

Hypocrisy in the wake of Mladić's arrest

The Mothers of Srebrenica remain abandoned in their battle for justice

By AXEL HAGEDORN

Ratko Mladić is finally under arrest — 16 years after he led the first genocide on European soil since World War II, and after a lengthy hide-and-seek game with the Serbian government.

Now the expectations are high, with Mladić to face trial before the International Criminal Tribunal for the former Yugoslavia (ICTY), and some hope the truth of what happened in July 1995 might come to light.

Others like the United Nations, the Dutch government and those who formerly oversaw Dutchbat — the Dutch-led patrol that failed to guard the Srebrenica safe zone — expressed relief at Mladić's arrest and added grandiloquent statements. UN Secretary General Ban Ki-Moon called it a "historic day for international justice." Former Dutch Defense Minister Joris Voorhoeve, once responsible for that Dutch mission that failed to defend civilians at Srebrenica, tried to rewrite history in a May 27 interview in the Dutch newspaper *De Volkskrant*. He knew, he said, already in September 1994 that Srebrenica was undefendable. Nothing more could have been done, he said.

All were united that the arrest of Mladić is important for the relatives of the 8,000–10,000 massacre victims.

It is. But at the same time, the Mothers of Srebrenica — a group of wives and mothers of the massacre victims —

still feel alone in their fight for true justice.

It is not widely known that the president of the ICTY, Judge Patrick Robinson, addressed the UN General Assembly in October 2009 with the following words:

"... It is a matter which I strongly believe must be addressed if there is to be lasting peace and reconciliation in the region — namely, compensation to victims for the atrocities they suffered during the conflicts in the former Yugoslavia. ... With respect to their right to compensation, I must agree that the international community has forgotten them."

And neither the UN nor the Dutch state has ever uttered a word of regret or explanation for what happened under their watch. Rather, they have used all legal possibilities in civil proceedings brought by the Mothers against the UN and the Dutch state to avoid responsibility.

In June 2007, the Mothers of Srebrenica filed a civil lawsuit against the Dutch state and the UN with the aim of getting a judgment on the joint civil liability of the UN and the Dutch state for the Srebrenica genocide.

Four years later, this case is now at the highest court in the Netherlands and remains about a single question: Can the UN be sued, or is it granted absolute immunity, absolving it of any legal responsibilities, even in genocide? A real historic day for international justice would be if the UN, led by Ban Ki-Moon, would accept responsibility, appear in court and let justice prevail by allowing the Mothers of Srebrenica access to the courts.

Then, real questions could be answered. Why did Dutchbat send a lightly armed brigade instead of the heavy weapons used by other UN troops in Bosnia? Why did the

UN refuse air support even though all mandate conditions for air strikes were met? Why did the Dutch general in charge not inform superiors about an earlier request for air strikes by Dutchbat? Why did neither the UN nor Dutchbat prepare any measures against the expected attack by Mladić's troops? Why did Dutchbat not report the war crimes? Why did Dutchbat not fire a single shot at the attacking Bosnian Serbs? Why did Dutchbat not give back the civilians at Srebrenica their own weapons so they could defend themselves?

It is unlikely these questions will get answers if the UN is immune and does not have to appear in court whatsoever — which has been and remains their argument.

"Will the ICTY find out the truth?" I have been asked many times in recent days.

The Mothers of Srebrenica have their doubts as the ICTY has appointed a Dutch judge as one of the three judges on the Mladić case. How can a Dutch judge objectively review the role of Dutchbat and the UN if his own state is involved in a lawsuit with the victims of the same genocide?

Any neutral observer would argue that this presents at least a glimmer of prejudice.

For the Mothers of Srebrenica, the "historic days of international justice" have yet to come!

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