

# **Bearing Witness: The Impact of Testifying at War Crimes Tribunals**

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## **Introduction**

The creation of multiple international criminal tribunals (the International Criminal Tribunal for the Former Yugoslavia [ICTY]; the International Criminal Tribunal for Rwanda [ICTR], and the International Criminal Court [ICC], three of the most prominent in the last twenty years, to provide justice, to advance human rights and to contribute to the deterrence of future atrocities has been a significant accomplishment of the international community. While the success of the tribunals in realizing these goals depends on many factors, ultimately the tribunals themselves depend on the presence of two critical actors in the courtroom—the accused and the witnesses. We focus our attention on understanding the testimonial process and the thousands of witnesses who sojourn to an alien court to give accounts of the trauma they endured during war. Specifically, we examine how this testimonial experience affects witnesses, and whether it provides any catharsis for these individuals or if, instead it re-traumatizes them some way. Using the results from a comprehensive survey developed in partnership with the ICTY Victims and Witnesses Section (VWS), we begin to shed important light on these questions.

This survey, the first to scientifically and systematically survey those persons bearing witness before an international tribunal, was given to 300 fact witnesses who testified at the ICTY. It queries respondents on multiple topics about the wartime experiences of witnesses and the impact of the testimonial process. The survey has a wealth of data, but here we focus on the question of witness well-being in terms of a positive or negative emotional experience.

One of the most debated issues in the literature on transitional justice generally is whether those who testify before tribunals, truth commissions, and other venues are helped, harmed or affected in some other manner because of the testimonial process (Doak 2011; Brounéus 2010; Stover 2005). While the body of work continues to grow, little empirical research has examined critical components of the testimonial process (Doak 2011; Mendeloff 2009).

We engage this debate by examining the nature and impact of the witness experience: wartime trauma; the testimonial process; and the impact of testifying on their physical and psychological health. Our aim is to provide a more holistic portrait of witness well-being by analyzing their responses to a variety of indicators, and by assessing which factors appear to be most associated with witness health and resilience today. We seek to contribute to the debate regarding the impact of testifying on witnesses, but we do not assert or imply this answers such questions definitively. These questions are explored as part of an emerging study of ICTY witnesses useful for both scholars and practitioners.

First, we begin by describing the survey project and providing the reader with basic, demographic information on the witnesses who took part. Second, we explore the ongoing debate across a number of fields, including political science, criminal justice, sociology, psychology and public health to ascertain the current status of our understanding of the impact of testifying. We then review key information about the witnesses and their experiences during the war and at the

ICTY. In part four we develop a model of witness resilience to assess which factors appear to be most predictive. We conclude with a discussion of future research on this topic.

## Background to the Survey

The United Nations Security Council, Resolution 808<sup>1</sup> (1993) created and tasked the ICTY to 'bring justice' to those responsible for serious violations of international humanitarian law in the conflicts in the former Yugoslavia.<sup>2</sup> The fulfillment of the ICTY's mandate depends on the testimony of those affected directly by the conflict—the victims and witnesses who testified after having been called by the Office of the Prosecution (OTP), Defense counsel, or Chambers. The numbers of those called to testify at the ICTY—over four thousand at present—attest to the “the crucial nature of witness testimony” (Wald 2002, 219). Increased attention has focused on the role of witnesses in providing accountability and legitimacy to the goal of transitional justice in post-conflict nations (Findlay 2009), but data and analysis about the long-term impact of those who testify has been limited (Doak 2011). Steadily, a variety of stakeholders comprised of practitioners and scholars, including law professionals, social scientists, psychologists and social workers, have begun to empirically measure and assess witness well-being.

The Victims and Witnesses Section (VWS)—created via Article 22 of the ICTY Statute and Rule 34 of ICTY Rules of Evidence—is the first unit of its kind to have authority to provide services for victims and witnesses including counseling, support, and the capacity to make recommendations regarding protective measures. In 2010 as part of its “counseling and support” mission, the VWS sought to examine the impact of testifying in the post-testimonial phase through a survey of a random sample of witnesses came before the ICTY to provide evidence.

This study breaks new terrain because to date, *no study of this scale* has ever utilized a systematic and scientific sampling process of such a large population to examine the long-term impact of the testimonial process on witnesses.<sup>3</sup> The study relied upon experienced VWS staff members who were trained to implement the survey and conduct the interview—thus witnesses who would otherwise be excluded by outside research because of security issues are included systematically in the research. The unique collaborative process between the ICTY VWS unit and its research partner—the University of North Texas Castleberry Peace Institute—allows for a broad, cross-section of witnesses to be surveyed because almost one-third of witnesses at the ICTY have some form of protective measure. These persons *can only reveal their identities to authorized* ICTY personnel. The inclusion of these witnesses allows us to better understand the role of *all* witnesses including Prosecution, Defense and Chambers witnesses (Kravetz 2013; Sharratt 2011).

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<sup>1</sup> [http://www.icty.org/x/file/Legal%20Library/Statute/statute\\_808\\_1993\\_en.pdf](http://www.icty.org/x/file/Legal%20Library/Statute/statute_808_1993_en.pdf)

<sup>2</sup> The Socialist Federal Republic of Yugoslavia was comprised of six republics and two autonomous provinces which included diverse ethnic and religious groups. The collapse of communism, emerging nationalism, and economic crisis contributed to conflict including: Slovenia (1991-ten day war); Croatia (1991-1995); Bosnia and Herzegovina (1992-1995); Kosovo (1998-1999); and Former Yugoslav Republic of Macedonia (2001).

<sup>3</sup> There are three relevant studies of tribunal witnesses. First, Stover (2005) looks at 87 OTP witnesses from the ICTY through a structured interview process. Stover (2014) also examined witnesses from the International Criminal Court through an interview survey instrument prior to testifying (N=104); soon after testifying (N=109); and 6-12 months after testifying (N=32). Finally, Horn, Charters, and Vahidy (2009) using structured interviews conducted 171 witness interviews with those who testified in the Special Court for Sierra Leone.

VWS and UNT developed<sup>4</sup> and implemented<sup>5</sup> a 32 page instrument that includes multiple choice, short answer, and three open-ended interview questions to better understand short- and long-term witness well-being. The survey evaluates witness: 1) background and reasons for testifying; 2) socio-economic impact of testifying; 3) security concerns; 4) physical and psychological health and well-being; and 5) perceptions about justice and the ICTY's legacy. Respondents can also provide additional information with short answers. A sixth section asks three open-ended, audio-taped questions at the conclusion of the survey allowing witnesses to elaborate more freely on whether testifying was positive or negative, if they have advice for future witnesses, and what feedback they would give to the ICTY.

Survey respondents were selected from the VWS database via a stratified and quota-selection process to provide a representative sample of key constituents. Sample selection was based on persons who: 1) testified in at least one or more trials as a “fact witness” between 1999-2012<sup>6</sup>; 2) were called by OTP, Defense, and/or Chambers; 3) currently reside in one of four countries in the former Yugoslavia (Bosnia and Herzegovina, Croatia, Serbia, and Kosovo) and were eligible for recruitment.<sup>7</sup> The sample selection includes persons from all cases that have completed the trial phase with a final judgment pending appeal. Witnesses who have appeared and or who have been called to appear in current, ongoing trials are excluded.<sup>8</sup> While the focus

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<sup>4</sup> The team included 19 VWS members (The Hague); three members from the SFO, and 7 faculty members and graduate students in the UNT Departments of Political Science and Psychology (trauma specialists). Protocols for survey administration, witness contact, outreach, and security were developed based on field research best practices, and ICTY historical experiences. After survey development, UNT received approval through its Institutional Review Board (IRB) to ensure the survey is in compliance with national and international standards (IRB 13322 renewed April 2015 until May 2016-on file with the University of North Texas along with National Institute for Humanities Human Subject Training certificates for all VWS and UNT personnel). The survey and all documents needed for implementation were submitted through the ICTY Conference Language Services Section (CLSS) for official translation (January-May 2013), Albanian version translated November 2014.

<sup>5</sup> All contact and interaction with ICTY witness respondents is made from the VWS thus ensuring the integrity of witness identity. Only trained VWS personnel conduct the phone calls, set up appointments, and maintain data. The persons who conduct the interviews are all trained social workers or psychologists with combined decades of experience dealing with victim-witnesses. Only four persons conducted all of the interviews to maintain consistency across respondent survey and interview experiences, and each trained before interviews began. Personnel have also kept notes and shared information about the interview process during regular meetings amongst interviewers planned to ensure a common approach.

<sup>6</sup> The VWS provides support for persons called to appear including: 1) expert witnesses (e.g. those with knowledge about military doctrine, forensic science, population demographics, etc); 2) support and dependent persons (those who accompany witnesses including family, friends, etc.); and 3) fact witnesses (those with direct knowledge about events from the Balkan Wars—either because of experiences or presence in the region). There are a small number of persons who do not have a category designated in the VWS database, such as police escorts and other official representatives who, like support and dependent persons are excluded because they did not testify. The ICTY only began maintaining direct contact data in 1998 (before that it was retained by local authorities). Thus only persons who testified after that time were used.

<sup>7</sup> Country selection and eligibility was based on the need to: a) directly assess the impact on those still living in the regions affected by the Balkan wars; b) promote fiscal accountability because of limited resources; and c) ensure that trained VWS personnel could be with witnesses during the survey in case of concerns about witness fragility, anger, post-traumatic stress triggers, etc. Personnel could refer witnesses for additional support as needed.

<sup>8</sup> This was part of the MOU so there would be no legal concerns about ongoing trials. The study excludes witnesses from the last four, ongoing, high profile trials including: Radovan Karadžić (former President of the Republika Srpska); Goran Hadžić (former President of the Republic of Serbian Krajina); Ratko Mladić (former Commander of the Main Staff of the Bosnia and Herzegovinian Serb Army-VRS) and Vojislav Šešelj (President of Serbian Radical Party). Fact witnesses from these trials should be surveyed at the end of those trials.

groups of VWS personnel predicted the response would be approximately 5-10%, actual numbers are substantially higher. If one examines only those excluded, not available, and those unwilling to participate, the participation rate is approximately 50.7%.

