2023 ANNUAL REPORT

THE NUHANOVIC FOUNDATION

CENTRE FOR WAR REPARATIONS

JUSTICE & REPARATIONS FOR CIVILIAN VICTIMS OF CONFLICT

Supporting victims and survivors of international crimes through litigation, advocacy and knowledge.

Since 2012.

THE
NUHANOVIC
FOUNDATION
CENTRE FOR WAR REPARATIONS

The Nuhanovic Foundation

Supporting victims and survivors of international crimes through litigation, advocacy and knowledge.

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The Nuhanovic Foundation has ANBI status.

Cover image illustrated by Greeshma Chauhan, 2023

Contribute to our work

“

THIS IS NOT ONLY ABOUT MY FAMILY. THIS IS TO ESTABLISH THE TRUTH, AND THE COMPLICITY OF INDIVIDUALS IN WHAT HAPPENED. WE ARE OPENING THE DOOR FOR THOUSANDS OF OTHERS.

Hasan Nuhanovic
Srebrenica Genocide Survivor
Sarajevo, June 2015

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LIST OF TERMS

Victims & **Survivors:** This report uses the terms ‘survivors’ and ‘victims’ interchangeably, as we believe using the term survivors rather than victims for individuals affected by international crimes is more ethical and empowering. It emphasises their resilience and agency, and rebalances the narrative by focusing on survivors' strength rather than perpetrators’ actions.

International crimes: Includes the four core international crimes: war crimes, crimes against humanity, the crime of genocide and the crime of aggression.

Grave human rights violations: the descriptive term ‘grave’ has been used by international legal institutions interchangeably with the terms ‘serious’, ‘gross’, ‘flagrant’, ‘systematic’ and/or ‘massive’ to refer to a violation of the same gravity. Although there is no unanimous definition of the concept, for the purposes of this Report, the term ‘grave human rights violations’ will be used to capture one or more human rights violations listed in Paragraph 30 of the 1993 United Nations Vienna Declaration and Program of Action: torture and cruel, inhuman and degrading treatment or punishment, summary and arbitrary executions, disappearances, arbitrary detentions, all forms of racism, racial discrimination and apartheid, foreign occupation and alien domination, xenophobia, poverty, hunger and other denials of economic, social and cultural rights, religious intolerance, terrorism, discrimination against women and lack of the rule of law; which has affected a relatively large number of victims and has involved the failure of the respective state government to take appropriate measures to prevent and/or punish the commission of such violations.

FOREWORD

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FOREWORD



FREDERIEK DE VLAMING

Outgoing Director
The Nuhanovic Foundation

Dear Partner,

2023 was a dynamic year for the Nuhanovic Foundation. The long-desired organisational growth and professionalisation started to become a reality with the support of a large number of partners and thanks to our new donors! The organisational development, formulated in the Feasibility Study report led to a refinement of our war reparations activities around three new pillars: litigation support, advice on access to justice, and research and impact measurement. Most importantly, we now have a fresh and vibrant young staff headed by the new director Hope Rikkelman.

In the area of litigation support, the year brought some important milestones. The civil case of Afghan victims against the Netherlands for the 2007 bombings of Chora ended with a victory for the victims. In another case of survivors of Dutch bombings of the Iraqi town of Hawija, The Nuhanovic Foundation facilitated the presence of 11 Iraqi claimants in the Dutch courtroom to make their voices heard about the harm they suffered. Further, the Foundation monitored and facilitated victim and witness participation in a number of important and groundbreaking

Syrian cases before Dutch courts. Last but not least, the Foundation continues to actively support the case of Palestinian-Dutch Ismail Ziada against the Israeli Defence Forces(IDF) for the bombing of his Gaza home and family in 2014. Unfortunately, the Dutch Supreme Court upheld the immunity of the defendants, but with our support, the case will now go to the European Court of Human Rights.

Our legal networks grew and flourished this past year. We established the Ukraine Legal Network (ULN) to work with survivors and witnesses present in the Netherlands and facilitate access to national and international justice mechanisms.

The legal networks, including our network organisation Yazidi Legal Network (YLN), cooperated with a large number of experts, NGOs and the academic community, including Columbia University, New York University, and our longstanding partner, the University of Amsterdam.

We thank our supporters and partners for their contributions and support in 2023, and we look forward to the next year where the renewed Foundation will step up its support of victims of war in their quest for justice.

Frederiek de Vlaming

Outgoing Director

The Nuhanovic Foundation

INTRODUCTION

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INTRODUCTION



This annual report outlines the activities and growth of the Nuhanovic Foundation from 2012 until 2023. It also covers the work of the Foundation's very successful network organisation Yazidi Legal Network and its newest project, Ukraine Legal Network.

This report is structured into three main sections: **PAST**, **PRESENT** & **FUTURE**.

The first details the Nuhanovic Foundation's growth from 2012 until the present by reflecting on our strategy and highlighting key milestones. The second section is a deep dive into our activities in 2023, including updates on litigation cases, advocacy initiatives, and outreach activities. Finally, the third section offers a glimpse into our future by outlining our ongoing transition process towards a more sustainable and and professional organisation.

This report also includes an overview of the Foundation's successful legal networks, namely Yazidi Legal Network (YLN) and Ukraine Legal Network (ULN). YLN operates independently and has published its own comprehensive report. ULN, conversely, began its work in the summer of 2023, and therefore this report only covers a few months of the Network's ongoing activities.

OUR PAST

2012-2022

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OUR HISTORY



HOW IT STARTED

The Nuhanovic Foundation was established in the Netherlands in 2012 by Prof. Liesbeth Zegveld together with a team of leading litigators and specialists in the field of accountability and remedies for violations of international and humanitarian law.

For more than a decade, The Nuhanovic Foundation, together with its partners and affiliate organisations, has been supporting victims and survivors of international crimes through litigation, advocacy and legal knowledge.

Since 2012, the Foundation has supported investigations into international crimes, triggered civil and criminal legal proceedings for breaches of international and human rights law, and formed multiple legal networks to support survivor-led justice initiatives.

The primary objective of the Foundation has been to facilitate the establishment of legal responsibility for historical harm - an indispensable building block for the peaceful resolution of conflict and maintenance of the rule of law.

SINCE 2012

WHO WE ARE

We are a network of lawyers, legal experts, human rights activists, and researchers in the field of war reparations and international justice.

OUR VISION

A world where civilian victims of war have a right to seek access to justice, redress and remedy in the form of reparations, restitution or compensation for the harm they have suffered due to armed conflicts and international law violations.

OUR MISSION

1. To facilitate the establishment of legal responsibility for historical harm – an indispensable building block for peaceful resolution of conflict, maintenance of the rule of law and democracy.

2. To help secure justice and reparations for civilian victims of war and conflict.

3. To champion the right of survivors of international crimes and human rights violations, to redress and reparations.

OUR STRATEGY

The Nuhanovic Foundation supports victims of international crimes who seek access to justice through legal and non-legal proceedings. Legal proceedings on behalf of war victims may have an impact on the claimants, society, and the law itself. Our support thus requires a good understanding of the law – both hard and soft - and its potential impact. Our database and research are aimed at exploring the law and understanding the different levels of impact.

We have developed a strategy that seeks to integrate our litigation support and activities in the context of our Knowledge Centre (including training and capacity building). This means, among others, that our research and training activities are focused towards assisting legal proceedings – civil and criminal – and non-legal proceedings on behalf of victims of international crimes seeking redress.

Since its establishment in 2012, The Nuhanovic Foundation's work has been structured around three pillars

SUPPORT

Support of victims seeking redress through legal and non-legal proceedings through financial support, pre-trial investigative support, and access to legal representation and experts.

KNOWLEDGE

Maintaining a centre of knowledge and impact measurement, including the war reparations database, research and the publication of impact reports.

LEGAL NETWORKS

Facilitation and collaboration with networks of human rights lawyers and victim organisations.

SUPPORT

WHERE WE WORK



VICTIM SUPPORT

LITIGATION SUPPORT

LEGAL INTERVENTION

For over a decade, we have supported investigations into international crimes, triggered civil and criminal legal proceedings for breaches of international and human rights law, and formed multiple legal networks to support survivor-led justice initiatives.

We have worked with survivor communities from

- AFGHANISTAN
- BOSNIA & HERZEGOVINA
- COLOMBIA
- INDONESIA
- IRAQ
- KURDISTAN
- THE NETHERLANDS
- PALESTINE
- SUDAN
- SURINAME
- SYRIA
- UKRAINE

SUPPORT

The Nuhanovic Foundation assists victims of international crimes who seek access to justice through civil or criminal proceedings in the Netherlands or through international proceedings, for example with the United Nations.

Through these proceedings, victims can obtain remedies in the form of acknowledgment, reparation, restitution, and/or compensation. We fund investigations and legal representations in negotiations and litigation and support victim representation in international human rights procedures. The Foundation supports cases selected on the basis of the criteria described on our website.

2012-2023

12

Years of litigation support

20+

Cases supported

We prioritise investigations and cases

- Where victims and witnesses are not entitled to financial assistance to cover costs related to legal aid;
- That face suspension because of financial shortcomings;
- Which are expected to establish important precedents and thus contribute to enhancing access to justice for victims of international crimes and the development and strengthening of reparation laws and practices.

