The Politics of Weaponized Rape in the Yugoslav Wars: A Case Examination of Kosovo

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Abstract:

This project is an examination and analysis of the long-term political and social consequences of militarized rape in the Kosovo War. As these victims face global derision and impunity, this project aims to give them a voice, as well as acknowledge this as a clear example of mass-rape being overlooked in wartime. It became clear that Serbian military rapes in Kosovo and Bosnia had much in common: the same torture tactics used in Bosnia were used in Kosovo, with similar goals of culling and terrorizing the native population. This was confirmed through an analysis of testimony, historical analysis, and second-hand research conducted during the time period. Despite these similarities, Bosnia's case was recognized by the ICTY, whereas Kosovo's was not. Kosovo case's lack of judicial recognition has impacted both worldwide awareness and Serbian impunity to sexual violence during the war. The international community has an obligation to hold Serbia accountable, both to provide justice for Kosovar women but also to maintain the precedent that rape in war will be punished, thus situating Kosovo's case within the history of militarized sexual violence and highlighting the importance of judicial consequences for perpetrators of it.

Introduction:

Yugoslavia's history, from its origins to its dissolution, is shrouded in mystery, myth, and misunderstanding. There have actually been three different nations called Yugoslavia, the first of which emerged after World War I. Changes to the political makeup of the Austro-Hungarian and Ottoman Empires led to the creation of a 'slavic' nation, known as the Kingdom of Serbs, Croats, and Slovenes in 1918, which changed its name to Yugoslavia in 1929. After a period of monarchical rule, the Socialist Federal Republic of Yugoslavia emerged as a neighboring communist state to the Soviet Union in 1946. Under dictator Josip Broz, more commonly known

as Tito, ethnic divisions between the six distinct nations within the Republic (Bosnia and Herzegovina, Serbia, Montenegro, Croatia, Slovenia, and Macedonia) were suppressed via nationalist propaganda and military conscription. Hypernatioanlist groups filled the political vacuum left by Tito's death in the 1980s, coinciding roughly with communism's collapse in much of eastern Europe, which became especially problematic as Yugoslavia "did not develop any democratic alternatives as Poland and Czechoslovakia had done" (Drakulić 2005). Forty-five years of suppressed ethnic divisions and culture suddenly reemerged with a vengeance.

In 1989, Slobodan Milosevic became the communist, nationalist president of Yugoslavia, and two years later, Croatia and Slovenia declared independence. While Milosevic let Slovenia go with comparatively less bloodshed, Croatia had a Serbian minority that provided an explanation for invasion. In 1991, Milosevic sent the JNA (Yugoslav People's Army) into Croatia. Atrocities that characterized this time period began with the near destruction of the Croatian town of Vukovar. The JNA, along with paramilitary organizations "laid siege to the Croatian town …eighty-seven days and oversaw the expulsion of 20,000 of its inhabitants" (Ferguson 2021). Milosevic invaded Bosnia in 1992, and encouraged the Serbian population to declare their independence, leading to the formation of the Republika Srpska. After clearly failing in his attempt to reunify Yugoslavia under Serbian rule, "Milošević—together with Serbs from Republika Srpska—now embarked on a war for a 'Great Serbia.' The two-year siege of Sarajevo followed, and a couple of years later, the UN-protected Muslim enclave of Srebrenica fell to the army of Republika Srpska. Some seven thousand unarmed Muslim men were executed—the biggest massacre in Europe since 1945" (Drakulić 2005). In Bosnia, the war officially ended in 1995, with the Dayton Agreement. To many, this signifies the end of war and violence in the region, but as Kosovar Albanians were soon to discover, it was far from over.

Historically a disputed region between various groups including Serbia, Albania, and the greater Ottoman Empire, the animosity between Serbia and Kosovo actually dates to a mytho-historical battle between the two countries, the Kosovo Polje, in 1389. While there were arguments contesting the victory of each party, at the end of the battle Prince Lazar Hrebeljanovic, leader of the Serb forces, was dead, and the Ottomans would rule the region for generations. Lazar has since become a revered martyr, a personification of Serbian identity and nationalism. According to the Serbian legend, "God visited Prince Lazar on the eve of the battle in the form of a gray falcon and offered him the eternal kingdom of heaven. The price for the heavenly reward, however, was defeat and death for the Serb forces. The alternative offered to Lazar was a kingdom on earth and victory over the Ottomans" (Lugar 2005). Prince Lazar's story embodies both the godly nature of the Serbian nation, and also their history of victimhood and oppression at Muslim hands.

