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Roma and Conflict: An Introduction

BERNARD RORKE

The impact of conflict on minority populations merits special attention, especially if those minorities have long been marginalised, viewed by the warring parties with a mixture of ambivalence and contempt, and deemed to be communities of little consequence in the peace-building processes that follow the conclusion of hostilities. This issue of *Roma Rights Journal* takes a look at the fate of Roma during and after conflicts. Sometimes they have been the direct targets of murderous aggression; other times they have been subject to reprisals, variously accused of non-participation, or collaboration with the enemy. Then there have been the many times where individual Roma actively took a side, fighting as anti-fascist partisans in World War Two, defending the Republic in the Spanish Civil War, as street fighters taking on the Soviets in the 1956 Revolution in Hungary, or as in the case of Irish Travellers who were among the Irish Volunteers who staged the 1916 Easter Rebellion against British rule. Too often, the roles played by Roma, Travellers and other minorities were elided from the dominant national narratives that followed.

The extent of the genocidal destruction visited upon the Roma population by the Ustaša in wartime Croatia is best illustrated by the fact that the pre-war population census (1931) registered around 15,000 Roma, while the first post-war census (1948) registered only 405 Roma. A story less told is that about Roma as partisans. As Danijel Vojak notes in his contribution to this issue, entitled *Roma also Fought: The History of Romani Participation in the Anti-fascist Movement in Croatia during World War II*, when it came to minority groups' participation in the Partisan movement, the historiography of socialist Yugoslavia emphasized the role of Hungarians, Czechs, Slovaks and Germans against the Nazis, with little scholarly attention devoted to Roma participation in the anti-fascist resistance. Vojak's research shows that a number of Roma resisted deportation to camps, fled into the woods to join the partisans and distinguished themselves in combat. He also recalls incidents of Romani resistance inside the Jasenovac extermination camp, such as in early 1942, when a group of Roma revolted and attacked the camp guards, but were soon overwhelmed and killed.

The often vexed and always complex negotiations around remembering are brought to light in an intriguing piece by Andrew Lawler concerning the Arapova Dolina monument to victims of a Nazi massacre in the town of Leskovac in Serbia. In December 1941, following the killing of three German officers, town officials in Leskovac were ordered by the occupying Nazi forces to select some 300 local citizens for summary execution by way of retaliation. The officials recommended to round up people from the Arapova Dolina district, an almost exclusively Roma neighbourhood. Some years later, when the renowned Serbian architect Bogdan Bogdanović heard of this incident, he created a small memorial to commemorate the 310 victims of the mass execution.

The Socialist Federal Republic of Yugoslavia's Cult of Memorialisation ensured that the tens of thousands of monuments, memorials, memorial plaques, cenotaphs and busts erected in the post-war period were well maintained, and that official commemorations were regularly held. This included the several dozen memorials devoted to the wartime persecution of Yugoslavia's Roma. Today the significance attributed to such monuments has considerably reduced. The Arapova Dolina memorial is only afforded the lowest level of municipal-level protection, and does not merit a mention in tourist pamphlets and promotions of significant sites around town. This is perhaps due to a sense of shame concerning the method of the selection of the victims. Today, the gardens and commemorative pathway are overgrown, and some local Roma use the site to store recycled building materials. This combination of official neglect and local misuse prompts the author's speculations on how best to revive and reconcile administrative and emotional ownership to ensure the site's long-term survival both as a place of solemn commemoration, and as an example of a memorial work by one of Yugoslavia's most celebrated architects. Commemoration matters especially when nobody was officially held to account for this atrocity. A lack of prosecutions for crimes committed against the Roma on the territory of Yugoslavia appears to have been one defining feature

of the trials conducted by military courts after World War II. This would recur in the aftermath of the Balkan conflicts of the 1990s, where the sufferings of Roma populations were deemed to be merely “collateral damage”.

There was more “collateral damage” in the case of Gitanos during and after the Spanish Civil War between 1936 and 1939. While Gitanos were not actively persecuted on the basis of ethnicity during the war, they were affected just as any other citizens were by conflict, with many obliged to bear arms by one or other faction depending on who controlled a given territory. But the victory of the Fascists meant that Gitanos would become an “internal other” in the decades of dictatorship that followed.

The legacy of the Civil War in Spain is one that remains bitterly contested and complicated to this day, and Ismael Cortez in his rich account of the ambivalence that has long underpinned anti-Gypsyism in Spain, focuses on the post-civil war period (1939-1959) within the context of Franco’s vengeful drive to build a “New Spain” and a national identity to repair the “spiritual crisis” that led to the civil war.

The hegemonic liberal pre-war culture had witnessed an increased visibility of Gitano culture in Spain, and its influences and inspirations were present in literature, music, poetry, painting and photography, prompting Federico García Lorca to declare: “the Gitanos represent the highest aristocratic value of my country.” Franco’s victory over the Republic, according to the historian Paul Preston meant “Spain suffered 40 years of national brainwashing and terror. The aim of that war had been to destroy as many Republicans as possible. And under the Franco regime you saw the institutionalisation of his victory.” While Gitanos did not represent a political alternative to the dictatorship, they were targeted for surveillance and control and the presumption of innocence suspended under the revised 1943 Law on Vagrants and Thieves. In practice, these measures translated into police persecution and brutality against the Gitanos. This official mistreatment came with state propaganda projecting an image of the Gitanos as anti-social and unpatriotic; lazy and thieving by disposition; sensualists consumed by superstitions. Cortez provides an insightful account of how the Gitano identity was stigmatised through a double technique of orientalisation and criminalisation.

At the conclusion of hostilities throughout the 20th Century, Roma often found themselves rendered invisible as protagonists, scapegoated and routinely mistrusted by the victors. As a consequence, Roma were often ignored in post-conflict reparations and peace-building negotiations, deemed to be simply not part of the equation and excluded from participation in the new post-war polities.

The fate of the Roma during and after the last round of Balkan wars is the focus of four articles in this issue of *Roma Rights Journal*. Twenty-five years after the collapse of Yugoslavia, it is clear that Roma who sought international protection due to anticipation of serious harm in their country of origin often did not get it. Caught between warring groups with no foreign power or military alliance to champion their claims, the Roma found themselves displaced and despised, their wartime sufferings unrecognized, and declaimed where’er they went as bogus refugees, nomads and “mere” economic migrants.

In her article, *Romani Minorities in War Conflicts and Refugee Crises of the (Post)-Yugoslav Space*, Julija Sardelić examines the impact on Romani communities of wars waged from the Age of Empires to the World War II, through to the disintegration of Yugoslavia in the conflicts of the 1990s. Among the many interviews she conducted with survivors and their children was one with Bisa, whose mother returned from Dachau and whose father survived Jasenovac. She recalled her parents’ stories about how many Romani settlements in Međimurje were emptied and devastated during the World War II. Little public memory of this was preserved among the majority population, and her parents had to fight for decades for compensation as concentration camp survivors. Their claims were met with disbelief, as were accounts of the extent of Roma suffering and deaths in the camps.

Sardelić concludes that while Roma were marginalised actors in wars that were not fought in their name or for their “benefit”, they were not marginal victims of these conflicts. Because their wartime suffering was deemed to be of little

consequence, the social exclusion of Roma continued in peacetime. Similarly, the experience of Roma who fought on “the winning sides” was played down. As Sardelić notes, while scholarly work does position Roma as being “caught between two fires” of competing nationalisms, there is much less discussion of Roma involvement in the conflict, and for instance, little public mention of some 2000 Roma who were soldiers in the Croatian army during the so-called Homeland War. Sardelić states that Roma were not acknowledged, because the image of the Roma fighter did not fit the nationalist project of a unified ethnic nation. The lack of official recognition of Roma, either as victims or as participants in wartime, meant that there could be great hatred but little room for them in the imagined communities of the newly-minted nation states that emerged in the 1990s out of the ruins of the Socialist Federal Republic of Yugoslavia.

While very few cases of war crimes against Roma in the 1990s ever reached any court, the Skočić case was an exception. The article in this issue by Kathleen Zeidler analyses the court proceedings, media reporting and public reactions to the case in both Serbia and Bosnia. The Skočić case became the focus of renewed media attention in September 2016 when the sole survivor of the 1992 massacre was called to identify the remains of his siblings, which were exhumed from a mass grave. On 12 July 1992, a Serb paramilitary group *Simini četnici* (Sima’s Chetniks) entered the Bosnian village of Skočić which was in an area controlled by Bosnian Serb forces. First they blew up the mosque, then, they went to the Roma *mahala*, rounded up the inhabitants, robbed them, committed acts of extreme sexual violence and mutilation, then took them to an execution site where 28 men, women and children were shot and dumped in a hole in the ground.

After a three-year trial, the perpetrators were found guilty in 2013 of war crimes against civilians. But these were overturned following an appeal which cancelled the verdict and ordered a retrial. In the subsequent first instance judgment in 2015, the perpetrators were acquitted. The judges concluded there was “no evidence that the accused committed war crimes against the civilian population.” According to the presiding judge, while there is no doubt that the accused were present at the site of the crimes, and that “maybe they also committed them, but there is no reliable and doubtless evidence for it”. This verdict, which triggered an appeal from the Serbian Special Prosecutor for War Crimes, was condemned by the Humanitarian Law Center in Serbia as one “based on racist attitudes, extremely unacceptable for a court and very offensive to the victims.”

Zeidler in her analysis of media and public commentary in Bosnia and Serbia, suggests that in both countries there are deliberate discursive formations to integrate reporting about this case into their respective national narratives about the wars. The narrative of “Serbs as victims of the war” and the cultivation of the “memory of the defeated” has led to neglect or outright denial of war crimes, and a wider rejection of the “false accusations” of the War Crimes Tribunal as further victimisation of the Serbs. In this particular case, mention of the Romani ethnicity of those massacred is used to disconnect the incident from the context of war, and read it as a very brutal but somehow ordinary crime. Even worse, inferences about “Gypsy crime” sought to blur the line between perpetrators and victims, in a manner reminiscent of the “syncretic narrative” of post-war Germans about the Porrajmos, which suggested that Roma were killed for being criminals or “asocials” and somehow partly responsible for their fate.

In Bosnia, reporting integrated the Skočić case into the wider, but infinitely more credible narrative of Bosniaks as victims of the war, with extensive coverage of the Muslim funerals, and a stronger emphasis on the testimony of the sole survivor Zijo Ribić. Expressing his frustration at the sidelining of Roma as victims of the wars, Ribić declared, “Everyone regularly emphasizes only the suffering of the Bosniaks, the Serbs or the Croats. No one speaks about the Roma. What are we? Animals? Well, we too suffered, just like all the others. We are only asking for someone to take responsibility.”

And the issue of responsibility is a key theme in Dianne Post’s article on the fate of Roma IDPs (internally displaced people), stranded for over a decade in lead-contaminated camps in Mitrovice. Back in 1998, more than a year before the outbreak of war in Kosovo, the Romani writer and activist Orhan Galus warned of the perils facing the Roma, caught between the Serbs and the Albanians. He predicted that “if there is war in Kosovo, Roma will again be blamed for nonparticipation, just as they were in the Serbian-Croatian-Bosnian conflict. They will be stigmatised as deserters and traitors”. And so it came to pass. A wave of terror followed the formal cessation of hostilities, so called “reverse ethnic cleansing”

which included murder, rape and the burning and looting of entire *mahali* prompted mass flight and displacement. Of the estimated 150,000 Roma, Ashkali and Egyptian pre-war population, less than 50,000 remained in Kosovo.

Families forced to flee for their lives in June 1999 following the destruction of the Roma Mahala in Mitrovice, were placed by the UN Mission in Kosovo (UNMIK) in highly contaminated camps. This arrangement, which was meant to be temporary, lasted for about a decade under UNMIK's tenure. Post provides a chilling account of the IDP's mistreatment, the casual racism that re-victimised the victims of Europe's last large-scale 20th Century pogrom, and the long struggle for justice in which she played such a crucial role.

In April 2016, the UN Human Rights Advisory Panel called on UNMIK to publicly acknowledge its abject failure to comply with applicable human rights standards and apologise to Roma, Askali and Egyptian IDPs placed in lead contaminated camps, and to compensate victims for material and moral damage. The Panel deemed the living conditions in the camps to be “sub-standard”, “particularly distressing”, and “appalling”; and slammed UNMIK's claims in mitigation as “discriminatory and debasing.” The Panel dismissed claims by UNMIK that the health crisis in the camps was attributable to the unhealthy lifestyle of Roma IDPs as “tainted by racial prejudice”, contradicted by scientific evidence, “and certainly not objective or reasonable justification.” Justice has been delayed for so long, but delivery is not yet complete.

The ERRC has gathered more than 10,000 signatures calling on UNMIK to issue a full public apology to the victims and their families, and take prompt steps to pay adequate compensation to the victims to cover the human rights violations, moral damage, and medical costs they have incurred.

Beyond the Mitrovice case, more than fifteen years after the final Balkan war, across the republics of the former Yugoslavia many thousands of Roma lack basic documentation, remain displaced, their status uncertain and unresolved. Non-persons in the eyes of the authorities, many are effectively deprived of the very basic right to have rights. For those Roma who fled abroad as refugees to Western Europe, the virus of anti-Gypsyism ensured that Romani asylum claims were met with scepticism and suspicion by various authorities. Neither was there much public sympathy for the suffering and privations of Romani refugees – for many, they were just bogus economic migrants, nomads on the move and on the make. And as long as such narratives prevail, the persecution of Roma that closed the 20th Century is in danger of being wiped from public memory; and with it any understanding of the impact of forced migration on so many Romani lives.

Robbie McVeigh, in his contribution to this issue of *Roma Rights Journal*, invokes the concept of *pathologised presence/normalised absence* as being especially pertinent to the experience of Roma and Travellers in the analysis of conflict. In the narration of nation, or indeed any account of the defining experiences of “the people”, narrators routinely fail to acknowledge that they are describing the experience of one dominant ethnic group. This establishes the *normalised absence* of all those groups who are other to this defining ethnicity; by contrast when attention is paid to such groups, in what is termed the *pathologised presence*, minorities are continuously defined through their difference and their distance from hegemonic notions of what constitutes normal.

McVeigh examines the experiences of Irish Travellers in the thirty-year period of violent political conflict in Northern Ireland. The conflict roughly ran from 1968, when civil rights demonstrators were first attacked in Dungannon and Derry by loyalist mobs and police officers, to the signing of the Good Friday Agreement in 1998. Generally referred to as “the Troubles” the death toll in this protracted conflict exceeded 3,600; as many as 50,000 people were injured; and countless others traumatised by the effects of violence. The experiences of Travellers, who were profoundly affected by this conflict, were ‘written out’ of narratives of the Troubles. Two key points emerged from research commissioned to address this silencing: first, Travellers were significantly impacted by the conflict – the common-sense notion that they had been ‘unaffected’ by the conflict was simply wrong. Second, this impact was not necessarily the same as that on settled people: the evidence suggests a Traveller-specific experience of conflict, and McVeigh provides a fascinating analysis of Travellers and the Troubles that goes back to the original ‘Troubles’ that stretched from the 1916 Easter Rising in Dublin to the end of the Civil War in 1923. His account exposes another “normalised absence” – a widely held and utterly wrong-headed notion that Travellers

are somehow outside ‘normal politics’. This absence meant that Travellers were not part of the island-wide conversations around the peace-building process. It is clear from his account that Travellers are not, and never were “a people without politics.” The failure to recognise the impact of conflict on Travellers, and the concomitant neglect in the peace process of their position in Irish society, their fundamental rights and equality, was an oversight borne of long-standing institutional and popular racism. It is to be hoped that the long overdue, but nonetheless welcome official recognition of Traveller ethnicity by the Irish government in March 2017, will mark a departure. It could herald the beginning of a deeper understanding, and the emergence of more complex and pluralist narrations of the nation, that are more cognisant of the lived experience of Travellers both in the midst of conflict and the subsequent politics of conflict resolution.

The theme of “normalised absence” surfaces in all the contributions, whether it’s Roma as active participants and a people “with politics”; or Roma as victims, caught “between two fires” in the Balkan wars that ripped Yugoslavia asunder; be it the fate of Domari refugees fleeing conflict in Syria, an article by Yeşim Yaprak Yıldız; or the ambivalence that characterises attitudes to Roma in the aftermath of very different conflicts from civil-war Spain, to those stranded in a kind of legal limbo in the breakaway region of Abkhazia (where de jure enforcement of international commitments towards human rights’ protection falls under the jurisdiction of Georgia, in a breakaway region where it has no de facto control) – in an article by Sandra Veloy Mateu. This occurs even in the case of the Nazi genocide, when the Roma experience was a defining characteristic of the industrialised racial annihilation engineered by the Nazis and their allies. For many decades the trauma of the *Porrajmos* was relegated to the footnotes, with the public memory of Roma victims submerged among the ‘others’ in what McVeigh describes as “a quintessential example of normalised absence at its very worst.” As long as Europe’s largest ethnic minority are written out and rendered invisible in the histories of Europe’s wars and conflicts; and excluded from the politics of reconstruction and peace-making, the continent’s self-understanding will remain fatally flawed. This misrecognition comes with practical and often fatal consequences, as is made clear by the flourishing of a politics of anti-Gypsyism in 21st Century Europe.

To reverse the politics of hate, and to get beyond the notions of *pathologised presence / normalised absence* which facilitate it, Thomas Hammarberg proposed that truth commissions be established in a number of European countries to give full account and recognition of the crimes committed against Romani people. In 2015, the Swedish government produced its version, *The Dark Unknown History: White Paper on Abuses and Rights Violations Against Roma in the 20th Century*. This offers a practical example of a necessary first step, for Europe badly needs a deeper understanding of what Roma have faced and continue to face both in times of war and peace. And Roma in Europe deserve by right, a future structured by hope not hate.

Roma also Fought: The History of Romani Participation in the Anti-Fascist Movement in Croatia during World War II

DANIJEL VOJAK

The Roma settled in Croatia in the second half of the 14th century and are one of the oldest minority groups in Croatia today.¹ Their history in Croatia was for the most part marked by periods of unsuccessful assimilation – attempts made by state and local authorities that were often accompanied by antiziganist violence. The violent, repressive pressure exerted by Croatian authorities against the Roma reached its peak during World War II, when the pro-fascist Ustaša government committed genocide against them. Most of the pre-war Roma population was destroyed, but a small part of it managed to survive the war. Historiographical research on the suffering of Roma in the Independent State of Croatia (*Nezavisna Država Hrvatska* – NDH) is still in its infancy and many of its aspects therefore remain almost completely unknown. One of these aspects concerns research on the active armed resistance of Roma towards the pro-fascist Ustaša authorities. The author intends to show that the Roma participated in the Croatian anti-fascist resistance movement and to present a comparison to similar examples of resistance in several other European countries. The research is based on archival and museum research in Croatia, Bosnia and Herzegovina and Serbia as well as an analysis of relevant periodicals and literature.

An overview of Romani suffering during World War II

In order to better understand Romani resistance towards the pro-fascist Croatian authorities, it is necessary to briefly refer to some of the most important aspects on the eve of and during World War II.

The Roma population settled in the Croatian lands in the second half of the 14th century, within the context of broader

migration settlement in Southeast Europe. The Roma were originally well-received in the Croatian lands, but the attitude of the authorities and general population in European lands towards the Roma took a turn for the worse as early as the first half of the 15th century. In this context, state and local authorities in some European countries began to adopt anti-Romani legal provisions at the end of the 15th century, accusing them of witchcraft and sorcery, spying for Ottomans and kidnapping Christian children. These legal provisions urged citizens to expel the Roma from their territories, or to refuse them food and accommodation.²

These kinds of intolerant and violent-repressive policies towards Roma were adopted by, among others, the Portuguese, the French, and the British authorities, from which it can be seen that the Roma had become an “undesirable” part of the European population. Thus, some scholars claim that this period of persecution of Roma is also the “period of the first genocide against them”.³ This was the beginning of a long period marked by antiziganist repressive-assimilative pressure.⁴ The establishment of the new South Slavic state in South-eastern Europe had a certain effect on the status of the Roma population in this area. Areas that were previously a part of the Austro-Hungarian Monarchy, together with the territory of the Kingdom of Serbia (which then included the area of the former Kingdom of Montenegro and the Vojvodina province), formed a new state – the Kingdom of Serbs, Croats and Slovenes (renamed the Kingdom of Yugoslavia in 1929). Croatian lands within the new Yugoslav state were gathered in two provincial units called the Savska Banovina and the Primorska Banovina, which were united into the Banovina of Croatia (Banovina Hrvatska, Banate of Croatia)

- 1 Danijel Vojak, “The persecution and suffering of Roma in the Independent State of Croatia, 1941 – 1945”, in: 35. *Schlaininger Gespräche: ‘Roma und Sinti von 1938 bis zur Gegenwart’*, ed. Rudolph Kropf and Gert Poltster (Eisenstadt: Landesmuseum Burgenland, 2016), 171.
- 2 Donald Kenrick, *Gypsies: From the Ganges to the Thames* (Hertfordshire: University of Hertfordshire Press, 2004), 69 – 71; Angus Fraser, *The Gypsies* (Oxford: Wiley, 1995), 84 – 128; Panikos Panayia, *Outsiders: A History of European Minorities* (London – Rio Grande: Hambledon Press, 1999), 5; Ian Hancock, *Sindrom parije: priča o ropstvu i progonu Roma* (Zagreb: Ibis-grafika, 2006), 11; Dragica Kalember, “Kolektivna osuda skitničkog naroda Roma”, *Naše teme*, Number 7- 8 (1984): 1305 – 1306.
- 3 Kenrick, *Gypsies*, 71; Fraser, *The Gypsies*, 84-128; Kalember, “Kolektivna osuda”, 1305-1306; Laurinda Abreu, “Beggars, Vagrants and Romanies Repression and Persecution in Portuguese Society (14th–18th Centuries)”, *Hygiea Internationalis: An Interdisciplinary Journal for the History of Public Health*, Number 1 (2007): 54-64.
- 4 Danijel Vojak, *U predvečerje rata: Romi u Hrvatskoj 1918. – 1941* (Zagreb: Romsko nacionalno vijeće, Udruga za promicanje obrazovanja Roma u Republici Hrvatskoj „Kali Sara“, 2013), 9-39.

by a special law in 1939. The territory of the new Banovina mostly corresponded to the territory of modern Croatia as well as part of Bosnia and Herzegovina.⁵

Like the rest of the population, the Croatian Roma became part of the new Yugoslav state community after the end of World War I. Although the demographic data is not adequately reliable due to poor methodology and widespread ethnic mimicry, it appears that the number of Roma in the Kingdom of Yugoslavia on the eve of World War II was greater than 70,000, with some 15,000 living in Croatian lands (i.e. the Banovina of Croatia). The Roma were mostly of Roman Catholic faith, young and almost completely illiterate. The policy of the state authorities towards the Roma was identical to that of previous states, characterised by numerous unsuccessful attempts at repressive assimilation and forced sedentarisation.⁶

It was within such a repressive-assimilative context of pressure exerted by the state authorities that the Roma entered a new state order in April 1941, when the pro-fascist Ustaša government – supported by Nazi Germany and Fascist Italy – took power by force and established the Independent State of Croatia. The Ustaša regime was characterised by a dictatorial and authoritarian style of government that included a violent and repressive policy towards several minority populations. A part of Croatia's population resisted the Ustaša government by joining the communist-led Partisan movement; the Chetnik movement was also active on the territory of the NDH. In addition,

it is important to stress that the NDH was militarily and politically divided between German and Italian occupation zones (spheres of influence).⁷

The Ustaša government considered the Roma to be an “undesirable” part of the population and a “socio-political problem” of the new regime.⁸ The Ustaša perceived the Roma as an exclusively negative and “foreign” (non-Croatian) social element, linking them to other undesirable ethnic (minority) groups or individuals, such as the Serbs, Vlachs, or Cincars.⁹

Due to this perception, only a few weeks after taking power, the Ustaša enacted racial laws that clearly defined the Roma's position in society, greatly limiting their civil rights and freedoms.¹⁰ These laws were clearly influenced by the Nuremberg Laws, especially regarding the definition of Aryan descent.¹¹ This was followed by a provision of the Ministry of Interior dated 7 July 1941, according to which the Roma were to be registered according to precisely-defined “Instructions”.¹² In this way the Ustaša authorities planned to receive a clear demographic “picture” of the Romani population “in the field”. This was the basis for further measures taken by the Ustaša.¹³

The mass deportation of the Roma to the Jasenovac concentration camp began following a circular issued by the Ministry of Interior and a provision issued by the Ustaša Surveillance Service on 19 May 1942, which prescribed the deportation of all Roma living on NDH territory to the

5 Ivo Goldstein, *Hrvatska 1918-2008* (Zagreb: Novi Liber - Europapress holding, 2008), 231 - 235; Leslie Benson, *Yugoslavia: A Concise History* (New York: Palgrave Macmillan, 2001), 24 - 26; Derek H. Aldcroft, *Europe's Third World: The European Periphery in the Interwar Years*, (Aldershot – Burlington: Ashgate Publishing, 2006), 76 - 77.

6 *Ibid.*, 66-89.

7 Dragutin Pavličević, *Povijest Hrvatske* (Zagreb: Naklada Pavičić, 2007), 399-461; Goldstein, 2008: 205-349.

8 “Tri socijalno-politička problema”, *Hrvatsko jedinstvo*, 3 May 1941, 1.

9 It should be noted that the repressive policies of the Ustaša authorities were primarily directed against the Serbian population, who were then called Vlachs and Cincars in a pejorative context. The Ustaša likened Roma to Serbs and vice versa, portraying them, along with the Jews, as the main enemies of the Ustaša policy of the racial purity of the Croatian people; Vojak, “The persecution”, 172 – 174; „Velebna ustaška skupština i proslava u Karlovcu“, *Nezavisna Država Hrvatska*, 17 July 1941, 6; Ivan Miličić, „Značenje unutrašnje kolonizacije“, *Nezavisna Država Hrvatska*, 11 September 1941, 9; Milan Kovačić, „Ustanički pucnji na Pitomu Javoru“, in: *Plašćanska dolina i okolica u NOR-u 1941-1945.*, ed. Đuro Zatezalo (Karlovac: Historijski arhiv u Karlovcu, 1976), 158-161.

10 Narcisa Lengel-Krizman, “Prilog proučavanju terora u tzv. NDH: Sudbina Roma 1941 – 1945”, *Časopis za suvremenu povijest*, Number 1 (1986): 30-32; Pavao Matijević, “Rasna pripadnost”, *Glasnik biskupija bosanske i srijemske*, 15 April 1942, 52-53.

11 Mark Biondich, “Persecution of Roma – Sinti in Croatia, 1941 – 1945”, in: *Roma and Sinti: Under-Studied Victims of Nazism*, ed. Paul A. Shapiro and Robert M. Ehrenreich (Washington: United States Holocaust Memorial Museum, Center for Advanced Studies, 2002), 34.

12 Slavica Hrečkovski, “Progoni i deportacije slavonskih Roma u koncentracioni logor Jasenovac”, in *Okrugli stol 21. travnja 1984.*, ed. Dobrila Borović (Jasenovac: Spomen-područje Jasenovac, 1985), 35.

13 Slobodan D. Milošević, *Izbeglice i preseljenici na teritoriji okupirane Jugoslavije 1941 – 1945. godine* (Beograd: IRO Narodna knjiga; Institut za savremenu istoriju, 1981), 240.

Jasenovac camp.¹⁴ Mass arrests and deportations of Roma began as soon as the mentioned provision was issued and lasted until the end of summer 1942. Contemporaries (witnesses) of these events, such as Jasenovac camp survivor Ilija Jakovljević, noted how the Ustaša government began “cleansing” the land of Roma, while publically presenting their action as an attempt to “put them to work” and “train them in crafts”.¹⁵ The extent of the suffering endured by the Roma population of Croatia is best illustrated by the fact that the pre-war population census (1931) registered around 15,000 Roma, while the first post-war census (1948) registered only 405 Roma in Croatia and 442 in Bosnia and Herzegovina. It is therefore apparent that the Roma population on the territory of the NDH was almost completely destroyed, even though these official data remain unreliable due to methodological and other problems (such as the Roma’s ethnic mimicry).¹⁶ This is the reason why estimates of the number of Roma who were killed in the NDH range from a few thousand to as many as 60,000.¹⁷

On Romani anti-fascist resistance during World War II

In her work on the internment of Roma in France during World War II, Marie–Christine Hubert claims that a “proper history of the Gypsies in the Resistance Movement” has yet to be written, and most of what has recently been written about this topic is based on “scattered eyewitness accounts”.¹⁸ Other scholars who have researched this topic have come to similar conclusions. For example, Donald

Kenrick notes that, even though the Roma participated in armed anti-fascist resistance in many countries, there is almost no data about this today.¹⁹

Nonetheless, some scholars have written about armed Roma resistance in certain European countries. János Bársony mentions that the Roma in certain European countries – e.g. Serbia, Italy, France, Slovakia, Montenegro, Bulgaria, Macedonia, Greece and Albania – joined the local partisan movements.²⁰ Donald Kenrick writes that some Roma fled to the woods and fought the Germans armed with little more than knives, and also mentions the Roma prisoner revolts in Karzewo and the Warsaw Ghetto, as well as a group of young Roma who joined the local partisans.²¹ Becky Taylor wrote about the large number of Roma who participated in the Resistance Movement, especially in France, where they supported the Allied landings in Normandy in June 1944.²² Milena Hübschmannová researched Roma participation in the Slovak partisan movement. She mentions that the Slovakian Roma from Russian prisoner-of-war camps joined the First Czechoslovak Army Corps in Russia led by General Ludvík Svoboda. A number of the Roma who were deployed on the Italian Front deserted from the Slovakian army and joined partisan units. In addition, the Roma participated in the Slovak National Uprising of 1944 and not only as resistance fighters, but also by providing food and shelter for resistance fighters of other nationalities. After the uprising was quelled, the German and Slovakian authorities conducted reprisal killings against Roma and burned their villages.²³

14 Slavica Hrečkovski mentions that the Ustaša Surveillance Service issued an order to gendarmerie to gather and deport the Roma to Jasenovac on 16 May 1942; Hrečkovski, “Progoni i deportacije”, 36.

15 Bogdan Krizman, *Pavelić između Hitlera i Mussolinija* (Zagreb: Globus, 1980), 27. Ilija Jakovljević, *Končlogor na Savi* (Zagreb: Konzor, 1999), 175–176.

16 Franjo Tuđman, *Bespuća povijesne žbiljnosti: Rasprava o povijesti i filozofiji zločinca* (Zagreb: Nakladni zavod Matice hrvatske, 1989), 331; Jozo Tomasevich, *Rat i revolucija u Jugoslaviji: okupacija i kolaboracija: 1941–1945*. (Zagreb: EPH; Novi liber, 2010), 676 – 677.

17 Milan Bulajić, *Ustaški zločini genocida i suđenje Andriji Artukoviću 1986 godine* (Belgrade: Rad, 1988–1989), 83; Biondich, “Persecution of Roma”, 39; Vladimir Geiger, “Ljudski gubici Hrvatske u Drugom svjetskom ratu koje su prouzročili ‘okupatori i njihovi pomagači’: brojidbeni pokazatelji (procjene, izračuni, popisi)”, *Časopis za suvremenu povijest*, Number 3 (2011), 699–749; Rajko Đurić, *Povijest Roma: prije i poslije Auschwitza* (Zagreb: Prosvjeta, 2007), 108; Ferdo Čulinović, *Okupatorska podjela Jugoslavije* (Belgrade: Vojnoizdavački zavod, 1970), 324–325; Jozo Tomasevich, *Rat i revolucija u Jugoslaviji: okupacija i kolaboracija: 1941–1945*. (Zagreb: EPH - Novi liber, 2010), 676.

18 Marie–Christine Hubert, “Internacija Cigana u Francuskoj”, in *Romi u Drugom svjetskom ratu: U sjeni svastike*, vol. 2, ed. Donald Kenrick (Zagreb: Ibis-grafika, 2009), 97.

19 Donald Kenrick, “Otpor”, in *Romi u Drugom svjetskom ratu: Završno poglavlje*, vol. 3, ed. Donald Kenrick. (Zagreb: Ibis-grafika, 2009), 117.

20 János Bársony, “Povijest Roma u 20. stoljeću i u doba Pharrajimosa”, in *Pharrajimos: Sudbina Roma u doba holokausta*, ed. János Bársony and Ágnes Daróczy (Zagreb: Artresor, 2013), 37.

21 Kenrick, “Otpor”, 118–119.

22 Becky Taylor, *Another Darkness, Another Dawn: A History of Gypsies, Roma and Travellers* (London: Reaktion Books, 2015), 176.

23 Milena Hübschmannová, “Romi u takozvanoj Slovačkoj državi (1939.- 1945.)”, in *Romi u Drugom svjetskom ratu: Završno poglavlje*, vol. 3, ed. Donald Kenrick (Zagreb: Ibis-grafika, 2009), 17–18, 31–32, 37–38, 43, 45–56, 58.

Giovanna Boursier described the participation of Yugoslav Roma in Italian partisan units. In addition, she mentions that a number of Roma were released from concentration camps after the capitulation of Italy in September 1943, following which they “scattered” throughout the mountains and joined the partisans. A number of Roma were tortured and killed for joining the partisan movement.²⁴ Elena Marushiakova and Veselin Popov wrote about Roma participation in the Bulgarian partisan movement, also presenting an overview of their participation in anti-fascist movements before the outbreak of World War II, such as the September Uprising of 1923, which was a reaction to a fascist *coup d'état*. The mentioned scholars note that around 20 Roma were declared active fighters against fascism.²⁵ Dennis Reinhartz noted that a “rather large number of Roma” from Macedonia and the Bulgarian part of Kosovo joined Tito’s Partisans, while Donald Kenrick mentioned the Macedonian Rom Abdullah Kopilj, who was a commander in Tito’s Partisan army.²⁶ Rajko Đurić wrote about the significant number of Roma who participated in the Serb Partisan movement, highlighting how some of them, such as the Roma of Knjaževac, were the initiators and organisers of the uprising against the Germans and the Serbian pro-fascist government.²⁷ Valdemar Kalinin wrote about 20 or so Roma who were members of the Soviet Red Army. Some of them distinguished themselves and were decorated for their service.²⁸

A number of scholars who studied Roma resistance towards fascist and Nazi authorities mention escapes from concentration camps as a form of resistance. Karola Fings thus notes that, despite their bleak living conditions, some Roma and Sinti tried to resist the Nazi concentration camp authorities by fleeing.²⁹ Joanna Talewicz-Kwiatkowska analysed the documentation from the Auschwitz camp and noted that 38 Roma and Sinti attempted to escape from captivity from 1941 to 1944; 31 were unsuccessful, while there is no data about the remaining seven.³⁰ Similar cases of Roma resistance by escaping from camps were noted in the Buchenwald, Lackenbach and Lety camps.³¹ The cases of Roma escapes from French internment camps are particularly interesting. A part of the Roma was deported from the North Zone and into camps because they were suspected of being members of the resistance movement.³² A number of Roma also resisted the Romanian authorities who deported them to Transnistria by escaping from captivity.³³

Escape from concentration camps was not the only form of Romani resistance to Nazi camp authorities – there were also cases of open rebellion. One such event took place on 16 May 1944 in Auschwitz, when the camp authorities decided to liquidate the camp.³⁴ Kenrick also considers the case of a female Romani camp prisoner in Auschwitz who

24 Giovanna Boursier, “Gigani u Italiji za vrijeme fašističke diktature i Drugoga svjetskog rata”, in *Romi u Drugom svjetskom ratu: U sjeni svastike*, vol. 2, ed. Donald Kenrick (Zagreb: Ibis-grafika, 2009), 25, 29-30.

