

SIGNIFICANT VIOLATIONS OF THE RULES OF THE INTERNATIONAL LAW OF ARMED CONFLICT IN AGGRESSION ON THE FEDERAL REPUBLIC OF YUGOSLAVIA 1999¹

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Abstract: The NATO Pact's aggression against Yugoslavia in 1999 is a school example of serious violations of all relevant norms of international law. This article indicates important violations of the international law of armed conflicts that were carried out by the NATO Pact during aggression. A significant number of the *ius cogens* norms has been violated. Especially, NATO forces use prohibited methods during executions of war operations. NATO forces committ war crimes during air attacks. Besides this, NATO committed a crime

¹ The work is the result of long-term research of both authors in this field. Some of these researches have been published previously. The author V. Jončić investigated violations of international law in the aggression of the NATO Pact on the FR Yugoslavia right after the NATO aggression against the FRY in 1999-2000. The research was presented in the framework of a large scientific project that was conducted under the auspices of the Ministry of Defense of the FR Yugoslavia and the Yugoslav Army called "Aggression on the FR Yugoslavia", within the framework of the collective subproject *International legal aspect of the armed attack of the NATO Pact on the FR Yugoslavia* in which the author wrote the part named "Aggression on the FRY and Violations of the Rules of International Law of Armed Conflict" (a project completed in 2000 and completely unpublished). The second author M. Jončić included in this work his research that he began in his doctoral dissertation on violations of international law in protecting the civilian population in NATO aggression.

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against peace and a crime against humanity. The rules of protection of civilians and civilian objects guaranteed by the 1949 Geneva Conventions (the Fourth Geneva Convention) and almost all rules of the international law of armed conflicts guaranteed by international conventions and customary international law were grossly violated during this aggression. First of all, protection of journalists, women, children, civilian objects, objects of which depends the survival of the civilian population, facilities that international law guarantees protection, etc., have been grossly violated. Hospitals and hospital transport were attacked. A number of human rights rules have been violated, such as the right to life, the right to free development and the management of natural resources, freedom of movement, the children's rights, etc. The use of weapons with depleted uranium and the bombardment of civilian objects which contain dangerous forces has caused the effect of using chemical weapons (Pancevo Refinery, etc.). This has led to the endangering of human rights of the third generation, such as the right to a healthy environment. The huge destruction of the infrastructure made enormous material damage. The consequences of aggression and all this violations of international humanitarian law are still unimaginable and the question is whether they will ever be.

Keywords: aggression, NATO, violations of international law, violation of international law of armed conflicts, war crimes, crime against peace.

GENERAL REMARKS

It is necessary to recall from time to time of this criminal act and aggression in the form of military intervention that happened at the end of the 20th century. Through this, all the efforts made by peaceful humanity after the Second World War and the painstaking peacebuilding through the system of collective security and the construction of instruments guaranteed by the norms of contemporary international law through the United Nations have been eroded by the use of brutal force. The aggression of the NATO Pact against the FR Yugoslavia, i.e. Serbia, violated the general legal principles recognized by civilized nations and many international treaties that have built world peace in the last hundred years. After all, the UN Charter itself has been called into question. The prohibition of the threat and the use of force under the UN Charter as one of the main goals and the principles of the UN Charter itself were violated.

Discussions about the consequences of aggression are necessary to uncover and assess the insufficiently established facts about the extent of human suffering and the destruction of material and spiritual values. It is necessary to perceive from a distance and dispassionately what stems from the violation of international legal norms. The aggression on the FR Yugoslavia is obvious proof that the norms of international law are set

precisely as prevention measures. The consequences of the NATO's aggression against Yugoslavia (Serbia) represent a blatant example that the international law regulators at the time of establishing and adopting the rules had in mind the consequences of the unregulated aspects of the armed struggle and the use of force. International law was specifically created to suppress or roughly regulate the use of force in international relations and establish the responsibility for violations of these rules.

The aggression began with the unparalleled fierce mass bombing of the entire territory of the FR Yugoslavia. The aggression was initiated without an international legal basis. The attack on Yugoslavia was carried out without the consent of the UN Security Council, which is the only legitimate body that can give consent to the use of force in international law. By the very act of aggression, the basic *ius cogens* norms were violated. By employing the military force to a sovereign country, one of the founders of the UN, without a legal basis (consent or decision of the UN Security Council), the basic and most serious war crime was committed - *a crime against peace*. During the aggression, NATO committed *war crimes and crimes against humanity*. The aggression against Yugoslavia violated Article 6 of the NATO Treaty. The basis of the violation is the fact that Yugoslavia did not attack any of the NATO Pact members (based on which the NATO defense mechanism could be activated under Article 6 of the Treaty). Moreover, Yugoslavia did not commit an attack on any NATO Alliance member. NATO has demonstrated its true role, which is far from defensive. During the aggression, dozens of other international agreements were violated, especially the international Law of Armed Conflict.

AGGRESSION - A CRIME AGAINST PEACE

Since NATO Pact's attack on the FRY, it has frequently been heard that it was not an act of aggression. Since 2000, in the official political terminology, other terms have been almost consistently used: "air campaign," "bombing (Yugoslavia)," "air action," "humanitarian intervention" and others. It is necessary to determine the true meaning of the term aggression (definition) before considering this issue and to compare this term with the undertaken activities and actions by the NATO countries towards the FR Yugoslavia so that the truth is no longer blurred.

At that time, the term aggression was determined by the United Nations General Assembly Resolution 3314 of 1974. According to the Resolution, aggression is "the use of armed force by a State against the sovereignty,

territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations, as set out in this Definition" (Article 1). Based on this definition, we can conclude *prima facie* that an act of aggression was actually executed. Article 3 states in detail what constitutes acts of aggression, regardless of the existence of a state of war.

