

## **Srebrenica Survivor Sues Dutch Government**

**Author:** [Karen Meirik](#)

Legal action follows failure of inquiries to establish why UN failed to defend the enclave.

A Srebrenica Muslim is set to open a civil law action against the Dutch government over the massacre in the eastern Bosnian town.

Hasan Nuhanovic, who worked for the Dutch UN battalion as a translator in the enclave, together with a second, anonymous plaintiff, is seeking damages from The Netherlands. They are alleging its troops did not do enough to protect the town's male population - 8,000 of whom were massacred by Bosnian Serb forces in July 1995.

When the latter launched their offensive to take the UN Safe Haven, the Dutch troops, denied air cover, surrendered.

"I wish I could start a criminal procedure," said Nuhanovic. "An indictment that would end up with someone going to jail. That was my primary aim. Not just the Serbs, but also anybody else who I thought responsible. The UN, the Dutch, but the British and the French as well."

He said he tried to get support for criminal proceedings, but the courts would not consider it, "Some of the Dutchbatters should have been prosecuted by the state. But the Dutch state didn't do so."

Like many Srebrenica survivors, he is angry at the failure of successive official inquiries to get to the bottom of why the UN failed to defend the enclave.

"They came out with the NIOD-report (a government-financed investigation) and a parliamentary inquiry, and after that the government resigned," said Nuhanovic. "(But) no one was fired or prosecuted. So, by presenting the reports, the state covered and protected some citizens that committed crimes."

He says vengeance is not his aim - the survivors simply want the affair explained, and compensation paid to the thousands of families left without men-folk. In his opinion, the NIOD report is too weak, and he wants a more concrete decision on events and blame to be properly apportioned.

"I'm not after the individuals anymore. It's too late, it's eight years now," he said.

Nuhanovic said it will be hard for him to follow the case because of the travel costs. But a Dutch voluntary organisation, the Interchurch Peace Council, IKV, is trying to raise money for him and the other plaintiff.

The plaintiffs' Dutch attorney Liesbeth Zegveld wants to prove that the Netherlands failed severely in July 1995 in its UN-designated task to protect the enclave's Muslim civilians.

Thus far, both the Dutch government and parliament refuse to accept any responsibility for the massacre. The survivors agree that responsibility also lies with the UN, but that organisation has yet to rule on juridical responsibility and does not want to pay damages.

The survivors say that UN and Dutch responsibility are separate issues - one does not affect the other.

"We state that the UN is primarily responsible," said Zegveld. "But there are some exceptions that apply in this case. First when a national state double-crosses the command structure or when a national state draws its own plan and gives its own commands. Since there was a direct line from The Hague to Lieutenant Colonel Karremans (Dutch battalion commander), we see evidence for this. And second, in case of severe neglect the state also carries responsibility as a collective. This applies to the treatment of the refugees."

The case opens on November 27, when the president of the city Hague court will decide whether some witnesses will be allowed to testify.

The judge will decide whether a former Dutch government minister Jan Pronk and some soldiers who were with the Dutch battalion in Srebrenica can take the stand.

Pronk, former international development minister, was the only government official that admitted guilt, calling the massacre a genocide within a month of it taking place.

The Dutchbat witnesses are needed for testimony about claims that a Srebrenica Muslim technician was sent out of their compound and into Serb custody - and subsequently executed. Zegveld wants to prove that the Dutch were responsible for his death.

And she wants to probe the cooperation of Dutch troops with the Serbs in both the deportation and the separation of men and women.

"I do not expect an easy trial," said Zegveld. "The plaintiffs will have a hard time, because it's going to be a lengthy trial."

And Zegveld says the plaintiffs are also pursuing a legal case against the UN, claiming there were failings in its command structure.

"They (the UN) send you a letter (saying) how sad it is and how the world community shares in this loss. But they won't admit they share in the responsibility for what happened in Srebrenica," she said.

Karen Meirik is a Hague-based journalist.

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