivors. UN Women who had previously been working on wartime sexual violence, continued to focus on socio-economic and psychosocial support. While the UNDP, working closely with the OSCE, focused on the judiciary and the security sector (Interviews 8, 12, 13, Sarajevo).

During these interviews, two central areas of focus emerged. Firstly, there was a focus on data collection, particularly with regard to the provisions and services that were currently available to survivors. The various UN agencies were involved in a process of mapping services available across the country and gauging the numbers of people who were registered with these service providers. This was also part of a process of estimating the numbers of

survivors who were in BiH, both those who were known to service providers and those who were not (Interviews 4, 12, 13, 14, Sarajevo). Secondly, there was a focus on 'capacity building' for existing services and personnel, both governmental and non-governmental (Interview 13, Sarajevo). Many of the representatives with whom I spoke emphasised the need to improve the provisions available to survivors and the ability of people working within these organisations to deal with the specific needs of survivors. This was particularly pronounced in discussions with the UNDP and OSCE, who were delivering training to members of the judiciary and security sectors which had been developed by the UK PSVI team. The training modules covered issues such as the legal provisions for wartime sexual violence both internationally and in BiH law, issues related to the impact of trauma, as well as information on best-practice throughout courts proceedings (Interview 7, Sarajevo). One of the most striking things about this implementation of the PSVI was its focus on institution-building. Though survivor associations and other service providers were part of this process, they were conceived as targets for interventions rather than actors within it.

Another organisation that played a key role in the implementation of the PSVI in BiH was Medica Zenica. Medica, who had been continuously working on gender-based issues since they were founded during the war, were involved in one of the more immediately tangible outcomes for survivors. They had received funding to establish a helpline intended for survivors of sexual violence which was intended to give individuals support and information of the current social welfare provisions available to them (Interview 21, Zenica; Interview 11, Sarajevo). As was reiterated to me in an interview, such a helpline was useful to the extent that organisations offering legal and psycho-social support were located in major cities, most often in the Federation of BiH, which was often a barrier to access for survivors (Interview 4, Sarajevo). The two largest organisations offering this kind of support were Medica Zenica - based in Zenica, and Vive Zene - based in Tuzla. Such provisions were also spoken about

within a wider emphasis on the importance of registering survivors and mapping the services that were currently available to them (Interviews 4, 12 & 13, Sarajevo).

Following the PSVI was useful to the extent that it focused my research on some of the key ways wartime sexual violence was being addressed in BiH. It also led me to some of the key organisations and associations who were also working on the issue. Though not all had been explicitly included within the remit of the PSVI, these other organisations, associations, and individuals were often referenced regarding other projects and initiatives by my interview participants. Often, interview participants would offer contact details of individuals who had been involved in implementation, and other associations and organisations that I might get in touch with. However, this focus also meant that survivors and survivors associations remained obscure from my initial research focus. Though survivors had appeared in the promotional material for the initiative and had been invited to give testimony at events which launched the protocol, they were far less present in discussions of the training and capacity-building activities that the initiative was supporting. Further, the initiative was often not discussed or actively brought up in interviews with survivor associations. When prompted, a representative from SULKS said that she had heard of the initiative, noting that most of the work had been at the state level. Despite having much to say about the interaction between the state and international organisations who had been involved in the implementation of the initiative, she was reluctant to speculate further on the issue (Interview 16, Sarajevo). These interactions led me to several questions which guided my research in BiH. What was the interplay between initiatives such as the PSVI and those it was meant to support? How did various organisations and associations interact with one another? How did different organisations interpret the existing and potential supporting mechanisms for survivors? And how was this context productive of the subject of wartime sexual violence?

Doing Fieldwork in BiH: Approaching the Frame

I began my research intending to explore the production of gendered subjectivities in post-conflict justice processes. A project which developed out of earlier engagement with literatures on gendered wartime violence and sexual violence, I was interested to explore how the contemporary subject of wartime sexual violence was made visible. Having traced some of the dominant ways in which wartime sexual violence had been understood in BiH, I was also interested to see whether these narratives emerged through post-conflict justice and recognition processes. Coinciding with the substantial international attention that was garnered through the PSVI, my research seemed to be engaging with the topic at a fruitful time. A number of actors, both national and international, governmental and non-governmental, were set to task with tackling impunity for sexual violence with increased funding and vigour, thus opening up questions about the legacy of narratives of wartime sexual violence in BiH within a contemporary context.

Preparing for fieldwork, I grounded myself in the literature on feminist methodologies of listening (Ackerly, et al., 2006; Nordstrom, 1997). Yet, I found that I was unprepared for the ways in which each interview would require me to listen and respond differently. Particularly, I was unprepared, and perhaps could not be prepared, for the ways that I would be present in the research. In spite of the ways in which I am, and have been in this chapter, critical of some of the political consequences of a global feminist approach, I nevertheless embody many aspects of a global feminist. An awareness of the limits of a frame cannot negate its violence, nor erase past experiences of encounter through these frames, nor the longer trajectory of (feminist) research in BiH. Thus, sometimes a feminist position was discordant with the aims of an organisation. On other occasions, it was my particular feminism that was discordant with another's. This led to multiple interviews in which we failed to make sense of one another. In these instances, there was, as Daigle puts it 'an agonising inability to connect

across the space between us' (2016, p. 31). This also manifested itself differently across the many people with whom I spoke. Some regarded me as an annoyance. I often felt (and was sometimes told) that I was one researcher amongst many who had previously asked a similar question. Other times I felt I was more of a curiosity, most pronounced when I stepped out the frame of 'wartime sexual violence' to explore provisions for other forms of gender-based exclusion and violence. There were other spaces that I fit more seamlessly into. These spaces were most often institutional spaces with high densities of (young) international staff, such as the UN Country Office in Sarajevo.

Throughout the thesis, I reflect on issues of positionality in the research encounter. I do so to outline the ways in which my own subjectivity is also produced through the process of research. In this sense, I give an account of how the production of subjectivity is co-constitutive. More importantly, a discussion of encounter is a productive starting point for approaching the subject of wartime sexual violence in BiH. Focusing in on specific encounters in the context of post-conflict justice and recognition practices enable me to illuminate issues of power and violence regarding the subject of wartime sexual violence. Throughout the thesis, I draw upon my research encounters to open discussions about contemporary framings of wartime sexual violence, as well as the various subjects that are produced in this context.

Conclusion

This chapter has discussed issues of subjectivity, framing, and visibility regarding the subject of wartime sexual violence in BiH. The first sections discussed framings of wartime sexual violence, moving from the global to the BiH context. Here, two key frames were discussed - 'rape as ethnic cleansing' and 'rape as a weapon of war'. While the 'rape as ethnic cleansing' narrative places its analytical focus on categories of ethnicity, tending towards reproducing Muslim female victimhood, the 'rape as a weapon of war' narrative places its analytical focus

on gender, often producing women as perennial victims of violence. Each frame came with its own set of limitations and problems. The 'rape as ethnic cleansing' frame reproduced affective nationalist responses to wartime sexual violence, an effect which was pronounced in the language used in Allen's and MacKinnon's accounts of wartime sexual violence, and was also highlighted in the way in which nationalist media in the former Yugoslavia praised nationalist feminists for their work, while vilifying others. The 'rape as a weapon of war' frame as it was taken up by global feminists and Serbian feminist often had the effect of erasing categories of ethnicity altogether. Those global feminists who emphasised categories of gender within their analysis further tended to situate rape in BiH on an international continuum. While raising awareness for the issue, these accounts lacked an engagement with BiH in its specificity.

As has been seen, it has been difficult to frame wartime sexual violence without producing notions of victimhood. This effect was reinforced through issues of voice and power regarding feminist framings of wartime sexual violence. Tracing the ways in which 'global feminists', 'former Yugoslav feminists', and Bosnian voices interact and intersect, revealed both the differing political strategies that feminists adopted, as well as the ways in which Bosnian women were often obscured from focus in framings of wartime sexual violence. Indeed, their lack of presence functioned to solidify narratives of victimhood with respect to the BiH context, particularly as Bosniac nationalisms often went unchallenged.

Through the discussion of framing, I proposed a reorientation of focus for the purposes of this thesis. Drawing upon the work of Žarkov, I argued in favour of adopting an intersectional approach which pays attention to the specificities of the BiH context. In doing so, it becomes apparent that wartime sexual violence cannot be understood through recourse to categories of gender or ethnicity alone. Rather, wartime sexual violence is continuous with a broader politics which imbues gendered bodies with notions of nation and territory. In this

formulation, subjectivity is *produced*, and it is only in interrogating the politics of this production that we can critically appraise the subject of wartime sexual violence. This reorientation then established the ground from which the thesis builds. In the following chapters of this thesis, I will explore the production of the subject of wartime sexual violence through particular frames of post-conflict justice. Moving from predominant narratives of victimhood that have been the focus of discussion in this chapter, I ask which other subjects become possible in the context of contemporary post-conflict justice processes.

Finally, I drew focus to the organisational and institutional post-conflict context in BiH, discussing the shifting visibility of the subject of wartime sexual violence. Particularly, I drew focus to the renewed visibility lent to the issue through the PSVI, exploring the new frames that come into focus. Drawing upon insights into the production of the subject of wartime sexual violence, I critically engaged with the ways in which the initiative structured my initial investigations into wartime sexual violence in BiH, later coming to reflect on how I became situated within the frame. Reflections on voice, subjectivity, and frame in this chapter raise several important questions with which I engage in the course of the thesis. I ask, how do dominant frames of wartime sexual violence become manifest in contemporary BiH? How is the subject of wartime produced through contemporary post-conflict justice and intervention practices? How do various organisations, institutions, and individuals interact with these practices, (re)producing these frames? Who is the subject of wartime sexual violence? And how does the subject of wartime sexual violence come to be recognised in the contemporary post-conflict justice context? In the following chapter, I focus on legal-bureaucratic post-conflict justice recognition practices as they relate to the subject of wartime sexual violence, particularly focusing on the 'civilian victim of war' status and a reparations proposal that was initiated by the IOM, both of which have been briefly discussed in this chapter. Continuing to focus on the production of the victim-subject, the chapter explores how practices of counting

that featured within affective nationalist discourses can be traced in the contemporary institutional post-conflict justice context.

Chapter Two – Producing the Victim-Subject: Counting, Accounting, and Recognition

Introduction

Counting is an important frame through which the subject of wartime sexual violence is produced in contemporary BiH. This politics, which I refer to as the politics of counting and accounting, is continuous with the way in which gendered, ethnically-identified bodies were produced through nationalist discourse in BiH. It has also been salient to the international institutional context as a mode of post-conflict intervention, particularly apparent through the measurement of human rights abuses. While both these points were elaborated more fully in the previous chapter, it is the task of the chapter to explore the politics of counting and accounting at two sites of legal-bureaucratic recognition with regard to the subject of wartime sexual violence. The two cases which are of central focus are the ‘civilian victim of war’ status within the social welfare system and a reparations proposal that was under development at the International Organisation for Migration (IOM). I argue that both cases demonstrate the extent to which the subject of wartime sexual violence is *counted* and *accounted for*. Further, I argue that both systems presume a particular subject of wartime sexual violence – the victim-subject.

The chapter explores the limits of the legal-bureaucratic frame regarding the subject of wartime sexual violence, asking which subjects are obscured from focus, thus precluded from counting. Both sites of legal-bureaucratic recognition discussed in the chapter relate to the question of compensation and reparation in the post-conflict context in BiH. It is worth briefly reflecting on how these two cases are situated with respect to other similar processes in BiH. Issues of post-conflict redress recurred throughout my interviews across several government institutions, international institutions, and civil society groups including women’s and survivor organisations. At the time of my fieldwork in 2015, there were several reports in process

which included discussions of the current situation regarding the forms of material and symbolic support for wartime sexual violence (e.g. Mlinarevic, et al., 2016; Popic & Panjeta, 2010; TRIAL, 2015; Van der Auweraert, 2013; United Nations, 2013). In some of my earliest conversations with feminist and women's activists in Sarajevo, we discussed the place of the subject of wartime sexual violence within the 'civilian victim of war' status in BiH's social welfare provisions (Interviews 5, 14, 15 & 35, Sarajevo). In pursuing projects that were implemented as a result of the Preventing Sexual Violence Initiative (PSVI), I learned about the reparations proposal being developed by the IOM targeted at victims of wartime sexual violence (Interview 4, Sarajevo). These mechanisms sat alongside a number of other processes and proposals. The Women's International League for Peace and Freedom (WILPF) were holding workshops on the issue of reparations toward developing a *Concept and a Framework for the Development of a Gender-Sensitive Reparations Programme for Civilian Victims of War in Bosnia-Herzegovina* (Mlinarevic, et al., 2016). Other organisations were involved in a move to put pressure on the judicial system to provide redress to victims. Speaking with individuals working on post-conflict, law, and criminal justice for wartime sexual violence revealed that there had been some successes with compensation claims through the criminal justice process (TRIAL, 2015). It was stated and implied in two of my interviews on the topic that it was unlikely that compensation would ever be paid (Interview 9 & 41, Sarajevo). As such, this work seemed to be designed to gather momentum for the wider reparative efforts underway. The strategies for providing victims of wartime sexual violence with some form of redress and restitution were diverse. However, many of the discussions revolved around similar concerns. Conversations most often addressed the relative successes and limitations of existing methods of providing redress, the possibilities of alternative processes and mechanisms that were being discussed and developed, and importantly, how the subject of wartime sexual violence was made to count through these processes.

The chapter proceeds in three main sections. The first examines the politics of counting through war and peace as discussed in literature on body counts, later situating these discussions within the BiH context. The literature on body counts through war and peace raises several pertinent points and questions that I take forward in the chapter. Introducing counting as a way of measuring human rights abuses, it moves to consider practices of counting as an exercise in omission. I argue that the politics of body counts through war and peace always involves a political decision over which bodies count, and which are unable to be counted (Butler, 2006; 2009). Next, I situate the politics of counting in BiH, reflecting on the ways in which they are gendered and produced through ethno-national registers. Beginning with a discussion of the discourse of national numbers (Jansen, 2005), I explore how this became specifically gendered through nationalist discourse, demonstrating continuities between the politics of national numbers and the politics of victimhood in contemporary BiH. As was discussed in chapter one of this thesis, I argue that competing victimhoods have established women's bodies as ethno-national markers, and that the most visible subject of wartime sexual violence has been the Muslim-female-victim.

The second substantive section of this chapter examines the 'civilian victim of war' status within the social welfare system in BiH, particularly as it pertains to the subject of wartime sexual violence. Arguing that the 'civilian victim of war' status is best understood as a war-related payment, one which nevertheless encompasses aspects of reparative efforts, the section sets out to examine the differential politics of counting across the two entities of BiH – the Federation of BiH and the Republika Srpska. In this section, it is important to acknowledge the relevance of the politics of national numbers in BiH, with each entity produced in relation to its majority population (the Federation noted as the Muslim-dominated entity, and the Republika Srpska the Serb-dominated entity). In this section, I argue that the differential politics of counting regarding who can be recognised as 'victim' through the 'civilian victim of war' status is reliant upon the assumption and production of gendered and ethnically-

identified bodies. The subject of wartime sexual violence in the Federation can come to count in as far as the victim is assumed to be both female and Muslim. This leaves those living in the Republika Srpska obscured from focus, and crucially unable to count as victim.

The third section of this chapter explores the reparations proposal that was being developed by the IOM. Drawing upon a report issued by the IOM in 2013 which sought to examine the possibilities for a comprehensive reparations programme across the former Yugoslavia which would incorporate all victims of the war, and several interviews I conducted about the development of this project with specific regard to victims of ‘conflict-related sexual violence’ (CRSV) in BiH, I explore narratives surrounding a period of data-gathering which preceded the reparations proposal. I argue that this process of data-gathering was productive of an idealised victim, which exists *a priori*. Yet, at the same time shows how the process of data-gathering continued with the assumption that this victim was missing, in as far as it was missing from the IOM’s official statistics. In this section, I ultimately demonstrate the absurdity of the politics of counting, noting the ways in which it gets in the way of truly making the subject of wartime sexual violence count. Before moving to discuss the two cases which are the central focus of this chapter, I will explore the literature on body counts through war and peace to reflect on the questions that it raises for the chapter.

The Politics of Counting

Body Counts through War and Peace

Practices of counting have been an important methodological tool in assessing human rights abuses during the post-World War II era (Goldstein, 1986). Alison Brysk argues that the measurement of human rights violations is the first step in its assessment, conveying information about their ‘frequency’, ‘scope’, and ‘range’ – the number of people who have been affected, the types of violations, and the characteristics of the victims, respectively

(Brysk, 1994, pp. 676-7). Todd Landman adds that human rights statistics are most often used as a tool to monitor, document, classify, and map violations, suggesting that they are a useful starting point for preventing future violations (Landman, 2004). Counting is appealing to the extent that it holds out a promise to 'test the truth' of stories of human rights violations (Stiglmeier, 1994b, p. 83). However, counting not only satisfies a need for understanding in situations in which little is known about the extent or nature of the abuses, but is core to the concept of human rights abuses itself. It is only through counting that we can locate a difference between, for example, an act of sexual violence in war and sexual violence as ethnic cleansing. Yet, there are clear limitations to the measurement of human rights abuses. As Brysk suggests, beyond its 'interpretive function' human rights investigations often catalyse 'a politics of information, in which various political forces in the subject state use the political figures to argue for their own preferred . . . policies' (Brysk, 1994, pp. 677-8). These practices of counting function as a starting point for later contestation over human rights abuses. As such, who does the counting matters in terms of who and what comes to be counted.

Counting has been important as a measure of success in war. It is often argued that the Vietnam War marked a shift in the measurement of the success or failure of war—from an assessment of territory won or lost, to an overriding 'reliance on body counts' (Gartner & Myers, 1995). Scott Gartner and Marissa Myers note that the conditions of the war 'in Vietnam did not lend themselves to a traditional military measurement of ground warfare'. In the absence of territorially-defined measures of progress, the body count became of central importance (Gartner & Myers, 1995, pp. 379-81), capturing 'the attention of policy makers, media and public alike (Cable quoted in *ibid*, p. 380). However, the 'emphasis on 'body counts'' is not just a 'phenomenon of the Vietnam War' (Bourke, 1999, p. 22). It has historically featured within strategic and military goals, as well as combatants own measure of success. While Gartner and Myers note the role of the body count in the Korean War (1995),

Bourke argues that evidence of counting bodies as a measure of success can be traced at least as far back as the First and Second World Wars (Bourke, 1999, p. 22).

The body count in war is not merely a measure of success, it is also an exercise in ‘omission’ (Scarry, 1985, p. 64). In the Gulf War, the body count was consciously used as a military strategy to present an image of success to the American public. Margot Norris argues that Pentagon censorship operated ‘to produce an absolute disparity in specificity between American and Iraqi dead’. It was widely reported that fewer than four-hundred US soldiers were killed, while figures on the number of killed Iraqis was both ‘unknowable and unverifiable’. The Pentagon’s ‘strategy of juxtaposing excessively specific information on the deployment and destruction of weaponry, machines, and “hard” targets with refusal to stipulate the “soft” targets or Iraqi bodies has . . . enabled Americans to adopt an image of the Persian Gulf War as a virtually bloodless war – “a clean win”’ (Norris, 1991, p. 224). The juxtaposition of body counts is not unique to the Gulf War. Rather, as William Boettcher and Michael Cobb argue, casualty framing through the body count and ‘casualty ratios’ has been central to military strategy across various wars, including Vietnam, Korea, and Iraq (Boettcher & Cobb, 2006).

Other scholars have explored the question of omission more critically, asking *what*, or rather *whom*, is obscured through official body counts. As Butler notes, the questions that have preoccupied scholars considering recent global events, namely the ‘war on terror’, and the Iraq and Afghanistan wars is ‘[w]ho counts as human? Whose lives count as lives? And finally, *What makes for a grievable life?*’ (Butler, 2006, p. 20). Butler’s questions are important because they ask after the conditions in which lives can be apprehended, or recognised as lives (2009). These questions have been carried forth within the literature on body counts with regard to Iraq and Afghanistan (Gregory, 2012; Hyndman, 2007; Masters, 2007; Zehfuss, 2007; 2009). These scholars suggest that while the bodies of Western soldiers were rendered

grievable lives, mourned and named in obituaries and repatriation, Afghan and Iraqi bodies were far less visible (Gregory, 2012; Zehfuss, 2009). Despite the United Nations Assistance Mission in Afghanistan estimate that '5,978 civilians were killed or injured in 2009', very little else is known about these individuals (Gregory, 2012, p. 328). The circumstances surrounding their injury, and the communities from which they came, often remain obscure (Ibid). As such, these people are precluded from counting as subjects.

This point is taken up by Jennifer Hyndman who argues that differential practices of counting often make populations complicit in the logic of war, arguing that the 'numerical calibration of loss and suffering' perpetuates a hierarchy of death and injury (Hyndman, 2007, p. 39). The reporting of casualty statistics through the frame of proportionality rendered some loss of life acceptable. For example, if it is suggested 'Saddam Hussein killed some 280,000 Iraqis during his rule', a 'loss of a portion of that number is justified'. The deaths of some Iraqi bodies, be they military personnel or civilians, can be written off as a 'military necessity, collateral damage, or the price to be paid for freedom and democracy' (Ibid, p. 39). Responding to the obfuscation of Iraqi civilian deaths, the website, Iraq Body Count, established a public database of deaths since the 2003 invasion (Iraq Body Count, n.d.). While the website provides information about the number, location, weapons, and sometimes more specific information about the victims, this information is often incomplete due to the difficulties in recording and reporting deaths. While aiming to count Iraqi deaths, the project is unable to make their lives fully count.

The practice of counting bodies is inherently political, involving decision about who or what to count. Counting is further a necessary condition for apprehending and recognising lives as lives, and for someone to fully count, they must be named and mourned. However, the work of counting is also an act of omission, where to count some lives can signal a refusal to apprehend or recognise others. To the extent that counting is an act of inclusion and

exclusion, it works to establish hierarchies of life. As I move forward in this chapter, it is crucial to keep these points in mind. I will use these insights to interrogate the contemporary politics of counting with regard to wartime sexual violence in BiH. Having introduced these questions through recourse to key literature on body counts through war and peace, it is useful to reflect on practices of counting in the BiH context. In the next section, I link the politics of counting to ethno-nationalist discourse prior to, during, and in the aftermath of war in BiH, and discuss how gendered, ethnically-identified bodies come to be produced through (national) numbers in BiH. This discussion of the gendered politics of national numbers later comes to inform the mode by which the subject of wartime sexual violence is constituted through contemporary institutions of transitional and post-conflict justice in BiH.

Gender and Counting in BiH

Practices of counting became important in the lead up to war in BiH, implicated in the production of ethno-national identities. As social anthropologist Stef Jansen argues, a 'preoccupation with national numbers accompanied the descent into violence' in BiH (Jansen, 2005, p. 46), where the term 'national numbers' refers to the way in which 'numerical data about the nationality of the population and territorial mappings converge' (Jansen, 2005, p. 45) (see also Hayden, 1996). Centrally, the 1991 census data and the mapping of ethnically-defined territory became a reference point for discussions of Yugoslavia (Jansen, 2005, p. 47). National numbers 'functioned as weapons' for nationalist politicians, finding its most extreme manifestation in the ethnic cleansing of populations and territory (Ibid, p. 47), and through wartime sexual violence.

Counting has become a dominant mode of representation outside of this context. Scholars working on identity formation in the region engage with census data as mode of countering the post-war homogenisation of national identities (Jansen, 2005, p. 47), and seek to

demonstrate the increasing heterogeneity of BiH in socialist Yugoslavia (Hayden 1996). National numbers also come to frame people's own understandings of the war and the violence within it. In his study of Bosnian refugee populations in 2001, Jansen notes that people who fled, sought 'safety in national numbers'. When people fled, they went to territories that were 'considered safer precisely because of the national composition of its population' (Jansen, 2005, p. 48). Within interviews, Jansen finds that his informants often narrated their story with reference to 'unsolicited' and very specific information about the 'pre-war national statistics of their hometown – explicitly setting the scene for the rest of their story' (Ibid, p. 49). If nationalist politicians had used national numbers in the pursuit of ethno-nationalist ends, the frequency with which national numbers and statistics featured within the stories of Bosnian refugees, highlights 'most people involved in and subjected to their activities found it difficult to make sense of their plight without similar resort to national numbers' (Ibid, p. 49). Engaging with the relationship between identity formation and the politics of counting, Tone Bringa suggests a more complex reading is possible. Reflecting on the Bosnian Muslim identity, she suggests that while national numbers shaped and framed narrations of identity, it does not fully encapsulate the range of ways they 'perceived and experienced' it (1995, p. 29).

As was highlighted in the previous chapter, practices of counting through national numbers were highly gendered. Women's reproductive health and care became a 'symbolic and material resource' for nationalist politicians (Alsop & Hockey, 2001, p. 454), to the extent that it was drawn upon in contestations over shifting ethno-national demographics. In this context, women's bodies were cast as biological reproducers of the (ethno-)nation (Yuval-Davis, 1996; 1997). For example, Serbian nationalists drew upon evidence of decreasing birth rates (often termed 'the white plague') amongst Serbian women, and the comparatively high birth-rates among Albanian women as 'the product of a deliberately conceived plan to squeeze the Serbs out of Kosovo' (Bracewell, 1996, p. 26) (see also Jansen & Helms, 2009).

Some even went as far as to term it a form of 'genocide' (Bracewell, 1996, p. 26). A direct manifestation of the politics of counting through national numbers, the issue came to be produced through 'a specifically gendered, nationalist prism' which suggested that while the Serbian nation was dying, 'national Others [were] over-producing children' (Jansen & Helms, 2009, p. 223). In Serbian nationalist discourse, the ethnic other was the Muslim. These anxieties over national numbers become encoded into legal norms surrounding sexual and reproductive politics. In the late 1980s, the government introduced the crime of 'ethnic rape' into the criminal code. Understood as a more serious crime than 'normal' rape, it was conceived as a crime against the ethno-nation (Helms, 2013, p. 63). In 1990, another law was brought in which provided 'incentives to Serbian families with more than two children' while 'cutting social benefits to Albanian families with more than three children' (Kešić, 1999, p. 200).

The production of gendered bodies through the lens of national numbers was not unique to Serbian nationalism. In Croatia, Catholic priests drew upon a similar discourse of reproduction and national demographics, again producing Muslims as the ethnic other (Jansen & Helms, 2009; Žarkov, 2007). While initially less pronounced than Serbian and Croatian nationalist representations, Bosniac politicians and clergy drew upon notions of women as the reproducers of the nation during and after the war (Jansen & Helms, 2009, p. 223; Kešić, 1999, p. 201). During the war, 'leading Islamic clergy' spoke of the need for Bosniac women to 'bear more children' for the nation, and called for the legalisation of polygyny in pursuit of this aim (Jansen & Helms, 2009, p. 223). During this period, calls were issued which condemned mixed marriages as a 'betrayal of one's faith and culture' (Kešić, 1999, p. 201). These examples demonstrate the extent to which nationalist politicians produced gendered bodies through national numbers. While the ethnic other of each narrative shifted depending on the context, these competing nationalisms shared an emphasis on victimhood.

The subject of wartime sexual violence was also produced through practices of counting. As was argued in the previous chapter, a central way in which the bodies of rape victims became visible was through the production of and contestations over counts of victims. An early report issued by the Bosnian government estimated the number of victims to be around 14,000, with a fact-finding mission conducted by the Parliamentary Council of Europe in 1992 estimating that Bosnian Serb soldiers had raped 20,000 women, most of whom were of Muslim ethnicity (Olujic, 1998, p. 40). Later, the Bosnian Ministry of Interior revised its estimate, placing the number of rapes at 50,000 (Ibid, p. 40). A UN report issued in 1994, suggests that the State Commission in BiH had registered around 25,000 victims, detailing that most victims had been Muslim women (United Nations, 1994, p. 1). *Women under Siege* summarise that there were a range of estimates, some of which suggested as many as 60,000 cases of rape (Women Under Siege, n.d.). These counts emerged in a context of a growing international consensus that rape had been systematic and targeted, with many arguing that rape in BiH was tantamount to ethnic cleansing. Two key issues are raised by these conflicting body counts. First, and most obviously, the range of estimates which emerged throughout and in the aftermath of war points to a difficulty of knowing how many people were raped during the war. Further, emerging in the context of reports which argued that rape was systematic and targeted, or else could be seen as a form of ethnic cleansing, the subject produced through these body counts was the figure of the Muslim-woman-victim.

While the international consensus on wartime sexual violence in BiH rendered Bosnian Muslim women visible as victims of wartime sexual violence, this overshadowed the heated and ongoing contestation that was taking place with BiH. During peace negotiations politicians from all the warring sides were seen to bicker over the ethnic identification of raped women (Helms, 2013, p. 63). Bosnian and Croatian politicians continued to emphasise that 'their' women had been overwhelmingly targeted, while politicians from the Bosnian Serb republic in BiH suggested that Muslim and Croats were counting Serb victims as their own

(Ibid, p. 63). Women's bodies were therefore produced as boundaries of the ethno-nation (Mostov, 1995), coming to symbolise the innocence and victimisation of each nation (Helms, 2007; Helms, 2013). The production of national numbers through the bodies of women then became bound with a wider politics of 'competing victimhoods' (Helms, 2013, p. 69) (see also Bašić, 2015; Mannergren Selimovic, 2015; Žarkov, 2007), and is reliant upon the 'relativization of the "suffering of the other"' (Mannergren Selimovic, 2015, p. 236).

Many of these patterns of representation became apparent during my fieldwork in BiH in 2015. The gendered politics of counting were most clearly outlined to me in conversations with feminist academics and activists who expressed concerns about the ways in which ethnic identity was still intimately linked to women's role as reproducers (Interview 18, Zenica; Interview 35, Sarajevo). The politics of counting raped bodies is also continued through efforts to memorialise victims of wartime sexual violence. Drawing on the oft-cited count of 20,000 victims, made by the Parliamentary Council of Europe, artist and activist Lana Čmajčanin designed an installation entitled *20.000 Trauma of a Crime*, as part of the Spaport biennale held in Banja Luka. Part of a wider project involving artistic responses to the issue of wartime sexual violence, *20.000 Trauma of a Crime* consists of twenty music stands arranged in a room. The stands are illuminated by a bright white light and have sheets of what, at first glance, might seem to be music sheets. Upon closer inspection, the paper on the stands has numbers on it, counting one-by-one to twenty-thousand. Behind the arrangement of music stands, the eye is drawn to the number '20,000' written in bold white font at the back of the room. While the act of counting victims of wartime sexual violence can be seen as an effort to render the issue publicly visible, it also emerges within a context in which counting victims means counting Muslim female bodies. Those counted, to the extent that they figure only as numbers, have their identity as victim determined in advance.

National numbers also become apparent through contemporary forms of governance in BiH. While the remainder of the chapter will concern itself with the politics of counting with regard to wartime sexual violence, it is useful to consider an illustrative example. In June of 2013, thousands of people gathered outside the parliamentary building in Sarajevo to mourn and protest the death of a baby girl. Reuters described how protestors did not 'carry banners or posters, but encircled parliament with a ring of candles placed on the ground, and stood or walked in silence' (Zuvela, 2013). This was the culmination of an ongoing row over lawmaker's failure to agree on new legislation on citizens' identity number which left children born after February 2013 unregistered and therefore without passports or medical cards. In an interview conducted in April 2015, an activist who had been present at the protest confirmed to me that the issue that was contested was the 'couple of digits' in the identity numbers which referred to the entity in which the child was born (Interview 20, Sarajevo). More specifically, the argument rested on the issue of whether the entity in which the child was born should be specified as part of an individual's identity number (Jukic, 2013). The issue came to a head when a child named Berina Hamidović became 'the first victim of politicking' over the identity numbers (Zuvela, 2013). Berina had previously been diagnosed in Sarajevo with a tracheoesophageal fistula - a hole between her gullet and her windpipe. After an unsuccessful operation in Sarajevo, her health deteriorated and she needed to travel across the border to Belgrade for further medical treatment. It was reported that the parents had said that 'the time they had wasted persuading Serbian border police to let her in without a passport to go to a hospital in Belgrade for surgery had cost her her chance of life' (Ibid). Berina's story demonstrates the way in which national numbers become manifest through contemporary governance in BiH. In post-Dayton BiH, ethno-national boundaries are rearticulated through these two autonomous entities. While national numbers gained currency prior to, and during the war in BiH, they have continued to affect the ways in which bodies are produced in contemporary BiH.

Tracing the politics of counting in BiH, I have reiterated how gendered bodies have come to be produced through nationalist discourse. In this section, I have articulated this argument in terms of national numbers, suggesting that this became a dominant mode of representation through the war and in its aftermath. The section has established two key points from which this chapter will build. First, I have traced the ground for discussions of the way in which the subject of wartime sexual violence is produced in the context of the contemporary politics of counting in BiH, arguing both that competing victimhoods have sought to establish women's bodies as ethno-national markers, and that the most visible subject of wartime sexual violence has been the Muslim-female-victim. Second, I have begun to consider questions of counting and the production of subjectivity in the contemporary governance context, tracing how the politics of national numbers emerges through disputes between the Federation of BiH and the Republika Srpska. Throughout the chapter, I will show the politics of counting to simultaneously be a 'homogenizing, differentiating, [and] classifying discourse' (Verdery, 1993, p. 38), which is implicated in the production of gendered, ethnically-identified bodies, and the production of victims.

In the remainder of the chapter, I turn to focus on the production of the subject of wartime sexual violence through the politics of counting in contemporary BiH. Particularly, I examine the production of subjectivity through administrative systems, both existing and proposed, which are designed to provide redress and restitution to survivors of wartime sexual violence. I explore how systems produce the victim of wartime sexual violence, as well as how people interact with these systems of justice. With each system producing a differing notion of the victim, it is the task of this chapter to unpack the politics of this production, exploring the limitations of the representation and recognition of the subject of wartime sexual violence.

Which Bodies Count?: Social Welfare and the 'Civilian Victim of War'

The social welfare system in BiH is one site in which the subject of wartime sexual violence has been produced. Social welfare regimes have been recognised as a key site of subject production by several other scholars. Writing of practices of social policy within transition in BiH, Paul Stubbs explores the interactions between 'welfare subjects' in 'social welfare regimes' (Stubbs, 2002, p. 321). While Deborah Cowen, investigating the interrelationship between soldiering and the social with regard to systems of social welfare in Canada, reflects on its implications for the process of subjectification (Cowen, 2005; Cowen, 2008). Taking its cue from this literature, this section concerns itself with the 'civilian victim of war' status within the system of social welfare. The 'civilian victim of war' status is governed by separate laws in each entity of BiH – the Federation of BiH and the Republika Srpska, rather than at the state level. As Popic and Panjeta explain in their detailed overview of compensation and redress within the social welfare system in BiH, legislation on civilian victims of war is based upon legislation for 'disabled and fallen soldiers', albeit with more restrictive provisions and payment (Popic & Panjeta, 2010, p. 6). The system of social welfare as it relates to war veterans and civilian victims of war is a direct legacy of socialist Yugoslavia. As Popic and Panjeta suggest, legislation in Yugoslavia established 'generous payments to soldiers who fought on the victorious 'Partizan' (Socialist) side during WWII', while providing much lower payments to civilian victims of war (Ibid, p. 6). The subject of wartime sexual violence sits uneasily within the 'civilian victim of war' status and has not always been included within this legislation. In what follows, I will examine the ways in which the subject of wartime sexual violence is both produced and made to count within the 'civilian victim of war' status. First, it is useful to explain the 'civilian victim of war' status, expanding on the ways in which it can be understood as both welfare and wartime restitution and reparation.

The 'Civilian Victim of War' Status in BiH

The 'civilian victim of war' status is a provision for victims tied to war-related injury, encompassing a range of civilian victims including survivors of wartime sexual violence, those who have been injured as a result of the war, and families of the missing or those killed during the war. There is some debate over to how to characterise the 'civilian victim of war' status. The provisions seem to offer a form of compensation to victims, and the status of 'civilian victim of war' affords some of the benefits that might be included within a reparations programme such as monetary payments and access to services. As such, they might usefully be thought of as a post-conflict reparative mechanism. Yet, the provisions are explicitly offered as a form of welfare, rather than compensation¹. Located within the social welfare system in BiH, the provisions offered under this status differ from reparations in several important ways. Firstly, the 'civilian victim of war' status is assessed in terms of a range of categorisations of injury. Since it is a form of welfare, rather than a form of reparation, if the assessing commission judge a person's level of injury or disability to improve, their entitlement to the status may cease (Hronešová, 2016, p. 346). Second, payments to the families of civilian victims are dependent upon income - if their financial situation changes, payments may also stop (Popic & Panjeta, 2010, p. 17). Third, as the status is granted to victims under the social welfare system, there is a possibility that provisions may be abandoned altogether. Indeed, BiH has previously come under international pressure to reduce its social welfare budget in order to become eligible for future loans (Amnesty International, 2012). Since payments to civilian victims of war are situated within a wider structure of social welfare payments for war-related injury, adjusted with regard to payments

¹ I draw an analytical distinction between social welfare and post-conflict reparation here to unpack the key aims and scope of each measure, and later will discuss how each are productive of the subject of wartime sexual violence in different ways. However, it is important to acknowledge that there are a number of intersections and continuities between forms of welfare and compensations, particularly as they pertain to militarised structures and institutions. Deborah Cowen's work on welfare, workfare, militarism, and citizenship in the case of Canada is particularly instructive on this issue (2005; 2008).

for war veterans it is useful to think of the 'civilian victim of war' status as a 'war-related' payment (Hronešová, 2016, p. 347).

Within the 'civilian victim of war' status, the situation for victims of wartime sexual violence is unique, differing in some important regards. As Popic and Panjeta note,

Eligibility for this type of payment is based on the violation itself (sexual abuse or rape), and victims do not have to prove disability. The fact that they do not have to prove disability also means that their eligibility cannot be lost through a change in circumstances, and . . . the payments are not currently subject to income restrictions. (Popic & Panjeta, 2010, p. 17)

These provisions are only afforded in the Federation of BiH, with no comparable law in Republika Srpska. While victims of sexual violence may apply for the status, their eligibility is assessed based on their bodily harm or disability in the same way as other civilian victims. This discrepancy is important in terms of the production and recognition of the subject of wartime sexual violence. It both defines who can be seen as victim, and constructs a hierarchy of victimhood in which the subject of wartime sexual violence is located. Before unpacking these arguments further, it is useful to explain the structure of social welfare payments to civilian victims of war in both entities. This will allow us to see the various ways in which the subject of wartime sexual violence is constituted as victim through welfare provisions in BiH.

The Federation of Bosnia and Herzegovina

In the Federation of BiH, the social provisions for civilian victims of war are outlined in the principles of social protection (Official Gazette 36/99) adopted in 1999. The term 'civilian victim of war' is explained in a handbook published by the International Commission on Missing Persons (ICMP) to enable individuals and families to access the provisions offered under this status. In the Federation, a 'civilian victim of war' is defined as,

[A] person who has suffered, during the war or immediate threat of war, due to wounding or some other form of war torture, damage to the body, including mental damage or significant deterioration of health, disappearance or death of such a person. (ICMP, 2007a, p. 1)

While the category of 'civilian victim of war' is relatively broad, the law makes specific distinctions as to the categories of person who are entitled to claim under the 'civilian victim of war' status. Persons that can be recognised as civilian victims of war include:

- Those who have suffered at least sixty percent damage to the body or whose health has seriously deteriorated due to torture, inhumane and degrading treatment, unlawful punishment, unlawful incarceration, forced labour during war, or immediate threat of war;
- Persons who have suffered at least sixty percent damage to the body as a result of war, including during bombings, street combat, explosion of military munitions, and stray bullets; from the explosion of remaining munitions following the war; as a result of an act of diversion, or a terrorist act;
- Family members of a missing person, in the case that the person was a civilian;
- Family members of a missing person who died as a result of war, in the case that the person was a civilian. (Ibid, pp. 4-5)

The 'civilian victim of war' status offers individuals both financial and social support. The level of support offered is dependent upon the assessment of bodily injury, and is broken down into several categories of victim. Civilian victims of war are also entitled to a range of social support dependent upon their category of injury. This includes supports such as a personal disability allowance; a supplement for aid and assistance by another person; an allowance for orthopaedic supports; a family disability allowance; financial support for the costs of medical treatment and purchase of orthopaedic supports; a right to professional training; a right to worker employment priority; a right to housing priority; a right to psychological assistance; and legal aid (ICMP, 2007a, p. 6). The table below outlines the way in which bodily injury is categorised and gives an indication of the financial support offered to that category of victim in 2007.

Figure 2 – Breakdown of the ‘Civilian Victim of War’ Categories in the Federation of Bosnia and Herzegovina in 2007 (Ibid).

	‘Civilian Victim of War’ Category – Percentage Bodily Injury	Amount (KM)
Category 1	100% damage to the body for persons who require care and support of another person for basic living needs	514.00
Category 2	100% damage to the body for persons who do not require care and support of another person for basic living needs	375.00
Category 3	90% damage to the body	283.00
Category 4	80% damage to the body	221.00
Category 5	70% damage to the body	164.00
Category 6	60% damage to the body	92.00

When the law was initially adopted, the ‘civilian victim of war’ status was intended to address physical injuries, neglecting issues of war trauma. This meant that survivors of wartime sexual violence were ineligible unless they could prove to the medical authorities that they had physical injuries as a result of rape (Helms, 2013, p. 204). While on rare occasions severe Post-Traumatic Stress Disorder (PTSD) had been accepted as a form of war injury (Helms, 2013, p. 204; Hronešová, 2016, p. 354), by and large, survivors of wartime sexual violence were overlooked. The neglect of survivors of wartime sexual violence within the law of civilian victims of war was taken up in the Federation by women’s NGOs. Led by Medica Zenica, the campaign ‘Za Dostojanstvo Preživjelih/For the Dignity of Survivors’ was launched. While the campaign drew support from individuals in the Republika Srpska, its focus was on bringing about an amendment to the law within the Federation. As Helms notes, this focus was more

'straightforward' than launching a state-level campaign as it operated within existing frames of victimhood which assumed that "victims of sexual violence" meant female Bosniac victims of rape by Serb (or Croat) forces' (Helms, 2013, pp. 206-7). In this sense, the campaign implicitly reproduced an ethno-nationalist discourse of Bosniac victimhood. While activists gained guarantees that neither sex nor ethnicity would be prescribed within the wording of the amendment, there was a tacit assumption that it was Muslim women who would be the main beneficiaries (Ibid, p. 206-7). In 2006, the law was amended in the Federation, meaning that survivors of wartime sexual violence could be defined as civilian victims of war without needing to prove bodily disability before a medical commission (Ibid, p. 195). Instead, survivors needed to register with civil society organisations who had previously been working with survivors of war violence. To claim the status, people were required to give testimony in an interview setting to determine the validity of their claim. When the law first came into force, *Žene Žrtve Rata* (Women Victims of the War) were the only organisation able to issue survivors with the necessary paperwork (Amnesty International, 2009, p. 44). However, when I conducted my fieldwork interviews in 2015, I was told that this situation had changed. Other women's and psycho-social organisation who had been working with survivors were also authorised to issue the certification (Interview 21, Zenica; Interview 24, Tuzla).

