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Dutch ruling affirms UN immunity in Bosnia

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THE HAGUE: A Dutch court ruled Thursday that it had no jurisdiction in a civil suit against the United Nations by survivors of the 1995 Srebrenica massacre in Bosnia, affirming UN immunity from prosecution, even when genocide is involved.

A group called the Mothers of Srebrenica was seeking compensation for the failure of Dutch UN troops to prevent the slaughter by Serbian forces of more than 8,000 Bosnian Muslim men and boys in the UN-declared safe zone.

The Hague District Court said the UN's immunity — which is written into its founding charter — meant it could not be held liable in any country's national court.

"The court's inquiry into a possible conflict between the absolute immunity valid in international law of the UN and other standards of international law does not lead to an exception to this immunity," the judges wrote.

A ruling lifting the UN's immunity could have had far-reaching implications for the way the world body carries out peacekeeping operations around the world. At a hearing last month, a Dutch government lawyer, Bert Jan Houtzagers, said that if a Dutch court decided it had jurisdiction in the case, "any court in any country could do so and that would thwart the viability of the United Nations."

Axel Hagedorn, a lawyer for the victims, said he would appeal the decision. The case could go to the European Court of Human Rights.

"The court ruled that the UN has immunity, even if a genocide has happened, and that is in our opinion exactly what you can't accept," Hagedorn said.

He said the court should have overruled UN immunity because of the ex-

treme circumstances of the case — the first genocide in Europe since the Genocide Convention was drawn up in the aftermath of the Holocaust in World War II.

The ruling Thursday was a day short of the 13th anniversary of the massacre, when Dutch UN peacekeepers looked on helplessly as Serbian forces rounded up Muslim men and boys. The men and boys were then taken to isolated fields and buildings scattered around Srebrenica and gunned down. Their bodies were plowed into mass graves that are being unearthed even today.