SUPPORT

Strategic Litigation

The cases that we support potentially have an impact on the whole community of survivors (of international crimes). This takes effect in many ways and at different levels. Criminal and civil cases may contribute to establishing a record of historical injustice and expose the facts of the crimes as was shown in the colonial crimes' cases against the Dutch government. Legal proceedings may also contribute to the public debate about accountability and reparations. Trial outcomes sometimes result in new policies and laws that better serve the interests of survivors, such as compensation laws and restitution schemes in the Srebrenica cases before Dutch courts. We support criminal cases - such as the Syrian cases and the case against former president Bouterse - because prosecution of perpetrators may contribute to a sense of justice for far more victims than those directly participating in proceedings. This is also true for the civil proceedings we supported against individuals, as the Ziada case against commanders of the IDF has made clear.

In the cases that aim at establishing responsibility of governments for breaches of humanitarian law during humanitarian interventions, such as the Hawija and the Chora cases against the Dutch government, it is the communities at large that benefit from the courts' decision and subsequent compensation schemes. This is also our aim when working on the cases against companies that develop illegal activities in the occupied Palestinian territories. The debate that stems from these proceedings feeds into the public debate and triggers the further development of international law. It is also a clear signal to other companies to abide by the law. Our incidental support of lawyers and law firms - in Sudan and Colombia - enabled many victims in these countries to receive legal aid. In other words, litigating international crimes and breaches of international law can have positive effects that reach beyond the immediate victims or claimants.

KNOWLEDGE

When victims of international crimes and grave human rights violations decide to seek justice through litigation, it is important to analyse the impact and effects of legal action, both procedurally and in terms of the law as an agent of societal change.

Through our knowledge sharing and research activities, we aim to measure and report on this impact.

2012-2023

750+

Database records

Reparations Database

We maintain a specialised and publicly accessible database with legal instruments, case law, and academic writings on the right to remedy and reparations. The database contains numerous documents on universal jurisdiction and other forms of national and international litigation relating to the commission of international crimes. We summarise reports, articles, and case law in order to make the database as accessible as possible. The database is meant as a free service for lawyers, victim organisations and anyone else interested.

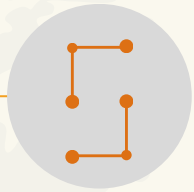
Research

We conduct research or commission research to better understand the legal framework for establishing the responsibility of states, individuals, and/or companies in the field of reparations, and in order to analyse the impact and effects of litigation. Our research is also geared towards the mobilisation of the academic community and defining (new) legal arguments for redress.

LEGAL NETWORKS

For over a decade, The Nuhanovic Foundation has been responding to the justice and accountability needs of victim and survivor communities through the creation of specialised legal networks. Since 2015, the Nuhanovic Foundation has created several legal networks that support survivors and communities.

Our unique format of creating legal networks focuses on building legal capacity, engaging in advocacy for victims' rights, and facilitating access to legal services and victim participation in justice processes. These networks, comprising of active community members, survivors, lawyers, and human rights activists, serve as a bridge between the affected community and various stakeholders, including international specialists and practitioners focused on various forms of reparations, with a particular emphasis on legal proceedings in Dutch courts.

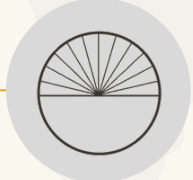


2015

NF establishes Syria Legal Network, bringing together Syrian lawyers, law students and human rights defenders to contribute to the process of accountability for international crimes committed in Syria.

2018

NF establishes Yazidi Legal Network to help the Yazidi community in the Netherlands achieve justice and acknowledgement for the genocide committed against them by ISIS.





2023

NF establishes Ukraine Legal Network to address crucial gaps in the Ukrainian community's access to justice mechanisms in the Netherlands and facilitate victim participation in justice processes.

LEGAL NETWORKS

Syria Legal Network

Our first legal network, **Syria Legal Network (SLN**), was established in 2015, during the vast influx of Syrian refugees into the Netherlands. The Network focussed on capacity building for Syrian lawyers on national and international prosecution of Syrian war crimes. SLN also worked in close cooperation with the Dutch Police's International Crimes Team and the Netherlands Public Prosecution Service in preparation of the prosecution of war crimes before Dutch courts. In 2019, the network became an independent organisation with a full Syrian board.

Yazidi Legal Network

In 2019, **Yazidi Legal Network (YLN)** was formed to support Yazidi refugees in the Netherlands who fled the ISIS genocide in Iraq. This independent network focuses on supporting Yazidis to achieve recognition and accountability for international crimes committed by ISIS through investigation, documentation, training, capacity building, and advocacy. Over the past years, with active involvement from the Yazidi community, YLN has built a robust network and supported the community through various projects and stakeholder connections.

Ukraine Legal Network

In 2023, the Nuhanovic Foundation launched **Ukraine Legal Network (ULN)**. Led by a team of Ukrainian lawyers and volunteers, ULN emphasises engagement with the large Ukrainian community present in the Netherlands. ULN focuses on assisting the community in accessing available justice processes, including national and international mechanisms to register war damages and claim compensation. ULN concentrates on building a large network of diverse stakeholders, engaging with the Dutch-Ukrainian community, initiating capacity-building and awareness raising projects.

OUR PRESENT

2023 Activity Report

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LITIGATION SUPPORT

The Nuhanovic Foundation has supported victims of international crimes and grave human rights violations for over a decade.

In cases where violations have allegedly been committed by the Dutch State or a Dutch company, we help survivors bring claims for recognition of wrongdoing and compensation, before national civil courts in the Netherlands. In other cases, where international crimes are alleged to have been committed by a Dutch national or the perpetrator is believed to be in the Netherlands, we help survivors gather and present evidence to the Dutch Police's International Crimes Team and the Netherlands Public Prosecution Service. In some instances, we support victims or their legal teams in survivor-led justice initiatives in other jurisdictions, and provide access to legal experts, advice and financial support.



In 2023, we supported legal investigations and proceedings in eight cases. These cases can be categorised into four distinct groups:

- Legal proceedings concerning the crimes against and violations of the rights of Palestinians: Two cases concerning corporate responsibility in the occupied Palestinian territories, and one case against commanders of the IDF.
- Legal proceedings against the Dutch state concerning its responsibility in the context of international military interventions: The cases concerning the bombings of the town of Chora in Afghanistan and the Iraqi town of Hawija by Dutch military.
- The case against former president Bouterse of Suriname before the Inter American Court of Human Rights(IACHR).
- The criminal cases on war crimes committed in Syria before the Dutch courts.

LITIGATION SUPPORT

AFGHANISTAN

The Chora case

The Chora case is a civil case against the Dutch State for alleged violations of international humanitarian law during an attack on 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, represented by a Dutch lawyer, who were seeking to hold the Dutch State accountable for the civilian deaths caused by the bombing of Chora by Dutch military forces.

On 23 November 2022, The District Court of The Hague ruled that the 2007 bombing by the Dutch Military of a residential compound in Chora, Afghanistan, was unlawful, requiring the Netherlands to compensate the victims' relatives. The court determined that the Dutch State had not been able to provide adequate proof that the compound was being used by the Taliban at the time of the bombardment. Therefore, that attack violated international humanitarian law by failing to avoid civilian casualties, to the extent possible. Consequently, the Netherlands is liable for compensating the claimants who lost twenty family members, with details of the compensation to be determined in a subsequent procedure. The Dutch Minister of Defence decided not to appeal the ruling, acknowledging the lack of concrete intelligence to justify the bombing, and committing to improving military decision-recording processes for future missions.

The Nuhanovic Foundation welcomed the decision, highlighting the judiciary's role in ensuring the Ministry of Defence justifies its actions under international humanitarian law. The Foundation views this ruling as a courageous step that prioritises the rights of affected civilians.

LITIGATION SUPPORT

IRAQ

The Hawija Case

The Hawija case is unprecedented since it is the first case ever addressing the military actions of the international anti-ISIS Coalition. The case marks a significant milestone in the pursuit of justice for victims of the bombing of an ISIS weapon storage facility in the Iraqi town of Hawija on the night of 2-3 June 2015. The air strike was carried out by Dutch F-16 fighter jets in the context of the US-led military campaign against ISIS. The impact of the bombing led to subsequent secondary explosions that killed at least 85 civilians and damaged homes, schools, mosques and infrastructure. The Dutch government only admitted responsibility for the attack in 2019, 4.5 years after the event.

In 2022 eleven claimants - almost all relatives of family members who died as a result of the bombing - filed a civil claim against the Dutch State before the District Court in The Hague alleging that the bombardment was unlawful. They seek acknowledgement of and compensation for the harm they suffered following the airstrike. The claimants argue that since the amount of explosive material in the factory was unknown, the Netherlands could not make an adequate assessment in advance of the extent of possible secondary explosions. They claim that the Dutch State took an unacceptable risk in carrying out the air strike. The Nuhanovic Foundation, in cooperation with the peace organisation PAX, assisted in bringing eight claimants to the courtroom where they pled their case in an emotional hearing in October 2023. The Dutch State defended itself by stating that, based on previous experiences with bombings of ISIS weapon factories and storage facilities, a secondary explosion of that magnitude with such severe consequences was absolutely unforeseeable.