The aggression on the FR Yugoslavia began on 24 March 1999, after unsuccessful and ultimatum negotiations in Rambouillet. The negotiations themselves were utterly undiplomatic and forced, primarily from the United States, and this was indicated by the following facts obviously forgotten in this region after 2000.

First, before the Rambouillet meeting, the so-called International Contact Group⁴ established certain principles on the basis of which negotiations should have been conducted. Yugoslavia (Serbia) was not satisfied with the offered platform for the talks, but accepted the principles of the Contact Group under pressure and expressed readiness to accept an agreement that would derive from these principles. Because it was dissatisfied with the conclusion of the Contact Group, stating it could get the autonomy and not the secession of Kosovo⁵, the delegation of the Albanian separatists refused at first but after further conviction agreed to come to the negotiations.

Secondly, during the negotiations, the two delegations (the state delegation of Serbia, i.e. Yugoslavia and the delegation of the Albanian separatist movement) have never met to negotiate "face to face" (although this was repeatedly requested by the Serbian delegation), but all the talks ran only through international representatives. This ultimately turned the talks into the negotiations between Yugoslavia and the United States (primarily regarding the deployment of the NATO troops in Kosovo), and the Kosovo Albanians served as an excuse.

Thirdly, when it became certain that the negotiations would fail because of the Albanian side's refusal to accept an agreement based on the Contact

⁴ Composed of the Ministers of Foreign Affairs of France, Germany, Italy, Russia, Great Britain and the United States.

⁵ Even before the Rambouillet Accords (during the several months of 1998), the Serbian government has repeatedly offered representatives of the Albanian secessionist movement an agreement that would provide Kosovo with the highest level of autonomy. For this purpose, a high government delegation (headed by the Deputy Prime Minister of Serbia) traveled several times to Priština for negotiations. The Albanians, however, did not accept these negotiations, because, as they declared, they were not interested in any kind of autonomy, but only for the secession of Kosovo.

Group's principles, on February 21, Madeleine Albright, the US Secretary of State, arrived in Rambouillet. She alone, without the presence of other Contact Group members, managed to extend the talks for three days. But then came sudden reversal. US representatives proposed a new draft agreement, which was fundamentally different from the previous one. The difference was primarily that the draft was essentially amended to the detriment of Serbia (Yugoslavia)⁶. These changes were reflected in the insertion of new provisions and even chapters that were not discussed at the Contact Group at all. Not all the Contact Group members, and primarily Russia, agreed to these provisions. The provisions contained over 50 pages of a new text previously undiscussed. The aim was to give Kosovo a status of quasi-state and bring NATO massive military forces to this area.

Fourth, the Albanian side continued refusing to accept that extremely favorable agreement for them and agreed to sign it only after persistent persuasion by the United States and the United Kingdom. On that occasion, British Foreign Secretary Robin Cook told the Albanian side that they should definitely sign this document because "NATO cannot bomb the Serbs without that!"⁷

Fifth, Yugoslavia (Serbia) has been between a rock and a hard place in which it accepted the agreement under the threat of force, along with many principally unanswered questions. The intention was to provide Kosovo with a quasi-state status, with unacceptable provisions that would regulate military issues, i.e. the constant military presence of the NATO forces on the territory of Serbia.

After a short time which was given to Yugoslavia to accept a subsequent agreement from Rambouillet, NATO's general air and missile attacks on Yugoslavia followed. It was later discovered that the Rambouillet meeting did not really aim to resolve the disputed situation through an agreement, but that its main purpose was to serve as an excuse for the planned bombing of Yugoslavia and then ruthlessly impose the will of the aggressor.

⁶ That everything has been prepared in advance and not for the purpose of securing a just solution, but for satisfying the appetite of the Albanian separatists, the president of Serbia M. Milutinović, who was at the press conference at the Yugoslav embassy in Paris at the time of the negotiations, showed a copy of the list of the separatist part of the Albanian minority in Kosovo ("Koha Ditore"), in which the text of the American version of the agreement was published even before the American State Secretary officially formulated it in Rambouillet.

⁷ This utterly undiplomatic statement was reported by all media.

During the war, proclaimed and real aims of the aggression on Yugoslavia were discovered.

The proclaimed objectives were:

- to force Yugoslavia to accept the so-called "Rambouillet Peace Agreement",
- to prevent a humanitarian catastrophe,
- to stop "Serbian aggression" in Kosovo,
- to secure the "democratization of Yugoslavia",
- to prevent the spread of the conflict,
- to weaken the military power of Yugoslavia and
- to preserve the credibility of NATO.

The real aims of the aggression were, in fact, the following:

- 1) One of the fundamental and priority goals was *to conduct the occupation of Kosovo*, and then the whole FRY with the intention of conquering a strategically important area and turning that space into its own (and free of charge!) military base.
- 2) By entering this part of the Balkans, NATO would *ensure the placing of an earlier non-bloc space, from the time of non-aligned and non-bloc Yugoslavia, under the aegis of the NATO forces*, which would ensure control of the strategically extremely important geostrategic direction of the so-called the Danube - Morava - Vardar direction. With this, the Adriatic Sea would be turned into the internal sea of the NATO Pact, which would further enable full control and management of the Mediterranean Sea from the Black Sea to Gibraltar. Realization of this plan would provide more favorable access to energy sources, not just in the Middle East, but more importantly, access and control over huge reserves of energy and raw materials in the new states of Central Asia (the former republics of the former Soviet Union) would be ensured.
- 3) By deploying its forces in Yugoslavia, NATO would get even closer to the borders of Russia, and in this way, it would push Russia from the space that was considered its traditional sphere of influence. The NATO Alliance, i.e. the US needed Kosovo as a bridge for further progress towards the East.
- 4) The armed intervention against Yugoslavia should have been a demonstration of force, i.e. a clear demonstration of who was ruling the world. The intervention should also serve as a precedent and test for

