

## **More or Less Exposed Non-Combatants and Civilian Objects under the Conditions of “Modern Warfare“**

**Systematic violation of the rules of international humanitarian law as seen from the example of the NATO war against Yugoslavia**

ELMAR SCHMÄHLING\*

This report shows how the armed NATO forces, with their attacks on the territory of the BR Yugoslavia, violated the rules of the humanitarian international laws of nations (*ius in bello*).

Basis are the

- Nuremberg principles (crime against peace, war crime and crime against humanity),
- the Geneva convention of August 12th, 1949 on the protection of victims of international armed conflicts including the supplementary sections.

This article will not take into account the violations of international laws of nations resulting from planning warfare, distribution of warfare, as well as the indirect infringements of law that were not caused by the use of arms. The systematic violations of law by armed NATO forces against the international humanitarian laws of nations will be shown on the basis of six examples of concrete attacks on civilian objects or respectively on civilian population.

### **Example 1: The attack on the building of the Serbian state TV (RTS), Belgrad**

The attack was effected by missiles (cruise missiles). The missiles (number unknown) hit the transmitter mast and the building in the entrance area. The upper floors collapsed. A fire developed which burned until morning. At the time of the attack about 100 civilian people were in the studios and editorial department; 16 people died, three were seriously injured and 13 people were injured slightly. The connecting building, which forms the entrance area, was almost completely destroyed as well as the transmitter mast.

\* Former Rear Admiral, Berlin. Email: [elmar\\_schmaehling@t-online.de](mailto:elmar_schmaehling@t-online.de)  
Translated from the German by Nicola Hellmich.



**Figure 1.**

Broad view of demolished RTS office building at 1 Aberdareva Street, 23 April 1999. [Source of all photographs in this article: NATO Crimes in Yugoslavia. Ministry of Foreign Affairs, Belgrade, 1999]

The arguments of NATO: In Yugoslavia technical devices of civilian radio- and TV stations are generally used for military communication. Moreover this station transmitted propaganda for the Milosevic regime. There can be no doubt that the studio was attacked directly and on purpose due to the fact that the attack followed after threats spread by NATO a few days earlier, regarding the transmission of the TV station mentioning off and on that an attack on the studio would follow, if the RTS TV station did not broadcast western reports and news for six hours per day.

The NATO speaker, colonel Konrad Frytag, GEAF, SHAPE, said a few hours after the attack and in direct connection to the bombing of the RTS studios:

Attacks on TV stations and radio equipment are part of our campaign to dismantle the Yugoslavian propaganda machine, that plays a vital role in the control mechanisms of President Milosevic. (NATO Press conference, Washington D.C. , 23<sup>rd</sup> of April 1999).

Tony Blair, prime minister of the United Kingdom, explained: “It is this machinery that keeps him (President Milosevic) in power, and we as NATO allies have a legitimate right to damage and attack these targets” (quoted by *The Times*, London, 24<sup>th</sup> of April 1999). On another occasion Tony Blair said:

We have to directly attack his military machinery and the whole apparatus of dictatorship. The media controlled by the state is a part of this, and I believe it is a correct and justified target for us. We knew for sure that these things (e.g. TV institutions) were legitimate targets, and they were absolutely legitimate targets. (Recording of an interview “The News Hour With Jim Lehrer” (PBS), Washington, D.C., Friday, April 23<sup>rd</sup>,1999).

George Robertson, British minister of defence replied to the question regarding the RTS studio bombing:

It’s a fact that many of these targets really are the brain behind this brutality that takes place in the Kosovo today, a firm component of the apparatus that

carries out ethnic genocide that takes place in this part of Yugoslavia, and as long as this continues, it is clear that we have to attack these targets. (Briefing of the defence minister , 30<sup>th</sup> of April 1999).

Article 51 of the First Geneva Protocol forbids attacks on civilian populations. In article 50 of the first protocol a civilian person is defined as a person who does not fall into the category of persons under articles 4A (1), (2),(3) and (6) of the Third Geneva Convention of 1949 and under article 43 of the protocol. Employees of the media do not fit into any of these categories; Moreover, war correspondents are mentioned in article 4A(4); and this group is specifically excepted from the list of military personnel in the First Geneva Protocol article 50. Additionally, in article 79 of the first protocol it is stated that journalists in the area of armed conflicts have to be regarded as civilian population. The attack therefore was a violation of the humanitarian international law of nations as far as it was directed at this group of people.

