TESTIMONY Sources

This is a compilation of sources I consulted while researching *Testimony*, both works that provided general information about recurring themes, e.g., Gypsy life, and ones that inspired specific statements in the novel. I mean to be forthright about the points of departure for my imagination, as well as to provide an opportunity for further reading for those who might be curious about the actual facts, remembering that *Testimony* is fiction, and not intended to be a reliable portrayal of any real-world person or event.

BIBLIOGRAPHY

Books

Isabel Fonseca, *Bury Me Standing*, (Knopf, 1995) Available currently in a Vintage Departures edition. This book by a researcher who met and lived among various European Rom communities remains gorgeously written, intricately researched, and constantly moving.

Ian Hancock, *We Are the Romani People* (University of Hertfordshire Press, 2002) An introductory guide to Rom culture. Professor Hancock, Rom by birth, is one of the world's leading experts on Romnipen and his people, to whom he, understandably, remains fiercely loyal. Like Fonseca, he is occasionally criticized for being more advocate than scholar, but his works were invaluable to me, and this book is only one of several works of his that I consulted, including several of his lectures and interviews captured on YouTube.

Aleksandar Hemon, *The Book of My Lives* (Picador 2013). A deserving finalist for the National Book Critics Circle Award for Non-Fiction, this book is a memoir in essays about Sasha's movement from his boyhood in Bosnia to Chicago, from which he watched at a distance as the world he grew up in was savaged.

David A. Kaye, Justice Beyond The Hague: Supporting the Prosecution of International Crimes in National Courts, (Council on Foreign Relations, 2011)(Council Special Report No. 61)

Yaron Matras, *The Romani Gypsies*, (The Belknap Press of Harvard University, 2015) Part memoir, part research work, Matras's book frequently parses existing scholarship to establish what is true.

John Norris, *The Disaster Gypsies: Humanitarian Workers in the World's Deadliest Conflicts* (Praeger Security International, 2007) Especially valuable to me for the sections on the Balkan Wars.

Eric Stover with photos by Gilles Perres, *The Graves: Srebrenica and Vukovar* (Scalo Publishers, 1998) About the work of the forensic anthropologists who uncovered the mass graves, and the evidence they provided concerning the Bosnian killing fields.

Mikey Walsh, *Gypsy Boy: My Life In the Secret World of the Romany Gypsies,* (St. Martin's Press 2010) This autobiography, and its sequel below, by an English Rom is engaging reading and provided background especially pertinent to envisioning Esma. Available in paperback.

Mikey Walsh, *Gypsy Boy On the Run: My Escape from a Life Among the Romany Gypsies*, (St. Martin's Press, 2011)

Jan Yoors, *The Gypsies* (Waveland Press, 1967) Beautifully written, this is the memoir of a 12-year-old Belgian boy, the child of professors, who literally ran away to join the Gypsies decades ago.

Articles

Matthew Gillet, "Victim Participation at the International Criminal Court," Australian International Law Journal, 2009

Eric Stover and Rachel Shigekane, "The Missing in the Aftermath of War: When Do the Needs of Victims' Families and International War Crimes Tribunals Clash?" *IRRC* December 2002, pp 845-65

"The International Criminal Court: Seeking Global Justice (International Conference in Commemoration of the Sixtieth Anniversary of the Negotiation of the Genocide Convention)" Case Western Reserve Journal of International Law, Vol. 40, Winter-Spring 2008

"Policy Paper on Preliminary Examinations," International Criminal Court, November 2013

"Unsigning (Treaty Establishing the International Criminal Court), Symposium on Treaties, Enforcement and US Sovereignty, Stanford Law Review, 2003

The rules and decisions of the International Criminal Court, and the text of the Rome Statute--the treaty that established the Court--were a constant resource. https://www.icc-cpi.int/ For those interested in watching proceedings of the Court, there are links on the ICC home page. Remember the time difference!

Movies

"A People Uncounted: The Untold Story of the Roma," directed by Aaron Yeger (2011). A documentary about the Nazi efforts to exterminate the entire Rom nation.

"An Episode in the Life of an Iron Picker," directed by Danis Tanovic (2013) A recreation of an incident in which Senada Alimanovic, wife of Nazif Mujic, was denied medical care in Bosnia for lack of an identity card. I visited Nazif and Senada at their home.

