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IN THE LAND OF WARTIME RAPE: BOSNIA, CINEMA, AND REPARATION

DR OLIVERA SIMIĆ* & DR ZALA VOLČIĆ**

This paper focuses on one of the spaces where mass rapes were committed during the Bosnian war of 1992–95: The Vilina Vlas Hotel in Višegrad, Bosnia and Herzegovina ('BiH'). Through an analysis of the film For Those Who Can Tell No Tales by Sarajevo director Jasmila Žbanić, we consider the potential of cinema to address ethno-nationalistic tensions and contribute to the post-conflict pursuit of justice. The film that forms the basis of the analysis is based on the true story of Australian actress Kym Vercoe, who was faced with the legacy of 1990s war atrocities when she visited Višegrad as a tourist in 2008. Following the recommendations of a guidebook, she stayed at the Vilina Vlas Hotel, not knowing its notorious history as a camp where Bosnian Muslim and Croatian women were raped by Serbian soldiers on a mass scale during the war. In post-war BiH, dealing with past war crimes, including mass atrocities and systematic rape, has been a delicate and contentious process. Many scholars have been critical of the way that the International Criminal Tribunal trials for the former Yugoslavia have approached the challenges of treating rape as a war crime. This paper considers the question of whether cinema can help to contribute to long-term processes of truth-seeking as part of this process. We argue that Žbanić uses her film as a strategy for resistance, intervention, and justice, while promoting symbolic reparation.

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I INTRODUCTION

'Vilina Vlas spa resort just five kilometres from Visegrad town has decent accommodation — a perfect spot for a romantic evening.'¹

The spa hotel Vilina Vlas (Fairy's Hair) was built in 1982 and is situated on the outskirts of Višegrad, a town in eastern Bosnia and Herzegovina ('BiH'), on the banks of the Drina. Višegrad is one of several towns along the Drina close to the Serbian border and formed the setting for Nobel laureate Ivo Andrić's most famous literary work *The Bridge on the Drina*, published in 1945. Before the war started in 1992, Vilina Vlas was a popular resort for local and foreign tourists alike. During the war, however, the spa was turned into one of the biggest,² and most infamous, rape camps in BiH, where hundreds of Bosnian Muslim and Croatian women were raped by Serb paramilitary forces.³ After the war, Vilina Vlas was renovated and transformed back into a modest middle-sized hotel. Today it is a popular destination, mostly visited by foreign tourists interested in exploring the historical heritage of the region, such as the bridge over the Drina.⁴

¹ *Visegrad*, BH Tour, [2] <<http://bhtour.ba/en/visegrad.html>>; *For Those Who Can Tell No Tales* (Directed by Jasmila Zbanic, Deblokada Produkcija, Doha Film Institute, Post Republic, 2013).

² Nidžara Ahmetašević, 'Biggest Bosnia rape camp: first indictment', *Radio Netherlands Worldwide* (online), 23 November 2011 <<http://www.rnw.nl/international-justice/article/biggest-bosnia-rape-camp-first-indictment>>.

³ Paul Mojzes, *Balkan Genocides: Holocaust and Ethnic Cleansing in the Twentieth Century* (Rowman & Littlefield Publishers, 2011) 186; Alexandra Stiglmayer (ed.), *Mass Rape: The war against women in Bosnia and Herzegovina* (University of Nebraska, 1994) 123.

⁴ The bridge was built in 1571 as endowment of the Grand Vizier Mehmed-paša Sokolović, and is today on the UNESCO's World Heritage list.

According to one of the BiH tourist guides, 'a tourist postcard of Višegrad is unimaginable without the Višegrad spa [Vilina Vlas], located 5 km north of the town'.⁵

Following recommendations from friends in Belgrade and a BiH guidebook written by Tim Clancy, Australian actress Kym Vercoe visited Višegrad in 2008 and stayed at Vilina Vlas. Although Vercoe claimed that she was immersed in learning about the recent dark past of BiH,⁶ she had no idea that the hotel had been used as a detention camp for young Bosnian Muslim and Croatian women, who were brutally raped, tortured, and killed by Serbian soldiers. It was only after returning to Sydney that she discovered not only that terrible massacres occurred in Višegrad, but that the hotel had served as a rape camp. After learning the truth, Vercoe created her own solo theatre show, *Seven Kilometres North East: Performance on Geography, Tourism and Crime*, to explore the uncomfortable links between the spaces of crime, tourism, silence, and the (im)possibility of being an innocent tourist in a post-war context. She brought together elements of a travelogue built from verbatim notes of interviews, guidebooks, war crime reports, quotes from Ivo Andrić, and video images filmed by Vercoe herself. Jasmila Žbanić's film *For Those Who Can Tell No Tales* was inspired by Vercoe's art and her experiences. Vercoe's true story has been used as a vehicle to break the silence surrounding the rapes, both in Višegrad and across BiH.

In this paper, through an analysis of Žbanić's film, we consider the need to understand and acknowledge different spaces of crime in BiH. We consider the extra-judicial and extra-legal role that artworks like this film might play in addressing questions of retributive justice and post-war reconciliation. We first provide a brief account of the nature of the rapes during the war in BiH, particularly in Višegrad, and the present challenges in prosecuting these crimes. In the second section, we discuss the possibility of cinema as a strategy of resistance and a mechanism for symbolic reparation. We analyse Žbanić's film, which focuses on spaces of rape of Bosnian Muslim and Croatian women during the wars of the 1990s, while situating our research within the context of broader questions about the rapes of Bosniak women, also in cinematic representations.

⁵ *Visegrad*, BH Tour, [2] <<http://bhtour.ba/en/visegrad.html>>.

⁶ Natasha Robinson, 'Hotel of horrors finds a voice', *The Australian* (online), 18 June 2012 <<http://www.theaustralian.com.au/arts/hotel-of-horrors-finds-a-voice/story-e6frg8n6-1226397980664>>.

In particular, we are interested in how victims and perpetrators are presented in Žbanić's film, and whether it succeeds in crossing the ethnic lines of division in BiH. In the third section, we examine the remembrance of spaces where war crimes have taken place. As part of this analysis, we interview Tim Clancy, the author of the BiH guidebook which Vercoe followed, and consider questions on tourist branding of post-conflict societies. We conclude by reflecting upon whether it is possible to make a movie — or a guidebook — that can encompass the trauma of all the sides engaged in a war.

II WARTIME RAPES IN VIŠEGRAD

Although sexual violence in war is not a new phenomenon, due to widespread international interest in the civil war in BiH, and the pressure of the international community, it was before the International Criminal Tribunal for the Former Yugoslavia ('ICTY') that, for the first time in history, rape was recognised as a war crime.⁷ However, despite this recognition, wartime rapes have been incredibly challenging to prosecute. According to a European Council report, between 20 000–50 000 women and young girls, primarily of Bosnian Muslim ethnic origin, were raped.⁸ Hundreds of ordinary places were reworked for extraordinary purposes; different physical and social spaces were used as rape camps, including schools, sports halls, hotels, military barracks, factories, and community buildings. Previously innocent buildings became spaces of crime.