The witnesses who took part in this survey represent the great diversity of peoples found in the former Yugoslavia. They are an ethnically diverse group with 81 persons (27%) describing themselves as Croat; 78 persons indicating they were Bosniak (27%); 95 persons (31.7%) identifying as Serb, 25 persons (9%) identifying as Albanian, and several others. They are an aging population, however, which made the completion of the survey project especially important. The average age of the interviewees is 59.3 years old and ranges between individuals as young as 28 and as old as 94 years. Women comprise approximately 17% of all the witnesses who have appeared at the Tribunal.

The witness interviewees have testified a variety of times, in several capacities and across a wide range of trials. Approximately two thirds of the witnesses have appeared only once to testify (n=195), with about one-fourth having appeared two times, and 11% appearing three or more times. Almost two-thirds have appeared on behalf of OTP with the remaining one-third appearing for Defense. There were 45 appearances by 17 witnesses who have appeared for both the OTP and Defense. Four chambers witnesses also appeared for OTP. Witness interviewees were often those who testified in the larger, more complex trials where there were substantial numbers of witnesses called, such as Kordić and Čerkez, Milutinović et al., Popović et al., Prlić et al., and Slobodan Milošević. There is less representation from other trials like Dokmanović, Aleksovski, Jelisić, Sikirica et al., and Kunarac et al. in which relatively fewer witnesses participated.

### **Witness Resilience and Research across Disciplines**

Each victim and witness called to testify before an international criminal tribunal or court has different experiences and individual stories to tell. The stress of answering the call to testify on behalf of or against a person on trial for committing war crimes carries a burden, which manifests both physically and psychologically. Transitional justice depends on those who “bear witness”, and the question is whether those who testify before tribunals, truth commissions, and other venues are helped, harmed, or affected in some other way because of the testimonial process (Stepakoff et al., 2015; Doak 2011; Brounéus 2010; Stover 2005). Yet very little empirical research has examined systematically and scientifically this critical component of the testimonial process (Doak 2011; Mendeloff 2009).

Mass conflict, such as the series of wars in the former Yugoslavia, produces adverse public health consequences that extend well beyond immediate wartime effects to the postwar period—and those consequences may be greater than the mortality rates associated with the war itself (Ghobarah et al. 2003, 2004; Poole 2012). More recently, there have been growing efforts to examine the impact of conflict across multiple psycho-social, physiological, and economic indicators, such as in the former Yugoslavia (Shemyakina and Plagnol 2013). Yet, in all of the research in the last decade, the Tribunal’s critics (Clark 2014; Subotić 2009; Hayden 2011) and supporters (Orentlicher 2008, 2009) have not reached systematic, scientific, and conclusive results about the micro-level impact of testifying on the witnesses themselves.

Some psychologists specializing in trauma have found there is potential for healing in the act of truth-telling and from the power of a “testimonial community.” (Herman 1992; Laub 2005). The therapeutic process has long depended on a re-telling of trauma to facilitate healing and cathartic empowerment. Clinical recounting of traumatic experiences with a trained professional is fundamentally different than taking the witness stand and being questioned in an adversarial or testimonial environment where the defendant is entitled to the protection of legal rights (Ciorciari and Heindel 2016). Some research suggests that being the focus of attention from courtroom personnel can have a negative impact on the average person’s performance on the stand (Fielding, 2013). Truth-telling in more formal tribunals enables them to share their experiences, but if these ‘voices’ are not part of the ultimate judgment, restorative justice can be undermined (Garbetta 2013; Ephgrave 2015).

It may be that non-adversarial models of witness examination may provide a more catharsis-inducing environment. Participants in various transitional justice mechanisms in post-conflict South Africa (Gibson 2006) and Rwanda (Brounéus 2010) have demonstrated that survivors prefer to have the opportunity to participate in truth-telling in the aftermath of conflict believing it brings emotional relief. This may be because participating in truth-telling addresses victims’ needs for justice (Mendeloff 2009; Androff 2012).

To fairly, objectively, and accurately address the impact of truth-telling, substantial data are needed over time on witnesses to assess their mental and physical health before, during and after testimony.<sup>9</sup> Only recently have such efforts been established with the International Criminal Court (Stover et al. 2014) and the Special Court for Sierra Leone (Stepakoff et al. 2014, 2015) who find that the process of testifying may not necessarily lead to re-traumatization or negative consequences for witnesses. In post-testimony interviews at the Special Court for Sierra Leone 147 witnesses collectively identified 35 positive aspects from their experience and 26 unique negative issues (Stepakoff, et al 2015). The most common positive response was “being given the chance to tell my story, being able to talk about difficult/painful experiences”. The most frequent negative comment was, “emotional difficulty with some questions, talking about difficult/painful experiences.” Stover’s (2014) report on ICC witnesses finds that most witnesses felt they personally benefited from the experience of testifying, and would testify again if needed. This study found minimal, if any, long-term impact of testifying on the respondents.

Given the relative lack of research about the impact of testifying and legal intervention on crime victims in general (Herman 2003), the results here add considerably to our knowledge base. Nonetheless, we must caution that they are tentative because they measure witness’ *perceptions* of their own physiological/psychological states and are not data provided by a medical report or reviewing personnel. Given that witnesses were asked to think back and provide their recollections about how they “thought” they felt before and after the process of testifying, as well as other perceptions of health and well-being, caution must be used in interpreting these results. *Nonetheless, witness perceptions about psycho-social health are a valid and important measure because their perspectives matter and these perceptions influence witness’ behavior and coping.*

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<sup>9</sup> There have been multiple attempts to assess the health of persons in the region going back in time (Mollica et al 1999; Cardozo et al 2000, Salama et al. 2000) and meta-analyses of data regarding the impact on mental and physical health that results for persons who are displaced or who have endured mass conflict (Steel et al. 2009; Percival and Sondorp 2010; Basoglu et al. 2005).

One of the strengths of the research from Stover (2005, 2014) and Stepakoff et al. (2014, 2015) is that they sought to let the victims speak from their perspectives. The survey here endeavors to do that and to provide a systematic and scientific attempt to quantify these experiences.

## **Bearing Witness and Witness Well-Being**

The objectives of our analysis are threefold. First we seek to describe how a fairly representative sample of witnesses from an international criminal tribunal are doing. We examine their responses to a series of questions on their health, their emotional well-being, the types of trauma they experienced during the wars in the former Yugoslavia, the kinds of issues and challenges they must face as a result and the type of coping mechanisms they utilize. Second, we test a model of witnesses' assessment of their emotions and felt experiences after testifying to determine which factors are most strongly associated with more positive testimonial experiences. Third, through this analysis we seek to engage the ongoing debate regarding whether the testimonial process is cathartic, traumatic, some combination of the two or neither. In so doing we hope to provide a holistic assessment of witness well-being that can inform our understanding of the impact of trauma and testimony on these extraordinary individuals.

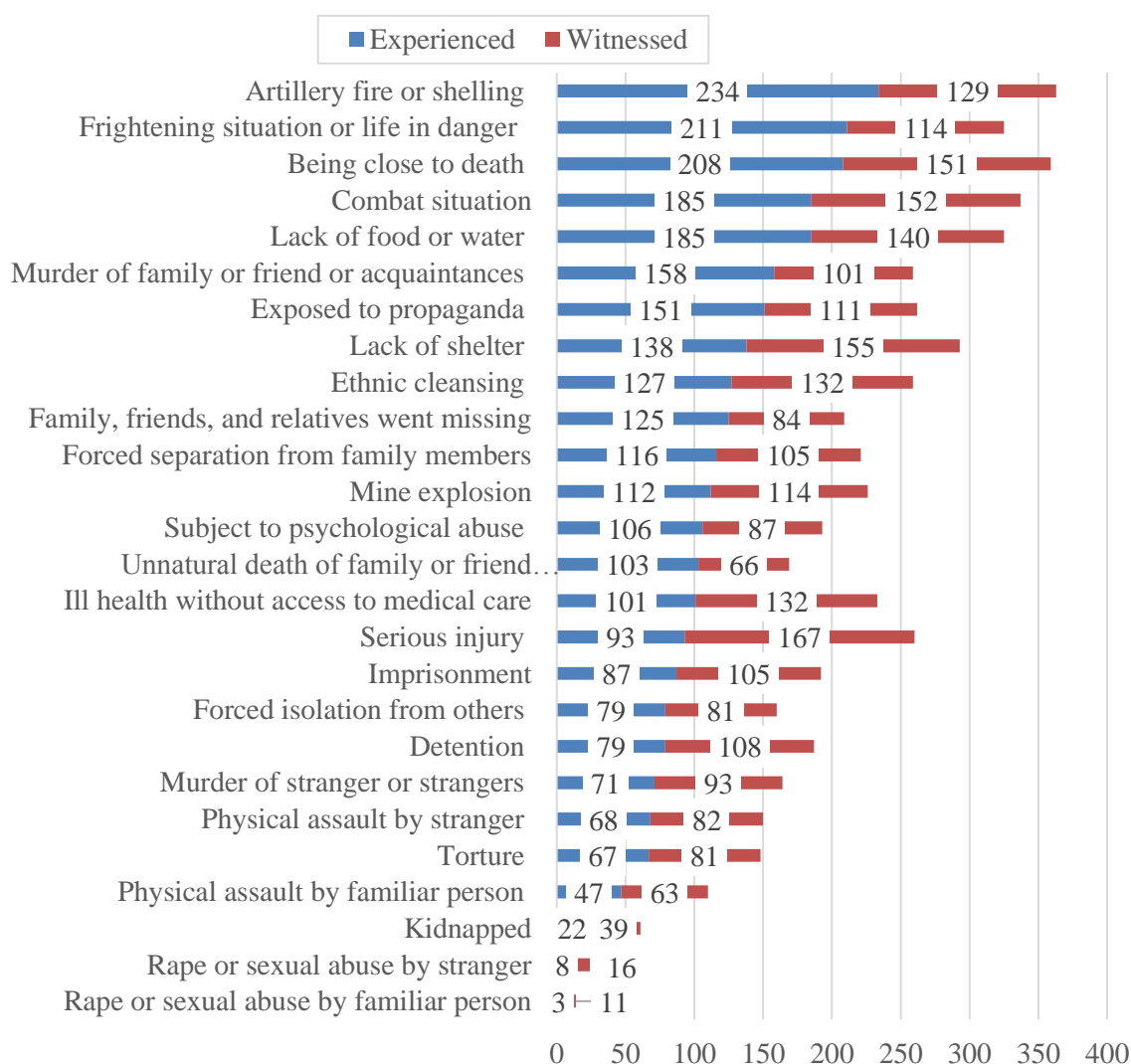
Before reviewing witness physiological and psychological well-being, it is important to understand the war-time experiences of the respondent sample. All prosecution, defense, and trial chamber witnesses are typically called to testify about their war-related experiences and the events they have witnessed. These range from deprivation of food, shelter, and healthcare, to the destruction of home and community, detention, separation and disappearance of family and friends, physical torture, sexual violence and rape, and near death experiences.<sup>10</sup>

Consistent with one of the largest studies to date in the region which examines wartime experiences, the witnesses who have testified have experienced extreme forms of physical and mental trauma.<sup>11</sup> Figure 1 contains the responses for those who answered whether they “Experienced” or “Witnessed” multiple types of trauma. The results are ranked from highest to lowest for the “Experienced”.

