

Rekindling the National Debate: How Public and Private Recognition Can Shift the Dutch Discourse on Srebrenica

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Introduction

Over the past few years, public statements and a variety of initiatives have breathed new life into the debate on Srebrenica. Both internationally and in the Dutch context, the discourse on Srebrenica has taken on new dimensions. This article focuses on some of the most important new aspects of the debate. There are positive developments, such as the resolution on Srebrenica passed by the European Parliament, the Srebrenica declaration approved by Serbia's lawmakers, and above all the meetings between Dutchbat soldiers and survivors from the fallen UN safe haven.² These developments pose a serious challenge to the political elite in the Netherlands. But rather than taking up the challenge, our politicians appear to be preoccupied with another issue: Srebrenica-related lawsuits against the Dutch state. This leads me to ask the following question. Are we now witnessing a true renewal of the public and political debate on the Srebrenica genocide, based on full recognition of the fate of the victims and their families? Or are we witnessing a repeat performance in which the Dutch political establishment once again shies away from sincere engagement with the survivors?³

I make no claim to be an unbiased observer. As a peace activist I have long been involved in Srebrenica-related projects, both in the Netherlands and in Bosnia and Herzegovina. Working for IKV Pax Christi, a Dutch peace organization, I lobbied for “local protectorates” in Bosnia and Herzegovina during the war (1992-1995).⁴ I was involved in the post-war Campaigns for Truth and Justice initiated by the Srebrenica survivors. I also helped the first group of refugees return to Suceška, a village near the town of Srebrenica in 2000.⁵ These experiences form the basis for much of this article. I also draw upon other activities by IKV Pax Christi. The organization has, for instance, helped many Srebrenica survivors travel to the Netherlands to plead their case and has even aided some of them in taking the Dutch state to court. IKV Pax Christi initiated municipal twinning programs linking Srebrenica with the Dutch towns of Heumen and Winschoten⁶. Acting jointly with Kamp Westerbork Memorial Center (Westerbork was a WW II transit camp), IKV Pax Christi has organized meetings between Dutchbat soldiers and Srebrenica survivors and supports the Potocari Memorial and Cemetery (PMC). In addition, IKV Pax Christi is one of the organizers behind the annual National Srebrenica Commemoration in The Hague on July 11.⁷ IKV Pax Christi also helps

¹ IKV is a Dutch ecumenical peace organization and Pax Christi an international Catholic peace movement. IKV Pax Christi merged on Jan. 1, 2007. Srebrenica-related projects prior to this date were organized by IKV.

² In this article, “Dutchbat soldiers” refers only to the men and women who served under Dutchbat III, January-July 1995.

³ This article is based on my opening address at the “Transforming Images of the Enemy” seminar in Utrecht, the Netherlands on Oct. 8-9, 2009.

⁴ IKV kept a close eye on the safe areas and repeatedly urged the international community to ensure the safety of all their inhabitants. Cf. IKV’s Open Letter to all Members of the Lower House of Dutch parliament, Nov. 24, 1994, The Hague, the Netherlands.

⁵ Before 2000, only a handful of individuals had returned to Srebrenica.

⁶ In a 2009 municipal reorganization, Winschoten and two other municipalities were merged to form the municipality of Oldambt. For an analysis of the twinning process, cf. IKV Pax Christi, Dion van den Berg and Bart Weijs (Wageningen University and Research Centre), *Vredesopbouw – Democratisering – Infrastructuur. Gemeentelijke Samenwerking met (post)conflictgebieden en fragiele staten. Resultaten van een onderzoek en een discussiebijeenkomst*, Feb. 2010.

⁷ Other organizations involved in the commemoration are *Political Committee Stari Most*, *BiH Platform* (platform of local Bosnian clubs in the Netherlands), *Mladi BiH* (Bosnian youth organisation in the Netherlands) and *IZBN* (Islamic Community of Bosniaks in the Netherlands). For more information on the commemoration, including speeches, photos and statements, see <http://www.srebrenica-herdenking.nl/>.

to organize the participation of a large Dutch delegation in the annual commemoration in Potocari/Srebrenica.

Before analyzing these recent developments, I will review the basic facts and the Dutch political discourse on Srebrenica as it has developed over the years.⁸

The Srebrenica Genocide: Basic Facts and International Reactions

On July 11, 1995, the UN safe area Srebrenica fell into the hands of the Bosnian Serbs. In the days that followed, more than 8,000 people, most of them unarmed men and a few boys, were killed. As a consequence of a whole chain of unclear decision-making and misjudgments, Dutchbat, the Dutch UN peacekeepers deployed in Srebrenica, failed to protect the UN safe area and the people in their care. After the fall of the enclave, an estimated 12,500 to 15,000 men tried to reach Muslim-controlled territory through the woods. Less than half of them made it to safety. The rest were killed, either in the woods or after being captured, rounded up and transported to execution sites.

As soon as the Bosnian Serbs entered Srebrenica, nearly all the women and children in the area flocked to the Dutchbat compound in Potocari. Approximately 5,000 to 6,000 people were allowed to enter the base. Everyone else, approximately 20,000 people, had to wait outside. Among the total number of 25,000 refugees were 1,500 to 2,000 men. The Bosnian Serbs separated all of them from the women and children and killed them. The only men to escape were the severely wounded, most of the local UN staff, and a few men who made it to Bosniak-controlled territory on the first deportation buses.⁹ Deportation started on the morning of July 12, 1995. Once all the people outside the compound had been taken away, at noon the following day, Dutchbat ordered the last remaining Bosniaks to leave the compound. A week later, all Dutchbat troops withdrew from Srebrenica. At the time, hundreds of men were still trying to reach Bosniak-controlled territory.

The UN report on Srebrenica is quite critical of Dutchbat's performance: "... the Dutch UNPROFOR troops never fired at the attacking Serbs. They fired warning shots over the Serbs' heads and their mortars fired flares, but they never directly fired on any Serb units."¹⁰ The UN report expresses bewilderment that "the Dutch battalion did not report more fully the scenes that were unfolding around them following the enclave's fall. Although they did not witness mass killing, they were aware of some sinister indications. It is possible that if the members of the Dutch battalion had immediately reported in detail those sinister indications to the United Nations chain of command, the international community may have been compelled to respond more robustly and more quickly, and that some lives might have been saved."¹¹ A commission of inquiry appointed by the French parliament also explicitly criticized the role of Dutchbat in the event: "This is the disturbing fact: Dutchbat put up no resistance whatsoever to the Serbs."¹²

The International Criminal Tribunal for the former Yugoslavia (ICTY) defined the Srebrenica war crimes as genocide. It convicted the Bosnian Serb general Radislav Krstic of

⁸ For a selection of books and reports about the July 1995 events in Srebrenica, see the "Recommended Reading" list at the end of this article.

⁹ Bosnian Muslims prefer to be called Bosniaks. Therefore, I choose to use this term, even though in 1995 the Dutch tended to refer to them as 'Muslims' or 'Bosnian Muslims' at best. Numbers are based on IKV, Dion van den Berg, IKV, *Bijlage bij de lijst van de vermiste personen – Potocari*, The Hague, Aug. 2000.

¹⁰ United Nations, *Srebrenica Report*, par. 472.

¹¹ United Nations, *Srebrenica Report*, par. 474.

¹² Assemblée National, *Srebrenica: rapport sur un massacre*, 185.

aiding and abetting genocide.¹³ Recently the ICTY sentenced two Bosnian Serbs (Vujadin Popovic and Ljubisa Beara) for genocide in Srebrenica and another one (Drago Nikolic) for aiding and abetting genocide.¹⁴ In 2007, the International Court of Justice also determined that the war crimes committed in Srebrenica and the surrounding area were to be defined as genocide.¹⁵

Fallout in the Netherlands

In 1996, the Dutch government bowed to pressure from parliament and the public by commissioning NIOD (Netherlands Institute for War Documentation) to conduct historical research into the events in Srebrenica. It took NIOD six years to publish its findings in a final report on April 10, 2002.¹⁶ The report distinguishes three main phases: the political decision-making period, the crucial period of July 1995, and the aftermath. NIOD drew fairly hard-hitting conclusions about the first and third phases, but gave a mild and evasive assessment of what occurred in July 1995. The report described “devilish dilemmas,” claiming that it was impossible to know what would have happened if Dutchbat had intervened rather than standing idly by. The sheer number of facts and details in the report obscures the main questions that needed to be answered.¹⁷ The key question – whether Dutchbat should not have done more, given its mandate to protect the people in the UN safe area – remains unanswered.

Two weeks before the release of the NIOD report, an IKV publication dealt more explicitly with the question whether Dutchbat should have done more.¹⁸ The IKV report concluded that Dutchbat could have – and should have – intervened to protect the Bosniaks. According to the report, the proper course of action for Dutchbat would have been to allow all Bosniaks into the compound and to alert the UN and the international community. It says Dutchbat commander Thom Karremans should have insisted that any evacuation be handled by the UN. It also asserts that Dutch government intervention was partly to blame for the failure by Dutchbat to implement a crucial July 11 order from UN headquarters: to “[t]ake all reasonable measures to protect refugees and civilians in your care”.¹⁹ The IKV criticized the Dutch government and the high-ranking Dutchbat officers in Srebrenica. It stopped short of blaming all Dutchbat soldiers, many of whom had to improvise (often due to lack of clear orders) and did the best they could to help those in danger. The IKV’s condemnation of the NIOD report was unequivocal: “Once again Dutch responsibility is denied and others are blamed for the fall of Srebrenica and the genocide that followed. ... The NIOD report is a bitter disappointment.”²⁰ Others have summed up Dutchbat’s failure in similar terms.²¹ Many

¹³ International Criminal Tribunal for the former Yugoslavia, *Judgement on case No: IT-98-33-A*, Apr. 19, 2004. <http://www.icty.org/x/cases/krstic/acjug/en/krs-aj040419e.pdf> (accessed May 20, 2010).

¹⁴ International Criminal Tribunal on the former Yugoslavia, *Judgement on case No: IT-05-88-T*, June 10, 2010. <http://www.icty.org/x/cases/popovic/tjug/en/100610judgement.pdf> (accessed May 20, 2010).

¹⁵ International Criminal Court, *Judgment in the Case concerning the application of the Convention on Genocide and punishment of the crime of genocide (Bosnia and Herzegovina versus Serbia and Montenegro)*, Feb. 26, 2007.

¹⁶ NIOD, *Srebrenica. Een ‘veilig’ gebied. Reconstructie, achtergronden, gevolgen en analyses van de val van een Safe Area*, Amsterdam, 2002.

¹⁷ IKV, Mient Jan Faber, *NIOD en het IKV. Overeenkomsten en verschillen op hoofdpunten*, The Hague, 2002. Similar critical remarks can be found in some of the essays incorporated in the ‘NIOD Srebrenica report’ special issue of a major Dutch historical journal, *Tijdschrift voor Geschiedenis*: Het drama Srebrenica. Geschiedtheoretische beschouwingen over het NIOD-rapport, in: *Tijdschrift voor Geschiedenis*, 2, 2003.

¹⁸ IKV, Mient Jan Faber, *Srebrenica. De genocide die niet werd voorkomen*, The Hague, Mar. 2002.

¹⁹ Fax from UNPROFOR HQ Sarajevo, Acting Commander, General Gobilliard, to Dutchbat Commander Karremans, July 11, 1995.

²⁰ IKV Press Release on NIOD Report on Srebrenica, Apr. 10, 2002.