"Roma in Frankfurt," directed by Otto Schweitzer, Ulrike Holler and Cornelia Ruehlig, Produced Margit-Horvath-Stiftung. In German. My thanks to Cathy Lewis who got me a copy of the documentary.

"Time of the Gypsies," directed by Emir Kusturica (1988) A wonderful work of magical realism, funny, touching and insightful about Romnipen.

ENDNOTES

Page and text (Grand Central hardcover edition)

- *1:* he would be identified as solely as Witness 1 See generally https://www.icc-cpi.int/about/witnesses
- 3: "is the word in Romany for 'the People' 'Roma'?"

 I took liberties with this translation, especially as someone who has no real knowledge of the Romany language. 'Rom' is a masculine noun meaning men of the Roma ethnic group, and "Roma" is a plural form, commonly translated as referring to all people of Rom ancestry. Saying that that it means "the People" expresses the Rom sense of separateness and cohesion, but is not a common translation.

- 3: "a more vulgar word for the Roma in English is 'Gypsies." See, e.g., Matras above, Ch. 1, *All in a name*: "In Byzantium . . . with no indication of any collective awareness of their own Indian origin, nor any historical record of their immigration route, [the Rom people] were associated with the non-European civilization that was at the time most famous and most mystical—that of Egypt. The earliest known records of the Roms, from thirteenth-century Byzantine capital, Constantinople, refer to them as 'Egyptians.' . . . The term made its way into western Europe . . . eventually taking on shortened versions such as the English *Gypsy* or the Spanish *Gitano*."
- 8: "Was it any dialect of Serbo-Croatian? Croatian, Bosnian, Serbian?" Although the people in Bosnia I met referred to themselves as speakers of "Bosnian," the regional dialects of Serbo-Croatia do not conform precisely to national borders. Linguists speak of the Chakavian, Kajkavian and Shtokavian dialects, with various sub-dialects of Shtokavian predominating in the region today. See http://www.languagesoftheworld.info/europe/serbo-croatian-tale-two-languages-three-four.html

12: "Eagle Base . . . NATO." For the history of the NATO-led Stabilisation Force (SFOR) in BiH, see generally, United States Army Military History Office, The US Army in Bosnia and Herzegovina, AE Pamphlet 525-100 published October 2003; http://www.nato.int/sfor/docu/d981116a.htm; http://www.globalsecurity.org/military/facility/camp-comanche.htm;

https://www.youtube.com/watch?v=wLJHVjur0RM (a visual tour of Eagle Base);

16: Although my references to the *New York Times* are generally fictitious, I refer here to a picture of the Kreka mine, near Tuzla that was published in the the paper on January 17, 2002. The headline read, "Another Winter in Bosnia," and the caption was as follows: "An abandoned coal mine near the village of Visca, just south of Tuzla, has become a garbage dump that attracts residents and refugees in the area. While some hunted for food yesterday, others dug for coal. (Associated Press)

28: The ICC was established . . .

See the books and articles about the unsigning cited above and, e.g., Jean Galbraith, "The Bush Administration's Response to the International Criminal Court,"21 Berkeley J. Int'l Law. 683 (2003). Available at:

http://scholarship.law.berkeley.edu/bjil/vol21/iss3/10 There seems little dispute that Vice President Cheney was an advocate of unsigning the Rome Treaty, e.g., http://www.alternet.org/story/13055/bush_'unsigns'_war_crimes_treaty, but the speculation, which I heard more than once, that he was motivated by fears of prosecution for his actions in the War on Terror, was never offered with any substantiation. That said, curiosity about whether Cheney could be prosecuted at the ICC persists. E.g., https://www.washingtonpost.com/news/the-fix/wp/2014/12/10/why-dick-cheney-and-the-cia-dont-need-to-worry-about-international-criminal-charges/?utm_term=q.128f51e8114f

- 28: "American Service-Members Protection Act"
 Title II, P.L. 107-206, approved August 2, 2002. Human Rights Watch recorded the sobriquet "Hague invasion clause" the next day.
 https://www.hrw.org/news/2002/08/03/us-hague-invasion-act-becomes-law
- 30: "slaves in Romania for four hundred years."