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<sup>10</sup> The Pilot Study relied on a modified version of the Harvard Trauma Questionnaire which lists events or activities common in times of conflict (Palić et al. 2015). For more information see <http://hppt-cambridge.org/screening/harvard-trauma-questionnaire/>.

<sup>11</sup> The South-East European Social Survey Project provides social survey data to study the sociology and social history of the Western Balkans. The survey, conducted from 2003-2004, allows for basic analyses of overall cross-national and cross-ethnic group differences within the region, and contains information about 23,000 respondents with 1,000 variables and 32 different samples. Information was collected through a 75 minute survey instrument and interviews. <http://www.svt.ntnu.no/iss/ringdalweb/SEESSP%20Surveys.html>

**Figure 1: Wartime trauma experienced and witnessed**

Almost four out of five persons (n=234) persons experienced shelling, and notably, supra-majorities of interviewees experienced being in fear for their life or near death. After that combat situations, as well as a lack of food and water comprise the next largest sets of experiences. The level of trauma experienced and/or witnessed by the interviewees is substantial and demonstrates that the sample has suffered greatly during the war.

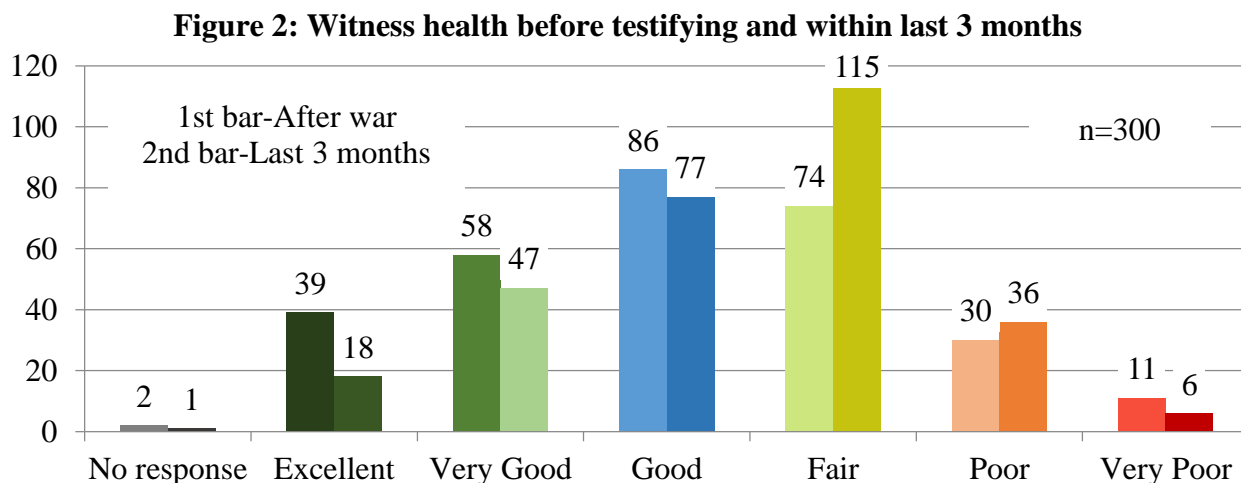
Such traumatic experiences, no doubt, exert an important and enduring impact on their physical and psychological health. When asked to recount these events at the ICTY, the type and severity of the trauma witnesses have suffered seems likely to play an important role in the impact testifying has on their health. We return to this issue later when we develop a model of the determinants of witness emotions upon completion of testimony. We turn now to examine witnesses' reporting of their health and their perceptions of the impact the testimonial process has exercised on health.



## Physical Health before and after Testifying

Relative to studies looking at mental health, there is less research at the micro-level looking at physical health (Shemyakina and Plagnol 2013). When examining the impact of war overall on public health, the picture that emerges is that there are long-term consequences across multiple indicators (Ghoborah et al 2003, 2004; Poole 2012; Kerridge et al. 2013; Letica-Crepulja et al. 2013; Mollica et al. 1999; Salama et al. 2000). Studies looking at the former Yugoslavia report higher levels of mental distress within the population during earlier post-war periods, but this seems to dissipate over time (Do and Iyer 2012). What the lasting effects on physical health can be is not conclusively known. Mental well-being may be linked to physical health as one study found (Ringdal et al. 2008).

We examine witness perceptions about their physical health comparing their health before the first time they testified and within the last three months (Figure 2) to examine their perceptions about whether their health is worse. The darker, first bar notes witness health after the war and before first time testifying, and the second, lighter bar notes witness more recently. These results reflect the aggregate health of the witness pool, and support the idea that witness health is generally in decline. The “Very Good” and “Excellent” categories indicate that witness health is deteriorating slightly over time, and there is a substantial increase in the “Fair” category today as compared to at the time of trial. These results are not so surprising given that some witnesses are reporting their health from over 15 years ago.<sup>12</sup>



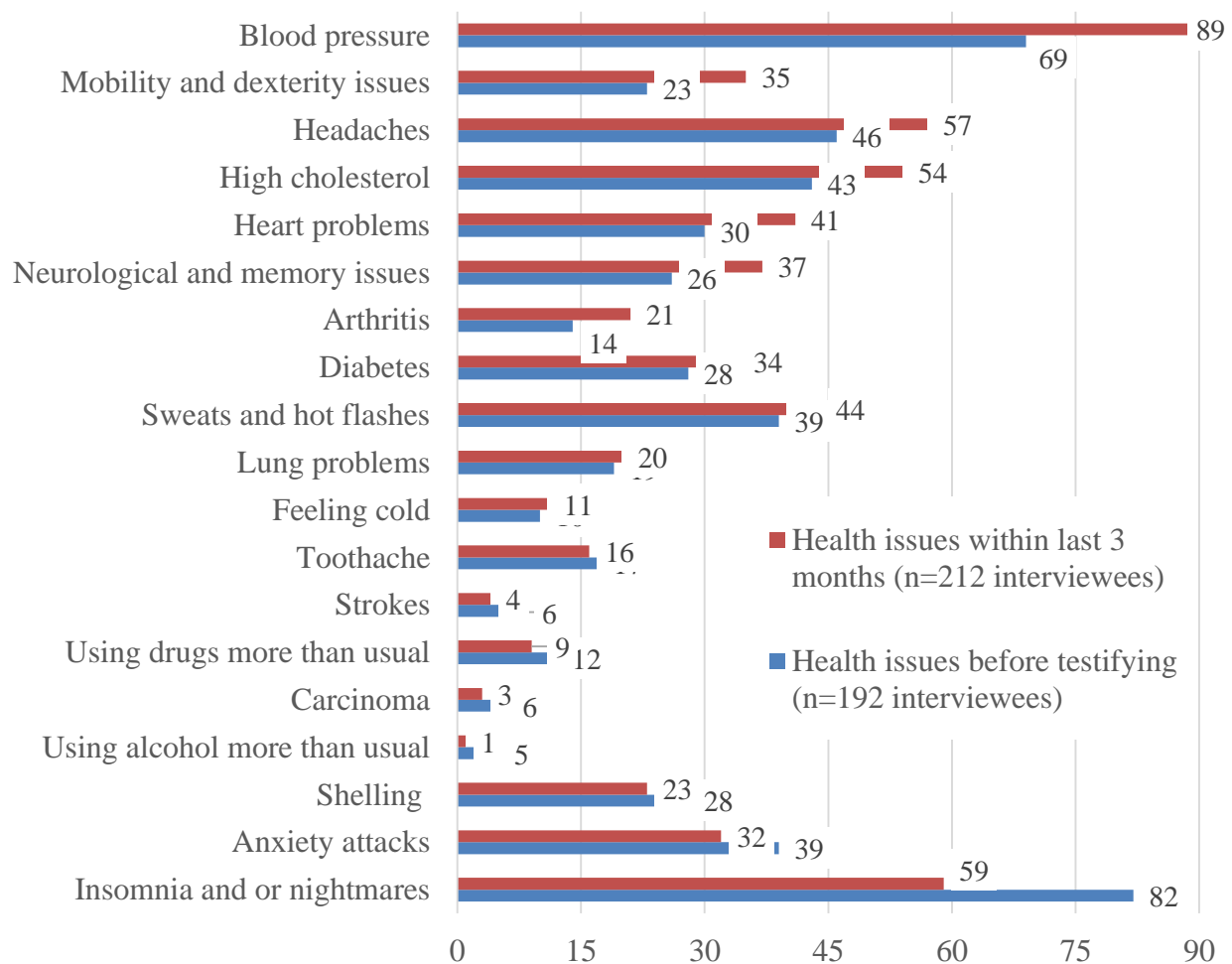
To unpack the issue of witness perception about their health vis-à-vis the ICTY and a decline in health, interviewees were asked standard measurements of witness physiological health. Figure 3 looks at specific health issues before the first trial in which the witness testified and then within the last three months (respondents could, and frequently did, check off multiple health-related issues). Interviewees report more health issues today *overall* than they did before the first

<sup>12</sup> As other research has found about trauma, memory, and testifying in the courtroom, the memories of the actual experiences may be distorted over time depending on the process of memory reconstruction (Lacy and Stark 2013).

time they testified (n=192). Six of the seven top health issues relate to substantial increases of concerns typical of the elderly (vision, blood pressure, and mobility/dexterity, etc.).