²¹ Cf. Fred Grünfeld and Wessel Vermeulen, Failures to Prevent Genocide in Rwanda (1994), Srebrenica (1995), and Darfur (since 2003), in: *Genocide Studies and Prevention* – 4, 2, Summer 2009, 221-37.

survivors have testified that Dutchbat “did nothing”, or worse, actively helped the Bosnian Serbs by ordering Bosniaks to leave the compound.²²

Dutchbat defended its behavior by referring to the unfolding humanitarian catastrophe: lack of food and water, people attempting suicide, extremely hot weather. NIOD supported this defense. The IKV, however, claimed that Dutchbat chose the wrong guiding principle: “freedom from want” rather than “freedom from fear”.²³ There can be little doubt that the situation in and around the Dutchbat compound was a “humanitarian catastrophe”. Many people desperately needed food and water (freedom from want). But this does not mean Dutchbat had no choice but to assist in the deportation. The survival and security of all refugees (freedom from fear) should have been Dutchbat’s first priority. This would have required the Dutchbat soldiers to refuse the Bosnian Serbs permission to take anyone away. In their testimonies at the Krstic trial, Dutchbat commander Karremans and his deputy Franken admitted that they had been aware of the risks involved in allowing the men to be separated from the women at the compound gate.²⁴

Shortly after the NIOD report was presented on April 16, 2002, Prime Minister Wim Kok tendered the resignation of his cabinet to the Queen. Kok gave a statement in which he emphasized the failure of the international community:

The international community failed to offer sufficient protection to those in the safe areas. The government of the Netherlands, as a member of the international community, therefore failed as well. ... The Netherlands emphatically disavows responsibility for the horrific murder of thousands of Bosnian Muslims in 1995. Today’s decision, however, acknowledges that the Netherlands shares political responsibility for bringing about a situation in which such an act was possible. The ‘international community’ is faceless and cannot express its responsibility to the victims and survivors of Srebrenica. I can, and I do so now. Once again, as I have said before, I would like to emphasize that the soldiers of Dutchbat are not responsible for what happened there.²⁵

Kok’s statement made no mention of the mistakes the Dutch had made in July 1995, neither in the field (Dutchbat) nor at government level in The Hague. Many politicians eagerly hailed the report as a full rehabilitation of Dutchbat, much to the chagrin of NIOD director Hans Blom.²⁶

The Lower House of Dutch parliament called for the creation of a commission of inquiry to pass “the final political judgment on the performance of Parliament, the government and the military individuals responsible.”²⁷ The Parliamentary Commission of Inquiry on Srebrenica held a series of hearings in the fall of 2002. In June and July 2003, Parliament finally discussed both the NIOD and Inquiry Commission reports – even though there was no comprehensive government document on Srebrenica.²⁸ In some respects, the Inquiry

²² *The United Nations on Srebrenica’s Pillar of Shame. 104 testimonies about the role of the UN in the genocide against the population of the UN “Srebrenica Safe Haven”*, Tuzla, 2007.

²³ Mient Jan Faber, *Srebrenica vanuit een andere invalshoek bekeken. Rede uitgesproken bij de aanvaarding van het ambt van bijzonder hoogleraar Citizens’ Involvement in War Situations aan de Faculteit der Sociale Wetenschappen van de Vrije Universiteit op 21 april 2005*, Vrije Universiteit Amsterdam, 2005. US President Franklin D. Roosevelt presented the ‘four freedoms’ in his 1941 State of the Union address: freedom of speech and expression, freedom of worship, freedom from want and freedom from fear.

²⁴ NIOD, *Srebrenica. Een ‘veilig’ gebied*, 27561. ICTY, *Prosecutor vs. Krstic, testimony of R. Franken*, Apr. 4, 2000, 2066-67.

²⁵ This statement was made to the Lower House of Dutch parliament by Prime Minister Wim Kok on his government’s resignation on Apr. 16, 2002 (official translation, accessed via www.minaz.nl, Mar. 22, 2010).

²⁶ Veteraneninstituut, “In gesprek met Hans Blom”. http://www.veteraneninstituut.nl/page/pag_view.asp?pag_id=22079, Fall 2002 (accessed June 9, 2010)

²⁷ Tweede Kamer, *Missie zonder Vrede*, p. 9.

²⁸ The only document is Wim Kok’s statement of Apr. 2002 and his government’s answers, often elusively formulated, to the questions put forward in writing by MPs following the presentation of the report of the Parliamentary Commission of Inquiry on Srebrenica.

Commission's report is more critical and explicit than its NIOD counterpart and Kok's statement. However, Srebrenica survivors' groups were disappointed that the report neglected to name those responsible for the massacre.²⁹ IKV welcomed the commission of inquiry's explicitly reference to the "lack of initiatives by Dutchbat command and the Dutch government" in July 1995, but criticized the commission for failing to address the key questions.³⁰ Other critical readers concluded that the report smacked of typical Dutch consensus and compromise.³¹

The next government was unwilling to discuss fundamental issues regarding responsibility and guilt and only repeated Kok's words of April 2002. Parliament criticized its own decisions for not fully discussing all the risks attending the mission, and a few heads rolled in the Ministry of Defense. Questions raised by the survivors were studiously ignored, however. The media barely covered the parliamentary debate. It was treated as a mere formality, a way to round off the political discussion on Srebrenica.³²

But the discussion did not remain closed. Old wounds were reopened when the Dutch Ministry of Defense decided to decorate the Dutchbat III soldiers in December 2006. Many of the soldiers refused to attend the ceremony in Assen, but others saw it as a rightful recognition of their best effort under extremely difficult circumstances. Understandably, Bosnian-Dutch citizens and the Srebrenica survivors were furious, as were many Dutch citizens. Protests were organized in Assen and The Hague. Media all over the world voiced disbelief at the indifference and the insult towards victims and survivors. Newspapers called the insignia bestowed on the soldiers "a symbol of justice distorted" and "badges of dishonour".³³

Intermezzo: Criteria for a Successful Public Apology

Numerous books and reports have appeared on the phenomenon of "public apologies" in the aftermath of atrocities. In most cases, it is the perpetrator (the party directly responsible for war crimes) who apologizes to the victims. However, given that Dutch soldiers were sent to Srebrenica to protect the people in the UN safe area, it seems only logical for the Netherlands to publicly apologize to the genocide survivors for having failed to do so. The genocide survivors demand such recognition and an act of repentance.

There are risks involved in making apologies. Sometimes, they seem all too facile. Novelist and critic Marina Warner listed a number of unconvincing apologies and concludes: "I'm very uneasy about the currents that carry this spate of apology forward."³⁴ Others have also identified a trend, an "overkill" of public apologies, driven by an attempt to save face rather than a desire or need to express heartfelt guilt.³⁵ Apologies must be clear: their primary function, as anthropology professor John Borneman points out, is "reestablishing the dignity

²⁹ IKV, *Comments by associations Women of Srebrenica and Mothers from the Srebrenica and Zepa Enclaves on the report by the Parliamentary Commission of Inquiry on Srebrenica*, 2003.

³⁰ IKV Press release, Jan. 28, 2002; IKV, *Beoordeling door het Interkerkelijk Vredesberaad (IKV) van het eindrapport van de parlementaire enquêtecommissie Srebrenica*, The Hague, 2003.

³¹ Cf. Paul Koedijk, Onwil en onkunde in de polder. De parlementaire enquête Srebrenica, in: *Openbaar Bestuur*, April 2003, 2-6. Raymond van den Boogaard, *Zilverstad. De Haagse verduistering van het drama-Srebrenica*, Amsterdam, 2005.

³² Interestingly, the same qualification of "mere formality" was used in reference to the final parliamentary discussion on the Government Report on Excesses (*Excessennota* (1969), on war crimes committed by Dutch soldiers in Indonesia from 1946 to 1950. Stef Scagliola, *Last van de oorlog. De Nederlandse oorlogsmisdaden in Indonesië en hun verwerking*, Amsterdam, 2002.

³³ Janine Di Giovanni, *The Guardian*, Dec. 7, 2006; Marcus Tanner, *The Independent*, Dec. 6, 2006.

³⁴ Marina Warner, "Sorry: the present state of apology", *Open Democracy*, Nov. 7, 2002.

http://www.opendemocracy.net/democracy-apologypolitics/article_603.jsp (accessed June 2, 2010).

³⁵ Rein Nauta, introduction to *Excuus, pardon, vergeef me, het spijt me. Exercities in de excuuscultuur*, Rein Nauta (ed.), Tilburg, 2001. Cf. *Politics of the Past: The Use and Abuse of History*, Hannes Swoboda and Jan Marinus Wiersma (eds), Brussels, 2009. Politicians should refrain from abusing history for political gain (Martin Schulz, Preface, 7), but as György Konrad stated in an interview (61-67): "It does not hurt to apologise."

of the victim. And, paradoxically, through that act of reaffirmation of the value of the other, the wrongdoer ... reestablished its own value. ... It is a relational act, dependent on the authenticity and sincerity of the wrongdoer as perceived by the victim.”³⁶

From the literature on the subject, we can conclude there are five main criteria for a “successful” public apology, i.e. one that would help restore the relationship between the Netherlands and Srebrenica.³⁷

1. Acknowledgement: does the public apology describe the main events adequately?
2. Accountability: does the public apology explicitly and adequately define and assess the role and responsibility of the entity (in this case, the Dutch state) that formulates the apology?
3. Truth-finding: does the public apology contribute to and encourage truth-telling, as a precondition for restoring the relationship with the victims?
4. Public remorse: does the public apology explicitly state sincere remorse over the events? Do politicians, when adopting a resolution of apology, publicly express remorse?
5. Moral engagement with victims through publicity, ceremony, reparations or compensation: does the public apology start a process that will lead to reparation and compensation programs?

Politicians must understand that a public apology will only work if the victims and their representatives accept it, i.e. if they can answer the questions above affirmatively. The victims, and no other group, must be the main target audience.

Does Kok's Apology Measure Up?

Assessing Wim Kok’s statement by these criteria, it is plain to see why the Srebrenica survivors did not find it the least bit convincing. It seemed to be aimed at the Dutch public rather than the survivors. It was in no way intended to restore the relationship with Srebrenica survivors. Instead, it was primarily aimed at “closure” of the Dutch political debate on Srebrenica (before that debate even got off the ground).

Journalist Anet Bleich pointed out that the resignation of the Kok government was a rather elusive gesture, because the prime minister failed to make clear what his government precisely felt responsible for.³⁸ In his statement, Kok, on behalf of the Dutch state, took responsibility for the failure of the international community, “as a member of the international community.” He could hardly have been more non-committal; the government of Senegal or Kazakhstan could have done the same.

The response of Dutch politicians and many of the Dutchbat soldiers reveals elements of what is known as “moral disengagement”: diffusion or displacement of responsibility. The injurious effects of Dutchbat actions are minimized, while those who were victimized are

³⁶ John Borneman, “Can public apologies contribute to lasting peace? An argument for retribution” Cornell University, 1999. <http://condor.depaul.edu/~rrotenbe/aecer/v17n1/Borneman.pdf> (accessed May 18, 2010); John Borneman, Public Apologies as Performance Redress, *SAIS Review*, 25, 2, 2005, 53-66; John Borneman, Reconciliation after Ethnic Cleansing: Listening, Retribution, Affiliation, *Public Culture*, 14, 2, 2002, 281-304. The latter is a plea for cultivating ‘practices of listening’.