Despite the assumptions made about the identity of the victim-subject throughout the campaign, the financial aspects were subject to some controversy. As Helms notes, it was quickly decided that the level of entitlement for victims of wartime sexual violence should not exceed that of injured military veterans, with the payment eventually set at seventy percent of the veteran's entitlement (Helms, 2013, p. 208), the equivalent to category one injury for civilian victims of war. While there was 'popular consensus' over the need to privilege veteran entitlements, survivor groups responded differently (Ibid, p. 209). The women at *Žene Žrtve Rata* (Women Victims of the War) felt the entitlement was fair, arguing that despite being victims, they were not disabled. The women's section of SULKS felt differently, arguing that

they deserved the same level of recognition as veterans (Ibid, p. 209). SULKS position appeared to have changed in 2015, with their representative taking a far more pragmatic approach to the status (Interview 16, Sarajevo). As Helms argued with regard to the campaign, a 'hierarchy of victimhood was thus translated into monetary values and ratified by state, political, and NGO actors alike' (Helms, 2013, p. 209). As I will suggest, the formal inclusion of victims of wartime sexual violence in this hierarchy of victimhood is nevertheless challenged and contested through a gendered politics of blame.

The Republika Srpska

The situation in the Republika Srpska is markedly different. The ICMP note that the law on the protection of civilian victims of war, adopted in 1993, limits recognition in the status of 'civilian victim of war' to a five-year deadline from the date on which the application of the law began (ICMP, 2007b). This refers to the date on which 'the person suffered damage to the body, or was killed, died, or went missing' (Ibid, p. 2). An amendment to the law, published in the Official Gazette of Republika Srpska (60/07) on the 11th July 2006, allowed for civilian victims of war living in the Republika Srpska who had not submitted an application to do so, with a newly imposed deadline of 31st December 2007 (Ibid). In 2007. The ICMP was strongly encouraging all those who thought that they may meet the requirements outlined in the law to apply for the status, even if they were unable to provide the relevant evidence at that point in time. The handbook published by the ICMP to help citizens of the Republika Srpska access these benefits defines civilian victims of war as follows:

- Persons who have suffered damage to their bodies through assault, rape, . . . incarceration (prison, concentration camp, internment, forced labour) or who have suffered a wound, damage, injury, by the enemy while in flight, and which has caused at least 60% damage to the body, as well as the persons who were under the described circumstances murdered, died, or went missing;

- Persons who suffered at least 60% damage to their body as a result of wounds or injuries caused by war operations, such as: bombing, street fighting, stray bullets, mortar and cannon shell and similar. (Ibid, p. 2)

In some cases, family members of the missing, and those who have been killed may also access provisions offered by the ‘civilian victim of war’ status (Ibid, p. 3). As is the case within the Federation’s laws, categories of civilian victims of war are demarcated and categorised according to their bodily injury, and those who successfully gain recognition in this status are entitled to a range of social support provisions in line with their level of injury. These provisions include, entitlement to a civilian disability allowance (family disability allowance); supplement for care and assistance by another person; supplement for a family member incapable of earning a livelihood; additional financial support; supplement for single parents; health care; and professional rehabilitation (Ibid, p. 5). Yet, in Republika Srpska there is no amendment to the law to incorporate survivors of sexual violence. Although the definition of ‘civilian victim of war’ is inclusive of rape, this is understood exclusively in terms of bodily injury. Thus, a survivor of wartime sexual violence in the Republika Srpska would need to prove *at least* sixty percent bodily disability as a result of rape in war to gain recognition within the status. The table below outlines these categories and the payments afforded to categories of victim per month.

Figure 3 – Breakdown of the ‘Civilian Victim of War’ Categories in the Republika Srpska in 2007 (ICMP, 2007b).

	‘Civilian Victim of War’ Category – Percentage Bodily Injury	Amount (KM)
Category 1	100% damage to the body for persons who require care and support of another person for basic living needs	351.00

Category 2	100% damage to the body for persons who do not require care and support of another person for basic living needs	245.70
Category 3	90% damage to the body	175.50
Category 4	80% damage to the body	140.40
Category 5	70% damage to the body	122.85
Category 6	60% damage to the body	102.30

Having outlined the structure and key provisions afforded to victims of wartime sexual violence across the two entities of BiH, it is important to reflect upon the implications of these allocation of the ‘civilian victim of war’ status with regard to victims of wartime sexual violence. The clear difference regarding provisions for the subject of wartime sexual violence across the two entities raises the question of which victims are made to count through this status. Further, it brings forth issues of invisibility and omission of particular harms, an issue previously discussed with regard to the literature on body counts through war and peace . Focusing on this differential treatment of victims across the two entities in BiH, I will discuss how the subject of wartime sexual violence is produced and obscured through this differential politics of counting. In doing so, I ask after the possibilities for recognition through this status.

Counting Victims of Wartime Sexual Violence as Civilian Victims of War

Most obviously, there is a differential allocation of payment across the two entities for civilian victims of war, with payments to victims significantly more generous in the Federation than in the Republika Srpska. This difference can be attributed to the way in which the payments are calculated, with regard to the mean salary in each entity (Hronešová, 2016, p. 347). However, this difference in monetary recompense is indicative of a much wider disparity in the way in

which the subject of wartime sexual violence is recognised within the two entities. In the Federation, the subject of wartime sexual violence is recognised as victim. The important work carried out by women's organisations through the *Dignity* campaign has meant that individuals are able to claim the status of 'civilian victim of war' at the entity level. As was noted, the success of this campaign rested on the assumed identity of the victim-subject, one who was gendered female and was Muslim. Despite being a significant a 'step forward' for victims (Interview 15, Sarajevo), the extent to which this status offered survivors the recognition they needed was questioned. Discussions with a senior representative of the women's section of SULKS, the *Association of Concentration Camp Survivors*, based in Sarajevo, suggested that the organisation took a pragmatic view of the status. She framed the benefits afforded through the status in terms of the concrete forms of support that became accessible through the status. The representative spoke of the access to forms of medical care, such as therapeutic treatment which might otherwise be inaccessible to claimants (Interview 16, Sarajevo). It was made clear to me at Snaga Zene, a women's organisation based in Tuzla, that the mechanism offered a variety of forms of 'social support', but that it could not be understood as a 'classical reparations measure' (Interview 22, Tuzla).

There are significant questions over the possibilities for recognition through the status in the Federation. In a conversation with Nela, a representative from WILPF, we spoke about the process of claiming the 'civilian victim of war' status and the extent to which the status conferred due recognition for survivors. There was a concern over the number of claimants, which was strikingly low compared with the iconic figure of 20,000 victims who had been thought to have been raped during the war (Interview 15, Sarajevo). Popic and Panjeta record that in 2006 there were only 96 recipients of the 'civilian victim of war' status on the basis of wartime rape or sexual abuse, rising to 612 in 2009 (2010, p. 11). While many of the individuals with whom I spoke had emphasised the positive aspects of the measure, which, at very least, provided some financial security and access to services for those who claimed

(Interviews 15, 16, 21, 22, Sarajevo, Zenica & Tuzla), the unwillingness of many survivors to claim indicates a wider problem with the status.

When the amendment to the law first came into force, Žene Žrtve Rata were the only organisation authorised to issue the certification. A report issued by Amnesty in 2009, indicated concern over the way in which the process was carried out. They noted that,

The NGO does not employ a psychologist to assist the survivors in the process of giving their testimony. An interview is conducted in the presence of several persons which unnecessarily exposes the survivors to stress. The risk of re-traumatisation of interviewees is not addressed. (Amnesty International, 2009, p. 45)

Amnesty also noted concerns over the distance that survivors would have to travel to claim the status, which would be prohibitive for many. More worryingly, they also noted that applicants were being asked to give their consent for their testimony to be used in legal trials as a condition of certification (Ibid, p. 44-46). Though this situation has changed somewhat since the publication of these criticisms, the structure of the process still seemed to be prohibitive for potential claimants to gain recognition in the status. Among those who had successfully applied for the status, reports emerged of their stigmatisation by institutions intended to support them. As noted is a UNFPA report investigating *Stigma Against Survivors of Conflict-Related Sexual Violence in Bosnia and Herzegovina*, the status of 'victim of war' is stamped onto medical documentation booklets that are held by patients (UNFPA, 2015, p. 8). For female claimants of the 'civilian victim of war' status, the identification as a war victim, and the presumption of their status as victims of wartime sexual violence, may *reinforce* rather than reduce their marginalisation. This is an important point to note. Here, it becomes apparent that while the subject of wartime sexual violence is recognised in the Federation, in as far as they are recognised through this legal-bureaucratic status, paradoxically, virtue of being recognised, they may experience forms of non-recognition.

The amendment to the 'civilian victim of war' law in the Federation, formally situated victims of wartime sexual violence in an existing 'hierarchy of victimhood' within the Federation (Helms, 2013, pp. 207-9). As McEvoy and McConnachie argue, hierarchies of victimhood are 'predicated on distinctions between . . . 'good' victims and 'bad' victims', which map onto gendered social assumptions about the "'justifiability' of the suffering' (2012, p. 532). Though victims of wartime sexual violence can be counted as victims, understood within dominant frames of the gendered victim of rape, as noted, they are nevertheless subject to blame, stigmatisation and marginalisation within BiH. Produced as victims, and labelled as victims of wartime sexual violence in particular through processes of registration and certification, contrary to providing recognition, this status often leaves survivors vulnerable. This reveals a disconnect between legal-bureaucratic recognition, as a process of conferring an administrative status, and social recognition, as a process with involves relations between subjects.

While survivors were integrated, however problematically, in a hierarchy of victimhood in the Federation, within the law on the 'civilian victim of war' status in the Republika Srpska they are almost completely obscured from view. Although the law allows those who have experienced forms of wartime sexual abuse and rape to place a claim, individuals must demonstrate sixty percent bodily injury in order to be recognised in the status (Amnesty International, 2009; United Nations, 2013). In an interview with two representatives from Snaga Zene, who had worked with survivors residing in both entities, they explained the situation in the Republika Srpska further:

In Republika Srpska the women have to go through the invalid [sic] commission to present their documents and all the evidence that they may have and then the commission establishes the percentage of their disability. . . . However, it is very hard for women to obtain that status in Republika Srpska

because mainly we are talking about women who were very young at the time they were raped. They are still young women, and it's very hard to prove that you have any kind of disability because the commission does not look at the psychological damages or other needs that these women might have.

(Interview 22, Tuzla)

The commission conducted the assessment based upon the *Rulebook on Criteria for Estimation of Military Disabilities*, which did not include considerations of post-traumatic stress (PTSD) or other psychological problems (Amnesty International, 2009, p. 43). Placing the onus on individuals to demonstrate bodily injury excludes many victims of war violence from claiming the 'civilian victim of war' status, and is particularly difficult for those who have experienced forms of sexual assault and abuse. The forms of injury experience often resist measurement through this narrow framework, and as such they are excluded from counting in this status.

In December 2008, Amnesty International was told by the Assistant Minister of Veterans and the Protection of the Republika Srpska, Radomir Graonić, that the situation had changed (2009, pp. 43, 78). Following a series of protests by victims' and survivors' associations, trauma and psychological impairments could be considered by the commission. As Amnesty further note, the assessment practice changed such that cases involving trauma and psychological impairment would be considered to count as *up to* fifty percent bodily injury. Still, individuals would need to demonstrate the additional ten percent bodily injury to be recognised within this status (Ibid, pp. 43-4). Yet, questions remained as to what the assessment of bodily and psychological injury entailed. In my conversation with two representatives at Snaga Zene, they explained the application of the status in the Republika Srpska with reference to who could not be counted:

And for example, we have one of our women from Modrica, she was raped during the war. After she was released from the concentration camp she had to get an abortion, which is a surgical procedure, which is pretty traumatic for the body and for the mind. Beside that she has diabetes and hypertension but she did not manage to obtain the invalid [sic] right through the commission.

(Interview 22, Tuzla)

While seeking clarification from the representative of the Women's Section of SULKS, evoked a more unexpected response.

LC: I don't really understand the category of sixty percent and what this entails, and how that is judged. So, if you could maybe clarify that a little bit?

Representative: [Laughter] I have laughed when I heard this question! So, the doctors and the commissions are the ones who judge it. And they judge it through the length of your stay in the camp and the assessment of the consequences and traumas that it has left on you. . . . So, it is them that assess the degree. And it is very subjective when it comes to the assessment.

(Interview 16, Sarajevo)

As my interviewees, as well as international reporting on the issue suggest, it remains difficult for victims of wartime sexual violence residing in the Republika Srpska to gain recognition in this status. The deadline that the entity places on its citizens to apply for the status, as well as a continued refusal to grant the status for those forms of injury which are related to trauma, mean that the subject of wartime sexual violence is omitted from counting within this status. The international community has reported widely on this disparity, arguing that individuals are discriminated against with regard to the entity in which they reside (Amnesty International, 2009; United Nations, 2013). These reports fail to address the way in which this differential

politics of counting is reliant upon the production of the gendered, ethnically-identified victim-subject. What this fails to account for is the way in which welfare provision for the subject of wartime sexual violence is intrinsically tied to the (re)production of nationalist discourse. This reproduction of nationalist discourse renders some bodies as grievable through their constitution as civilian victims of war, while others are obscured from focus. In the Federation, reform to the 'civilian victim of war' status to include victims of wartime sexual violence, was made possible precisely because the assumed victim-subject was not disruptive of wider narratives of victimhood. The victim-subject was produced as Muslim and female, incorporated into already existing narratives and hierarchies of victimhood, which are in turn perpetuated through the social welfare provisions for veterans and civilians. In the Republika Srpska, the subject of wartime sexual violence manifests as a tricky subject – while the Serb victim of wartime sexual violence has been rendered far less visible in dominant narratives of gendered violence in BiH, the presence of the Muslim-female victim of wartime sexual violence is easier to obscure. In this case, the recognition of the subject of wartime sexual violence would be an admission of guilt, whose claimants might nevertheless threaten to destabilise the gendered and ethnic significations of the victim-subject. Though the subject of wartime sexual violence can place a claim within the status of 'civilian victim of war', in practice they are excluded from counting.

Transitional Justice and Reparations in BiH

Considering these concerns over the ways in which the victim of wartime sexual violence was counted, some began to question whether the social welfare system was adequate to meet victims' need for recognition. For example, UN Special Rapporteur on violence against women, Rashida Manjoo encouraged a move toward a transitional justice process which included reparations, suggesting that a much clearer 'differentiation should . . . be made

between any reparations programmes and the social welfare provisions to which women are entitled' (United Nations, 2013, p. 21). The report frames the failure to implement a comprehensive reparations process as a failure to address issues of violence against women, resulting 'in a lack of access for victims of wartime sexual violence to both criminal and civil remedies, as well as to adequate protection, support and rehabilitation services' (Ibid, p. 19). The report makes several recommendations including that BiH implements a national transitional justice process, across both entities, which incorporates reparations, in order to remedy this situation.

Nela from WILPF also argued that the social welfare system was not the proper site of recognition for victims, rather, it was a redistributive system that should be based upon need (Interview 15, Sarajevo). As my conversation with Nela continued, it became evident that the concern was not only that the social welfare system did not offer 'proper' recognition to victims, but that there was a problem with a situation which 'push[ed] this group into a very unhealthy situation where they are . . . also social welfare takers' (Interview 15, Sarajevo). She contended that,

What this country lacks and what this country really needs is a reparations programme that is comprehensive . . . These reparations programmes need to cover everybody. Everybody need to be equalised in it. They need to receive their reparations as per the gross human rights violations that were not stopped during the war. Which would also mean that the current situation where they are actually part of the social welfare system. It's not that, it cannot cope. Because you as a victim, it's not about social benefits, it's about you receiving reparations for the harms suffered. And then if you as a victim are also in need of social benefits as a normal, as a citizen of BiH, then that's when you enter the social welfare system. (Interview 15, Sarajevo)

There was a clear sense from a number of international and local organisations that a reparations process was the way forward. However, this push toward reparative programmes in BiH cannot be understood without reference to the wider international political and economic context. Calls for direction with regard to compensation and reparation for victims were became particularly pertinent after an International Court of Justice ruling in 2007 which cleared the state of Serbia of direct responsibility of the crime of genocide in Bosnia and Herzegovina². Further, BiH has come under pressure to reform the social welfare system and cut welfare spending by international financial institutions. In 2009, BiH signed the IMF 'Stand-by Arrangement' which secured a loan in return for commitments to reduce spending. While the Federation had agreed to cut spending on civilian and veteran welfare payments by ten percent, the Republika Srpska also agreed to 'streamlining' its spending (Popic & Panjeta, 2010, pp. 19-23). The shortcomings of the 'civilian victim of war' status and increasing international pressure to develop a reparations programme has led to the emergence of several proposals for reparative measures which circumvent the issues of entity differentiation. In this section, I focus in on one of these initiatives, a reparations programme proposal that was being developed by the IOM.

The reparations proposal developed by the IOM was initially conceived as an attempt to move beyond social hierarchies of victimhood. A comprehensive approach to reparations would move toward the equal consideration of all victims across the former Yugoslavia, and would be supported at the international institutional level. As I will demonstrate in this section, the process of development saw the reparations approach undergo significant changes, coming to impact upon the way in which the victim was produced. Drawing on multiple literatures, including victim-centred transitional justice, reparations, bureaucratisation, and recognition

² The ruling and the summary of the case, *Application of the Convention on the Prevention of the Crime of Genocide (Bosnia and Herzegovina vs. Serbia and Montenegro)*, can be read here: <http://www.icj-cij.org/docket/index.php?sum=667&code=bhy&p1=3&p2=3&case=91&k=f4&p3=5>

theory, I posit that the development of reparations in the case of BiH engages in a process of line-drawing with regard to who can be recognised as a victim within BiH. Building upon this discussion, I argue that the IOM's administrative system of reparation both assumes the victim-subject *a priori*, at the same time as the victim-subject is continuously produced through this process. This analysis reveals a tension within bureaucratic forms of recognition in post-conflict justice. While reparative systems of justice attempt to make the victim count, the pursuit of justice through bureaucratic systems entails *accounting for* victims. In doing so, bureaucratic forms of recognition contribute to the dehumanisation of the subject. It is useful to consider what is meant by the term, bureaucratisation, linking it to modes of international, post-conflict response.

Bureaucratisation is outlined by Max Weber as a process which, 'offers above all the optimum possibility for carrying through the principle of specializing administrative functions according to purely objective considerations. . . . The 'objective' discharge of business primarily means a discharge of business according to calculable rules and 'without regard for persons' (1991, p. 215). Bureaucratisation describes the process by which administrative functions are carried out objectively, with efficiency in mind. The individual does not, or cannot feature in the system, rather they are subsumed by it. Building on Weber's seminal work on bureaucracy, Zygmunt Bauman argues that the process of dehumanisation is 'inextricably' linked to the tendencies of modern bureaucracy (1989, p. 103). While Bauman, notes that one of the most striking examples of the process has been associated with the 'horrifying pictures of the inmates of concentration camps', such images 'represent only an extreme manifestation of a tendency which may be discovered in all bureaucracies, however benign and innocuous the tasks in which they are currently engaged' (Ibid, p. 102). Further, and importantly, 'the discussion of the dehumanising tendency, rather than being focused on its most sensational and vile, but fortunately uncommon, manifestations, ought to concentrate on the more universal, and for this reason potentially more dangerous manifestations' (Ibid, p. 102). It is

for this reason that the bureaucratising impulses of administrative reparations should be interrogated.

The bureaucratising tendency of intervention has been the subject of much scholarly discussion, particularly as it pertains to post-conflict and developmental politics (Duffield, 2014; Escobar, 1995). In *Encountering Development*, Escobar explores the processes of institutionalisation and professionalisation which makes development possible, namely by establishing a set of relations which transforms populations subject to intervention as objects of study (1995, pp. 39-44). Bureaucratisation is thus intertwined with intervention practices, enabling the framing of a particular relation between subject and object. A process which transforms 'social life into a series of discrete technical problems open to professional solutions' (Duffield, 2014, p. 83), bureaucratisation is the mode by which the development professional is able to experience 'life as if he or she was set apart and unconnected with the framed object' (Ibid, p. 83). Yet, it is precisely the illusion of objectivity and detachment that enables the interaction with the object (Ibid, p. 83). This relation has implications for the ways in which the subject of wartime sexual violence is produced. Following Edkin's argument that 'even when someone counts in the way that westerners count . . . they count not for who they are (their being in all its imponderable mystery) but for what they are, at least as far as the systems of accounting and governance that we have currently are concerned' (2011, p. 7), I will demonstrate how assumptions about the gendered, ethnically-identified subject of wartime sexual violence comes to inform the process of counting and accounting for victims through the IOM's reparations process. In the next section, I explore how 'ideal-type' reparations are understood, drawing out the ways in which they seek to account for victims.

Reparations in/and Transitional Justice

Reparations are mechanisms which offer forms of ‘material and symbolic redress to victims of human rights violations’, which are most often delivered through a judicial or administrative program (O'Rourke, 2013, p. 153). In the case in BiH, administrative reparations are currently being pursued, while the judicial processes at the International Criminal Tribunal for the former Yugoslavia (ICTY) and in the national courts have largely been concerned with criminal justice. Rubio-Marin and de Greiff provide further elaboration on administrative reparations, suggesting that these programmes should be considered,

[A]s instances of a relationship in which links are established between members of a set defined as ‘victims’ (at least for the purposes of the program) and members of a set defined as ‘beneficiaries.’ In this relationship, the links take the form, precisely, of the benefits distributed by the program. The ideal behind a reparations program, then, is to ensure at least that every victim is a beneficiary, meaning that he or she receives something from the program (Rubio-Marin & de Greiff, 2007)

Reparations programmes seek to provide material and symbolic remedy to victims, virtue of the harms they have suffered. In doing so, reparations programmes also constitute the victim as a beneficiary of the administrative system of reparation.

Reparations also have a basis within international law. These provisions are contained within *The 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*. Codified in 2005, the principles recognised a right to remedy for victims of violations of international law (Rubio-Marin, 2006, p. 24). The principles do not establish new legal obligations, rather, they ‘identify mechanisms, modalities, procedures, and methods for existing legal obligations’ (Rubio-Marin, 2006, p. 24). Placing emphasis on ‘reparations as acts in the creation of the new or renewed democratic unit’ (O'Rourke, 2013), they are generally understood to offer *restitution, compensation, rehabilitation*, and guarantees of non-repetition for the crimes that individuals or collectives have suffered (de Greiff, 2007, p. 154).

Reparations programmes come to be articulated around a 'notion of victim or a listing of violations for which the state takes responsibility and seeks remedy' (Rubio-Marin, 2009, p. 72).

UN Special Rapporteur on the promotion of truth, justice, and guarantees on non-recurrence, Pablo de Greiff notes that evolving international legal norms render the transitional state responsible for the provision of reparations (de Greiff, 2007; 2013). Since the International Court of Justice ruling in 2007, stating that Serbia cannot be held responsible for the crime of genocide, this renders BiH responsible for the provision of reparations. These reparations are imagined as forming the basis of the development of 'civic trust' which re-establishes and validates the linkage between political communities and individual victims (de Greiff, 2007, pp. 162-3). As O'Rourke points out, there is often a reluctance on the part of the transitional state to bear responsibility for past harms. Though the state is understood to bear a legal responsibility to provide reparations, it may also seek to distance itself from past wrongs to (re-)establish political legitimacy since the 'overt' admission of responsibility may be potentially 'costly' to a transitional state (O'Rourke, 2013, p. 155). Instituting a system of reparation in BiH is a complex process. While international pressure mounts to implement reparations on a state level, negotiations must take place with and between the two autonomously governed entities – the Federation of BiH and the Republika Srpska. Any reparations programme that emerges will be a result of difficult negotiations between representatives from the two entities. These negotiations are likely to be further complicated since debate persists over the way in which blame for past wrongs is apportioned.

Having set out the legal provisions that establish reparations as a post-conflict justice process, and having briefly sketched out some key issues and challenges that developing a reparations process in BiH presents, it is useful to unpack the aims of reparations processes in terms of the recognition of the victim. Ideally conceived, reparations aim to confer recognition to the

victim-subject through the granting of status to an individual or a collective. In this sense reparations are also inherently implicated in a process of *accounting for* victims. The next section explores this tension between the language of recognition and the bureaucratic necessity of accounting, through exploring (critical) transitional justice literature and theories of recognition.

Reparations and Legal-Bureaucratic Recognition

Within transitional justice there has been a notable shift toward a more ‘victim-centred’ justice, both in theory and in practice (Aldana, 2006; Garbett, 2013; 2015; Robins, 2011; 2012). Common international legal justice practice used within the ICTY have been criticised for constituting victims as ‘passive objects’ of the law, and there has been shift toward mechanisms and practices which are more inclusive of the victim, involving victim participation (Garbett, 2015). Understandings of victim-centred justice differ. While some use the term to mean any mechanism which ‘addresses the rights and needs of victims’ (Aldana, 2006, p. 107), others have questioned this understanding, highlighting the tensions between institutional, top-down approaches to transitional justice and the incorporation of victims’ voices (Lundy & McGovern, 2008; Robins, 2011; 2012). In this sense, it is useful to make a distinction between ‘victim-oriented’ justice approaches which operate within an evolving norm of victim consultation and participation (Garbett, 2013, p. 194) (see also Bernath, 2016; Méndez, 2016), and processes that ‘arise as a response to the direct needs of victims, as defined by the victims themselves’ (Robins, 2011, p. 77). The reparations proposal developed by the IOM is a clear example of a victim-oriented approach. Centering the rights and needs of victims through consultation, it is nevertheless an institutional, top-down approach which consults victims, rather than acting on their needs and demands. Since victim-oriented justice processes place emphasis on consultation with victims, it might fairly

be suggested that they are more equipped to deliver the justice that victims want. Indeed, reparations have been cited by de Greiff as 'occupy[ing] a special place in a transition to democracy. Reparations are for them, the most tangible manifestation of the efforts of the state to remedy the harms they had suffered.' (de Greiff, 2007, p. 153). While much is assumed in de Greiff's formulation about structure of the state and the temporal nature of transition, it is the production of the victim-subject that is of particular interest.

Prominently, reparative efforts have been understood as offering both symbolic and material forms of redress (de Greiff, 2008; Moon, 2012, p. 190). Where symbolic redress relates to what Fraser terms *cultural or symbolic justice*, 'rooted in social patterns of representation, interpretation, and communication' and calls for 'some sort of cultural and symbolic change'; material redress relates to *socioeconomic injustice* which 'is rooted in the political-economic structure of society' (1997, pp. 13-5). Victim-oriented reparations aim to offer recognition to victims for harms they have suffered. As Joel Anderson argues in the translator's note to Honneth's, *The Struggle for Recognition*, recognition, in the context of justice, should be understood in terms of 'the granting of a certain status' (Anderson, 1995). In this view recognition signifies a way of being, behaving, or acting toward someone which grants them a particular status. Similarly, reparative programmes aim to offer recognition to victims for the harms they have suffered through the granting of status. This acknowledgement is affirmed by the symbolic act on the part of those who give or grant the status (Hamber, 2008, p. 566). The granting of status is part of a process which, Fraser argues, function by 'calling attention to, if not performatively creating the putative specificity of some group and then of affirming its value' (Ibid, p. 16). That is, symbolic forms of recognition acknowledge the suffering of particular groups of victims.

De Greiff has argued that recognition must do more than grant the individual a status within a group of victims. Instead he posits that,

In order to recognize individuals as citizens it is necessary to recognize them as individuals first. That is to say, it is necessary to recognize them not as members of groups (as important as this might be), but also as irreplaceable and unsubstitutable human beings. (de Greiff, 2007, p. 161)

Despite the radical possibility that the language of irreplaceability and unsubstitutability conveys, de Greiff's formulation is reliant upon a notion of democratic transition which assumes the liberal subject. While de Greiff acknowledges a necessity of recognising the individual-subject, the liberal citizen-subject is the desired end point, where the latter is predicated on the former. Again, reading Honneth, it is possible to unpack de Greiff's assumptions. For Honneth, the subjection of the individual comes about through primary intersubjective relations. This relationship 'prepares the ground for a type of relation-to-self in which subjects mutually acquire basic confidence in themselves' (Honneth, 1995, p. 107). Rights-based recognition emerges through this relation-to-self. As Honneth argues, 'we can only come to understand ourselves as the bearers of rights when we know, in turn, what various normative obligations we must keep vis-à-vis others' (Ibid, p 108). It is through this legal recognition that, 'one is able to view oneself as a person who shares with all other members on one's community the qualities that makes participation in discursive will-formation possible' (Ibid, p. 120). For Honneth, and as we have seen for the UN Special Rapporteur, de Greiff, the rights-bearing citizen emanates from the individual subject. Reparations then aim to confer recognition to the individual, in as far as they are affirmed as part of a 'victim' or 'citizen' group. Problematically, the process by which the individual comes to be included within the collective always produces exclusions.

Reparations, through the granting of status to victims, are also a material redistributive measure, encompassing compensation, service provision, as well as social and economic development (de Greiff, 2007, pp. 168-70). The UN's *Basic Principles* establish the right to reparation in as far as it restores the victims situation to the *status quo ante*, setting out that reparations should aim to 'restore the victim to the original situation before the gross

violations of international human rights law or serious violations of international humanitarian law occurred' (United Nations, 2006, p. 7). As is argued by Margeret Urban Walker, it is this principle which makes reparative forms of justice a 'distinct and distinctly victim-centred ideal' (2016, p. 110). This conception of reparations is predicated on the recognition of the individual victim-subject through the granting of status. As Walker argues, material redress is important to the extent that it, attempts to recognise 'individual victims . . . whose status as bearers of rights and subjects of justice depends crucially on their standing to claim accountability and repair for violations to their individual persons' (Ibid, p. 110).

Critical and feminist transitional justice scholars have questioned this stance, arguing that it is necessary to look to the 'transformative opportunities offered for women and gender relations by transitions from political violence (O'Rourke, 2013, p. 4). Particularly, they have criticised the notion of restoring the victim to the *status quo ante* arguing that it is an insufficient condition with regard to gender justice (Couillard, 2007, p. 451; Miller, 2008, p. 280; Rubio-Marin, 2009). A transformative conception of reparative justice, as exemplified by the Women's International League for Peace and Freedom's reparations proposal, instead suggests that reparations 'should aspire, to the extent possible, to subvert, instead of reinforce, pre-existing structural inequality that may be at the root causes of the violence women experienced before, during and after the conflict' (Manjoo quoted in Mlinarevic, et al., 2016, p. 18).

Yet, this critique fails to engage with the way in which the victim-subject is produced through victim-oriented justice. The (rhetorical) centring the victim within reparations processes is reliant on the production of an idealised and individualised victim, which can be counted through the granting of victim status. In contrast to the differentiated victim produced through the social welfare system, the victim of reparative justice in BiH, are 'cohesive, united ensemble of people, a homogenous category, characterized by standard material, symbolic

and emotional needs' (Maglione, 2016, p. 8). The recognition and subsequent material redress of the victim in the process of democratic transition is reliant upon the victim conforming to the mode in which the victim-subject is counted through a process of legal-bureaucratic recognition. In the next section, I will focus in on the IOM's process of developing an administrative reparations process in BiH. I will explore how the subject of reparative justice is constituted through this process, later moving to discuss the production of the subject of wartime sexual violence.

International Justice, Reparations, and the Production of the Victim

During my first fieldwork visit in May 2015, I began to trace the impact that the United Kingdom's PSVI had in BiH. One of the things that the funding had supported was a cross-organisational UN project for 'conflict-related sexual violence' (CRSV). The CRSV project involved several UN agencies including the IOM, United Nations Population Fund, United Nations Women, and the United Nations Development Programme. Each agency had a different area of focus, ranging from strengthening the rule of law, to projects aimed at strengthening opportunities for economic empowerment and improving health provisions. The IOM were developing an administrative reparations proposal for victims of CRSV, with the aim of putting into place a reparations process at the state level, reflecting concerns over the differential allocation of counting through the social welfare system. When I first interviewed a representative of IOM's BiH Country Office, I was told that the proposal was nearing the end of its initial research and data-gathering stage. The project, entitled *Seeking Care, Support, and Justice for Survivors of Conflict Related Sexual Violence in BiH*, sought to put into practice some of the recommendations from an earlier IOM report. The report, *Reparations for Wartime Victims in the Former Yugoslavia*, published in 2013, developed a proposal for a comprehensive, ideal-type reparations program in the former Yugoslavia, and offered

suggestions of the steps that would need to be taken in pursuit of this aim. Despite undergoing a shift in terms of which victims are understood to be the target of reparations, there are key continuities between the report and the current approach to the reparations process taken by the IOM. In particular, they both count and *account for* victims.

Initiated by the Office of the President of the International Criminal Tribunal for the former Yugoslavia, the report is situated within the framework of the ICTY's continued 'commitment to explore to what extent, and how, the ICTY could contribute to ensuring that victims would obtain redress for the crimes that they have suffered' (Van der Auweraert, 2013, p. 9). The central objective of the report was to 'facilitate the discussions and political decision making about reparations for wartime victims of international crimes in the former Yugoslavia' (Ibid, p. 9). It aimed to support ongoing work by several actors including international organisations, civil society, and victim associations. Centrally, the report takes as its starting point the examination of a 'comprehensive reparations effort', which entails,

[T]hat all victims of international crimes committed during the Yugoslav wars would have access to an effective remedy for the violations they suffered from, independent of where they currently reside; what ethnic, national or religious community they belong to; and what gender they are. By necessity, this implies the establishment of a dedicated procedure and process, i.e. a reparations program. (Ibid, p. 9)

Yet, the report was clear that the IOM 'does not "advocate" for one particular reparations effort over another'. Rather, it was for the 'relevant stakeholders to decide' the form that reparations would take (Ibid, p. 9).

The report positioned itself as 'setting out the key decision points and providing some recommendations for . . . the concrete next steps for a comprehensive reparations program', thus giving a sense of 'what can (and maybe also cannot) be done' (Ibid, p. 9). The report recommended several key steps to be taken. It suggested that a series of technical workshops be held on the topic of reparations for 'key stakeholders', encouraging 'a common

understanding and language around reparations, which would facilitate the eventual political process to create a reparations program' (Ibid, p. 7). The report encourages international and regional actors to support victim's associations and civil society actors across the region to develop a common proposal (Ibid, p. 45). Further, it suggests the establishment of a working group which focused on reparations for victims, which would include members of civil society and the government, and would be tasked with bringing the reparations programme to fruition (Ibid, p.46). These recommendations aimed to ensure that any emerging reparations process would be perceived as 'genuinely victim-centred; fair; transparent; and sufficient, i.e. in line with what they [victims] can legitimately expect from the state and broader society' (Ibid, p. 33). In this regard, the opinion of victims was a 'key yardstick' for success (Ibid, p. 33). In short, the report situated reparations in the former Yugoslavia as a victim-oriented approach to justice, both placing the victim at the centre of justice, while reinforcing the international community presence as a key capacity builder.

One of the central recommendations of the report was the importance of mapping the information that was currently available about victims. In doing so, the IOM hoped to identify the 'data gaps' surrounding victims of wartime sexual violence (Ibid, p. 46). The language of the report helps to build a picture of the way in which the victim is framed and accounted for within the IOM's narrative. The use of language within the report (e.g. 'stakeholder', 'data gap') is indicative of the form of politics which Bauman refers to as dehumanisation. To the extent that my initial conversations with the IOM centred around the 'data gap', it is important to reflect on this term further, detailing the way in which it produces the victim.

The various organisations and associations that have formed across BiH to provide support and care to survivors of wartime violence indicate a wealth and breadth of knowledge about survivors and their needs. The term 'data gap' refers not to the lack of qualitative knowledge about survivors, or to a lack of data collected by these organisations and associations. Rather,

the data gap refers to the lack of a universal register of victims across the region. Van der Auweraert notes that ‘the current situation of multiple actors holding some victim’s data is not unique to the former Yugoslavia’ and ‘is a common occurrence in post-conflict settings prior to centralized efforts to register victims’ (2013, p. 46). In establishing a single regional victim register, it was hoped that this would ‘facilitate the prospective reparations process’ and ‘render the victim identification and recognition process politically neutral and uncontroversial’ (Ibid, p. 46).

As sociologist Sally Engle Merry argues, the quantification of knowledge has been central to international governance. The IOM’s claim to political neutrality is dependent upon the ‘myth of objectivity’ which often surrounds quantification (Merry, 2016, p. 19). For the UN, the collection and production of statistical data is viewed ‘as a technical problem, and not a political one, to which it brings expertise and advice’ (Ibid. p. 41). This understanding is reflected within the IOM’s framing of the issue of reparations – it positions itself as ‘facilitating’ discussions about reparations, while identifying the gaps in victim data. The collection of knowledge about victims becomes a technical problem which can be approached with a similarly technical neutrality. As Merry notes, this both ‘camouflage[s] the political considerations that shape the collection and presentation of data’, and obscures the politics inherent within the ‘disciplinary and institutional site of their creation’ (Ibid, p. 20). It is useful to explore the politics of mapping data on victims in context.

To establish a comprehensive reparations process, it was deemed necessary to understand ‘what victim’s data is available’ (Van der Auweraert, 2013, p. 46). To fill the data gap, a ‘mapping exercise’ was proposed. This process would investigate,

[W]hat actors hold data on what type of victims (including diaspora organizations); what type of data the different actors hold on the victims whose information they collected; what methodologies were used to take victims’ statements and information; when the information was last updated; and in what technical format the data is kept . . . Such a mapping exercise

could be accompanied by an assessment of what victims' data is missing and how many victims are likely to have never been registered by any of the relevant actors. (Ibid, p. 46)

Problematically, at least for the IOM, many had not yet been counted as victims, at least in a way that was perceived as useful for the purposes of an administrative reparations process.

There are parallels to be drawn here with Edkins' work on the missing. In a review undertaken by the International Committee of the Red Cross into the subject of missing persons in conflict, Edkins writes that it becomes necessary for the organisation to provide a definition of the term 'missing person' (Edkins, 2011, p. 12). To know how to begin to act on the problem, the organisation need first know the parameters within which they were able to act. In this case, the resulting classification of the missing person 'situates the person missing in relation to some formalized "accounting" procedure' (Ibid, p. 12). In doing so, it fails to account for the ways 'in which someone (not "anyone") is only ever missing *in relation*' (Edkins, 2011, pp. 12-3). The IOM's data gap is a problem to the extent that victims are (or at least their data is) missing *in relation to* the IOM. Independently of how soon it might be possible to render a reparations process 'operational', the IOM argued that 'efforts to find out what actors hold data of what victims and to identify the extent of the data gaps are in [and of themselves] meaningful' (Van der Auweraert, 2013, p. 7). This process of identification can be understood as a process of accounting.

With the renewed visibility afforded to wartime sexual violence through the PSVI, the IOM's BiH Country Office narrowed their focus with regard to reparations. Rather than the comprehensive, region-wide process that had been recommended in the Van der Auweraert report, the reparations project focused in on victims of CRSV within BiH. When I spoke with a representative from IOM in May 2015, the project had come to the end of an initial research stage. Building from the recommendations of the Van der Auweraert report, and at the behest of the BiH government, the IOM began a process of data-gathering and mapping. The

IOM sent out a fourteen-page questionnaire to one-hundred and fifteen NGOs which it deemed to be likely to have contact with survivors of CRSV, including women's organisations and organisations which supported victims of torture. A questionnaire was also sent to relevant governmental organisations such as the Gender Centres for the Federation of BiH and Republika Srpska. The process of data-mapping,

[W]as largely looking at the quality of the data, looking at why they collected it, how they used it . . . [s]o that we could see exactly what's out there. So we can see what percentage of survivors have some form of documented evidence, so it can shape our reparations package. So, we know exactly what we're dealing with. (Interview 4, Sarajevo)

However, the process was proving to be complicated, particularly with regard to the presentation of their findings to the relevant stakeholders and the government institutions. The problem was one of counting and accounting for victims.

Further to the heated controversy surrounding the count of raped bodies during and in the immediate aftermath of war, the counting of victims for the purposes of delivering a reparations programme was also subject to negotiation and contestation. In my conversation with the IOM representative, we broached the subject of number. Up until this point the delivery of the IOM's plans and outline of the project had been direct, to the point, and confident. Here, the tone shifted, the representative more careful in her language. Given the sensitivity of implementing a process of reparation for victims of wartime sexual violence, the IOM were anxious to gain support from the governments of both entities, since it was a distinct possibility that the proposal would be 'drawered' (Interview 4, Sarajevo). Avoiding mention of the number of rape victims directly, I was told that it was acceptable to speak about the number of victims who would be seeking assistance as part of the program. However, at this early stage the IOM were unsure of who or how many people were to be

counted (Interview 4, Sarajevo). Issues of counting had also arisen at the time of the amendment to the 'civilian victim of war' status in the Federation. Though benefit claimants were likely to be relatively small, as Helms writes, 'no one could say how many war rape survivors there were who could potentially claim eligibility, which meant there could be no estimate of how much the new benefit would cost' (Helms, 2013, p. 204).