In addition to ensuring that the Iraqi claimants could attend the proceedings in The Hague, the Nuhanovic Foundation provided seed money for local investigations, contributed to lawyers' fees, and assisted in advocacy efforts surrounding the case.

The case continued in 2024 with an interim judgment requesting the Dutch State to disclose all documents that are needed to understand the full chain of events leading to at least 85 deaths. A decision in the civil proceedings is still pending.

LITIGATION SUPPORT

PALESTINE

The Ziada case on war crimes in Gaza

In this landmark case, Ismail Ziada, a Palestinian who is a Dutch national living in the Netherlands, brought a civil suit against two Israeli former military officers for the deliberate bombing of the home of his family in the Gaza Strip in July 2014. The Nuhanovic Foundation has supported this case since it began in 2018 before the District Court of The Hague.

After a negative decision by the Appeal Court in December 2021, preparations were made to take the case to the Supreme Court of the Netherlands. In August 2023, the Dutch Supreme Court dismissed the case, citing that former military officials are granted complete immunity from civil suits in foreign courts under customary international law, even when the case allegedly involves individual responsibility for war crimes, and where there is no alternative forum, resulting in a denial of justice.

Subsequently, Mr. Ziada's new specialised legal team submitted an application to the European Court of Human Rights in December 2023, challenging this denial of justice in Dutch courts as a violation of the Netherlands' obligations under the European Convention on Human Rights.

The Nuhanovic Foundation continues to support Ismail Ziada and his new legal team in their quest for justice and accountability.

LITIGATION SUPPORT

PALESTINE

Case initiated by ECHO on corporate responsibility for war crimes in the occupied Palestinian territories

2023 is the fourth year in which The Nuhanovic Foundation supported the investigations into a Dutch company that is engaged in economic activities in the West Bank which potentially makes them complicit in violations of international humanitarian law.

The investigations were conducted by Israeli lawyers of the Israeli organisation **ECHO**, based in Tel Aviv, in cooperation with a Dutch lawyer. In 2022 the Israeli lawyers requested The Nuhanovic Foundation to provide funding for extra research by Dutch lawyers that was related to defining the legal position of whistleblowers within the company. Similarly to the year before, we cannot share more information about the case, due to the necessity of ensuring the confidentiality and safety of the applicants in light of the ongoing investigations.

The case has received our continued support throughout 2023 and we will continue to monitor the case closely.

LITIGATION SUPPORT

SURINAME

The Bouterse Case

The Nuhanovic Foundation supported the families of the victims of the notorious "December Murders" committed on 7 and 8 December 1982 in Suriname's capital Paramaribo. On these days, 15 journalists, union leaders and lawyers were brutally tortured and killed by military officers in Fort Zeelandia in Paramaribo.

Relatives brought the case before the IACHR with the aim of putting pressure on the prosecutor in Suriname to continue the criminal proceedings against Desi Bouterse – president from 2010 to 2020 – and 24 co-accused for their involvement in the killings. The reason for their claim was that in 2012, an amended Amnesty Law was passed in Suriname and as a result, the criminal case against Bouterse was suspended. The relatives sought prosecution and punishment of the perpetrators, rehabilitation for the victims, and compensation for the surviving family members. They requested the assistance of Prof. Liesbeth Zegveld to represent them, and The Nuhanovic Foundation was asked to support the case.

The IACHR declared the complaint admissible on 9 February 2022, thus initiating substantive consideration. The legal team submitted updates on the case on 31 August 2022, and 12 October 2022. On 7 March 2023, the IACHR acknowledged receipt and notified Suriname that it had until 7 September 2023, to respond. Despite multiple requests for updates, there has been no further communication from the IACHR. Meanwhile, on 20 December 2023, the Court of Justice in Paramaribo upheld the court-martial's verdict against Bouterse, sentencing him to 20 years in prison. Despite this latest verdict, the case at the IACHR will continue as Bouterse remains a fugitive, and international pressure is essential to enforce the verdict. The IACHR complaint also remains crucial for seeking justice and compensation for the victims' families such as payment of material and immaterial damages to the next of kin. The Nuhanovic Foundation will continue to monitor the case.

LITIGATION SUPPORT

SYRIA

Mustafa A./Liwa al Quds (aka Kerkrade-case)

This groundbreaking case against Mustafa A., who was arrested in Kerkrade, marked the first regime-related investigation to go to trial in the Netherlands. The suspect was accused of committing crimes against humanity and war crimes, in addition to participating in Liwa al Quds' militia activities, specifically related to the violent arrest and subsequent torture of a civilian in January 2013 in the Al Nairab camp outside of Aleppo.

In addition to being the first case where a member of an organisation linked to the Assad regime faced accusations in a Dutch court, the Mustafa A. case served as yet another example of the central role that civil society organisations, especially Syrian groups, have been playing in the fight for justice and accountability for Syria. Hearings took place in late November and early December 2023, and on 22 January 2024, Mustafa A. was sentenced to 12 years in prison. An appeal to this decision is currently outstanding.

Together with its partner, the Syrian Center for Media and Freedom of Expression (SCM), The Nuhanovic Foundation monitored the case, engaged in active outreach about the case through its social media and its network. More importantly we cooperated with the Netherlands Public Prosecution Service and the court to facilitate the participation of witnesses and a direct victim of the crimes. Concurrently, The Nuhanovic Foundation extended ongoing support to the case by offering legal and logistical aid to witnesses and victims. As part of its active outreach and information provision, the Foundation and SCM collaborated to answer frequently asked questions about the case, which can be found here.

LITIGATION SUPPORT

SYRIA

Abu Khaled al-A./ISIS (aka Arkel-case)

The International Crimes Team of the Dutch National Police (Team Internationale Misdrijven or TIM) is investigating the case of the 38-year old Syrian man who is suspected of holding a leadership position within ISIS and Jabhat al-Nusra between 2013 and 2018. It is suspected that through his position in ISIS, he contributed to war crimes ISIS committed in Syria. The man, known as al-A, had applied for asylum in the Netherlands in 2019 and was arrested in the Dutch town of Arkel in January 2023.

The Arkel case is currently in the pre-trial phase, with the Dutch Police's International Crimes Team carrying out additional investigations after receiving information and identifying witnesses regarding the suspect's role as an interrogator for ISIS. The possible allegations relate to the suspect's role in violent interrogations and subsequent torture. Depending on the investigation's results, additional accusations will be added to the current draft indictment, which focuses on the suspect's membership in a terrorist/criminal organisation. The substantive trial in the Arkel case is set to begin in late 2024 or early 2025.

Along with its partner organisation SCM, The Nuhanovic Foundation monitors the case, communicates about it through its public channels, and cooperates with the Dutch Public Prosecutor's Office in facilitating logistical and legal aid for Syrian victims and witnesses who have testified during the pre-trial investigation.

LITIGATION SUPPORT

SYRIA

National Defence Force/Salamiya (aka Druten-case)

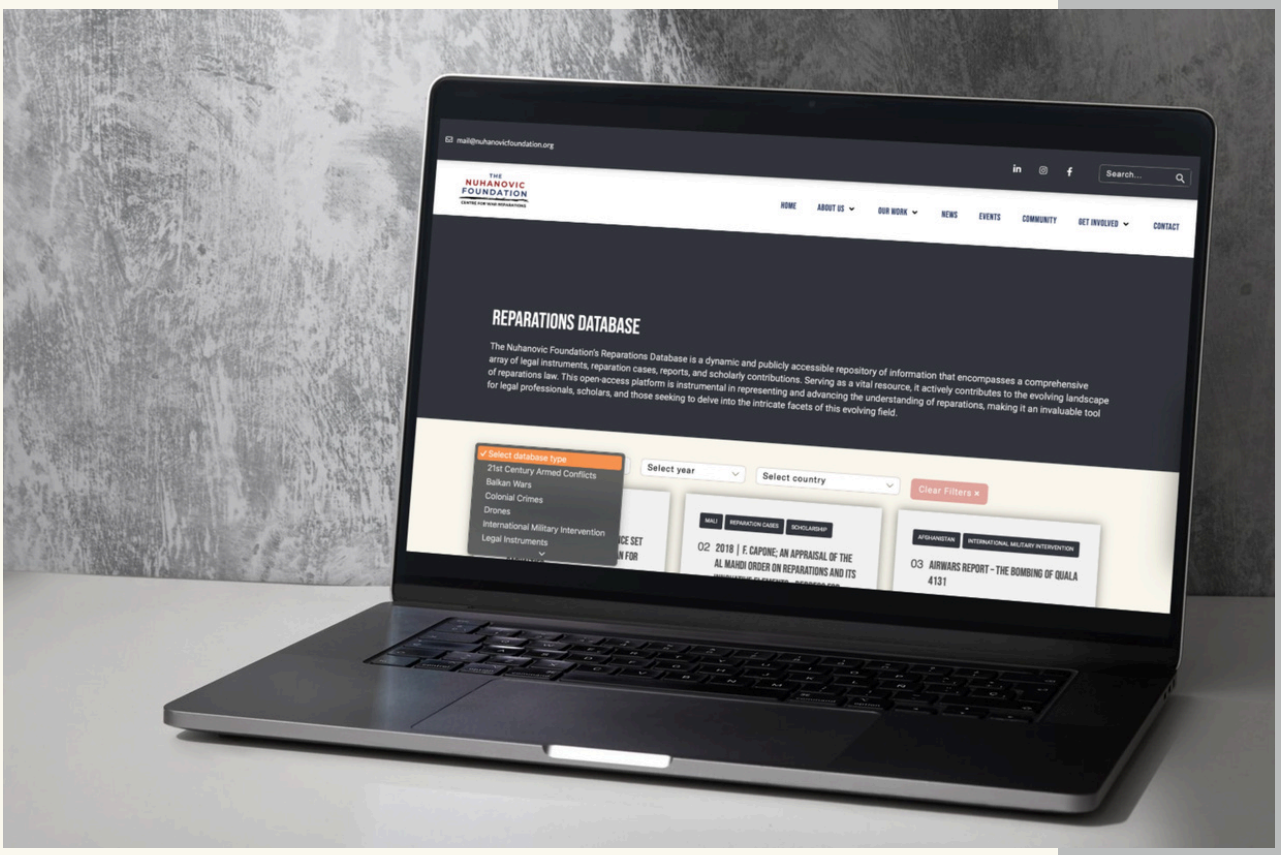
In December 2023, a Syrian man whose name has so far been withheld from the public, was arrested in Druten, the Netherlands. The suspect arrived in the Netherlands in July 2021 and received a temporary asylum permit. The International Crimes Team of the Dutch National Police (TIM) tracked him down shortly after his arrival in the Netherlands, following a tip that a person with a comparable name had been the chief interrogator at the local branch of the National Defence Force in Salamiyah, and that this man was now living in the Netherlands.