The animosity between Serbia and Kosovo has been tangible throughout their shared history, but for the purposes of this paper, the most important developments in this hostile relationship began in the 1980s, with the White Plague. The White Plague was a conspiracy theory that gained traction in Serbia in the 1980s and 1990s, which provided an explanation for the low birth rate among ethnically Serbian families as opposed to ethnically Albanian Kosovar families. Female professionalism became the culprit, and Serbian women were discouraged from having careers. The Serbian Orthodox Patriarch at the time, Pavle, denounced career women as actively hindering the holy Serbian nation from expanding. Simultaneously, this myth led to insulting stereotypes about Albanian Kosovar women. Kosovo was the least economically developed region in Yugoslavia, and this was often linked to cultural factors, which included

gender. Dubravka Žarkov, noted author and academic specializing in gender, ethnicity, and violent conflict, had the following to say about these stereotypes:

> Albanian women of Kosovo, uneducated, unemployed, and with numerous offspring, became a metaphor for backwardness throughout socialist Yugoslavia and especially in Serbia. Regularly described as supporting patriarchy and tradition themselves, they were at the same time represented as victims of the patriarchy and tradition of their men. Mothering was essential in these representations. Throughout the 1980s the images of "overreproductive" Albanian women were pitted against images of "underreproductive" Serb women. Then in mid-1980 images of "sexually aggressive" Albanian men started to appear in the Serbian press, following discussion of the rapid ethnic homogenization of Kosovo.
> (Žarkov 2007).

As this theory was rising in popularity, students at the University of Pristina began protesting the lack of adequate government funding and investment into the region. These protests eventually turned violent, which provided the perfect catalyst for anti-Albanian rhetoric and policies. In 1991, Milosevic gave the now-infamous Gazimestan Speech. On a visit to Kosovo commemorating the Kosovo Polje at the Gazimestan Memorial, Milosevic whipped the Serbian population into a frenzy with tales of a long history of a slow genocide against the Serbian population in Kosovo. Invoking both the difference in birth rate, the false image of sexually aggressive Kosovar Albanian men, and the student protests, Milosevic famously declared that Serbians in Kosovo had a new ally against the ethnic Albanians.

Kosovo's first president, Ibrahim Rugova, pursued a policy and practice of passive resistance that protected Kosovar Albanians from conflict with Serbia during the Bosnian and Croatian wars. Nevertheless, the JNA and Milosevic continued their repression, and certain Albanians decided that passive resistance was not enough. In 1996, the KLA (Kosovo Liberation Army, a loose confederation of Kosovar nationalists hoping to liberate Kosovo from Serbian oppression and reestablish Albanian hegemony in a free Kosovo), attacked several JNA strongholds. The spokesman for the KLA, Jakup Krasniqi, claimed the goal of the KLA was to

unify Albanian lands into an ethnic state. The Kosovo War was a manifestation of the conflict between the JNA and the KLA. Lasting from 1996 to 1998, the interstate violence was so severe that President Clinton declared a state of emergency in Kosovo. The Security Council released a statement "Expressing grave concern at recent intense fighting and the flow of refugees from Kosovo and the excessive and indiscriminate use of force by Serbian security forces and the Yugoslav Army, the Security Council this afternoon demanded that all parties, groups and individuals immediately cease hostilities and maintain a ceasefire in Kosovo" ("SECURITY COUNCIL DEMANDS ALL PARTIES END HOSTILITIES AND MAINTAIN A CEASEFIRE IN KOSOVO | UN Press" 1998). The US was especially alarmed when forty-five ethnic Albanians were discovered dead in Račak, Kosovo. Eyewitness accounts describe civilians fleeing gunshots, seeing family members shot dead and having to run around their corpses to safety, and a twelve-year-old boy recounted that "Two or three policemen beat [civilian men, including his father] with wooden sticks. One was kicking them in the face with his boots. The others were just watching. It was terrible. The men were screaming, and their heads were covered with blood. A policeman locked me in the cellar with the women, but I could hear screaming for the next half an hour" ("Human Rights Watch, Kosovo: Focus on Human Rights" n.d.). In response, NATO began a 78 day bombing campaign against Serbia, which finally ended the Kosovo War, leaving countless dead and traumatized.

