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Kosovo: Amnesty International concerns relating to NATO bombings

Following the NATO bombing of Koriša which killed at least 79 civilians, Amnesty International said today that the reported presence of legitimate military objectives in the village does not absolve NATO of its responsibility under international humanitarian law to take all possible precautions to avoid harming civilians.

NATO has stated that its attack on Koriša was aimed at legitimate military targets including an armoured personnel carrier and artillery pieces and that it selected these targets based on up-to-date intelligence. But the number of civilian vehicles hit and civilian casualties raises serious doubts about the quality of the intelligence and whether this objective's military value was proportionate to the risk to civilians.

If civilians in the area were being used as human shields by Yugoslav forces this would constitute a breach of international humanitarian law, but in that case, an attack by NATO would have been disproportionate and therefore also unlawful.

Amnesty International has written repeatedly to NATO to express concern as to whether earlier incidents may have been unlawful attacks. These incidents include: the 12 April bombing of a rail road bridge which struck a passenger train and killed at least 10 civilians; the attacks on the refugee convoys near Djakovica on 14 April which killed as many as 72 civilians; the 23 April attack on Serbian state television headquarters in Belgrade in which 15 civilians were killed; the bombing on 1 May of a bridge near Luane which struck a passenger bus and killed 23 people; the 7 May bombing of a civilian market and hospital in Niš during which 15 civilians were killed; and the bombing on 8 May of the Chinese embassy which killed three civilians.

Following each of these attacks, Amnesty International wrote to NATO Secretary General Javier Solana with specific questions about the adherence of NATO forces fundamental rules of humanitarian law. These include the prohibition of direct attacks on civilians and civilian objects and the prohibition of attacks on military targets expected to cause incidental loss of civilian life "which would be excessive in relation to the concrete and direct military advantage anticipated." Other rules require specific precautions to be taken when launching attacks, including desisting from an attack if it becomes apparent that the objective is not a military one or the attack risks being disproportionate.

Amnesty International has expressed concern that these incidents may indicate that not all precautions are being taken to protect civilians because priority is being given to ensuring pilots' safety. Amnesty International has raised concerns as to whether NATO is taking sufficient precautions in selecting and vetting targets, in choosing the timing of these attacks, in the manner in which these attacks are being executed, and whether civilians are being given advance warning when possible.

Amnesty International has not received relevant details of the rules of engagement and other relevant instructions from NATO, which it has repeatedly requested in order to allow an assessment as to whether they comply with international humanitarian law. NATO has given general assurances that every effort to avoid civilian casualties is being made but has not provided Amnesty International with substantive answers to its questions on specific incidents.

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