This appeared to be a point of frustration for the IOM in moving forward. At the end of the research stage, and still unsure of the potential scale of claimants, I was told that,

One of the things it mentioned in the report was lack of planning [for reparations]. Which is why one of the things that we'll need is a big outreach to actually collect; not only the numbers that are still alive, because we don't know how many of these numbers we've collected are still alive. So, it's not only that but it's also looking at these ones who have never come forward. And we're showing that in most of the country there has never been an outreach campaign targeted at anyone. And there's some parts of the country, I think Posavina, there's nothing, there's no NGOs working in that area. And you've got these two big NGOs, Medica Zenica and Vive Žene in Tuzla. They supposedly cover the whole country, but it's not as if these women can afford travel passes to get back and forward. So, there's nothing there. (Interview 4, Sarajevo)

Despite having carried out an initial data-gathering stage, the representative highlighted the need to continue counting. Though they had a comprehensive knowledge of the data that was held on victims by NGOs and governmental institutions, there were gaps in the data they had collected. Throughout the interview, the need to know exactly what was 'out there' in terms of victims was reiterated (Interview 4, Sarajevo). The continued compiling of data appeared to have a practical point. If the number of people who were expected to take up

the reparations package - which included access to key service providers, and potentially some form of monetary compensation – was not known, how were these provisions meant to be costed? However, the problem could not easily be resolved by continuing to count victims. When I returned to the IOM in October 2015, problem of counting victims had, to some extent, been resolved. The reparations programme would likely involve a sliding scale of reparations, with entitlements for the victim dependent upon how many people registered. It was concluded that it was not possible to ‘go to all the victims and register them’, which was perceived as offering them false hope. The victim count given within the final report was likely to be an ‘arbitrary number’ (Interview 4, Sarajevo).

Throughout the report issued by Van der Auweraert, and in my subsequent conversations with the representative from the IOM, the process of developing a reparations proposal in BiH has sought to count and account for victims. This process of accounting has been evident through the ways in which the IOM continue to count victims to fill the data gap. The lengthy process of accounting for victims indicates the extent to which the IOM views them as missing, in as far as they seem to resist being fully counted by the IOM. To this extent, the IOM relies on the production of an idealised victim, passive and waiting to be counted. For the IOM, this victim-subject exists *a priori*. For why would there be a need to count unless victims were already out there waiting to be counted? Indeed, one of the greatest ironies of this situation is that the IOM in many ways already ‘know’ who the victim is, yet they are unable to move forward in a way that would benefit these victims because they do not know who or how many victims might register. To further understand the logics of this process of counting, it is necessary to reflect back to the emerging (and competing) reports of the contestations over the number of raped bodies during the war in BiH. As was seen in the previous chapter, and was again noted at the beginning of this chapter, the figure of 20,000 has come to be a convenient stand-in for the figure of the raped Muslim woman. This subject of wartime sexual violence was characterised by her passivity, rendered silent in the

patriarchal society in which she is supposed to live. It is this illusory figure that the IOM expects to find. As such, the IOM is also implicated in the reproduction of a notion of a gendered, ethnically-identified subject of wartime sexual violence.

Conclusion

In this chapter, I have demonstrated the ways in which counting has come to be central to the production of the victim-subject in BiH. The politics of counting and accounting for victims has been noted across two key cases of legal-bureaucratic recognition as it relates to the subject of wartime sexual violence – the ‘civilian victim of war’ status within the social welfare system and the development of the reparations proposal by the IOM. I have argued that both systems seek to *count* and *account for* the victim. The chapter has proceeded in three main sections. The first examined the politics of counting through war and peace, both with regard to scholarly discussions of body counts and in the context of BiH itself. Here, I argued that counting was always a practice of omission, a decision over which bodies count, and which are precluded from counting. This raised questions over the ways in which legal-bureaucratic forms of recognition can apprehend and recognise the subject, enabling further explorations of the subjectivities produced and assumed in the case studies in this chapter. Through situating the politics of counting within BiH itself, it becomes apparent that forms of accounting are not merely an external practice. Rather, they became central to the ways in which gendered bodies were and are produced through ethno-national registers. Drawing on Jansen’s (2005) conceptualisation of national numbers, I explore how this came to feature in narratives about women’s role as reproducers, as well as in the representation of sexual violence through war and peace. This section concludes by arguing that a set of competing victimhoods in BiH have come to produce women’s bodies as ethno-national markers, suggesting that the most visible subject of wartime sexual violence has been the Muslim-

female-victim. This section sets the ground from which the chapter builds an analysis of the production of categories of gender, nation, and ethnicity through notions of victimhood within the governance structures in BiH.

The first case with which this chapter has dealt is the 'civilian victim of war' status within the social welfare system, paying particular attention to the position of the subject of wartime sexual violence within this status. Here, I set out the differential politics of counting in each entity of BiH, arguing that while the subject of wartime sexual violence has been made to count in the Federation, this subject is most often excluded by the legislation and its application in the Republika Srpska. Through my examination of the 'civilian victim of war' status, I make several interconnected claims. When the subject of wartime is made to count, they count as far as they can be counted as victim. Following from this, I examined the reasons for the differential politics of counting between the two entities. The subject of wartime sexual violence in the Federation is counted to the extent that they can be assumed as female and Muslim, and thus incorporated into existing narratives of Bosniac victimhood. However, in being made to count, the subject of wartime sexual violence comes to be publicly labelled, and as such often contributes to wider forms of social non-recognition. In the Republika Srpska the subject of wartime sexual violence is a tricky subject. Unable to be incorporated into the frame, those residing in the Republika Srpska are excluded from counting as victim.

The final section of this chapter examined the case of the reparations proposal under development by the IOM. Exploring the process of data-gathering which the IOM undertook prior to the development of a reparations proposal, I map how this process was understood as an important step of coming to know who the subject of wartime sexual violence was, and where they were located. In mapping this process, it becomes clear that the IOM are already working with a conceptualisation of who the victim is. Resting on a notion of the idealised

victim, passive, and out there waiting to be identified, the victim exists *a priori* for the IOM. The victim is both rendered present in an idealised form, yet is also missing, in as far as it was missing from the IOM's official statistics. Ironically, it is the politics of counting that perpetuates the production of the *a priori* victim. The reproduction of the iconic figure of '20,000' has meant that the realities of accounting for victims in the post-conflict context can never match up.

Through the examination of these two key cases of legal-bureaucratic recognition, a central commonality in terms of their modes of reproduction has emerged. Not only do both processes produce the victim-subject, but each in their own way, reproduces affective nationalist registers. In order that the subject of wartime sexual violence count as a 'civilian victim of war', the subject must be assumed and produced as female-Muslim-victim. As I have argued, this subject can be incorporated into already existed narratives of Bosniac victimhood. The process of filling the data-gap was also reliant on the production of a victim-subject. In this case, the IOM understood the victim to be missing in relation to the Parliamentary Assembly of the Council of Europe's estimate of '20,000' rapes. Coming to stand for the female-Muslim-victim of ethnic cleansing, the IOM's reliance on the politics of numbers also came to rely upon nationalist registers despite seeming to uphold a stance which included *all victims* of CRSV in BiH.

Throughout this chapter, it has become evident that legal-bureaucratic forms of recognition for wartime sexual violence in BiH hold out the possibility of recognition in as far as it can be understood as a process of granting of status to this particular group of victims. However, in as far as these mechanisms were reliant upon the production of the victim through particular gendered and ethno-national categories, each also functions to preclude the possibility for apprehending the subject otherwise. Moving into the next chapter, which focuses on psychological intervention and psycho-social recognition, it becomes clear that the victim is

not the only subject that is produced through post-conflict justice processes in BiH. In this chapter, I examine a range of subjectivities, moving the analysis from victimhood to forms of witnessing.

Chapter Three – The Victim, the Survivor, the Client, and the Witness: Trauma and Psychological Interventions

Introduction

The previous chapter sought to explore the legal-bureaucratic processing of bodies within structures of post-conflict recognition, arguing that such practices of recognition are productive of the victim-subject. Most often, the victim-subject was assumed and produced as female and Muslim, with others precluded from counting. This chapter continues to focus on structures of post-conflict justice and recognition in BiH, moving to explore the psychological processing of the post-conflict subject, and the production of the subject of wartime sexual violence in particular. The psychological processing of the subject is important to consider since it is implicated in the psychic, social, and legal recognition of the post-conflict subject. As will be seen throughout this chapter, the psychological production of the subject of wartime sexual violence is subject to a negotiation between the needs of the traumatised-subject and the demands of the post-conflict justice context. The chapter reflects on the ways in which various psychological professionals negotiate this tension, noting the possibilities for recognition offered in each case. Centrally, in taking seriously the psychological production of the subject of post-conflict justice across a range of sites, this chapter acts to broaden the purview of what counts as post-conflict justice, and in doing so, acts to open up the range of subjects made possible within post-conflict justice.

That structures of governance have increasingly sought to assert themselves through therapeutic registers has been widely noted across the literature. Nikolas Rose, for example, argues that psychology has become bound with liberal modes of governance to the extent that the 'the historical development, transformation, and proliferation of psy has been bound up with the transformations in rationalities for government, and in the technologies invented to govern conduct' (1996, p. 12). James Nolan notes this trend in the context of the

development of state power in the United States, suggesting that the ‘therapeutic orientation [of the state] provides a personalized remedy to a highly impersonal, rationalized, bureaucratic system’ without threatening to destabilise that system (1998, p. 20). Thus, state power has been able to proliferate across multiple areas of social life, including the criminal justice system, welfare policy, and within education (Ibid). More recently, scholars have identified the extension of therapeutic registers within post-conflict intervention, governance, and state-building (Chandler, 2006; Howell, 2011; Pupavac, 2002; 2004a; 2004b; 2004c). David Chandler (2006), for example, has been critical of the way in which post-conflict governance is legitimised through a therapeutic ethos of capacity-building and empowerment, and suggests that these practices have ‘institutionalised new hierarchies of power’ between technologies of governance and those who are governed (Ibid, p. 64).

While this chapter owes much to these scholarly insights, it takes cues from *Studying the Agency of Being Governed*, in noting that such technologies of governance not only ‘shape how societies are ordered, how resources are used, what people do and feel, what kinds of lives they can live, but also how they govern and produce themselves as subjects’ (Stern, et al., 2015, p. 1). I explore the psychological governance and production of bodies at two key sites - prominent psychosocial organisations, Medica Zenica and Vive Žene, which, recalling from the previous chapter are the largest NGOs working with the subject of wartime sexual violence, formed to support female war victims during and in the aftermath of war in BiH; and the Witness Support Office at the Court of BiH – drawing upon interviews conducted with various psychological professionals working within these organisations. I explore how these psychological professionals engage with contemporary structures of post-conflict governance, noting how each narrates their own role within it, and crucially, identify the ways in which they produce the subject of wartime sexual violence. While the previous chapter focused on the production of the victim-subject, this chapter encounters the victim, the survivor, the client, and the witness, each of which plays a key role in post-conflict justice.

In the first sections of the chapter, I discuss the historical and conceptual aspects of trauma and therapeutic intervention. The first of these sections considers the medicalisation of trauma and its relation to the production of the subject. Beginning my engagement in the context of the First World War, I trace the development of trauma from a specific concept, emerging with regard to individual soldier-subjects to trauma as a generalisable concept which can be mobilised toward populations and subjects. Arguing the process of medicalisation renders trauma amenable to practices of intervention, I also introduce the range of subjects that trauma makes possible –the victim, the survivor, the client, and the witness. In doing so, I establish the historical parameters of these subjects. Next, I consider the ways in which trauma becomes manifest in the post-conflict context. Drawing upon the literature of trauma and therapeutic intervention, and building upon arguments in the previous section, I explore how diagnoses of trauma came to be applied to whole populations through the psychosocial model. Throughout this section, I explore how the concept of trauma comes to be applied in post-conflict societies, and how it is mobilised with regard to particular categories of victim, noting that one such category, in the context of BiH, has been the subject of wartime sexual violence.

The chapter turns to focus on the psychological production of the subject in the contemporary context. First, I engage with two key psychosocial organisations located in the Federation of BiH, Medica Zenica and Vive Žene. I argue that within psychosocial organisations, relations of trust are built through the therapeutic relationship. As a practice of recognition, this is victim-centred, seeking to promote the healing and self-realisation of the traumatised subject. However, I note that their work is also embedded within wider processes of post-conflict governance. Particularly, both organisations are also involved in the preparation of witnesses for legal testimony. While both organisations, in their own way, assimilate these practices into the therapeutic process, a focus on the subjects that are produced reveals a tension. While the therapeutic relationship focuses on healing the traumatised subject, the focus on

legal witnessing deploys practices of healing for the production of a legally coherent witness for the processing of war crimes in courts across BiH. As such, the healing relationship becomes entwined within the wider context of debates and contestation over the transitional justice process. That is, the healing relationship cannot function simply as a relation of individual psychic recognition, but becomes situated within debates over which bodies are made to count within post-conflict justice processes in BiH.

The second empirical case discussed in this chapter is the Witness Support Office in the Court of BiH. Focusing in on an interview with a psychologist at the court, I extend arguments put forward in the discussion of psychosocial organisations. In this context, I argue that the psychological processing of bodies at the Court of BiH is productive of the 'good enough' witness, ensuring the process of witnessing is not to the detriment of the psychological wellbeing of the person. Further, I suggest that the psychological-legal processing of bodies is implicated in a wider process which tends toward the instrumentalisation of the post-conflict subject.

Concluding these two empirical reflections, I offer a conceptual reflection that considers the tensions arising through my discussion. Moving between psychic and legal recognition, I reflect on how the vocabularies of the former are produced through the latter. Through this discussion, I clarify the key arguments of the chapter. First, noting that the legal frame draws upon therapeutic registers in its own justification, I argue against the conflation of the legal and the therapeutic frames. Second, I suggest that this conflation obscures a gap between psychic and legal forms of recognition. While psychic recognition attends to the basic needs of the traumatised victim and survivor, legal recognition subsumes the traumatised subject in an institutionalised post-conflict justice setting. What is often obscured through psychological interventions in BiH is the social production and recognition of the subject. One effect of this is the way in which categories of ethnicity, and, to a certain extent, gender, are implicit

through this chapter. In the context of the therapeutic encounter, the therapist largely adopts a position of 'technical neutrality' (Herman, 1997, p. 135) regarding the subjectivity of the client. As the psychotherapist at Vive Žene asserted, 'therapists, they cannot be political . . . I cannot condemn you because you have killed seven-hundred persons. I am a therapist and I work with you on whatever you have to offer me, and then we see what it is possible to do with it' (Interview 24, Tuzla). It has previously been argued in the context of post-conflict governance that the victim has been assumed and produced as female and Muslim. Throughout this chapter, I continue to note the traces of this production, particularly as it pertains to the geographical location of prominent psychosocial organisations.

Psychological Intervention and the Subject

The psychological well-being of survivors of wartime sexual violence has become a central concern within post-conflict justice processes in contemporary BiH. UN Special Rapporteur on Violence against Women Rashida Manjoo notes that one of the biggest obstacles that survivors of wartime sexual violence face is 'overcoming the trauma of the harms they suffered' (United Nations, 2013, p. 18). Trauma also becomes linked to other forms of violence in the contemporary context. Manjoo posits that '[d]omestic violence is in many cases linked to the legacy of war, and women and men suffering from Post-Traumatic Stress Disorder (PTSD), and other war-related mental health problems' (Ibid, p. 5). Within international reporting, trauma is often assumed to be self-evident when discussing the subject of wartime sexual violence (e.g. Amnesty International, 2009; 2012; UNFPA, 2015). During my fieldwork, I explored the ways in which the language of trauma was deployed. Organisations that came into direct contact with survivors through their support work, such as the provision of legal aid and psychosocial support, used multiple vocabularies to speak about the psychological wellbeing of survivors. Most often, the representatives I met with spoke

generally of 'trauma' or 'war trauma' (Interview 19, Sarajevo; Interview 21, Ilidža; Interview 24, Tuzla). A few were more specific about the forms of trauma that they encounter through their work. For example, a psychotherapist with whom I spoke with at Vive Žene referred both to the 'trauma' experienced by survivors, and the 'transfer of trauma' between generations (Interview 24, Tuzla). An interview participant who worked for legal aid organisation Fondicija Lokalne Demokratije described her encounters with familial trauma in her work. Familial trauma was seen in situations where a 'woman is a victim of war, but also her husband as well'. She argued in these cases domestic violence was more likely to occur 'because none of them had adequate treatment immediately when things happened, or even twenty years before when things happened' (Interview 19, Sarajevo). The language of trauma was also common when discussing criminal and legal proceedings. The Court of Bosnia and Herzegovina in Sarajevo, for example, has a specialist Witness Support Section employing several psychologists who meet with witnesses prior to their giving testimony. The psychologist I met with at the court spoke about issues of 'traumatisation' with regard to witnesses, and argued that 'PTSD' among men had often been ignored (Interview 40, Sarajevo).

Tracing this usage, it is possible to see that trauma and its application to the subject of wartime sexual violence has emerged as a 'social fact' in the context of post-conflict BiH (Fassin & Rechtman, 2009, p. 15). This is notable since, as Joanna Bourke has argued, '[t]rauma is not a universal way of speaking about the effects of "bad events"', rather it is 'socially constructed' (Bourke, 2010, p. 407). Indeed, psychological trauma is a relatively recent way of conceptualising the aftermath of sexual violence (Ibid, p. 407). Before the 1970s, conceptualisations of trauma had largely developed with regard to experiences of military combat (Herman, 1997, p. 28). It was not until 'global feminists' drew attention to rape as an everyday form of violence, that sexual assault came to be considered through vocabularies of trauma.

Genealogies of trauma, from individualised experience to social fact, have been subject to much discussion within the literature, with scholars tracing the influences of Charcot, Janet, and Freud's work on hysteria, as well as Erichson's writings on 'railway spine' (Leys, 2000; Young, 1995). While I acknowledge this influence, and later reflect on the basic tenets of traumatic recovery which have their roots in early therapeutic practices related to hysteria, this section will present a brief history of the medicalisation of trauma as it pertains to the production of the victim, the survivor, the client, and the witness. This discussion provides the ground for its deployment as an uncontested fact of intervention, and its application to the subject of (wartime) sexual violence specifically. Here, I trace shifting conceptualisations of trauma in the post-First World War context, focusing on the changing relationship between blame and trauma. I place specific focus on the constitution of the traumatised subject in relation to the Vietnam War, exploring the way in which this enabled the application of trauma to accounts of sexual assault and rape.

The Medicalisation of Trauma and the Production of the Subject

This section traces shifting conceptualisations of trauma in the post-First World War period, drawing from Fassin and Rechtman (2009). I explore the medicalisation and technologisation of trauma, reflecting on the ways in which the subject is produced. In doing so, I map the shift from specific, individualised understandings of trauma to an understanding which can be mobilised more generally. I argue that this shift is key to the production of the victim, the survivor, and the witness subjects in contemporary psychological interventions.

The battle conditions of the First World War placed enormous physical, mental, and emotional strain upon soldiers, with many reporting feelings of 'overwhelming mental and physical exhaustion', as describing a 'sense of lost self-identity and individuality' (Leese, 2014, pp. 24-5). In this context, thousands of soldiers were diagnosed with illnesses related to war trauma,

including 'shell shock', 'hysteria', or 'conversion neurosis' (Bourke, 2010, p. 411). Treatment for these conditions aimed to return soldiers to active duty (Leese, 2014, pp. 32-6), aiming to persuade the patient that they were ill, to renounce their symptoms, and crucially, to 'accept the values of the group' (Fassin & Rechtman, 2009, p. 59). These treatments including several already practiced therapies including suggestion or persuasion methods, hypnosis, electrotherapy, sedation, and re-education (Leese, 2014, p. 35; Young, 1995, pp. 55-6). At this time, military authorities placed the blame for traumatic symptoms on individual soldiers, and were concerned with rooting out 'malingerers' - those who were simply pretending to be ill to avoid duty (Young, 1995, pp. 56-9).

Several Austrian psychoanalysts spoke out against what they saw as the 'medical brutalization' of soldiers. Psychoanalysts such as Karl Abraham, Sándor Ferenczi, and Victor Tausk suggested that military practices surrounding malingerers were irresponsible, noting that their behaviour was the result of a 'reactive disorder' (Fassin & Rechtman, 2009, p. 59). As they saw it, therapeutic techniques which sought to provoke the soldier to renounce their symptoms were likely to be ineffective since the 'source of their illness was to be found . . . in their unconscious' (Ibid, p. 60). While this mitigated the overt blame of soldiers, at least among psychological professionals, the evidence that not *all* soldiers had presented with symptoms of trauma seemed compelling. Psychoanalysts grappling with the post-First World War context came to attribute war neuroses to individual soldier's personalities and histories, with trauma understood as 'the individual response of non ordinary men confronted with basic ethical choices which they were unable to take on' (Ibid, p. 62). However, questions remained among military authorities over whether war neurosis was simply an avoidance of active duty.

Practices of psychiatry in the Second World War were, in many ways, continuous with those in the First World War¹. Debate continued over the cause of war neurosis, with military authorities sceptical of war-related trauma. In the British context, military strategy regarding war neurosis was one of prevention, a strategy rehearsed in the context of the First World War. Military authorities mandated that those exhibiting signs of war neurosis would not be discharged or sent back home to hospital, and highlighted that it would not pay additional pensions to those who continued to display symptoms (Shepherd, 1999, p. 494). In practice, attitudes toward war neurosis began to shift. Intolerance of so-called malingerers was far more muted than in the First World War, with a general reluctance among military officers to retain soldiers who developed symptoms of war neurosis (Ibid, p. 512). Attitudes among physicians also began to shift, leading to new approaches toward treatment. For example, British physician, William Sargant, who encountered a number of acute cases of war neurosis while working at an emergency hospital in London, came to argue that war neurosis was likely caused by a combination of internal and external factors (Leys, 2000, p. 190). This acknowledgment signalled the recognition that war neuroses could not solely be attributed to an individual predisposition to hysteria. Rather, 'under sufficiently stressful or extreme conditions [such as war,] not even the most robust personality was immune to breakdown' (Ibid, p. 190).

This recognition was accompanied by the (re)discovery of cathartic methods of therapeutic treatment. Sargant stumbled upon abreaction while using a barbiturate to sedate one of his patients. Perceiving that the drug temporarily relieved nervous symptoms in acute cases, he

¹ The narrative offered here largely concerns the Anglo-American experience, to the extent that these conceptions are central to the medicalisation of trauma. However, it should be noted that practices of psychoanalysis and psychiatry also have a history in the Yugoslavian context. Anna Antić provides a detailed engagement with the psy-disciplines with respect to the Second World War experience in Yugoslavia in *Therapeutic Fascism*. Antić argues that the socio-economic and cultural meanings attached to the figure and diagnosis of 'Partisan hysteria' reveals similarities with a wider European phenomenon of war neurosis, while demonstrating the 'distinctiveness of the local situation' (2017, p. 225).

gave injections to several of his patients. Quoting Sargant, Leys notes that, 'he also observed "strange side-effects": a soldier might "suddenly recover the suppressed memories of the gruesome experiences that had caused or hastened his breakdown, and relive them before us." After the discharge of pent-up emotions "soldiers would suddenly improve"' (Ibid, p. 200). Having undergone psychoanalysis with Freud in Vienna in 1923, Abram Kardiner sought to implement similar techniques at the Veteran's Bureau in New York (Fassin & Rechtman, 2009, p. 68; Herman, 1997, p. 23). Kardiner's, *The Traumatic Neuroses of War*, details how inducing altered states of consciousness can be used to recover traumatic memory, arguing that this process must emphasise the synthetisation and integration of the traumatic experience (Herman, 1997, pp. 25-6; Leys, 2000, p. 196). These practices were to form the foundation for contemporary psychosocial practice regarding trauma (Herman, 1997, p. 24). This method was by no means universally accepted during and in the immediate aftermath of the Second World War; however, its development signals a significant shift in attitude toward the soldier-subject. In the First World War, soldiers presenting symptoms of war neurosis had been widely condemned as malingerers, often subject to brutal treatments aimed at returning them to active duty. In contrast, as Sargant and Kardiner's writings indicate, the Second World War soldier was becoming a patient, for whom a cure should be sought.

In the aftermath of the Second World War, psychiatry encountered psychic trauma on a large scale as it struggled to respond to the experiences of Holocaust survivors (Marcus & Wineman, 1985). In this context, questions of blame that had haunted trauma during the First and Second World Wars were pushed to the background. This came to impact upon conceptualisations of the traumatic experience. With questions of blame set aside, the traumatic experience came to be framed in terms of victimhood. Building upon the externalisation of the traumatic experience regarding the Second World War, trauma was 'repositioned to become a testament to the unspeakable', broadening the traumatic experience to refer to 'the subject's own knowledge of himself and his limits, knowledge of

others who did not survive the ordeal, and knowledge of man in general' (Fassin & Rechtman, 2009, p. 72). In psychiatric terms, this notion owed much to Bruno Bettelheim. Bettelheim, who had been interned at both Dachau and Buchenwald prior to the Second World War, subsequently emigrating to the United States, began to explore the psychological consequences of the concentration camps for survivors (Ibid, p. 71). Bettelheim's work gained traction within psychiatric practice. Gaining support from several prominent US-based psychiatrists, he was instrumental in the formation of a new diagnosis of 'survivor syndrome' (Fassin & Rechtman, 2009, pp. 72-4). Key to survivor syndrome was a notion of 'survivor guilt', referring to the way in which 'survival is unconsciously felt as a betrayal of [those who perished] . . . and being alive constitutes an ongoing conflict as well as a source of constant feelings of guilt and anxiety' (Niederland, 1981, p. 421). As such, the survivor comes to bear witness for those who can no longer do so², with the therapeutic encounter well-placed to facilitate the cathartic 'confession' of the survivor to bear witness (Fassin & Rechtman, 2009, p. 75). Psychiatric responses to the Holocaust produced three important subjects of trauma: the *survivor* (those who survived the Holocaust); the *universal victim*, and as such, the *witness*, who is able to speak for all victims in general.

These shifting notions of trauma were important to the claims of two concurrent social movements – the 1970s feminist movement, which sought to draw attention to issues of rape and sexual assault, and the Vietnam anti-war movement. In combination, these movements were key to the 'invention' of PTSD (Summerfield, 2001). In the early 1970s, the feminist movement in the United States began to speak out against the forms of sexual assault and rape experienced by women. As was noted in Chapter One, this movement sought to draw public visibility to rape as a crime, shifting blame away from victims. While feminists

² This assertion draws on Primo Levi's sentiments in the oft-quoted section in *The Drowned and the Saved*: 'We, the survivors, are not the true witnesses. . . We who were favoured by fate tried, with more or less wisdom, to recount not only our fate, but also that of the others, the submerged . . . We speak in their stead, by proxy.' (1989, pp. 63-4) I discuss Levi's work in greater depth in Chapter Four.

challenged a broad spectrum of institutional structures which silenced these experiences, their critique of psychoanalysis is particularly pertinent. While some feminist groups drew upon the vocabulary of witnessing, organising support groups which engendered the 'same intimacy, the same confidentiality, and the same imperative of truth-telling' as psychotherapy (Herman, 1997, p. 28), many contended that psychoanalysis was implicated in the silencing of the subject of sexual violence, their experiences obscured by conventional readings of trauma. They began to draw parallels between their discussions and Freud's early explorations of female hysteria, noting that while Freud's early work on the 'seduction theory' had implied recognition of women's experiences, his later work had actively abandoned this approach, dismissing experiences of sexualised violence as 'fantasy' (Herman, 1997, pp. 13, 30). The feminist interpretation of Freud was lent weight by the publication of Jeffrey Masson's controversial text, *The Assault on Truth* (1985), which drew upon unpublished letters in Freud's archive. This reading was further solidified by Judith Herman's *Trauma and Recovery* (1997), which draws parallels between the traumatic responses of survivors of rape and sexual assault, with soldiers and survivors of Nazi concentration camps.

The experiences of Vietnam veterans proved to be instrumental to conceptualisations of post-traumatic disorder. Returning soldiers from Vietnam were reported to have unusually high suicide rates (Young, 1995, p. 108), with those soldiers seen by psychiatrists diagnosed with a range of mental health problems - including anxiety, depression, personality disorder, and schizophrenia, as well as alcoholism and drug abuse (Summerfield, 2001, p. 95). As the war progressed, reports of atrocities committed by US forces emerged, most infamously the massacre in My Lai. Problematically, Vietnam veterans emerged as perpetrators of mass violence, rather than victims. Yet, unlike in the context of the First and Second World Wars, it was contended that when soldiers were subject to 'extreme conditions', in which 'violence had become an everyday phenomenon', men could not be held fully to account for their actions. Trauma was thus an 'ordinary' reaction to an 'extraordinary situation' (Fassin &

Rechtman, 2009, p. 90). Psychiatrist Robert Lifton hypothesised that many were suffering from forms of survivor guilt, not dissimilar from those who had survived the Nazi concentration camps (Ibid, p. 91). As the public mood surrounding the war shifted, anti-war protests, veterans, and psychiatrists came together to criticise the way in which military psychiatry was being used to serve military aims, rather than the needs of the soldiers (Summerfield, 2001, p. 95; Young, 1995, p. 109). This strategy allowed anti-war protestors to condemn the violence in the war without actively condemning returning soldiers (Fassin & Rechtman, 2009, p. 92). With a wide base of public and psychiatric support, focus was placed upon the 'fundamentally trauma-togenic nature of war' (Summerfield, 2001, p. 95). This had the effect of legitimising the soldier-subject, producing them as victims who were 'traumatised by roles thrust onto them by the US military' (Summerfield, 2001, p. 95). Vietnam veterans became victims of circumstance³.

The Vietnam War was the catalyst for the 'invention' of PTSD as a diagnosis. At this time, psychiatry was undergoing another transformation in the United States which proved key in the shift from trauma as an individualised problem to a social one, amenable to intervention. Moves were being made toward a standardised psychiatric nosology, which were eventually published in the third edition of the *Diagnostic and Statistical Manual of Mental Disorders* (DSM-III) in 1980 (Fassin & Rechtman, 2009, p. 84; Young, 1995, p. 94). Growing awareness of the psychological issues faced by veterans, combined with the vocal support of key psychiatrists who were tasked with categorising post-traumatic disorders for DSM-III, placed Vietnam and the diagnosis of PTSD at the forefront of discussions. Indeed, many of those tasked with the classification of post-traumatic disorders in DSM-III had been instrumental to

³ Joanna Bourke's *An Intimate History of Killing* (1999), provides a useful counter to the way in which trauma and victimhood become linked in this case. Drawing upon memoirs and letters of soldiers from the First and Second World Wars, as well as the Vietnam War, Bourke focuses on accounts of the pleasure of killing in war. She notes that the structure of war is such that soldiers may kill without becoming traumatised or brutalised.

the diagnosis of survivor syndrome in the decades after the Second World War, and many had also been outspoken in their support for Vietnam veterans (Fassin & Rechtman, 2009, pp. 74, 88). This influence enabled an array of experiences of violence to be listed within the DSM-III categorisations of PTSD, including those of victims and perpetrators (Young, 1995, p. 125). This formally located trauma as normal reaction to a particular, or a series of traumatic events (Fassin & Rechtman, 2009, p. 87). Crucially, trauma emerged as a social problem to be dealt with in the aftermath of violence.

The shift in conceptualisations of trauma over the course of the twentieth century is striking, with Fassin and Rechtman hailing it as 'an end to suspicion' (2009, p. 77). Meanwhile, Summerfield claims that the diagnosis of PTSD became 'almost totemic' within Western societies (2001, p. 95). The externalisation of blame for symptoms of trauma and the broadening of the definition through DSM-III render women's experiences of rape and sexual assault visible as traumatic. The shift is therefore significant in terms of the recognition of experiences of gender-based violence. Yet, it also raised important questions in terms of post-conflict recognition and the subject of wartime sexual violence. First, changing conceptualisations of trauma have been productive of the survivor-, the universal victim-, and the witness-subjects. Second, the codification of trauma renders it amenable as a technology of governance. Taken together, the production of the universal victim and the amenability of trauma to governance, it is possible to see how psy-interventions come to proliferate in the post-conflict justice context. In the next section, I consider how trauma becomes an important vocabulary of post-conflict intervention, discussing this with regard to the literature on psy-intervention and governance. In doing so, I lay the conceptual ground for the analysis of the role of psychosocial organisations and court psychologists in the production of the subject of wartime sexual violence.

Therapeutic Intervention and the Production of the Subject

As Foucauldian scholar Nikolas Rose identifies, psychology has emerged as a central feature of advanced liberal governance, functioning as a *technology* which ‘order[s] being, frame[s] it, produce[s] it, make[s] it thinkable as a mode of existence that must be addressed in a particular way’ (1996, p. 54). Building upon the bureaucratising impulses of governance in the previous chapter, I explore the ways in which notions of trauma become central to practices of governance in the post-conflict context. I argue that the generalisable concept of trauma discussed in the previous section becomes mobilised in the call for *particular* victims. To this extent, I pay attention to the ways in which the subject of post-conflict intervention is produced, later coming to reflect on the production of the subject of wartime sexual violence. Within this section, I introduce the ways in which therapeutic forms of interventions produce and frame the post-conflict subject, establishing the parameters for contemporary governance in BiH. Later, I use these insights to reflect upon the ways in which psychological professionals produce themselves with regard to these structures of governance, and in doing so, highlight the ways in which this is productive of the subject of wartime sexual violence.

One of the most obvious ways in which the medicalisation of trauma came to inform understandings of war and post-conflict in BiH was through the pathologisation of the population. As Nolan argues, a ‘defining feature of the therapeutic ethos . . . is the growing tendency to define a range of human behaviours as diseases or pathologies’ (1998, p. 9). This framing has been traced to the 1990s ‘new war’ paradigm⁴ which held that increasingly conflicts are fought within states, characterised by ‘long-simmering ‘ethnic strife’’, and compounded by ‘underdevelopment’, a lack of ‘good governance’, and poverty’ (Howell, 2011, p. 90). Characterised by a colonial logic, this discourse essentialised an ‘innate and

⁴ Mary Kaldor coined the term ‘new war’ to describe the character of war and conflict in the post-Cold War era. A full exploration of the term and Kaldor’s application of it can be found in *New and Old Wars: Organized Violence in a Global Era* (1999).

nonrational quality of cultural difference', coming to feature as explanation for inter-ethnic conflict (1996, p. 176) (see also Duffield 2014, pp. 109-113). Such explanations located the 'problem' of violence within the 'minds of men' (Howell, 2011, p. 99). Vanessa Pupavac explores how these assumptions came to be applied in the context of the former Yugoslavia, and argues that this discourse was implicated in the production of both individuals and communities as psychosocially and emotionally dysfunctional (Pupavac, 2002; 2004a; 2004b; 2004c). With regard to BiH, scholars, including Malvern Lumsden, reflected dominant narratives of the war which framed it as a result of 'ancient ethnic hatreds' by psychologising the conflict through a notion of an inter-generational 'cycle of violence' (1997, p. 377). Drawing explicit links between the war in BiH and Yugoslavia's Second World War experience, Lumsden argued that, the 'imagery and mythology of war can become an unconscious organising principle, determining how people see the world a generation later' (Ibid, p. 377). Though the population was understood to possess some 'resources for its own (and society's) healing', the international community nevertheless faced a humanitarian 'challenge' regarding the rehabilitation of 'survivors of war and other trauma, and in particular how to reach the fraction who are potentially violent' (Ibid, pp. 377-8).

The pathologisation of populations legitimised a psychological response in the post-conflict context. During the 1990s, the psychosocial model of intervention emerged, merging notions of trauma with the demands of post-conflict governance. Reflecting the shift that had occurred regarding conceptualisation of trauma after the Vietnam war, and applying this to the civilian population, the psychosocial model assumed that the very exposure to violence in conflict was sufficient for individuals to develop severe psychological problems (Howell, 2011, p. 89). Thus, the very report of a community having experienced violent conflict became sufficient for international humanitarian agencies to initiate a psychosocial response, diagnosing whole populations with PTSD (Pupavac, 2004c, p. 494). Psychosocial responses to wars in BiH, Croatia, and Kosovo were at the 'heart of the practice' (Fassin & Rechtman, 2009,

p. 177), with a 'strong emphasis' placed on the psychosocial model (Soroya & Stubbs, 1998, p. 307). In this context, a range of personnel were deployed in the countries of the former Yugoslavia, including international psychiatrists and psychologists, as well as locally-based clinical and medical staff, and other non-medical professionals who received training to lead community support groups (Fassin & Rechtman, 2009, p. 182).

The psychosocial model, characterised by the wholesale targeting of populations, was productive of the traumatised victim-subject. The model presumed the universal vulnerability of populations (Pupavac, 2004c, p. 494) and in doing so reproduced colonial logics which constitute individuals as 'incapacitated through their trauma and indefinitely dependent on external actors for their psychological survival' (Pupavac, 2002, p. 493). Giving some empirical context to this narrative, Stubbs notes that a World Health Organisation report issued in 1994, claimed over 700,000 people across BiH and Croatia were likely to be suffering from 'severe psychic trauma', with need for 'urgent', 'qualified' and crucially, external assistance (Stubbs, 2005, p. 57). On a general level, this legitimised and perpetuated the application of the psychosocial model within BiH. Yet, as has been suggested previously in this thesis, the victim-subject was most often produced as Muslim. Indeed, this assumption structured the humanitarian psychosocial response in BiH⁵. The effects of this distribution can be traced through to the contemporary post-conflict context where the two largest psychosocial organisations working with war-related trauma, Medica Zenica and Vive Žene, are based in the Federation.

Increasingly, the empirically grounding of the psychosocial model has been questioned. Scholar of psychiatry, Derrick Silove, cites mounting evidence that 'less specific stressful events such as living in a war zone or experiencing displacement may not, on their own,

⁵ For a longer discussion of how humanitarianism structures the post-conflict psychosocial response see Fassin and Rechtman's (2009) discussion of humanitarian psychiatry, particularly pp. 177-183, as well as Chapter Eight on Palestine, pp. 189-216.

constitute substantial risk factors to persisting PTSD' (Silove, 2000, p. 232). Instead, it has been suggested that it is important to look to specific categories of persons who were deemed to be most at risk, and for whom symptoms of PTSD were likely to be 'long-lasting', including 'women', 'children', and 'asylum seekers' (Ibid, p. 232). While the gendered assumptions within Silove's 'at risk' categorisations are highly problematic, this criticism was widely adopted in an international rethink of the psychosocial model. The international community came to favour the mental health approach (Howell, 2011, p. 100). At stake was a question of who was a legitimate target for post-conflict psychosocial intervention. Alison Howell fleshes this out with regard to international policy on global mental health. Drawing upon the UN Inter-Agency Standing Committee's *Guidelines on Mental Health and Psychosocial Support in Emergency Settings* (2007), she notes that the mental health model entails a broadening purview of mental health and psychosocial problems, encompassing a range of psychological problems (Howell, 2011, p. 101). In broadening the scope of mental health and psychosocial problems, it became necessary to categorise those who are *most* at risk of developing the severe psychological problems, and enables intervention on these grounds (Ibid, p. 102-3). This categorisation of those at risk of trauma map onto existing notions of the victim-subject. It is not simply a matter of targeting groups of persons – women, children, asylum seekers – rather, these categories are already imbued with a gendered and ethnic identity. The traumatised subject of wartime sexual violence is produced as female and Muslim.

International discourse surrounding mental health and psychosocial issues in BiH has reflected this shift. This has been significant for the subject of wartime sexual violence. This category of persons has come to be understood as one 'at risk' of developing the most severe psychological problems. This categorisation is marked within international reporting. For example, a 2015 UNFPA report entitled *Stigma Against Survivors of Conflict-Related Sexual Violence in Bosnia and Herzegovina* prefaced its findings with a discussion of risk categories for developing 'acute stress disorder', and 'permanent [psychological] consequences in the

form of post-traumatic stress disorder' (UNFPA, 2015, p. 3). The report notes that approximately '35 to 50% of persons who survived rape' have developed PTSD, further arguing that 'about a third of them do not receive adequate psychological support' (Ibid, p. 3). It is suggested that for those who face 'stigma and self-stigmatising attitudes', and for those who have never spoken of their experience, 'there is a likelihood that their daily coping with the past is so painful that it makes them completely dysfunctional' (Ibid, p. 4). The categorisation of the subject of wartime sexual violence as an 'at risk' category for PTSD functions to reassert the subject of wartime sexual violence as victim, and in need of psychosocial intervention.

In this section, I have sought to establish the ways in which conceptualisations of trauma have rendered it amenable to post-conflict intervention practices. I have argued that the psychosocial model developed in the 1990s, with particular regard to the former Yugoslavia, was characterised by the wholesale pathologisation of populations. In turn, this rendered post-conflict populations amenable to psychosocial intervention. In this context, and as Pupavac argues, psychosocial organisations proliferated (Pupavac, 2004b, p. 378). In more recent years, the psychosocial model has been criticised for the way in which it produces whole populations as traumatised. Raising questions over which populations should be targeted by post-conflict psychosocial interventions, this resulted in both a broadening of the forms of psychological disorder that were subject to intervention and move toward categorising the populations perceived to be most at risk of developing severe psychological disorders (Silove, 2000). As Howell argues, while diverging from problematic assumptions regarding the wholesale production of populations as traumatised, a shift toward categorisations of at risk populations enables the continued surveillance, and indeed, governance of post-conflict populations (Howell, 2011, p. 103). In this sense, the concept of trauma precedes the categories to which it is applied.

I have highlighted that in the post-conflict governance context in BiH, the subject of wartime sexual violence comes to be produced as one such at risk category, becoming subject to psychosocial governance. Having established how psychosocial forms of governance proliferates in this context, I move to consider these arguments with respect to two prominent psychosocial organisations, Medica Zenica and Vive Žene. I focus on how the organisations negotiate their role with clients and in the post-conflict justice context in BiH in light of these discussions of psychosocial governance, reflecting on how they produce the subject of wartime sexual violence.