In both Kosovo and Bosnia, the JNA and other paramilitary groups employed a practice of targeting women's bodies, which became a hallmark of the wars. The militarization of rape during this conflict was intimately connected to the Serbian military strategy, articulated in the RAM Plan, which aimed to organize ethnic Serbs outside Serbian borders, consolidating Serbian hegemony. Also referred to as Operation RAM, Brana Plan, and Rampart-91 (Salzman 1998),

the plan was developed in Belgrade by both the military and psychological divisions of the JNA. Todd Salzman, an academic specializing in the application of religious and ethical theory to contemporary war atrocities and genocides, had the following comments about the RAM Plan:

> the Yugoslav National Army UNA) Psychological Operations Department in Belgrade developed a plan to drive Muslims out of Bosnia based on an analysis of Muslim behavior which "showed that their morale, desire for battle, and will could be crushed more easily by raping women, especially minors and even children, and by killing members of the Muslim nationality inside their religious facilities."46 Concrete evidence accumulated by various humanitarian organizations, including the United Nations and Human Rights Watch, supports the existence of such a practice. These organizations' reports indicate that the research, planning, and coordination of rape camps was a systematic policy of the Serbian government and military forces with the explicit intention of creating an ethnically pure state.
> (Salzman 1998).

For the first time in history, war criminals were tried for sexual violence at both the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR), and rape was recognized as a weapon of war that is legally prohibited, rather than merely an unfortunate but inevitable byproduct of conflict. On February 22nd, 2002, “Dragoljub Kunarac, Radomir Kovač, and Zoran Vuković—Bosnian Serbs from the town of Foča in the Republika Srpska—were the first men in the legal history of Europe to be sentenced for the torture, slavery, outrages upon the dignity, and mass rapes of Bosnian Muslim women as crimes against humanity” (Drakulic 2003).

This is not to say that the ICTY was without flaws. Many war criminals fell through the cracks, and even many those that were punished were not imprisoned for life. Rape survivors today report living in the same town as their rapists, and the pain and humiliation they feel upon seeing them every single day. Another colossal failure on the part of the ICTY had primarily to do with time constraints. Simply put, the ICTY ran out of time to examine the weaponized rapes committed in Kosovo, and as such, Kosovar rape survivors have not had their day in court.

Despite the well documented war crimes and human rights abuses in the Kosovo War, only six men at the ICTY were found guilty of war crimes committed in Kosovo, and the first man found guilty of wartime rape in Kosovo was only convicted in July, 2021. For a myriad of reasons, the rapes that occurred during the Kosovo War are not widely recognized. The Serbian government continues to deny any sexual violence occurred in Kosovo. It is the international community's moral responsibility and obligation to require Serbian acknowledgement of war crimes in Kosovo.

Theoretical Context:

In understanding the political ramifications and implications of its aftermath, it is critical to understand the history of rape in the Kosovo War, and more importantly, how it was deliberately used as a strategy, and was worked into Serbian propaganda long before the war itself. In her groundbreaking book *The Body of War,* academic Dubravka Žarkov articulates and analyzes rape in Serbian military during the breakup of the former Yugoslavia. In combining both diction and symbolism representing both the female body and ethnicity the Serbian propaganda machine re-created Yugoslav ethnicities, and justified their persecution and attempted extermination. Žarkov argues that "Bodies were vested with gendered and sexualized meanings that made ethnicity appear transparent and unambiguous; that treatment reified ethnicity, turned it into an empirical fact, or obscured it altogether" (Žarkov 2007). While the Serbs used these tactics in all Yugoslav states during the wars, for the purposes of this paper, only its usage and impact in Kosovo will be analyzed.

Žarkov asserts that in the 1990s, technically two wars were fought in the former Yugoslavia; a "media war" and an "ethnic war". While the ethnic war consisted of physical conflict, the ethnic war began long before its outbreak, and in Kosovo's case, the mid to late

1980s. As illustrated above, the White Plague was primarily reinforced by the contrast between Albanian Kosovar women and Serbian women, two groups which had dramatically different birth rates. This differential contributed to the Albanian ethnic homogenization of Kosovo, along with the rapid emigration of Serbs and Montenegrins, which "were widely believed in Serbia to be a result of a conscious strategy by the Albanian political and religious leadership to make Kosovo 'ethnically pure. Ironically, this strategy, renamed 'ethnic cleansing,' was the one that would be used by Serbian forces later on, in Croatia and Bosnia" (Žarkov 2007). Simultaneously, Serbian media outlets began promoting images of Albanian men who were sexually aggressive (Žarkov 2007).

