

CIVILIAN DEATHS IN THE NATO AIR CAMPAIGN

SUMMARY	2
Principal Findings	2
International Humanitarian Law and Accountability.....	3
The Objective of This Report.....	4
Compiling and Evaluating the Evidence	4
The Civilian Deaths	5
The Standards Applied.....	6
Conclusions and Recommendations.....	7
THE CRISIS IN KOSOVO	9
Operation Allied Force Attacks	10
Documenting and Assessing the Civilian Toll.....	12
Civilian Deaths as a Result of Attacks	13
Countervailing Claims	14
The Standards Applied.....	16
Case Studies of Civilian Deaths	19
Refugees on the Djakovica-Decane Road, Kosovo.....	22
Displaced Civilians in the Korisa Woods, Kosovo.....	23
Bombing of the Dubrava Penitentiary, Kosovo.....	25
Serb Radio and Television Headquarters	26
Cluster Bombs and Civilian Deaths	27
Appendix A: Incidents Involving Civilian Deaths in Operation Allied Force.....	29
Appendix B: Civilian Victims of NATO Bombing During Operation Allied Force.....	65
Appendix C: Incidents Involving Unsubstantiated Reports of Civilian Deaths	75
Acknowledgments	78

SUMMARY

Principal Findings

Minimizing harm to civilians was central to governmental and public consent for NATO's bombing campaign in the Federal Republic of Yugoslavia—an air war officially justified as humanitarian intervention. The decision to intervene was taken with the awareness that the use of force would be subjected to close scrutiny through the lens of international humanitarian law—and in the court of public opinion.

From the beginning of Operation Allied Force, NATO and allied government and military officials stressed their intent to limit civilian casualties and other harm to the civilian population. The practical fulfilment of this legal obligation and political imperative turned upon a range of decisions relating to targeting, weapons selection, and the means of attack.

Despite precautions, including the use of a higher percentage of precision-guided munitions than in any other major conflict in history, civilian casualties occurred. Human Rights Watch has conducted a thorough investigation of civilian deaths as a result of NATO action. On the basis of this investigation, Human Rights Watch has found that there were ninety separate incidents involving civilian deaths during the seventy-eight day bombing campaign. Some 500 Yugoslav civilians are known to have died in these incidents.

We determined the intended target in sixty-two of the ninety incidents. Military installations account for the greatest number, but nine incidents were a result of attacks on non-military targets that Human Rights Watch believes were illegitimate. (Human Rights Watch is currently preparing a separate report with a full analysis of our legal objections to the choice of certain targets.) These include the headquarters of Serb Radio and Television in Belgrade, the New Belgrade heating plant, and seven bridges that were neither on major transportation routes nor had other military functions.

Thirty-three incidents occurred as a result of attacks on targets in densely populated urban areas (including six in Belgrade). Despite the exclusive use of precision-guided weapons in attacks on the capital, Belgrade experienced as many incidents involving civilian deaths as any other city. In Nis, ~~THE USE OF CLUSTER BOMBS WAS A DECISIVE FACTOR IN CIVILIAN DEATHS IN AT LEAST THREE INCIDENTS.~~ Overall, cluster bomb use by the United States and Britain can be confirmed in seven incidents throughout Yugoslavia (another five are possible but unconfirmed); some ninety to 150 civilians died from the use of these weapons.

Thirty-two of the ninety incidents occurred in Kosovo, the majority on mobile targets or military forces in the field. Attacks in Kosovo overall were more deadly—a third of the incidents account for more than half of the deaths. Seven troubling incidents were as a result of attacks on convoys or transportation links. Because pilots' ability to properly identify these mobile targets was so important to avoid civilian casualties, these civilian deaths raise the question whether the fact that pilots were flying at high altitudes may have contributed to these civilian deaths by precluding proper target identification. But insufficient evidence exists to answer that question conclusively at this point.

Another factor in assessing the higher level of civilian deaths in Kosovo is the possible Yugoslav use of civilians for "human shields." There is some evidence that Yugoslav forces used internally displaced civilians as human shields in the village of Korisa on May 13, and may thus share the blame for the eighty-seven deaths there.

In an important development, sensitivity to civilian casualties led to significant changes in weapons use. Widespread reports of civilian casualties from the use of cluster bombs and international criticism of these weapons as potentially indiscriminate in effect led, according to senior U.S. Department of Defense officials interviewed by Human Rights Watch, to an unprecedented (and unannounced) U.S. executive order in the middle of May to cease their further use in the conflict. The White House issued the order only days after civilians were killed by NATO cluster bombs in the city of Nis on May 7. U.S. cluster bomb use did apparently stop at about that time, according to Human Rights

Watch observations, although British cluster bomb use continued. Human Rights Watch released its own report on May 11 questioning the civilian effects of cluster bombs and calling for a moratorium on their use.

International Humanitarian Law and Accountability

In its investigation Human Rights Watch has found no evidence of war crimes. The investigation did conclude that NATO violated international humanitarian law.¹ Human Rights Watch calls on NATO governments to establish an independent and impartial commission, competent to receive confidential information, that would investigate violations of international humanitarian law and the extent of these violations, and would consider the need to alter targeting and bombing doctrine to ensure compliance with international humanitarian law. Such a commission should issue its findings publicly. Human Rights Watch also calls for NATO to alter its targeting and bombing doctrine in order to bring it into compliance with international humanitarian law.

With respect to NATO violations of international humanitarian law, Human Rights Watch was concerned about a number of cases in which NATO forces:

- ▶ conducted air attacks using cluster bombs near populated areas;
- ▶ attacked targets of questionable military legitimacy, including Serb Radio and Television, heating plants, and bridges;
- ▶ did not take adequate precautions in warning civilians of attacks;
- ▶ took insufficient precautions identifying the presence of civilians when attacking convoys and mobile targets; and
- ▶ caused excessive civilian casualties by not taking sufficient measures to verify that military targets did not have concentrations of civilians (such as at Korisa).

One disturbing aspect of the matter of civilian deaths is how starkly the number of incidents and deaths contrasts with official U.S. and Yugoslav statements. U.S. officials, including Secretary of Defense William Cohen, Deputy Secretary of Defense John Hamre, and Gen. Wesley Clark, have testified before Congress and stated publicly that there were only twenty to thirty incidents of “collateral damage” in the entire war. The number of incidents Human Rights Watch has been able to authenticate is three to four times this number. The seemingly cavalier U.S. statements regarding the civilian toll suggest a resistance to acknowledging the actual civilian effects and an indifference to evaluating their causes.

The confirmed number of deaths is considerably smaller than Yugoslav public estimates. The post-conflict casualty reports of the Yugoslav government vary but coincide in estimating a death toll of at least some 1,200 and as many as 5,000 civilians. At the lower end, this is more than twice the civilian death toll of around 500 that Human Rights Watch has been able to verify. In one major incident—Dubrava prison in Kosovo—the Yugoslav government attributed ninety-five civilian deaths to NATO bombing. Human Rights Watch research in Kosovo determined that an estimated nineteen prisoners were killed by NATO bombs on May 21 (three prisoners and a guard were killed in an earlier attack on May 19), but at least seventy-six prisoners were summarily executed by prison guards and security forces subsequent to the NATO attack. The countervailing claims about the civilian death toll underscore the need for full accountability by NATO for its military operations.

The Objective of This Report

This report has the limited goal of assessing the number of civilian deaths from NATO attacks, as a step toward assessing NATO forces’ compliance with their obligation to make protection of civilians an integral part of any use of

¹ Rules of international humanitarian law arise from international agreements such as the Geneva Conventions, or develop as international customary law. States have an obligation to ensure compliance with all provisions of international humanitarian law, and to suppress all violations. War crimes constitute some of the most serious violations of international humanitarian law, known as grave breaches. These violations give rise to the specific obligation to search for and punish those responsible, regardless of the nationality of the perpetrator or the place where the crime was committed. Examples of war crimes are wilful killing, torture or inhuman treatment of noncombatants, wilfully causing great suffering or serious injury to body or health of noncombatants, or Human Rights Watch deliberate attack in the knowledge that the attack will cause excessive loss of civilian life. 1 (D) February 2000, Vol. 12, No. 1

military force. The benchmarks to be used for judging NATO's attacks are those of international humanitarian law, also known as the laws of war.

In concentrating on civilian deaths, this report addresses only peripherally the damage to civilian property and infrastructure upon which civilian welfare depends, an issue to be addressed in a later report. Nor does this report address other broad issues which are important for an assessment of the war. These include the obligations of the international community to act effectively to prevent crimes against humanity and war crimes; the legality under international law of NATO's launching the operation; the constraints arising from issues of sovereignty; and the modalities of international consensus and decision-making. The report also does not address the war crimes and crimes against humanity committed by Serbian and Yugoslav forces against ethnic Albanians. These gross violations of international humanitarian law, as well as abuses committed by the Kosovo Liberation Army (KLA), have been documented in numerous Human Rights Watch reports in 1998 and 1999, and continue to be the focus of investigations.

