



Dutch court upholds UN immunity over Srebrenica

30 Mar 2010 10:55:53 GMT

Source: Reuters

* UN immunity upheld, Dutch state immunity not decided

*Massacre relatives' lawyer to go to Dutch Supreme Court

AMSTERDAM, March 30 (Reuters) - A Dutch civil court rejected on Tuesday a challenge to the immunity of the United Nations, dealing a blow to efforts to hold the world body accountable for the Srebrenica massacre in the 1992-95 Bosnian war.

Lawyers representing 6,000 surviving relatives of the Srebrenica victims have mounted several legal challenges in Dutch courts against the Dutch state and the United Nations for failing to prevent the Srebrenica killings in 1995.

But the appeals court ruling in The Hague on Tuesday confirmed a lower court's decision in July 2008 that the United Nations could not be called before any court of law.

The law firm representing the group Mothers of Srebrenica said it was "remarkable" that the appeals court ruled in favour of U.N. immunity without first presenting the question to the European Court of Justice in Luxembourg.

"The question of whether the U.N. enjoys absolute immunity is a matter of principle when viewed from the perspective of fundamental European civil rights," lawyers Marco Gerritsen and Axel Hagedorn said in a statement.

One of those civil rights is the right to effective legal protection and the final decision should rest with the European Court of Justice, they said.

Gerritsen and Hagedorn, of the law firm Van Diepen Van der Kroef Advocaten, said they would appeal against Tuesday's ruling in the Dutch Supreme Court, requesting that the Supreme Court refer the matter to the European Court of Justice.

About 8,000 Bosnian Muslim men and boys were killed at Srebrenica after Bosnian Serb forces overran the U.N.-protected enclave where Dutch peacekeeping troops were stationed to protect civilians.

In a case brought by Bosnia, the International Court of Justice ruled in 2007 the massacre constituted genocide.

The Netherlands has said its troops were abandoned by the United Nations, which gave them no air support.

Tuesday's ruling in The Hague dealt only with the issue of U.N. immunity, leaving the question of whether the Dutch state also had immunity still to be decided. (Reporting by Aaron Gray-Block, editing by Tim Pearce)