³⁷ Nicolas Tavuchis, *Mea Culpa: A Sociology of Apology and Reconciliation*, Stanford University Press, 1991. Girma Negash, *Apologia Politica. States and their apologies by Proxy*, Oxford, 2006; *The Age of Apology. Facing Up to the Past*, Mark Gibney, Rhoda E. Howard-Hassman, Jean-Marc Coicaud and Niklaus Steiner (eds), Philadelphia, PA, 2008; Keith Michael Hearit, *Crisis Management by Apology. Corporate Response to Allegations of Wrongdoing*, Mahwah, NJ, 2006.

³⁸ Bleich, Anet, Nederlanders zijn het krenterigst, *De Volkskrant*, Mar. 20, 2009. She added that not only the behaviour of Dutchbat was an expression of little courage; the same lack of courage was revealed by the persistent refusal of politicians and military leadership to generously acknowledge this failure.

dehumanized and apportioned blame.³⁹ This process started during the mission and is still active today.

Denial and Damage Control

All along, neither the Dutch ministries of Foreign Affairs and Defense nor most members of the Lower House have been very open to questions and requests from the Srebrenica survivors. Politicians and civil servants have received many requests to provide information and to answer urgent questions regarding the fall of Srebrenica. These requests have come not only from survivors, but also from journalists, peace and human rights organizations and Dutchbat soldiers. For years, the government hid behind the pending NIOD report, refusing to comment until it had been published. The survivors found this unacceptable; they felt they were being ignored and belittled. Dutchbat soldiers were rankled by the government's silence as well because they were being targeted regularly by the media. Media attention was largely based on rumors and incidents and any real debate on the key questions was frustrated by the government's refusal to answer questions.

When it was finally time for the NIOD report to be presented, IKV learned that neither NIOD nor the ministries involved had any budget available to invite the representatives of the survivors to the presentation.⁴⁰ Apparently, NIOD and the government ministries intended to keep it small, and make it a purely Dutch affair without the disturbing presence of those worst affected by the failure of the UN and Dutchbat. Immediately, IKV decided to thwart this attempt to perpetuate the "conspiracy of silence" and invited a group of survivors to attend. The survivors were deeply disappointed with the NIOD report and immediately requested that some of the findings be revised, particularly the assertion that half of the men killed had been in the Bosnian Muslim army. They also denounced the conclusion that there was no evidence linking former Yugoslav President Slobodan Milosevic to the massacre.⁴¹

Soon after the presentation of the report, Srebrenica survivors sent letters to Parliament and the Parliamentary Commission of Inquiry on Srebrenica asking for an opportunity to share their eyewitness accounts with the commission.⁴² A majority of the commission felt it would be improper to meet the survivors because the commission was primarily investigating the responsibility of Dutch political leaders and military.⁴³ No meeting took place. The commission's argument was hardly a convincing one to my mind. Some commission members also emphasized that it would be too stressful for the survivors to come to the Netherlands and give testimony. Yet this is exactly what the survivors wanted and explicitly requested.⁴⁴ To them, recognition of their experiences and suffering was crucial. And again, the Dutch state let an opportunity for recognition pass.

The whole world essentially knew what had happened in Srebrenica in July 1995.⁴⁵ The UN had made mistakes, but clearly Dutchbat had also failed in the field at crucial

³⁹ Bandura, Albert, Moral Disengagement In the Perpetration Of Inhumanities, in: *Personality and Social Psychology Review* (special issue on evil and violence), 1999, 3, 193-209.

⁴⁰ The government had not put a deadline on the NIOD investigation. The project dragged on for years and publication of the report was repeatedly postponed.

⁴¹ Catic, Hajra and Nuhanovic, Hasan. *BBC News*. BBC, April 11, 2002.

⁴² Letter from 'Women of Srebrenica' and 'Mothers from the enclaves Srebrenica and Zepa' to the commission, dated July 12, 2002.

⁴³ Tweede Kamer, *Missie zonder einde*, 16.

⁴⁴ The chairman of the commission did, at his own initiative, visit Bosnia and Herzegovina on the eve of the public hearings. (Tweede Kamer, *Missie zonder Einde*, 16). He disagreed with the majority of the commission members.

⁴⁵ Many books and articles voice frustration over the lack of self-reflexiveness in the Netherlands. For example, *Srebrenica. Remembrance for the Future*, Sarajevo, 2005. Sylvie Matton, *Srebrenica. Un génocide annoncé*, Paris, 2005.

moments. People knew it had been easy for the Bosnian Serb army to overrun Dutchbat. They saw on video how Commander Karremans was bullied by Mladic at the meetings in Bratunac. They saw how the men were separated from the women while Dutchbat soldiers stood by or even lent a hand. The public saw Karremans' gratitude at receiving a gift from Mladic when leaving Bosnia and Herzegovina, while hundreds of men were still trying to escape to safety through the woods. "Is this for my wife?" he asked Mladic. People heard Karremans speak at the press conference in Zagreb: "There are no good guys and bad guys." As historian Selma Leydesdorff put it: the Netherlands is "the only island" where people still question what the international community has long since recognized, namely the moral guilt of the Netherlands.⁴⁶ While many observers outside of the Netherlands and Bosnia and Herzegovina see no reason why the Dutch should engage in a painful process of Calvinist self-castigation, all agree that Dutchbat did not do well and made many fatal mistakes.

But the Dutch are the only ones who still stubbornly cling to the story they have carefully constructed over the years: that it was the international community that failed and that the Netherlands bears no special responsibility for the fact that its soldiers were unable to prevent more than 8,000 people from being killed. The basic message from the Dutch government and the majority of parliament is clear: Dutchbat is not to blame. Dutchbat has been fully rehabilitated. The government is willing to talk about humanitarian and reconstruction projects in Srebrenica, but is still not prepared to address the painful questions regarding specific Dutch responsibilities and co-responsibility for not preventing the genocide.⁴⁷ I fully agree with what former government minister Jan Pronk said at this year's National Srebrenica Commemoration: "Denial is still taking place. ... Maintaining silence and ignoring questions, and enforcing this from the top down, is harmful. ... It may well be that we cannot provide answers that will satisfy the needs of everybody involved, but it is not up to us, here in the Netherlands, to determine whether the questions put to us repeatedly are legitimate."⁴⁸

Remarkably, "Srebrenica" has been incorporated into the historical canon of the Netherlands as taught in secondary schools, where it is used to illustrate the dilemmas of peacekeeping. As such it is deemed one of the fifty most important themes in Dutch national history.⁴⁹ The wording of the text in the canon is widely disputed. I for one regret the fact that the word genocide is not mentioned. It is laudable, however, that future generations will learn about the Srebrenica massacre.⁵⁰

In view of the Dutch political discourse on Srebrenica since 1995, it is fair to conclude that Dutch politicians have so far been unwilling to reopen the debate on Dutch responsibility for the genocide. Yet the situation does appear to be shifting. At the national level, the inclusion of "Srebrenica" in the historical canon used in education points in this direction. Internationally, the European Parliament has adopted a resolution on Srebrenica and the Serbian legislation has passed a declaration on Srebrenica as well. In addition, a dialogue has begun between Dutchbat soldiers and Srebrenica survivors. And finally, lawsuits have been filed against the Dutch state and three individual Dutchbat soldiers.

⁴⁶ Leydesdorff, *De leegte achter ons laten*, 368.

⁴⁷ In *Somalië, Rwanda, Srebrenica. De nasleep van drie ontspoorde vredesmissies*, Amsterdam, 2009, military historian Christ Klep dissects three 'failed peace missions' and concludes that none of the three governments involved – Canada, Belgium and the Netherlands respectively – has adequately accepted and formulated responsibility for the failure of their policy. In all three countries, investigative reports were not used to facilitate a thorough political and public debate, but rather to come to swift political closure of the affairs. (259-68).

⁴⁸ Jan Pronk, "Srebrenica: the book is not closed," speech delivered at the National Srebrenica Commemoration, The Hague, Jul. 11, 2010.

⁴⁹ Cf. www.timelineindex.com/content/view/1911 (accessed Mar. 20, 2010)

⁵⁰ More educational material is available from Kamp Westerbork, which created a special educational package on Srebrenica.

EP Resolution on Srebrenica

On January 15, 2009, the European Parliament (EP) adopted a resolution on Srebrenica. Very few members of parliament voted against and all Dutch members voted in favor. The resolution “calls on the Council and the Commission to commemorate appropriately the anniversary of the Srebrenica-Potocari act of genocide by supporting Parliament's recognition of 11 July as the day of commemoration of the Srebrenica genocide all over the EU, and to call on all the countries of the western Balkans to do the same.”⁵¹

The Srebrenica survivors, invited to Strasbourg a few weeks after the vote, were very pleased with the resolution because it recognized their suffering and used the word “genocide”. The EP resolution also helped them to attract new attention to their plight and their quest for truth and justice. In response to the resolution, similar resolutions were passed in several states both within the EU and beyond, including Canada and the USA. Clearly, the European Parliament's move had rekindled the Srebrenica debate.⁵²

In the Netherlands, the organizers of the annual National Srebrenica Commemoration asked the Dutch Foreign Minister to somehow participate in the event as a means of acknowledging the EP resolution. The Minister declined, arguing that this would minimize the importance of the annual commemoration in Potocari/Srebrenica, which he called “the only authentic commemoration.”⁵³ This made little sense, since the organizing committee of the Potocari commemoration and the Srebrenica survivor associations had made it clear that they were in favor of having as many July 11 commemorations as possible worldwide. Jan Marinus Wiersma, one of the initiators of the EP resolution, saw it as an opportunity to “bridge the distance between The Hague and Srebrenica.”⁵⁴ But the Dutch government remained deaf to the appeals of the survivors and the EP. IKV Pax Christi then invited the Speaker of the Lower House of Dutch parliament to join the commemoration in The Hague on July 11. The Speaker declined. IKV Pax Christi then contacted the Foreign Affairs Committee of the Lower House, but again received a negative response. In the end, no representatives of the Dutch government participated in the commemoration in The Hague. The Dutch state yet again passed up an opportunity to publicly pay respect to the victims of the genocide in the presence of the Bosniaks living in the Netherlands and Dutch society in general.⁵⁵ Four MPs participated in the 2009 commemoration, and five in 2010, all as private citizens.

Declaration of the Serbian Parliament

Human rights organizations in Serbia (and Republika Srpska, the Serbian entity in Bosnia and Herzegovina) had to work long and hard to raise politicians and the public's awareness of the Srebrenica atrocities and to foster a serious debate.⁵⁶ In response to the EP resolution, a group of Serbian human rights NGOs decided to write an open letter to Serbian president Boris Tadic. These NGOs had been lobbying for Srebrenica commemoration

⁵¹ European Parliament, “European Parliament Resolution on Srebrenica adopted on 15 January 2009”. <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P6-TA-2009-0028&language=EN> (accessed Jul. 22, 2010).

⁵² Remarkably, the Canadian Prime Minister Stephen Harper vetoed Parliament's initiative to mark July 11 as a “day of remembrance of the victims of Srebrenica genocide”, in June 2010.

⁵³ Vers Pers, “Politieke kramp rond Srebrenicaherdenking”, July 2009. <http://www.verspers.nl> (accessed Oct. 12, 2009); De Volkskrant, “Verhagen: geen Nederlandse Srebrenica-herdenking”, Jun. 4, 2009.

⁵⁴ Jan Marinus Wiersma, speech delivered at the National Srebrenica Commemoration 2009, The Hague, July 11, 2009 (www.srebrenica-herdenking.nl).

⁵⁵ There are some 40,000 Bosnians in the Netherlands, most of them Bosniaks.

