

**Assessment of the number  
of sexual violence victims  
during the Homeland War  
on the territory of the  
Republic of Croatia  
and optimal forms of  
compensation and support  
to victims**

Sociological research

# **Assessment of the number of sexual violence victims during the Homeland War on the territory of the Republic of Croatia and optimal forms of compensation and support to victims**

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Research team:

Ozren Žunec Dragan Bagić and Branka Galić,  
Luka Bulian, Marija Gašpar, Iva Ivanković, Marko Katavić, Kristina Pavlović and Maja Weisglass

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# SUMMARY

This Report presents the findings of the sociological research conducted for the purposes of the United Nations Development Programme (UNDP) in Republic of Croatia and the Ministry of Veterans' Affairs of the Republic of Croatia (MBRH), with the aim of: (1) assessment of the number of victims of sexual violence during the Homeland War on the territory of Croatia; (2) assessment of desirable models of compensation for the victims of sexual violence. In the period from mid-September to the end of November 2013, the assembled research team conducted a research that included three phases of activities, with two research aims in mind.

In view of the assessment of the number of victims, in the first phase of the research we conducted an analysis of expert literature, in order to define the forms of sexual violence, as well as situational patterns and typologies of rape and sexual violence in war. Following that, we established the methods of assessment of the number of victims of sexual violence, defining possible methods of conducting the research, which ultimately constituted the approach applied in the research. In the second phase of the research, we collected the information regarding all known cases of sexual violence during the Homeland War on the territory of Republic of Croatia. The research covered all available documentation, expert literature, archive material and Internet sources in any way connected with the topic of our research. We contacted the relevant institutions, organizations and associations, conducting interviews with 46 individuals – experts, association members, activists, victims and witnesses of war events. In the course of the field research, we visited Osijek, Vukovar, Knin, Drniš and Benkovac, as well as municipalities of Promina and Polača. In the third phase of the research, on the basis of analysing the known cases and information collected via field research, we determined three basic patterns of sexual violence conducted in the Homeland War. Following that, within the framework of the selected approach and methodology, and on the basis of the entirety of collected information, we identified three possible methods for the assessment of the total number of sexual violence victims during the Homeland



# SUMMARY

War on the territory of Croatia. Based on two assessment methods that the team selected, we concluded that the number of victims of aggravated forms of sexual violence might be in the range of 1,500 to 2,200 persons. On the basis of the assessment by experts and victims themselves, the conclusion is that the victim status and rights connected with that status would be requested by only a minority of victims, with the minimum number of such requests estimated to be approximately 120, which corresponds to the number of surviving victims whose cases are already publicly known. The number of requests will strongly depend on the actual procedure of obtaining the relevant status, but also on the forms of compensation and the level of material reparations.

In view of the assessment of desirable models of compensation for victims, in the first phase of the research we used the analysis of expert literature and official documentation to define possible compensation models, using the analysis of practical examples from other countries to determine possible problems regarding the implementation of such models. Taking these matters into account, we selected the method of implementation for this part of the research. In the second phase of the research, we conducted interviews with experts and activists who actively worked or are working with persons who became victims of sexual violence in the course of the Homeland War on the territory of Republic of Croatia, and we also conducted interviews with sexual violence victims themselves. In the third phase of the research, on the basis of collected information, we determined the desirable models of compensation for victims of sexual violence, and desirable procedures for obtaining the status of a victim of sexual violence during the Homeland War on the territory of Republic of Croatia. These issues have been analyzed from the perspective of experts and the perspective of victims. Both experts and victims are in favour of silent and individualized procedure of submission of requests. When it comes to models of compensation, experts emphasize the importance of various forms of medical and psychological assistance to victims, coupled with a certain form of material compensation.

# Introduction

# 1

# 1. Introduction

## 1.1. The issue

The United Nations Development Programme (UNDP) Office in Republic of Croatia, and the Ministry of Veterans' Affairs of the Republic of Croatia (MBRH), initiated the preparation of the *Act on the Protection of Victims of Sexual Violence in War (the Act)*, with the aim of regulating the rights of victims of sexual violence in war, together with the accompanying system of compensation and rehabilitation. According to assessments, the existing system of rights and protection of civilian and military victims of war does not include the victims of sexual violence in an appropriate manner, and the victims are not provided with an appropriate system of care.

Within the preparation of the legislative draft, several key questions arose:

- In what manner should sexual violence in war be defined?
- What is the number of victims, and what is the number of potential beneficiaries of the rights foreseen by *the Act*?
- What are the optimal forms of compensation and support to victims of sexual violence in war

In the course of preparation of the draft proposal of the Act, UNDP and the Ministry have realized that an adequate resolution of these issues is not possible without the implementation of an *ad-hoc* sociological research, which is why they asked the researchers at the Department of Sociology of the Faculty of Humanities and Social Sciences in Zagreb (the Department) to propose the methodology for a suitable research process, which would support the provision of answers to these questions and other matters to be resolved.

## 1.2. Research team

A group of researchers at the Department positively responded to this request and research need, which led to the formation of the project team, the task of which was to apply sociological methods in order to assist the process of estimating the number of sexual violence victims during the Homeland War on the territory of the Republic of Croatia, and defining the optimum forms of compensation and support to victims, having in mind the experiences and wishes of victims themselves. The members of the core research team included the researchers at the Department, Ozren Žunec<sup>1</sup>,

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<sup>1</sup> Ozren Žunec, PhD, full professor and head of the Military Sociology Programme at the Department of Sociology of the Faculty of Humanities and Social Sciences in Zagreb. Founder of the sociology of army and war in Croatia, Mr. Žunec published several tens of papers on civil-military relations, the Homeland War, and a range of corresponding topics. He has been the leader and head researcher in a range of projects and scientific and applied research endeavours.

Dragan Bagić<sup>2</sup> and Branka Galić<sup>3</sup>, while the wider research team included students Luka Bulian, Marija Gašpar, Iva Ivanković, Marko Katavić, Kristina Pavlović and Maja Weisglass. The research was conceptualized, and then conducted in the period from the end of September to the end of November 2013, in Zagreb and in the field, which included interviews with the victims, experts and staff members of state bodies and NGOs, as well as analysis of the relevant literature and available documentation (see attached Appendix).

The core research team was in charge of defining and operationalizing the research methodology; selecting the participants of the wider research team; training the members of the wider research team; supervising the work of the wider research team; defining the population of risk situations, in cooperation with external experts; participating in the collection of information in the field, on the basis of the sample of risk situations; participating in the conduct of interviews with victims and experts providing support to victims; analyzing the collected data; and preparing the final report.

The wider research team was engaged in tasks that included the analysis of documentation, with the aim of defining the characteristics of typical risk situations; preparation of the list – population of risk situations; preparation for field collection of information using the sample of risk situations; field collection of information using the sample of risk situations; conduct of interviews with victims and experts; assistance in the analysis and systematization of research results; participation in the preparation of the final report.

### 1.3. Conceptual research assumptions

The research is focused on victims of sexual violence during the Homeland War in the Republic of Croatia in the period from the beginning of the conflict in 1991 to the signing of the *Erdut Agreement* on November 12, 1995. Given the diverse character of sexual violence against victims in the Republic of Croatia on the one hand, and Bosnia and Herzegovina on the other, where sexual violence had a strong ideological character, and was used as a weapon and a systematic method of ethnic cleansing, in our analysis we used the patterns, definitions and research focused on sexual violence committed within the conflict in the Republic of Croatia. Research on sexual violence in Bosnia and Herzegovina - which is considerably bigger in scope - was used as a secondary and comparative source.

Cases of sexual violence that we have analyzed took place on the territory of the Republic of Croatia, and in concentration camps throughout the former SFRY; we have analyzed cases that involved victims

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2 Dragan Bagić, PhD, assistant professor and head of the Department of Sociology. Areas of his scientific and research interests include the sociology of migration, political sociology, industrial relations, and methodology of social research. He has published four scientific monographs and over 20 scientific papers in domestic and foreign scientific journals. In the course of the past ten years, Mr. Bagić gained significant experience in the implementation of applied research aimed at the development of public policies and evaluation of their effects. He has conducted applied research for the Government of the Republic of Croatia, several Ministries, UNHCR, UNICEF, the World Bank, and several cities, non-governmental organizations and private companies.

3 Branka Galić, PhD, full professor and head of the Gender Sociology Programme. Areas of her scientific and research interests include gender sociology, feminist theories, and sociology of family. She has conducted and participated in the implementation of a range of scientific and applied sociological research endeavours, partly in the sphere of gender sociology.

captured on the territory of the Republic of Croatia. In our research, we have focused on victims belonging to both genders, with civilian or military status, irrespectively of the actual perpetrator of the act of sexual violence; i.e. irrespectively of whether the perpetrator was a member of military formations, paramilitary formations, or a civilian. Sexual violence cases have been analyzed via specific situational patterns in which such cases arose, taking into account the characteristics of the actors; location; time; witnesses; as well as the actual act of sexual violence.

### 1.3.1. Rape as power

It is beyond dispute that sexuality has been used as a means of controlling lives and behaviour of people throughout the history of the human race, in particular when it comes to sexual abuse and rape as the most drastic and gravest forms of expression of patriarchal social power (Ryle, 2012). The Homeland War was no exception. However, the degree and the nature of these practices, and their place in sexual politics and politics in a wider sense of the word, have not been clearly revealed yet, or expressed in a satisfactory manner, in particular in relation to the victims – those persons who felt this power on their own skin and whose dignity was jeopardized, with women being the primary victims.

Given the fact that armed victory provides group power which is outside of reach in civilian life, such power is exclusive, and it is in principle reserved for men. War is the only phenomenon in human society in which taking away life truly becomes more important than creating life, and “in the name of victory and the power of the gun, war provides men with the tacit license to rape” (Brownmiller, 1995:35); a situation in which, one might say, “opportunity makes a thief”. Rape simply “flourishes in war”, which happens “regardless of nationality or geographical location”, according to Brownmiller. The body of a raped woman becomes “a ceremonial battlefield”, and the act that is played out upon her and her body is, in fact, “a message passed between men” (Brownmiller, 1995: 40). Therefore, any rape, including rape in war, is a form of gender-based violence, given the fact that disproportionately high number of attacks take place against women. The perpetrators of sexual violence in war are mostly men, and victims are mostly women, although situations involving rape of male individuals have also been recorded, with studies indicating that the consequences of rape are similarly devastating for surviving men as they are for women (Yuan & Koss, 2009: 701). This practical confrontation with special realities of sexual harm is what motivates the voice of the feminist discourse, which is particularly sensitive to issues of threat to women’s and human rights, and human dignity as a whole, and that is primarily reflected in the theory of sexual and gender inequality, and sexual/gender policy. The definition of rape has been developing in the course of several recent decades, as a result of legislative reforms regarding the phenomenon of rape, and the definitions of rape that are being used recognize the diversity of types, contexts and victims of sexual violence. In most instances, rape is defined as a sexual relation without consent, or a relation with attempt, including vaginal or anal penetration by penis, arms, fingers or foreign objects; oral penetration by penis with the use of force or threat of force, with the inability of the victim to provide consent, due to age, intoxication or other factors (Yuan & Koss, 2009: 701), with a number of countries also criminalizing other physical and verbal sexual acts and attacks.

A problem in terms of conceptualizing and defining the crime of rape as a form of sexual violence lies in the fact that rape is, in principle, defined in a very narrow manner, i.e. via penetration, or what the man believes is the sine qua non of sex, and such an approach also defines how a man believes that he is hurting a woman. The same concept applies to the rape of a male person, as well as rape of women in war. However, we are talking about a “that seems a verry male point of view on what it means to be sexually violated” (MacKinnon, 1987: 87); on the other hand, “what women experience as degrading and defiling when we are raped includes as much that is distinctive to us as is our experience of sex” (MacKinnon, 1987:87). MacKinnon, together with a number of other feminists, believes that the crime of rape is truly focused more on what men define as sexuality, rather than being focused on the female experience of the sexual being of a woman, and on the experience of harm to that being, because the role of the perpetrator of that crime tends to be male, and the role of the victim tends to be female, which results in unequal symbolical and practical repercussions for victims depending on their gender. The crime of rape is performed in such a manner in practice, committed predominantly by male perpetrators, with both women and other men as victims. Rape committed by women would be extraordinarily difficult to perpetrate, and there are almost no such cases in practice. Therefore, insight into the attitudes of women regarding this phenomenon is a necessary link in terms of a better understanding of the role of the victim, which is not neutral, but defined by gender, with unequal effects depending on gender. Specifically speaking, the experiences of unwanted pregnancies and abortions are experiences that can be suffered solely by women. Having that in mind, the perception of rape can vary, depending on whether it is perceived from a male or a female angle. Insofar as that is the case, this research should be perceived as having such a discourse in mind, and as a research endeavour which is based on defining sexual violence as intercourse or penetration by one or more persons (perpetrators) without the willing consent to such intercourse provided by the raped person, i.e. the victim of rape – most of whom were women.

### 1.3.2. Definitions of the forms of sexual violence

The definition of rape has been developing in the course of the past several decades, due to legislative reforms regarding the phenomenon of rape, and the definitions of rape that are being used recognize the diversity of types, contexts and victims of sexual violence. In most instances, rape is defined as sexual intercourse without consent, or attempted intercourse, including vaginal or anal penetration by penis arms, fingers or foreign objects; oral penetration by penis with the use of force or threat of force, with the inability of the victim to provide consent, due to age, intoxication or other factors (Yuan & Koss, 2009: 701), with a number of countries also criminalizing other physical and verbal sexual acts and attacks.

In the process of defining sexual violence, our starting point was the study *Status and Rights of Civilian Victims of Sexual Violence in War*, prepared by Mr. Derenčinović and collaborators for the purposes of this research. This study provides an overview of legislative definitions of sexual violence and rape in the Croatian legislation, and in interpretations of the International Criminal Tribunal for war crimes committed on the territory of the former Yugoslavia. The study begins with a wide definition of sexual violence in war:

“Sexual violence in war is one of the forms of violence against women, which the *Convention of the Council of Europe on Preventing and Combating Violence against Women and Domestic Violence* defines as a breach of human rights and a form of discrimination against women, and which consists of acts of sexually conditioned violence which results in, or is committed with the aim of resulting in physical, sexual, psychological or economic harm or suffering for women, including threats of engaging in such acts, coercion, or arbitrary deprivation of liberty, regardless of whether such acts take place in the context of public or private life.” (Derenčinović et al., 2013)

According to the Study, *the Basic Criminal Code of the Republic of Croatia* (OKZRH) incriminated rape (and coercion to prostitution) only as a war crime against the civilian population, with another article of the Code defining rape as coercion of a female person (with whom the perpetrator is not living in a marital union) to sexual intercourse (Article 79 of the OKZRH). Sexual intercourse, in literature and in jurisprudence, was interpreted as “natural sexual relation (intercourse), by the insertion of the male sexual organ into the female sexual organ (*immisio in vaginam*)”. Based on the provision, natural coupling of sexual organs of persons of opposite sex was a necessary aspect.

Furthermore, according to the Study, *the Criminal Code of the Republic of Croatia* of 1997 (KZ97) introduced the concept of rape (Article 188 of the KZ97) as a criminal offence founded upon force or direct threat of attack on life or body of the victim or a person close to the victim. In practice, such a definition resulted in a very restrictive approach by individual courts, where perpetrators would be punished only in those situations in which the victim provided active resistance (understood as evidence that force or threat had been applied). It is only the *Criminal Code* of 2011 (KZ11) that stipulated that “(...) war crime shall also include rape, sexual slavery, coercion to prostitution, pregnancy, sterilization or any other form of sexual violence representing grave breach of the Geneva Conventions” (Derenčinović et al., 2013).

However, the biggest changes introduced by the new Criminal Code of 2011 pertain to the conceptualization of criminal offences against sexual freedom, where the emphasis was no longer on force or threat, but rather on the non-existence of consent. Today, the fundamental criminal offence against sexual freedom is perpetrated by a person who engages in sexual intercourse with another person, or an act equal to sexual intercourse, without that person’s consent; or incites another person without that person’s consent to engage in sexual intercourse, or in an act equal to sexual intercourse, with a third person; or incites another person without that person’s consent to perform an act equal to sexual intercourse on oneself.

Finally, the study reflects on the interpretation of the International Criminal Tribunal for war crimes committed on the territory of the former Yugoslavia (ICTY). In its Statute, the ICTY does not define the act of rape; however, this act has been interpreted in a much wider sense, compared to how rape / sexual intercourse was defined in the then-enforced Croatian law, as “sexual penetration, regardless of how insignificant, of: (a) vagina or anus of the victim by penis of the perpetrator or by any other object used by the perpetrator; or (b) mouth of the victim by penis of the perpetrator, when such sexual penetration occurs without the consent of the victim” (Derenčinović et al., 2013).

According to the conclusion of the analysis by Derenčinović and collaborators, the concept of sexual violence for the purposes of establishment of the reparation model far exceeds the concept of sexual intercourse according to the then-enforced Croatian legislation, and it covers not only all forms of penetrative or insertion-reception acts committed in war (in the context of armed conflict), but also all other forms of intrusion into the freedom of decision-making of the victim in the sphere of sexuality, where there is no consent of the victim.

In our work, we have also focused on the definitions by NGOs dealing with, inter alia, sexual violence during war. In its report, the Croatian NGO *Documenta* defines sexual abuse in war situations as a “method of perpetration of a criminal offence of war crime, which includes rape or physical abuse of victims in connection with the gender of a person; e.g. coercion to masturbation; coercion to performing masturbation on other persons, frequently of the same gender; coercion to take off one’s clothes; and other forms of sexual humiliation” (Čalić Jelić M., Sjekavica M., Stojanović M. (ed.), 2013).

Non-governmental organization Peacewomen.org (2013) considers sexual violence to be one of the possible methods of waging war, when such violence is systematically used for torture, infliction of wounds, extraction of information, humiliation, threat, intimidation or punishment during armed conflict. According to this organization, sexual violence is any form of violence, physical or psychological, committed by sexual means or by targeting sexuality. The UN’s Inter-Agency Standing Committee (IASC, 2005), in its *Guidelines on Gender-Based Violence Interventions* that are used in international activities in war conflicts, stipulates that sexual violence includes rape / attempted murder, sexual abuse and sexual exploitation. Sexual violence is defined as any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic a person’s sexuality, using coercion, threats of harm or physical force, by any person regardless of relationship to the victim, in any setting, including but not limited to home and work (IASC, 2005).