The man is suspected of being the head of the interrogation department of the National Defence Force (NDF) in Salamiyah, Syria, in 2013 and 2014. The NDF is a paramilitary group consisting of many local pro-regime militias, fighting on the side of the Syrian regime. The suspicion is that from this position, the man committed acts of torture and sexual violence against civilians. He is charged with complicity in torture in an official capacity with specific intent, complicity in torture as a crime against humanity and complicity in various forms of sexual violence as a crime against humanity.

This case is potentially groundbreaking as it would be the first Dutch case prosecuting crimes against humanity in the form of sexual violence if it goes to trial at the beginning of 2025.

Together with two Syrian partner organisations, SCM and the Syrian Centre for Legal Studies and Research (SCLSR), The Nuhanovic Foundation is cooperating with the Netherlands Public Prosecution Service and supporting victims and witnesses in the investigation with logistical and legal aid. It is also actively monitoring the ongoing investigation and pretrial hearings, as well as communicating about the latest developments through its public channels.

REPARATIONS DATABASE



Justice and redress for victims of international crimes are important conditions for sustainable peace, and access to justice and reparations is a vital right of civilians who have suffered loss and harm in war.

The Nuhanovic Foundation's dynamic and publicly accessible Reparations Database which compiles a comprehensive array of legal instruments, reparation cases, reports, and scholarly contributions, serves as a vital resource by actively contributing to the evolving landscape of reparations law.

REPARATIONS DATABASE

2023 was a year of intense activity in The Nuhanovic Foundation's database. Cases which the Foundation has been supporting, relating to Syria, Iraq, Afghanistan, Palestine and Suriname, came to fruition with decisions containing important outcomes for the claimants and setting precedent for future cases. In order to make the significance of these decisions clear for the general reader as well as for jurists and for future potential claimants, we have begun adding lists of Frequently Asked Questions and detailed answers, in Dutch, English and Arabic, in respect of cases of current interest. This feature will be developed for all our future cases and will appear on our new, interactive and improved website which was launched in the beginning of 2024.

Several recent civil court rulings in the Netherlands, supported by The Nuhanovic Foundation, have highlighted the courts' focus on the necessary measures to enforce the protection of civilians under international humanitarian law. In particular, judges have required the Netherlands to be more transparent about its information-gathering strategies and procedures, prior to executing military actions. The District Court of The Hague ordered the Netherlands to provide the information underpinning its decision to attack an Afghan village in Chora, Afghanistan in 2007. As the Netherlands was unable to do so, the court ruled that the Netherlands had not succeeded in disproving the claimants' assertion that the attack was unlawful. The Netherlands was ordered to pay compensation to the victims. Similarly, in a provisional measure, in a case filed by Iraqi victims of a Dutch bombardment of a small ISIS arms factory in Hawija, civil judges have ordered the Netherlands to provide (partly classified) documentation of the preparatory investigations that preceded that bombardment. Such information can potentially shed a light on the question of whether the commander who approved the attack was adequately informed, especially as to the risk of the severe secondary explosions that resulted in more than 85 civilian deaths, terrible injuries and destruction of property. A decision in this case is still pending.

However, other claims have fared less well. In 2023 the Dutch Supreme Court dismissed Ismail Ziada's civil claim against two senior Israeli military officials for the allegedly unlawful bombing of his family's residence and the killing of six members of his family in

REPARATIONS DATABASE

Gaza in 2014. The Supreme Court upheld earlier rulings that the two officials – as functionaries of the State of Israel whose wartime actions were carried out with the authority of the Israeli government – enjoy immunity from civil prosecution in the Dutch court system. The Nuhanovic Foundation has supported this claimant in preparing an application to the European Court of Human Rights in respect of the dismissal of his claim.

Meanwhile, perpetrators of crimes committed against civilians in situations of armed conflict are increasingly held to account. After more than 40 years, the impunity of Suriname's former president and military dictator Desi Bouterse came to an end when the Surinamese Supreme Court sentenced him to 20 years in prison for his part in the 'December murders' committed in 1982. To provide insight into the multiple legal procedures of this lengthy case, we have added a clickable timeline to the database. And back in the Netherlands, the District Court of The Hague sentenced Mustafa A., a member of the Syrian militia Liwa Al Quds which supported the Syrian government's military, to 12 years in prison for crimes against humanity and war crimes committed against Syrian civilians. The Nuhanovic Foundation also provided financial support to the victims in these precedent-setting cases.

These topical judgements, all court documents and other relevant materials pertaining to the above mentioned lawsuits are stored, summarised and made accessible through our database, making them more visible to a larger, international audience.

ADVICE & INFORMATION

Through our ongoing work with survivors and witnesses of international crimes, we have identified a significant knowledge gap regarding their legal rights in the Netherlands. The Nuhanovic Foundation aims to address this gap by providing comprehensive information about the available venues and options for redress, which are crucial factors in aiding survivors.

Providing advice and information is central to the Foundation's expertise, as we have consistently collaborated with societal and governmental stakeholders to develop tools, services, and guides for survivors of international crimes and their communities. Our focus on delivering nuanced advice has been particularly praised for offering clear insights into available litigation options and the potential consequences of any legal action, enabling survivors to make informed decisions. Additionally, we have connected survivors and witnesses with non-legal support services through our partner networks. Through YLN and SLN, we have trained at least 50 Yazidis and Syrians on various subjects, empowering them to become sources of knowledge within their communities.

As relationship-builders, we have been advised to continue facilitating the organisation of survivor communities into networks such as YLN, SLN, and our new legal network ULN. These networks not only disseminate information to their target communities but also generate insights into their collective needs and challenges. As a Foundation, we aim to address these needs and share them with governments and other stakeholders to inform policy decisions.

In addition to these initiatives, the networks are in the process of developing a comprehensive toolkit for victims, which will offer practical information on legal remedies, reparations, survivors' rights, and pathways to access both legal and non-legal resources and services across the world. While this comprehensive research effort was prompted by the global displacement of Yazidis following the 2014 genocide, our toolkit aims to support survivors worldwide by providing them with information tailored to their respective countries of residence.

ADVOCACY & MEDIA APPEARANCES

Throughout 2023, the Nuhanovic Foundation and its representatives actively engaged with media outlets regarding our litigation activities and other developments in the field of international law and human rights.



APRIL 2023

Director Hope Rikkelman was interviewed for the **Wordt Vervolgt Magazine** to discuss the Yazidi Survivors Act.

MAY 2023

Hope Rikkelman and legal advisor Fritz Streiff were interviewed for Dutch radio programme **Argos.** and the national newspaper **Trouw** for an investigative issue on Syrian suspects in Europe.

AUGUST 2023

Hope Rikkelman appeared on **NPO Radio 1's The News BV** programme to commemorate the 9th anniversary of the Yazidi genocide.

SEPTEMBER 2023

Hope Rikkelman participated in a webinar organised by **ICCT**, discussing the challenges and solutions related to victims of terrorism and their right to access justice.

OCTOBER 2023

Fritz Streiff appeared on Dutch public **Radio 1** to speak about the Netherlands' case against Syria at the International Court of Justice, and Rikkelman and Streiff co-authored an article on the Mustafa A. case for **Just Security** and made an appearance on their podcast.