This tension reached its peak in 1987, when Fadil Hoxha, an Albanian Kosovar politician who was formerly a member of the Presidency of Yugoslavia, made a statement about the conflict that gravely offended Serbs and Montenegrins, both in and outside of Kosovo. During an speech addressing reserve military commanders from Macedonia, Kosovo, and Serbia, Hoxha claimed that "the problem of rapes of Serb women by Albanian men in Kosovo would be solved if more non-Albanian women worked as prostitutes in Kosovo's taverns" (Žarkov 2007). These comments understandably caused an uproar in Serbian and Montenegrin communities, and soon, women were mobilizing in protest, both in and outside of Kosovo. Hoxha issued a statement claiming the remarks had been intended as a joke, which did not pacify protestors.

During the protests, Serbian women held banners and signs that typically had one of two slogans: "'We are mothers of the sons of Serbia' and 'We are mothers, not whores.'" (Žarkov 2007). These slogans would come to define not only the movement, but the Serbian attitude towards Albanian Kosovar women going forward. It created both a sexual and moral dichotomy between women belonging to these two ethnic groups. If Hoxha's comments implied that

Albanian Kosovar women were incapable of prostitution as opposed to Serbian women, these slogans completely changed the narrative. They also fit perfectly into the white plague narrative, which the Serbian press leaped to exploit. The Serbian press identify "motherhood in the production of Serbhood, rendering it not only vulnerable and victimized, but ultimately the very symbol of the plight of the nation" (Žarkov 2007). *NIN,* a Serbian newspaper, published several articles on what became known as "The Statement", each one concluding that Hoxha's comments were an attack on the Serbian women's morality and dignity, and presented the women not as militant, but as justifiably enraged victims (Žarkov 2007). According to Sevdie Ahmeti, co-founder of the Center for the Protection of Women and Children in Pristina in 1993 and a renowned women's rights advocate, Albanian women were presented as uneducated and hypersexual, as opposed to cultured, elegant Serbian women (Vandenberg n.d.).

Politika, another Serbian newspaper, continued with and extended the narrative in *NIN,* producing stories that represented Serbian and Montenegrin women defending not just their honor, but their families'. However, it did assert that the true victims were clearly Serbian women. This victimhood narrative would continue to play a role in Serbian propaganda until the end of the Kosovo War. It defines not only Hoxha as the aggressor, but all Albanian men who pose a threat to Serbian women, as well as rape as the main weapon used against the victims, and the victims themselves. Žarkov describes the paradoxical nature of this victimhood narrative:

> In this representation, victimization is what brings the moral victory. Serb and Montenegrin women are rendered victims precisely because of their ultimate and superior morality. Nothing defines this victimized but superior morality of the Serb and Montenegrin woman better than the juxtaposition of two words: "mother" and "whore." And no other distinction in the Serbian press is as central to producing ethnicity as the distinction between the maternal body and the body of the whore.
> (Žarkov 2007).

It was from this place of victimhood that the Serbian military justified their usage of sexual violence during the wars, as well as the egregious usage of torture, extrajudicial executions, and ultimately attempted genocide.

Kosovo: 1998-1999:

One of the reason's the Kosovo War is often overlooked is its brevity; the war began in 1998 and ended in 1999 after 78 days. However, even before the NATO airstrikes, human rights organization recorded instances of militarized rape by the JNA and paramilitary groups. By this time, Serbian war crimes committed in Bosnia were well-known and feared in the region. Fears of another Vilina Vlas[1] forced women and families to flee Kosovo en masse. It is critical to emphasize the terroristic element of these rapes. The Serbian government employed paramilitary groups during the Bosnian War to intimidate and terrorize the native populations, and "Human Rights Watch received numerous, though unconfirmed, reports that some Serbian paramilitary groups active during the Bosnian war, such as Arkan's Tigers and Vojislav Seselj's White Eagles, allegedly joined in the "ethnic cleansing" campaign in Kosovo" (Vandenberg n.d.). Beginning in 1998 and culminating in a report published in 2000, Human Rights Watch produced a report analyzing the tactics and impacts of rape in the Kosovo War. According to the report, the majority of rapes were gang rapes, involving more than one unidentifiable perpetrator, as it was often difficult to distinguish between paramilitary groups and official JNA soldiers.