One of the most notorious rape camps was the hotel Vilina Vlas in Višegrad.⁹ Before the war, almost 60 per cent of Višegrad's 20 000 residents were Bosniaks.¹⁰ By 2009, only a handful of survivors had returned to what is now a predominantly Serb town.¹¹ The Bosnian Serb Army and its paramilitary forces committed horrendous atrocities during the war. These atrocities included burning Bosniak civilians alive and slaughtering hundreds of men, women, and children, throwing them over the Drina Bridge into the

⁷ SC Res 827, UN SCOR, 48th sess, 3217th mtg, UN Doc S/RES/827 (25 May 1993).

⁸ United Nations Security Council, *European Community Investigative Mission into the Treatment of Muslim Women in the Former Yugoslavia: Report to the EC Foreign Ministries, Warburton Mission Report*, E/CN.4/1993/92, S/25240 Annex I (3 February 1993).

⁹ Ed Vulliamy, *The War is Dear, Long Live the War: Bosnia the Reckoning* (Random House, 2012) 106.

¹⁰ Bosniaks are one of the three constitutive ethnic groups in BiH. Bosniaks refer to Bosnian Muslims. The other two groups are Serbs (Orthodox Christians) and Croats (Catholic Christians).

¹¹ Rachel Irwin, 'Visegrad in Denial Over Grisly Past', *Institute for War & Peace Reporting* (online), 24 February 2009 <<http://iwpr.net/report-news/visegrad-denial-over-grisly-past>>.

river.¹² Milan Lukić, a former head of the Serb paramilitary group known as the “White Eagles”, and his cousin Sredoje Lukić were convicted on 20 July 2009 by the ICTY for a 1992 killing spree that included locking Bosniaks into two houses and burning them alive. On those occasions, at least 119 Muslims, ranging in age from two days old to 75 years, were burned to death.¹³ In July 2009, Milan Lukić was sentenced to life in prison and Sredoje Lukić to 30 years.¹⁴ However, while they were indicted and sentenced for murder, persecution, and other inhumane acts, the judgment did not mention the rapes in Vilina Vlas. Despite numerous allegations that Milan and Sredoje Lukić committed war crime rapes, they have never been charged with rape. The indictment stated that Vilina Vlas had been used to incarcerate prisoners who were tortured, beaten, and sexually abused. However, none of the 20 counts in the original indictment specifically mentioned rape.¹⁵ Bakira Hasečić, one of the few survivors from Vilina Vlas, sent an open letter to the ICTY’s Chief Prosecutor, Carla Del Ponte, asking why neither of the men were charged with rape or sexual abuse. Del Ponte responded that the prosecution never included charges of rape because they had no evidence for such charges when they drew up the indictment, reportedly stating: ‘We had no witnesses who would come forward with such evidence’.¹⁶

According to some legal commentators, the Chief Prosecutor decided not to amend indictment and add sexual crime charges for reasons of expediency.¹⁷ Although the subsequent Chief Prosecutor, Sergio Brammertz, filed a motion to amend the Lukić indictment, the ICTY Chamber denied the motion for certification.¹⁸ The Chief Prosecutor’s argument and the Chamber’s conclusion were received with bitterness and disappointment by the surviving women in BiH. Women survivors found it difficult to believe that the Lukić cousins were not sentenced for rape. It was hard to comprehend

¹² Ibid.

¹³ *Prosecutor v Lukić and Lukić (Sentencing Judgement)* (International Criminal Tribunal for the Former Yugoslavia, Trial Chamber, Case No. IT-98 -32, 20 July 2009) [638]–[646].

¹⁴ Ibid [1101], [1106].

¹⁵ Ibid [1109]–[1105].

¹⁶ Nidžara Ahmetašević, Nerma Jelačić and Selma Boračić, ‘Investigation: Visegrad Rape Victims Say They Cries Go Unheard’, *Balkan Insight* (online), 18 October 2006

<<http://www.balkaninsight.com/en/article/visegrad-rape-victims-say-their-cries-go-unheard>>.

¹⁷ Fausto Pocar, Marco Pedrazzi and Micaela Frulli, *War Crimes and the Conduct of Hostilities: Challenges to Adjudication and Investigation* (Edward Elgar, 2013) 146.

¹⁸ Patricia Viceur Sellers, ‘Gender Strategy is not Luxury for International Courts Symposium: Prosecuting Sexual and Gender-Based Crimes Before International/ized Criminal Courts’ (2009) 17 *Journal of Gender, Social Policy & the Law* 327, 19.

the exclusion of evidence given the well-known documented reports about the rapes committed in Vilina Vlas. For example, a number of non-governmental organisations ('NGO') have collected testimonies of victims who allege that they were raped by members of paramilitary groups under Milan Lukić's command.¹⁹ Additionally, international human rights organisations, such as Amnesty International,²⁰ have documented crimes against humanity, including rape and sexual torture, in Vilina Vlas. Hasečić, today the president of an influential local NGO, Association of Women Victims of War, reported that she and other women made statements to the relevant officials and that these were available to Hague investigators. She was one of the reported 200 women held in the hotel and one of only a handful who survived the camp, as most were killed or took their own lives. Hasečić reported that she witnessed one suicide herself, when a girl jumped from a second-floor room through a glass balcony.²¹

Many of the women who survived rape have resettled in other parts of BiH and work on behalf of rape victims, helping to collect statements from those who survived the abuse at Vilina Vlas. Mirsada Tabaković, who fled Višegrad and lives in Sarajevo, stated, 'they [the rape victims] are all in a terrible state ... They suffer from depression and post-traumatic stress disorder. Most of them are not able to lead a normal life'.²² Tabaković herself survived thanks to her Serb friend who hid her in her house in Višegrad until she was able to leave in an organised convoy. Her husband's body was found eight years ago in a mass grave.²³ Nicola Duckworth, the Europe and Central Asia Programme Director at Amnesty International, also acknowledged the role of trauma and silence: 'Over a decade after the war, these women are forced to live with the memories of their

¹⁹ Irfan Ajanović (ed), *I Begged Them to Kill Me: Crime Against the Women of Bosnia and Herzegovina* (Dubravka Dostal trans, Centre for Investigation and Documentation of the Association of Former Prison Camp Inmates of B&H, 2000) [trans of: *Molila sam li da me ubiju: Zločin nad ženom Bonse i Hercegovine* (first published 1999)].

²⁰ Amnesty International, 'Bosnia-Herzegovina: Rape and sexual abuse by armed forces' (Report No EUR 63/001/1993, Amnesty International, January 2013) 10; United Nations Security Council, *Final Report of the Commission of Experts Established Pursuant of Security Council Resolution 780*, 49th sess, UN Doc S/1994/674 (24 May 1994).

²¹ Ahmetašević, Jelačić and Boračić, above n 16.

²² Irwin, above n 11, [27].