25 Elena Marušiakova, Veselin Popov, “Bugarski Romi u Drugom svjetskom ratu”, in *Romi u Drugom svjetskom ratu: U sjeni svastike*, vol. 2, ed. Donald Kenrick (Zagreb: Ibis-grafika, 2009), 104.

26 Dennis Reinhartz, “Genocid nad jugoslavenskim Giganima”, in *Romi u Drugom svjetskom ratu: Završno poglavlje*, vol. 3, ed. Donald Kenrick (Zagreb: Ibis-grafika, 2009), 101; Kenrick, “Otpor”, 118 – 119.

27 Rajko Đurić, *Povijest Roma: prije i poslije Auschwitz* (Zagreb: Prosvjeta, 2007), 85-86.

28 Valdemar Kalinin, “Romi u Pokretu otpora u Sovjetskom Savezu”, in *Romi u Drugom svjetskom ratu: Završno poglavlje*, vol. 3, ed. Donald Kenrick (Zagreb: Ibis-grafika, 2009), 125-133.

29 Karola Fings, “Romi i Sinti u koncentracijskim logorima”, in *Romi u Drugom svjetskom ratu: Od ‘rasne znanosti’ do logora*, vol. 1 (Zagreb: Ibis-grafika, 2006), 107.

30 Joanna Talewicz-Kwiatkowska, “The Roma and Sinti in Auschwitz”, in *Roma in Auschwitz (Voices of Memory)*, vol. 7, ed. Sławomir Kapralski, Maria Martyniak and Joanna Talewicz-Kwiatkowska (Oświęcim: Auschwitz – Birkenau State Museum, 2011), 21.

31 Fings, “Romi i Sinti”, 75; Erika Thurner, “Sinti i Romi u austrijskom Gradišću – logor u Lackenbachu”, in *Romi u Drugom svjetskom ratu: U sjeni svastike*, vol. 2 (Zagreb: Ibis-grafika, 2009), 51-52; Cibor Nečas, “Lety i Hodonin – dva internacijska logora za Sinte i Rome u Čehoslovačkoj”, in *Romi u Drugom svjetskom ratu: U sjeni svastike*, vol. 2 (Zagreb: Ibis-grafika, 2009), 190-191.

32 Marie-Christine Hubert, “Internacija Cigana u Francuskoj”, in *Romi u Drugom svjetskom ratu: U sjeni svastike*, vol. 2 (Zagreb: Ibis-grafika, 2009), 70, 89 – 91.

33 Michelle Kelso, “Deportacije Cigana iz Rumunjske u Transnistriju 1942.-1944”, in *Romi u Drugom svjetskom ratu: U sjeni svastike*, vol. 2. Zagreb: Ibis-grafika, 2009), 126, 134, 136-139.

34 Talewicz – Kwiatkowska, *The Roma and Sinti*, 25 - 26; Maria Martyniak, Joanna Talewicz-Kwiatkowska, “Selected Sources: I. Accounts, Memoirs, and Testimony”, in *Voices of Memory*, vol. 7, ed. Sławomir Kapralski, Maria Martyniak and Joanna Talewicz-Kwiatkowska (Oświęcim: Auschwitz – Birkenau State Museum, 2011), 75, 80, 119, 137.

killed her two children after they were subjected to Mengele's experiments, as a form of anti-fascist resistance.³⁵ The aforementioned cases of Romani anti-fascist resistance in Europe during World War II raise the question: did the Roma offer the same level of resistance in the NDH?

Romani anti-fascist resistance in the NDH

It is important to highlight that the insufficient research on the topic of Roma within the European anti-fascist movement also applies to the Croatian lands during World War II. In a way, the lack of systematic research of this aspect of Romani history is but a reflection of the lack of interest in Croatian and other historiographies of the topic. The historiography of socialist Yugoslavia examined the aspect of minority groups' participation in the Partisan (anti-fascist) movement, with emphasis on the role of the Hungarian, Czech, Slovak and German minorities.³⁶ Scholarly and popular texts about the Partisan struggle against the German and Italian occupation forces and their allies, most of whom were memorial in nature and published after the war, mentioned the participation of Roma in Partisan units only incidentally.³⁷ Some authors tried to link their participation in the movement as a reaction to Ustaša violence against them, especially in mid-1942, when mass deportations of Roma to the Jasenovac camp took place.³⁸ More precisely, the Ustaša authorities, following a provision issued on 19 May 1942, attempted to resolve the "Gypsy Question" by deporting all Roma to the Jasenovac camp. Romani resistance against this broke out immediately after the deportations began, which is why the Ustaša authorities tried to deceive the Roma. It should be noted that one

part of the Romani population was deported without any resistance to the Jasenovac camp. The background of this "passivity" of the Roma can be seen in their belief that Ustaša authorities would "settle" them on the estates of displaced Serbs and Montenegrins in Kosovo, displace them to Bosnia and Herzegovina or the central part of Croatia, or that they would be moved to a "Gypsy state" on an unknown territory.³⁹

They claimed the goal of the deportations was to colonise the Roma on lands vacated by the Serbs or Montenegrins of Kosovo, to resettle them in other parts of the country (e.g. Bosnia or the central parts of the NDH), to move them to a "Gypsy state", to return them to their "homeland" in Romania, or to transfer them to Celje (Slovenia), where they would be put to work.⁴⁰ However, some of the Roma didn't believe these were the true reasons behind their "resettlement" and tried to resist. An example of this can be found among the Roma of Habjanovci (Valpovo district). The Ustaša therefore "beat [these Roma] with clubs" and forcibly deported them.⁴¹ Another example of resistance occurred in mid-1942 in Donji Rajići near Novska, where a number of Roma offered armed resistance to the camp authorities.⁴² The case of the Roma from the Uljanik municipality (Daruvar district) is particularly interesting. In late June 1942, Daruvar district authorities informed various NDH political bodies such as the Ministry of Interior, the Directorate for Public Order and Security, the Ustaša Surveillance Service, etc. that:

"...since the Gypsies, before they were arrested, learned from the newspapers what fate is in store for them,

35 Kenrick, "Otpor", 117.

36 Martin Kaminski, "NOP i nacionalne manjine", in *Slavonija u narodnooslobodilačkoj borbi (Materijali naučnog skupa 25. i 26. novembra 1966. povodom 25-godišnjice ustanka)*, ed. Martin Kaminski (Slavonski Brod: Historijski institut Slavonije, 1967), 171-182; "Stenografski zapisnik", in *Lipovljanski susreti '81*, ed. Jovan Mirković (Lipovljani: Organizacijski odbor Lipovljanskih susreta, 1981), 63; Marinko Gručić, "Romi: Neka aktualna pitanja socijalne emancipacije i nacionalne afirmacije", in *Lipovljanski susreti '81*, ed. Jovan Mirković (Lipovljani: Organizacijski odbor Lipovljanskih susreta, 1981), 26.

37 Lazar Džakić, *Slavonija se budi* (Vukovar: Savez udruženja boraca NOR-a općinski odbor općine Vukovar, 1970), 127; Stjepan Kokanović, *Radnički i narodnooslobodilački pokret u županijskom kraju* (Županja: Savez udruženja boraca NOR-a Hrvatske, Općinski odbor; Novi Sad: Budućnost, 1985), 51.

38 Luka Šteković, *Romi u virovitičkom kraju* (Belgrade: Radnička štampa, 1998), 49; Vladimir Dedijer, *Dnevnik: 1941-1944: Od 28. novembra 1942. do 10. novembra 1943.*, vol. 2 (Rijeka: Liburnija; Zagreb: Mladost, 1981), 469.

39 Narcisa Lengel-Krizman, *Genocid nad Romima: Jasenovac 1942* (Jasenovac: Javna ustanova Spomen-područje Jasenovac, 2003), 43 - 44; Biondich, "Persecution of Roma", 36, 44; Hrečkovski, "Progoni i deportacije", 36; Šteković, *Romi*, 38, 42.

40 Lengel-Krizman, *Genocid nad Romima*, 43-44; Biondich, "Persecution of Roma", 36, 44; Hrečkovski, "Progoni i deportacije", 36; Šteković, *Romi*, 38, 42; Vinko Juzbašić, "Bošnjački Cigani", in *Priče iz spašavanske šume*, ed. Stjepan Bogutovac, Ivan Čosić-Bukvin, Vinko Juzbašić and Stjepan Tomislav Krčelić (Gunja: Castrum Alšan, 2001), 101-102; Bulajić, *Ustaški zločini*, 98-99.

41 Đuro Šovagović, Josip Cvetković, *Valpovština u revoluciji (Kronika revolucionarnih življenja 1918-1945)* (Valpovo: Općinski komitet saveza komunista Valpovo i Odbor za proslavu 50-godišnjice Saveza komunista Jugoslavije, Saveza sindikata i Saveza komunističke omladine Jugoslavije, 1970), 99-100.

42 Bulajić, *Ustaški zločini*, 94.

over 30 of them from the Uljanik municipal area managed to flee into the woods despite the presence of the Ustaša reserve battalion from Daruvar. Four of them emulated the other outlaws and, on 25 [June] at 10 PM, broke into the house of Matija Vukalović in Uljanički Brijeg, kidnapped him and stole as much as they could carry; they also beat his wife but then let her go. The Gypsy Ivan Parapatić from Gornji Uljanik was recognised [as one of the perpetrators] and a gendarme patrol is currently looking for him...”⁴³

A little over a week after that, the Daruvar municipal authorities informed the Daruvar district authorities that four “armed” Roma, one of whom was recognised as a resident of Uljanik, had robbed a shop owned by Josip Podnar in Golubinjak, threatening him and claiming they were members of the “People’s Army” (Partisans) who are “defending the People”.⁴⁴ These cases indicate that a number of Roma were active “behind enemy lines” shortly after joining the Partisan movement and therefore became part of the broader European anti-fascist movement. In addition, some mention that the NDH authorities began deporting the Roma because they were afraid they would start assisting the partisan movement. One such case can be seen in the deportation of the Roma from the Zemun area in June 1942, when the Ustaša government accused them of spreading rumours and collaborating with “Tito’s partisans”.⁴⁵ Similar accusations were levelled by the local authorities in Derventa in May 1943, who claimed the reason for the “removal” of Roma from the area and their relocation to camps was their disloyalty to the NDH and their tendency to assist “partisans and chetniks”.⁴⁶ Moreover, there exists an interesting case when four Romani men from Bobota became the only ones from this village who managed to evade deportation to the Jasenovac camp in summer 1942

by joining the Partisan movement. Another Rom who managed to avoid deportation was Mile Radosavljević from Vrbanja. At the moment when the deportation was being conducted he was in the forest making charcoal. Upon his return home, some of the locals warned him about the deportations, so he and his five family members fled into the woods and joined the Partisans.⁴⁷ On 31 August 1942, the Deputy County Chief (*podžupan*) of the Posavje Great County (*Velika župa*) sent a report to the NDH Ministry of Interior in which he referred to this event. Within this report on the “situation in the Županja district”, he mentions that the “outlaws” (Partisans) had been joined by “the Gypsy Mile Radosavljević and his family.”⁴⁸ Similarly to Radosavljević, the Romani woman Danica Nikolić managed to evade deportation from the Negoslavci village (Vukovar area) and joined the partisan movement.⁴⁹ It is also important to note that some witnesses of Romani suffering in the Jasenovac camp mentioned cases of Roma escaping and joining the Partisan movement, which also happened among the Roma in other European countries. Individuals who managed this include Josip-Joka Nikolić from the village Predavac (Čazma area), Janko Gomen from Novoselec (Zagreb area), Milan Radosavljević from Jankovci (Vinkovci area), Štefan Nikolić from Zagreb, etc.⁵⁰

The Roma in NDH didn’t join the Croatian anti-fascist movement exclusively as a form of resistance against deportation by the Ustaša authorities, since there are also cases of resistance before these deportations began. A number of Roma resisted by deserting from Croatia’s armed forces. One such case was Gjuro Nikolić, for whom the municipal authorities in Dugo Selo organised a search due to draft evasion. The same applied to Juraj Horvat and Pavao Bogdan, who were pursued by the Bartolovac municipal authorities for the same reason.⁵¹ In addition, there

43 State Archive in Bjelovar, Kotarska oblast Daruvar, HR-DABJ – 1106, b.1, No. 204/1942.

44 State Archive in Bjelovar, Kotarska oblast Daruvar, HR-DABJ-1106, b.1, No. 197/1942.

45 Bulajić, *Ustaški zločini*, 88; Alexander Korb, “Ustaša Mass Violence Against Gypsies in Croatia”, in *The Nazi Genocide of the Roma. Reassessment and Commemoration*, ed. Anton Weiss-Wendt (Berghahn: New York – Oxford, 2013), 76.

46 Bulajić, *Ustaški zločini*, 168.

47 Kokanović, *Radnički i narodnooslobodilački pokret*, 51, 127.

48 Croatian State Archives, Ministarstvo unutarnjih poslova Nezavisne Države Hrvatske, HR-HDA-223, b. 29, No. 7540.

49 Bulajić, *Ustaški zločini*, 120.

50 *Ibid.*, 155-165.

51 State Archive in Bjelovar, Velika Župa Bilogora Bjelovar (1941 – 1945), b. 3, No. E3 – I a, 694 (br. 3481); State Archive in Varaždin, Gradsko Poglavarstvo Varaždin, HR - DAV - 25, 1942., No. 3001 – 3500/ No. 3341 / 1942; State Archive in Varaždin, Gradsko Poglavarstvo Varaždin, HR - DAV - 25, 1942, No. 4001 – 4500/ No. 4283 / 1942.

exist cases where the Roma were among the first members of armed resistance. For example, in mid-July 1942 three “local” Romani members of the Croatian Home Guard left the Jezerane barracks and defected to the Partisans, bringing with them six rifles and “enemy mail”. These Roma had actually been collaborating with the Partisans from the beginning of that year.⁵² A few weeks later, the Ustaša authorities questioned Josip Babić from Gornja Garešnica, whom the suspected of being a member of the Partisan movement. He claimed that an ever-increasing number of Roma were joining the Partisans.⁵³ Indeed, the first “Gypsy Partisan unit” was formed near Daruvar soon after. Namely, in July 1942, the Partisans found several Romani families, around 40 people in all, in the forest between Kreštelovac and Goveđe Polje (Daruvar area), who had fled there due to fear of Ustaša deportations.⁵⁴

It is important to note that a number of Romani Partisans distinguished themselves by their brave deeds. For example, Vladimir Dedijer, describing the fighting in the Banija area in July 1943, wrote that a “Gypsy company” of the Partisan 17th Brigade volunteered and constructed a bridge over a “large stream”, which allowed the Partisans to break out of enemy encirclement and relocate to the Banija area. One year before that, the same Romani unit distinguished itself by capturing an Ustaša *tabornik* (municipal official), whom they caught sleeping and brought to their headquarters.⁵⁵ Lists of participants and fallen resistance fighters are an important source for researching the participation of Roma in the Partisan movement. One of these lists mentions that the 22-year-old Rom Joso Števcíć from Kirin

(Vrginmost/Gvozd area) joined the Partisan detachment in his home village on 2 August 1941 and died of his wounds 10 days later.⁵⁶ This shows that some of the Roma joined the Partisan movement before the mass deportations in late spring and summer 1942. Joso Števcíć probably joined the Partisans because the local Ustaša conducted mass killings of his compatriots. The list of fallen Partisans from Slunj mentions the Rom Mile Jurković from the village of Cvitović (Slunj area), who joined the Partisan movement in mid-July 1942 and fought as a member of the 3rd Brigade of the 8th Division. He was killed in action in November 1944 near Plaški, aged 25. His fellow villager Rom Mićo Jurković joined the Partisans that same day. He served in the same Partisan unit and was killed in action in December 1944 near Vaganac, aged 20.⁵⁷ The 25-year-old Rom Stevo Ugarković from Duga Resa joined the Partisan movement in mid-March 1943 and served as a “sapper/saboteur” in the 1st platoon of the Karlovac Partisan Detachment. He was killed in action near Bosiljevo six months later.⁵⁸ According to data on the fallen Partisans of the 8th Kordun Assault Division, there are two Romani among a total of 2682 dead men, while six of the 920 fallen Partisans from the Požega area were Roma.⁵⁹ This shows that some Roma actively participated in Partisan units, most likely as a reaction to the violence of the Ustaša authorities.

Cases of Romani resistance were recorded in the Jasenovac camp itself. One such event occurred in early 1942, when a smaller group of Roma revolted and attacked the camp guards, but were soon overwhelmed and killed.⁶⁰ In addition, there were cases of Roma escaping from the camp, such as the

52 Bukvić, *Otočac i Brinje*, 225; Nikola Rubčić, “Zapisi i sjećanja”, in *Prva godina narodnooslobodilačkog rata na području Karlovca, Korduna, Gline, Like, Gorskog kotara, Pokuplja i Žumberka*, ed. Đuro Zatezalo (Karlovac: Historijski arhiv u Karlovcu, 1971), 735.

53 *Grada za historiju narodnooslobodilačkog pokreta u Slavoniji 1941. godine*, vol. 1, ed. Zdravko Krnić and Martin Kaminski (Slavonski Brod: Historijski arhiv u Slavonskom Brodu, 1962), 322.

54 Šteković, *Romi u virovitičkom kraju*, 49-50.

55 Dedijer, *Dnevnik: 1941-1944*, 469-470.

56 Baić, *Kotar Vrginmost*, 576.

57 Mirjana Peremin, “Pali borci s područja kotara Slunja i kotara Veljuna 1941-1945”, in *Kotar Slunj i Kotar Veljun u NOR-u i socijalističkoj izgradnji*, vol. 2, ed. Đuro Zatezalo (Karlovac: Historijski arhiv u Karlovcu; Skupština Općine Slunj, 1988), 965.

58 Đorđe Travica, “Pali borci s područja sadašnje općine Duga Resa”, in *Duga Resa: radovi iz dalje prošlosti NOB-e i socijalističke izgradnje*, ed. Đuro Zatezalo (Karlovac: Historijski arhiv u Karlovcu, 1986), 1071.

59 “Popis palih boraca Osme divizije”, in *Osmo Kordunaška udarna divizija*, ed. Đuro Zatezalo (Karlovac: Historijski arhiv u Karlovcu, 1977), 914; Milan Vranešević, “Poginuli borci NOR-a i žrtve fašističkog terora u Požeškoj kotlini 1941 – 1945. godine”, in *Požeška kotlina u narodnooslobodilačkoj borbi i socijalističkoj revoluciji: 1941-1945: materijali sa znanstvenog skupa održanog 12. i 13. XII 1980. g. u Slan. Požegi*, ed. Nada Lazić, Dane Pavlica and Milan Vranešević (Slavonski Brod: Centar za društvena istraživanja Slavonije i Baranje; Slavonska Požega: Društveno-političke organizacije i Skupština općine, 1984), 522.

60 Riffer, *Grad mrtvih*, 75-76.

aforementioned Josip-Joka Nikolić from the village Predavac (Čazma area), who had been deported to this camp in mid-1942. At one point, he took advantage of the guards' negligence and fled to his home village, only to learn the Ustaša had burned it to the ground. Therefore he decided to join the Partisans and remained with them until the end of the war.⁶¹

All these examples indicate that a part of the Romani population actively participated in the Croatian anti-fascist movement. Their resistance against the pro-fascist Ustaša authorities wasn't limited to armed revolt, but also took the form of escapes from camps, as was the case among their compatriots in other European countries.

Conclusion

In Croatian public discourse one can hear, including from the Roma themselves, that the Roma are a peaceful people who

have never initiated or independently waged war against another state or nation. Viewing this in the context of Croatian and even European history, we can conclude this is indeed true. However, it doesn't mean the Roma never fought in wars on the territory of Croatia. This paper analyses one such aspect of their history in Croatia during World War II, namely their participation in the anti-fascist movement. The research presented here has shown that a number of Roma on the territory of the NDH joined the Croatian anti-fascist movement and strove to offer armed resistance to the genocidal policies of the Ustaša government. A part of the Roma resisted deportations to camps, which were conducted in the NDH *en masse* in mid-1942, by fleeing into the woods and joining the anti-fascist Partisan movement, where they distinguished themselves by their brave deeds. This work is therefore dedicated to the memory of the Roma who participated in the Croatian, and thus the European anti-fascist movement.

61 Bulajić, *Ustaški zločini*, 155-159; Radovan Trivunčić, "Uhvaćen sam kao Ciganin", in *Poruke*, 1 March 1976, 4.

Whose Memorial? The Arapova Dolina Monument in Leskovac, Serbia

ANDREW LAWLER

Following the killing of three German officers in the vicinity of Leskovac, southern Serbia, in early December 1941, Leskovac's town officials were asked by the occupying forces to select citizens for summarial retaliatory execution. The officials, loyal to Milan Nedić's 'Government of National Salvation'¹, recommended that the Germans round up people from the Arapova Dolina district of the town, an almost exclusively Roma neighbourhood. According to recent historical research, a total of 310 people were executed on a small field in the neighbourhood, at the foot of Hisar hill, which dominates the town's landscape. These numbered 293 Roma, 6 Jews and 11 Serbs, some of whom were already being held captive by the occupiers and collaborators on suspicion of having committed other crimes.

In 1971, while designing the Monument to the Revolution, Serbian architect Bogdan Bogdanović (1922-2010) heard of this story. He decided to create a small memorial to commemorate those executed at Arapova Dolina. This monument consists of a central composition of 15 stone blocks, hewn from the local green limestone flanked by two inscribed stones, one of which dedicates the monument to 500 people executed at the site, amongst whom 320 were Roma. The monument is set within a commemorative garden, and includes a ceremonial pathway. The monument was opened on 11 December 1973, the 42nd anniversary of the execution.

While Bogdanović's main monument in Leskovac is celebrated by the town and included in touristic ephemera, the monument at Arapova Dolina is rarely mentioned outside of occasional news articles detailing commemorations at the site in December each year. Furthermore, although the Monument to the Revolution was placed under Regional protection (Serbia's second-highest level of monumental protection and recognition) in 1992, the monument at Arapovina Dolina was only afforded Municipal level protection (the lowest-level

of protection offered for monuments within the country) in 1994. The mass execution at the site and, in particular, the method of selection of victims is considered by many to be a 'major shame' upon the town, and it is unlikely that the municipality would ever promote this memorial site to outsiders.

Today, although the monument itself is in a relatively good state of preservation, the gardens and commemorative pathway are overgrown (although there is evidence that it has been partially maintained by the local community through the type of plants evident), and the site is used to store recycled building materials by the local Roma community.

The lack of maintenance and use of the site as a storage area bring about an interesting question: *Whose memorial is this?* This paper will discuss who should be responsible for safeguarding the commemorative nature of the site, how this should be done, and why it is important to understand different uses of the site by the Roma community, to whom this monument is primarily dedicated.

Introduction

Historical background

Following the killing of three German officers in the vicinity of Leskovac, southern Serbia, in early December 1941, Leskovac's town officials were asked by the occupying forces to select citizens for summarial retaliatory execution, as per the instructions of Field Marshall Wilhelm Keitel, dated to 16 September 1941, that in occupied Eastern Europe, 50 to 100 Communists or civilians were to be executed in retaliation for each German soldier killed.² The officials, loyal to Milan Nedić's 'Government of National Salvation', recommended that the German authorities round up people from the Arapova Dolina district of the town, an almost exclusively Roma

1 The Government of National Salvation was a puppet government established on the Territory of the (German) Military Commander in Serbia, which lasted from 29 August 1941 to early October 1944.

2 Avalon Project, Yale Law School, *Judgement: Keitel*, (New Haven: Yale University, 2008), available at: <http://avalon.law.yale.edu/imt/judkeite.asp>.

neighbourhood. According to recent historical research,³ a total of 310 people were executed on a small field in the neighbourhood, at the foot of Hisar hill, which dominates the town's landscape. These included 293 Roma, 6 Jews and 11 Serbs, a small number of whom were already being held captive by the occupiers under suspicion of having committed other crimes.⁴ After the war, nobody was prosecuted for these executions. As noted by Pisarri,⁵ a lack of prosecution for crimes committed against the Roma population on the territory of Yugoslavia appears to have been a commonplace theme in the trials conducted by the Socialist Federal Republic (SFR) of Yugoslavia's Military Courts in the wake of the Second World War.

Today, the Arapova Dolina neighbourhood remains a predominantly Roma district of the city, inhabited in part by descendants and relatives of the victims of the mass shooting. In total, Roma constituted 7.74% of Leskovac's population in 2011, according to the results of the census conducted that year.⁶ Although the events at the site remained uncommemorated for more than three decades, a sustained collective memory eventually led to a memorial designed by one of Yugoslavia's most celebrated architects being erected at the site.

Design and creation

The architect Bogdan Bogdanović (1922-2010) was first contacted to develop a concept for a memorial in Leskovac in

1964. While undertaking site visits in the town in 1971, he was told of the story of the mass executions at Arapova Dolina, and took it upon himself to create a monument to commemorate the events at the site, *pro bono*. Opened on 11 December 1973, the 42nd anniversary of the mass executions, this monument consists of a central composition of 15 stone blocks, hewn from the local green limestone (*zelenica*), stacked on top of one another, with six elongated blocks (being approximately 1 metre tall and 40cm wide) forming the base, five roughly cuboidal blocks forming the next layer, and four of near-identical proportions atop of these (Figure 1).



The monument, consisting of fifteen greenstone blocks. Photo credit: Živojin Tasić

Chiselled into each stone block of the top and bottom rows are what could be interpreted as stylised tear drops, carved into the monument to symbolise the mourning and loss at the site. This memorial is flanked on the left side by two commemorative stones, inscribed as follows:

- 3 Ž. Stojković, H. Rakić and V. Trajković, *Spomen-Obeležja Leskovačkom Kraju* (Monuments in the vicinity of Leskovac) (Leskovac: Narodni Muzej, Leskovac, 2007). See also: H. Rakić, *Teror i zločini okupatora i domaćih izdajnika u Leskovačkom i Vranjskom kraju 1941-1944* (Leskovac: Narodni Muzej Leskovac i međuoštinski odbor SUBNOR-a Južnomoravskog regiona, Leskovac, 1986), 51-53. This figure only includes victims whose names could be accounted for through government records, and may therefore be an underestimate of the total number executed.
- 4 The aim of this paper is to concentrate largely upon the monument at Arapova Dolina itself, rather than the events that it commemorates. For an overview of this in the English language, see Milovan Pisarri, *The Suffering of the Roma in Serbia during the Holocaust* (Belgrade: Forum for Applied History, 2014), 152-153.
- 5 Pisarri, *The Suffering of the Roma in Serbia during the Holocaust*, 75-76.
- 6 Statistical Office of the Republic of Serbia, *2011 Census of Population, Households and Dwellings in the Republic of Serbia. Book 1: Ethnicity - Data by municipalities and cities* (Belgrade: The Statistical Office of the Republic of Serbia, 2012), available at: <http://pod2.stat.gov.rs/ObjavljenePublikacije/Popis2011/Nacionalna%20pripadnost-Ethnicity.pdf>.

овде су немачки фашисти стрељали 500 родољуба, међу којима 320 Рома 11. децембра 1941. године

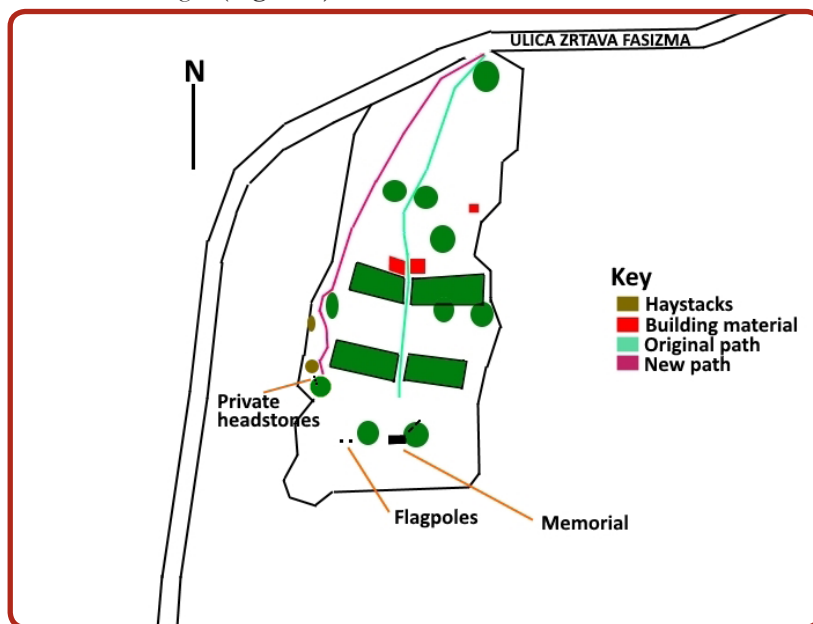
Here German fascists executed 500 patriots, including 320 Roma, on 11 December, 1941

And:

Прелети нас птицо и блистај у пламену. Ти си уснула сан у нашем камени.

Bird, fly over and sparkle in the flames. You're dreaming a dream in our stone.

The monument is set within a commemorative garden, and was approached by means of a ceremonial pathway. In total, the memorial complex occupies a total area of approximately 2400 square metres, with the ceremonial pathway from the entrance to the monument measuring 40 metres in length (Figure 2).



throughout the region), and have developed a patina which enhances their aesthetic value. However, the surrounding features are in a significantly worse state of condition and maintenance. The garden is now largely overgrown,⁹ and the commemorative pathway – which originally approached the monument straight-on – has been re-diverted to pass three private commemorative headstones (two of which have been damaged, with one showing evidence of having been crudely repaired at some point in the past) erected at the site's westernmost periphery. These private cenotaphs were added at a later date, to

Plan of the site. Photo credit: Andrew Lawler

While the monument is located on Hisar hill, like Bogdanović's more famous Monument to the Revolution (1971), and designed simultaneously to its more well-known counterpart, the two sites lie approximately 1.2 kilometres distant from one another, and are considered to be two distinct memorial complexes.

The monument's present-day condition

The Arapova Dolina memorial was placed under Municipal protection (the lowest level of protection given to monuments in Serbia) in 1994.⁷ Despite the significance of the events at the site, and the importance of the memorial's author, no efforts have yet been made to afford the monument any higher level of protection. In contrast, Leskovac's Monument to the Revolution is under Regional protection, the mid-level form of protection of monuments in Serbia, and has been registered as a *Znamenito mesto* (Place of Significance) since 1992.⁸

Overall, the monument at Arapova Dolina is in relatively good condition, although it is poorly maintained. The stone blocks are undamaged and free from graffiti (a problem which commonly afflicts monuments and memorials

⁷ City of Leskovac, *Spisak utvrđenih Nepokretnih Kulturnih Dobara na Teritoriji Administrativnog Područja Grada Leskovca* (List of identified immovable cultural property on the territory of the administrative area of the City of Leskovac). (Leskovac: Zavod za Zaštitu Spomenika Culture Niš. List status as of 9th February 2011).

⁸ *Službeni glasnik opštine Leskovac* 4, 28th February 1992

⁹ Although during a visit to the site in October 2012 there was evidence to suggest that efforts had been made to maintain this through the type of plants present, by July 2016 this was no longer perceivable.

commemorate individuals and families executed at the site, and it can be said that, although not associated with the original composition, they do not detract from it in any way, and are unobtrusive and discreet in their design and positioning. The grassland at the memorial site is occasionally cut. Furthermore, the approach to the monument is used to store recycled building materials, and several haystacks are kept at the site, although there is no direct evidence of animal grazing (Figure 3).



Approach to the monument, showing recycled building materials, former ceremonial pathway and overgrown gardens. The monument can be seen to the left of the two flagpoles, and to the right of the electricity pole, in the centre of the photograph. Photo credit: Živojin Tasić

Two flagpoles accompany the monument. When commemorative events are held at the site, these normally play host to the flags of the Republic of Serbia and of the Romani People. Such commemorations are predominantly held on either the anniversary of the mass execution (11 December) or Serbia's national Day of Remembrance for Roma Victims of the Second World War¹⁰ (16 December), which marks the anniversary of Himmler's ordering of the systematic deportation of Roma to concentration camps for subsequent extermination in 1942,

with, in recent years, a wreath laying also being held on 8 April, International Romani Day.¹¹ However, as noted by Pisarri, such commemorations have “*more of a private rather than public character, usually attended by representatives of the government, Roma communities and local community, as well as descendants of the victims*”.¹²

Potential for rehabilitation

With minor maintenance efforts, and the restoration of the original approach through the memorial garden, the monument and its surroundings could be easily rehabilitated. However, to ensure the sustainable rehabilitation of the memorial, it is important that the local community, municipal authorities and others with vested interests in the site work together toward this common goal. While it is all fine and well to say this, we need to first ask, however, *whose* memorial Arapova Dolina actually is. To approach this question, we must consider both the memorial architecture and the events it commemorates, and also the differences between

administrative ownership and *emotional* ownership.

One town, two monuments

In 1971, while designing Leskovac's Monument to the Revolution, Serbian architect Bogdan Bogdanović (1922–2010) heard of the story of the executions at Arapova Dolina, and set out to create a memorial to those killed there, which was subsequently opened in 1973. This has left Leskovac in the unique position of being the only town

¹⁰ International Holocaust Remembrance Alliance, *International Roma WWII Genocide Victims Remembrance Day in Serbia*, 2015, available at: <https://www.holocaustremembrance.com/media-room/news-archive/international-roma-wwii-genocide-victims-remembrance-day-serbia>.

¹¹ Email correspondence with Vladimir Amzić, Director of Dom Kulture Roma in Leskovac, September 2016

¹² Pisarri, *The Suffering of the Roma in Serbia during the Holocaust*, 5.

with two monuments designed by the architect, a not unimportant fact considering his oeuvre, which consists of 22 monuments throughout the Former Yugoslavia, including such renowned works as the Stone Flower at Jasenovac Memorial Site (Croatia), the Partisans' Memorial Cemetery in Mostar (Bosnia & Herzegovina) and the Memorial to the Jewish Victims of Fascism in Belgrade's Sephardic Cemetery (Serbia). His creations were (with the exception of Slovenia) spread throughout all Republics and both Autonomous Provinces within SFR Yugoslavia,¹³ making his works the most geographically widespread of all memorial architects of this period, and two have been incorporated into the crests of the municipalities within which they lie (Prilep, Macedonia, and Krupanj, Serbia). This fact, in and of itself, makes the memorial (and its – although not physical, certainly academic – connection to the Monument to the Revolution) highly valuable to the town, and worthy of promotion to its citizens and outsiders alike. Many of Bogdanović's memorials are considered highly significant works of commemoration, with 10 of them being protected as National Monuments of the countries within which they are nowadays located, and the Monument to the Revolution is both celebrated by Leskovac as a major architectural highlight and included in touristic maps,¹⁴ guides,¹⁵ and pamphlets relating to the town, from which the Arapova Dolina memorial is noticeably absent. In fact, the Arapova Dolina memorial is rarely mentioned outside of occasional local news articles detailing commemorations at the site in December each year. In an interview,¹⁶ a local official stated that the mass execution commemorated at the site and, in particular, the method of selection of victims is considered a 'major shame' upon the town, and it is unlikely that municipal authorities would ever actively promote this memorial site to outsiders. Therefore, while the monument is administratively 'owned' by the

City of Leskovac, it deals with an emotionally-contentious event in the history of the town (and in the history of the town's administration itself), something that may prove a hindrance to its long-term endurance as a place of commemoration.