While it is difficult to identify rape patterns as each case is uniquely traumatic, certain themes do emerge in testimony analysis. The "most common circumstances that emerged from the testimonies of victims of rape and sexual violence and from corroborating accounts provided by eyewitnesses were rapes in women's homes, rape during flight from the country, and rape while in detention" (Vandenberg n.d.). When raped in their homes, women reported similar

[1] A Serb rape camp located in Višegrad, Bosnia

experiences of soldiers forcibly entering their homes and raping them either in front of family members or after taking them to adjoining rooms. In Peja, the fourth largest city in Kosovo, in 1999, eyewitness accounts reported that six armed Serb soldiers entered a house and before murdering the family of six, raped one of the women. A survivor told Human Rights Watch:

> They were wearing military clothes and had black scarves on their heads. They took my sister-in-law into the front room, and they were hitting her and telling her to shut up. The children were screaming, and they also screamed at the children. She was with the paramilitary for one half hour. She was resisting, and they beat her, and the children could hear her screaming. I could only hear what was going on. I heard them slapping her. The children did not understand that they were raping her. After they raped my sister-in-law, they put her in line with us and shot her
> (Vandenberg n.d.)

Similar heart-wrenching stories emerge in Djakovica, where one girl heard her sister's rape:

> I heard everything through the wall, and my sister told me what happened afterwards. The walls are very thin. I heard my sister begging them, "Please in the name of God, if you have a sister or a wife, don't touch me." I got close to the door and I heard him say, "You have your period so you are worth nothing." She looked like she had come back from the dead. She was gone for ten minutes, but it felt like days. Other than my sister, five other girls were abused [in our building], all of them very young
> (Vandenberg n.d.)

Serbian military and paramilitary groups also used rape as a tool of terror while extorting money from Kosovar refugees fleeing the country. If refugees could not provide money, eyewitness accounts reported that women were taken away, often close enough to be heard, and violently raped. One woman, who was raped publicly, recounted her story to Human Rights Watch:

> Two uniformed Serbian men stopped us. A big guy with red hair called me from the tractor. The red-haired one came around the tractor and said, "You," pointing at me. When he told me to get off the tractor, I didn't. Then he yelled, "You! Get off!" My three-year-old son was asleep on my lap. He kept yelling, "Get off! Get off!" He pulled me off the tractor and ripped my clothes. His pants were already open and his penis was out. He tore off my bra. I started screaming and crying. The other Serb came close and pointed his automatic weapon at my chest. I was wearing *dimije* [baggy pants] so they'd think I was old. The red-haired one took my pants off, tearing the drawstring. He told me to sit down. He took the 10 DM that I had with me. He took off his pants and pulled me

> close to him. We were right next to the tractor, next to the driver's cabin. I had my period. When he took off my pants, he saw the pads with blood on them, so he didn't have sex with me. Instead he turned me around and grabbed my breasts, trying me on the other side [anal rape]. I contracted myself very tightly and he didn't succeed. He may have ejaculated. I don't know. It took three or four minutes, then he told me that I could get back on the tractor.
> (Vandenberg n.d.)

Eyewitnesses corroborated this account, with one describing the horrifying moment she was pushed into the asphalt. Women reported being taken out of lines, cars, and buses, and suffering verbal abuse before the rape. This harkens back to the ancient connection between rape and plunder. When money was unavailable, “the soldiers would take their "payment" by raping the most attractive women. Often they were between the ages of 15 and 25. In general, 1 to 5 men committed the rapes and the women were immediately released after the violation” (Fitamant and UNFPA 2000).

Women also reported rapes concurrent with being held hostage. Across military units, soldiers and paramilitary agents employed similar tactics: “After separating women and children from the men, Serbian forces held women hostages in various empty buildings. Women reported being taken out of these holding centers one by one to be ‘checked.’ These checks included interrogations and, in some cases, rape and other forms of sexual violence” (Vandenberg n.d.). In hostage situations, women report similar violent experiences, including being beaten for the purposes of inducing miscarriage, and intensive tooth and knife trauma. One woman reported her experience:

> I screamed but he put a machine gun in my face and said that he would shoot me if I screamed again. I didn't have any clothes on. I was afraid that since I was pregnant they would cut me. They were playing with their knives all the time. They said, "We will take the baby out." That man with the shaved head and a mask sharpened his knife [in front of me]. One gave himself an injection. The man with the shaved head did all these bad things. He [cut his hand a little bit] and drank blood in front of us. After I fainted they didn't take me anymore.
> (Vandenberg n.d.)