future similar actions of the Alliance. The annual NATO meeting during the aggression, which was simultaneously the celebration of the 50th anniversary of this organization in Washington from 23-25 April 1999, showed that the attack on Yugoslavia was a proclamation of a new NATO strategy, which was then established. According to this new strategy, NATO assumed the right to intervene always and everywhere, whenever and wherever it considered justified without a UN mandate.⁸ This clearly expressed the intention to send a message to everyone that the United Nations was a thing of the past and that the new world order has entered the scene.

- 5) Another of the covert reasons for the aggression against Yugoslavia was the US intention to slow down the project of economic integration of the countries of the European Union by destabilizing the Balkans. Given the economic and other rivalries between Europe and the US, the prevention of further strengthening of European integration is one of the strategic goals of the United States. A number of Western analysts have pointed to this. The weak and divided Europe is much easier to manipulate. At the same time, the US intention was to prevent any possibility of primarily economic connection (and perhaps later, military) of Paris, Berlin and Moscow, which could lead to the weakening of the US military presence in Europe. In this light, the war against Yugoslavia (regarding which France and Germany assumed the opposite position from Russia) was a great opportunity to bring discord and mistrust among these countries.
- 6) The attack and punishment of Yugoslavia were also aimed at the weakening of the Slavic power and influence on Eastern Europe. Simultaneously, the aggression should have indicated that Russia, although in possession of the nuclear arsenal, was no longer a world power since it was immersed in its internal difficulties and was unable to employ its still respectable armed force.
- 7) It is a well-known fact that wars are waged for resources, but also because of the use and consumption of manufactured weapons and their engagement. Thus, in the case of aggression against Yugoslavia, the war

⁸ Unlike the previous concept in which NATO was a defensive alliance, with a zone of responsibility in the territory of the member states and the possibility of undertaking some other actions, but exclusively under the authority obtained from the Security Council, the new strategy envisioned that the right to action can also be taken outside the Member States.

also had an economic dimension. It was necessary, at the time when there was no other military-political alliance and serious foreign enemy, to find the reasons for NATO's existence and justify the tremendous costs associated with it and the huge expenditures for weapons and the military of the Western states, and above all the United States.

- 8) It is necessary to point out that the war against Yugoslavia served as a huge showcase for the presentation and sale of weapons and as an ideal opportunity for *in vivo* experimentation with new types of weapons, military equipment and resources. It is known that during the air strikes against the FR Yugoslavia, the United States used for the first time some new weapons and assets. In particular, the stealth bombers B-2 Spirit, satellite-based missiles (they proved to be more precise than those with laser guidance), a new guided GBU-28 bomb with more than 2,000 kilograms of explosives, new types of cluster bombs (with various charges such as cumulative, repressive, destructive, flammable, etc.), the so-called graphite or "soft" bombs (to paralyze electrical power supplies), etc. NATO also experimented with various modifications of already existing means (new navigation or guidance systems were installed, "old" bombs were filled with new destructive explosives, etc.), conducted joint operations of the combined forces from various member states, etc.
- 9) Serious analyzes confirmed that aggression against Yugoslavia also had an ideological background. The United States, as the only remaining superpower and self-proclaimed world leader, was aiming to make every opposition to the new systems of values within the "new world order" severely punishable as an example for others. At the same time, this was an example of punishing one of the last remnants of communism on the Old Continent.
- 10) After the war, it was argued that NATO strategists had an idea to use the Balkans wastelands as an excellent location for the disposal of nuclear, chemical and other toxic waste after the occupation of Yugoslavia. This was supported by the fact that NATO used depleted uranium missiles, which was, in fact, nuclear waste (a by-product of nuclear reactors). Due to its thousand-years-lasting radioactivity, it had to be deposited in special well-guarded sites. Instead of allocating enormous resources for the construction and protection of storage facilities, the US used it for military purposes (in missiles) and thus simply "stored" it in someone else territory.

WAR CRIMES COMMITTED DURING THE AGGRESSION OF THE NATO PACT ON FR YUGOSLAVIA (SERBIA)

During the aggression of the NATO Pact on the FR Yugoslavia (Serbia), member states of the Alliance committed mass war crimes by using prohibited weapons or weapons whose use was limited. This type of weapons includes projectiles prohibited by international law, depleted uranium missiles, weapons of mass destruction such as chemical weapons, chemical weapons indirectly, attack on civilians, civilian objects, civilian objects for the survival of the civilian population, the use of mercenaries, etc.

The use of missiles prohibited by international law - depleted uranium missiles

During the aggression against Iraq and Yugoslavia, NATO member states have used for the first time (as we know by now) a new type of weapons - missiles containing propulsive DU (abbreviated from the English name depleted uranium) in their explosive core. The use of a new type of projectile was confirmed by Konrad Freitag, an official of the US government at a briefing in Washington during the war (*Vojska*, 1999, p. 19). A year later, the UN Secretary-General in his letter to the NATO Secretary confirmed that depleted uranium ammunition was used in the aggression against Yugoslavia (Federal Ministry, 2000, p. 22). This type of explosive was contained in the missiles used as artillery and airborne ammunition for the destruction of, in particular, armored vehicles and fortified objects (shelters, bunkers, etc.).⁹ Projectiles (GAU-8/A and PGU-13/B)¹⁰ with depleted uranium (they used U-235 or U-238 core) have 1.7 times greater penetration than conventional missiles. When the missile strikes the metal, it develops the temperature of 785 degrees Celsius, and uranium dioxide is formed. Then, it creates an aerosol which spreads to the environment and pollutes the ecological system. Initially, it is very dangerous for the respiratory system of humans and animals. When aerosols penetrate the body, they are absorbed and directly contaminate the DNA system and the

⁹ This ammunition is used by US assault bombers "A-10", known as "Warthog."