⁵⁶ *Srebrenica: from denial to confession*, Sonja Biserko (ed.), Helsinki Committee for Human Rights in Serbia (Belgrade) 2005.

activities since 2005.⁵⁷ In their open letter they asked Tadic to propose to parliament in Belgrade a statement similar to the EP resolution. Tadic initially declined. In late 2009, a second letter was written by the Centre for Euro-Atlantic Studies, which made explicit reference to the contribution that such a declaration might make to the European integration process.⁵⁸ This attempt was successful. Negotiations over the precise wording of the declaration began. On March 30, 2010, after a 13-hour debate, 127 of the 250 members of Serbian Parliament adopted the text of a Declaration on Srebrenica.⁵⁹ Its key passage reads:

The National Assembly of the Republic of Serbia most severely condemns the crime committed against the Bosnian population in Srebrenica in July 1995 in the manner established by the ruling of the International Court of Justice, as well as all the social and political processes and incidents that led to the creation of awareness that the realisation of personal national goals can be reached through the use of armed force and physical violence against members of other nations and religions, extending on the occasion condolences and apologies to the families of the victims that everything possible had not been done to prevent the tragedy.⁶⁰

The Declaration was warmly welcomed by most EU member states and by the European Commission.⁶¹ Many of the responses focused not on this paragraph but on the next, in which the National Assembly of the Republic of Serbia promised to cooperate fully with the ICTY “in which the detection and arrest of Ratko Mladic for the purpose of standing trial ... is particularly significant.”⁶² Along with many other organizations, IKV Pax Christi stressed that the true significance of the Declaration would depend on Serbia's subsequent actions, most notably the immediate arrest and extradition of Ratko Mladic.⁶³

The survivors' associations and many activists and political analysts from both Bosnia and Serbia expressed regret that the word genocide was not mentioned explicitly but merely implied in the Declaration's reference to the ICJ decision.⁶⁴ Many people also took umbrage to the final passage of the Serbian declaration: “The National Assembly of the Republic of Serbia expresses the expectation that the highest authorities of other states on the territory of the former Yugoslavia would also condemn the crimes committed against the members of the Serbian people in this manner, as well as extend condolences and apologies to the families of the Serbian victims.”⁶⁵ Clearly, this “expectation” does not help to make the text credible as a public apology. On the contrary, a public apology can only work if it is unconditional. The party apologizing cannot set conditions for other parties, especially if these conditions are intended to level the playing field.

⁵⁷ Peščanik website, “Serbia and Remembrance Day of the Srebrenica Genocide”, July 26, 2009.

<http://www.pescanik.net/content/view/3470/158/> (accessed Sep. 3, 2009)

⁵⁸ “Open Letter to the President of Serbia, Boris Tadic, concerning the European Parliament Resolution on Srebrenica”, Belgrade, Nov. 11, 2009.

⁵⁹ It was a declaration, not a formal resolution.

⁶⁰ National Assembly of the Republic of Serbia, *Declaration of the National Assembly of the Republic of Serbia on Condemning the Crime in Srebrenica*, Belgrade, Mar. 31, 2010.

(<http://www.parlament.gov.rs/files/eng/pdf/2010/deklaracija%20ENG1.pdf>). Cf. Tadic, Boris. An apology for Srebrenica. *The Wall Street Journal*, Apr. 16, 2010.

⁶¹ Council of the European Union. *Joint Statement by HR/VP Ashton and Commissioner Füle on Serbian Declaration on Srebrenica*, (A 45/10), Brussels, 2010.

http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/113647.pdf (accessed July 23, 2010).

⁶² <http://www.parlament.gov.rs/files/eng/pdf/2010/deklaracija%20ENG1.pdf> (accessed Nov. 24, 2010).

⁶³ IKV Pax Christi, Dion van den Berg and Linda Schevers, *Nu boter bij de vis: arresteer Mladic!*, Mar. 31, 2010.

⁶⁴ Response from the Association of Mothers of Srebrenica and Zepa Enclaves, Sabra Kolenovic. Cf. ISN Security Watch, Anes Alic. *Buying Remorse for Srebrenica*, Feb. 4, 2010; Phil Cain, The Balkans: Do official overtures represent real progress?, in: *Global Post*, Apr. 7, 2010; Helsinki Committee for Human Rights in Serbia, Informative survey of the debate currently raging in Serbian political and press circles over whether parliament should, as the EU has urged, pass a resolution condemning the Srebrenica massacre, and if so in what terms, in: *Helsinki Bulletin*, No. 58 (Belgrade) Feb. 2010; YUCOM, Early Warning Weekly Newsletter, No. 46/2010; Marijana Toma, Srebrenica Declaration: No Landmark But a Muddy Compromise, in: *Balkan Insight*, Apr. 1, 2010.

⁶⁵ <http://www.parlament.gov.rs/files/eng/pdf/2010/deklaracija%20ENG1.pdf> (accessed Nov. 24, 2010)

Despite these shortcomings, human rights workers in Serbia have found the declaration to be helpful in their work, as they can refer to it in their advocacy and lobbying initiatives.⁶⁶ These workers will be able to confront politicians and the general public with the Declaration.⁶⁷ Unfortunately, such a declaration cannot at this time be passed in Bosnia and Herzegovina itself, due to obstruction by the political elite in Republika Srpska, the Serbian entity in Bosnia and Herzegovina.⁶⁸

In “How to apologise”, publicist Marko Attila Hoare wrote: “The extent of an apology issued, and the reaction it receives at home, will reflect the degree of a nation’s democratic maturity.”⁶⁹ What is at stake here is accountability. Democratic governments must be held accountable and should not try to run from this responsibility. Clearly, many democracies – and I would include the Netherlands in that – have a long way to go in that respect.

Yet there is also cause for optimism. For example, Croatian president Ivo Josipovic recently visited Sarajevo and the small town of Ahmici in Bosnia and Herzegovina. Croatian soldiers had killed over 100 Bosniak civilians in Ahmici on April 16, 1993. Josipovic expressed his regrets over Croatia’s wartime policies, saying that he was sorry “that the Republic of Croatia...has contributed to the suffering of people and the divisions that still burden us today.”⁷⁰ Gradually, national and regional debates on the recent wars seem to be getting off the ground and conditions for regional truth-finding initiatives appear to be improving. One example is REKOM, an “initiative for the creation of a regional commission tasked with establishing the facts about war crimes and other serious human rights violations committed on the territory of the former Yugoslavia.”⁷¹

Intermezzo: Truth, Justice and Reconciliation

Both the EP Resolution and the Serbian Declaration make reference to truth, justice and reconciliation. These words often appear as a trinity and are sometimes even presented as a logical combination of simultaneous processes. In reality, these are conflicting processes that are at best consecutive rather than simultaneous. As we have seen in Bosnia and Herzegovina, almost all survivors have a great need for truth-finding. What happened, why and how did it occur, and who was responsible? Once a sufficient level of truth has been established or formulated, most survivors want to see justice done. War criminals should be arrested and brought to trial, because returning to normalcy is hard when the killers of your loved ones still walk the streets. Many survivors feel that there can be no sustainable peace or reconciliation until justice is served. Some survivors believe it is impossible to put so many war criminals behind bars first and that people need to move on, one way or another. The latter are often the ones who try to return to Srebrenica. Even though this is extremely difficult, partly due to the

⁶⁶ Jelena Milic (Centre for Euro-Atlantic Studies, Belgrade), at Balkan Borrel “Srebrenica: Recovery through Recognition”, organised by IKV Pax Christi in Utrecht, June 10, 2010.

⁶⁷ This is of great importance, since only 20.6% of the Serbian population was in favour of a declaration condemning the Srebrenica massacre. 46.2% preferred the adoption of a single resolution that would condemn all crimes in the former Yugoslavia. Cf. Bojana Barlovac, Support to Srebrenica Resolution Probed, in: *Balkan Insight*, Feb. 2, 2010.

⁶⁸ Muhamed Durakovic, Srebrenica survivor, at Balkan Borrel “Srebrenica: Recovery through Recognition”, organized by IKV Pax Christi in Utrecht, June 10, 2010. Cf. IWPR’s Tribunal Update. *Bosnian Serbs Block Srebrenica Massacre Resolution*, Apr. 11, 2010 and OHR press release. *RS Government Special Session A Distasteful Attempt to Question Genocide*, Sarajevo, Apr. 20, 2010.

⁶⁹ Marko Attila Hoare, blog entry “How to apologise,” The Greater Surbiton: The Perfect is the Enemy of the Good, posted Mar. 31, 2010. <http://greatersurbiton.wordpress.com/2010/05/31/how-to-apologise> (accessed June 23, 2010).

⁷⁰ Sabina Arslanagic, Josipovic delivers unprecedented apology to Bosnia, in: *Balkan Insight*, Apr. 14, 2010. Cf. Ian Bancroft, The dynamics of Apology and Forgiveness in the Balkans, Radio Free Europe Radio Liberty, Apr. 27, 2010. http://www.rferl.org/content/The_Dynamics_Of_Apology_And_Forgiveness_In_The_Balkans/2025889.html (accessed Nov. 24, 2010).

⁷¹ Cf. www.korekom.org

poor economic prospects and lack of reliable healthcare, a few thousand Bosniaks have gone back in the hope of returning to a more “normal” life.⁷² For pragmatic reasons they hope they can co-exist peacefully with the Serbs. Some of them are more ambitious and become involved in inter-ethnic dialogue and co-operation. At a conceptual level, these people have chosen reconciliation over justice.

One of the problems with reconciliation is that it is often outsiders – peace activists, journalists, politicians and diplomats – who put the emphasis on reconciliation in post-conflict peacebuilding strategies. They tend to invoke examples such as the Truth and Reconciliation Commission in South Africa. But true reconciliation can only come from the individuals involved, not from outsiders. Therefore, IKV Pax Christi deliberately shows restraint and only gets involved in activities and projects when asked. Only when returnees and other citizens in Srebrenica request support, does IKV Pax Christi facilitate processes of normalization, co-existence and inter-ethnic co-operation.

As an aside I would like to add a critical note about this need for reconciliation that outsiders express. Could it be that they personally want the former belligerents to reconcile in order to compensate for their own sense of guilt at having failed people during the war?

In reality, justice and reconciliation are often irreconcilable, even though both are necessary to guarantee lasting peace. Over the past years, the concept of “transitional justice” has gained in popularity.⁷³ Transitional justice clearly serves the purpose of helping societies recover from war through various programs.⁷⁴ But in the promotion of transitional justice, the tensions inherent in the concept can be overlooked. One example of this is the tension between criminal prosecutions and truth commissions. In addition, the concept is so broad that it often requires a great deal of explanation.⁷⁵ Although transitional justice has been called “as much a form of newspeak as googling or spin-doctoring” its importance should be recognized “not by measure of [its] legality, but via the legitimacy that [it has] within a given local context.”⁷⁶ Recently, the Bosnian Ministry of Justice set up a committee to devise a national strategy for transitional justice in Bosnia and Herzegovina. However, the civil society representatives in the committee are unhappy with the Ministry’s focus because its civil servants are not very knowledgeable about transitional justice and not interested in truth-telling or truth-finding. Yet, international diplomats have hailed the very existence of the committee as a success.

As a Dutch peace organization, IKV Pax Christi supports the campaigns for truth and justice in Srebrenica. These are at the heart of its involvement in Srebrenica. At the same time, the organization also supports returnees and people working on inter-ethnic dialogue and co-operation. In fact, IKV Pax Christi supports “any legitimate wish” and feels obliged to find a place for all worthy initiatives. Moreover, IKV Pax Christi feels duty bound to explain this

⁷² Bosniaks are not officially required to return, but some of them have felt forced to do so because of the threat of eviction. Municipalities often fail to meet the legal requirement to provide alternative housing when evicting refugees.