²³ Irwin, above n 11.

suffering without being able to receive acknowledgement and compensation'.²⁴ Women victims from Višegrad have protested for years because the Hague Prosecution did not include numerous cases of rapes committed by the Lukić cousins against Bosnian Muslim and Croatian women and young girls.²⁵

The survivors had to wait almost 20 years for the first indictment for crimes committed against young women kept in the Vilina Vlas rape camp. The indictment against Oliver Krsmanović, a close ally of Milan Lukić, was raised before the Court of BiH in Sarajevo in November 2011. Until his arrest, Krsmanović lived freely in Višegrad. After his arrest, he said that he had lived in his house in Višegrad and that nobody ever came to look for him until May 2011.²⁶ Indeed, many members of Lukić's former paramilitary unit remain free and still live in Višegrad without consequence.²⁷ In such circumstances, where the guilt for crimes committed is not individualised, the burden eventually falls upon the whole community. It is necessary to punish the individuals who committed atrocities, in order to 'lift moral responsibility from the rest of society'.²⁸ The detention and trial of Krsmanović is a bittersweet 'victory' for the women victims in BiH. The process of punishing perpetrators has been slow — Višegrad and a majority of its residents remain in denial about past crimes.²⁹

III CINEMA AS A MEDIUM OF SYMBOLIC REPARATION

'The function of cinema, even above its artistic function, is to satisfy the immutable collective psychic needs that have been repressed.'³⁰

Over the past two decades BiH has been going through the painful process of dealing with past atrocities on multiple levels. As in other post-conflict transitional societies, BiH struggles with the transformation of its political, legal, and economic system. While the

²⁴ Amnesty International, 'Bosnia and Herzegovina: No justice for rape victims' (Press Release, 21 July 2009) [5] <<http://www.amnesty.org/en/for-media/press-releases/bosnia-and-herzegovina-no-justice-rape-victims-20090721>>.

²⁵ Levi recounts a recurring nightmare in which the survivors 'returned home and with passion and relief were describing their past sufferings, addressing themselves to a loved one, and were not believed, indeed were not even listened to': Primo Levi, *The Drowned and the Saved* (Random House, 1989) 12.

²⁶ Ahmetašević, above n 2.

²⁷ Nidžara Ahmetašević, 'Lukic Cousins Symbol of Fear in Visegrad', *Balkan Insight* (online), 17 March 2010 <<http://www.balkaninsight.com/en/article/lukic-cousins-symbol-of-fear-in-visegrad>>.

²⁸ Ruti G Teitel, *Transitional Justice* (Oxford University Press, 2000) 56.

²⁹ Irwin, above n 11.

³⁰ Andre Bazin, *French Cinema of the Occupation and Resistance* (Frederick Ungar Publishing, 1981) 3.

Bosnian government focuses on retributive justice only, many local organisations and artists employ various forms of symbolic reparations to acknowledge victims of the war. They argue that although judicial proceedings and accountability for human rights violations are necessary, they are not enough to bring sustainable peace and democracy.³¹

Similarly, Minow argues that ‘trials are not ideal’,³² as the law has limited capacity to capture and reflect on women’s experiences and incorporate them fully within the legal form. Trials, in large part, exclude the ‘everyday experiences of those, particularly women, who live in conflicted societies’,³³ and in so doing, obscure the deep social and emotional impact of trauma and pain that prevent people from living normal lives. Likewise, Henry writes that ‘language, particularly legal language, cannot adequately capture the pain and trauma of rape’,³⁴ adding that ‘courts have struggled to accommodate the experiences of survivors of rape’ in a nuanced and effective way.³⁵ The Lukić case exemplifies the blatant exclusion of such experiences from the highest court of justice, leaving perpetrators with no accountability for the rapes committed. Faced with a lack of national and international justice mechanisms that would address these crimes at a higher level, a creative vigour rises “from below” — from victims and survivors groups, community, civil society organisations, and artists.³⁶

It was the absence of the Lukić cousins’ legal accountability that galvanised Jasmila Žbanić to respond to the trauma experienced by women survivors, and to publically acknowledge their horrendous experiences. Žbanić seeks to break the ‘denial and

³¹ See, eg, Olivera Simic and Kathleen Daly, ‘One Pair of Shoes, One Life: Steps Towards Accountability for Genocide in Srebrenica’ (2011) 5 *International Journal of Transitional Justice* 477; Olivera Simić and Dijana Milošević, ‘Enacting Justice: The Role of Dah Theatre Company in Transitional Justice Processes in Serbia and Beyond’ in Peter Rush and Olivera Simić (eds), *The Art of Transitional Justice: Culture, Activism and Memory after Atrocity* (Springer, 2013) 99; Kieran McEvoy and Lorna McGregor, ‘Transitional Justice from Below: An Agenda for Research, Policy and Praxis’ in Kieran McEvoy and Lorna McGregor (eds), *Transitional Justice from Below: Grassroots Activism and the Struggle for Change* (Hart Publishing, 2008) 1; Clara Ramierz-Barat (ed), ‘Transitional Justice, Culture and Society: Beyond Outreach’ (International Center for Transitional Justice, 2014).

³² Martha Minow, *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence* (Boston Beacon Press, 1998) 47.

³³ Colm Cambell and Catherine Turner, ‘Utopia and the Doubters: Truth, Transition and the Law’ (2008) 28 *Legal Studies* 374.

³⁴ Nicola Henry, ‘The impossibility of bearing witness: Wartime rape and the promise of justice’ (2009) 16 *Violence Against Women* 1098, 1113.

³⁵ *Ibid.*

³⁶ Kieran McEvoy and Lorna McGregor, above n 31.

silence' surrounding what people witnessed happening around them,³⁷ events that 'no-one is talking about'.³⁸ Margaret Urban Walker calls these reparations 'the expressive dimension that constitutes — the communicative act of expressing acknowledgment, responsibility, and intent to do justice'.³⁹

Symbolic reparations seek to recognise the wrongdoings and harm suffered by victims of human rights abuses.⁴⁰ Reparation initiatives intend to address the harm caused by these abuses. They may be designed by state-level actors, civil society, or the community. According to De Greiff and Marin, reparation should be identified as a potential critical tool for the affirmation of women's agency in political and social transformation within post-conflict and post-authoritarian states.⁴¹ Art and culture can make a difference in these processes and scholars of transitional justice have started to engage more closely with film, literature, theatre, and other artistic expressions as forms of reparation.⁴² What cinema produces are representations of the world — images, descriptions, explanations, and frames for understanding how and why the world is. For example, among other types of ideological labour, cinema constructs for us definitions of certain historical events, or what meaning the imagery of nationalism carries. Cinema continues to play a role in the discursive and representational practices that shape specific ideas of nationhood. Cinema is also used to construct memory and regenerate historical consciousness.⁴³ It is viewed as being important both for the creation of historical awareness and for sustaining the sense of society as a moral community.⁴⁴

Speaking generally, out of all of the media in BiH, cinema has been an incredibly powerful art form. Its success proves that art matters, ethically and politically, as well as affectively and intellectually. Bosnian cinema has been a domain within which the trauma of war has received significant attention. Already in her previous work, Žbanić has narrated the

³⁷ Andreas Wiseman, 'Jasmila Zbanic, For Those Who Can Tell No Tales', *ScreenDaily* (online), 7 September 2013 <<http://www.screendaily.com/features/interviews/jasmila-zbanic-for-those-who-can-tell-no-tales/5060158.article>>.

³⁸ Ibid.

³⁹ Margaret Urban Walker, 'Truth Telling as Reparations' (2010) 41 *Metaphilosophy* 525, 530.

⁴⁰ *Reparations* (2014) International Centre for Transitional Justice <<http://ictj.org/our-work/transitional-justice-issues/reparations>>.

⁴¹ Ruth Rubio-Marin and Pablo de Greiff, 'Women and Reparations' (2007) 1 *International Journal of Transitional Justice* 318.

⁴² See, eg, Rush and Simić, above n 31; Ramierz-Barat, above n 31.

⁴³ Lue Boltanski, *Distant Suffering: Politics, Morality and the Media* (Cambridge University Press, 1999).

