

Bosnian war trial focuses on sex crimes

New definition of sexual slavery could emerge

By MARLISE SIMONS
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THE HAGUE, Netherlands — Witness No. 50 was just 15 when the soldiers picked her out at the detention center. Her mother and her grandmother watched her leave, still nurturing their dream that one day their girl would wear her veil, just as they had done, for a Muslim wedding in the village, with everyone dancing to Bosnian music under the trees.

When she was brought back, shaking and crying, she kept her eyes down.

She would not say a word or look her mother in the face. Night after night, it kept happening, soldiers taking her away and raping her, sometimes four or five at a time.

Witness No. 50, as she is known to the U.N. war crimes tribunal in The Hague, is now a troubled refugee, old at 23, one of the many whose lives were changed forever by the Bosnian war of 1992-95.

FOR EIGHT YEARS, she did not speak of the hellish months in 1992 when she and other imprisoned women were trapped in "quasi brothels" in the town of Foca in southeastern Bosnia, passed around from soldier to soldier. She became pregnant. Eventually, her mother was raped. And finally, last year, she blurted out her story in the eerie quiet of the tribunal's courtroom.

"I was ashamed before," she told the judge, Florence Mumba of Zambia. "Those words could not come out of my mouth."

Her account, delivered between sobs and bursts of anger, has been uncomfortably common at the Foca trial, the first to focus entirely on wartime crimes of sexual violence. In the dock are three former Bosnian Serb fighters who are charged with mass rape and forced prostitution involving dozens of women and girls, some only 12 or 13 years old.

This is also the first trial in which an international court is prosecuting sexual slavery. "After World War II, tribunals dealt with slavery only in the form of slave labor," said Patricia Sellers, a legal adviser for sexual crimes to the prosecutor. "But forced prostitution was never tried."

Other sexual crimes, specifically rape, have already been judged by this tribunal, as well as the parallel U.N. court that judges crimes of the Rwandan genocide of 1994.

But at the end of the Foca trial, the most extensive investigation yet into wartime sexual abuse of women, the tribunal is expected to deliver a new and wider definition of slavery.

In court, prosecutors have repeatedly used the term "sex slaves" to describe the plight of Witness No. 50 and the others like her who were forced to service their captors. During the 11-month proceedings, the prosecution has employed the language of the Slavery Convention of 1926 but also expanded it.

Legal scholars and human-rights groups say they are now looking to the judges' verdict, planned for Thursday, as a crucial ruling that may set an important precedent. Prosecutors are asking for prison sentences of 15 to 35 years for the accused.

THE STORY OF the Muslim women of Foca, a small town on the banks of the Drina River, may not be much different from others, because countless women were raped, humiliated and tortured on all sides of Bosnia's war. But theirs has become one of the tribunal's best-documented cases of organized sexual abuse.

The case has taken five years of investigations, countless informants and more than 30 witnesses for the prosecution, more than half of them Muslim women from Foca.

The three former soldiers on trial agree that they participated in the attack on Foca and its surrounding villages in the spring of 1992. Dragoljub Kunarac, commanded a reconnaissance unit of the Bosnian Serb army and Radomir Kovac and Zoran Vukovic were paramilitary leaders, according to the prosecution.

Their indictment says that after the attack, which aimed to drive Muslims from the area, many non-Serb men who remained were imprisoned, while women and children were sent to separate detention centers in motels, a sports hall and local schools.

Serb soldiers — who according to a witness had passes signed by the local police commander — would come in at night to rape the Muslim women in these centers or to take them away. There, the three accused men, according to their indictment, also picked out young women to use in "quasi brothels" for themselves and other soldiers. Sometimes the soldiers kept them for several days, sometimes for weeks, the indictment says; at times, they rented or sold them for cash.

The three men have denied the charges of torture, rape and enslavement.

As witnesses appeared, prosecutors showed blown-up pictures of buildings, seemingly humdrum places in the center of an average town of the old Yugoslavia — an apartment block, a motel, several homes, the Partizan sports hall. Yet witness after witness described one site or another as places of horror, where they slept on the floor, got little food, and were beaten, raped and often threatened with knives and guns.

One such place, according to prosecutors, was known as Karaman's house, named for its Muslim owners, who had fled.

Kunarac, prosecutors said, used it for his men to rest between missions. He also kept up to seven young women there.

Witness No. 75 was one of them. She told the court of the day that she was raped at Karaman's house. She said that for more than three hours, 15 soldiers assaulted her. One threatened to cut off her breast with his knife.

"When she came back, she was all blue," another witness, a former neighbor, testified. "She screamed and cried and she was bleeding. Even her nose was bleeding. It took a long time to stop."

In every case in this trial, the women who testified had their voices scrambled, but their real sobbing

sometimes could be heard through the prosecutor's microphones.

Witness No. 50 was the third woman in her family to appear in court. Her mother, who was also raped, had appeared a day earlier. Her grandmother, the day before that, had described how soldiers had cut off her husband's ears and then killed him.

The six lawyers for the defense have rejected all the charges. They presented alibis for Kunarac and brought testimony from a doctor who said that Vukovic had become temporarily impotent due to an accident and could not have raped anyone during the relevant time.

While not denying that rape took place, they argued that prosecutors had not proved rape because some of the women had liked the soldiers. The women and girls, they argued, were not enslaved because the accused men were not permanently "in possession" of the women.

"They did not prove that the alleged victims of rape were exposed to any severe physical or psychological suffering," said the chief defense counsel, Slavisa Prodanovic, in his summary. He added, drawing gasps from the visitors' gallery, "The rape in itself is not an act that inflicts severe bodily pain."