There are number of categories which are actually *fewer in frequency today* (e.g., insomnia, anxiety) (results are sorted in category decreased to increased frequency in last three months). Arguably, these are more likely to be war-related health issues, while those health issues most frequently identified by interviewees within the last three months are health issues more commonly associated with an aging population. The results support other findings that there are still long term health consequences from war that can have an impact on witnesses (Eber et al. 2013; Ghobarah, Huth and Russett (2004).

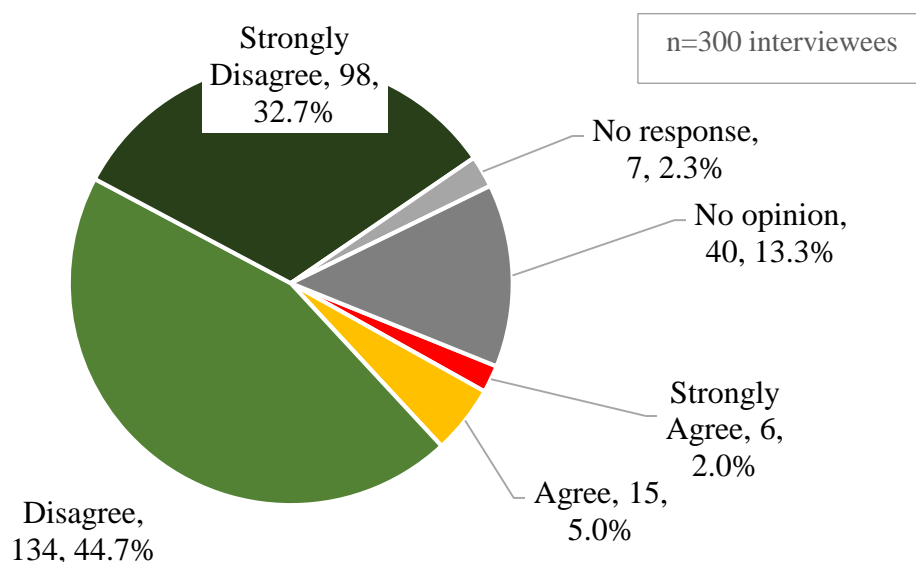
**Figure 3: Health issues before testifying and within last 3 months**



The impact of testifying may be felt long after the witness has left the courtroom (Stover 2005), and given that the witnesses here have experienced high levels of trauma, there may be negative consequences that endure to this day even if only the witnesses perceive that there have been long-term consequences. Yet, the witnesses' self-reports about whether: a) their health is worse today, or b) their health will get worse *because they testified at the ICTY*, would not seem to support this notion (Figure 4). The majority of interviewees *do not* think their health is worse

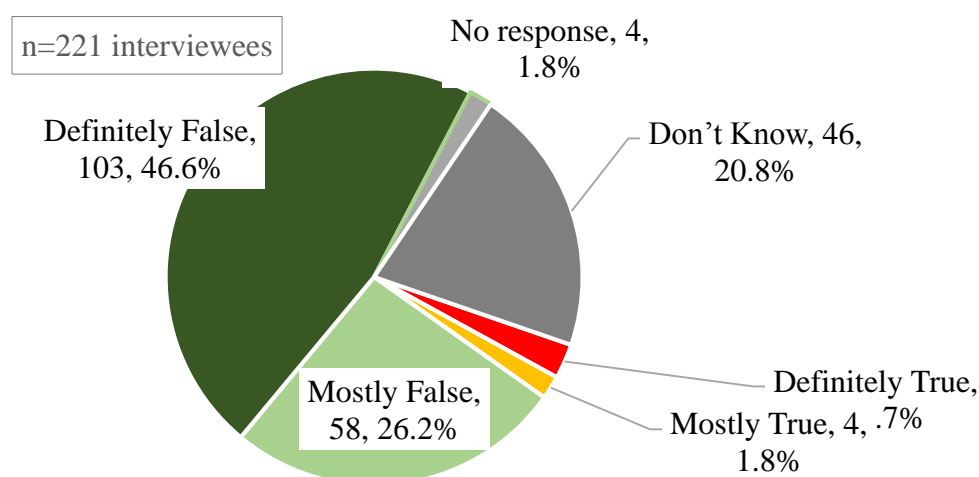
today because of having testified at the ICTY (77.4%). Seven percent (n=21), however, do agree or strongly agree that their health is worse because of having testified at the ICTY.

**Figure 4: Health Is Worse Because of Having Testified at ICTY**



Almost 73% of witnesses *do not* think that their health will worsen as a result of the testimonial process (Table 5). Interviewees seemed to be less certain in the face of the shadow of the future about their health because over 1 in 5 interviewees said they “do not know” whether their health will worsen because of testifying.

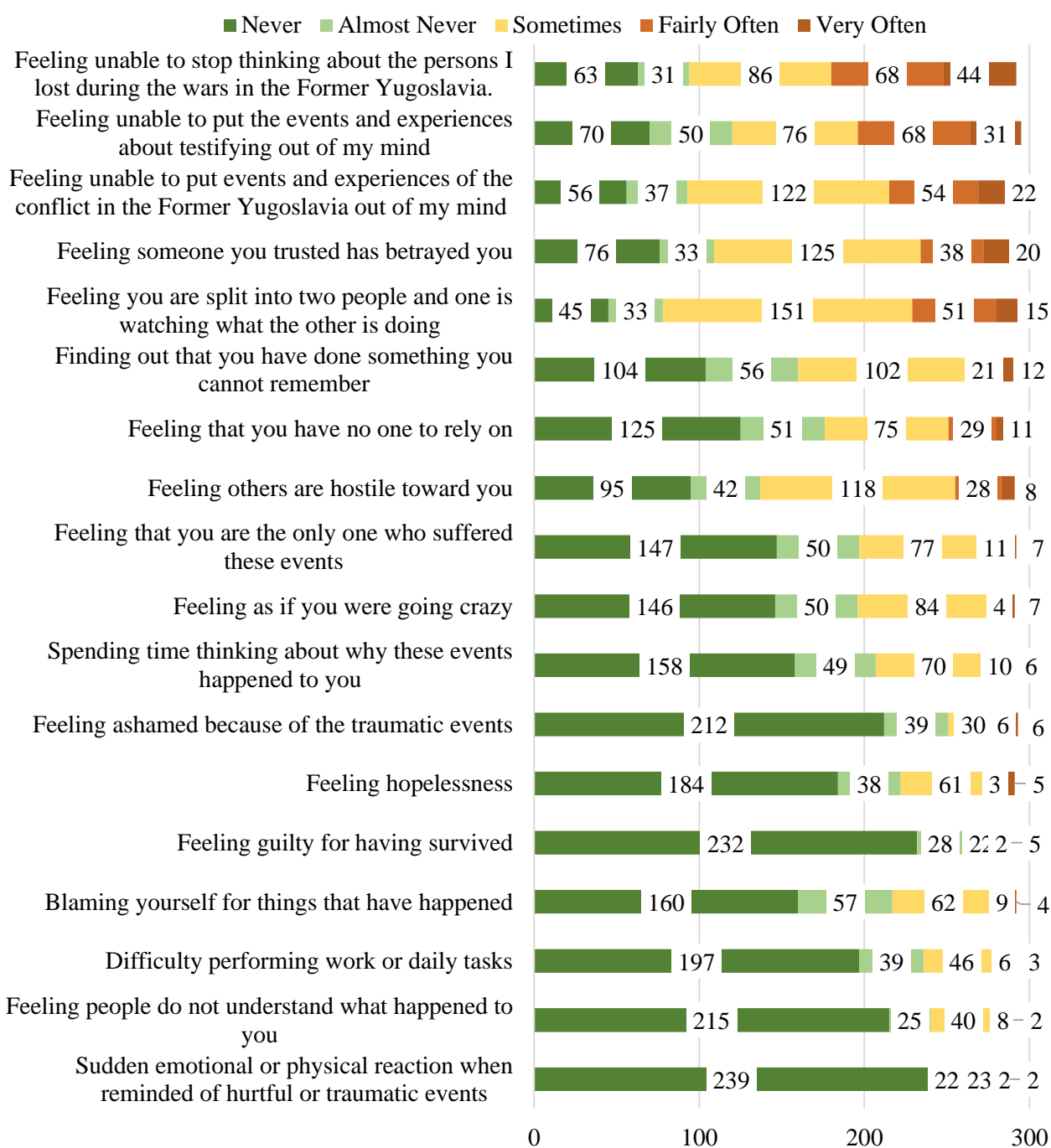
**Figure 5: Health will worsen because of the ICTY**



The picture that emerges from the witness self-reported physical health is that there is a significant physical impact on witnesses both because of their war-time experiences and trauma, as well as the additional demands that result from the testimonial process. Yet despite this, witness respondents are rather resilient as reflected in their views of their health vis-à-vis the ICTY. Overall, the health of the witnesses—while there has been some overall deterioration in the sample of witnesses surveyed—is quite high given the aging nature of the group and the levels of trauma they experienced (Ringdal et al. 2008). It very well may be that respondents are less willing to view their health more critically in the present than they are in looking back on their health (retrospectively). Thus, they respond more positively to the questions. Given research findings that life expectancy and overall health is radically diminished in areas where conflict has occurred, particularly for cardiovascular health (Ghobarah et al. 2003; Ghobarah 2004; Poole 2012), the results here indicate the importance of evaluating witness health over time. Those who bear witness may be at greater risk for health problems than those within the general population or victims of war who do *not* testify. This is even more important when considering that overall physiological well-being is inextricably intertwined with psychological wellness and emotional health. It is to this we now turn.