Compiling and Evaluating the Evidence

A fundamental challenge in the analysis of the war over Kosovo is to distinguish the facts of civilian deaths from the propaganda. In order to investigate civilian deaths resulting from NATO bombing, a Human Rights Watch team conducted a twenty-day bomb damage assessment mission in Serbia (including Vojvodina) and Montenegro in August 1999. The team visited ninety-one cities, towns, and villages, and inspected forty-two of the ninety sites of incidents in which civilian deaths occurred. Human Rights Watch researchers also conducted ongoing investigations inside Kosovo beginning June 12, the day NATO entered the province. While most of this research was on war crimes committed by Serbian and Yugoslav forces against ethnic Albanians, several cases relevant to this report were investigated, including the case of Dubrava prison, and incidents involving refugee convoys. Many of the remaining sites in Kosovo at which NATO attacks resulted in civilian deaths have been visited by independent observers whose findings are on the public record.

The Human Rights Watch team in Serbia and Montenegro met with officials from a dozen ministries in Belgrade, and in other locations met with regional, municipality, factory, and utility representatives. Taking eyewitness testimony and inspecting bomb damage, they were able to verify individual events and assess the veracity of wartime and post-war reporting. Human Rights Watch also met with or requested information from a range of officials of NATO countries, in particular the United States, although little new official information on the bombing incidents apart from official press statements has so far been released.

During the war, the research team compiled a master chronological database from military sources and from Yugoslav media and Internet reports, collating these with press and governmental reporting from the NATO countries. Research also drew upon a variety of bomb damage assessments undertaken by Yugoslav government agencies which, in some cases, have produced meticulous documentation on incidents. In order to assess sometimes contradictory renditions, we reviewed these data sets against other information from Yugoslav sources, while comparing this with information from NATO states, in particular the United States and the United Kingdom.

In the end, Human Rights Watch confirmed ninety incidents involving civilian deaths (see Appendix A). The field mission visited forty-two of the ninety confirmed incident locations and collected primary source information on thirty other incidents. Sufficient corroborating information existed on twenty-two others to recognize their credibility (including five about which NATO has officially confirmed that it attacked nearby targets at the same time). Eight incidents were eliminated altogether because they could not be verified or because the reported civilian deaths were actually deemed to be paramilitary troops or army soldiers (see Appendix C).

NATO has offered explanations for what went wrong or merely confirmed attacks in eighteen incidents. After May 7, when NATO began to publicly release a daily list of fixed targets, it confirmed attacking nearby targets in thirty-one of forty-three incidents that occurred between May 7 and the end of the war. NATO is on record as disputing three of the ninety confirmed incidents; Human Rights Watch was able to verify the authenticity of two of these (the other was

in Kosovo) through on-the-ground inspections. Still, with the exception of the highly publicized incidents in which NATO has been forced to offer explanations of what happened (for example, the attacks on the Chinese Embassy, the Djakovica-Decane convoys, and the Grdelica gorge), no information has been released on individual targeting missions, strike aircraft, or pilots.

The Civilian Deaths

This report documents civilian deaths in Operation Allied Force. Some 500 Yugoslav civilians were killed in ninety separate incidents over seventy-eight days of bombing, although it must be acknowledged that this evidence may be incomplete. In sixty-nine of ninety incidents, the precise number of victims and the names of the victims are known (see Appendix B). In another seven incidents, the number of victims is known and some of the names have been confirmed. In eleven incidents, the number of victims is known but the names are unknown. In three incidents, the names and precise numbers of victims are unknown.

Human Rights Watch concludes on the basis of evidence available on these ninety incidents that as few as 488 and as many as 527 Yugoslav civilians were killed as a result of NATO bombing. Between 62 and 66 percent of the total registered civilian deaths occurred in just twelve incidents. These twelve incidents accounted for 303 to 352 civilian deaths. These were the only incidents among the ninety documented in which ten or more civilian deaths were confirmed.

Available data on each incident are presented in Appendices A and B. They include descriptions of the physical destruction observed at the forty-two sites visited by Human Rights Watch, accounts by witnesses interviewed at each site and elsewhere in regard to particular incidents, documentation on individual incidents, and other available information compiled from public and private Yugoslav and NATO sources. In each incident report the emphasis is upon the evidence of civilian deaths, although any available evidence concerning the apparent target, the means of the attack, and the resulting physical damage is also presented.

Information drawn from the ninety incident reports allows a general picture to be drawn of the civilian deaths by the time, place, and circumstances in which they occurred. The deaths resulted from attacks on a range of targets, under different circumstances, and using a variety of munitions. Fifty-five of the incidents occurred in Serbia (including five in Vojvodina), three in Montenegro, and thirty-two in Kosovo. But between 278 and 317 of the dead—between 56 and 60 percent of the total number of deaths—were in Kosovo. In Serbia, 201 civilians were killed (five in Vojvodina) and eight died in Montenegro. A third of the incidents—a total of thirty-three—occurred as a result of attacks on targets in densely populated urban areas.

Human Rights Watch was able to determine the intended target in sixty-two of the ninety incidents (68 percent). Of these, the greater number of incidents were caused as a result of attacks on military barracks, headquarters, and depots; thirteen were a result of attacks on bridges (and one tunnel); six resulted from attacks on telecommunications and air defense facilities; five each resulted from attacks on industrial facilities, oil installations, and airfields; and seven were as a result of attacks on convoys or on what were perceived to be military forces in the field. These latter incidents were the most deadly, though two of the ten worst incidents occurred as a result of attacks on bridges.

Almost half of the incidents (forty-three) resulted from attacks during daylight hours, when civilians could have been expected to be on the roads and bridges or in public buildings which may have been targeted. Overall, forty incidents occurred in April, forty-five occurred in May, four in June, and one in March. May 29 saw the most incidents (with five), followed by four on April 14, May 30, and May 31. The pace of the air war peaked at the end of May.

Human Rights Watch was able to determine the weapons involved in the cause of the civilian deaths in only twenty-eight of the ninety incidents. Of these, twenty-one are incidents about which it can be confirmed that precision-guided munitions (PGMs) were used (though there could be others). This includes all of the attacks on bridges or targets in and around the Belgrade area. Cluster bomb use can be positively determined in seven incidents (another five are possible but unconfirmed). In almost all of the other instances, it is impossible to establish the weapon used.

Other than a factual statistical analysis of attacks, insufficient evidence exists to determine the cause of civilian deaths. U.S. Deputy Defense Secretary John Hamre has provided the only analysis regarding the “30 instances of unintended damage” that the Pentagon seems to acknowledge. Of those, he says one third occurred when the target was hit but innocent civilians were killed at the same time. Of the remaining twenty, three were said to be caused by human error when the pilot identified the wrong target, and two were caused by technical malfunction. In the other fourteen instances, the Pentagon has not yet announced whether human error or mechanical failure was responsible.

The Standards Applied

The conduct of warfare is restricted by international humanitarian law—the laws of war. International humanitarian law applies expressly and uniquely to armed conflict situations, with distinct provisions to regulate international and non-international (internal) armed conflicts. In evaluating NATO’s use of military force in the Federal Republic of Yugoslavia, the laws of war provide the most relevant standards. With the initiation of the NATO bombing on March 24, 1999, the conflict in Kosovo and all of the Federal Republic of Yugoslavia became an international armed conflict to which the full body of international humanitarian law applied.

Protocol I additional to the Geneva Conventions of 1949 provides the basis for the evaluation here of NATO’s bombing. This Protocol has been ratified by most NATO members, and the U.S. government has declared that it accepts all of the relevant standards. The basic principle of Protocol I, and of the laws of war generally, is that the civilian population and individual civilians shall enjoy general protection against dangers arising from military operations. This turns in large part on the requirement that attackers must distinguish between civilians and combatants and between military objectives and civilian objects. They must take all feasible precautions to avoid or minimize harm to civilians, and to this end may not attack civilians exclusively, or combatants and civilians indiscriminately.

Damage to civilian objects and civilian casualties that are incidental to lawful attacks on military objectives are known in military terminology as “collateral damage.” The legality of an attack turns upon various factors. Firstly, the attackers must do everything feasible to verify that they are aiming at something specific—they cannot lash out blindly. Secondly, the attackers must establish that the objective to be attacked is a legitimate military objective. And thirdly, the attackers must establish whether an attack would endanger civilians and civilian objects, and must weigh this risk against the military advantage to be gained. Attacks which may be expected to cause incidental loss of life or injuries to civilians, or to cause damage to civilian objectives *are indiscriminate* if this harm to civilians is “excessive in relation to the concrete and direct military advantage anticipated” (Protocol I, article 57 (2)). The International Committee of the Red Cross (ICRC), the principal authority on the interpretation of international humanitarian law, has cautioned that the argument of proportionality can never justify very high civilian casualties and damage whatever the military advantage envisioned.

In researching each of the incidents involving civilian deaths we have sought to gather the facts that can enable analysts to assess the legitimacy of the real or perceived military objectives targeted; the care taken and procedures and criteria employed to confirm the military nature of the targets; the proportionality of the civilian deaths and the means employed in the attack to the express military objectives, where these were known; the correlation of civilian deaths to the location and nature of the targets selected; the timing of target selection as a factor in its appropriateness and the minimization of civilian harm; the methods and conditions under which distinct weapons systems were employed; and the potentially indiscriminate nature of some weapons systems in general and under certain conditions.

