

Netherlands _Compensation Commission _____ _Potočari

The relatives of deceased male refugees who were in the Dutchbat compound in Potočari in the late afternoon of 13 July 1995 can submit a compensation claim on the basis of the Srebrenica civil-law settlement arrangement. The arrangement is intended to implement the Dutch Supreme Court judgement of 19 July 2019 in the case between the State of the Netherlands and the Mothers of Srebrenica. As a relative, you should submit your claim to the Netherlands Compensation Commission Potočari. This brochure provides information about the content of the arrangement and the claim procedure. More information is available at www.nccpotocari.org

This brochure has been published by the Netherlands Compensation Commission Potočari, the independent administrator of the Srebrenica civil-law settlement arrangement.

What is the reason for this arrangement?

- 1** The civil-law settlement arrangement offers you, as a relative, a convenient way to receive a compensation payment quickly and without hiring a lawyer (unless you want to do so). If you make use of this arrangement, you don't need to embark on what can often be long, costly court proceedings to determine the amount of your damages. The civil-law settlement arrangement is based on standard compensation amounts as determined by the Dutch State.

If you do not wish to make use of the Commission's settlement arrangement, you have the option of filing a civil suit against the Dutch government for potential compensation. If you wish to pursue that option, you must not submit a compensation claim to the Commission.

The compensation amounts

- 2** Under the civil-law settlement arrangement, a wife or partner of a victim can receive a compensation payment of € 15,000. A child, parent, brother or sister of a victim are eligible for a compensation payment of € 10,000.

On 19 July 2019 the highest Dutch court, the Supreme Court, ruled that the Dutch State is liable for 10 percent of the damages of the relatives of the deceased male refugees who were in the Dutchbat compound in Potočari in the late afternoon of 13 July 1995. In determining the compensation amounts, the Dutch State therefore assumes that widows suffered total damages of € 150,000 and that the other specified relatives suffered total damages of € 100,000.

Who is eligible?

- 3** Those relatives mentioned in the arrangement who suffered damages due to the death of a male refugee who was in the Dutchbat compound in the late afternoon of 13 July 1995 are eligible. You can submit a compensation claim if:
 - You were the wife of a victim at the time of his death¹.
 - You had a cohabitation relationship with a victim for at least three years at the time of his death.
 - You had a cohabitation relationship with a victim for less than three years at the time of his death and a child was born from the relationship.
 - You are the child of a victim.
 - You are the parent of a victim.
 - You are the brother or sister of a victim.

¹ 'At the time of his death' is understood to mean 'on 13 July 1995'. It is generally not possible to determine the exact date of each victim's death with certainty.

First-degree relatives of more than one victim may submit more than one claim. First-degree relatives are the spouse or partner, parents, or children of a victim. For example, a mother who lost both her spouse and her son may submit a claim for both relatives, as may a parent who lost more than one child. A separate claim must be submitted for each victim.

Are you a different relative and would you like to submit a claim? In that case you will have to demonstrate that you suffered damages due to a victim's death. In that case we will have the discretion to act as we see fit.

Submitting a claim

- 4 You can submit a claim for a compensation payment to us from 15 June 2021 until 14 June 2023 at the latest. We will not handle any new claims submitted on or after 15 June 2023.

How do you submit a claim?

A claim should be submitted using a claim form, which is filled in fully and signed by you personally. You will find a claim form in this brochure. Claim forms can also be downloaded from the website ([www.nccpotocari.org/requests/step 1](http://www.nccpotocari.org/requests/step1)), or requested using our 'request information' form (see website) or by post, fax or e-mail.

Together with your claim form, you must enclose an authenticated copy of your passport or identity card. Alternatively, you can provide proof of identity by showing your passport or identity card at our office in Sarajevo (Bosnia) or The Hague (the Netherlands). You should also enclose a copy of the victim's death certificate, so that we know which victim your claim concerns.

Documents that demonstrate your relationship with the victim are also required. More details of the necessary documents can be found in section 5 of this brochure.

There are five possible ways to submit the fully completed claim form and the necessary documents to us.

- By e-mailing them to office@nccpotocari.nl.
- By posting them to our office in Sarajevo (Bosnia) or The Hague (the Netherlands).
- By submitting them in person at the Commission's office in Sarajevo (Bosnia) or The Hague (the Netherlands).
- By faxing them to us.
- By submitting them through ShareFile.

Which documents do you need to enclose?

5 The documents that you need to enclose will depend on your relationship with the victim. Besides the documents already mentioned - an authenticated copy of your passport or ID card and a copy of the victim's death certificate - we also ask you to provide the following written documents to demonstrate your family relationship with the victim.

- **If you were a victim's wife at the time of his death:**
 - a copy of a marriage certificate showing that you had a marital relationship with the victim at the time of his death.