The Subjects of Psychological Interventions in BiH

Psychosocial Organisations: The Victim, the Survivor, the Client, and the Witness

As has been suggested, the dominance of therapeutic language during, and in the aftermath of, conflict in BiH led to a 'profusion of psychosocial programmes and organisations' (Pupavac, 2004b, p. 378). The two largest psychosocial organisations in the country, Medica Zenica and Vive Žene have been working within their communities since the early 1990s, offering psychological care, as well as other forms of support to war survivors. During and in the immediate aftermath of the war both placed focus on supporting female war survivors, including the subjects of wartime sexual violence. As these organisations became established, they moved to respond to the needs of the communities around them, as well as to shifting donor frameworks. They occupy an interesting space regarding the arguments put forward thus far in the chapter. Having been founded during the 1990s, these organisations maintain a focus on trauma-based, and trauma-sensitive interventions. Possessing a wealth of therapeutic knowledge about the people with whom they work, they have come to act as public advocates for the subject of wartime sexual violence. The intimate relations that such organisations develop with individuals and communities has led Di Lellio to suggest, with

regard to the Kosovan context, that these women's organisations may possess 'the most reliable evidence we have of what survivors want' (Di Lellio, 2016, p. 624). Indeed, these organisations have become central to post-conflict justice processes, acting as advocates for the needs of survivors. Continuing to offer forms of support to survivors of trauma, and often intervening in support of the rights of survivors in contemporary BiH, the role of psychosocial organisations in BiH must also be situated within the psychological governance context which has been discussed thus far.

Shifting frames of psy-intervention map onto changes noted within global governance more generally. Scholars have highlighted that global governance is no longer characterised by the 'universal application of Western causal knowledge through policy interventions' (Chandler, 2015, p. 70), as seen in the psychosocial paradigm by the wholesale targeting of populations for trauma-based interventions. Instead, governance takes place on a localised level, asserting itself through policies aimed at the enhancement and enabling of 'organic systems and existing knowledges, practices and capacities' (ibid, p. 77). Duffield has noted how this relation 'encourages local level self-reliance' while enabling its own endurance (2007, p. 8). As Dillon and Reid argue, global governance also increasingly implicates nongovernmental organisations in the 'promotion of liberal governmental policies' (Dillon & Reid, 2000, pp. 121-2). Indeed, in the years after the war, international donors in BiH were particularly keen to fund projects led by women, mainly for the purposes of ethnic reconciliation and community communication (Helms, 2003, p. 18). In a contemporary context, focus has been placed on building the capacities of national legal institutions for the processing of war crimes trials, and in which psychosocial organisations have played a role regarding training for legal personnel and in the psychological preparation of witnesses.

Yet, global governance accounts tell a partial story. As Meera Sabaratnam argues, scholars have tended to place emphasis on the 'agency and subjecthood of interveners', even as they

state that the modes of governance become more diffuse (2013, p. 265). Accounts tend to obscure the populations and people in governed spaces as ‘substantive political subjects’ (Ibid, p. 264). Heeding this critique, I trace the ways in which psychological workers within psychosocial organisations narrate their role. I highlight the ways in which these people, and their organisations more broadly, have found ways to insert themselves into the shifting contours of post-conflict governance in BiH. Particularly they negotiate the spaces between the ‘psycho’ and the ‘social’, between therapeutic work with clients and wider processes of institutional capacity-building, maintaining a presence in these networks such that they might advocate for the needs of the subject of wartime (sexual) violence. I outline two types of relationships that psychosocial organisations build with their clients – the therapeutic relationship in which the client is produced as *victim* and *survivor*, and in which healing and recovery takes place; and the deployment of the therapeutic relationship for the purposes of legal testimony, in which the client is produced as the legally coherent *witness*. I begin by discussing my interview with the director of Medica Zenica, establishing the key points of distinction between these relationships, noting also that this organisation draws attention to the subject of wartime sexual violence in its specificity. I then turn to interviews conducted with a psychotherapist at Vive Žene, noting the trauma-based approach of the organisation which subsumes the subject of wartime sexual violence within a wider category of war-traumatised persons. Here, I develop my discussion of the two relationships developed through the psychosocial encounter, drawing attention to the tension between and negotiation of these relationships.

Medica Zenica

Medica Zenica is an organisation based in the city of Zenica, located to the north of Sarajevo, approximately an hour’s drive away in the Federation of BiH. The organisation is situated in a

residential area a short distance from the city centre, and comprises of several buildings from which they offer their services. The pastel coloured buildings are lined with a green fence, the main entrance tucked away from the street. The organisation was formed by their partner organisation, Medica Mondiale⁶ in 1993 to provide support to survivors of sexualised violence in Zenica (Husić, et al., 2014, p. 15). At this time, the organisation began to work with female survivors of wartime sexual violence, providing medical and psychosocial support, accommodation and shelter, as well as food, clothing, and other items (Ibid, p. 15). While their initial intervention specifically targeted the subject of wartime sexual violence, as was expressed by Medica Zenica's current director, Sabiha Husić, their work broadened as they became aware of the interconnections between forms of war-related violence. As Sabiha explained, the organisation,

[R]ecognised women and girls who survived sexual violence, and were raped at that time, they didn't want to speak up immediately about their horrible experiences. And then Medica Zenica opened their doors also for women and girls who . . . survived . . . different war trauma including women who were wounded or women who were in concentration camps, or women who have missing members of families etc. But what happened also, even during the war, women also started to speak up about her experiences of violence in the family. We also realised that we need to work with women who survived domestic violence. (Interview 21, Ilidža)

Sabiha argued that Medica Zenica's work had evolved as they became aware of the interconnections between forms of violence; primarily responding to the ways in which those they encountered narrated their experiences of war, peace, and violence⁷. Placing primary

⁶ A feminist women's rights organisation who provide support and advocacy for women and girls who are affected by gender-based and sexualised violence in situations of war and conflict.

⁷ Numerous feminist scholars have made similar observations about the interrelations between forms of violence, often referred to as a 'continuum of violence' (e.g. Cockburn, 2004; Wibben, 2011)

focus on issues related to gender-based and sexualised violence, the organisation has become one of the most prominent advocates for the subject of wartime sexual violence in BiH.

Medica Mondiale understands their therapeutic approach, and those of their partner organisations, to be 'holistic'. They suggest that,

[M]edical assistance alone can only heal external wounds: more comprehensive support is needed to help survivors in the long term. Psychosocial treatment, legal advice and assistance in earning a living have all been integrated into project measures for raped women in every country. Local specialists and experts are provided with training to ensure that as many relevant people as possible develop a full understanding of the problems related to sexualised violence. The primary focus of these activities is to develop a trauma-sensitive approach that takes into account the particular situation of the affected women and girls, strengthening them appropriately and protecting them from re-traumatisation (Medica Mondiale, 2013, p. 3).

A report into the long-term consequences of war rape and the coping strategies of survivors offers further insight into the therapeutic approach. The report details Medica Zenica's 'systemic perspective on the consequences of war rape, informed by feminist values' (Husić, et al., 2014, p. 20). The authors suggest that a trauma-based approach to wartime sexual violence is limited to the extent that it 'risks pathologising victims rather than pointing to the structural conditions which make that violence so pervasive' (Ibid, p. 20). Thus, the organisation emphasises the importance of offering psychotherapy in tandem with efforts to shape societal responses to survivors (Ibid, p. 21). Medica Zenica aim to provide a range of services at the centre including psychological and therapeutic support, psychological and legal counselling, occupational therapy, as well as acting as public advocates for the needs of survivors.

Having met with Sabiha on several occasions during workshops related to sexual and gender-based violence, the rights of women, and post-conflict justice processes, I came to the Hotel Hollywood in Ilidža to meet for an interview. Having just participated in an all-day conference on the protection of court witnesses organised by Vive Žene, we sat down in a quiet area of

the hotel café to further discuss Medica Zenica's psychosocial approach. Early in the interview, I asked Sabiha about how Medica Zenica had developed their approach, asking how this had enabled them to provide support to female survivors of war violence. I was told that,

Before the war, whichever university we finished, we did not learn a lot about trauma. Even if we finished university in psychology, we did not learn about trauma. But during the war, at the same time, we saw traumatised people. We recognised the symptoms, but we did not have enough knowledge to explain all those things. (Interview 21, Ilidža)

Sabiha explained that while the founding members did not have an academic background in issues related to trauma, they came to understand its manifestations through the people they encountered. As such, they sought training in therapeutic techniques such as 'cognitive behavioural therapy, psycho-drama therapy, reality therapy' amongst others, which they applied to their work with survivors (Ibid). As Skjelsbæk notes, with respect to her interviews with twenty-three health workers at psychosocial centres in BiH, these courses were most often offered by internationally-based training staff from the United States or Western Europe. Most did not have direct experience working with wartime sexual violence, with training drawing linkages with other emergency and war experiences (Skjelsbæk, 2012, p. 97). As Sabiha suggested, this meant the staff at Medica Zenica had to adapt this training and the techniques they had learnt to the BiH context. Drawing upon a background in Islamic theology, she emphasised the particular importance of adapting a trauma-based approach to ensure 'respect [for] survivors regarding their culture, regarding their religions, or regarding their habits. And then step-by-step to see what is important for them' (Interview 21, Ilidža). Sabiha emphasised that through this process, they,

[R]ealised, the best solution for women, and for us as therapists, when we work with survivors, is to use different techniques. Not only to use techniques

from cognitive behavioural therapy work, or from psycho-therapeutic work.

In some situations, we need to combine different techniques. (Ibid)

The process of developing therapeutic knowledge was narrated as one of coming from a place of limited expertise, but with a knowledge of the situation on the ground, to acquiring the correct technical and medical knowledge to be able to apply these therapeutic techniques within their own community, for the women and girls with whom they work. Here, we already begin to see the complexity of the position of psychosocial organisations in BiH through the ways in which they negotiate international 'best practice' and the context within which they are situated.

At this point, Sabiha began to outline the individual therapeutic relationships that they developed with their clients, focusing on the process of recovery for the subject of wartime sexual violence. This process of recovery was articulated in three distinct phases. First and foremost, Sabiha emphasised the importance of the survivor establishing trust in the therapist and clarifying the expectations of the therapeutic relationship. During this stage, the therapist would need to emphasise,

That they cannot forget what they survived but what therapy work helps them with is that they recognise their own strength or coping mechanisms.

That they can speak about their horrible experiences in one safe or secure place, with a person who established trust with her. And then, we explain to survivors, you will not forget what you experienced. But . . . your past experiences cannot destroy your present or future life. (Ibid)

During this stage, the survivor was seen to develop trust in the therapeutic relationship such that they might build the strength and capacity to move on in their life. The second phase involved using specific techniques which enabled the survivor to 'express their emotions'. A range of techniques were used, particularly psycho-drama therapy, cognitive behavioural

therapy, as well as writing. As Sabiha phrased it, these techniques aimed to provide the survivor with the tools to 'give a new picture to their experiences' (Ibid). The third phase was that of 'reintegration', which was,

[V]ery important. [So] that they can integrate their past experiences and recognise new coping mechanisms and new strength. And then they can look into the future and they can integrate into everyday life. It's clear, again, I want to repeat, that they will never forget their experiences, but they can speak and deal with their experiences in the future. (Ibid)

This three-stage process of recovery and healing mirrors other models charting the progression of recovery. The progression is necessarily nonlinear, both '[o]scillating and dialectical in nature', emerging from Janet's early work on hysteria, and reflects approaches 'across the spectrum of the traumatic syndromes', including with regard to combat trauma (Herman, 1997, p. 155). Medica's work orients this process of recovery to the subject of wartime sexual violence in BiH. Through this process, Medica Zenica place emphasis on the process of healing and recovery, producing their clients as survivors who are able to reintegrate the experience and build a new picture of their lives.

However, the organisation had begun to develop a slightly different relationship with their clients through the preparation of witnesses for court testimony. After Sabiha had explained the organisation's approach, I asked her how the psychological preparation of witnesses differed from the other work they conducted with their clients. Sabiha first responded by outlining Medica Zenica's role in developing networks between institutions of justice and psychosocial organisations. These networks were designed to provide 'help and support to survivors and witnesses before the testimony, during the testimony, and after the testimony', arguing that this was all related to 'regarding individual needs of survivors or witnesses' (Interview 21, Ilidža). Exploring the particular support that they provided, Sabiha referred

back to the organisation's holistic approach. The organisation saw its role as helping with everything from the logistics of appearing in court to the psychological wellbeing of the client.

Sabiha told me that it was important,

That they [the client] know how they can travel. Who will pay tickets? On which way will they pay? How he or she will travel to the court? And then we give them basic information. What is the court? How it looks? Where she will sit? Or where is the perpetrator? (Ibid)

In many cases, a member of Medica would also 'travel with that person, with the witness, to the court, to be with that person, to support her' (Ibid), and the organisation provided legal advice to the client, ensuring that they were aware of their rights within the court process.

Sabiha emphasised that the psychological support of the client was particularly acute for the subject of wartime sexual violence since,

[I]n most cases their families do not know that they survived sexual violence. And then she also then needs to prepare themselves to travel to the court. . . We don't want to make any influence regarding her testimony, regarding her story, regarding her experiences. But we want to support women that they have energy, that they can also show emotions, that is a normal reaction for all that she's survived. (Ibid)

The organisational support was paramount for the subject of wartime sexual violence to testify in court. While Sabiha noted that the Witness Support Office were available to provide some support to witnesses during their testimony, this was insufficient. As Sabiha suggested, the clients needed 'emotional support. They need a person who is much friendlier with her, and a person who trusts her, and she trusts them' (Ibid). Thus, Sabiha emphasised the continued importance of psychosocial support throughout the process of witnessing.

In this interview, two forms of therapeutic relationship, and two corresponding subjects emerge. The first relationship is a therapeutic one in which the client builds trust in the organisation and the therapist such that it is possible to heal and recover from trauma. In this relationship, the client is produced as a survivor. The second relationship builds upon the first. Through building trust with the client through the therapeutic relationship, as well as developing networks between legal institutions and psychosocial organisations, Medica Zenica are positioned to help prepare the client for witnessing in court. Drawing upon their holistic psychosocial support, the organisation helps to prepare the witness across multiple areas of their participation in the court process, including legal, logistical, and their psychological preparation. Having unpacked the two main ways the organisation builds relationships with their clients, I move to discuss the case of Vive Žene. Focusing in on this case will allow a development of the psychotherapeutic aspects of these two relationships.

Vive Žene

Vive Žene have been working in and around Tuzla where they have been based since they were established in June 1994. Tuzla is the third largest city in BiH, located in the Federation, a few hours north-east of Sarajevo. The organisation's centre is situated in a quiet residential area outside of the city centre. The building is welcoming, set over two storeys, with a plant-lined entrance. Just inside the main entrance, there is a compact waiting area, a few chairs set out against a wall for clients. Over the course of my fieldwork, I met with a psychotherapist⁸ who had been working at the organisations since it was established. We met on two separate occasions at the centre, with the interview taking place in one of the treatment rooms. While in the first interview, I sought to get a clearer idea of the way in which the organisation

⁸The psychotherapist initially became involved with Vive Žene because of her background in child therapy. She holds a [European Certificate of Psychotherapy \(ECP\)](#), accredited by the European Association for Psychotherapy.

framed their work, during the follow-up interview, I clarified aspects of organisation's psychosocial approach and gained a broader understanding of the specific projects in which they had been involved. We discussed projects that related to the psychological preparation of the witness, alongside their training work with members of the judiciary. I first outline Vibe Žene's approach, moving to reflect on the ways in which the psychotherapist narrated the organisational approach. I draw attention to the way in which therapeutic language becomes intertwined with the rights of survivors. I turn to focus on how the therapeutic relationship becomes part of the post-conflict governance process as it is deployed in the production of the emotionally stable witness.

When I first met with the psychotherapist, I asked her about the approach of the organisation. Their approach was narrated in terms of three distinct levels of working. First, *The Individual Level*. This involved conducting therapeutic work with three main groups of people - those with war trauma, victims of domestic violence, and other people with a range of mental health issues. As the psychotherapist explained, their work had evolved over time. When they first started working the organisation was 'more focused on concrete victims of war, because it was war, and we were working during the war', at this time only working with 'women and their children'. Since then, their remit has expanded to include men, framing their intervention as support for 'family life' (Interview 24, Tuzla). Over time, the organisation had also come to work with a variety of other individuals. While still providing support for war victims, they began to work with victims of domestic violence and other psychological issues. Throughout our interview, the subject of wartime sexual violence was subsumed within the wider category of persons with 'war trauma'. The main distinction she made between those who had been raped during the war and other survivors was that the subject of wartime sexual violence may find it more 'difficult' to speak about their experiences of the war because there was 'a lot of shame. Not only for herself, but for the family, for the community' (Ibid).

Their second level of working, *The Community Level*, emerged from their work with individual clients. As the psychotherapist explained, in the years after the war as people began to return 'to the places from which they have been expelled', Vive Žene followed them to their communities (Ibid). Most often, they worked with victim and survivor associations and youth groups to promote inter-ethnic reconciliation and understanding. Leading on from this, the psychotherapist explained that the organisation had become,

[R]ather stable in our work. We are recognisable because we are, since then, doing the same work with the same groups. And so, for many organisations and groups in Bosnia, it is also important to be connected with Vive Žene, and to make use of our expertise, experience, and ideas about how things should be changed. (Ibid)

The final level of working which had developed over the past twenty years was related to *Advocacy and Lobbying*. This was conceived as a process of building networks with other NGOs and governmental institutions, particularly as they pertained to issues of post-conflict justice and the rights of survivors, often with the aim of influencing policies or amending post-conflict justice practices which they perceived to have a negative impact upon their clients. For the psychotherapist, it was important to emphasise that these levels of working were 'all linked! It's all interlinked. Because we could not do the lobbying or the advocacy if we would not have victims of war or other kinds of violence' (Ibid).

After the psychotherapist had explained these three levels of working, I was interested to find out more about the forms of therapy and psychotherapy that the organisation offered. Prompting her to delve into more depth about their approach, I asked her how it differed from other organisational approaches, for example those who framed their work in terms of rights. She responded,

Yeah, but I think it is all part of restoring human rights. Because we are doing psycho-therapy but we call our work psychosocial. The social part and the juridical part is really strong because we are working with clients who have been so violated in their human rights, and who cannot realise their rights by themselves. First, because they are mentally, emotionally, physically weak. So, we make them stronger. (Ibid)

This focus was reiterated within the second interview. Inquiring further about the therapeutic process, the psychotherapist told me that,

Because we are really doing, I would say authentic rehabilitation, psychosocial rehabilitation. Which is also basic for restoring human rights because people who have been in camps, people who have been raped during the war, who have been so humiliated and destroyed in fact in themselves. It is very important, and it is very thankful for us to see when they get again, a kind of, their own dignity, when they connect to themselves, how they have been before. All those terrible things happen to them. It is very important for them to become stronger so that they can do something for themselves. And I think that when they get big, their feeling of 'I am worth like a person'. 'I am strong'. It is for me a basic human right. (Ibid)

Emphasising the importance of healing and their making clients stronger, the psychotherapist reflects the process of therapeutic recovery outlined by Herman. Their clients are understood as in need of therapeutic assistance, to heal, feel strong, and to have dignity. For the therapist, this process of psychic recognition is the basis of human rights. Through this therapeutic encounter, it also became possible to offer other forms of support to their clients. The psychotherapist outlined that,

[W]e also do social counselling and juridical counselling to help them realise their rights, as far as they have rights. I mean slowly. They have all the rights they should have but it is still difficult to realise it in Bosnia. And that we are doing on all the levels . . . When there is something social, juridical we can do, we will do it. (Ibid)

Vive Žene's psychosocial approach first places emphasis on psychic recognition, extending this into the rights-based sphere. As such, the organisation acts to support the client across multiple areas of their life. While concerned with their psychological wellbeing, the organisation is also able to offer legal aid, guide clients through the process of applying for social welfare payments such as the 'civilian victim of war' status, and provide support in the process of giving legal testimony.

In our initial discussions, the psychotherapist narrated the linkages between their individual and collective therapeutic work and their lobbying and advocacy work as a coherent and evolving process, drawing upon therapeutic language to narrate this point – '[i]t was a natural process. We have grown, we have grown up' (Ibid). Throughout both interviews, this came to be interspersed with reflections on the changing state of funding in BiH. Prompted by the question of how she had seen the work of the organisation change, the psychotherapist suggested that funding for advocacy work had increased, while it was becoming more difficult to support their clients on the individual and collective level. Still emphasising the importance of this work, the psychotherapist explained that,

[S]lowly this level of being able to do real lobbying and advocacy became broader. And now today Vive Žene gets many invitations for participation in all kinds of activities. And it is almost too much for us, because we also have to do our normal work. But that has changed, and now, I told you that it is becoming much more difficult for us to get funding for this work, concrete

work that we are doing on the first and second level. For working with the victims, because we still have victims, twenty years after the war. Many people, there are still many people who did not work on their traumas and stayed still, a difficult place to be. So, people cannot recover in the natural way from their traumas. . . . But the interest is decreasing and there is more and more interest for this lobbying and advocacy level. And there still seems to be money on that level. (Ibid)

While the psychotherapist places primary importance on the individual clients, she also acknowledges pressures of funding which have come to shape the organisation's work. This not only reveals some of the complex negotiations that psychosocial organisations make between the psychological and social interventions, but also is suggestive of the ways in which these decisions are always already embedded within a wider post-conflict governance context. In turn, Vive Žene are required to make active decisions about which victims count. Continuing the conversation about shifting funding agendas, the psychotherapist noted that more recently projects had been geared toward 'building up systems within the country' (Ibid). As such, Vive Žene had become involved in a project related to the preparation of witnesses, as well as delivering training to members of the judiciary in sensitivity toward war-related trauma. Speaking about the project during our first interview, the psychotherapist told me that,

And this moment we have a project, it is a good project . . . And it is about connecting all kinds of governmental, non-governmental organisations and institutions. As a kind of preparation for bringing over war criminal cases to the Bosnian Court, because the court in The Hague will stop . . . And then it will be processed here and we are in fact with that project, preparing that transition. So, for those things there is money, and there is a smaller pot of

the money for us to prepare witnesses and those things. There are trainings also included in that project. Trainings with judges, prosecutors, especially aimed at working with witnesses. (Ibid)

Following this up during the second interview, I asked the psychotherapist how the organisation used their expertise to inform their trainings. The psychotherapist explained that the training consisted of familiarising those in the training with the ways in which their clients experienced trauma. She stated,

[W]hen you have lived through heavy trauma, it may be that you cannot remember adequately how things have happened. Maybe it is there somewhere in your memory, but you cannot remember. And then of course, we make it clear to them, that because of that, it is very important that they go to psycho-therapy, psychosocial groups. And when you work on your traumas, you get details back. And then they really start to remember. (Ibid)

However, in this project, psycho-therapeutic practice was,

[N]ot only healing for trauma, it can also be preparation for witnessing. Because some kind of smaller number of persons, of our clients, they decide after psychotherapy to become a witness. . . . And for witnesses especially, it is very important to go through psychotherapy. To become more stable, to really have the feeling that you are in control. That you know everything that has happened. (Ibid)

In this section of the interview, the psychotherapist explains how the therapeutic relationship is deployed in the production of the legal witness. Though the psychotherapist understands both as instances of 'really working' with her clients, there are some important distinctions which are obscured within the psychotherapists narrative. The therapeutic process of

recovery assumes a process by which the person may come to remember and mourn the trauma, eventually reintegrating the experience and re-establishing a sense of self and self-coherence in its aftermath. The therapeutic relationship is a healing relationship premised on psychic recognition. Where the therapeutic relationship is deployed for the process of legal witnessing, it becomes central for the client to be stable and in control of their narrative, coming to 'know' all that has happened. In the process of legal recognition, the client is produced as a victim-witness, able to speak in a legally coherent manner.

Throughout our interviews, the psychotherapist consistently framed Vive Žene's work in terms of therapeutic healing. Despite being positioned within wider post-conflict justice governance processes through the preparation of witnesses, she emphasised the ways in which this continued to enable their involvement with individual clients who needed their help and support. Speaking about reconciliation, which for the psychotherapist encompassed a range of themes with respect to post-conflict justice, she concluded that,

Yes, this reconciliation. It is one of the newest themes, everyone wants reconciliation and everyone should live quite happily in Bosnia, ever after. And I think that in the first place, we would like that. But reconciliation cannot take place without, in the first place, rehabilitation. You must work through your traumas to have some kind of openness and feeling for the traumas of other people, for what happened to them. And talking about what happened to everyone, it is a basic of starting to understand each other. . . . What we are doing is talking to victims, let them talk about their traumas. And join, if it is possible, if they are ready for it, into ethnic groups. And then just not judge, not insult, just talk about what happened to them. Because everyone has their own story. . . . Somewhere in the system, in this vacuum between rehabilitation and this networking, you have the witnesses. . . . And

so somewhere in-between there are still the people with whom we are working and should be working. (Ibid)

For the psychotherapist, the continuation of the therapeutic relationship is of central importance. It is through this relationship, and its emphasis on healing and recovery, that forms of psychic recognition are possible. Yet, the psychotherapist's narrative also reveals a key tension within contemporary post-conflict recognition that psychosocial organisations have come to negotiate. While they develop strong relations of recognition with individual clients as survivors, they must also negotiate their position within wider post-conflict justice processes. Particularly, psychosocial organisations find themselves caught between practices of recognition emerging at the individual level through their therapeutic work, and practices of recognition as they are required by post-conflict justice as they come to prepare their clients for testimony in court.

In the next section, I continue to reflect on these arguments in the context of the Witness Support Office at the Court of BiH. This example serves to underline the limits of the legal process in terms of the recognition of the subject of wartime sexual violence, while highlighting the ways in which structures of post-conflict justice are dependent upon the psychological production of the witness. I demonstrate that that the Witness Support Office is productive of the witness, in which the individual needs and characteristics of the person are subordinate to the needs of the trial.

The Witness Support Office at the Court of BiH

There is a wider infrastructure surrounding psychological support for the subject of wartime sexual violence in terms of the process of witnessing in court. As has been discussed in the chapter thus far, psychosocial organisations have been called upon to provide psychological and psycho-therapeutic interventions to support the functioning of the legal justice process

through the production of the 'emotionally stable' witness. While psychological preparation begins, for some, at these psychosocial organisations, many of the courts in BiH also provide psychological support to prospective witnesses. This provision has been the focus of several international and national NGO reports (Gebelein, 2014; Mischkowski, 2009; OSCE, 2010). Most acknowledge the key role that witness support plays in the legal process. Human Rights Watch, for example, suggest that these teams are important in gaining 'enough trust to obtain evidence necessary to the case' and can also 'help coordinate the practical needs of witnesses' (Human Rights Watch, 2008, pp. 39-40). Yet, many have also been critical about the court's capacities to provide the level of psychological care and support that is needed. A cross-organisational report, involving multiple psychosocial support organisations and survivor associations from across BiH, issued a response to UN Special Rapporteur on Violence against Women, Rashida Manjoo's country report. They argue that the provision of psychological support in courts across BiH is 'far from homogenous', with provision in many courts inadequate (TRIAL et al, 2014, p. 12). At the court in Banja Luka there is only one psychologist who is able to provide support during trials, while in Istočno Sarajevo, there is a psychologist within the Prosecutor's office, but none in the Court (Ibid, p. 12). Amnesty International intervene regarding the subject of wartime sexual violence, noting that unless the witness has protected witness status, they may be left to travel by public transport 'with family members of the accused or with defence witnesses. This has exposed witnesses to otherwise preventable stress and pressure and may have caused some re-traumatization' (Amnesty International, 2009, p. 27). What emerges from a reading of these reports is that the psychological wellbeing of the subject of wartime sexual violence during trials is paramount, with current psychological provisions judged to be inadequate in many of the courts across BiH. Crucially however, it demonstrates that structures of post-conflict justice have come to orient themselves toward a particular (read traumatised) victim.

In this section, I explore the role of court psychologists in the Witness Support Office (WSO) of the Court of BiH. Located in Sarajevo, in the Federation of BiH, the court offers the largest psychological provision for witnesses. Operating at the state (as opposed to the entity) level, the court deals with the most serious crimes involving human rights and constitutional matters. My discussion is informed by an interview with a court psychologist at the Court of BiH, my observations of the court process across four separate visits in a two-week period in November 2015, and is supplemented by publicly available information from the Court of BiH and NGO reports. Beginning my analysis with a brief reflection on possible tensions between practices of witnessing and the purpose of the war crimes trial, I move to focus on the psychological production of the subject of wartime sexual violence. I argue that the WSO produces the subject of wartime sexual violence as witness, still noting the ways in which their role is oftentimes framed in tension with the aims and pursuits of the legal process. First, it is useful to discuss the role of witnesses within the legal trial to situate the psychological production of the subject of wartime sexual violence.

Witness Support at the Court of BiH

The Court of Bosnia and Herzegovina consists of three divisions, criminal, administrative, and appellate. The WSO is able to provide support in cases heard before the criminal and appellate divisions. The criminal and appellate divisions consist of three further sections.

While the Criminal division consists of:

- I. War crimes
- II. Organised Crime, Economic Crime, and Corruption
- III. All other Criminal Offences under the Court's Jurisdiction

The appellate division consists of:

- I. Appeals and Legal Remedies from Section I of the Criminal Division (War Crimes)
- II. Appeals and Legal Remedies from Section II of the Criminal Division (Organised Crime)

III. Appeals from Section III of the Criminal Division, Decisions of the Administrative Division, and Complaints Regarding Election Issues (Sud BiH, n.d.)

The WSO at the Court of BiH is responsible for the provision of support to witnesses who appear before the Court. They are most often called to provide support in cases heard before Section I on War Crimes and Section II on Organised Crime, though they are also able to provide support for witnesses in cases heard before Section III (Sud BiH, n.d.). Established in 2005, the WSO consisted of one 'head of office, two witness support officers, and . . . one or two assistants' (Interview 40, Sarajevo). In the same year, the ICTY transferred the mandate for new indictments to the respective national courts of the former Yugoslavia. Following this, the number of new indictments in the War Crimes Section increased, and with it the number of witnesses eligible for support from the WSO⁹. Today, the team consists of 'six psychologists, and one social worker, and three assistants,' with most of the direct work with witnesses falling to the psychologists (Ibid).

The WSO purports to act in a merely supportive role, yet as I demonstrate, it plays a key role in the production of the witness. The emphasis on its support role is notable in the official documentation surrounding the WSO. Summarising its structure and remit, the court's website details that the office consists of a 'team of professional psychologists' who facilitate 'the witnesses' appearance and testifying before the Court to prevent their testimony from further affecting their mental, physical, and health status', noting that the team are also able to provide logistical support for the witnesses' arrival in court (Sud BiH, n.d.). In a 2007 annual report, it is added that the WSO,

[I]s responsible for providing psychological, logistical and administrative support to the witnesses testifying before the Court. By providing professional services to these witnesses, the WSO aims to ensure that

⁹ The Court of Bosnia and Herzegovina provide a detailed breakdown of the number of cases heard before the court within each division, and further information about the number of witnesses supported through the Witness Support Office in Annual Reports issued between 2006 and 2012. The reports are provided in B/C/S languages and English and can be found here: <http://www.sudbih.gov.ba/stranica/43/pregled>

testifying before the Court is less stressful for witnesses and thus prevent any additional suffering or other negative consequences. (Sud BiH, 2007, p. 27)

The role of psychologists in the WSO is defined within limits. They are there primarily to alleviate suffering that may be caused *in the process* of coming to testify in court, responsible for the wellbeing of the witness from the time they are assigned to the case through to the court hearing. Psychologists bear no responsibility for the wellbeing of the individual in the long-term. The psychological wellbeing of the subject is thus defined and produced through the post-conflict justice process itself.

Having already met with representatives of several women's psychosocial organisations who were critical of the support offered by psychologists in the WSO, noting that it was insufficient to meet the needs of the subject of wartime sexual violence, I was keen to find out how those working in the court understood their role regarding the support of the witness. In November 2015, I made several visits to the Court of BiH. During my first visits, I observed several war crimes trials involving witness testimony to situate my understanding of the court layout. I noted, for example, that each courtroom differed, the larger ones with separate viewing galleries, while smaller rooms had several rows of chairs at the back for the press and public. I also sought to understand the types of questions that witnesses were asked, and the tone of proceedings. To supplement my understanding, I consulted official court information¹⁰ and press reports¹¹ of all cases I attended prior to and after the court session.

The Court itself is an imposing building located in the Otoka area of Sarajevo. Set behind tall metal fencing, the court is guarded by several armed security personnel, featuring highly visible security cameras. Usually, there was a lone protestor outside the court, with a sign

¹⁰ A schedule of current and historic cases heard at the Court of BiH can be found here: http://www.sudbih.gov.ba/app_dev.php/raspored/sudjenja

¹¹ The Balkan Investigative Reporting Network (BIRN) specialises in the monitoring and reporting of war crimes trials. A representative from BIRN was present at all Court hearings I attended. New, media, and opinion pieces about transitional justice and war crimes trials can be found in English, Albanian, Macedonian, and B/C/S languages here: <https://www.balkaninsight.com/en/page/balkan-transitional-justice-home>

detailing a missing relative, calling for justice for past atrocities. Visitors arriving at the Court were greeted by an atrium separated from the main court building. Here, all persons entering the Court were required to leave mobile phones, laptops, and cameras, and participate in airport-style security checks. In the main building, visitors were required to provide proof of identity which was exchanged for a visitor pass.

Later that month, I arranged a meeting at the court with a psychologist working within the WSO at the Court of BiH. On this occasion, when I entered the Court to collect my pass, I encountered a man who I had previously met while enquiring about the trial schedule. Approaching the main desk, I explained that I had come for an interview in the WSO. He exclaimed, 'not here to watch a case today?' He called through to the psychologist with whom I was meeting. As I waited he continued, 'you know, you can learn a lot from just sitting around in the court'. He paused, 'are you married?' At that moment, the psychologist appeared and she beckoned for me to follow. The interview took place within the main Court building in a room used to prepare witnesses prior to testimony. The room was small and intimate in comparison to the rest of the building, painted in a calming pastel shade, with magazines spread over a coffee table. As I sat back into the sofa, the psychologist promptly offered me tea, coffee, and water. Taking in the room, its informality was tinged by a state of limbo.

During the interview, I was keen to find out more about how the WSO was situated within the court institution, who the witnesses were, and how they interacted with the witness. Early on, I asked about the way in which the psychologist approached a witness prior to their testimony. While I was told that the form of support offered differed depending on the category of witness, the psychologist emphasised to me that,

We approach every witness like it's our first and the last witness. So, we make an individual plan of support for each witness regardless of whether

they're coming from the war crimes, organised crime. They are all people with different kinds of needs. (Interview 40, Sarajevo)

Recognising the differing needs of witnesses, the psychologist indicates the importance of perceiving witnesses as individuals. In contrast to the legal process, which stands accused of producing the witness as mere evidence, focus is placed on assessing the witnesses' needs and making them feel comfortable. Registering the distinction made regarding particular categories of witness, I asked how the support they offered differed between the witnesses of each section of the court. Responding, the psychologist stated,

What is different for the witnesses for the war crimes, from the other crimes, is that that crime happened a long time ago, like twenty or twenty-two-three-four years ago. And it usually involves long-lasting trauma or loss, which is very specific for war crimes. So basically, most of the, not all of the witnesses, but witnesses who are eyewitnesses, who are family members of the victims, or are victims themselves, most are suffering from PTSD, chronic PTSD. . . . And it usually involves the trauma that they lived through during the war or loss they suffered during the war. But . . . more recent ones, of course [they have] trauma as well, but most of them are eyewitnesses, or somebody who knows something about the crime which is committed. So, it depends, it's different when you work with someone who has chronically already suffered from certain symptoms than somebody who has relatively recently suffered certain things. (Ibid)

Here, the psychologist makes a distinction between those testifying to war crimes who are likely to be experiencing 'chronic PTSD', and those who are testifying to other forms of crime in the court, for example, organised crime. This had an impact upon the way in which the

psychologist expected to approach the witness, as well as the way in which the witness was expected to act and react in the process of giving testimony.

Wanting to get a clearer idea of the process of contacting and preparing witnesses testifying in the war crimes section, such as those who were testifying to wartime sexual violence, I prompted the psychologist to explain further – ‘in what ways would you approach someone who had chronic PTSD?’

Well, prior to the witnesses coming to testify for the war crimes cases, we receive both from the prosecutor’s office and the defence office, all categories of the witnesses. All witnesses who are coming, with phone numbers. So, prior to their coming, we contact them on the phone, we explain who we are, what we work [on], and that it is our job to assist them, and help them, and support them; about their coming to the court, witnessing, all the psychological and medical issues they might have. So basically, prior to their coming here we approximately know what we have to face with. (Ibid)

Here, the psychologist describes the logistical aspects of their work. By making initial contact, psychologists in the WSO made themselves known to witnesses, obtained an understanding of the needs of witnesses, and sought to prepare for their arrival accordingly. The psychologist continued to detail the adjustments that were possible in the context of the WSO.

If we see it’s going to be somebody with a probability of having some emotional breakout or something like that, we ask the person to come earlier here, we spend time here in the waiting rooms trying to calm down the emotions, to stabilise the witness; so, they are stable enough to go in the courtroom. We use different psychological techniques to do that. So, we make sure that that person is going to be stable and good enough, after also [they are] finished witnessing. It’s not always happening of course, we are not

miracle makers, but we are really trying. But our job is to make sure that testifying in front of the court doesn't cause re-traumatisation of the witnesses. (Ibid)

The psychologist places primary emphasis on the ability of the witness to give their testimony in the courtroom, with the witness, ideally, emotionally stable throughout. Though the psychologist speaks about the stability of the witness after having given their testimony, she reasserts that the role of the WSO is to provide support to the witness for a period defined by their role in a given case.

When the witness arrives at the Court, there are further steps to prepare the witness for testimony. Asking the psychologist about the different therapeutic techniques that were used prior to witness testimony, she responded, 'we use crisis interventions, we use breathing techniques, . . . we use insight techniques, it depends, lots of them. We brief them with all the information that they might need' (Ibid). Prompting the psychologist further, I asked,

LC: So, it's mainly orienting them to the situation that they are going to see in the court?

Psychologist: We realised it's a double-stress situation for them. Most of our witnesses, especially for the war crimes, are not from Sarajevo. So, they don't know the city, they are coming from the smaller rural areas. That's the first stress. And of course, you saw this building. It's intimidating enough for someone working here, not to mention someone coming to testify. So, we are very aware of that. And also, the subject of their testimony is very stressful. So, prior to their coming, what we usually do, what I always do with my witnesses, is brief them about what they can expect. Bring them to the empty courtroom. Explain who is sitting where, what they can expect. Go through the visualisation method . . . with them. What they can expect, how

it is going to happen, . . . not to be surprised by their reaction, that it is normal, that it is human. Just acknowledging that we have empathy, that we are kind of understanding what they are going through. It's very helpful.

The therapeutic aspects of the psychologist's work at the WSO are more apparent in this section of the interview, and indeed, echoes the types of preparations that Sabiha spoke of regarding preparing their clients for testimony in court. Yet, in this case, the primary purpose of the practice is to prepare the individual for giving legal testimony, a shift away from the psychic recognition of individual clients. This encounter operates within confines of the court process, through its bounds as an institution.

As our conversation continued, we came to discuss how support differed across courts. Relating the findings of reports which noted discrepancies between courts regarding psychological provisions for the subject of wartime sexual violence, I asked about her impressions of the provisions across the country. Responding, the psychologist noted that most courts did employ at least 'one person – a psychologist or social worker,' but that this provision was relatively new, even for the Court of BiH (Ibid). Redirecting the question, the psychologist began to talk about the difficulties of being a court psychologist in this context:

[Y]ou can imagine how lonely they feel at their institution. At least we have, at least it's nine of us here. They are only one, surrounded by all those lawyers, judges, prosecutors. It's not easy. . . they really have to fight for their place. We have to fight for the place, even if we existed.

This line of inquiry began to further complicate the psychological production of the witness, demonstrating a tension between the practice of witnessing and the strictures of the legal process. Inquiring further into the dynamic between the WSO and other court personnel, the psychologist replied that prosecutors and defence lawyers,

[A]re really afraid that we are going to mess up their testimonies. Because, it's very difficult not to get into that, because the witnesses themselves . . . present you with certain stories. But also, there is always small manipulations which prosecutors are, you know, they always have some kind of, 'Okay, I'm going to ask this witness to tell me this but not this.' You know those are legal things, the way they want to prove their cases, something [sic]. They're always afraid that we are going to intervene in a way we shouldn't. (Ibid)

The psychologist begins to unpack some tensions within relationship between the psychologist, the witness, and the legal professionals in the court. While there is an expectation of psychological intervention, with the incumbent issues of trust with witnesses, there was also an expectation that psychologists should not interfere with the way in which the witness speaks about their experiences. In the context of the interview, the psychologist was quick to reiterate the criteria of post-conflict justice, stating that the WSO did not interfere with testimony, but rather, performed their duties 'with the highest levels of moral integrity, *impartiality*, and confidentiality' (Sud BiH, n.d., emphasis added). However, she also acknowledged that if the witness was not comfortable to give the testimony in the way the legal professional wanted, there was no option but to intervene.

