

Education and environment

by ANTHONY J. MEYER

FIFTEEN-year-old Edina said that on July 30 she was taken by armed men from the school where she and other Muslim women were being held to the local Serbian commander's headquarters. "He asked me questions about where Bosnian units were in the town and wanted to know if I would take a Serbian name...Then he took me to a flat and raped me...He said I was only for him and he wouldn't let another man touch me." Edina was gang-raped on two other nights, once by three Serbs whom she knew.

Her 17-year-old sister, Elvira, was gang-raped three times, twice on the floor of the school and once in a flat by five Serbs: "They took me inside and told me to take off my clothes. When I said no, they beat me." She was taken to a bedroom where men queued to rape her. "I knew three of them very well...They were my friends before the war. We spent time together in the cafe."

These accounts were carried in the British press on August 10. One hundred Muslim women and girls were rounded-up and held at a school in Rogatica, Bosnia-Herzegovina, during "ethnic cleansing" by Serbs. The women were repeatedly gang-raped. Many assailants were former friends and neighbours. In recent weeks reports from the former Yugoslavia have described similar atrocities against women civilians by soldiers from various ethnic backgrounds.

An ITN news crew filmed another women refugee, who told a reporter how she and other women had been detained in a cellar for four months by Serbian troops, and repeatedly gang-raped. The woman's friend, Sandra, aged 19, who had tried to resist, was shot.

Reports on August 10 described how "dozens" of Ser-

bian women were subjected to a two-month reign of terror by Croats who had joined the local militia in Novigrad, where the Croatian army tried to cut across the Serbian corridor early in the war. Ljubica said she stayed with a group of other women for protection after being interrogated. Neighbours then accused them of hiding Chetniks (Serbian irregulars).

The next night she and three other women were taken to a house where 15 men in battle fatigues abused them. "They said, 'We want to see you naked.' They told us that the Chetniks had raped 150 women and now they were going to do the same to us. Seven men raped us, one after the other—we were abused for five hours. They were all neighbours of mine..."

Another, Gordana, was taken to a house and gang-raped by drunken irregulars: "They tried to make me yell that I was having a good time. When I screamed, one of them smashed my head against the floor. It all lasted three hours. Afterwards they said I would have an Ustashi (Croatian fascist) child."

Accounts such as these have not attracted the same international outcry as the camps where men are held. The camps, with their echoes of the Holocaust, led to high-level accusations of "human rights violations". But politicians and human rights observers are strangely silent on the abuse of women's rights. Possibly male politicians believe that war is a tacit licence to rape. Such official silence illustrates what Susan Brownmiller's history of rape, *Against Our Will*, called "the standard censoring mechanism that men employ when dealing with

the rape of women".

War crimes include breaches of the rules of war. They are international torts, giving rise to a duty of reparation. They give "belligerent states" an extraordinary jurisdiction over members of enemy forces in their hands who are charged with war crimes. They can be tried by an international tribunal. Breaches of rules of war can also lead to courts martial.

Not until the fourth Geneva Convention of 1949 did modern rules of war expressly forbid the sexual abuse of women civilians. This provides that women shall be protected "in particular" against "rape, enforced prostitution, or any form of indecent assault" (paragraph 2, Article 27). Previously, the Hague Regulations of 1899 and 1907 referred only to "family rights and honour" (Article 46), which says little for women's status at the turn of the century.

The Serbian commander viewed the child he raped as booty ("He said I was only for him and that he wouldn't let another man touch me"). The militia who gang-raped Serbian women were similarly proprietorial ("they said I would have an Ustashi child"). Such attitudes go back to pre-history, when rape of women in war was regarded as inevitable, even natural. "Women are the grass that gets trampled when elephants fight," an ancient Eastern proverb says. For men, rape was the conqueror's privilege, not a crime. Homer's *Iliad* refers to Greeks enslaving cap-

tyred women and distributing them to soldiers as spoils of war.

The Book of Judges xxi, 1-13 (Revised English Bible) tells how the Benjamites, defeated by the Israelites, faced a crisis when the Israelites refused to allow them to marry Israelite daughters. The Israelites agonized—"This day one whole tribe has been lopped off Israel"—then suggested an alternative supply: "Is there anyone in the tribes of Israel who did not go up to the Lord at Mizpah?"

The tribe of Jabesh-gilead, having failed to go up, was selected for what might today be called ethnic cleansing. Orders were given to "...put to death every male person, and every woman who has had intercourse with a man, but spare any who are virgins". After the ensuing massacre, Jabesh-gilead virgins were seized as brides for the Benjamites, and "peace was proclaimed".

St Augustine speculated how the rape of the Sabine women might be justified under rules of war. In 1385, an enlightened Richard II promulgated 24 Articles of War. One decreed that "none be so hardy as to...force any woman, on pain of being hanged".

The 17th-century Dutch jurist Hugo Grotius stated that rape was prohibited by more civilised nations.

Rape in war, says Ms Brownmiller, is "a familiar act with a familiar excuse". Calculated to terrorise, degrade and mutilate, it is a prize every soldier can win. In terms of the rules of war,

it is, however, indefensible.

The second world war, Bangladesh, Vietnam all saw savage and sustained abuse of women by soldiers on a huge scale. There were countless mass rapes as well as forced prostitution in concentration camps or military brothels. At the tribunal at Nuremberg, male prosecutors shrank from going into the details; in Tokyo, no rape victims were called to testify, though evidence came from other sources.

Aggressors rarely own up. In January 1992, elderly women in Seoul protested at the Japanese government's refusal to make reparation for Japan's treatment of 100,000 Korean "comfort women".

Japan denied for decades that its soldiers were involved, claiming the military brothels were a private enterprise, but when incriminating documents were produced, Kichii Miyazawa, the Japanese prime minister, finally came clean. "It is undeniable that the Imperial Army was involved in the recruitment of these women and the management of these facilities." His phraseology belied the violations involved. Survivors told a familiar tale of gang-rapes, beatings, and executions of women who resisted.

Ironically, having passed the War Crimes Act 1991, and with more and more evidence of war crimes in the former Yugoslavia, the British government shows little enthusiasm for bringing contemporary war criminals to justice.

The London peace conference did not mention the violation of women's rights by the military, let alone reparation. Rapes are ritually denied by official Serb,

Croat and Muslim spokesmen. Women, it seems, are peripheral: rape is so much propaganda.

But rape of civilian women in war might contravene the 1948 Convention on the Prevention and Punishment of Genocide. This forbids causing serious bodily harm or mental harm to members of a national, ethnical, racial or religious group, with intent to destroy the group in whole or in part (Article II(b)).

Article III prohibits attempted genocide, complicity in, and incitement and conspiracy to commit genocide. "Persons committing genocide shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals" (Article IV).

For centuries, war entailed killing men but raping and forcibly impregnating the surviving women. The victorious "tribe" thereby perpetuated itself and extinguished the defeated one. Events in Bosnia, where men are starved and murdered in camps, and women rounded-up and gang-raped, echo this: "They said I would have an Ustashi child." Mass rape of this kind is genocidal in nature and warrants serious investigation.

A report by Sir John Thompson on human rights abuses in Bosnia-Herzegovina is due from the Conference on Security and Cooperation in Europe.

I earnestly hope it will recognise the illegal detention and gang-rapes of women for the serious war crimes they are. The legal and political significance of such crimes against women can no longer be ignored. Nor should victims have to wait 50 years for their suffering to be officially recognised and compensated by those responsible.