Court confirms Dutch U.N. peacekeepers partly liable for Srebrenica massacre

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A Dutch appeals court on Tuesday confirmed that the Netherlands was partly liable for the deaths in 1995 of some 300 Muslim males who were expelled from a Dutch U.N. base after the surrounding area was overrun by Bosnian Serb troops.

The ruling by the Hague Appeals Court upheld a 2014 decision that Dutch peacekeepers should have known that the men seeking refuge at the base near Srebrenica would be murdered by Bosnian Serb troops if they were forced to leave -- as they were.

The Dutch government resigned in 2002 after acknowledging its failure to protect the refugees, but it said then that the peacekeepers had been on 'mission impossible'.

The defense ministry told Reuters on Tuesday that the state was studying the appeals court's findings carefully.

"Our position has been, and will remain, that the Bosnian Serbs are responsible for this tragedy," spokesman Klaas Meijer said.

The case was highly unusual in that states participating in U.N. peacekeeping operations have rarely faced legal action because of their performance.

The Srebrenica massacre was one of the most dramatic events of the 1992-95 Bosnian War.

Altogether some 8,000 Muslim men and boys were killed by Bosnian Serb troops under the command of former General Ratko Mladic at Srebrenica in July 1995, the worst mass killing on European soil since World War Two.

Many of the Muslim victims had fled to the U.N.-declared "safe zone" in Srebrenica only to find the outnumbered and lightly-armed Dutch troops there unable to defend them. They then headed to the nearby Dutch base.

Mladic is on trial for genocide before a U.N. war crimes tribunal with a verdict expected later this year.

COMPLEX RULING

Reading the complex ruling, Presiding Judge Gepke Dulek-Schermers said that Dutch soldiers "knew or should have known that the men were not only being screened ... but were in real danger of being subjected to torture or execution."

The ruling relates only to the 300 men who had sought safety on the Dutch-controlled base.

Lenneke Sprik, an international security lecturer at Amsterdam's VU University said the ruling was "very important for future peacekeeping missions and the law on state responsibility." She said the decision might deter countries from contributing peace-keeping troops to future missions.

In a departure from the earlier ruling, the appeals court said the Netherlands should pay only 30 percent of damages, as it estimated the odds at 70 percent that the victims would have been dragged from the base and killed regardless of what the Dutch soldiers did.

The amount of damages is determined in a separate procedure unless the victims and the state can reach a settlement.

The court rejected an appeal from relatives of other Srebrenica victims, who argued the Dutch government should be held responsible for the protection of thousands more Muslims who had gathered outside the base.

"This is a great injustice," said Munira Subasic of the 'Mothers of Srebrenica' group. "The Dutch state should take its responsibility for our victims because they could have kept them all safe on the Dutchbat (Dutch battalions') compound."