⁷³ According to the International Center for Transitional Justice “[t]ransitional justice is a response to systematic or widespread violations of human rights. It seeks recognition for victims and to promote possibilities for peace, reconciliation and democracy. Transitional justice is not a special form of justice but justice adapted to societies transforming themselves after a period of pervasive human rights abuse.” Transitional justice may consist of various initiatives, such as criminal prosecutions, truth commissions, reparations programs, gender justice, security system reform and memorialization efforts. www.ictj.org (accessed June 15, 2010)

⁷⁴ IKV Pax Christi partners in Bosnia and Herzegovina share this opinion. Our main joint projects are related to (elements of) transitional justice.

⁷⁵ ‘Transitional justice’ is a term used mainly by ‘professionals’, i.e. people dealing with justice and reconciliation on a daily basis. Ordinary citizens may have trouble understanding what transitional justice stands for, so there is a risk of professionals losing touch with average citizens. This divide between professionals and war victims became visible at the conference on “Assessing the legacy of the ICTY” in The Hague, Feb. 23-24, 2010.

⁷⁶ Barbara Oomen, Transitional Justice and Its Legitimacy: The Case for a Local Perspective, in: *Netherlands Quarterly of Human Rights*, Vol. 25/1, 2007, 141-148.

sometimes conflicting mix of activities to its partners. For example, many of the survivors who receive IKV Pax Christi's support in lobbying for justice fear that returnees to Srebrenica will weaken their cause, as return suggests normalization. On the other hand, there are returnees aided by IKV Pax Christi who feel that lobbyists would do better to focus more on reconstruction and recovery programs and stop seeking justice at all costs.

The tensions inherent in the quest for truth, justice and reconciliation are also palpable in the dialogue between Dutchbat soldiers and survivors of the Srebrenica genocide.⁷⁷ The EP resolution and the Serbian declaration serve as open invitations to the Dutch political leadership to revitalize the national debate on Srebrenica. Dutch politicians should view the dialogue between Dutchbat soldiers and Srebrenica survivors in a similar light.

Srebrenica Survivors Meet a Group of Dutchbat Soldiers

In October 2007, twelve Dutchbat soldiers returned to Srebrenica on a visit organized by Kamp Westerbork Memorial Center and IKV Pax Christi.⁷⁸

Almost all Dutchbat soldiers we have encountered over the years see themselves as victims of bad politics (both at UN level and in The Hague). In their view, a weak mandate and a lack of firepower prevented them from doing what they wanted to do. Generally, they were also dissatisfied with the Defense Ministry's aftercare and felt manipulated by the Debriefing Report (November 1995) which distorted their statements by quoting them incorrectly and out of context. Many of them are critical of Commander Karremans and his deputy Franken as well, but most of them refuse to go on record with this.

At first glance, Srebrenica survivors and Dutchbat soldiers might seem an unlikely combination. A meeting between the two groups would appear to be fraught with difficulties. After all, the soldiers would remember that it was Muslim fighters who created problems by raiding surrounding Serbian villages and thus jeopardizing UN neutrality. The soldiers would have not forgotten that some of these Muslim fighters were little more than criminals. They would also remember it was a Bosniak who killed Dutchbat soldier Raviv van Renssen. The soldiers tended to react emotionally when they saw the women of Srebrenica on TV "telling only half the story."

On the other hand, most survivors would find it equally difficult to start a dialogue with Dutchbat soldiers. During the war, their trust in the UN (kindled by the arrival of the Canadian UNPROFOR troops in 1993) was betrayed and their hopes of survival dashed. In their hour of need the UN and Dutchbat let them down.

It was clear that there was no obvious common ground from which to launch a meeting when IKV Pax Christi and Kamp Westerbork took a chance and set up an encounter in October 2007. A few individual Dutchbat soldiers had been back to Srebrenica, most of them accompanied by journalists, but none had ever been there for an organized meeting with survivors. This was the first time.

How to Start a Dialogue

Underlying any encounter between Dutchbat soldiers and Srebrenica survivors were some key concerns that organizers IKV Pax Christi and Kamp Westerbork had to deal with.

⁷⁷ Most of the Srebrenica soldiers left the Army after their mission in Srebrenica, either directly or after a short period. A small number are in the Army to this day. In this article the term "Dutchbat soldiers" refers to all of them collectively.

⁷⁸ A staff member of the Veterans Institute accompanied the group to coordinate the media contacts of the Dutchbat soldiers. IKV Pax Christi was in charge in particular for the meetings with the survivors and the local government of Srebrenica.

One fundamental consideration was the fact that for most war victims an encounter with the other party or parties involved is an indispensable part of the coping process. Encounters precede, and are a necessary precondition for, dialogue.

The Dutchbat soldiers had expressed a sincere desire to pay their respects to the dead and their surviving family members. Kamp Westerbork and IKV Pax Christi regarded this as a form of “moral re-engagement”. Many of the Srebrenica survivors had made it clear they also wanted to meet with the Dutchbat soldiers, whom they had not seen since 1995. The survivors had many questions and hoped the soldiers might have some answers.

It was IKV Pax Christi's hope that hearing the survivors' stories would help the Dutchbat soldiers to start looking at “Srebrenica” from another angle. Similarly, the survivors would be given a chance to look at the events from the perspective of individual Dutchbat soldiers. “Recalling and retelling the past” can be a way to begin talking about the future.⁷⁹

The organizers understood that general discussions were best avoided, because they could easily lead to mutual blaming and shaming. Clearly, a meeting would have to revolve around individual experiences. Only that could create the conditions in which a sense of mutual understanding could develop and in which the presumption of collective responsibility could be substituted with the acceptance of individual responsibility.

At the personal level, this would be part of a “healing process”, particularly for the Dutchbat soldiers.⁸⁰ At the same time, the organizers hoped soldiers and survivors would jointly develop activities in the domains of truth-finding and justice.

At the international level, publicizing the stories of individual Dutchbat soldiers and their discussions with Srebrenica survivors would help reinforce awareness and knowledge of Srebrenica in the Netherlands. It would create a new channel of communication in addition to advocacy-oriented exchanges with Srebrenica associations and educational and (museum-oriented) capacity-building with the Potocari Memorial and Cemetery.

At the national level, the encounters would give an added dimension to the public debate. This could in turn breathe new life into the political debate on Srebrenica in the Netherlands.⁸¹

IKV Pax Christi and Kamp Westerbork's expectations about the possible effects of the meetings were in part based on earlier examples. In the 1970s, when “ordinary soldiers” came forward to recount their personal experiences during Indonesia's war of independence (1945-49), this revitalized the political debate in the Netherlands on war crimes committed during the “Police Actions”. As a consequence, the prevailing formalistic approach to these events no longer held and had to be revised.⁸² Such revision can be painful, but it is, in the words of Adler et al., “fundamental to maintaining the values of a democratic culture. This requires incorporating memories that are not pleasant, are not ours, and do not belong to the image a nation or individual would perhaps like to maintain. When political systems or individuals cannot allow for this because they lack either a sufficient degree of democracy, or have something to hide, the result is official censure or self-censure.”⁸³ IKV Pax Christi and Kamp Westerbork were hoping for a parallel between the Army's experiences in Indonesia and in

⁷⁹ Selma Leydesdorff, When Communities Fell Apart and Neighbors Became Enemies. Stories of bewilderment in Srebrenica, in: *Memories of Mass Repression. Narrating Life Stories in the Aftermath of Atrocity*, 21-39.

⁸⁰ Telling your story and “finding someone to bear witness, can also help survivors to connect again to the world” (Introduction, in: *Memories of Mass Repression. Narrating Life Stories in the Aftermath of Atrocity*, edited by Nanci Adler, Selma Leydesdorff, Mary Chamberlain and Leyla Neyzi, Piscataway, NJ, 2009, xiii.

⁸¹ The Dutchbat soldiers' emotions resembled those of Bosniak and Serbian veterans, who also faced problems when they returned home, such as dealing with a feeling that Vladan Beara and Predrag Miljanovic have labelled “the unbearable lightness of peace”. Cf. *Oh, where have you been, my blue-eyed son? An existentialistic contribution to the understanding of war trauma and PTSD*, Centre for Trauma (Novi Sad), 2006.

⁸² Scagliola, *Last van de Oorlog*, 359.

⁸³ Introduction, in: *Memories of Mass Repression*, xii.

Srebrenica, in the sense that “ordinary soldiers” could revitalize the public and political debate on the painful truths in recent history.

October 2007: Confrontation and Nascent Dialogue

The first encounter in the more than 12 years since the war was highly emotional. IKV Pax Christi had asked the main Srebrenica associations to bring a limited number of people to the first visit to the Potocari Cemetery, and for the meeting to take place later at the Potocari Memorial Centre.⁸⁴ Instead, droves of agitated survivors showed up. They were upset because the Dutchbat soldiers had paid a first visit to the cemetery the day before “without having asked our permission.” The visit to the cemetery had been broadcast nationwide and although two Dutchbat soldiers had spoken sincerely about their motives (“we have come to pay respect to the women and the people who died”), emotions were running high. The women demanded to meet with the soldiers right away, so the organization was forced to adjust the day's schedule.

Half an hour later, everyone had gathered in one of the meeting halls in the former compound building. The Dutchbat soldiers were on one side (looking slightly cornered), while more than 100 women and various Dutch and Bosnian TV crews filled the rest of the room, while staff members from Kamp Westerbork and IKV Pax Christi were positioned in the middle to facilitate and translate.⁸⁵ Obviously the women could not wait to start firing questions at the soldiers. They had waited for this moment for so many years. The soldiers were not able to answer all their questions, because many of them were about decisions (or a failure to decide) on the part of Commander Karremans, his deputy Franken, others in the UN chain of command, or politicians in The Hague.⁸⁶

After more than an hour, the organizers forced a break in order to create room for less confrontational interaction, for questions from individual survivors to individual Dutchbat soldiers. Standing outside, smoking a cigarette, people continued to talk and the atmosphere improved somewhat. During the break, the organizers asked a few Dutchbat soldiers and some 25 women to continue the conversation in a second meeting away from the cameras.⁸⁷ This second meeting was less emotional, and the organizers managed to steer the discussion towards the search for common ground. The participants agreed to exchange information and the survivors expressed the desire to maintain contact and visit the Netherlands. Dutchbat soldiers promised to pose some of the survivors' questions to former Defense Minister Joris Voorhoeve. A dialogue had been initiated. Unfortunately, because no cameras had been present, what television audiences in Bosnia and the Netherlands saw on the news that evening was the confrontational nature of the first meeting. That was all the media reported on the next day. This presented quite a dilemma. If there were no cameras, there would be no coverage and therefore no publicizing of the positive outcome. With cameras rolling, there would be confrontation and no dialogue.

⁸⁴ The original idea was to have a few of the women tell their personal story to the Dutchbat soldiers, at the cemetery, at their loved ones' graves.

⁸⁵ We had planned a program with only few moments for the media to be present, but in the chaos of that moment it was impossible to stick to the original plan – also because most of the Bosnian media had been informed and invited by the women of Srebrenica. They were not aware of our plan to hold a meeting without media.

⁸⁶ So far, a relatively small group of Dutchbat soldiers (20 in total) is involved in the meetings and exchanges with Srebrenica survivors. As of yet, only one higher ranking officer is participating: Gerry Kremer, who was colonel-physician of Dutchbat in 1995.