It can also be argued that the NATO attack was focussed on the building in which the people were working, meaning the TV studios. The First Geneva Protocol, article 51(5) forbids random attacks, "which could lead to the loss of human life, injuries of civilian personnel, damage to civilian objects or a combination of these, that in proportion to the expected immediate military advantage would be over dimensioned."

The concrete and direct military advantage was minimal, especially since RTS was able to resume transmission only six hours later: It is highly improbable that the NATO leaders did not know about this capability. The loss of human lives makes this attack a random attack. Moreover, the RTS studio could be regarded as a civilian object and was therefore not a legal target.

If the military target had been to prevent the transmission of "propaganda" then NATO could have attacked the transmission masts located separately in order to prevent the loss of lives; according to the First Geneva Protocol, article 5(3) a target like this has to be preferred.

For authorities on military structures there is no doubt that armed forces with regard to their need for military communication at any time will never tie themselves to local stations. Therefore the claim that the RTS stations were important for military communication is not plausible.

Furthermore, there can be no doubt that the NATO personnel knew that people worked in the RTS building during the night. At the time of bombing, RTS was transmitting and it was known that they did a 24 hours shift. It has been reported in detail that NATO had sent messages to foreign journalists, who normally used to send their articles from the RTS building and who filmed there, not to be present during that specific night, which proves that the NATO responsables knew that work in this building continued through the night. Even if the killing of the RTS employees was not intended, the death and injury were at least taken into account in an approving way.

NATO's attempt of justification that the RTS building was a "legitimate target" because it supported the propaganda emission of the "Milosevic-regime" proves two things: the NATO responsables knew that the attack was unlawful, the

humanitarian international law does not know the term “legitimate”. Either an object can be attacked in war because it is a military target, then the attack is legal, or it can not be attacked because it is a civilian object then the attack is illegal. Moreover, it is an unlawful intrusion upon the right of free information.

**Example 2: The attack on the refugee convoy in the road Djakovica – Prizren on 14<sup>th</sup> April 1999**

A convoy of Kosova-Albanian refugees was attacked over a distance of 12 miles at four different localities on the way from Prizren to Djakovica close to the villages Madanaj and Meja. In the convoy there were mainly women, children and old people who wanted to go back to their home villages in cars, tractors and trailers. The first attack on the marching column of more than 1000 people took place when the convoy moved through the village of Meja. The people of the convoy scattered and tried to find shelter in the houses close by.

But NATO planes also fired missiles onto these houses. The attack continued along the street between the villages Meja and Bistrazin. A tractor with trailer was completely destroyed. During the ongoing attacks on refugee vehicles another person was killed.

Twelve people were killed during the first attack. During the second attack seven people were killed. A further attack killed 20 more people including five children who had sat on a tractor. The total number of people killed during the attack of the refugee convoy was 74. The number of people wounded was 36.

Reasoning of NATO: Misconception of the pilot. Foreign journalists noticed a great amount of NATO weapon material right after the incident. NATO had denied their participation at first. On April 15<sup>th</sup> two NATO speakers, the brigadier general Giuseppe Marani and Dr. James Shea confirmed that the altitude of the attacking planes was 15.000 feet or about 5.000 meters.



**Figure 2.**  
A view of the bombed refugee column in Meja village, Djakovica Municipality, 14 April 1999.

On April 19<sup>th</sup> NATO brigadier general Daniel P. Leaf confirmed that no plane descended to a lower altitude during the attacks. Due to the fact that the Yugoslavian anti-aircraft defence is not able to reach targets above an altitude of 13.000 feet it is probable that NATO's choice of altitude was calculated to take this into account to avoid the threat by anti- aircraft defence.

The brigadier general described the event of the attack as follows:

As we are watching these videos (e.g., the Cockpit videos) on the big display in the comfort of this room it seems possible that the vehicles are tractors. When I watched the videos together with the pilots they agreed.