¹⁰ The missiles were listed in the letter of UN Secretary-General Kofi Annan to the NATO Secretary General on 7 February 2000 in order to provide information to UNEP/UNCHS. p. 22.

cell structure. In this case, the economic calculation of Western experts came to full expression. It turned out that the explosive with the addition of DU has better qualities on shielded assets than conventional explosives. Additionally, the nuclear waste generated by the use of dirty nuclear technology is reused and thus solves the problem of its stocking, and at the same time, it is economically rational (the same thing is sold twice - it extends its use value).

The danger of this weapon is huge. First, those who handle it are in danger, i.e. the users of this weapon¹¹. Secondly, this kind of weapon cannot be controlled, i.e. its effects, both spatial and also temporal. Thirdly, this is a weapon with a prolonged effect which causes unnecessary suffering. And because of the harmful radiation, an irradiated person is condemned to a painful and gradual death.

Given that the collection of data regarding the quantity and location of these bombs has not yet been completed, we have to be content only with partial information. According to it, during seventy-eight days of the war over one million and two hundred thousand shells with the depleted uranium core were thrown over the FR Yugoslavia (about 30 tons of depleted uranium) (Federal Ministry, 1999). The missiles were mostly dropped from the A-10 Thunderbolt-II (nicknamed "Warthog"). Bombs with the DU core were also used during the NATO attack on the units of the Army of Republika Srpska (1994-1995). The effects of these missiles have already been felt since then - in the mid-nineties of the last century. There is almost no information about the consequences of the utilization of this weapon today. The consequences were expressed through increased mortality from leukemia, increased number of cancer patients, stillbirths, children born with defects, etc.

During the aggression, most of these missiles were thrown into the territory of Kosovo and Metohija. The withdrawal of our forces from this area made it impossible to examine in detail the number of missiles projected and their location. For the time being, there is only a report from the Federal Ministry of Foreign Affairs of the FR from August 2000. Based on this report, it can be perceived that depleted uranium bombs were mostly dumped near the border with Albania, west of the line Peć - Džakovica -

¹¹ We are aware of the so-called "Gulf War Syndrome", the disease of the Alliance's soldiers that appeared after the war in Iraq. The latest research suggests that these soldiers were in contact with missiles containing depleted uranium.

Prizren, near the Suva Reka and Uroševac, around Gjilan, south of Kosovska Mitrovica and near Peć.

An increase in the number of suddenly ill members of the peacekeeping mission in Kosovo after arriving in that area indicates the accuracy of the allegation that the use of this kind of weapons has shown all of its perversity and far-reaching consequences.

The use of missiles prohibited by international law - cluster bombs

During the bombing of the Yugoslav territory, the Alliance member states employed a new type of weapon, the so-called weapons of “new generation” - “cluster” bombs. These bombs contain a number of smaller bombs. After being dropped from the aircraft or fired from artillery weapons the container opens up and release a great number of smaller bombs or missiles in the form of beads, weighing from 0.5 to 5 kg, sometimes even 15kg. These explosive sub munitions or “bomblets” spread even farther in the air and affect more space. Some of these missiles have a delayed effect, i.e. they are activated after falling to the ground or activated by touch, i.e. by step (Ostojić, 1999). Their effect is possible, even after a few years, so they pose a threat even after the cessation of hostilities. They are especially risky for children because they are frequently coloured and shaped to arouse their curiosity. This type of bomb is not explicitly prohibited by the existing international law. However, since it is a weapon that inflicts increased suffering on civilian populations and extensive destruction which is in disproportion to military necessity, it is clear that the use of this weapon, primarily aimed at killing civilians and creating fear and panic among civilians, is in fact forbidden. Hence, to conclude, cluster bombs are not explicitly prohibited by the existing international treaties. However, their prohibition stems from the rule on the prohibition of inhumane means of warfare. Their tactical and technical application is such that there is no control over them. Their effect increases the number of victims, as well as injuries or mutilations. Their use was prohibited by the Saint Petersburg Declaration of 1868. The Declaration explicitly states: “that for this purpose it is sufficient to disable the greatest possible number of men; *that this object would be exceeded by the employment of arms which uselessly aggravate the sufferings of disabled men, or render their death inevitable*” (italic by M.J.). Given that it causes severe injuries and its effect cannot be controlled, this weapon belongs to inhuman weapons, and if we take into

consideration all previous international conventions, it is indirectly prohibited by international law on several grounds.

During the aggression, cluster missiles were repeatedly used not only against military targets but also against civilian ones. Cluster projectiles KB-44 in MB-1 shell were used (4,704 cluster bombs) and also the "MUSA" mines, activated in the vicinity of a vehicle or person (Ostojić, 1999). During the attack on military facilities and the vital force, the enemy also put in danger civilians, contrary to the clear rules of international law and the appeals of organizations and individuals-humanists to stop using this weapon (Krivokapić, 1999, p. 100; Jončić, 2001, p. 30).

According to the currently gathered information, during the aggression, cluster bombs were used repeatedly and in several locations. The list of places where this ammunition was used is long. For the purpose of illustration and transparency, we will mention those places with numerous human casualties and destruction.