 Both Matras and Fonseca above offer extensive recitation of the long history of the persecution of the Roma. According to Matras, records from 1385 contain references "to Roms as slaves in the Romanian territories of Wallachia and Moldavia." Matras, Chapter 5, "The Rom among the Nations."
- 30: "Hitler tried to wipe them out." The number of Roma exterminated in the Nazi death camps is subject to astonishingly varied estimates, which testify in themselves about how completely ignored the Roma have been. The projections I encountered went from a low of 100,000 by Stuart Justman, 200-300,000 on various websites, which attribute the number of the BBC, half a million in the movie "A People Uncounted," and as many as 1.5 million, according to Ian Hancock.

http://www.romea.cz/en/news/world/ian-hancock-500-000-romani-holocaust-victims-there-could-have-been-twice-that

30: "Sarkozy just booted a couple thousand out of France." See, e.g., Matthew Hay Brown, "France Expels Illegal Roma Immigrants," Baltimore Sun 7/29/10 posted at http://www.baltimoresun.com/bs-mtblog-2010-07-gypsy_roma_sarkozy-story.html The Sun ultimately reported that 10,000 Roma were expelled from France in 2012 alone. Baltimore Sun, 10/20/13, posted at http://darkroom.baltimoresun.com/2013/10/inside-roma-communities-around-

the-world/a-woman-cooks-outside-her-caravan-at-an-illegal-camp-of-travelling-people-in-le-chemin-nantais-near-nantes/

- 31: such matters often moved slowly For example, the OTP investigation of alleged war crimes during the Russian invasion of Georgia in July and October 2008 was authorized only in January, 2016.
- 35: the Yugoslav court . . . closed its doors to new cases in 2004 http://www.icty.org/x/file/Legal%20Library/Statute/statute_sept09_en.pdf
 United Nations Security Council Resolutions 1503 of 28 August 2003 and 1534 (of 26 March 2004 call on the Tribunal to take all possible measures to complete investigations by the end of 2004, to complete all trial activities at first instance by the end of 2008, and to complete all work in 2010. As Boom points out, proceedings in The Hague move along at pace that suggests that justice is timeless and is evidence of the inherent nature of all bureaucracies to remain in business. The ICTY is still at work.
- 36: refused to join Israel, like the U.S., initially signed the treaty, but ultimately refused to ratify it. See e.g., http://www.inss.org.il/index.aspx?id=4538&articleid=12194
- 45: "The most literate, progressive, tolerant people will comment without self-consciousness about 'the dirty Gypsies."

 This was certainly my experience, even as I recognize the complexities that the presence of Roma communities continues to present to the rest of us. See, e.g., Dan Bilefsky, "Are The Roma Primitive, or Just Poor?" New York *Times*, 10/19/13 http://www.nytimes.com/2013/10/20/sunday-review/are-the-roma-primitive-or-just-poor.html
- 45: "Millions of us have assimilated to one degree or another, most notably in the U.S."

See Matras above for anecdotal accounts of Roma assimilation in the US. Matras says the number of Roma in the U.S. number around 200,000 today. Matras, Ch. 1.

62: To acknowledge the obvious, my account of the hunt for Laza Kajevic draws from the real-life pursuit of Radovan Karadzic, but many details are not the

same, including some suggested by NATO's efforts tracking other Serb fugitives from justice. http://www.nytimes.com/1997/07/11/world/nato-troops-kill-a-serbian-suspect-in-war-atrocities.html;

http://www.independent.co.uk/news/world/europe/hunt-for-karadzic-ends-as-fugitive-is-found-873855.html

http://news.bbc.co.uk/2/hi/europe/4079642.stm

http://www.theguardian.com/world/2005/jun/26/warcrimes.focus

Note also that the incident at Doboj is entirely imagined, as are all the encounters concerning Kajevic in *Testimony*.

70: The Embassy of the Republic of Bosnia and Herzegovina Because of the security concerns posed by describing the interior of any embassy, I chose not to visit the Bosnian Embassy in DC. Aside from the exterior of the building, all details are imagined.

76: "the Court is authorized to investigate crimes only when the nations involved can't or won't do that."