In assessing specific attacks, with a view to general observations on the conduct of the air war, the primary issue is whether due care was taken for the protection of civilians. Was the prospect of civilian deaths sufficiently taken into account in the targeting, the weaponry employed, and the means and conditions under which weapons were employed? This involves a review of the selection of targets, and the procedures through which these are determined, matters beyond the scope of the present report. So too is the larger question of whether the military objectives identified and targeted by NATO forces were wholly within what is permissible under humanitarian law. A separate report is being prepared by Human Rights Watch that will provide a full legal analysis of this aspect of the conduct of Operation Allied

Force, as well as documentation concerning another 150 incidents in which civilians were injured in NATO attacks and scores of incidents in which there was damage to civilian property. The present report addresses the air war only through its cost in civilian lives, as an indicator to be taken into account in assessing the larger picture of compliance with international humanitarian law.

Conclusions and Recommendations

Yugoslav civilian deaths in Operation Allied Force occurred under all circumstances, day and night, during good and bad weather, from the use of “smart” and “dumb” bombs, in attacks on almost every type of target. The number of incidents increased (and peaked) in the last three days of May. During this period, the intensity of the attacks also peaked. This was also a time when the percentage of precision-guided munitions being used by NATO aircraft was declining (due to inventory shortages and cost considerations). Most of the increased bombing effort, particularly in the large number of dumb bombs being dropped by B-1 and B-52 heavy bombers, was taking place in western and southern Kosovo. Attacks at a greater intensity in this area, which was largely depopulated, did not result in any increase in civilian deaths.

Throughout the air war, then, the incidents of civilian deaths per number of strikes seem to have remained fairly constant. Human Rights Watch therefore concludes that civilian deaths in Operation Allied Force were not necessarily related to the pace or intensity of the war, but occurred as a result of decisions regarding target and weapons selection, or were caused by technical malfunction or human error. This suggests that affirmative measures—restrictions on certain daylight attacks, prohibitions on the use of cluster bombs in populated areas, greater care in attacking mobile targets, better target selection—could indeed have been taken to further reduce the level of civilian harm during these military operations.

Five of the ten worst incidents involving civilian deaths (see Table 1 following Appendix C) were attacks on presumed Yugoslav military convoys or transportation routes, four in Kosovo. NATO Gen. Wesley Clark stated after the war that NATO often observed military vehicles moving on roads in Kosovo “intermixed with civilian convoys,” particularly during bad weather. This does not exempt NATO from the obligation to take fundamental precautions to focus their effort on military objectives. In fact, after the first two incidents, on April 12 and 14, the civilian deaths led to changes in rules of engagement. While pilots had previously been required to visually identify the military nature of traffic before attacking, after the initial incidents new guidance directed that if military vehicles were intermingled with civilian vehicles, they were not to be attacked.

Similarly, after a mid-day attack on the bridge in the town of Varvarin on May 30 which resulted in civilian deaths (incident no. 81), NATO again provided excuses for the incident but then changed the rules of engagement for attacks on bridges. NATO Spokesman Jamie Shea publicly stated that the alliance had bombed a “legitimate designated military target” and stated that “we take the same precautions at midday as we do at midnight.” Yet after the incident at Varvarin, according to Lt. Gen. Michael Short, the air war commander, pilots were directed not to attack bridges during daylight hours, on weekends, on market days, or on holidays. There is no evidence that the daylight timing of the attack at Varvarin (or on many other fixed targets) was critical to the destruction of the target—the attack was not directed specifically against military traffic. Around-the-clock bombing in these and other cases rather seems to have been part of a psychological warfare strategy of harassment undertaken without regard to the greater risk to the civilian population.

With respect to target selection itself, one of the worst incidents of civilian deaths, and certainly the worst in Belgrade, was the bombing of state Serb Radio and Television headquarters in Belgrade on April 23 (incident no. 30). There was considerable disagreement between the United States and French governments regarding the legality and legitimacy of the target, and there was a lively public debate regarding selection of Yugoslav civilian radio and television as a target group. There is no evidence that the radio and television headquarters meet the legal test of military necessity in target selection, as it made no direct contribution to the military effort in Kosovo. In this case, the purpose of the attack again seems to have been more psychological harassment of the civilian population than to obtain

direct military effect. The risks involved to the civilian population in undertaking this urban attack grossly outweigh any perceived military benefit.

Another issue of intense public interest in the war is NATO's use of cluster bombs. There are seven confirmed and five likely incidents involving civilian deaths from cluster bomb use by the United States and Britain. Altogether, some ninety to 150 civilians died from cluster bomb use. The first confirmed incident was on April 10 (incident no. 14) and the last was on May 13 (incident no. 57). After the technical malfunction of a cluster bomb used in an attack on the urban Nis airfield on May 7 (incident no. 48), the White House quietly issued a directive to restrict cluster bomb use (at least by U.S. forces). Cluster bombs should not have been used in attacks in populated areas, let alone urban targets, given the risks. The use prohibition clearly had an impact on the subsequent civilian effects of the war, particularly as bombing with unguided weapons (which would otherwise include cluster bombs) significantly intensified after this period. Nevertheless, the British air force continued to drop cluster bombs (official chronologies show use at least on May 17, May 31, June 3, and June 4), indicating the need for universal, not national, norms regarding cluster bomb use.

What is striking about the Yugoslav conflict, given the level of intense media coverage and public interest it has received in the United States and abroad, is that there is almost a complete lack of any public accountability by any of the national NATO members for missions undertaken in the NATO alliance's name. Little information has been released on nations or aircraft involved in bombing missions, on specific targets, and there is sparse information on weapons used in individual circumstances.

Human Rights Watch calls on NATO and its individual member states to:

- ▶ establish an independent and impartial commission, competent to receive confidential information, that would investigate violations of international humanitarian law and the extent of these violations, and would consider the need to alter targeting and bombing doctrine to ensure compliance with international humanitarian law;
- ▶ alter NATO's targeting and bombing doctrine to reflect the rules of engagement adopted during Operation Allied Force to increase civilian protection, as an important step toward bringing the doctrine fully into compliance with international humanitarian law;
- ▶ conduct an impartial and independent investigation of the nine incidents which were the result of attacks on inappropriate targets that Human Rights Watch believes were illegitimate. (Human Rights Watch will identify other examples of inappropriate targets in a separate report currently in preparation);
- ▶ carry out a full review of the compliance with international humanitarian law of the psychological warfare strategy of harassment of the civilian population evident in many of the attacks;
- ▶ acknowledge and evaluate all instances of civilian deaths and "collateral" damage—and not just some twenty or thirty select incidents—if there is to be a publicly relevant post-war analysis;
- ▶ declassify all NATO and national operations reports that could establish the precise nature of munitions employed in each attack to enable a comprehensive evaluation of the humanitarian dimension of the use of cluster bombs or other weapons, and suspend the use of cluster bombs until such evaluation has occurred;
- ▶ release comprehensive information on their operations—including chronologies of attacks, target lists, numbers and types of weapons expended, as well as any analysis or evaluations of the causes of incidents of civilian deaths or damage—that would enable independent observers to carry out a proper analysis of these operations under international humanitarian law; and
- ▶ examine targeting emphasis and weapons selection during the war and take whatever corrective measures are needed in the future to further minimize the civilian effects of the use of military force.

THE CRISIS IN KOSOVO

Operation Allied Force began on March 24, 1999 after more than a year of effort by the international community led by NATO to find a negotiated solution in Kosovo. In June 1998, NATO Defense Ministers decided to charge NATO planners with the responsibility to produce a range of options, both ground and air, for military action should the diplomatic process fail to yield the desired results. By the fall, an estimated 250,000 Kosovo Albanians had been driven from their homes and some 50,000 were threatened by approaching winter weather.² The United Nations Security Council adopted resolution 1199 (UNSCR 1199) on September 23, highlighting the impending human catastrophe and demanding a cease-fire and the start of real political dialogue. A Contact Group meeting in London on October 8 gave U.S. envoy Richard Holbrooke a mandate to secure agreement to the requirements of UNSCR 1199 in a mission to Belgrade. Activation orders for air strikes were agreed on October 13; that same day Holbrooke reported to NATO that Slobodan Milosevic, the president of the Federal Republic of Yugoslavia (FRY), had agreed to the deployment of an unarmed Organization for Security and Cooperation in Europe (OSCE) verification mission to Kosovo and to the establishment of a NATO aerial verification mission. Yugoslavia also agreed to reduce the numbers of security forces personnel in Kosovo to pre-crisis levels.

Despite initial stabilization, violence continued. Following a massacre in the village of Racak on January 15, 1999, NATO increased its state of readiness, issuing a "solemn warning" to Milosevic and the Kosovo Albanian leadership on January 28.³ This was followed by a second statement on January 30 that reaffirmed NATO's original demands, and delegated to Secretary General Javier Solana authority to commence air strikes against targets on FRY territory.