DECEMBER 2023

Rikkelman and Streiff made an appearance on the **Asymmetrical Haircuts** podcast to discuss Syrian cases and trials in Europe.

DECEMBER 2023

Fritz Streiff released the second season of **The Syria Trials** podcast, focusing on Syria-related investigations and trials across Europe.

DECEMBER 2023

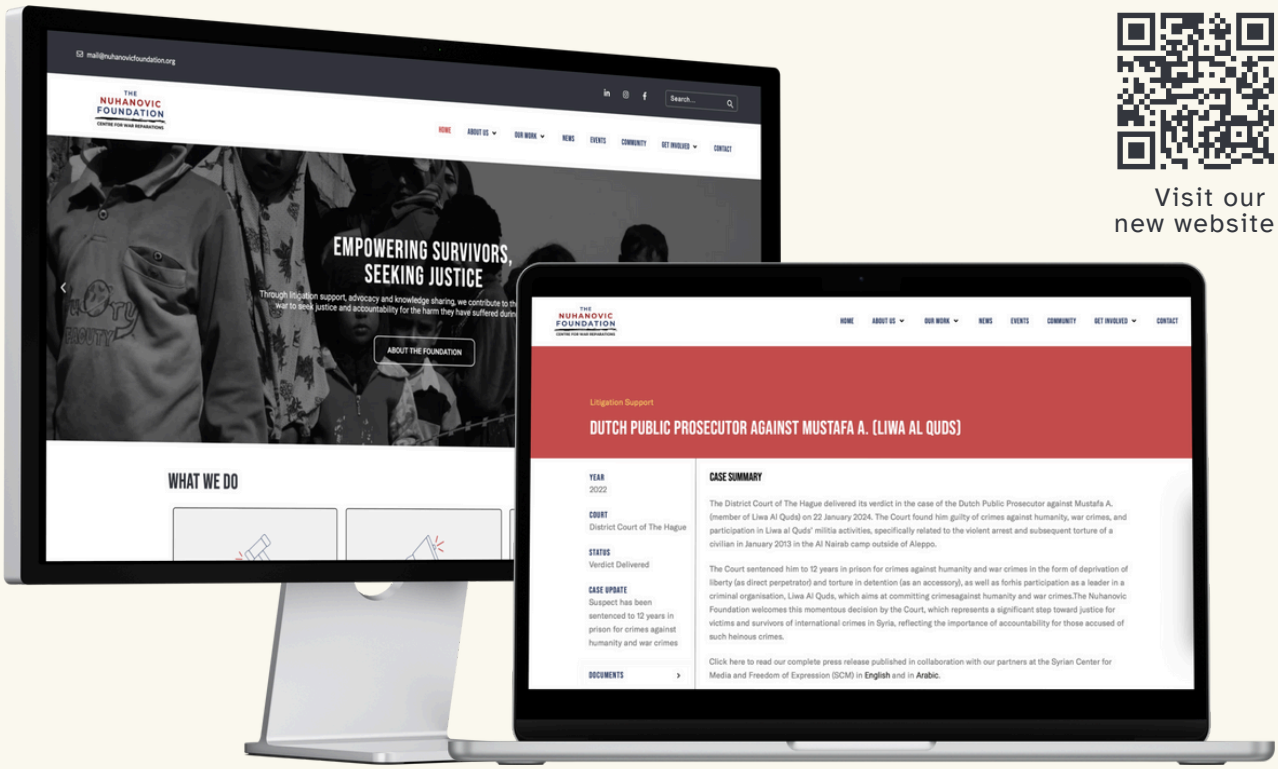
Streiff participated in a NGO roundtable hosted by **ECCHR** (European Center for Constitutional and Human Rights) and the **Böll Stiftung** in Berlin titled *'Atrocities in Syria: the role of accountability/justice efforts in ongoing human rights violations.'*

EXTERNAL COMMUNICATIONS

Redesigned Website

The team worked actively throughout 2023 to prepare for the launch of the Nuhanovic Foundation's new website, which will be launched in the first quarter of 2024.

Some of the primary objectives of the website revamp were to refine the online visual identity of The Nuhanovic Foundation, clearly define its role, scope and work, and articulate its mission and objectives with greater clarity. This exercise was undertaken to deepen our connection with stakeholders, improve access to services, and enhance public outreach and awareness of our work's impact.



Visit our new website

EXTERNAL COMMUNICATIONS

Our new website is a substantial improvement over its previous version, with a redesigned layout that is clean, modern, and intuitive, allowing visitors to navigate effortlessly and find information quickly. Designed to enhance the way we present and share information about The Nuhanovic Foundation's activities, the redesigned site focuses on clarity and accessibility to ensure that visitors can easily understand our mission, the scope of our work, and the impact of our efforts in the field of international justice.

One of the key features of our new website is the revamped reparations database. This comprehensive open-access resource has been re-organised with a focus on user experience, and the addition of multiple filters makes it easier to browse the 750+ database records that we currently showcase. Another cornerstone of our new website is the redesigned litigation support section, which outlines clearly and concisely the broad range of litigation support provided by The Nuhanovic foundation.

Visitors to our site can now access in-depth information on various cases, including background legal documents, frequently asked questions, and the broader implications of our litigation efforts, ensuring transparency in all our initiatives.

The new website is more than just an information hub; it is a robust and sustainable platform designed to showcase The Nuhanovic Foundation's litigation, advocacy, and knowledge-sharing activities. This platform will support our ongoing efforts to increase the reach of our activities by providing a stable foundation to highlight the impact of our work, help us engage with a broader audience, attract new supporters, and strengthen our existing partnerships.

EXTERNAL COMMUNICATIONS

Media & Communications

Over the past year, The Nuhanovic Foundation has enhanced its media and communications strategy, aligning with our vision of becoming a national leader in advocating for reparations and justice for victims and survivors of international crimes and grave human rights violations. Our strategic approach is driven by three core goals: **amplifying our advocacy efforts** surrounding the litigation support we provide, **increasing the reach and impact** of the foundation's initiatives, and **creating widespread awareness** about justice and reparations mechanisms within the Netherlands and beyond.

At the heart of our media strategy is the commitment to amplify our advocacy efforts. Through regular and sustained presence on platforms like **LinkedIn**, **Facebook**, and **Instagram**, we have been able to highlight the impact of the legal and non-legal support we provide to victims and survivors of international crimes and grave human rights violations. By sharing detailed case studies, legal analyses, and regular updates on ongoing cases, we aim to effectively engage our audience with our work.

Our media and communications strategy, however, goes beyond showcasing our work; it also serves as a powerful tool for conducting effective outreach to our stakeholder communities. Through the increased reach of our channels, we have been able to better engage with our stakeholders and involve more individuals from survivor communities in our work, thereby creating greater visibility and participation opportunities for survivor communities.

UKRAINE LEGAL NETWORK



Ukraine Legal Network (ULN) is a network of lawyers, legal experts, and human rights activists from Ukraine who are based in the Netherlands. Established in 2023, ULN's main goal is to obtain justice and redress for Ukrainians in the Netherlands who are survivors of international crimes committed during the Russian invasion.

ULN was initiated as a bottom-up, survivor-led project to respond to the legal and non-legal needs of the Ukrainian community. By enabling Ukrainian survivors and witnesses of international crimes to participate in the national and international justice and accountability processes, we aim to contribute to victim-centric justice processes.

PROBLEM DEFINITION, GOALS & MISSION

The Problem

We believe there exist several barriers which hamper access to justice of more than 100,000 Ukrainians living in the Netherlands. Ukrainian refugees are insufficiently aware of the justice options for obtaining war reparations, which include national and international registers of damages; and the possibility to submit claims for compensation and initiate proceedings before international bodies, such as the International Criminal Court (ICC), the International Court of Justice (IC), and the International Centre for the Prosecution of the Crime of Aggression against Ukraine; as well as before Dutch national courts.

Since 2023, the activities of ULN have firstly focussed on the development of an international network of Ukrainian and international lawyers and legal experts in the field of war reparations. Secondly, ULN organizes training and capacity-building events for Ukrainian lawyers concerning national and international justice and reparations mechanisms. Thirdly, ULN supports criminal proceedings against individual perpetrators of war crimes and civil proceedings against corporations which breach the international sanctions regime against Russia. Finally, ULN maintains an information and advice centre for survivors/victims who seek to obtain compensation or wish to initiate criminal or civil legal proceedings.

Our Goal & Mission

In response, we initiated ULN as a bottom-up project to:

- Help organise, inform and empower Ukrainian legal practitioners, human rights activists and law students who reside in the Netherlands; and
- Actively utilise national and international accountability options, such as the International Criminal Court, the International Court of Justice, and the new Register of Damage for Ukraine, for the benefit of those of the over 100,000 Ukrainians in the Netherlands who are victims or witnesses of international crimes.

Our goal is to complement and further expand existing efforts to fight impunity for international crimes committed in Ukraine, and to provide opportunities to Ukrainian survivors to pursue legal remedies.