During the bombing of a convoy of civilian refugees on the road Djakovica - Prizren, on 14 April 1999, cluster bombs were used. On 7 May 1999, around the noon (11:30 a.m. - 11:40 a.m.), during the bombing of Niš (southeastern part of the city, the Clinical Center and the nearby city center), cluster bombs were also used. In that attack, 13 people were killed, and 29 suffered severe and minor injuries. The hotel "Bačište" on Kopaonik was struck with 100 cluster missiles at midnight on 13 April. During the attack on this building, the hotel "Putnik" was also damaged. In the vicinity of the hotel, parts of cluster bombs were found, as well as unexploded cumulative - blast mines. In the village of Pavlovac, municipality of Vranje, two people (one of them was a 12-year-old girl) were killed by cluster bombs near the family house on 14 April 1999. In the village of Gošići near Podgorica, on 28 April 1999, several cluster bombs luckily killed only domestic animals in the open field.

The use of weapons of mass destruction – chemical weapons

A chemical weapon is a specialized munition using the substances that, in a particular moment, can change the chemical composition of the chemical structure of living and non-living matter.

During the two-month aggression on the FRY, it was not observed that the Allied forces used this kind of weapons. They used the weapons which, with their tactical and technological properties and characteristics, caused

the consequences similar to the consequences of chemical weapons. In other words, they bombarded the plants that produced chemical substances, which was downright dangerous if not controlled and which caused an ecological disaster. In the near and further environment, the chemical composition of soil, air and water was changed. By destroying or damaging factories, toxic substances were released into the environment. Given that some of the facilities have been hit multiple times, there was no doubt that they were deliberately battered with the aim of causing these consequences.

Protocol I of 1977 binds almost all NATO member states, except the United States, France¹² and Turkey. During the aggression, the Pact's airplanes attacked factories, facilities and installations containing hazardous substances several times. Thus, they have indirectly transformed classical weapons, missiles and bombs into chemical weapons since the effects of conventional bombing were as if the chemical weapons were used. From the petroleum products warehouses, the first was hit the warehouses in Bogutovac and Pančevo on 4 April 1999. On this occasion, two people were killed and seven people were injured. Also, several civilian objects were destroyed and damaged. The real catastrophe happened when the Alliance repeatedly bombarded the chemical industry in Pančevo on several occasions; on 12, 17 and 18 April. During these attacks, there was severe air pollution, and after the fall of the rain, there was pollution of soil and water. In the "NIS Oil Refinery", several tanks of oil derivatives have been hit. In the "HIP Petrohemija Pančevo" a reservoir with about 100 tons of VCM (vinyl chloride monomers), three wagons with 30 tons of VCM and plants with PVC (polyvinyl chloride) were struck. Due to the combustion of these substances, there was an increase in toxic substances in the air, so the concentration of VCM was up to 7,200 times higher than allowed, and in the period from 06:00 to 08:00, it was even 10,600 times higher than the allowed norm. VCM is a substance that has cancerogenic and mutagenic properties, and according to the recommendation of the World Health Organization, the presence of any quantities of these substances in the air is not permitted. According to the Regulations on GVI (GVI) of the Republic Ministry of Environmental Protection, the dose of vinyl chloride was well above the allowed concentration. Hydrogen chloride, carbon monoxide and phosgene (poison gas) were released as combustion products. The fire that arose in the "HIP Azotara" released extremely hazardous gas ammonia that

¹² France ratified the Geneva Conventions of 1949 on 28 June 28 1951, and it only accessed Protocol II on 24 February 1984 and at the same time made reservations.

polluted, even more, the already poisoned atmosphere over Pančevo and surrounding areas. Citizens tried to evacuate outside the city, mostly to Deliblatska peščara (Deliblato Sands), but nevertheless, they were forced to inhale toxic vapors, as the wind spread them into the wider Pančevo region.

The following facilities were also hit: in Smederevo “NIS Jugopetrol - instalacije” on 4, 9, 13 and 29 April and 1 June; in Priština on 5 April; “Oil Refinery” in Novi Sad on 5, 7 and 12 April. In the village Mala Kruša, petrol and fuel oil reservoirs were hit on 9 June, and in the village Devet Jugovića fuel tanks on 6 April. In the village of Konoplja, fuel tanks were bombarded on 4, 8 and 12 April; in Bogutovac on 8 April; in Pančevo on 12 April; in Niš on 8 June; the facilities of NIS “Jugopetrol” and “Energogas” on 5 and 11 May. The chemical factory in Prahovo and its fuel tanks on 7 and 17 May. “Jugopetrol” reservoirs in Bor were hit on 15, 17 and 27 May. In Sombor, “Naftagas promet” reservoirs were bombarded on 20 and 21 May. In each of these attacks, there were a fire and burning of these installations and the release of high concentrations of toxic substances. During the destruction of these installations, other facilities, warehouses, pumping stations, administrative buildings, etc. were also destroyed. During these attacks, a number of workers of these companies were killed as well as the population in the surrounding civilian buildings.

Attacks on the civilian population and civilian objects and intimidation of civilians

In addition to military targets, throughout the aggression, the target of the general bombing has frequently been civilians and civilian objects. The capital of Yugoslavia, Belgrade, with suburban settlements, was bombarded almost daily. The targets of the bombing were often civilian objects, and repeatedly. Thus, during the night between 29 and 30 April, 3 civilians were killed and 38 wounded when the buildings of the Ministry of Defense, the General Staff and the Republican Government were hit. It was cruel that the bombing was repeated after a short time (15-20 minutes from the first attack). The missile strike was repeated in the same area at the moment when assistance was provided to the injured persons. In this attack, purely civilian objects were destroyed. During the bombing of the buildings of the Federal and Republican Police in Belgrade, civilian buildings were also hit.