Boom's statement is correct, a fact that should do much to allay the concerns of the U.S. and other nations that joining the ICC would allow foreigners to mount willynilly investigations of their soldiers and other citizens. ICC jurisdiction is meant to be only complementary to that of the courts of the subject country, which gives rise to the term 'complementarity.' From its inception the ICC has been envisioned as a court of last resort, when the justice apparatus of a given nation proves unwilling or unable to investigate alleged offenses. See Paul Seils, *HANDBOOK ON* COMPLEMENTARITY: An Introduction to the Role of National Courts and the ICC in Prosecuting International Crimes, available for download at https://www.ictj.org/sites/default/files/ICTJ Handbook ICC Complementarity 20 16.pdf. I recognize that the ICC's judgment as to whether an investigation in a given nation has been conducted in good-faith is the remaining source of apprehensions, but the ICC has shown extraordinary deference to the conclusions of the subject nations. See e.g., "Al-Senussi case: Appeals Chamber confirms case is inadmissible before ICC," in which the ICC deferred the local jurisdiction of even an allegedly failed state like Libya. https://www.icccpi.int/Pages/item.aspx?name=pr1034 In any event, it is hard to understand why the U.S. wouldn't reserve the right to quit the ICC if it ever overstepped, rather than refusing to participate at all.

80-81: "what the Serbs were inflicting on the Muslims in Bosnia was nothing less than genocide."

Merriwell's statement echoes the conclusions of the CIA. Central Intelligence Agency assessment 1/5/95, "Sanitized Version of Ethnic Cleansing Paper," posted at

https://www.cia.gov/library/readingroom/docs/DOC_0001074874.pdf; Central Intelligence Agency, "Atrocities in Bosnia: A Regional Overview," 12/22/95 a sanitized version of a CIA report, posted at

https://www.cia.gov/library/readingroom/docs/DOC_0000241197.pdf The precise number of Bosnian women raped has, understandably, never been established. During the War, the Bosnians claimed 60,000, although some on the ground thought even 20,000 was slightly overstated. Remember however that the population of the Muslim and Croat portions of Bosnia was only around 2 million. Twenty thousand rapes would have meant that roughly 1 in every 50 Muslim women in Bosnia was raped during the War. See Central Intelligence Agency, Directorate of Intelligence, 4/2/93, "Rape as an Instrument of Ethnic Cleansing," posted at https://www.cia.gov/library/readingroom/docs/1993-04-02.pdf
For contrasting examples of atrocities aimed at Serbs, see my notes to pages 108 and 351.

81: "We seized eight hundred fifty thousand weapons."

Even that number is understated, since I included only small arms. See e.g., Aaron Karp, *The Politics of Destroying Surplus Small Arms: Inconspicuous Disarmament (Routledge Chapman & Hall 2010).* For the dangers of carrying out the mission, see http://www.nato.int/sfor/indexinf/153/p07a/t02p07a.htm

101: "CoroDyn employees were into sex slaves"

CoroDyn is entirely fictitious. But for recountings of sex trafficking by American military contractors, see Sarah Elizabeth Mendelson, *Barracks and Brothers: Peacekeepers and Human Trafficking in the Balkans*, (Center for Strategic and International Studies, Feb. 2005); Herman T. Palmer, "More Hook, Less Tail: Contractors in Bosnia,"

http://www.alu.army.mil/alog/issues/SepOct99/MS408.htm; http://www.huffingtonpost.com/2010/12/08/wikileaks-reveals-that-mi_n_793816.html; http://www.humanrightsfirst.org/blog/hold-military-contractor-kbr-accountable-deadly-trafficking-scheme; http://www.huffingtonpost.com/david-isenberg/pmc-sexual-violence-its-sb1240751.html

108: Like tens of thousands of other Roma in Kosovo, they had been driven from their homes, usually by the Albanians, who took them as Serb allies because they

practiced the Serbian Orthodox faith. . . This particular group had been placed in a refugee camp in a town call Mitrovica . . . the Albanians . . . set fire to it.

The migration of the Mitrovica Roma to BiH is fictitious, but the dismal treatment and abuse of the Roma community from Mitrovica is not. They were in fact driven from the city and then burned out of their first refugee camp, ending up for years in another camp, where their drinking water proved to be heavily contaminated by lead from a nearby mine.