Finally, we have also consulted the definitions provided by the *Protocol on Procedures in Sexual Violence Cases* of the Government of the Republic of Croatia (2012). The Protocol includes the following forms of sexual violence: (1) sexual harassment and/or molestation; (2) sexual abuse and/or coercive sexual acts; (3) rape. In this context, *sexual harassment* is defined as a form of sexual violence that includes unwanted sexual behaviour and does not necessarily include physical touch, putting a person in an unpleasant and degrading position and causing a sense of shame. *Sexual abuse and/or coercive sexual acts* include unwanted sexual behaviour caused by the application of force and/or threats, which includes physical contact with the offender, but without forced penetration. *Rape* is the gravest form of sexual violence, and it includes forced vaginal, anal and/or oral penetration by penis and/or objects.

On the basis of these sources, and for the purposes of this Report, we have limited the concept of sexual violence to two of its most aggravated forms (forms (2) and (3) of the *Protocol on Procedures in Sexual Violence Cases* of the Government of the Republic of Croatia):

- a) **rape**; and
- b) **sexual abuse and/or coercive sexual acts**.

We have not included sexual harassment in our work, because it is not recorded within the known cases. This can be explained by the fact that sexual harassment was not defined as a criminal offence until

the most recent changes and amendments to the *Criminal Code* of the Republic of Croatia (of January 1, 2013). The explanation of differential diagnostics of these forms of sexual violence is provided in continuation of this Report (in Chapter 2).

### 1.3.3. Situational patterns of sexual violence

Rape and sexual abuse in war should be analyzed from two angles – as *gender-based* acts that are targeting a person, and as a *political tool* that is targeting a people.

Rape in war includes two components: the actual *physical act of rape*, performed by members of an armed group during the war, and multiple *conditions of war dynamics* that impact upon the perpetration of rape. This is pointed out by authors Elvan Isikozlu and Ananda S. Millard in their research paper *Towards a typology of wartime rape, Brief 43* (2010). These authors distinguish the characteristic moments of military operations and activities in which rape takes place. In this sense, we can speak of **rape prior to the outbreak of the conflict**, when individuals or smaller groups intrude into houses belonging to members of a targeted ethnic group, terrorizing the inhabitants, pillaging and gang-raping women; **rape after the conquest of cities and villages**, which takes place in houses or in public; and **rape in imprisonment**, in the so-called rape camps, or in conditions of forced stay of women in brothels of sorts, in order to sexually satisfy the soldiers. Rape in war should not be defined in a limiting manner, and it should certainly include the *gender dimension of rape*, because it includes *forced pregnancies* that should be defined as a *war crime*, given the fact that they represent direct attack on women's reproductive rights.

As part of their research, Isikozlu and Millard (2010) also developed a typology of various forms of war rapes. This typology arose on the basis of the definition of war which includes diverse war dynamics, providing a framework and impacting upon the perpetration of rape. The authors organized the types and patterns of rape around the following topics: types of conflict in which war rape is occurring; characteristics of armed group; motivation for rape; characteristics of the rapist; characteristics of the raped person; characteristics of rape.

When it comes to the **type of conflict** in which war rape arises, it is important to clarify whether the crime is committed by armed forces of one's own country, or by armed forces of another country. When observing and recording the **characteristics of an armed group**, it is important to note whether the armed group is structured, i.e. whether there is a clear hierarchy in it, coupled with reporting, structure and functioning of the command chain; furthermore, another important matter is the issue of group dynamics, i.e. are the soldiers disciplined, is there dependency within the ranks (alcohol and drugs); what is the dynamics of rape within armed groups (are there rules or laws regarding rape within the armed group, and if yes, how are they implemented).

When analyzing the **motivation for rape**, it is important to take into account whether persons commit rape as a result of pressure within the group, or as an act of group solidarity; in other words, are there individual reasons behind it (sexual desire, or desire for power/domination over another person), or there are orders in place to do it. It is also important to focus on whether one is perhaps dealing with rape as weapon of war.

In terms of the **characteristics of the rapist**, one should analyze the circumstances and reasons why an individual joins a certain armed group, together with the level of education of an individual, his religious and/or political persuasions, and his marital status; additionally, whether that individual abused alcohol or drugs, and other factors involved in the perpetration of rape.

In terms of the **characteristics of the raped person** authors Isikozlu and Millard include gender; age; nationality; religious affiliation; vocation or means of sustenance; education; his/her experience of rape (by whom; where; how often; in which manner; with or without witnesses); the issue of whether the raped person witnessed others being raped; physical consequences of rape (physical injuries; pregnancy; disease).

Rape as such has its own **characteristics**, including the location of rape (public venues; private house; camps; etc.); who is/are the rapist(s) (members of military formations, civilians, etc.); furthermore, when was rape practiced most frequently (before, during or after military operations); were any weapons or items used in the course of perpetration of rape; what is the number of attackers simultaneously; was rape committed on one single occasion, or on several occasions, by one or more persons; were there any other forms of violence.

prakticirano (prije, za vrijeme ili poslije vojne operacije), je li bilo korištenja oružja ili predmeta prilikom počinjenja silovanja, koliki je broj napadača u isto vrijeme, je li silovanje počinjeno jednokratno ili višekratno, od jedne ili više osoba i je li bilo drugih oblika nasilja.

#### 1.3.4. Typologies of war rape

Isikozlu and Millard (2010) differentiate between three categories of sexual violence in circumstances of war: sexual violence of armed forces **within own military formations** (members of armed forces against other members of the same armed forces); sexual violence of armed forces **against the civilian population**; sexual violence of armed forces **against members of other military forces**. Among these categories, the widest and most frequent category is sexual violence against the civilian population, and sexual violence against members of other armed forces (prisoners). Within the category of sexual violence against the civilian population, these authors differentiate seven specific patterns, with a number of sub-patterns.

#### 1.3.5. Conclusion

Given the scarcity of available data on individual cases of sexual violence in war, and a relatively modest quantity of data regarding the assumed number of cases, our research is based on the elaborated fundamental situational patterns and typology of sexual violence; however, we have been unable to engage in additional distinctions, due to the fact that the documentation available to us, and the statements by victims and experts with whom we conducted interviews, have not provided sufficient elements for such an endeavour.

**Assessment of the  
number of victims of  
sexual violence during  
the Homeland War**

2

## 2. Assessment of the number of victims of sexual violence during the Homeland War

### 2.1. Overview of methods for the assessment of the number of victims of sexual violence

Assessment of the number of victims of sexual violence is among the most demanding areas of social research. It is well known, based on literature dealing with this matter, that victims frequently remain silent regarding their experiences, and that they do not report acts of violence to bodies in charge of criminal prosecution; frequently, they refrain from sharing their experiences even with persons they know and friends, or NGOs providing support to sexual violence victims. Reasons behind non-reporting of sexual violence cases are diverse; however the most frequently cited reasons include shame; fear of retribution by the perpetrator; lack of trust in institutions; fear of repeated victimization. It is precisely due to this fact, that several diverse innovative approaches and methodologies have been developed, aimed at assessment of the number of sexual violence victims, in particular when it comes to rape; such methodologies are somewhat different from the methodology usually applied in research regarding other social phenomena. This Chapter includes a brief outline of such approaches, in order to provide an appropriate methodological context for the approach chosen within this study.

To begin with, when it comes to sexual violence research, it is worth distinguishing between research focused on *incidence*, i.e. the *number of individual cases* of sexual violence in the entire population, and research focused on *prevalence*, i.e. the *number of victims* of sexual violence in the entire population. Most of the existing research on sexual violence is focusing on determining the prevalence of such violence.

Analysis of literature dealing with these issues has led us to recognize three basic types of approach to determining the number of cases and the number of victims of sexual violence. Some of these approaches are more appropriate for times of peace, while other approaches are better suited for research dealing with post-war circumstances.

#### a) Direct research using structural questionnaires via face-to-face interview method

This approach is based on the logic of a random representative sample of the target population, and the adjusted manner of conducting interviews, allowing respondents to provide answers to posed questions in privacy, usually to interviewers of the same gender. The strength of this approach lies in the statistical rigour of sampling, and in the specifically tailored questioning procedure. However, such research

is most frequently used to examine the prevalence of sexual violence in a given period of time (the time of research), and it is not suitable for circumstances that involve a major time delay (Stark, 2010). In addition, given the specific spatial focus of violence in the Homeland War, with a relatively high level of dispersion of past victims (due to migrations), we believe that constructing an appropriate sample for research of this nature would be practically impossible, and it would require significantly more resources and time than what the research team had available.

### b) Network approach

With every direct collection of data from victims themselves, there is a risk of insufficient honesty of victims towards researchers. Namely, if victims are not ready to share their experiences with non-governmental organizations or official institutions in the sphere of criminal prosecution, there is no reason to believe that they would be more open towards researchers, regardless of specifically defined procedures of conducting interviews and data collection. Killworth and collaborators therefore tried to envisage an alternative method of research for the prevalence of sexual violence, based on the network approach (Killworth et al., 1998). In the network approach, size of inaccessible populations is assessed by examining the share of such populations within someone's social network. In other words, this approach is based on the assumption that victims are prepared to confide in individuals close to them, family members, friends or acquaintances, rather than official bodies and persons whom they do not know (researchers, NGO staff, doctors, etc.).

Although the network approach is a strong approach, we believe that the 20-year time delay is excessive, and that, due to this reason, there are major risks involved with the use of this approach – given the major time delay, as well as a relatively small share of the population that participated in the Homeland War and faced the risk of becoming victim to sexual violence, coupled with major geographical dispersion of victims themselves, in particular their acquaintances who might have come across information on sexual violence during the Homeland War, we believe that errors in measurements obtained by this method would be impossible to control.

### c) Research by questionnaire used to examine insights regarding the direct social environment

Other, more creative forms of research regarding the prevalence or incidence of sexual violence are founded upon assessments using the so-called “neighbourhood method”. The assumption of Lindsay Stark research, which is using precisely this method, is that sexual violence incidents can be counted by using the statements of certain, randomly selected respondents, with a focus on the respondent himself/herself and his/her closest social environment (Stark, 2010). This method, although cheaper, is efficient only in populations with extraordinary cohesiveness, firmly grouped, with a relatively brief period of time that elapsed since the occurrence of sexual violence cases. In addition, such a method represents an expansion of the standard method of research using a random sample.

The strength of this approach lies in cheap collection of data on a large number of cases via indirect testimonies. However, as explained by Stark, the conditions required in order to use this approach are the following: relatively strong social cohesion of victims; relatively small period of time that elapsed since the period of increased sexual violence; and other preconditions relevant for the method of direct research by using questionnaires, only for a smaller sample. Given the major current dispersion of victims, we believe that we cannot use such an approach; however, we can rely upon secondary testimonies as relevant sources.

#### d) Assessment using secondary data

The outlined research methods have been used in peacetime research of prevalence and incidence, with a relatively brief period of time that elapsed since the occurrence of sexual violence cases. However, in cases where the time elapsed since the examined time period is considerable, direct assessment methods on a random sample have proven to be less effective, not only due to population migrations, but also due to the considerable passage of time, which impacts upon the capacity of recollection of events. Additional challenge is also posed by research of sexual violence committed during war. Given the increased number of sexual violence events during war (in comparison with times of peace), one cannot apply and generalize statistical regularities valid for times of peace to war conditions. It is precisely challenges such as these that render the use of surveys of prevalence of sexual violence more difficult, which is why secondary assessment methods are frequently used. Such secondary assessment methods critically acknowledge the existing fragments of data in connection with the prevalence of sexual violence, as well as the existing assessments, aiming to use the analysis of comprehensive data in order to obtain the most probable statistics, which would fit into the existing knowledge. An example of such research was prepared by researchers from Vrije University in Amsterdam, aiming to estimate the prevalence of rape in Rwanda during the Rwandan Genocide of 1994. Using the statements of surviving victims, known statistical data on children conceived by rape, the probability of abortion, the number of reported cases, etc., they managed to prepare several models of assessment of the total number of victims in Rwanda (Bijleveld, Morssinkhof, & Smeulers, 2009).

Such a form of assessment is frequently used in times of peace as well, on the basis of earlier insights into the share of reported cases in the total number of cases. The total number of sexual violence cases and the total number of victims are thus frequently assessed using the correction factor for the share of unreported cases. According to expert literature, there are 15 to 20 unreported rape cases per every reported case of rape; i.e. only 5% to 7% of the total number of cases of rape and other (aggravated) forms of sexual violence are actually reported to official institutions. Such regularity has also been recorded in some domestic research (see Women's Room, 2007), but also in international studies (see Lovett and Kelly, 2009), and these correction factors are widely accepted in the circle of activists and researchers dealing with these issues.

Within the preparation of this particular study, the research team has chosen precisely this latter approach. The choice of approach is grounded in a combination of methodological and

opportunistic reasons. The approach to assessment using secondary data is recommended for research involving considerable passage of time since the actual events, and we believe that it is particularly suitable for our research precisely because of various collected testimonies, undertaken war crime investigations, and information stemming from various forms of assistance and support provided by associations and organizations to all groups of victims of the Homeland War. Furthermore, the implementation of research on random and representative samples, regardless of whether we are talking about the direct method of data collection regarding personal experiences, or the “neighbourhood” or network method, is rendered extraordinarily difficult due to the movement and migrations of the population, regarding which there is little structured data. Finally, opportunistic factors also had a substantial impact on the selection of the approach, primarily having in mind the available time and limited financial resources for the preparation of the study. The actual approach is described in the following part of this Report.

## **2.2. Working methodology and procedures**

### **2.2.1. Working methodology**

In the process of undertaking the assessment of the total number of sexual violence victims during the Homeland War, using the method of critical evaluation of secondary sources, the first task entailed the collection of information on all known cases of sexual violence in the Homeland War, including their number and characteristics. In order to collect data on as many cases of sexual violence in the Homeland War as possible, all available sources were used. They included official documents of investigative and judicial bodies (indictments, judgments, notes from war crime trials, etc.); testimonies collected and published by NGOs; information from personal experience of victims or witnesses themselves; information and experiences of experts working with victims or potential victims (psychologists, psychiatrists, doctors, etc.); information and experiences obtained by activists and employees of non-governmental organizations (women’s organizations, organizations of Homeland War victims, associations of war veterans, associations of refugees and returnees, etc.) and international organizations.

Aiming to ensure maximum coverage of potential sources of information on known cases, the following activities have been undertaken:

- Creation of a list of persons and organizations that made public statements on issues connected with war crimes, in particular sexual violence during the war.
- Creation of a list of persons and organizations who may have come in contact with victims and potential victims, given the services that they provide to risk groups (various categories of Homeland War victims, refugees and returnees, etc.).
- All identified persons and organizations were contacted in person, via phone or e-mail, in order to obtain information on cases that may be available to them, or in order to receive information on other possible sources.

- Collection of documentation pertaining to indictments and war crime trials before Croatian courts and the International Criminal Tribunal for the former Yugoslavia (indictments; judgments; notes from trials, prepared by civil society organizations). Certain basic information was also collected regarding cases that are still in the investigation or pre-investigation stage.
- Undertaking of a search of Internet sources, based on keywords “rape” and “sexual violence”, in connection with concepts such as “Homeland War” and “war on the territory of the former Yugoslavia”.
- Collection and analysis of publications pertaining to war crimes during the Homeland War, with a particular emphasis on those publications that cover the events in Serbian concentration camps.
- Undertaking of a search of the archive of the Croatian Memorial-Documentation Centre of the Homeland War.
- Field visits to locations where, based on preliminary information, the biggest number of known rape cases took place, in order to obtain additional information and to establish contacts with additional sources.

In this Report, we used the statements from 24 expert bibliographic units. With the aim of collecting data, we used 25 documents, some of which have up to three hundred pages of material, and archive books with up to several volumes. Out of that material, 17 documents are Internet sources; 10 are books used to obtain data; we also examined approximately 200 pages of archive material. In the course of our research, we contacted 32 institutions, organizations or associations, and spoke with 46 individuals, out of whom 25 were interviewed. In the course of field research, we visited Osijek, Vukovar, Knin, Drniš and Benkovac, and municipalities of Promina and Polača.

All collected information on known sexual violence cases were introduced into the comprehensive analytical matrix, with the aim of facilitating the subsequent analysis and referencing of collected data. Each sexual violence case in the analytical matrix is described according to the following characteristics: **characteristics of the case** (place, time, reported/unreported, individual / part of a series, duration, links to other crimes, witnesses, etc.); **characteristics of the victim** (identity if known, age, gender, ethnic affiliation, civilian/soldier, etc.); **characteristics of the perpetrator** (civilian/soldier, belonging to regular army or paramilitary formations, position in the organization, etc.); **circumstances of the crime** (occupation, intrusions, camps, manipulation against the population, etc.), with additional data and notes (source of information; are proceedings instituted, etc.). This data was then used for the analysis of the patterns of sexual violence during the Homeland War. In order to ensure better visualization, the data on known cases was introduced into the comprehensive map of known sexual violence cases during the Homeland War. After the collection of data on known cases, analysis of their characteristics was undertaken, in order to recognize typical patterns of cases, i.e. situations in which war rape and other sexual violence cases were occurring (see the following part of the Report). The number of known cases, together with the patterns, were used to assess the total number of victims of sexual violence.

### 2.2.2. Details of the research process

Sources from which we extracted information and data regarding the victims, circumstances of the crime, and other issues relevant for the analysis of the topic, included a wide scope of material, ranging from Internet sites with reports on trials against war criminals, such as the trials of the *International Criminal Tribunal for the former Yugoslavia*, *Croatian Information Centre*, and *Centre for Peace and Non-Violence in Osijek*; to books such as *Sunčica/Sunny* (2011), issued jointly by the *Croatian Association of Prisoners in Serbian Concentration Camps* and *Sunčica Association*, book entitled *Srpski logor Begejci – Sjećanje jednog logoraša [Serbian Camp Begejci – Memories of a Prisoner]* by Dominik Vorgić, book entitled *Svjetlost Vukovara [The Light of Vukovar]* by Ivan Mravak, book entitled *Ništa lažno [No Fake Sentiments]* by Predrag Matić-Fred; to the research report of the association *Documenta – Center for Dealing with the Past*, covering the *Civilian Victims of War in Croatia* (2012), available documents of the *Croatian Memorial-Documentation Centre of the Homeland War*, and the data chart from the *State Attorney's Office of the Republic of Croatia*. A detailed overview of the bibliography and sources of information is provided in the Appendix to this Report.