But, as they emphasized they seemed to be military vehicles for the naked eye seen from the altitude during the attack, the physical characteristics of the vehicles only being a factor for the forward air controllers target identification matrix. The convoys' guiding elements showed, seen from the air, various characteristics of military movement like similar height, form and colour, moreover consistent distances between the vehicles and a relatively high speed even shortly before the attacks.

Moreover there had been reports on Serbian military using civilian vehicles for military and paramilitary operations. (Press conference, NATO-Main quarter, 19<sup>th</sup> April 1999).

Brigadier general Leaf ended with the statement:

It is our estimation that the NATO military forces unintentionally hit vehicles of civilian type and maybe civilian persons during the attacks on the long convoy. (Press conference 19<sup>th</sup> April 1999).

The Yugoslavian army has recorded the following radio conversation on April 14<sup>th</sup>:

Pilot: I am now leaving the clouds. I still don't see anything.

Base: Continue your flight. Direction North 4280.

Pilot: I am lower than 3000 feet. Below me a column of vehicles. Some kind of tractors. What is this? I require instructions.

Base: Where are the tanks?

Pilot: I see tractors. I don't suppose that the reds have disguised the tanks as tractors.

Base: What kind of strange stories are these? What a mess! There must be the Serbs behind it. Destroy the target!

Pilot: What am I supposed to destroy? Tractors? Common tractors? I repeat: I don't see any tanks. I ask for further information.

Base: It is a military target. Destroy the target! I repeat: Destroy the target!

(Source: Video of the Belgian journalist "15 Belgians in Yugoslavia. Under the bombs of NATO"; translation from the French.)

Regarding the NATO version of the events it is to be established: The pilots were not able to see clearly what kind of vehicles there were in the convoy and had to judge the situation seemingly from the weakest form of clues, like from the veloc-

ity of the movement and the similar distances between the vehicles, as brigadier general Leaf gave to understand in his briefing.

The altitude during the attacks was the other critical point. In the words of brigadier general Leaf “they seemed to be military vehicles as seen with the naked eye from the altitude of the attack”. If the words of the brigadier general can be taken literally, then he has admitted that the NATO pilots judged their target by seeing it with the naked eye only, from a target distance of 5 km. This negligence over the choice of a target is, as this attack has shown, apt to result in a high number of casualties, due to the fact that even the sharpest eye is not able to distinguish between a tank and a tractor from a distance of 5000 meters.

The contradiction between the assertion that the planes did not go below an altitude of about 5.000 m and the statement of the pilot that he went down to 3000 feet – given during the NATO press conference – remains unsolved. In any case, it can be assumed that the NATO planning had failed to distinguish between civil and military targets as it is bindingly stipulated by the humanitarian international laws of nations.

Therefore, the described actions of attack by NATO unmistakably violated the regulations of the humanitarian international law of nations.

### **Example 3: The attack on the automobile plant “Zastava”, Kragujevac**

On April 9<sup>th</sup>, 1999, the terrain of the plant Crvena Zastava Ltd., a producer of vehicles (about 30.000 employees) was attacked. Two missiles hit and completely destroyed the production unit for the automobile Jugo. Other parts of the factory plant were badly damaged. The body paint plant, the forge plant and the “Zastava” power plant were each hit by a cruise missile. Part of the factory and the complete automobile production unit were completely destroyed. From the detonation effects 64 residential and office buildings, private and public, in the center of the city and right next to the factory terrain were damaged.

The factory was said to have a military function. NATO’s claim that in the factory that was attacked and destroyed deliberately, military products were pro-



**Figure 3.**  
Inside view of demolished  
*Zastava Trucks* plant, 9 April  
1999.

duced, has been proven to be wrong. Due to the fact that the factory gave access to visitors before the war it was a known fact and must have been known to the US secret service, that there were no military objects stored or produced in the attacked halls. A journalist had stated that during his recent visit in the production plant he did not notice any military use of the factory.

