

## Press Release

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### District Court of The Hague's Decision Promotes Transparency and Justice in Hawija Bombardment Case

**Amsterdam, 18 January, 2024:** In an important interlocutory judgment issued yesterday, the Dutch District Court in The Hague demanded further explanation from the Dutch State and the provision of documents related to the 2015 bombing of an ISIS weapons factory in Hawija by Dutch F16s. The court has required the Dutch state to provide information to support the state's allegation that Dutch military could not have known that civilians would be hit by the bombing.

During a hearing on October 24 th 2023, Iraqi survivors of the Hawija aerial bombardment carried out by Dutch F-16 aircrafts testified in a court case about their suffering as a result of the 2015 bombing ([click here](#) to read previously published press release).

The victims' lawyer, Liesbeth Zegveld, welcomed the judgement, stating: *"This is very important for the future of warfare. The judges have clearly indicated that [the military] should be held accountable for its activities. We need to be able test the way our army participates in an armed conflict. The Netherlands cannot hide behind the international coalition. This is an important milestone for the victims and relatives."*

The Nuhanovic Foundation also welcomes the interlocutory judgment as a pivotal step forward in unraveling the details surrounding the bombardment, potentially fostering transparency, and providing crucial information for the victims and survivors. Hope Rikkelman, Director at the Nuhanovic Foundation, reflected on the significance of the ruling, stating, *"This Hawija interlocutory judgment is a crucial milestone for truth-finding and for the pursuit of justice for the victims and survivors of Hawija."*

The case also highlights the importance of victim participation, whereby the court emphasised in its verdict the impact of the testimonies in the courtroom, especially those recounting the loss of family members. The Nuhanovic Foundation remains steadfast in its commitment to supporting victims and survivors and promoting access to justice in the Netherlands. We eagerly anticipate continued collaboration with our partners and donors to ensure that legal avenues are accessible and effective in addressing the plight of the victims of Hawija.

For more information, please find below our position paper. For media inquiries, please contact [mail@nuhanovicfoundation.org](mailto:mail@nuhanovicfoundation.org).

#### About The Nuhanovic Foundation

The Nuhanovic Foundation is a non-profit organisation dedicated to advocating for the rights of victims of conflict and human rights abuses. Through legal initiatives, awareness campaigns, and support programs, the Foundation strives to ensure that justice is accessible to those who have suffered in the face of conflict.

For more information, visit [www.nuhanovicfoundation.org](http://www.nuhanovicfoundation.org).

## Position Paper on Victim Participation in the Hawija Case

Amsterdam, 18 January, 2024

**“I felt that the judges were really interested in justice and that they were listening. I could see justice in the eyes of the judges.”**

*- Hawija victim participating in the civil case against the Dutch state*

The pivotal nature of the Hawija case underscores the vital role of victim participation as an integral component in achieving access to justice. This position paper explores the nuanced dynamics surrounding the direct involvement of victims in legal proceedings when shaping the narrative of accountability.

The procedural aspects of the Hawija case shows the evolving landscape of access to justice, exemplified in this case by the noteworthy measures such as live streaming and translation of hearings ordered by the Dutch judge. These initiatives fosters a transparent and inclusive legal process.

The Netherlands has witnessed a positive evolution in the social and legal standing of victims over recent decades. The Code of Criminal Procedure, enacted since January 1, 2005, grants victims and surviving relatives the statutory right to speak, further codified in subsequent years to include rights such as the right to correct treatment, the right to receive information, and protection against repeated victimisation. Title IIIA of the new Code of Criminal Procedure even delineates a dedicated section on victims' rights.

While victim participation in criminal cases is relatively established, the same cannot be said for civil cases within the Dutch legal framework. Notably absent in civil cases is the structure and formality observed in criminal proceedings. Civil proceedings have an overarching emphasis on compensation and remedies rather than active involvement of victims or witnesses in the legal process. This disparity was glaringly evident in the pro forma hearing of the Hawija case, where the State party exhibited hesitancy in facilitating meaningful victim participation. The State's opposition to live streaming the case, despite its critical importance and geographical constraints faced by victims, was a notable instance. Conversely, the presiding judge displayed a receptive attitude, ensuring victims had a platform to express themselves during the hearing.

In contrast to the predominant emphasis on compensation in civil cases, victim interviews revealed a primary desire for acknowledgment of events rather than financial restitution. This inclination aligns more closely with avenues provided in criminal proceedings, where victims can actively participate. However, challenges in fact-finding, as evidenced by past experiences with the Commissie Sorgdrager, underscore the crucial importance of allowing victims to participate in civil cases like Hawija.

The Hawija case highlights the significance of victim participation in civil cases, with eight directly affected individuals testifying in The Hague courtroom. Equally important, many residents of Hawija could follow the proceedings in their own language through a live stream facilitated by the Dutch judiciary. The case, which claimed the lives of loved ones, underscores that justice can be seen and has the ability to transcend borders, impacting individuals across geographical boundaries.

The Nuhanovic Foundation's objective is to consolidate this new approach by the Dutch court. Enabling victim participation should not be a singular initiative but an ongoing commitment in civil cases where victimization is at a distance. The Dutch judicial system possesses the potential to enhance its practices and proactively accommodate victim involvement in civil cases over the long term.

To learn more about the Hawija case, [click here](#) or visit [www.nuhanovicfoundation.org](http://www.nuhanovicfoundation.org).