Many eyewitnesses report that Kjakova, Peja, and Drenitza were the primary mass-rape locations (Fitamant and UNFPA 2000). In an investigation for the UNFPA, rapes were found to last between several hours and several days, and women who survived had deep lacerations in their chests, were covered in dirt, grime, and bruises, and bore other evidence of intensive beating and trauma. According to the report, "Agonizing screams could be heard for many hours. Kosovar men who tried to interfere were killed on the spot. One woman was beaten to death in front of the door of the house where her daughters were being tortured" (Fitamant and UNFPA 2000). Women suffered forced oral, vaginal, and anal rape, in addition to cuts and scarification as well as beatings and sex acts meant to humiliate and degrade the women which echoed those in Bosnia. As a means of further abjectifying the women, soldiers often tortured the women they were with by forcibly and frequently urinating or ejaculating down their throats, thus causing them intensive throat trauma. In addition, women who did receive medical care often had bite marks on their breasts that were so severe the scars lasted for months afterwards.

Discussion:

Sexual violence is an often-used tool of war both because of it's immediate and long-lasting impact. With some exceptions, there is an internationally shared sense of shame and stigma surrounding sexual violence, and although it differs country to country, in Kosovo it was and is apparent, which enhanced the trauma of victims and survivors. Although there have been advances in the women's rights movement in Kosovo in the years following the war, traditional views about women still remain dominant, particularly in rural areas. Sevdie Ahmeti, a prominent Kosovar Albanian women's rights activist, is quoted as saying that in consideration of inheritance male relatives "takes for granted that she will give it up. It automatically goes to the brother. He expects this. It is unthinkable that a woman would demand a share. When she

marries, she gives up everything" (Vandenberg n.d.). Generally speaking, women's roles as wives, servers, and dutiful daughters are well-established. These practices and roles are based in the *Kanun,* traditional Albanian laws and customs that were used in the administration of early Albanian tribalism, and continue to this day. Today, women face a lack of representation in politics and the private sector, and traditional values regarding sexual purity, chastity, and women being at fault for sexual violence dominate much discourse on this subject, which was true in the war's aftermath as well. Women report fear of coming forward for bringing shame on their families and husbands, and this fear is not unfounded. After fifteen years facing her trauma in silence, Jeta, a woman raped alongside her three daughters during the war, reports that her male relative told her that being raped was far worse than being murdered immediately after she was raped. Jeta kept silent, but during that time saw and felt the impact it had on her and her family. Three of her daughters, other than one child who was born physically disabled, have left the country once married. One of them eventually told her husband about her experience during the war, after which he left her. When asked, "she said she and her daughters were briefly captured by Serbs, as a way of explaining the anxiety and depression they've suffered ever since. Her husband says rape would dishonor the family; during the war, he threatened more than once to torture and abandon her if she were ever 'touched; by a Serb" (Zejneli 2014). Although the country has made great leaps forward in terms of women's rights, which will be articulated and analyzed later in the paper, these attitudes remain prevalent.

Militarized rape has a lacking, complicated judicial history. As Susan Brownmiller argued in *Against Our Will,* men have and continue to view women as both sexual objects and metaphorical military gains during wartime. Much of the discourse surrounding rape often comes from the male perspective, and considers it's impact from how it affects men. Rape is discussed

in how it affects their honor, family, dignity, and social standing. Even when this is discussed in terms of women, it is clear that the male view controls the narrative. The first legal prohibition of sexual violence came in 1863, during the American Civil War. Abraham Lincoln issued the Lieber Code, a framework providing guidelines for how Union soldiers were to behave in both combat and civilian scenarios, and it technically prohibits sexual violence, although, it's exact language refers to the protection of male property, including women. The Hague Conventions have clear judicious links to the Lieber Code, and also included prohibitions against property damages during war. However, women were not the focus of this section, and instead, it was written that a man's family's honor and rights should be protected. Some have theorized that Europeans did not want to write out the word rape in an official document, given it's sexual connotation. Rape briefly enters the conversation during the Geneva Conventions in 1949, with Article 27 claiming that "Women shall be especially protected against any attack on their honor, in particular against rape, enforced prostitution, or any form of indecent assault" (INAL 2013). However, the first convictions regarding militarized rape would not occur until the 1990s.