Understanding Roma commemoration

It has been said by Hancock¹⁷ that the Roma are "traditionally not disposed to keeping alive the terrible memories from their history—nostalgia is a luxury for others".¹⁸ This claim was reiterated by Vladimir Amzić, Director of *Dom Kulture Roma* (Roma Cultural Centre) in Leskovac, who stated (in the context of the abandonment of the Arapova Dolina monument) that "It is wrong to apportion blame for this, but my personal opinion is that we, as Roma, have too easily forgotten our victims".¹⁹ Herein lies a primary problematic of the site: if those most closely connected to the persons commemorated by a site do not want to use it as a place of commemoration, then what is to be done with it?

During the SFR Yugoslavia period, tens of thousands of monuments, memorials, memorial plaques, cenotaphs and busts were created to commemorate events during the Second World War (People's Liberation War) and wider Workers' Movement from the late 19th century onward. Of these, several dozen²⁰ memorials were created specifically related to the persecution of the country's Roma community, at some times incorporated into larger memorial complexes, and at others as stand-alone memorials. While SFR Yugoslavia's 'Cult of Memorialisation' ensured that such monuments were well maintained and that commemorations were regularly held under the auspices of governmental authorities, in today's changed socio-political and economic circumstances the significance attributed to such monu-

13 The Socialist Federal Republic (SFR) of Yugoslavia was established in the aftermath of the Second World War, and existed until the disintegration of the country in the early 1990s. It consisted of six Socialist Republics (Bosnia & Herzegovina, Croatia, Macedonia, Montenegro, Serbia and Slovenia) and (to 1990) two Socialist Autonomous Provinces of Serbia (Kosovo and Vojvodina).

14 Centre for Research and Study of Cultural and Historic Heritage of South Serbia (CIP), *Leskovac Mana zpada* (Leskovac City Map), 2008.

15 City of Leskovac. "Знаменитости" ("Places of Interest"), available at: <http://www.gradleskovac.org/index.php/o-leskovcu/turisticki-vodic/znamenitosti>.

16 Interview with town official, conducted in early October 2012.

17 Ian Hancock, "Responses to the Porrajmos (the Romani Holocaust)", in Dileep Karanth (ed.) *Ian Hancock, Danger! Educated Gypsy: Selected Essays* (Hatfield: University of Hertfordshire Press, 2010), 226-263.

18 *Ibid.*, 255.

19 Email correspondence with Vladimir Amzić, Director of Dom Kulture Roma in Leskovac, September 2016. Original sentence: "Pogrešno je kriviti bilo koga u vezi sa tim a moje lično mišljenje je da smo mi Romi najviše zaboravili na naše žrtve." Translation by author.

20 Author's own estimate, based on personal research.

ments and the commemorations related to them has been considerably reduced. While commemorations at Arapova Dolina continue to be held on a (near-)annual²¹ basis, the maintenance of the site is no longer a priority for authorities, allowing the gardens and commemorative pathway to become overgrown, and giving rise to the use of the site by members of the local Roma community for the storage of recycled building materials and haystacks. If local authorities do not see the maintenance of the monument as their responsibility, and the local community prefer to use the location as a communal storage site, then who is to stop the site falling into a further state of disrepair?

However, the situation in terms of ‘emotional’ ownership may not be as bleak as it would at first seem: In 2010, an initiative to declare the site a Memorial Centre was put to the Office for Human and Minority Rights of the Republic of Serbia by local stakeholders, although by December 2013 no answer had yet been received.²² In late 2013, there were renewed calls by stakeholders within the local Roma community for authorities to prevent unauthorised use of the site and its surroundings,²³ to undertake a rehabilitation of the site, and to ensure the monument’s structural stability. However, as of July 2016, it would appear that such calls have also remained unheard.

Reconciling administrative and emotional ownership

With the long-standing impasse that has existed between the administrative (i.e. local authorities) and emotional (i.e. individuals, communities and society as a whole) ‘owners’ of the Arapova Dolina memorial site, we need to ask what can be done to reconcile the two and ensure the site’s long term survival both as a place of commemoration and as a part of the opus of one of Yugoslavia’s most celebrated architects. There are two approaches to this which would traditionally be proposed: a ‘top-down’ (authoritative) approach and a ‘bottom-up’ (grassroots) approach. However, proposed

below is a new approach, combining the two, which could be successful in achieving greater recognition of the monument, thus securing its future as a site of commemoration.

While efforts by local stakeholders to encourage local authorities to further invest in the site (and also to gain recognition by national-level authorities) have thus far failed, in their focus on the emotional aspects of Arapova Dolina, one aspect of the site’s importance has been overlooked by local stakeholders: its value as a piece of memorial architecture. The site is arguably the most ‘overlooked’ of Bogdan Bogdanović’s monuments, with one major retrospective of his works²⁴ omitting it entirely, except as a footnote at the end of the book.²⁵ This oversight was then repeated in a later book by the same author.²⁶ As stated above, Leskovac is unique within the Former Yugoslavia in possessing two examples of Bogdanović’s work, and this must be stressed to the town’s authorities. One way in which greater recognition of this fact could be achieved is through greater collaboration between local-level stakeholders and researchers on topics surrounding memorialisation and Yugoslav architecture. Such groups could provide an as-yet untapped ally in promoting the monument, highlighting its emotional and architectural significance, and advocating for greater levels of protection. Conversely, greater collaboration between community stakeholders and academia would allow further understanding of the multitude of uses and emotional meanings of the site of Arapova Dolina to the local community, allowing the development of a grassroots-driven strategy for its protection.

With the increased interest paid to topics surrounding (post-)Yugoslav memorialisation in recent years by academia, and the site’s integrity becoming ever more threatened by overgrowth, neglect and misuse, such a collaboration should be initiated as a matter of urgency to allow all stakeholders to safeguard the monument and the site’s memorial legacy for the future.

21 For a number of years in the early 2000s, it would appear that commemorations at the site were suspended.

22 Jugmedia, ROSA: *Arapova dolina smrti da bude memorijalni centar* (ROSA: *The Arapova Valley of Death should become a Memorial Centre*), 2013, available at: <http://jugmedia.rs/rosa-arapova-dolina-smrti-da-bude-memorijalni-centar/>.

23 TVL. “Romi: Sramno je koliko je zapušten spomenik u Arapovoj dolini!” (Roma: *It’s shameful how badly the Arapova Dolina monument is neglected!*), 11 December 2013, available at: <http://www.tvl.rs/romi-sramno-je-koliko-je-zapusten-spomenik-u-arapovoj-dolini/>. The actual term used is ‘divlja gradnja’, a colloquial term for a construction built without the necessary permits.

24 Friedrich Achleitner et al., *Memoria und Utopie in Tito Jugoslawien* (Memory and Utopia in Tito’s Yugoslavia) (Vienna: Architekturzentrum Wien, 2009).

25 *Ibid.*, 164.

26 Friedrich Achleitner, *A Flower for the Dead: The Memorials of Bogdan Bogdanovic*. (Zurich: Park Books, 2013).

Antigypsyism as Ambivalence: Fascination and Fear Towards the Spanish Gitanos in the Post-Civil War Period (1939-1959)

ISMAEL CORTÉS

Introduction

In the last five years the term ‘antigypsyism’ has been consolidated at institutional level Europe-wide, being officially used by the Organization for Security and Cooperation in Europe (OSCE),¹ the Council of Europe² and the European Parliament.³ In this institutional framework there is a general consensus about the meaning of *antigypsyism*, defined as:

“the specific nature of the racism directed towards the Roma: a) it is persistent both historically and geographically (permanent and not decreasing); b) it is systematic (accepted by virtually all the community); c) it is often accompanied by acts of violence”.⁴

From civil society, the Alliance against Antigypsyism recently published a reference paper in which *antigypsyism* is defined in the following way:

“Antigypsyism is a historically constructed, persistent complex of customary racism against social groups identified under the stigma ‘gypsy’ or other related terms, and incorporates: 1. A homogenizing and essentializing perception and description of these groups; 2. The attribution of specific characteristics to them. 3. Discriminating social structures and violent practices that emerge against that background, which have a degrading and ostracizing effect and which reproduce structural disadvantages.”⁵

Starting from these two definitions, this article highlights the internal logic of antigypsyism and its historical trajectories in Spain, with a special focus on the context of the post-civil war period (1939-1959) and the nation-building project devised by Franco’s fascist regime in its intention to develop a new national identity to repair the ‘spiritual crisis’ that led to the civil war (1936-1939). Methodologically, this paper puts into practice ‘deconstruction’⁶ as a way of critique that analyses literary, legal and visual texts by examining the heterogeneous origins of stereotypes which have been constructed through a historical process of creation, repetition, re-appropriation and variation of images that constitute the symbolic archive of the Spanish collective perception on antigypsyism.

To deepen this analysis, the article explains the specific mechanism of stereotyping addressed to the Gitanos, deployed through a double technique of orientalisation⁷ and criminalisation, which produces an ambivalent attitude of fascination and fear towards the Gitanos.

From pilgrims to enemies of the state

The arrival of the Gitanos to Spain is documented in 1425. The first recording is a letter of protection from Pope Martin V for a wandering group on a pilgrimage to Compostela, signed by the kings of Aragón, Navarre and Castile. For 50 years, prior to the foundation of the Inquisition, political and religious authorities protected the Gitanos as pilgrims. The Spanish Inquisition began in 1478,

1 OSCE, *Confronting Anti-Gypsyism – The Role of Political Leaders in Countering Discrimination, Racism, Hate Crimes and Violence Against Roma and Sinti Communities*, press release, 6 September 2016.

2 ECRI, *ECRI General Recommendation no. 13. On Combating Anti-gypsyism and Discrimination against Roma* (June 2011). Council of Europe, *Declaration of the Committee of Ministers on the Rise of Anti-Gypsyism and Racist Violence against Roma in Europe* (1 February 2012).

3 European Parliament, *Resolution on International Roma Day-anti-Gypsyism in Europe and EU recognition of the memorial day of the Roma genocide during WW II*, 15 April 2015.

4 Council of Europe, *Describing Glossary of terms relating to Roma issues* (2012), 12.

5 Alliance against Antigypsyism, *Antigypsyism: A reference paper*, 2016, 3, available at: <http://antigypsyism.eu/>.

6 Jacques Derrida, *Of Grammatology* (Baltimore: Johns Hopkins University Press, 2016) [*De la grammatologie*. Paris: Les Éditions de Minuit, 1967].

7 To deepen the notion of ‘orientalism’ I recommend Edward W. Said, *Orientalism* (New York: Pantheon Books, 1978). The cultural critic Edward Said defined the term ‘orientalism’ to describe a cultural technique of prejudiced outsider peoples. In relation to the notion of ‘citizenship’, orientalism has rendered the concept of citizenship as a problem of epistemology, because citizenship originated as an institutional category that implies not only policies of inclusion and protection, but also mechanisms of exclusion and persecution.

under King Ferdinand II of Aragón; since then, the Gitanos came under the moral scrutiny of religious authorities. The Inquisition established a system of surveillance embedded in a social structure of serfdom and landlords from which the Gitanos escaped thanks to their freelance jobs: musicians, smiths, craftsmen and horse-dealers. One hundred and forty years after the creation of the Inquisition, Philip III, acknowledging the existence of nomadic groups of Gitanos, decreed in 1619:⁸

Under penalty of death, all Roma should leave Spanish territories within six months and not return; those wishing to stay can do so if they abandon their nomadic life and move to our towns; also, they should abandon their traditional costumes, names and language.⁹

Another dramatic anti-Gitanos measure took place on 30 July 1749: the imprisonment of all Spanish Gitanos, devised by the Marquis of Ensenada (King Ferdinand VI's interior minister), who ordered: "imprisonment must be carried out on the same day and at the same time... These people called *gitanos* have no religion; they must be put in prison and we will end this evil race¹⁰". After a mass arrest known as the Great Raid, the prisoners were separated, all males over seven in one group, females and children under seven in another. The males were to be sent to forced labour in the arsenals or navy, the females and children to prisons and national factories. In 1763, by order of King Charles III, the Roma were notified that they would be released. But the complex absolutist administration first had to solve the problem of relocation. In 1765 the navy ordered the release of all prisoners. In 1783 some Roma who had been enslaved were finally released, but King Charles III ordered:

"new rules to curb and punish the vagrancy of the Gitanos known as 'new Castellanos'... [they are] forbidden to use their language, costumes or maintain their nomadic way of life as they used to do until now."¹¹

In these three centuries of Spain's nation-building, the Gitanos survived many attempts of physical and cultural extermination. The Gitanos went through a complex historical process of expulsion, persecution, imprisonment, slavery and assimilation. These measures were accompanied by different legal categorisations. Thus, the Gitanos were legally labelled as a race, as a cultural group and as a criminal group. These three categories were embodied in the collective perception, creating a system of equivalence among them: race – culture – moral behaviour.¹² This equivalence shaped the public image of the Gitanos as an evil race: a godless and stateless people driven by criminality and laziness; a people working against the highest values of the nation.

This image of the uncivilized Gitanos was shaped and spread not only by the church and the nobility, but also by famous writers such as Miguel de Cervantes, who in his series of *Exemplary Novels*¹³ (published in 1613) dedicated one to portray the Gitanos in contrast to the Spanish identity. In this sense, just at the beginning of the novel, *The Little Gypsy Girl (La Gitanilla)*, he writes:

"It would almost seem that the Gitanos and Gitanas had been sent into the world for the sole purpose of thieving. Born of parents who are thieves, reared among thieves, and educated as thieves, they finally go forth perfected in their vocation, accomplished at all points, and ready for every species of roguery. In them the love of thieving, and the ability to exercise it, are qualities inseparable from their existence, and never lost until the hour of their death."¹⁴

The main character of the novel is Preciosa, a non-Gitana girl adopted by a family of Gitanos when she was a child. She learned to live like a real Gitana: travelling on the roads, dancing in the squares and doing fortune-telling in the markets. She is described as an extraordinary beauty and a graceful lady:

8 All the following English translations are mine.

9 Antonio Gómez Alfaro, *Legislación Histórica Española dedicada a los Gitanos*, (Sevilla, Consejería de Bienestar e Igualdad Social de la Junta de Andalucía, 2009).

10 Francisco Vázquez García, *La invención del racismo: Nacimiento de la biopolítica en España, 1600 -1940* (Akal. Madrid, 2009).

11 Gómez, *Legislación Histórica Española dedicada a los Gitanos*.

12 Isaac Motos, "Lo que no se olvida", *Anales de Historia Contemporánea* Volume 25 (2009): 57-74.

13 Miguel Cervantes Saavedra, *Novelas ejemplares*, Biblioteca Virtual Miguel de Cervantes, available at: <http://www.cervantesvirtual.com/>.

14 Miguel Cervantes Saavedra, "La gitanilla, en mismo autor", *Novelas ejemplares*, Biblioteca Virtual Miguel de Cervantes, available at: <http://www.cervantesvirtual.com/obra/la-gitanilla--0/>.

“Little Preciosa became the most admired dancer in all the tribes of Gypsydom [the imaginary kingdom of the Gypsies]; she was the most beautiful and discreet of all their maidens; she shone conspicuous not only among the gypsies, but even as compared with the most lovely and accomplished damsels whose praises were at that time sounded forth by the voice of fame.”¹⁵

In her teens, Preciosa meets a nobleman and discovers her true identity. After such a discovery, she gets married and abandons her life as a Gitana to become who she really is: a noble woman. Written in the golden age of Spanish literature, *The Little Gypsy Girl* became a classic model in the history of European literature, inspiring characters such as Esmeralda in *The Hunchback of Notre Dame*, by Victor Hugo (1831), or *Carmen* the opera written by Prosper Mérimée (1845). In this sense, *The Little Gypsy Girl* represents more than an inspiration for European culture, it actually created an archetype of a “Gypsy woman’s world” associated with misery, passion, beauty, freedom and criminality. This archetype has persisted over centuries through a series of repetitions and variations in different novels, operas, photos, paintings, songs and movies.

The Gitanos in the decline of the Empire

From the 16th century until the 18th century, Spain was an Imperial Kingdom oriented to expand its own culture and norms of governance to other territories of America, Africa and Asia.¹⁶ Nevertheless, in the 19th century Spain reached the peak of its decline as an Empire. Already in the first third of the 19th century, a significant number of the Hispanic viceroalties won independence and national sovereignty. Eventually, in 1898 Spain lost its last significant colonies: Cuba, Puerto Rico and the Philippines.

These episodes had a profound impact on Spain’s intellectual life, especially on a group of intellectuals known as the Generation of 1898.¹⁷ Starting from the failure of political modernisation experimented with during the First Spanish Republic (February 11, 1873 - December 29, 1874)

and assuming the end of the Spanish colonial empire, the Generation of 1898 searched for the reconstruction of the national identity by looking at the inner traditions and peoples of Spain, instead of looking abroad. The Generation of 1898 reinterpreted the notion of “tragedy” embodied in the victims of social humiliation, taking Don Quijote as a national symbol. In this context, some prominent writers of the Generation of 1898 regarded the Gitanos as a people that incarnated the misery of the decline of the Spanish Empire: the residue of an imperial kingdom that neglects its own people while obsessed with accumulating wealth abroad. In this line of interpretation, novelists such as Benito Pérez Galdós, Pío Baroja and Blasco Ibáñez wrote about the Gitanos living in Madrid. Here is a series of key quotations to illustrate the general representation of the Gitanos by the Generation of 1898:

Pérez Galdós, *Misericordia*, 1897 [Madrid, neighbourhood of Las Cambronerías]:

In that land, I saw a scrawny woman washing rags in a trough: it was not a Gitana, but a Gadí. For the explanations given to me, in the left part of the neighbourhood lived the Gitanos with their colts, in peaceful community rooms; with a bed on the holy ground. On the right, and also in barracks, no less filthy than the others, for ten cents per night, many poor people who walk around were given a small piece of ground to sleep.¹⁸

Baroja, *La Busca*, 1903 [Madrid, neighbourhood of La Corrala]:

La Corrala is a microcosm [...] there are men who are everything and nothing: half wise, half smiths, half carpenters, half traders [...] In general, people living on the flatness of their lives produced by the eternal and irremediable misery [...] There are also gitanos, shearers of mules and dogs, street barbers and puppeteers. Almost all of them have the same look of misery and consumption. And everybody constantly feels rage.¹⁹ Ibáñez, *La borda*, 1905 [Madrid, neighbourhood of Las Cambronerías]:

15 Cervantes Saavedra, *Novelas ejemplares*.

16 Aníbal Quijano, “Coloniality and Modernity/Rationality”, *Cultural Studies* 21 (2-3) (2007): 168-178.

17 The generation of 1898 is a group of Spanish authors of the late nineteenth century who are characterised for introducing a reflection on the essence of Spain based on the reinterpretation of the Iberian cultures. For further information, see: Robert Kirsner, “Galdós and the Generation of 1898”, *Hispania*, Volume 33, number 3 (1950): 240-242.

18 Benito Galdós Pérez, *Misericordia*, (Reprint - Barcelona: Galaxia Gutenberg, Capítulo XXVII, 2014, e-book) [Madrid, Viuda e Hijos de Tello, 1897].

19 Pío Baroja, *La busca*, (Madrid: Alianza, Segundo Libro, Capítulo II, 2015, e-book). [Madrid, El Globo, 1903].

Maltrana [a young gadjó from the suburbs of Madrid] decided to move to this neighbourhood [Las Cambreras] inhabited by Gitanos, who seemed to be more peaceful and quiet than the tenements around. On Thursday, the Gitanas, returning from the grocery stores of Madrid, used to bring raw meat to cook with their families. They had spent days without eating, use to this habit, despite the hunger.²⁰

These three quotations show the spirit of the Generation of 1898 in its realistic, analytical and critical style. Successors to French realism, these writers were in fact ‘historians of the present’, describing the lives of the anonymous heroes of the nation: miserable lives. The Generation of 1898 constituted a wave of democratic and anti-monarchical ideas, according to which the most urgent task was to build a societal morality that recognises the inherent dignity of all Spanish citizens as members of a republic of

rights. From this ethical and political vision, the Spanish Gitanos were seen as equal citizens, who deserve a life of dignity on a par with the rest of society. In this sense, the Gitanos were seen as no different in dignity from the Spanish masses that fight a daily battle against the social misery embedded in a decadent nation.

On the other hand, culturally speaking, if we look at the literary work of Valle-Inclán, one of the biggest figures of the Generation of 1898, we can see how the Gitanos culture was in fact melt with Spanish popular culture. In his writings we can observe how the entertainment habits, the artistic preferences and the popular language were intimately intertwined with Gitanos culture.²¹ Not just popular culture, but also high national culture was nurtured by the Gitanos influence, especially music. In fact, two of the most revolutionary composers, Isaac Albéniz and Manuel de Falla, used elements of Gitanos music in the following pieces:²²



1915 – Madrid. Pastora Imperio during the premiere of *El Amor Brujo*.

20 Vicente Blasco Ibáñez, *La borda*, (Madrid, Alianza, Capítulo X, 2013, e-book). [Valencia, Prometeo, 1905].

21 Jose M. García de la Torre, “Lo gitano y los gitanismos en la obra de Valle-Inclán”, *Actas del V Congreso de la Asociación Internacional de Hispanistas* (1974): 407-414.

22 Pilar Barrios Manzano, “La influencia gitana en la música clásica Española”, *I Tchatchipen: revista trimestral de investigación gitana*, Number 38 (2002): 43-47.

- Albéniz: *Rumores de la Caleta* (1887), *Zambra granadina* (1890), *La Alhambra* (1897), *Iberia* (1907).
- Falla: *La vida breve* (1913), *Amor Brujo* (1915), *Noches en los jardines de España* (1916), *Sombrero de tres picos* (1919).

In the case of Manuel de Falla, he was not only influenced by Gitanos music, but also made a personal commitment to promote the *flamenco*, and especially the most genuine version of flamenco known as *Cante Jondo*. Together with the poet Federico García Lorca, in 1922 he organised the *First Festival of Cante Jondo* in Granada, attracting the attention of art critics from all over the world. Talking about the admiration of Manuel de Falla for Gitanos, it is relevant to underline the mutual respect between the Gitano singer Manuel Torres and Manuel de Falla. On the other hand, we should also underline the professional relationship between Manuel

de Falla and the Gitana dancer Pastora Imperio. Indeed, she starred in *El Amor Brujo* and travelled the world. Actually, the show was originally called, *El Amor Brujo: Gitanería in one act and two paintings* (a passionate love story).

To summarise, I want to emphasise that in the late 19th century and the early 20th century, Gitanos culture was represented as an essential part of Spanish popular culture. Even more, it should be said that the representation of Gitanos and Gitanas in the cultural sphere had a significant impact on the artistic taste of the incipient middle-class. Indeed, the musical play *El Amor Brujo*, starring Pastora Imperio, fused Spanish folklore with the avant-garde techniques of European dance, music and fashion. The following series of pictures illustrate how the dress style of the Gitana dancer Pastora Imperio revolutionised the dress code of the female bourgeoisie:



Guapas con mantones. Óleo sobre lienzo, 90 × 75 cms. (1915). Colección particular, Tafira (Gran Canaria).

1915 – *Beauties wearing shawl*, by Néstor.



1913 - *Pastora Imperio*, by Julio Romero de Torres.

The Gitanos through the path towards the Second Republic

The presence of Spanish Gitanos in the hegemonic liberal culture increasingly gained visibility during the first third of the 20th century. Gitanos culture influenced and inspired not only literary novels, but also music,



Mantillas. Óleo sobre lienzo. 90 x 73 cms. (1919). Propiedad Única. Depósito en el Museo Néstor.

1919 – *Women wearing mantilla*, by Néstor

poetry, painting and photography. If Madrid was the city of inspiration for novelists and playwrights, Granada was the city of inspiration for musicians, photographers and poets; especially the romantic cityscape from Sacromonte, Albaycín and Alhambra. A series of photos portray how Gitanos were linked to these poetic / romanticised living-cityscapes:



*Grenadian Gitanos from Sacromonte*²³ - 1900

23 Archive of the Museum of the Caves of Sacromonte.



Mundo Gráfico: 7-7-1920.



Angustias la Gitana in la Alhambra,²⁴
Grenadian Gitana in Albaycin – Postcard, 1920.



Gitanas dancing,²⁵ Albaicin, by Manuel Torres Molina. 1925.

²⁴ Hemeroteca digital, Biblioteca Nacional de España.

²⁵ Catálogo CERES. Ministerio de Educación, Cultura y Deporte del Gobierno de España.

With the ousting of King Alfonso XIII and the birth of the Second Republic, in 1931, some of the top intellectuals of a new generation of poets, the Generation of 1927, got to take part in the national *intelligentsia*.²⁶ The Generation of 1927 was formed by a group of poets that explored universal questions - love, spirituality, death, justice, beauty and violence - through the study of local traditions. By exploring the tension between the universal and the local expression of the human condition, they studied surrealism, the European poetry of the moment, and Spanish popular poetry (songs and legends).

Among the generation of 1927, one the most influential poets was the Grenadian Federico García Lorca. In 1931, García Lorca was appointed director of a theatre company, *La Barraca*, funded by the Ministry of Education. It was charged with touring Spain's rural areas in order to introduce audiences to radically modern interpretations of classic Spanish theatre.²⁷ His poetry and dramas were very much influenced by his boyhood contacts with the Grenadian Gitanos. Concretely, he dedicated his best-known poetry book, *El Romancero Gitano*, to describing the 'Gitanos world' in his own eyes. In this book he portrayed the beauty and tragedy of the Spanish Gitanos. One of the poems, *Ballad of the Spanish Civil Guard*, metaphorically recounts the story of a police raid, ending-up with the burning of the Gitanos houses and the killing of the Gitanas and their little children. Sadly and tragically, at the beginning of the Spanish Civil War, on 19 August 1936, Lorca was executed²⁸ by the fascist and disloyal faction of the national army that organised the *coup d'état* against the legitimate government of the Second Republic. In terms of cultural policies, with Lorca died one of the most progressive intellectuals that truly valued the Gitanos culture. In fact, Lorca said: "the Gitanos represent the highest aristocratic value of my country."²⁹

Eventually, on the 01 April 1939, the Civil War ended with the victory of the fascist rebels under the military leadership of General Franco, who constructed a military dictatorship based

on nationalism and conservative Catholicism. In his dream (or nightmare) of building a 'New Spain', Franco persecuted all the republican *intelligentsia*. He ensured that all republican intellectuals went either to prison or to exile. Within Franco's cultural project against the ideology of the previous liberal-republican regime, the Gitanos identity was stigmatised through a double technique of orientalised and criminalisation. Prior to the triumph of Franco, the old stigma of the Gitanos being labelled as criminals had already been reinforced during the two year mandate of the conservative government of the Second Republic (November 1933 - February 1936). The repression directed against the Gitanos was carried out through the legislation on "vagrants and thieves" approved by the liberals in August 1933 and entering into force under the conservatives in November of the same year. At that time, Antonio Sabater, special judge of "vagrants and thieves", expressed:

"Gitanos: A population, which constitutes a special race, characterised by their aversion to work, refusal to submit to the social order and living mainly from theft, scam and other punishable acts."³⁰

This law implied special security measures; it was supposed to be deployed through mass detentions, in order to send the "vagrant Gitanos" to agricultural settlements in the Canary Islands.³¹ Social and political conflicts during the Second Republic, preceding the war, and eventually the uprising of the Spanish Civil War (in July 1936), caused this law to be abandoned in practical terms: the government had to solve many other security issues that were of much higher priority than the "Gitanos issue". However, the law would be restructured in 1943.

During the Civil War (July 1936 – April 1939), the Gitanos were not persecuted or attacked based on ethnic belonging.³² On the other hand, the Gitanos (as a social group / as a collective) did not take part in any armed group. Although, individually, the Gitanos were affected by the war in the same way as any other citizen.³³ they were obliged to

26 Christopher Soufas, "The 'Generation of 1927' and the Question of Modernity", *Anales de la literatura española contemporánea* Volume 22, Number 1/2 (1997): 283-297.

27 Marcelle Auclair, *Enfances et mort de García Lorca* (Paris: Éditions du Seuil, 1968).

28 Ian Gibson, *The Assassination of Federico García Lorca* (London: Penguin Books, 1983).

29 Antonio Heredia Santiago, "Lorca y los Gitanos", *Gitanos, pensamiento y cultura. Revista bimestral de la Asociación Secretariado Gitano*, No. 7/8 (2000): 24-26.

30 Antonio Sabater, *Gamberros, Homosexuales, Vagos y Maleantes* (Barcelona: Editorial Hispano Europea, 1962).

31 Amnesty International, *España: poner fin al silencio y a la injusticia. La deuda pendiente con las víctimas de la guerra civil española y las del régimen franquista* (2005).

32 J. Manuel Fandos, Javier Estella, *Yo me acuerdo... Gitanos aragoneses en la Guerra Civil Española*, documentary film (Film.aragon, 2001).

33 M^a Dolores Fernández, *El pueblo Gitano en la Guerra Civil y la Posguerra*, (Granada: Asociación de Mujeres Gitanas Romí, 2009).

take part in one or another armed faction, according to the changing territorial control.³⁴ Talking about individual figures, it must be said that we can count at least two symbolic figures of the Civil War who were in fact Gitanos:

- Ceferino Giménez Malla,³⁵ ‘El Pelé’, (Lerida 1861/ Huesca 1936): he was a horse-dealer by profession, and a member of the Third Order of San Francisco by devotion. In his region he was popular as a very pious man. At the beginning of the Civil War, in July of 1936, he was arrested by the communists for taking a public stand for the defence of the local priest of Barbastro (Huesca), while the priest was being brutalised by a group of militiamen. Ceferino was executed by the communists on 08 August 1936. In 1997, he was beatified by Pope John Paul II, being thus the first Roma person canonised.³⁶ - Helios Gómez (Sevilla 1905/ Barcelona 1956): he was a cartelist and a painter by profession and an anarcho-syndicalist by militancy. He joined the Communist Party shortly before the beginning of the war, and became an important member of the party, as a political commissar of the trade union UGT. He actively fought in Andalucía and Madrid, and at the end of the war, in 1939, he joined the anarchist militia in Barcelona. Exiled in France he was arrested by the Vichy regime and went through different concentration camps, Argelès-sur-mer, Bram, Vernet d’Ariège and Djelfa (Algeria), between February 1939 and May 1942. He came back to Barcelona in 1942. In 1945 he was arrested by Franco’s police, accused of spreading anti-Franco propaganda. He spent nine years in prison and finally died on 19 September 1956.³⁷

The Gitanos as internal others in Franco’s dictatorship

In the post-civil war period (1939-1959), the symbolic power of national-Catholicism was the main source of Franco’s ideological project to rebuild the unity of Spain after

the “spiritual crisis” that led to the civil war (1936-1939). Haunted by the spectrum of liberal republicanism, Franco created his own *intelligentsia* and resurrected the foundational myth of the birth of the nation: the unified identity of all territories of Spain under the Catholic kings (1475-1516). One of the main figures of this new *intelligentsia* was the psychiatrist Antonio Vallejo-Nájera. He directed the national psychiatric services during the Spanish civil war. After the war, he was appointed head of the military psychiatric services of Franco’s dictatorship. In his book, *Eugenics of Hispanity and Regeneration of Race*,³⁸ he dedicated a chapter to define the concept of “Hispanity”, in which he blamed two centuries of liberal revolution for the decline of Spain’s ethics and political life. To bring back the ethics of Imperial Spain, he proposed the creation of a National Body of Inquisitors. Parallel to the courts of justice, this religious-medical institution would be in charge of judging cases of crimes against the moral and spiritual health of the nation. Eventually, Dr. Vallejo-Nájera failed in this aim.³⁹

According to Vallejo-Nájera, liberalism and its evolution into communism were diagnosed as the main ideological pathogens threatening the moral and spiritual health of the nation. Considered as foreign civilizational projects, liberalism and communism were categorised as sins and social vices. In this regard, Vallejo-Nájera said:

The perverse democratic regimes favour resentment and promote social failures with public policies, unlike aristocratic regimes where only the best characters can reach social success.⁴⁰

Liberal and communist intellectuals and politicians were regarded as part of a rebellion enacted by foreign powers, and ultimately by the Judeo-Masonic conspiracy.⁴¹ Along with the condemnation of social mobility and social equality, Vallejo-Nájera also criticised the liberal and communist abandonment to materialism, sensuality and leisure. Politically

34 Teresa San Román, *La diferencia inquietante: viejas y nuevas estrategias culturales de los gitanos*, (Madrid: Siglo XXI, 1997).

35 Eduardo Gil de Muro, *Ay, Gitano. Biografía de Ceferino Giménez Malla*, (Madrid: Biblioteca de Autores Cristianos, 1997).

36 *L’Osservatore Romano*, Special Edition, 2-V-97. – more detail would be good here, year and volume to be clarified, also, is the info from a particular article, or the introduction?

37 Urusla Tjaden, *Helios Gómez, Artista de corbata roja*, (Tafalla: Txalaparta argitaletxea, 1996).

38 Antonio Vallejo-Nájera, *Eugenésia de la Hispanidad y regeneración de la raza*, (Burgos: Editorial Española, 1937).

39 R Huertas García-Alejo, “Una nueva inquisición para un nuevo Estado: psiquiatría y orden social en la obra de Antonio Vallejo-Nájera”, in *Ciencia y Fascismo*, ed. R. Huertas and C Ortiz (Madrid: Doce Calles, 1998), 97-109.

40 Antonio Vallejo-Nájera, “Psiquismo del fanatismo marxista”, *Revista Semana Médica Española* (1939).

41 J. Fontana, *España bajo el franquismo*, (Barcelona: Crítica, 2000).

speaking, obviously Gitanos did not represent an articulated alternative to Franco's fascist ideology, but still in the public perception they were represented as deviant characters living a life based on freedom, commonality, hedonism, sensuality and leisure. To counteract the impact of liberal thinking in the field of popular culture during the last 50 years, Franco's fascist regime deployed a strong coercive and ideological device through the means of legislation and mass propaganda. Bringing back to the present the foundational myth of the birth of Spain, Franco's regime aimed to revive the spirit of social surveillance and moral control established by the Catholic Kings. In this regard, the *Law of Vagrants and Thieves* was restructured in 1943 by referring to the treatment of vagabonds, nomads, pimps and any other antisocial element. Many of the Civil Guard documents show that Gitanos were included in the category of vagrant, applied through Articles 4, 5 and 6 of internal regulations, which were in force from 1942 until 1978.⁴² Here it is specified that the Civil Guard must keep close watch on Gitanos and their movements.⁴³

Article 4

The Gitanos will be scrupulously watched, taking rigorous care to recognise all the documents they have, confront their particular signs, observe their customs, find out their way of life and whatever leads to an accurate idea of their movements and occupations, investigating the destination and the objective of their trips.

Article 5

Given the fact that this people does not have a fixed residence, it is convenient to take from them all the necessary information to prevent them from committing robberies of horses or other types.

Article 6

It is ordered that the gypsies and horse-dealers carry, in addition to the personal identity card, the patent of the treasury that authorises them to exercise the industry of horse-dealers. For each one of them they will carry a guide with the class, origin, age, iron and signs, which will be given to the buyer. The annotations that are made in this document for changes and sales will be authorised by the

mayors of the towns or by an inspector of public order in the capitals and for the flock of cattle by the municipal veterinarians. Those who do not have these documents or that examination or verification proves that they are not in order, will be arrest by the Civil Guard and sent to the competent authority as violators of the law.⁴⁴

These regulations applied special measures of surveillance and control towards the Gitanos and suspended the presumption of innocence. In practice, these measures were translated into episodes of police persecution and police brutality against the Gitanos. This official treatment was accompanied by a carefully designed strategy of mass propaganda deployed through state media, projecting a public image of the Gitanos as lazy, thieves, superstitious, antisocial, stateless, unpatriotic and sexually passionate.⁴⁵ In the folkloristic national cinema (the new machinery of mass propaganda), this repertoire of stereotypes was embodied in movies such as *Morena Cara* (1954) and *La Danza de los Deseos* (1954). Both are musical films starring the flamenco singer Lola Flores.