We examine witnesses' emotional health and how they are coping today. Standard measures from psychology were used to ask witnesses about their well-being within the last six months, as well about coping mechanisms they rely upon to handle stressors in their lives. The consequences of dealing with trauma these respondents have encountered creates issues associated with re-traumatization and it can present substantial difficulties with obtaining closure (Bandes 2009; Başoğlu 2005). Figure 6 presents the results from these measures as a scale indicating how frequently the respondent has had various types of feelings associated with trauma. Note that higher levels of frequency (indicated in orange shades for "Fairly Often" and "Very Often") connote greater difficulty in handling emotional situations. Being unable to stop thinking about loved ones and putting the experience of testifying out of their minds are issues that stay with over one-third of the witnesses. Importantly, interviewees expressed feelings of holding on to the events of the experiences and events of the conflict, along with betrayal and disassociation which are also points of concerns for health professionals who work with issues related to witness well-being.

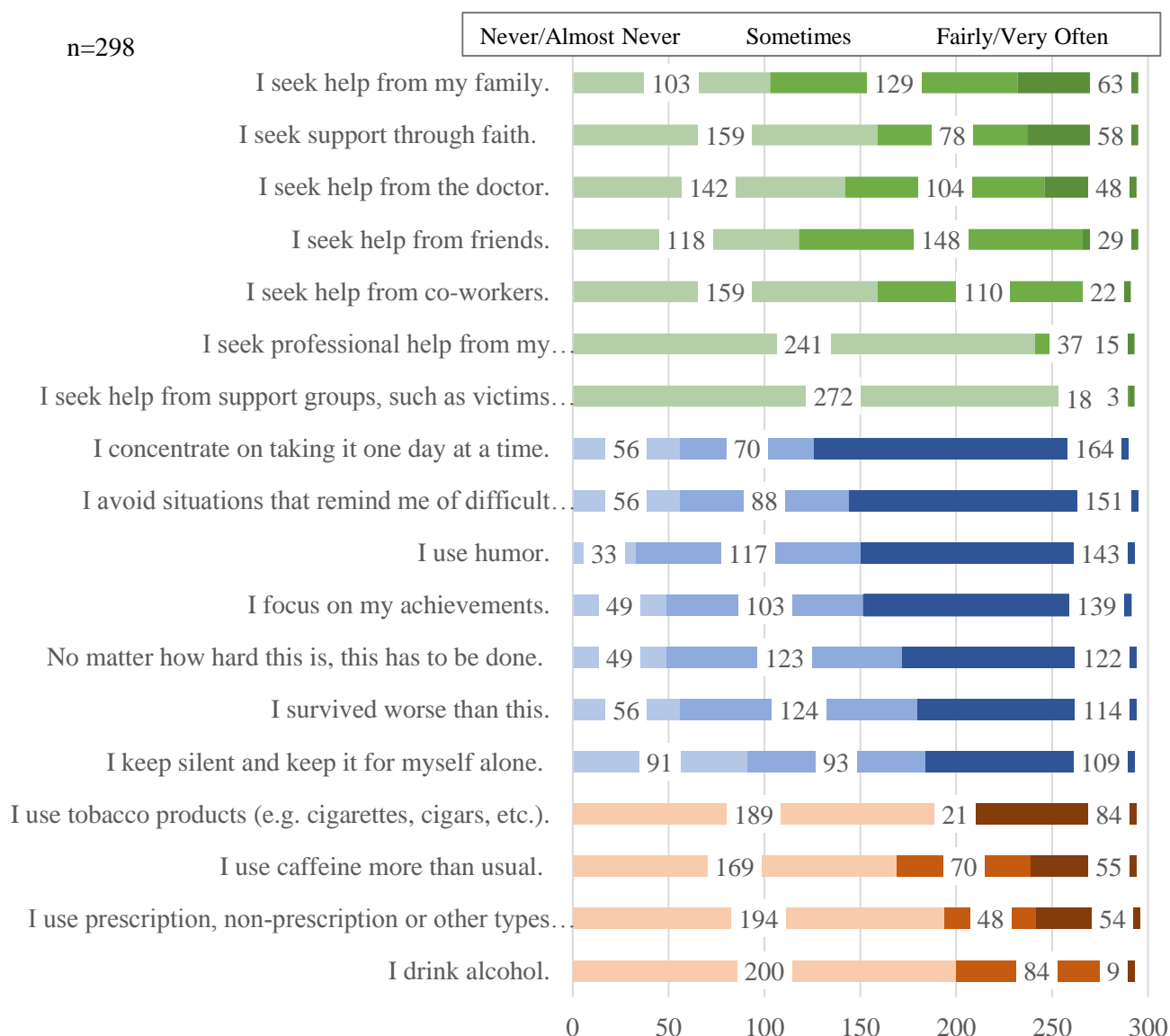
Overall substantial majorities of witnesses across multiple questions indicated lower levels of feelings frequently associated with trauma. Interviewees were asked whether they felt hopeless or crazy, dwelled on past events, blamed themselves, were ashamed about what happened, or if they guilty for having survived, over two-thirds indicated "Never" or "Almost Never." Interestingly, over five out of six interviewees indicated that they rarely have a sudden emotional or physiological reaction when reminded of harmful events.

**Figure 6: Measures of Witness Emotional Health**

A growing body of work examines witness resilience in the context of surviving traumatic experiences (Herman 2003), and overcoming post-traumatic stress, including post-traumatic growth (Uy 2014). Understanding the witness experience means understanding the interventions that occur after wartime trauma and in the post-conflict society (Powell et al. 2003; Waysman et al. 2001). We also examined how witnesses cope given their past history of trauma (Figure 7). The questions are divided into three types of coping strategies: 1) *external* (seeking support from

family, friends, colleagues, etc.-green); 2) *internal* (having a life philosophy, keeps things to themselves, etc.-blue); or 3) substance dependent (using more substances, including caffeine, alcohol, tobacco, etc.-orange). Lighter colors for each category indicate to “Never/Almost Never”, the medium shade connotes “Sometimes” and the darkest color indicates “Fairly/Very Often”.

**Figure 7: Witness Coping Mechanisms**



Coping mechanisms across witnesses can vary substantially, and interviewees indicate relatively low levels of reaching out to other people to seek support, whether it is friends, co-workers, or family. The most widely adopted strategy seems to be internalizing their own mental resilience or perspective on life such as using humor, focusing on their achievements, or taking it “one day at a time”. We note that this internalization can also mean isolation for some witnesses as almost half indicate they avoid difficult situations and over one-third saying they keep “silent” and keep things to themselves.

## **The Impact of the Testimonial Process**

Are there benefits that accrue to witnesses as a result of the testimonial process and providing an account of what they experienced? Mendeloff (2009, 599-601) examines two potential benefits to “truth-telling” through the testimonial process: 1) “therapeutic value”—a catharsis; as well as 2) “accountability through truth-telling”, although he is critical of these supposed benefits. Consistently scholars have found that witness experience both positive and negative reactions to the testimonial process regardless of whether the venue is a truth and reconciliation commission (Byrne 2004; Hamber et al. 2000), a set of community justice courts (Brounéus 2010), or war crimes tribunals (Stepakoff et al., 2014, 2015; Stover 2014).

The survey provided witnesses with a host of possible responses (generated by ICTY VWS personnel based on their interactions with witnesses as well as from data collected by an existing VWS Survey<sup>13</sup>). Witnesses could select as many or as few as most accurately conveyed their feelings going into the courtroom and after the testimonial process was over. We categorized the types of emotional states as falling into one of two categories: 1) seventeen positive emotional states; and 2) nineteen negative emotional states. We emphasize again that this is a retrospective review by the witnesses about their emotional state pre- and post-testimonial process.

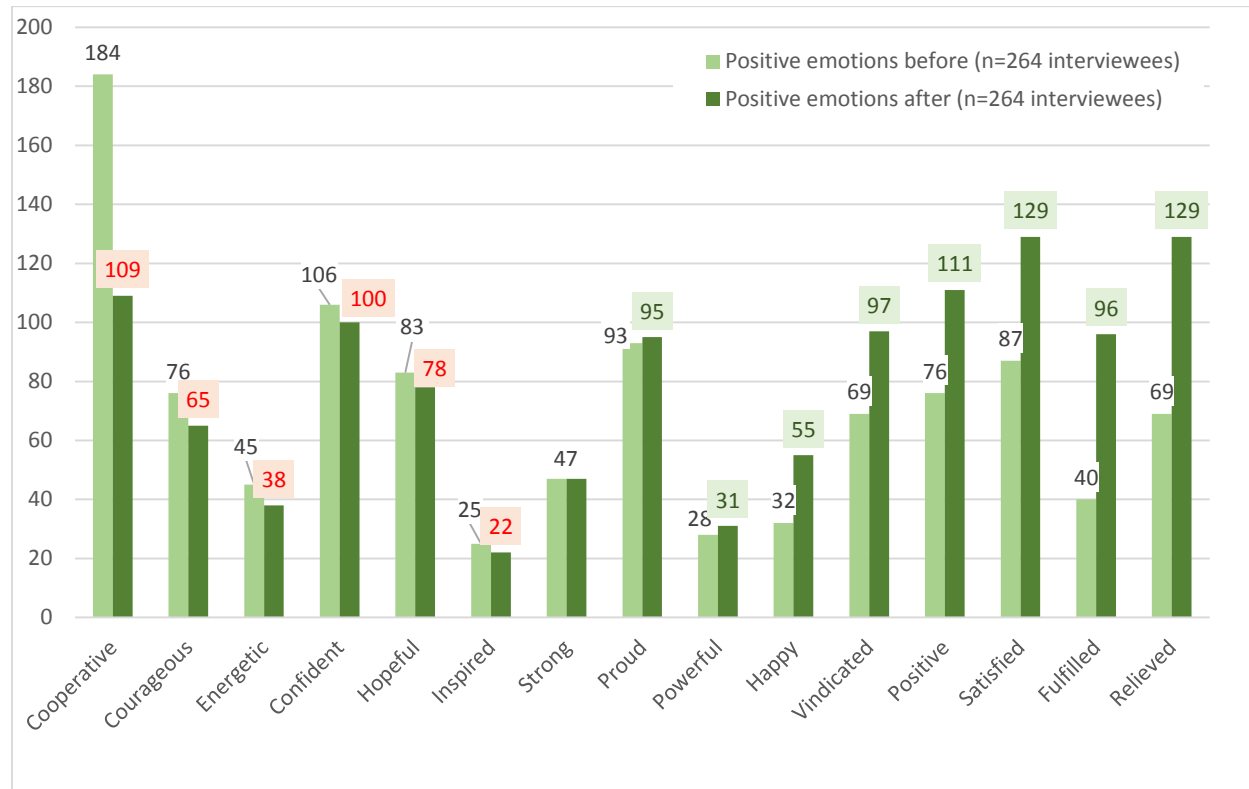
Overall when interviewees reflect back on their testimonial experience, comparing positive and negative emotions, witnesses report experiencing significant differences between their pre- and post-testimonial emotions. Figure 9 sorts responses that connote positive emotions in order of the greatest drop in emotional affect *after testimony*. More interviewees indicated they felt higher levels of positive affect both before and after testifying, and significant numbers of interviewees report a drop in negative emotions after having testified for the last time. By far the most frequently occurring positive emotional state witnesses chose was feeling “cooperative” with 184 witnesses indicating they felt that way *before* testifying, but interviewees report being significantly less “cooperative” (n=109) after testifying. Witnesses may feel that after the discharge of testimony, they have fully cooperated or else the process of testifying has left them feeling less “cooperative”. Other significant differences experienced by substantial numbers of respondents between before and after include feeling “satisfied”, “relieved”, “positive”, and “fulfilled”. We note on the chart that there are several emotional indicators in which respondents indicated fewer