PROBLEM DEFINITION, GOALS & MISSION

Our Tools

Survivor Support Centre - ULN provides legal and non-legal information to Ukrainians in the Netherlands, facilitates access to legal advice and representation, and uses referral pathways to ease access to social and psychological services.

Training & Legal Capacity Building - Through a series of lectures, training and interactive events, ULN and its partners help empower Ukrainian legal advocates to serve their community's justice needs.

Community-Engagement & Case-Building - ULN engages with the Ukrainian community in the Netherlands to act as a link between survivors and justice mechanisms such as the ICC, ICJ, as well as international justice mechanisms like the Genocide Network and Eurojust Joint Investigative Taskforces. ULN facilitates community engagement with national and international registration of war damages and compensation mechanisms, and documents accounts of survivors and witnesses of international crimes with the goal of building dossiers of information that may be used as evidence in criminal cases.

Advocacy & Lobbying - ULN helps Ukrainian survivors have a voice in their own justice processes by ensuring that authorities engage with the survivor community and offer opportunities for survivor participation.

UKRAINE LEGAL NETWORK

ACTIVITY REPORT 2023

September 2023 - December 2023

Network Building

To do this work successfully, we started building a network of Ukrainians with a legal background in order for them to come together, develop ideas and take action to support fellow Ukrainians in their search for justice. To initiate the network we identified Ukrainians in the Netherlands who have a legal background - among them lawyers, judges, law students, and activists. We did this by engaging our existing and new legal networks, which include the countless valuable relationships and partners with whom the Nuhanovic Foundation has collaborated. We developed new relationships with organisations engaged in similar work as us, such as Project Sunflowers, and came to know Ukrainian-run organisations operating in the Netherlands, including the Opora Foundation, Ukrainian Women Refugee Association and Ukrainians in the Netherlands Foundation.

During the past few months, we have cultivated the legal network by organising and attending relevant public events and hosting a series of topical presentations, lectures and panels, as well as organising study visits to courts in The Hague (see below).

We have hosted six networking events since the early summer of 2023, during which ULN members had the opportunity to meet each other and interact with international lawyers and law students. We also conducted informative sessions to listen to justice - related questions, concerns, and priorities-prevalent amongst the Ukrainian community in the Netherlands - and to identify how ULN might assist in addressing them.

It has been inspiring to see the network grow to **more than 75 Ukrainians** with a legal background who live in the Netherlands, and a group of **more than 15 dedicated international lawyers and student volunteers** who support the network.

This initial process has made it abundantly clear that Ukrainians want to play an active role in pushing for accountability and redress.

UKRAINE LEGAL NETWORK

ACTIVITY REPORT 2023

September 2023 - December 2023

Information & Capacity Building

The networking meetings were regularly combined with lectures, presentations and study visits on topics directly relevant to ULN's mission of pursuing justice and redress for Ukrainians for international crimes.

In September, we hosted **interactive sessions** on the **International Criminal Court** and the **International Court of Justice** at the Amsterdam Law Hub. Both of these sessions were in preparation for study visits ULN organised in September and October to these international courts. A stand-out highlight were the groundbreaking hearings at the International Courth of Justice regarding the case Ukraine filed against Russia for violations of the Genocide Convention. In response to the question what attending the hearing meant to them, a ULN member responded: '**Justice became real**'. It is moments such as these that exemplify the need for and value of enabling access to legal procedures.

Also in October 2023, ULN was welcomed at the offices of **Amnesty International** in Amsterdam. There, we learned about Amnesty's work on Ukraine. This was a special opportunity for ULN to engage with Ukrainian staff at Amnesty International Netherlands to discuss the controversy surrounding Amnesty's findings in August 2022, stating that Ukraine illegally endangered its citizens by placing armed forces in civilian areas. ULN members appreciated the openness and transparency with which the conversation was conducted, and we hope that there will be future synergies between the work of Amnesty International and ULN.

In November, Hope Rikkelman hosted an **interactive session** on how the **Dutch Public Prosecutor** and **war crimes unit** investigate international crimes in the Netherlands. This informative and interactive session was followed by a visit to the Hague District Court to attend a trial on alleged Syrian regime crimes, during which ULN members observed how a criminal trial is conducted in a Dutch courtroom.

On 21 November 2023, **Ukraine's Day of Freedom and Dignity**, we officially celebrated **ULN's launch** with a panel of esteemed speakers for a discussion at the University of Amsterdam on how to use sanctions and frozen assets as a form of reparation. Moderated by ULN member **Dr. Kostia Gorobets**, Associate

ACTIVITY REPORT 2023

September 2023 - December 2023

Professor at University of Groningen, speakers included **Ivan Horodysky**, Director at the Lviv-based think tank Dnistrianskyi Center; **Dr. André de Hoogh**, Associate Professor at the University of Groningen and member of a topical advisory council to the Netherlands Government; **Dr. Pavlo Pushkar**, Head of Division at the Department for the Execution of Judgments of the European Court of Human Rights and Directorate General of Human Rights and the Rule of Law of the Council of Europe; as well as **Thom Dieben**, a Netherlands-based lawyer who specialises in cross-border criminal cases, as well as civil and administrative law cases with European or international law aspects. The panel, which was attended by a total of 65 in - person participants, with dozens of others joining online, taught us that there may be creative legal ways we could follow up on to contribute to achieving justice for Ukrainians in the Netherlands - including by attempting to tap into frozen Russian assets and fines potentially paid by violators of relevant sanctions regimes.

Advocacy & Lobbying

In the meantime, we started activities which aim to help Ukrainian survivors have a voice in their own justice processes - by ensuring that authorities engage with the survivor and victim community and offer opportunities for victim participation.

We discussed the interested **Ukrainian public's needs and requirements** with legal representatives and practitioners at the **ICJ -** to ensure that access to the ongoing Ukraine cases is guaranteed. We **met with representatives** of the **Dutch Police's International Crimes Team** and the specialised **Netherlands Public Prosecution Service** to exchange thoughts on engaging the Ukrainian community. We also sat down with the **head of the Victims Unit at the International Criminal Court** in an effort to discuss how the ULN could and should interact with the court.

THE FUTURE

In 2024, as our team grows (see below), ULN will have the capacity to put into action two additional activities we have been preparing.

Information, Survivor Centre & Outreach

Building on the activities described above, we will continue to provide legal and non-legal information and support to Ukrainians in the Netherlands who do not have a legal background. We aim to make the technical legal language and legal procedures more digestible, and facilitate victims' access to the large and often confusing variety of avenues for justice. In addition to providing personalised support through individual contact and case-by-case communication, we utilise modern media for broader outreach to Ukrainians. This includes our various social media channels (@ukrainelegalnetwork) and our website (ukrainelegalnetwork.org), which are designed to be easily accessible. Additionally, an enthusiastic group of five Ukrainian ULN members are currently conceptualising a podcast series in Ukrainian that we will broadcast in 2024. This **podcast** series will inform Ukrainians without a legal background about the latest developments in the scattered landscape of the various ongoing Ukraine-related justice efforts in an accessible language. It will be an outreach tool which provides information, presents relevant research and a platform for relevant expert opinions. Finally, this approach will humanise these processes by combining the information provided with personal stories of survivors and discussions with Ukrainian experts who are engaged in pursuing justice.

Engaging The Wider Ukrainian Community

A key component of the second phase of ULN's work will be actively engaging with the broader Ukrainian community in the Netherlands to support their access to justice—not merely as a concept, but as a concrete action.

Going forward, ULN members will play a leading role in documenting accounts of international crimes that their fellow Ukrainians have witnessed - with the aim of finding out how ULN may help them take action towards obtaining justice and seeking redress for the harm they have suffered.

Case Building

Conscious of the acute risks of retraumatization, we will work with specialised organisations; such as ARQ National Psychotrauma Centre,

THE FUTURE

the Opora Foundation and the Ukrainian Women Refugee Association for the purpose of providing psycho-social support programs in preparation of decisions of how and when to directly engage with victims.

If and when requested by these victims, and employing a case-by-case response approach, we aim to build strategic dossiers to help trigger legal cases in Dutch courts and to contribute to ongoing domestic investigations in the Netherlands and abroad. We may actively push to participate in proceedings in international mechanisms such as the International Criminal Court, the International Court of Justice, the Register of Damage for Ukraine, and a potential future Aggression Tribunal. We may also submit complaints and submissions to international mechanisms at the United Nations, such as the Human Rights Committee.

These rather classic justice avenues often require long-term engagement without any guarantees for success. They are a personal and emotional investment on the part of the victims and witnesses.

By providing information and being transparent, we aim to support and empower survivors in their decision-making process. It is, furthermore, important to highlight the potential strategic impact a single case can have that may go beyond its own footprint and positively impact the larger community in their search for justice.

However, at the end of the day, relatively classic justice mechanisms are not for everyone. That is why we will also include other semi-legal or non-legal justice options in our engagement approach as well - having an account documented and added to a properly organised and managed historical archive can be an option that is considered more appropriate by some stakeholders. Similar outcomes may also be achieved with a contribution to a well-researched and presented background story in a paper or magazine by one of the journalists from our trusted network of partners.

