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Serbia: Impunity for NATO – ten years after Operation Allied Force

Ten years after NATO forces bombed the Serbian state television and radio (*Radio Televizija Srbije* - RTS), no one has been brought to justice for this serious violation of international humanitarian law committed by NATO during the air campaign against the Federal Republic of Yugoslavia (FRY). As reports of ongoing violations by NATO forces persist in Afghanistan, Amnesty International is calling on the alliance and its member states to ensure independent investigations, full accountability and redress for victims and their families.

Sixteen civilians were killed and 16 others injured during the air attack on 23 April 1999 on the headquarters and studios of the RTS in central Belgrade. The raid was part of NATO's "Operation Allied Force" against the then FRY between March and June 1999, in which approximately 500 civilians were killed and 900 injured. Many of these casualties were caused by indiscriminate and disproportionate attacks and a failure to take necessary precautions to protect civilians.

"The bombing of the headquarters of Serbian state radio and television was a deliberate attack on a civilian object and as such constitutes a war crime," Sian Jones, Amnesty International's Balkans expert said.

NATO officials confirmed to Amnesty International in early 2000 that they targeted RTS, because of its propaganda function, in order to undermine the morale of the population and the armed forces.

"Justifying an attack on the grounds of combating propaganda stretches the meaning of 'effective contribution to military action' and 'definite military advantage' - essential requirements of the legal definition of a military objective - beyond acceptable bounds of interpretation. Even if NATO genuinely believed RTS was a legitimate target, the attack was disproportionate and hence a war crime," Sian Jones said.

NATO officials also confirmed that no specific warning of this particular attack was given, even though they knew many civilians would be in the RTS building.

Amnesty International believes that the civilian deaths could have been significantly reduced during the conflict if NATO forces had fully adhered to the laws of war.

"Ten years on, no public investigation has ever been conducted by NATO or its member states into these incidents," Sian Jones said.

Amnesty International recommended as early as 2000 that the victims of violations committed by NATO receive redress. Yet the victims of the RTS bombing and their relatives have never received any redress or

reparations, including compensation, despite proceedings in domestic courts in Serbia and further applications to the European Court of Human Rights (Banković and others v Belgium and others and Marković v Italy), which ruled the cases inadmissible.

Many of the problems that undermined compliance with international humanitarian and human rights law in the FRY -- such as lack of clarity in the command structure and decision-making processes on target selection, divergent understanding among national contingents of applicable international law -- persist in the alliance's operations in Afghanistan.

"It now appears that NATO has failed to learn from the mistakes of Operation Allied Force. If anything, NATO appears to have taken a step backward in transparency, releasing less information about attacks it carries out in Afghanistan than it did during Operation Allied Force," Sian Jones said.

"The most powerful military alliance in the world cannot afford but to set the highest standards of protection of civilians according to international humanitarian law," Sian Jones said. "And it must be held accountable for any violations of that law".

Background

In a report released in 2000 ["Collateral Damage" or Unlawful Killings? Violations of the Laws of War by NATO during Operation Allied Force](#), Amnesty International examined in detail a number of attacks in which NATO failed to meet its legal obligations in selecting targets and in choosing means and methods of attack.

From 24 March to 10 June 1999 NATO aircraft flew over 38,000 combat sorties against the FRY. According to the International Criminal Tribunal for the former Yugoslavia approximately 495 civilians were killed and 820 injured as a result of the bombing. No NATO forces were killed in hostile action during the air campaign.

In several other attacks, including the Grdelica railroad bridge on 12 April 1999, the road bridge in Lužane on 1 May 1999, and Varvarin bridge on 30 May 1999, NATO forces failed to suspend operations after it was evident that they had struck civilians. In other cases, including the attacks on displaced civilians in Djakovica on 14 April 1999 and Koriša on 13 May 1999, they failed to take necessary precautions to minimize civilian casualties.

Amnesty International's documentation of serious violations of international humanitarian law by NATO forces is based, to a large extent, on NATO's own accounts of attacks.