Amnesty International charges NATO with war crimes

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The human rights organisation Amnesty International (AI) has accused the NATO alliance of committing war crimes during its bombing campaign against Yugoslavia last year. Its report, *" Collateral Damage" or Unlawful Killings? Violations of the Laws of War by NATO During Operation Allied Force*, concludes that NATO violated international laws governing warfare during the campaign, resulting in the deaths of Yugoslav civilians. The NATO action, led by the United States, involved the use of long-range cruise missiles, cluster bombs and depleted uranium munitions.

The AI document was released on June 7, almost one year after NATO ended its bombardment. AI reports that during the 78-day campaign, NATO aircraft flew over 38,000 combat sorties against the Federal Republic of Yugoslavia. Although NATO has not released official estimates of the numbers killed during the campaign, detailed accounts by the Serbian government range from 400 to 600 Yugoslav civilians. The New York-based organisation Human Rights Watch has estimated that 527 civilians were killed. No NATO forces died in combat during the air war.

AI explains that the laws of war, particularly Protocol I (dating from 1977) to the 1949 Geneva Conventions, prohibit direct attacks against civilians or civilian objects, as well as attacks that do not distinguish between military and civilian targets. The latter are unlawful even if, while aimed at a legitimate military target, they have a disproportionate impact on civilians.

In this context, AI examined several attacks carried out by NATO, including the April 23 bombing of Serbian broadcasting facilities in Belgrade and the bombings of the Grdelica, Luñane and Varvarin bridges between April 12 and May 30.

AI singles out the bombing of the Serbian radio and television headquarters RTS, which killed 16 people, as being particularly significant. The report states bluntly that the assault was "a deliberate attack on a civilian object and as such constitutes a war crime".

Similarly, in the attack on the Grdelica railroad bridge on April 12—in which a US air force bomber made two separate attacks on a passenger train as it passed over the bridge, killing 14 people—the Luñane bridge on May 1, and the Varvarin bridge on May 30, "NATO forces failed to suspend their attack after it was evident that they had struck civilians," according to the AI report.

Amnesty International also examined NATO attacks on refugee convoys in Djakovica on April 14 and Korica on May 13. At Djakovica, a convoy of Kosovar Albanians was repeatedly bombed during daylight hours over a two-hour period by NATO aircraft, killing 73 people. In Korica, NATO dropped 10 bombs on a refugee camp, killing 87 civilians and wounding 60. AI found in these instances, although NATO claimed that the Yugoslav army had been using the refugees as "human shields", that "insufficient precautions were taken to minimise civilian casualties".

The report notes that "no proper investigation appears to have been conducted by NATO or its member states into these incidents", and that no action has been taken against anyone responsible for similar incidents, except in the case of the attack on the Chinese Embassy in Belgrade.

The report calls on NATO member states to "bring to justice any of their nationals suspected of being responsible for serious violations" of human rights. The International Criminal Tribunal for the former Yugoslavia (ICTY) should also investigate allegations of NATO war crimes, AI states.

However, just days before Amnesty released its

report, the ICTY announced there would be no criminal investigation of NATO's actions in the air war. Carla Del Ponte told the United Nations Security Council on June 2 that there was “no basis” to open an investigation into the NATO bombing campaign.

NATO Secretary-General George Robertson has similarly rejected any investigation, denouncing the AI allegations as “baseless and ill-founded”. Jamie Shea, NATO's chief spokesman during the war, claimed that all targets had been selected carefully to adhere to international law, but AI rejected Shea's claim, pointing to the bombing of Serbian broadcasting facilities as a clear case where civilian lives were deliberately endangered.

In a subsequent response to the ICTY's decision not to investigate NATO actions, AI noted admissions by the ICTY's review committee that made clear the biased character of the tribunal. The ICTY review committee admitted that in answering the allegations of war crimes made against it, NATO had “failed to address the specific incidents” with which it was charged. Five of these are among the incidents identified by AI in its June 7 report.

The ICTY review committee's 45-page report documenting why a criminal investigation should not be conducted into NATO also revealed that it had “not spoken to those involved in directing or carrying out the bombing campaign”. Nonetheless, it stated, “On the basis of the information reviewed, however, the committee is of the opinion that neither an in-depth investigation related to the bombing campaign as a whole nor investigations related to specific incidents are justified. In all cases, either the law is not sufficiently clear or investigations are unlikely to result in the acquisition of sufficient evidence to substantiate charges against high-level accused or against lower accused for particularly heinous offences.”

AI pointed out that the review committee's report did not explain what difficulties it anticipated in gathering evidence against NATO or its officials.

AI has promised to carefully review the ICTY review committee's Final Report and respond in more detail to its findings at a later date, but has made some initial observations. It notes that the review committee states in its recommendations that, in general, the media is not considered to be a “traditional target category” and that should NATO justify its attack on the RTS facility by reference to its “propaganda purpose alone, its legality might well be questioned”.

However, the review committee states that the media can be considered a legitimate military target if it is part of the “command, control and communications” network, if it is “used to incite war crimes” or if it is “the nerve system that keeps a war-monger in power and thus perpetuates the war effort”. On this basis, the review committee concluded that NATO's “primary goal” in attacking the broadcasting facility was to disable “the Serbian military command and control system and to destroy the nerve system and apparatus that keeps Milosevic in power”—in other words, that RTS was a legitimate military target.

AI points out, however, that in a meeting it held with NATO officials in Brussels on February 14 of this year, the latter insisted that the broadcasting facility was attacked because it was a “propaganda organ, and argued that propaganda is direct support for military action”.

The arguments being advanced by NATO and its apologists in the ICTY to justify the air war against Yugoslavia amount to a carte blanche for the great powers to militarily attack any country they wish, hitting civilian targets and destroying the country's economic infrastructure. All that is required is a concentrated government and media campaign to portray the aggression as a “humanitarian” response to ethnic cleansing or other human rights abuses.