² Documentation of abuses against ethnic Albanians in 1998 and 1999 can be seen in two Human Rights Watch reports: "Humanitarian Law Violations in Kosovo," October 1998, and "A Week of Terror in Drenica," February 1999.
³ Human Rights Watch, "Report on the Massacre in Racak," January 1999, Vol. 12, No. 1 (D)

Parties to talks at Rambouillet in France, in February 1999, attempted to build agreement to protect the rights of all sides. After the first round of talks was suspended on February 23, a second round was convened on March 15. This second round was suspended on March 19 in the light of what NATO intelligence and OSCE observers saw as intensifying violence on the ground instigated by FRY security forces, and a build-up of FRY/Serbian forces in and around Kosovo. OSCE verifiers were withdrawn during the night of March 19-20, and Holbrooke flew to Belgrade on March 22 in a last-ditch effort to persuade Milosevic to back down and avoid a military confrontation. On March 23, following final consultations with allies, Javier Solana directed NATO's Supreme Allied Commander Europe (SACEUR), Gen. Wesley Clark, to initiate a "phased" air operation.⁴

Operation Allied Force Attacks

Operation Allied Force was initiated at 7 p.m. GMT (8 p.m. local time in Yugoslavia). Of thirteen (out of nineteen) NATO nations that made aircraft available for the operation (Belgium, Canada, Denmark, France, Germany, Italy, the Netherlands, Norway, Portugal, Spain, Turkey, the United Kingdom, and the United States), eight put their planes in action on the first night. Aircraft from the United States, the United Kingdom, France, Canada, and Spain conducted bombing, carrying out a succession of attack waves with almost exclusively precision-guided munitions (PGMs) against fixed and pre-selected targets. Long-range cruise missiles were fired by the United States and Britain. Though targets were hit throughout Yugoslavia across a mix of target types (for example, airfields, command and control sites, barracks, and headquarters, particularly of the special police), the initial focus was almost exclusively an effort to neutralize the Yugoslav air defense system. In the first day, NATO hit fifty-three targets, largely air defenses and radar sites.⁵

The mission of Operation Allied Force, in General Clark's words, "was to halt or disrupt a systematic campaign of ethnic cleansing."⁶ Attacks would be along two lines, a "strategic attack line operating against Serb air defenses, command and control, VJ [Yugoslav Army] and MUP [Ministry of Interior] forces, their sustaining infrastructure, supply routes, and resources," and "a tactical line of operation against the Serb forces deployed in Kosovo and in southern Serbia."⁷ The initial attacks against air defenses and command and control elements were intended to "set the conditions for moving on up [the hierarchy of targets] to [include] the forces in the field."⁸

⁴ U.S. Department of Defense, Joint Chiefs of Staff (DOD/JCS), Joint Statement on the Kosovo After Action Review, October 14, 1999. Operation Allied Force was originally planned to be prosecuted in five phases: Phase 0 was the deployment of air assets into the European theater. Phase 1 would establish air superiority over Kosovo and degrade command and control over the whole of the FRY. Phase 2 would attack military targets in Kosovo and those FRY forces south of 44 degrees north latitude (in other words, targets beyond Kosovo but not yet including Belgrade), which were providing reinforcement to Serbian forces into Kosovo. This was to allow targeting of forces not only in Kosovo, but also in the FRY south of Belgrade. Phase 3 would expand air operations against a wide range of military and security force targets throughout the FRY. Phase 4 would redeploy forces as required. U.S. Department of Defense communications with Human Rights Watch, October and November 1999.

⁵ Dana Priest, "Tensions Grew with Divide over Strategy," *Washington Post*, September 21, 1999, p. A1.

⁶ Gen. Wesley Clark, Remarks to the American Enterprise Institute regarding military action in Yugoslavia, August 31, 1999. See also Testimony before the U.S. Senate Armed Services Committee Hearing on Lessons Learned from Military Operations and Relief Efforts in Kosovo, October 21, 1999. NATO's objectives for the conflict in Kosovo were set out in the Statement issued at the Extraordinary Meeting of the North Atlantic Council held at NATO on April 12, 1999 and were reaffirmed by Heads of State and Government in Washington on April 23, 1999. They included:

- A verifiable stop to all military action and the immediate ending of violence and repression;
- The withdrawal from Kosovo of the military, police, and paramilitary forces;
- The stationing in Kosovo of an international military presence;
- The unconditional and safe return of all refugees and displaced persons and unhindered access to them by humanitarian aid organizations; and
- The establishment of a political framework agreement for Kosovo on the basis of the Rambouillet Accords, in conformity with international law and the Charter of the United Nations.

⁷ Special Department of Defense Press Briefing with General Wesley Clark, Supreme Allied Commander, Europe, Topic: Kosovo Strike Assessment Also Participating: Airmen and Analysts from Operation Allied Force and Post-strike Assessment Work, Brussels, Belgium, September 16, 1999.

⁸ Human Rights Watch, Henry Shelton, to the U.S. House Armed Services Committee, February 2000, Vol. 12, No. 1 (D)

Following the attacks on air defenses and command and control centers, NATO chose targets to isolate Yugoslav forces and constrain their movement. According to Chairman of the Joint Chiefs of Staff Gen. Henry Shelton, this included their “ability to move both horizontally [and] laterally on the battlefield, the road and bridge network, which was key to that, and also...sustainment, particularly the POL [petroleum, oil, and lubricants], to start causing shortages, since this was a predominantly mechanized armored force.”⁹

Although there were expectations on the part of some, including evidently many political leaders in NATO governments, that Allied Force would be a short campaign, the U.S. Department of Defense stated that it “made clear to our allied counterparts that Operation Allied Force could well take weeks or months to succeed.”¹⁰ Regardless of this post-war claim, NATO operations began with just a limited number of cruise missile and air strikes. The carefully planned “phases” were quickly melded together and expanded to accommodate political and public sensitivities, as well as to escalate the intensity of operations to make progress towards forcing Yugoslav submission. According to U.S. Secretary of Defense William Cohen, “soon after the conflict began, entire classes of targets were delegated for approval by NATO's military commanders. And only certain sets of targets, such as those in downtown Belgrade, in Montenegro and those with a high likelihood of civilian casualties, were reviewed by the allied capitals and by higher political authorities.”¹¹

At the NATO summit in Washington on April 23, 1999, one month into the air war, alliance leaders decided to intensify the air campaign by expanding the target set to include military-industrial infrastructure, news media, and other targets considered to be of a strategic nature.¹² More aircraft and weapons were deployed in the theater of operations, and there was an intensification not only in the rate at which targets were hit, but also a shift from an initial eight-hour day to a twenty-four-hours a day campaign.¹³

With an increasing force and greater intensity of attacks, there were also increasing attacks on Yugoslav forces in and around Kosovo. However, by and large, the focus into the second month of bombing continued to be attacks on objects that would cut the supply lines and support infrastructure of the military forces. Not only was poor weather a prohibitive factor in mounting attacks on mobile forces, but NATO had to “learn” the Kosovo geography and the organization of Yugoslav forces. It was many weeks before it was able to track forces on the ground, identify key elements, predict their movements and activities, and attack them in urban settings. Nevertheless, NATO's air attacks, both against “strategic targets” and in the south, slowly had an accumulating impact on Yugoslav military operations. Air activity forced Yugoslav forces to remain largely hidden from view, traveling only under limited circumstances.¹⁴ Over time, attrition of heavy equipment accelerated, peaking at about the last week in May.

⁹ Hearing of the U.S. Senate Armed Services Committee, Lessons Learned from Military Operations and Relief Efforts in Kosovo, October 14, 1999.

¹⁰ DOD/JCS, Joint Statement on the Kosovo After Action Review, October 14, 1999.

¹¹ Hearing of the U.S. Senate Armed Services Committee, Lessons Learned from Military Operations and Relief Efforts in Kosovo, October 14, 1999.

¹² DOD/JCS, Joint Statement on the Kosovo After Action Review, October 14, 1999.

¹³ U.S. Secretary of Defense William S. Cohen, Remarks as Delivered to the International Institute for Strategic Studies, Hotel del Coronado, San Diego, California, Thursday, September 9, 1999.