In the film *Morena Cara*, a young Gitana (called Trini) and her uncle, deal in a "gypsy" business: stealing hams. At the trial, the prosecutor accuses them of committing a crime, although they do not fully understand the nature of the crime and the justice applied by an "external culture". Trini ends up serving in the prosecutor's house, and the prosecutor eventually falls in love with her, enchanted with her exotic beauty and her sensual dancing skills.



Morena Cara, musical film, 1954.

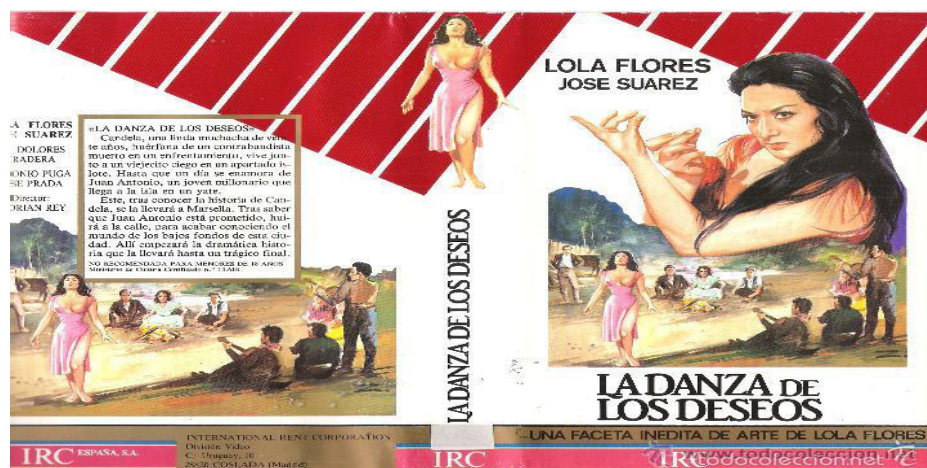
42 Boletín Oficial de las Cortes, *Proposición no de ley aprobada en el Pleno de la Cámara sobre la situación de la población gitana Española*, 12 June 1978.

43 Xavier Rothea, "Construcción y uso social de la representación de los gitanos por el poder franquista 1936-1975", *Revista andaluza de antropología. Gitanos/Roma: auto-producción cultural y construcción histórico-política* Number 7 (2014): 7-22.

44 Boletín Oficial de las Cortes, *Proposición no de ley aprobada en el Pleno de la Cámara sobre la situación de la población gitana*.

45 Rothea, X.: "Construcción y uso social de la representación de los gitanos por el poder franquista 1936-1975", 19.

In the film, *La Danza de los Deseos*, a man flees the country from the persecution of the Civil Guard in the company of his daughter. He is mortally wounded in the flight and finds shelter on an island inhabited by a blind man and his assistant. Although they help them, they cannot prevent his death. They take charge of raising the girl, who becomes an indomitable woman (strong, brave, determined, and difficult to frighten), although an expert singer and dancer.



La danza de los deseos, musical film, 1954.

As we have seen, through different ideological operations embodied in legal and visual texts, Franco's fascist regime put in practice a technique of cultural distancing towards the Gitanos, by using a double mechanism of orientalisation and criminalisation. Following this rationale, the misery of the Gitanos was portrayed as a logical result of their deviant moral condition. On the other hand, the majestic capacity of the Spanish Gitanos to perform dance, music and other hedonistic arts was portrayed as part of an oriental cultural heritage, an external cultural influence over the national identity.

Conclusions: antigypsyism as ambivalence

Ambivalence consists on an attitude in which our feelings and thoughts are both attracted and repulsed by the same subject either successively or simultaneously.⁴⁶ The phenomenon of ambivalence is composed of two contrary elements, one good and one evil, which cannot be reconciled, meaning that the constructive tendency toward synthesis and integration is perpetually obstructed.⁴⁷ In the case of the collective

attitude of the Spanish public towards the Gitanos, in the post-civil war period (1939-1959), the phenomenon of ambivalence was induced through a double technique of orientalisation / criminalisation, by provoking:

1. Fear of encountering the Gitanos and becoming a victim of a crime.
2. Fear of encountering the Gitanos and becoming one

of them: by falling victim to a spell and then being driven to adopt a Gitanos lifestyle far different from the national model of a virtuous Catholic life.

3. Fascination with encountering the Gitanos and enjoying a party with them: a moment of worldly felicity.

4. Fascination with encountering the Gitanos and becoming one of them: to join them freely and enjoy an

entire life of commonality, sensuality, exotic beauty, hedonism and leisure.

This complex attitude of ambivalence synthesises the emotional meaning attached to the national myth on the 'Gitanos world' associated with passion, criminality, beauty, magic, hedonism, music, dance, commonality and freedom. This myth already started with the antigitanos legislation produced during Spain's nation-building process. On the other hand, this phantom world was incarnated in the archetypical character of Preciosa in the novel *La Gitanilla* by Miguel de Cervantes, later re-adapted in its many repetitions and variations through the history of European operas, poems, paintings, photos and films on the "Gypsy world".

Even though antigypsyism has long historical roots, it does not mean that the history of antigypsyism in Spain is linear and continuous. Indeed, the historical construction of the public perception on the Spanish Gitanos is marked by episodes of recreation, re-appropriation and variation of a repertoire of images that imply a series of semantic ruptures within

46 Saul Rosenzweig, "The Definition of Ambivalence", *Psychology and Psychotherapy: Theory, Research and Practice* Volume 17, Issue 2 (1938): 223–226.

47 Martin Hammer, "Ambivalence and Ambiguity: David Sylvester on Henry Moore", in *Henry Moore: Sculptural Process and Public Identity*, (Tate Research Publication, 2015).

the historical construction of the meaning of the “Gitanos World” as a national myth. For instance, during the years of hegemonic liberal thinking (1890-1939), the Gitanos were portrayed as an inherent part of the national *Volksgeist*. In this cultural logic, the misery of the Gitanos was represented as a reflection of the tragic destiny of the Spanish people abandoned by their own governors. In this sense, the daily struggle of the Gitanos was portrayed on a par with the struggle of the Spanish masses. On the other hand, in the years of the hegemonic liberal aesthetic, the artistic virtues of the Gitanos were promoted as a catalyst to modernise the national culture.

In order to create a counter-model or alternative to the liberal vision of Spanish popular culture, Franco’s regime operationalised the symbolic archive of negative archetypes of the Gitanos provided, on the one hand, by historical antigitanos legislation, and on the other hand, by the repertoire of representations available in national literature, paintings and photos. Apart from the legislation that explicitly targeted the Gitanos as a potential criminal group in the post-civil war period (1939-1959),

the mechanism of othering the Gitanos was implemented through a double technique of orientalisation / criminalisation embodied in the folkloristic national cinema, especially in the movies starring the flamenco singer Lola Flores. In such a context of repression and censorship, supervised by a moral system based on ultra-conservative Catholicism, the public image of the Gitanos provoked an effect of ambivalence in the general public: fear and fascination towards the Gitanos.

This ambivalent attitude towards the Gitanos still persists in today’s Spain due to the political and intellectual taboo that covers the history of Franco’s fascist regime. As an effect of such a taboo, Spain’s intellectuals have not yet been able to research in depth the racist devices deployed during the post-civil war period. Now, in the 21st Century, in a time when a significant number of Spanish Gitanos have reached the level of university education in different fields, it is time for the Gitanos ourselves to take control over our own narrative and public image, and to deconstruct the national myth of the “Gitanos World”.

Romani Minorities in War Conflicts and Refugee Crises of the (Post)-Yugoslav Space: A Comparative Socio-Historical Perspective

DR JULIJA SARDELIĆ

Dedicated to the memory of Julijana Cener, a Romani woman who witnessed many war atrocities from World War II to the wars that followed the disintegration of the former Yugoslavia

Introduction

Throughout history there has been no war conflict started by any Romani minority or in the name of Romani identity. Yet in many different historical instances Romani individuals have been caught between the conflict of more dominant ethnic, religious or social groups. These groups were usually fighting over a territory to which Roma had not had a claim. Such a predicament of Romani minorities has been witnessed in particular on the territory of countries belonging to the former Yugoslav space. This paper focuses on the position of Romani minorities¹ and traces the conflicts that have decisively affected the territory of the contemporary post-Yugoslav states to highlight the following research question: what impact did these conflicts have on the Romani minorities and how are they positioned in the context of conflict? In order to examine this question I take a sociohistorical approach² to analysis of the position of Romani minorities in connection to war conflicts in the post-Yugoslav area.

In the first part of the paper, I examine how different wars between historical empires such as the Ottoman and other surrounding Empires (i.e. the Holy Roman Empire, mostly in the area of the Habsburg monarchy, but also later on the Austro-Hungarian Empire) as well as medieval kingdoms (the Kingdom of Hungary, Kingdom of Serbia, etc.) affected Romani minorities on their territories. I show that during these wars Romani individuals often had to migrate, fleeing from war frontlines and not because of their 'nomadic culture'. Yet the perception of the problematic 'nomadic culture' had an effect on their position in the societal structure of both empires in the aftermath of war conflicts.

In the second part of the paper, I focus on the war conflict that had an immense impact on the position of Roma:

World War II. In this analysis I also include interviews with Romani individuals who survived and witnessed this war, and testimonies of their children, who were affected after the conflict ended. I particularly focus on the impact World War II had on Romani individuals (and their families) who either fought alongside other Yugoslav partisans or ended up as concentration and labour camp detainees.

Thirdly, I highlight subsequent and overlapping war conflicts after the disintegration of Socialist Yugoslavia. I also study these conflicts through the perspective of Romani individuals who I interviewed during my research. In this context I comparatively examine, how in different post-Yugoslav war conflicts (in Croatia, Bosnia and Herzegovina and Kosovo) the position of Romani individuals was in the long-run the most affected in each so-called 'someone else's war'.

In the last part of the paper, I investigate how Romani minorities were affected by the last refugee crisis in 2015/16. Here the conflict was not taking place within the post-Yugoslav space, but did affect it significantly with more than half a million refugees passing through its territory. I underline that the last refugee crisis also affected Romani individuals since it shifted the whole perception of diversity within the post-Yugoslav space.

I argue in this paper that all these examples show certain patterns on how Romani individuals were treated in war conflicts and their aftermaths. On the basis of these patterns I make and examine three general claims about the position of Romani minorities in conflict, which are as follows:

a. *A buffer zone and collateral damage between two fires:* Although Romani minorities have ever started a war conflict or had claims over territory, they often end up

1 In my work I usually use the term Romani minorities to acknowledge the plurality of different Romani identities. See: Julija Sardelić, "Romani Minorities and Uneven Citizenship Access in the Post-Yugoslav Space", *Ethnopolitics* 14:2 (2015): 179-199.

2 A similar approach has been taken by historians such as Natalie Zemon Davis and Eric Hobsbawm. I have chosen the sociohistorical approach, because it is unique in a sense that it does not consider only 'top-down' official histories, but also includes histories that were for many different reasons marginalised. The history of Romani minorities and their position is definitely one of the most marginalised.

victims caught ‘between two fires’ (to use the wording of Alaina Lemon)³ of more dominant groups. In many cases, they find themselves in a ‘buffer zone’ between these two opposing sides and end up being victims of both, frequently described as ‘collateral damage’ of the conflict and its aftermath. This was possible because they were never treated as equals to the two sides in conflict (not even by those who they sided with).

- b. *Unrecognised and invisible victims and fighters*: While they often ended up as victims of war conflicts, they remained invisible⁴ or unrecognised as such. They also ended up as a part of many refugee crises in the post-Yugoslav space without gaining a proper refugee status or without compensation as war victims (such as concentration camp detainees). In addition, even when they become fighters on the ‘winning side’, the contribution of Romani individuals is usually not properly acknowledged.
- c. *Perceived as a local population siding with the enemy (internal traitors)*: Instead more dominant groups regularly legitimise violent attacks towards Romani individuals with their own perception that Romani minorities sided with their enemies, despite being a local population. We can find such argumentation present on both sides.

I conclude that Romani minorities remain the most neglected victims of many conflicts, as often in the perception of the perpetrators Roma do not count as victims or attacks towards them are perceived as justified. Such logic affects Romani minorities not only directly in the war conflict or its immediate aftermath, but also has long-term consequences that significantly marginalise them and place them in a severely disadvantageous position in all spheres of society.

Roma in the conflict of kingdoms and empires

To the present day in the popular culture of majority populations (and more dominant minority groups), Roma are

perceived as having an inherent characteristic of nomadism. However, there is very little discussion outside academic circles on how their migration was misinterpreted as nomadism.⁵ According to the available historical data, mobility and migration of Romani minorities was in many instances forced. As shown by linguistic and historical evidence, the first Romani minorities migrated to the Balkans (then the Byzantine Empire) as early as the 7th century, due to different war conflicts in Asia⁶ (e.g. the Arab invasion of India). Using contemporary terminology,⁷ since many Romani individuals were caught between two sides in conflict they could be identified as refugees, as they fled their own country because of war. Although other factors also contributed to their migration, this one is usually neglected.

Later on the position of Roma is strongly connected to the rise and war conquests of the Ottoman Empire. Although they were present in the territory of post-Yugoslav states before the expansion of the Ottoman Empire, Romani individuals were often designated as internal enemies by the non-Turkish local population. However, such designation was primarily based on mythical perceptions rather than historical facts. For example, in the battle of Kosovo in 1389, one of the most prominent antagonist, perceived as a traitor of Serbian prince Lazar, was, according to one of the legends, descendent from the local Montenegrin Gypsies.⁸ Although historians dispute that Vuk Branković was in fact a traitor and even more so that he was in any way connected to the local Romani populations, these myths still persist among the majority populations in the region.

In many different sources, especially in south Slavic literature,^{9,10} Romani tribes were considered as an interlink between the local South Slavic population and the Ottoman army, who were in conflict. In the first instance, the local south Slavic population saw the migration of Romani groups as a ‘bad omen’ signalling that the Ottoman army

3 Alaina Lemon, *Between Two Fires* (Durham: Duke University Press, 2000).

4 Gëzim, Krasniqi, “Equal Citizens, Uneven Communities: Differentiated and Hierarchical Citizenship in Kosovo”, *Ethnopolitics* 14:2 (2015): 197-217.

5 Yaron Matras, “Romani Migration in the Post-Communist Era: Their Historical and Political Significance”, *Cambridge Review of International Affairs* 12:2 (2000): 32-50.

6 Elena Marushiakova & Vesselin Popov, *Gypsies in the Ottoman Empire* (Hertfordshire: University of Hertfordshire Press, 2001), 11.

7 The 1951 UN Convention Relating to the Status of Refugees defines a refugee as a person who is fleeing their own country due to well-founded fear of persecution, available at: <http://www.unhcr.org/3b66c2aa10>.

8 David Crowe, *A History of the Gypsies of Eastern Europe and Russia* (New York: Palgrave MacMillan, 2007), 196.

9 Josip Jurčič, *Jurij Kozjak* (Ljubljana: Študentska Založba, 2013).

10 Rado Murnik, *Lepi janičar* (Ljubljana: Mladinska Knjiga, 1996).

is not far behind. In different Ottoman wars Romani individuals were seen as internal traitors who harm the local population, for example by conducting a form of human trafficking of local youth to be incorporated into the Ottoman janissaries. There is again no real historical proof of Roma being such a link, but these kinds of stories did consequently contribute to the stigma and discrimination of Romani individuals. Under Ottoman rule, the South Slavic population perceived Roma as doing 'dirty work' for the Ottoman overlords, such as the execution of local inhabitants. Roma as Ottoman executors were also described in the famous novel of Ivo Andrić *The Bridge over Drina*.¹¹

These literary accounts also have very little connection to historical evidence. However, what was historically accounted for was the fact that some Romani groups did do certain auxiliary works] for the Ottoman army, as messengers or as producers and maintainers of weapons. Yet as Zoltan Barany noted, their contribution was not fully acknowledged:

"An important and somewhat under-appreciated element of the Gypsies' occupational history is their involvement in military endeavours. The Roma were not only master gunsmiths; they were also respected soldiers in many European states. In the Ottoman Empire a considerable number of Roma provided services to the Turkish administration, especially to the military."¹²

Although some Romani individuals were aligned with the Ottoman army and did take Islam as their religion, this did not give them special minority protection status. In the Ottoman Empire, they were hierarchically positioned at best. Despite the fact that many Romani groups did convert to Islam, they still had to pay a non-Muslim tax¹³ as other Muslim populations perceived them as not proper Muslims.¹⁴ In the same period, in the Habsburg monarchy many Romani

migrants fled from wars or from slavery in some parts of the Ottoman Empire, such as Romania.¹⁵ Yet Habsburg authorities interpreted the fact they were migrating as an internal characteristic rather than recognising them as victims of war. Since this was not taken into account, strong assimilation policies were introduced with the aim of turning Roma into peasants.¹⁶ It almost goes without saying that such policies were doomed to fail since they addressed the wrong issue and misrecognised the position of Romani minorities.

With the fall of the European empires and the World War I, the position of Romani minorities did not improve significantly, but more or less stagnated or worsened due to the growing nationalism of dominant ethnic groups. However, the most crystal form of how conflicts affect Roma happened later on – during World War II.

World War II and its aftermath

As stated in one of the claims of this paper, Roma were often caught between two fires and were never recognised as equal, but placed in a hierarchical position. These hierarchies went to extremes during World War II, where they translated into mass persecution and extermination of Romani minorities. Albeit to a large extent still unrecognised, this fate was largely shared by Romani minorities on the former Yugoslav territories, particularly in present-day Croatia, Slovenia and Bosnia and Herzegovina. According to David Crowe, many Muslim Roma in Bosnia were closely aligned with Croats before World War II, as were other Muslims in Bosnia. However, this did not protect them from becoming one of the greatest victims of the inter-war Nazi puppet state of Croatia.¹⁷ As historical researcher indicate, World War II was critical moment in Romani history. This was additionally confirmed by many Romani individuals interviewed during my PhD research,¹⁸ one of the critical moments in Romani history. Julia, who I

11 Ivo Andrić, *Na Drini* (Zrenjanin, Sezam Books, 2011), original publication date: March 1945.

12 Zoltan Barany, "The East European Gypsies in the Imperial Age", *Ethnic and Racial Studies* 24:1(2000): 56.

13 Barany, "The East European Gypsies in the Imperial Age", 57

14 Crowe, *A History of the Gypsies of Eastern Europe and Russia*, 198.

15 Barany, "The East European Gypsies in the Imperial Age", 52.

16 Barany, "The East European Gypsies in the Imperial Age", 57.

17 Crowe, *A History of the Gypsies of Eastern Europe and Russia*, 213.

18 All the names of the interview are pseudonyms in order not to reveal personal identities. I conducted these interviews during my PhD research and the research for the Project ROKIC DROM (with Miro Samardžija nad Ksenija Vidmar Horvat). The research was conducted between 2010 and 2012. For more, see: Julija Sardelić, *Cultural Representations of Minorities: Roma in Slovenia Before and After Its Independence* (PhD Thesis in Slovenian), (University of Ljubljana, 2013).

interviewed in April 2010, survived World War II. She lived in the North-east of Slovenia, which was occupied by the Hungarian army during World War II. According to her, the atrocities against Roma did not begin only when they were taken to labour camps or concentration camps. She stated that the local Romani population was to a great extent cooperating with partisan troops. During this time, a group of local Roma was captured by the Hungarian army, because they were suspected of cooperation with the partisans. They were tortured in order to reveal where the partisans were. In Julia's words "first, they put hot spikes under their fingernails, and when they didn't tell, they had to themselves dig a whole, where they would be buried". The same story was confirmed by Liza, who was an infant during World War II but whose father was among the Roma who were killed during that particular torture session. According to some scholars,¹⁹ the holocaust towards Roma was not organised in a way as it was towards the Jews and it was even doubted whether it was as racially based as it was towards the Jewish populations. However, these debates cannot diminish the fact that the war atrocities towards Roma as a collective did occur: even when they were on the local level, as Julia and Liza describe, they were not on a small scale. Roma were victims during World War II from multiple perspectives: first, as targets of Nazi ideology, and secondly because they were very often allied with the partisans.

Yet as Danijel Vojak argues, the position of Romani minorities was marginalised,²⁰ not perceived as important and therefore often left unrecognised. According to David Crowe,²¹ Tito did in one of his speeches acknowledge that Roma were indeed a part of the anti-fascist battle and considered rewarding them with an autonomous zone in Macedonia. However, in none of the legal documents, such as the Yugoslav Constitution, was this ever acknowledged as it was for other groups that were given the status of a nation or a nationality. This affected the everyday lives of Romani individuals who survived the Second World War as well as their children. During an interview in January 2012, Lili stated that his father was held in a labour camp in Sárvár, Hungary. Afterwards he escaped from the camp and joined

the Yugoslav partisans. After the war, his family settled in the northeast of Slovenia in an informal settlement. Lili remembered that his mother wanted to vote in the local elections, which at first was not allowed because they did not have a registered residence. However, according to Lili, she was allowed to vote when authorities recognised that her husband was a part of the partisan army. In March 2010, I co-interviewed Bisa from Međimurje county, whose parents both survived the concentration camps, but died later: her mother returned from Dachau and her father from Jasenovac. She remembers from the stories of her parents how many Romani settlements in Međimurje were emptied and devastated during World War II. However, little memory of this was preserved among the majority population after the war. Bisa's parents had to fight for compensation as concentration camp survivors for decades, because there was disbelief that so many Roma were in concentration camps. Bisa remembered one of the commemorations of Jasenovac, where Roma were not explicitly mentioned as victims, but when she looked at the names of those killed in the concentration camps, she stated there were "kilometres and kilometres of our last names".

Roma were until recently very frequently the invisible victims of the holocaust in the former Yugoslav area. Even in cases when they were recognised, they were not acknowledged and usually did not get proper compensation. It is only in the last decade that the fact they were one of the most targeted victims of the Second World War is getting more recognition, including in academic literature.²² Ironically enough, the fact that Roma were a target of a Nazi ideology was not only forgotten by extreme right wing groups, but also mainstream politicians, who up until the present day wish that Hitler had finished their work with Roma²³.

Positioning Roma in connection to the Post-Yugoslav conflicts

There has been an increase in scholarly literature dealing with the position of Roma in connection to the post-Yugoslav

19 Sevasti Trubeta, "Gypsiness", Racial Discourse and Persecution: Balkan Roma During the Second World War", *Nationalities Papers* 31: 4 (2004), 495-514.

20 Danijel Vojak, "Romi – marginalci u hrvatskoj prošlosti i sadašnjosti i/ili europskoj budućnosti", available at: <http://www.imin.hr/documents/10156/25114/rad+Romi+marginalci.pdf>.

21 Crowe, *A History of the Gypsies of Eastern Europe and Russia*, 222.

22 See Trubeta, "Gypsiness", Racial Discourse and Persecution".

23 "Independent French MP avoids jail after saying Adolf Hitler 'maybe didn't kill enough' Roma gypsies", available at: <http://www.independent.co.uk/news/world/europe/french-mp-avoids-jail-after-saying-adolf-hitler-maybe-didnt-kill-enough-roma-gypsies-9083781.html>.

conflicts, by many different authors including Perić and Demirovski,²⁴ Sigona²⁵ and Sardelić.²⁶ Many of these works focused on the position of Romani minorities as refugees and internally displaced persons with irregular migrant status. Yet here I will highlight some of the aspects in connection to the post-Yugoslav wars that have previously not been discussed. Previous scholarly work does position Roma as being caught between two fires and competing nationalist projects. However, it discusses to a lesser extent the involvement of Roma in the conflict as well as their positioning as victims. Most public discussions never acknowledged that Roma fought alongside the winning side. For example, according to widely unknown data,²⁷ 2000 Romani individuals were soldiers in the Croatian army. In 2010 I interviewed one of them, who claimed that the Romani contribution to the so-called Croatian homeland war was never properly acknowledged, thereby contributing further to the discrimination and segregation of Roma.²⁸ Roma were not acknowledged, since the imagery of a Roma fighter did not fit the nationalist project of a unified (ethnic) nation. Similarly, as in the war in Croatia Roma were also part of the BiH Army, where they even had their own brigade, called 'garava brigada' (the swarthy brigade).²⁹ Although most members of the BiH Army were Bosniaks, it was more diverse than the Croatia army and the fact that Roma were a part of this army got more recognition. Yet they were not recognised as victims of ethnic cleansing. In pre-war Bosnia and Herzegovina, most Roma lived on the territory of the present-day Republika Srpska from which they were expelled, and very few returned to their previous homes. Roma were not only the victims of ethnic cleansing, but also suffered a similar faith as Bosniaks during the massacres in Srebrenica, as most of them were Muslim. According to a high-ranking Bosnian official of Romani origin, who I interviewed in December 2012, Roma as victims of Srebrenica were never

properly recognised. This contributes to their marginalised position after the war.

However, an assumption that Romani minorities were victims of only the non-Muslim majority population in the former Yugoslav territory is too simplistic if we consider the war in Kosovo. Many Muslim Roma in Kosovo ended up fleeing from the Albanian Kosovar army because they were seen as traditionally aligned with the Serbian minority. On the other hand, Romani minorities such as Ashkali and Egyptians were perceived as aligned with the Albanian majority.³⁰

The aftermath of the post-Yugoslav wars

The post-Yugoslav conflicts had many long-term effects on Roma in the post-Yugoslav space. For example most of the Roma from Kosovo are not able to return to their previous homes because of lack of documentation and access to their citizenship, as well as a well-founded fear of persecution.³¹ According to Biljana Đorđević, the fact that up until 2014 the lowest percentage of Romani individuals (in comparison to other communities) were able to return to Kosovo is a part of a selective politics of return, giving priority to certain ethnic groups and their return over others, including Roma. Many Roma remain displaced in neighbouring countries such as Serbia, Montenegro and the Republic of Macedonia. Their status as displaced persons is extremely precarious since they have difficulties accessing citizenship as they are caught in post-conflict politicised juggling.³²

Furthermore, as they were not recognised as victims of war conflicts in Bosnia Roma were not given any significant political power with the Dayton Agreement and the Bosnian Constitution. As the *Sejdić and Finci v. Bosnia and Herzegovina* case³³ demonstrated, Romani individuals (alongside other

24 Tatjana Perić and Martin Demirovski, "Unwanted: The Exodus of Kosovo Roma (1998-2000)", *Cambridge Review of International Affairs* 13:2 (2000).

25 Nando Sigona, "How Can a Nomad be a Refugee?", *Sociology* 37:1 (2003): 69-79.

26 Sardelić, "Romani Minorities and Uneven Citizenship Access in the Post-Yugoslav Space".

27 "Romi branitelji u borbi za Hrvatsku", available at: <http://vojnapovijest.vecernji.hr/romi-branitelji-u-borbi-za-hrvatsku-1024285>.

28 "Romi u Bosni i Hercegovini", available at: http://www.gfbv.ba/index.php/Romi_BiH.html.

29 "Romi su bili dio armije Bosne i Hercegovine: Gdje su danas momci iz garave brigade", available at: <http://faktor.ba/romi-su-bili-dio-armije-bosne-i-hercegovine-gdje-su-danas-momci-iz-garave-brigade/>.

30 For details on Roma in Kosovo see the ERRC publication, available at: <http://www.errc.org/cms/upload/file/abandoned-minority-roma-rights-history-in-kosovo-dec-2011.pdf>.

31 Biljana Đorđević, *Politics of Return, Inequality and Citizenship in the Post-Yugoslav Space*, CITSEE Working Paper 2013/29, (Edinburgh: University of Edinburgh, 2013), available at: http://www.citsee.ed.ac.uk/working_papers/files/CITSEE_WORKING_PAPER_2013-29.pdf.

32 Sardelić, "Romani Minorities and Uneven Citizenship Access in the Post-Yugoslav Space".

33 European Court of Human Rights, *Sejdić and Finci v. Bosnia and Herzegovina*, Application no. 27996/06, 22 December 2009, available at: <http://hudoc.echr.coe.int/eng?i=001-96491>.

minorities and others in Bosnia and Herzegovina) cannot run for presidency, where seats are reserved for three constitutive nations - Croatian, Serbian and Bosniak - three sides of the former Bosnian conflict.

Due to the fear of post-conflict persecution besides the disadvantageous socio-economic situation, many post-Yugoslav Romani individuals tried to seek asylum in the old European Union Member states, especially after visa liberalisation took place for most countries in the Western Balkans.³⁴ Following the visa liberalisation process, many EU Member States added non-EU post-Yugoslav states to their 'safe countries of origin' lists. To a large extent, by this political act, they fail to recognise that someone, especially a member of a vulnerable minority, can still be persecuted even after the conflict has ended.³⁵

The impact of the conflict outside: the 2015/16 refugee crisis and Romani minorities along the Western Balkan Route

During the 2015/16 refugee crisis many Post-Yugoslav states, such as Slovenia, Croatia, Serbia and Macedonia, made up large parts of the Western Balkan Route. Almost a million migrants and refugees passed through these countries in order to seek asylum in destination states such as Germany. Although post-Yugoslav countries are not part of the Syrian conflict, I claim that it did have indirect effects on them as well as on the marginalised minorities residing in them. The refusal rates of asylum seekers from Western Balkan countries grew higher in comparison to those seeking asylum from the Middle East. The main argument for including Western Balkan countries within the list of safe countries of origin (not only on the national level but also EU level) is that the war conflict is over and these countries are stabilising in comparison to countries where conflict is still taking place. While the assessment of countries on the Western Balkan route might be accurate, the practice of refusing the claims of most asylum seekers from these countries is still problematic, especially in the case of Romani minorities, who can still prove a well-founded fear of persecution. It is questionable in these

cases whether the asylum claims are judged on the individual or collective level based on the country of origin.³⁶

Among other things, the refugee crisis also showed how Roma even in post-conflict former Yugoslav states remain on the margins of their countries and societies. A media report on a 3-year old girl lost in Croatia during the refugee crisis demonstrated that clearly.³⁷ At first different NGOs and state authorities thought that the girl was part of a refugee group that passed through Croatia. For a month, they tried to speak different languages like Farsi, Arabic and Turkish to her, only to realise later that the girl responded to the local Romani language spoken by the Bayash group of Roma. Interest in this girl very rapidly decreased when the incident showed that both local authorities as well as NGOs had failed to recognise the possibility that the girl spoke the language of one of the largest minorities, which is invisible in Croatian society.

Conclusion

It can be concluded that although Roma are marginalised actors in different war conflicts, they are not marginal victims of these conflicts. However, as these conflicts are not being fought in their name or for their benefit, they are mostly not recognised as victims. The fact that they are not being recognised as victims and that attacks towards them are being justified as 'collateral damage' perpetuates not only their marginalised position, but also antiziganism in social structures during peaceful times. Much legitimisation for hate crime towards Roma in the present comes from different war ideologies. Therefore, the position of Roma during conflicts (and in their accompanying ideologies) needs to be studied more, and taken into account by different policy makers. If neglect of the position of Roma in war conflicts continues, their serious position in peace will also not improve. This is most certainly the case for the Romani minorities from the post-Yugoslav space. As they remain unrecognised victims of many war conflicts, they remain targeted by inappropriate policies: most recently, as an effect of the refugee crisis, these policies have also included (in)voluntary returns to places where Roma can still be victims of attacks even in times of peace.

34 Simonida Kacarska, *Europeanization Through Mobility: Visa Liberalisation and Citizenship Regimes in the Western Balkans* CITSEE Working Paper 2012/21 (Edinburgh: University of Edinburgh, 2012), 6, available at: http://www.citsee.ed.ac.uk/__data/assets/pdf_file/0003/108912/374_europeanisationthroughmobilityvisaliberalisationandcitizenshipregimesinthewester.pdf.

35 ERRC, *Abandoned Minority: Roma Rights History in Kosovo* (Budapest: 2011).

36 *Going Nowhere?: Western Balkan Roma and EU Visa Liberalisation*, *Roma Rights Journal* 1/2014.

37 "Aktivisti: Pronađena djevojčica je Romkinja", available at: <http://balkans.aljazeera.net/vijesti/aktivisti-pronadena-djevojcica-je-romkinja>.

Prosecuting War Crimes against Roma in the Yugoslav Wars: The Case of Skočić (Zvornik V) at the Serbian War Crimes Tribunal

KATHLEEN ZEIDLER

Introduction

In September 2016 the case of Skočić (Zvornik V / Sima Bogdanović et al.) was in the media again, when the only survivor of the massacre in 1992 had to identify his brother and sister, who were exhumed from a mass grave.¹ The massacre of the Romani population in the Eastern Bosnian village of Skočić, close to Zvornik, took place in the summer of 1992 during the war in Bosnia and Herzegovina². This mass crime, which ended with the execution of around 30 Roma civilians including women and children, was one of several incidents of violence against Roma civilians during the armed conflict in Bosnia. The indictment included allegations of sexual violence such as rape and sexual assault. Still, very few cases of war violence against Roma reached any court, the only one for crimes in the war in Bosnia being the Skočić case. This makes the analysis of the Skočić case especially fruitful. This article focuses on the question of what role the fact that the victims belonged to the Roma community played, and on the intersection with sexual violence. Central to this study will be the analysis both of the trial as well as media reporting on the case in Serbia and in Bosnia and the reaction of the public to the case. The study is based on written sources about the trial: the indictments and judgments, as well as the testimonies of witnesses and the accused in court. The second group of sources is reports from (online) newspapers in Serbia and Bosnia reporting on the trial, and readers' comments on these reports. The hypothesis of this article is that reports in both Bosnia and Serbia as discursive

communities integrate reports about the case into their general narrative about the wars.

In addition, the Skočić trial is an opportunity to make Roma visible as victims in the Yugoslav wars and could become a precedent for further investigation and prosecution of war crimes against Roma. Up until now, crimes against Roma were rarely prosecuted, as is shown in a short overview of war crime prosecutions prior to this case.

Prosecuting war crimes against Roma prior to the 1990s

The largest crime committed on Roma in history is the *Porajmos*, the genocide on Roma during World War II, committed by Nazi Germany and its allies. Victims included not only the Roma and Sinti in Germany proper, but also European Roma in the countries occupied by the German Reich (such as Serbia) or where they installed collaborative regimes (such as the Independent State of Croatia).³ Although there is no doubt about the racist Nazi regime and their crimes against Roma (and Sinti), these mass crimes against the so-called "*Zigeuner*" did not gain much attention in the remembrance of World War II. At the centre stood the Holocaust, and this genocide, especially in Germany itself, recently became the central *lieu de memoir* of the period 1933-1945. Alongside this the *Porajmos* was not visible. It was even called the "forgotten Holocaust"⁴ or a "denial due to neglect" by some scholars.⁵ This is also due to the continuing racist assumptions about Roma in post-war societies.

1 A.K., "Jedini preživio stravičan masakr: Zijo Ribić danas identifikovao brata i sestru" [The only one who survived the terrible massacre: Zijo Ribić today identified brother and sister], *klix.ba*, 30 September 2016, available at: <https://www.klix.ba/vijesti/bih/jedini-prezivio-stravican-masakr-zijo-ribic-danas-identifikovao-brata-i-sestru/160930066>; "Zijad Ribić identificirao dvogodišnjeg brata i trogodišnju sestru" [Zijad Ribić identified 2-year-old brother and 3-year-old sister], *Oslobodjenje*, 30 September 2016, available at: <http://www.oslobodjenje.ba/vijesti/bih/zijad-ribic-identificirao-dvogodisnjeg-brata-i-trogodisnju-sestru/181615>.