The central office of the *State Attorney's Office of the Republic of Croatia* in Zagreb provided the information contained in the table with 113 cases, 52 of which are in legal procedure. Due to the scarcity of data, one part of it was not entered into the analytical matrix, and this data therefore did not contribute to a more detailed analysis of the patterns.

We included in the matrix the data from all 14 cases based on testimonies described in the book *Sunčica/Sunny* (2011). Marija Slišković, president of the association *Women in the Homeland War*, made it possible for us to visit the *Sunčica House* in Vukovar, which is bringing together the victims of war rape, and to talk with some of these women during our stay and field research in Eastern Slavonia.

In the *Croatian Memorial-Documentation Centre of the Homeland War*, we were given access to 17 archive documents containing data on individual rape and sexual abuse cases on the territory of the Republic Serbian Krajina (RSK) in the period from 1991 to 1994, as well as 24 documents with testimonies of victims. Data from these sources are also introduced into the matrix.

In *Documenta – Center for Dealing with the Past*, Vesna Teršelić, Emina Bužinkić, Slaven Rašković and Milena Čalić Jelić provided us with access to publications, knowledge and experiences produced within the Center, and also recommended field contacts in Vukovar, Osijek, Drniš and Knin. In the *Ministry of Justice of the Republic of Croatia*, Nikica Vidmar Hamer collaborated with the research team, and the contact in the association *Women's Room – Center for Sexual Rights* was Maja Mamula. Some of the contacted associations, such as *Deša* in Dubrovnik and *Europe House* in Vukovar, supported the research, but did not have any available data that might be useful to us.

The coordinator of the *Centre for Women War Victims – Rosa*, Nela Pamuković, provided dual assistance to us. Based on experiences obtained in the work of the Centre with women victims in the Homeland War, she delivered 8 cases of their clients to us, 6 of which we entered into our matrix, given the fact that these cases had not been reported earlier. In addition, she also recommended other experts and

colleagues – psychologists, psychiatrists, social workers and psychotherapists – among whom we established cooperation with Marijana Senjak, Suzana Kulović and Rada Borić, who also opened the doors to other colleagues of theirs, active in the sphere of psychological assistance.

One additional source of information that we used regarding specific rape cases in the Homeland War was the report *Military Operation “Storm” and its Aftermath*, which the Croatian Helsinki Committee published in 2001, and we also obtained data on the number of persons exchanged from Serbian concentration camps, and on the forms of victimization of women in the Homeland War, from the report by Stjepan Adanić, former Deputy Minister of Defence of the Republic of Croatia, and member of the negotiating team for the exchange of prisoners of war in the course of 1991 and 1992.

Data for the analysis of cases and patterns was also provided to us by psychiatrist Mladen Lončar, head of the Sector for Psychosocial and Health Care of the *Ministry of Veterans’ Affairs*, who has worked with victims of abuse in war, and who also has personal experience of being imprisoned in a camp.

The research work on the collection of data, which allowed us to assess the number of raped and sexually abused persons in the Homeland War, included, on the basis of the above, field research and meetings with information providers and experts in Zagreb and the surrounding area, and we also undertook two longer stays in other parts of Croatia, where the map with recorded and marked rape cases pointed to a higher concentration of such cases. We visited the area of Eastern Croatia, namely Vukovar and Osijek, and cities in the Dalmatian hinterland, Knin, Drniš and Benkovac.

One part of the team spent four days on the territory of Vukovar and Osijek, where they met with representatives of local associations; direct participants in war events in the area, with different ethnic backgrounds; victims of rape; state officials whose scope of work includes war crimes. We were interested in information regarding sexual abuse cases, potential personal experiences, as well as proposals and opinions regarding the methods of reparations for victims.

In Vukovar, we met and spoke with Manda Patko, president of the *Vukovar Mothers* association; Danijel Rehak, president of the *Croatian Association of Prisoners in Serbian Concentration Camps* (HDLSKL); Slobodan Jakovljević, president of the association of families of Serbian civilian victims *Against Oblivion*; and, in *Sunčica House*, with a group of six women, victims of rape during the Homeland War. Their insights, and information that they provided to us in interviews, have been included in this Report.

The Osijek segment of field research included the meeting with the representatives of the *County State Attorney’s Office* in Osijek: state attorney Davor Petričević, and his collaborators Miroslav Dasović and Valentina Mađaroš. They informed us that they have data on 52 cases, but they did not provide us with insight into the data. In our view, these cases, to a large extent, overlap with those received earlier from the State Attorney’s Office of the Republic of Croatia. Veselinka Kastratović from the *Centre for Peace and Non-Violence* in Osijek reported on experiences pertaining to the work and collaboration among institutions on the territory of Eastern Slavonia.

Another part of the team spent three days on the territory of the Dalmatian hinterland, visiting Drniš, Knin and Benkovac, and municipalities of Promina and Polača, on the basis of indications stemming

from the analytical matrix and the map with sexual violence cases, showing a significant concentration of such cases in this territory. When it comes to the territory of Drniš, our sources of information in the municipality of Promina, hamlet Aralice, were Dinka Karaga, her sister and her sister's husband, testifying on the conditions of life in the occupied area and on one case of rape that is known to them. We received somewhat less data from Robert Mihaljević, secretary of the association *142<sup>nd</sup> Brigade*, and Vinka Badžim from the local *Red Cross*.

In Knin, members of the research team met with Nenad Marić, representative of the association *I Want to Go Home*, ex-employee of the *OSCE Mission* who monitored war crime trials, and with Zvezdana Bajić Zeljak, representative of the association *Zvonimir*. Based on a recommendation from the association *Documenta*, in Benkovac we met with Eugen Frković, a person who spent the entire war in the occupied territory and provided testimony on that, and with Radoslav Bobanović, a prisoner of the Knin prison, who clarified the circumstances and events in the prison and hospital in Knin.

The information, data and insights obtained in the research process, either via analysis of the documentation, field interviews, or other described methods, were used in the process of assessment of the number of victims of sexual crimes committed during the Homeland War, and became part of this Report and its individual parts.

### 2.2.3. Limitations and shortcomings of the methodology

In addition to limitations inherent in the methodology of assessment of the number of sexual violence victims during the Homeland War that was selected for the study (projection based on secondary data), additional limitations of our assessment stem from the manner in which it was implemented. In this sense, one can recognize several possible limitations and shortcomings of the applied approach.

To begin with, our systematization of known cases is the first comprehensive attempt to collect this type of data and to consolidate it into a comprehensive database. Given the fact that this task was performed in a brief period of time, that certain potential sources did not deliver their information and data on time, or were not available for cooperation, the coverage of our database is probably not complete. This is particularly true when it comes to the coverage of victims on the Serbian side of the conflict, given the fact that sources, persons and organizations with information regarding the victims on the Croatian side of the conflict were significantly more easily available to us. Our database was not made available to expert and interested public, which would have been able to notice and correct possible mistakes or shortcomings prior to the completion of this analytical Report.

When it comes to a certain number of cases with indications of their credibility, there was no sufficiently detailed information available to assess whether these cases had already been entered into the database, or whether these cases are new; as a result, we did not record such cases. This mostly pertains to a certain number of cases currently investigated by the State Attorney's Office of the Republic of Croatia, which is why data on such cases is classified. As a result, there is a possibility that the number of known

cases may be higher than the number used in the analysis, by 10 or 15 cases, which has direct consequences in terms of the assessment of the total number of cases.

Shortcomings of the approach can have an impact on results in the opposite direction as well, in terms of possible overestimation of the total number of cases. Namely, in the process of collecting information and data on known cases, we did not define strict criteria in regard to the credibility of sources. Our database thus also includes certain cases that are only presented on individual websites of certain associations, but are not mentioned in other sources, and these cases were sometimes not described in particular detail. In addition, the database also contains certain cases that the State Attorney's Office of the Republic of Croatia ceased investigating due to the lack of evidence regarding the perpetrator, or even due to suspicion that the alleged crime may not have actually taken place.

Furthermore, most of the information foreseen by the analytical matrix was available to us only in a minority of known cases. As a result, the analysis of patterns and their characteristics is based on incomplete data. There is a possibility that certain conclusions regarding the individual patterns, or even the number of patterns, might be different, had it been possible to collect all data for all known cases. Given the fact that one of the assessment scenarios regarding the number of victims is based precisely on these patterns, this might have an impact on the final assessment of the number of victims.

## **2.3. Patterns of sexual violence in known cases**

### **2.3.1. Basic statistical data on recorded sexual violence cases**

In the course of our analysis, we collected the total of 165 cases of sexual violence (incidences) during the Homeland War in the analytical matrix. These 165 cases pertain to the total of 147 victims of sexual violence (prevalence). Some persons were victims of multiple sexual violence (11 persons, or 7.5 percent), which is why they appeared in the analytical matrix as participants in various cases. A case of sexual violence is determined by the situation (place and time) in which it happened, and by the identity, i.e. the characteristics of the perpetrator. Multiple rape cases involving the same victim, in the same situation (place and time), by the same perpetrators, regardless of whether the perpetrators were the same individuals, or members of the same group, are not recorded as different cases, but as one case of multiple sexual violence against the same victim(s). Such a duplication of victims was necessary, in order to cover as many sexual violence cases as possible, thus obtaining a better insight into the patterns of sexual violence. Prior to outlining the statistical data in the following Chapter, it is important to emphasize that, due to considerable passage of time and various levels of detail contained in individual sources, the data for the total number of cases (165) are not known in their entirety, which is why percentages should be interpreted as percentages within the total number of cases for which the data is known, unless stipulated otherwise.

In the comprehensive number of cases collected, out of 147 victims of sexual violence, 16 victims (10.88 percent) are men, and 126 are women (85.71 percent), with 5 victims (3.4 percent) whose gender was

**Table 1:** Case structure by age

	n (%)
<18	1 (3,3)
18-24	6 (20,0)
25-34	3 (10,0)
35-44	5 (16,7)
45-54	4 (13,3)
55-64	6 (20,0)
65>	5 (16,7)
<b>Total</b>	<b>30 (100,0)</b>

not stated by the source. Approximately one quarter of victims (38) suffered sexual violence in some form of imprisonment, while 113 victims (76.87 percent) suffered sexual violence outside of imprisonment, and in case of three victims sexual violence took place both outside of imprisonment and subsequently in imprisonment as well (2.04 percent). Even some victims (approximately 24) who suffered sexual violence outside of a camp or prison were imprisoned for at least a shorter period of time. For 63 victims (38.18 percent), we found out that sexual violence was accompanied by some form of torture. In 14 cases (8.4 percent), rape was followed by murder of the victim; there are also 14 cases (8.4 percent) in which sexual violence was accompanied by murder of another person. It is known that three additional victims passed away in the meantime. On the basis of that, we determined with certainty that 17 victims died, which constitutes 11.56 percent. In 22 cases (13.3 percent), it was explicitly stated that sexual violence had been accompanied by robbery.

Among victims who suffered sexual violence in imprisonment, there are 15 men (39.47 percent), and 23 women (60.52 percent); when it comes to victims who suffered sexual violence outside of imprisonment, there are 89 women (98.88 percent) and one man (1.22 percent). The data points to a conclusion that most men who are known to have suffered sexual violence lived through that experience in camps. We took this fact into account in our assessment of the number of cases of sexual violence as well. The age is known for 30 victims. Median age is 44.5 years (at the time of perpetration of the act of sexual violence), and one half of victims belong to the age group between 24.5 and 60 years. Overview of the age structure of the sample is provided in Table 1. Such an age distribution mostly corresponds to the fertile age of women, and that is precisely the age group whose members face the highest risk of becoming victims of sexual violence.

When looking at sexual violence cases, 38 cases (38.8 percent) are characterized as part of a series, i.e. as only one in a range of similar cases, while 60 cases (61.2 percent) are characterized as single cases. This ratio points to the fact that most cases pertain to incident situations, rather than to planned and systematic use of sexual violence as a method of waging war. There are 50 cases (52.1 percent) that originated as one-off situations, i.e. the sexual violence case happened once, while in 46 cases (47.9 percent) sexual violence was repeated. There are 53 cases (59.6 percent) that include several perpetrators,

**Table 2:** Case structure by identity of witnesses

	n (%)
Family member	11 (25,0)
Guard	2 (4,5)
Guards	1 (2,3)
Husband	6 (13,6)
Neighbour	6 (13,6)
Prisoners	18 (40,9)
<b>Total</b>	<b>44 (100,0)</b>

while 36 cases (40.4 percent) include one perpetrator. When it comes to cases with multiple perpetrators, most such cases involved two perpetrators (14 cases; 26.41 percent), while the biggest recorded number of perpetrators was 20 (in one case). Given the fact that the structure of the number of perpetrators, i.e. the frequency of rape and the number of victims within one case, differs based on various patterns, which we shall explain in continuation, a relatively stable polarization of cases in these categories can be explained precisely by various patterns.

In 45 cases (27.3 percent), witnesses of sexual violence were present according to available information, and in 44 cases the identity of witness was mentioned as well. The structure of identity of witnesses is provided in Table 2.

When it comes to the form of sexual violence, recorded cases mostly include rape. There are 100 cases (60.6 percent) that include some form of rape; 2 cases (1.2 percent) include attempted rape; 6 cases (3.63 percent) include some form of mutilation; 36 cases (21.8 percent) include other forms of sexual violence, as defined previously (see Chapter 1.3.2). In 36 cases obtained from the State Attorney's Office of the Republic of Croatia the type of sexual violence is not explicitly mentioned; however, given the type of crime processed by the State Attorney's Office, we assumed that the provided cases involved some form of rape, which led to a correction of the number of cases involving rape to 136, or 82.4 percent. In the entire analysis, there are four cases in which there is explicit information that rape resulted in pregnancy (2.4 percent).

Of all cases in which witnesses were able to identify the perpetrator in some manner, there are 53 cases in which a member of paramilitary formations was recorded as the perpetrator (32.1 percent). In 30 cases, regular army is mentioned as the perpetrator (18.2 percent), while in 82 cases (49.7 percent) we have no data on the military affiliation of perpetrators. According to this information, the perpetrators of sexual violence were members of paramilitary formations significantly more often than members of the regular army, which has significant repercussions in terms of the patterns and assessments of frequency, having in mind the presence of various military formations on a given territory.

Having in mind the fact that sources of varying credibility were used in the preparation of the database of all known sexual violence cases during the Homeland War, we prepared a “credibility scale” in order to enable the evaluation of credibility of recorded cases. The scale is primarily based on information on whether a case is covered by some sort of formal legal procedure, and on the outcome of such procedure. Mark -4 was used to mark cases that are highly questionable (cases with acquittals); mark -3 was used to mark cases in which the indictment was rejected; mark -2 was used to mark cases where insufficient evidence was collected; mark -1 was used to mark cases for which the statute of limitations was applied. Mark 0 was used to mark cases the credibility of which we have been unable to assess (either because the case was not processed by competent institutions, or we were unable to find formal data on the case). Mark 1 was used to mark cases in which the competent institutions are engaged in preliminary activities with the aim of laying the indictment; mark 2 was used to mark cases under initiated official investigation; mark 3 was used to mark cases with prepared indictments; mark 4 was used to mark cases with reached convictions. The average “credibility grade” of the totality of cases is 1.43 ( $s = 1.729$ ). Overview of the structure of cases is provided in Table 3. Given the high number of cases processed in one way or another, coupled with a very small number of cases dismissed or not credible, we believe that it is reasonable to assume that most of these cases have been reported to competent institutions.

**Table 3:** Structure of cases based on credibility

	n (%)
-4	3 (1,8)
-2	1 (0,6)
-1	1 (0,6)
0	57 (34,5)
1	41 (24,8)
2	4 (2,4)
3	30 (18,2)
4	28 (17,0)
<b>Total</b>	<b>165 (100)</b>

Finally, we mapped all cases on the map of Croatia, in order to visualize the dispersion of cases, with the aim of recognizing the patterns more clearly, having in mind the spatial concentration, and the character and dynamics of the war in individual areas (Figure 1). The map is making it clearly visible that the cases are grouped in two narrow areas: Eastern Slavonia, and Northern Dalmatia, i.e. the area between the cities of Knin, Zadar and Šibenik. Other cases are dispersed across the remainder of the war-affected territory of the Republic of Croatia, with a smaller number of cases outside of war-affected areas. The biggest number of known cases (approx. 40 percent) pertain to the area of Eastern Slavonia (including rape cases in Serbian concentration camps that were located on the territory of the Republic of Serbia). In other two war-affected areas, the number of cases is almost twice lower. This points to the conclusion

that the character of war events on the territory of Eastern Slavonia was somewhat different compared to other areas, at least when it comes to the risk of sexual violence, but also the risk of other forms of torture.

Given the different intensity of violence in different periods of time, we divided the cases time-wise, into the group of most intensive war events, i.e. the beginning of the Homeland War (August 1991 to April 1992); the period of “standstill of aggression” (May 1992 to December 1994); and the period of “liberation operations” and the end of the Homeland War (January 1995 until the end of the war). Almost two thirds of known sexual violence cases pertain to the first period, i.e. the very beginning of the Homeland War. The intensity of sexual violence in this period is particularly clear if we take into account the fact that it is fairly brief, consisting of barely 8 to 9 months. Cases recorded in Eastern Slavonia are particularly prominent in this period of time. Of the total number of cases recorded in this region, almost 90 percent occurred in the first period. In other regions, cases are more dispersed across time; however a certain concentration of cases can be noticed during the longest phase of the “standstill of aggression”.

