

[News](#) | [War Crimes](#) | [Bosnia and Herzegovina](#) |

## *I. Mothers of Srebrenica Appeal Heard Today*

| 28 January 2010 |



Potocari

The Court of Appeals at The Hague held a public hearing today in the case of the Mothers of Srebrenica against the UN and The Netherlands.

The hearing concerned the appeal made by the association "Mothers of Srebrenica" of a July 2008 ruling preventing them from suing the UN for failing to protect the UN safe area in Srebrenica during the Bosnian war.

The "Mothers of Srebrenica" is an organisation acting on behalf of 6,000

relatives of the victims of the genocide in Srebrenica.

In a statement released following the hearing, the Van Diepen Van Der Kroef Law Office, which is representing Mothers of Srebrenica, said that the initial ruling was based on political, not legal, grounds.

"As long as the UN does not guarantee legal remedies, an absolute immunity of the UN is in conflict with European community law, the fundamental right of effective legal remedies and access to court," the statement continued, adding that its counsel asked that the European Court of Justice be involved in deciding the case.

A delegation of the Mothers of Srebrenica attended the hearing.

An earlier statement from the law office made clear that today's hearing only concerned the question of "whether the UN enjoys absolute immunity and may therefore never be brought before a court, and therefore is an entity operating above the law".

The Hague District Court ruled in 2008 that victims cannot file a suit against The Netherlands or the UN on the grounds that "in international law practice the absolute immunity of the UN is the norm and is respected".

Lawyers representing the Mothers of Srebrenica appealed, calling upon the judgement of the European Court of Justice of September 3, 2008, in which it ruled that the UN does not have absolute immunity.

The Mothers of Srebrenica originally submitted a suit in June 2007 asking for the trial against the UN and the State of The Netherlands over the peacekeeping troop's failure to protect the enclave. They also want compensation. A team of 14 attorneys in the Netherlands and Bosnia and Herzegovina are working on the case.

Genocide in Srebrenica was committed by Serb forces in July 1995. More than 8,000 men, boys and women were killed in a period of seven days. Citizens of Srebrenica tried to find safety at the UN Dutch battalion base in Potocari on July 11.

The lawsuit alleges that although the UN was aware of the Bosnian Serb offensive at least two weeks before it began, neither the Dutch battalion nor the UN took steps to help the local population of some 40,000.

A Dutch battalion, as a part of the UN peacekeeping mission in Bosnia, was deployed to the city in 1993 after the French General Philippe Morillon arrived in Srebrenica promising that the town would become a UN protected demilitarized safe area.

The Dutch battalion consisted of only a few hundred lightly armed soldiers who were ill equipped to defend the town.

The entire Dutch government resigned in 2002 after the Dutch Institute for War Documentation released a report blaming the country's political and military leaders for giving their peacekeepers an "impossible" mission to protect the enclave.

However, in December 2006, the Dutch government awarded its soldiers serving in Srebrenica with medals of bravery, though some soldiers refused to accept the award.

In 1995, the ICTY indicted Radovan Karadzic and Ratko Mladic for this crime, among other crimes. Karadzic was arrested in July 2008 in Belgrade and his trial is set to begin on March 1, 2010. Today, [January 28](#), a status conference will be held in the front of the Tribunal.

Ratko Mladic is still at large. According to the [latest report by ICTY prosecutor Serge Brammertz](#) to the European Parliament, Mladic is hiding in Serbia.