Register of Damage Project

Starting from 2024, ULN will initiate a project on the work of the upcoming **Register of Damages for Ukraine**. With this project, ULN aims to contribute to the effective functioning of the Register by researching and assessing community awareness and contributing to ongoing awareness-raising activities. Additionally, ULN will also contribute to capacity building of Ukrainian lawyers to facilitate survivors' access to the Register's processes, and develop an Information and Advice Centre to assist survivors in claiming compensation.

TEAM ULN

Putting into action the project's survivor-centred approach, the ULN's membership is largely comprised of Ukrainians with a legal background who currently reside in the Netherlands. Informed, empowered and assisted by a group of Dutch and international legal professionals and activists organised under the umbrella of The Nuhanovic Foundation, this group is best situated to support Ukrainian survivors in pursuing accountability and redress, and to serve as a bridge between the Ukrainian community and legal institutions in the Netherlands.

By December 2023, ULN was composed of more than 75 Ukrainian members and more than 15 international members - academic experts and student volunteers from the University of Amsterdam who, next to their studies, joined the project out of a motivation to contribute to ULN's goals. Its activities are organised and run by a core group of 12 of these members and ULN's project manager, Fritz Streiff. With the start of the new year, the team looks forward to being joined by a Ukrainian project officer and Ukrainian project coordinator.

Contact

ULN UKRAINE LEGAL NETWORK

Get in touch with Ukraine Legal Network by reaching out to **contact@ukrainelegalnetwork.org** or visiting our website at **www.ukrainelegalnetwork.org.**

2023 ACTIVITY REPORT

YAZIDI LEGAL NETWORK

History

The Yazidi community, an ethno-religious minority, faced immense challenges post the 2014 ISIS genocide.

In reaction to these atrocities, YLN was established to provide legal assistance, advocacy, and aid to the Yazidi community, enabling access to justice and accountability systems both in the Netherlands and worldwide, with a focus on prosecuting foreign fighters.

Founded in 2019 by The Nuhanovic Foundation, YLN is comprised of Yazidis, lawyers, students, and activists devoted to justice and human rights. Evolving and growing extensively since its inception, YLN became an independent 'Dutch Stichting' headquartered in Amsterdam in early 2021.

Mission

YLN's mission is to pursue justice in the widest sense possible for the Yazidi community affected by the 2014 genocide committed by ISIS. While centred on Dutch jurisdiction, YLN collaborates closely with Yazidi groups in Germany, France, Iraq, and other countries. Aligned with Yazidi views on justice, YLN focuses on accountability, recognition, and reparations to achieve justice for and with the Yazidi people.

Vision

YLN's vision is to function as a bridge between the Yazidi community and justice mechanisms to facilitate access to accountability, recognition and reparation. The current lack of accountability stems in part from the gap between justice mechanisms and documentation efforts in Iraq, which is why YLN has been building a collaborative information-sharing network linking judicial authorities and organisations collecting evidence, as well as providing them with information from YLN's own databases and research. By serving as an bridge between these groups, YLN facilitates access to reparations for the Yazidis. Finally and very importantly, recognition of the community's suffering is carried out by closely communicating with the Yazidis, empowering their direct access to a range of actors and providing a safe platform for the whole network to share experiences, ideas and progress.

2023 ACTIVITY REPORT

YAZIDI LEGAL NETWORK

Annual Report 2023

Yazidi Legal Network works to ensure accountability for international crimes committed against the Yazidi and to increase awareness about these atrocities. YLN's thriving network unites people toward our shared aim of justice for the Yazidis. We forge connections between the Yazidi community and justice systems, victims and media, students and practitioners, law enforcement, and NGOs.

To know more about YLN's work and its projects, please refer to the organisation's **2023 Annual Report**.

Contact

YAZIDI LEGAL NETWORK

Get in touch with Yazidi Legal Network by reaching out to **info@yazidilegalnetwork.org** or visiting the Network's website at **www.yazidilegalnetwork.org.**

OUR TEAM

As throughout the previous 12 years, The Nuhanovic Foundation has consisted of a team of (freelance) lawyers and legal experts, volunteers, and students, working under the supervision of the Board and the Director.

In 2023, **Tosca Urbanus** (lawyer) served as the Chair of the Board, with **Kate Clark** (researcher with the University of Amsterdam) and **Lauren Gould** (researcher with the Utrecht University) as members. For more information on our board members, please visit our website.

Decisions regarding litigation support are made by the Board, while the Director handles the day-to-day activities and fundraising for The Nuhanovic Foundation. The Director oversees all Foundation activities, including its sub-projects and the two Networks, and reports to the Board during regular meetings.

At the end of 2023, **Frederiek de Vlaming** stepped down as Director, and **Hope Rikkelman** was appointed as the new Director in December 2023. Throughout the year, the Board and the Director met several times and made additional decisions on litigation support and other matters.

Just like in past years, **Kate Clark** and **Marjolein Vlieks** continued to manage the development and upkeep of The Nuhanovic Foundation's databases, website, and social media, as well as conducting research. They were supported by the Communications Manager, **Raghav Sarma**, and as well as a few student volunteers. Sarma, who led the development and implementation of our communications policy and managed the redesign of our new website in 2023, retained oversight of all media and communications-related initiatives.

Denise Alkadiri-Kohi, serving as the new Legal Office Manager, provides support to the NF team, ensuring that the organisation's daily operations run smoothly. Appointed to this role in November 2023, Alkadiri-Kohi also holds the position of Project Manager at the Yazidi Legal Network, the Foundation's network organisation.

Ukraine Legal Network was founded in the summer of 2023, with **Fritz Streiff** overseeing its coordination for the remainder of the year. Subsequently, Ukraine Legal Network will welcome a new coordinator and additional staff members in 2024. For further details about ULN's staff, please visit the network's website.

OUR FUTURE

2024 & Beyond

5

OUR FUTURE

THE WAY FORWARD



HOPE RIKKELMAN

Incoming Director

The Nuhanovic Foundation

Over the past 12 years, The Nuhanovic Foundation has been committed to supporting survivors of international crimes and gross human rights violations in their pursuit of justice through legal avenues.

Since 2015, I have had the privilege of serving as the country manager, where I've contributed to developing our legal networks. This role has allowed me to witness and be a part of the Foundation's growth and evolution firsthand.

The Foundation's mission has always been anchored in two key pillars:
(1) providing financial support to cover various costs associated with legal investigations and procedures, and
(2) maintaining a specialised knowledge centre focussed on reparations and litigation for international crimes and gross human rights violations.

Traditionally, our litigation support has been reactive, responding to requests from lawyers, partner NGOs, and individual survivors.

However, as our legal networks (SLN, YLN, and ULN) have expanded, it has become clear to me that the Nuhanovic Foundation has a much broader role to play. We must transition from a reactive stance to a proactive one, ensuring that survivors with a legal link to the Netherlands have comprehensive access to justice mechanisms available here.

Given that our headquarters are in the Netherlands — a country often regarded as the global capital of international justice, with The Hague recognised as The City of Peace—we have an obligation to enhance our efforts and adopt a more proactive approach.

OUR FUTURE

THE WAY FORWARD

Although the Netherlands has a well-developed national legal framework for prosecuting international crimes (both civil and criminal), this framework remains underutilised too often, resulting in impunity for certain crimes. It is our moral duty to ensure that the Netherlands does not become a safe haven for war criminals and to hold our government accountable to the international agreements it has signed. However, it is clear that there is a significant accountability gap in the Netherlands.

Recognizing the need for change, we realized that the Nuhanovic Foundation needed to professionalize, expand, and adopt a more proactive approach. In 2023, we were fortunate to receive support from Allemansrecht - a foundation in the Netherlands - dedicated to making law more accessible—to conduct a feasibility study. This study explored whether and how our mission, strategy, programs, and organisational structure should be revised to address the current challenges.

The feasibility study, commissioned with the support of Allemansrecht, analyzed the existing legal landscape, the needs of survivor communities in the Netherlands, and the solutions necessary to deliver justice. A key finding was the absence of a national non-governmental organisation that is visibly active in these matters (except for The Nuhanovic Foundation). As a result, many survivors of international crimes and gross human rights violations in the Netherlands are unaware of their (legal) rights and the opportunities available to pursue justice, such as their ability to take an active part in proceedings. Furthermore, there is currently no other organisation with a focus on both Universal Jurisdiction and Dutch domestic justice mechanisms—a gap that poses significant challenges for both survivors in the Netherlands and the international justice community.

OUR FUTURE

THE WAY FORWARD

To bridge this justice gap, the objectives of a new organisation were identified as follows:

- Facilitate Legal Action
- Inform
- Advocate
- Measure

These objectives align with our three new strategic pillars:

- Litigation
- Information
- Research

I am proud to share that in December 2023, I was appointed as the director of The Nuhanovic Foundation.

My vision for the organisation is clear: together with our current team, and with the addition of new members, we will build upon our past successes, professionalize our operations, and, most importantly, adopt a more proactive approach in supporting survivors of core international crimes and severe human rights violations.

2023, to say the least, has been eventful and transformative for us. We have successfully strengthened The Nuhanovic Foundation as an organisation, are gradually expanding our team, and are preparing to launch our new website at the beginning of 2024.