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<sup>13</sup> In 2009 the VWS began an internal and anonymous survey done after witnesses testify. It measures witness perceptions and satisfaction with VWS services immediately following the testimony, and thus unlike the Pilot Study is a more contemporaneous account of witness emotions. We note here that the preliminary results indicate that the Pilot Study mirrors in many ways the VWS 2009 survey results. The results are similar between the two different studies—in both surveys witnesses express significantly higher levels of positive emotions and lower levels of negative emotions *after* testifying.

positive emotions (indicated in red). Other than “cooperative” (which is statistically significant), there are another five indicators which drop in frequency, but none are statistically significant.

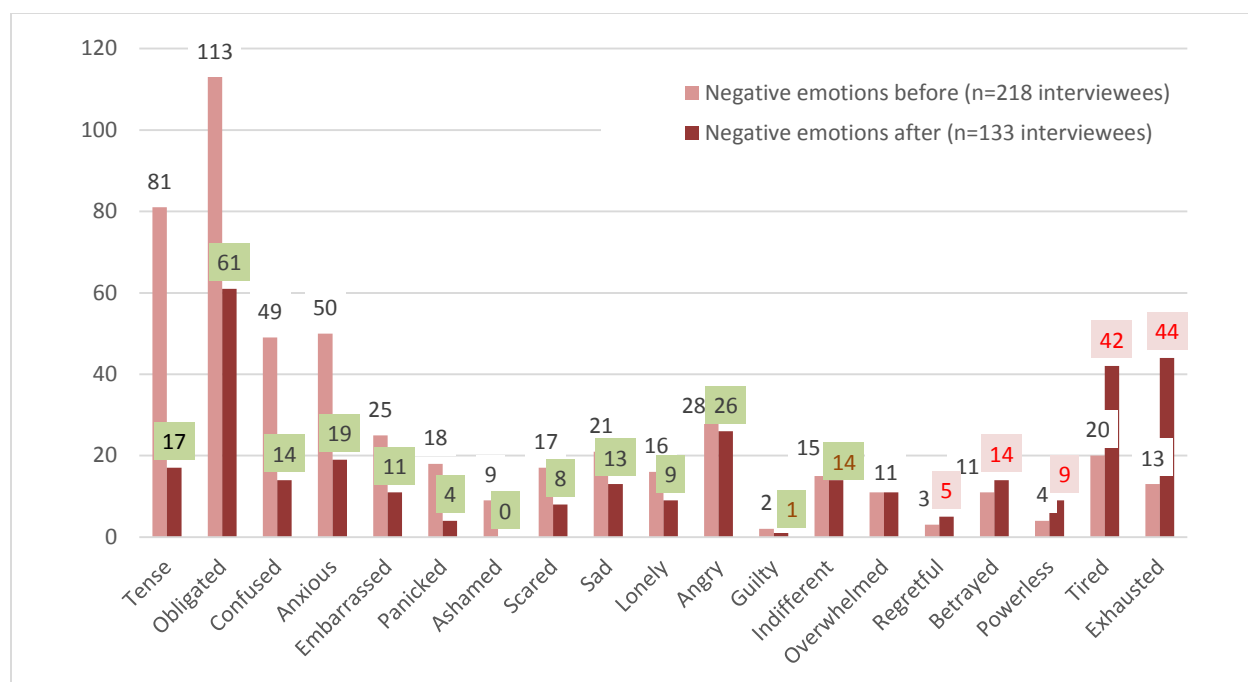
**Figure 9: Positive emotions-before and after**



Witnesses could also choose from a range of negative emotions developed through VWS experiences in working with witnesses (Figure 10). There are *significantly* lower levels of negative affect as compared to positive emotions before and after testimony. Importantly, interviewees report significantly lower levels of negative emotions following testimony. Of the negative emotional states witnesses selected to describe their feelings prior to testimony, “tense”, “obligated”, and “confused” are among the top categories chosen by witnesses to express their feelings *prior* to testifying, but note that they are among the top of feelings where there are significant drops in the emotion after the last time testifying as well. Upon the conclusion of testifying, only “obligated” receives higher response rates, along with “exhausted” and “tired”.

**Figure 10: Negative emotions-before and after**





In summary, when comparing both positive and negative self-reports of emotions by witnesses, before and after testifying, there are *more positive* and *less negative* emotions both before and after testifying across multiple emotion types. These findings provide us with additional insight regarding the impact of the testimonial process and provide some encouraging signs that, based on witness recollections, the testimonial process does not seem to provoke some sort of witness re-traumatization (Stover 2014, *cf.* Brounéus 2010). Now that we have described these witnesses' experiences and perceptions and have assessed their meaning regarding witness resilience, we turn our attention toward model development.

### Toward a Model of Witness Resilience

The second principal goal of this paper is to develop a model of witness resilience. Given the substantial debate over whether testifying about traumatic events at war crimes tribunals and other venues (e.g., truth commissions) is helpful or harmful, it is critical that scholars begin to test these competing claims. To measure witness resilience we rely on the extent to which witness recollections of their experiences testifying are positive or negative. We offer the following hypotheses to explain witness resilience based on two sets of factors. First, there are those factors that pertain to the witnesses' personal situation including: 1) personal investment/meaning of testimony; 2) physical health; and 3) their personal situation. Second, we assess the impact of factors related to the testimonial process including: 1) witness perceptions of the fairness with which they were treated by the prosecution and the defense during testimony; 2) the number of times the witness testified 3) whether the witness was threatened with harm if s/he testified. We briefly justify each of these hypotheses.

## Personal Situation

Each witness who comes before the ICTY brings a unique set of personal circumstances to the testimonial process. These powerful forces impelling the witnesses forward in the testimonial process where they must recount their personal histories, are challenged by the attorneys, and probed by the judges. The witnesses wish to speak their truth, and the ICTY looks to find its truth. The goals of the witnesses and the actors in the courtroom may be realized through a collegial and mutually satisfactory process, or they may collide as when witnesses perceive that they are not being allowed to speak their truth or that their integrity is being challenged. These courtroom dramas play out in many ways. For this set of hypotheses, we elucidate those critical characteristics of the witnesses that are likely to influence the manner in which this process unfolds and witness reactions to it. We contend that the degree to which witnesses emerge from this testimonial process with positive recollections will depend heavily on the nature of their own personal situation.

### *Witness Trauma*

The types of trauma witnesses have experienced as a result of the wars in the former Yugoslavia are as numerous as they are painful. The events of the past and the suffering of witnesses from the loss of loved ones, destruction of homes and villages and horrific personal experiences including detention, torture, sexual assault, and attempted executions live on in the present and are often the focus of testimony. These experiences exert widely differing reactions among the victims such as PTSD, anger, depression, and in the case of many witnesses, a determination to tell their story. It is a central tenet of the “testimony as catharsis” school that because of this trauma, being given the opportunity to tell one’s story may make individuals feel vindicated, a sense of satisfaction from seeing the defendant in a submissive role, and most importantly, a sense of closure. In keeping with this school of thought, we suggest that those witnesses who have suffered greatly, will possess a significant personal stake in testifying and thus, will be more likely to recall positive emotions and fewer negative emotions after testifying.

We suggest that those witnesses who have suffered high levels of trauma will tend to desire or expect that positive and beneficial outcomes will result from their testimony about such events. Such trauma creates a strong need to testify to the truth as one experienced it during the war, and commensurately, a strong need to believe that this suffering and the resulting testimony will achieve some measure of good. We suggest that there is a need to justify internally the suffering during and after the war witnesses have endured and a concomitant need to justify the tremendous costs associated with testifying about these traumatic events (Garland and Newport 1991). As a result, witnesses should be more likely to recall positive emotions after the long and difficult journey they have made personally from victim, to survivor to truth teller.

### *Physical Health*

Witnesses who have undergone tremendous suffering may feel a sense of determination to tell their story, but they are also individuals for whom the wars of the region may have exacted a substantial toll on their health. Witnesses who testify despite the physical and emotional pain they experience demonstrate the substantial importance they attach to international justice.

Nonetheless, it is possible this pain and suffering has led to such ill health that their perceptions of the testimonial process may be influenced by any physical pain or symptoms they are experiencing. We suggest that those individuals who are in poor health today will be more likely to look back on the emotions they experienced after they finished testifying through the prism of the present. We expect that those who are currently experiencing health problems will perceive their testimony in a negative light and recall fewer positive emotions and more negative feelings. Whether the present poor health may be biasing witness perceptions of the past, or is forcing them to recall the health problems they have suffered all along, including during the testimonial process, we suggest that witnesses' evaluation of their current health will shape perceptions of their emotions.