⁴⁴ See John Durham Peters, *Speaking into the Air* (University of Chicago Press, 1999).

violence and addressed the issue of war rapes. Her film *Grbavica* is a sensitive and moving portrayal not only of wartime rapes, but also their legacies for women.⁴⁵ It has won many national and international awards,⁴⁶ but most importantly, has led to legal reform that recognised women victims of rape as civilian victims of war.⁴⁷

Since public silence still engulfs the Vilina Vlas hotel and Višegrad, Žbanić in her latest film opens with the story of war rape while commemorating women victims. She demands acknowledgement for women victims of wartime rape and breaks the silence about sexual violence committed *en masse* in the Bosnian war. Žbanić understands the difficulty for women to speak up about rape:

I think it is very hard for the women to talk about it. Sexual violence in war and even in peace is such a hard thing. My first film is also about a woman who was raped, so I researched a lot. After this type of violence there is a breakdown of the whole personality, their dignity, their self-respect. Everything is suddenly in ashes. For these women it is hard to talk about first it of all. They were grateful that somebody wanted to talk about it.⁴⁸

She engages in a kind of moral reparation that aims to ‘transcend redress to the affected individuals and their survivors for injury, reaching the public eye’.⁴⁹ Žbanić’s moral motivation seems to suggest that since silence is ambiguous, one can and must communicate. As Levi puts it, ambiguity generates not only ‘anxiety and suspicion’,⁵⁰ but permits ‘a moral laziness, an unwillingness to probe what it means to come up against

⁴⁵ Set in Sarajevo in the aftermath of the war, it tells the story of a complicated mother-daughter relationship. Sara, a 12-year-old Bosniak girl, who believed her father had died a war hero, learns that he was not a martyr (*shahid*) as she had assumed, but a Serb soldier. She has to slowly come to terms with his identity — he was an enemy soldier who raped her mother Esma in a prison camp, and was involved in the mass rapes of Muslim women during the war. The film subtly points to the impossibility of leaving the past behind, and reminds us of the hard realities of post-war BiH from woman’s perspective.

⁴⁶ In 2006, the film received a Peace Award at the International Film Festival in Berlin.

⁴⁷ In 2006, a Federal law was enacted that conferred on women rape survivors the status of civilian war victims, without the requirement of proving the infliction of further physical or psychological injury, and entitling them to small, but regular, welfare payments. According to Law on principles of social protection, protection of all civilian victims of war and protection of families with children, as well as persons who have suffered sexual assault and rape, are defined as a special category of civilian victims of war: Bosnia and Herzegovina, *Official Gazette of the Federation of Bosnia and Herzegovina*, No 39/06, 2006).

⁴⁸ Melissa Silverstein, ‘TIFF Interview: Jasmila Zbanic and Kym Vercoe — Director and Co-Writers of For Who Can Tell No Tales’, *Indiewire* (online), 8 October 2013

<<http://blogs.indiewire.com/womenandhollywood/tiff-interview-jasmila-zbanic-and-kym-vercoe-director-and-co-writers-of-for-those-who-can-tell-no-tales>>.

⁴⁹ Teitel, above n 28, 127.

⁵⁰ Levi, above n 25, 88.

the limits of language and communicate anyway.⁵¹ In publicly acknowledging the experiences of women survivors, art gives in to a pressing moral need to understand. It assists with dealing and addressing the past, which, as Clark puts it, 'cannot be simply suppressed and ignored'.⁵² Whilst it is too early to predict the effect of *For Those Who Can Tell No Tales*, Žbanić has recently received the prestigious Kairos 2014 award for her artistic work and activism on behalf of women survivors of war.⁵³

IV THE CINEMA OF RAPES OF BOSNIAN MUSLIM AND CROATIAN WOMEN

Despite the much needed acknowledgments and reparative acts, the ethno-nationalistic politicisation of rape continues to be a controversial issue in BiH. Some feminist scholars analyse the rapes as a gendered crime directed against women, while others see them as a specific form of Serbian violence against the entire Muslim or Croatian communities. At the beginning of the war, when wartime rape had started to receive local and international attention, feminist activists found themselves increasingly implicated within ethnic and nationalist discourses, often leading them to take refuge in discourses of universalism. In 1992, early in the conflict, there was already debate amongst feminists about whether or not one should single out the aggressors/rapists according to their ethnicity:

Feminists and women's groups have been split into two relatively antagonistic groups: those who see rape as a universal problem of violence against women which needs to be identified and combated as such, and those who see the high incidence of rape in this particular war as being unique and the product of a contempt or hatred by one particular army (Serbian) for the women of a particular ethnic group (Muslim or Croatian).⁵⁴

⁵¹ Ibid.

⁵² Janine Natalya Clark, 'Plea Bargaining at the ICTY: Guilty Pleas and Reconciliation' (2009) 20 *European Journal of International Law* 415, 421.

⁵³ *Jasmila Žbanić dobitnica evropske nagrade Kairos* (29 January 2014) Radio Sarajevo <<http://radiosarajevo.ba/novost/139782#>>.

⁵⁴ Obrad Kesic, 'Women and Gender Imagery in Bosnia: Amazons, Sluts, Victims, Witches, and Wombs' in Sabrina P Ramet (ed), *Gender and Politics in the Western Balkans: Women and Society in Yugoslavia and the Yugoslav Successor States* (Penn State Press, 1999) 187, 194.

There was no denial that women were the victims, but there was conflict over whether it was happening only to certain women.⁵⁵ Those feminists who insisted that rape is a universal act of male violence against women were accused of undermining the issues and ‘aiding the Serbian aggressors, because they had purportedly failed to single out “Croatian” and “Muslim” women as the victims’.⁵⁶ They were portrayed as disloyal and morally suspect, and were subjected to public media accusations of ‘concealing the Serbian rape of Muslim and Croatian women’.⁵⁷ Because of this, in BiH, an act of rape was reduced to the dynamics between Serbian males and Croatian and Muslim women. As a result, the rapes have become a symbol of the suffering of Bosnian Muslim and Croatian women, as well as the suffering of the Federation part of BiH and the Republic of Croatia, while experiences of other women are at best downplayed, and, at worst, ignored.

In an atmosphere ‘where the narrative of Bosniac and Bosnian victimhood is dominant’,⁵⁸ films about war rapes have mostly failed to challenge conventional patriarchal and ethno-nationalist assumptions about wartime rape, sex, and gender roles, continuing to reinforce clear-cut narratives of ethno-national entities as victims and perpetrators in the Bosnian war. A case in point is a film like *In the Land of Blood and Honey* directed by Hollywood celebrity Angelina Jolie.⁵⁹ Volcic and Erjavec focus on the local understandings, responses, and interpretations of Jolie’s film. They conclude that Jolie’s film further polarised its audience in BiH. Helms, Volcic, and Erjavec are all in agreement that the ability for Jolie’s film to promote possibilities for peace,⁶⁰

⁵⁵ Elissa Helms, *Innocence and Victimhood: Gender, Nation and Women’s Activism in Postwar Bosnia-Herzegovina* (University of Wisconsin Press, 2013) 61.

⁵⁶ *Ibid.*

⁵⁷ Maja Korac, ‘Representation of Mass Rape in Ethnic Conflicts in What Was Yugoslavia. Discussion with C. MacKinnon’s Concept of ‘Genocidal’ Rape’ (1994) 36 *Sociologija* 495, 505.