Looking ahead to 2024 and beyond, I am eager to continue focusing on the professionalisation process, working on sustainable fundraising, establishing long-term partnerships with law firms and partner organisations, and implementing a new long-term strategy aligned with our new pillars.

In the next chapters we invite you to come along with us on our journey and read about our exciting future direction!

- Hope Rikkelman

Director

The Nuhanovic Foundation

FUTURE DIRECTION

Feasibility Study

Our feasibility study research has highlighted that access to justice and legal redress for victims of international crimes in the Netherlands is limited.

Even though the Dutch criminal and civil legal systems are generally seen as relatively advanced, they are in fact extremely under-used, and in many ways, underdeveloped. Next to the absence of a central civil society organisation (such as ECCHR in Germany and TRIAL International in Switzerland), the Foundation has observed that most victims of international crimes and grave human rights violations with a link to the Netherlands are unaware that they have legal standing to initiate and take active part in proceedings. Furthermore, court procedures take place in Dutch, are complex, costly, intimidating and lengthy. In addition, only few domestic lawyers have the relevant experience to lead these cases. Furthermore, victims have found the lack of communication and culturally sensitive approaches from the investigating authorities frustrating and discouraging. The Netherlands Public Prosecution Service and International Crimes Team of the Dutch National Police are therefore unable to meet the pressing needs of the respective victim communities in the area of accountability for international crimes.

The effective result is that international crimes committed by states, companies and/or individuals are hardly litigated, acknowledged and consequently insufficiently form part of the public record in the Netherlands and beyond. Many victims of international crimes who are based in the Netherlands do not receive redress for the harm they suffered, while alleged perpetrators, who may also reside in the Netherlands, remain untouched. This poses a serious threat to our society and rule of law, which needs to be addressed.

The Nuhanovic Foundation is the only organisation in the Netherlands that has provided specialised support in this field. It has been effective in its litigation support and developed a unique knowledge centre that services lawyers and activists around the world.

However, the Foundation is small and its resources are limited. Its overall policy has always been to respond to requests for support. This means

FUTURE DIRECTION

in practice, that it has not proactively designed nor implemented a strategy to fight impunity, for instance, by working with victims to build cases and bring them to court. Due to its limited size and scope of activities, the Foundation has not been in a position to contribute to filling the accountability gap in the Netherlands. To our knowledge, no other Dutch civil society organisation has plans to respond to this structural lack of options for victims and partner organisations. It is time to change this.

In response to this, the Nuhanovic Foundation commissioned a feasibility study to look into ways and means to fill this gap. Frances Singleton and Hope Rikkelman undertook the study and delivered an extensive report at the end of 2023.

Since then, our activities and organisational development of the Foundation have been in line with the findings and the conclusions of the study.

Conclusions of the Feasibility Study

There is a growing community of international crime survivors and refugees in the Netherlands who are concerned with issues related to accountability and reparations for the harm they suffered in the context of an armed conflict. There is also an increasing interest in investigating and prosecuting international crimes, both at the international and the national level.

However, the feasibility study observed that there is a gap between the communities of survivors on the one hand and experts and practitioners in the field of war reparations on the other hand. The two communities do not know how to find each other, let alone work together. Hence, the community of victims/survivors would greatly benefit from the Foundation's network that consists of both lawyers, NGOs, activists, transitional justice experts, journalists, students and law enforcement authorities. However, the Nuhanovic Foundation and its legal networks are not visible enough to the survivors and we only reach out to small parts of the communities we seek to support.

FUTURE DIRECTION

It is observed that, at the national level, our country lacks a centre for advice and information to support survivors in the field of legal and non-legal proceedings and mechanisms to obtain reparations in the form of prosecution, restitution, rehabilitation or compensation. The Feasibility Study found that it was widely considered that the Nuhanovic Foundation was the appropriate organisation to fill this gap. This observation is based on the support which The Nuhanovic Foundation has given to survivors during the first ten years of its existence, its victim-centred approach, its expertise and experience, its wide (international) network of experts, and the creativity and strong motivation of its (freelance and voluntary) staff.

The Challenges

Since our establishment, we have worked to develop a strategy to expand and professionalise our efforts from the ground up. To address this challenge effectively, our approach includes enhancing outreach to our target audience, supporting more individuals, boosting our media and public visibility, strengthening our engagement with government bodies, deepening our understanding of war reparations mechanisms, and focusing on building a sustainable financial framework for the organisation.

A New Programme

The study concluded that our focus should revolve around three main pillars: litigation support, advice and information, and research, all of which require further development.

To enhance our litigation support, we aim to establish an Advice and Information Centre for survivors and victim organisations seeking guidance on pursuing reparations, whether through legal proceedings or other means. The Foundation's strong ties with affected communities make it an effective societal partner to address survivors' needs and advocate for their rights. Additionally, The Nuhanovic Foundation should increase its advocacy efforts and use of (social) media to support survivors' rights to reparations. Our knowledge centre, traditionally focused on maintaining a practitioner database, should now take a more proactive approach to research. There is a pressing need for impact studies on war reparations litigation and other mechanisms - an area currently underserved by both NGOs and academic research.

FUTURE DIRECTION

We thus developed three pillars under our new program:

Pillar 1:
With a focus on **litigation support**, this pillar is a continuation of our ongoing work over the last ten years, supporting victims and survivors who wish to take their cases to Dutch courts or use other (international) mechanisms to obtain reparations.

We provide funding to cover related costs such as lawyers' fees, we publish about the cases and contribute to the public debate, we involve the expert community (including the academic world) to influence decision makers, such as judges. We also provide for social support and a specialised network to get the best possible results from any litigation activities we undertake.

Pillar 2:
This pillar revolves around an **Advice and Information Centre** that advises and informs survivor communities on their legal rights, national and international procedures and mechanisms.

We provide them with access to a national and international network of practitioners and experts, lawyers, governmental actors (such as police, investigative agencies, prosecutorial offices), NGOs, and academics.

We lobby for victims' rights to receive redress and reparations and we organise (training) events on victims' rights and the right to receive redress and reparations.

Pillar 3:
The third pillar focuses on a **Research Centre** where we initiate research on the impact of legal procedures and other mechanisms to obtain war reparations. We will do this by leveraging our network of researchers, experts and practitioners in the fields of international justice, conflict studies, and war reparations, and engaging as societal partners and stakeholders in research projects.

Through our Research Centre, we aim to contribute to and lead academic publications, and organise events focused on research and the rights to redress and reparations. This pillar also includes the growth and maintenance of our existing Reparations Database.

FUTURE DIRECTION

A Renewed Organisation

To match our mission and envisaged greater scope of work of the Foundation, we broadened the governance and organisational structure. We are still in the process of enlarging our Board and establishing a specialised Advisory Board. In order to establish a sustainable organisation with professional permanent staffing positions, a full-time Director was appointed, alongside a legal office manager and communications manager. We are currently seeking staff to manage the three organisational pillars, fundraising and operations.

Developing A New Funding Model

The existing fundraising model of The Nuhanovic Foundation is limited by a lack of core funding, which prevents investments needed to upscale our activities and make improvements in operations and management.

To date, project funding has been entirely funnelled toward litigation support without reimbursing the time and resources The Nuhanovic Foundation invests in project coordination.

Therefore, The Nuhanovic Foundation is currently redesigning its funding strategy in order to create a more sustainable operational environment.

The key objectives of the new funding strategy are:

- Ensure sufficient core funding to match our projected operational costs and leave space for strategy and operational work;
- Identify new potential funders and group them by thematic interest to reduce ‘bespoke’ fundraising work and enable us to re-use pitch decks and proposals within a theme;
- Match thematic funders with our expanded organisational activities to broaden the scope of fundraising activities. New activities will include research, advocacy and developing a Victim Support & Information Centre;
- Identify our unique selling point and perform a competitor analysis for each funding group to align our fundraising strategy with our key messaging and calculate our chances for success.

DONORS & PARTNERS

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DONORS & PARTNERS



In 2023, we fostered new partnerships, secured new sources of funding to strengthen our impact, and realised the transformative potential that collaborative efforts and strategic alliances hold in advancing our mission.

Through new partnerships and diversification of our donor base, we aim to ensure the sustainability and resilience of our existing work and pave the way for new initiatives in the near future.

OUR DONORS

As we reflect on the accomplishments of the past year, we extend our deepest appreciation to our donors and sponsors for standing beside us in our pursuit of justice. We are profoundly grateful for the unwavering support of our dedicated donors, whose generosity and commitment have been crucial in our achievements throughout the year.

We would like to express our special gratitude for the generous support of

OPEN SOCIETY FOUNDATIONS

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OUR PARTNERS & FRIENDS

We are grateful to have established and deepened our partnerships with

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AMPLIFYING SOCIAL IMPACT

To view our financial report for 2023, click here.

THE NUHANOVIC FOUNDATION

CENTRE FOR WAR REPARATIONS

The Nuhanovic Foundation

Supporting victims and survivors of international crimes through litigation, advocacy and knowledge.

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The Nuhanovic Foundation has ANBI status.

Contribute to our work