⁸⁷ The RTL TV crew from the Netherlands noticed that a second meeting was about to be held, and they promptly retook their filming position in the room. I am still grateful that they left the room at my request. In general, cameras can and should not be avoided, but quite often presence of the media makes an open conversation much more difficult.

The rest of the week, the Dutchbat group visited some of the historical sites, such as the soccer field in Nova Kasaba and a mass grave close to the former compound. A special meeting with the mayor took place in the Srebrenica town hall, and the soldiers visited the Youth Centre. They also visited “Observation Post Foxtrot” and held a small ceremony for their fellow Dutchbat soldier Raviv van Renssen, who was killed by a grenade thrown by a local Bosniak.⁸⁸ One important element the organizers had deliberately included was a soccer match between “the Dutch” and “the Bosniaks”. Valuable contact can be made while playing sports.⁸⁹ In that respect, the “third half” was helpful as well, with both teams recovering from the match with a beer or a soft drink. The soldiers made contact with a few male Bosniak returnees, some of whom are involved in follow-up activities to this day. The organizers of the “Peace March” invited the Dutchbat soldiers to join their 2008 march.⁹⁰ A small group of Dutchbat soldiers took up the invitation and have participated in the Peace March in 2008, 2009 and 2010 – each time without incident.⁹¹

June 2009: More Confrontation, More Results

In 2008, Kamp Westerbork and IKV Pax Christi started preparing for the survivors' return visit to the Netherlands. The agenda event was set in close consultation with the Srebrenica associations and the Dutchbat soldiers. It took place in June 2009.

Having learned from the October 2007 encounter, the organizers took care to include many opportunities for informal mingling. The Srebrenica delegation consisted of seven women (all active in one of the Srebrenica survivors' associations), two former Bosniak defenders who had established good relations with some of the Dutchbat soldiers since October 2007, and the chair of the Potocari Memorial and Cemetery (PMC) foundation.⁹² The “plenary” sessions were limited in number and duration, leaving more time for three discussions of specific topics in smaller groups: 1) a photo project for which Dutchbat soldiers would collect photos and video footage to be made available to the Srebrenica associations and PMC; 2) various legal initiatives including a civil lawsuit the survivors were preparing against the Dutch state (the survivors were very keen to secure the support of the Dutchbat soldiers for this case); 3) the search for the mass grave at the compound site. The organizers deliberately opted to hold the two-day meeting at Kamp Westerbork, a place with special historical connotations.⁹³ At the request of the Dutchbat soldiers and Srebrenica survivors they also paid a visit to the ICTY in The Hague.

As it turned out, the participants were not able to continue where they had left off in October 2007. As soon as the first plenary session started, the participants started confronting each other with the past again. As one of the Dutchbat soldiers said during the break: “Look at us. We are all damaged people...” Both organizers and participants learned that confrontation is unavoidable in a process like this.

⁸⁸ When the crew of OP F was retreating to Potocari base, the Bosniaks wanted to force the Dutch soldiers to go back to the observation post and fight. The death of Raviv van Renssen had a tremendously demoralizing impact on Dutchbat and strengthened the idea that they had more to fear from the Bosniaks than from the Serbs.

⁸⁹ Luckily, we did not commit as many fouls as the Dutch national team did the evening of the 15th Srebrenica commemoration day, 11 July 2010, in the Football World Cup final against Spain.

⁹⁰ Every year since 2005, a group of a few thousand people walk back the same way through the woods that the men took when trying to escape from Srebrenica, in July 1995. The first edition was called the ‘March of Death’, but the name was changed to March of Peace (Mars Mira). See www.marismira.org (accessed 28 March 2010).

⁹¹ An individual Dutchbat soldier had already participated, individually, in a previous Peace March.

⁹² Mr. Sadik Ahmetovic, erstwhile MP in Bosnia and Herzegovina, now Minister of Security and Deputy Prime Minister.

⁹³ Kamp Westerbork was a WW II transit camp which housed some 100,000 people (mostly Dutch Jews) before they were transported to Nazi death camps. Cf. www.kampwesterbork.nl (accessed Apr. 23, 2010). Kamp Westerbork is involved in a long-term program to help the Potocari Memorial Centre develop and professionalize; IKV Pax Christi provides assistance to that capacity-building program.

However, the participants also took a few steps forward during the visit. Dutchbat soldiers agreed to start collecting photos and video footage, and to make these available to the Bosnian groups with technical assistance from Kamp Westerbork.⁹⁴ The project is underway and Kamp Westerbork has donated a special computer to PMC specifically for this purpose.

Dutchbat soldiers and Srebrenica survivors are both interested in the trial of Radovan Karadzic. IKV Pax Christi and Kamp Westerbork pledged to try to set up a monitoring project that will enable Dutchbat soldiers and Srebrenica survivors to follow the case together.

In 2007, questions had been raised about a mass grave in the compound. The grave had been documented in both the Debriefing Report and the NIOD report, but to most of the Srebrenica survivors it was new information.⁹⁵ At the 2009 meeting, the Dutchbat soldiers provided more information including photos. Information from the NIOD report was translated and made available to the Missing Persons Institute (MPI) that made two attempts to locate the grave. A few Dutchbat soldiers traveled to Potocari to assist. Unfortunately, the mass grave has not yet been discovered.⁹⁶

Intermezzo: The Need for Confrontation

Wanting to help victims of war, particularly by means of humanitarian aid programs, is an almost automatic response. The Dutch government is no exception. It has a long-standing annual budget of € 5 million earmarked for Srebrenica-related projects. Yet, humanitarian assistance can have (undesirable) negative side effects. The “aid industry” affirms the idea that war victims are in need of help, that they cannot survive or build a new future without assistance. This may lead to a vicious circle of reinforcing victimhood. Instead, it is crucial that war victims have an opportunity to move beyond that point, to regain control of their lives and become actors rather than recipients. They need to start lobbying, and to initiate advocacy and community-building for themselves.⁹⁷ Organizations like Political Committee Stari Most and IKV Pax Christi actively support the victims in this process which will allow them to become players in the Dutch public and political arena. Again, this is a process that outsiders cannot force on the victims. Instead, outsiders need to consider where the need for “confrontation” lies. They need to listen carefully and to only offer tools and opportunities for developing an activist attitude that will help the victims out of their victim role. In this respect, confrontation is not necessarily bad, but useful and necessary. Confrontation may serve as a catalyst for changing victims into survivors and activists. Clearly, being agents of political change empowers people and allows them to exert more control over their relationship with other actors.

Obstacles to the Dialogue from Both Perspectives

⁹⁴ The Dutchbat III website has numerous photos and documents which are accessible with a password. It would not be a good idea to make survivors request a password for this website.

⁹⁵ A few people were buried in this mass grave after they had died in the compound or in the Bratunac hospital. The reports mention only one or two names. Dutchbat soldiers think that the Ministry of Defence has been withholding information.

⁹⁶ Some Dutchbat soldiers think that the grave has not been found yet due to misinterpretation of the available data and they want to continue to search. Personally, I think the Bosnian Serbs may well have dug up the mass grave and moved the remains to another, secondary mass grave as part of their big cover-up operation. When asked, Murat Hurtic, the very experienced MPI official in charge of excavation, confirmed that this might be the case. (Meeting in Potocari, May 13, 2010).

⁹⁷ Rein Nauta, *Helpen helpt niet – enkele gedachten over de effecten van de Srebrenica-affaire in de Nederlandse samenleving*, lecture given at “Srebrenica, 10 jaar later. Over schuld, schaamte en verdringing”, meeting organized by IKON, Council of Churches in the Netherlands and IKV, Mozes- en Aäronkerk, Amsterdam, July 9, 2005.

Obviously, the dialogue between Dutchbat soldiers and Srebrenica survivors is far from smooth, because:

- *The process is different for every individual soldier and survivor.*

Some Dutchbat soldiers revisited Srebrenica once and then chose not to get involved in any follow-up activities, while others have come back to the former safe area on a regular basis and have become friends with Bosniak returnees. The moment when the encounter evolves into dialogue is different for every individual, and some individuals may find dialogue altogether impossible or too complex. Every new visit or activity sees a few “new” Dutchbat soldiers return to Srebrenica for the first time since the war. One Dutchbat soldier is relocating his family to Srebrenica in order to help the local population recover economically. Similarly, the Srebrenica survivors have all responded differently. Some are happy to have met the Dutchbat soldiers again, while others question what good these meetings will ultimately do. Some of them want the Dutchbat soldiers to support their lawsuits against the Dutch state, while others find this too much to expect.

Organizing an ongoing dialogue is especially difficult when the groups involved keep changing composition and the individual dynamics of encounter and dialogue fluctuate. Still, the organizers feel that the “broad approach” chosen in 2007-2010 (providing space for a number of issues to be discussed, but encouraging people to stay with their personal experiences), was the only possible inroad.⁹⁸

- *The visits and meetings have great impact on both soldiers and survivors.*

Most of the Dutchbat soldiers have been deeply affected by the visits and have felt the impact on their current personal lives.⁹⁹ It is impossible to predict how a visit will affect a particular individual. Flexibility is key, rigid blueprints do not work.

The Srebrenica survivors have also felt the impact of their encounters with the Dutchbat soldiers. Although they remain critical of Dutchbat, they also sense that the soldiers have a sincere desire to listen, to explain and to reconnect. When it came time to part in June 2009, the survivors left on good terms.

- *The soldiers have trouble perceiving and interpreting the divergence of opinions among the survivors and vice versa.*

On their individual visits to Srebrenica, the Dutchbat soldiers are welcomed by individual returnees. This is difficult to reconcile with the TV pictures of the women “screaming” for truth and justice. A majority of the survivors still support the Srebrenica associations’ campaigns for truth and justice. However, some of the soldiers now feel that most survivors understand their point of view: that Dutchbat did all it could and that the real blame lies with the UN and the Bosnian Serbs. The number of Dutchbat soldiers calling attention to the survivors’ legitimate claims and advocating understanding of the activists’ anger is dwindling (at least, among those soldiers who regularly visit Srebrenica).

The survivors have met the soldier who is suing the Dutch state and they know that some soldiers have openly criticized Dutchbat commander Karremans and other high-ranking officers. They also note that while the Dutchbat soldiers empathize with the victims for the loss of their family members, the same soldiers still think they did their best and are not responsible for those deaths. In the actual encounter, things are less black and white and there is more room for shades of grey on both sides.

- *Internal strife has led to a degree of distrust among the soldiers who want to continue working on Srebrenica.*

⁹⁸ Perhaps some smaller topic-oriented meetings and exchange projects will allow the participants to bond and trust each other more, which may make it easier to achieve certain short and medium-term goals.

⁹⁹ A few marriages and long-standing love relationships fell apart in the wake of the visits. On the other hand, some soldiers’ relationships improved.

Dutchbat soldiers have different opinions on what can and should be done in Srebrenica. A small monument has been erected where Raviv van Renssen died. There are plans to preserve one of the observation posts, OP Foxtrot. There is a plan to open a centre for social and psycho-social projects. Some soldiers prefer to put all their effort into a better future for the children of Srebrenica; others stress the need for economic recovery. Some feel that every plan should be discussed in detail with the Bosniak returnees, while others fear that such consultations will only generate negative energy. These differences in opinion are usually linked to an earlier point: the inability to reconcile the variety of opinions found among the survivors. The “discord” among the soldiers has even affected the Dutchbat III “reunion committee.”¹⁰⁰ In January 2010, this committee decided to “stop all formal cooperation with the women of Srebrenica.”

Lack of Balance

It should be obvious by now that the communication process is not without its problems and dilemmas. In addition, there is a clear risk of inequality and lack of balance in the current dynamics.

