

NATO accused of human rights violations in Kosovo War

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NATO's bombing of Belgrade last year has been referred to the International Criminal Tribunal for the Former Yugoslavia for legal scrutiny.

Human rights advocates accuse NATO of deliberately bombing Serbia's civil infrastructure. The executive director of the New York-based Human Rights Watch (HRW), Kenneth Roth, said the targets chosen by NATO were "disproportionate and should be found violations of international humanitarian law".

HRW is drawing up a detailed report that will be submitted to the war crimes tribunal at The Hague. Among the examples of targeting violations it will cite are electricity grids, oil refineries and radio and television stations.

The report is also expected to attack the use of cluster bombs by US and British aircraft. At least 5 percent of these bombs failed to explode on impact, and many lie unexploded in Kosovo, where HRW say they are still killing or maiming two civilians a day.

HRW place the number of civilian Serbs killed by NATO bombing at around 600, and Belgrade claims the figure is as high as 2,000. The charges being brought forward against NATO by HRW and others serve to unravel the tissue of lies assembled in Washington, London and Brussels to justify the bombardment of an innocent population.

In their own appeal, a group of western and Russian legal experts cite a number of specific instances of alleged violations of international law for The Hague tribunal to investigate. One such case is the April 12 bombing of a passenger train as it crossed a bridge in southern Serbia, killing 14 people. The pilot claimed he fired the missile before the train came into view, but this has since been refuted by revelations that video footage used to back up the pilot's account was displayed to the press running at three times the normal

speed (see links to WSWs coverage below).

In addition to the Serbs killed by NATO bombing, reports have emerged of its impact on Kosovo Albanians. A second incident cited in the legal brief took place two days after the bombing of the train and was the first reported incident of NATO jets striking a civilian convoy. NATO's official investigation found that an allied aircraft had "mistakenly" bombed a vehicle in a convoy of ethnic Albanian refugees being escorted by Serb military and police vehicles. NATO said it does not know how many people were killed in the incident, which took place in a village about 55 miles southwest of Pristina.

This case has refused to go away, largely due to the persistence of the surviving members of one family who fell victim to the NATO bombs. Mikel Hasanaj was in Switzerland at the time of the bombing that killed two of his brothers and severely wounded a third. He says that upon returning to Kosovo last autumn, he spent a week going from one NATO office to another in Djakovica and Pristina in an attempt to find out what had happened to his brothers.

Hasanaj informed the *Associated Press*, that NATO officials told him, "We don't know what happened there". He said Italian soldiers serving in Djakovica eventually came to gather some of the shrapnel marked with "USA" and take down the names of the family. "They said the bombs were theirs, but they didn't know how they got there," Hasanaj said.

The Hasanaj family were in their house when the air attack began. The first bomb landed within yards of the convoy as it passed the front gate of their property. The second hit the middle of the row of vehicles. A third bomb fell in their yard.

Hasanaj's 70-year-old mother said that lots of people were dead. "My three sons were opening the gates of

the yard so the people could come in and shelter, hoping that they would survive," she said. Leke, 31, and Martin,²⁹ were killed instantly; Zef Hasanaj, 39, suffered first degree burns over his entire body.

A dossier presented to The Hague by Canadian Professor Michael Mandel accused NATO of "grave violations of international humanitarian law", including "wilful killing". It referred to civilian deaths from NATO bombing raids, including the attack on a hospital in Nis in central Serbia. After delivering the dossier, Professor Mandel said, "This is a historic opportunity to demonstrate the even-handedness of international justice."

However no such even-handedness should be expected from The Hague. The International Criminal Tribunal for the Former Yugoslavia was established for the purpose of pursuing legal action against Serb leader Slobodan Milosevic, and effecting the replacement of his regime in Serbia with one more compliant with the US and their European allies.

A spokesman for chief war crimes prosecutor, Carla del Ponte, said, "It is incumbent on the tribunal to continue its mandate, which covers all the participants in armed conflict in the former Yugoslavia." But she made clear that a formal investigation into NATO actions during the Kosovo conflict was unlikely.

The Hague completed an internal report in late December giving a legal analysis of the possibility that NATO allies had committed war crimes during the 78-day bombing of Yugoslavia, but tribunal officials said there was no possibility of charges being brought against American or NATO personnel. A statement issued on Thursday, December 30 emphasised that there was "no formal inquiry into the actions of NATO during the conflict in Kosovo".

The White House and the Pentagon have not disputed the tribunal's legal authority to review American and allied involvement in the fighting. But the US remains adamant that this is a one-off case and does not imply acceptance of international scrutiny over American troops. A Defense Department official said the Pentagon remained adamantly opposed to any external jurisdiction over the American military, regardless of the tribunal's jurisdiction in this case.

When the proposals for a permanent criminal court were first discussed in July 1998 at a gathering of 160 countries in Rome, the Clinton administration called for

its authority and independence to be limited in order to protect American sovereignty. Led by the Pentagon, the US administration argued that American soldiers could be subject to frivolous or politically motivated prosecutions in such a court. US negotiators demanded provisions in the court's charter that would effectively give the United States veto power over any prosecution through its seat on the Security Council. Having assumed the role of a self-professed "global policeman" with the right to intervene wherever it is in its interests to do so, the last thing the US wanted was an international body with the powers to scrutinise its actions.



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