

Survivors of Srebrenica massacre seek damages in Dutch court

By Associated Press | Wednesday, June 18, 2008 | <http://www.bostonherald.com> | Europe

THE HAGUE, Netherlands - The United Nations should be held liable for failing to prevent the genocide of Bosnian Muslims at Srebrenica, Bosnia, lawyers for victims' families argued in a Dutch court today.

The families are seeking compensation after Serb forces killed more than 8,000 Muslims men and boys around the U.N.-declared safe zone of Srebrenica in one week in July 1995, the worst massacre of civilians in Europe since World War II.

Dutch U.N. peacekeepers who were supposed to guarantee their safety were overwhelmed by the Serbs' superior force and even assisted in separating women and children as the victims were led away from their custody.

Dutch government lawyers told The Hague District Court on Wednesday that the U.N. is immune from prosecution in national courts under the U.N. charter, endorsed by all its members. But lawyers for the families said there was nowhere else to turn for a fair hearing of grievances.

Axel Hagedorn, whose firm says it represents 6,000 family members of victims in the unusual class-action lawsuit, said he believed the U.N.'s immunity is not applicable in a genocide case.

"They may be responsible but unable to be called to account because of immunity," he said. "This is unacceptable legally, humanly and morally."

The Mothers of Srebrenica — relatives of men and boys killed at the U.N.-declared safe zone — are the most vocal claimants in the civil suit seeking compensation from the U.N. and the Dutch state.

Victims' lawyers earlier cited a figure of \$4 billion as a starting point for compensation negotiations.

Bert Jan Houtzaggers, representing the Dutch state, told the three-judge tribunal a ruling for the victims would have broad implications.

"It is not true that the United Nations believes it is over and above the law, but the question is whether a Dutch court is competent to hear a case against it," he said.

"Because if a Dutch court does, any court in any country could do so and that would thwart the viability of the United Nations."

Hagedorn said if the Dutch court refused to hear the suit, it would leave the victims with no venue for their claims, in contravention of international treaties on genocide.

Marco Gerritsen, another lawyer for the victims, said the U.N. and Netherlands "should not hide behind each other or each point the finger at the other" to avoid claims.

Wednesday's suit is one of several seeking to determine whether the Netherlands and United Nations can be held liable for failing to carry out a promise of protection for civilians in the U.N. enclave.

The court said it will rule on the immunity issue July 10.

An independent report by the Netherlands Institute for War Documentation in 2002 placed partial blame for the massacre with the Dutch government for sending its ill-prepared troops on an impossible mission. It faulted the U.N. for designating the area a "safe haven" for Bosnian war refugees, but not defining what that meant.

The report led the Dutch government to resign, but the state denied liability for the murders, saying that rested with the Serb forces.

The U.N. war crimes tribunal set up to prosecute war crimes committed during the breakup of the former Yugoslavia is still seeking the two prime criminal suspects in the Srebrenica massacre: Gen. Ratko Mladic, who commanded Serb forces in Bosnia, and Radovan Karadzic, the top political leader of Bosnian Serbs.

A suit by Bosnia seeking war reparations from Serbia was rejected by the International Court of Justice in The Hague.

Republika Srpska, the Serb-dominated province within Bosnia, paid about \$31 million for the creation of a memorial and for the reconstruction of the infrastructure in and around Srebrenica.

The Netherlands donates about \$23 million annually in aid to Bosnia.

Article URL: <http://www.bostonherald.com/news/international/europe/view.bg?articleid=1>