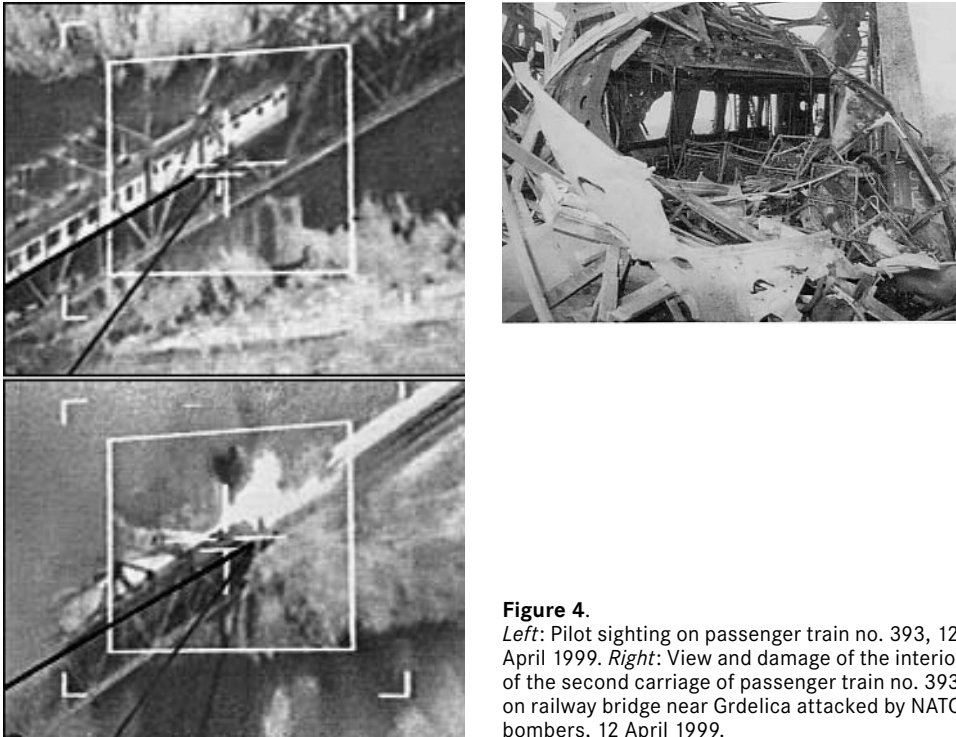
#### **Example 4: The attack on a passenger train on the bridge across the Grdelicka ravine on 12<sup>th</sup> April 1999**

On 12<sup>th</sup> April 1999 the passenger train No. 393 was on its way from Beograd to Ristovac. The attack on the train occurred during its passage across the bridge.

Two planes approached the bridge from the west. The second fired two guided missiles type AGM -130 on a passenger train on the railway bridge, the first hitting the centre part of the bridge and the second hitting the second wagon of the moving train. According to the eye witness report of Zivojin Stanojevic, shortly afterwards another plane approached and also fired two missiles, this time directed at the so-called Sarajevo bridge, a road bridge. This description of the attack differs from the NATO report. The passenger train with a locomotive and four passenger wagons was completely destroyed. There were 21 dead and 16 injured people.

Reasoning of NATO: The essential parts of the explanation given by NATO commander in chief for Europe, general Wesley Clark, with regards to this incident is here completely printed:

This was a case where a pilot had the task to hit a railway bridge that formed part of an integrated net of traffic and supply in Serbia. He released his missiles from a plane that was many miles away not being able to set his eyes onto the bridge, it was a remotely directed attack. And as he tried to make out the aspired target on the bridge, – and I talked to the team in Aviano, who were directly involved in this operation – well, as the pilot was trying to make out the aspired target on the bridge and was trying to work it out and worked it out and worked it out, and suddenly in the last moment, with less than a second to go before the launching he caught a flash of movement appearing on the monitor and that was the train that came in. Unfortunately, he couldn't dump the bomb at that point, it was locked, it was going into the target and that was a very unfortunate incident that he and his team and all of us are very sorry about. We surely don't want to cause a collateral damage. The order was to eliminate the bridge. He realised, after it had happened, that he had not hit the bridge, but that what he had hit had been the train. He had another target point on the bridge – it was quite a long bridge – and the pilot believed, that he still had to accomplish his mission, and so he circled back around. He put his aim point on the other end of the bridge from where the train had come. By the time the bomb got close the bridge was covered in smoke and clouds, and again at the last minute in an uncanny accident, the train had slid forward from the original impact and parts of the train had moved across the bridge and thus by hitting the other end of the bridge he indeed caused further damage on the train.