### *Personal Situation*

Just as present health conditions shape past perceptions, we should also consider how individuals perceive their present, personal situation, and whether this is related to their perceptions of the past. Public opinion about international tribunals has shown that individuals with more optimistic attitudes in general are more likely to have positive views of international justice (Meernik and Guerrero 2014; Meernik 2015). Individuals who are predisposed to maintain a positive outlook on life are also likely to evaluate a wide range of experiences through this core personality feature. Psychological research has demonstrated that there are strong associations between positive moods and other behaviors, such as cognitive flexibility (Isen 1990), creativity (Nadler, Rabi and Minda 2010), and other types of success (Uy 2014; Lyubomirsky, King and Diener 2005). Individuals who maintain a positive affect are more likely to enjoy and project a range of other positive attitudes and behaviors. As Lyubomirsky, King and Diener (2005, 804) write:

The characteristics related to positive affect include confidence, optimism, and self-efficacy; likability and positive construals of others; sociability, activity, and energy; prosocial behavior; immunity and physical well-being; effective coping with challenge and stress; and originality and flexibility. What these attributes share is that they all encourage active involvement with goal pursuits and with the environment.

Therefore we suggest the following hypotheses:

*H1: The greater the level of trauma experienced by witnesses during the wars of the former Yugoslavia, the greater the likelihood they will recall more positive/fewer negative emotions after testifying.*

*H2: The worse a witness's health at present, the less likely he will recall more positive emotions/the more likely he will recall fewer negative emotions after testifying.*

*H3: Witnesses who agree or strongly agree that their present personal situation is good, will be more likely to recall more positive/fewer negative emotions after testifying.*<sup>14</sup>

## **The Courtroom Experience**

The actual testimonial process of being in the courtroom has psychological and physical consequences, but much is still not known about what difficulties witnesses encounter on the witness stand or what helps reduce distress resulting from testifying (Stover 2005; Stepakoff et al. 2014, 2015). For many individuals it will be their first time ever in a courtroom, and for all witnesses (except repeat witnesses) it will be their first experience at an international tribunal. Many may have been waiting years for a chance to tell their story and contribute to justice. The testimonial experience thus comes fraught with witness personal motivations, needs and temperament that intersect and collide with the questioning by the prosecution, defense and judges in a complex, multilingual environment. It is not surprising that in this environment in which the objectives of all the parties do not always exist harmoniously co-exist, some witnesses come away with feeling the experience has not been as fulfilling as they imagined, while others may experience a sense of personal satisfaction or closure. Quite likely, these feelings, whether the testimonial process went well or went awry, will influence witnesses' recollections of their feelings in the aftermath.

### *Fairness*

Individuals support for justice depends to a considerable degree upon their perceptions of perceived fairness; the respect given to individuals by these institutions; and the individual's sense of efficacy regarding the justice system (Stepakoff et al. 2014; Tyler 1990; Tyler and Darley 2000). We are particularly interested in how witnesses perceive their treatment by the opposing attorneys. Testifying in open court can be a challenging experience in the best of circumstances. But when such testimony occurs in an international courtroom with the eyes of the world upon the witness, the accused sitting mere feet away and with attorneys conduct aggressive questioning, it can be a very challenging encounter. In particular, witnesses who perceive that they have been too aggressively questioned about the veracity of their accounts, or witnesses who are confronted by hostile, opposing attorneys may find that their desire to speak their truth has been thwarted. Conversely, witnesses who feel they have been able to tell what they consider relevant details, and perceive they have been treated with respect by all sides, may be more apt to emerge from the courtroom experience feeling they accomplished their personal goals and contributed to international justice.

### *Witness Fatigue*

While two-thirds of our sample pool of witnesses testified once in one trial, for the remaining one-third who may be called back a second time or even as many as five times, witness

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<sup>14</sup> To measure witness trauma we counted the number of items on our 26 item trauma scale. To measure witness health we used a question asking individuals to rate their health in the present on a 7 point scale ranging from very poor to excellent. To measure the witnesses' assessments of their own personal situation we utilized a 7 point scale that ranges from very satisfied to very unsatisfied with one's present situation.

fatigue can be a critical concern. Witnesses may confront multiple issues. They may face repeat security risks regarding travel or face communal disdain for their participation and cooperation with the Tribunal. They must be away from family and loved ones, sometimes for an extended period of time in The Hague. They must take time off of work to travel, and live in a strange environment for days or possibly weeks at a time. They must recount yet again some of the most horrific events of their lives. The aggregate impact of these burdens may lead to witness fatigue and a perception of the testimonial process more as an event to endure rather than an opportunity to tell one's truth.

### *Threats*

A small, but important number of witnesses are threatened with harm as a result of their testimony. Because of the tremendous stakes of international tribunals for the political and military leaders who stand trial, their governments and other regional states, as well as the international community, it is not surprising that some defendants, and most especially their supporters back home, try to threaten witnesses to keep them from testifying. Human security threats, especially those to the physical security of witnesses, are the most severe of all, and one of the greatest obstacles any transitional justice mechanism has to overcome (Cryer 2013; Stover 2005). Such threats range from making verbal and physical threats before testimony to committing acts of violence or destruction. The first threats to security for a witness can begin as soon as others think that a witness will be appearing before the Tribunal (Trotter 2013), and continue through travel to and from testifying, as well as upon the return home (Stover 2005, 2014; Stepakoff et al. 2014). Threats to witnesses are not just directed at them personally, but may extend to family, friends, as well as property. In keeping with our earlier logic regarding the impact of trauma on witness recollections, however, we contend that those who have been threatened in some manner will actually recollect more positive emotions after testimony. Those witnesses who have endured much in order to testify are likely to be quite invested in the success of their own testimony and in their contribution to international justice. As such, we would expect that rather than dissuading individuals to testify, threats will tend to strengthen their resolve. This increased resolve, we suggest, will lead to higher levels of positive emotions and fewer negative emotions after trial.

### *Reasons for Testifying*

Witnesses may have any number of personal, political, and moral reasons for testifying (Hodžić 2010; Horn, et al. 2009). Many simply want the opportunity to speak the truth of their experiences (Stepakoff et al. 2014; Stover 2005, 2014). Others want to speak for the dead or to do their part so that war does not come again to their homeland. Whatever the motivation, we suggest that those who are most highly motivated and exhibit the greatest intensity of feeling regarding their reasons for testifying will be more likely to experience positive emotions and less likely to recollect negative emotions after their testimony. This intensity of feeling regarding their reasons for testifying will also create in the witnesses' mind a need to have a positive experience while on the stand to measure up to their strong desire to testify.

### *Contribution to Justice*

Support for justice is also contingent upon individuals' sense of efficacy regarding their justice system (Tyler 1990; Tyler and Darley 2000). Those who perceive that courts listen to their needs and treat fairly those seeking justice may be more likely to accord courts legitimacy. We suggest that individuals who believe that their testimony has made a difference and has contributed to providing justice will be more likely to also have a more positive experience at the Tribunal. Individuals who indicate that their testimony has made a difference have, at least at a very baseline level, a positive disposition toward those whom their testimony was directed. If their experience in the courtroom was positive (negative), we would also expect them to be more likely to experience positive (negative) emotions afterward.

*H4: Witnesses who believed they were treated fairly by the prosecution will recall more positive/fewer negative emotions after testifying.*

*H5: Witnesses who believed they were treated fairly by the defense will recall more positive/fewer negative emotions after testifying.*

*H6: The greater the number of trials in which a witness has testified, the lower the likelihood they will recall more positive emotions after testifying and the greater the likelihood they will recall more negative emotions.*

*H7: Witnesses who have been threatened as a result of their testimony at the ICTY will recall more positive/fewer negative emotions after testifying.*

*H8 – Witnesses who exhibit the greatest intensity of reasons for testifying will recall more positive/fewer negative emotions after testifying.*

*H9 – Witnesses who believe their testimony contributed to justice will recall more positive/fewer negative emotions after testifying.<sup>15</sup>*

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<sup>15</sup> To measure witness perceptions of fairness we used measures that ask witnesses to rate the perceived fairness of the opposing counsel. While there were five choices on the scale, the responses tended to cluster around the “agree” and “strongly agree” options indicating witnesses believed they were treated fairly. Hence, we created dummy variables for these two measures. To measure the number of trials witnesses testified in, we relied on records maintained by the ICTY and IVWS. To measure threats we asked witnesses several questions pertaining to their security situation to arrive at a composite measure of those who were threatened with physical violence or actually experienced physical violence. To measure intensity of reasons for testifying we counted the number of times an individual indicated s/he “strongly agreed” that a particular reason was important to her/him for testifying. We combine the count of these strong reasons into three categories of low (0 and 1), medium (2, 3 and 4) and high (5, 6, and 7) numbers. To measure witnesses’ perception of their impact of their testimony, we utilized responses to the question, “Overall, reflecting back on my entire testimony I believe that my testimony at the ICTY contributed to providing justice.” We combined the responses of those who “agreed” and “strongly agreed” into one binary variable.

## Methods and Analysis

To investigate the determinants of witness emotions after testifying at the ICTY, and to provide additional insight into the broader topic of witness resilience, we specify two negative binomial regression models given that our dependent variables are both count variables and particularly where the conditional variance exceeds the conditional mean, as it does in our data. One is a count of the number of positive emotions witnesses in our sample recollected feeling after testifying, while the second is the total of negative emotions they reported experiencing after testifying. In addition to the independent variables specified in the hypotheses above, we also use several key demographic measures. We use variables measuring whether individuals indicated they were Bosniak, Serbian or Albanian while Croats and a small number of individuals indicating other ethnicities are the reference category. Ethnicity is self-reported. We also use gender, level of education, and age. We use Stata 13.0 to generate the results. The results of each model are provided in Tables 1 and 2.