**Table 4:** Overview of cases based on location and time period

	Aug/1991-Apr/1992		May/1992-Jan/1995		Jan/1995 -		TOTAL		Unknown
	n (%)	(%)*	n (%)	(%)*	n (%)	(%)*	n (%)	(%)*	n (%)
Eastern Slavonia	58 (89,2)	(54,1)	58 (89,2)	(54,1)	58 (89,2)	(54,1)	58 (89,2)	(54,1)	58 (54,1)
Dalmatian Hinterland	12 (31,6)	(11,3)	12 (31,6)	(11,3)	12 (31,6)	(11,3)	12 (31,6)	(11,3)	12 (11,3)
Remainder of SAO Krajina	14 (40,0)	(13,2)	14 (40,0)	(13,2)	14 (40,0)	(13,2)	14 (40,0)	(13,2)	14 (13,2)
Outside of war events <sup>4</sup>	19 (79,2)	(17,9)	19 (79,2)	(17,9)	19 (79,2)	(17,9)	19 (79,2)	(17,9)	19 (17,9)
Unknown	3 (100,0)	(2,8)	3 (100,0)	(2,8)	3 (100,0)	(2,8)	3 (100,0)	(2,8)	3 (2,8)
TOTAL	106 (64,2)	(100,0)	106 (64,2)	(100,0)	106 (64,2)	(100,0)	106 (64,2)	(100,0)	106 (100,0)

\* Percentages within the column

### 2.3.2. Key patterns of sexual violence in the Republic of Croatia

Analyzing the context and available information on individual sexual violence cases, we noticed three basic patterns of sexual violence during the Homeland War. Two basic patterns were active to the highest extent during the initial stages of armed conflict in the Republic of Croatia, in the period between August 1991 and April 1992, while the third pattern was prominent during the occupation of Croatian areas and the standstill of aggression of Serbian forces in the period from 1992 to 1995.

<sup>4</sup> Including the events outside of the area of war operations, such as the prison in Kerestinec, etc.

### 2.3.2.1. Sexual violence against prisoners in camps

Sexual violence in cases of imprisonment, in camps outside of the Republic of Croatia or in prisons within the Republic of Croatia, was characterized, as a rule, by repeated, multiple cases of rape, and victims state that rape was performed against a higher number of persons; in other words, the victims claim that their case is just “one in a series”. This pattern is closest to the pattern that can be seen in cases of using sexual violence as a method of torture and/or weapon of war, such as those recorded in Bosnia and Herzegovina or Rwanda. As a rule, sexual violence within this pattern is relatively public, whether taking place in separate rooms with the presence of other victims, or completely publicly, in front of all prisoners.

Where sexual violence occurred individually and in separate rooms without the presence of other victims, it was taking place based on a certain pattern that was also recognized by other victims and other prisoners<sup>5</sup>. Cases of rape in camps are frequently accompanied by other forms of sexual violence and perverse actions, and they frequently display the characteristics of sexual slavery as well, with victims being removed from the usual prisoner environment into an environment in which sexual violence is ongoing. As a rule, the number of perpetrators in such cases is multiple, and in some cases, against some victims, sexual violence was performed by several perpetrators at once, while in other cases the victim was exposed to multiple cases of sexual violence with the participation of various perpetrators.

In addition to rape, victims, as a rule, suffer other forms of physical and psychological torture as well. This form of violence is mostly recorded against the population taken from the territory of Eastern Slavonia into concentration camps, in the period between the end of 1991 and the beginning of 1992. Multiple sexual violence against several victims, by a higher number of perpetrators, was also recorded in prisons in Knin, again towards the end of 1991; however, according to indications, the frequency was lower, and incident events took place within a shorter period of time<sup>6</sup>. Some of the victims exposed to sexual violence during imprisonment had already been exposed to sexual violence earlier, in temporary imprisonment during the process of armed forces conquering a certain area.

Within this pattern, differences have been recorded based on the gender of prisoners. Men were primarily exposed to the infliction of pain by perpetrators hitting their genitals, which is what, according to testimonies, most imprisoned men seem to have experienced. Some of them suffered permanent injury to genitals, and probable sterility. A smaller number of men were forced to participate in perverse activities with other prisoners, and an even smaller number were subjected to rape in the narrow sense of the word. On the other hand, women were typically subjected to rape.

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5 For example, taking women to “tidy the beds”, or to “make coffee”. This element of the “public” nature of sexual violence is an important issue in terms of the assessment of the number of victims and reliance upon prisoner statements regarding the frequency of this phenomenon.

6 According to the testimony of one of the prisoners, Mr. Rade Bobanović, such form of torture was taking place during a brief period of time of several days, and it probably included only a smaller number of prisoners in the Knin prison.

### 2.3.2.2. Sexual violence as direct consequence of entry of enemy forces into inhabited civilian areas

This pattern is characteristic for situations of entry of enemy military forces into settlements with a significant number of population remaining in these settlements. Cases within this pattern would typically take place in private houses and private facilities, immediately upon the entry of enemy military forces, most frequently in the home of the victim; sexual violence, as a rule rape, would be performed either without witnesses (more frequently), or in front of witnesses, as a rule family members.<sup>7</sup> Such cases are individual, and they most frequently took place on a single occasion, with only one victim, but sometimes with a higher number of perpetrators as well. As a rule, perpetrators in these cases were members of paramilitary forces, or military formations without a clear organizational structure, and without a clear disciplinary liability. Sexual violence was frequently accompanied by other forms of violence and torture against the victim, but also against other persons found on the location, sometimes also coupled with short-term imprisonment on a nearby location. Cases within this pattern were widespread, and according to victim statements, in addition to violence being performed against them, violence was also performed against other victims in immediate surroundings.

Such pattern is most visible on the territory of Eastern Slavonia and Vukovar towards the end of 1991 and the beginning of 1992, but also on the territory of Zadar and Šibenik hinterland, i.e. on the territory of the Republic Serbian Krajina in the Dalmatian hinterland. When it comes to the territory of the Dalmatian hinterland, the pattern became pronounced again in 1995; however, according to victims, rape in such cases was performed by regular forces of the Republic Serbian Krajina, or by regular forces of the Croatian Army. As an exception to this pattern, in Vukovar and individual areas of Eastern Slavonia, where the conflict was more pronounced, there were cases of short-term imprisonment of a higher number of victims, with cases of multiple rape committed by a higher number of persons in a series, during a time period that would last several days, which is similar to the pattern of sexual violence in camps.

Within this pattern, we have not recorded a high number of male victims of sexual violence; however, several cases of castration of men have been recorded in the field, prior to the transport to camps. Such cases are rare; despite that, due to the nature of the crime, there is a high probability that a considerable proportion of victims of this type did not survive the ordeal. Cases of other forms of sexual violence against male victims have not been recorded.

### 2.3.2.3. Sexual violence against the remaining population during the occupation of individual inhabited areas

The third pattern of sexual violence is one with the lowest number of recorded cases, and it pertains to the population that remained in a given area during the period of occupation of that area, after direct war actions would calm down. Cases within this pattern are predominantly rare, mutually separated, and do not

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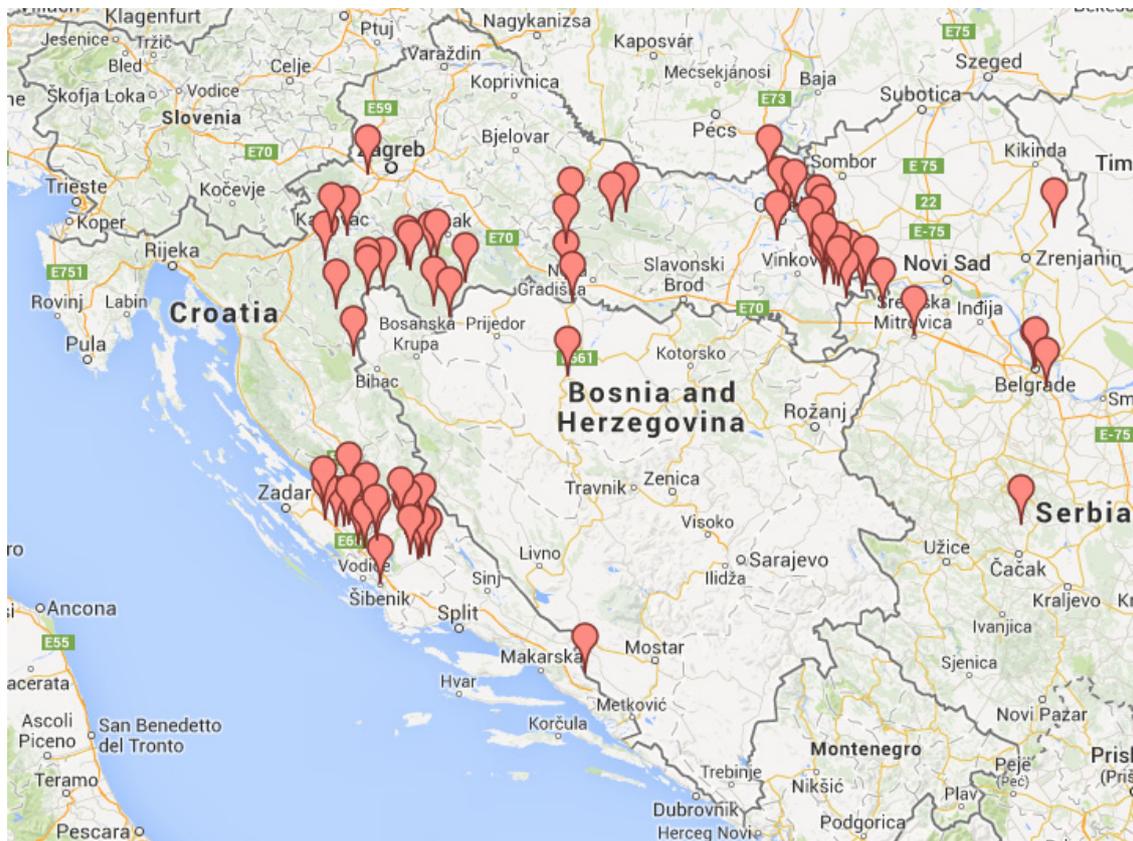
<sup>7</sup> This characteristic decreases the probability of reporting such cases, or publicly expressing one's experiences.

recur; i.e. these are individual cases of violence against individuals in the population. Location-wise, such cases of violence would take place in private facilities, most frequently during “patrols” or “checks” by official persons, after which a victim would be forced to a sexual act, i.e. most frequently sexual intercourse. As a rule, such cases were not accompanied by other forms of violence, although occasional robberies and beatings have been recorded. Victims of such violence in all recorded cases were women.

Sexual violence within this pattern does not have a political or revenge character; instead, it is similar to sexual violence occurring in “peacetime” conditions. In other words, according to categories by Isikozlu and Millard (2010), this pattern would belong to a form of opportunistic rape against civilians, performed by military forces. Given the fact that cases within this pattern are private events, and that there is an extraordinarily low probability of witnesses being present, it is possible that such cases were reported to a lesser extent; in other words, the pattern of reaction of a victim is more similar to reactions displayed by victims in peacetime conditions.

When analyzing the patterns as a whole, we believe that there are several key differences between the second and the third pattern type. Given the fact that cases within the third pattern type are much rarer than cases within the second pattern type, of lighter intensity, and with less controlled violence

**Figure 1:** Overview of known cases of sexual violence during the Homeland War



directed against the victim, we believe that the third pattern type is most similar to sexual violence taking place outside of war circumstances, and that the context of the occupation and lower control due to the situation of war only favoured individual motivation. On the other hand, the intensity and frequency of violence within the second pattern type leads to a conclusion that, although there are no indications of an organized political aim of sexual violence, the violence itself was motivated by hatred towards the enemy; i.e. the violence would, on occasion, obtain a revenge character. When comparing these patterns with the typology elaborated earlier, developed by Isikozlu and Millard, it is possible to conclude that the second pattern type is similar to the type of sexual violence with an aim, while the third pattern type corresponds to opportunistic sexual violence.

## **2.4. Assessment of the total number of victims of sexual violence during the Homeland War**

Within the selected approach and methodology, on the basis of collected data on cases of known sexual violence during the Homeland War, and information obtained in the course of research, we have identified three possible methods for the assessment of the total number of victims. The first method relies on the implementation of correction factors for the ratio of reported to unreported sexual violence cases, used in research on sexual violence in peacetime conditions. The second method includes a situational assessment for each of the patterns and sub-patterns discovered on the basis of the analysis of known sexual violence cases. The third method relies upon the assessments of experts and activists dealing with issues of suffering during the Homeland War in general, and sexual violence during the Homeland War in particular.

### **2.4.1. Protocol of the first method**

The first method used to assess the number of victims pertains to the weighing of the recorded number of known cases, using the percentage of reported sexual violence in the general population in conditions outside of war events.

Non-governmental organization Women's Room states that, according to a significant volume of global and domestic research, one can estimate that there are between 15 and 20 unreported cases of rape per every reported rape, and the proportion of unreported cases is even higher for less aggravated cases of sexual violence. This is confirmed by the research of the Women's Room association, entitled *Status of Sexual Rights of Women in Croatia* (2005), which included the analysis of a representative sample of 1491 women from throughout Croatia. According to this research, 17% of women experienced attempted rape or actual rape, out of whom only 5% reported the violence to the police and/or to the State Attorney's Office (Women's Room, 2007).

In our research, we decided to retain, but also adjust, this assessment interval, and to treat sexual violence cases in war in such a manner that we assume 10 to 15 unreported cases of sexual violence per every case

known to us (i.e. the assumption is that cases known to us represent between 6.66 percent and 10 percent of the total sexual violence). There are several reasons why we believe that such a decrease of the factor, i.e. increase of the percentage of known cases, is justified. To begin with, the total number of victims recorded in the analysis does not represent only the cases formally and legally reported to prosecution bodies (police or the state attorney office), which is used as the basis for the implementation of the factor in peacetime conditions. Some form of official criminal procedure (investigation; indictment; reached judgment) exists for 65 percent of victims recorded in our database, and when it comes to the remaining 35 percent of the victims we are unaware whether there is an ongoing official procedure, or whether there was intent to report such cases to authorities. In other words, the database in our assessment consists of the total number of victims who admitted being victims of a crime to someone in some manner, and not solely of the victims who provided testimony to investigation bodies, which is the type of data registered in databases typically used in assessments based on this method. Furthermore, as a rule, victims of sexual violence in the Homeland War did not have close relations with perpetrators prior to the act, which is why we believe that there existed a higher level of readiness to report an act of sexual violence, and this is the reason why the factor should be reduced to a certain extent. As a matter of fact, victims were frequently fully deprived of freedom, which removes the possibility of their “active” participation in the act, or “instigation” of the perpetrator to commit the act, which is a stigma frequently attached to victims of sexual violence in peacetime circumstances, and one of the reasons why some victims avoid reporting such acts to the authorities. In addition, given a considerable passage of time since the actual act of sexual violence, we assume that the number of reported cases would be higher to a certain extent, because of more opportunities to come to grips with the survived violence, and the victims are therefore somewhat readier to talk about sexual violence after a more substantial period of time. In addition to what has been mentioned, due to the mutual solidarity of victims, and the fact that sexual violence in war is, as a rule, targeted against a higher number of victims, assuming a (semi)public nature of the act – unlike, for example, a private act in periods of peace – we estimate that the victims are readier to speak out and to report acts of sexual violence, i.e. that it is more difficult for them to “hide” it from others.

Experiences from Bosnia and Herzegovina can also serve as an argument for the implementation of decreased factors. According to assessments, between 20.000 and 50.000 women in Bosnia and Herzegovina survived rape, while non-governmental organizations active in the process of recognition of the victim status in Bosnia and Herzegovina recorded 3000 victims in their records, out of the total assessed number of raped women. In other words, the ratio of the number of known victims to the total assessed number of victims is between 6.7 and 16.7.

Of course, it would be possible to find certain arguments in favour of the opposite view: that one should in fact increase the usual peacetime correction factors, rather than decreasing them. The first argument of this kind pertains to the normalization of violence during war, which is why victims are less ready to stand out in a group of persons who survived some form of violence, and thus less prepared to report an act of sexual violence. The second argument pertains to the possible stigmatization of the direct, friendly environment of the victim due to sexual intercourse with the enemy, which is why some victims might deny the existence of such violence. However, we believe that there are several factors favouring the decrease of the correction factor, and that their effect is stronger.

Therefore, we decided to adjust the established percentage of reported cases, and to assume that our sample represents 6.66 percent to 10 percent of the total number of cases of sexual violence in the Homeland War, which represents a rise of the lower limit usually applied in peacetime assessments by around one third, and a rise of the upper limit by one quarter.

On the basis of the above, we have used this method to increase the number of 147 known victims, on the basis of the factor involving the interval of 10 to 15 additional victims per known victim, which results in a range of **1470 to 2205 potential victims of sexual violence** during the Homeland War in Croatia. It is worth emphasizing yet again that this assessment pertains to the number of victims of rape and other forms of aggravated sexual violence, and that it does not include sexual harassment and less aggravated forms of sexual violence. Given the intention of this study, which should serve as a foundation for the drafting of the special law on the rights of sexual violence victims, we believe that such a coverage of the assessment is not deficient.

#### 2.4.2. Protocol of the second method

The second method of assessment of the number of victims is based on different patterns of sexual violence in the Homeland War. In cases where it is possible to assess the total population that may have been under the impact of a pattern, we have estimated the number of victims by applying the percentage on the total population, depending on the structure of the pattern of sexual violence. In cases where it is not possible to assess the total population, we have used the method of assessment by enlargement using the factor of unreported cases, analogous to the first method. In doing so, we have separated the assessment for men and for women only in cases within the first pattern (victims in camps and prisons), and decided to assess only the number of female victims in other cases, given the fact that, within our analysis, we came across only one case of sexual violence directed against a man that was not connected with imprisonment in a camp.

#### PATTERN 1. Sexual violence against prisoners in camps

Having in mind the different intensity of sexual violence against men and against women, while taking into account the fact that the perpetrators of sexual violence are predominantly men, we decided to separate the assessment for victims in camps and prisons based on the gender of victims. According to data provided to us by Stjepan Adanić (see the Appendix attached to the Report), 7666 persons in Serbian concentration camps were exchanged, out of whom 6734 were men and 932 were women. Given the fact that data on this population is available to us, we have prepared the assessment on the basis of the proportion of the population itself.