**Figure 4.**

*Left:* Pilot sighting on passenger train no. 393, 12 April 1999. *Right:* View and damage of the interior of the second carriage of passenger train no. 393 on railway bridge near Grdelica attacked by NATO bombers, 12 April 1999.

Clark then showed the cockpit video of the plane that fired on the bridge:

The pilot inside the aircraft watches an about 5 inch sized monitor, – he can see about this much: here you can see: this is the railway bridge, and this is a much better view than he really had. You can see the rail tracks that run this way. Look hard on the target point, concentrate exactly on this, and you can see how, if you are focussed on the job like the pilot was, this train suddenly appears. It really was unfortunate. Here he came back to try to hit another part of the bridge, because he was trying to do a job, to eliminate the bridge. Look at this target point – you can see smoke and other obscurations - he could not make out clearly what that was exactly. Focus hard to the right on the centre of the cross. He is about to bring those two crosses together and suddenly, at the last moment, he realizes that the train that had been hit had continued to move across the bridge and this way seemingly, the towing engine was hit by the second bomb. (Press conference, NATO-Main quarter, Brussels, 13<sup>th</sup> of April).

There is a detailed expert’s report that proves that the video that showed the attack was manipulated und due to this the description of the action did not correspond to the truth.

It can be assumed though, according to the video, that the gunner at first really aimed at the bridge and wanted to hit it. But when he saw the approaching train



and realised that he would hit the train he didn't take any action to break off the attack. The company who produced the guided missiles have contradicted the description of the NATO commander in chief that the weapons system officer only saw the small inner section of the monitor. According to this he should have noticed the train much earlier on the monitor than it was claimed and could have taken the guided missile out of "lock on" in time and steered it into another direction. A few days before NATO had shown to journalists how, with the same weapon, it had been possible to stop an attack in the last minute to prevent a collateral damage.

General Clark's description is grossly misleading:

The videos that were recorded automatically during the attack were running at triple speed which Phillips (a NATO speaker, in the beginning of January 2000) tried to excuse as an unplanned technical problem during the transmission from one system to another. The day after the attack the two videos had been shown in Brussels, giving the impression that the train had appeared on the bridge surprisingly fast so that the pilot would not have been able to stop the attack. The American NATO commander in chief Clark moreover had given the impression that the pilot himself was responsible for the steering of the guided missiles and therefore had had his hands full. But actually a weapons officer, who was in the plane, was responsible for the launching. These facts, said Phillips, could maybe not have been described correctly by Clark. The accusation of manipulation though he rejected strongly. (Ho., Frankfurter Allgemeine Zeitung, 8<sup>th</sup> January 2000).

On a heavily frequented railway section the Leskovac bridge was crossed frequently; but as General Clark obviously admits the pilot did not look at the bridge at all, because he was flying a remotely directed attack.

Secondly, general Clark admits that the pilot knew that he had hit the train with his first attack. In spite of this, the pilot continued to effect a second attack. He still tried to eliminate the bridge, although at that moment there was a train that had been bombarded. Obviously the pilot tried, according to general Clark's own confession, to destroy the bridge, although he knew that it carried a train at that moment. It is hard to imagine how this could have been achieved without the loss of more lives.

Moreover, the second attack was no instant reaction, excusable with nervousness or error; indeed: "to accomplish his mission, the pilot circled back around".

Thirdly, general Clark explains that the pilot could not have seen at all what he attacked. During the presentation of the video general Clark said: "You can see smoke and other obscuration there - he couldn't tell what this was exactly." This means that the pilot fired onto an object that he could not even identify due to "smoke and clouds".

