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**LAWYER FOR VICTIMS OF SREBRENICA**

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**'Even the UN's Immunity Has Limits'**

**Axel Hagedorn, 53, is a German lawyer representing nearly 6,000 relatives of the victims of the 1995 Srebrenica massacre. He spoke with SPIEGEL about a Dutch court's recent ruling that the Netherlands couldn't be held accountable for the deaths and his intention to sue at the European level.**



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German lawyer Axel Hagedorn (left) walks with a relative of a victim of the Srebrenica massacre outside The Hague.

**SPIEGEL:** Last week, the district court in The Hague threw out the claim of the relatives of four Bosnians who were killed by Serbs in the 1995 Srebrenica massacre. In all 8,000 people were killed. Dutch United Nations peacekeeping troops led by Thomas Karremans allowed the Serbs to enter the safe haven, but no one will be held accountable now. Does this mean the case is closed?

**Axel Hagedorn:** Quite the contrary. Srebrenica was the largest massacre in Europe since World War II, and it will also enable us to answer the question of whether the United Nations is above all laws. At the end of the day, the UN's credibility is at stake. The most recent decision dealt solely with the fate of individuals; lawyers from another law firm had brought a case exclusively directed at the Dutch state. The court ruled that the Dutch were not responsible because their soldiers were under the command of the UN. That was an easy call for the judge.

**SPIEGEL:** How do you intend to make it harder on them?

**FROM THE MAGAZINE**



**Hagedorn:** We represent 6,000 relatives, which means that it involves almost all the massacre's victims. For this reason, the issue of genocide will be put on the table as well. Above all, we aren't just suing the Netherlands -- we're also

going after the United Nations.

**SPIEGEL:** The same court brushed you off two months ago. Its main argument was that people can't bring a case against the UN because it has secured immunity for itself in its own charter.

**Hagedorn:** These two verdicts in such a short space of time have made everyone realize that it

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would be perverse if all those involved were deprived of justice. And they won't be able to, either, because there is a limit to the UN's immunity. If the participation of UN soldiers in an act of genocide doesn't cross this line, then tell me what does.

**SPIEGEL:** But the UN has never been prosecuted in court.

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**Hagedorn:** The UN safeguarded itself with immunity in its 1946 "Convention on Privileges," but at the same time it also committed itself to establishing its own jurisdiction. Over the last 62 years, it has utterly failed to do so.

**SPIEGEL:** Do you believe that the UN can be forced to make up for that?

**Hagedorn:** We first need to follow through with the legal process at the national level, with an appeal and a review. Then, if necessary, we can go before the European Court of Human Rights. For the judges there, we have a clearly defined question: Does the UN also enjoy absolute immunity in cases of genocide so long as it has failed to establish an alternative legal procedure? We might not win the case in the Netherlands, but we will on the European level.

*Interview conducted by Clemens Höges.*

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