¹⁴ DOD/JCS, Joint Statement on the Kosovo After Action Review, October 14, 1999. February 2000, Vol. 12, No. 1 (D)

In the first month of Operation Allied Force, NATO reported that it averaged around 350 sorties per day, with nearly 130 attack sorties. By the fourth week, it was flying nearly two-and-a-half times the number of attack sorties per day than it flew during the first three weeks.¹⁵ NATO reported in early July that it had flown a total of 37,465 sorties, of which 14,006 were strike and suppression of air defense (SEAD) sorties and 10,808 were strike-attack sorties.¹⁶ By the end of the conflict, NATO had attacked over 900 targets.¹⁷

As more NATO forces were introduced and the attacks continued, the percentage of PGMs being used also declined. In the early days of Allied Force, “smart” weapons constituted more than 90 percent of the ordnance employed. By mid-May, this had declined to only 10 or 20 percent of the total, with guided weapons constituting about 35 percent of the 26,000 weapons employed throughout the course of the war.¹⁸

From the very beginning of Operation Allied Force, minimizing civilian casualties was a major declared NATO concern. According to NATO, consideration of civilian casualties was fully incorporated into the planning and targeting process. All targets were “looked at in terms of their military significance in relation to the collateral damage or the unintended consequences that might be there,” General Shelton said on April 14. “Then every precaution is made...so that collateral damage is avoided.”¹⁹ According to Lt. Gen. Michael Short, “collateral damage drove us to an extraordinary degree. General Clark committed hours of his day dealing with the allies on issues of collateral damage.”²⁰

Though a couple of dozen incidents would dog NATO throughout the war in its press and propaganda battles with the Yugoslav government, from another perspective, the limitation of “collateral damage” was a political imperative to successful conclusion of an alliance war. In the words of Lt. Gen. Marvin R. Esmond, the senior Air Force operations officer, “NATO’s success with precision engagement and minimal collateral damage was a key factor in holding the Alliance firmly together during the bombing.”²¹

Documenting and Assessing the Civilian Toll

Because of keen public interest in the civilian toll from Operation Allied Force, Human Rights Watch assumed a major undertaking to document and evaluate the impact and effects of the NATO military operation. Human Rights Watch military consultant William M. Arkin and researcher Bogdan Ivanisevic conducted extensive research into the operation. During the war, they compiled a master chronological database from military sources, Yugoslav media and Internet reports, collating these with press and governmental reporting from the NATO countries. Tanjug (official Yugoslav news agency) and Yugoslav television and radio dispatches were monitored on the Internet and via the Foreign Broadcast Information Service (FBIS) and BBC Summary of World Broadcasts. The researchers corresponded with Yugoslav civil defense, military, and information ministry officials via E-mail, and scoured Yugoslav websites, particularly those maintained by official agencies. They also comprehensively monitored the Yugoslav press from March-June 1999, including: *BLIC* (Belgrade independent daily), *Politika* (Belgrade pro-government daily), *Politika Ekspres* (Belgrade pro-government), *Vecernje Novosti* (Belgrade pro-government daily), *Glas Javnosti* (Belgrade

¹⁵ Anthony H. Cordesman, “The Lessons and Non-Lessons of the Air and Missile Campaign in Kosovo,” CSIS, revised September 29, 1999, p. 17.

¹⁶ *Jane’s Defense Weekly*, July 7, 1999, p. 21.

¹⁷ Statement of the Honorable John J. Hamre, U.S. Deputy Secretary of Defense, before the U.S. House Permanent Select Committee on Intelligence, July 22, 1999.

¹⁸ Gen. Wesley Clark, Remarks to the American Enterprise Institute regarding military action in Yugoslavia, August 31, 1999.

¹⁹ Testimony of Gen. Henry Shelton, to the U.S. House Armed Services Committee, April 14, 1999.

²⁰ Testimony of Lt. Gen. Michael Short before the U.S. Senate Armed Services Committee Hearing on Lessons Learned from Military Operations and Relief Efforts in Kosovo, October 21, 1999.

²¹ Statement of Lt. Gen. Marvin R. Esmond, U.S. Deputy Chief of Staff, Air and Space Operations, United States Air Force, October 19, 1999.

independent), *Dan* (Montenegrin pro-Belgrade/SPS daily), *Pobjeda* (Montenegrin pro-Podgorica government daily), and *Vijesti* (Montenegrin independent daily).²²

Between August 2 and August 20, 1999, Arkin and Ivanisevic conducted a bomb damage assessment mission in Serbia and Montenegro. Human Rights Watch Executive Director Kenneth Roth accompanied the team on August 2-5. In twenty days, the team drove approximately 5,000 kilometers, visited ninety-one cities, towns, and villages, and inspected well over 250 sites (targets, reported targets, areas of civilian damage, stray craters, etc.). They met with officials from a dozen ministries in Belgrade, and in other locations met with regional, municipality, factory, and utility representatives. Taking eyewitness testimony and inspecting bomb damage, they were able to verify individual events and assess the veracity of wartime and post-war reporting.

²² These are collectively referred to as "Yugoslav press reports" in footnotes throughout this report and Appendices. When Human Rights Watch articles are referenced, they are listed individually. February 2000, Vol. 12, No. 1 (D)

Human Rights Watch confirmed ninety incidents in which civilians died as a result of NATO bombing (see Appendix A). The field mission visited forty-two of the ninety confirmed incident locations and collected primary source information on thirty other incidents. Sufficient corroborating information existed on twenty-two others to recognize their credibility (including five in which NATO has officially confirmed that it attacked nearby targets at the same time). Eight additional reported and claimed incidents have been eliminated altogether, three because they could not be verified or there was little corroborative reporting,²³ and five because the reported deaths are actually presumed to be paramilitary policemen or soldiers (see Appendix C).²⁴

Human Rights Watch has also assessed the veracity of information compiled by the Yugoslav government, including autopsy reports, death certificates, and photographic evidence of bomb damage and casualties. The government's two-volume *White Book, NATO Crimes in Yugoslavia*, provides information on seventy-five of ninety incidents. Other releases by the Ministry of Foreign Affairs and the Ministry of Health document, in a less comprehensive manner, other aspects of the civilian effects of the bombing. Human Rights Watch also met with representatives of the governmental Committee for Compiling Data on Crimes Against Humanity and International Law, which is compiling dossiers on each instance of civilian casualties, as well as the government Reconstruction Commission, which is responsible for repair of the public infrastructure.

The findings of Human Rights Watch's field operation facilitated a critical review of governmental and private reports from both sides of the conflict. Systematic on-site inspections facilitated the cross-checking of information compiled from press and Internet reports, as well as providing the basis for evaluating the detailed reporting on casualties by the Yugoslav government and private agencies. Our inspection of bomb damage and interviews with witnesses, survivors, and others enabled us to assess the accuracy of detailed reporting on deaths and bomb damage produced on the same incidents, for example, by the Yugoslav and other government sources. On the basis of spot-checking in the course of our own field research and correlation with other sources, some of these documentation sets, notably the *White Book* and the Ministry of Health photographic record, have been found to be largely credible.²⁵

Civilian Deaths as a Result of Attacks

²³ These are Turkovac near Leskovac (April 11), Kastrat east of Kursumlija (April 26), and Smederevo (May 21).

²⁴ These are Kursumlija and Prizren (March 25), Nis and Pristina "refugee" camps (March 29), and Stavaljska breza village near Sjenica (April 6). Like army soldiers, paramilitary troops are considered combatants in the context of the Yugoslav war, and as such are excluded from this assessment of civilian (i.e., noncombatant) deaths.

²⁵ One major exception to the largely credible nature of the government's *White Book* is the case of Dubrava prison, discussed in this report. It should also be noted that the general accuracy of the documentation contained in the *White Book* and the Ministry of Health's photographic record concerning civilian casualties and damage to civilian objects contrasts sharply with the sweeping Human Rights Watch Yugoslav government of 1,200 to 5,000 civilian deaths during the February 2000, Vol. 12, No. 1 (D)

Human Rights Watch concludes that as few as 489 and as many as 528 Yugoslav civilians were killed in the ninety separate incidents in Operation Allied Force. In sixty-nine of the ninety incidents, the precise number and the names of the victims are known (see Appendix B). In another nine incidents, the number of victims is known and some of the names have been confirmed. In nine incidents, the number of victims is known but the names are unknown. In three incidents, the names and precise numbers of victims are unknown.²⁶

Between 62 and 66 percent of the total registered civilian deaths occurred in just twelve incidents (see Table 1). These twelve incidents accounted for from 303 to 352 civilian deaths, based on the best available information. These were the only incidents among the ninety documented in which ten or more civilian deaths were confirmed.

Information drawn from the ninety incident reports allows a general picture to be drawn of the civilian deaths by the time, place, and circumstances in which they occurred. The deaths resulted from attacks on a range of targets, under different circumstances, and from a variety of munitions. Fifty-five of the incidents occurred in Serbia (including five in Vojvodina), three in Montenegro, and thirty-two in Kosovo. But between 279 and 318 of the dead—between 56 and 60 percent of the total number of deaths—were in Kosovo. In Serbia, 201 civilians were killed (five in Vojvodina) and eight died in Montenegro. A third of the incidents—thirty-three—occurred as a result of attacks on targets in densely populated urban areas.

Human Rights Watch was able to determine the intended target in sixty-two of the ninety incidents (68 percent). Of these, the greater number of incidents was caused as a result of attacks on military barracks, headquarters, and depots; thirteen were a result of attacks on bridges (and one tunnel); six resulted from attacks on telecommunications and air defense facilities; five each resulted from attacks on industrial facilities, oil installations, and airfields; and seven were as a result of attacks on convoys or on what were perceived to be military forces in the field. These latter incidents were the most deadly, while two of the ten worst incidents occurred as a result of attacks on bridges.

Almost half of the incidents (forty-three) resulted from attacks during daylight hours, when civilians could have been expected to be on the roads and bridges or in public buildings which may have been targeted. Overall, forty incidents occurred in April, forty-five occurred in May, four in June, and one in March. May 29 saw the most incidents (five), followed by April 14, May 30, and May 31 (four each).