- *The dialogue is asymmetrical.*

On the Dutchbat side, there are only individuals: 1995 Dutchbat soldiers and supporting staff.¹⁰¹ On the survivors side, there are both individuals – many of whom are returnees – and representatives of the survivors’ associations. In a sense, the associations have no counterpart in the process. Most of their questions cannot be answered by the Dutchbat soldiers they have met. Their questions need to be addressed by high-ranking Dutch military officers, cabinet ministers and ministry officials. These parties are conspicuously absent from the meetings and have so far expressed no interest in attending.¹⁰²

- *The benefits from the dialogue are unequal.*

In the short run, the participants in the dialogue are reaping unequal benefits. The survivors’ associations have not secured many tangible results: their questions remain largely unanswered and the Dutchbat soldiers will probably not support their lawsuits. Their most tangible result so far has been the photo project. This project is significant to them as individual survivors. It indirectly addresses two of the issues they are fighting for as representatives of the wider community of survivors: recognition and truth. However, it will do little to advance their core aim of justice. For many of the Dutchbat soldiers, the overall results may be more positive. On their individual visits to Srebrenica they encounter people (returnees) who confirm their views, i.e. that Dutchbat was defenseless against the Bosnian Serbs. This carries the risk that they will become less open to fundamental criticism of Dutchbat, rather than more open. They may grow to be less willing to participate in meetings where these key questions are on the agenda.

This raises the question whether the small project approach has failed because it has not brought sufficient results. Kamp Westerbork and IKV Pax Christi believe this is not the case. They see the projects as stepping stones -- from encounter, to dialogue, to joint action and cooperation. The projects may sometimes invoke the past, but they also look ahead and address the future.

¹⁰⁰ This committee organises reunions of Dutchbat III personnel on a regular basis. Even though it does not claim to be a structure representing all Dutchbat soldiers, it is the main Dutchbat III body.

¹⁰¹ Such as drivers, kitchen personnel, administrative staff

¹⁰² Following the return visit of October 2007, two Dutchbat soldiers met with former Defense Minister Joris Voorhoeve. They had promised the Srebrenica survivors that they would ask him to answer their questions. He plainly stated that he was not interested in participating in this and that it would be a useless endeavour.

The dialogue between Dutchbat soldiers and Srebrenica survivors is not easy. There is no guarantee that it will bring sufficient benefits to the people involved. At the same time, it is clearly a process whose importance extends beyond its impact on the individuals participating in it. From the Dutch perspective, it is clear that far more must be done in order to fully restore relations between “Srebrenica” and the Netherlands. The EP resolution and the Serbian declaration on Srebrenica are invitations to the Dutch political elite to reassess the Dutch discourse on Srebrenica. The soldier-survivor dialogue makes a similar (implicit) appeal. If Dutchbat soldiers are brave enough to embark on this process of communication, then surely Dutch politicians can follow suit.

July 11, 2010: Another Missed Chance

The Dutch government has acknowledged the special relationship between the Netherlands and Srebrenica. Over the years, the Dutch Foreign and Defense Ministries have received many Srebrenica delegations. The Netherlands and Dutch parliament have welcomed all four democratically elected postwar mayors of Srebrenica.¹⁰³ Still, Dutch responsibility of for the errors and mistakes made in July 1995 has never been properly discussed, although the Srebrenica delegations have raised the issue on many occasions.

On the occasion of the 10th commemoration of the fall of Srebrenica, on July 11, 2005, Foreign Minister Ben Bot participated in the ceremony in Potocari and stayed an extra day to meet a delegation of survivors. Their discussion did not go smoothly, partly due to the presence of an American lawyer invited by one of the Srebrenica associations. All the same, it could have been an important opening if it had been followed by other meetings. Unfortunately, these never materialized.¹⁰⁴

Another possible opening presented itself when caretaker Defense Minister Eimert van Middelkoop decided to participate in the 15th commemoration of the Srebrenica genocide in Potocari, on July 11, 2010.¹⁰⁵ A few weeks earlier, the same official had criticized the decision by one of his main staff members to block the publication of a special Srebrenica issue by an Army-related magazine (*De Onderofficier*). The staff member had taken the measure for fear the publication would harm Army interests in a period of relative instability following the parliamentary elections.¹⁰⁶ In parliament, Van Middelkoop said the publication should not have been prevented: “There is no need to react so defensively whenever Srebrenica is mentioned.”¹⁰⁷

¹⁰³ These visits were all organized by IKV Pax Christi.

¹⁰⁴ Admittedly, over the years the Royal Netherlands Embassy has established normal relationships with the Srebrenica associations. Communication is much better than ever before.

¹⁰⁵ In his capacity as member of the Lower House (1989-2002) and the Upper House (2003-2007), Van Middelkoop had raised important questions on issues of responsibility and guilt. In response to an invitation from IKV, he had also visited Srebrenica for the official opening of the Potocari Cemetery in September 2003.

The official press release announcing Van Middelkoop’s presence at the commemoration still echoed Kok’s statement in mentioning “the political co-responsibility for the lack of capacity of the international community to protect, in 1995, the Muslim population”, Ministerie van Defensie, “Van Middelkoop aanwezig bij herdenking Srebrenica”, July 5, 2010.

<http://www.defensie.nl/servicemenu/zoeken/?query=Van+Middelkoop+aanwezig+bij+herdenking+Srebrenica> (accessed July 23, 2010).

¹⁰⁶ Letter from head of Communication Section to the liaison of the editorial desk of “De Onderofficier”, Apr. 29, 2010. IKV Pax Christi commented on this censorship with an op-ed by Dion van den Berg in various other regional dailies in that same week. Van den Berg, Dion, “Defensie blundert opnieuw met Srebrenica”, *Brabants Dagblad*, June 29, 2010.

¹⁰⁷ Statement by Van Middelkoop during consultation with the Lower House on Veterans Policy, June 25, 2010. See also answers to question in writing by MP Jasper van Dijk. Tweede Kamer, “Vragen van het lid Jasper van Dijk (SP) aan de minister van Defensie over een publicatieverbod van een tijdschrift over Srebrenica (ingezonden 25 juni 2010)”, July 9, 2010. <https://zoek.officielebekendmakingen.nl/ah-tk-20092010-2846.html> (accessed 13 July 2010).

IKV Pax Christi was surprised to learn that Van Middelkoop, on the day of the visit, had announced that “for logistical reasons” he would not have time to meet with a survivors’ delegation.¹⁰⁸ Worse still, he apparently had to leave halfway through the ceremony. Yet early in the morning in Sarajevo, he had found time to meet with the Dutch soldiers currently deployed in Bosnia and Herzegovina as part of the EUFOR-Althea mission. And walking back to his helicopter he took five minutes to talk to some of the Dutchbat soldiers present at the commemoration in Potocari. Spending the rest of the time in the properly secured VIP section, he did not talk to any of the survivors.¹⁰⁹ In response to a question by a Dutch journalist, he said: “If anyone should apologize, it is the United Nations as the international community failed in the events surrounding the fall of Srebrenica.”¹¹⁰ Although a caretaker minister in a post-election period has only limited powers and should adhere to the Srebrenica policy set out by the Foreign Minister, it was clear to me that the Netherlands had yet again passed up a great opportunity. Nobody expected a major shift in government policy, but simply meeting with the survivors to express condolences and listen to their needs and demands was well within Van Middelkoop’s power.

Persistent Selective Compassion

Dutch politicians and diplomats seemingly cannot emphasize often enough how crucial it is that Srebrenica survivors finally get answers to their questions and that justice be done. They say truth and justice should be dispensed by the ICTY in the trial of Karadzic (and hopefully of Mladic too), and by domestic courts in Serbia and Bosnia and Herzegovina. Dutch politicians also welcomed the Serbian parliament’s Srebrenica Declaration. Yet, when Srebrenica survivors demand truth and justice in meetings with Dutch government officials and members of parliament, they are greeted with silence. Back in 2002, the Dutch government accepted political co-responsibility for the failure of the international community, and that was that. Case closed. This is a great example of “selective compassion”: the ability to empathize with the survivors’ demands for truth and justice, but only when directed at others. As soon as the demands are targeted at the Dutch, the Dutch pretend not to understand. Van Middelkoop’s visit to Potocari can be seen as more proof of this selective compassion.

Having analyzed the recent developments – the important texts adopted by European Parliament and Serbian Parliament and the new opportunities to reopen the debate on Srebrenica in the wake of the Dutchbat-survivors dialogue – the only logical conclusion is that Dutch politicians would still rather ignore any new developments than reconsider the position the government took in 2002 and 2003. It seems highly probable that this rigidity has a lot to do with the pending lawsuits against the state of the Netherlands.

Civil and Criminal Law Suits

When asked why they have so little room to maneuver in the political arena, politicians and diplomats often refer to the pending lawsuits related to Srebrenica. They have to be careful, they explain, because anything they say can have legal consequences. They seem to forget that it took until 2002, a full seven years after the genocide, for the first lawsuit to be

¹⁰⁸ This was the official argument given by the Minister and others on Dutch radio. *Met het Oog op Morgen*. Radio program. Hilversum: NOS, July 10, 2010.

¹⁰⁹ IKV Pax Christi had offered the Minister help in setting up a meeting with survivors’ associations, but the offer was declined.

¹¹⁰ Koel , Theo, “Nederland blijft zwijgen over drama Srebrenica”, *De Volkskrant*, July 12, 2010.

filed at the District Court in The Hague. The lawsuits were a last resort, the only viable option left in a fight for justice that had ended in anger and frustration over the complete lack of response and sincere accountability from the Dutch government ministries and parliament. These legal steps would probably never have been taken if politicians had reacted appropriately earlier on. All they had to do was listen to the survivors' stories, admit responsibility for mistakes and bad decisions made by Dutch politicians and Dutchbat command, and initiate talks on reparations.¹¹¹

The scope of this article will not allow for a detailed elaboration of the various lawsuits. An overview of their main features will have to suffice.¹¹² There are two civil cases against the Dutch state that relate to the death of specific individuals: Dutchbat electrician Rizo Mustafic, and the parents and younger brother of UNMO interpreter Hasan Nuhanovic.¹¹³ A third civil lawsuit has been brought on behalf of a group of some 6,000 survivors. This case covers a longer period of time and also focuses on the lack of defense and resistance by Dutchbat in the first days of the attack. Another important difference is that in this case both the Dutch state and the United Nations are being sued.¹¹⁴

The state lawyers have taken a fairly rigid line of defense: given the fact that the UNPROFOR mission was a UN mission, plaintiffs should address the UN and cannot sue the Dutch state. However, the District Court has ruled that the UN holds immunity. In all three cases, the courts have already ruled in favor of the state. The decisions are now being appealed and if necessary the plaintiffs will probably take their cases to the European Court of Human Rights.

The verdicts handed down by the District Court in The Hague have left the plaintiffs in a legal vacuum: how to sue the UN if the UN holds immunity?¹¹⁵ As *Trouw* newspaper put it in a critical editorial: "Justice turns out to be a bitter black hole for Srebrenica families. ... It is unacceptable. The discrepancy between political and moral co-responsibility and legal non-liability is utterly unsatisfactory."¹¹⁶

Even though the preliminary hearings held in the cases of Nuhanovic and Mustafic were very useful from the perspective of fact-finding and truth-finding, the position taken by the state lawyers can only have added to the plaintiffs' frustration.

