

PRESS RELEASE

**Complaint against decision not to prosecute Dutchbatters in connection with death of
Muslim men at Srebrenica**

Amsterdam, 8 April 2014 - Surviving relatives of Srebrenica have lodged a complaint under article 12 of the Dutch Code of Criminal Process, with the Appeals Court in Arnhem.

The complaint concerns the decision by the Public Prosecutor's Office of 7 March 2013, *not* to initiate a criminal investigation and prosecution against Dutchbat III-command for genocide, war crimes and murder committed during the fall of the Srebrenica-enclave in July 1995. On 5 July 2010, Hasan Nuhanović and the Mustafić-family filed a criminal complaint concerning the transfer of their family members to the Bosnian-Serb enemy.

On 5 July 2011 and 6 September 2013, the appeals court in the Hague and the Supreme Court successively held that the Dutch State had acted unlawfully by handing Ibro and Muhamed Nuhanović and Rizo Mustafić over to the Bosnian-Serb enemy, who then murdered them.

The Public Prosecutor's Office has not examined the grave crimes that led to the death of the three Muslim men sufficiently. The time lag, the limitation of the investigation to a so-called "examination of the facts", and the fact that the (positive) opinion of the National Reflection Chamber (in Dutch: *Landelijke Reflectiekamer*) was ignored, leave room for no other conclusion than that the investigation was neither careful nor focused on bringing the gravest of crimes before a judge.

That other than prosecutorial arguments predominate the Srebrenica-dossier has also been apparent in the past. Since 1995, the handling of this dossier by the Public Prosecutor's Office has been political in nature, passive and inadequate.

The duty to conduct an effective investigation stems from the case-law of the European Court of Human Rights.

The Public Prosecutor's Office took three years to make a decision based on the criminal complaint. The surviving relatives hope for a more expeditious handling of their article 12-complaint by the Appeals Court.

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