

Update to Chapter 3, Problem IV

In June 2018, the Brussels Court of Appeal ruled on a similar issue to that involved in the Srebrenica case in the Netherlands. Survivors of the Rwandan genocide sued the Belgian state over the actions of Belgian peacekeepers – a contingent in the UN Assistance Mission for Rwanda (UNAMIR) -- who had been occupying a school in Kigali where over 2000 Tutsi men, women, and children sought shelter at the beginning of the genocide. After Belgium ordered its peacekeepers to leave Rwanda (following the murder of ten Belgian blue helmets) as part of the withdrawal of UNAMIR, Hutu militias overran the school compound and murdered nearly everyone there.

The Belgian court held that the actions of the Belgian contingent were attributable only to the UN and not to Belgium. The court determined that UNAMIR, not Belgium, had “ultimate control” over the troops, despite significant evidence of Belgian control over both their deployment and withdrawal. The court distinguished the Dutch case by asserting that the UN alone ordered the evacuation, whereas the UN and the Netherlands together had control over the Dutchbat at Srebrenica. While citing Article 7 of the DARIOs, it clearly had a different view of the effective control test. For the decision (in French), see <https://www.justice-en-ligne.be/IMG/pdf/bruxelles--2018-06-08--eto.pdf>. For a critical commentary, see Ruys, *International Decisions*, 114 *Am. J. Int'l L.* 269 (2020).