2 When the article is using the short version "Bosnia", it always refers to the Bosnia-Herzegovina as a whole, the same also counts for the adjective "Bosnian".

3 See e.g. Dennis Reinhartz, "Unmarked Graves: the Destruction of the Yugoslav Roma in the Balkan Holocaust, 1941-1945", *Journal of Genocide Research* Number 1 (1999): 81-89; Milovan Pisarri, *The suffering of the Roma in Serbia during the Holocaust* (Belgrade: Forum for Applied History, 2014).

4 Reinhartz, *Unmarked graves*, 82.

5 Henry R. Huttenbach, "The Psychology and Politics of Genocide Denial: a Comparison of Four Case Studies", in *Studies in Comparative Genocide*, ed. Levon Chorbajian and George Shirinian (New York: Palgrave Macmillan, 1999). See also Guenter Lewy, "Gypsies and Jews under the Nazis", *Holocaust and Genocide studies* Volume 13 Number 13 (Winter 1999): 383-404, 383, who is in general rejecting the term "genocide" for the Nazi treatment of the Roma.

The same applies for the prosecution of crimes against Roma during World War II. In international tribunals it was indeed accepted that Roma were one of the target groups of Nazi racist ideology and practice. The indictment at the International Military Tribunal in Nuremberg states: “They [the Nazis] conducted deliberate and systematic genocide, the extermination of racial and national groups, against the civilian populations of certain occupied territories in order to destroy particular races and classes of people and national, racial, or religious groups, particularly Jews, Poles, and Gypsies and others.”⁶ Also in the opening statement for the so-called *Doctors’ Trial*/Roma were mentioned among the victims: “For the most part they are nameless dead. To their murderers, these wretched people were not individuals at all. They came in wholesale lots and were treated worse than animals. They were 200 Jews in good physical condition, 50 gypsies, 500 tubercular Poles, or 1,000 Russians.”⁷ But not one *Rom/nja* was invited to testify at the Nuremberg Trials or subsequent trials on German war crimes. In the final judgment of the Nuremberg Trials Roma were not mentioned anymore.⁸ Furthermore, in documents of the Allies Roma were sometimes not even explicitly mentioned as a victim group, or were subsumed to the vague category of “and others.”⁹ In the thousands of Nazi crimes lawsuits in German domestic courts the picture is no different. The number of trials which mentioned crimes against Roma is marginal. Even if these crimes were mentioned, they were not considered. There were only two proceedings which dealt explicitly with crimes against Roma: the so-called *Berleburger*

Zigeuner-Prozess (1948/49, 1951) ended with acquittal and/or short sentences, while the trial against Ernst-August König, who was SS-leader in the *Zigeunerlager* (camp for “Gypsies”) in Auschwitz-Birkenau, ended with life imprisonment. This trial, in 1991, was the first one before a German court which allowed testimony of Romani witnesses/victims.¹⁰ However, during the Yugoslav war crimes trial against Andrija Artuković in 1986 at the District Court of Zagreb, Romani witnesses were invited.¹¹ This trial against the interior minister of the Independent State of Croatia ended with a death sentence for the accused, because his activities “stemmed from his ‘Ustaša’ orientation, by which persecutions, concentration camps and mass killings of Serbs, Jews, Gypsies, as well as Croats who did not accept the ideology, were a part of the implementation of a program of creating a ‘pure’ Croatia.”¹²

After World War II Roma were also excluded from the right to restitution, because Federal German authorities denied that Roma were persecuted due to racist reasons.¹³ After a small step in this direction in 1963¹⁴, restitutions became possible in small amounts only in 1979, when the West German Federal Parliament declared that the Nazi persecution of Roma was based on racial grounds and Roma survivors were allowed to claim for restitution in a form of a one-time payment.¹⁵ The official acceptance of the *Porajmos* as genocide by the Federal Republic of Germany followed only in 1982 with a speech by Chancellor Helmut Schmidt.¹⁶ In August 2016, an agreement between the German Ministry

6 “Indictment”, in: International Military Tribunal Nuremberg, *Trial of the major war criminals before the International Military Tribunal. Nuremberg 14 November 1945 – 1 October 1946*, Volume 1: Official Text in the English Language (Nuremberg, 1946), 43-44, available at: https://www.loc.gov/rr/frd/Military_Law/pdf/NT_Vol-I.pdf.

7 Opening statement of the prosecution by Brigadier General Telford Taylor, 9 December 1946 (Excerpts from trials of war criminals before the Nuremberg Military Tribunals under Control Council Law No. 10. Nuremberg, October 1946 – April 1949. Washington D.C.: U.S. G.P.O. 1949-1953), available at: <https://www.ushmm.org/information/exhibitions/online-exhibitions/special-focus/doctors-trial/opening-statement>.

8 See: International Military Trials Nürnberg, *Nazi conspiracy and aggression. Opinion and judgment* (Washington: United States Government Printing Office, 1947), available at: https://www.loc.gov/rr/frd/Military_Law/pdf/NT_Nazi-opinion-judgment.pdf.

9 Reinhartz, *Unmarked graves*, 87. Exemplary, Reinhartz is referring to Allied intelligence reports like Great Britain’s Foreign Office Weekly Political Intelligence Summaries, or Correspondence of the Foreign Office (footnote 27, p. 89).

10 See Stephanie Wolfe, *The Politics of Reparations and Apologies* (New York: Springer, 2014) (= Springer Series in Transitional Justice 7), 131.

11 See Jovo Popović, *Suđenje Artukoviću i što nije rečeno* [The trial against Artukovic and what was not said] (Zagreb: Stvarnost, 1986), 129.

12 Artuković, Zagreb District Court Doc. No. K-1/84-61, 14 May 1986, cited in Ken Roberts, “Striving for Definition: the Law of Persecution from its Origins to the ICTY”, in *The Dynamics of International Criminal Justice. Essays in Honour of Sir Richard May*, ed. Hiram Abtahi and Gideon Boas (Leiden: Nijhoff Publishers, 2005), 257-300, here 267.

13 In a statement of the Interior Ministry of Württemberg from May 1950 is stated: “It should be borne in mind that Gypsies have been persecuted under the Nazi not for any racial reason but because of an asocial and criminal record.” See Wolfe, *Politics of Reparations and Apologies*, 123.

14 The Federal Supreme Court decided in a case concerning deportations in Poland in 1940, that these were “at least partially related to race”. With this judgment, Romani victims got the permission to ask for restitutions for acts of persecution that happened after December 1938. *Ibid.*, 125.

15 *Ibid.*, 127.

16 *Ibid.*

for Finance and the Foreign Ministry of the Czech Republic decided on compensation for survivors of the *Porajmos* in the Czech Republic.¹⁷ This agreement, which will give 2,500 EUR to each of the handful of survivors, was greeted as a symbolic acknowledgment, but also criticised for its delay and the low amount awarded.¹⁸ However, this agreement has already led to renewed claims from Romani victims from the former Yugoslavia and other regions of “*romocide*”.¹⁹

A similar situation can be found in the recent conflict history of the Balkans.

War crimes against Roma in the Yugoslav wars and their prosecution

Although Roma as an ethnic group were not one of the conflict parties in the Yugoslav conflict, as (minority) citizens of the Yugoslav republics they were involved in the conflict. Rather than belonging to only one of the conflict parties, Roma soldiers fought in all three armies in Bosnia, and as civilian inhabitants they were also victims of war crimes.²⁰ Due to the lack of (international) attention, very little is known about Roma victims in the Yugoslav wars. Some (local) initiatives have tried to work on the appraisal of this chapter of history, as for example the Bosnian Non-governmental

organisation (NGO) *Budi moj prijatelj* (Be my friend) and the German *Gesellschaft für bedrohte Völker* (Society for Threatened Peoples), which collected testimonies about the war in Bosnia.²¹ The information collected by scholars about Roma in the Bosnian war is rather scarce.²² As military veterans and invalids, Roma have difficulty in getting benefits because they do not belong to one of the constituent nationalities of Bosnia, and as victims they have difficulties in accessing legal justice in the form of war crimes trials.²³ Until now, the Skočić case is the only one – before either international or local courts – which deals with Roma victims during the war in Bosnia and Herzegovina. Crimes in Kosovo, such as the mass persecution and expulsion of Roma by Kosovo Liberation Army (KLA) forces, received more attention from international NGOs. Kosovo Albanians accused the Kosovo Roma, Egyptian and Ashkali (RAE) population of collaborating with the Serbs, which lead to expulsion from their homes and other crimes on a large scale.²⁴ Darko Trifunović even called these crimes “genocide”.²⁵ The Romani population of Kosovo received special attention from international NGOs when it was discovered that they were – with the knowledge of the United Nations Interim Administration Mission in Kosovo (UNMIK) – settled as internal displaced persons (IDPs) in so-called refugee camps situated on lead-poisoned soil.²⁶ The role of international peacekeepers like

17 “Germany to pay compensation to remaining victims of Roma Holocaust”, *Radio Prague*, 5 August 2016, available at: <http://www.czech.cz/en/Nouvelles/Germany-to-pay-compensation-to-remaining-victims-o>; “70 Jahre nach Kriegsende: Tschechische Roma sollen entschädigt werden”, *Tagesschau.de*, 5 August 2016, available at: <http://www.tagesschau.de/ausland/roma-holocaust-101.html>.

18 Daniël Kretschmar, “Kommentar Entschädigung für Roma: Ein preisgünstiger Völkermord”, *taz.de*, 7 August 2016, available at: <http://www.taz.de/15329237/>.

19 V. Crnjanski Spasojević, “Romi iz Srbije traže odštetu za Holokaust” [Roma from Serbia are claiming compensation for Holocaust], *Večernje novosti*, 15 August 2016, available at: <http://www.novosti.rs/vesti/naslovna/drustvo/aktuelno.290.html:620226-Romi-iz-Srbije-traze-odstetu-za-Holokaust>.

20 See Gordana Sandić-Hadžihanović, “U ratu smo bili Romi, a sada smo opet Cigani” [In the war we were Roma, now we are Gypsies again], *Radio Slobodna Evropa* [Radio Free Europe], 31 August 2016, available at: http://www.slobodnaevropa.org/a/plp_ratni_zlocini_romi/24309165.html.

21 Boris Pupiće, *Svjedočenja pripadnika romske populacije o stradanjima u proteklom ratu* [Testimonies of members of the Romani population about the suffering in the recent war] (Sarajevo, 2009); Društvo za ugrožene narode, *Romi Bosne i Hercegovine* [Society for Threatened Peoples: The Roma in Bosnia-Herzegovina], available at: http://www.gfbv.ba/index.php/Romi_BiH.html.

22 See for example Judith Latham, “Roma of the former Yugoslavia”, *Nationalities Papers* Volume 27 Number 2 (1999): 205-226, here 213-217 [chapter about Bosnia].

23 See Saida Mustajbegović, “Žrtve na koje su svi zaboravili” [Victims that are forgotten by everyone], *Justice Report*, 2 August 2007, available at: <http://www.justice-report.com/bh/sadr%C5%BEaj-%C4%8Dlanci/%C5%BERTve-na-koje-su-svi-zaboravili>.

24 See for example Emily Shaw, “Unprotected: attacks continue against Kosovo’s Romani minorities”, 3 October 2000, available at: <http://www.errc.org/cikk.php?cikk=1022>; Human Rights Watch, “Federal Republic of Yugoslavia – Abuses against Serbs and Roma in the New Kosovo”, *HRIW Report*, Volume 11, Number 10, August 1999, available at: <http://www.hrw.org/legacy/reports/1999/kosov2>.

25 Darko Trifunović, *Genocide against Roma in Kosovo and Metohija / Genocido kontra Roma po Kosovo thaj Metohija* (Belgrade: Višnjić, 2012). Although this book is presenting a very one-sided, pro-Serbian and anti-Albanian perspective, it gives a good overview about crimes on Roma in Kosovo. Darko Trifunović is a lawyer and security expert from Belgrade. In the security sector he is acting on an international level. Besides that, he got international attention for the denial of the massacre in Srebrenica, as well as for conspiracy theories concerning terrorism in BiH.

26 Human Rights Watch, *Kosovo: Poisoned by Lead. A Health and Human Rights Crisis in Mitrovica’s Roma Camps* (New York: HRW, 2009), available at: <https://www.hrw.org/report/2009/06/23/kosovo-poisoned-lead/health-and-human-rights-crisis-mitrovica-roma-camps>.

the Kosovo Force (KFOR) in letting these crimes happen was also criticised.²⁷ On the international legal level, crimes against Roma after the NATO intervention in Kosovo were not unknown. The then prosecutor of the International Criminal Tribunal for the Former Yugoslavia (ICTY), Carla del Ponte, on several occasions pointed to the necessity to prosecute war crimes against Roma. However there was only one ICTY case in which Roma victims were included: the case *Haradinaj et al.* against the former KLA leader and later prime minister of Kosovo Ramush Haradinaj, as well as Idriz Balaj and Lahi Brahimaj.²⁸ The indictment included, among other allegations, alleged mistreatment of Kosovar Roma/Egyptian civilians, and sexual violence against Romani women, but the trial against *Haradinaj et al.* ended with the acquittal of the accused.²⁹ However, at Serbian courts there were trials against KLA members for war crimes against Serbian and other Non-Albanian civilians including Roma.³⁰ The Skočić case was heard at the same court.

The Skočić case

Case description

From the beginning of the war in Bosnia in 1992, Roma were “between the frontlines”. Through the indictment and victims’ testimonies at the Serbian War Crimes Department at the High Court in Belgrade it became quite clear what had happened on 12 July 1992 in the village of Skočić close to Zvornik in Bosnia.³¹ In the area, which was controlled by Bosnian Serb forces, a military group called *Simini četnici* (Sima’s Chetniks³²) came into the village. First they blew up and completely destroyed the local mosque. Then they went to the close-by Roma mahala. They entered the courtyard and the house where the families had gathered, robbed the inhabitants, threatened

and physically mistreated them, and in the end took them (in total 28 Roma civilians) to an execution site where each one of them was shot and thrown in a hole.

A huge part of the accusations detailed brutality and sexual violence: underage girls were raped, a grandfather and his grandson were forced to commit sexual acts with each other, a man’s penis was cut off, and finally three underage girls were taken by the perpetrators and kept in captivity in their military camp. There they were forced to perform physical labour like cooking, washing uniforms, and cleaning, as well as degrading acts like dancing naked on a table. They were repeatedly raped.

Many of the events were revealed by eye-witness reports of the only survivor of the mass execution, the then 8-year old Zijo Ribić, who managed to escape. The three then underage girls also gave victim/witness reports to the court as protected witnesses.

The legal proceedings started in 2009 after the arrest of the accused. The indictment by the Serbian Special Prosecutor for War Crimes was made possible due to the advance research on the case by the Belgrade based NGO Humanitarian Law Center, whose members also functioned as attorneys for the victims/witnesses. After a three-year trial, in 2013 the first judgment declared the perpetrators³³ guilty of war crimes on civilians in a joint criminal enterprise and sentenced them to between 2 and 20 years imprisonment. However, following an appeal, in 2014 the Appeals Chamber cancelled the first verdict and ordered another trial. In the subsequent first instance judgment in 2015 the perpetrators were acquitted. The judges in this first instance trial explained their judgment with the conclusion that “there is no evidence that the accused committed war crimes against

27 See for example Michael Karadijs, “Dilemmas in Kosovo. Benign Peacekeeping or Destructive Occupation?”, *Development* Volume 48 Number 3 (2005): 126-133.

28 See <http://www.internationalcrimesdatabase.org/Case/62>.

29 Najwa Nabti and Saeeda Verrall, “Annex A: The Picture of Sexual Violence in the Former Yugoslavia Conflicts as Reflected in ICTY Cases”, in: *Prosecuting Conflict-Related Sexual Violence at the ICTY*, ed. Serge Brammertz and Michelle J. Jarvis (Oxford: Oxford University Press 2016), 387-427, here 427.

30 District Court in Belgrade, War Crimes Chamber vs. Anton Lekaj, available at: <http://www.internationalcrimesdatabase.org/Case/1047>; Case “Gnjilanska grupa”: http://www.hlc-rdc.org/Transkripti/gnjilanska_grupa.html.

31 Access to the complete documentation of the legal proceedings available at: <http://www.hlc-rdc.org/Transkripti/skocici.html>.

32 The word “chetnik” derives from the word “cheta” for Balkan guerilla troops and was used since the beginning of the 20th century. The Serb dominated Chetnik movement was active especially in WWII influenced by the idea of a Greater Serbia. During the 1990s wars in the former Yugoslavia Serbian paramilitary troops formed themselves in the Chetnik tradition, using their names and symbols.

33 Damir Bogdanović, Zoran Stojanović, Tomislav Gavrić, Đorđe Šević, Zoran Alić, Zoran Đurđević, Dragana Đekić. The leader of the group, Sima Bogdanović, had died during the trial, and also Zoran Stojanović died in 2014 before the renewed trial.

the civilian population”.³⁴ According to Balkan Insight, the presiding judge Vinka Beraha Nikićević said verbally that there is no doubt that the accused were present at the site at the time when the above-mentioned crimes were committed, and that “maybe they also committed them, but there is no reliable and doubtless evidence for it”.³⁵ This judgment triggered an appeal from the Serbian Special Prosecutor for War Crimes, and so a final decision has not yet been made.

Judicial bias because of ethnic belonging?

The questions of if and how the judges’ and litigants’ or witnesses’ belonging to different social, cultural or ethnic groups leads to biases in the courtroom, has been studied in particular in the United States. According to Sagiv, people possess a ‘common sense’, understood as informal knowledge about the world, which is influenced by the perspective of their own social group. Following this argumentation, also “the judges’ interpretation about the world is limited to their social group’s interpretation, the proceedings regarding parties who do not share the judges’ group’s cultural perspective may be unjust. [...] A judge’s subconscious or common sense is inseparable from her decisions. When litigants belong to different cultural groups than a judge, the influence of her common sense can be especially problematic.”³⁶ Parallels can be drawn to the Skočić case: Here, the judges and the accused belong to the same ethnic/national group, which constitutes the hegemonic group in Serbia. The victims/witnesses, on the other hand, belong to the minority group of the Roma, a minority which is confronted with stereotypes and prejudices and is, as is claimed by local as well as international NGOs, affected by large scale discriminations in Serbia as well as in the region.

This leads to the well-founded question: Does belonging to the Roma minority have an influence on the assumed credibility of the victims in court? The fact that the credibility of the protected victims/witnesses “Alpha”, “Beta”,

and “Gamma” is put into question in the trial does not necessarily mean that this is due to their ethnic background, but can be explained by the logical attempt of the accused and their lawyers to prove their innocence. The testimonies of the women, who were 12, 15 and 18 years old at the time of the crime, were obviously not consistent. The courts involved came to different conclusions regarding how to interpret this fact: When analysing the witnesses’ statements the judges of the High Court in Belgrade in the first judgment came to the conclusion that “it is impossible to expect that the witnesses’ testimonies are completely congruent concerning single details of the event, its chronology, events that happened prior to and after the criminal event”. In their opinion those discrepancies do not necessarily lead to the interpretation of their whole testimony as unreliable.³⁷ However, the judges in the second trial at the High Court in Belgrade found that “it is more than obvious that the witnesses “Alpha” and “Beta” are changing their statements drastically regarding important facts, and that their testimonies are contradictory on important points [...], because of what the court found that the quoted parts of the testimonies of the protected victims/witnesses “Alpha” and “Beta” are questioning their credibility altogether, so the court could to a great extent not accept them.”³⁸ Due to the special protection of those witnesses and the fact that their hearings were closed to the public it is not possible to analyse the testimony transcripts. So it is not possible to assess if the conclusion of lack of credibility and untrustworthiness of the victims/witnesses could be based on biased judges. Nevertheless, there are indeed hints of bias from the judges of the Appeals Chamber. This was criticised by the Humanitarian Law Center, whose members functioned as attorneys for the victims/witnesses. The Humanitarian Law Center called the Appeals Chamber’s verdict “based on racist attitudes, extremely unacceptable for a court and very offending for the victims.”³⁹ These criticisms were referring to a part of the verdict which deals with the accusation of one

34 First instance judgment in the renewed trial of the High Court in Belgrade, War Crimes Department, 16 June 2015, 33, available at: http://www.hlc-rdc.org/wp-content/uploads/2015/06/Prvostepena_presuda_u_ponovljenom_postupku_16.06.2015..pdf.

35 Ivana Nikolić, “Simini četnici’ oslobođeni za ubistvo 28 Roma” [Simi’s Chetniks acquitted for murder on 28 Roma], *Balkan Insight*, 16 June 2015, available at: <http://www.balkaninsight.com/en/article/simini-%C4%8Detnici-oslobo%C4%91eni-za-ubistvo-28-roma>.

36 Masua Sagiv, “Cultural bias in judicial decision making”, *Boston College Journal of Law & Social Justice* Volume 35 Number 2 (2015): 229-256, here 229-231.

37 First instance judgment trial of the High Court in Belgrade, War Crimes Department, 22 March 2013, 54 f.

38 First instance judgment in the renewed trial of the High Court in Belgrade, War Crimes Department, 16 June 2015, 68.

39 Fond za humanitarno pravo, “Rasistički stavovi Apelacionog suda u predmetu ‘Skočić’” [Humanitarian Law Center: Racist statements of the Appeals Chamber in the case „Skočić“], *Blic*, 13 July 2014, available at: <http://www.blic.rs/Vesti/Hronika/480289/Fond-za-humanitarno-pravo-Rasisticki-stavovi-Apelacionog-suda-u-predmetu-Skocic>.

of the accused, Dragana Đekić, to have violated the human dignity of the victim (a Muslim girl) by taking jewelry from her, accompanied by the words “What do you want with a cross?” The verdict says: “Besides that, the defender of the accused Đekić in the appeal reasonably shows that the original jurisdiction didn’t give clear reasons in connection with the injured person’s ‘emotional attachment’ towards the jewelry, nor did it prove the provenance of the injured person’s jewelry, especially because in this period of time there was a massacre of a Serb village nearby.”⁴⁰ This statement is clearly based on a racist assumption; it is suggesting the possibility that the girl got the jewelry due to a criminal act, playing with the prejudice of Roma being predispositioned towards criminality. The Humanitarian Law Center states: “With this the court is suggesting that the jewelry could come from the allegedly massacred Serbian victims, by which she [the affected *Romnja*] as well as the other victims are presented as potential perpetrators of the massacre or at least as soulless thievish Roma”⁴¹. Also it is – in a war crimes case with the accused coming from a Serbian paramilitary unit – playing with the narrative of the “Serbs as victims of the war,” which has absolutely no connection to this case. With this strategy the line between perpetrators and victims is blurred, and even reversed. This echoes the “syncretic narrative” of post-war Germans about the genocide of Roma in the Third Reich, which suggests that they are – being criminals or “asocials” – at least in part responsible for their fate.⁴²

Media coverage of the trial

The Skočić case was followed regularly by the media from the moment of the arrest of the accused in 2009 until now. The analysis of media coverage of the trial is based on 73 articles from Serbian and Bosnian online newspapers, journals and portals (25 Serbian articles,⁴³

44 Bosnian articles,⁴⁴ and 4 regional articles)⁴⁵. Although there are differences, which mirror the individual characteristics of the newspapers, in summing up the result it can be stated that reports about the case and the trials were mostly integrated into the general hegemonic narrative about the war in the respective country, in a similar way as reporting about international war crime trials at the ICTY. As Ristić pointed out in her study about “imaginary trials”, mass media deal with crimes from a special perspective, which in the case of Bosnia (focussing on the Bosniak/Muslim population) can be called “the victims’ perspective”: “Commemorations, engagement with ICTY trials, listening to victims’ testimonies – all these mourning practices serve as a coping mechanism which transforms individual experiences of absolute loss into a narrative of national tragedy.”⁴⁶ To sum up, the Bosnian war memory fits Assmann’s classification of *Opfergedächtnis* (memory of the victims), while Serbia is cultivating the “memory of the defeated”: “A resistance to what is projected as ‘false’ accusations of the Tribunal, an intentional or unintentional neglect of the details of the crimes, a denial of the crimes, and a further victimization of the Serbs are the main aspects of the memory of the defeated in Serbia.”⁴⁷

Regarding the presentation of the victims, there is a clear difference between Serbian and Bosnian media. In the presented narrative of the events Serbian articles emphasise the crimes connected to sexual violence, and the three girls that were held as prisoners in the soldiers’ camp, mistreated, and later married their violators, are often mentioned. In the Bosnian media, the narrative of the three captured girls is completely absent. Although underage girls that were mutilated are a strong iconic image for victims, the three protected victims/witnesses are not suitable enough for two reasons: firstly, in general, sexual violence does not

40 Appeals Chamber Judgment, 14 May 2014, 13, available at: www.hlc-rdc.org/wp-content/uploads/2014/07/Drugostepena_odluka_Skocici.pdf.

41 “Kritike FHF neprimerene” [„Critics of HLC unprecedented“], B92, 15 July 2014, available at: http://www.b92.net/info/vesti/index.php?yyyy=2014&mm=07&dd=15&nav_id=876970.

42 See Gilad Margalit, “The Representation of the Nazi Persecution of the Gypsies in German Discourse after 1945”, *German History* Volume 17 Number 2 (1999): 221-240.

43 Politika, Danas, Vreme, Blic, b92, Peščanik.

44 Oslobođenje, Vijesti, Novo vrijeme, Dnevni avaz, Klix.ba, Bosnian National Network, Buka, Slobodna Bosna, Žurnal, Tuzlanski Info Portal.

45 BIRN / Balkan Insight.

46 Katarina Ristić, *Imaginary Trials. War Crime Trials and Memory in former Yugoslavia* (Leipzig: Leipziger Universitätsverlag, 2014) (Global History and International Studies, 9), 140.

47 Katarina Ristić, *Imaginary Trials. War Crime Trials and Memory in former Yugoslavia*, 188.

play a prominent role in the Bosnian war narrative;⁴⁸ and secondly, all three girls married the accused perpetrators and moved with them to Serbia, and even had children with them. This does not fit the narrative of the pure, innocent victim, since “[n]arratives of victimhood must apparently be total, with no hint of complicity, responsibility, or even agency, for such ambiguity may lead to suspicions of guilt or inauthenticity on the part of the victim.”⁴⁹

Bosnian articles instead focus on the only survivor of the massacre, Zijo Ribić. He is presented as an individual person, is covered by whole articles with interviews, and his entire life story is described. Surrounding him the media intensively cover the search for the bodies of his family, the identification processes and burials - elements which are not at all present in the Serbian media. In the course of reporting in both “mnemonic communities” some facts fade away, such as the ethnic belonging of the victims and the complexity of the crimes. During the Bosnian reporting about the funeral of the remains of the children, the crime is reduced to the mass murder of Zijo’s family. Other victims, including the other family which was killed at the same moment, are not mentioned any longer, not to mention the crimes against the girls. By describing a Muslim funeral, for the reader it becomes quite clear that the victims belong to “our victims”.

What role does the ethnic belonging of the victims play in the reporting? The Serbian media which – besides the daily *Danas*

– do not mention the context of the war in Bosnia, although the trial was conducted by the Serbian War Crimes Tribunal, mention “Roma” as the victims in every article, using the formal description “*civili romske nacionalnosti*” (civilians of Romani nationality). The crimes are either presented in a neutral way or showing strong empathy for the victims and condemning the crimes. The emphasis on the Roma victims can however be a tool to blur the connection to the war, since Roma were not a party fighting in the war. Bosnian media on the other hand show two major directions: either they do not mention the ethnic belonging of the victims (50%)⁵⁰ or they name them wrongly as “Bosniak victims” (3 articles in *Oslobodjenje*),⁵¹ and so include them in the Bosniak narrative of ‘we are the victims’⁵². This correlates with the contextualisation of the war.

It seems that the role of Roma as victims is neglected – it stays invisible, even if it is mentioned. In his article *Riding the bolted horse* the journalist Gojko Berić mentions that the survivor Zijo Ribić and the victims of Skočić belong to the “Romani nationality”. Some lines later the existence of this people is already forgotten when he states that Milošević’s lunging into “insane war adventures brought dreadful evil not only to the Bosniaks, Croats and Albanians, but even to the Serbs themselves.”⁵³ In some rare cases articles strongly emphasise the Roma identity of the victims. Two Bosnian articles deal with the role of the Roma minority and the lack of recognition of Roma as victims of the war in Bosnian society.⁵⁴ The discourse on the role of Roma and other minorities in the

48 See Elissa Helms, *Innocence and victimhood. Gender, nation, and women’s activism in postwar Bosnia-Herzegovina* (Madison, Wisconsin: University of Wisconsin Press, 2013) (Critical human rights).

49 *Ibid.*

50 E.g. Semira Degirmendžić, “Komentar dana: Nekažnjeni zločin” [Commentary of the day: Unpunished crime], *Dnevni avaz*, 20 December 2015, available at: <http://www.avaz.ba/clanak/210691/nekaznjeni-zlocin?url=clanak/210691/nekaznjeni-zlocin>; “Identificirane maloljetne sestre iz porodice Ribić pronađene u masovnoj grobnici Crni Vrh” [Identified minor sisters of the Ribic family found in the mass grave Crni Vrh], *Oslobodjenje*, 21 December 2015, available at: <http://www.oslobodjenje.ba/vijesti/bih/identificirane-maloljetne-sestre-iz-porodice-ribic-pronadjene-u-masovnoj-grobnici-crni-vrh/156789>.

51 E.g. “Koalicija Prvi mart: Beograd se treba baviti optuženim za ratne zločine koji slobodno šetaju Srbijom” [Coalition March First: Belgrade has to deal with the accused for war crimes that are freely walking through Serbia], *Oslobodjenje*, 19 June 2015, available at: <http://www.oslobodjenje.ba/vijesti/bih/koalicija-prvi-mart-beograd-se-treba-baviti-optuzenim-za-ratne-zlocine-koji-slobodno-setaju-srbijom/141049>.

52 See also Mahmutović who in his study comes to a similar result: Mirza Mahmutović, “Nedostupna sjećanja: tretman ratne prošlosti romske zajednice u BiH u novinarskom diskursu BiH online medija [Inaccessible memories: the treatment of the war history of BH Roma community in the journalistic discourse of BiH online media]”, *Medijski dijalog* Volume 7 Number 18: 173-197, 193-194.

53 Gojko Berić, “Jahanje podivljalog konja” [Riding the bolted horse], *Oslobodjenje*, 24 December 2015, available at: <http://www.oslobodjenje.ba/za-one-koji-znaju-citati/kolumne/jahanje-podivljalog-konja/157160>.

54 E.g. Dalibor Tanić, “Jedini svjedok masakra u Skočiću: Ne znam da li ih mrzim” [The only witness of the massacre in Skocic: I do not know if I hate them], *Žurnal*, 1 March 2013, available at: <http://www.zurnal.info/novost/16808/jedini-svjedok-masakra-u-skocicu-ne-znam-da-li-ih-mrzim>; Sudbin Musić, “Neispricana priča o stradanju Roma: Od Skočića Zijo” [The untold story of the suffering of the Roma: Zijo from Skocic], *Novo vrijeme*, 5 October 2014, available at: <http://novovrijeme.ba/neispricana-prica-o-stradanju-roma-od-skocica-zijo/>; Denis Zeba, “ISPOVIJEST Zijo Ribić, jedini Rom iz kozlučkog naselja Skočić koji je preživio strijeljanje” [Story – Zijo Ribic, the only Rom from the settlement Skocic near Kozluk who survived the shooting], *Dnevni avaz*, 7 December 2014, available at: <http://www.avaz.ba/clanak/151020/ubijeni-su-mi-otac-majka-sest-sestara-i-brat>.

wars is seldom in focus. Even though in the vast majority of articles the ethnic belonging of the victims is mentioned, this almost never leads to a discussion about it. Very few articles deal with the situation of Roma during the wars. In the readers' comments on the trials and the crimes, which are almost universally condemned by Serbian readers as well, the fact that the victims are Roma is completely ignored.⁵⁵

*Reaction of the public*⁵⁶

The largest number of readers' comments was expressed on the occasion of the first indictment. The central criticism of the public centred around the sentences for the perpetrators, which were seen as far too lenient ("the Death penalty would not be enough for them!"). Indeed: "In the general public, in fact, short prison penalties are easily viewed as the cause, or a synonym, of the inefficiency of the governmental fight against crime, and the tightening of the same as a 'cure', or the solution, whenever a significant criminal act is made public. An entire chain of 'moral panics' exemplified in the reaction of the media and state authorities towards some heavier crimes, (...) has increasingly initiated requests which instead of preventing and the sanctions which would endeavour to remove the causes, as a solution have other prison penalties and a complete social rejection of the offender."⁵⁷

Complementary to the earlier stated Serbian focus on the perpetrators, the discourse about guilt dominates

the comments. The crimes are neither denied nor downplayed, but very coherently condemned by the reader community. Readers also accept the fact that the perpetrators are ethnic Serbs from Serbia. To cope with this, they use the strategy of excluding the perpetrators from the nation and even from the human race, naming them monsters or animals. Several readers – although condemning the crime itself – present the worst crime of the perpetrators as damaging the picture of the "good Serbian soldier who is only defending the nation".⁵⁸ For some readers the perpetrators are to be blamed for bringing the outside view of collective guilt to the Serbs.⁵⁹ While some readers declare themselves ashamed to be Serbs, this is harshly rejected by others. Commentaries that connect the Skočić case to the war in the former Yugoslavia refer to Croatian-Serbian antagonism, turning the crime and its prosecution into the moral superiority of the Serbs.⁶⁰ The few commentaries that mention the victims at all read them as innocent civilians. The fact of their belonging to the Roma community is very rarely commented on.⁶¹

Conclusion

Analysing the Skočić case, reporting on the trial, and the readers' comments on it,⁶² it can be stated that although the ethnic identity of the victims is constantly mentioned, Roma as a victim group of the recent wars in Yugoslavia

55 A detailed analysis of the readers' perception and commentaries on the Skočić case will be conducted later.

56 This section is dealing with the public reaction as it is represented in readers' commentaries solely in Serbia, due to a lack of similar sources for Bosnia (the Bosnian media usually don't have the commentary function).

57 Vesna Nikolić-Ristanović and Sanja Čopić, "The position of victims in Serbia: criminal procedure and possibilities of restorative justice", *Restorative Justice Online*, 9 December 2007, available at: <http://restorativejustice.org/rj-library/the-position-of-victims-in-serbia-criminal-procedure-and-possibilities-of-restorative-justice/8105/>.

58 Polako-druze: "[...] also in Zvornik the honorable soldiers and officers were in the majority, and those gangs like the Simo's were marauding, in the background torturing civilians."; "If we Serbs would have those [perpetrators] and similar ones immediately punished in a military court and immediately shot them, maybe the war would have ended differently. They smudged the face of the honourable and brave Serbian soldier."

59 Smrtnakazna [Death penalty]: "Because of ten or a hundred Serbs which committed detestable crimes and torture, the whole Serbian nation has to purge. [...] It is worth mentioning that such crimes, and even worse ones, also happened and were committed on the Serbs, only they were not uncovered."

