

REMARKS

David Schwendiman
Deputy Chief Prosecutor
Head, Special Department for War Crimes
Prosecutor's Office of Bosnia and Herzegovina

I am honored that the HJPC chose me to do this job.

Let me start by saying no one should read into my appointment any criticism of past management or of anyone who has served before me.

I have great respect for them and am privileged to take up where they left off.

I am enthusiastic about the work. I am excited by the challenge and the opportunity the job presents.

One of my most important jobs in the next two years will be to make certain that the good men and women in the Department enjoy the working conditions and support they need to continue to meet the high expectations of the people they serve; to continue to do their jobs at the highest professional level – something I am proud to say they do every day.

I can't think of a better group of people to be doing this. Nor can I think of a group of people I'd rather be doing it with.

I know I speak for every member of the Special Department for War Crimes when I tell you we are ready to do all we can to ensure that those who committed war crimes and crimes against humanity during the conflict are made to account for their conduct. Each of us is dedicated to seeing to it that the wrongs of the war are publicly redressed in open, transparent proceedings perceived by all to be fair and just.

If you are responsible for crimes committed during the war, regardless which side you were on, you can't hide from us; you can't prevent us from finding you or from working tirelessly to bring you to account for what you did. You will not escape us. We won't let up. It won't matter how powerful you are or think you are. It won't matter how much you criticize us or try to interfere. You will not rest well, because you will know that we aren't resting. We will outwork you. We will outsmart you. The victims, living and dead, and the nation demand we give everything we have to the task. And we will.

The Chief Prosecutor and the HJPC have wisely decided that there should be a Deputy Head of Department, Milorad Barasin, who also holds the position of Deputy Chief Prosecutor. Many of you will know him as the former Chief Prosecutor in Livno. Together we will set the course for the Special Department over the next couple of years. Milorad is a very wise choice. I work with Mr. Barasin on cases we now have under investigation; cases he is leading with great skill and energy. He heads up a team of very

committed people. We are going to trial together in the near future. I look forward to that. He is a true professional and a very smart man. I have the greatest respect for him as do the others in the Special Department.

The partnership Mr. Barasin and I have is symbolic of the partnership Bosnia and Herzegovina shares with the international community. During the year I served as the Registrar for the two Special Departments I experienced first hand the generosity of the international community. I was privileged to meet and work with some extraordinary people on the national side – in the Registry, in the Ministry of Justice, at the HJPC, and on the Transition Council – people who are equally committed to supporting the work of the Special Department. I know that support will continue and grow.

Let me add this important note. There is no room for unhealthy competition among international organizations that have demonstrated that they want to control what goes on within the Special Department for War Crimes. I can tell you from the inside it's not helpful. It gets in the way. It detracts from the real work that we must do.

I am hopeful that all of the international organizations that are genuinely interested in helping Bosnia and Herzegovina will contribute to and not compete with us and with others for control of that effort. Work with us. If what you have to offer advances our work we will embrace as much of it as we think we can use.

We will reach out when we need help. We will accept assistance when we honestly think it will help. We will take criticism that is well informed and warranted in the most positive sense and use it to improve.

To anyone who thinks they can interfere in any way with the independence of the Special Department for War Crimes or influence or affect our decisions through public pressure or campaigns in the media, anyone who thinks that we will take on an investigation or prosecution or stop investigating or not prosecute because of political or public pressure, I say think again. You are wasting your time and our time and energy – time and energy we can better use to do the work, not deal with you. We will do our job the way we think we need to, in our time, based on the best available, verifiable information we can acquire, and the best independent judgment we can bring to the task.

I call on the public, especially organizations, associations, community leaders, victims and others on all sides, to provide us with information, to give us access to the materials you hold, and to tell us what concerns you, but you will not dictate how decisions are made in the Special Department for War Crimes. We will not tolerate interference with witnesses or evidence regardless what your intentions are or how badly you believe in achieving a certain result. Giving us false information or intentionally withholding information to influence the outcome of an investigation or prosecution will, if we discover it, be vigorously prosecuted.

We will reach out to those affected by the war and explain as best we can what we are doing and what we intend to do, but we will not give up our impartiality or our independence.

We want to improve on the work that has already been done. What has been accomplished is easily overlooked when we concentrate on one case or one event at a time. Where there is a storm of criticism, unwarranted in almost every case, poorly informed in many, or deliberately misleading in others, it is easy to lose sight of the success the Department has enjoyed. But it would be a mistake to think that we are satisfied with ourselves.

As representatives of the nation's media, I expect you will inform yourselves about who we are and what we do. I hope you will educate yourselves about the system so that you better understand what we do. I hope as well that you will report about us honestly and accurately, providing the public with useful and useable information so that those who chose to do so can inform themselves and properly evaluate and share our achievements and disappointments.

Only through active, aggressive, but accurate, honest and fair reporting will the public be well served. Only then will people begin to develop the kind of respect for the criminal justice system that it needs to thrive. Our responsibility is to provide you and the public with the information you need to do your job. That will always be accurate information that does not compromise important values such as the presumption of innocence and fair trial; that does not interfere with the administration of justice. The information we make public will not compromise investigations or unfairly identify targets of investigations who in the end may not be charged with anything. We will explain the information we give and ourselves when it is appropriate.

We will deal with you fairly and openly to the extent we can, but we will decide what we make public and when. We will not investigate or try our cases in the media. Those tasks we reserve for the field, the interview room and the courtroom. We will do what we do in the most transparent way possible without compromising our ability to do our job right and do it well.

We will also begin meeting with you regularly.

Finally, though we must deal with the past every day, we are looking forward, confident that what we do will contribute to the nation's recovery from its troubled past and help Bosnia and Herzegovina, all of Bosnia and Herzegovina, gain its rightful place in the community of nations.