Human Rights Watch, "Kosovo: Poisoned by Lead—A Health and Human Rights Crisis in Mitrovica's Roma Camps," 6/23/09 https://www.hrw.org/report/2009/06/23/kosovo-poisoned-lead/health-and-human-rights-crisis-mitrovicas-roma-camps

The attacks on Roma refugees were not isolated to Mitrovica and Kosovo. I read several accounts of the extraordinary bravery of U.S. Ambassador Christopher Hill, who personally intervened to prevent a mob from lynching Roma at the Stenkovac refugee camp in Macedonia in 1999. See e.g., *Realizing Roma Rights* edited by Jacqueline BhaBha, Andrzej Mirga, Margareta Matache, Pennsylvania Studies in Human Rights, p. 74; Diplomat.AM, "Tales From the Field," http://www.diplomat.am/dir/the-foreign-service/tales-from-the-field/8-1-0-62

128: "he had dug up the Status of Forces Agreement."

I took liberties here, since, notwithstanding some ambiguity, it was unlikely that NATO records concerning American service-members could have been produced over American objections, even though there is a generalized commitment among NATO members to assist one another in criminal investigations and a corresponding obligation of ICC members also to help. Appendix B to Annex 1A, Agreement on Military Aspects of the Peace Settlement read; "NATO military personnel under all circumstances and at all times shall be subject to the exclusive jurisdiction of their respective national elements in respect of any criminal or disciplinary offenses which may be committed by them in the Republic of Bosnia and Herzegovina. NATO and the authorities of the Republic of Bosnia and Herzegovina shall assist each other in the exercise of their respective jurisdictions."

The Agreement Between the United States of American and Bosnia and Herzegovina on Status Protections stated as follows in Article 3: "The military authorities of the United States and the appropriate authorities of Bosnia and Herzegovina shall assist each other in the carrying out of all necessary investigations into alleged offenses committed by or against United States

personnel, and in the collection and production of evidence, including the seizure and, in proper cases, the handing over of objects connected with such alleged offenses. The handing over of such objects may, however, be made subject to the conditions mutually agreed between such authorities."

133: "The Serbians would force the Gypsies at gunpoint to dig two holes." This derives from an event related to me by Professor Eric Stover.

134: "She can't read."

Fonseca and Matras both discuss illiteracy among the Roma. Matras recounts his first visit to "a Romani caravan site in the north of England" where his host rejected Matras's offer to help organize a summer school, with a simple explanation: "But our people don't read." Matras, Ch. 1, *Are There 'Real Gypsies'*

152-53: "Was a witness I had for the Yugoslav Tribunal..."

The incident involving the broiling alive of an infant is reported in Bill Carter's documentary movie, "Miss Sarajevo," (1995), which he filmed with the critical support of the humanitarian and rock star, Bono. https://www.amazon.com/Miss-Sarajevo-Bill-Carter/dp/B0049D3F3S. As described in the film, the incident did not involve the rape of family members, but as I note above, the of rape Muslim women was so widespread that I did not feel I was overdramatizing. See the CIA report, "Rape As An Instrument of Ethnic Cleansing," cited in my notes to pp. 80-81. See also Robert Fisk, "Bosnia War Crimes: 'The rapes went on day and night," The Independent, 2/8/93. There are numerous accounts of the testimony at the Yugoslav Tribunal of rape camp survivors. E.g.,, Ian Black, Serbs 'enslaved Muslim Women at Rape Camps," The Guardian, 3/21/00,

https://www.theguardian.com/world/2000/mar/21/warcrimes.balkans; Susan Bloor, "Toll of Bosnian Rape and Death Camps Increases Steadily," Washington Report on Middle East Affairs, January, 1994, at 8,

http://www.washingtonreport.me/1994-january/toll-of-bosnian-rape-and-death-camps-increases-steadily.html; Matteo Fiori, The Hague Justice Portal, "The Foca 'Rape Camps': A dark page read through the ICTY's jurisprudence," 12/19/07; http://www.haguejusticeportal.net/index.php?id=8712; Mark Danner, "The Horror of a Camp Called Omarska and the Serb Strategy," PBS Frontline,

http://www.pbs.org/wgbh/pages/frontline/shows/karadzic/atrocities/omarska2.html

178: "The Ten Boom family were leaders of the Dutch resistance."