As the interview continued, the conversation moved to the question of psychological support at the verdict. The psychologist highlighted that it was important that psychologists be present and available to witnesses throughout the process, from the initial summons to the verdict. In particular, the verdict was seen as a difficult moment for the witnesses, many of whom were present in court on this day. It was therefore important for members of staff in the WSO to be present since most of the witnesses knew the psychologists, and were 'glad to see' them 'in that part' (Ibid). However, this also led the psychologist to reflect on a tension inherent in their work at the court. The corollary of a developing familiarity between the

psychologists and the witnesses was that there was a risk of becoming overly familiar with one another. A key problem was the practice of splitting larger cases into several smaller ones, such that they 'follow one another [as] a logical story' (Ibid). This meant that the same witnesses may come back to testify in several cases (Ibid). Curious to find out how common an occurrence this was, I asked, whether they had 'a lot of people who are witnesses for different cases?' The psychologist replied that this happened,

[M]ore and more. Every year, yes. Especially . . . for Eastern Bosnia, we have people coming here four, five, six times. Which is really tiring for them, that's terrible. But they are suggested by the prosecutor's office. We have to follow up. (Ibid)

This was partly due to the limited number of registered witnesses in certain areas, which resulted in persons from that area being called on multiple occasions. However, the psychologist intimated that this was also caused by the splitting of cases. While it suited the Prosecutor's Office to arrange cases in this manner, I was categorically told that this was,

[N]ot good for a witness. We had a witness who had to come two, three times during the year in different cases to testify about the same thing. And of course, it's very difficult for us to explain why they have to come again. They already said it in front of the court. They don't understand those legal things. That it's a different case, different prosecutors, different indictment, different panel of judges. It doesn't mean anything to them. (Ibid)

Actively criticising the practice of splitting cases here, the psychologist calls out the practice of splitting cases on the basis that the witness will experience the 'same kind of stress' and the 'same kind of discomfort' - the witness will be retraumatised (Ibid).

At this point in the interview, the psychologist and I had developed a strong rapport.

Discussing her role within the psychological production of the witness, I began to empathise with the tensions that played out in her role:

LC: It must be quite frustrating.

Psychologist: Yeah, it's very. . . . And you have to understand it's very frustrating for us, because I'm sure that witness, in that particular moment, the last thing that they want is to be summoned again and called by us, even if we are psychologists because they, they know they have to come again.

LC: Yeah, I mean, it's an interruption to their daily life as well.

Psychologist: Exactly, and their functioning. And it takes time after the testimony to go back again in their normal routines and you know, set time aside. And just when they calm down, you have to call them again, and all the process, and... It's not easy for them. It's very difficult.

LC: I mean, how do you cope with that as a psychologist? Do you have particular..?

Psychologist: We don't have many tools to use there. Just to be there and listen to them. They're frustrated. What we can do is just listen to them. Their frustrations. Try to empathise with them. We don't... Because there are certain things, most people are just beyond the psychological therapy or counselling which you can provide to them. Because there's a lot of years went through them, getting much older, with different kinds of problems, and them getting involved in some kind of counselling or therapy would require much of their energy. Energy that they don't have anymore [sic] inside of them. So, you can't really expect that they can be treated of something, that's

ridiculous. That's really a ridiculous expectation of those people. Because if you want to get involved in some kind of counselling or therapy, you need to have some kind of inside resource to get involved, to be part of the therapy, which most of them don't have it.

This exposes the psychologist's frustration at the limits of what it was possible to do for witnesses within the context of her job. As I asked her more about this, it was evident that the psychologist recognised this as an institutional limitation. I inquired as to whether the witnesses that she worked with were able to access other support organisations or mental health professionals,

Yes, sometimes they don't. Most of the cases they don't. And it's really frustrating. We're always... When I recognise that a person needs additional work, psychological, emotional, something. I always say that I really believe you should go, if you have anybody around, to a psychiatrist, to a therapist, psychologist, anybody, I suggest that. But that's all I can do. Sometimes we call our colleagues in the field. When we have somebody. Or call the NGO who is working around [there]. (Ibid)

The WSO were clear about what was possible and what was not within their remit. While they could refer to their colleagues at NGOs such as Medica Zenica and Vive Žene, they could not offer a sustained therapeutic relationship in the same way. Their task was to produce the subject of wartime sexual violence as a 'good enough' witness for the purposes of the legal trial.

Having discussed the ways in which psychological professionals produced the victim, the survivor, the client, and the witness, I move to consider the forms of recognition that emerge through these relationships. I offer a conceptual reflection, engaging with the empirical

context of post-conflict justice processes, which untangles the psychic from the legal, exploring its implications for the subject of wartime sexual violence.

Between Psychic and Legal Recognition

As has been seen through discussions of psychological intervention within psychosocial organisations and in the WSO at the Court of BiH, practices of psychic and legal recognition share a similar trajectory since they seek to enable or to impose a sense of emotional and narrative coherence to the traumatised subject. Indeed, both are attempts to rescript trauma into narrative. Jenny Edkins' *Trauma and the Memory of Politics*, is instructive on this point.

She argues that trauma is a,

[Disruption of linearity . . . It doesn't fit the story we already have, but demands that we invent a new account . . . Until this new story is produced we quite literally do not know what has happened: we cannot say what it was, it doesn't fit the script – we only know that 'something happened' (2003, p. xiv)

Part of working through trauma is creating a story around this something. Speaking of this process in the context of survivors, Edkins notes that these accounts are often 'emotionally charged and difficult to listen to' since they often 'involve a reliving of the events described, producing an account that is not selective, incoherent in many ways, and not designed for any particular audience. Sessions take a long time, and once begun cannot be abbreviated or condensed' (Ibid, p. 190). This process of coming to narrate trauma is central to both psychic and legal practices of recognition, through therapeutic healing, and through the preparation of witnesses. Yet, each are distinct in important ways.

As has been seen through my interviews at psychosocial organisations in BiH, each developed therapeutic relations with their clients. It is useful to make explicit the basic tenets of this relationship. The therapeutic relationship is victim-centred, with the focus placed upon the

client's recovery, toward psychic recognition. While this focus produces a clear power differential between therapist and client, it is also reliant upon developing relations of trust between both parties, involving negotiations of responsibility and consent. The therapist must act as the 'patient's ally, placing all the resources of her knowledge, skill, and experience at the patient's disposal', adopting a 'technical neutrality' by affirming the patient in their autonomy (Herman, 1997, pp. 134-5). Through the development of this relationship, the client moves toward recovery. The first stage of this is the re-establishment of *safety*. Importantly, the client must develop a sense of control over their bodies, their emotions, and their thinking (Ibid, p. 160), re-establishing a level of confidence in the ability to protect themselves, and a degree of trust in their relationships with others, as well as in the therapeutic alliance (Ibid, p. 174). At this point, the client may be ready to narrate the story of their trauma, 'completely, in depth and in detail' (Ibid, p. 175). In this sense, it is crucial for the therapist to bear witness through 'affirm[ing] a position of solidarity' (Ibid, p. 135). As was noted in discussions with psychosocial organisations in BiH, a variety of techniques can be used to help the client in the process of narrating their trauma, such that they are able to establish a coherent narrative of the event and incorporate it into their life story (Ibid, p. 181-2). Through the development of this empathic relationship, the therapist acts as witness, helping the client to reconstruct and reintegrate the experience into their self-narrative. Psychic forms of recognition place focus on the capacity of the client to heal, re-establishing a sense of trust in themselves and others. The therapeutic relationship is one of recognition through healing.

The production of witnesses for legal recognition has also been understood through therapeutic registers, with several scholars commenting on the collective and dramaturgical aspects of war crimes trials. The debate over the trial of Adolf Eichmann is instructive here. In this context, Mark Osiel argues that a criminal trial may be 'a congenial public opportunity for collective mourning of the victims of administrative massacre', providing both 'a ritual that is

helpful for family members and a sympathetic public in coming to terms with melancholia', contributing 'to the social solidarity that is based on shared commitment to liberal principles of mutual respect and concern among individuals.' (1995, pp. 512-3). For Osiel, war crimes trials 'indelibly influence [the] collective memory of the events they judge' (2000, p. 2). In this view, the witness is produced as a central character in the trial since their accounts come to shape the wider historical record of what happened. The trial itself is also seen to play a key role in the process of individual and collective mourning, and thus healing. This account draws on a therapeutic register of *coming to terms with* trauma within the legal arena. Hannah Arendt has been critical of the theatrical aspects of the war crimes trial, arguing that the central purpose of war crimes trials should be to administer justice, focusing on determining the guilt or innocence of the individual(s) on trial. In *Eichmann in Jerusalem*, she was particularly critical of the way in which witness accounts overshadowed the trial of Eichmann. She notes that while,

Eichmann was on the stand from June 20 to July 24, or a total of thirty-three and a half sessions. Almost twice as many sessions, sixty-two out of a total of a hundred and twenty-one, were spent on a hundred prosecution witnesses who, country after country, told their tales of horrors. (Arendt, 2006, p. 223)

Contrary to Osiel, Arendt calls to resist widening the scope of war crimes trials, with the 'procession' of witnesses questioned in terms of its utility in the pursuit of justice (Ibid, p. 224). The debate highlights both the way in which the participation of witnesses in war crimes trials has been seen through therapeutic registers, while also registering caution. Though Arendt's is centrally concerned with the ability of the law to deliver justice, her intervention raises important questions over the relationship between the witness and the law, coming to bear upon the psychological production of the witness-subject. It is useful to explore this tension further with specific regard to the role of the witness.

As has been suggested, notions of justice have also become intertwined with notions of healing, such that '[j]ustice reappears in the idea that its pursuit is to heal victims of violence'

(Minow, 1998, p. 63). It is held that such processes facilitate an 'acknowledgement of what happened that is essential for [the] mental health and political integrity' of victims and witnesses (2002, p. 16). Writing in the context of the International Criminal Tribunal for the former Yugoslavia (ICTY), Marie-Bénédicte Dembour and Emily Haslam further note the assumption that,

What contributes to re-establishing [the victims'] self-respect is the fact that their suffering is listened to in the trials with respect and sympathy, the true story receives official sanction, the nature of atrocities are publicly and openly discussed and their perpetrators are officially condemned. (Nino quoted in Dembour & Haslam, 2004, p. 153)

With respect to the ICTY, this assumption became manifest as tribunal judges referred to witnesses as the 'soul' (Wald, 2001, p. 107) and 'lifeblood' (Stover, 2005, p. 41) of the court. Despite this rhetoric, it should be noted that witnesses were, and remain *necessary* for successful prosecution in a context in which there were few other records of the crimes committed. As such, prosecutors become reliant upon the mobilisation of a 'parade of victim-witnesses' to secure prosecutions (Wald, 2001, p. 107).

Simplistic understandings of healing through legal testimony have been criticised by scholars, particularly regarding the process at the ICTY (Dembour & Haslam, 2004; Mertus, 2004; Stover, 2005). Eric Stover, in a study of eighty-seven individuals who testified before the ICTY, rallies against notions of 'psychological healing' with respect to war crimes trials, finding that the process of testifying was often experienced as 'intensely emotional, especially for those who have never told it publicly before' (2005, p. 32). He notes that while twelve of the eighty-seven participants described aspects of the process as 'cathartic', most accounts suggest a more multifaceted story, 'fraught with unexpected challenges and emotional swings' (Ibid, p. 88-9). Susan Brison's account of her experiences in the aftermath of sexual assault sheds further light on this issue. While she describes the experience of testifying in court as 'empowering' and 'healing' at points in the text, she later comes to reflect on some of the

distinctions between the legal and therapeutic frames in the aftermath of the trial. She notes that,

In the courtroom, what takes priority is the need for credibility as a witness, in order for justice to be done. In the therapist's office, by contrast, it's the need to acknowledge the harm to oneself, in order to heal from it and to figure out how to carry on. I felt I had done a good job of testifying at my assailant's trial when my lawyer praised me for getting my story just right . . . In contrast, I knew I was somehow failing at the therapeutic endeavour when, a couple of years earlier, a new therapist to whom I'd just told the story of my assault had said, "what a horrible experience. But you sound like you're describing something that happened to someone else." (Brison, 2003, pp. 102-3)

What Brison's account begins to sketch out is a fundamental dissimilarity between a therapeutic *working through* of trauma, and the legal narration of a traumatic event.

The legal process requires the witness to 'know everything that has happened' (Interview 24, Tuzla). Taking the form of evidence, it is 'constrained by the judicial endeavour to establish a legally authoritative account of 'what happened' (Dembour & Haslam, 2004, p. 154). The account must possess 'narrative coherence', placing a demand upon the witness to 'arrange facts sequentially in order to construct a plausible narrative, and in so doing asserts a causality between acts, facts, and events' (Wilson, 2005, p. 918). In this context, other constraints often become apparent. For example, time constraints may be placed on testimony, such that the witness is not able to include all the details which they find significant (Dembour & Haslam, 2004, p. 158). Witnesses may also be cross-examined. Defence lawyers are likely to be 'particularly uninterested in survivors' perception of what happened', since their purpose is to cast doubt on the truth or coherence of the testimony (Mertus, 2004, p. 119). As such, the pursuit of justice may 'bypass the individuality of the victims, including their needs as traumatized persons' (Dembour & Haslam, 2004, p. 154). Far from a victim-centred form of justice, the war crimes trial subsumes the witness in a broader purpose of post-conflict justice.

This dissimilarity between forms of psychic and legal recognition comes to bear on the ways in which the subject of wartime sexual violence is produced in the post-conflict justice context. While in the therapeutic encounter, the subject is produced as *victim* and/or as *survivor*, and is encouraged to heal, the deployment of this relationship in the legal arena often actively bypasses the needs of the survivor. This demonstrates that forms of legal recognition through the court are subject to the institutional structure, strictures, and scope of the process, often to the detriment of psychic healing. This differential politics of recognition, between the 'psycho' and the 'social' can be seen through the forms of testimony that each encounter produces. As I have argued, this tension is negotiated and to an extent, mitigated by psychosocial organisations who seek to lend support to their clients. Yet, as becomes evident through my discussions with psychological professionals at the Medica Zenica, Vive Žene, and the WSO at the Court of BiH, the therapist must negotiate a gulf between a particular traumatised subject and a generalised traumatised witness. While it is possible for the subject of wartime sexual violence to recover and heal through the psychosocial intervention, the subject of wartime sexual violence is already assumed to be traumatised in the context of institutional post-conflict justice processes.

Conclusion

This chapter has explored the psychological production of the subject through two key empirical sites – psychosocial organisations established to support female war victims, particularly the subject of wartime sexual violence, in the aftermath of war in BiH, and the WSO at the Court of BiH. I have explored this production regarding psychological professionals working at these organisations. The first two sections examined the historical and conceptual aspects of trauma and therapeutic intervention. Historically, I traced the development of trauma from a specific concept, emerging regarding individual soldier-

subjects to trauma as a generalisable concept which came to be mobilised more generally, serving to open the range of subjects made possible in the post-conflict context.

Conceptually, and drawing upon the literature on therapeutic intervention, I explored how vocabularies of trauma came to be applied in the post-conflict context, specifically its mobilisation with regard to particular categories of victim. In the context of BiH, one such category was the subject of wartime sexual violence. The latter sections of the chapter moved to consider the psychological production of the subject in a contemporary context. First, I engaged with two prominent psychosocial organisations in BiH, Medica Zenica and Vive Žene. Throughout this section, I explored how these organisations built relations with their clients. While I argued that the healing relationship became entwined within the wider context of debates and contestation over the transitional justice process, I also traced how psychosocial organisations came to negotiate this relationship in order to provide support to the subject of wartime sexual violence. The second empirical case that was discussed was the WSO in the Court of BiH. Continuing to focus on the tensions between the legal and the therapeutic, I argued the WSO was further embedded within the demands of the legal process. The psychological processing of bodies at the Court of BiH was productive of the 'good enough' witness such that the process of witnessing is not to the detriment of the psychological wellbeing of the person. This production tended toward the instrumentalisation of the subject of wartime sexual violence, as they became subsumed by the institutional post-conflict context.

While the previous chapter highlighted the ways in which nationalist registers came to be reproduced through post-conflict justice processes, this chapter has sought to establish how the healing relationship comes to be deployed in these practices. I have argued that the way in which these relationships become entwined both masks the differential politics of recognition operative at these sites and obscures a gap in terms of the social recognition of the subject of wartime sexual violence. Throughout, I have illustrated the tensions between

psychic and legal forms of recognition, tracing the negotiation of this tension by psychological professionals working in psychosocial organisations, Medica Zenica and Vive Žene, as well as the WSO at the Court of BiH. Through these discussions, two kinds of relationships emerged – one of therapeutic healing, and one of the production of the legal witness. Through the therapeutic relationship, the subject of wartime sexual violence was produced as victim and/or survivor, able to incorporate particular traumas into their life story. In the preparation of witnesses, the subject of wartime sexual violence was instead produced as a ‘legally coherent’, or the ‘good enough’ witness, as they became subsumed by the wider (narrative) demands of the post-conflict justice context. This psychological production of the subject has tended to vacillate between two forms of recognition. Recognition on the individual, psychic level and recognition of the legal subject. As I argue, the ways in which these forms of recognition operate with and in contrast to one another renders more social and communal forms of recognition obscure.

Through this chapter, we have seen the production of a variety of post-conflict subjects – the victim, the survivor, the client, and the witness. However, thus far, the witness has only been discussed in the legal paradigm. In the next chapter, I turn my attention to exploring the wider political possibilities of the witness-subject. Particularly, the chapter will discuss the ways in which the witness-subject is produced through an alternative feminist justice process, Ženski Sud (The Women’s Court), as well as through two interview encounters with associations of survivors. Through this discussion it will become apparent that the role of witness can be extended beyond the victim- and survivor-subjects. Following this insight, it will be argued that forms of social recognition become possible.

Chapter Four – Testimony, Witness, and the Politics of Encounter

Introduction

The last chapter discussed how the witness-subject was produced through psychological, psychosocial and legal post-conflict justice processes. While these processes aimed to offer recognition at both the individual, psychic level, as well as the institutional, legal level, they tended to obscure possibilities for forms of social recognition. In this chapter, continuing to examine the production of the witness-subject, I move to address this gap through a discussion of testimony, witness, and witnessing in post-conflict BiH. Testimony has been an important mode of representation in the post-conflict justice context, playing a key role in raising public visibility for the subject of wartime sexual violence. For instance, survivor association, Savez Udruženja Logoraša Kantona Sarajevo (SULKs/Association of Concentration Camp Torture Survivors of Sarajevo Canton) compiled a book of testimony *entitled I Begged Them to Kill Me* (Ajanović, 2000), which prominently featured testimony on the subject of wartime sexual violence, while Beverly Allen references a text written by Italian journalists, titled after a fictional testimonial subject, and based on interviews with survivors (1996, pp. 33-4). Furthermore, there has been a proliferation of other ‘testimonial’ media regarding this issue, including a number of films, novels, plays, and documentaries¹, as well as a steady stream of news-media articles. In as far as these testimonial accounts often uncritically reproduce dominant narratives of the subject of wartime sexual violence in BiH, they (inadvertently) contribute to a ‘commercialization’ of wartime sexual violence (Baaz & Stern, 2013, pp. 96-101), in which the issue is rendered as an object ‘with which audiences can interact and consume’ (Meger, 2016, p. 154).

¹ Films include: Jasmina Zbanić’s *Grbavica: Esmā’s Secret* (2006) and *For Those Who Can Tell No Tales* (2013), Juanita Wilson’s *As If I’m Not There* (2010), Angelina Jolie’s *In the Land of Blood and Honey* (2011). Books include: Slavenka Drakulić’s *S: A Novel About the Balkans* (2001). Plays include: Eve Ensler’s *Necessary Targets* (2001).

Testimony has not been confined to this media. Indeed, the extent to which the post-conflict justice context requires the subject of wartime sexual violence to testify has been noted throughout this thesis. Most often, testimony has been a way to assess the validity of the subject's experiences of violence. For instance, as discussed in Chapter One, the subject of wartime sexual violence was interviewed by journalists, researchers, human rights organisations, and international organisations, their testimony helping to validate reports of violence that were emerging from the former Yugoslavia. In Chapter Two, it was noted that those claiming the 'civilian victim of war' status are required to testify to their experiences such that their claim can be assessed. While in Chapter Three, it was discussed how victim-witnesses come to testify in the court, a practice that has been central to successful war crime prosecutions in both the International Criminal Tribunal for the former Yugoslavia (ICTY) and the Bosnian courts. As has been noted, there is a necessity for the subject of wartime sexual violence to engage in these processes. Individuals, sometimes aided by support organisations who attempt to negotiate the post-conflict justice terrain, must present themselves according to a set of frames and frameworks such that they are able to access key services and provisions (Baaz & Stern, 2013, pp. 99-102). Yet, in these instances, to the extent that these testimonial processes seek to attest to the validity of individual survivors' claim, they have also been severely limited in terms of the recognition of the subject.

The researcher is not immune to this testimonial context, and indeed, as will be discussed in this chapter, becomes embedded within it. Increasingly, scholars working in BiH have begun to note a growing 'research fatigue' regarding the subject of wartime sexual violence (Clark, 2017, p. 426). Elissa Helms adds empirical context, noting an interaction that she witnessed between a journalist and women from an association of camp and torture survivors, SULKS².

² As Helms also notes, the translation of the association's name in English has varied due to the lack of an exact translation of the word *logoraši*. The Bosnian word *logori*, is 'from the German *Lager*, meaning camp, with all its associations with the Holocaust'. While the English, *concentration camp*, renders a similar meaning, the association have previously translated the word as *detainees*. Later they used the

In this encounter, after the main spokesperson had briefly described the work of the group to the journalist, the women, 'as if they know what the journalist wants', come to narrate their war story, 'patiently waiting for the translator every few sentences' (2013, p. 195).

Cumulatively, these points regarding the testimonial post-conflict justice context raise important questions in the context of this chapter. Intrinsic to the notion of testimony, is a notion of speaking out about experiences of harm. However, in a context in which testimony often reproduces dominant (often problematic or simplistic) narrative about wartime sexual violence, in which heightened visibility has not always been conducive to recognition, and in which there is a palpable fatigue at the need to speak to others about experiences of harm, it is pertinent to ask questions of the testimonial context in BiH. In this chapter, I address the ways in which the subject of wartime sexual violence is produced as witness, I explore the limits and limitations of particular testimonial contexts, and I ask after the possibilities for witnessing, as a form of social recognition, in this context. For the purposes of this chapter, I hold a distinction between testimony and witnessing, noting that while the process of witnessing is reliant upon the testimonial act, conversely, the act of giving testimony is irreducible to witness. In making this distinction, I develop a notion of intersubjectivity which, I argue, is central to the process of recognition. Throughout, I establish both conceptual and empirical understandings of issue of testimony, witness, and witnessing as it pertains to post-conflict justice processes in BiH regarding the subject of wartime sexual violence in BiH. Further, I seek to address the question of whether and how it is possible to bear witness in the context of post-conflict BiH. Proceeding from an exploration of the subjects of witness, I move to explore the witnessing as a form of recognition.

encompassing 'Concentration Camp Torture Survivors' which reflects their advocacy for state-level laws that address the rights of those who were detained in camps during the war (2013, p. 259). I refer throughout to the Bosnian acronym, SULKS.

The chapter is organised in two main parts. The first offers a conceptual reflection on testimony, witness, and witnessing. Turning to a chance encounter on my fieldwork, I establish three key dimensions of testimony and witness from which this chapter will build – that of ‘testimony as a speech act’, ‘witnessing and seeing/hearing’, and ‘witnessing as an embodied encounter’ – distinctions later used to reflect on the forms of witnessing enacted through each text and context. This enables an examination of the subjects that are produced and the forms of recognition made possible. The next sections turn to a conceptual reflection on witness with regard to the literature on Holocaust testimony and witness. This literature is instructive to the extent that it develops a language to think and speak about what it means to testify, witness, and to bear witness. Developing with regard to the Holocaust experience, its conceptual frames proliferate across numerous Western testimonial contexts. Indeed, this literature is actively drawn upon by the organisers of Ženski Sud (Duhaček, 2015). In the context of this chapter, it provides an important point from which to explore issues of subjectivity and positionality with regard to testimony and witness. First, I discuss the work of Primo Levi as a survivor witness, using his reflections to broaden the scope of the witness-subject in the context of this thesis, as well as unpack the distinctions between testimony and witness. A discussion of Levi, together with Giorgio Agamben, brings to light important limitations both with respect to the survivor as witness and regarding the process of narrating the (Holocaust) experience. However, crucially, it also reflects on these limits as they emerge *in relation to* multiple other witness-subjects including the eyewitness, the listener, and the reader. Next, I discuss the witness in the context of the Fortunoff Video Archive for Holocaust Testimonies. In this case, since the testimonies are recorded, witnessing occurs at a spatio-temporal remove. As Shoshana Felman describes in a chapter in *Testimony*, the testimonies nevertheless enact an affective, performative, and transformative process of witness in the context of a university-level class. I discuss the way in which the testimony is staged, commenting on how this impacts on the way in which the viewer is produced as witness. It

becomes clear that intersubjectivity is a necessary condition of witness, and as such, of recognition. The final section in this conceptual reflection draws together these insights. Drawing on Dori Laub, I suggest that witness involves a *relation to* subjects. Taking cues from Judith Butler, I argue that witness, as a form of recognition, is intersubjective, requiring both response and responsiveness to the subject (2001; 2006; 2009). To this extent, witness is a process of subject-formation, which must be examined as a function of power, and discussed with regard to specific, socially-situated encounters.

This conceptual discussion informs second part of the chapter which turns to two empirical sites. The first is a feminist post-conflict justice process, *Ženski Sud* (The Women's Court), which took place in Sarajevo in May 2015. In this context, I explore the production of three witness-subjects – the witnesses, the expert witnesses, and the audience. Examining the staging of the event through these subject-positions, I discuss how the testimony of witnesses was situated in a context in which multiple forms of supportive response were enabled, while also noting the ways in which the event enacted a form of affective witness around a notion of feminist solidarity. Concluding this section, I argue that while the process enacted an affective, intersubjective process of witness, it is also situated in the context of the gendered and ethno-national production of the subject of wartime sexual violence discussed thus far in the thesis. The second site is my own interview conversations with senior representatives of two survivor organisations – *Žene Žrtve Rata* (Women Victims of War) and SULKS. Both organisations enable a reflection on witness in different ways. *Žene Žrtve Rata* actively draw on testimonial discourse to describe the work of the organisation. Examining the interview context, I argue that it entailed witnessing in a much broader sense, one which called for recognition of the individual, social, and historical constitution of the subject. Turning to focus on my interview with a senior representative from SULKS, I reflect further on what it means to bear witness in the context of the subject of wartime sexual violence in BiH, exploring what witnessing prompts us to attend to, and what the researcher's responsibility as a witness

entails. Moving beyond discussions of legal-bureaucratic and psychosocial recognition which have been the focus of previous chapters, I move toward a social notion of recognition, which entails responsiveness to the complex and ‘thick histories’ of the subject of wartime sexual violence (Nagar, 2014, p. 5) (see also Ahmed, 2000; Ahmed, 2002).

Conceptualising Testimony and Witness

An Encounter on Fieldwork

Moments when we fail to act, or in the moment, feel unable to act, often weigh heavily upon us. In such moments, we become witness to something. We see it, but we do not respond. In the first days of my second fieldwork visit I played a part in such a moment. It was a warm day at the beginning of October and I had just arrived in Sarajevo. Late in the afternoon I was on my way to meet a colleague at a café on the banks of the river Miljacka. Heading away from the busy thoroughfare of Ferhadija toward the river, I saw a man following a woman. From ten metres, it became apparent that the woman was braced, eyes locked firmly on the ground. Meanwhile the man following her was saying something I could not quite make out. As they got closer, I heard the man repeating: ‘Koji je tvoj broj telefona? Koji je tvoj broj telefona?’ ‘What’s your telephone number? What’s your telephone number?’ Standing still now, watching the moment unfold in front of me, it became clear that I should do something. I had witnessed something, yet I let them pass.

Such moments are ones that many will be able to recognise. Many will have been witness to such an incident or have experienced it themselves. Yet, these moments are often written off as ones in which ‘nothing really happened’ (Kelly & Radford, 1990). Discussing women’s accounts of gendered and sexualised harassment, Liz Kelly and Jill Radford note how this phrase reveals, that ‘women both understand that something has happened to cause them anxiety, fear and undermine their confidence . . . yet by saying ‘nothing happened’ they

recognise that in malestream ideology nothing untoward would be deemed to have occurred' (Ibid, p. 45). To the extent that feminists seek to draw attention to this elision of experience, they are involved in a process of acknowledgement, recognition, and witness.

The term witness raises a corresponding notion of 'testimony'. In the scene outlined above, the testimonial moment may not be immediately clear. C.A.J Coady suggests, after J.L Austin that testimony is,

[A]n illocutionary act, which may be and standardly is performed under certain circumstances and with certain intentions such that we might naturally think of the definition as giving us conventions governing the act of testifying (1992, p. 25)

As Coady identifies, testimony can be understood as a speech act which is performed through the act of 'simply saying what we have seen' (Ibid, p. 26). Regarding the scene in Sarajevo, it is in the aftermath of the event that we come to testify. For example, in writing about the event, I make you, the reader, witness to it. However, in the moment, I was also made witness to something. What then of the relation between myself, stood on the pavement, and the woman, with her eyes cast to the ground?

Kelly Oliver's definitional clarification in *Witnessing: Beyond Recognition*, adds to Coady's, noting that,

Witnessing is defined . . . as the action of bearing witness or giving testimony, the fact of being present and observing something; witnessing is from witness, defined as to bear witness, to testify, to give evidence, to be a spectator or auditor of something, to be present as an observer, to see with one's own eyes. (2001, p. 16)

Witnessing here takes on a dual meaning here, to *give testimony* and to *bear witness*, placing emphasis on the act of speech as a form of testifying, and the act of seeing as a mode of witness. In this instance, it can be suggested that I am witness to the extent that I was present in the moment, *seeing* the events unfold in front of me, and also in the sense that I am testifying here, in the context of this chapter. Building upon this notion of bearing witness,

there is another dimension of bearing witness which I highlight in this chapter – witness as an embodied process.

Her head braced, eyes locked to the ground. The same ground on which I am rooted. I halt. Nerves tingling, mind racing in overdrive. The sensation is unnerving since my body is so very still. Words rush, suddenly, into my throat. Stopped, then silence. They pass, the moment passes.

This chance encounter demonstrates that there are a number of dimensions to witnessing – witness as an act of giving testimony, and witness as bearing witness, which is understood as a social process entailing forms of response such as seeing, hearing, or sensing. These aspects of witnessing will be salient throughout the chapter however, it is first useful to bear them in mind as I examine the literature on testimony with regard to the Holocaust. These texts are instructive in terms of elaborating upon the key dimensions and limitations of witness. Specifically, these sections unpack key conceptual points in the literature, also raising important questions regarding issues of voice and representation in the context of witnessing. I first reflect on Primo Levi's, together with Giorgio Agamben's, writings on testimony and witness. In doing so, I begin to develop the ways in which the witness-subject emerges, at the same time, broadening the view of *who* the witness-subjects are.

Enacting Witness: Primo Levi and the Witness-Subjects

In this section, I develop and broaden understandings of the witness-subject. To do so, I consider two key texts. The first is Levi's *The Drowned and the Saved* (1988), which seeks to clarify, restate, and respond to arguments put forward in *If this is Man, The Truce* (Levi, 2000 (1959)). In *The Drowned and the Saved*, Levi writes of his own experience of Auschwitz, shedding light on what it meant to live through the Nazi Lagers, as well as what it means to

have survived it. Assuming both the position of survivor- and authorial-witness, Levi proceeds from the problems of memory, through the language and techniques of violence used by Nazis in the camps, to more recent encounters, including the recollection of several conversations with his translator for *If this is Man*, from Italian to German. In this collection of essays, Levi encapsulates several dimensions of what it means to witness the Holocaust. The second text I draw upon in this section is Agamben's *Remnants of Auschwitz* (1999). Reflecting upon Agamben's reading of Levi, I explore the paradoxical relationship between the imperative to speak, and the impossibility of bearing witness. Acknowledging this theoretical aporia, I move to discuss Levi's negotiation of this tension, reading *The Drowned and the Saved* as a text which enacts a negotiation of the process of witness, and trace a process of address and response between witness-subjects.

A recurring theme of Levi's *The Drowned and the Saved* is the imperative to speak, marking one way in which the survivor emerges as witness. Laub has characterised this imperative as the need for survivors of the Holocaust 'to survive to tell their stories' but also a need 'to tell their stories in order to survive' (Laub, 1992b, p. 78). English language editions of Levi's text begin with a short section of Samuel Taylor Coleridge's *The Rime of the Ancient Mariner*:

Since then, at an uncertain hour,
That agony returns,
And till my ghastly tale is told
This heart within me burns. (Coleridge quoted in Levi, 1989)

This preface viscerally highlights the extent to which the imperative to speak can be read though Levi's book. However, this does not remain uncomplicated. In the opening paragraph of *The Grey Zone*, Levi acknowledges an issue with the modes of expressing and representing the Holocaust through language. He writes,

Have we – we who have returned – been able to understand and make others understand our experience? What we commonly mean by 'understand' coincides with 'simplify': without profound simplification the world around us would be an infinite, undefined tangle that would defy our ability to orient

ourselves and decide upon our actions. In short, we are compelled to reduce the knowable to a schema (Levi, 1988, p. 22)

Levi uses this introduction to resist the simplification of 'the network of human relationships inside the Lagers', noting its fundamental indecipherability (Ibid, p. 23). Nevertheless, in tracing an account of the Lagers, he renders it communicable through simplification. In doing so, Levi marks the incompleteness of his testimony as a form of witness to the Holocaust experience, while also hinting toward the ways in which the experience must be communicated to others, who may, in turn, come to listen, hear, and as such, bear witness.

In the essay, *Shame*, Levi marks the survivor-subject as the incomplete witness. He writes,

I must repeat – we, the survivors, are not the true witnesses . . . We survivors are not only an exiguous but also an anomalous minority: we are those who by their prevarications or abilities or good luck did not touch the bottom. Those who did so, those who saw the Gorgon, have not returned to tell about it or have returned mute, but they are the 'Muslims'³, the submerged, the complete witnesses, the ones whose deposition would have a general significance . . . We who were favoured by fate, but also that of the others, the submerged would not have testified because their death had begun before that of their body . . . We speak in their stead, by proxy. (Levi, 1988, pp. 63-4)

Levi writes again of the imperative to speak, marking it as an imperative on behalf of those no longer able to do so. The survivor-subject is noted as the incomplete witness, while the submerged, those who cannot testify are the complete witnesses. As such, Levi as a survivor-witness, not only writes to bear witness to the experience of the Lagers, but also to bear witness to those who are unable to testify.

³³ A literal translation of the word 'Muselmann'. Jean Améry states that term Muselmann referred to 'the prisoner who was giving up and was given up by his comrades, no longer had room in his consciousness for the contrasts good or bad, noble or base, intellectual or unintellectual. He was a staggering corpse, a bundle of physical functions in its last convulsions. As hard as it may be for us to do so, we must exclude him from our considerations' (1980, p. 9). See also Agamben's discussion on the origins and etymology of the term Muselmann (1999, pp. 44-48).

Reading Levi, and the texts of other survivors, Agamben emphasises this point, arguing that the structure of testimony to the Holocaust contains a 'lacuna'. Through speaking, survivors come to bear witness, testifying in the 'name of truth and justice'. Yet, 'the value of testimony lies essentially in what it lacks; at its center it contains something that cannot be borne witness to and it discharges the survivors of authority' (Agamben, 1999, p. 34). In this sense, survivors are 'witness to a missing testimony', nevertheless an 'impossibility' since the drowned are, by definition, those who 'have nothing to say, nor do they have any instructions or memories to be transmitted' (Ibid, p. 34). Thus, while it is possible to suggest there is an imperative to speak in the aftermath of a trauma, for the survivor-subject there remains an impossibility of complete witness. Drawing together points on the language and the subject of witness, Agamben notes that,

The language of testimony is a language that no longer signifies and that, in not signifying, advances into what is without language, to the point of taking on a different insignificance – that of the complete witness, that of he who cannot bear witness . . . The trace of that to which no one has borne witness, which language believes itself to transcribe, is not the speech of language. The speech of language is born where language is no longer in the beginning, where language falls away from it simply to bear witness: "*It was not light, but was sent to bear witness to the light.*" (Agamben, 1999, p. 39, emphasis added)

For Agamben, this is the central aporia of witness, serving to highlight the ways in which the subject and language of testimony is always an approximation. Though the survivor as witness may speak, and bear witness to the submerged, this process is never complete and can never be fully realised. In the context of this chapter, this tension prompts further inquiry into the subjects of witness, acting as a reminder to question *who* is able to speak, and *for whom*, compelling us to pay attention to silence(s), and prompting explorations into those who cannot, or choose not to speak.

In *The Drowned and the Saved*, Levi navigates this aporia of witness by carefully tracing his own process of witnessing with regard to those who have responded to him as a survivor; in

responding to the content of the text or the testimony of other survivors; and by very fact of (re)writing this text, a more general, unspecified audience, with whom he also forms relations of witness. Reading *Shame*, I reflect on these layers of witness, and the emerging witness-subjects further. Levi begins the essay by recalling a passage first written in *The Truce*, which recounts several Russian soldiers' responses as they encounter the Lager, 'packed with corpses and dying persons' (1988, p. 54).

They did not greet us, nor smile, they seemed oppressed, not only by pity but also by a confused restraint which sealed their mouths, and kept their eyes fastened on the funereal scene. It was the same shame which we knew so well, which submerged us after the selections, and every time we had to witness or undergo an outrage: the shame that the German never knew, the shame which the just man experiences when confronted by a crime committed by another, and he feels remorse because of its existence, because of its having been irrevocably introduced into the world of existing things, and because his will has proven nonexistent or feeble and was incapable of putting up of good defence. (Ibid, p. 54)

This account viscerally brings to the fore the way in which witness is felt and produced. First, Levi describes the way in which the soldiers are addressed by the 'funereal scene'. Levi's portrayal is suggestive of a form of unspoken address in which the soldiers, virtue of *seeing* those in the camp, become eye-witness. In this context, he describes a process in which shame is the only possible response. Recognising the emotion of shame displayed by the Russian soldiers, and coming to retell the encounter, Levi reveals his position as witness in the sense that he draws attention to his own, and other's experiences of the Lager, and emerges as witness to a process by which the affective sense of shame moves between subjects in the encounter.

As Levi recalls, though this passage was initially published in Italy in 1963, the words were written as early as 1947. The passage bears repetition in *The Drowned and the Saved*, Levi enacting a process of reflection and witness through this text. In his re-reading, Levi draws upon these words to provide a re-articulation. Levi writes,

I do not think that there is anything I need to erase or correct, but there is something I must add. That many (and myself) experience 'shame', that is, a feeling of guilt during the imprisonment and afterwards is an ascertained fact confirmed by numerous testimonies. (Ibid, p. 55)

Levi continues that 'the vague discomfort which accompanied liberation was not precisely shame', the word insufficient for that which he wishes to describe. Attempting to restate, and addressing his reader, he notes that 'the feeling of shame or guilt that coincided with reacquired freedom was extremely composite: it contained diverse elements, and in diverse proportions for each individual' (Ibid, p. 56). Continuing to reflect on the notion of shame, Levi writes rhetorically,

Are you ashamed because you live in place of another? And in particular, of a man more generous, more sensitive, more useful, worthier of living than you? You cannot block out such feelings: you examine yourself, you review your memories, hoping to find them all, and that none of them are masked or disguised. (Ibid, p. 62)

Witnessing through introspection, Levi responds, writing, '[n]o, you find no obvious transgression' (Ibid, p. 62). Levi next shifts focus to the address of a religious friend who judges it his fate to survive such that he might bear witness. Responding here, Levi at first notes, drawing upon the notion of the incomplete witness, 'such an opinion seemed monstrous to me . . . and kindled the doubt I spoke of before: I might be alive in the place of another, at the expense of another' (Ibid, p. 62). Later however, Levi changes tone, noting 'I have done so [borne witness], as best I could, and I could also not have done so; and I am still doing so, whenever the opportunity presents itself' (Ibid, p. 63). During the essay, Levi also moves to respond to notions of shame as they are socially conceived. As discussed in the previous chapter, in the aftermath of the Holocaust prominent psychoanalysts developed the diagnosis of 'survivor guilt', producing the survivor as universal witness. Levi, dissatisfied with this articulation of shame, writes,

I could not say whether we did or do so out of a kind of moral obligation toward those who were silenced or in order to free ourselves of their

memory; certainly we do it because of a strong and durable impulse. I do not believe that psychoanalysts (who have pounced upon our tangles with professional avidity) are competent to explain this impulse . . . Their interpretations, even those of someone like Bruno Bettelheim, who went through the trials of the Lager, seem to me approximate and simplified. (Ibid, p. 64-5)

In this case, Levi reflects upon and responds to the social context in which notions of shame have been discussed, seeking to restate and respond to the ways in which it has been (mis)interpreted.

In *The Drowned and the Saved*, Levi traces multiple ways in which he becomes witness. First, he bears witness to the experience of the Holocaust, while observing that, as a survivor, he is nonetheless an incomplete witness. While, as I have noted, this position bears issues of representation, Levi is produced as an authorial witness through writing about his experience. Second, Levi notes the position of observer-witness or eyewitness, for example through writing of the encounter with the Russian soldiers, even as the testimonial address is unspoken. Third, Levi enacts a reflexive process of witness through his interactions with his writings in and of the past, in the context of the present, as well as tracing its emergence through his interactions with other witness-subjects such as those produced in his meditation on the notion of shame. A reading of Levi's text also brings to light the way in which the text addresses its reader, who in turn, is constituted as witness; the reader conceived as a wider, general, and perhaps, unspecified audience. Through examining Levi's notion of testimony and witness, a multiplicity of witness-subjects emerge including, the survivor-witness, the incomplete witness, the complete witness, the eyewitness, as well as the reader as witness. In broadening the scope of the witness-subject I do not seek to impose a terminology on the chapter, rather, I seek to broaden the view of the forms the witness might take, and at what levels one might become witness.

This section has focused on the production of the witness regarding the experience of the Holocaust itself. The next section focuses on witnessing that takes place at a spatio-temporal remove. Specifically, I consider Shoshana Felman's chapter, *Education and Crisis, Or the Vicissitudes of Teaching*, noting the ways in which she describes the process of witnessing in the context of a university class on testimony, particularly focusing on the context of the Fortunoff Archives. In this section, I draw out the affective aspects of witness, focusing on how witness is staged in the class and in the context of the video testimonies themselves. This reflection draws the conceptual ground from which I later discuss the performative aspects of witness at Ženski Sud and during my interview encounters.

