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NEWS EUROPE

UN wins immunity in Srebrenica case

A Dutch court has ruled that survivors of the 1995 Serb assault that killed 8,000 Muslims in the Bosnian town of Srebrenica cannot sue the United Nations for failing to protect their families.

Relatives of victims and survivors of the massacre had been seeking compensation from the UN and the Dutch state.

But the judgment handed down by the district court in The Hague on Thursday said it had "no jurisdiction to hear the action against the UN".

"... the court concludes that in international law practice the absolute immunity of the UN is the norm and is respected." Srebrenica was a Muslim enclave protected by Dutch UN peacekeepers.

On July 11, 1995, it was overrun by Bosnian Serb forces who loaded thousands of men and boys onto trucks, killing about 8,000 of them before throwing their bodies into mass graves.

Appeal decision

The plaintiffs, who call themselves the Mothers of Srebrenica, represent some 6,000 survivors of the massacre, and 10 individual widows who lost their husbands in the assault were ordered to pay costs after the decision.

Axel Hagedorn, lawyer for the plaintiffs, told Al Jazeera that they would appeal against the decision and approach the European Court of Human Rights if unsuccessful.

"The mothers will be disappointed ... but this is only the first instance. We will have to see what the appeals court says about this," he said

"If you accept this, then you are saying that only one organisation in the world cannot be judged by an independent court and that is unacceptable.

"The UN soldiers even helped with the deportation of the men ... so made the mass execution possible."

Hagedorn said that although the case against the Dutch state would continue, the court may decide to put it on hold pending the outcome of the appeal process in the UN matter so as not to split the two issues.

'Impossible mission'

In 2002, the entire Dutch government resigned over an official report that stated its peacekeepers had been sent on an "impossible" mission.

The Serbs brushed aside lightly armed Dutch UN peacekeepers in the "safe area" where thousands of Muslims from surrounding villages had gathered for protection.

The massacre, Europe's worst atrocity since World War II, has been termed genocide by the International Court of Justice, which handles disputes between nations, and the International Criminal Tribunal for the former Yugoslavia, set up by the UN to try war crimes committed during the Balkans conflict.

The remains of thousands of victims have been found in mass graves around Srebrenica since the end of Bosnia's 1992-1995 war.

The UN has also admitted it failed to protect the Muslims of Srebrenica from mass murder, but none of its officials were held responsible.

Source: Al Jazeera and agencies

Feedback

Number of comments : 2

Ian Baxter 10/07/2008
 United Kingdom
 Srebrenica

This is an interesting case. Is the UN above the law? Why did the Dutch commander not order his troops to resist the Serbs? They may have been defeated and, probably many killed, but it would have caused an International incident that would have lead to intervention sooner than actually occurred. Do todays soldiers not expect to be shot at and possibly killed. If so what use are they?

Steve McQueen 12/07/2008
 United Kingdom
 UN and Dutch responsible for mass murder

Ofcourse Dutch forces under the UN flag are responsible. They didn't even offer any resistance to the Serb forces. It was the lack of resolve from United Nations and impicit help from Dutch foces that made the mass murder of Muslims possible. The Dutch state should be abolished and brought under international control for carrying out such hineous crimes against humanity crimes like those of Hitler's



Srebrenica was Europe's worst atrocity since World War II [GALLO/GETTY]



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