At both the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal tribunal for Rwanda (ICTR), for the first time in history, rape was recognized as a legally prohibited weapon of war, as oppose conflict's unfortunate but inevitable byproduct. War criminals in both Bosnia and Rwanda were convicted of perpetuating a strategy of mass-rape. The same cannot be said for Kosovo, even though they can and should be prosecuted as crimes against humanity, torture, or war crimes. These rape tactics used in Bosnia and Kosovo were both meant to terrorize the native populations, as well as a deliberate strategy used by Serbian military and paramilitary groups, as evidenced by the testimony of female survivors but also by the refugee crisis that was sparked in Kosovo after Milosevic began his

invasion of the country, over fear of another Bosnia. The ICTY made important strides forward during its time. It was “the first international criminal tribunal to enter convictions for rape as a form of torture and for sexual enslavement as crime against humanity, as well as the first international tribunal based in Europe to pass convictions for rape as a crime against humanity, following a previous case adjudicated by the International Criminal Tribunal for Rwanda” (“Crimes of Sexual Violence | International Criminal Tribunal for the Former Yugoslavia” n.d.). Thirty-seven war criminals were convicted of perpetrating mass-sexual violence. However, the ICTY simply ran out of time to try war criminals in Kosovo, and as a result no one was accused or convicted of rape in Kosovo at the ICTY, and to date, only one man has been convicted of rape in the Kosovo War.

While neither the rapes in Bosnia nor Kosovo have been recognized by Serbia, the ICTY convicted Serbian war criminals of mass rape in Bosnia, but not in Kosovo. Correlatively, there is very little widespread international recognition and commemoration of the sexual assaults during the Kosovo War, while there is more, but still not enough, for those committed in Bosnia. The lack of any legal punishment for both accounts of sexual violence and the lack of any judicial conviction for one have ensured Serbia’s regression towards authoritarianism and dictatorship, going as far as to reward war criminals with positions in their government. Goran “Guri” Radosavljevic was the head of a paramilitary unit and eventually became the head of a police training center. Radosavljevic has admitted to directing the military/paramilitary efforts during the Račak massacre, where at least forty-four civilians were killed and more were tortured. In addition, he is accused of being directly involved in the Cuska massacre and the slaughter of one hundred seventy-six civilians outside of Istok. He is also accused of being involved in covering up civilian casualties for the Serbian government, ordering and

participating in the process of digging up cadavers, putting them in refrigerator trucks, and reburying them in less conspicuous places. After the war, Radosavljevic was appointed Chief of the Special Police Units in Serbia, and later achieved the title 'General'. In this position, he led the gendarmerie, a Serbian paramilitary force, in Afghanistan. President Boris Tadic removed him from his position in the military after his election in 2004, and he was appointed an adviser in the Ministry of International Affairs (MUP). However, a few months later he resigned and left Serbia, opening up a security firm training mercenaries. He is a member of the Progressive Party's Executive Board, in addition to publicly celebrating alongside President Tomislav Nikolic and Prime Minister Aleksandar Vucic. Not only do these actions validate the institution Radosavljevic stood for during the Kosovo War but it also highlights Serbia's impunity towards their former military policies.

Despite judicial condemnation for Bosnia and international recognition of the atrocities that occurred during the war, the lack of a concrete punishment and lack of enforcement of human rights laws and rules have essentially permitted Serbia to ignore its past, and therefore ignore the victims as well, sliding back towards authoritarian rule with the world's permission. There are several key indicators that Serbia is becoming more authoritarian from a statistical perspective, the first being freedom of the press. Seven journalists "were physically attacked in 2018 and 23 received verbal threats. The house of one reporter investigating local corruption burned down, while another received death threats. Although the police claim they are doing their best to tackle the problem, they are often reluctant to investigate, and only in a few cases have perpetrators been brought to justice" (Martin 2019). Vucic's government frequently accuses the press of acting against Serbian interests, which the civilian population takes to heart and acts upon. In 2019, after Vucic publicly claimed that Serbian politicians were being constantly