⁵⁸ Elissa Helms, ‘Rejecting Angelina: Bosnian War Rape survivors and the ambiguities of sex in war’ (2014) 73 *Slavic Review* 612.

⁵⁹ The story is built around a relationship between the Bosniak painter Ajla and Bosnian Serb policeman Danijel who first meet in pre-war Sarajevo. A bomb blast in the hall where Ajla and Danijel dance signals the end of their romance and the beginning of a war. Within four months Ajla becomes a prisoner of Bosnian Serb soldiers in a detention camp. There, Ajla encounters Danijel again — he had become a local commander of the Bosnian Serbs. In order to save her, he takes her as a prisoner and a lover. But in the end, she betrays Danijel and he kills her.

⁶⁰ Zala Volcic and Karmen Erjavec, ‘Transnational Celebrity Activism in Bosnia and Herzegovina: Local Responses to Angelina Jolie’s film *In the Land of Blood and Honey*’ (2014) 2 *European Journal of Cultural Studies* 1, 2.

reconciliation, and democracy, and further, to effect structural changes, remains limited.⁶¹

It is Žbanić's film *For Those Who Can Tell No Tales* that we now turn to for a closer analysis of the possibilities for cinema to promote symbolic reparation, and to contribute to the long-term process of truth-seeking and justice. There is no doubt that the film pays powerful tribute to the memory of the Višegrad massacres. It explores the legacies of wartime rapes, silences, and denials of the traumatic past, while still dealing with and memorialising the spaces of these crimes. Fact-based human rights film narratives can capture the imagination and elicit the empathy of viewers. As tools for raising general awareness among the local and international public, the film has immense value. But does it have the capacity to cross ethno-national lines of division strongly instilled in BiH? More specifically, how are perpetrators and victims represented in the film? In that sense, does the film confront viewers with 'something radically other',⁶² or something that could not be assimilated by their existing understanding of the ethical? It would have to issue a demand that they did not know how to answer.⁶³

The film details Vercoe's story: during her 2008 summer holidays, Vercoe visited different tourist sites in BiH. According to her, 'because I knew a lot about the war, I'd read quite a few books about Bosnia, as an outsider I felt quite informed'.⁶⁴ We watch her as she enjoys Višegrad on a festival weekend. The town is an explosion of colour and music and the hotels are all full. She stays at Vilina Vlas, not knowing that it was used as a notorious rape camp. After hanging her washed clothes out on the balcony, Vercoe spends a restless night at Vilina Vlas — she becomes anxious and cannot sleep. After returning to Sydney she becomes haunted by evocations of the atrocities, and by questions as to why the guidebook, or the town itself, made no mention of the tragic events. Despite being informed about many of the atrocities in BiH during the war, it never occurred to her that one of those painful spaces could be an operating hotel.

⁶¹ Two other films made by international film directors, Juanita Wilson (*As If I Am Not There*) and Hans-Christian Schmid (*Storm*), attempt to deal with the systematic rape of women in Bosnia. They both focus on gendered war victimhood and question the expectations of gender roles in war.

⁶² Nicholas Ridout, *Theatre and Ethics* (Palgrave Macmillan, 2009) 67.

⁶³ Ibid.

⁶⁴ Robinson, above n 6, [4].

According to Vercoe, 'I just couldn't believe that somewhere would be open as a hotel that had been used in that way, and recommended in a guidebook'.⁶⁵

Vercoe was shaken by the experience. Obsessed with the fate of these women and total lack of a public memorial to commemorate them, she returns to Višegrad in December the same year but cannot find any locals who will admit to knowing anything about the rape camp. Everyone, from the suspicious local police chief, to the man who chats with her in a bar, denies that any such thing happened at the hotel, or that there was any ethnic cleansing in the first place. Vercoe takes issue with the silence and the clean transformation of the hotel space. 'They changed the sheets, washed the blood off the walls, vacuumed the carpets and reopened it as a hotel. In a just world you simply don't do that'.⁶⁶

Žbanić carefully structures the film like a puzzle, piecing together the progression of Vercoe's personal investment in the atrocities and revealing a particular type of amnesia that surrounds Višegrad. The film's addictive immediacy is based on documentary realism. The film ruminates on how the past connects to the present, and how places sometimes can be permanently marked by something horrific that has happened there. It foregrounds the phenomenon of violence, which dominates the narrative on every level, but it does so in a quiet way. The camera pans extensively to show a variety of layered events and emotions. The extreme, long camera shots, punctuated by naturalistic dialogue and onscreen noises, refuse to mitigate or interpret for us the painful details that unfold: the women who were there, tortured, and raped. Often, the camera just pans beautifully from a river landscape, onto the bridge, back to remain on Vercoe's face, creating a strong emotional effect. The landscape itself feels so loaded, and the film's aesthetics allows one to start to understand the landscape as a witness. The film powerfully deals with witness testimony as acts of mourning that are premised on two fundamental points. First, one must speak, communicate, represent, and respond — out of one's own experience (whether as a "survivor" or as "one who has come later"). Second, this response alone cannot resolve the loss, and cannot seek narrative closure.

⁶⁵ Ibid.

⁶⁶ Stephen Crittenden, 'Building A Bridge On The Drina', *The Global Mail* (online), 12 April 2012 <<http://www.theglobalmail.org/feature/building-a-bridge-on-the-drina/181/>>.

But the representations of perpetrators and victims remain one-dimensional. “Evil and ignorant” Bosnian Serbs are framed precisely as we would expect them to be — cartoon-like characters that prompt immediate recognition, but who are unlikely to stimulate serious reflection among the audience on the origins of the violence and the possibility for justice. As a result, the film may leave its audiences feeling they have been better informed about a country, town, and hotel that they knew little about (and about Vercoe’s own struggles of being a “dark tourist”). But for all open discussion of traumatic past, the film arguably fails to disorient and disturb in a more profound way that would leave its audience truly discomforted by the general ethno-national stereotypes and the complacency of the West in the wake of the ongoing conflicts in the country. The question about how to ethically acknowledge and remember the spaces where war crimes have taken place remains unanswered.⁶⁷

V SOME REFLECTIONS ON DEALING WITH PLACES OF CRIME: CONSUMING, MOURNING, DELETING

There has been a rich body of literature on mourning. On one hand, scholars ask how to retain historical and commemorative significance, and how to avoid becoming a site of entertainment largely detached from the war.⁶⁸ The transformation of spaces of crime into sites for touristic consumption, for example, raises serious questions about their potential trivialisation and historical detachment. On the other hand, scholars focus on the importance of mourning in and for these places in helping to affirm the complexity and richness of witness and testimony as ongoing tasks.⁶⁹

In an interview for an Australian newspaper, Vercoe specifically claims that she

never had any real urge to go to visit Srebrenica or anything like that — I just wanted to go and see the country and have a great time, which I did. And so I just couldn't comprehend it. I just couldn't believe that somewhere would be open as a hotel that had been used in that way, and recommended in a guidebook.⁷⁰

⁶⁷ Christina Schwenkel, ‘Recombinant History: Transnational Practices of Memory and Knowledge Production in Contemporary Vietnam’ (2006) 21 *Cultural Anthropology* 3; Debbie Lisle, ‘Gazing at Ground Zero: Tourism, Voyeurism and Spectacle’ (2004) 8 *Journal for Cultural Research* 3.