Witnessing Testimony: Affective Witness and the Fortunoff Archives

As Shoshana Felman describes in *Education and Crisis, Or the Vicissitudes of Teaching*, witness is an affective and performative process. Felman describes a university-level class she taught on the topic of testimony, particularly focusing on a screening of video testimony from the Fortunoff Video Archive for Holocaust Testimonies. Reflecting on this example, I continue to draw out the ways in which the witness-subject emerges, exploring the relation of the class to the testimony. Further, I highlight the ways in which witness is staged. While I first reflect on the staging of witness in the context of the class, I later examine the staging of witness in the context of the video testimonies. In doing so, I reflect upon the process by which the witness-subject is produced, as well as the ways in which witnessing is limited through the staging of the encounter.

The course which is the focus of Felman's chapter is centred on the theme of testimony and is arranged around a series of texts which attempt to 'dramatize . . . the accounts of – or testimonies to – a crisis', including readings of texts by authors such as Camus, Dostoevsky, Freud, Mallarmé, Celan, and testimony from the Fortunoff Video Archive for Holocaust

Testimonies at Yale University (1992, p. 7). Constructing the course around this theme, Felman states that there were two central objectives:

1. To make the class feel, and progressively discover, how testimony is indeed *pervasive*, how it is implicated – sometimes unexpectedly in almost every kind of writing.
2. To make the class feel, on the other hand, and – there again – progressively discover, how the texts that testify do not simply *report facts* but, in different ways, encounter – and make us encounter – *strangeness*; how the concept of the testimony, speaking from a stance of superimposition of literature, psychoanalysis and history, is in fact quite unfamiliar and *estranging*, and how, the more we look closely at texts, the more they show us that, unwittingly, we do not know what testimony is and that, in any case, it is not simply what we thought we knew it was. (Ibid, p. 7, emphasis in original)

While Felman sets out to move her students to ‘feel’, ‘progressively discover’, and ‘encounter’ testimony, what becomes apparent through the course is the way in which the class engenders a form of affective and embodied witness. *Education and Crisis* retells a story of how Felman became ‘witness to the shock communicated by the subject matter; the narrative of how the subject-matter was unwittingly *enacted*, set in motion in the class’ (Ibid, p. 7, emphasis in original). Tracing the trajectory of the course, the enactment of witness becomes most apparent regarding the screening of video testimony from the Fortunoff Archives. As such, I reflect specifically on the content and context of the testimony screened to Felman’s students.

As Felman recounts, the course covered a broad range of sources which examine the role of testimony, from the literary, to the psychoanalytical, and the historical. The final two sessions focused on video testimony of Holocaust survivors. The first video featured as its narrator a woman who spoke of the ‘successive deaths of nearly all the members of her family – her father, her mother, her youngest brother, her sister-in-law, and a baby’, the last three of

which she was present to witness. As she testifies, the only surviving member of her family is her husband, with whom she is reunited after the war (Ibid, p. 43). As Felman recalls, what makes the testimony unique is 'her conscious determination to survive precisely at the most abysmal and most devastating moment of her confrontation with death' - where her youngest brother dies in her arms (Ibid, p. 43). The second video testimony featured as its narrator a man whose parents had smuggled him out of the Płazsów Lager in 1942 when they learned that all in the camp were to be exterminated. Age four, the man was instructed to run and take refuge in a 'high-class brothel, hospitable to marginal people like himself', later surviving by joining a gang of children who lived on the streets (Ibid, p. 44). As the man recounts, throughout this experience he took solace in a picture of his mother given to him when he escaped. This picture held out a 'promise' of a 'future reunion' which gave the man 'the strength and resourcefulness to survive the war' (Ibid, p. 44). Remarkably, after the end of the war he was reunited with his parents. However, the people who returned felt like strangers. In the years after the war, the man finally came to establish a sense of safety yet, he also became 'haunted' by his experiences. Remaining silent of his wartime experiences and initially refusing to participate in the archive project, the man testifies for the first time (Ibid, p. 46). In Felman's retelling, the first testimony is a story of conscious survival against the odds, the woman bearing witness as a survivor. The second is presented as a 'profoundly freeing experience' in which the man testifying progressively realises 'the magnitude of his burden of silence and its dead weight on himself and on his loved ones' (Ibid, p. 46).

The class viewed these testimonies in an apartment living room, a setting chosen for its informality and privacy, in the hope that it would give the students space to discuss their reactions. Having watched the testimony of the woman, Felman notes that the formerly eloquent class were subdued and unsure of what to say or how to respond. While this reaction is not unusual, what happened in the aftermath of the viewing is worthy of note. The viewing did 'not end in silence, but instead, fermented into endless and relentless talking in

the days and weeks to come', both between the members of the class and beyond (Ibid, p. 47). As Felman suggests, the students felt a profound need to speak about what had happened, many noting that they felt 'disoriented', 'apart', and 'fragmented' (Ibid, p. 48). She continues to note how the class were 'actively addressed not only by the videotape but by the intensity and intimacy of the testimonial encounter throughout the course' (Ibid, p. 48). The class, through their engagement in the course, and the ways in which they were addressed through the screening, come to be affected by the address of the testimony as it is situated in the context of the course. In this sense, the class are produced as witness. However, the class are not simply eyewitnesses, and do not merely become witness virtue of listening to the testimony. Though these things are important in terms of the ways in which the class come to witness, there is something more involved in the production of witness in this case.

Something is put into motion which seems to move beyond notions of seeing and hearing.

Reflecting on the process of witnessing in the class, Felman concludes that,

[I]f teaching does not hit upon some sort of crisis, if it does not encounter either the vulnerability or the explosiveness of a (explicit or implicit) critical and unpredictable dimension, it has perhaps not *truly taught* . . . There is a parallel between this kind of teaching (in its reliance on the testimonial process) and psychoanalysis (in its reliance on the psychoanalytical process) insofar as both this teaching and psychoanalysis have, in fact, to *live through a crisis*. Both are called upon to be *performative*, and not just *cognitive*, insofar as they both strive to produce, and to enable, change. Both this kind of teaching and psychoanalysis are interested not merely in new information, but, primarily, in the capacity of their recipients to *transform themselves* in function of the newness of that information. (Ibid, p. 53)

For Felman, witness is at once affective, performative and transformative, demonstrated by the ways in which the students respond to the video testimony. While at first the students experience a difficulty of response, the testimony sets in motion a process of talking and discussion among the students and their peers. This proliferation of discussion is later channelled into a reflective assignment on the process of witnessing, enabling the students to respond to the testimony in the context of the course. Felman cites one of these reports to

demonstrate the way in which affective forms of witness were produced through the class. As one student writes,

In an odd sort of way, I feel a strange sort of collectivity has formed in the class. This, of course, is a most frightening thing . . . my mode of interaction with those whom I do not know, has always been one of radical differentiation, rather than of collectivization. My autonomy has been rendered precarious, even fragile. Somehow though, I have managed to survive, whole, and a bit fragmented at the same time; the same, but decidedly altered. Perhaps this final paper can only be testimony to that simple fact, that simple event. (Ibid, p. 55).

As emphasised by the student, the class are not only witness in the sense that they have listened to the testimony and feel compelled to respond. Rather, the process of witnessing has been transformative in terms of the way in which the students relate to themselves, and to others within the class.

Having discussed the way in which witness was enacted through the class, it is useful reflect on the staging of the video testimony itself. Though not explicitly discussed in Felman's chapter, the framing of the testimony comes to bear on the way in which the class are called to witness. The archive project was initiated in 1979 under the name of the 'Holocaust Survivors' Film project', involving television interviewer, Laurel Vlock, as well as Dori Laub, and William Rosenberg, the head of a local survivor association. The collection was later entrusted to the Yale University archives in 1981. In these first two years of interviewing, over two-hundred testimonies were recorded, continuing to amass over the course of several decades. By 2002, the archive had collected the testimony of over four-thousand survivors from the United States, Europe, and Israel (Hartman, 2006, pp. 251-2). Those involved in the production of video testimony were centrally concerned with placing focus on the figure of the survivor-witness. As Geoffrey Hartman, who was involved in the production of video testimony for the archive reflects, '[t]he idea was to put people with direct knowledge of

those grim events before the camera and let them speak with the least possible intervention' (Hartman, 2001, p. 115). It was decided that recordings would,

[K]eep the survivor in the centre, visually as well as verbally. Despite TV's disdain for "talking heads", this is exactly what we aimed for. The survivor as talking head and embodied voice: a more sophisticated technique would merely distract viewers. (Ibid, p. 117)

Reflecting some years later, Hartman acknowledges that this framing had the effect of effacing the interviewers, rendering them 'heard and not seen', their role only to 'make the witnesses comfortable, to keep them remembering, and sometimes clarify a statement' (Ibid, p. 117). Though the interviewers remain largely outside the frame, Hartman acknowledges their importance in the process of witness. The best interviews, he suggests, were the result of a 'testimonial alliance between interviewer and interviewee', with the interviewer playing a part in forming a 'larger community, one that does not turn away from but recognizes the historical catastrophe and the personal trauma undergone'. This context, nevertheless, remains 'a framing event . . . beyond the scope of the camera' (Ibid, p. 117). Though Hartman acknowledges the role of the interviewer as witness, this remains outside of the frame .

This issue of framing comes to bear on the way in which the class view the testimony. During the screenings, the class were called to view the testimony of the survivor, with the survivor-subject centred in the frame. Although the interviewer is clearly a presence in the testimony, they nonetheless remain out of view. While testimony is framed here as an individual, subjective speech act, with only the survivor-witness visually present, the encounter that is recorded is necessarily intersubjective, a product of a testimonial alliance between narrator and listener. In this sense, on viewing the testimony, the survivor-witness appears to directly address the viewer (in this case, Felman's class). However, it fails to capture the gestures of prompt and response on the part of the interviewer. As the testimony is removed from its social, intersubjective context, the class is presented with a difficulty of responding. Jill Bennett has previously commented on the staging of video testimony at the Fortunoff

Archives, drawing contrast with the theatricality of the South African Truth and Reconciliation Commission (TRC). For Bennett, while the Fortunoff archives present testimony as a form of 'private individual expression' (Bennett, 2002, p. 34), the South African TRC moves to stage testimony as relational, acknowledging that witness is a process produced through encounter. This relational understanding moves toward understanding witness as 'an affective event which induces a range of responses' (Ibid, p. 34). Importantly, a move to acknowledge that witness is relational, is a move to hold open the possibility of social recognition. Processes of recognition are not about the centring of individual subjects, though it has often been conceived in this way through the post-conflict justice processes discussed thus far in this thesis. Rather, recognition is a process which is predicated on intersubjectivity.

In the next section, I draw together the key insights that can be gleaned from the previous sections. Drawing upon the work of Dori Laub, I outline three key levels of witnessing from which the empirical discussion in this chapter will build. In doing so, I develop and solidify an understanding of witness as relational and intersubjective. Particularly, I seek to draw an analytical distinction between the act of testimony and processes of witnessing, which becomes significant as I move to discuss witnessing and the testimonial context in post-conflict BiH, particularly as it pertains to the subject of wartime sexual violence.

Conceptualising Witness

In previous sections, it has become apparent that there are multiple forms that the witness-subject may take. Extending beyond the production of the survivor as witness in the legal and psychological contexts, this discussion has located the production of eyewitnesses, observers, listeners, readers, and viewers. In this sense, it also becomes apparent that the witness-subject is produced in relation to particular experiences and encounters. In this section, I make two key points. First, drawing upon the work of Dori Laub, I highlight a schema in which

witness is understood as a *relation to*, holding this apart from the act of giving testimony. Second, drawing on the work of Judith Butler, I argue that witness can be understood as a form of social recognition to the extent that it involves a process of address and response, as well as a responsiveness to the subject.

Introducing a special issue on witness in *Women's Studies Quarterly*, Kathryn Abrams and Irene Kacandes acknowledge the ways in which witnessing is the result of a 'reflection, mediation, and much conscious effort' of the part of the person testifying (2008, p. 19). This insight prompts them to ask, what it is that 'configures narratives of witness?', positing the following in response: the process of witness 'is affected by a complex circuit between what the witness feels she can tell; what (she believes) others can hear; and what, once others have heard, they can apprehend and repeat' (Ibid, p. 20). Their definition highlights that while witness involves an act of telling, it also fundamentally relational in structure. Witness becomes possible through frames which structure what, how, and if something can be told, and what, in Butler's terms, can be apprehended, acknowledged, and perhaps even recognised through these frames (2009, p. 5).

Dori Laub, a psychotherapist who works on Holocaust testimony, reflects further on what it means to understand witnessing as a *relation to* the subject. Building primarily on his own experiences of assuming the role of witness, Laub reflects on his position as a survivor, as a psychotherapist, and as an interviewer as part of the Fortunoff Archival project. The first level of witness that Laub identifies is that of being witness to oneself in relation to the Holocaust experience. Reflecting on his own position as a survivor, this level of witness refers to an 'autobiographical awareness' of the event to which one is witness, as well as a process of recalling 'detail', 'thoughts' and feelings' of the event in its aftermath (Laub, 1992b, p. 75). Such recollections, as Laub reflects as an adult, 'are like discrete islands of precocious thinking and feel almost exactly like the remembrances of another child, removed, yet connected to

[him] in a complex way' (Ibid, p 76). Distinct from testimony, this level of witness involves a process of recall, and perhaps even narration, but may also involve silence. Witness here is understood as an intersubjective process between iterations of the self, between the past and present.

The second level of witness that Laub identifies builds on the first, referring to the process of being witness to the testimonies of others. Shifting focus to the role of the listener, Laub draws upon his role as psychotherapist as well as interviewer of survivors for the Fortunoff Video Archives to elaborate this subject-position. Laub characterises the role of the listener as witness as 'that of a companion on the eerie journey of testimony', participating in the 'reliving and reexperiencing of the event' (Ibid, p, 76). The role of the listener, as the interviewer or as a psychotherapist, is one of witness to the extent that they act as a 'participant' in the narration of trauma and come to experience 'the victim's victories, defeats and silences', while at the same time preserving their 'own separate place, position and perspective' from which they bear witness (Laub, 1992a, pp. 57-8). Here, Laub points to an interrelationality between subjects, this time between the narrator and the listener. As such, it is again possible to note that witness is characterised by intersubjectivity.

The third level of witness that Laub identifies is being a witness to the process of witnessing itself (Laub, 1992b, p. 76). Here, Laub reflects further on the relationship between the narrator and himself, as listener. Observing this intersubjective process of witness, Laub notes how they 'alternate between retreating from the experience with the sense that there is a truth that we are both trying to reach, and this sense serves as a beacon we both try to follow' (Ibid, p. 76). Through this process of witnessing, Laub suggests that,

The horror of the historical experience is maintained in the testimony only as an elusive memory that feels as if it no longer resembles any reality. The horror is compelling not only in its reality, but even more so, in its flagrant distortion and subversion of reality. Realizing its dimensions becomes a process which demands retreat. The narrator and I need to halt and reflect on

these memories that are spoken, so as to reassert the veracity of the past and to build anew its linkages to, and assimilation into, present-day life. (Ibid, p. 76)

While the narrator assumes a position of witness by testifying to their experience, and the listener assumes a position of witness as companion to this experience, this third level of witness calls upon these subjects to reflect on the process of witness itself. Through this process, it is important to acknowledge and recognise the past, reflecting upon this with regard to the present. Once again, this is a process undertaken between subjects.

Laub characterises three distinct forms of witness – bearing witness to oneself, bearing witness to the testimony of others, and bearing witness to the process of witnessing. Through this schema, it becomes apparent that witnessing entails relations between subjects. More than a form of communication, witnessing entails interrelations between subjects – both narrator and listener. To the extent that this interrelation through witnessing is productive of reasserting the ‘veracity of the past, and building anew its linkages to, and assimilation into, the present-day life of subjects’ (Ibid, p. 76), it is also a process of subject-formation and recognition. If Laub characterises witness as a *relation to*, with all its implications of intersubjectivity, what Butler adds is a notion of how power functions through forms of address. Drawing upon Althusser’s notion of interpellation in her book *Excitable Speech*, Butler acknowledges the way the subject is hailed into existence by the address, noting that ‘to be addressed is not merely to be recognized for what one already is, but to have the very term conferred by which the recognition of existence becomes possible’ (Butler, 1997a, p. 5). Yet, the address is productive of relations of power to the extent that ‘the terms by which we gain social recognition for ourselves are those by which we are regulated *and* gain social existence’, thus, ‘to affirm one’s existence is to capitulate to one’s subordination’ (Butler, 1997b, p. 79).

In placing focus on witness, as a form of recognition, through an exploration of the relations between subjects, this chapter makes apparent the ways in which power functions at the sites of post-conflict justice with which it deals. Moving forward, I continue to trace the production of subjects and subjectivity through forms of address and response in the context of particular, socially-situated encounters. Further, I note the possibilities for recognition and/or misrecognition that this raises. Holding a distinction between forms of witnessing, between testimony and witness, matters in the context of post-conflict justice. In doing so, we resist centring the victim- or survivor- subject in such a way that effaces the relations of power in which they are situated, and rather, remain attentive to the ways in which their testimony is socially and politically situated. In the latter parts of this chapter, I turn to focus on witness and witnessing in the context of BiH. First focusing in on the Ženski Sud process, I later turn to reflect on the researcher as witness through an exploration of my interview encounters with senior representatives of survivor associations.

Feminist Post-Conflict Justice and Recognition: Ženski Sud

The previous sections have drawn out several thematic and conceptual dynamics of witnessing, arguing that witness, as a form of recognition, is necessarily intersubjective and socially-situated in specific encounters. Moving forward, I return to focus on BiH, exploring two key processes of testimony and witnessing in the post-conflict justice context, particularly as they relate to the subject of wartime sexual violence. In this section, I build upon the framework established in the first parts of the chapter, to discuss an alternative, feminist post-conflict justice and truth-telling process—Ženski Sud. During my fieldwork, I attended the four-day event, participating as an audience member during witness testimonies, and joining the various arts-based and protest events which surrounded the court. While the previous chapter focused on the way in which the witness-subject was constituted within the

psychological and legal paradigms, this process is productive of multiple witness-subjects in the context of an alternative frame of justice. Rather than a formal legal process, *Ženski Sud* placed central emphasis on women's narratives of multiple forms of war violence, functioning to affirm, rather than to judge or assess the veracity of their story. In this sense, the court did not seek to replace or supersede the legal process or the psychological support offered to survivors. Rather, in gathering supportive survivors, activists, and academics from multiple geographical locations, and broadening the scope of the types of forms of violence about which women could testify, the court aimed to provide an alternative space for public truth-telling, and an alternative vision of justice based on solidarity and mutual support. To draw out the ways in which the witness was produced through the court, it is useful to explore the history and the concept of the Courts of Women, on which the *Ženski Sud* process was based.

Feminist scholar Daša Duhaček, part of the organisational board for the *Ženski Sud* in the former Yugoslavia highlights that the Courts of Women seek to approach questions of justice in the aftermath of violence from women's point of view. Focusing particularly on the experiences of women in the Global South, the initiatives have sought to offer an alternative vision of justice which differ from 'mainstream judicial procedures' pursued at the national or international level (2015, p. 160). The Courts of Women were first conceived by the Asian Women's Human Rights Council (AWHRC) in 1992 (Cockburn, 2007, p. 168). In coordination with its sister organisation El Taller International, and led by Corinne Kumar, several courts proliferated across the globe (*Žene u Crnom*, n.d.).

Kumar discusses the aims and structure of the Courts of Women. The courts are conceived of as spaces to 'weave together the objective reality (through analyses of the issues) with the subjective testimonies of the women; the personal with the political' (Kumar, 2005, p. 190). The term 'court' is used symbolically – it does not possess legal power to adjudicate, prosecute, or deliver sentences. Rather, the role of the court is to listen to women's stories

and to condemn the violence to which the court is witness. One central aspect of the court is the presence of 'expert juries' who listen to the women's testimony, their role to reflect, analyse, respond to the testimonies, and to mediate between witnesses and the audience, which consists of members of the 'international human rights community' (Ibid, p. 190). These expert juries help to frame the testimonies enabling the process to begin writing a 'counter-hegemonic history' (Ibid, p. 191). As Kumar argues, this process should be understood as 'a journey of the margins: a journey rather than an imagined destination (Ibid, p. 191). The audience plays a key role in this process. Kumar specifies that these members of the court should engage and respond with the process 'not as experts but as witnesses' - both to individual testimony and to the wider process of narrative construction (Ibid, p. 185). As Kumar establishes, there are three central roles that constitute the Courts of Women: *the witnesses*, called upon to give individual testimonies; '*expert witnesses*', called upon to reflect and analyse upon the women's testimony, and the *audience*, made up of members of the international human rights community and called upon to bear witness.

It is possible to trace two distinctions from the legal process discussed in the previous chapter. Firstly, the Courts of Women are witness-focused. Witnesses are invited to give their testimony without judgement from expert witnesses or the audience. The process is centred around this testimony, enabling and encouraging supportive forms of response from both expert witnesses and the audience. Secondly, the rationale behind the Courts of Women does not actively draw upon therapeutic notions of healing regarding the process of giving testimony. Instead, those giving testimony are viewed as part of a process of alternative knowledge production, based upon notions of building community and solidarity between the multiple witnesses who are present. Drawing on ideas developed through the global Courts of Women, Ženski Sud adapted this basic structure to address post-conflict justice concerns raised in the former Yugoslav context. It is useful to discuss the development of Ženski Sud in context, particularly as it pertains to BiH.

Ženski Sud

Ženski Sud was held from the 7th – 10th May 2015 in the Bosanski Kulturni Centar on Branilaca Sarajeva in the centre of Sarajevo. The event, which was organised by a coalition of women’s organisations from across the former Yugoslavia, was led by the Women in Black, Serbia.

Drawing inspiration from earlier initiatives of the Courts of Women, discussions on Ženski Sud began in 2000. Initially proposed by El Taller activist, Corinne Kumar, together with Zarana Papić, a prominent Serbian academic and activist, the process gained much interest.

However, progress came to a halt after the death of Papić in 2002. In 2008, the Women in Black re-launched the initiative along these lines, drawing support from other women’s and feminist organisations in the region. Two factors came to be influential in the renewal of interest in the process. First, the death of Slobodan Milošević in 2006, days before the final judgement was due to be delivered before the ICTY prompted the Women in Black to begin an informal ‘women’s tribunal’ process (Zajović, 2015, pp. 8-9). Simultaneously, discussions to initiate a *regional commission for the establishment of facts about war crimes and other serious violations of human rights* (RECOM)⁴, were ongoing. Though the process was regarded by women’s organisations as an important regional truth-telling initiative which sought to address war crimes and other severe violations of human rights during the war, they also noted some of its shortcomings regarding the recognition of women’s experiences. As such, it was the view of the Women in Black that there was a need for a process which adopted a feminist approach to justice, specifically addressing women’s concerns (Ibid, p. 9)

Taking the lead, the Women in Black worked to assemble an organisational board with key activists who functioned as the ‘voice and ears’ of their respective countries (O’Reilly, 2016, p. 426). BiH was represented by Memnuna Zvizdić from Žene Ženama (Sarajevo), and later by Jadranka Milićević from Fondicija CURE (Sarajevo) and Stanojka Tešić from Forum Žena

⁴ For more information about the RECOM process see: <http://recom.link/>

(Bratunac), as well as the Mothers of the Enclaves of Srebrenica and Žepa (Ibid, p. 426-7).

Several other women's organisations in BiH were also involved in the process, helping with publicity, organising witnesses, and participating in workshops. While Fondacija CURE and Forum Žena, together with Centar Za Pravnu Pomoć Ženama (Zenica) and Budućnost (Modriča) were tasked with contacting potential witnesses and working with support organisations to prepare witnesses for testimony, others were active in raising public awareness (Ibid, p. 427). Discussing proceedings with Jadranka Milićević the week after the event, I was given a sense of the scale of preparations across the region. Jadranka emphasised that over three-hundred potential witnesses had been involved in the course of the process, with organisers working with around forty-five women who wished to give testimony in the six months prior to Ženski Sud (Interview 26, Sarajevo).

At the event, a total of thirty-six female witnesses from across the former Yugoslavia gave their testimony. This, in turn, was witnessed by an audience of over five-hundred participants coming from across the former Yugoslavia, as well as from several other countries including Argentina, Algeria, Palestine, Israel, USA, Spain, Italy, Sweden, Austria, Belgium, and Great Britain (Žene u Crnom, 2016). The participants that I observed and spoke with came from women's, feminist, and peace organisations both within the former Yugoslavia, and further afield; some came from UN agencies working on issues of transitional justice and gender; others, including myself, came from academic institutions. Among them were students who had come to listen to testimony and learn about the post-conflict justice process in BiH, those invited to the event as speakers in the capacity of expert witnesses, and researchers who might later write on the event and the wider process.

The testimonies of the witness-participants were organised into five themed panels:

1. **War against the civilian population:** militaristic/ethnic/gender-based violence
2. **Women's body – a battlefield**

3. Militaristic violence and women's resistance

4. Persecution of the different at wartime and in peace – ethnic violence

5. An (un)declared war: social and economic violence and women's resistance

These panels enabled a broad range of conflict and post-conflict experiences to be discussed in the context of the court, including but not limited to wartime experiences of sexual violence, torture, detention, the loss of family and loved ones, enforced disappearance, conscription, and displacement. Others focused on the continuing impacts of war, including difficulties in accessing justice, displacement, the process of reclaiming property, health, and the economic impacts of the war. Having established the purpose of the court, the vision of justice that it established, and some of the ways in which the process of witnessing was structured, it is useful to turn to reflect on the various ways in which the witness-subjects were produced, commenting particularly on the ways in which these witness-subjects were involved in the process of witnessing. While I comment on the process of the court as a whole, I focus in on the production of the subject of wartime sexual violence in particular.

'Achieving' Recognition: Testimony, Witness, and Affect

Both Janine Natalya Clark (2016) and Maria O'Reilly (2016) have written on the respective successes and failures of Ženski Sud, particularly as it pertains to questions of witnessing and recognition. Clark builds upon Frank Haldemann's (2008) suggestion that recognition is achieved through the 'reversal of the victim's symbolic devaluation' (Clark, 2016, p. 79). Arguing from a feminist transitional justice perspective, she adds that it is important to engender forms of cross-ethnic and feminist solidarity (Ibid, p. 85). In this view, recognition is about bearing witness to individual suffering, as well as engendering new possibilities for community. In this regard, Clark judges Ženski Sud to have successfully recognised those who gave testimony to the extent that the process enabled multiple accounts of injustice against

women to come forward, and such that it produced women as agents of the process. Commenting on the affective politics of witness, Clark concludes that the process also engendered solidarity among participants in that it conveyed a message that, moving forward, we must all be 'part of the fight against injustice' (Ibid, p. 87). O'Reilly draws upon Nancy Fraser's (1997) framework of gender justice to assess Ženski Sud, reflecting on the process in the context of BiH. The successes of the process are examined as they pertain to justice as recognition, justice as redistribution, and justice as representation - related to issues of exclusion and marginalization of specific groups (O'Reilly, 2016). In this regard, O'Reilly diverges from Clark's position, concluding that while the Court represented a positive attempt to place women at the centre of justice, it 'struggled to achieve recognition and representation of particular communities of survivors and categories of harm' (Ibid, p. 436). Further, primarily a truth-telling process, it was unable to effect change at the institutional level, particularly with regard to redistributive justice (Ibid, p. 436). While Clark usefully highlights the ways in which the affective politics of the court engendered witness, and O'Reilly is attentive to relations of power through the process of witness. I suggest that the possibilities for recognition through the process of Ženski Sud are best observed through an engagement with the intersubjective politics of witness, and as such, the ways in which various witness-subjects are produced in this process. Thus, my analysis will trace the staging of the court process, and the performance of witness in this context. I explore the ways in which witness was enacted, while examining the ways in which subjects may have been precluded from counting in this process.

For many of *the witnesses* who gave testimony at Ženski Sud, there was a long process of preparation leading up to the main event in Sarajevo. One of the primary ways in which witnesses were prepared was by working with a psychotherapist who had previously worked at Medica Zenica. The psychotherapist conducted individual and group therapies with potential witnesses (Clark, 2016, p. 75; O'Reilly, 2016, p. 434). Witnesses were also invited to

attend the workshops and regional meetings⁵ that led up to Ženski Sud, enabling women to share their stories with other participants (Clark, 2016, p. 75). This process helped to engender an atmosphere which was conducive to the sharing of stories. While focus was placed on the sharing of participants' stories, many of the workshops leading up to the event placed explicit focus on the conceptual aspects of testimony and witness, discussing the work of prominent scholars and intellectuals such as Hannah Arendt and Primo Levi (Ibid, p. 75). Drawing upon an interview with Women in Black organiser, Staša Zajović, Clark notes that these workshops allowed participants to reflect on their testimony as a form of 'valuable knowledge' (Ibid, p. 75), helping to build a sense to which the witnesses were authors of their particular history. As such, the process aimed to produce witnesses as active subjects of post-conflict justice. Yet, this extensive preparation was not available to all witnesses at the court. Due to limitations in the budget to cover therapy sessions and travel, witnesses in Serbia and Croatia were offered more contact, while many witnesses in BiH were offered a shorter five-session course of therapy, with subsequent contact over the phone (O'Reilly, 2016, p. 434). Not only did this limit participation among witnesses in BiH, this also meant that witnesses who had been offered less preparatory contact were far less involved in Ženski Sud as a *process* of witness, rather than as a testimonial event.

The process of giving testimony at Ženski Sud nonetheless differed significantly from legal proceedings, impacting on the way in which individuals spoke about the subject of wartime sexual violence. As noted in the previous chapter, legal performances of testimony tend to be constrained by the demands of the legal process, placing time and narrative constraints on the witness. In legal trials, constraints placed on witnesses often mean that testimony focuses narrowly on the sexual violation, requiring witnesses to perform their 'sexual vulnerability' to

⁵ Further information about the regional meetings, and other events leading up to Ženski Sud are detailed in quarterly reports issued from 2011-2015 in both Serbian and English: <http://www.zenskisud.org/en/index.html>

secure prosecution (Franke, 2006, p. 822). Indeed, the process and procedures of the International Criminal Tribunal for the former Yugoslavia have previously been criticised for their treatment of witnesses in cases of wartime sexual violence (Campbell, 2004; Dembour & Haslam, 2004; Mertus, 2004).

The process of giving testimony at Ženski Sud was structurally dissimilar to a legal framework in such a way as to be more conducive to the process of witness. Witness testimony was scheduled with sessions lasting two and a half hours, with breaks in between. At the beginning of each session, all members of the panel came onstage to audience applause. Coming to testify, witnesses stepped forward to a podium in the centre of the stage and spoke into a microphone, their testimony simultaneously translated into multiple languages⁶ which audience members listened to on headsets, not distracting from the witnesses' narrative. Though speakers were given a guideline of fifteen minutes for their testimony (Clark, 2016, p. 78), this was offered only as a guideline, and not rigidly applied. Throughout a member of the organising team was present at the side of the stage to support the witnesses. This person would approach the witness, resting a reassuring hand on their shoulder if the process of testifying became particularly difficult or emotional. When one testimony finished, there was a brief pause in proceedings before the next testimony began. Not aiming to pass judgement, the account that the witness gave was received by these audiences, with no questions asked of those bearing witness. In this sense, Ženski Sud was successful in placing focus on the accounts of witnesses, while acknowledging that their process of witnessing was necessarily intersubjective. The staging of the process, in turn, seems to have come to bear on the ways in which witnesses narrated their experiences, with witnesses who spoke in the panel of the subject of wartime sexual violence placing emphasis on themes of survival (Clark, 2016, p. 81).

⁶ B/C/S languages, Albanian, Macedonian, English, Spanish and German.

The broader social context within which the court took place also came to bear on the ways in which the witness-subject could appear. As was discussed in Chapter One, the Women in Black adhere to an anti-nationalist feminist politics involving the denouncement of Serbian nationalism, often demonstrated through prioritising ‘victims of crimes committed by Serbian forces in ‘their name’ (O'Reilly, 2016, p. 434). Regarding the subject of wartime sexual violence this meant prioritising the bodies of Bosnian (and to a lesser extent Croat) women. In the context of Ženski Sud, these perceptions were often reinforced throughout the organising process. The appointment of the Mothers of Srebrenica association, an association which represents those who lost family members during the Srebrenica genocide, to the organisational board, as well as the screening of promotional materials which featured testimonies pertaining to violence committed to Bosnian Serb forces in the Republika Srpska, perpetuated this notion (Ibid, p. 434). The perception of Women in Black, and the process itself, as a space which privileged Muslim or Bosniac victimhood, came to bear on the participation of the subject of wartime sexual violence. Indeed, many who had initially participated in the process, due to speak about wartime sexual violence, had difficulty with the final decision to testify. As was noted by Jadranka, a member of the organising board for Ženski Sud in BiH, several witnesses, implied to be residing in the Republika Srpska, who had been involved in preparations in the months before the court, decided not to speak at the event (Interview 26, Sarajevo).

This impacted upon the way in which the subject of wartime sexual violence appeared at the event. As stated, testimony was organised into five panels, covering a broad range of experiences of violence and injustice, both in wartime and in peacetime. In total, five women spoke about sexual violence they had experienced during the wars in the former Yugoslavia. One witness, a woman from Croatia, spoke of her experience of sexual violence in the context of a broader account of ethnic violence during the war. The remaining four narratives placed explicit focus on their experiences of sexual violence during war, speaking in the panel

entitled, *Women's Body – A Battlefield*. In many ways, the title of the panel reinforced a narrative of 'rape as a weapon of war', in which sexual violence is understood as both targeted and systematic act, perpetrated against Muslim women in particular. The panel, one of the smallest of the event, was formed of two Bosnian Muslim women from Srebrenica and Foča (both in Eastern BiH), as well as two women from Kosovo. The testimonies, in turn, recounted experiences of sexual violence committed by Serb combatant forces, against Muslim civilian populations. As Clark deliberates, while the Women in Black openly acknowledged these limitations in the context of her interviews, the ways in which the witness-subject was constituted in the context of this panel failed to challenge 'deeply entrenched ethnic narratives' pertaining to the war in BiH (Clark, 2016, p. 82). Taking into account the process of preparation and the framing of the subject of wartime sexual violence through the process, *Ženski Sud* tended toward a rehearsal of ethno-national narratives of victimhood in BiH. This precluded other potential witness-subjects, who might subvert dominant narratives of ethno-national victimhood, from counting.

Ženski Sud also invited the testimony of *expert witnesses*⁷ who spoke in response to the panels of witnesses. Expert witnesses were largely drawn from NGOs who had been involved in the process of organising, and had been present during preparations. After all the witnesses in the panel had spoken, and the applause from the audience had stopped, expert witnesses stood up to the podium. In panels of two to four people, the expert witnesses sought to place testimonies in a broader political, gendered, socio-economic, ethno-racial, and cultural context. Responding to the panel on wartime sexual violence, the two expert witnesses spoke of the ongoing problems faced by survivors regarding their physical and psychological health, the difficulties of accessing and claiming support, as well as ongoing

⁷ *Expert Witnesses* included: Rada Iveković, Vjollca Krasniqi, Renata Jambrešić Kirin, Miroslava Malešević, Snježana Milivojević (Panel 1 & 4), Marijana Senjak and Gaby Mishkovsky (Panel 2), Staša Zajović, Snežana Obrenović, Bojan Aleksov (Panel 3), Tanja Djurić Kuzmanović and Senka Rastoder (Panel 5).

discussions about reparation for survivors (O'Reilly, 2016, p. 430). While the expert witnesses situated the witnesses' testimony in a broader post-conflict justice context, drawing attention to patriarchal structures in the context of law, society, and institutions, they stopped short of discussing the ways in which this context was also implicated in the production of particular gendered, ethnically identified bodies.

The witnesses of the *international judicial council*, comprised of feminist and legal scholars and activists⁸, did more to address these concerns. The jury spoke after the last panel of witnesses had testified on the third day of proceedings. Their role was to place testimonies in a broader political context, acting as both summary and direction for further work regarding post-conflict justice. Some of the speakers noted the failures of post-conflict justice in the former Yugoslavia, particularly regarding the implementation of a regional reparations programme, noting further the need to end impunity for war crimes. Others explicitly tackled the dominance of ethno-nationalist politics in the region, also concluding that there was a need to continue to promote women's solidarity and trust-building among the organisations, scholars, and activists present at the event. Touching on many of the key issues in which the process of Ženski Sud was situated, the participation of both the expert witnesses and the international judicial council was intended to draw out key themes within the witnesses' testimony. Speaking after the witnesses in each panel, experts offered a form of verbal response, guiding audience interpretation, and enabling a period of reflection of the witness testimony. Rather than attempting to attest to the truth or validity of individual witnesses' testimony, experts spoke to draw attention to the ways in which the testimony was politically and socially situated in the broader post-conflict justice context. While the expert witnesses did not address the gendered, ethno-national politics of the subject of wartime sexual

⁸ Members of the *International Judicial Council* included: Vesna Rakić-Vodinelić (Serbia); Charlotte Bunch (USA); Gorana Mlinarević (BiH); Kirsten Campbell (UK); Latinka Perovic (Serbia); Dianne Otto (Australia); and Vesna Teršelič (Croatia).

violence in its specificity, in some ways this was mitigated by the emphasis placed on this issue by the international jury.

The audience were also produced as witness through their participation in the court. On the first day of Ženski Sud, attendees were invited to participate in a protest through the centre of Sarajevo, ending at the venue for the court. Attendees gathered in Trg Oslobođenja, beginning to form lines, waiting to begin the march (see figure 4). Others stood in front of the crowd, taking in the gathering participants, and taking photos of the event. Organisers held banners displaying the name of the court, as well as messages which encapsulated the aims of the court, such as ‘solidarity’, ‘responsibility’ and ‘remembrance’ (see figure 5). Other participants were given red carnations, often used during protests on occasions such as International Labour Day and International Women’s Day (O’Reilly, 2016, p. 428) (see figure 6). The march proceeded in an anticipatory silence, each row of participants called forward in turn. On returning to the venue, participants interacted with the various artistic, commemorative, and photographic materials the NGO and survivor organisations had created for the event. Later, members of the organising team spoke to introduce the event, with contributions invited from members of some of the global organisations in attendance, such as Madres de Plaza de Mayo. Setting the tone for the event, both the march and the subsequent speakers emphasised themes of global solidarity, establishing a vision of a feminist approach to justice.

Figure 4 – Participants gather in Trg Oslobođenja (Liberation Sq.) for the protest on the first day of Ženski Sud (Cole, 2015a).



Figure 5 – Participants gathering in Trg Oslobođenja hold banners which bear the words ‘solidarity’, ‘responsibility’ and ‘remembrance’ (Cole, 2015b).



Figure 6 – Participants holding red carnations prepare to join the rows of silent protestors, Trg Oslobođenja (Cole, 2015c).



The ways in which audience members were called to witness during the court process was regulated by the organisers. All audience members were required to pre-register, providing their name, institutional information, contact details, and other personal information. On entering the court, attendees provided their names in exchange for lanyards which identified participants. The organisers also established rules to govern behaviour during the process, particularly when witnesses were giving testimony. While in the main auditorium, participants were asked to turn off all phones, laptops, and other equipment that might interrupt testimony. Participants were also required to enter the theatre before the testimonies began, and were asked not to leave while witnesses were speaking. Attendees were asked not to comment upon testimonies, or to pose questions to witnesses before,

during, or after they had spoken. The audience then listened to the witnesses' testimony in its entirety, offering gestures of support after witnesses had finished speaking.

The morning of the second day of Ženski Sud saw the first witness testimonies. Participants filed in to a large auditorium and took their seats. Before the testimonies there was a buzz in the audience, with attendees exchanging wishes with those they knew and organisers rushing around making last minute adjustments. Other members of the audience sat quietly waiting for the testimonies to begin, adjusting headsets or finding notebooks and pens to record their observations. As the organisers signalled the beginning of the day, the audience settled into a silence. As the testimonies began, the quiet was palpable, with the slightest shuffle or stroke of the pen noticeable. For much of the testimony, I and those around me, remained very still, concentrating on the words of the speaker. Those with headsets strained to catch the emphases of the witness, often listening to the translation in one ear and the cadences of the testimony from the other. When each witness had finished speaking, the audience erupted into applause and cheers, standing to show support. Similarly to Felman's description of the process of witnessing, Ženski Sud engendered a sense of collectivity among those witness to the testimony. In this case, witness was both affective and embodied to the extent that it entailed a sense of coming together in silence and support for the witnesses.

The extent to which a collective process of witness was engendered was underlined by the audience reactions during panels in which members of the organisational board addressed the audience. In comparison with the pattern of address and response that characterised the testimonial panels, those held by the organisation board established a different tone. The third day of the event, 9th May, marked the anniversary of liberation day, celebrated as a victory over fascism. Organisers stood on the stage holding a banner with the words 'antifašizam je moj izbor!' (antifascism is my choice!) written in red. At this point, members of the audience began to stand, applauding and cheering, joined by many of those stood on the

stage, as well as many of the witnesses who sat in the audience (see figure 7). As people began to stand, many began to sing a version of the Italian partisan song 'Bella Ciao!'. The organisers led the audience, many of whom knew the song. As the singing went on, the melody grew louder as those who did not know the words began to join in. At this moment, members of the audience who were able to, stood, clapping and singing. At the end of this song, a member of the organising team led into a popular Yugoslav song. The audience was quieter, though many of the witnesses and activists present continued to sing. Throughout people all around the auditorium took photos. During the closing panel, this pattern of embodied response and responsiveness continued, as members of organising board invited some of the witnesses to the stage for the final time. While members of the organising board handed each witness a scroll, unravelling to reveal a quotation from testimony that had been heard over the course of the event, the audience once again rose to their feet to cheer and applaud the witnesses (see figure 8).

Figure 7 – Audience members welcome witnesses and organisers onstage on the last day of Ženski Sud (Cole, 2015d).



Figure 8 – Witnesses involved in Ženski Sud read and display quotations from witness testimony (Cole 2015e).



