

## Press Release

### Mothers of Srebrenica submit appeal in cassation on issue of UN immunity

In the proceedings brought by the 6,000 family members and relatives of the victims of the Srebrenica genocide (known as the 'Mothers of Srebrenica') against the State of The Netherlands and the United Nations, we have submitted an appeal in cassation at the Dutch Supreme Court (*Hoge Raad*) against the ruling of the Court of Appeals (*Gerechtshof*) in The Hague. In its ruling of March 30th 2010, the Court of Appeals upheld the UN's immunity from prosecution even in this extraordinary case.

The Mothers of Srebrenica are of the opinion that the UN, as the international human rights champion, should not stand above the law but should take responsibility for its role in the Srebrenica genocide in 1995. Despite the fact that, already in 1946, the UN took on the obligation to create effective legal remedies, it has not yet met this obligation. This is a violation of fundamental human rights and in contravention of the case law of the European Court for Human Rights (ECHR) and the European Court of Justice (ECJ).

We are now also requesting the Dutch Supreme Court to submit the matter to the ECJ in Luxemburg. The question whether the UN enjoys absolute immunity for prosecution, even in a matter concerning the gravest violations of human rights, is of a principle nature when considering fundamental rights within the European Union. One of these fundamental rights is, after all, the right of access to a court of law and to effective legal remedies. The final decision on this matter lies with the ECJ.

The UN has repeatedly stated to be bound by human rights, but apparently considers itself not bound in this particular case and has not even appeared in the proceedings. In addition the political question remains: How long can the UN retain credibility as an organisation for the protection of human rights if it does not not itself honor these rights?

The consequence of the ruling of the Court of Appeals in the Hague and the previous ruling of the Dutch District Court of The Hague is that the UN is not subject to any form of judicial control. The UN would thus enjoy absolute power. If this ruling is upheld, human rights are deemed subordinate to this absolute power. That is unacceptable from a political, humane and legal perspective.

For additional information about the proceedings against the UN and The Netherlands (including the writ of cassation), we refer to our website.

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