"Cornelia "Corrie" ten Boom was a Dutch watchmaker, who along with her father and other family members, helped many Jews escape the Nazi Holocaust. . ."

https://en.wikipedia.org/wiki/Corrie_ten_Boom I borrowed the Ten Boom name and profession in tribute to the bravery of that family, but Aart and Miep are entirely fictitious, just like Boom's parents. The actual story of the Ten Booms' efforts was told in Corrie Ten Boom's bestselling book, *The Hiding Place* (1971). Two feature films, "The Hiding Place," and "Return to the Hiding Place," the latter also based on a book by Hans Poley, portrayed the work of the Ten Booms and their associates in the Dutch Resistance.

224: "You asked for records of the GPS transponders."

I got most of my information about tracking the GPS transponders in conversation with former investigators for the Yugoslav Tribunal, and accordingly do not vouch for its accuracy. In general, see *US Military Space Reference Text 2006* at pp. 121-22.

245: "The town beneath the monastery, Madovic . . ."

Lijce, Madovic and Vo Selo are entirely fictitious. There is no Orthodox monastery in this locale. The history of the monastery I describe is most like that of the Zitomislic Monastery near Mostar.

247: "the town . . . appeared even poorer than Lijce."

Like many others, the Roma in Bosnia were frequently refugees from the war, but returned to even greater difficulties. See these two publications of the United Nations' refugee agency: "UNHCR's Position on Categories of Persons from Bosnia and Herzegovina in Need of International Protection", issued on 1 August 2000 (http://www.unhcr.org/cgi-

bin/texis/vtx/search?page=search&docid=3c3abad04&query=roma%20in%20the% 20balkans); "The Returnee Monitoring Study: Refugees Repatriating to Tuzla Canton Bosnia and Herzegovina," http://www.unhcr.org/cgi-bin/texis/vtx/search?page=search&docid=3c3c1a0d4&query=roma%20in%20the%

bin/texis/vtx/search?page=search&docid=3c3c1a0d4&query=roma%20in%20the% 20balkans I am very grateful to Ms. Marciela Daniel for calling my attention to these reports, and for her helpful response to my research on the Roma community in the Balkans. I apologize for my oversight in neglecting to acknowledge her assistance in the Author's Note in the print edition of *Testimony*.

https://www.icc-cpi.int/iccdocs/PIDS/publications/DetentionCentreEng.pdf

351. "Srebrenica"

The atrocities at Srebrenica are too well accounted for to require citation here. But in fairness to 'Kajevic,' I need to caution against the rising tendency to characterize the horrors of Srebrenica as entirely unprovoked. Although the overwhelming number of cases brought by the Yugoslav Tribunal involved war crimes committed by Serbs against Muslims and, sometimes Croats, there are instances of Muslims being charged with the systematic abuse and murder of Serbs. That was the finding in this case involving atrocities against Serbs prisoners by the police in Srebrenica 1992 and 1993.

http://www.icty.org/x/cases/oric/tjug/en/ori-jud060630e.pdf

Those episodes may, in turn, have helped inspire the Srebrenica massacre of thousands of Muslim prisoners in 1995. I should also note here that despite the characters' comparisons of the Serbs' acts with those of the Nazis, there are important distinctions. Unlike the Holocaust, the Balkan Wars involved repeated atrocities committed by all sides, even if the sustained viciousness by Serbian forces was of far greater magnitude. See e.g., my note at p. 108 relating an episode in which Albanian Muslims attacked the Roma, perceiving them as Serbs or Serb allies.

444: "lot of whinging that folks were getting sick."

See the report cited at the notes to p. 108 and Human Rights Watch, "Kosovo: Act Now to Close Poisoned Camps—Crisis Conditions for Roma Stuck in Lead-Tainted Site for a Decade," 6/24/09,

https://www.hrw.org/news/2009/06/24/kosovo-act-now-close-poisoned-camps

458: "Bought me"

Valeria's story was constructed with some details I absorbed from various accounts of human trafficking in the aftermath of the Balkans War. See, e.g., "HOPES BETRAYED: Trafficking of Women and Girls to Bosnia and Herzegovina for Forced Prostiution," Human Rights Watch, Vol 14, No. 9 (D) (November 2002)

Last, I should have mentioned in the Authors Note that I Americanized all spellings of Bosnian and Serbian names and places, removing the plentiful accents in the hopes of making the names easier for Americans to recall. I apologize for what will surely strike many as misspellings or rank chauvinism.