60 Aleksa1: "You know, it's true that 20 years is (a) small (sentence), but still I am satisfied with our judiciary in this and other cases, because when I look at Croatia and Bosnia where they for the same rapes, burnings, beastly murders of children and old people are walking freely and no one is ever convicted and never will be!"; Nemanja: "On the contrary to you [the Croats] we at least found enough strength to recognise the evil and to distance ourselves from it.", commentaries on "Isrečene presude Siminim četnicima, najokrutnijoj jedinici iz devedesetih: Ubijali, mučili, silovali..." [Announced sentences for Sima's chetniks, the most brutal unit of the 90s: They killed, tortured, raped...], *Blic*, 22 February 2013, available at: <http://www.blic.rs/vesti/hronika/izrecene-presude-siminim-cetnicima-najokrutnijoj-jedinici-iz-devedesetih-ubijali/wzvprrj>.

61 Andro Mošić: "In war surroundings terrible things are happening. These are war crimes that have to be convicted with the strongest laws. The dingiest thing and under any human dignity is to attack the weakest and always persecuted Roma. Did those butchers use Ustasha methods and Hitler's 'final solution' for Roma, Jews, Slavs as role model?", commentary to "Uhapšeni osumnjičeni za ubistvo 23 Roma" [Arrested accused for the murder of 23 Roma], *Politika*, 06 November 2009, available at: <http://www.politika.rs/sr/clanak/110747/Hronika/Uhapšeni-osumnjiceni-za-ubistvo-23-Roma>.

62 The results in this article are preliminary and the arguments have to be further elaborated in the future.

are still not recognised. Either the Romani identity of the victims is simply ignored, or it is used to integrate the reporting in the larger context of the war narrative: In Serbia the mentioning of the Romani victims is used to disconnect the crime in question from the war context, presenting it as a very brutal but still ordinary crime. In Bosnia on the other hand, reporting on the trial, with the strong emphasis on personalised stories of the only survivor and on the Muslim funeral, integrates the Skočić case into the larger narrative of Bosniaks as victims. The survivor of the massacre, Zijo Ribić, said in an interview: “Everyone is regularly emphasizing only the suffering of

the Bosniaks, the Serbs or the Croats. No-one is speaking about the Roma. What are we? Animals? Well, we were also suffering like all the others. We are only asking for someone to take responsibility.”⁶³ Another survivor of violence against Roma in the war expressed it like this: “Everyone is saying that in the war Muslims, Croats and Serbs were dying. And where are the Roma? At the end it will look like not one single Rom was suffering, but that is not true. The truth has to be known. [...]. We Roma are also victims of the war.”⁶⁴ The future will show us if other trials follow which deal with this topic and overcome the earlier diagnosed “denial due to neglect”.

63 Denis Zeba, “Zijo Ribić, jedini Rom iz kozlučkog naselja Skočić koji je preživio strijeljanje – Ubijeni su mi otac, majka, šest sestara i brat” [Zijo Ribić, the only Rom from the settlement Skočić close to Kozluk, who survived the shooting – They killed my father, mother, six sisters and my brother], *Dnevni avaz*, 07 December 2014, available at: <http://www.avaz.ba/clanak/151020/ubijeni-su-mi-otac-majka-sest-sestara-i-brat?url=clanak/151020/ubijeni-su-mi-otac-majka-sest-sestara-i-brat>.

64 Dalibor Tanić, “Jedini svjedok masakra u Skočiću: Ne znam da li ih mrzim” [The only survivor of the massacre in Skočić: I don’t know if I hate them], in *Žurnal*, 1 March 2013, available at: <http://www.zurnal.info/novost/16808/jedini-svjedok-masakra-u-skocicu-ne-znam-da-li-ih-mrzim->.

We Didn't Fight the War; We Have to Fight the Aftermath

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The War in Kosovo Spilled Over Onto the Roma

The Kosovo War was part of the armed conflict that took place during the breakup of Yugoslavia. The rump Federal Republic of Yugoslavia had controlled Kosovo but the Kosovo Liberation Army (KLA) of Albanians fought from February 1998 until March 1999. After KLA attacks, Serb paramilitaries and regular forces fought back. When diplomatic intervention failed, NATO supported the KLA and bombing commenced, including in Serbia. The war ended with a treaty that allowed international management of the territory.¹

Prior to the Kosovo conflict, the city of Mitrovicë/Mitrovica in North Kosovo was home to a Roma population numbering approximately 8,000 people living in the Roma neighbourhood or Mahala located south of the Ibar river. It is estimated that the Mitrovicë/Mitrovica Roma Mahala comprised approximately 700 houses, and 1,000 families, who were integrated into the social and economic life of the city.²

Towards the end of the conflict, Kosovo Albanians considered Roma to have collaborated with the Serbian authorities, putting them in danger of violent attacks.³ For safety, many of the Roma left *en masse* to become Internally Displaced Persons (IDPs)⁴ or refugees in Serbia proper, Montenegro, Western and Northern Europe.

About half did not make it out and many of those became claimants in the lawsuit *N.M. v. United Nations Mission in Kosovo (UNMIK)*. The UN Security Council mandated UNMIK to manage the civil government and to promote and protect human rights under recognised international human rights standards.

The Roma IDPs were placed on contaminated land

After the withdrawal of the Yugoslav armies, the Roma Mahala was looted and burned to the ground by the Albanians with French and British troops looking on. About 600 Roma who did not escape occupied public buildings in northern Mitrovicë/Mitrovica. These displaced Roma were later placed in IDP camps in Northern Mitrovicë/Mitrovica. Between September 1999 and January 2000, the IDP camps of Zhikoc/Žitkovac and Cesminluke/Česmin Lug were established. Another camp, Kablare, was established in 2001. A further camp was renovated at Leposaviq/Leposavić, approximately 25 kilometres north of Mitrovicë/Mitrovica. About half of the residents were children aged 14 or younger.⁵

Three of the four camps (Zhikoc/Žitkovac, Cesminluke/Česmin Lug, Kablare) were established in close proximity to the Trepca mining and smelting complex, the largest producer of zinc and lead in the former Yugoslavia. The complex also stored tailings from the mining and

- 1 The Military Technical Agreement between the International Security Force ("KFOR") and the Governments of the Federal Republic of Yugoslavia and the Republic of Serbia (commonly known as the Military Technical Agreement or Kumanovo Agreement) was an accord concluded on 9 June 1999 in Kumanovo, Macedonia. It concluded the Kosovo war. The full text is available at: <http://www.nato.int/kosovo/docu/a990609a.htm>.
- 2 Report submitted by the United Nations Interim Administration Mission in Kosovo (UNMIK) pursuant to Article 2.2 of the Agreement between UNMIK and the Council for Europe related to the Framework Convention for the Protection of National Minorities, 02 June 2005, p. 64, available at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168008b2b7>.
- 3 Simon Chesterman, *Justice under International Administration: Kosovo, East Timor and Afghanistan* (International Peace Academy, September 2002), available at: www.ipacademy.org.
- 4 Refugee is a person who has been forced to leave their country in order to escape war, persecution, or natural disaster: An IDP is any person who has left their residence by reason of real or imagined danger but has not left the territory of their own country.
- 5 See European Roma Rights Centre, *Abandoned Minority. Roma Rights History in Kosovo*, (December 2011) 18, available at: <http://www.errc.org/cms/upload/file/abandoned-minority-roma-rights-history-in-kosovo-dec-2011>.

was a major cause of pollution and lead poisoning in the area. In addition, the conditions of the camps, including Leposavic, were horrific, with lack of water and drainage, poor hygiene, no electricity, heating, health access or adequate food. The camps were designed as temporary accommodation for no more than three months. The Roma remained there nearly ten years.

The detrimental effects to the environment and public health resulting from such mining and smelting activities, and specifically the mining and smelting activities in Zvečan, had been known since at least the early 1980s. Epidemiological studies conducted by Columbia University researchers in the early 1980s, in order to determine the health effects of emissions from the lead smelter, showed high concentrations of blood lead levels in children and accompanying risk of neurological damage as early as 1982.⁶

Adverse health effects of lead exposure include: damage to the brain and nervous system; reproductive abnormalities in males and females; high blood pressure; memory and concentration problems; muscle and joint pain and digestive irregularities. In children, the effects can be even more detrimental and include: behaviour and learning problems; slowed growth, hearing problems; headaches and damage to the brain and nervous system. According to the National Institute of Health and Safety, symptoms include lassitude (weakness, exhaustion); insomnia; facial pallor; anorexia; weight loss; malnutrition; constipation; abdominal pain; colic; anaemia; gingival lead line; tremor; paralysis in wrist and ankles; encephalopathy; kidney disease; irritation in eyes and hypotension. The target organs are the eyes, gastrointestinal tract, central nervous system, kidneys, blood and gingival tissue.⁷

After taking control of the plant, UNMIK conducted its own environmental sampling in August 2000. A sampling of local produce showed higher than acceptable limits of lead in the dust, soil and vegetables in Mitrovica. Soil

samples contained 9 to 122 times more lead than the accepted limit in the United Kingdom. Specifically, a World Health Organization (WHO) report indicated that lead concentrations in the air exceeded local accepted levels between 62% and 87% of the time. This information was not given to the Roma inhabitants. In the year 2000, the Special Representative of the Secretary-General (SRSG), Bernard Kouchner stated: “As a doctor, as well as chief administrator of Kosovo, I would be derelict if I let this threat to the health of children and pregnant women continue for one more day.”⁸ It continued 10 more years.

WHO subsequently issued a report in November 2000.⁹ The study found that all children and most adults living around the industrial site had blood lead concentrations exceeding the permissive limits. Specifically, the researchers found a higher concentration of lead among children than adults and a higher average lead concentration among the Roma communities as compared with the non-Roma population. Based on these studies, the Report recommended, among other things, retesting for assessment of lead-induced disease with the help of UNMIK and WHO, as well as further medical and neurological examinations. The Report concluded by recommending relocation of the Roma camp to a lower risk area. This information was not given to the Roma inhabitants.

In May, June and July 2004, WHO conducted a Health Risk Assessment to determine the extent of exposure of children in the Mitrovica region to heavy metals, particularly lead, in the environment. Noting that the WHO and Center for Disease Control (CDC) acceptable level for lead in blood is 10 micrograms per deciliter, the WHO report found that: “Lead has chronic multi system effects in the human body, but the most significant effect is on IQ levels where meta analysis of numerous studies shows increases in blood lead from 10 to 20 micrograms/dl was associated with a decrease of 2.6 IQ points. These impacts are irreversible.”¹⁰

6 Joseph Graziano et al, “Determinates of Elevated Blood Lead during Pregnancy in a Population Surrounding a Lead Smelter in Kosovo, Yugoslavia”, *Environmental Health Perspectives*, Volume 89 (1990): 95-100; and Pam Factor-Litvok et al, “The Yugoslavia Prospective Study of Environmental Lead Exposure”, *Environmental Health Perspectives*, Volume 107, Number 1 (January 1999).

7 See, e.g. Yoram Finkelstein, Morri E. Markowitz, John F. Rosen, “Low-level lead-induced neurotoxicity in children: an update on central nervous system effects”, *Brain Research Reviews* Number 27(2) 168-176, (1998). See, also G Winneke, U Kramer, “Neurobehavioral aspects of lead neurotoxicity in children”, *Central European Journal of Public Health*, Number 5 (2) 65-69 (June 1997).

8 UNMIK, “UNMIK Assumes Responsibility for Operations at Zvečan Smelter”, press release (UNMIK/PR/312), 14 August 2000.

9 Sandra Molano and Andrej Andrejew, “First Phase of Public Health Project on Lead Pollution in Mitrovica Region,” November 2000, on file with author.

10 World Health Organization, *Preliminary Report on Blood Lead Levels in North Mitrovica and Zvečan* (July 2004), together with Memorandum from Gerry McWeeney, Health Environment Programme Manager, WHO, 11 July 2004, (Pristina: WHO, 2004).

WHO sampled 58 children of whom 34 were found to have above acceptable blood lead levels. None of the Roma children sampled had a blood lead level below 10 µg/dl. Twelve of the Roma children were found to have exceptionally high levels, with six of them possibly falling within the range described by the United States Agency for Toxic Substances and Disease Registry (ATSDR) as constituting a medical emergency (≥ 70 µg/dl). WHO recommended urgent action for the 12 children including immediate diagnostic testing, aggressive environmental interventions and ongoing evaluation according to ATSDR guidelines. These children were never treated with the possible exception of one.

In October 2004, WHO issued its third memo addressing the health situation of the children. WHO found that 88.23% of the soil in both camps was unsafe for human habitation and for gardening and concluded that soil contamination constituted a major source of lead exposure to the Roma population. In Žitkovac/Zhikoc, some of the soil tested was 100.5 times above recommended levels, while in Cesmin Lug/Cesminlukë, the results were even more dire, with levels exceeding 359.5 times the safe limits. WHO further found that Roma children consistently had the highest blood lead levels of the entire population sampled, with one child having been determined to represent a medical emergency and requiring immediate hospitalisation. The memo recommended the immediate removal from the camps of children and pregnant women and called the case of the Roma “urgent.”¹¹ Never was the extent of danger explained to the residents.

In November 2004 WHO issued a fourth memo, in which it again called the deterioration in IQ levels the most significant effect of high blood lead concentrations and once again recommended that the population living in the camps should be moved away on an emergency basis.¹² In February 2005, Dr. Rokho Kim, a WHO expert from Bonn, Germany, visited the camps and described the situation there “as one of the most serious lead-related EH

(Environmental Health) disasters in the world and in history.”¹³ Still UNMIK took no action.

WHO issued a draft of its fifth report in late 2005, but only the executive summary has been released. It states, “There are 531 persons including 138 children (<6 years) in these RAE populations. Most children have dangerously high levels of lead in their blood. In Žitkovac camp, 23 of 26 (88%) children (<6 years) tested in 2004 had blood lead levels greater than 65 µg/dL (the highest level the on-site blood lead analyser can register). Many children were not receiving appropriate medical treatment while suffering from lead poisoning of an acute medical emergency nature. Alarming, even the lowest level of blood lead measured in this camp was 3 times higher than the permissible level for children (10 µg/dL). The overall situation of public health is disturbingly dreadful in all three camps. Activities of lead battery recycling activities and the alleged use of lead-containing folk remedies in the camps might be adding even more risk. The levels of lead in the blood of RAE children reported by WHO Kosovo office are among the highest in the literature. The reliability of these blood lead tests was validated by a reference laboratory. Deaths from lead poisoning have not been officially confirmed yet, although they are likely to have happened. Children’s lead poisoning in the north Mitrovica/ë Region of Kosovo is considered one of the most serious children’s environmental health crises in contemporary Europe.”¹⁴ The children remained on site for up to four more years.

A Roma activist Miradija Gidzic described the situation for pregnant women in the camp in her report in January 2006. She and her sister had worked for two years in the camps and seen many children fall ill. The women in the camps describe many babies stillborn and many miscarriages. Worse, many women knew that their children would be born mentally retarded and thus self-induced abortions by drinking lice shampoo or pesticides. Some mixed yeast with beer to produce miscarriages.¹⁵

11 World Health Organization, “Capillary Blood Lead Confirmation and Critical Lead-Related Health Situation of the Roma Camps Children”, Memorandum, 22 October 2004.

12 World Health Organization, Mitrovica Office, “Information notice ad request for immediate action on elevated blood lead levels in children”, Memorandum, November, 2004.

13 Executive Summary, received from Dr. Rokho Kim (on file with author).

14 Appendix 1, Background Paper, “The Way Forward Regarding the Roma, Ashkaeli and Egyptians (RAE) and the Lead Contamination”, forwarded to the ERRC on 31 May 2005 by Laurie Wiseberg, Director of the Office of Returns and Communities and Minority Rights Advisor for UNMIK.

15 Miradija Gidzic, “Highest Level of Lead Contamination Ever Registered in Samples of Human Hair”, Society for Threatened People (December 2005), “My work with women and children in the Kosovo refugee camps contaminated with lead.”

Not only did UNMIK cause this harm, the residents were not given appropriate and understandable information about the danger to their health and the health of their children. Nor was the public health community informed. Studies were suppressed and the information neither made public nor given to the affected Roma or their representatives. The 2005 WHO report, the soil testing allegedly done in September 2005 and the Oesterode environmental testing allegedly done in October 2005 were all suppressed. In spite of repeated requests UNMIK refused to release this information.

Even worse, there was affirmative misinformation, if not misrepresentations, directed at the camp inhabitants by UNMIK. The Roma and Ashkali Documentation Office reported that camp inhabitants were misinformed by the authorities as to the effects and presence of lead contamination on the campsite.¹⁶ A doctor employed by UNMIK circulated misinformation including that the Roma IDPs were personally responsible for their poor health because they had been smelting and working with lead.

A running track named The Alley of Health was constructed near the camps and residents were advised to breathe in health, riddled with toxic lead. Residents reported a particular UNMIK employee, who came into the camps, ripped up blood tests and stated that there was no contamination.¹⁷ In July 2005, UNMIK denied any such person ever worked for them. Later, they admitted she did.

A blizzard of legal complaints began

Over the years many different legal remedies were attempted. In October 2005, the parties through Teki Bolshoi, a local attorney in Pristina sponsored by European Roma Rights Centre (ERRC), filed a complaint with the local prosecutor requesting him to take action under local criminal law to identify the source of the pollution that was poisoning the claimants. No action was taken.

On 20 February 2006, counsel, then at ERRC, filed a complaint with the European Court of Human Rights (ECtHR). It was rejected for lack of jurisdiction. While no explanation was given for the rejection, one legal issue

was the status of Kosovo. Serbia claimed it was part of Serbia; Kosovo said it was an independent country; but the UNMIK was running it as the government. So under what entity could the Roma IDPs have their rights upheld – Serbia which was not responsible for the actions, Kosovo which was not a recognised country, or UNMIK as the actual governing body who did the harm? The claimants made two arguments: rights apply to individuals regardless of what territory they are on; and since UNMIK was in fact the “government” of Kosovo at that time, the UN has legal personality and can be held accountable.

The universality of rights applies to individuals

The UN Charter preamble states that one of the purposes of the UN is “to reaffirm faith in fundamental human rights.” Therefore, it is obliged to follow international human rights standards based on the purpose enumerated in its own Charter. Human rights and obligations are attached to non-state entities as stated in Article 30 of the Universal Declaration of Human Rights and Article 5 of the International Covenant on Civil and Political Rights which recognise that “any State, group or person” may not derogate from the rights and freedoms listed in the documents.

Human rights instruments recognise States Parties but the rights themselves are afforded to individual citizens of the State at issue. Thus the rights are individual ones that continue regardless of the governance structure. It cannot be said that human rights disappear when the UN administers your territory. To do so would be to turn the entire construct of human rights emanating from the UN on its head.

“For centuries the notion of “state sovereignty” was used as a shield by oppressive governments”¹⁸ but now there are many human rights instruments and mechanisms designed specifically to protect individuals from their own governments. The protection belongs to the person, not the State. Just because someone is on the territory administered by the UN does not mean they lose their human rights. Torture specifically has been found to be *jus cogens* and applies everywhere at all times. These victims cannot be denied their ability to raise a

¹⁶ Personal interviews, Pristina, July 2005.

¹⁷ Personal client interviews, Mitrovica, July 2005.

¹⁸ Mark Gibney, Katarina Tomasevski, Jens Vedsted-Hansen, “Transnational State Responsibility for Violations of Human Rights,” *Harvard Human Rights Journal* Volume 12 (Spring 1999), 268.

complaint based on Article 2 and 3 of the European Convention on Human Rights because they happen to be in territory administered by UNMIK. In fact, the ECtHR has found that governments are obligated to secure human rights protection “to all persons under their actual authority and responsibility, whether that authority is exercised within their own territory or abroad.”¹⁹

The UN has international legal personality and can be held accountable

The UN has been endowed with objective international legal personality both by scholars²⁰ and the International Court of Justice (ICJ).²¹ This personality is founded on “general and customary international law.”²² Of great interest is that the UN asked the ICJ if they had capacity to bring an international claim against the responsible *de jure* or *de facto* government. That was precisely the situation in Kosovo. UNMIK is the *de facto* State whether it is the *de jure* State or not. Since the ICJ answered the question in the affirmative, it is clear that UNMIK as the *de facto* State is equally liable. Since the UN is a subject of international law, it is also bound to abide by customary international law and those principles that have risen to *jus cogens*.

The ICJ made this clear in the Reparation case.²³ To answer the question posed by the UN regarding its ability to present an international claim for damages, the Court asked and answered the question of whether the UN had legal personality. The ICJ concluded it did and therefore, the UN could exert its rights in a court by bringing a suit. If the UN has legal personality to assert its rights; surely it has concomitant responsibilities. One cannot have rights without responsibilities. If the UN can sue; it can be sued.

The ICJ found the UN claim admissible on two grounds: The organisation was the holder of interests that have been violated and the nature of the violated obligation is international. In this case, the claimants are holders of interests and rights under the ECHR. The nature of the

violation is an international obligation. The ECtHR has reiterated the fundamental nature of both Articles 2 (right to life) and 3 (prohibition against torture), upon which these claimants based their claim. Likewise, the prohibition of torture and extra-judicial killings are *jus cogens* and strictly prohibited under international law whether by a State or non-State actor. Thus UNMIK cannot be immune from such prohibition.

Equality under the law, upon which the Roma also base their claim, is likewise a norm of international law recited in virtually every human rights document. Therefore the applicants meet both prongs of the ICJ reasoning by asserting rights and violations of obligations that are of international scope.

Absent such a finding, States are thus held to a different standard than the UN when performing the same tasks. This creates discrimination between persons covered by the European Convention. Some are protected and some are not, in violation of Article 1 of the Convention that states that all persons are secured these rights.

The Court has made clear that they will not countenance a gap in human rights protection where the territory in question would have been covered under other circumstances.²⁴ On 3 April 2003, Serbia and Montenegro entered the Council of Europe and on 3 March 2004, Serbia and Montenegro ratified the ECHR. The Claimants submit that when Serbia and Montenegro ratified the Convention its protections automatically extended to Kosovo. Kosovo, subject to a decision on its final status, remained part of Serbia and Montenegro. Therefore, at least from that date, but for the administration of Kosovo by UNMIK, the applicants would have been covered under the Convention. Thus, unless UNMIK is held to the standards they agreed to i.e. the ECHR, the claimants have lost the protection of their human rights, an unacceptable result. Where UNMIK is in control, as they were in Kosovo, they are responsible. The ECtHR completely ignored this argument.

19 ECtHR, *Cyprus v. Turkey*, Application No. 2578/94, ECHR 2001, 35 E.H.R.R. 30 (2002).

20 Manuel Rama-Montaldo, *International Legal Personality and Implied Powers of International Organizations*, 44 British Yearbook of International Law, 111, 1970; Henry G. Schermers, Niels M. Blokker, *International Institutional Law: Unity Within Diversity*, (Leiden: Martinus Nijhoff Publishers, 1995).

21 Henry G. Schermers, Niels M. Blokker, *International Institutional Law: Unity Within Diversity*, 115.

22 *Ibid.*, 119.

23 International Court of Justice, *Reparation for Injuries suffered in the Service of the United Nations*, International Court of Justice Reports, 1949, 174.

24 ECtHR, *Brankovic v. Belgium*, App. No 52207/99, 12 Dec. 2001, paragraph 80.

A third-party complaint was filed in New York

On 10 February 2006, a Third-Party Claim for Personal Injury or Death Under Article VIII of the Convention on the Privileges and Immunities of the United Nations, General Assembly Resolution A/RES/52/247, and UNMIK/REG/2000/47(7) was filed at the UN in New York. As allowed by the Resolution, the residents asked for medical and rehabilitation expenses for all claimants; loss of earnings for all appropriate claimants; transportation expenses associated with injury, illness or medical care for claimants who paid such expenses; burial expenses for those whose family members have died specifically but not limited to N. M., S. M., and I., and legal expenses for all claimants. The claimants also requested the maximum payment of \$50,000 USD per person because the damage from the lead poisoning is so severe, affects the vital organs, especially impacting intelligence levels, and is irreversible.

Five years later, on 25 July 2011, the UN Office of Legal Affairs declined to act stating that it was a complaint against the administration of Kosovo and that the injuries were not claims of a private law nature.²⁵ The same legal nonsense was repeated in 2015 as the reason for rejecting the claim against the UN for bringing cholera to Haiti.²⁶

Internal channels were not ignored

On 3 March 2006, counsel filed a complaint with the Office of Internal Oversight Services Head of Office/Chief of the UNHCR Audit Services Pursuant to ST/SGB/1997/5 and ST/SGB/2002/7 Organization of the Secretariat of the United Nations and ST/SGB/273/1994 Establishment of the Office of the Internal Oversight Services. No action has been taken that counsel knows of.

In addition, to keep pressure on the UN, complaints were filed with several special rapporteurs including the rapporteurs for the human right to water and sanitation, adequate housing, human rights of migrants, racism and toxic and

dangerous wastes. In every instance, the special rapporteur wrote a report favourable to the Roma and submitted it through UN channels. In every case, no action was taken.

On 4 July 2008, counsel, now in private practice, filed a complaint with the Human Rights Advisory Panel (HRAP) of UNMIK, Case No. 26/08. Admissibility was granted on 5 June 2009 and reversed on 31 March 2010 because UNMIK changed the rules of the game after they lost, to prohibit the panel, which is their administrative creation, from hearing the lawsuit. However, HRAP left a tiny opening by stating that if the claim in New York was rejected, the victims could refile.

In June 2011, a claim was filed with the National Contact Point of OECD in Norway since Norwegian Church Aid had managed the camps from 1999 until 2009 for UNMIK. In September 2011, the complaint was dismissed for lack of jurisdiction.²⁷

Déjà Vu at the HRAP

On 7 October 2011, after the UN Office of Legal Affairs had rejected the Third Party Claim, the complaint was resubmitted to HRAP. On 10 June 2012, HRAP decided to re-open the complaint and granted admissibility. On 26 February 2016, HRAP issued their final decision. The 82-page opinion can be found on the panel's web site in three languages.²⁸

HRAP found that the failure of the UN to protect the Roma after the 1999 NATO bombing and the negligence of the UN in placing and then leaving the Roma IDPs on lead poisoned sites resulting in long term harm to their physical and mental health was a violation of Article 2 both substantive and procedural, Article 3, Article 8 and Article 14 of the European Convention on Human Rights. In addition the Panel found that there has been a violation of articles 2, 11 and 12 of the International Convention on Economic and Social Rights; articles 2 and 26 of the International Convention on Civil and Political Rights; articles 1, 2 and 12 of Convention on the Elimination of Discrimination Against Women; and articles 3, 6, 24, 27 and 37 of the Convention on the Rights of the Child.²⁹

25 Dianne Post, *Claim for Compensation on behalf of Roma, Ashkali and Egyptian residents of Internally Displaced Person ("IDP") camps in Mitrovica, Kosovo*, 25 July 2011.

26 Delama Georges, *et al. v United Nations*, Case 1:13-cv-07146-JPO Document 62, 9 January 2015.

27 OECD NPS Norway, *Initial Assessment and Final Conclusion 129 Roma in Kosovo v. Norwegian Church Aid*, on file with author.

28 See: www.unmikonline.org/hrap.

29 International Convention on Economic and Social Rights Article 2, nondiscrimination; 11 adequate standard of living, 12 highest attainable standard of physical and mental health; international Convention on Civil and Political Rights Article 2, nondiscrimination, 26 - equal and effective protection against discrimination; Convention on elimination of all forms of discrimination Against Women article 1, nondiscrimination against women; 2, agreed undertakings to eliminate discrimination; 12 - discrimination in health care; Convention on the Child article 3 best interest of the child at all times; Article 6 - child's right to life, Article 24 - highest attainable standard of health, Article 27 - adequate standard of living, Article 37 - no torture or cruel and degrading treatment.

The court ordered a public apology as well as compensation for material and moral damages and an assurance that UN bodies will in the future not only enforce international human rights norms for others but also live by those norms themselves. The decision is a long-awaited morsel of justice for hundreds of people in the Kosovo Roma community.

The harm to the Roma can never be rectified. In the 10-plus years the Roma remained on the poisoned sites, an entire generation of Roma children was lost. While the decision validates the claims of the Roma that they were discriminated against, denied due process and wrongfully harmed by the actions and inactions of UNMIK, it can in no way, make up for the deaths caused by lead poisoning, for the permanent mental impairment and physical injury caused by lead exposure and for the family and community disruption created by the living conditions of the camps. The decision is, however, recognition that the UN itself must follow the international principles of human rights and dignity that it establishes for others.

In response to the decision, SRSG Zahir Tanin, issued a “Decision” in an undated document stating he appreciates the panel, feels regret for the adverse health conditions suffered by the IDPs and states that UNMIK has taken steps to improve those conditions.³⁰ He absolves UNMIK of responsibility for the moral and material damages by saying it is up to local authorities now and claims he has brought the decision to the attention of the UN to share as appropriate. He closes by stating that, “promoting and protecting human rights is one of the core purposes of the United Nations.” UNMIK issued a similar press release on 28 April 2016.

However, in spite of regular communication from claimant’s counsel, UNMIK has not issued a public apology and refuses to undertake negotiations to reach a reasonable settlement for material or moral damages, thus reparations and rehabilitation for the victims of the conflict are denied. UNMIK’s actions make a mockery of the Rule of Law and the core purpose of the UN, to promote and protect human rights.

The Roma also prevailed in the claim against EULEX

Since the local prosecutor in 2005 declined to investigate who was committing crimes against the Roma, in January

and February 2010, counsel and local activists contacted and then met with the EULEX Chief Prosecutor requesting investigation of the serious crimes that had been and were being committed against the Roma in the IDP camps. The Prosecutor declined to begin an investigation claiming it was not in his jurisdiction.

EULEX was mandated to uphold human rights in Kosovo and intervene especially when the acts were motivated by racism. Therefore, on 9 June 2011, *X and 115 Other Complainants against EULEX* was filed, stating that it is within EULEX’s jurisdiction since the acts were a serious human rights violation and local authorities refused to investigate. On 5 October 2012 the Human Rights Review Panel (HRRP) found admissible the portion of the complaint that dealt with Articles 6 and 13 of the ECHR relating to the right to a fair trial and an effective remedy.

The Basic Prosecution Office of Mitrovica registered a complaint and it was assigned to a mixed team of local and EULEX prosecutors that met on 9 January 2014. An investigation was initiated on 15 April 2014 but the jurisdiction of EULEX ended the day before. Therefore, local prosecutors took over the investigation – the same office that would not investigate in 2005.

On 22 April 2015, the HRRP issued its decision. The panel found that the decision to initiate an investigation after the cut-off date, which meant it would be shuttled to local prosecutors, was a violation because it interfered with the Roma’s ability to obtain civil compensation and obtain an effective remedy for the harm they suffered. The panel found a violation of Article 13 and found no need to look at Article 6. The panel also found there was a clear ethnic element in the case.³¹

EULEX was ordered to investigate whether local authorities were in fact conducting an investigation and depending on the findings, decide if they should take over the investigation and report back to the panel by 15 June 2015.

EULEX responded in September 2015 that no “extraordinary circumstances” existed for them to take the case since they viewed only organised crime as in their mandate not human rights. They also said there never was a decision to take the case on 15 April or any other time.

30 Zahir Tanin, Special Representative of the Secretary-General, Head of UNMIK, SRSG’s decision in the complaint of N.M. and Others (no. 26/08), undated.

31 Human Rights Review Panel, available at: www.hrrp.eu.

They claimed that inquiries sent to the complainants were not responded to, but no inquiries were ever sent to the complainants or their lawyer.

In November 2015, the HRRP pointed out that EULEX had submitted no evidence of any investigation whatsoever by anyone and concluded that any such investigation would have been furthered by the expertise of EULEX prosecutors. HRRP found that the steps taken by EULEX did not ensure the claimants rights since the local authorities had already failed to do any investigation since 2005. They invited EULEX to describe what they considered “extraordinary circumstances” and to talk to the local prosecutors to ascertain the status of the case. The HRRP declared that the rights of the Roma under Article 13 still had not been upheld and asked for a report from EULEX in February 2016.

EULEX replied in March 2016 that “extraordinary circumstances” are when the expertise of EULEX was needed, there was a suspicion of attempts to influence the investigation, or the case touches on the interest of the EU or local staff. To them, this case met none of those requirements.

They also claimed that the local prosecutor was willing to undertake the case, though it was still in preliminary investigation – since 2005. Yet EULEX admitted that the local prosecutor tasked with the job was forced out of office due to suspicion of misconduct, and it had been assigned to another prosecutor who had not yet looked at it. They also pointed out that the statute of limitations has run out on the crime of “general damage.”

Counsel for the Roma pointed out that failure of the prosecutor to timely investigate cannot justify the claimants’

loss of their rights. If that were the case, any prosecutor could just let a file sit until the statute of limitations ran thus depriving any victim of their right to an effective remedy. Article 13 does not allow that simple subterfuge. Further, the statute of limitations for homicide has not expired. The case continues but as of 25 January 2017, EULEX has not responded to HRRP.

Will a new tribunal bring the Roma justice?

A new tribunal has been established in Kosovo to deal with the allegations contained in the Council of Europe report of January 2011.³² The tribunal is under the authority of the EU Special Investigative Task Force (SITF) under a law passed by the Kosovo Assembly in August 2015. The Council of Europe report mentions Roma as victims of the conduct (paragraph 88), therefore one can be hopeful that the harms done to the Roma will be investigated by this new tribunal.

Lessons for the future

Both of these successes – the HRAP and the HRRP opinions – have brought only pyrrhic victories to the Roma victims. Though their rights have been vindicated on paper, the residents of Mitrovica did not get their houses back. Their children did not get medical care. They will always live with the physical, mental and psychological harm from the lead poisoning. They will die early deaths.

However, none of these results would have occurred without relentless outside pressure and constant local activism. Law is a tool, and often a very good one, but it is not the solution. Organising for political power is the solution. Roma and their allies will have to do what every oppressed group has done the world over, organise, fight and never give up.

32 AS/Jur (2010) 46 [provisional version], 12 December 2010 Ajdoc46 2010 Committee on Legal Affairs and Human Rights, Inhuman treatment of people and illicit trafficking in human organs in Kosovo, Report, Rapporteur: Mr Dick Marty. Switzerland, Alliance of Liberals and Democrats for Europe, available at: www.assembly.coe.int.

Pathologised Presence/Normalised Absence in Conflict: Learning from Irish Travellers and the 'Troubles' in Ireland

ROBBIE MCVEIGH

When Anne Phoenix developed her concept of 'pathologised presence/normalised absence', she provided a paradigm with profound significance to the whole of the study of race.¹ Phoenix suggested that when an issue like gender is addressed in a general sense it becomes 'raceless'; the author routinely fails to acknowledge that they are describing the experience of *one* ethnic group. This group is usually in a position of privilege. This establishes the *normalised absence* of all those groups who are other to this defining ethnicity. In contrast, when the experience of other groups *is* addressed, a great deal of attention is paid to the specificity of their experience. These groups are continuously defined through their difference – it is implicit that they are somehow not 'normal'. This is the *pathologised presence*. Often, of course, this hegemonic notion of 'normal' becomes synonymous with 'good' or 'ideal'. Moreover, this notion of what is 'normal' or 'good' or 'ideal' often ends up comprising a minority of the overall population.

We might suggest that the concept of pathologies presence/normalised absence has unique reference to the experience of Roma and Travellers. There is perhaps no ethnic group so routinely absent from notions of 'normal' and no ethnic group so obviously negatively stereotyped when its experience is addressed. We might further suggest that this dynamic of Roma presence/absence finds particular reference in the analysis of conflict. Here Roma and Travellers are almost completely absent in the historiography of conflict - despite their experience of genocide and other forms of institutionalised violence over centuries. Similarly, we find a concomitant silence on Roma

and Travellers at the *conclusion of these conflicts* – as peace processes develop and states enter conflict transformation mode, we find little attention to the post-conflict needs of Roma and Travellers.