The aggressor justified the attacks on civilian objects, claiming that they were “collateral damage and collateral victims”. Such justifications are unfounded for two reasons.

Firstly, it was impossible that there was no precise data on targets since the NATO Alliance continuously presented them during the war. NATO showed, first of all, that they had precise data and plans on the objects of the attack. Secondly, it possessed the latest generation of sophisticated precision weapons.

Furthermore, international law has long since forbidden the occurrence of accidental or incidental casualties (Jončić, 2017, pp. 140-150), which is clearly stated in Article 51 paragraph 5 point (b), regarding point (a) and paragraph 2 of the same Article, as well as Article 50 point (3) of the Protocol I. The examples of serious violation of aforementioned law are the mass victims already mentioned in the bombing of civilians in the Mejo village, civilian convoys on the road Djakovica-Prizren and near the village of Koriša, where foreign journalists were convinced that there were no military forces in the 5-km radius. On that occasion, the journalists confirmed that the aggressors deliberately attacked civilian targets. The bombing of the correctional facility "Dubrava" in the town of Istok (Kosovo) on 19 and 21 May, when 93 convicts were killed and 196 were injured is a drastic example of the violation of international law. The attack was repeated, although it was a civilian object and had no military significance.

The "Human Rights Watch" has been overwhelmed by the bombing of civilian objects. This organization, which should not be very proud of its objectivity in these areas, sent a letter to NATO Secretary-General Javier Solana on 15 May 1999, in which it severely criticized the bombing of Yugoslavia and especially the deliberate targeting of civilians and civilian objects.

In the doctrine and practice of international law (especially the international law of armed conflict) it is clearly indicated that civilians and civilian objects are strictly protected and are not allowed to attack (Jončić V, 2012, p. 426; pp. 429-430; Jončić M. 2017, p. 148; ICRC, 1987, p. 512; Commentary, III, pp. 67-68). In the case of incidents in which there is a doubt as to whether the target altered its status from civilian to military, the *Additional Protocols* determine it should be assumed that it is not a military target unless proven otherwise. This rule was crystallized very early, even in the Hague Conventions (Jončić V, 2015, p. 64; Jončić & Đurić, 2014, p. 274).

International law requires that warring parties during the conduct of military operations must constantly take care of the civilian population and civilian facilities. When planning attacks or deciding on attacks, responsible persons are obliged to check the targets they plan to attack. Primarily, care must be taken to ensure these targets are not subject to special protection or

that the provisions of international instruments do not prohibit the attack on such facilities. Therefore, it must be determined whether the anticipated targets are of a military character and whether attacking them does not jeopardize the civilian population. Also, when it comes to the choice of means and methods of attack, it is obligatory to take all precautions and caution to avoid or minimize the civilian casualties, that is, accidental loss of lives and wounding civilians as well as damage to civilian objects. The decision to carry out any attack must be made only after it is established that the attack will not cause loss of life of the civilian population or damage to civilian objects.

The exception to these rules applies only to achieve a visible and direct military advantage. There is also an obligation for the warring parties to inform the civilian population of the upcoming attack. An exception to this rule is justified in cases where circumstances do not allow such notification. There is, of course, a small oversight. It is the fact that an attacker can often call to the circumstances that did not allow a warning and to avoid this obligation (Jončić M. 2017, pp.109-121).

The protection and differentiation of civilian and military facilities represent the establishment of a balance between military necessity and the principles of humanity and a step further in the implementation of the prohibition of the mode of warfare by the principle of "attack without the choice of the target" (Jončić, V. 2012).

During the NATO aggression, almost all provisions of international law have been violated. In particular, the provisions on the protection of civilians and civilian objects. The previous statements regarding the basics of the international legal protection of the civilian population indicate the stated statement is correct. During the aggression itself, a direct target of the attacks, in the first place, was only a civilian population. In total, over 2,470 civilians were injured or killed during 78 days and nights of a continuous bombing.

In some cities, entire blocks of buildings were destroyed, and there was no military target nearby. Thus, the NATO air force in the attack on Aleksinac leveled to the ground the entire side of the street in the night between 5 and 6 April 1999, and in the repeated attacks on 28 May 1999. On that occasion, 17 people were killed and around 40 injured. The town of Čuprija was raided on two occasions. In the first attack on 8 April 8, around 00.50 a.m., during the rocketing of the empty military barracks, several family houses were completely destroyed, and a large number of buildings in the wider area around the barracks were badly damaged. A significant

number of people were injured. In the second attack, the targets were purely civilian objects. The city core was completely destroyed. On the night between 10 and 11 April, the village of Merdare was attacked with 23 large-force missiles and cluster bombs resulting in 5 dead and 2 people who sustained minor injuries. On 10 May 1999, in the bombing of industrial buildings in Čačak, 4 people were killed and 13 wounded. On 8 May in the afternoon (around 16 a.m.), an old bridge was bombed in the city center of Nis, although it had no military significance. The result was 2 people killed and 7 injured.

The bombing of a refugee convoy at the Mejo village, on the road Djakovica-Prizren, on 14 April 1999 was conducted three times repeatedly without checking the target as prescribed in Article 51 point (4) of the Protocol I. Considering this was clearly a convoy of civilian vehicles, it was a violation of Art. 51 of Protocol I.

From 24 March to 24 April 24, 27 settlements with several health facilities were bombarded. In 23 towns were also attacked cultural monuments, educational institutions, a large number of bridges, railroads, several airports, bus stations, etc.