### Tables 1 and 2 about here

The past exercises a powerful influence on the present. The coefficient for the variable measuring the level of trauma experienced by the witnesses during the war is positive and statistically significant in the model predicting the number of positive emotions individuals recollect after testifying, but is not related to the number of negative emotions. These individuals, who have suffered high numbers of destructive and life-altering events, seem to view the testimonial process as a largely positive experience. We should exercise caution in interpreting these results and implying direct, causal relationships between these constructs. It may be some individuals are more likely to remember more emotions and events in general during the surveys or some witnesses are more likely to disclose information more than others. Nonetheless, this is a rather remarkable finding that suggests that despite the suffering these witnesses have endured, they perceive the testimonial process as a positive experience rather than a traumatizing one.

Interestingly, while witness health today is not related to the number of positive emotions witnesses recall after testifying, witness views of their personal situation in general is. Those who are more satisfied with their lives today are more likely to report experiencing positive emotions after testifying. Witness assessments of their overall sense of well-being would seem to matter more than their health in general today. While such evaluations of the present should not be influencing the emotions of the past in a strictly causal sense, individuals may be perceiving the past more favorably through the prism of their positive, present circumstances. Nonetheless, it is also possible that these individuals are just more positive in general (Meernik 2015). Their positive outlook on life may influence them to respond positively or with a positive outlook on any number of questions about their lives.

When we examine the factors influencing the number of positive emotions recalled after testifying that the coefficient for the variable measuring whether they were threats to witnesses does not quite reach statistical significance. The positive relationship, however, suggests that individuals who do report that they have experienced verbal or physical threats, or actual violence (n=29) may be more likely to report more positive emotions after testifying. More importantly, there does not appear to be a greater level of traumatization.

Two other variables related to the testimonial experience have positive and statistically significant coefficients. Individuals who indicate more intense preferences regarding their personal reasons for testifying are more likely to recall positive emotions after testimony. Similarly, witnesses who believe they have contributed to justice are more likely to report recalling higher numbers of positive emotions after testifying. We have suggested that these individuals may be expressing a deep interest and engagement in their testimony with strongly felt preferences that make the testimonial experience more important for them. That these individuals with strong preferences are more likely to report positive emotions may indicate that given high expectations going in to trial, witnesses are emerging largely satisfied that their personal motivations were engaged if not realized. We would be remiss if we did not acknowledge that such significant motivation for testifying might also generate a strong need to have a positive experience which then colors the individual's perceptions of being on the witness stand. Regardless, it would appear that the testimonial experience is generally leaving witnesses with some degree of satisfaction over their performance.

Despite the strong evidence of the impact of ethnicity in coloring the evaluations of the ICTY among all those living in the former Yugoslavia (Clark 2014; Ford 2012), here we find that Bosniaks and Serbs are neither more nor less likely to report positive emotions after testimony. Albanians, however, are more likely to report positive emotions (the reference category is Croat). The other demographic variables were also unrelated to the reported number of positive emotions. The coefficients for the gender, education level, and age were all statistically insignificant.

The results for the analogous model of negative emotions witnesses recollected feeling after testifying do present some similarities, but generally tell a different story about witness recollections. There is no relationship between the number of traumas witnesses report having experienced during the war and recollection of negative emotions. However, those witnesses who felt they were not treated fairly by either the prosecution or the defense were more likely to report remembering having negative emotions after appearing on the witness stand. Here we find evidence that there may be something akin to witness fatigue for some individuals. We note the positive and statistically significant relationship between number of times a witness testified and the number of negative emotions they remember. The more often witnesses testify, the more likely they recall negative emotions. Previously we had seen that the number of times testifying was not related to positive emotions.

There are several variables that proved strongly predictive of positive emotions, but when examining a negative emotions model, we do not find the same relationships. First, those who indicated more intense motivations for testifying are neither more, nor less likely to report negative emotions. Their reported personal reasons for testifying do not seem to be creating great expectations of the testimonial experience that have been dashed. Notably, those who indicated they believe they had contributed to justice through their involvement with the ICTY are no more or less likely to report negative emotions. Indeed, the demographic factors seem to be exercising more of an influence.

Interestingly, both Bosniak and Serbs are statistically less likely to report negative emotions after testifying. Despite their contrasting views of the ICTY, these two groups at least both appear to recall their testimonial experience in positive, or at least non-negative emotions.



Women are less likely to report negative emotions, while those witnesses with higher levels of education are more likely to report negative emotions.

## **Conclusions**

We set out to explore how testifying before the International Criminal Tribunal for the Former Yugoslavia has affected the well-being of witnesses. In particular we sought to assess and explain the emotions they experienced as a result of being in a courtroom hundreds of miles from home, testifying about brutal atrocities and confronting those accused of the crimes. The weight of the evidence suggests witnesses are not traumatized. As well, there is some evidence to indicate they are doing well despite their experiences. The number of positive emotions cited before and after testimony and in comparison to the negative emotions suggests that for the majority of witnesses the feelings associated with testimony are mostly positive. They are linked to a strong motivation to testify, coupled with feeling of having contributed to justice. Nonetheless, there are still some witnesses for whom the testimonial experience was not positive and linked to perceptions of unfairness by the attorneys; more frequent testimony; higher levels of education, and gender as men cite negative emotions more frequently.

One important caveat to these findings, however, is that the Pilot Study interviewee sample may include a more emotionally and physically resilient group of individuals than the larger witness population. Among those witnesses who chose not to participate in the survey when contacted, health and emotional distress were the top two reasons offered for declining the opportunity. Hence, it is critical to determine if there is some type of selection bias occurring with more healthy witnesses being more likely to take part in the administration of surveys such as this.

This research helps inform our progress toward a deeper and more holistic understanding of the testimonial experience and its impact on witnesses, but much work is necessary to better understand the witness experience. Only recently have such efforts been established with surveys of witness at the International Criminal Court (Stover et al. 2014) and the Special Court for Sierra Leone (Stepakoff et al. 2014, 2015). We note that the findings from this research and ours both point toward more positive witness experiences than we might have suspected given the trauma and stressful courtroom experiences witnesses have endured. Our results also contribute to a growing body of work that seeks to understand the impact of significant trauma on persons who survive mass conflict because it can vary substantially depending on the particular conflict and the population affected by it (Silove 1999). The results also contribute to a growing body of work that seeks to understand the broader consequences of significant trauma on persons who survive mass conflict because it can vary substantially depending on the particular conflict and the population affected by it (Silove 1999).

We need substantially more research, however, on the witness experience, especially regarding the trajectory of witness resilience in the face of the twin challenges of coping with the losses of war and facing the challenge of telling the whole world about them. Moreover, because such a research agenda is only now developing, it is particularly important that we investigate the longitudinal beliefs and attitudes of witnesses about the testimonial process change over time

(Backer 2010). The survey we implemented was administered several and sometimes many years after witnesses testified. It will be especially important to survey witnesses immediately before and after their testimony as well as at a later time(s) to gauge how witness perceptions of their experience are affected by the passage of time and opportunity for reflection. This will be particularly important to study in the case of witnesses who testify in more than one trial over time.

For international justice to function best, it is critical to ensure that witnesses are properly and fairly treated and that international tribunals provide the support services witnesses need to testify most effectively both for themselves and for the tribunals. It is also critical that practitioners and scholars understand in depth the impact of testifying on the lives of witnesses after their time in court has ended. When in court witnesses represent their communities by testifying about events that have damaged or destroyed these communities, and they can also enlighten others in their community about the testimonial process on their return. For all these reasons and more it is fundamental to international justice to continue to investigate and understand witnesses and witnessing.

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**Table 1: Negative Binomial Regression Estimates of Number  
of Positive Emotions After Testifying**

<b>Variable</b>	<b>Incidence Rate Ratio</b>	<b>Standard Error</b>	<b>Z Score</b>	<b>P Value</b>
<b>Wartime Trauma</b>	1.018	0.010	1.920	0.054
<b>Health Today</b>	0.967	0.045	-0.720	0.470
<b>Positive View of Personal Situation</b>	1.249	0.103	2.690	0.007
<b>Prosecution Fair</b>	0.836	0.108	-1.390	0.164
<b>Defense Fair</b>	1.055	0.121	0.460	0.643
<b>Number of Appearances</b>	0.994	0.062	-0.100	0.922
<b>Threats</b>	1.307	0.215	1.630	0.104
<b>Intensity of Reasons for Testifying</b>	1.070	0.026	2.800	0.005
<b>Contributed to Justice</b>	1.687	0.210	4.200	0.000
<b>Bosniak</b>	1.043	0.134	0.320	0.746
<b>Serb</b>	1.002	0.137	0.020	0.986
<b>Albanian</b>	1.735	0.318	3.010	0.003
<b>Female</b>	0.983	0.142	-0.120	0.904
<b>Age</b>	1.003	0.005	0.580	0.562
<b>Education</b>	1.002	0.025	0.100	0.922
<b>constant</b>	0.906	0.420	-0.210	0.832

N=294

Likelihood Ratio = 68.45, p. <.00001

**Table 2: Negative Binomial Regression Estimates of Number  
of Negative Emotions After Testifying**

<b>Variable</b>	<b>Incidence Rate Ratio</b>	<b>Standard Error</b>	<b>Z Score</b>	<b>P Value</b>
<b>Wartime Trauma</b>	1.014	0.017	0.860	0.390
<b>Health Today</b>	0.913	0.082	-1.020	0.307
<b>Positive View of Personal Situation</b>	0.697	0.089	-2.810	0.005
<b>Prosecution Fair</b>	0.660	0.150	-1.830	0.067
<b>Defense Fair</b>	0.650	0.127	-2.210	0.027
<b>Number of Appearances</b>	1.234	0.133	1.950	0.051
<b>Threats</b>	0.866	0.252		0.622
<b>Intensity of Reasons for Testifying</b>	1.045	0.045	1.030	0.302
<b>Contributed to Justice</b>	1.265	0.266	1.120	0.264
<b>Bosniak</b>	0.543	0.122	-2.710	0.007
<b>Serb</b>	0.449	0.109	-3.310	0.001
<b>Albanian</b>	0.868	0.277	-0.440	0.657
<b>Female</b>	0.644	0.150	-1.890	0.058
<b>Age</b>	0.989	0.008	-1.400	0.162
<b>Education</b>	1.085	0.049	1.820	0.069
<b>constant</b>	12.671	9.152	3.520	0.000

N=294

Likelihood Ratio = 54.62, p. <.00001