- **If you had a cohabitation relationship with a victim for at least three years at the time of his death:**
 - a copy of a document or written statements by two witnesses, who made their statements to a municipal official or a civil-law notary, showing that at the time of the victim's death you had cohabitated with him without being married for three years or more.

- **If you had a cohabitation relationship with a victim for less than three years at the time of his death:**
 - a copy of a child's birth certificate, showing that the child was born from the cohabitation relationship within the three years preceding the victim's death.

- **If you are the child of a victim:**
 - a copy of your birth certificate, showing that you are a child of the victim.

- **If you are a victim's parent:**
 - a copy of the victim's birth certificate showing that you are the victim's parent.

- **If you are the brother or sister of a victim:**
 - a copy of your birth certificate and of the victim's birth certificate, which together show that you are a brother or sister of the victim.

What happens after submission of your claim?

6 You will receive confirmation of receipt within ten days² after we receive your claim. If your claim is incomplete, the confirmation of receipt will also ask you to supply the information that is lacking. The aim is to decide on your claim within three months after receipt of all the necessary information.

If the information is complete and accurate, you will be eligible for compensation.

- You will then receive a letter from us, notifying you of our decision and providing two copies of a settlement agreement.
- By signing the agreement, you grant full and final discharge (see section 10).
- Do you approve the agreement? In that case, fill in your bank details, sign both copies and send one by post to our office in Sarajevo (Bosnia) or The Hague (the Netherlands).
- You will receive the compensation payment within 4 weeks after your signed settlement agreement has been received by the Commission.

If there are any ambiguities, we will ask you for further written information. You will then have at least ten weeks to submit the necessary information.

If the information is not convincing, you will not be eligible for compensation. In that case you will receive a letter, notifying you of the reason(s) for denying your claim. It is not possible to lodge an objection or seek judicial review of the Commission's decision.

The assessment of your claim

- 7** When assessing the information that you provide to us with your claim, we will be guided by two questions:
- Is it likely that the victim was in the Dutchbat compound in the late afternoon of 13 July 1995?
 - Is there a family or other relationship as mentioned in the arrangement?

Payment

- 8** The Dutch Ministry of Defence is responsible for making the payment. The Ministry will transfer the compensation amount stated in the settlement agreement into your bank account. The payment will be made within four weeks after your signed settlement agreement has been received by the Commission. The payment can only be made into a bank account that is held in your name. If you don't yet have a bank account, you will need to open one.

What happens to your data?

- 9** We are aware of the sensitive nature of the personal data requested when someone submits a claim. This is why we only ask you to provide the data that is essential in order to handle your claim. This information will be treated with the utmost confidentiality and care. It will only be used in order to handle your claim (see the privacy statement on our website).

What do you need to know before submitting a claim?

- 10** You will need to comply with the requirements and conditions of the civil-law settlement arrangement. More information about them can be found in this brochure and in the claim form. If you fulfil the requirements and conditions, we will provide you with a settlement agreement. This is a document that contains conditions. One of those conditions is that you will receive compensation in full and final discharge. This means that you can no longer successfully file a claim with the civil court based on the liability of the Dutch State for the unlawful acts of the State, as established in the Supreme Court judgement of 19 July 2019 (ECLI:NL:HR:2019:1223), against a victim for whose death you receive a settlement.

What else do you need to know about the arrangement?

- Relatives who have a first-degree family relationship with more than one victim, may submit more than one request for compensation.
- The amount of compensation you can receive under the settlement arrangement is fixed. You cannot claim more than the fixed compensation amount under the arrangement.
- The possibility of submitting a claim cannot be transferred to anyone else and the arrangement is not available for heirs of surviving relatives.
- If you have submitted a claim and you are eligible for compensation, but you subsequently die, your proven heir(s) will receive the compensation.
- By submitting a claim, you declare that you are familiar with the 'Implementation Protocol' and agree to the obligations contained in it.
- You cannot lodge an objection or apply for judicial review of a decision denying your claim.

To view the 'Implementation Protocol' go to: www.nccpotocari.org 'conditions'.

Do you need assistance?

- 11** Do you have any questions about the procedure?
In that case there are various ways to contact us.
- By e-mail: office@nccpotocari.nl
 - Use the 'request information' form on the website
 - Make an appointment to visit our office in
The Hague (the Netherlands) or in Sarajevo (Bosnia)
 - By fax: +31 70 3262212
 - By post:
Netherlands Compensation Commission Potočari
Postbus 556
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The Netherlands

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E-mail address: office@nccpotocari.nl

The Hague Office

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The Netherlands

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Sarajevo Office

Mehmeda Spahic 26 (3rd floor)
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