Remarks By The High Representative To The Conference On Domestic Prosecution Of War Crimes

I am pleased to take part in this important conference.

It brings together experts both from the OHR and from the ICTY to discuss how we can best arrange for war crimes case to be tried here in BiH.

That is a formidable task. It will need careful preparation and close consultation between all of us here today if we are to come up with a sensible way forward.

But whatever route we ultimately decide upon to reach our destination, our point of departure is clear and goes to the heart of what we are trying to achieve in BiH.

We start from a shared belief that there can be no lasting peace in this country without justice.

So our joint task can be simply stated: to bring justice to the guilty to help bring peace to the innocent.

That will entail, we are all agreed, more than the International Criminal Tribunal in The Hague, vital though its work has been and continues to be.

It must mean justice here too; justice meted out here in BiH. It must involve equipping this country with the means to deal with these issues itself. That is a pre-requisite for becoming a strong, self-sustaining European democracy wedded to the rule of law.

It is now nearly ten years since the International Criminal Tribunal for the former Yugoslavia was established.

It symbolized then – as it does today – the determination of the international community that those responsible for war crimes should not go unpunished.

And they are not going unpunished.

Few would have imagined, a decade ago, as the dark shadow of war descended on this country, that those alleged to have perpetrated the most appalling crimes would today be in the dock.

Few would have dreamt that the defendants would include former President Milosevic himself, former Presidents Krajisnik and Plavsic, as well as a host of senior military and civilian officials.

Few believed that Milosevic would ever have to answer to a court of law. But now he is obliged to do so, and I, like many others, have given evidence against him.

Milosevic will, I have no doubt, be joined by Radovan Karadzic and Ratko Mladic. And the sooner the better. Tomorrow would not be too soon. For they too must answer for the hideous crimes for which they are indicted if this country is to draw a line under its tragic past.

I look forward, if I am asked, to being able to give evidence in their cases too.

Make no mistake: justice has a long reach, and an even longer memory.

Thanks to the tenacity and dedication of the Tribunal, to President Jorda and to Prosecutor Del Ponte and their predecessors, the wheels of justice are continuing to turn inexorably, long after the international spotlight has moved on from the Balkans.

I am sure that that fact, and the imminent establishment of the International Criminal Court, will not have been lost on dictators, oppressors and war criminals the world over.

But, as I say, drawing a line under the violence of the war years here will not be achieved simply by prosecuting Mr Milosevic, important though that is. We also need to see all those others wanted in connection to war crimes brought to justice, from high profile war time leaders indicted by The Hague, to the people lower down the chain of command, including the hundreds of cases that fall under the Rules of the Road process.

It is a huge task that will take many years. But it must be done. And it must be done properly; it cannot be done on the cheap. And it must be done here in BiH. Because giving BiH a domestic capacity to try its own war criminals is one of the key steps to building a self-sustaining stable state which must be completed before the international community can make the transition to a more normal presence here.

Our task at this conference is to get down to the practical business of how best to do it, together.

We need to assess the size of the task more precisely.

- How many cases are we likely to be talking about, now and in the future?
- How can we best organize ourselves to cope with this task?
- How will the new Humanitarian Law Division of the State Court be able to deal with the workload?
- How much assistance will the local judiciary need to administer real justice? Is there a need for defence assistance for example?
- What are the implications for the BiH police and prison system?
- What does it mean for witness protection?

- How much will it all cost?
- How long will it take?
- What work needs to be done before the process can begin?

It is these questions, these technical issues, which need to be resolved now, after which we should jointly present these to the international community through the Security Council and the PIC, seek their endorsement and obtain their commitment to the framework and the resources necessary to get the job done.

At this Conference this week, we are determined, all of us, to chart a way forward on these crucial issues – a way forward that makes sense for The Hague Tribunal, for the international community as a whole, but above all, a way forward that serves the interests of this country and its people. That is what BiH deserves: and that is what I am determined BiH will get.