These three factors indicate that the pilot has acted unlawfully. Firstly, with the pilot not checking what approached the bridge at that time, he violated article 57(1) of the First Geneva Supplementary Protocol, which says that "at any time it has to be respected that civilian population, civilians and civilian objects have to be spared", see also article 57(4). Secondly, with the pilot attacking a bridge for

the second time knowing that it carried a passenger train, he violated article 57 (2) (b), which states that "an attack [...] has to be ended finally or temporarily, if it is proven that the target is not military, since it is under special protection [...]", according to the principle of proportionality.

### **Summary**

Regarding this investigation it is important that the time honoured principles of warfare that are aimed at the fast, cost-effective victory over the enemy, meaning that to a certain extent the "military necessities" for military defeat and political conquest of the enemy, have continued validity before the rules of international martial laws. Therefore, with every one of the investigated cases it has to be evaluated with what kind of military measurements and if applicable political reasoning the target or steps had been chosen, and what contribution an attack or the choice of weapons achieved or was supposed to achieve to reach the goal of the war.

### **The war aim**

NATO commander in chief Wesley Clark has explained the goals of the NATO-aerial warfare against Yugoslavia as follows: Attack, interrupt, wear out, deter further Serbian actions and neutralize the Serbian military potential. These goals were supposed to be pursued in two lines of operation:

1. Operations against the Serbian armed forces and the security forces in Kosovo and in the adjoining areas in order to destroy them, to isolate and to prevent them from continuing or intensifying their campaign.
2. Operations against a selection of strategic target categories. These included the supply bases, the integrated defence from the air, that protects the most important targets in the country, the upper levels of decision and leading, plants of production and stocks of fuels (POL = Petroleum, Oil, Lubricants), all institutions that support the "military- and security moloch".

The air raids would, according to general Clark, be carried out "systematically, methodically and with increasing intensity". This is another way of describing the clear assessment of the kind and importance of each and every target, e.g., the intent to attack definitely civilian objects. Doubt is not accepted. The leaders of the armed forces of Germany tried to get out of the responsibility, to be involved in the destruction of forbidden civilian objects, with the claim that legal advisers had evaluated every single target before the attack, if it really was a permitted military target. This is a bizarre assumption that was not even used by NATO speakers. This excuse though makes clear that the awareness of the problem was there and yet civilian objects were attacked, destroyed and due to this civilian people were killed. The behaviour of the authorities shows a considerable amount of "criminal energy".

### **Streets, railways and bridges**

Naturally, streets, railways and bridges are also used for transport of military units and supply.

But to declare the infrastructure of a whole country as military target, goes far beyond the precept of relativity. This is true even more for the streets and bridges in the north of Serbia where avowedly the Serbian military and security forces should have been obstructed in their freedom operation in Kosovo.

#### *Assessment:*

“Military necessity” and legal protection are here blatantly contradictory. Especially the destruction of the bridges of the important international water route Donau with far reaching economic consequences for some neighbouring countries that were not involved in the conflict, was far out of the proportion and therefore was illegal. (Violations of article 3(1), article 48, article 52, article 54, article 57 of the Supplementary Protocol I.)

### **Attacks on non-combatants**

The affirmations of the NATO representatives run like a leitmotif through their press conferences that the air strikes were not directed against the Serbian people.

It is true that this assertion seems believable, if you look at it superficially, because it was feared that direct and very obvious unlawful attacks against innocent people might have negative effects on political support in the home countries. And yet this assertion is rather hypocritical, because on the one hand the indirect effects on the life and health of the civilian population by destructions of e.g. Pančevo (localitywise and timewise transferred) were simply ignored. On the other hand, Wesley Clark himself has admitted that it was important that the civilian victims of attacks would direct their anger against their president and would know whom they had to thank for their expenses.

This statement shows that part of the Serbian population really was used as hostages against the regime. Regarding the night time attack on the RTS broadcasting building the responsible accepted knowingly that civilians could become victims, since it was known that the editorial section, the studios and the technical section would be busy around the clock. This way, with partial intent, 16 of the 150 civilian employees, who were in the building, were killed.

Violations of article 35, article 48, article 50, article 51 and article 52 of the Supplementary Protocol.