Human Rights Watch was able to determine the weapon involved in the cause of the civilian deaths in only twenty-eight of the ninety incidents. Of these, twenty-one are incidents in which it can be confirmed that precision-guided munitions (PGMs) were used (though there could be others). This includes all of the attacks on bridges or targets in and around the Belgrade area. Cluster bomb use can be positively determined in seven incidents (another five are possible but unconfirmed).²⁷ In almost all of the other instances, we have been unable to establish the weapon used.

Countervailing Claims

²⁶ There is some uncertainty as to the precise number of civilians killed in about three incidents. These include the April 12 attack on the Djakovica-Klina road (incident no. 17), the May 1 attack in Luzane which destroyed the Nis Express bus (incident no. 41), and the May 13 Korisa attacks (incident no. 57). In Djakovica-Klina, where the best information only indicates that “several” civilians were killed, Human Rights Watch uses five civilian deaths as its estimate. In the case of Korisa, reporting of civilian deaths varies from forty-eight to eighty-seven.

²⁷ In three other cases, Yugoslav authorities claimed that civilian casualties were a result of cluster bomb use, but Human Rights Watch found no evidence to corroborate the claims or found evidence to refute them. Human Rights Watch, February 2000, Vol. 12, No. 1 (D).

One disturbing aspect of the matter of civilian deaths is how starkly the number of incidents and deaths contrasts with official U.S. and Yugoslav statements. Speaking on September 9, 1999, Secretary of Defense William Cohen said: "Of the thousands of bombs that were dropped and the missiles that were fired, nearly all of them hit their intended target. Of all those thousands of weapons that were dropped and expended, approximately 20 had unintended consequences or were not on target."²⁸ Gen. Wesley Clark, commander of NATO forces, in the war, stated on August 31 that there were just "20 incidents of collateral damage" in the entire war.²⁹ Deputy Secretary of Defense John Hamre testified before Congress on July 21 that "Out of the 9,300 strikes [sic], we had 30 where we killed people...30 where we had damage we hadn't intended."³⁰ In October, General Clark again repeated that there had been twenty incidents: "I just want to emphasize the incredible precision of the bombing; the fact that on 78 days, with over 23,000 weapons dropped or fired, there were only 20 incidents of collateral damage...that's an incident rate of less than 1/10th of 1 percent."³¹

However, the number of confirmed deaths is considerably smaller than both U.S. and Yugoslav public estimates. The post conflict casualty reports of the Yugoslav government vary, but coincide in estimating a civilian death toll of at least some 1,200 and as many as 5,700 civilians. On May 22, Margit Savovic, president of Yugoslav Committee for Cooperation with UNICEF said that "more than 1,200 civilians were killed and more than 5,000 [were] wounded."³² On July 14, Milovan Zivkovic, director of the Federal Office of Statistics, said at press conference that "estimations [of] about 1,200 killed have appeared, and some sources talk about more than 5,000 victims, some go even up to 18,000."³³ According to the BETA independent news agency, Zivkovic also said that the 1,200 number publicized by the Yugoslav Committee for Cooperation with UNICEF pertained only to those killed during the two and a half months of the air campaign. "But the 5,000 and 5,700 numbers are exact as well, only they cover a longer period of time and various ways of losing life," he said.³⁴ Ambassador Djorde Lopacic, chief of international law at the Ministry of Foreign Affairs (MFA), told Human Rights Watch on August 5, 1999, that 2,000 civilians had died and over 10,000 were injured from NATO bombing. At the lower end, even the 1,200 figures is more than twice the civilian death toll of around 500 that Human Rights Watch has been able to verify for the ninety known incidents involving civilian deaths.

While there have been various pronouncements from the Yugoslav government regarding the number of civilian deaths, NATO has been far more silent. There has been only one informal U.S. government or NATO statement regarding the number of Yugoslav civilian deaths from the bombing. General Joseph W. Ralston, vice chairman of the Joint Chiefs of Staff, said in September that "Despite the weight of bombs dropped, Serbian civilian casualties were amazingly light, estimated at less than 1,500 dead."³⁵ This estimate is three times the number calculated by Human Rights Watch.

²⁸ Remarks as Delivered to the International Institute for Strategic Studies by Secretary of Defense William S. Cohen, Hotel del Coronado, San Diego, California, Thursday, September 9, 1999.

²⁹ Gen. Wesley Clark, Remarks to the American Enterprise Institute regarding military action in Yugoslavia, August 31, 1999.

³⁰ U.S. Congress, House Permanent Select Committee on Intelligence, Hearing on the Bombing of the Chinese Embassy, July 21, 1999.

³¹ Testimony before the U.S. Senate Armed Services Committee Hearing on Lessons Learned from Military Operations and Relief Efforts in Kosovo, October 21, 1999.

³² "Savovic: Deca cine 30 odsto od ukupno ubijenih civila," [Savovic: Children Make 30 Percent of the Total Number of Killed Civilians], *Politika*, May 23, 1999, p. 12.

³³ "Temeljno utvrditi posledice agresije," ["To Establish a Full Account of the Consequences of the Aggression"], *Politika*, July 15, 1999, p. 17. In a report about the same press conference, the independent *Danas* newspaper quoted Zivkovic as saying that the G-17 group of independent economists had estimated the number of civilians who lost their lives in NATO attacks to be 5,700. "NATO ubio 5.700 civila," [NATO Killed 5,700 Civilians], *Danas*, July 15, 1999, p. 5.

³⁴ "Zivkovic: Steta od NATO bombardovanja neprocenjiva," [Zivkovic: Damage Caused by NATO Bombardments Unmeasurable], BETA, July 14, 1999.

³⁵ Gen. Joseph W. Ralston, Vice Chairman, Joint Chiefs of Staff, AFA Policy Forum: "Aerospace Power and the Use of Force," September 14, 1999.

In the thirty instances acknowledged by the Defense Department, Deputy Defense Secretary John Hamre has provided the only analysis regarding the causes of civilian deaths. In Congressional testimony in July he said of the thirty incidents:

one third were instances where we damaged the target we wanted to destroy, but innocent civilians were killed at the same time. You will recall the time one of our electro- optically guided bombs homed in on a railroad bridge just when a passenger train raced to the aim point. We never wanted to destroy that train or kill its occupants. We did want to destroy the bridge and we regret this accident. As I said, 10 of the 30 instances of unintended damage fall in this category. For the remaining 20 instances, 3 were caused by human error that identified the wrong target, and two were caused by mechanical error by our hardware. In 14 instances we have not yet determined whether the unintended damage was caused by human error or mechanical failure. We will determine that to the best of our ability during our after action assessment. The one remaining ... [is the] bombing of the Chinese embassy. ... [It] was unique in that we had a legitimate target that we wanted to hit; the only problem is we had the target located in the wrong building. To my knowledge, this is the only example of this failing in all of our strike operations.³⁶

The Standards Applied

The conduct of warfare is limited and restrained by the complementary standards of international humanitarian law, the laws of war. International humanitarian law (IHL) applies expressly and uniquely to armed conflict situations, with distinct provisions to regulate international and non-international (internal) armed conflicts. In evaluating NATO's use of military force in the Federal Republic of Yugoslavia, the laws of war provide the most relevant standards. The conflict in Kosovo reached the threshold of an internal armed conflict in the terms of humanitarian law in 1998, so that certain provisions of the laws of war then applied to both government forces and to the armed insurgency. With the initiation of the NATO bombing in March 1999, the conflict in Kosovo and all of the Federal Republic of Yugoslavia involving NATO and Yugoslav forces became an international armed conflict to which the full body of international humanitarian law applied.

The four Geneva Conventions of 1949 are the fundamental building blocks of international humanitarian law. Geneva Convention IV concerns the protection of civilians in time of war. The conventions are among the most widely ratified international treaties, and the norms they establish are largely considered customary international law, that is, norms that have obtained universal recognition and are accepted as binding upon all nations.

³⁶ Statement of the Honorable John J. Hamre, U.S. Deputy Secretary of Defense, before the U.S. House Permanent Select Committee on Intelligence, July 22, 1999.

Further elaboration of the provisions of the four Geneva Conventions of 1949 is provided in the 1977 additional protocols to the conventions: Protocol I, relating to the protection of victims of international armed conflicts, and Protocol II, relating to the protection of victims of non-international armed conflicts. All of the 188 members of the United Nations are parties to the four Geneva Conventions of 1949; 155 states are parties to Protocol I and 148 to Protocol II. The Federal Republic of Yugoslavia acceded to the four Geneva Conventions on April 21, 1990, and to Protocols I and II on June 11, 1999. Most NATO members are parties to Protocol I, which applies to the conflict in question: notable exceptions are France, Turkey, and the United States. ALTHOUGH THE U.S. HAS NOT RATIFIED PROTOCOLS I AND II, IT CONSIDERS MANY OF THEIR PROVISIONS TO BE APPLICABLE AS CUSTOMARY INTERNATIONAL LAW.³⁷ IN ADDITION, THE UNITED STATES AND NATO RECOGNIZE AS A MATTER OF POLICY AND HAVE DECLARED THAT THE LAWS OF WAR (LOW) APPLY TO ALL CASES OF ARMED CONFLICT, EVEN IF A STATE OF WAR IS NOT RECOGNIZED.³⁸

Protocol I Additional to the Geneva Conventions provides the basis for the evaluation of NATO's bombing. A basic principle of the laws of war is that the civilian population and individual civilians shall enjoy general protection against dangers arising from military operations. This turns in large part on the requirement that attackers must distinguish between civilians and combatants and between military objectives and civilian objects. They must avoid or minimize harm to civilians, and to this end may not attack civilians exclusively or combatants and civilians indiscriminately. Attacks may not be indiscriminate by intent, where the attackers deliberately set out to kill and maim civilians, or through negligence, where those carrying out an attack disregard their obligations to identify a specific military objective, and to take care not to cause disproportionate harm to civilians in attacking it. Damage to civilian objects and civilian casualties that are incidental to lawful attacks on military objectives are known in military terms as "collateral damage."

