

PRESS RELEASE

Judge in Srebrenica case, advisor Karadzic

From publications in the media it appears that one of the judges involved in the proceedings brought by the Mothers of Srebrenica against the Dutch State and the United Nations is also a member of Radovan Karadzic' team of advisors. The Mothers of Srebrenica consider it unjustifiable that a judge involved in a case brought by the family members of the victims of the Srebrenica genocide is also an advisor to the accused of that genocide and have requested an explanation from the district court at The Hague. The President of the Court, Mr. F.C. Bakker, subsequently announced that the Judge concerned will no longer be involved in the Srebrenica proceedings.

In the civil law proceedings brought by 6,000 family members of the genocide victims - also known as the Mothers of Srebrenica - against the Dutch State and the United Nations (UN), the district court at The Hague ruled on 10 July 2008 that the UN enjoys absolute immunity and can therefore never be brought before a court of law. The Mothers of Srebrenica have appealed this decision. The case against the Dutch State is still pending before the court at The Hague. Prof. G.K. Sluiter was a member of that court's tribunal in these proceedings and was thus immediately involved in the aforementioned decision of 10 July 2008.

Various recent publications noted that prof. Sluiter is an advisor to Radovan Karadzic. Karadzic is standing trial before the International Criminal Tribunal for the former Yugoslavia (ICTY) for committing war crimes and crimes against humanity. Karadzic is specifically held to be responsible for the genocide in Srebrenica. The Mothers of Srebrenica are of the opinion that prof. Sluiter's positions as a judge in the Srebrenica proceedings and as an advisor to Karadzic are incompatible, and that prof. Sluiter therefore can no longer be considered impartial. The President of the district court at The Hague, Mr. F.C. Bakker, was therefore asked to clarify this apparent conflict of interests.

In response, Mr. Bakker announced that prof. Sluiter would no longer be acting as a judge in the Srebrenica proceedings (see the Dutch announcement at: <http://www.rechtspraak.nl/Actualiteiten/Rechter-plaatsvervanger+prof+Sluiter+niet+betrokken+bij+verdere+behandeling+Srebrenica-zaken.html>).

Surprisingly, it is noted in the official statement by the district court at The Hague that it was always the intention to limit prof. Sluiter's involvement in the Srebrenica proceedings to the matter of the UN immunity. This is however contradictory to the general rule that judges are not changed during the proceedings of a case. This rule is applied even more stringently in complex proceedings that run for years, like the Srebrenica proceedings.

In its announcement, the district court furthermore states that prof. Sluiter was specifically included in the tribunal for his specialist knowledge in the area of international public law and that this expertise was only required in the matter concerning the UN's immunity from prosecution. Apart from the fact that prof. Sluiter is a professor in the area of international criminal law and not in the area of international public law, the district court disregards the fact that the claims brought against the UN and the Dutch State in the Srebrenica proceedings are partially based on international public law. It is incorrect to assume that in the further proceedings international public law expertise will not be required. The official statement of the court therefore does not in any manner reassure the Mothers of Srebrenica, but only gives rise to further questions.

The Mothers of Srebrenica recall that last year, in a different case brought by other family members of the Srebrenica genocide victims, a wondrous change took place at the district court at The Hague. In that case, one of the judges who had been involved from the very beginning of the proceedings and who had advised the Dutch State to reach a settlement with the plaintiffs was changed just prior to the ruling in those proceedings. Looking at those and at the current events, the Mothers of Srebrenica are seriously concerned whether they are receiving a fair trial.

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