

# Human rights group charges NATO bombing is war crime

## Calls for indictment of British government officials

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The human rights group, the Movement for the Advancement of International Criminal Law, has sent a submission to the International Criminal Tribunal for the former Yugoslavia, requesting the indictment of British Prime Minister Tony Blair, Foreign Secretary Robin Cook and Defence Secretary George Robertson for war crimes.

A first draft of the submission drawn up by Glen Rangwala, a lawyer based at Cambridge University, was sent to the Prosecutor of the International Criminal Tribunal on May 4. The submission is being continually revised, but the present version is posted on the Internet at <http://ban.joh.cam.ac.uk/~maic1/index.htm>.

It makes damning reading, particularly in light of the announcement that Serbian President Slobodan Milosevic faces prosecution for war crimes in Kosovo.

The document begins by setting out the background to NATO's March 24 commencement of bombing operations against Yugoslavia. It notes that targets have gradually widened from the military to civilian, including fuel depots, oil refineries, government offices, television and radio stations, power stations and communications links, including roads, tunnels, bridges and railway lines. It cites the justifications for this shift given by Blair, Robertson and NATO spokesman Jamie Shea.

On April 21 Shea said, "Any aspect of the power structure is considered as a legitimate target by NATO, the power structure, and of course in dictatorial societies it becomes progressively impossible to distinguish between the party and the state."

The submission examines how NATO's bombing has become more intense and widespread, stating that "many such attacks constitute serious violations of international humanitarian law, amounting to a breach of a rule protecting important values, and with grave consequences for persons with interests in the infrastructure so destroyed."

As an example, it cites the May 2 bombing that blacked out electricity to approximately 70 percent of the Yugoslav population. It notes an interview with the *New York Times* on May 13 with NATO's air-war commander, Lieutenant General Michael C. Short. The General explained that the purpose of

this campaign was to intimidate the Yugoslav people. "I think no power to your refrigerator, no gas to your stove, you can't get to work because the bridge is down—the bridge on which you held your rock concerts—and you all stood with targets on your heads. That needs to disappear at 3 o'clock in the morning," the General said.

"In summary," the submission states, "the NATO air commander acknowledged that civilian objects were deliberately targeted by NATO to cause civil unrest; that the civilian leadership is deliberately targeted; and that strikes will take place against military objects even if they are adjacent to civilian houses, and even if weather and situational conditions ensure that accurate targeting is impossible."

The "great number of attacks which caused direct physical harm and death to civilians, often with no associated military benefit, and which were subsequently claimed by NATO to be the result of mistaken targeting," is also noted.

These include:

- March 29 bombing of two refugee centres near Nis killing nine refugees;
- April 12 bombing of a train travelling from Belgrade to Ristovac, killing 10 passengers and wounding 16;
- April 15 bombing of a refugee convoy in four separate locations along a 12-mile stretch of the road between Prizren to Djakovica, killing 74;
- Bombing of two buses in Kosova on May 1 and May 3, killing approximately 40 and 17 people respectively;
- Bombing of Nis market square on May 7, killing 15 people;
- Bombing of the village of Korisa on May 14, which killed at least 81 people.

Against NATO's claim these were all "accidental" deaths, the submission argues that "adequate care was not taken to distinguish military from civilian targets.... Moreover, NATO's operational doctrine did not change at any point, despite the clear and disproportionate danger to civilians that arose from that doctrine."

Finally, the submission declares, "sites with a subordinate military component to them were targeted by NATO, even though a large civilian presence was in place; this is a breach of

the principle of proportionality."

Blair, Cook and Robertson are indicted for having "primary responsibility for NATO's actions in Yugoslavia" and therefore holding "command responsibility" for "serious violations of the laws and customs of war". It notes, "Article 7(1) of the Statute [on Yugoslav war crimes and which is being used against Milosevic] states: "A person who planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of a crime referred to in articles 2 to 5 of the present Statute, shall be individually responsible for the crime."

Rangwala writes: "NATO is closely controlled by civilian heads of government. The authority to launch airstrikes had to be given to the Secretary-General of NATO by the political leaders of the individual States, and the governments are continually consulted by NATO throughout military operations. Messrs Blair, Cook and Robertson could at any stage have requested an alteration in policy, or specific acts to be committed or abstained from; due to the leverage of the United Kingdom within NATO, it is highly likely that such alterations, acts or omissions would have been taken place."

In part two of the submission, a list of NATO's crimes is presented, including those cited above.

On the repeated bombing of Novi Sad, it notes, "It is difficult to conceive how its civil infrastructure—its roads, its bridges, its tunnels—have any military connection with human rights abuses in, and forced deportations from, Kosova which is some 600km away by road."

In addition to attacks upon all bridges in the area, the submission lists "numerous other civilian targets", including "factories making pesticides, rubber products, detergents and motorbikes" and Serbian Radio and Television Studios, schools and residential areas. "In addition, the water supply on the right bank of the Danube [the town of Petrovaradin and villages surrounding it, home to approximately 40,000 people] has been completely cut off," the submission states.

On the April 23 attack on the Radio Televizija Srbija (RTS) Studio in central Belgrade, it states, "Between 10 and 17 individuals working inside the Studio were killed, all of whom were junior personnel. Approximately 100 people were working in the building at the time of the attack.... There can be no doubt that the Studio was directly targeted, following threats from NATO in prior days concerning the output of the television station, indicating (temporarily) that the studio would be targeted unless the RTS television channel broadcast six hours per day of Western media reports."

Blair is quoted saying that the "state-controlled media" is a legitimate target.

Regarding the attacks mounted against factories in Pancevo, a major industrial centre of Yugoslavia, the document states that the April 15 bombing of the HIP Petrochemical Complex released "large quantities of toxic matters such as chlorine, ethylene dichloride, vinyl chloride monomer and highly toxic

transformer oil." On the same night, NATO also hit the ammonia and power supply divisions of the Hip Azotara Fertiliser company, totally destroying them as well.

A second NATO strike on April 18 on the NPK fertiliser plant and petrochemical and refinery facilities has led to "a major ecological problem ... with chlorine, vaporised hydrochloric acid and phosgene released into the atmosphere, and 20km oil slicks forming in the Danube. At least 50 residents of Pancevo were reported suffering from phosgene poisoning. Probably most worryingly, the bombing caused a large spillage of highly carcinogenic Vinyl Chloride Monomer (VCM). Measurements of VCM concentration 4 hours after the attack and 3 km away from the site showed 0.36 mg/m<sup>3</sup> (7200 times the recommended maximum level) and at another position 0.53 mg/m<sup>3</sup> (10600 times the recommended maximum level)."

The submission cites the repeated use of cluster bombs in civilian areas, designed to maim and kill. Regarding the city of Nis, the statement says, "The evidence on the ground directly contradicts the statements made by NATO spokespersons that the attacks were directed solely at military objects, and there appears to be at least a *prima facie* indication that NATO has engaged in wanton destruction of the city of Nis, not justified by military necessity."

From the widespread bombing of electricity supplies, bridges, railways and factories (all meticulously listed), the submission concludes, "it is increasingly clear that NATO policy is directed at civilian and economic as well as military targets. For this reason, it violates international humanitarian law. The cumulative effect of the destruction caused by NATO bombardment has drastically reduced the quality of life for civilians in Yugoslavia. For this reason, NATO bombing has grave consequences for innocent civilians, and entails individual criminal responsibility."



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