By bombing the railway bridge near Grdelica on 12 April 1999, at about 11.40 a.m. when a passenger train was passing over, a gruesome crime was committed, more specifically, an international crime against the civilian population.

Research indicates that the pilot had information that it was a train with civilians and that he could wait for the train to pass. However, the strike was carried out just when the train was on the bridge before entering the tunnel, which indicates that the aircraft's leader had the intention to hit the train at the moment when it was on the bridge and tried to justify the whole action as "collateral damage". In this attack, 17 people were killed, 3 were declared missing, and many more were seriously injured.

In the middle of the day on 30 May, during the Fair in the town Varvarin (on the religious holiday of the Holy Trinity), the bridge and the area where the Fair took place were bombed leaving behind 11 dead civilians and 40 wounded. This was undeniably an act of intimidation of civilians by a method strictly and explicitly prohibited by international law.

The Alliance attacked everything without any difference. By such actions the aggressor grossly violated Art. 51 (4) of the Protocol from 1977, since the attacks were carried out without selecting targets. The Supplementary Protocol I prohibits an attack on the civilian population as well as individual

attacks on civilians unless they participate directly in hostilities. The protocol requires the caution in target selection to ensure the attacks are lawful and prescribes that the attacks without selecting the target are illegal.

Many civilian objects that have been bombarded or struck with missiles have no logical connection to the military targets. Many isolated houses were demolished for which it was not possible to determine why they were the objects of the attack. Moreover, the schools were bombed in places where there were no military targets, although explicitly prohibited according to international law. Tobacco factories were frequent targets of the bombing, although they do not have direct military significance, and also bus stations, post offices, etc.

It is mentioned that Protocol I in Art. 51 (2) explicitly prohibits civilians from being attacked, as well as any act or threat aimed at the intimidation of civilians.

The international law of armed conflict prohibits any violence and intimidation of the civilian population. Even the Fourth Geneva Convention of 1949 foresaw, in general, the protection "from any violence or intimidation" (Article 27, paragraph 1). During the aggression, many attacks on civilians and civilian objects were in the function of terrorizing and intimidating civilians in order to break the resistance, that is, to demoralize the civilian population and cause dissatisfaction among the people and cease functioning of the country's defense system. Attacks on the refugee convoys returning to their homes were probably in the function of the aggressor's intention to disable their return. Otherwise, their return would eliminate the underlying reason why the "Merciful Angel" operation – the military intervention and the aggression on Yugoslavia – was launched and implemented. The attacks were repeatedly conducted on objects that were already destroyed, resulting in the civilian casualties and infliction of fear. For example, the bombing of civilian objects in the core city centers (especially in large cities - Belgrade, Niš, Novi Sad, Priština, etc.) and destruction or damaging the main electricity capacities, which is why the whole of Serbia and considerable parts of Montenegro were without power served to this purpose.

Violations of the rules on the protection of hospitals, hospital transport and prevention of humanitarian aid

The Second Geneva Convention of 1949 puts the protection of wounded, sick, hospitals and hospital staff at the forefront. Protection does not cease

even in the case that these facilities have armed guards, or if hospital staff have personal weapons (The First Geneva Convention of 1949 Art. 22). Transport of wounded persons and patients or medical supplies must be respected and protected (The First Geneva Convention, Articles 35-37), and repercussion measures are expressly forbidden towards the wounded, sick, hospital staff, "buildings and material protected by the Convention" (Article 46 of the Convention and Article 20 of Protocol I). The Supplementary Protocol reiterated in principle the protection of these persons from the Second Convention of 1949 and somewhat specified it. During the war, the NATO Pact aviation repeatedly bombed hospitals, ambulances, vehicles for medical and other humanitarian aid, and facilities for hospitalization of mentally ill persons.

A drastic example of these violations was the bombing of the Neurological Clinic in the University Hospital Centar "Dragiša Mišović" in Belgrade on 20 May, where 4 immobile patients were killed and more wounded. During the bombing, the Gynecology Clinic and the Children's Hospital were also damaged, and they had to be evacuated to the basement which was completely inadequate for this type of patients. During the night between 30 and 31 May, the municipality of Surdulica was bombarded. The Special Hospital for lung diseases "Sanatorium" was hit. The pavilion with the refugees from Croatia, the pavilion of the nursing home and the pavilion with pulmonary patients were destroyed. The hospital was completely demolished, and 13 people were killed in these facilities, 38 injured, and three persons were declared missing.

According to the collected data, during the aggression against Yugoslavia, the NATO Pact destroyed and damaged more than 127 health facilities. In addition to directly disabling the delivery of humanitarian aid (the case of the humanitarian convoy "Doctors of the World" on 5 May 1999, which was transporting humanitarian aid to the Priština Clinical Center), it indirectly prevented the delivery of aid. There were no casualties, but a part of the aid was destroyed and the vehicles that transported humanitarian material.

Almost throughout the war, NATO officials have issued statements that they could not guarantee the security of humanitarian shipments sent to Yugoslavia. In this way, it was not only denied access to help but a covert threat was expressed to those who dare to send it. Some of the neighboring NATO member states unnecessarily and unjustifiably delayed the issuance of the approval for the transfer of humanitarian aid to Yugoslavia through their territories. Thus, for example, Hungary has retained on its border an

already customs-checked humanitarian convoy from Russia and Belarus for several days.

So far, none of those responsible for these grave violations of the international law of armed conflict answered for it, nor any proceedings were initiated in the international bodies dealing with war crimes.