On the basis of testimonies recorded in monographs dedicated to the events in Serbian concentration camps, interviews with individual camp prisoners, and the analysis of known cases of sexual violence against men in Serbian concentration camps, we conclude that aggravated forms of sexual violence were experienced by a minority of men. It is clear that most men experienced the infliction of pain by hitting the genitals; however,

in most cases this did not result in permanent injury that could be categorized as aggravated sexual violence<sup>8</sup>. A certain number of castration cases were recorded, and a certain number of rape cases, or victims being forced to perverse activities; however, that is true for a small number of known cases.

The assessment that only a small number of men went through some form of aggravated sexual violence is also indicated by the research conducted by the Medical Center for Human Rights, which surveyed 1648 men, out of whom 78 admitted to having survived some form of sexual violence, which constitutes approximately 4.7 percent. Out of that number, around one half of persons suffered the hitting of genitals, while the other half survived certain aggravated forms of sexual violence, which would suggest the prevalence or the share of victims in this sample of approximately 2.5 percent (Lončar et al., 2009). However, it is not possible to apply this data to the target population in a simple manner, because the sample also covered persons who were not imprisoned in camps, and persons from Bosnia and Herzegovina. If we accept the hypothesis that sexual violence against men was predominantly taking place in camps, this particular share should definitely be increased by a certain factor.

Among the known cases in our database, 15 victims are part of this pattern, i.e. they are men from concentration camps. Given the higher stigma against male victims of sexual violence, the correction factor for that population should definitely be higher than for women. The implementation of twice higher factors than those applied in the first assessment method would result in the conclusion that the number of male victims is between 300 (on the basis of the factor value 20) and 450 persons (on the basis of the factor value 30). This would mean that aggravated forms of sexual violence were suffered by between 4.4 percent and 6.6 percent of men imprisoned in Serbian concentration camps. If we compare this estimate of the prevalence with the results of the survey by Lončar and collaborators (2009), we can see that it is twice higher than the prevalence recorded in their research.

On the basis of these two assessments, we can conclude with a certain degree of probability that the share of men imprisoned in Serbian concentration camps who survived aggravated forms of sexual violence is not higher than 10 percent, and is probably somewhat lower. A form of confirmation of such a conclusion is provided by the fact that no prisoner testified of the high frequency of such a form of violence and torture. Therefore, we conclude that the number of victims among men imprisoned in camps might be between **300 and 600 victims**.

Testimonies of women imprisoned in Serbian concentration camps, as well as the indicators of the pattern of sexual violence in camps and prisons, show that sexual violence cases were frequent, repeated and multiple, committed against a higher number of victims. It is due to this reason, that we assess that 30 percent of women in camps and prisons survived some form of sexual violence. Given a certain number of statements and assessments by relevant actors, who state that every woman imprisoned in a camp suffered some form of sexual violence in some manner, we decided to “strengthen” the assessment by applying the upper limit of 50 percent of women in camps who suffered sexual violence. On the basis of this approach, we reach an interval of 30% to 50% of women imprisoned in camps who suffered some form of sexual violence, i.e. the number of **279 to 466 women** victims of sexual violence in camps.

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8 However, it is also possible that these individuals are unaware of such consequences, which may include sterility.

A similar assessment is reached if we apply the correction factors used in the first assessment method. In our database, we have 23 recorded cases of sexual violence (rape) against women in Serbian concentration camps. By applying the correction factor of 10, we reach the lower limit of assessment of 230 victims, while the upper limit would be approximately 345 victims. This approach would suggest that the lower limit of the share of victims among women is approximately 25%, while the upper limit is approximately 37%. This would mean that the probability of women being the victims of sexual violence in camps is four to five times higher than the probability for men. Since we believe that this ratio is probably higher, in terms of the probability of women being raped, we believe that the first range of 30% to 50% is more probable.

Given the fact that the prisoners in prisons and detention centres in the Republic of Croatia are not included in the stipulated population of camp prisoners, we are assessing them separately. In our recorded cases, the only such example is the detention centre Kerestinec. Based on the testimonies of witnesses on the trial regarding this case, it can be concluded that some specific forms of perverse activities against prisoners have been recorded, unlike some other camps or prisons. This suggests that sexual violence was an important element of torture in this environment. In our database, there are 10 recorded victims pertaining to that prison. Given the fact that special investigation has been performed in this case, with special court procedure initiated, it can be assumed that the share of known cases is significant in relation to the total number of cases, i.e. that the share of unknown cases is low. The indictment for this alleged war crime mentions approximately 35 victims of various forms of violence, out of whom most have survived some form of sexual violence as well. If we assume that all known victims of any form of torture also survived aggravated sexual violence, we would come to the minimum assessment of approximately 35 cases. On the other hand, if we assume that only a smaller number of cases are actually known, and apply the correction factor value 10, we would reach the assessment of 100 cases. We believe that the actual number is somewhere in this range. Unfortunately, it is not possible to evaluate this assessment via a comparison with other patterns, given the fact that we are not familiar with the total size of the population in this case, i.e. the number of persons who went through this prison.

In other words, the total number of victims of aggravated forms of sexual violence in camps and prisons can be assessed in the range of **614 to 1116 victims**.

### **PATTERN 2. Sexual violence as direct consequence of the entry of enemy forces into inhabited civilian areas**

The assessment of victims in situations of conquest of civilian areas can be divided into two parts. The first such pattern arises towards the end of 1991 and the beginning of 1992, i.e. in the period marked by the beginning of war events in the Homeland War, predominantly in Eastern Slavonia, where the number of paramilitary formations was the highest. The second pattern arises in the course of 1995, during the operations of liberation of the Croatian territory, in particular operations Flash and Storm.

#### a. Serbian aggression 1991 – 1992 in Eastern Slavonia

This pattern primarily pertains to villages in Eastern Slavonia, where it is known that single cases or even multiple cases of raids of Serbian (paramilitary) formations took place, at a point in time in which a significant part of the population had not yet left their homes. Such situations pertain to the villages: Šarengrad, Bapska, Lovas, Opatovac, Bogdanovci, Dalj, Bilje, Sotin, Borovo Selo, Tovarnik, Tenja, Erdut, Aljmaš, Berak, etc. Vukovar is not included in this pattern, because most inhabitants of Vukovar who witnessed the fall of the city are covered by the pattern of Serbian concentration camps, while most inhabitants of Ilok were evacuated in an organized manner, without the indications of systematic torture. In the remainder of the Republic Serbian Krajina, given the evacuation of the civilian population and a lower scale of activities of paramilitary formations, without major conflicts and attacks, this pattern is not applicable.

Given the impossibility of precise assessment of the civilian population on territories gripped by conflicts at the beginning of the war, we decided to use the assessment from the first model of our analysis for this particular pattern. Among our cases, there are 32 known victims on the territory of Eastern Slavonia, where this pattern was present. By applying the multiplication factor of 10 to 15, i.e. under the assumption that between 6.66 percent and 10 percent of the total number of sexual violence victims are known in the affected area, we come to the assessment of **380 to 570 victims** of sexual violence for this pattern.

By examining population data for settlements within the area gripped by conflicts, we estimated that approximately 22,000 inhabitants of non-Serbian ethnicity lived in this territory prior to the war<sup>9</sup>. Given the fact that the entire population clearly did not stay in the area to directly witness the breakout of the war, we decreased that number by 50 percent, which means that 12,000 inhabitants may have been located in the area during the incursions of enemy forces. Out of these 12,000 inhabitants, approximately 6,000 were women, representing potential victims within the second pattern of sexual violence. Given this fact, the stipulated 380 to 570 victims represent approximately 6.3 percent to 9.5 percent of victims of sexual violence in the estimated population. Having in mind the estimated number of victims among women imprisoned in camps, which is several times higher, this share seems realistic to us.

#### b. Areas affected by operations Flash and Storm

According to available information, 10,000 inhabitants remained in the territories covered by liberation operations Flash and Storm, out of whom 6,000 inhabitants were senior citizens, mostly unable to move or with poor mobility (Žunec, 2007). Given the significantly decreased probability of sexual violence against persons of older age, in our analysis we focused on the population of 3000 women as potential victims. Given the circumstances, we assume that the level of risk of sexual violence within the second pattern is higher than the risk within the third pattern, but significantly lower than the risk

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<sup>9</sup> We start from an assumption that the population of Serbian ethnicity, which may have been there, was spared systematic torture by Serbian paramilitary formations. However, this does not mean that a certain number of citizens of Serbian ethnicity were not subjected to certain forms of torture as well, including rape, committed by “friendly” soldiers.

within the first pattern. Furthermore, we assume that the risk of rape in operations Flash and Storm was significantly lower than in the case of incursions of Serbian paramilitary formations in Eastern Slavonia at the beginning of the war, given the fact that operations Flash and Storm included the participation of the regular army, including several professional brigades with the functioning chain of command, and the motivation for waging war was not connected with personal gain, war looting, etc., as was the case with paramilitary formations. Reserve brigades that participated in these operations also had stable command, although the level of discipline in their case was probably lower. Another factor why we believe that the risk of rape against the remaining population was lower is the fact that these military actions had a short duration, and involved quick shifts of military formations, which would not stay in one area for a long period of time. On the other hand, when it comes to one part of the soldiers involved, these actions represented a form of opportunity for revenge for personal loss that they had been through. Therefore, it can be assumed that the risk of sexual violence is somewhat higher than for the third pattern. However, given the significant difference in the duration of this period, we believe that the total prevalence for this sub-pattern is not higher than the prevalence assumed within the third pattern, i.e. between 3.15 percent and 4.7 percent.

In accordance with the above, we estimate that between **95 and 140 victims** suffered sexual violence during these operations.

### **PATTERN 3. Sexual violence during the occupation of inhabited areas**

The third pattern pertains to the remaining population in the occupied territories of the Republic Serbian Krajina during the period between April 1992 and January 1995, i.e. during the times of decreased intensity of war activities. Out of 28 victims recorded within this period, a considerable majority were located in a geographically dispersed area, during dispersed time intervals, which suggests that there had been no systematic plan in the background, and that these incidents were individual incidents of sexual violence. One can assume that there were significantly more cases of sexual violence during this period than in peacetime conditions, given the fact that the remaining population was collectively in subordinate position, which represented an additional incentive for the expression of superiority via sexual harassment and rape committed by men against women, which is, generally speaking, one of the key motivations for rape in peacetime conditions as well. In addition, the level of control by civilian and military authorities in terms of the implementation of rules and regulations was low, which means that the probability of illegal and immoral behaviour in comparison with regular peacetime conditions was higher. On the basis of that, it is to be expected that the number of rape cases in the occupied territories would be significantly higher than in peacetime. The only factor somewhat opposite to this is the fact that the majority of the remaining population was of older age, and that explicitly sexual motivation for rape is lower in such a case.

It is estimated that the remaining population in the area numbered approximately 20,000 persons (corrected assessment by Žunec, 2007), of which the majority were women, which leads us to estimate that there were approximately 13,000 women in the area (two thirds of the population). The recorded 25 cases

constitute approximately 0.2 percent of the population, and pertain to the period of approximately three years, since the arrival of UNPROFOR to the occupied territories, to the military operation Storm.

In Croatia, there are approximately 120 cases of rape against women recorded in the general population in peacetime conditions per year, which constitutes approximately 0.007 percent of the population of women between 14 and 75 years of age (i.e. age in which 99 percent of rape cases take place according to probability), with the total of approximately 1,675,000 women in the country. In other words, in a period of three years in peacetime conditions, rape is reported by approximately 0.021 percent of women (Women's Room, 2011).

If we compare the proportions of known/reported cases in peacetime conditions with the number from this period, in regard to the total population, we come to a conclusion that the incidence of rape in this phase might be approximately ten times higher than in peacetime conditions (0.2 percent instead of 0.021 percent). If we would correct this factor having in mind the age structure of the remaining population, the factor would be even higher, since the frequency of rape of older women in peacetime conditions is significantly lower compared to younger women, and they constituted the majority of the remaining population.

If, on the basis of the factor of non-reporting of cases in peacetime conditions, one can argue that approximately 0.105 percent of women are raped per year (by applying the factor value 15), this means that 0.315 percent of women are raped in three years. If we accept that the probability of rape in the situation of occupation is 10 to 15 times higher than in peacetime conditions, as suggested by the number and share of cases known to us, we come to an assessment that rape in the circumstances of occupation might have been experienced by approximately 3.15 percent to 4.7 percent of women. This would mean that between **412 and 611 women** survived rape during the occupation. This number corresponds to the estimated number of murders of Croats during the occupation under UNPROFOR (Žunec, 2007).

Our field research, together with testimonies by victims and informants, suggests that rape and murders were taking place mostly as incident situations, in a manner that involved incursions of armed groups with the aim of robbery and seizure of property, rather than as systematic, organized and political or revenge-motivated process. The stipulated percentage fits into this pattern.

**By summing up all the three patterns, on the basis of the second assessment model, we estimate that between 1501 and 2437 persons suffered an aggravated form of sexual violence during the Homeland War.**

### 2.4.3. Protocol of the third method

In the course of our research, it became clear that there is one other model of assessment of the number of victims of sexual abuse in the Homeland War, founded upon direct war experiences by some of our informants, who today hold certain functions in Croatian institutions, organizations and associations in connection with the Homeland War and its consequences. Given the fact that these assessments are

a result of years of dealing with this topic by these persons and organizations, they should certainly be treated as relevant, and it was necessary to include them in our analysis.

The key advantage of these assessments is the fact that their authors have been dealing with such issues for a number of years; they have been in contact with a number of persons regarding these issues; they either had or still have open relations with victims (e.g. as their comrades in war, comrades in camps, or therapists); in addition, they themselves directly testified regarding individual circumstances and events in connection with the risk of this type of violence. One shortcoming of these assessments might be the fact that their authors have an activist attitude of sorts towards the issues; they are involved in social relations with victims, which can produce a strong impression based on victims' experiences; furthermore, these assessments are not founded upon systematic records of cases and a clear assessment protocol. In the concluding part of this study, we shall not primarily rely on this method of assessment; however, we believe that it is appropriate and needed to elaborate on it, in order to obtain a comprehensive insight into various approaches to the assessment of the number of victims.

The biggest number we have encountered in the course of our research was provided to us by psychiatrist Mladen Lončar, head of the Sector for Psychosocial and Health Care of the *Ministry of Veterans' Affairs*. Mr. Mladen Lončar can be considered a highly informed source on these issues, because he is an expert who, according to our findings, has the most extensive therapeutic experience with victims of sexual and other forms of violence; in addition, he also conducted scientific research, and published a range of scientific papers in relevant scientific journals.

According to his assessment, there were approximately 10,000 victims of sexual violence in the Republic of Croatia during the Homeland War. This number covers most people, both men and women, who spent time in camps, and those civilians who stayed in the territories covered by war activities. In other words, the assessment is based on the assumption that all persons imprisoned in camps or other forms of temporary imprisonment by enemy forces experienced some form of sexual violence. However, his assessment of the number of victims is based on a very wide definition of sexual violence, especially when it comes to men imprisoned in camps, which also includes the hitting of genitals where no permanent injury to reproductive organs has been determined as a result.

According to claims by Mr. Lončar, most women in fertile age did not survive the camp without becoming a victim of rape. According to the assessment, as many as 90 percent of women imprisoned in camps were raped. Some of the raped women were coerced to abortion after becoming pregnant during rape; others gave birth to children conceived in such a manner; some victims, who survived sexual violence, ended up with chronic sexually transmitted diseases as a consequence, together with additional physical and other forms of injury. Camps, according to Mr. Lončar, had the same modus operandi with prisoners, and when it comes to men, the range of abuse included homosexual rape; fellatio on other men; the hitting of genitals; in some cases, semi-castration and rape by various objects, which resulted in grave physical injuries.

This assessment is certainly determining the size of the total population of persons exposed to risk of sexual violence in a relatively good manner. However, due to a wide definition of sexual violence in view of the context of this study, we consider Mr. Lončar's assessment to be too high.

Marija Slišković, president of the association *Women in the Homeland War*, agrees with the assessment by Danijel Rehak, president of the Croatian Association of *Prisoners in Serbian Concentration Camps* (HDLSKL), who states that approximately 3,000 persons were raped and sexually abused during the military operations in Croatia. According to Mr. Rehak, this number also includes those victims who were raped outside of camps, and he is basing this assessment on the data regarding the number of women and men in Serbian concentration camps, which they reached by collecting information in the HDLSKL association, and on the basis of experiences of their members who testified on the method of procedure with prisoners in camps. According to Mr. Rehak, approximately 8,000 camp prisoners are listed by the *Croatian Red Cross*. The data on the number of persons imprisoned in camps, expressed by Danijel Rehak, corresponds to the data provided by Mr. Stjepan Adanić.

This assessment is somewhat higher than the upper limit of our assessment based on the first method, which is founded upon the implementation of the factor of non-reporting. It is close to the upper level of assessment that would have been reached according to the first method, had we kept the correction factor usually applied to rape in peacetime conditions (application of the factor value 20 to the number of 147 known cases would result in an estimate of approximately 2940 victims). This assessment can probably be understood as the absolute upper limit of assessment when it comes to the number of victims, although we believe that a somewhat lower assessment is more likely, obtained based on the first and the second method elaborated in this Chapter, which is in the range of 1,500 to 2,000 victims.

## **2.5. Expected number of beneficiaries of the rights of victims of sexual violence during the Homeland War**

We have assessed the expected number of beneficiaries of the rights of victims of sexual violence in the Homeland War on the basis of a range of interviews conducted with experts who possess extensive experience of working with sexual violence victims during and after the war. We asked them to assess what they believe would be the expected number of claims, on the basis of their experience of working with victims, having in mind the potential forms of procedure for obtaining the status of a victim. We have also assessed the expected number of beneficiaries on the basis of published interviews with sexual violence victims themselves, and with their close family members.