### **Collateral damages**

A collateral damage is, according to the humanitarian international law of nations, an unintended minor damage that in order to achieve a legal attack on a military target is unavoidable, like broken windows of a civilian building close to the target. The collateral damage has to be kept limited. If the attack on a military target would result in an immensely high collateral damage, then the attack should not

be carried out. Here applies the necessary weighing between military necessity and legally prescribed protection of civilians and civil objects. The intended attack on civil objects doesn't cause collateral damages but main damages. In this war NATO has tried to avoid real "collateral damages" by e.g. using precision weapons.

Violations of article 57 of the Supplementary Protocol I.

**"High value targets" and "strategic targets"**

With the introduction of the target category "high value targets" and "strategic targets", unknown to the humanitarian international law of nations, NATO has circumvented systematically the ban on warfare against civilian infrastructure of the enemy. By adding the adjective "legitimate" in explanations of questions from journalists, in order to defend their attacks on apparently civil objects, NATO practically declared the whole country as outlawed.

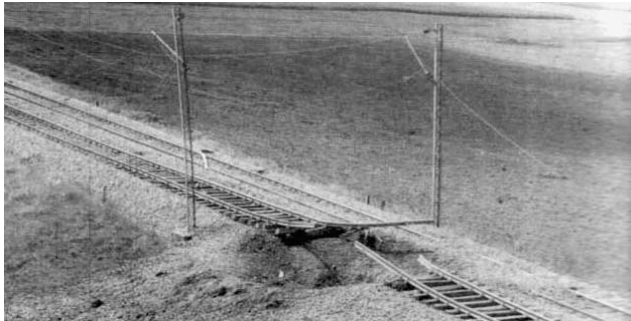
The reasoning lies in political-psychological aspects: In a dictatorship it would be hard to distinguish between civilian and military infrastructure. This was also the argumentation of German defence minister Rudolf Scharping in a ZDF broadcasting. Since the dictator would control all resources of the country, including human resources, all institutions of the state would serve to execute and maintain power. If the goal was to hurt the regime one would have to eliminate all components of the state. This was the reasoning behind the destruction of the USCE office building where the head offices of the ruling party and of the socialist party were supposed to have been.

NATO also classified the automobile factory Zastava in Kragujevac and many other industries with purely civil goods production as a category of so-called strategic targets. In so far as the NATO responsables were asked about the doubtfulness of the destruction of such institutions, as for example a cigarette or a food factory, the speakers claimed that these objects had been military targets. The NATO intelligence services had ascertained their military properties and function. In not one of the cases though could the speakers determine, in spite of repeated enquiries, what type of military products allegedly had been produced there.

*Assessment:*

The humanitarian international law does not allow this kind of change in the interpretation of "civilian objects". Moreover article 52 of the Supplementary Protocol applies here, which states that an institution has to be of direct use for warfare. The NATO speaker upon being asked if he believed that after a month of war, battles were still being waged from these party head offices in the USCE high-rise, denied this possibility. He attributed the destruction of this civilian object that took place, nevertheless, to the psychological effect on the state leadership and the population.

Violations of article 48, article 52, article 54 and article 57 of the Supplementary Protocol I.



**Figure 5.**  
Broken railway tracks on the Belgrade-Skoplje railway line in the vicinity of the demolished flyover near Trupalske forest, Nis, 14 May 1999.

### **“Zero-victim-strategy”**

Military deployments in foreign countries which do not fall under the heading of “life interest” according to American understanding, need on the one hand a high amount of ideological preparation and emotional accompaniment; on the other hand the expenses for the society and the sacrifices (e.g., killed soldiers of one’s own ranks) should not be high nor visible.

The USA had to end the Vietnam war without victory, due to the fact that high personnel losses put an end to support by society in the USA. To avoid its own war victims, its own planes, during finding the target and attacking, stayed – if possible – out of reach of the enemy’s anti-aircraft defence. This resulted in the fact that the pilot and the combat observer were highly limited in finding and recognizing the target. As well for the attack on the civilian passenger train as for the attack on the refugee convoy, the later-on used excuse for the public was that such mistakes can happen when it is necessary to fly this high.

