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## **Court rules Netherlands responsible for three Srebrenica deaths**

The Netherlands was responsible for the deaths of three Bosnian Muslims during the 1995 Srebrenica genocide in Bosnia and Herzegovina, a local appeals court in The Hague has ruled today.

The case is the first time that an individual government has been held to account for the conduct of its peacekeeping troops carrying out a UN mandate.

The court ruled that on 10 July 1995 Dutch troops serving as UN peacekeepers in Srebrenica allowed the three to leave a “safe area”, effectively handing them over to Bosnian Serb forces, who went on to kill some 8,000 Bosnian Muslim men and boys in the genocide.

“Up to now, states have behaved as if their peacekeepers operate with absolute immunity. This decision establishes that no international peacekeeper can avoid responsibility for crimes under international law,” said Michael Bochenek, Amnesty International’s Director of Law and Policy.

The civil suit against the Dutch government was brought by relatives of three men killed in the Srebrenica genocide.

They claimed that Rizo Mustafic, an electrician who assisted the Dutch troops, as well as two others, died because the Dutch battalion allowed them to leave the “safe area”.

The court ruling noted that Dutch troops had previously witnessed “multiple incidents” of Bosnian Serb forces mistreating or killing men outside the “safe area”.

The decision could also lead to possible compensation from the Dutch government to surviving family members of others killed in the genocide.

A group called the Mothers of Srebrenica has another case against the Dutch state pending before the Supreme Court. The group has demanded compensation from the Dutch authorities and the UN for having failed to protect them and their families from the Srebrenica genocide. In that case, the lower courts held that they could not hear the claim because they concluded that UN peacekeepers had immunity.

The Dutch government has faced several lawsuits in the past over the Srebrenica genocide, but this is the first time it has been found responsible for any of the deaths.

Other attempts to hold international peacekeepers to account for human rights violations have been unsuccessful, including cases involving UN peacekeeping operations in Bosnia and Kosovo.

“This case shows that courts are prepared to hold states accountable for the conduct of international peacekeepers,” said Michael Bochenek.

**Background**

On 10 July the international community will mark the 16th anniversary of the Srebrenica genocide.

The International Criminal Tribunal for the former Yugoslavia has charged former Bosnian Serb leader Radovan Karadžić and former Bosnian Serb Army General Ratko Mladić with genocide in Srebrenica and other crimes under international law during the 1992-1995 war.

Perhaps the most serious ongoing human rights violation linked to the war is the vast number of unresolved cases of disappearances.

Although exhumations are ongoing at various locations, the whereabouts of between 10,000 and 11,500 people are still unknown.