We find a similar silence – albeit on a smaller canvass – on Travellers in the recent conflict in Ireland. This conflict is popularly characterised as 'The Troubles' with the British Protestant/Unionist/Loyalist community on one side and Irish Catholic/Nationalist/Republican community on the other. The conflict was alternatively defined by the British state as an 'emergency' and by non-state combatants as a 'war'. It ran roughly from 1969 to 1998 (although the Northern Ireland state continues to be unstable and political violence persists). Over this period there were over 3000 deaths. The conflict also saw draconian emergency legislation and paramilitary policing across Britain and Ireland, as well as huge population movements and the institutional ethnic segregation of 'Protestants' and 'Catholics' across Northern Ireland. When the conflict was ended by the Good Friday Agreement (GFA) in 1998, human rights and equality were regarded as central to the peace process.² Moreover, it was accepted that the legacy of the conflict would require ongoing and systemic amelioration if peace was to be sustained.³ This requirement was most obviously recognised by the EU which created the four successive elements of the Northern Ireland PEACE Programme.⁴

Travellers – like all other citizens of Ireland, north and south – were profoundly affected by this conflict. Despite this, however, Travellers have been largely written out of the

1 Anne Phoenix, "Theories of gender and black families", in *Gender Under Scrutiny: new inquiries in education*, eds. Gaby Weiner and Madeleine Arnot (London: Open University Press, 1987), 50-63.

2 'The Agreement: Agreement reached in the multi-party negotiations' ('Good Friday Agreement' or 'Belfast Agreement'), available at: <https://www.gov.uk/government/publications/the-belfast-agreement>.

3 The GFA made no reference to Travellers, although it did recognise 'the right to equal opportunity in all social and economic activity, regardless of class, creed, disability, gender or ethnicity' as well as the language rights of, 'the various ethnic Communities'. See, Department of Foreign Affairs and Trade "The Good Friday Agreement and today", available at: <https://www.dfa.ie/our-role-policies/northern-ireland/the-good-friday-agreement-and-today/>.

4 As the EU defines it: "What is the PEACE Programme? The EU Programme for Peace and Reconciliation is a unique Structural Funds programme aimed at reinforcing progress towards a peaceful and stable society in Northern Ireland and the Border Region of Ireland. It represents the European Union's commitment to supporting the peace process across the region and was initially launched in 1995." PEACE (2012-20) Programme Factsheet, available at: http://www.seupb.eu/Libraries/PEACE_IV_Programme_Guidance/PIV_ProgrammeFactsheet.sflb.ashx.

narrative of the Troubles. It was as if the conflict – which consumed the whole of Northern Ireland society as well as impacting significantly in southern Ireland and England – had passed Travellers completely by. In recognition of this silence, Donegal Travellers Project – a regional Traveller organisation – secured funding from the EU Peace Programme for its Building Ethic Peace programme.⁵ As part of this programme, it commissioned research on Travellers' experiences of conflict.⁶ This was subsequently published as 'Travellers and the Troubles' in 2008.⁷

Two key points emerged from this research. First, Travellers *were* significantly impacted by the conflict – the common-sense notion that they had been 'unaffected' by the conflict was simply wrong. Second, this impact was not necessarily the same as that on settled people. Some of the experiences were, of course, broadly similar – being caught up in violent incidents like bombs or fire fights for example. But other experiences suggested a Traveller-specific experience of conflict. This has ongoing implications for Travellers in Ireland. But it also has wider implications for the discussion of Roma and conflict.

The 'Travellers and the Troubles' research suggested a broad schema for further detailing Travellers' experiences of the Troubles grounded in both the background history and the oral history conducted for the research. Each of these categories involved Travellers being affected by the Troubles in different ways. Most real-life situations involved a combination of 'bad luck' and Traveller-specific treatment. For example, in Northern Ireland the location of Traveller 'sites' – the places where most Travellers lived – was often a function of the security situation. These 'halting sites' were frequently situated in 'no man's land' – close to military installations in places where no non-Travellers felt it safe to live. This reality made Travellers much more likely to be in 'the wrong place at the wrong time' than most settled people.

The schema that emerged from this research for addressing the nexus of Irish Travellers and the Troubles contained four

key elements: 1. Collateral Damage or 'the wrong place at the wrong time'; 2. Travellers and 'states of emergency'; 3. Travellers and majority ethnic communities in conflict; 4. Travellers as combatants in political/military conflict. Here we develop these categories in a way that should help to inform broader analysis of Roma and conflict in other situations.

Roma and Travellers as 'collateral damage' in conflict

The notion of 'collateral damage' reminds us that Roma and Travellers are killed and injured whenever they live in a wider society in conflict – *whatever their relationship to that conflict*. For example, in her autobiography, the late Traveller activist Nan Joyce vividly recalls living through rioting, shooting and ethnic cleansing at the start of the Troubles.⁸ Experiences like these happened because Travellers were living in a society at war. Whether Travellers 'understood the Troubles' or 'took sides' or not, they could not be unaffected. In other situations, however, the idea of being in the 'wrong place at the wrong time' was to some degree a function of anti-Traveller racism: if a Traveller site was a place in which the security forces or paramilitary organisations believed that they could ignore normal rules of engagement, this was not simply an accident. The negative experiences of Travellers living in this 'no man's land' often happened because of the relative value and respect put on Travellers' lives and the places in which they were forced to live. This sense of Travellers being 'caught in the middle' recurred time and again in the research and confirmed earlier analysis of this experience.⁹ In combination, this suggests that *Travellers experienced the Troubles in a different way to other people*. In Omagh, for example, the centrality of the 1997 bomb (the worst single event of the entire Troubles) colours everything else. Local Travellers found themselves in the middle of this dynamic in a complex and contradictory way:

Two of us were parked next to the car that the bomb was in. We had just pulled away and was up the street when the bomb exploded – car shook and everyone was running – everyone seen it and heard

5 Donegal Travellers Project, available at: <http://donegaltravellersproject.org/>.

6 'Irish Travellers and the "Troubles"', available at: http://www.seupb.eu/newsandevents/latestnews/newsarchive/07-07-26/Irish_Travellers_and_the_%E2%80%98Troubles%E2%80%99.aspx.

7 Robbie McVeigh, *Irish Travellers and the 'Troubles'* (Donegal Travellers Project, 2008).

8 Nan Joyce, *My Life on the Road: An autobiography* (Dublin: A&A Farmer, 2004), 76.

9 Robbie McVeigh, 'Racism and Travelling People in Northern Ireland', *17th Report of the Standing Advisory Commission for Human Rights* (Belfast: HMSO, 1992).

it, police were moving people in the direction of the bomb. Now I have no faith in the security forces - people were blown to pieces, and it could have been me or my kids that were in the car. There were no mobiles at that time so no-one could ring to find out where people were - it was very frightening time for everyone. All of Omagh came together in sympathy - there was a unifying effect, but we also thought that it would not last. No Traveller was killed but everyone knew someone that was killed in it. I still have nightmares from it - bodies hanging out of windows and the stench of burning skin.¹⁰

If definitive evidence were needed for the complexity of Travellers' relationship to the Troubles, this is it. Travellers were sometimes victims, sometimes survivors, sometimes observers, sometimes active participants; they reacted personally and politically, and through all this the sense of Travellers being slightly 'outside' remained. Despite this, however, it is absolutely the case that Travellers were routinely and profoundly affected by the conflict. This is probably the simplest and most obvious implication for broader analysis of Roma and conflict- the default position should be to assume that Roma have been affected and look for ways to explore that experience rather than accept the commonplace assertion that they are somehow outside or untouched by conflict.

Roma and Travellers and 'states of emergency'

War and conflict almost inevitably generate 'emergency' regimes in which 'normal' constitutional and legal rights are compromised. In these contexts, the institutions of criminal justice assume forms that can impact very negatively on Roma and Travellers *whatever their relationship to the conflict*. This was the case in the Irish conflict as both British and Irish states invoked a whole series of 'special powers' and 'emergency provisions'. The infrastructure of emergency was most marked in Northern Ireland. This affected many aspects of life for Travellers as for other people. Travellers experienced policing in specific and problematic way in this context. This involved relationships with the RUC (the Northern Ireland police) as well as the British Army. Travellers were also affected by the 'dirty war' - intelligence and counter intelligence operations which often complicated 'or-

dinary' policing. This experience of emergency, paramilitary policing was perhaps the most important aspect of the reality of the conflict for Travellers in Ireland. Alternative models of policing - particularly those grounded in the commitment to protect human rights and equality and based on sensitivity to ethnic difference - were missing. Moreover, the Patten Commission - the mechanism that was supposed to ensure the 'normalisation' of policing after the GFA - while paying some regard to broad issues of ethnic equality, said nothing about the specific experience of Travellers.¹¹

In consequence, there was little evidence of a 'new beginning' to policing for Travellers and the profound legacy of conflict-related policing continues to structure their experience in the context of 'peace'. The most detailed recent examination is the Institute for Conflict Research project *Over Policed and Under Protected: Travellers, the Police and the Criminal Justice System in Northern Ireland*.¹² It bears emphasis that this appeared nearly twenty years into a peace process that was supposed to transform policing. The report concludes that Travellers in Northern Ireland are:

More likely to be a victim of crime than an individual in the general population; More likely to be a victim of racist harassment or crime than a member of other minority communities; More likely to be arrested, charged or reported to the PPS [Public Prosecution Service] than an individual in the general population; More likely to be subject to police stop and search than an individual in the general population; More likely to be subject to police stop and search than a member of other minority ethnic groups; and more at risk of imprisonment than an individual in the general population.¹³

The Republic of Ireland also introduced a network of Troubles-related emergency legislation and practice that had its impact on different citizens. This meant that Travellers often experienced policing negatively in the south of Ireland during the Troubles. Evidence of this combination of Traveller-specific and emergency policing was brought into sharp relief in terms of its impact on Travellers in the investigations and report of the Morris Tribunal.¹⁴ This Irish Government Inquiry provides a unique perspective

10 McVeigh, *Irish Travellers and the Troubles*, 18.

11 Chris Patten, *A New Beginning: Policing in Northern Ireland: The Report of the Independent Commission on Policing for Northern Ireland* (Belfast: HMSO, 1999).

12 Institute for Conflict Research, *Over Policed and Under Protected: Travellers, the Police and the Criminal Justice System in Northern Ireland* (2011).

13 Institute for Conflict Research, *Over Policed and Under Protected*, 27-28.

14 Frederick R Morris, *Report of the Tribunal of Inquiry Set up Pursuant to the Tribunal of Inquiry (Evidence) Acts 1921-2002 into Certain Gardai in the Donegal Division* (Dublin: Government of Ireland, 2006).

on the policing of Travellers by *An Garda Síochána* (the Irish police) in the border region.¹⁵ The implications were disturbing. It accepted that racist abuse by Gardai took place.¹⁶ It accepted that 'Disgraceful Garda conduct to secure the arrest of seven innocent members of the Irish Traveller Community' took place. Finally, it accepted that a 'disgraceful conspiracy' to pervert the course of justice in this case took place. It bears emphasis that all of this occurred in the context of 'emergency' legislation – legislation justified solely in terms of its application in dealing with the Troubles. In this sense, Troubles-related emergency legislation helped to *enable* the abuse of Travellers on both sides of the Irish border during the conflict.

This specificity of Traveller experience was particularly acute because of the infrastructure of emergency around the Irish border. From its inception in 1920, the partition of Ireland became a defining part in the lives of Irish Travellers. This impacted directly on Travellers in a different way from settled Irish people – no matter how affected they were by partition. Travellers had been nomadic in Ireland for generations before partition – their sense of ethnic identity was all-Ireland, their traditional routes were all-Ireland, their economic networks were all-Ireland and their spiritual reference was all-Ireland. Travellers travelled around the whole of Ireland in the context of nomadic cultural and economic practice. Partition changed this profoundly. This was especially true at time of political tension or crisis when the border became more difficult to cross.

This border issue has ongoing implications. For example, the decision of the UK to leave the EU has raised specific concerns around whether the Irish border – between Northern Ireland and the Republic of Ireland – will stay a 'soft border' or become a 'hard border' between Northern Ireland outside the EU and the Republic of Ireland within it. During the Troubles the border was a quintessentially 'hard border' – heavily militarised (even though both countries were in the EU and members of a 'common travel area'). In terms of the broader question of Roma and conflict we can observe that borders – as well as battlefronts in the context of more

traditional wars – effect Roma and Traveller populations specifically. More broadly, we can suggest that any conflict-related 'state of emergency' is likely to impact specially and negatively on Roma and Traveller citizens.

Roma and Traveller relations with 'majority ethnic' communities in conflict

The focus on 'majority ethnic' conflict reminds us that Roma and Traveller relations with other ethnic groups are redefined in the context of these groups being in conflict. Most particularly, of course, there will be an intense interest in whether Roma and Travellers 'take sides'. This was clearly the case in Ireland where conflict impacted on Travellers in a particular way because of their specific relationship to both 'majority ethnic' communities – broadly 'British' and 'Irish' – in the context of profound conflict between these groups. Before the conflict, Travellers had different relationships with Protestants and Catholics but these differences were brought into sharp focus by the conflict.

Despite the reality of the tensions between nationalist politicians and Travellers in Northern Ireland, the most extreme anti-Traveller racism in political discourse has come from Unionists.¹⁷ This continued through the Troubles and into the peace process. At different times during and since the Troubles, Travellers have been targeted by loyalist paramilitaries.¹⁸ In contrast, most Travellers are Catholics and have a specific, if not always unproblematic, relationship to the Catholic Church. For example, the work of the *Parish of the Travelling People* was a specific indication of the place of Travellers within formal Catholic religious structures.¹⁹ Membership of this religious community places them in a different relationship to other non-Traveller Catholics, north and south of the border. Generally, Travellers are more likely to 'know' settled Catholics than Protestants. They overwhelmingly live and halt in 'Catholic areas' and they usually attend Catholic schools – albeit that these schools are often segregated in principle or practice as Traveller-only schools. Thus, the Traveller/settled distinction is arguably more important within the Catholic com-

¹⁵ *Ibid.*, 2.

¹⁶ *Ibid.*, 260.

¹⁷ Robbie McVeigh, 'Irish Travellers and the Logic of Genocide', in *Encounters with Modern Ireland* eds. Michel Peillon and Tony Fahy (Dublin: IPA, 1997).

¹⁸ BBC News, 'Home targeted in petrol bombing' Monday, 21 February, 2005, available at: http://news.bbc.co.uk/1/hi/northern_ireland/4283005.stm.

¹⁹ 'Parish of the Travelling People', available at: <http://www.ptrev.ie/>.

munity than the Protestant community because most Travellers are – to a greater or lesser extent – a constituent part of the broad Catholic community. This acknowledged, Travellers have different relationships with different parts of this broader Catholic community. For example, their relationship to the Catholic Church is often very different to their relationship to the nationalist political community. This broad reality is especially important in the context of the question of the effects of the Troubles on Travellers.

For example, there was a relationship between Travellers and Republicans going right back to the original ‘Troubles’ – the revolutionary period of 1916-23. This continued throughout subsequent Irish history. Bhreathnach traces these connections in the 1960s.²⁰ This was repeated at the start of the Troubles in the north in 1969.²¹ For all the silences around Travellers and the Troubles, Travellers had a high profile role in one of the definitive events of the outbreak of the Troubles – the pogroms in Ardoyne. In 1969 many Catholics were forced out of the Ardoyne area of North Belfast through sectarian violence, and relocated in republican West Belfast and other areas. Travellers played a key role in this evacuation. The consequences of the forced movement of Travellers into working class Catholic areas were very stark. Within a couple of years of the outbreak of the Troubles, all Traveller sites in Belfast were in working class Catholic ‘Republican’ areas and this movement was mirrored across the north. Moreover, Traveller sites were usually in the most marginalised parts of these areas. They were often located in buffer zones – between the settled Republican community and British military installations.

In this context, Travellers entered a new policing dynamic with Republican paramilitaries – for the duration of the Troubles Travellers stood in a specific and problematic relationship to the Republican movement. There is also a related phenomenon of settled people using ‘paramilitary cover’. In other words, settled people sometimes pretended to have the sanction of paramilitary organisations to harass Travellers. Often Travellers had no certainty in terms of whether these kinds of threats come from a ‘genuine’ paramilitary source or not.

The complex and contradictory relationship between Travellers and Republicans is one of the main legacies of the conflict. More generally Travellers are a constituent but distinct part of the Catholic community on both sides of the border. This means that Travellers tend to have more social contact with settled Catholics than with Protestants. It does not follow, however, that social relations are necessarily any better. The Troubles impacted on these relations in a range of ways and addressing these should form part of any programme of consolidating peace. More broadly any assessment of the impact of conflict on Roma and Travellers needs to be aware of the different, contradictory relationships that they will have with the two (or more) sides to that conflict.

Roma and Traveller participation in the conflict

Sometimes Roma and Travellers are combatants or otherwise actively participate in conflict. In the Irish context, we need to begin discussing Traveller participation in the conflict by stating something that appears obvious to most Travellers. Insofar as there was Traveller participation, it was markedly one-sided – much more even than settled participation, which is often regarded as a straightforward dichotomy between Catholic/Irish and Protestant/British. Thus the only real question around Traveller involvement is in terms of Traveller involvement with Republicanism. We have already seen that Travellers sometimes sat in a problematic relationship with the Republican movement. This did not, however, mean that some Travellers were not actively involved in different aspects of Republican struggle.²²

For example, in the context of discussions around the issue of a Traveller flag, one Traveller identifying as ‘Irish Traveller/Irish Republican Prisoner’ made clear his opinions in the *Voice of the Traveller* newsletter:

I am an Irish Traveller with Irish Republican aspirations to see Ireland united, my loyalties are to the Irish Tricolour, the national flag of my country.... [D]enial of the common identity we all share on the island of Ireland, alongside misleading talk about national identity and separate flags will do nothing to further the cause of Travellers.... Irishmen and Irishwomen, Irish Travellers

20 Aoife Bhreathnach, *Becoming Conspicuous: Irish Travellers, Society and the State 1922-70* (Dublin: UCD Press, 2006), 124.

21 Katherine Quarmby, *No Place to Call Home: Inside the Real Lives of Gypsies and Travellers* (London: Oneworld, 2013).

22 Paul Harris et al, ‘The Irish Traveller with a chilling taste for terror’, *The Observer*, 5 August 2001, available at: <http://observer.guardian.co.uk/nireland/story/0,,582092,00.html>.

*included, gave their life's blood and spent years in prison so that our national flag could fly proud and free from British oppression.*²³

For other Travellers, however, the 'balance' between the different elements of compulsion and voluntarism is less clear. As one Traveller put it during the 'Travellers and Troubles' research, 'Travellers had both a fear of and a sympathy for the IRA'.

The reality is that many Travellers expressed and continue to express active support for *political* Republicanism – broadly the ending of British rule in Northern Ireland and the concomitant political re-unification of the island of Ireland. This cannot be simply dismissed as the product of 'duress'. It is one of the more complex and least addressed elements of the legacy of the Troubles for Travellers. For example, a story in the *Observer* newspaper suggested that the alleged involvement of a Traveller in Republican political violence sat uneasily with his Traveller identity: 'his staunch nationalism is a remarkable break from his Traveller past'. While it is true, however, that Travellers have not been routinely involved in Republican paramilitarism, this is very different from suggesting that they do not have any politics. These politics are often – though by no means exclusively – Irish nationalist or Irish Republican.

More broadly, most Travellers usually have a strong sense of their Irishness – this remains a core defining element in Traveller identity. This is often associated with a commitment to Irish republicanism in the broadest sense – they support reunification of the island and would like to see British disengagement from the island. Their attitudes on this tend to be much more uniform than for the settled community, where opinion on these issues might be seen to be increasingly divided. Significantly, this holds for Travellers in Northern Ireland – they are firmly Irish rather than 'Northern Irish' or 'British'.

More generally – and perhaps more than most other Roma and Traveller groups – Irish Travellers have a very strong identification with their own broader national identity. Despite their marginalisation and subordination within the Irish state, Travellers tend to identify strongly with their Irishness:

While being a Traveller should be a wonderful, beautiful thing, most of the settled population think there are no worse people on

*this earth or at best that we need to become like them to succeed in Irish society. We self-identify and others identify us as a group separate to other Irish People. This doesn't make us any less Irish; this makes us less valued as Irish people. Despite all that has been done to us, we sing Amhrán na bhFiann [the Irish national anthem] and fly the Tricolour [the Irish national flag] as proud as any other Irish person but we are not as equal in our own country as any other Irish person, why?, simply because we are Travellers.*²⁴

This reality, of course, raises complex questions about both politics and identity. In the context of the question of Travellers and the Troubles, it is clear that Travellers are not people 'without politics'. This observation raises in turn broader questions about politics and national identity. In this context, we expose another 'normalised absence' – the notion that Travellers are outside 'normal' politics. Clearly in the Irish context Travellers should have been part of the wider national conversation on these issues that followed the peace process. In Ireland, this remains a key challenge in the wider process of creating a space in which Travellers can discuss, define and articulate a collective sense of Traveller politics. More broadly we might expect a new historiography which addresses the experience of Roma and Travellers as combatants and political actors as well as recognising the specificity of the politics that frames attitudes towards different conflicts.

Conclusions

It bears emphasis that the vast majority of Travellers were non-combatants in the Troubles in Ireland; but so were the vast majority of non-Travellers. As with other non-combatant groups, conflict impacted Travellers profoundly – sometimes in much the same way as settled people and sometimes very differently. Despite this, the notion of Travellers 'not being involved' remains the most common reading of Traveller experience of the recent Troubles among both Travellers and settled people. Since Travellers are discriminated against and harassed within both states on the island of Ireland, and by both Protestants and Catholics, north and south, the conflicts of settled people are often regarded as nothing to do with them. From this perspective, Travellers are not – and have not been – 'involved'. Moreover, since Traveller experience has changed comparatively little since the GFA, it is not surprising that, as one Traveller observed,

²³ *Voice of the Traveller* 'Letters Page' 2005.

²⁴ Brigid Quilligan, *Keynote address to the National Traveller Monitoring Advisory Committee Conference "Ethnicity and Travellers: An exploration"*, Dublin Castle, 27th September 2012, available at: http://itmtrav.ie/keyissues/myview_new/87.

‘most Travellers wouldn’t know what the GFA is’. Since few of the anticipated positive changes of the GFA have benefited Travellers – beyond living in a society that is less dominated by endemic political violence from all sides - it is hardly surprising that the GFA is not seen as a positive milestone by many members of the Traveller community.

As we have seen, the real story of Travellers and the Troubles is complex. The reasons for Travellers ‘getting involved’ were equally complex - a combination of threats, compassion, solidarity and obligation and ‘being in the wrong place at the wrong time’. But the conclusion is clear: even though at times ‘every hand was lifted against them’, Travellers were profoundly affected, they did get involved and they often took a position on wider political issues related to the conflict. All Travellers – just as all non-Travellers – had their lives profoundly and negatively changed by the Troubles. Travellers have just as much a ‘legacy of the conflict’ as settled people. When the peace process and the political parties and the peace programmes did not take this into account, they profoundly ignored one of the most socially disadvantaged groups in Ireland. The GFA that copper-fastened the peace process and ended the conflict made specific commitments on human rights and ethnic equality. And the Irish Government guaranteed as part of this process to match any rights established north of the border.²⁵ Yet while Travellers have been recognised as an ethnic group in statute in Northern Ireland since 1997, it took another twenty years before the Irish government finally formally recognised Traveller ethnicity in March 2017.²⁶ While the recognition was a welcome victory for Travellers, this involved a tortuous and consuming campaign to achieve something that should have been delivered automatically as part of the wider human rights and equality commitments in the GFA.²⁷ The tenacity of the Irish Government commitment to ethnicity denial – despite the censure of CERD and many other national and

international bodies – is testament the profound marginalisation and inequality of Travellers across Irish society.²⁸

Thus, while Travellers were affected by the ‘Troubles’, it is less clear how they have been affected by the Irish Peace Process. There remains a clear challenge of finding ways of allowing Travellers to engage with the GFA and its legacy. As we have seen, issues of national and ethnic identity are profoundly important to Travellers and it is vital that the huge constitutional changes associated with the peace process are made relevant to them. There is a challenge to encourage and support Travellers to discuss how the peace process and the GFA could or should benefit them. While this might have been done twenty years ago, there is an even greater imperative to make it work now. In this sense, the challenge of making the peace process work for them is the key unresolved legacy of the Troubles for Irish Travellers. In terms of the wider lessons for other Roma and Travellers, the experience of the Irish peace process makes it clear that Roma and Travellers must be explicitly named and integrated within any wider peace process – if this does not happen there is no guarantee that they will benefit *at all* from the rights and equality protections embedded in any post-conflict transformation.

This returns us to the broader point about normalised absence and pathologised presence in the wider analysis of Roma and Travellers and conflict. If conflict continues to be constructed as something that has no impact on the Roma and Travellers affected by it, it neither addresses the dynamics of conflict nor properly contributes to the process of ‘conflict transformation’. We might signal the failure to address Roma and Traveller experience of conflict as a quintessential example of normalised absence at its very worst. Even when Roma experience has been central to broader patterns of institutionalised violence of the most profound kind - like enslavement or genocide - we often

25 Thus in the ‘Rights, Safeguards and Equality of Opportunity’ section of the GFA: ‘The Irish Government will also take steps to further strengthen the protection of human rights in its jurisdiction.... The measures brought forward would ensure at least an equivalent level of protection of human rights as will pertain in Northern Ireland’.

26 RTE News 2017. ‘Taoiseach: Travellers ‘a people within our people’ as ethnicity recognized’ 1 March 2017; <https://www.rte.ie/news/2017/0301/856293-travellers-ethnic-status>; RTE News 2017. ‘Recognition of Traveller ethnicity a ‘historic day’ 1 March 2017: <http://www.rte.ie/news/player/2017/0301/21139071-recognition-of-traveller-ethnicity-a-historic-day>.

27 Pavee Point, *Irish Travellers and Roma Shadow Report A Response to Ireland’s Third and Fourth Report on the International Convention on the Elimination of All Forms of Racial Discrimination (CERD)* (Dublin: 2011), available at: <http://www.paveepoint.ie/document/irish-travellers-and-roma-cerd-shadow-report>.

28 Robbie McVeigh “‘Ethnicity Denial’ and Racism: The Case of the Government of Ireland Against Irish Travellers”, in *Translocations: The Irish Migration, Race and Social Transformation Review* Summer 2007 Volume 2 Issue 1 90-133, available at: <http://www.translocations.ie/docs/v02i01/translocations-v02i01-06.pdf>.

find a narrative constructed without any Roma presence. A holocaust education programme that fails to address the *Porajmos* fully becomes itself an exercise in holocaust denial; a museum of slavery that fails to address Roma enslavement becomes itself an exercise in masking slavery. Until Roma and Travellers are placed centrally – become a *normalised presence* – in the heart of the discussion of any conflict in which they are involved, we can guarantee that

any analysis of war – and more particularly any related peace process – will remain profoundly flawed. The exclusion of Roma and Travellers from both the historiography of war and the politics of peacebuilding in Europe remains a profound discredit to the whole European project and its self-perception as the ‘biggest peacemaker in history’. A reversal of this normalised absence of Roma and Travellers from the ‘European Peace Project’ is long overdue.²⁹

29 Staffan Nilsson, “The European Union – a project of peace”, available at: <http://www.eesc.europa.eu/?i=portal.en.staffan-nilsson-comment.25444>.

The Roma After the Georgian-Abkhaz Conflict: Displacement and Added Barriers

SANDRA VELOY MATEU

Introduction

The current situation of the Roma communities in Georgia is relatively unknown, as there is no recent overview available.¹ In addition, although there are some non-governmental organisations (NGOs) dealing with problems affecting the Roma, the Government of Georgia (GoG) has so far done very little to improve their situation. It is only recently that the GoG has become aware of the problems affecting the Roma. Like in many other countries in Europe, the Roma in Georgia are marginalised and highly impoverished. Nevertheless, this paper does not aim to provide a general overview on the situation of the Roma in Georgia, but rather it focuses on the consequences of the Georgian-Abkhaz conflict on the Roma community who live/d in the breakaway region of Abkhazia.

For this purpose, I carried out a combination of desk-based and field research, the latter through an interview with a prominent NGO in Abkhazia, as well as some informal discussions at the *de facto* Ministry of Education of Abkhazia. Two focus groups were held, one with Romani women in Sukhum/i² and another one in the Samgori district in Tbilisi.

The aftermath of the conflict: to return or not to return

The Georgian-Abkhaz conflict that erupted in 1992 when Abkhazia decided to break away from the newly-established Republic of Georgia had terrible consequences for the local populations. Nationalist movements across the Soviet space were on the rise in the late 1980s, which contributed to the fall of the Soviet Union. Many Soviet

republics claimed their independence, but these secessionist movements were not limited to republics. Other territories, such as autonomous regions like Abkhazia, also claimed their right to secession. This was not accepted by the nationalist government ruling in Georgia at the time under Zviad Gamsakhurdia, who was determined to end the Abkhaz secessionist movement. This led to a bloody conflict that tore the country in such a way that at present the conflict is still considered “frozen”.

Up until 1992 around 800 Roma lived in the breakaway region, mostly in its capital Sukhum/i. Nevertheless, the war brought the displacement of high numbers of the local population, which included the Roma, who mostly left Abkhazia to resettle elsewhere. The majority of the Roma moved to the neighbouring Krasnodar *krai* (region), in Russia, but also to government-controlled areas,³ mainly to places where they had relatives. Most of the Roma settled in Abkhazia had originally come from Ukraine and Russia, as a result of easy mobility during Soviet times, when it was quite common for the population to move around within Soviet boundaries and settle elsewhere. When the conflict started in Abkhazia, many Roma sought out their relatives to help them resettle.

According to an assessment carried out by the European Centre for Minority Issues (ECMI), during the conflict “reports of widespread discrimination, death threats, robberies, and other violence plagued the Roma living there [Abkhazia], causing immense physical and psychological damage. Some Roma even claimed to be the main target of discrimination by Abkhazians”.⁴ Many reports argue that deliberate attacks on the Romani population by the Georgian military

1 The last general assessment was done by the European Centre for Minority Issues in 2009: Giorgi Sordia (2009), “A Way Out?: Initial Steps Towards Addressing Romani Issues in Georgia”, European Center for Minority Issues, ECMI Issue Brief No. 21. This paper provides a general picture of the Roma communities in Georgia, and identifies four main problems, which are; the lack of trust among the Roma communities towards society; the need for consolidation of the Romani groups in Georgia; the need for reducing barriers in accessing public services (health, education); and the need for changing attitudes from the society towards the Roma.

2 The form *Sukhum* is the Russian name of the Abkhaz capital (Russian is an official language in Abkhazia) and therefore used by its inhabitants, whereas *Sukhumi* is the Georgian form. For purposes of neutrality, the form *Sukhum/i* will be used. In the Abkhaz language the capital's name is *Akwa*.

3 *Government-controlled areas* refers to the territory *de facto* controlled by Georgia, which excludes the breakaway regions of Abkhazia and South Ossetia.

4 David Szakonyi, “No Way Out: An Assessment of the Romani Community in Georgia”, *European Centre for Minority Issues (ECMI), Working Paper 39*, February 2008, 16.

were due to the fact that many Roma men refused to join the Georgian side in the war.⁵ This can therefore be regarded as the main cause of the displacement of great numbers of members of the Roma community, rather than the fact that it was a conflict-affected area. Many Roma did not return to their homes in the aftermath of the war as they had either been destroyed or occupied by Abkhazians.

With regards to internally displaced persons (IDPs) within the Roma community, they settled mostly in Tbilisi (in the Samgori district),⁶ where there were more opportunities in terms of trade and work in general. According to the most recent information available, there were up to 200 Roma from Abkhazia in Tbilisi,⁷ although numbers are thought to have decreased in recent years.⁸ Nevertheless, some Roma also moved to other regions of Georgia, thus leaving the Roma from Abkhazia divided, and with different families scattered across the country, without a big unified community.

With the relative normalisation of the situation both in Abkhazia and in the government-controlled areas as a result of the freezing of the conflict, many Roma started to return from their displacements to Abkhazia. This happened in different waves, and mainly through two big ones: the first one of around 200 people who took back their abandoned houses in Sukhum/i; the second one, of around 300 coming mostly from Russia.⁹ According to the most recent information available from 2009, around 500 Roma are settled in Sukhum/i.¹⁰ In recent years, some other families have returned to Abkhazia from the North

Caucasus in Russia and from Government-controlled areas, but they have done so in small groups and information on their situation is hard to obtain.¹¹

The situation of the Roma who currently live in Abkhazia is somewhat more complicated to deal with. The conflict in Abkhazia created a situation of uncertainty that, even though at present is very different than in the immediate aftermath of the war, still prevails. The lack of recognition of the breakaway region by the international community has a negative impact for minority groups, including the Roma. Vulnerable groups are left in a sort of limbo where they cannot fully claim their rights through international mechanisms, as they can do in Government-controlled areas and other recognised countries. Abkhazia is only recognised as an independent country by four states: Russia, Venezuela, Nicaragua and Nauru. Therefore *de jure* enforcement of international commitments towards human rights' protection falls under the jurisdiction of Georgia. Nevertheless, since Georgia has no *de facto* control of Abkhazia, it cannot ensure that international law and human rights standards are applied there. Even though international organisations like the United Nations or the Council of Europe show concern for the situation of minorities inside Abkhazia,¹² they cannot put political pressure to the *de facto* Government of Abkhazia because they do not recognise it as a legitimate government.¹³ Therefore their demands are addressed to the GoG, which cannot directly address these issues, thus leaving these minority groups unprotected.

5 European Roma Rights Centre, *Roma in Abkhazia*, 3 April 1999, available at: <http://www.errc.org/article/roma-in-abkhazia/544>.

6 E. Marushiakova and V. Popov, "The Gypsies (Dom – Lom – Rom) in Georgia", *Proceedings of Annual Meeting of the Gypsy Lore Society and Conference on Romani Studies*, Bratislava, September 11-13, 2014: 3-4.

7 Szakonyi, "No Way Out".

8 According to Marushiakova and Popov some of the families are now living in Tbilisi although some moved back to Sukhum/i. However, when talking to the Romani community in Samgori district in Tbilisi, many stated that they were not aware of any Roma from Abkhazia living in the district. The widespread opinion seemed to be that they had mostly left and maybe a couple of families remained; an opinion which was shared by a Roma activist. Information seems to be somewhat contradictory, but the lack of registration of people makes it complicated to follow exactly the movements of the Roma population. Marushiakova and Popov, "The Gypsies (Dom – Lom – Rom) in Georgia", .4

9 Szakonyi, "No Way Out". 19.

10 *Ibid.*, 19.

11 Marushiakova and Popov, "The Gypsies (Dom – Lom – Rom) in Georgia".

12 See, for example the Council of Europe Advisory Committee for the Framework Convention for the Protection of National Minorities, *2nd Opinion on Georgia* from January 2016, available at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680590fb5>; and the UN Committee on the Elimination of Racial Discrimination, 'Consideration of reports submitted by States parties under article 9 of the Convention, Sixth to eighth periodic reports of States parties due in 2014, Georgia (CERD/C/GE0/6-8)' of Georgia from May 2016, available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19919&LangID=E>.

13 International organisations, such as the Council of Europe and the United Nations, when reporting on Georgia the add a caveat acknowledging the lack of *de facto* control over the regions of Abkhazia and South Ossetia.