CONCLUSION

The aggression against Yugoslavia by the NATO was beyond all rules. On the one hand, the fundamental rules of the international law of armed conflict (international humanitarian law as part of this law) were not respected. On the other hand, the measures undertaken, the destruction of the FRY defense forces, which was partly in line with international law, represented a violation of the rules of warfare. In addition to these violations, the rules that relate to the protection of basic human rights have been violated. The undertaken actions point to the conclusion that these measures are conducted to punish the whole nation. This can also be seen through the actions of savage bombardment without selecting the targets, the destruction of hospitals, schools, residential districts, cultural monuments, and more. The use of means prohibited by international law (cluster bombs, depleted uranium bombs, causing ecological catastrophes, etc.), indirect chemical weapons, power cuts, destruction of food factories, etc. are an explicit example. Such a total attack on the entire population of a country and on facilities used to extend the species (attack on hospitals and maternity hospitals) and necessary for the survival of the species (destruction of food warehouses, cattle farms, water supplies, contamination of land, food and water), indicates the goal of the aggressor was to punish the whole nation, and that is a war crime.

In the course of the war, to cover up this crime, the aggressor started the disinformation of his and the world public through inaccurate claims, censorship, replacement of theses, etc., with the aim of portraying the Serbs and other peoples of Yugoslavia as an uncivilized society, and to eliminate even the smallest pangs of pity towards them. The population of these areas is represented as a horde of uncivilised criminals, without morale and mercilessly brutal. Based on these estimates of Western propaganda, the conclusion was drawn that the use of all forms of force was permitted against the Serbian people, regardless of whether it was legally permissible or not, and that these were reasonable procedures that resulted in the great sacrifice on the part of that nation.

In order to successfully conduct a psychological propaganda war, the aggressor used semi-information, disinformation or complete lies. Thus, for example, NATO strategists and the media have informed their armed forces and the population that in case of a plane crash, the pilot must be saved because he will be massacred by "Balkan savages". The truth was altogether different. Each shoot down was carried out in accordance with the rules of war, and three US soldiers captured on the border with Macedonia were treated in accordance with the Third Geneva Convention of 1949 and Protocol I, which was confirmed by the prisoners themselves. From day to day, they repeated through the media that a stadium in Pristina was transformed into a concentration camp for the Albanian population. The retraction came from the French agency France-Presse, which established through the photos and reports of its on-the-scene reporter that the camp did not even exist. The bombing of the refugee convoy in the Mejo village was represented for days from the NATO-led coalition countries as an attack of the Serbian military and police forces. Later, when the lie was uncovered, NATO officials themselves denied this claim and confirmed the convoy was "mistakenly" hit by the aircraft of the Alliance.

The media "reported" throughout the aggression that the Serbian army and police had committed mass killings and rape. The Izbica village was mentioned, in which, according to reports by Western journalists, the Albanian civilians were killed and mass graves were made. The retraction came from these very journalists by interviewing in a TV show the owner of the field, Albanian Bajram Shala, whose property was allegedly a mass grave of the Albanians. The owner himself clearly and publicly denied it. With the arrival of KFOR in the territory of Kosovo and Metohija, it has been discovered that there are no mass graves anywhere on the territory of the Province. At the beginning of the war, the protagonists of the war claimed that Yugoslavia had chemical weapons and prepared nuclear weapons and that there was a danger of using them against civilian targets across Europe. This was also denied. The retraction came from their experts. They confirmed the FRY did not possess nuclear weapons, and that it renounced the production of weapons of mass destruction. Numerous inspections in Yugoslavia before the war in the framework of the implementation of the Sub-Regional Arms Control Agreement confirmed that no traces of chemical weapons were detected, as well as facilities for their production. After all, any use of this weapon by the Yugoslav Army would be counterproductive. It is almost certain that the Yugoslav Army would never use this kind of weapon on its own territory where its units and population were (remember

that Yugoslavia was defending itself on its territory) because such utilization of chemical weapons would contaminate its territory and the population would endure a long-term threat of contamination.

The argument which has been frequently emphasised was that the existence and action of the NATO represented a guarantee of security in this part of the world due to the existence of such peoples (like the Serbs) who with their destruction had caused instability and insecurity in this part of the world. In reality, the FRY did not pose a threat to European and world security and peace at that time. The FR Yugoslavia has proven this, time and time again. However, all the facts mentioned on our side were not taken into account from a number of Western countries. It is clear NATO had to intervene to implement the policy of globalism within the framework of the "New World Order" strategy.

In the end, it is necessary to say that in addition to war crimes in this region, a crime against humanity has been committed. According to everything above-mentioned, the aggression and the consequences that followed violated in the worst possible way the UN Charter, the general principles of international law, as well as the norms of the international law of armed conflict in general. Following the logic behind this, the violation of the basic principles and the most important legal document of contemporary international law - the UN Charter - has resulted in the violation of a whole series (dozens) of other legal and political acts based on them, such as various other United Nations documents, a number of multilateral and bilateral agreements, and even the most important documents of NATO itself - the Founding Agreement! However, once again this proves there was no legal basis for the threat of force against Yugoslavia in Rambouillet. The same applies to the very act of aggression, especially in the face of grave violations of the international law of armed conflict. The aforementioned actions of the NATO member states were explicitly prohibited by modern international law, and many of the means and methods used by the NATO forces during the aggression were also prohibited. Therefore, the question arises whether one of the goals of aggression was precisely to show the whole world that the pillars of contemporary international law are no longer relevant and that new rules - in particular, the law of force - will apply in the future. What about the consequences of the aggression on the FR Yugoslavia (R. Serbia), which cannot be fully comprehended even after 20 years? What is the future of survival and health of the population in this area today, after these crimes?

The first long-lasting effects are already visible and felt. What will they be in the future?

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