On the basis of obtained data and statements, we are unable to provide a precise assessment of the expected number of beneficiaries of the rights. However, according to data available to us, of the total number of 147 known victims of sexual violence, 17 persons passed away immediately after the crime, or in the past twenty years. In addition, even though we do not have the data on the age of victims at the moment of perpetration of violence for all cases, we do know that eight persons were older than 60 years of age when the violence was suffered. Therefore, given the fact that 20 years have passed in the meantime, it is to be expected that a certain number of victims who were senior citizens are no longer alive today, which would also be reflected in the expected number of beneficiaries of the rights of victims. If we combine the two pieces of data, it can be estimated that approximately one fifth of sexual

violence victims are no longer alive<sup>10</sup>. If the new act on the rights of victims of sexual violence would not allow for the transfer of certain rights to family members of victims, it can be assumed that approximately one fifth of victims would not be able to request the rights at all, since they are no longer alive. This decreases the population of eligible submitters of requests to between 1,200 and 1,760 persons.

Experts and informants we talked with mostly agree that the response of victims would not be considerable; however, they also point out that forms of procedure for obtaining the victim status, and characteristics of reparation for victims, will have an impact on the expected number of beneficiaries of the rights of victims of sexual violence in the Homeland War.

### a. Impact of application procedure on the expected number of beneficiaries

At the beginning of our research, we recognized possible forms of procedure for obtaining the victim status, based on examples from other countries that implemented such procedures. On the basis of that, and interviews with experts, we determined which forms of procedure would result in the biggest response of potential beneficiaries. These forms are explained in greater detail in the following Chapter, and we are providing summary information here, ordered according to the expected response, starting with the option with the lowest expected response, and ending with the option with the highest expected response.

All experts in psychology, psychiatry and those from NGOs agree that the **legal approach** would be inadequate in this particular case, resulting in the lowest response of victims. A strict legal procedure, in which a victim would be forced to defend her/his statement in some manner, would constitute a traumatic experience for the victim, increasing the likelihood of repeated traumatization, which is why, according to the experts, such an approach should be avoided at all costs. One exception is the County State Attorney's Office in Osijek, the representatives of which believe that a clear legal approach is required, with the presence of a psychologist who would be able to clearly define the credibility of the victim statement, due to the possibility of false claims.

One part of experts acquainted with the idea of establishing an expert **multidisciplinary commission**, before which victims would provide their statements, point out that such an approach would be satisfactory. However, they also emphasize the importance of a sensitive approach to victims as a very important factor for the response of victims. It is important to facilitate this procedure in all possible manners, because a significant number of victims might otherwise give up on the idea of submitting requests, due to the difficult nature of procedure. On the other hand, experts without any notion of potential procedures are against the commission model, without exception, because they believe that the response of victims would be significantly lower within such a model.

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10 17 victims for whom we have determined that they died immediately after the crime, and eight victims who were senior citizens at the time of perpetration of the crime, constitute approximately 17% of the population of known cases. Given the fact that the age of victims was known only in a smaller number of known cases, we assume that the number of victims who belong to older age groups must be higher than eight known cases. On the basis of that, we can conclude that the share of deceased persons in the number of known victims should be approximately 20%. When generalizing this assessment in regard to the entire population, one must remain cautious, however, because the data regarding rape is probably better known in those cases that involved the subsequent murder of the victim.

Some experts believe that the **combination of the commission approach and individual victim statements** would result in quality response of victims. They support the establishment of a multidisciplinary commission that would make decisions regarding the submitted requests; however, they also believe that it would be good to have individual collection of statements organized prior to the commission stage, with these collected statements then being verified by the commission to which they are submitted. In this process, it would be important to ensure the anonymity of victims who request the recognition of their status, because victims of sexual violence are particularly exposed to stigmatization by their environment. Victims themselves also point out that they do not want to be exposed, either publicly, or on multiple occasions, because that would mean repeated traumatization for them, and recurrence of emotions from the past.

Most experts are in favour of solely **individual collection of victim statements**, performed by educated experts (psychologists, social workers, etc.) who are acquainted with the context of war events in the territory where the violence against the victim took place. They point out that such an approach would prove to be extraordinarily facilitating to victims, and might provide an incentive for some victims to establish contact for the first time, and to acknowledge that they survived sexual violence, which would also have a therapeutic effect on them. Interviewed victims also agree with such an approach. They believe that the best procedure would be the one where one legal expert and one psychologist would be present during the provision of statements. They point out that it is extraordinarily important for these persons to “have the expertise, to be informed, to know a lot about the case, and to approach victims with compassion”; in addition, it is also important that statements obtained in such a manner be valid for all applications and procedures that the victim must go through in order to submit the request for the recognition of the status of a victim of sexual violence, since that would provide an incentive to victims for reporting.

During the interviews, experts with whom we communicated would frequently mention other factors that, according to their opinion, have an impact in terms of the number of applications, and in terms of raising the probability of initiation of requests for obtaining the victim status. Psychologists point out that it is important to provide victims with the highest possible level of control over the process – a victim must be properly informed on all steps of the process that the victim must go through. Therefore, it is important to have a public campaign that would clarify the process to victims, but also raise the level of sensibility of the general public for the issue of war rape, and difficulties that the victims are forced to endure until the present day.

Some of the experts we talked with also point out the passage of time of 20 years after the violence as a positive factor – this is particularly emphasized by women’s associations, which are being contacted by an increasing number of clients in recent years, ready to acknowledge the violence that they had gone through for the first time. In this context, it is to be expected that time delay in regard to the violent event would be a facilitating circumstance for reporting and for requesting the status in the present, when it comes to a certain number of victims.

These two points of view of experts can lead to a conclusion that it would be desirable to ensure a somewhat longer period of time for the submission of requests, in order to adequately inform the victims on procedural aspects, their rights, and possible social and psychological risks of engaging in such procedure. Namely, it is important that victims who have not publicly expressed their experience gain trust that the procedure is safe for them, and that it would not entail major psychological cost or social stigma; this can be achieved only

if sufficient time passes, in order for those victims who have already publicly expressed their experience to go through the procedure, and to share their experiences with other victims, both formally and informally.

Experts agree in the assessment that false claims in cases of sexual violence will either not appear at all, or will be extremely rare, because this is a difficult issue that also carries stigmatization and other consequences with it.

#### **b. Effect of the characteristics of reparation on the expected number of beneficiaries**

According to experts, the characteristics of reparation will have a significant impact on the expected number of beneficiaries. This is particularly true for financial reparation, where the level of possible financial damages might impact upon the number of submitted requests for obtaining the status, in the sense that a higher level of financial damages might result in a significant increase of the number of submitted requests. On the other hand, low financial compensation might demotivate the victims and cause the opposite effect. The victims themselves agree with this view, pointing out that, according to their perspective, an important motivation for a higher response of victims would surely be a higher level of funds that the victims might receive by obtaining the status.

As for other characteristics of reparation that the respondents mention, full medical care would certainly constitute an incentive for the applications of victims, as well as possible benefits in the sphere of employment and education. Details on these matters are outlined in Chapter 3 of the Report.

In conclusion, we can say that experts we spoke with mostly agree that the response of victims will not be particularly high. As reasons for that, they mention that sexual violence belongs to the type of crime with the lowest proportion of reports, and it is difficult to expect that the victims would be motivated to state their case as a result of benefits stemming from obtaining the victim status. The probability is higher for those persons who have already spoken about their case, and reported it to the competent state bodies, for persons who testified before the courts or in associations and in conversations with therapists and doctors. Most victims recorded in our database certainly belong to this category, i.e. approximately 120 victims who are still alive. This number can also be considered to be the minimum number of persons who will submit the request, even regardless of the level of rights.

Most interviewees agree that male victims will almost certainly not register themselves, in particular when it comes to male military victims imprisoned in camps or prisons, because, in most cases, they are already beneficiaries of other rights on the basis of their participation in the Homeland War. On the other hand, there is a possibility that male civilian victims might respond, assuming that they have not already obtained some form of status. A higher level of financial compensation is mentioned as a possible incentive for better response rates.

One argument why a low level of response can be expected lies in the fact that sexual violence victims already had the opportunity to achieve the status of a military or civilian war invalid, within the existing regulation on the rights of victims of the Homeland War. According to the *Rule Book on the Determination*

*of Injuries of Military and Civilian War Invalids* (Official Gazette 14/06, 2006), the victims could achieve such status on the basis of (1) *injury to sexual organs* (Chapter XIV), and (2) *physical and psychological consequences of violent sexual intercourse (rape)* (Chapter XV, Item 316). According to our findings, only 14 beneficiaries achieved the status on the basis of Item 316, out of whom 10 are civilians, and 4 are military persons. However, experts with whom we have spoken argue that one possible reason behind the low response may be the fact that sexual violence victims were unaware of the opportunity of achieving this right on the basis of the Rule Book; this circumstance should, therefore, also be taken into account.

Another possible indicator of the expected number is the example of Bosnia and Herzegovina, speaking in favour of the expressed belief that the victim response might be modest. A psychologist who worked with women victims of sexual violence in Bosnia and Herzegovina states that, according to UN estimates, between 20,000 and 50,000 women were raped during the war in Bosnia and Herzegovina. According to the data of NGOs active in the process of recognition of victim status in Bosnia and Herzegovina, 3,000 clients out of the total estimated number of raped women registered themselves in NGO records. Of those women, only 750 requested and received the status of a civilian victim of war, and the accompanying monthly material compensation in the amount of 70% of war veteran pension (when converted in the Croatian currency, approximately 2,000 HRK). In other words, the request was submitted by only one quarter of known sexual violence victims, and the percentage of the total number of victims is significantly smaller, only approximately 3.5 percent, if one takes into account the lower limit of the assessment of the number of raped women during the war in Bosnia and Herzegovina.

In other words, assuming that the procedure is relatively straightforward, quiet and undemanding for victims, one can expect a higher number of applications, in particular if the material compensation would be higher. If, on the other hand, the material compensation would be lower, of a symbolical nature, no significant number of applications is expected. One can expect a minimum of approximately 120 requests, which is the number of those victims who have already publicly testified regarding their experience in one manner or another, while the upper limit cannot be assessed, given the fact that details regarding the procedure and the level of rights are not known to us at this moment.

**Desirable models of  
compensation for victims  
of sexual violence during  
the Homeland War**



## 3. Desirable models of compensation for victims of sexual violence during the Homeland War

### 3.1. Overview of compensation models

#### 3.1.1. Overview of compensation models - approaches

With the introduction of a new category of civilian Homeland War victims, primarily in connection with sexual violence, a question of determining an adequate reparation model arises as well. Even with the existence of the political and social will to remedy the situation (both at state and regional level), the practices so far have proven to be insufficient and inadequate when it comes to the reparation process (which must necessarily be comprehensive), and this is also confirmed by the study implemented by the United Nations (Auweraert and Cvetkovski, 2013).

When it comes to the issue of reparation, a range of dilemmas arise, one of which is the issue of whether one should select a regional or a national approach.

The regional approach is presented as being more appropriate, given the inclusion of all countries of the former Yugoslavia in the conflict. However, given the new territorial borders that would render the prosecution of perpetrators more difficult, ethnic polarization on the basis of different treatment of victims in individual states, extremely politicized nature of the issue of civilian victims during the Homeland War (additionally strengthened due to the ICTY presence), and the passivity of members of most regional authorities, reaching a consensus on regional cooperation would be difficult, while victims themselves and their needs are being increasingly marginalized (Auweraert and Cvetkovski, 2013:25).

Having these aspects in mind, even though one could envisage the regional approach as a better-quality solution in the long term, creation of the reparation programme at the national level (which is the model that Croatia has chosen) seems to be a more realistic option, offering not only direct results in terms of the care provided to victims, but also the possibility of developing potential future cooperation at the regional level.

In addition to the regional-national dichotomy model, types of reparation models can also be divided based on the principle of juridical-comprehensive dichotomy<sup>11</sup> (Auweraert and Cvetkovski, 2013:31-32). Aiming to preserve the perspective of the victim in the process of selecting a model, the comprehensive policy approach is presented as favouring the victims to a higher extent, since victims themselves are at the centre of attention precisely in this model. The aim of the comprehensive model is to avoid an expensive, long-term process, traumatic for victims, of going through the legal bureaucracy characteristic for the juridical context model, which, prior to the reparation, requires firm (frequently non-existent or

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11 Juridical Context and Comprehensive Policy.

unavailable) evidence on perpetrated criminal offence, with the aim of proving the victim status based on criminal and civil law. Unlike this approach, the comprehensive model advocates an administrative approach which allows all victims to be compensated, without the need for their physical or psychological participation in court proceedings, without the need for legal representation (which few victims can afford), or a complicated methodology of determining the victims.<sup>12</sup> The comprehensive model is not limited solely to financial reparation, which is particularly important given the current economic situation in the country and the region, and the potentially high number of victims.

In order to ensure compensation in as just a manner as possible, but at the same time in a manner most suitable for victims, recommendations for the implementation of defined reparation programmes must be “*detailed, precise, and grounded in research, analysis, discussion and (which is most desirable) in consultation with victims*” (Derenčinović et al., 2013:15). Having in mind the extraordinary importance of focusing on victim preferences in the reparation process, the UN is nonetheless proposing certain fundamental guidelines for reparation models, which include “*restoration of the previous state (where possible, which is unlikely with sexual violence victims); compensation of damages; ensuring satisfaction, rehabilitation, and guarantee of non-recurrence*” (Derenčinović et al., 2013:18).

The aims of such models can be divided into general and individual aims. The general aims of the programme have a collective and symbolical character, and they include compensation for suffered violence<sup>13</sup>; measures for the improvement of living standard and social position of victims; determining the truth about the military violence in a historical perspective; building and maintenance of trust at the victim-state relation level (by recognizing the need for compensation, and by ensuring compensation through programme implementation); social reconciliation at the regional and ethnic level (Auweraert and Cvetkovski, 2013:31-33).

Individual aims include specific modes of compensation, of a material and symbolical character, in the form of financial and symbolical compensation, such as official public or individual recognition of the victim status; building of monuments and victim centres; creation of archives of individual events, judgments and statements accessible to the public; provision of free health care and psychological care; preferential support in education; but also in the form of organizing commemoration events by the state itself (Auweraert and Cvetkovski, 2013:35-36; Derenčinović et al., 2013:18).

By advocating the holistic approach, Derenčinović and collaborators (2013:18) emphasize that it is important to combine reparation programmes with community programmes, symbolical and financial compensation, and public recognition. Auweraert and Cvetkovski (2013:26) argue that it is extraordinarily important, given the possible limitations in terms of the state budget, that financial compensation be limited and divided based on the criterion of *vulnerability*, while the provision of symbolical compensation should be accompanied by particular care dedicated to ensuring that the victims themselves perceive it as satisfactory.

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12 This can be avoided by using the type of violence as the unit of analysis, with every victim of a certain type being qualified for an identical amount and form of reparation (see: Auweraert and Cvetkovski, 2013:31).

13 It is recommended that “all models of reparation covered by the Basic Guidelines should find their place in the Act”, Derenčinović et al., 2013:18.

### 3.1.2. Overview of compensation models – applications

The existing practical examples point to various problems that may arise in implementation, depending on the selected reparation model.

Starting from the very conceptualization of the reparation model, the importance of inclusion of women's associations in its planning is emphasized. This is important, because a generally low number of women included in the reparation process would be even lower without the participation of women's associations in public debates (Cochran, 2009:34). Otherwise, the negative aspects of the process would be more pronounced, not only due to the lack of information among victims regarding the existence of the programme and its conditions, but also due to the social stigma connected with the very nature of the crime. An example of victims giving up due to stigmatization is clearly visible in the reparation process in Bosnia and Herzegovina, where Gorana Mlineravić (in: Cockburn, 2013) notices a major importance of preserving anonymity in the process of provision of the victim status. In Peru, the participation of victims in the planning of the reparation model was extraordinarily low precisely due to these reasons (Rubio-Marín, 2012:98).

One possible foundation for ensuring a better quality of dissemination of information and inclusion of programme beneficiaries themselves, while necessarily preserving their anonymity, according to Ruth Rubio-Marín (2012:98), can be found in the role of collective reparation processes. If they are used as a complement to individual processes, they can lead to the reduction of stigma and marginalization of victims, while ensuring that the issue of sexual crimes be present in the public discourse, at the same time enabling the inclusion of a larger number of victims in reparation planning. Such an approach minimizes the need for subsequent revisions of the legal definition of sexual violence victims, and facilitates the timely budget planning for financial reparations.

Untimely planning and disorganized approach to problem solving are issues that we come across in a majority of analyzed countries, whether in terms of inclusion of victims in the process, comprehensive definition of sexual violence, or cost budgeting<sup>14</sup>. While the inclusion of victims in the process is rendered more difficult due to the social stigma and insufficient information, partial and changeable definitions of sexual violence result in a slow entry of victims into the reparation programme<sup>15</sup>; at the same time, however, the fluctuations in foreseen costs are higher whenever the definition is changed. Additionally, the budgeting of financial reparations has proven to be the most problematic item, which includes a number of problems that may result in effects opposite to those foreseen by reparation, such as the general lack of funds in individual countries; delays in the payment of instalments; their general absence<sup>16</sup> or discriminatory implementation (Rubio-Marín, 2012: 94).

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14 Chile, South Africa (Auweraert and Cvetkovski, 2013), Bosnia and Herzegovina, Serbia (Cockburn, 2013), Guatemala, East Timor, Peru, and Sierra Leone (Rubio-Marín, 2012).

15 As can be seen in the example of Peru. According to assessments, towards the end of 2011, due to an unsatisfactory definition of sexual violence, there were 23,000 victims who remained denied the required reparation (Boesten and Fisher, 2012:5). Guatemala provides another example, as a country in which sexual violence defined as not including sexual slavery, forced union, sexual torture or genital mutilation prevents a number of victims from participating in reparation processes (Rubio-Marín, 2012: 84).

16 Particularly having in mind the example of reparation models in South Africa, where victims had been promised financial compensation that was not provided in the end, which consequently resulted in major dissatisfaction. (Derenčinović et al., 2013:15-16).

In conclusion, one can argue that symbolical compensation has proven to be an accompanying programme which has so far been extraordinarily underrated. Public recognition of crimes, dedicated to victims, represents the most important part of the programme, which is also most rarely practiced (ICTJ 2007.:2).

### 3.1.3. Overview of compensation models – Croatia

The UNDP working group prepared a document, entitled “Proposals for the Act on the Protection of Victims of Sexual Violence in War – the Psychosocial Aspect”, which served as a background for research. Authors of the proposal, Ivana Dijanić Plašč and Ivana Milas Klarić, provided a high-quality overview of current practices, with a systematic overview of possible reparation models for victims of sexual violence in war, and possible implications of the implementation of individual forms of measures. In the part that follows, we will provide a brief overview of key concepts taken over from the authors.