Field Study: Findings

Many of the problems that the Roma communities in Abkhazia face are similar to those in other Roma communities across Europe. However, the conflict has negatively impacted on the lives of both Roma IDPs and of those who fled to Russia or Government-controlled areas and are now back in Abkhazia. In this section, the direct consequences of the war on the lives of Roma will be outlined in two parts: firstly, the problems faced by IDPs, and secondly, the ones faced by those who left to Russia and returned to Abkhazia.

Roma from Abkhazia in Government-controlled areas

Roma from Abkhazia face marginalisation and high levels of poverty. One of the main consequences of their displacement is the lack of documentation and proof of citizenship, as many fled Abkhazia without having time to take their personal belongings or these belongings had been destroyed in the war.¹⁴ This has rendered Roma even more vulnerable than before. IDPs in Georgia are entitled to particular rights outlined by the GoG, as a result of the particular barriers they face due to their status, i.e. lack of housing. However, the lack of trust towards the Roma, partly due to long-standing negative stereotyping, has made the GoG view with scepticism the lack of documentation of Roma from Abkhazia (they often believe it is a pretext for accessing state aid and receiving documentation). Therefore the GoG does not pay the attention required to these IDPs. Almost all the IDP Roma from Abkhazia have no documents, which hinders not only their social integration, but their quality of life. In addition, for various reasons, such as lack of knowledge of the state language, or high levels of marginalisation and isolation from Georgian public life, Roma IDPs are unaware of the existing state programmes aimed at helping IDPs. In practice this means they hardly ever use the state aid to which they are entitled.¹⁵

In order to put an end to the registration problem, the State Services Development Agency of the Ministry of Justice of the GoG began a registration process of Roma people in 2012, with the help of the NGO Centre for Innovation and Reform and the ECMI.¹⁶ Its assessment of the implementation of the National Concept for Tolerance and Civil Integration¹⁷ and 2015 Action Plan, published in February 2016, with statistics for the 2011-2015 period, shows that 63 registration cases had been completed and one remained in progress.¹⁸ These cases refer to citizenship, stateless person status or birth certificates, and it remains unspecified whether any of the cases concerned IDPs from Abkhazia.

The impact of non-registration for Roma is high, as it has repercussions in all spheres of their lives. For example, one of the main problems resulting from this is the lack of access to education. If children are not officially registered in the civil registry when they are born and documented, they cannot attend school. The application price for obtaining a passport or simply to register is too high for poor families to afford.¹⁹ In addition, Roma families tend to have a high number of children (it is common to have around five children per household, and there are often cases of many more),²⁰ which further exacerbates the economic obstacles of legally registering, since costs are higher. The lack of education creates a vicious circle: no education usually results in lack of employment, which in turn means increased poverty, less healthcare and lower possibilities to advocate for needs.

In order to obtain state benefits to help more impoverished families, registration is also necessary, which means that Roma families living in poverty and lacking official registration do not have access to any kind of social aid from the state, as they are not officially eligible, even if they meet all the requirements.

14 Szakonyi, "No Way Out", 11.

15 *Ibid.*, 16.

16 Office of the State Minister of Georgia for Reconciliation and Civic Equality, "Assessment of the implementation of the National Concept for Tolerance and Civil Integration and 2013 Action Plan", February 2014, 5.

17 The *National Concept for Tolerance and Civil Integration* is an instrument created in 2009 by the GoG to deal with the problems faced by ethnic minorities living in Georgia. It works on thematic areas and has annual action plans. With regards to Roma, so far it focuses solely on the registration of the Roma population without passports or ID cards.

18 Office of the State Minister of Georgia for Reconciliation and Civic Equality, "Report on the implementation of the National Concept for Tolerance and Civil Integration and 2015 Action Plan", February 2016, 6.

19 Szakonyi, "No Way Out", 11.

20 Information provided by participants in focus groups with Romani women in Sukhum/I and Government-controlled areas.

The fact that they are unregistered means that they cannot participate in Georgia's political life, which in turn means that they cannot advocate for their own rights, their problems do not receive the attention deserved and their situation remains largely unchanged. Women and girls are particularly affected by all these issues, as the highly patriarchal system both in Georgian society and the Roma community renders them more vulnerable and marginalised, with fewer possibilities to decide upon their future. Home births are common among the Roma population in Georgia, which is not only a cultural issue, but often also a problem arising from the lack of documentation, or even discrimination, for example, with some Roma women being rejected from maternity wards.²¹

Roma refugees in Russia and returnees to Abkhazia

Citizenship is not the main problem for most Roma living in Abkhazia, as 90% of them currently have Russian citizenship²² – although it remains unclear whether that would be the case for the most recent returnees from Government-controlled areas. During the focus groups, the main problem mentioned by all the participants was the lack of access to state aid, especially with regards to healthcare and people with disabilities. Many families with children with disabilities find themselves going to Russia to obtain benefits (using their Russian passports) and to access adequate healthcare. The *de facto* government does not have the means to provide adequate help to those who need it, mostly due to the economic difficulties and the international blockade faced as a result of self-declared independence. Furthermore, even if it did have the means but failed to provide adequate help, no accountability can take place as Abkhazia currently remains outside the control of international mechanisms.

In Abkhazia, civil society is not highly developed, with the existing organisations having little means and a wide variety of topics to cover, from youth empowerment to democracy-building. For example, one of the most active organisations, the Centre for Humanitarian Programmes, collaborates with European organisations such as Conciliation Resources on peace-building activities. They focus mainly on psychological rehabilitation for war victims, and youth empowerment. During the interview with this Sukhum/i-based NGO it was mentioned that even when

they have had activities in the field of multiculturalism and promotion of inter-ethnic tolerance, they had not included the Roma. This shows the extent to which the problems affecting the Roma community in Abkhazia are unknown to the society in which they live, and also that the Roma are not actively included in Abkhazia's public life.

The accountability of the *de facto* government is a recurrent problem, as it can be applied to all spheres where the Roma suffer discrimination, for example, in the field of education. There are two main issues in this regard: the first one is the lack of information on the benefits of education among the Roma community and therefore lack of school attendance; the other one is the number of school drop-outs due to discrimination. The latter gives an indication that even though the authorities seem to believe that Roma live well and face no problems in Abkhazia, especially relating to discrimination, prejudices still exist. Since the local civil society sector is not greatly active in this regard, and there is very little that the international community can do in reality due to the political situation created by the war, the situation of the Roma community is quite likely to remain as it is in the upcoming years.

Another important issue raised by different members of the Roma community in Abkhazia was the barriers they face to see their relatives in Government-controlled areas (which affects also other communities, such as Georgians living in Abkhazia). It seems that in the past Roma were able to cross the administrative border line (ABL), but since early 2015a couple of years ago the *de facto* government started making it harder and now they are unable to visit their families. This has an impact for the Roma communities on both sides of the ABL. It is difficult to identify the cause of this change; however, it seems likely that rapprochement between Russia and Abkhazia as a result of their signature of the agreement on alliance and strategic partnership signed in early 2015 might have hardened the relationship between Abkhazia and Government-controlled areas.

Conclusion

The Roma were caught up in an ethno-nationalist conflict that greatly disrupted their lives. Their attempts to remain neutral and not to join either side were fatal for many of them and

21 European Centre for Minority Issues, "Needs Assessment of Ethnic Minority Women in Georgia" commissioned study for UN Women/EU Project (Innovative Action for Gender Equality), Tbilisi, 2014, 51.

22 Szakonyi, "No Way Out", 19.

largely contributed to the dispersion of the Roma communities towards other regions, mostly to Russia and Government-controlled areas. For those who remained, their lives were not easy: they were victims of harassment, robberies, and high levels of discrimination. After the end of the hostilities, the Roma who stayed tried to continue with their lives, and are mostly involved in trade. Although they managed to move on and make a living, they were not integrated into society and remained a non-active group in Abkhazia's public life.

With time, many, but not all, Roma returned to Abkhazia. Although the returnees and those who stayed in

Government-controlled areas faced seemingly different problems, both groups end up being just as marginalised in one place as in the other. The general opinion about the Roma both in Abkhazia and Government-controlled areas is that they do not want to be included in society, they live their lives separately and they do not want to integrate. It is worth noting that Roma from Abkhazia not only face the common problems faced by Roma communities across Europe, but also the trauma of a war, as a result of which they were displaced and still suffer consequences. In addition, no attention has been paid to the particular needs of this group, so far greatly ignored and pushed aside.

Encountering the Invisible: Syrian Dom Refugees in Turkey

YEŞİM YAPRAK YILDIZ

The situation of Syrian Dom¹ refugees in Turkey is one of a paradoxical combination of visibility and invisibility. While Dom refugees have been largely invisible to the national authorities, local and international organisations and local community as rights-bearing individuals or as Syrian refugees, they have been highly visible as ‘Syrian Gypsies’ allegedly disturbing the public order. Despite sharing the same fate with their fellow Syrians following the outbreak of the conflict in Syria in 2011, they have been excluded from the rest of the Syrian refugees as ‘Syrian Gypsies’ or ‘Syrian beggars’, for whom travelling and begging is a lifestyle, rather than a consequence of war. The labels of ‘nomad’, ‘gypsy’ and ‘beggar’ have been used to divorce them of their rights arising from their refugee status. In this article I aim to discuss the processes that render the Dom refugees invisible and how these labels have been used to further reinforce discrimination against them. Besides discussing the power structures that impose invisibility, I will also discuss how invisibility can turn into a survival mechanism or a ‘weapon of the weak’² for groups such as Dom refugees whose lives have been characterised by exclusion.

The findings in the article about the situation of Dom refugees in Turkey are largely based on previous research I conducted between late 2014 and early 2015 in cooperation with the Eu-

ropean Roma Rights Centre (ERRC).³ During the fieldwork, we visited makeshift tents and informal tent camps where Dom refugees stay, in twelve Turkish provinces along the border with Syria, and interviewed around 160 Dom men and women. These findings are supported with further research conducted through press monitoring and review of the most recent publications on Syrian refugees in Turkey.⁴

Between ‘nomad’ and ‘refugee’

Dom people, linked to Roma in Europe and Lom people in Eastern Anatolia and the Caucasus, form a distinct ethno-linguistic group originating in India.⁵ They speak their own language, Domari, in addition to the languages of the countries where they reside, which include Syria, Lebanon, Jordan, Iraq, Turkey and Palestine. They are linguistically and socio-culturally different from Roma people, due to different migration waves from India in different historical periods.⁶ Scholarly studies on the history of Dom are scarce and most of them rely on linguistic evidence. According to the main narrative in Romani studies, Dom communities left India sometime between the 6th and 10th century as part of the first wave of migration, and went through today’s Iraq, and down to the Sinai Peninsula as far as Palestine, Egypt and Cyprus.⁷ Dom people are highly

1 In Syria, Dom and related groups are often referred to as *Navar* in Arabic, which is a pejorative word with degrading connotations.

2 James C. Scott, *Weapons of the Weak: Everyday Forms of Peasant Resistance* (New Haven: Yale University Press, 1985).

3 Yesim Yaprak Yildiz, *Nowhere to Turn: The Situation of Dom Refugees from Syria in Turkey* (European Roma Rights Centre, 2015). Available at: <http://www.errc.org/article/nowhere-to-turn-the-situation-of-dom-refugees-from-syria-in-turkey/4419>.

4 I would like to thank Tarlabasi Toplum Merkezi, a local organisation working with Dom children in Istanbul, for sharing updates with me on the situation of Dom refugees in Istanbul.

5 Adrian Marsh, ‘A Brief History of Gypsies in Turkey’ in *We are Here: Discriminatory Exclusion and Struggle for Rights of Roma in Turkey* (ERRC, EDROM, hCa, 2008).

6 For more information on the history of Dom people please see Adrian Marsh, ‘Ethnicity and Identity: Who are the Gypsies?’ in *We are Here: Discriminatory Exclusion and Struggle for Rights of Roma in Turkey*, (ERRC, EDROM, hCa, 2008); Frank Meyer, ‘Biography and Identity in Damascus: A Syrian *Navar* Chief’ in *Customary Strangers: New Perspectives on Peripatetic Peoples in the Middle East, Africa and Asia*, ed. Joseph C. Berland and Apama Rao (Westport, CT: Praeger Publishers, 2004).

7 Scholars argue for a separate historical trajectory for Romani and Domari language groups, Dom people departing India earlier (Hancock, 2000; Marsh, 2008). According to the current linguistic position as discussed by Adrian Marsh in his doctoral thesis, there have been two major migrations leaving Indian territory, the first Domari exodus sometime between the early 6th to the close of the 9th century and the Romani departure after 1000 CE. Studies on the reasons for the earlier forced migration of Dom are limited. Amongst the reasons cited by Kenrick and Hancock on earlier factors for the migration of Dom from India to Persia are military threats of Hephthalite Huns, Persian conquests of parts of India, and the need for workers in Persia. See Adrian Marsh, ‘No Promised Land’ *History, Historiography and the Origins of the Gypsies*, Unpublished PhD Thesis (University of Greenwich, 2008); Ian Hancock, ‘The Emergence of Romani as Koiné Outside of India’ in *Scholarship and the Gypsy Struggle: Commitment in Romani Studies* ed. T.A. Acton (University of Hertfordshire Press, 2000), pp. 1-13; G.A. Williams, ‘Dom of the Middle East: An Overview’, *Kuri Journal*, Vol. 1 No. 1 (2000); Donald Kenrick, *Historical Dictionary of the Gypsies (Romanies)*, (The Scarecrow Press, 2008).

skilled trades and craftspeople practicing ironsmithing, tin-smithing, basket-making, music and informal dentistry.⁸ As a longstanding traditional skill, dentistry is still practiced among Syrian Dom men, while it has been on the decline in Turkey due to increasing health controls and regulations.⁹ Dom women also engage in trading small goods, fortune-telling and tattooing. Dom people in both Turkey and Syria also travel for seasonal agriculture work. Considering that access to secure, formal and regular employment is almost impossible for Dom people due to widespread discrimination, they mostly work in temporary, short-term and informal jobs such as construction work and waste collecting and recycling, under highly exploitative conditions. Limited work opportunities often leave begging as the only option for some, in particular for women and children.

In addition to economic activities such as trading, family ties and kinship networks have been important binding factors between the Dom populations in Turkey and Syria. Maintaining a strong awareness of their ethnic identity and having kept alive their traditions for centuries, Dom people have also adapted to the social frameworks of the countries they live in. This partially explains the linguistic and socio-cultural differences among the Dom communities in Syria and Turkey. According to Herin, for example, Dom people from Urfa to Diyarbakir in Turkey speak Domani, which draws partly on Domari and has Kurdish grammar.¹⁰ While Dom men in Syria were mostly engaged in informal dentistry, musical entertainment and playing drums and pipes at Kurdish weddings and festivals were more common among the Dom community in Turkey.¹¹ But there is a common experience to them all, which is discrimination, exclusion and stigmatisation. Dom people have been stigmatised for decades due to their distinct ethnic

and cultural identity, affecting their communication with state authorities and their access to basic services such as housing, water and sanitation, healthcare, education and employment. They often hide their ethnic identity due to fear of discrimination, and they avoid contact with the authorities as much as they can.

Similar to Roma in Europe, they are considered by the regional majority population as people who roam across borders and who have no place of their own.¹² Terms such as '*navar*', a pejorative word in Arabic used to refer to Dom and related groups and 'gypsy', which have negative connotations in Turkish, often imply that Dom have no place. As ERRC noted regarding Roma in Italy, descriptions of these groups as 'nomads' is not only used to segregate and infantilise them but also to justify their exclusion from the wider society and to deny their belonging to the lands they inhabit.¹³ Sigona similarly argues in relation to Roma in Italy and Kosovo that cultural concepts such as nomadism and sedentariness are employed to legitimise segregation policy towards the Roma.¹⁴ Regardless of the presence of Dom people in Turkey and Syria for hundreds of years, they are treated as aliens. In contrast to the stereotypes attached to them as 'nomads', the vast majority of Dom people in Syria are sedentary. While Dom people in the Middle East used to move freely during the Ottoman Empire, the formation of nation-states in the beginning of the 20th century and nation state policies such as civil registration, land distribution, passports, military service and compulsory schooling transformed their lives in significant ways.¹⁵ Their spatial mobility is mostly short-term and linked to their economic activities. Yet referring to Dom as nomads regardless of their mobility patterns positions them in opposition to the settled society¹⁶ and implies that it is an essential characteristic, choice and lifestyle.

8 Giovanni Bochi, *The Production of Difference: Sociality, work and mobility in community of Syrian Dom between Lebanon and Syria*, Unpublished PhD Thesis (London School of Economics and Political Science, 2007).

9 Gul Ozatesler, "Ethnic Identification of Dom People in Diyarbakır", *Journal of Modern Turkish History Studies*, Volume 27 (2013) 279-287

10 Bruni Herin, Elements of Domari Dialectology, submitted to the *Mediterranean Language Review* (forthcoming).

11 For example see Bochi, *The Production of Difference*; Selin Onen, "Citizenship Rights of Gypsies in Turkey: Roma and Dom Communities" in *Middle Eastern Studies*, Volume 49, No 4 (2013) 608-622; Ozatesler, 2013

12 Bochi, *The Production of Difference*, 191

13 European Roma Rights Centre, *Campland: Racial Segregation of Roma in Italy*, Country Report Series No:9, (European Roma Rights Centre, 2000)

14 Nando Sigona, "How Can a 'Nomad' be a 'Refugee'? Kosovo Roma and Labelling Policy in Italy" in *Sociology*, Volume 37(1) (2003): 69-79.

15 Meyer, Biography and Identity in Damascus, 73-78; Bochi, *The Production of Difference*, 294.

16 Sigona, How Can a 'Nomad' be a 'Refugee?'; Kate Hepworth, "Abject citizens: Italian 'Nomad Emergencies' and the deportability of Romanian Roma" in *Citizenship Studies*, Vol16 (2012): 3-4

According to Judith Butler, the subject formation process is an exclusionary one, defining the boundaries of dominant discourses and norms. It requires the simultaneous production of “a domain of abject beings, those who are not yet ‘subjects,’ but who form the constitutive outside to the domain of the subject”. The production of these abject beings, she argues, designates “those ‘unliveable’ and ‘uninhabitable’ zones of social life which are nevertheless densely populated by those who do not enjoy the status of the subject, but whose living under the sign of the ‘unliveable’ is required to circumscribe the domain of the subject”.¹⁷ Similarly the production of Dom as ‘*navar*’ and ‘nomad’ is crucial in defining the boundaries of the ‘citizen’ and it partially explains their exclusion and the paradox of visibility and invisibility they are subject to. Their invisible presence forms the boundaries of what counts and what does not. On the one hand, they have been forced into obedience to the rules of the settler societies and subjected to assimilation; on the other hand their ‘nomadism’ continues to be cited to segregate them from the rest of society and disqualify them from services and benefits that the majority society enjoys. Likewise, the term ‘beggar’ (*dilenci*) is also used as a proxy or synonym for ‘gypsy’, therefore ascribing begging as an inherent feature of these communities. The consequences of living conditions created by exclusion, socio-economic inequalities and discrimination are used to rationalise segregation.

Like ‘nomad’, the ‘refugee’ is also defined with placelessness. As Arendt argued “The calamity of the rightless is not that they are deprived of life, liberty, and the pursuit of happiness, or of equality before the law and freedom of opinion – formulas which were designed to solve problems within given communities – but that they no longer belong to any community whatsoever”.¹⁸ The figure of the refugee constitutes an unsettling element which reveals that belonging in the modern world necessitates a fixed origin and an enclosure and is based on exclusion of others beyond the borders. While the ‘refugee’ and the ‘nomad’ both

share being the other of the dominant community and being seen as a ‘threat’ to the social order, they are treated as binary opposites. As the treatment of Roma refugees in Europe or Dom refugees in Turkey shows,¹⁹ the term ‘nomad’ is regarded as being in contradiction to the term ‘refugee’. Dom people, labelled as roaming around with no belonging to a place, are not only excluded from their entitlements as citizens but also as refugees. In the case of Dom people in Syria or Syrian Dom refugees in Turkey, their labelling as ‘gypsies’ not only divorces them of their rights and entitlements arising from the Temporary Protection Directive²⁰ and Turkey’s international obligations towards refugees including the principle of *non-refoulement*, but also of the very status of refugee, asylum seeker or internally displaced person. The “nomad”, the “gypsy” or related category such as “beggar” becomes an overarching concept that is the constitutive outside of the categories imposed by the modern nation state system, including both the “citizen” and the “refugee”.

Syrian Dom refugees in Turkey

Turkey currently hosts approximately three million Syrian refugees,²¹ amongst them thousands of Dom people. Their mass arrival in Turkey following the conflict in Syria did little to change their entrenched invisibility in both Turkey and Syria. What they encountered instead was double discrimination both due to their refugee status and their ethnic identity. While all Syrian refugees in Turkey live under very difficult conditions, the challenges facing Dom refugees are exacerbated due to prevailing prejudices, social and moral stereotypes and discrimination, often causing hostilities against them. An elder Dom woman told me during the fieldwork, “Whenever there is a conflict, it is us who are suffering most”. “The first group they don’t want is always us” she said.²² This largely describes their situation in Turkey. Their lives have been fraught with immense difficulties, limiting access to adequate shelter, food, healthcare and jobs.

17 Judith Butler, *Bodies That Matter: On the discursive limits of “sex”* (London: Routledge, 2011[1993]).

18 Hannah Arendt, *The Origins of Totalitarianism*, (New York: Harcourt, Brace & World Inc, 1996), 295.

19 Sigona, How Can a ‘Nomad’ be a ‘Refugee’?; Yildiz, *Nowhere to Turn*.

20 The Temporary Protection Directive introduced in October 2014 guarantees the right to free health care and education for all Syrian refugees, in addition to protection from *non-refoulement*.

21 For the latest figures see UNHCR’s Syria Regional Refugee Response Inter-agency Information Sharing Portal, available at: <http://data.unhcr.org/syrianrefugees/country.php?id=224>.

22 Yildiz, *Nowhere to Turn*.

Like the vast majority of other Syrian refugees, Dom refugees live outside official refugee camps in inadequate and unhygienic conditions. While the majority lives in southern and south-eastern Turkey, where Turkey's Dom population resides, they are also scattered across big cities such as Istanbul, Ankara and Izmir. They live in makeshift tents and informal camps, ruins or abandoned buildings or substandard rental accommodations that are often on the outskirts of the cities or in shantytowns within the cities. As both our research and media reports show, their tents or informal camps are regularly raided and destroyed by the municipality or provincial police, without provision of alternative suitable accommodation.²³

Syrian refugees in general work in the informal economy and in highly exploitative conditions for lower wages and longer hours. For Dom refugees, the situation is worse. They stated that they were able to find jobs only for a handful of days in a month and that they were unemployed most of the time. Apart from construction work and collecting waste paper or plastic for recycling, Dom work in seasonal agriculture work often for lower wages and as the last choice of the employers. Those who cannot find a job, and newcomers, survive solely on the charity of local people. This leaves begging as the only option for some Dom refugees, in particular women and children. The vast majority of Syrian children cannot access education and many work on the streets and in other forms of informal employment.²⁴

Recent legal changes in February 2016 providing Syrian refugees with the right to work have not led to a significant change in the lives of Dom, and have done little to enable their entrance into the formal labour force. According to the new legal provisions, Syrian refugees can form only 10 per cent of the employees in a workplace and they can apply for the right to work only in the cities where they are officially resident. As reports show, the unwillingness of employers to pay refugees

the national minimum wage might mean that legal provisions for the right to work will not enable their entrance into the formal labour force.²⁵ In the case of Dom refugees, since they often have to travel across Turkey for work opportunities, particularly for seasonal agriculture work, it is even more difficult for them to get work permits. Besides, in agriculture work permits can only be received from the governor's office, which raises additional challenges for Dom considering the discrimination they have been facing from the authorities.

The lack of policies and solutions for the long-term needs of Syrian refugees has fuelled local tensions and hostilities towards Syrian refugees. In particular the increase in rent and decrease in wages in towns with considerable numbers of refugees has led to resentment and occasionally hate crimes against them. The authorities' response to the rising tensions has been further policing and containment of refugees. In particular, following the flow of refugees into big cities in search of jobs, state officials took steps to forcibly send them back to refugee camps in the southeast. On 25 July 2014, the government sent an instruction note to the governors which states that Syrian refugees who commit a crime or an act threatening public order and security, as well as those who continue to sleep and beg on the streets despite warnings, will be relocated to a refugee camp by law enforcement officials.²⁶ As the scapegoats of increasing resentment against refugees, such policies have disproportionately affected Dom refugees. In many cities there were reports of Dom refugees working, living or begging on the streets being gathered by law enforcement officials and forcibly relocated to camps or to cities where there are camps. While in many cases they were sent to the border towns where there are refugee camps, in some cases they were simply taken out of sight and abandoned on the outskirts of cities.²⁷

23 Ayca Soylemez, "Suriyeli Mülteciler Ankara'dan Sürüldü" *Bianet*, 6 January 2015, available at: <http://bianet.org/bianet/insan-haklari/161327-suriyeli-multeciler-ankara-dan-suruldu>; Idris Emen, "O mülteci kampı apar topar kaldırıldı", *Radikal*, 28 April 2014, available at: <http://www.radikal.com.tr/turkiye/o-multeci-kampi-apar-topar-kaldirildi-1189032/>.

24 Patrick Kingsley, "From war to sweatshop for Syria's child refugees", *Guardian*, 6 May 2016, available at: <https://www.theguardian.com/world/2016/may/06/war-to-sweatshop-for-child-refugees>.

25 Patrick Kingsley, "Fewer than 0.1% of Syrians in Turkey in line for work permits", *Guardian*, 11 April 2016, available at: <https://www.theguardian.com/world/2016/apr/11/fewer-than-01-of-syrians-in-turkey-in-line-for-work-permits>.

26 Instruction Note No 2014/429 dated 25/07/2014. For further information see GDM, Geçici Koruma Kapsamında Suriyelilerle İlgili Çalışmalarımız. Available at: http://goc.gov.tr/files/files/gecici_koruma_alan%C4%B1nda_yap%C4%B1lan_cal%C4%B1%C5%9Fmalar%C4%B1m%C4%B1z_ek3%281%29.pdf.

27 "Suriyeliler bir Avrupa, bir Anadolu yakasında", *T24*, 7 July 2014, available at: <http://t24.com.tr/haber/suriyeliler-bir-avrupa-bir-anadolu-yakasinda,263535>; Suriyeli Mültecilerin Korsan Çadrlarına Operasyon, *Milliyet*, 26 November 2015, available at: <http://www.milliyet.com.tr/suriyeli-multecilerin-korsan-cadrlarina-bursa-yerelhaber-1082766/>.

There were also cases where they were pushed back to the Syrian side of the border.²⁸

There are also consistent reports of provincial and municipal police confiscating the money and possessions of refugees working or begging on the streets in urban areas.²⁹ A 46 year-old Dom woman in Nizip stated that she was caught by the police while she was selling small goods on the street in Van. “We first arrived in Nizip, then moved to Van. The police destroyed our tents twice. We were trying to survive with the help of neighbours and by asking for help on the streets. The police once caught me on the street and took all my money. They wanted to send me to a camp. I cried and told them that I have got children, and then they released me”. Considering that their strongest survival mechanism is the strong community bonds they have, their forced evacuation and relocation threaten these bonds by separating families and making them even more vulnerable.

Facing forced relocation and seeking work opportunities across different regions has made Dom refugees highly mobile and, paradoxically, more visible than other refugees. Yet their visibility – not as refugees, but as “gypsies” – brings with it vulnerability to discrimination, exclusion and violence. The stereotypes and labels about Dom refugees are reproduced by the national and local media. In the mainstream media Syrian refugees working or begging on the street are portrayed as “Syrian Gypsies” or “Syrian beggars” who have been living in the same way in Syria before the war. These terms mainly target Dom and related groups, or those who are perceived to belong to such groups, due to prevailing prejudices against them in both Turkey and Syria. A report published by the *Yeni Şafak* newspaper about the “Syrian beggars” illustrates all these stereotypes against Dom refugees. According to the article, the Syrian refugees who had to sleep and beg on the streets for a short while due to their desperate situation are

different from “Syrian beggars”. “Syrian beggars” the article suggests, will not leave the streets, whatever you do or whatever you provide. “Their numbers do not decrease, on the contrary, they increase day by day”.³⁰ The paper quotes the head of the Turkish Red Crescent and a Syrian refugee working for an aid organisation, both of whom argue that those who are begging on the streets are not doing so because they are in need but rather because begging is their lifestyle, and that they do not represent the Syrian refugees. Their desperate situation forcing them to live, work and beg on the streets is presented as their own choice. As ‘gypsies’ and ‘beggars’, Dom refugees are not regarded as being entitled to refugee or asylum seeker status.

Paradox of visibility and invisibility

Categorising a group in one way determines in what ways and to whom they are visible or invisible.³¹ The visibility of Dom refugees as potential criminals has been intertwined with their invisibility as Syrian refugees who were traumatised by a brutal conflict. As the above discussion shows, they face constant intimidation and harassment by law enforcement officials who use the above-mentioned government circular as a pretext to arbitrarily and forcibly send them to other cities. Their forced removal from one city to another constitutes a denial of a shared space with them. They are distinguished from the rest of the Syrian refugees and this is further reinforced by negative media reports. On the one hand they are discriminated against and pushed to the edges of society, on the other hand they are held responsible both for their dreadful living conditions and for the growing discrimination against Syrian refugees in Turkey.

However, although dominant social and moral frameworks define the boundaries of normality and legality as well as the boundaries of the notions of citizen, refugee or internally displaced person, this does not operate in a one-way

28 A number of Dom refugees we interviewed in Nizip told us that some refugees who were gathered from their tents or while begging on the streets were sent back to Syria. See Yildiz, *Nowhere to Turn*. Amnesty International, in its report published on 1 April 2016 also stated that there has been large scale forced returns of Syrian refugees in Turkey back to Syria. See Amnesty International, *Turkey: Illegal Mass Returns of Syrian Refugees Expose Fatal Flaws in EU-Turkey Deal*, 1 April 2016, available at: <https://www.amnesty.org/en/press-releases/2016/04/turkey-illegal-mass-returns-of-syrian-refugees-expose-fatal-flaws-in-eu-turkey-deal/>.

29 Dom people in Turkey who work or beg on the streets have similar experiences, documented in Gul Ozatesler, “The “Ethnic Identification” of Dom People In Diyarbakir” in *Journal Of Modern Turkish History Studies* XIII/27 (2013): 279-287.

30 For example see Kübra Türk and Nuriye Çakmak, “İstanbul’daki Suriyeli dilenciler gerçeği”, *Yeni Şafak*, 4 April 2014, available at: <http://www.yenisafak.com.tr/aktuel/istanbul-daki-suriyeli-dilenciler-gercegi-633768>.

31 Polzer and Hammond in their introduction to the Special Issue of the Journal of Refugee Studies on ‘Invisible Displacements’ discuss the processes of visibility and invisibility through references to a number of different theoretical and empirical contexts. Tara Polzer and Laura Hammond, ‘Editorial Introduction: Invisible Displacements’ in *Journal of Refugee Studies*, Vol 21 (2008): 417-431.

direction. It is rather a dialectical process in which subjects actively participate in their own subjectivation or resist their disciplinary subjectivation. This means that while visibility in a certain category can take a form of resistance, invisibility likewise can become a mechanism for survival or resistance, as it has been for the Dom refugees in Turkey. While Dom people have suffered from various forms of exclusion as citizens, as refugees, or as subjects of research in the countries where they come from, invisibility also functions for them as a mechanism for survival and protection from further abuse.

Dom refugees in Turkey often hide their ethnic identity, introducing themselves as Arab or Kurdish depending on the regions they come from in Syria or the languages they speak. Hate speech by the media, discrimination by the authorities, host society and other Syrian refugees and threats and intimidation by law enforcement officials make them even more reluctant and fearful to approach authorities or humanitarian organisations to seek help or demand their basic rights. They avoid any contact with the authorities except in cases of emergency medical treatment. They often try to keep a low profile, by setting up their tents in remote places on the outskirts of the cities, or find other forms of accommodation in the impoverished areas of the towns where they live. They often choose not to officially register with the authorities at the expense of the benefits of registration under the temporary protection scheme for Syrian refugees. The majority of the Dom refugees interviewed stated that they did not have identity cards. While this is partly due to negative treatment they receive from the authorities and lack of information on the registration process, it is also related to the practical limitations that registration brings. Registration in a particular town requires residing and working there. Yet Dom refugees often travel for seasonal agriculture work and other work opportunities. Besides, considering the forms of discrimination and violence they encounter from the

authorities, the local community and in some cases other Syrian refugees, they are constantly on the move in search of a safe place. Besides a lack of documents identifying them as Syrian citizens, another common problem faced by Dom refugees who wanted to register is the requirement to bring residency documents. Since the substantial majority live in tents or ruins, granting a residency document lies entirely in the hands of the Mukhtar of the neighborhood. They also often face arbitrary treatment, kept on waiting lists for no reason and for long periods. Since their experiences in Turkey made them highly aware that they are not entitled to the rights of refugees, they often choose to remain invisible in order to avoid further mistreatment. They often rely on their own kinship networks to get the support they need.

Conclusion

While it must be acknowledged that Turkey is the biggest recipient of Syrian refugees and the West has largely failed in upholding its international obligations towards Syrian refugees, the rights and protections available to Syrian refugees in Turkey are far from sufficient to meet their basic needs. Yet for Dom refugees even the status of refugee is denied, thereby legitimising their mistreatment and their precarious living conditions. It is not only their refugee rights that are denied, but also their traumatic experiences during the conflict. Instead of receiving social, economic and psychological support, what they experience is further policing and containment. While as ‘gypsies’ they are excluded from the rest of Syrian refugees, as ‘beggars’ their plight as refugees is denied. Their makeshift tents on the edges of the cities, there one day, gone the next, are the embodiment of the paradox of their visibility as ‘gypsies’ and their invisibility as ‘refugees’. As Polzer and Hammond state in relation to invisibility that refugees encounter, “by directing our gazes” on Syrian Dom refugees as “gypsies”, we avert our eyes from their plight as refugees.³²

32 Polzer and Hammond in their introduction to the Special Issue of the Journal of Refugee Studies on ‘Invisible Displacements’ discuss the processes of visibility and invisibility through references to a number of different theoretical and empirical contexts. Tara Polzer and Laura Hammond, ‘Editorial Introduction: Invisible Displacements’ in *Journal of Refugee Studies*, Vol 21 (2008): 417–431.

This issue of Roma Rights Journal examines the impact of conflict on Romani populations in modern Europe. As marginalised populations subjected to both random and very specific cruelties, Roma were viewed by warring parties with a mixture of ambivalence and contempt, and deemed to be communities of little consequence. As a consequence, Roma were also excluded from the peace-building processes that followed the conclusion of hostilities.

In addition to situations where Roma were the direct targets of murderous aggression, or written off as collateral damage “caught between two fires”, articles in this issue also examine incidents where Roma actively took a side, and refute notions of Roma and Travellers as being “a people without politics.”

The contributions in this issue address long-standing lacunae, for as long as Europe’s largest ethnic minority is rendered invisible and written out of the histories of Europe’s wars and conflicts; and excluded from the politics of reconstruction and peace-making, the continent’s self-understanding will remain fatally flawed.

The European Roma Rights Centre (ERRC) is a Roma-led international public interest law organisation working to combat anti-Romani racism and human rights abuse of Roma through strategic litigation, research and policy development, advocacy and human rights education.

CHALLENGING DISCRIMINATION PROMOTING EQUALITY