THE MOST FUNDAMENTAL PRINCIPLE OF THE LAWS OF WAR REQUIRES THAT COMBATANTS BE DISTINGUISHED FROM NONCOMBATANTS, AND THAT MILITARY OBJECTIVES BE DISTINGUISHED FROM PROTECTED PROPERTY OR PROTECTED PLACES. PARTIES TO A CONFLICT MUST DIRECT THEIR OPERATIONS ONLY AGAINST MILITARY OBJECTIVES (INCLUDING COMBATANTS).³⁹ UNDER PROTOCOL I, ART. 51, paragraph 4, indiscriminate attacks are prohibited. These include attacks that:

- ▶ are "not directed against a specific military objective";
- ▶ "employ a method or means of combat which cannot be directed at a specific military objective";
- ▶ "employ a method or means of combat the effects of which cannot be limited as required" by the Protocol; and

³⁷ U.S. ARMY, *OPERATIONAL LAW HANDBOOK 2000*, CHAPTER 5, P. 2. THE U.S. VIEWS THE FOLLOWING PROTOCOL I ARTICLES AS EITHER LEGALLY BINDING AS CUSTOMARY INTERNATIONAL LAW OR ACCEPTABLE PRACTICE THOUGH NOT LEGALLY BINDING: ART. 5 (APPOINTMENT OF PROTECTING POWERS); ART. 10 (EQUAL PROTECTION OF WOUNDED, SICK, AND SHIPWRECKED); ART. 11 (GUIDELINES FOR MEDICAL PROCEDURES); ARTS. 12-34 (MEDICAL UNITS, AIRCRAFT, SHIPS, MISSING AND DEAD PERSONS); ART. 35(1)(2) (LIMITING METHODS AND MEANS OF WARFARE); ART. 37 (PERFIDY PROHIBITIONS); ART. 38 (PROHIBITION AGAINST IMPROPER USE OF PROTECTED EMBLEMS); ART. 45 (PRISONER OF WAR PRESUMPTION FOR THOSE WHO PARTICIPATE IN THE HOSTILITIES); ART. 51 (PROTECTION OF THE CIVILIAN POPULATION, EXCEPT PARA. 6, REPRISALS); ART. 52 (GENERAL PROTECTION OF CIVILIAN OBJECTS); ART. 54 (PROTECTION OF OBJECTS INDISPENSABLE TO THE SURVIVAL OF THE CIVILIAN POPULATION); ARTS. 57-60 (PRECAUTIONS IN ATTACK, UNDEFENDED LOCALITIES, AND DEMILITARIZED ZONES); ART. 62 (CIVIL DEFENSE PROTECTION); ART. 63 (CIVIL DEFENSE IN OCCUPIED TERRITORIES); ART. 70 (RELIEF ACTIONS); ARTS. 73-99 (TREATMENT OF PERSONS IN THE POWER OF A PARTY TO THE CONFLICT; WOMEN AND CHILDREN; AND DUTIES REGARDING IMPLEMENTATION OF GP I). THE U.S. SPECIFICALLY OBJECTS TO ART. 1(4) (ON THE APPLICABILITY OF PROTOCOL I TO CERTAIN TYPES OF ARMED CONFLICTS—WARS OF NATIONAL LIBERATION FROM "COLONIAL DOMINATION," "ALIEN OCCUPATION," AND "RACIST REGIMES"); ART. 35(3) (ENVIRONMENTAL LIMITATIONS ON MEANS AND METHODS OF WARFARE); ART. 39(2) (LIMITS ON THE USE OF ENEMY FLAGS AND INSIGNIA); ART. 44 (EXPANSION OF DEFINITION OF COMBATANTS, RELAXING OF REQUIREMENT TO WEAR FIXED DISTINCTIVE INSIGNIA RECOGNIZABLE AT A DISTANCE; REDUCING THRESHOLD OF LAWFUL COMBATANT STATUS TO REQUIREMENT TO CARRY ARMS OPENLY DURING MILITARY ENGAGEMENT OR IN MILITARY DEPLOYMENT PRECEDING AN ATTACK WHEN VISIBLE TO AN ADVERSARY); ART. 47 (NON-PROTECTION OF MERCENARIES); ART. 55 (PROTECTION OF THE NATURAL ENVIRONMENT); AND ART. 56 (PROTECTION OF WORKS AND INSTALLATIONS CONTAINING DANGEROUS FORCES). SEE COMMENTS BY MICHAEL J. MATHESON AT "THE SIXTH ANNUAL AMERICAN RED CROSS - WASHINGTON COLLEGE OF LAW CONFERENCE ON INTERNATIONAL HUMANITARIAN LAW: A WORKSHOP ON CUSTOMARY INTERNATIONAL LAW IN THE 1977 PROTOCOLS ADDITIONAL TO THE 1949 GENEVA CONVENTIONS," SESSION 1: "THE UNITED STATES POSITION ON THE RELATION OF CUSTOMARY INTERNATIONAL LAW TO THE 1977 PROTOCOLS ADDITIONAL TO THE 1949 GENEVA CONVENTIONS," *AMERICAN UNIVERSITY JOURNAL OF INTERNATIONAL LAW AND POLICY*, VOL. 2, NO. 2 (1997), PP. 419-20.

³⁸ It is the position of the U.S., U.N., and NATO that any military forces engaged in operations will apply the "principles and spirit" of the laws of war in their operations. It is DOD policy to comply with the laws of war "in the conduct of military operations and related activities in armed conflict, however such conflicts are characterized." (DOD Directive 5100.77 of July 10, 1979, para. E(1)(b))

³⁹ PROTOCOL I, ART. 49.

- ▶ “in each such case, are of a nature to strike military objectives and civilians or civilian objects without distinction.”

Military objectives are defined as “those objects which by their nature, location, purpose or use make an effective contribution to military action.”⁴⁰

The term “means” of combat refers generally to the weapons used; the “method,” to the way in which such weapons are used. Casualties that are a consequence of accidents, as in situations in which civilians are concealed within military installations, may be considered incidental to an attack on a military objective—“collateral damage”—but care must still have been shown to identify the presence of civilians. Protocol I, Art. 57 sets out the precautions required, among them to “do everything feasible to verify that the objectives to be attacked are neither civilians nor civilian objects...”; to “take all feasible precautions in the choice of means and methods of attack” to avoid or minimize incidental civilian casualties or damage to civilian objects; and to refrain from launching any attack “which may be expected to cause” such deaths, injuries or damage “which would be excessive in relation to the concrete and direct military advantage anticipated...”⁴¹ In its authoritative *Commentary* on the protocols, the International Committee of the Red Cross (ICRC) is clear on that what is meant by “feasible”: “What is required...is to take the necessary identification measures in good time in order to spare the population as far as possible.”⁴²

The principle of proportionality places a duty on combatants to choose means of attack that avoid or minimize damage to civilians. In particular, the attacker should refrain from launching an attack if the expected civilian casualties would outweigh the importance of the military objective.⁴³ Protocol I, art. 57 (“Precautions in attack”), para. 2(b) requires those who plan and/or execute an attack to cancel the attack in such circumstances. The ICRC has noted that there is never a justification for excessive civilian casualties, no matter how important the military target. Moreover, the argument of proportionality can never justify very high civilian casualties and damage whatever the military advantage envisioned: “Incidental losses and damages should never be extensive.”⁴⁴

⁴¹ Art. 57, Precautions in attack:

1. In the conduct of military operations, constant care shall be taken to spare the civilian population, civilians and civilian objects.

2. With respect to attacks, the following precautions shall be taken:

(a) those who plan or decide upon an attack shall:

(i) do everything feasible to verify that the objectives to be attacked are neither civilians nor civilian objects and are not subject to special protection but are military objectives within the meaning of paragraph 2 of Art. 52 and that it is not prohibited by the provisions of this Protocol to attack them;

(ii) take all feasible precautions in the choice of means and methods of attack with a view to avoiding, and in any event to minimizing, incidental loss of civilian life, injury to civilians and damage to civilian objects;

(iii) refrain from deciding to launch any attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated;

(b) an attack shall be canceled or suspended if it becomes apparent that the objective is not a military one or is subject to special protection or that the attack may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated;

© effective advance warning shall be given of attacks which may affect the civilian population, unless circumstances do not permit. (...)