#### *Assessment:*

The humanitarian international laws stipulate that an attack must not be carried out if the attacked target can not be clearly identified as a military target. Weighing the “military necessity“ against the legal protection for civilian population, the attack in these cases would have had to be stopped, because the military success did not depend on these military targets. According to the classical military code of honour this conduct of attack was the action of a coward.

Violation of article 48, article 51 and article 52 of the Supplementary Protocol I.

### **Elimination of supply with electrical energy and long-distance heating**

During the air raids transformer stations were repeatedly attacked with new graphite bombs, as well as power stations and heating power plants. They were temporarily cut off or destroyed respectively. Many vital or life ensuring technical systems of the civil infrastructure depend on the availability of electric energy. There were reports that in hospitals people died, because life ensuring machines stopped working due to loss of energy. Emergency generator equipment did not

exist in every case or fuel was missing because of it having been destroyed as well. In the case of the heating plant in Novi Beograd “Beogradske elektrane”, which was also destroyed, a connection to the direct support of warfare could not be constructed. In spring and summer heating energy is not needed, neither by the military nor by the civilian population.



**Figure 6.** *Left:* Transformer and distributor installation of Nikola Tesla thermal electric power plant upon which cluster bombs with carbon fibers were thrown, causing short circuits and breakdown of the system, 2 May 1999. *Right:* Carbon fibre insert from a cluster bomb.

*Assessment:*

There are two plausible explanations for the NATO attacks on this civilian infrastructure: Firstly, terror under the same (as usual wrong) assumption, that the civilian population of the enemy, frightened and terrorized, would stop following their political leaders. The other explanation, also supported by the destruction of a food production plant and a cigarette factory is this: NATO wanted and wants to destroy Yugoslavia’s economy by destroying important parts of the civilian infrastructure, supported by maintaining, and in the meantime now planned tightening of the embargo.

This assumption receives further intensification with the massive attack on the oil refinery in Novi Sad with 108 bombs in the night from the 09th to 10th June 1999, at a time, after the conditions for the stop of air raids had been signed and had been kept by the Yugoslavians. Also in this case “military necessity” could not be claimed.

Violations of article 54 and article 57 of the Supplementary Protocol I.

**Environmental damages**

With their attacks on facilities where especially dangerous substances were stored, NATO states, at the least, approvingly accepted serious damage to the natural environment and as a consequence thereof health and hereditary defects in people. Indeed, a considerable local contamination of ground, water and air has been diagnosed as consequences of war.

*Assessment:*

As with the turning off of the electricity also the destruction of power plants and supply of primary energies is aiming at the basic vital supplies of the humans considering that the military do not depend on local power plants, neither in short nor long term. Also in connection with attacks on those institutions which were unlawful under the international humanitarian law, the NATO representatives simply claim that those were military “high value” or strategic targets.

Violations of article 35, article 54 and article 55 of the Supplementary Protocol I.

**Use of poisonous and extremely cruel weapons**

The NATO armed forces have again used in Kosovo, as before in the second Gulf war, DU shells and scatter bombs which are outlawed by the UN. After many diseases and hereditary defects of people, especially children, were recorded and undoubtedly connected to the physical contact with Uranium 238, the renewed use of this ammunition was highly cynical and inhumane in a special way.

The same is valid for the scatter bombs, whose anti-person ammunition works like the illegal shrapnel shells having an officially admitted failure quote between 5 and 15%. The submunition that did not detonate contaminates the area of action for a long time. Differently to the landmine fields, whose locations often are known, the bomblettes of the scatter bombs lie in unknown places in the countryside, in towns, on the paths, etc. Many people in Kosovo have already fallen victim to detonating bomblettes. Many will still follow.

*Assessment:*

The use of poisonous uranium and of the modern “DU shells” is clearly a violation against the international martial laws and a crime against humanity

Violations of the Nuremberg principles and of article 35, article 48, article 51, article 52, article 55 and article 57 of the Supplementary Protocol I.



<http://www.springer.com/978-3-7643-1634-1>

Mathematics and War

Booß-Bavnbek, B.; Høyrup, J. (Eds.)

2003, VIII, 420 p. 79 illus., Softcover

ISBN: 978-3-7643-1634-1

A product of Birkhäuser Basel