When it comes to providing the status of a civilian victim of war to persons who suffered sexual violence and rape, a number of initiatives have been started in Croatia, by NGOs, and by legislative and executive bodies. Despite that, even today, almost 20 years after the end of the Homeland War, the Croatian state has still not provided systematic compensation to victims of sexual violence, which would represent a somewhat appropriate compensation for the suffered harm and its consequences. As a result, the issue of compensation is still present in the public, and legal regulation of this issue is needed. In addition to defining the status of civilian victims and ensuring a standardized legal procedure, it is also important to define an adequate form of support, at both institutional and non-institutional level, not only for victims, but also for their families and the wider community suffering as a result of secondary psychological trauma.

In their proposal for reaching the *Act on the Protection of Victims of Sexual Violence in War* (2013), Ivana Dijanić Plašč and Ivana Milas Klarić analyze the importance of reaching the Act, and possible forms of support, from a psychosocial angle. They emphasize that this issue is still under-researched. Causes behind that are obstacles at the individual level, in the form of silence and shame of victims, but also at the wider social level, which includes the “tradition and culture that victims stem from, imposing silence on the matter” (Dijanić Plašč, Milas Klarić, 2013). In the course of the post-war period, this issue has become marginalized, because it reminds of humiliation, powerlessness and shame. According to the authors, the reaching of the Act would contribute to removing taboo from the issue, replacing stigmatization at a wider social level with a status that would put the victim in a wider context than the context of individual suffering, which would facilitate the process of psychological recovery of victims at the individual level, given the fact that victims would become able to consider themselves “martyrs who gave a personal sacrifice for their country”.

In order to achieve this, the authors propose several key guidelines: (1) introduction of a standardized procedure for victims of war rape, regardless of their age, location where violence took place, gender and/or other personal characteristics (a standardized procedure would ensure consolidated practice of all competent bodies and institutions in the Republic of Croatia, with the provision of high-quality support and assistance which would be efficient in regard to victims); (2) provision of information regarding the competent institutions dealing with this area and providing assistance.

Therefore, key steps that need to be undertaken include: (1) recognition of the victim status; and (2) ensuring certain forms of assistance (restitution, rehabilitation, satisfaction, guarantee of non-recurrence), based on the assistance provided to other civilian victims of war and war invalids, without decreasing the status of a civilian victim who suffered sexual violence and/or rape in such a manner, while emphasizing the special nature of this form of trauma, and the need for expert and specialized approach.

**Restitution** as material form of assistance can be ensured in the form of one-off compensation of damages, or in the form of multiple monthly payments.

**Rehabilitation programmes** are a foundation of assistance programmes, and they are divided into *medical assistance, specific gynaecological assistance, psychological assistance, and legal assistance*. Assistance can be provided at the institutional level (guidelines on this matter can be found in parts of the Protocol on Procedures in Sexual Violence Cases, 2012), and at the non-institutional level, which:

„includes wider measures of the provision of assistance and support to victims of war rape. In addition to counselling and/or (individual or group) psychotherapy, these measures also include work with family members; preparation for the court process; monitoring of the victim during the process; work on further improvement of the treatment of victims“

(Dijanić Plašč, Milas Klarić, 2013).

The authors define **satisfaction** as the third form of reparation, which is a matter that can be tackled in a narrow and in a wider sense. In the narrow sense, it represents recognition of a certain status for victims of sexual violence in war, and in the wider sense, it can be achieved by the inclusion of this issue into the educational system, in incentives for public debates, etc. By removing the taboo from this issue, by raising awareness of the public via education and support for public debates, it is possible to influence the wider public and its perception of crimes, perpetrators and victims, which constitutes an indirect method of ensuring the **guarantee of non-recurrence**. According to authors, the issue of satisfaction is extremely important, and “in individual cases, it can even be more important than the compensation of damages per se” (Dijanić Plašč, Milas Klarić, 2013). The authors, furthermore, argue the following:

„Victims expect recognition that sexual violence in war was, in fact, occurring, and that it was systematically implemented in some cases; (...) they expect the perpetrators to be punished, inasmuch as possible given the passage of time and the difficulty of ensuring proof, etc.; (...) publication of the truth about the crimes committed, while pointing out the comprehensive gravity of consequences of these crimes, not only for victims, but also for their families“

(Dijanić Plašč, Milas Klarić, 2013).

Finally, in the context of elaborating the forms of reparation, the authors argue that it is very important to implement the research part of the project. Having these matters in mind, we have tried to obtain information on which form(s) of reparation are considered to be adequate by victims, but also by their family members and experts in this field, and to include this information in the final discussion and the proposal.

## **3.2. Working methodology and procedures**

In working on this research, our attention was focused on both key aims of the research in all phases of work. Therefore, both the methodology and the procedures of work in connection with adequate and desirable models of reparation for sexual violence victims in the Homeland War are complementary to the methods applied in the remainder of the research.

They include the analysis of expert literature pertaining to the victims of torture, war violence, sexual violence and rape in the context of war, from the perspective of several experts from several scientific areas, as well as the analysis of official documents, such as indictments and summaries stemming from war crime trial monitoring, containing in-depth testimonies of victims and witnesses, but also doctors, psychiatrists and psychologists. As an addition to the official and expert documentation/literature, we also used the reports of victims recorded in (auto)biographies mentioned earlier in the Report.

This process led to the accomplishment of three goals. We became acquainted with the victim perspective, and that allowed us to take the right approach and to expand the knowledge regarding the specific circumstances; in addition, the process also facilitated the preparation of the protocol for semi-structured interviews with victims, as well as the implementation of the protocol. On top of that, the process has also proven to be useful in terms of the preparation and implementation of semi-structured interviews with experts.

### **3.2.1. Working methodology and procedures with victims**

Prior to the actual field work, we consulted with experts working with civilian victims of war, in particular Slaven Rašković from Documenta, who provided us not only with useful information in the form of contacts, but also with useful advice on actual field work with victims.

During the field work, we had the opportunity to talk with six victims of rape, and we established cooperation with Marijana Senjak, who conducted interviews with four victims, with whom she already works as therapist. All victims with whom interviews were conducted come from Vukovar or the territory of Eastern Slavonia. It is worth mentioning that all victims receive individual and/or group therapeutic psychological assistance, and we concluded that this was one of the important factors that contributed to (1) the possibility of establishing contact and achieving cooperation; (2) readiness for conversation and openness in discussing the traumas; (3) decreasing the possibility, or at least minimizing the scope of repeated traumatization due to the repeated opening of issues in connection with the trauma.

In addition to 10 victims, we also had the chance to talk with the president of the association *Vukovar Mothers*, who provided information to us from the perspective of a person who was not personally raped, but was imprisoned in a camp which is known to have been a scene of rape. In addition, we also spoke with the president of the Croatian Association of Prisoners in Serbian Concentration Camps (HDLSKL), who was imprisoned in a camp, and who is (or was) in contact with a number of victims of rape during the Homeland War, because these victims are members of the association.

Among other questions in connection with the issues analyzed by this research, we also posed several questions to our interlocutors regarding the desirable reparation model and the procedure of determining the victim status. It is worth pointing out that the interviews took place in a manner that was not, as a rule, strictly formal and structured. The researchers conducting the interviews raised all the questions relevant for achieving the research goals during the interviews, but they also left room for interlocutors to tackle the issues that they consider important, to describe their living situation and expectations regarding the process and the situation in which they are in. In such a manner, we believe that we received first-hand insight regarding (1) the complexity of the situation of persons who are victims of rape, due to the very act committed against them, in which they have to cope with their trauma, while constantly having in mind the fact that they need to face their own family and the wider community; (2) today's wider historical, cultural, political, social and economic context in which the process of dealing with the past in war-affected territories is ongoing.

Interviews with victims were conducted by the female part of the team, in order to ensure a confidential atmosphere for victims in discussing sensitive topics, and in order to avoid withdrawal or silence due to shame and unease.

### 3.2.2. Working methodology and procedures with experts

In the course of examining and analyzing the literature, and by getting in contact with important informants, we became aware of experts with direct experience of working with victims. We concluded that these individuals, due to their contacts with victims, are best placed to provide a significant contribution in terms of the assessment not only of adequate reparation measures, but also potential methods of implementing the process of determining the status of sexual violence victims in the Homeland War. We therefore contacted these experts, five of whom decided to cooperate with us: one social worker, two psychologists, and two psychiatrists.

Interviews were conducted in facilities without any disturbing factors, at the time that suited the experts. The questions were semi-structured, and the experts had the possibility of discussing the topics that they considered important, not covered by the protocol.

### 3.3. Procedures for obtaining the victim status

#### 3.3.1. Perspective of victims

The victims are aware that reaching an adequate procedure for determining the status is not easy, due to several reasons: (1) it is difficult to prove who was the victim of rape; (2) victims do not want to testify, because they have not admitted the event even to their own families who went through the trauma, and in most cases there are no witnesses; (3) most victims confide only in doctors when they need assistance; (4) men who are victims of sexual violence will be even more disinclined to report what they went through, because the issue is considered to be particularly shameful in their environment.

Victims believe that the existence of a clear procedure is the primary requirement. Following that, it is important to properly equip the personnel who would provide information on the procedure, and, based on the possibilities, to organize workshops and presentations on the issue, in order to bring the process and the procedure as close as possible to the widest public that may have potentially suffered the crime of rape/sexual abuse. Victims believe that it would be sufficient to provide a statement on a single occasion, which would be valid for any institution that may be connected with the evidence and reparation process, and they do not want to be exposed either publicly or on multiple occasions (due to the fact that it would cause repeated trauma and the recurrence of emotions). They believe that the best approach would be to provide the statement in the presence of one legal expert and one psychologist. In such a manner, the statement would be official and subject to expert assessment regarding the credibility, while strictly legal procedure would be avoided, as the type of procedure that would force a victim to defend her/his statement, which is sickening to provide to begin with, in one manner or another. It is extraordinarily important that persons collecting the statements be well-informed experts with knowledge about the case, and that they approach the task tactfully and with compassion.

#### 3.3.2. Perspective of experts

Experts agree that the procedure for assessment of the victim status should be as sensitive to victims as possible, with the lowest probability of repeating the trauma. They agree that statements of victims should not be taken on multiple occasions, as that would raise the possibility of repeated traumatization with every new instance of providing the statement. In accordance with that, some experts propose that the assessment of the victim status should be conducted via an audio-video device that would allow for the statement to be recorded, and such recording could then be used in subsequent procedure in order to remove the necessity of repeated provision of statements by victims. In addition, experts believe that the confidentiality of personal data should be guaranteed, and that the public should be excluded from the process of assessment of the victim status and the subsequent period; i.e. victims should be fully protected.

Experts also emphasize that victims should be provided with the right to a counsellor, who would be involved throughout the procedure of establishing the victim status, and who would ensure that the

victims are informed on the entire procedure at any point in time, in order to decrease, as much as possible, the likelihood of a sense of hopelessness, or temptation to give up on the procedure. They emphasize that persons involved in the assessment of the victim status should receive education regarding the patterns and characteristics of sexual violence in the Homeland War, and that this would significantly facilitate the process of validating the assessment.

a. “One-on-one” collection of statements

Almost all experts are in favour of the collection of victim statements solely on the basis of “one-on-one” approach. Such an approach would include the provision of statements by victims in front of an educated expert (psychologist, social worker, etc.), who would be familiar with the context of war events in the territory in which the violence against the victim occurred. Experts believe that such an approach would involve the lowest probability of repeated traumatization of a person, and that it would result in the biggest number of claims for the determination of the victim status. They point out that such an approach provides extraordinary facilitation to a victim, and that it might also provide an incentive to some victims to come forward for the first time, and to acknowledge that they are victims of sexual violence, which would also have a therapeutic effect on these victims. Statements collected in such a manner would be valid for all reports and procedures that a victim must go through in the process of recognition of the status of a victim of sexual violence.

b. Multidisciplinary commission of experts

A smaller number of experts we spoke with were acquainted with the idea of setting up an expert multidisciplinary commission, to which victims would provide statements, and they agreed that such an approach is satisfactory. They believe that the commission should be composed of several experts from various disciplines, in accordance with the case of a victim requesting the assessment. They primarily mention psychologists and psychiatrists, doctors specialized for injuries that the person suffered, social workers, legal experts, and other professions. In order to reject any suspicion in terms of false testimonies and claims, it is certainly important to ensure the participation of a psychologist and/or psychiatrist, who would be present during the collection of statements, thus providing own assessment regarding the validity of the statement. However, these experts emphasize the importance of a sensitive approach to victims, as a very important factor for the response of victims. It is important to facilitate this procedure in any manner possible, because a difficult procedure might result in a significant number of victims giving up on the submission of requests.

On the other hand, all experts who had no prior knowledge regarding the potential procedures were against the commission model, because they believe that such a model would result in a significantly lower response of victims, with an increased possibility of repeated traumatization.

c. Combination of the commission and individual collection of statements

Experts acquainted with the commission approach argue that a combination of the commission approach to the collection of information and the individual approach would be better than the procedure of collection involving only the commission. They believe that it would be good to first organize the individual collection of statements, which would then be confirmed by the multidisciplinary commission. The method of one-sided mirror could be used in this process, with the commission listening to the victim statement directly if possible; alternatively, it would be possible to use the method of recording the statement, with the statement forwarded to the commission.

d. Legal approach

All experts in the sphere of psychology, psychiatry, social work and non-governmental organizations believe that the legal approach would be inadequate for the issue at hand. A strict legal procedure, in which a victim would have to defend her/his statement in some manner, would represent a traumatic experience for the victim and raise the possibility of repeated traumatization, which is why, according to the experts, it should be avoided at all costs. However, the County State Attorney's Office in Osijek expressed an opposite view, arguing that a clear legal approach is needed, with the presence of a psychologist who would be able to clearly determine the truthfulness of the statement. According to the County State Attorney's Office, this approach is important because of the possibility of false claims.

## 3.4. Desirable compensation models

### 3.4.1. Perspective of victims

Victims mention and request all forms of compensation outlined by Dijanić Plašč and Milas Klarić in their *Proposal for Reaching the Act on the Protection of Victims of Sexual Violence in War (2013)*:

- a. Restitution in the form of material compensation (victims are predominantly in favour of monthly compensation);
- b. Rehabilitation programmes: (1) legal assistance; (2) medical assistance; (3) psychological assistance, where it is never too late for therapy;
- c. Satisfaction: (1) in a narrow sense: criminal prosecution of the perpetrator; (2) in a wider sense: recognition of the victim status.

Every form of reparation is recognized by victims, and considered needed and desirable. It is worth pointing out that victims express support to each of the forms of reparation by providing examples, contextualizing them in their own situation, but also the situation of victims with whom they are in contact, thus providing arguments in favour of supporting all these measures.

When it comes to material compensation, victims argue that it is needed. When it comes to the issue of how they feel about currently being in a situation of someone who is asking for money for one's own trauma, there is no single answer (note by the author: the attitude and the position of the victim is elaborated here, not of the author). When it comes to the issue of material restitution, we may say that there is a consensus that such a solution is needed; however, a discrepancy can be noted when it comes to (1) perceptions of receiving material compensation for the survived trauma; (2) estimates regarding the level of compensation; (3) recipients of the compensation.

Some victims feel shame, because they perceive the receiving of money as compensation for the suffered trauma; however, they still need the money, and shall therefore use their rights. These victims speak more directly about financial restitution in the form of receiving a fixed monthly pension, similar to the pensions received by war veterans. Other victims emphasize the symbolical dimension to a higher extent, entailed in the provision of funds, because it is a material equivalent of the recognition of the status of a civilian victim, which they believe is strongly needed.

Different attitudes are expressed when it comes to the assessment of the level of compensation. Namely, in the course of the interview process, victims mentioned their concern regarding the method of assessment of the level of compensation. Since the group of six women we interviewed included those who suffered rape once, and those who suffered rape and torture multiple times, there is a "group consensus" on this issue: all of them suffered trauma, and nobody's trauma should be diminished simply because it happened on less occasions. Still, according to our view, it is worth pointing out that this issue is raised at least indirectly, and that there are probably diverging views on the matter.

When it comes to the issue of persons who should be granted the status, the views are clearly divided. Some victims believe that the right to the granting of status should be provided solely to Croatian civilians who suffered rape / sexual abuse during the Homeland War. This is where the already mentioned current historical and political context comes into play, still overshadowed by war events. Based on this point of view, some victims oppose the granting of status and rights to Serbian civilian victims, providing an argument that this amounts to the equalization of the aggressor and the victim. According to this point of view of victims, Serbian civilian victims who suffered rape / sexual abuse on the territory of Croatia should not be allowed to receive the status of civilian victims of rape / sexual abuse, and hence should not be granted the rights.

Of course, there are also those victims who believe that the issue of ethnicity should not be mixed with the issue of granting the status of a civilian victim, and that human suffering as such has its weight, which is indisputable. This issue should by no means be disregarded, and it should be carefully addressed in the process of a wider public presentation of the Act, in order for victims with a more radical attitude not to be motivated for resistance due to political reasons, or for some other form of creating an unfavourable political situation.

Irrespectively of desires, some victims are particularly sceptical when it comes to the issue of ensuring the funds for compensation by the state, because "the state has no money". Despite that, satisfaction in the form of financial compensation would be adequate, with the state showing in such a manner that it really is taking care of the victims.

The victims consider rehabilitation programmes in the form of legal, medical and psychological assistance very much needed. They believe that the provision of free legal aid and counselling to victims who obtain the right to the status would increase the likelihood of victims deciding to report the criminal offence of rape / sexual abuse. In such a manner, satisfaction in the narrow sense of the word – in the form of criminal prosecution of the perpetrator – would be more easily achieved, but the same would be true for satisfaction in a wider sense – clarifying the truth, and guaranteeing the non-recurrence, by acting on the wider social public and their perception of the crime, perpetrators and victims.

