

*The
echoes
of
witnesses
and
testimonies*

A Pilot Study into the long-term impact
of testimony on witnesses who were called
to testify before the Tribunal



Introduction

The International Criminal Tribunal for the former Yugoslavia (Tribunal) was established in The Hague, The Netherlands, in 1993. The mandate of the Tribunal is to bring to justice those responsible for serious violations of international humanitarian law committed in the former Yugoslavia since 1991 and thus contribute to the restoration and maintenance of peace in the region. With the final trials currently proceeding before the Tribunal, the mandate will soon be ending. In July 2013, The Hague branch “MICT”¹ will commence work dealing with all remaining issues of the Tribunal’s mandate.

With the impending closure of the Tribunal, the **Victims and Witnesses Section (VWS)**, in cooperation with the **University of North Texas (UNT)**, has launched an initiative to conduct research on the long-term impact providing testimony has on witnesses who have been called to testify about the crimes committed in the former Yugoslavia.

Victims and Witnesses Section

As an integral part of the Registry of the Tribunal, the role of the **VWS** is to facilitate the appearance of all witnesses before the Tribunal whether called by the Chambers, Prosecution, or Defence. VWS was founded in 1994 under Rule 34 of the Rules of Procedure and Evidence of the Tribunal which had established that “*counselling and support*” was to be provided to all victims and witnesses. Thus, the VWS endeavours to ensure that witnesses can testify safely, and that the experience of testifying does not result in further harm to the witness.

The VWS is the first section of its kind in the international judicial domain, and therefore it is a pioneer in interpreting “*counselling and support*” in the context of services provided to victims and witnesses testifying before international criminal courts. In doing so, the VWS established a comprehensive program for practical and psychosocial support, including protection elements, tailored to the individual needs of witnesses before, during and after their testimony.

¹ The Mechanism for International Criminal Tribunals (the MICT) was established by the United Nations Security Council on 22 December 2010 to carry out a number of essential functions of the International Criminal Tribunal for Rwanda (ICTR) and the International Criminal Tribunal for the former Yugoslavia (ICTY) after the completion of their respective mandates.

Follow Up Project: Pilot Study

Scholars have different views on the effects of testifying, ranging from cathartic benefits to potentially re-traumatizing consequences, but limited research has been conducted.

With this in mind the VWS believes empirical research is required to understand the long-term impact providing testimony before the Tribunal has on all witnesses who have testified before the Tribunal.

Through its Follow Up Project the VWS aims to:

- a) provide a comprehensive analysis of the effects of participating in criminal proceedings before the Tribunal;
- b) assess witnesses' needs upon completion of their testimonies and when possible provide an opportunity for emotional closure of "testimony" as an important life event;
- c) contribute to the legacy of the Tribunal by providing input for future witness support structures.

As a first step of the Follow-Up Project the VWS and UNT will conduct a Pilot Study.

In 2013-2014 the VWS intends to conduct in-person interviews of approximately 300 witnesses residing in Bosnia and Herzegovina, Croatia, Serbia and Kosovo.

To better assess the full impact of testifying, the VWS and UNT have created a questionnaire covering a vast array of personal "well-being" indicators including feelings of personal security, socio-economic status, physical health and psychological well-being.

Confidentiality requirements dictate that only the VWS personnel will be involved in the initial data collection. All personal details pertaining to interviewees will be removed from the data during the analysis phase, which will be carried out by the UNT. The VWS and UNT will jointly publish the research findings for public use.

Taking into account the Completion Strategy of the Tribunal, the Pilot study is scheduled to take place over a three year period, from 2013-2015.

Research Partner

To ensure the reliability and validity of the research process, the VWS has partnered with academic scholars from the **University of North Texas (UNT)**, Departments of Political Science and Psychology. The Political Science department houses the Castleberry Peace Institute and the Peace Studies program, both of which conduct cutting edge peace science research to advance our understanding of why conflicts occur, how to bring conflicts to a less destructive end, and how to build a more durable peace in the aftermath of armed conflict. The Department of Psychology is one of the few departments in the United States with three American Psychological Association accredited programs including Clinical Psychology, Counselling Psychology, and Clinical Health Psychology. Its program focuses on training university research faculty and scientist-practitioners.

The VWS believes, together with UNT, that the realization of this project will further build upon the pioneering work of witness support, as well as contribute to further recognition of the importance of victim and witness support in a judicial environment.

Funding

As the VWS and UNT are not in a position to fully fund this study other than using their own staff resources, the implementation of this Pilot Study mainly depends on external funding. Voluntary contributions can only be accepted from those individuals, states and bodies that comply with the United Nations policy on donations.

If you need further information about this research study, please feel free to contact **Victims and Witnesses Section** on following telephone numbers:

The Hague Office +31 70 512 88 77
Sarajevo Field Office +387 33 568 560; +387 33 568 562 or
Email address vwspilotstudy@un.org
Alternatively, visit the website on www.icty.org



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the time to read this leaflet!



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for the former Yugoslavia

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