attacked by the press, N1TV, a local news channel, received a letter threatening to kill their journalists and their families, as well as detonate a bomb in their offices. The letter was signed "Belgrade Veterans of the 1999 war". Additionally, some of the largest and most popular media organizations in Serbia are owned by the state. President Vucic also effectively controls the entire Serbian government. His "position as leader of the dominant SNS party gives him control of the parliamentary majority, and therefore also of the government" (Martin 2019). Vucic continues to embody Serbian national identity and power to the civilian population, and he is by far the country's most powerful, influential politician. In "Russia, Vladimir Putin remained the country's undisputed leader, despite the switch of roles with Dmitry Medvedev between 2008 and 2012; Serbia risks going in a similar direction, with constitutional provisions becoming irrelevant compared to the de facto power concentrated in the person of Vučić" (Martin 2019). Judicial reform in the country also lags behind, given political involvement in the court system. In addition, the role of the constituency has decreased dramatically. Because "important legislation is often adopted by the urgency procedure, giving civil society organisations little time to provide input. Critics claim that government departments, when they carry out consultations, often regard them as a formality and do not take stakeholders' suggestions on board; an example was the Ministry of Justice's consultation process on the proposed constitutional amendments" (Martin 2019). While it cannot be said that the lack of judicial conviction for Kosovo and the lack of judicial punishment for either Bosnia or Kosovo has resulted in the slide to totalitarianism, the correlation is undeniable.

The correlation between Serbia's impunity towards its history of militarized sexual violence and its authoritarian leanings are further enhanced when analyzing the strong historical correlation between recognizing genocide and democratization, the clearest example being

Germany. In the aftermath of World War II, the international community held Germany accountable for the crimes committed during the war at the Nuremberg Trials. War criminals were convicted and executed for their crimes, and Germany was divided into four occupational zones during much of the second half of the century[2]. Today, Germany not only makes efforts to educate their youth about their history, but also memorializes the victims. Germany is the world's fourth-largest economy, its former chancellor Angela Merkel became an international symbol of good governance, and Germany became a leading advocate of taking in refugees after the Arab Spring. While there are of course numerous differences between these two countries, the parallels are overt; in recognizing and honoring the victims of their countries former policies, Germany has emerged a global democratic power, while Serbia has not done either and only becomes more authoritarian as time passes.

Serbia is one of seven EU candidates, along with Moldova, Albanian, Montenegro, the Republic of North Macedonia, Ukraine, and Turkey, and the EU's strategy for the Western Balkans report indicates that Serbia and Montenegro are frontrunners in this process (Martin 2019), meaning that they could be members of the European Union by 2025. However, certain terms need to be met by the Serbian government, first and foremost being that Serbia "needs to normalise its relations with Kosovo, something that will probably require recognising its former province as an independent state, or at least withdrawing its objections to other countries doing so. Secondly, it will need to show greater commitment to democratic values" (Martin 2019). This should be taken a step further, and as a prerequisite to European Union admission, the Serbian government must publicly recognize and atone for it's genocidal rape strategy in Bosnia and in Kosovo, and develop a strategy of reparations with each country. If Serbia enters the European Union without meeting this condition not yet set, it will not only validate their behavior but set

[2] While not a direct punishment for the atrocities committed during the Holocaust, it was a result of the war.

the precedent for generations to come that militarized sexual violence is not punished, but condoned.

While this is a symbolic movement, the ICC (international criminal court) should prosecute rape as a crime in it's own right, not under the umbrellas of torture, crimes against humanity, or war crimes. Even though it does fall within those categories, rape as a weapon of war is it's own crime. It has been a key component of the military strategies of countless governments and non-government actors separate and apart from torture-based techniques and genocide, and has different implications than both. While they all overlap, the sexual component of sexual violence cannot be overlooked. It relies both on abjection and misogyny to tear down communities through women, but also to systematically target the women themselves, who are often undervalued in such communities. In the years following the legal and sociocultural condemnation of militarized rape in Rwanda and Bosnia, it's usage has continued, and both regional governments and international bodies have failed to adequately prosecute. From the Yazidi in northern Iraq to the Rohingya in Myanmar, militaries continue to use rape as a form of ethnic cleansing, and if it is not forcibly, profoundly condemned and punished, it will only continue. This is one important step that must be taken, which is crucial to its recognition as a crime equal to the others listed, but also mechanisms for enforcement must be developed and maintained. A key component of the problem in Serbia is that there has been no international campaign condemning them for their human rights violations. The international community has a moral obligation to hold them accountable, both to honor the Kosovar women who suffered, but also to set and maintain the precedent that rape in war will not go unpunished, protecting future generations of women and girls from a crime that views their bodies as a battlefield.

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