Victims believe that it is important to ensure adequate and specialized medical assistance, and possibly the right of priority in the health care system, because some victims bear permanent physical consequences that are disabling their normal functioning to a higher or a lesser extent. Victims are very much in favour of ensuring psychological assistance as a rehabilitation programme. Our interlocutors are going through a specialized programme of psychological assistance financed by UNDP, and they argue that this assistance has been of tremendous importance for their recovery. According to them, psychological assistance should be offered at the local level, since not everyone has the same opportunity to visit workshops held in another city, due to health care issues or material issues. Assistance should be easily available.

According to victims, the recognition of the status of a civilian victim of sexual violence would partially change the perception of their close environment and the wider public. In the social context of Vukovar, the prevailing attitude towards victims is extremely stigmatizing, and includes direct condemnation (1) by family members of the victim (*“why have you exposed us to shame; why do you persist on criminal prosecution of perpetrators, when you see that nothing has changed for years; how long is this going to go on; you’re not home because of all that stuff, what’s the point; when will all this end (...)?”*); but also (2) by the wider community (which uses disparaging terms when referring to them, such as “Vukovar whores” or “ladies with red bags”).

Asked if they believe that this situation would change with the recognition of their personal sacrifice that they provided in the Homeland War, once formal status would be provided to them, they answer in the affirmative.

Satisfaction in the narrow sense, in terms of the criminal prosecution of perpetrators, is something that they consider necessary, but, at the same time, they express displeasure due to the slow nature of the process. Likewise, some victims believe that legal changes and amendments are needed in order to ensure harsher punishment for perpetrators of rape / sexual abuse, and the possibility of expulsion of the perpetrator from the state as a guarantee of non-recurrence, and they mention the example of the Norwegian legal system which is implementing similar types of practices.

Victims place a particular emphasis on active work of associations and the encouragement that they receive from them. This includes activities such as meetings and roundtables that disseminate information, but also work in smaller groups, ensuring privacy, intimacy and trust. They propose the establishment of a specialized centre for working with civilian victims of rape, which would provide information and encourage the process of reporting criminal offences, and which would focus on matters such as

the submission of requests for the status of a civilian victim of rape / sexual abuse in the Homeland War, directing the beneficiaries to rehabilitation institutions, or setting up in-house teams of experts who would be primarily specialized for working with victims, properly informed, and compassionate.

### 3.4.2. Perspective of experts

Experts agree that rehabilitation should be ensured for victims, in accordance with their difficulties. They emphasize in particular that persons who suffer from sterility as a consequence of sexual abuse should be provided with adequate treatment and IVF, if they express the need and desire for that. If a person contracted a sexually transmitted disease, this person should have the right to free treatment of such diseases. In addition, the experts argue that comprehensive medical treatment should be provided to victims, based on accelerated procedure, i.e. “without referral slips”. They mention that psychological and psychiatric assistance to persons is necessary, both individual and group-based.

Experts believe that it would be best to pay the financial reparation in a single major amount. They believe that decent life should be ensured for victims, which would include the resolution of the housing issue, taking the needs of victims into account. If a person has no capacity to work due to the survived trauma, decent living conditions should be ensured for that person.

Experts agree that incentives in employment should exist, i.e. the so-called priority of employment. However, they also emphasize that an institutional solution should be found which would allow for a decrease of stigmatization. In other words, victims should not be exposed to additional stressors in such situations, and information on whether a person has the status of a victim of sexual violence in the Homeland War should not be readily available. They believe that scholarships for education and additional vocational training for victims should be ensured as part of the reparations, especially to those who were denied such opportunity.

The experts argue that the most valuable reparation measure is the truth about events: an official recognition that these events were taking place in the Homeland War, coupled with the implementation of legal measures against the perpetrators. In addition, they state that victims should not be referred to as victims, but rather as survivors, in order to decrease the stigmatization and to increase sensibility, not only when it comes to the environment of victims, but also the victims themselves. It is also important not to forget the need to increase the sensibility of the public, which is also mentioned by experts as an important aspect of reparation measures.

If a person gave birth and accepted a child conceived by rape, such children should receive alimony, and scholarship-supported education should be enabled for them. Having in mind the need to decrease stigmatization, experts emphasize that the model should pay due attention to the protection of victims in such a manner that it would not be possible to find out on what grounds the victim has the right to benefits. Experts also believe that greater attention should be dedicated to the fulfilment of the rights of victims of sexual violence in the Homeland War in practice, when these rights become prescribed and regulated.

**Conclusion**

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## 4. Conclusion

Unfortunately, the Homeland War, as the entire human history, included sexual abuse and rape as an expression and manifestation of the most drastic and gravest forms of patriarchal social power (Ryle, 2012). However, given the fact that this phenomenon has not been sufficiently researched, its nature and practice have not been clearly revealed and expressed, nor have the victims been compensated in a satisfactory manner. Women constitute the majority of these victims, although war rape of male persons has also been recorded, with similarly devastating consequences as in the case of women. What is clear according to research results is that rape in general, and war rape in particular, remain phenomenologically embedded in any war, as a “war trophy” and *raison d’être*.

Given the fact that sexual violence, abuse and rape are not defined in the same manner in every country, either in general legal terms, or in terms of the criminal law, this research endeavour used several sources, including the *Convention of the Council of Europe on Preventing and Combating Violence against Women and Domestic Violence*, the Criminal Code of the Republic of Croatia, and the text by Derenčinović and collaborators. However, the key guideline in the process was the definition of sexual violence in war from the *Protocol on Procedures in Sexual Violence Cases* of the Government of the Republic of Croatia, focusing in particular on two gravest forms of sexual violence – rape and sexual abuse, and/or forced sexual acts.

It is customary to engage in assessments such as this one by using several methods for analyzing the issue of victims of sexual violence (research via structured questionnaire using the face-to-face interview method; network approach; questionnaire for indirect testimonies; assessment via secondary data). However, due to the considerable time period that elapsed since the war, dispersed places of residence of victims, and other unfavourable circumstances, the research team relied on the latter method the most – assessment via secondary data. This is the method attempting to use the critical overview of existing fragments of data in connection with the prevalence of sexual violence, existing assessments, and the totality of data, in order to reach the most probable statistics, which would fit into the existing findings. With this aim in mind, we first collected information on all known cases of sexual violence in the Homeland War, their number and characteristics. The process included a wide range of sources: official documents of investigative and judicial bodies (indictments, judgments, notes from war crime trials, etc.); testimonies collected and published by NGOs; information from personal experience of victims or witnesses themselves; information and experiences of experts working with victims of potential victims (psychologists, psychiatrists, doctors, etc.); information and experiences obtained by activists and employees of non-governmental organizations (women’s organizations, organizations of Homeland War victims, associations of war veterans, associations of refugees and returnees, etc.) and international organizations.

We also searched the archives of the Croatian Memorial-Documentation Centre of the Homeland War. We visited locations where, according to preliminary information, the biggest number of known rape cases occurred, in order to obtain additional information and to establish contact with additional sources. With this aim in mind, 24 expert bibliographical units were used for the purposes of preparation

of this Report. With the aim of data collection, we used 25 documents, some of which have up to three hundred pages per document, including archive books in several volumes. Out of these documents, 17 are internet sources, 10 are books that we used to extract data; we also searched approximately 200 pages of archive material. In the course of our research, we contacted 32 institutions, organizations and associations, and spoke with 46 individuals, out of whom 25 were interviewed. In the course of field research, we visited Osijek, Vukovar, Knin, Drniš and Benkovac, and the municipalities of Promina and Polača. The systematic presentation of known cases provided in this Report is the first comprehensive attempt to collect this form of data, and to consolidate it into a comprehensive database.

Given the fact that this task was performed in a brief period of time, that certain potential sources did not deliver their information and data on time, or were not available for cooperation, the coverage of our database is probably not complete, in particular when it comes to the coverage of victims on the Serbian side of the conflict, given the fact that sources, persons and organizations with information regarding the victims on the Croatian side of the conflict were significantly more easily available to us. In addition, our database was not made available to expert and interested public, which would have been able to notice and correct possible mistakes and shortcomings prior to the completion of this analytical report. Given the fact that investigation regarding certain cases is still ongoing, with such data being classified as “confidential”, and given the fact that some sources had only relative credibility, there are additional reasons in place to treat our assessment as conditional, with possible major or minor deviations from the total number of 147 victims of sexual violence that we have reached based on our analytical matrix. These victims include 126 women and 16 men, with the gender unknown in 5 cases. Sexual violence in some form of imprisonment was suffered by 38 persons; 113 persons suffered sexual violence outside of imprisonment according to records; in the case of 3 victims, sexual violence was recorded both outside of imprisonment and in subsequent imprisonment. In case of 63 victims, we realized that sexual violence was also accompanied by some form of torture. In 14 cases, rape was accompanied by murder of the victim, and in 14 cases sexual violence was accompanied by murder of another person. It is known that 3 additional victims passed away in the meantime. On the basis of this information, we have concluded with certainty that 17 victims died until the present day. Among victims who suffered sexual violence in imprisonment, 15 were men and 23 were women; among victims who suffered sexual violence outside of imprisonment, 89 were women and one person was male. According to this data, it can be concluded that most men known to have suffered sexual violence went through this experience in camps.

The findings also point to sexual violence in the Homeland War being performed in the context of incident situations, rather than planned and systematic use of sexual violence as a method of waging war. The perpetrators of sexual violence were members of paramilitary formations much more frequently than members of the regular army. The data and sources make it clear that cases are grouped in two narrow areas: Eastern Slavonia, and Northern Dalmatia, i.e. the area between Knin, Zadar and Šibenik. Other cases are dispersed across other war-affected areas of the Republic of Croatia, with a lower number of cases recorded outside of war-affected areas. The biggest number of known cases (approximately 40 percent) pertains to the area of Eastern Slavonia (including cases of rape in Serbian

concentration camps located on the territory of the Republic of Serbia). In the other two war-affected areas, the number of cases is almost twice lower.

Rape was mostly concentrated in the first period of the war, i.e. in what is virtually the beginning of the Homeland War, because almost two thirds of known sexual violence cases took place in 1991/1992, with cases in Eastern Slavonia being particularly prominent. Of the total number of cases recorded in this region, almost 90 percent occurred in this first period.

Known sexual violence cases can be grouped within three patterns:

- a.** As a form of abuse of prisoners in camps. Sexual violence within this pattern was relatively public in nature, whether taking place in separate rooms with the presence of other victims, or completely publicly, in front of all prisoners; both men and women were exposed to it, very frequently in a repeated manner.
- b.** During the entry of enemy military forces into settlements with a considerable number of the remaining population. Cases within this pattern mostly took place in private houses and private facilities immediately upon the entry of enemy military forces, most frequently in the very home of the victim; sexual violence, as a rule rape, took place either without witnesses (more frequently), or in front of witnesses (as a rule, family members).
- c.** Sexual violence against the remaining population during the occupation of a given inhabited area.

When it comes to the protocols for the methods of assessment of victims, there have been several. The first method was used for weighing the collected number of known cases, using the percentage of reports of sexual violence in the general population in conditions outside of war events. We used the assessments by NGO *Women's Room*, stating that, according to a number of global, but also domestic research endeavours, there are between 15 and 20 unreported rape cases per every reported case of rape, with the proportion of unreported cases even more pronounced for less aggravated cases of sexual violence. We decreased this factor to 10 to 15. This method resulted in the assessment that there are between 1470 and 2205 potential victims of sexual violence during the Homeland War in Croatia.

The second method was based on a separate assessment for individual patterns and sub-patterns, with separate assessment for men and for women. This assessment method brought us to the assessment that the number of potential victims might be in the range of 1501 to 2437 persons.

The characteristics of reparation will have a significant impact on the expected number of beneficiaries; however, experts mostly agree that the response will not be substantial. If the procedure will be relatively simple, "quiet" and undemanding for victims, one may expect a higher number of applications, especially if the material compensation would be higher. If the material compensation would be symbolical, one may expect a modest number of applications. One can expect a minimum of approximately 120 requests, which represents the number of those victims who have already testified on their experience in public in some manner, and the upper limit is impossible to assess.

Experts and victims agree that the procedure for assessing the victim status should include maximum sensibility in regard to victims, with the lowest probability of repeated traumatization. With the same reason in mind, they are in favour of collecting victim statements only once per victim. In accordance with that, some suggest that assessment of the victim status might be implemented via an audio-video device, which would allow for the recording of statements, which could then be used in further procedure, in order to ensure that a victim does not have to provide the statement again. In addition, they believe that confidentiality of personal data should be ensured, and that the public should be excluded from the process of assessment of the victim status and its aftermath; i.e. victims should be fully protected. Experts are opposed to legal procedure of proving the victim status, and they are in favour of the collection of individual statements by experts (individuals), after which a possible wider commission might use such statements as a foundation for reaching the final decision. Victims have nothing against the idea of providing a statement in front of a smaller group of experts, but they want the experts with whom they would talk about this matter to be acquainted with war events in a given territory, and with a wider context of events.

In terms of the forms of compensation, victims expect all three types of compensation: restitution in the form of material compensation (victims are predominantly in favour of monthly compensation); rehabilitation programmes (legal assistance, medical assistance; psychological assistance); satisfaction (in a narrow sense in the form of criminal prosecution of perpetrators; in a wider sense in the form of recognition of the victim status). Such a view is also supported by experts; however, they emphasize the importance of adjusted rehabilitation measures (tailored to a person, based on the type of trauma and long-term consequences faced by the person). In view of material restitution, experts are more inclined to support the provision of a one-off financial amount, coupled with the assistance to victims focused on ensuring decent living conditions, in terms of housing conditions and finding employment, in particular in case of women who gave birth to a child following the act of rape.

**Appendix**

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## 5. Appendix

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4. Centre for Women War Victims – ROSA, Zagreb
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7. Documenta – Center for Dealing with the Past, Zagreb
8. State Attorney's Office of the Republic of Croatia (DORH), central office in Zagreb
9. Europe House, Vukovar
10. Civic Committee for Human Rights, Zagreb
11. Croatian Red Cross, Zagreb
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13. Croatian Information Centre, Zagreb
14. Croatian Memorial-Documentation Centre of the Homeland War, Zagreb
15. Croatian Association of Prisoners in Serbian Concentration Camps (HDLSKL), Vukovar
16. Sunčica House in Vukovar

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19. Ministry of Justice of the Republic of Croatia, Zagreb
20. Alliance of Associations of Families of Imprisoned and Missing Croatian War Veterans, Zagreb
21. Sector for Psychosocial and Health Care of the Ministry of Veterans' Affairs of the Republic of Croatia, Zagreb
22. Association 142nd Brigade, Drniš
23. Association Deša, Dubrovnik
24. Association Hoću kući [I Want to Go Home], Knin
25. Association Pokretač, Korenica
26. Association Vukovarske majke [Vukovar Mothers], Vukovar
27. Association for Assistance to Victims and Witnesses, Zagreb
28. Association Zvonimir, Knin
29. Association Women in the Homeland War, Group Sunčica, Zagreb
30. Association of families of Serbian civilian victims Against Oblivion, Vukovar
31. Women's Room – Centre for Sexual Rights, Zagreb
32. County State Attorney's Office, Osijek

### 5.3.2. Individuals

1. Stjepan Adanić, former Deputy Minister of Defence of the Republic of Croatia and member of the negotiating team for the exchange of prisoners of war in the course of 1991 and 1992
2. Branka Anđukić, Home of the Lavoslav Schwarz Foundation, Zagreb
3. Ljiljana Alvir, Alliance of Associations of Families of Imprisoned and Missing Croatian War Veterans
4. Vinka Badžim, Red Cross Drniš
5. Zvezdana Bajić Zeljak, Association Zvonimir, Knin
6. Mirjana Bilopavlović, Delfin Pakrac

7. Radoslav Bobanović, prisoner of the Knin prison
8. Rada Borić, Centre for Women's Studies
9. Emina Bužinkić, Documenta
10. Milena Čalić Jelić, Documenta
11. Davorka Čolak, Central Croatian State Attorney's Office (DORH), Zagreb
12. Miroslav Dasović, ŽDO Osijek
13. Eugen Frković, Benkovac
14. Ljiljana Gehrecke, Europe House, Vukovar
15. Slobodan Jakovljević, president of the association of families of Serbian civilian victims Against Oblivion, Vukovar
16. Dinka Karaga, her sister, and sister's husband, Promina Municipality, hamlet of Aralice
17. Veselinka Kastratović, Centre for Peace and Non-Violence Osijek
18. Suzana Kulović, Dr. med. psychiatrist and psychotherapist
19. Mladen Lončar, psychiatrist, head of the Sector for Psychosocial and Health Care of the Ministry of Veterans' Affairs of the Republic of Croatia
20. Valentina Mađaroš, ŽDO Osijek
21. Maja Mamula, Women's Room – Centre for Sexual Rights
22. Nenad Marić, Association Hoću kući, Knin
23. Robert Mihaljević, Association 142nd Brigade, Drniš
24. Marijana Nahod, Association Pokretač, Korenica
25. Ante Nazor, head of the Croatian Memorial-Documentation Centre of the Homeland War, Zagreb
26. Nela Pamuković, Centre for Women War Victims - ROSA
27. Manda Patko, president of the association Vukovar Mothers
28. Davor Petričević, Chief State Attorney, County State Attorney's Office Osijek
29. Sanja Pupačić, Croatian Red Cross
30. Zoran Pusić, Civic Committee for Human Rights

31. Slaven Rašković, Documenta
32. Danijel Rehak, president of the Croatian Association of Prisoners in Serbian Concentration Camps (HDLSKL)
33. Marijana Senjak, psychologist, founder of the expert non-governmental organization Medica Zenica (BiH)
34. Marija Slišković, association Women in the Homeland War
35. Jelena Šimundža, Croatian Helsinki Committee
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37. Nikica Vidmar Hamer, Ministry of Justice of the Republic of Croatia
38. Barbara Veličković, Association for Assistance to Victims and Witnesses
39. Iva Žegura, mr. spec. clinical psychologist, Autonomous Women's House Zagreb, Psychiatric Hospital Vrapče
40. Victims of rape and sexual abuse during the Homeland War, Sunčica House in Vukovar (group of 6 women)



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Radnička cesta 41/VIII  
HR-10 000 Zagreb  
Email: [registry.hr@undp.org](mailto:registry.hr@undp.org)  
[www.hr.undp.org](http://www.hr.undp.org)