In the moment, I wrote that Ženski Sud had created a sense of feminist solidarity among audience, witnesses, expert witnesses, and organisers alike. Witnessing, in this case, did not seem to have been an individual process, but was felt and embodied, moving myself and those around me to participate in the acts of singing, standing, cheering, and applauding in a way that would not have been possible without the engendering of collective witness. Reflecting some months later, I also came to think about the specific conditions of the process of witness. I noted that while often the audience were called to respond to the panels of witnesses, this collectivity had been produced around a specific anti-nationalist feminist politics established by members of the organising board, and particularly the lead organisation, the Women in Black. As discussed in relation to explanations of wartime sexual violence in Chapter One, this politics built upon notions of resistance to ethno-national

politics, which became subject to contestation among the women's movement in the former Yugoslavia. The court was productive of what Adriana Zaharijević has referred to as a form of 'feminist citizenship', based upon a 'political reappropriation and re-politicization of Yugoslav socialist heritage', as suggested through the usage of partisan and antifascist symbolism (Zaharijević, 2015, p. 98).

While this brought many of the participants together, as was noted in the context of discussions of the individual witness testimony, it may also have limited the forms of participation and engagement for others. In many ways, *Ženski Sud* brought with it the legacy of contestations within the women's and feminist movement in the former Yugoslavia. Though enabling the production of collective forms of witness around feminist solidarity, deriving from an opposition to regional ethno-national politics, tensions remain over the exact ways in which these oppositions are enacted and performed. For the Women in Black, it continues to be important to embody their resistance to Serbian ethno-nationalist discourse, centring the victims of these crimes. Yet, in the context of BiH, and with respect to the subject of wartime sexual violence, this also functions to reproduce dominant narratives of ethno-national victimhood. This had the effect of prioritising these witnesses, while others were obscured from focus. Further, while the process engendered a form of collective witnessing, the audience came to the court process from a variety of different positions, roles, and locations, and often with differing relations to the process. While many had been actively involved in the process of organising, some came from the wider post-conflict justice context in which the court was situated. For those who write and critique in the aftermath of the event, it also raises a question of what it means to consider the researcher as witness.

As I move to discuss my interview encounters with senior representatives of survivor associations, this question will be considered in more depth. Particularly, I reflect on the extent to which the researcher is implicated in the reproduction of narrative and subjects in

this context, addressing forms of address and response through these encounters.

Throughout, I continue to pay attention to the ways in which this is situated in the BiH context, and regarding the subject of wartime sexual violence. First, I turn to reflect on my interview with two representatives from the organisation, *Žene Žrtve Rata*.

Interview Encounters and Non-Encounters: The Survivor-Subject and Being Witness

Žene Žrtve Rata: 'Breaking the Silence'

Žene Žrtve Rata actively draw upon notions of testimony and witness, framing their work as engaged in a process of 'breaking the silence' (Interview 17, Sarajevo). The organisation was founded in 2003, during a period of renewed visibility for the subject of wartime sexual violence, emerging two years after the first successful prosecution of rape as a crime against humanity in the ICTY in the judgement of the Foča trial⁹ (Helms, 2013, p. 197). While the organisation initially offered support and aid to survivors, increasingly the organisation's director, Bakira Hasečić, became a highly visible and vocal figure, both within BiH and internationally¹⁰. Particularly, Hasečić spoke out about wartime sexual violence and other forms of war-related violence, particularly in Eastern Bosnia. Positioning itself as a public advocate for the subject of wartime sexual violence, the organisation became known for its advocacy work regarding the prosecution of war crimes and justice for war-related crimes (Ibid, p. 213). Seeking to 'break the silence' the organisation pursued the prosecution of war

⁹ Information on the Foča Trial (Kunarac et al. (IT-96-23 & 23/1)), including indictments, court transcripts, full and summary judgements and press releases can be found on the ICTY website. Information is available in English, French, and B/C/S languages:
<http://www.icty.org/en/case/kunarac/4> (Accessed 15/08/2017)

¹⁰ Hašević appeared in a BBC World Service programme in 2008 entitled, *Only One Bakira*:
http://www.bbc.co.uk/worldservice/documentaries/2008/01/071227_only_one_bakira.shtml
(Accessed 15/08/2017). She also featured as part of Al Jazeera documentary, *Power & People, Bosnia's Broken Promises*, in 2009:
<http://www.aljazeera.com/programmes/peopleandpower/2009/11/200911413492923807.html>
(Accessed 15/08/2017).

criminals by sending witness testimony they had collected to the Office of the Prosecutor in BiH, and acting to secure witnesses for war crimes trials. As highlighted by Human Rights Watch, the organisation appears to be a successful case of collaborative working between NGOs and state prosecutors, and note that in October and November 2005, the organisation facilitated the participation of witnesses who testified to wartime sexual violence in a case heard at the district court in Trebinje (2006, p. 30). However, Amnesty International have since raised concerns over the organisation's practices regarding the collection of testimony. Particularly, Amnesty alleged that applicants who had applied for the 'civilian victim of war' status, were given the impression that their benefit was contingent upon the use of their testimony in legal proceedings (2009, pp. 45-6).

When I met with two representatives from the organisation in November 2015, I had hoped to get a clearer idea of their process of interviewing survivors, and to further discuss how they saw their role regarding legal structures of post-conflict justice. Arriving at the smoke-filled office located in a unit below a large apartment block with my translator, we encountered a hive of activity. We were told that the identity of a protected witness had been revealed at one of the courts, and that we would need to wait. Conferring with the translator, who was available for the morning, we took seats near the front of the office overlooking the street. After fifteen minutes, we were beckoned into one of the back rooms. Here, we met with a senior representative from the organisation, and another representative, introduced as one of the organisation's project assistants. As we sat round a small round table, I opened the conversation with formal introductions, after which the interview quickly began.

The senior representative began by drawing my attention to a recent monograph that the organisation had published. The book which had first been published in Bosnian, had recently been translated into English. Holding a copy of the English language version, the senior representative told me that the monograph showed evidence of the 'mass and systematic'

rape of women, as well as some men, during the war in BiH in the 1990s (Interview 17, Sarajevo). While I was being shown various sections of the text, the senior representative continued to explain that the monograph contained data that Žene Žrtve Rata had collected from the statements of women from seventy-three municipalities, and men from twenty-three municipalities across BiH. Offering further context, the senior representative detailed that they had compiled data relating to the ages of victims at the time they were raped, details related to children born because of rape, details about the termination of pregnancies, as well as information about the ethnic identities of the victims. As the senior representative affirmed, there was information on 'Bosnians, Croats, and even other women, which shows that a victim is a victim regardless of the religious affiliation or nationality' (Ibid). The text also included information about the cities where the organisation was actively working to 'break the silence' surrounding wartime sexual violence (Ibid).

After the senior representative had presented the book to me, I sought to clarify the main purpose of the text. Interested to gauge the audience for the text, I opened this as a question for reflection, suggesting a range of potential groups, including the population of BiH, NGOs, the Courts, or a wider audience. Responding, the senior representative told me that, the main aim of the monograph was to emphasise and underline key rulings in the ICTY, as well as in the Bosnian Courts pertaining to 'crimes of rape and sexual violence'. Speaking of the purpose and the audience for the text, she added,

So, our struggle is for *ending the silence* for the survivors of rape and sexual crime, and we want to send a message even to future generations. . . . So, this book has a greater effect than just for those who have committed the crimes and their families and so on. So, it aims at a broader audience. Even the world. (Ibid, emphasis added)

The publication of the monograph was understood as part of the organisation's mission to 'break the silence' surrounding wartime sexual violence, making data publicly available to all those who could access the text. The senior representative concluded her thoughts on the text by drawing explicitly on the frame of 'rape as a weapon of war', stating that, 'we *need to* say that rape was used as one of the most efficient tools and weapons during the aggression in Bosnia and Herzegovina. And it was conducted in a mass and systematic manner – but our society still does not talk about it' (Ibid, emphasis added).

Thinking of the renewed visibility lent to the subject of wartime sexual violence through the PSVI, and drawing upon the themes that the book raised, I asked the senior representative whether she thought that there was greater scope to speak out about wartime sexual violence in contemporary BiH. Interpreting this as a question about how the organisation perceived public representation across a variety of sectors, she began by stating that the issues raised with the book were 'part of [their] everyday life'. Though she intimated that the organisation was 'content' with the media representation of the issue, the senior representative emphasised that,

[W]hat we are not content with is the process when it comes to war criminals, and the processing of them. When it comes to the governmental structures and the process against war criminals, everyday, you know, victims die, as well as war criminals. It is not sufficient. We also have a database of rapes and war criminals, but some of the women did not succeed in breaking the silence.

(Ibid)

Here, the senior representative paused to note that they could not 'force anyone to report what has happened to them and to talk about it', but it was central that the organisation,

[S]end a strong and clear message and help women to leave the shadow that they have been living in. And to break the silence that they have been in.

Because it is the final point at which they can start with saying the truth, and possibly even being a witness. So that those who have committed the crimes . . . receive some penal measures for the crimes that they have committed.

(Ibid)

Continuing to emphasise the testimonial imperative to 'break the silence' surrounding wartime sexual violence, the senior representative also spoke of their public appearances at conferences and workshops. As the senior representative concluded, the phone in the office rang, answered by the project assistant. The call was related to the protected witness, and both representatives left the room, leaving the translator to relay the conversation back to me.

A few minutes later the project assistant returned to the room. Once she had settled, unprompted, she began to speak about the experience of the legal process from the perspective of the witness, interspersing this account with the ways in which Žene Žrtve Rata had been involved in the support of the witness-subject. She reiterated that the main task of the organisation was to collect witness statements which were used in the process of prosecution. Continuing, she began to talk about the preparation of the witness for testifying in court, noting the inadequacies of support offered through the court. At the same time, she emphasised Žene Žrtve Rata's role in terms of building linkages with other organisations such that witnesses are given some support, particularly, a recent project with Sarajevo-based support organisation, Fondacija Lokalne Demokratije, which sought to help witnesses to access psychotherapeutic treatment. Later, she also noted another project that the organisation had been involved with which sought to pursue compensation claims on behalf of witnesses against those found guilty of war crimes¹¹. The project assistant emphasised that

¹¹ Track Impunity Always (TRIAL), an international NGO based in Geneva, Switzerland, with offices in multiple global locations including Sarajevo, BiH, offers a more detailed explanation of the practice of pursuing compensation claims in criminal proceedings pertaining to war crimes (2015).

their role was to liaise with 'legal representatives and lawyers', intimating that one of these cases was due to be heard, with the organisation 'waiting for the medical procedure of gathering evidence to be completed'. Asking the project assistant to clarify this last statement, she told me that the medical procedure primarily involved the psychological assessment of the witness, which would be used as evidence in the case (Ibid).

Having been given a broad overview of the work of the organisation, I drew the discussion to the issue of witness protection. It seemed appropriate to move the conversation in this direction given that the interview was happening while other members of organisation worked to deal with the issue regarding the protected witness. Specifically, I asked the project assistant about her experience with the courts while working with the organisation. Referring to the issue of witness identity, I asked the project assistant whether the situation they had encountered that morning was 'something that regularly happens?'. Addressing the question directly, the project assistant responded that 'when it comes to protection, there isn't such a thing as one-hundred percent, full protection' (Ibid). Referring to that morning's events, she told me that, 'we now have a case of a spouse or a wife of one of the war criminals, who has revealed the identity of the protected witness' (Ibid). The organisation had, in this case, needed to act to notify the prosecutor of this breach. Continuing, she explained that there were many 'different ways in which witnesses are being pressured' and many 'other ways of revealing the identity of witnesses' (Ibid). In her experience, this included court personnel using the full name of the witness, issues with media reporting and anonymity, as well as a lack of provisions in smaller courts to ensure the separation of witnesses and defendants.

While the project assistant had been speaking, the senior representative had returned to the room. This time, instead of sitting at the table, she took a seat behind a large desk in the room. Moving from a discussion of the specificities of institutions of justice, I prompted the project assistant to reflect further on how the organisation saw their own relationship with

witnesses. Referring to the organisation's website, I asked about the 'economic' support that they offered, asking if this referred to work on the 'civilian victim of war' status, or whether the work 'extended beyond that?' Answering briefly, the project assistant stated,

When it comes to the economic support of women, it is also conducted through different projects. So, it all depends on the availability of projects and different propositions where we can supply with the projects. And when it comes to the status of civilian war victims, it has been introduced to the law, and I think at this point they receive five-hundred and eighty-six marks per month. (Ibid)

As the translator had finished relaying the project assistant's words to me, I gestured toward her to ask if she was finished. With a slight nod of the head, she indicated in the affirmative. The project assistant looked toward the senior representative and back to the translator and me, asking 'is this it?' Sensing that the interview was drawing to a close, I asked whether it would be possible to clarify a last point regarding the monograph, now that the senior representative had returned to the room. Gesturing again to the senior representative, the project assistant responded,

Project Assistant: I don't know what, [the senior representative] has suggested she has been working on, and so...

LC: I just, umm...

Senior Representative: We have given you the brochure and I think it is enough for your project. You have everything in that, all the information.

Translator: So, I think we're done.

LC: Okay, I think that's it. Okay.

LC: Thank you.

Senior Representative: Were you laughing?

At this point, the senior representative and the project assistant began a rapid string of exchanges. The translator, struggling to relate this in its entirety, states the following,

Translator: They think we were smiling. But I didn't...

Senior Representative: We have given you enough information. And you have all the information in the brochure. And when it comes to medical procedures and examinations, you can find all the information online.

Because this is not the first time that we helped the students who worked on their thesis.

LC: Okay.

Senior Representative: And we're always available for it.

LC: Great, thank you very much. (Ibid)

During this section of the interview, there is a palpable shift in tone. While much of the interview had been formal and informational, the address of the senior representative here was accusative and confrontational. Actively ending the conversation, she notes that I have enough information for my project, later intimating that they had gone into more depth than they usually would in an interview 'of this kind'. Addressing me as a student, she also calls attention to a perceived failure to respond appropriately in the context of the interview – a failure of recognition¹². Acknowledging this address, the translator and I began to gather our belongings, indicating our intention to leave.

¹² After the interview, the translator and I walked back to the city centre, discussing the events of the interview. We had both felt confronted by the accusation of the smile, unsure of how to respond. As we talked, we guessed that this perception of non-recognition was likely to have been a result of a silent exchange between us, where the translator indicated that she had finished translating, and my response, a nod of acknowledgement.

As we got up, the senior representative also rose to her feet, the tension that had previously filled the room dissipating. Again, the senior representative began to speak. Acknowledging her tone at the end of the interview, she directed conversation toward her previous experiences with researchers. She was emphatic that the continued engagement with the topic of wartime sexual violence in BiH was important, noting that the resulting work could be directed toward 'breaking the silence'. However, she also related some of her past encounters with researchers, many of which she experienced as one-sided. While she felt that she was expected to share her knowledge and offer her time to researchers, she rarely got to see the dissertations, theses, books, and articles that were produced as a result. The senior representative then draws attention to the fact that the process of 'research is not temporally neutral' for the organisation (Clark, 2008, p. 964). In investing their time, the organisation hoped they would receive some of the published material such that they could use this to inform their own work. In this context, the senior representative placed my position as 'researcher' into focus.

What is interesting about this interview encounter at Žene Žrtve Rata are the ways in which witnessing is continually enacted, but also shifting throughout the interview. At first, with the senior representative taking the lead in the interview, we discuss the testimonial imperative of the organisation to 'break the silence' surrounding wartime sexual violence. In this context, witness is enacted with regard to the wartime experiences of the women in the organisation and the survivors with whom they work, as well as in relation to the ongoing issues that these individuals may face with respect to their negotiation of the legal justice system. In this case, witnessing refers to testimony, as it pertains to the broader post-conflict justice context. Indeed, this topic was not unexpected given that I had come to speak with the organisation about the ways in which they negotiated between the survivor-witness subject and the broader post-conflict justice processes within which they worked. However, later in the interview, the senior representative shifts the mode of address, indicating a failure to

appropriately bear witness which marks the end of the end of the interview. Leaving the office, the focus of the address shifts again, the senior representative constituting me as witness to something broader than the subject of wartime sexual violence. Placing my position as ‘researcher’ into focus, she spoke of previous encounters with researchers, particularly the lack of dialogue and feedback in the aftermath of the interview. In this moment, I am called to respond for the researchers that have come before.

In the next section, I continue to draw out questions of witnessing empirically, turning to reflect on several encounters with representatives of a survivor association. Particularly, I focus on the decision to speak, and issues of silence through this encounter. Drawing lessons from these interview encounters, I later reflect upon the possibilities of witness and recognition in the research encounter.

(Non)Encounters and the Right to Remain Silent: Savez Udruženja Logoraša Kantona Sarajevo (SULKS)

Thus far, the thesis has focused on the accounts of those who chose to speak, both in the context of post-conflict justice processes and in the context of this research. While it is difficult to account for those who do not wish to speak, it does not mean that they are not there, and that they do not act politically when they do so. As Marita Eastmond and Johanna Mannergren Selimovic suggest regarding post-conflict social processes, it has often been assumed that telling or narrating a story renders the survivor a ‘subject’, rather than an ‘object’ of the crimes they have experienced (2012, p. 503). Yet, silence must not be obscured as a form of political action¹³. Indeed, strategies of silence can convey ‘a broad range of social

¹³ Critical and feminist scholars have previously focused on the issue of silence and the possibilities for political action. Kronsell (2006) explores the methodological implications of studying silence, imploring the feminist researcher to read between the lines. While Edkins and Pin-Fat (2005) and Parpart (2010) engage with the ways in which silence can be read politically.

meanings', entailing numerous forms of response (Ibid, p. 506). This may include 'affirmation, disapproval or denial', 'the impotence of shame, fear or ignorance', 'respect, empathy or admiration, as well as mockery or suspicion' (Ibid, p. 506). It may also be effective in communication 'ambiguity', and is often useful 'to approach sensitive or potentially disruptive subjects' (Ibid, p. 506). Throughout my research, I encountered many situations in which individuals and organisation declined to speak to me, across international organisations, support organisations, and survivor organisations¹⁴. I choose to focus on my conversations with the survivor association, Savez Udruženja Logoraša Kantona Sarajevo (SULKs), since these encounters involved a series of negotiations with two organisational 'gatekeepers', enabling a reflection on and an engagement with what and who remained silent.

SULKs were founded in 1997 to gather, support, and represent the interests of survivors of concentration camps across nine municipalities in BiH. The organisation aims to offer a variety of forms of support to survivors, often on a project-to-project basis. Providing its members with support packages where needed, other activities have previously included skills-based and human rights workshops, the provision of psychological and psychosocial support, as well as economic empowerment courses¹⁵. In 2000, SULKs, in association with the Center for War Crimes Research, published a book of testimony entitled *I Begged them to Kill Me*, featuring the testimony of some of the female members of the association. Though many of the testimonies do not explicitly mention rape, as Helms notes, the essays which frame the testimonies place emphasis on the subject of wartime sexual violence (2013, p. 83). While the association was primarily known for its focus on male victims of war, the book of testimony brought public visibility to the female members of the association. Indeed, it was subsequent

¹⁴ The reasons cited were diverse. While some declined outright, both by email and over the phone, others stated they were too busy to speak at that time, or could not gain the relevant permissions from managers. On other occasions interviews were cancelled last minute, either for work-related or personal reasons.

¹⁵ For more information about the work and activities of SULKs, see: <http://www.accts.org.ba/activities.html>

to the publication of the testimony that the women's section was established to represent the interests of female survivors (Ibid, p. 197).

I made initial contact with the association via email. Receiving a quick response from the director of the association, I was asked to phone to set up a first meeting in their office in Sarajevo. With the help of the translator, a meeting was scheduled to discuss my research and to find out more about the current work of the association. On the morning of the interview, I met with the translator in front of the National Theatre in the city centre and we took a taxi to the office in Dobrinja, a suburb of Sarajevo. As we rang on the bell of the office, which was situated on the ground floor of an apartment block, we were greeted by the director of the association, a man who appeared to be in his late fifties. I began by introducing myself, and outlining my research, stopping to ask whether he had any questions. After this introduction, I asked the director about the current work of the organisation, as well as the women's association. The director stopped me, stating that while it would be possible to speak with someone in the women's association, he did not want to speak on their behalf. Offering a few words about the support the SULKS offered to its male members, he offered to help set up a meeting with the women's association.

A week later, again with help from the translator, I went to meet with a senior representative of the women's section of SULKS. Over the phone, she had suggested we meet at a *slasti čarna* (patisserie) near to her work. When I arrived with the translator, it was quiet with only a few other tables occupied, the music continuing unobtrusively in the background. When the senior representative arrived, we exchanged greetings and introductions, ordering tea and coffee for the table. Having settled, and explained my research, I asked the director if she could tell me more about the women's section of SULKS, and the current work of the association. Beginning by distinguishing the women's section from the main association of SULKS, the senior representative began to explain their current projects. She spoke of the

‘economic empowerment’ of women, emphasising the space and equipment that the association provided for them to make craft products, also informing me of a larger reconciliation project that the association had been involved with, noting she had just been writing up a report on one of their workshops. Drawing together these activities, she stressed that they shared a common theme,

Practically the women only set up together, they talk together, they share their meals. What remains is the contact, the collaboration . . . so what we are trying to do is to have women to have more concrete benefit from these activities. (Interview 16, Sarajevo)

For the senior representative, providing this space to talk was foundational, such that the women could ‘move on from certain issues’. Speaking matter-of-factly of her own experience, she emphasised that, though she had previously been diagnosed with PTSD, it was ‘only through work that we can actually move on and work with other people’, relating to me how her skills and the work she did for NGOs had been beneficial for her (Ibid).

Building on this, I asked the senior representative if she could explain what she understood by the term economic empowerment, asking her whether this notion could be inclusive of measures such as the ‘civilian victim of war’ status. She responded,

In no way, it does not go! Since I myself am a civilian victim of war, I have the disability level of 60%, but I am in no way representative of everyone, and I do not want to be the representative, but always when it comes to discussing the topic I start from my own experience. (Ibid)

Speaking first of the difficulties of gaining recognition in the status, the senior representative also mentioned several barriers which the members of the women’s association had faced. Particularly, she noted that they had trouble with the municipal government when applying

for space in the local market to sell the women's products. Reflecting further, she told me that while the women in the association faced multiple barriers, both legal and economic, one of the biggest obstacles was related to education (Ibid). Continuing this line of thought for a little longer, she came to a pause, noting that it would be better to arrange to talk with more of the women from the association. As she stated, it would be 'easier when others are also there' (Ibid).

As we continued to speak, the senior representative began to ask me some questions about the research. Engaging with her questions, I explained my research in more depth, noting that 'in speaking to the organisation, I want to get a sense of women's everyday life, and the way in which they [the members] are interacting with the institutions that I mentioned', including the social welfare system, support provisions, and legal justice processes (Ibid). Considering this proposal, the senior representative suggested that the best forum to discuss these topics would be during 'a Bosnian style of gathering, with coffee where we could talk a bit' (Ibid). At the end of our meeting, the senior representative said that she would speak with the other women in the association and be in touch later in the week.

Waiting until early the week after, I asked the translator to again make contact. As the translator conveyed, the women from the association did not want to meet, though the senior representative had agreed to another meeting. When we met again the following week in the *slastičarna*, the senior representative emphasised that she did not have all that much time to talk, half an hour at most. During the first minutes of our conversation, I indicated that I was most interested to discuss the responses of the other women in the association, rather than focus on the questions I had raised during our previous meeting. The senior representative began by stating that the women had told her that they were often called upon to speak about these issues, but never received anything in return. Speaking again, the senior representative told me, 'I feel like I'm betraying the women by being here' (Ibid). As I was

responding, emphasising that we did not have to continue with the meeting, the senior representative interrupted. Noting that she thought the questions would be useful for the women to discuss, she also addressed a question to me – would the research would be of benefit to the populations that were discussed? What would change as a result of speaking with me? Would the research remain inside academic circles, and simply serve the interests of ‘individual progress’ and success? (Ibid). Responding, I explained how I imagined my project, negotiating the various layers of post-conflict justice processes, and informing responses to the subject of wartime sexual violence in this context. Yet, even as I said it, I felt a disconnect between my words and the challenge that the senior representative had posed.

Filling the silence, the senior representative repeated that while she thought it was useful for the women to speak about these issues, it was often very difficult to get them to participate in workshops and research. The senior representative emphasised that many of the members of the association had not had the preparation (i.e. they had not undergone psychotherapy), and often simply preferred to stay at home. When she had asked them about the gathering in the previous week, they had told her they were not in the mood, and had spoken enough on the topic already. As the senior representative concluded, she had not tried to change their minds (Ibid).

During the remainder of our conversation we moved away from this discussion. Instead, the senior representative indicated that she could comment on some of the issues related to the rights of women in BiH. As we continued, the senior representative spoke of her previous experiences with various organisations that had come to work with the association, discussing the successes and failures of these encounters. Through her narrative, she also outlined what she saw as the political, legal, and social barriers for the female members of the association, with topics ranging from the implementation of reparations to the current state of party politics in BiH. Prompting the senior representative to reflect further on the way in which the

organisation negotiated the post-conflict governance context, drawing upon the interactions she had mentioned with support organisations and the state, the senior representative sighed, stating that it was difficult for the association to effect change. Drawing the conversation to a close, she drew upon the collective 'we', noting that 'we [the members of the women's association] are not forceful enough, we have learnt to suffer'. Sipping the last of her coffee, she suggested that I go to 'higher levels' to get the information that I would need for my project (Ibid).

Both my conversations with the senior representative of the women's section of SULKS and my interview at Žene Žrtve Rata reveal an important distinction between the act of giving testimony and forms of witness, as well as a disconnect between the researcher and the subject of wartime sexual violence in BiH. While the representative of Žene Žrtve Rata directly spoke of a testimonial imperative regarding a process of seeking justice for the subject of wartime sexual violence, in the context of the interview the process of witness shifted from this focus, to a broader focus on their experiences of researchers and the research process. Conversations with the senior representative also placed the position of researcher into focus. Emphasising the way in which the organisation works to ensure that its members gain 'concrete benefit' from activities, the senior representative raised questions about the extent to which the researcher is able to offer such benefits.

These encounters should not be perceived as incidental to the process of research. Rather, they reveal broader issues regarding the ways in which the researcher is able to respond, witness, and recognise the subject of wartime sexual violence. Attending to the subject of wartime sexual violence in BiH entails an attentiveness to the way in which this research is situated within a broader social context. Conceptualising this further, Ahmed has suggested that the encounter is not always about what is present. Rather, 'in the encounter in which something might be said or heard, there are always other encounters, other speech acts, scars

and traumas, that remain unspoken, unvoiced or not fully spoken or voiced' (Ahmed, 2002, p. 564). In this case, and as the senior representatives have drawn attention to, this included placing the role of the researcher, as they engage with the testimony of the subject of wartime sexual violence, into focus. In placing focus on the process of witnessing, as opposed to the testimony of those with whom I spoke, I have attempted to acknowledge their 'thick histories and complex positionings in time and space' (Nagar, 2014, p. 5). I attempt to do more than 'listen to' and subsequently speaking for the subaltern subject. Witness, is rather, a practice of learning 'to *speak to* . . . the historically muted subject of the subaltern women', and a practice of unlearning privilege as I go (Spivak, 1988, p. 295).

Conclusion: The Visibility of Wartime Sexual Violence

The visibility of the subject of wartime sexual violence in BiH during and in the aftermath of the war in BiH resulted in a proliferation of academic and international organisational interest in the issue. Indeed, this context, and the work of the International Criminal Tribunal for the former Yugoslavia has been important for the growing international consensus that rape is a weapon of war and the visibility of the subject of wartime sexual violence more generally. The result of this visibility both internationally, and in BiH, has been a rise in global policy and funding directed toward this issue. In the context of contemporary BiH this has meant that the subject of wartime sexual violence has been targeted by multiple post-conflict justice processes, mechanisms, funding initiatives, and projects. Over the course of the past twenty-two years, and as Janine Natalya Clark notes, 'many survivors have recounted their stories multiple times, giving interviews to researchers, journalists or film crews. Some have also spoken to police and prosecutors' in their pursuit of legal justice. As a result, 'a deeply-entrenched 'research fatigue' has set in' (Clark, 2017, p. 426). Survivors, and many other organisations working with the subject of wartime sexual violence, have become increasingly

'wary of researchers, and particularly of *'stranci'* (foreigners)' (Ibid, p. 428). Yet, despite this visibility, there is also a sense among many survivors that they had been forgotten (Ibid, p. 428).

The empirical sites with which I engaged were attempts to do justice differently. *Ženski Sud* established an alternative, feminist post-conflict justice process, involving testimony to the ways in which the wars of the former Yugoslavia have impacted upon women's lives. As a testimonial process, it was productive of multiple witness-subjects – including the witnesses, as well as expert witnesses and the audience, who in different ways listened to, heard, and responded to testimony. The process was important in that it privileged the testimonies of the women, while enabling possibilities for response. The process itself was also productive of affective forms of witness in that it engendered a sense of collectivity among many of the participants through performative protest, song, as well as the process of coming together in applause. However, reflecting on the process, it was noted that some witnesses were more involved in the process than others, with the forms of support offered differing across the participating countries of the former Yugoslavia. Furthermore, regarding the subject of wartime sexual violence, it was noted that the composition of the panel reproduced dominant narratives of ethno-national victimhood, with responding witnesses remaining largely silent on this issue. Though the court engendered a collective and affective response, this also obscured some of the important positional differences both among those organisations and witnesses who decided not to participate, and within the audience itself. In many ways an important process in terms of drawing attention to women's experiences of war, as a process of witness, it often replicated the wider post-conflict justice context in which it was situated. Through a discussion of my interview encounters with two survivor organisations, I moved to focus on the ways in which testimony is distinct from forms of witness, particularly with respect to the relations between survivor- and researcher-subjects. While these

organisations, in many ways, actively engage with forms of testimonial politics in BiH, Žene
Žrtve Rata with respect to its involvement in advocacy for various modes of ‘breaking the
silence’, and SULKS regarding the publication of its member’s testimony, shifting our focus to
the process of witnessing reveals that it is not always, or only this context that the researcher
is asked to be witness to. Rather, in both sets of conversations, a history of past encounters
with researchers came into focus, creating a necessity of response. In writing these
encounters into the research, I draw attention to the complexities of witness as a form of
recognition, shedding light on the way these organisations negotiate the post-conflict
processes within which they are situated, and their responsibilities to their members. Further,
I draw attention to the ways in which the researcher has become implicated in the post-
conflict justice context in BiH. Shifting focus away from testimony, toward a process of
witness, is important to the extent that it highlights that recognition is intersubjective.
Witness, as a form of recognition, places focus on the ways that the testimonial subject is
produced in relation to those who seek to respond.

Conclusion

Introduction and Overview of the Thesis

Speaking of the pressures that members of civil society faced in terms of the promotion, support, and implementation of global policy on gender-based violence, a representative at Udružene Žene in Banja Luka emphasised to me that Bosnia was ‘always going to be in the spotlight’ (Interview 23, Banja Luka). As I explored in the thesis, this spotlight has been acutely apparent regarding the subject of wartime sexual violence. I began with this research with the international visibility lent to the subject of wartime sexual violence in the advent of the Preventing Sexual Violence Initiative (PSVI), its implementation in BiH functioning to direct funding toward initiatives and projects that placed explicit focus on victims of ‘conflict-related sexual violence’, often at the expense of focus on other forms of harm. Within BiH, the subject of wartime sexual violence has also increasingly been visible, constituted within a wider social context of competing and intersecting victimhoods. Feminists have more recently begun to register their unease with the ways in which the subject of wartime sexual violence has become visible (Baaz & Stern, 2013; Henry, 2014; Zalewski & Runyan, 2015). Writing particularly of the current global policy climate, Maria Eriksson Baaz and Maria Stern, note that the dominant frames through which wartime sexual violence is understood and addressed have ‘become so seemingly coherent, universalizing and established that seeing, hearing and thinking otherwise about wartime rape and its subjects . . . is difficult’ (2013, p. 2). They continue that ‘this dominant framework produces a limited register through which we can hear, feel and attend to the voices and suffering of both those who rape and those who are raped’ (ibid, p. 2). Thus, while the subject of wartime sexual violence may have become highly visible, our frames of understanding and, importantly for this thesis of *attending and responding* to this subject are limited.

Positioned as an attempt to address the dilemmas of visibility and recognition in post-conflict justice processes in BiH, this thesis has been guided by two key questions: ‘who is the subject

of wartime sexual violence?’ And further, how is this subject apprehended or recognised in the context of post-conflict justice processes in BiH? Judith Butler’s *Giving an Account of Oneself* is instructive regarding the politics involved in asking this question. She argues that ‘continuing to ask the question without any expectation of a full or final answer’ is mode of engagement which is foundational to ethics and to recognition¹ (2001, p. 28). Applying this address to the exploration of post-conflict justice processes in BiH, and reflecting on the ways in which the subject of wartime sexual violence is constituted through practices of legal-bureaucratic and psychic recognition, as well as testimony and witnessing, I have not sought to resolve this question in a straightforward manner. Rather, in continuing to ask, ‘who is the subject of wartime sexual violence’, I traced the complexities of the production of the subject as it pertains to particular sites of interpellation. Throughout the thesis I also hinted toward a point made explicit in the final chapter. As Butler further elucidates, acknowledging that the pursuit of the question ‘who is the subject of wartime sexual violence’ is ‘unsatisfiable’, we also become open to the ways in which this question ‘elaborates the ways in which [the subject of wartime sexual violence] inaugurates and structures me’ (Ibid, p. 33). In this sense, the question is reflected back at me, as researcher and as witness: ‘What am I calling on her to be? And how does she take up that call? . . . Vainly I ask, "Who are you?," and then, more soberly, "What have I become here?" And she asks those questions of me as well, from her own distance, and in ways I cannot precisely know or hear’ (Ibid, p. 33).

This thesis began with an exploration of the ways in which the subject of wartime sexual violence had become visible in contemporary international politics, particularly noting the growing global and scholarly consensus that rape is a weapon of war (Baaz & Stern, 2013;

¹ Butler herself draws upon Adriana Cavarero’s *Relating Narratives* (2000), noting specifically Cavarero’s contention that the ‘question to ask is not "what" we are, as if the task were simply to fill in the content of our personhood’, rather ‘the very structure of address, that through which the question is posed, gives us the clue to understanding the significance of the question itself’. For Cavarero, ‘the question most central to recognition is a direct one, and it is addressed to the Other: "who are you?"’ (Butler, 2001, p. 24).

Kirby, 2013; Skjelsbæk, 2001). After Maria Eriksson Baaz and Maria Stern (2013), I noted that this consensus emerges as a result of two concurrent shifts in the international sphere. First, responding to reports of rape in the context of wars in the former Yugoslavia and Rwanda, and with growing pressure from feminist scholars and activists to render wartime sexual violence visible in the context of international law, the ICTY and ICTR became the first international courts to prosecute rape as a crime of war². Second, pursuant to over a decade of feminist activism and scholarship, there is a growing international acceptance of gendered explanations of wartime sexual violence. Contrary to previous emphases on rape as an inevitable by-product of war, the gendered explanation views wartime sexual violence as a result of the ways in which categories of gender, as well as race, nation, and ethnicity, are produced throughout militarised processes and structures. Moving to accept the gendered explanation, global policy actors and international institutions have increasingly come to adopt the position that wartime sexual violence is preventable, and that it is the responsibility of the international community to intervene. This has resulted in a proliferation of international statutes, treaties, and interventions regarding gender-based and conflict-related sexual violence³. Most recently, this became manifest in the form of the PSVI, which adopted

² In the case of Jean Paul Akayesu (ICTR-96-4), the defendant was charged with several crimes with rape included in the charge of 'crime against humanity'. The Trial Chamber returned a guilty verdict to this crime on the 2 September 1998, on the 1 June 2001, the Appeals Chamber affirmed this verdict. For the Trial and Appeal judgements see: <http://unictr.unmict.org/en/cases/ictr-96-4>
In the case of Kunarac et al. (IT-96-23 & 23/1), single charges were brought of rape as a 'crime against humanity'. The Trial Chamber returned a guilty verdict on the 22 February 2001, and the Appeals Chamber upheld this verdict on 12 June 2002. For full Trial and Appeal judgements see: <http://www.icty.org/case/kunarac/4>

³ The 1998 Rome Statute which establishes the International Criminal Court specifically details rape as a crime against humanity. Several UN Security Council Resolutions have also subsequently been passed on the theme of Women, Peace, and Security including, S/Res/1820 (19 June 2008); S/Res/1888 (30 September 2009); S/Res/1889 (5 October 2009); S/Res/1960 (16 December 2010); S/Res/2106 (24 June 2013); S/Res/2122 (18 October 2013).

the slogan, 'ending sexual violence in conflict', and was accompanied by the launch of the *International protocol documenting and investigating sexual violence in conflict*⁴.

The first substantive chapter of the thesis explored the visibility of the subject of wartime sexual violence, focusing in on the case of BiH. Examining a range of differently situated narratives emerging in response to wartime sexual violence in BiH, I argued that the central way in which the subject became visible was through the figure of the victim. Moving from the global to the BiH context, I first focused on emerging international reports on the issue which came to the consensus that rape in BiH had been both 'systematic' and 'targeted'. This rendered Muslim women particularly visible as 'victims' of wartime sexual violence. Such understandings were situated against a broader context of propaganda wars between the nationalist governments of the former Yugoslavia which initially hindered international visibility. Next, drawing particularly on arguments in Elissa Helms' *Innocence and Victimhood* (2013), I focused on issues of power, voice, and subjectivity in the context of feminist debates on wartime sexual violence. In this context, I noted a divergence in explanations of wartime sexual violence, with some locating ethnicity and others locating gender as their primary mode of analysis. In turn, this mapped on to a context in which global feminist voices had predominated, and obscured the context, positioning, and strategies of former Yugoslav feminists, particularly as it pertained to regional ethno-nationalisms. Examining the particular role of Bosnian women in shaping debates, I highlighted how these voices were often obscured, as feminists in Croatia and Serbia were often assumed to speak on their behalf. These relations of power and voice tended to solidify the production of the Bosnian woman as victim. Concluding this discussion, and drawing upon Dubravka Žarkov's *The Body of War* (2007), I reoriented the debate by examining the ways in which ethnicity came to be produced

⁴ The second edition of the International Protocol can be accessed: <https://www.gov.uk/government/publications/international-protocol-on-the-documentation-and-investigation-of-sexual-violence-in-conflict>

through gendered bodies prior to and during the war in BiH. Further, I argued that subjectivity must be approached as intersectional and as it is produced, engaging with specific sites of production in BiH.

Noting that the dominant way in which the subject of wartime sexual violence had been made visible was through the figure of the victim, where this victim was produced as female and Muslim, I moved to examine this production in the contemporary post-conflict justice context. This marked a shift in the thesis from a focus on questions of visibility to a focus on the active process of production of the subject at particular sites of post-conflict recognition. The second chapter focused on the ways in which the victim-subject was counted and accounted for at two sites of legal-bureaucratic recognition. The first was the 'civilian victim of war' status and its application to victims of wartime sexual violence. Highlighting the differential politics of recognition between the two entities of BiH, I noted that those residing in the Federation of BiH may claim by testifying to their status as victim. An additional burden of proof is placed on those living in the Republika Srpska who must demonstrate sixty percent bodily disability in order to gain recognition in this status. Here, the assumption of the victim-subject as Muslim and female enabled those living in the Federation to count, in as far as they counted in terms of their recognition in this status, in turn, obscuring those in the Republika Srpska from focus. Paradoxically, the particular way in which the subject was made to count contributed to a broader issue of social non-recognition, as those who claimed the status often came to be labelled, and subsequently stigmatised, as victims of wartime sexual violence.

This chapter also explored a reparations proposal developed by the IOM which targeted victims of 'conflict-related sexual violence', a focus which was adopted as a direct result of PSVI funding. Drawing upon an IOM recommendation report on reparations, and two interview discussions with an IOM representative, I noted how the proposal was initially

framed in terms of counting and accounting for, the subject of wartime sexual violence. For the IOM, it was important to undertake a lengthy process of data-gathering in order to count these victims to the extent that they were perceived as 'missing' from official statistics. In attempting to count and account for the subject of wartime sexual violence, the IOM presumed the victim *a priori*. Overall, the chapter examined the ways in which these two administrative systems which have targeted the subject of wartime sexual violence both *count* and *account for* victims. In the case of the 'civilian victim of war' status, equivalences were drawn between the ways in which gendered, ethnically-identified bodies were counted by nationalist governments, press, and international investigators and reporters, and the ways in which the government of BiH and international institutions counted the subject of wartime sexual violence in the contemporary post-conflict justice context. With respect to the 'civilian victim of war' status, it was noted that notions of 'ethnicity' and 'nation' had become conflated with the territorial division of the constitutive entities of BiH. I argued that the reparations proposal that was under development was positioned as a way of moving beyond ethno-national and entity politics by instating a state-level reparations system. However, I also argued that this process similarly fell foul, as it reproduced dominant ethno-national categories of victimhood in counting the victim *a priori*, assuming the victim as both female and Muslim.

Having explored the ways in which the victim-subject was produced through legal-bureaucratic forms of recognition, Chapter Three provided an opening in terms of the subjects of post-conflict justice. Three subjects were introduced, the survivor, the client, and the witness, through a discussion of psychological and psychosocial interventions in BiH. Noting the traces of humanitarian politics which have determined the geographical locations of psychological interventions, the chapter explored two sites of psychological production – two prominent psychosocial organisations, Medica Zenica and Vive Žene, and the Witness Support Office at the Court of BiH. My examination of my fieldwork interviews with the director of

Medica Zenica, a psychotherapist from Vive Žene, and a psychologist from the Witness Support Office at the Court of BiH, revealed the ways in which these psychological professionals were called to navigate the post-conflict justice context in which they were situated. In the context of psychosocial organisations, I argued that they developed two forms of relations with their clients - a healing relationship which carried with it the promise of individual, psychic recognition for the subject of wartime sexual violence, and building upon this, a healing relationship which came to be deployed in the production of legally coherent witnesses. It was argued that psychosocial organisations had become entwined with wider processes of post-conflict and transitional justice, which required these organisations to navigate the post-conflict justice context on behalf of the subject of wartime sexual violence. Psychological professionals at the Court of BiH also navigated the post-conflict justice context, this time regarding their position within the court. Though they also engaged in the psychic recognition of subjects, court psychologists did so in the service of producing the 'good enough' witness, a subject who would not be 'retraumatised' in the process of witnessing. Both psycho-social organisations and the psychologists at the Witness Support Office are involved in the production and the recognition of the subject of wartime sexual violence. Concluding the chapter, I argued that the psychological production of the subject of wartime sexual violence in BiH moved between psychic and legal recognition. Crucially, these forms of recognition both function to obscure the social constitution of harm, leaving little space for social recognition. The individualisation of recognition, I argue, places the onus of responsibility for justice in the aftermath of harm on the individual as they come to be produced as victim, as survivor, as client, and as witness.