⁶⁸ Zala Volcic, Karmen Erjavec and Mallory Peak, ‘Branding Post-war Sarajevo. Journalism, Memories, and Dark Tourism’ (2013) 3 *Journalism Studies* 1, 2.

⁶⁹ Lili Chouliarki, ‘The Theatricality of Humanitarianism: A Critique of Celebrity Advocacy’ (2012) 9 *Communication and Cultural Studies* 1; Tim Cole, *Selling the Holocaust* (Routledge, 1999).

⁷⁰ Robinson, above n 6, [4].

Despite Vercoe's good intentions, one could argue that to go to a tiny country that recently suffered the ravages of a lengthy and widespread intense internal conflict, and to attempt to view it solely as a location to appreciate natural beauty and ancient history — just to have a good time, as Vercoe puts it — is to enact an amnesia not dissimilar to the creation of a guidebook that conveniently elides tragic and horrific recent events. Vercoe contacted the writer of the BiH tourist guidebook, Tim Clancy, to ask him why he included and even recommended Vilina Vlas as a nice place to stay. As a direct consequence of their conversations, Clancy decided to delete the spa from the BiH travel guide. In his words, 'after talking to Kym, I had two options — either I wrote about Vilina Vlas and explained in depth what happened there — or not, and delete it'.⁷¹ For him, it was a strictly personal reason that he erased the hotel from the second edition of his guidebook. Clancy's decision was a consequence of his meeting with Vercoe for 'a long coffee',⁷² while having a conversation about Vilina Vlas:

The reason I took out Vilina Vlas is a direct result of my conversation(s) with Kym. She DOES and DID deserve to know what happened there if I am recommending it. I didn't know but I recommended it. Now knowing the brutal details of Vilina Vlas and how the community deals (or does not deal) with what happened there made the choice very easy — I took it out. If I were to leave it in, I would have to speak of what happened and I personally don't feel that a travel guide is necessarily the place for that - there are many, many other books and venues that deal with the who, what, where, why, and how of the Bosnian war.⁷³

The BiH guidebook that ultimately led her to the site of the crimes, Vilina Vlas spa, was supposed to fit with the "good time" sensibility, a paradox at best — one wants to go to BiH to have a good time, *but not to* confront the horrific legacy of recent war wounds. But is this possible at all? To have a good time, free from the unsettling reminders of tragedy in a post-conflict society, is a tricky goal. Consider for a moment the type of guidebook implied by Vercoe's critique: if it were to describe all the atrocities and tragedies associated with any location where they occurred it would likely render the type of trip she had in mind impossible. However, were it to leave out all locations

⁷¹ Interview with Tim Clancy, (Phone Interview, 11 February 2014).

⁷² Email from Olivera Simić and Zala Volcic to Tim Clancy, 29 January 2014 (on file with authors).

⁷³ Email from Olivera Simić and Zala Volcic to Tim Clancy, 29 January 2014 (on file with authors) (emphasis in original).

associated with any wartime atrocities there would certainly be glaring omissions that would speak eloquently of unimaginable horrors — its own form of forgetting. Either way the book would be unlikely of much use to the “just out for a good time” traveller looking to avoid any disconcerting encounters with recent history. A tragically accurate guidebook might dispel the very illusion that made it possible to imagine visiting BiH without being reminded of what happened there so very recently. Yet is it not the prospect of just such a guidebook that is envisioned by Vercoe’s critique, that is, by the charge of dishonesty or worse levelled against the guidebook author Tim Clancy, who leaves out the scenes of tragedy and atrocity?

For such a guidebook to be truly accurate, moreover, would it not have to include all places of crimes and atrocities by all sides in the wars, because ‘all Bosnian citizens suffered greatly in the war’?⁷⁴ Hotel Vilina Vlas is just one of the many hotels, motels, buildings, and schools scattered in BiH that were turned into torture and rape camps during the war.⁷⁵ All of which raises the larger question about the role of the guidebook. Is it meant to be a chronicle of the accumulating tragedies of history, and, if so, what is to become of the “good time” type of travel that tourists such as Vercoe envision? As Clancy states, ‘so which story do we tell ... and how do we tell it? I haven’t figured that answer out yet. But I believe that punishing these communities leads to more isolation and nationalism’.⁷⁶ By ‘punishing’, he means deleting Višegrad and similar communities from the publicised tourist itinerary during a time when, despite the fact that the city is still in denial of its violent past, it is attempting to move beyond its history and to revitalise its economy in the wake of war’s devastation. Clancy describes it as a place that is still marked by its recent history and a ‘culture of silence’,⁷⁷ where, as Vercoe puts it, everything is ‘hushed down’ but ‘certainly all but forgotten’.⁷⁸ Even the famous cultural heritage (the bridge over the Drina) has taken on another meaning. According to Vercoe,

⁷⁴ Lara J Nettelfield, *Courting Democracy in Bosnia and Herzegovina* (Cambridge University Press, 2010) 188.

⁷⁵ For example, Hotel Kalnovik also served as a rape camp during the war and is now operating as a hotel, as are numerous motels in Brcko and Dobo. Schools and sports halls in Sarajevo, Mostar, and Foča were also rape camps.

⁷⁶ Interview with Tim Clancy, above n 71.

⁷⁷ Ibid.

⁷⁸ Klix.ba, ‘Kym Vercoe: During the filming in Visegrad we did not dare to say Jasmila’s name’, *BiHbloggen* (online), 27 September 2013, [8] <<http://bosnienbloggen.wordpress.com/2013/09/27/kym-vercoe-during-the-filming-in-visegrad-we-did-not-dare-say-jasmilas-name/>>.

the famous cultural heritage has become 'a massive monument to genocide'.⁷⁹ She asserts: 'as far as I am concerned I will never cross that bridge again'.⁸⁰

In post-conflict countries, tourism branding actively relies on practices of scrubbing history of its dirty details while building upon a certain sense of amnesia. Emphasis on aesthetics, images of tourist sites such as historic buildings, beautiful landscapes, and entertainment facilities, are all in a way part of an attempt to erase images of war. On the one hand, places like Višegrad will be accepted back into the tourist gaze only if tourists are encouraged to forget and comply, or are ignorant of its recent violence. On the other hand, the transformation of Sarajevo, the capital of BiH, points to a different kind of touristic commodification of the war's memories. As early as 1996, there were already tours operating in Sarajevo that began at Sniper's Alley, notorious from news coverage, then moved through the marketplace, followed by the destroyed mosques. Tourists were invited to buy bullets, shells, and shrapnel as souvenirs of their visit.

But for anyone with a modicum of social awareness, and historical and political knowledge, it is not possible to relegate the realm of war atrocity or dark tourism to only selected locations, such as Srebrenica,⁸¹ and to imagine that the rest of the landscape is somehow innocent, free from the taint of atrocity. Vercoe wanted to visit BiH, a war torn country. When her mother warns Vercoe not to go to Bosnia for a good time, but suggests Fiji instead, Vercoe replies, 'but everybody goes to Fiji' (a specifically Australian response, it should be noted).⁸²

One of the further issues raised by a guidebook replete with atrocities is the basic fact that in any war there are numerous atrocities committed, all their own brand of horrific. A fully accurate guidebook would be disturbingly revealing in its candour, highlighting not only the widely circulated stories of atrocities and crimes committed by Serbian troops, but also, for example, instances in which Muslim troops used rape and torture

⁷⁹ Silverstein, above n 48.