The Srebrenica survivors attach great value to the lawsuits, even though they understand that no verdict could be completely satisfactory. It may lead to compensation, but it will never satisfy the need for recognition. As Selma Leydesdorff put it: "By narrowing the survivors' desires down to material compensation and juridical procedures, the survivors' life stories are also reduced to the demands, format and language of the law. ... In this

¹¹¹ For several years, the survivors' campaigns for Truth and Justice explicitly targeted politics only. The first consultations with legal experts and lawyers in the Netherlands, which IKV organized at the request of some of the survivors, date back to Dec. 1999.

¹¹² For a more elaborate analysis of some of the key issues at stake in the civil lawsuits, cf. Christ P.M. Klep, "The unfulfilled promise of protection. The Netherlands and Srebrenica," in: *Facing the past. Finding remedies for historical injustices*, Peter Malcontent (ed.); Guido den Dekker and Jessica Schechinger, "The immunity of the United Nations before the Dutch courts revisited", Hague Justice Portal, June 4, 2010. <http://www.haguejusticeportal.net/eCache/DEF/11/748.html> (accessed June 23, 2010).

¹¹³ Hasan Nuhanovic's story became well-known when *Trouw* published it as a feuilleton from July 10-19, 1999.

¹¹⁴ For press releases and all documents relevant to this lawsuit, visit www.vandiepen.com.

¹¹⁵ Janja Bec-Neumann, Professor of Genocide Studies, called Dutch society "sick", and compared the Dutchbat performance of July 1995 with the Dutch collaboration with the Nazi regime during World War II, a comparison also made by some Srebrenica survivors after they had visited the Anne Frank House in Amsterdam, in 2004. Janja Bec-Neumann, "Nederland heeft in Srebrenica gecollaboreerd," *De Groene Amsterdammer*, Oct. 21, 2009. <http://www.groene.nl/2009/43/nederland-heeft-in-srebrenica-gecollaboreerd> (accessed July 23, 2010).

¹¹⁶ *Trouw*, "Het recht blijkt een wrang zwart gat voor families uit Srebrenica", Sep. 12, 2008.

http://www.trouw.nl/opinie/commentaar/article1850501.ece/Het_recht_blijkt_een_wrang_zwart_gat_voor_families_uit_Srebrenica.html (accessed July 23, 2010). *Volkskrant*, another influential newspaper, responded in similar words.

entwinement between the legal truth and the victim's need to speak out, material compensation is merely one of many ways to reclaim a place in the world."¹¹⁷

On July 6, 2010, Hasan Nuhanovic and the Mustafic family filed a criminal lawsuit against Dutchbat commander Thom Karremans, deputy Rob Franken and a staff member for military personnel, Berend Oosterveen. With regard to war crimes, individual soldiers remain accountable for their actions under their own national law. The lawsuit is based on the premise that Hasan Nuhanovic and Rizo Mustafic's families were sent off the compound against their will and delivered into the hands of the Bosnian Serbs, even though the Dutchbat officers in charge knew that were very likely to be killed. In legal terms, this makes the officers responsible for aiding and abetting genocide. In Rizo Mustafic's case, it has been determined that as one of Dutchbat's local staff members, he should have left Srebrenica together with Dutchbat.¹¹⁸

When this criminal lawsuit was filed, it triggered many negative and even aggressive responses, but some positive comments as well. An editorial in *NRC Handelsblad* expressed the newspaper's views as follows:

The authorities failed to assess the events in Srebrenica adequately from day one. ... The series of blunders is endless. ... The resignation of the Kok government in 2002 ... was a form of recognition that led to the creation of a special policy for Srebrenica. But expressing an apology remained a taboo, for fear of financial and legal consequences. ... In legal terms, Srebrenica is not 'a closed chapter'. On the occasion of the 20th and 25th commemoration, lawsuits against the Dutch state will most likely be ongoing. The Netherlands owes that largely to its own frightened behaviour."¹¹⁹

The Srebrenica-related lawsuits in the Netherlands have attracted lavish attention worldwide. Many legal experts say it is time to confront the lacuna in international law and to revise the current concept of UN immunity. In the meantime, victims of the Srebrenica genocide should have recourse to the law and receive recognition and reparations.¹²⁰ In a recent address to the United Nations General Assembly, Judge Patrick Robinson, President of the ICTY, called attention to the claims for compensation made by victims of the wars in former Yugoslavia: "One final matter, which I feel compelled to raise before you yet again, is my commitment as President of the Tribunal to ensuring the establishment of a trust fund for victims from the former Yugoslavia. The ICC and the 113 States that have ratified the Rome Statute demonstrate by the establishment of a trust fund for victims that they accept that justice must not only be retributive: it must also be restorative if peace is to be lasting. It is my intention as President of the Tribunal, to take action to end this travesty, and I hope that I will receive your support in doing so."¹²¹ Taking up this plea, Dutch lawyers formulated the idea of a "Srebrenica claims commission".¹²² This issue will be discussed at an international expert meeting scheduled for early 2011 and organized by Leiden University, the University of Amsterdam and IKV Pax Christi.

¹¹⁷ Leydesdorff, Selma. *Why Compensation Is a Mixed Blessing*, Leiden, forthcoming.

¹¹⁸ "Aangifte strafbare feiten begaan in Srebrenica in juli 1995", letter dated July 5, 2010, from Böhler law firm to Mrs. N.G. Zandee, chief public prosecutor at the Military Board of the Court in Arnhem.

¹¹⁹ *NRC Handelsblad*, "Eindeloos Srebrenica", July 7, 2010. <http://weblogs.nrc.nl/commentaar/2010/07/07/eindeloos-srebrenica/> (accessed July 23, 2010).

¹²⁰ Over the past few years, awareness of the importance of reparation programs has grown. Cf. Theo van Boven, *Victims' Rights to a Remedy and Reparation*, in: *Reparations for victims of genocide, war crimes and crimes against humanity. Systems in Place and Systems in the Making*, Carla Ferstman, Mariana Goetz and Alan Stephense (eds), Leiden/Boston, 2009, 19-40; Yael Danieli, *Massive Trauma and the Healing Process of Reparative Justice*, in: *Reparations for victims of genocide, war crimes and crimes against humanity. Systemn in Place and Systems in the Making*, Carla Ferstman, Mariana Goetz and Alan Stephens (eds), Leiden/Boston, 2009, 41-78.

¹²¹ ICTY President Robinson's Address Before the United Nations General Assembly on Oct. 8, 2010

<http://www.icty.org/sections/Press/StatementsandSpeechesoftheICTYsPrincipals-pdt> (accessed Nov. 29, 2010)

¹²² Menno Kamminga, Pleidooi voor een Claims Commission voor Srebrenica, in: *Nederlands Juristenblad*, 4, 22, June 2010, 1416-17.

Conclusions

Five years ago, I compared the relationship between the Netherlands and Srebrenica to what scholars call the *Doppelweg* in Chrétien de Troyes' medieval novels, where knights leave their courts and castles to fight monsters and evil of all sorts.¹²³ The *Doppelweg* (dual path) refers to the double quest the knight has to make. When he returns home after his initial, successful quest, he finds out that his absence has upset the previous balance in his life and habitat. What must follow next is a second, internal quest – a learning process – in order to restore the balance and come to terms with the damage done. The Netherlands is still hesitant to embark on that second quest in relation to Srebrenica. The first quest ended with the safe return of the Dutchbat soldiers. A party with beer and oompah music in Zagreb springs to mind. But as it turned out, the balance in the Netherlands had been disrupted – for the Dutchbat soldiers, for the politicians, for society at large. The relationship with the Srebrenica survivors is clearly problematic. So when will the essential second quest effectively start?

In this article, I have listed and analyzed a few of the most relevant developments that have helped shift the international public and political debate on Srebrenica. The European Parliament's resolution has sparked a renewed interest in Srebrenica, and particularly in the international community's responsibilities. The Serbian Declaration is helping human rights NGOs in their lobby and advocacy work, and might help create openings in other sectors of society (such as universities, veteran organizations and the media). Hopefully, this process will also have a regional impact in partnership with actors in Bosnia and Herzegovina. Both the European Resolution and the Serbian Declaration serve as invitations to Dutch politicians, imploring them to revise their official government statements dating back to 2002 and 2003.

The debate in the Netherlands is probably most strongly influenced by the dialogue that is developing between Dutchbat soldiers and Srebrenica survivors. Difficult though it may be, this dialogue can help push the discussion forward, particularly when individual stories of survivors and Dutchbat soldiers become public and when the two sides find common ground. Dutch politicians have systematically ignored the survivors' needs and their demands for truth and justice. But Dutch politicians have also turned their back on the Dutchbat soldiers. Their total silence through the long years of NIOD's research and their eagerness to proclaim Dutchbat fully rehabilitated as soon as the report was published in 2002, have left the soldiers feeling like puppets on a string, manipulated for the greater goal of maintaining silence on the most crucial and painful questions. Decorating the soldiers in 2006 and refusing to implement the EP resolution on Srebrenica in the Netherlands has served the same political purpose: perpetuating the conspiracy of silence.

Even though the recent developments have precipitated a shift in the public debate, the Dutch political elite has so far not budged. Officials avoid the key political and moral questions, using the ongoing lawsuits as an excuse to remain silent. As if the survivors, or rather the plaintiffs, have blocked all political discussion simply by going to court. But in truth the plaintiffs filed lawsuits only after many years of being denied access to information. All in all, there was a very brief period of opportunity for open political debate on Srebrenica in Dutch politics: from April 2002 (when the NIOD report was presented) to June/July 2003 (when the report of the Parliamentary Inquiry Commission on Srebrenica was discussed). Before April 2002 the official line had been to "wait for the NIOD report". After July 2003 it became "the government resigned over Srebrenica, what more do you want?"

¹²³ Dion van den Berg, *Als in een zwarte spiegel. Over het onvermogen tot empathie*, lecture given at "Srebrenica, 10 jaar later. Over schuld, schaamte en verdringing", meeting organized by IKON, Council of Churches in the Netherlands and IKV, Mozes- en Aäronkerk, Amsterdam, July 9, 2005.

There is a clear answer to this rhetorical question, however: the overwhelming majority of the survivors want the Dutch state to acknowledge Dutch responsibility for serious errors and mistakes, to publicly apologize, and to pay some sort of reparations or compensation. At least a part of the Dutch population supports these claims.

At present, the survivors are serving a kind of life sentence in a legal vacuum. They know their viewpoint on the events in Srebrenica in July 1995 is not recognized by the Dutch political elite. It may well prove impossible to get the government or Parliament to address the survivors' demands. Unwillingness to pay compensation may win out over truth and justice. If so, Srebrenica will continue to haunt Dutch politics and society for decades to come.

On the other hand, Dutch political leaders may finally decide to start a truly open dialogue with the survivors and all others involved, including the Dutchbat soldiers. For the well-being of the survivors, the soldiers and the Netherlands at large, an open dialogue is the only way forward. It will enhance the credibility of Dutch foreign policy, of our nation's efforts to promote peace and international law, and of our contribution to international peacekeeping missions. Above all, it will help restore the dignity of the victims and it will send the unequivocal message that atrocities such as the Srebrenica genocide must never happen again.

RECOMMENDED READING

Some of the earliest books on “Srebrenica”:

- David Rohde, *Endgame. The betrayal and fall of Srebrenica: Europe's worst massacre since World War II*, New York, 1997.
- Jan Willem Honig and Norbert Both, *Srebrenica. Reconstructie van een oorlogsmisdaad*, Utrecht, 1996.
- Frank Westerman and Bart Rijs, *Srebrenica. Het zwartste scenario*, Amsterdam, 1997.

Personal accounts:

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