

## Press Release

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### **District Court of The Hague rules Dutch military's bombing in Chora was unlawful, Dutch State must pay compensation to victims**

*The Hague, 23rd November, 2022*

The District Court of The Hague ruled this morning that the bombing by Dutch military of a Quala – an enclosed residential compound - in the district of Chora, Afghanistan in 2007, was unlawful and that the State must pay compensation to (the relatives of) the victims. The Nuhanovic Foundation warmly welcomes this courageous decision, since the Foundation has provided financial assistance from the onset by providing funds to cover the initial investigations into the case.

The Chora case had been brought against the Dutch State for alleged violations of International Humanitarian Law during a battle for the town of Chora, Afghanistan in 2007 which resulted in the death of between 50-80 civilians. This civil case was initiated by four Afghan relatives of victims who were represented by lawyer Liesbeth Zegveld, who were seeking to hold the Dutch State accountable for the civilian deaths caused by the bombing of Chora by Dutch military forces, which included the deployment of F-16s, Apache helicopters and an armoured Howitzer.

The Dutch Ministry of Defence maintained that Taliban forces were present and operating from within the Quala, and that this justified identifying it as a legitimate military target, despite the known presence of civilians there at the time. The State also contended that the claim should be time-barred because the incident took place 15 years ago.

The claimants, however, dispute that any Taliban were present in their Quala or that the Quala was in any sense being used for military purposes at the time of the bombing. Under Dutch civil law, the burden of proof lies with the claimants, but the defendant State must successfully refute what the claimants contend. According to the court, this requires that "the State must provide as precise an understanding as possible of the circumstances that prompted the commander to identify the Quala as a military target and to bomb it." The District court ruled that the reports and logbooks made available by the State do not adequately explain the basis for the conclusion that Taliban were operating from within the Quala at the time of the bombing. While their documentation showed that Taliban may have been firing from within - or near - that Quala 20 to 15 hours before the bombing, this could not justify their assumption that Taliban were (still) operating from within the Quala at the time of the bombardment. It was in fact clear that Taliban forces were not stationed but on the move in the area.

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The State therefore failed to refute the contention that the attack was in violation of the international humanitarian law principle of distinction which requires that targeting must be done in such a way as to avoid civilian casualties wherever possible. The court was therefore bound to conclude that the bombardment was unlawful. The State is now liable to compensate the claimants, who lost in total twenty family members. The details of the compensation will be worked out in a following procedure.

This landmark decision shows the civil judiciary exercising its power to require the ministry of defence to reveal the basis for its decisions and actions, if they are challenged as to their lawfulness under international humanitarian law. It is a courageous decision that puts the rights of injured civilian claimants at the centre of the legal process.

For further information on the case or the hearing, please visit the Nuhanovic Foundation website by clicking [here](#), or reach out to us via [email](#).