⁸⁰ Vercoe in *For Those Who Can Tell No Tales* (Directed by Jasmila Zbanic, Deblokada Produkcija, Doha Film Institute, Post Republic, 2013).

⁸¹ Srebrenica is an infamous site of genocide in Bosnia. In July 1995, approximately 8000 men and boys were killed in the course of four days.

⁸² Vercoe and her mother in *For Those Who Can Tell No Tales* (Directed by Jasmila Zbanic, Deblokada Produkcija, Doha Film Institute, Post Republic, 2013).

against Bosnian Serbs.⁸³ As Helms writes, ‘while Bosniacs were the most numerous victims and Serbs the biggest perpetrators, they were not the only victims or perpetrators: no group was entirely innocent’.⁸⁴

According to Amnesty International, there have been a number of allegations that Bosnian Government forces had detained Serb women for rape and sexual abuse in various locations in Sarajevo during the war. Among such locations cited as having been used at one time or another for such purposes have been: the student hostel Mladen Stojanović in Radićeva street; premises in Danila Ozme street (the latter said to have been closed at the end of August 1992); and premises in the Alipašino Polje and Čengić Vila quarters of Sarajevo.⁸⁵ The potential danger of such an unvarnished account would be that it could play into the hands of the aggressor and instigators — providing them with rhetorical resources to claim that they too (or at least members of the groups with which they are aligned) were victims, or to otherwise attempt to justify or explain away their own atrocities. Vercoe’s story does not run this danger, since her discovery fits into the established narrative of atrocities and crimes committed against Bosnian Muslims. This is a narrative with which she was familiar, not only through media accounts, as she acknowledges in her interviews,⁸⁶ but through her own participation in the play *Necessary Targets*,⁸⁷ playing the role of a rape victim in a refugee camp in BiH. But the notion of an unvarnished guidebook — one that gives voice to the victims of war atrocities — if it is to be a consistent one, cannot systematically exclude atrocities committed by any group against any other; every crime counts. To ask for such a guidebook is likely to ask for something impossible, and yet, something necessary if every victim is to be given voice.

VI CONCLUSIONS

We might say something similar about Žbanić’s film, which is a guidebook in its own way. In highlighting the omissions of Clancy’s guidebook, the film sets up a standard for historical fidelity that necessarily rebounds back upon itself — what might it mean to

⁸³ Amnesty International, above n 20, 8.

⁸⁴ Helms, above n 55, 54.

⁸⁵ Amnesty International, above n 20, 12.

⁸⁶ Robinson, above n 6.

⁸⁷ Eve Ensler, *Necessary Targets: A Story of Women and War* (Random House, 2001).

heed the call to give voice to all victims? Once the doors of history are thrown open, unacknowledged guests can make their way in. In the wake of the wars of the 1990s, there is no shortage of victims, and the use of rape in warfare does not restrict itself to only one party to the conflict.

No doubt, Žbanić's film becomes a facilitating agent for the mobilisation of social awareness, dedication, and commitment. It has the capacity to challenge existing ways of dealing with gender, justice, and reconciliation. As McLeod et al argue, 'art serves to remind us that we have choices about how to pursue transitional justice and plays an important role in exposing the possibilities of alternative visions of transitional justice'.⁸⁸ Indeed, criminal prosecutions can rarely, if ever, bring all those responsible for gross violations of human rights to justice. Equally, they can hardly repair all victims of atrocities. Film as an art form has the power of reaching many more survivors than courts and retributive justice.

The film has opened space for revisiting the past and places that have remained, if not forgotten, engulfed in silence. In Žbanić's film we identify the capacity to create the narrative of human suffering, reflection, and healing out of images, sounds, geography, and history. Her film becomes not simply a witness but an interpreter that transmits the painful process of traumatisation and its historical legacy, while promoting symbolic reparation. This painful process is as necessary for film viewers as for the witnesses themselves. There is a need to actively engage and confront the horrors of these many historical settings in order to move on. Still, we are doubtful whether film has the capacity to cross ethnic lines of division strongly instilled in BiH. Is it possible to make a movie (or a guidebook) that can encompass the trauma of all the sides engaged in the war? Maybe only a film that looked at stories of all women victims of rape, regardless of their ethnic belonging, could transcend the ethno-national lines of division and reach "the other" side. However, such a film remains to be made.

⁸⁸ Laura McLeod, Jovana Dimitrijevic and Biliana Rakocevic, 'Artistic Activism, Public Debate and Temporal Complexities: Fighting for Transitional Justice in Serbia' in Olivera Simić and Peter Rush (eds), *The Art of Transitional Justice* (Springer, 2013) 25, 40.

REFERENCE LIST

A Articles/Books/Reports

- Ajanović, Irfan (ed), *I Begged Them to Kill Me: Crime Against the Women of Bosnia and Herzegovina* (Dubravka Dostal trans, Centre for Investigation and Documentation of the Association of Former Prison Camp Inmates of B&H, 2000) [trans of: *Molila sam li da me ubiju: Zločin nad ženom Bonse i Hercegovine* (first published 1999)]
- Bazin, Andre, *French Cinema of the Occupation and Resistance* (Frederick Ungar Publishing, 1981)
- Boltanski, Lue, *Distant Suffering: Politics, Morality and the Media* (Cambridge University Press, 1999)
- Cambell, Colm and Catherine Turner, 'Utopia and the Doubters: Truth, Transition and the Law' (2008) 28 *Legal Studies* 374
- Chouliarki, Lili, 'The Theatricality of Humanitarianism: A Critique of Celebrity Advocacy' (2012) 9 *Communication and Cultural Studies* 1
- Clark, Janine Natalya, 'Plea Bargaining at the ICTY: Guilty Pleas and Reconciliation' (2009) 20 *European Journal of International Law* 415
- Cole, Tim, *Selling the Holocaust* (Routledge, 1999)
- Enslar, Eve, *Necessary Targets: A Story of Women and War* (Random House, 2001)
- Helms, Elissa, *Innocence and Victimhood: Gender, Nation and Women's Activism in Postwar Bosnia-Herzegovina* (University of Wisconsin Press, 2013)
- Helms, Elissa, 'Rejecting Angelina: Bosnian War Rape survivors and the ambiguities of sex in war' (2014) 73 *Slavic Review* 612
- Henry, Nicola, 'The impossibility of bearing witness: Wartime rape and the promise of justice' (2009) 16 *Violence Against Women* 1098
- Korac, Maja, 'Representation of Mass Rape in Ethnic Conflicts in What Was Yugoslavia. Discussion with C. MacKinnon's Concept of 'Genocidal' Rape' (1994) 36 *Sociologija* 495
- Levi, Primo, *The Drowned and the Saved* (Random House, 1989)