Moving from a focus on the witness in the context of legal testimony, the fourth chapter broadened the scope of this witness-subject, exploring multiple contexts in which this subject was produced. In doing so, I also broadened the purview of who counts as a witness, discussing the ways in which the observer and the eyewitness, among others, are called to

respond to the address of the survivor-witness. Crucially, this chapter began to attend to a politics of intersubjectivity, examining the ways in which witness always already requires a *relation to* subjects. The chapter addressed the context and indeed, the problem of testimonial politics in BiH, asking after the possibilities for witnessing in this context. I argued that the visibility of the subject of wartime sexual violence, which has been discussed throughout the thesis, has proliferated into a testimonial culture in which the subject is required to speak about their experiences across a range of post-conflict processes. This has been seen across many of the post-conflict justice processes discussed throughout the thesis, particularly those which necessitate the performance of the testimonial act such that they might gain recognition in that context. However, in the chapter, I also reflected this critique as it pertained to the role of the researcher, and my own fieldwork in BiH.

The chapter developed notions of witnessing as intersubjective through two key sites. First, I explored a feminist, alternative justice and truth-telling process, Ženski Sud (The Women's Court). Through an engagement with the multiple ways in which participants engaged in the court, including as testifying witnesses, expert witnesses, and as audience members, it emerged that the court was choreographed to enact forms of embodied and collective witness. Particularly, I noted how participants engaged in collective acts of protest, singing, and applause, while audience members also facilitated embodied forms of witness in support of those testifying. However, I also argued that there were limitations to the process of witnessing, particularly regarding the subject of wartime sexual violence. The categorisation of testimony, and the witnesses chosen to testify served to reproduce dominant ethno-national categories of victimhood in which the subject of wartime sexual violence was constituted both female and Muslim. As I also argued, the collective, embodied process of witnessing itself had its limits. Recalling arguments in Chapter One regarding the relations of voice between feminist and women's organisations in the former Yugoslavia, it was noted that the process was led by anti-nationalist feminist group the Women in Black, and enacted a

collective politics around a Yugoslavian feminist citizenship. Further to excluding potential witnesses who did not 'fit' within the script of ethno-national victimhood, it also revealed the limitations of my own participation in the process.

The chapter then turned to focus on the researcher as witness, engaging with two interviews conducted with representatives of survivor associations. In conversations with Žene Žrtve Rata (Women Victims of War) and Savez Udruženja Logoraša Kantona Sarajevo (SULKS/The Association of Concentration Camp Torture Survivors for Sarajevo Canton), it was my role as researcher that came into focus. In both encounters, though in different ways, the representatives called me to account for the past experiences of giving interviews to researchers, as well as other human rights organisations. They highlighted the power relations in these encounters; while they gave their time and their stories, often they saw little in return, either by way of sharing of information, or in more concrete and material change. As has been highlighted by Janine Natalya Clark (2017, p. 426), there is a palpable research fatigue in the context of BiH, particularly with respect to the subject of wartime sexual violence. However, the address of the representatives from the survivor association requires a reflection on what this means in terms of the production of subject of wartime sexual violence, and in turn, what does this mean for the possibilities for the researcher to bear witness in the context of post-conflict justice in BiH? As I move to outline the key contributions of the thesis, these questions will guide my discussions.

Contributions

The Feminist Researcher as Witness

Throughout the thesis, I developed a notion of the feminist researcher as witness. Adopting this role, I offer an empirical engagement with key tenets of feminist methodological approaches which place importance on questions of positionality, subjectivity, and

situatedness. As such, my methodological approach maps onto a burgeoning literature on feminist methodological approaches to research, and develops its ethical and responsive elements as I come to engage with the post-conflict justice context. These issues of positionality and methodology have been at the forefront of discussions in the thesis. In this section, I draw together the methodological approach in light of questions of witnessing and recognition that have been discussed in the previous chapter.

In the first chapter, I argued that some modes of research in BiH have obscured and even silenced the subject of wartime sexual violence. Following Gayatri Spivak, I noted that global feminists, as well as many international organisational approaches were implicated in a process of listening to, and subsequently speaking for the subaltern subject (1988), as they sought to render the issue visible. Though global feminist interventions have placed the issue on the international agenda, in the context of BiH, this resulted in the reproduction of the subject of wartime sexual violence as victim. This problem was compounded by a context in which Bosnian voices were obscured, often spoken for by their former Yugoslav counterparts. As I argued, the epistemic violence of these encounters was felt and reproduced in the post-conflict justice context. Indeed, it is a process which is continuous, ongoing, and indeed has been traced in the context of this thesis. I argue that this presents the feminist researcher, particularly one who embodies many aspects of a global feminist, with a challenge of how to proceed as witness.

I borrow the language of witness here from Elizabeth Dauphinee who explicitly argues that the researcher, virtue of seeking to 'make sense of what one witnesses, observes, intuits, desires, manufactures, or hopes', becomes witness (2007, p. 38). Indeed, '[a]cting as witness – seeking out the role of witness – is one implication of theorizing, which is in turn and implication of acting as a subject *at large* in the world, *at large* in the field, *at large* in the academy' (Ibid, p. 38). Thus, it could be suggested that in the process of performing the role

of researcher, through conducting interviews, participating in workshops, marches, and events, subsequently conceptualising and coming to write about these experiences, that one becomes witness. Witness here, is used both in the sense of coming to testify, and in an embodied sense, signalling the extent to which the researcher comes to 'know' their research context through lived experience, even as the researcher's lived experience might be somewhat different from the subjects of their research.

Throughout this thesis I followed Sandra Harding's imperative, placing myself in the 'same critical plane as the overt subject matter', coming to write in my own assumptions of 'class, race, culture, and gender'. This practice is important to the extent that the researcher begins to appear 'to us not as an invisible, anonymous voice of authority, but as a real, historical individual with concrete, specific desires and interests' (1987, p. 9). This imperative has been key to feminist methodologies, particularly those involving (ethnographic) fieldwork (Ackerly & True, 2008, pp. 698-9). While for Harding, making oneself apparent in the process of research is a practice of doing research 'better', as well as an imperative to trace the process of research for academic scrutiny, increasingly feminists have moved to engage with issues raised by intersubjectivity in the process of research. Feminist monographs often contain reflections on how they shape their research encounters, as well as reflections on the ways in which the research encounter shapes them (e.g. Daigle, 2015; Moon, 1997; Stern 2005;). Adding to this context, there are also numerous articles (e.g. Daigle, 2016; Nencel, 2005), edited collections (e.g. McSorley, 2012; Sylvester, 2013; Wibben, 2016), and special sections and issues of journals⁵ (e.g. McLeod 2013) that offer reflections on issues of intersubjectivity and research practice. Feminist researchers in international politics have been inspired to write themselves and others as concrete subjects with 'complex' and 'thick histories' (Nagar,

⁵ The *International Feminist Journal of International Politics*' conversations section contains a number of short narrative reflections to the title of 'Feeling Feminist Fieldwork' which contains reflections on how the researcher both shapes and is shaped by the research context. See Volume 19, Issue 3 for contributions, including one by this author.

2014, p. 5), operating in stark opposition to practices of research which aim or claim to proceed with objectivity or neutrality.

Feminist research practice, to the extent that it engages with questions of intersubjectivity, shares distinct similarities with practices of witnessing that were discussed in the previous chapter. While reflections on intersubjectivity in feminist methodology have often been directed toward reflections on the ways in which the subject(s) of research shape the form of the research itself⁶, and recovering this process for academic purposes, I have developed a broader view of intersubjectivity in this thesis. Particularly, recalling from the previous chapter, I argued that witnessing was a form of intersubjective recognition. Intersubjectivity, understood as an ongoing process of *relation to* subjects, is important to the extent that it holds out the possibility of transforming subjects. Intersubjectivity is then a process of ‘mutual recognition and a redefinition of what has been’ (Kesselring, 2017, p. 182). Drawing on intersubjectivity as a form of recognition brings in a distinctly ethical element to discussions of feminist methodology, acknowledging that to conduct field research with people is to engage in a process of social and socially-situated recognition.

Throughout the thesis I have examined a range of post-conflict justice processes and the possibilities for recognition that they afford. Most often, I argue, post-conflict justice processes have obscured forms of social recognition, and as I argued regarding legal and legal-bureaucratic forms of recognition, it has actively contributed to forms of social non-recognition. Recognition, in such cases, is often spoken of as an abstract process, something which can be given or awarded, if only we knew who the survivor was, and what it was that they wanted. This process of abstraction was acute in the case of the IOM reparations

⁶ For example, Maria Stern reflects on her process of research for *Naming Security-Constructing Identity* (2005), noting that what her research participants, ‘included and excluded . . . was decided (in part) by *who* they thought I was, what they wanted *me* to know, what they wanted me to tell *other people*, and who these other people are, as well as what they *did not* want me to know. (Stern, 2006, p. 185).

proposal, in which the victim was determined *a priori*, and in which the IOM already operated with assumptions about the forms of recognition that it would be possible to give. As I have argued, the researcher is also engaged in these processes of post-conflict recognition, and as such is not immune to the violences involved in presuming to be able to award recognition virtue of their presence. Paying attention to intersubjectivity acts as a counter to these abstract processes of recognition. By placing myself in the same critical plane as those of whom I write, I am able to trace a process of encounter. Imagining the feminist researcher as witness, and taking up this call is about finding ways to *speak to . . . the historically muted subject of the subaltern women*, unlearning privilege as we go (Spivak, 1988, p. 295, emphasis added). I position this thesis as a practice of this unlearning, which may hold open the possibility for social recognition.

My discussions of post-conflict recognition have been enriched by placing myself in the frame of research. For example, in Chapter Three, where I discussed the role of psychological professionals in the post-conflict justice process, I criticised literature which located psychosocial interventions as top-down processes (e.g. Pupavac, 2002; 2004b; 2004c), obscuring the complexities of the negotiations that organisations and individuals engaged in on behalf of the subject of wartime sexual violence. Thus, also obscuring the ways in which these organisations were involved in the production and the recognition of this subject in the post-conflict justice context. Locating myself in the research encounter revealed the ways I came to empathise with the psychological professionals with whom I spoke, developing a richer understanding of the strategies that they had adopted, reflecting this back to the production of the subject of wartime sexual violence. Indeed, my discussion of the multiple ways in which the witness-subject was produced in Chapter Four would not have been possible without locating myself within critical plane of the research. Participating in Ženski Sud as an audience member, I described an embodied and collective process of witness which was enacted through the court which engaged the contemporary iterations of the anti-

nationalist feminist politics which were previously examined in Chapter One. Through a discussion of the multiple ways in which subjects participated and were produced in this process, and an examination of my own participation in the process, I revealed the limits of the particular feminist citizenship which was engendered. Here, I drew upon my own sense of fragmented inclusion and exclusion, to reveal the limitations of this framing as it pertained to the subject of wartime sexual violence.

In the course of research, there were moments at which I became particularly emotionally involved, even vulnerable, during interviews. This was particularly notable in the context of one of my interviews: the second interview with the psychotherapist at Vive Žene (Interview 24, Tuzla). Though, as noted, I came to empathise strongly with the complex negotiations that psychological professionals made regarding the post-conflict justice context, this empathic relation was not unidirectional. In this context, my questions regarding the subject of wartime sexual violence were often turned back toward me. Throughout the interview, and beyond the context of my research statement, the psychotherapist wanted to know what my interest in the topic was, and in what ways did it affect me. During this interview, as we continued to talk about the work of the organisation, the power relations in the conversation were ever-shifting. As I came to recognise the negotiations that the psychotherapist made through her work with clients, I was placed 'on the couch', layers of psychic and social recognition moving between us in the encounter. Moments such as these acted as a reminder of the difficulties of speaking about the subject of gendered violence, making me confront the ways in which I was already implicated in the research, and consider how I was invested in the questions I was asking.

As discussed in Chapter Four, interviews with survivor organisations involved fraught negotiations of recognition. At Žene Žrtve Rata, the interview culminates with a failure of this negotiation as I am actively asked to leave the office, which nevertheless sparks a discussion

about the role and the ethics of the researcher in post-conflict BiH (Interview 17, Sarajevo). Here, I argued that the frame of witness shifted throughout the interview, changing the ways in which recognition was invoked and enacted. During my interview with the representative from SULKS, the negotiation of recognition was perhaps subtler. Not coming to a point of confrontation in the same way as the interview with the representatives from Žene Žrtve Rata, our conversation was a process of reading between what was spoken, and what was intimated through her gestures and tone. Though the representative spoke eloquently in response to my questions about her negotiations of the post-conflict context, at various points she seemed to withdraw from the interview context, signalling the extent to which her presence was a ‘betrayal’ of those she represented, or as she cast a wary glance at my Dictaphone⁷ (Interview 16, Sarajevo). My interviews with survivor organisations presented a particular challenge of recognition as it was not always clear how best to respond, particularly in cases where they called me to account for a broader history of encounters. Yet, these interviews, in their failures, as well as in my attempts to respond, raise important questions about the nature of reciprocity and consent within interviews, and bring into focus the ways in which the researcher must negotiate, respond, and witness in the post-conflict justice context. The interviews then tell an important story about the ways in which the subject of wartime sexual violence may wish to speak, or be silent, in what context, and to whom. Further, it reveals that these actions are a product of particular decisions and strategies on the part of these individuals.

In sum, this thesis puts in action a process of *speaking to* the subject(s) of research. In adopting this approach, I situate myself within a broader context of feminist, empirically-grounded literature which is attentive to considerations of positionality, situatedness, and co-

⁷ I had asked the representative if she was comfortable with me recording the conversation. Initially she agreed, but when I took the Dictaphone from my bag her expression indicated to me she was not sure. In this case, I decided that it was best not to proceed with recording and put the device away.

production of research (Daigle, 2015; Kesselring, 2017; Stern, 2005). Making the politics of the encounter present in the process of research is not akin to decentring the subject or the subject matter. Rather, it is an insistence on acknowledging the ways in which the researcher is always already implicated in the production of the (research) frame.

Post-Conflict and Transitional Justice: Beyond Victims and Victimhood

Developing this notion of intersubjectivity and witnessing in the context of post-conflict and transitional justice reveals the limitations of transitional justice practices which aim to centre the victim. As noted in Chapter Two, such approaches have gained currency in transitional justice practice and literature. As previously discussed, most obviously, the term refers to processes and mechanisms which prioritise the needs of the victim, as well as the harms that they have suffered (Robins, 2011; 2012). The term has often been linked with restorative forms of justice, such as reparations and truth-telling processes, to the extent that the former aims to address the socio-economic needs of victims, while the latter, following critiques of the role and scope of witness testimony in the legal process, has been assumed to allow victims more space to tell their stories. Yet, within restitutive transitional justice mechanisms such as international criminal tribunals and courts, a shift toward the victim has also occurred. Indeed, as Peter Dixon and Chris Tenove state,

[W]ithout victims of international crimes, there could be no crimes, no perpetrators, no testimony to prove that crimes occurred, no constituency whose suffering justifies changes to international law – in other words, no [international criminal justice]. (2013, p. 408)

In this context, there has been an increased move toward active inclusion of victims, inviting their participation within legal trials and providing ways for them to speak about their experiences of harm outside of their role as ‘victim-witnesses’ (Garbett, 2015, p. 49) (see also Bernath, 2016; Méndez, 2016). Central to arguments in favour of increased participation of

victims and a turn to victim-centred justice, are concerns over the extent to which victims are able to exert agency within the context of transitional justice (Bernath, 2016; Dixon & Tenove, 2013; Garbett, 2015). Acknowledging that the practice of transitional justice has all too often been top-down, largely ignoring the needs of victims, victim-centred approaches emerge as a remedy, making individual claims to harm the basis for participation and interaction with structures of transitional justice.

Nevertheless, attempts to include, centre, and orient post-conflict justice processes toward the victim have not always been seen to recognise individuals in terms of the harms they have suffered. In BiH, a range of victim-centred and victim-oriented approaches to post-conflict justice have targeted the subject of wartime sexual violence. In Chapter Two, the IOM's reparation proposal was highlighted as an example of victim-centred justice, offering the subject of wartime sexual violence legal-bureaucratic recognition in as far as an individual might meet established criteria of victimhood. It was discussed that the process assumed the victim *a priori*. In doing so, drawing upon the iconic figure of 20,000 victims, the IOM embarked on protracted search for the (data of) victims who were missing. Here, the centring of the victim serves to place focus on finding the victim, such that they might be recognised, the IOM neither assuming responsibility for enacting the reparations process itself, nor able to effectively tackle the social and political conditions in BiH that prevent its enactment. Chapter Three discussed the ways in which the Court of BiH, following the ICTY, had oriented the legal process toward the victim through the provision of court psychologists, also enlisting the support of psychosocial organisations. In this case, it was seen that witnesses were asked to narrate their traumatic experiences in ways that were legally permissible, the purpose of the psychological professionals to mitigate the harms that they may suffer as a result of their participation. The basis for victim participation here was placed firmly on particular, legally salient, harms, as the witnesses came to testify in the context of a legal trial. Recognition here moved between the psychic and the legal, while obscuring possibilities for social recognition.

Chapter Four moved to consider witnessing, including a reflection on the case of Ženski Sud. Noting that the women's testimony, and testimony to gendered forms of violence had been obscured from other post-conflict justice processes, women's organisations across the former Yugoslavia sought to centre the witness in the court. Holding out promise to locate individual testimonies in a wider social and political context, the expert witnesses who responded to the panel on the subject of wartime sexual violence tended to obfuscate potentially contentious discussions of ethno-nationalism and victimhood, choosing instead to focus in on the witnesses' position within transitional justice processes.

As I argued in the context of my own position as 'feminist researcher', there is a need to acknowledge the ways in which the production of the subject of wartime sexual violence is intersubjective. That is, to acknowledge the ways in which I, as a feminist researcher, also produce the subject of wartime sexual violence. Importantly, we must retrace and recall this argument in the context of a shift toward victim-centred justice in transitional justice. To centre the victim is to obscure the social, political, legal, and psychological conditions of the victim's production. This centring is productive of the condition of victimhood as the basis of individual's claim to the social, in this case the post-conflict justice process with which they interact. This should not be interpreted as an argument against measures which seek to offer reparation or justice in the aftermath of widespread harm. Rather, it is a call to be cognisant of the ways in which post-conflict justice processes are implicated in the production of the subjects they seek to find, support, and award or deliver justice for. Further, to the extent that the centring of victims renders the condition of victimhood the basis of their claim to the social, it perpetuates this victimhood. In as far as it does so, it is unable to engage in a process of social recognition with persons.

This thesis contributes to a burgeoning literature on complex victimhood and the possibilities for political agency within this label (Baines, 2017; Bernath, 2016; Jacoby, 2015; Kesselring,

2017). Significantly, this literature criticises post-conflict and transitional justice approaches which adopt simplistic victim-centred approaches, calling for move beyond 'static categories of victim' as well as perpetrator, such that we are able to 'recognize contingency and agency within these categories' (Baines, 2017, p. 3). This literature argues that victim-centred approaches to transitional justice are problematic to the extent that they assume, require, and constitute 'ideal type' victims (McEvoy & McConnachie, 2012). Nneoma Nwogu argues that victim-centred practice 'unwittingly restrain victims' and perpetrators' voices within imposed categories' and disproportionately 'focus on the what, where and how of particular violations, which undermines the repair of social relations in the long term' (2010, p. 276). To mitigate this issue, Erin Baines argues that field of transitional justice must act to recognise and include 'stories of complex victimhood' (2017, p. 133). This literature is important to the extent that it provides ways of thinking through victimhood in such a way as to destabilise the essential linkage between victimisation, victimhood, and vulnerability which so often accompanies narratives of gendered and sexual violence (Gilson, 2016). Indeed, it has been an important basis for this thesis in terms of its focus on political agency and emphasis on the ways in which individuals and groups interact politically with the label 'victim' (Jacoby, 2015). However, this thesis calls for critical post-conflict scholars to look beyond victimhood. Taking up this call, I have examined an array of different subjects that are produced in the post-conflict justice context. As has been argued throughout, the subject of wartime sexual violence in BiH is constituted in many different guises, including victim, but extending to included survivors, clients, and witnesses (in all its multiple forms). Further, as I have argued, these subject positions are complex, multiple, and contingent upon the particularities of socially-situated encounters. The subject of wartime sexual violence must then be understood as produced in *relation to* individuals, organisations, institutions, mechanisms, and processes in the post-conflict justice context. In this sense, it is not only the subject of

wartime sexual violence that is being constituted through post-conflict justice contexts, it is also productive of those whom they encounter.

Other Relevant Literatures

Having addressed an array of post-conflict justice processes and policies related to the subject of wartime sexual violence this thesis also makes an empirical contribution to several different areas of international politics scholarship. My interviews with a range of differently situated individuals across the post-conflict context will be of interest to scholars interested in questions of subjectivity, power, and governance in international politics (e.g. Duffield, 2014; Howell, 2011; Sabaratnam, 2013). Engaging in a process of speaking to a range of differently situated individuals across the post-conflict justice context in BiH, I offer an account of the way in which people interact with and negotiate this governance context. Rather than presenting an account of post-conflict governance which is static, unidirectional, and imposed, I offer an account which addresses the terms of its production, examining the 'contingency and agency' (Baines, 2017, p. 3) of its subjects. Further, explorations of the impact of the PSVI in BiH in Chapter One, its application in the context of the IOM's reparations proposal, as well as broader discussions of its contribution to the visibility of wartime sexual violence in BiH, will be of interest to scholars of the Women, Peace, and Security Agenda. Particularly, I add my voice to those who have begun to discuss the impact of the PSVI (Davies & True, 2017; Kirby, 2015; Wright, 2015), with the thesis engaging with its application in the context of BiH.

Addressing the subject of wartime sexual violence, this thesis also makes an empirical contribution to feminist literature on wartime and conflict-related sexual violence.

Throughout the thesis, I have engaged with the ways in which frames of wartime sexual violence have become manifest in the context of the variously situated individuals with whom I spoke. I take note of the important insights raised by feminist scholars, particularly regarding

concern over the ways in which the subject of wartime sexual violence has become internationally visible (Baaz & Stern, 2013; Henry, 2014; Zalewski & Runyan, 2015), as well as those who engage with the ways in which gendered and wartime sexual violence has come to be framed (Baaz & Stern, 2013; Davies & True, 2015). In this thesis, I have examined the legacies of these framings in a context in which wartime sexual violence and its subjects have been particularly visible. Engaging with this context has revealed a complex post-conflict justice setting in which individuals engage and interact with these dominant frames, even as they refuse and subvert them.

Reflections on the Limitations of the Research

In coming to reflect on my process of research, and the thesis that has subsequently emerged, I want to reflect on some of its limitations, offering some reflections on the ways in which I worked with, mitigated, and/or made them apparent in the process of research. The thesis has explored the production and recognition of the subject in various forms – the legal-bureaucratic, the psychic, and the social. By design, my field research then also encompassed a broad intersection of institutions, organisation, and individuals who were situated within post-conflict justice processes in BiH. As I sought to interview individuals working in each of these different sites, I also had to forge links and contacts within each of these intersecting layers of the post-conflict justice terrain in BiH. This process was often time-consuming, with several setbacks along the way. As a result, I made decisions about which organisations, institutions, and persons were most significant for my research, selecting organisations that I perceived to be the most prominent or active institutions, organisations, and individuals working on the subject of wartime sexual violence, supplementing this research with interviews with smaller organisations where I thought it was necessary, where I thought it would add further context, and indeed, where it was possible. I made such decisions,

informed by a plethora of literature. Notably, Elissa Helms' anthropological study of women's activism in BiH, *Innocence and Victimhood* (2013), was instructive for my purposes, offering a rich insight into the types of organisations in BiH, their strategies and politics, and their relationship to the broader post-conflict, post-socialist context in which they operated⁸. Further, reports issued by international organisations and institutions were also useful in terms of gaining insight into those operating within formal post-conflict and transitional justice policy and projects. My process of research then focused in on specific policies, examples, sites, and cases, drawing upon interviews with organisations and individuals in the cities of Sarajevo, Zenica, Tuzla, and Banja Luka.

This approach worked well for international organisations and institutions who were mainly based in Sarajevo. For these interviews, I was often able to directly contact the person responsible for the aspect of the project or policy that I was interested in, or else was put in touch via other interview participants or by their colleagues. Though making initial contact with these individuals did not present too many difficulties, I found that keeping in touch with contacts presented more of a challenge. While many of my interview participants encouraged me to email for developing updates on publications and policy, in practice, there was a relatively high turnover of staff in international organisations and institutions such as the UN. This impacted upon my ability to keep abreast of new developments which contacts may have shared, but that remained unpublished. When I came to redraft Chapter Two, in which I focused on the IOM's process of developing a reparations proposal for victims of conflict-related sexual violence, two of my key contacts had moved on to other roles and institutions. Both sending their apologies, they intimated that they were not able to help further regarding

⁸ I gleaned much on women's activism, and key institutions and organisations working on issues related to the gendered violence in BiH from: *Rape Warfare: The Hidden Genocide Against Women in Bosnia-Herzegovina and Croatia* (Allen, 1996); *The Post-War Moment: Militaries, Masculinities and International Peacekeeping, Bosnia and the Netherlands* (Cockburn & Žarkov, 2002); *From Where We Stand: War, Women's Activism and Feminist Analysis* (Cockburn, 2007); *The Political Psychology of War Rape* (Skjelsbæk, 2012); *Mass Rape: The War against Women In Bosnia-Herzegovina* (Stiglmeier, 1994a).

new developments in the projects that they had been working on . In the chapter, I draw upon interviews conducted in 2015 at UN House, supplemented with information I had gathered in the months immediately after my field research, and a reading of a report which provides detail on the development of a reparations programme (Van der Auweraert, 2013). I kept as up-to-date as possible with reference to the IOM BiH Country Office’s press releases on the issue⁹.

As stated, I targeted the most prominent national NGOs and support organisations, making such decisions with reference to key texts, reports, and later, those organisations which were involved in the post-conflict and transitional justice processes that I was following. As discussed in Chapter Two, Medica Ženica and Vive Žene are the most prominent psychosocial organisations in BiH. However, there were numerous other organisations that supported survivors of gendered harm, offering legal aid or psychosocial/psychological support, though often on a smaller scale. Many others also referred their clients to other support organisations. Although I conducted interviews with some of these organisations (e.g. Interview 18, Zenica; Interview 19, Sarajevo; Interview 20, Sarajevo; Interview 22, Tuzla; Interview 23, Banja Luka), these interviews mainly served to provide background information to support interviews with the two larger organisations. With more time and resources to focus in on these organisations, it would be useful to gain insight into the ways in which differently situated organisations produce the subject of wartime sexual violence. While there seemed to be some notable differences between organisations in terms of financing, the population with whom they were working, the number of clients they had, and their orientation toward institutions of post-conflict and transitional justice, this project has been unable to develop such insights in detail. Rather, I focused in on key overarching differences in terms of organisational situatedness, such as those resulting from entity politics and law, as

⁹ See the IOM’s BiH Country Office website for latest updates: <https://bih.iom.int/news>

well as explored the ways in which differences in organisational and project framing are implicated in the production of the subject of wartime sexual violence.

As noted in the introduction, I approached each interview in a semi-(un)structured manner, with questions differing slightly dependent on the type of organisation and the person being interviewed. Throughout the interview, I tried to establish familiarity and trust with the participant, both by explaining my research and inviting questions. In cases where this approach was most successful, questions were used as prompts early in the interview, with conversation more free-flow toward the end. However, this did not always go exactly to plan. When interviewing individuals in institutional or organisational settings, there were numerous instances in which the interviews were not as detailed or as conversational as I had hoped or imagined. Sometimes I got the feeling that the approach itself was jarring for some representatives, particularly those in institutional roles. Used to answering direct questions, and giving succinct answers, they often proceeded to give semi-prepared answers, regardless of what I had said. Other times, we simply failed to get to the conversational part of the interview as a result of time constraints. For example, my interview with Medica Zenica director, Sabiha, took place at the end of a long conference day, the only time that could be arranged (Interview 21, Ilidža). As such, the director spoke directly and often skimmed over key topics, without much time for follow-up questions. Oftentimes, interviews with individuals from international organisations and institutions were highly informational in character. I noticed that those with whom I spoke heavily referenced their publications during the interview. Reflecting on these interviews, and as I grew more familiar with the contemporary post-conflict justice context, I found that it was possible to read between the lines, listening for what was unsaid. As was noted in the introduction, which respect to formal structures of post-conflict and transitional justice, I adopted a focus on the ways in which 'normality' was reproduced in this context (Kronsell, 2006, p. 110). In this sense, I mitigated such issues by supplementing interview material with key reports, both published and

unpublished that I was able to access, and took to arriving at interviews early such that I could gain an impression of the location that they had chosen for the interview .

As I noted throughout the thesis, there were also limitations, as well as some advantages, to my positionality in conducting this research. Early on, as I came to trace the impact of the PSVI within international institutions, organisations and other NGOs, my questions were often welcomed. My status as a British citizen was undoubtedly an advantage in these interviews, with one interview participant even expressing thanks to me, in as far as I represented a wider British populace, for the initiative. While this particularly positionality seemed to open doors with the British Embassy and international institutions and organisations, it also hindered conversations with some support organisations and survivor associations. The survivor associations that responded to my initial emails were quick to establish meetings but often, and understandably, wary in person. In these cases, it was difficult to establish trust, a problem which was exacerbated by my need for a translator to be present. While I had undertaken some basic language training in Sarajevo prior to my fieldwork, I was not able to conduct interviews in Bosnian. Though I was able to exchange greetings and pleasantries myself, I relied on a trusted translator for the remainder. This made it far more difficult to follow gesture and tone of interviews, creating an initial distance between myself and the person that I was interviewing. This also sometimes led to confusions which needed to be clarified during the interview.

As noted in Chapter Four, this impacted on my interviews with survivor associations in particular. Conducting these interviews during my second fieldwork visit when I had established a good understanding of the multiple layers of the post-conflict context, I was clear that I wanted to gain a sense of how these individuals and organisations viewed their position and role in the post-conflict justice context. The subsequent conversations, particularly my interview at SULKS, oscillated between this focus and seemingly rehearsed

narratives of wartime experience. I felt, in these instances, that individuals told me this because they assumed that it was what I had wanted to hear. In many ways, as a foreign researcher, I was not perceived as distinct from the position of that of a journalist or human rights worker. Indeed, the representative from SULKS, referred to me continuously as an 'American', even as I emphasised that I was from a University in Wales (Interview 16, Sarajevo). The methodology of the project, which focused on the multiple and intersecting layers of post-conflict justice, the perception of me as a *stranac*, further compounded by my limitations in terms of language, made interviews with those perhaps closest to the people who had experienced forms of wartime sexualised or gender-based violence fraught with difficulties.

My lack of Bosnian language skills also somewhat limited my access to sources. Initially I had thought this would be more of an issue regarding organisational and institutional publications yet, I found that my focus on issues of post-conflict justice and the ways in which differently situated individuals navigated this context, meant that the projects I was interested in were likely to be funded by international donors. As such, most organisational and institutional publications were available in multiple languages including English. This limitation became most apparent in the first chapter in which I traced the relations between global, former Yugoslav, and Bosnian feminists and women's organisations. Though clear in the argument that the prominence of global feminists had obscured power relations between differently situated feminists, a legacy which was evident through my knowledge of the feminist canon on wartime sexual violence in international politics, and later, experienced in my field research observations and interactions. I supplemented this knowledge with a reading of texts which have previously traced these power differentials (e.g. Batinic, 2001; Benderly 1997; Hayden 2000, Helms 2013; Lindsey, 2001; Žarkov 2003). Indeed, while each of these authors makes similar distinctions, many do not explicitly engage with the specific role of Bosnian women in this context. Further, many also cite B/C/S language sources in their

analyses which I could not grasp the complexities of. As such, it is possible that I have skimmed over nuance in this debate, particularly as the analysis is primarily reliant on secondary sources. However, the archival work that would have been necessary to trace these complexities would have been beyond the scope of this four-year project, and indeed is an ongoing project for many feminist activists in the region who attempt to trace their history¹⁰.

In many ways, I build these methodological, positional, and contextual limitations into the findings of the project itself. Reflecting on this most explicitly regarding the discussion of the associations of survivors in Chapter Four, I have written the ways in which interview participants, and other members of institutions, organisations, and associations reacted to me, and my process of research. Indeed, as I argue, such a practice is key to the ways in which this project views feminist methodology and research practice. Many of the limitations of this research emerge vis-à-vis my own situatedness, and that of those I spoke with.

Acknowledging this is to acknowledge the ways in which I am always already implicated in the production of the subject of wartime sexual violence.

Conclusion

The subject of wartime sexual violence has been highly visible in the context of BiH, produced through various sites of post-conflict recognition. This subject has been counted and accounted for at sites of legal-bureaucratic recognition, produced through psychic and legal forms of recognition at sites of psychological intervention, and required to testify at sites of

¹⁰ E.g. Sarajevski Otvoreni Centar publication, *Women Documented: Women and Public Life in Bosnia and Herzegovina in the 20th Century* (Čaušević, 2014), which traces numerous important contributions to BiH public life by women in BiH. Speaking to representatives about the publication, it was apparent that the text was seen as an important step in terms of tracing Bosnian women's role in public life, yet they also discussed limitations regarding access to archival materials. They noted that many archives related to this issue were located outside BiH, and they possessed limited funds with which to conduct the research (Interview 30, Sarajevo).

witness. Such practices of recognition have been argued to reproduce dominant narratives of ethno-national victimhood, either by directly presuming or targeting particular gendered, ethnically identified bodies, or otherwise, implicitly assuming them, reliant upon a slippage between the production of gendered, ethnically identified bodies and the constituent entities of BiH. In this context, the subject of wartime sexual violence has been visible as both female and Muslim, and produced as victim, survivor, client, and witness. Rendering the subject of wartime sexual violence visible in such practices of post-conflict recognition has functioned to make these bodies count, while obscuring others from counting. However, as has also been argued, visibility is not equal to recognition. Rather, those who 'count' within post-conflict justice processes are often made visible at the expense of forms of social recognition.

The end of this thesis is not the end to the process of social, intersubjective recognition. Rather, the conclusions of this thesis prompt directions for further empirical research. In the future, I would like to develop the intersubjective and co-constitutive elements of this thesis much further, producing the findings in such a way as it could be communicated to those individuals, organisations, and institutions that have participated in the research. In doing so, I would hope to invite engagement, feedback, and further conversation on issues of recognition in post-conflict justice. This responsibility is perhaps most acute with regard to the survivor organisations and associations with whom I spoke. As I have reflected upon in this thesis, there were distinct difficulties in speaking with these organisations, given the issues raised with regard to 'research fatigue' and their past experiences of one-sided research encounters. In this sense, there is a need to continue the slow process of speaking to these organisations. In doing so, I would hope to develop an intersubjective process which involves 'giving back' and perhaps more crucially, a continued (un)learning.

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Appendix A – List of Interviews

Representatives of International Governmental and Non-Governmental Organisations in BiH

1. Merima Ejubović, Research Associate at Friedrich Ebert Stiftung, Interview conducted on 9th March 2015, Sarajevo.
2. Dragana Dardić, Director (Banja Luka Office) at Helsinki Citizens Association, Interview conducted on 16th April 2015, Banja Luka.
3. Matthew Holliday, Head of Western Balkans Programme at International Commission on Missing Persons, Interview conducted on 23rd March 2015, Sarajevo.
4. Anonymised, Official (PSVI Projects) at International Organization for Migration (IOM), Interviews conducted on 12th May 2015 and 29th October 2015, Sarajevo.
5. Belma Becirbasić, Senior Programme Officer at Kvinna till Kvinna, Interview conducted on 18th March 2015, Sarajevo.
6. Valentina Pellizzer, Executive Director at OneWorldSEE and CARE, Interview conducted on 11th March 2015, Sarajevo.
7. Anonymised, Official (PSVI Projects) at Organization for Security and Cooperation in Europe (OSCE), Interview conducted on 6th May 2015, Sarajevo.
8. Anonymised, Official (Gender Projects) at Organisation for Security and Cooperation in Europe (OSCE), Interview conducted on 8th October 2015, Sarajevo.
9. Adisa Fisić, Legal Advisor and PR Assistant at Track Impunity Always (TRIAL), Interview conducted on 19th October 2015, Sarajevo.
10. Anonymised, Official (PSVI Projects) at United Kingdom Embassy (Ministry of Defence), Interview conducted on 7th April 2015, Sarajevo.
11. Anonymised, Official (PSVI Projects) at United Kingdom Embassy (Foreign and Commonwealth Office), Interview conducted on 23rd April 2015, Sarajevo.
12. Damir Hadžić, Project Coordinator at United Nations Development Programme (UNDP), Interview conducted on 3rd April 2015, Sarajevo.
13. Anonymised, Official (PSVI Projects) at United Nations Development Programme (UNDP), Interview conducted on 14th May 2015, Sarajevo.
14. Anne-Marie Esper Larsen, UN Women Representative Bosnia and Herzegovina at UN Women, Interview conducted on 26th March 2015, Sarajevo.

15. Nela Porobić Isaković, Project Coordinator (BiH) at Women's International League for Peace and Freedom (WILPF), Interview conducted on 17th March 2015, Sarajevo.

Representatives of BiH Non-Governmental Organisations

a. Victim/Survivor Associations

16. Anonymised, Senior Representative at Savez Udruženja Logoraša Kantona Sarajevo (SULKS)/ Association for Concentration Camp Survivors (ACCTS), Interviews conducted with translation on 21st October 2015 and 30th October 2015, Sarajevo.
17. Anonymised, Senior Representative and Project Assistant at Žene Žrtve Rata (Women Victims of War), Interview conducted with translation on 16th November 2015, Sarajevo.

b. Support Organisations (e.g. psycho-social, legal, collective)

18. Duška Andrić-Ružičić, Director at Centar za Pravnu Pomoć Ženama (Center of Legal Assistance for Women), Interview conducted on 27th October 2015, Zenica.
19. Anonymised, Legal Advisers (two participants) at Fondacija Lokalne Demokratije, Interview conducted on 6th October 2015, Sarajevo.
20. Anonymised, LGBT Rights Activist and Support Worker at Okvir, Interviews conducted on 6th April 2015 and 21st October 2015, Sarajevo.
21. Sabiha Husić, Director at Medica Zenica, Interview conducted on 12th November 2015, Ilidža (organisation based in Zenica).
22. Anonymised, Senior Representative at Snaga Žene, Interview conducted with translation on 14th October 2015, Tuzla.
23. Zvezdana Marković, Legal Assistant at Udružene Žene, Interview conducted on 3rd November 2015, Banja Luka.
24. Anonymised, Psychotherapist at Vive Žene, Interviews conducted on 14th April 2015 and 12th October 2015, Tuzla.

c. Advocacy Organisations

25. Anonymised, Project Assistant at Fondacija CURE, Interview conducted on 3rd March 2015, Sarajevo.
26. Jadranka Miličević, Director at Fondacija CURE, Interview conducted on 14th May 2015, Sarajevo.
27. Danijela Baljak, Activist at Ostra Nula, Interviews conducted on 17th April 2015 and 3rd November, Banja Luka.

28. Velma Sarić, Director at Post-Conflict Research Center (PCRC) and Journalist at Balkan Investigative Reporting Network (BIRN), Interview conducted on 28th April 2015, Sarajevo.
29. Anonymised, Project Co-ordinators (two participants) at Post-Conflict Research Center (PCRC), Interview conducted on 18th March 2015, Sarajevo.
30. Jasmina Čausević and Dalila Mirović, Programme Coordinators at Sarajevski Otvoreni Centar (Sarajevo Open Center), Interview conducted on 11th March 2015, Sarajevo.
31. Indira Mujić, Administrative and Finance Officer at Žene Ženama, Interview conducted with translation on 25th March 2015, Sarajevo.

d. Artist-Activists

32. Anonymised, Artist-Activist at CRVENA, Interview conducted on 24th March 2015 via Skype, Sarajevo.
33. Sejla Sehabović, Director at Muzej Književnosti i Pozorišne Umjetnosti (Museum of Literature & Performing Arts), Interview conducted on 2nd April 2015, Sarajevo.
34. Nela Hasanbegović, Artist-Activist, Interview conducted on 16th November 2015, Sarajevo.

e. Academics

35. Gorana Mlinarević and Alina Trkulja, Academics at Center for Interdisciplinary Postgraduate Studies (CIPS), University of Sarajevo, Interview conducted on 3rd March 2015, Sarajevo.
36. Sabina Čehagić-Clancy, Academic at International University of Sarajevo, Interview conducted on 12th May 2015, Sarajevo.
37. Danijela Mastorović, Academic at University of Banja Luka, Interview conducted on 16th April 2015, Banja Luka.

BiH Government Institutions

38. Anonymised, Senior Government Official at Gender Center – Federation of BiH, Interview conducted on 21st October 2015, Sarajevo.
39. Anonymised, Statisticians (three participants) at Office for Statistics – Federation of BiH, Interview conducted on 15th October 2015, Sarajevo.
40. Anonymised, Court Psychologist at the Witness Support Office, Sud BiH (Court of BiH), Interview conducted on 13th November 2015, Sarajevo.

Other

41. Nedžla Šehić, Lawyer, Interview conducted with translation on 13th November 2015, Sarajevo.