- Lisle, Debbie, 'Gazing at Ground Zero: Tourism, Voyeurism and Spectacle' (2004) 8 *Journal for Cultural Research* 3
- McEvoy, Kieran and Lorna McGregor (eds), *Transitional Justice from Below: Grassroots Activism and the Struggle for Change* (Hart Publishing, 2008)
- Minow, Martha, *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence* (Boston Beacon Press, 1998)
- Mojzes, Paul, *Balkan Genocides: Holocaust and Ethnic Cleansing in the Twentieth Century* (Rowman & Littlefield Publishers, 2011)
- Nettelfield, Lara J, *Courting Democracy in Bosnia and Herzegovina* (Cambridge University Press, 2010)
- Peters, John Durham, *Speaking into the Air* (University of Chicago Press, 1999)
- Pocar, Fausto, Marco Pedrazzi and Micaela Frulli, *War Crimes and the Conduct of Hostilities: Challenges to Adjudication and Investigation* (Edward Elgar, 2013)
- Ramet, Sabrina P (ed), *Gender and Politics in the Western Balkans: Women and Society in Yugoslavia and the Yugoslav Successor States* (Penn State Press, 1999) 187
- Ramierz-Barat, Clara (ed), 'Transitional Justice, Culture and Society: Beyond Outreach' (International Center for Transitional Justice, 2014)
- Ridout, Nicholas, *Theatre and Ethics* (Palgrave Macmillan, 2009)
- Rubio-Marin, Ruth and Pablo de Greiff, 'Women and Reparations' (2007) 1 *International Journal of Transitional Justice* 318
- Rush, Peter and Olivera Simić (eds), *The Art of Transitional Justice: Culture, Activism and Memory after Atrocity* (Springer, 2013)
- Schwenkel, Christina, 'Recombinant History: Transnational Practices of Memory and Knowledge Production in Contemporary Vietnam' (2006) 21 *Cultural Anthropology* 3
- Simic, Olivera and Kathleen Daly, 'One Pair of Shoes, One Life: Steps Towards Accountability for Genocide in Srebrenica' (2011) 5 *International Journal of Transitional Justice* 477

Sellers, Patricia Viceur, 'Gender Strategy is not Luxury for International Courts Symposium: Prosecuting Sexual and Gender-Based Crimes Before International/ized Criminal Courts' (2009) 17 *Journal of Gender, Social Policy & the Law* 327

Stiglmeier, Alexandra (ed.), *Mass Rape: The war against women in Bosnia and Herzegovina* (University of Nebraska, 1994)

Teitel, Ruti G, *Transitional Justice* (Oxford University Press, 2000)

Volcic, Zala and Karmen Erjavec, 'Transnational Celebrity Activism in Bosnia and Herzegovina: Local Responses to Angelina Jolie's film *In the Land of Blood and Honey*' (2014) 2 *European Journal of Cultural Studies* 1

Volcic, Zala, Karmen Erjavec and Mallory Peak, 'Branding Post-war Sarajevo. Journalism, Memories, and Dark Tourism' (2013) 3 *Journalism Studies* 1

Vulliamy, Ed, *The War is Dear, Long Live the War: Bosnia the Reckoning* (Random House, 2012)

Walker, Margaret Urban, 'Truth Telling as Reparations' (2010) 41 *Metaphilosophy* 525

B Cases

Prosecutor v Lukić and Lukić (Sentencing Judgement) (International Criminal Tribunal for the Former Yugoslavia, Trial Chamber, Case No. IT-98 -32, 20 July 2009)

C Other

Ahmetašević, Nidžara, 'Biggest Bosnia rape camp: first indictment', *Radio Netherlands Worldwide* (online), 23 November 2011 <<http://www.rnw.nl/international-justice/article/biggest-bosnia-rape-camp-first-indictment>>

Ahmetašević, Nidžara, 'Lukic Cousins Symbol of Fear in Visegrad', *Balkan Insight* (online), 17 March 2010 <<http://www.balkaninsight.com/en/article/lukic-cousins-symbol-of-fear-in-visegrad>>

Ahmetašević, Nidžara, Nerma Jelačić and Selma Boračić, 'Investigation: Visegrad Rape Victims Say They Cries Go Unheard', *Balkan Insight* (online), 18 October 2006

<<http://www.balkaninsight.com/en/article/visegrad-rape-victims-say-their-cries-go-unheard>>

Amnesty International, 'Bosnia-Herzegovina: Rape and sexual abuse by armed forces' (Report No EUR 63/001/1993, Amnesty International, January 2013)

Amnesty International, 'Bosnia and Herzegovina: No justice for rape victims' (Press Release, 21 July 2009) <<http://www.amnesty.org/en/for-media/press-releases/bosnia-and-herzegovina-no-justice-rape-victims-20090721>>

Bosnia and Herzegovina, *Official Gazette of the Federation of Bosnia and Herzegovina*, No 39/06, 2006)

Crittenden, Stephen, 'Building A Bridge On The Drina', *The Global Mail* (online), 12 April 2012 <<http://www.theglobalmail.org/feature/building-a-bridge-on-the-drina/181/>>

Email from Olivera Simić and Zala Volcic to Tim Clancy, 29 January 2014 (on file with authors)

For Those Who Can Tell No Tales (Directed by Jasmila Zbanic, Deblokada Produkcija, Doha Film Institute, Post Republic, 2013)

Interview with Tim Clancy, (Phone Interview, 11 February 2014)

Irwin, Rachel, 'Visegrad in Denial Over Grisly Past', *Institute for War & Peace Reporting* (online), 24 February 2009 <<http://iwpr.net/report-news/visegrad-denial-over-grisly-past>>

Jasmila Žbanić dobitnica evropske nagrade Kairos (29 January 2014) Radio Sarajevo <<http://radiosarajevo.ba/novost/139782#>>

Klix.ba, 'Kym Vercoe: During the filming in Visegrad we did not dare to say Jasmila's name', *BiHbloggen* (online), 27 September 2013 <<http://bosnienbloggen.wordpress.com/2013/09/27/kym-vercoe-during-the-filming-in-visegrad-we-did-not-dare-say-jasmilas-name/>>

Reparations (2014) International Centre for Transitional Justice <<http://ictj.org/our-work/transitional-justice-issues/reparations>>

Robinson, Natasha, 'Hotel of horrors finds a voice', *The Australian* (online), 18 June 2012
<<http://www.theaustralian.com.au/arts/hotel-of-horrors-finds-a-voice/story-e6frg8n6-1226397980664>>

SC Res 827, UN SCOR, 48th sess, 3217th mtg, UN Doc S/RES/827 (25 May 1993)

Silverstein, Melissa, 'TIFF Interview: Jasmila Zbanic and Kym Vercoe — Director and Co-Writers of For Who Can Tell No Tales', *Indiewire* (online), 8 October 2013
<<http://blogs.indiewire.com/womenandhollywood/tiff-interview-jasmila-zbanic-and-kym-vercoe-director-and-co-writers-of-for-those-who-can-tell-no-tales>>

United Nations Security Council, *European Community Investigative Mission into the Treatment of Muslim Women in the Former Yugoslavia: Report to the EC Foreign Ministries, Warburton Mission Report*, E/CN.4/1993/92, S/25240 Annex I (3 February 1993)

United Nations Security Council, *Final Report of the Commission of Experts Established Pursuant of Security Council Resolution 780*, 49th sess, UN Doc S/1994/674 (24 May 1994)

Visegrad, BH Tour <<http://bhtour.ba/en/visegrad.html>>

Wiseman, Andreas, 'Jasmila Zbanic, For Those Who Can Tell No Tales', *ScreenDaily* (online), 7 September 2013
<<http://www.screendaily.com/features/interviews/jasmila-zbanic-for-those-who-can-tell-no-tales/5060158.article>>