⁴² ICRC, *Commentary on the Additional Protocols*, pp. 681-682, para 2198. The ICRC notes that some delegations to the diplomatic conference that adopted the protocols interpreted the terms “everything feasible” to mean:

everything that was practicable or practically possible, taking into account all the circumstances at the time of the attack, including those relevant to the success of military operations. The last-mentioned criterion seems to be too broad, having regard to the requirements of this article.

The interpretation considered too broad by the ICRC, however, appears verbatim in the other authoritative commentary on the protocols, M. Bothe, K. Parsch, and W. Solf, *New Rules for Victims of Armed Conflicts: Commentary on the Two 1977 Protocols Additional to the Geneva Conventions of 1949* (The Hague: Martinus Nijhoff, 1982), p. 362.

⁴³ The principle of proportionality is codified in Protocol I, Art. 51 (Protection of the civilian population), section 5:

Among others, the following types of attacks are to be considered as indiscriminate:...

(b) an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.

⁴⁴ ICRC, *Commentary on the Additional Protocols*, p. 626, para. 1980: “The idea has also been put forward that even if they are very high, civilian losses and damages may be justified if the military advantage at stake is of great importance. This idea is contrary to the fundamental rules of the Protocol....The Protocol does not provide any justification for attacks which cause

The ICRC Commentary on Protocol I's art. 57 sets out a series of factors that must be taken into account in applying the principle of proportionality to the incidental effects attacks may have on civilian persons and objects:

The danger incurred by the civilian population and civilian objects depends on various factors: their location (possibly within or in the vicinity of a military objective), the terrain (landslides, floods etc.), accuracy of the weapons used (greater or lesser dispersion, depending on the trajectory, the range, the ammunition used etc.), weather conditions (visibility, wind, etc.), the specific nature of the military objectives concerned (ammunition depots, fuel reservoirs, main roads of military importance at or in the vicinity of inhabited areas etc.), technical skill of the combatants (random dropping of bombs when unable to hit the intended target).⁴⁵

The *Commentary* provides a number of examples of the application of this principle:

All these factors together must be taken into consideration whenever an attack could hit incidentally civilian persons and objects. Some cases will be clear-cut and the decision easy to take. For example, the presence of a soldier on leave obviously cannot justify the destruction of a village.

Conversely, if the destruction of a bridge is of paramount importance for the occupation or non-occupation of a strategic zone, it is understood that some houses may be hit, but not that a whole urban area be levelled.⁴⁶

In researching each of the incidents in which attacks led to civilian deaths we have sought to compile the facts from which to determine the nature of the real or perceived military objectives targeted; any facts relating to the care taken and procedures and criteria employed to confirm the military nature of the targets; analysis done by NATO to determine proportionality of the civilian deaths and the means of attack to the express military objectives; the correlation of civilian deaths to the location and nature of the targets selected; the timing of target selection as a factor in its appropriateness; the methods and conditions under which distinct weapons systems were employed; and the potentially indiscriminate nature of some weapons systems in general and under certain conditions.

In assessing specific attacks, with a view to general observations on the conduct of the air war, the primary issue is whether due care was taken for the protection of civilians. Was the prospect of civilian casualties sufficiently taken into account in the targeting, the weaponry employed, and the means and conditions under which weapons were employed? This involves a review of the selection of targets, and the procedures through which these are determined: Were the military objectives as defined and identified by NATO forces within the terms of humanitarian law? This report addresses the air war only through its cost in civilian lives as an indicator to be taken into account in assessing the larger picture of compliance with international humanitarian law.

Case Studies of Civilian Deaths

The ninety incidents involving some 500 civilian deaths provide a part of the picture from which to consider NATO's conduct of the war (two subsequent Human Rights Watch reports are planned to look in greater detail at targeting in Operation Allied Force and the use of cluster bombs).⁴⁷ At issue is whether NATO effectively adhered to the humanitarian law imperative that the civilian population be protected against dangers arising from military operations. At the core is the principle of civilian immunity from attack and its complementary principle requiring the parties to a conflict to do everything feasible to distinguish civilians from combatants at all times. Several incidents, which accounted for a large proportion of civilian deaths, illustrate various problems faced in NATO actions, and are further presented below.

The most dramatic losses of civilian life from the NATO offensive in Kosovo came from attacks on fleeing or traveling refugees confused with military forces. These included repeated attacks on refugees over a twelve-mile stretch of the Djakovica-Decane road in Kosovo, in which seventy-three civilian refugees died (incident no. 19), attacks near Korisa in Kosovo (incident no. 57), in which as many as eighty-seven civilian displaced persons and refugees died, and two incidents involving attacks on civilian buses, at Luzane (incident no. 41) and Savine Vode (incident no. 46).

⁴⁵ ICRC, *Commentary on the Additional Protocols*, p. 684, para. 2212.

⁴⁶ Ibid., p. 684, paras. 2213-2214.

⁴⁷ For an early account of the use of cluster bombs by NATO in the Federal Republic of Yugoslavia and Human Rights Watch's position, see Human Rights Watch, "Ticking Time Bombs: NATO's Use of Cluster Munitions in Yugoslavia," *A Human Rights Watch Short Report*, vol. 11, no. 6(D), May 1999; and Human Rights Watch, "Cluster Bombs: Memorandum for CCW Delegation," *Human Rights Watch*, vol. 11, no. 6, 1999.

Another dramatic loss of civilian life followed from an attack on Dubrava prison, which caused nineteen deaths (see below).

In these various incidents involving the deaths of Kosovar refugees, the principal issue is whether every feasible precaution was taken to accurately distinguish civilians from combatants. At the same time, there are questions regarding the decisions to attack on the basis of incomplete and/or seriously flawed information. The public statements by NATO spokespersons concerning particular attacks, and the changes in the way attacks were characterized, also bear some analysis, in particular insofar as they may seek to justify attacks in which civilian casualties were clearly excessive.

Moreover, there is a question as to whether NATO's extraordinary efforts to avoid casualties among its pilots precluded low-flying operations that might have helped to identify targets more accurately. This was and continues to be a major issue in the public debate about Operation Allied Force. For many weeks in the initial stages of the war, NATO airplanes were not flying below 15,000 feet. If the height at which the NATO pilots flew had little to do with identification and attack of the target, then the issue is irrelevant. But if precision would have been greater (and civilian casualties lessened) had NATO pilots flown lower, it could be argued that NATO was "obligated" to have its pilots fly lower.⁴⁸ In the case of attacks such as those at Djakovica-Decane, in which flying at a higher altitude seems to have impeded a pilot from adequately identifying a target, the conclusion again is that inadequate precautions were taken to avoid civilian casualties.

The incident at Korisa (incident no. 57) also raises important questions of Yugoslav responsibility for some civilian deaths attributed to NATO bombing. In this case, NATO did not apply adequate precautions in executing its airstrikes. But Yugoslav military forces may share the blame for the eighty-seven civilian deaths at Korisa: there is some evidence that displaced Kosovar civilians were forcibly concentrated within a military camp there as a human shield.

Yugoslav responsibility of a more direct kind has been shown for killings at the Dubrava prison that Yugoslav authorities attributed to NATO bombing. Human Rights Watch researchers in Kosovo have found that some seventy-six prisoners there were victims of extrajudicial executions—cold-blooded murder—by Yugoslav forces in the days after NATO bombed the prison. The NATO attack on May 21 was, however, responsible for nineteen deaths at the facility prior to the massacre of prisoners; an earlier NATO attack killed four civilians at the prison (see incidents nos. 60 and 65).⁴⁹

A THIRD OF ALL OF THE INCIDENTS IN WHICH CIVILIANS DIED—THIRTY-THREE—OCCURRED AS A RESULT OF ATTACKS ON TARGETS IN POPULATED URBAN AREAS. SIX INCIDENTS OCCURRED IN BELGRADE, NIS, AND VRANJE (THE LATTER TWO ARE TOWNS IN SOUTHERN SERBIA). EIGHT TOWNS HAD TWO OR THREE INCIDENTS EACH INVOLVING CIVILIAN DEATHS: ALEKSINAC, CACAK, NOVI SAD, SURDULICA, AND VALJEVO IN SERBIA AND VOJVODINA, AND DJAKOVICA, PRISTINA, AND PRIZREN IN KOSOVO. THE TARGETS IN ALMOST ALL OF THESE ATTACKS WERE HEADQUARTERS OR MILITARY/POLICE BARRACKS AND FACILITIES, AND/OR FACTORIES. IN THESE CASES THERE WAS LITTLE DOUBT AS TO THE APPARENT OBJECTIVE OF THE ATTACK, OR THAT THESE LOCATIONS CONSTITUTED LAWFUL MILITARY OBJECTIVES.

⁴⁸ The question as to what extent the military is obligated to expose its own forces to danger in order to limit civilian casualties or damage to civilian objects is examined in William J. Fenrick, "ATTACKING THE ENEMY CIVILIAN AS A PUNISHABLE OFFENSE," *DUKE JOURNAL OF COMPARATIVE AND INTERNATIONAL LAW*, 1997, P. 546, located at <http://www.law.duke.edu/journals/djcil/articles/djcil7p539.htm>.

⁴⁹ The eighty-seven deaths in Korisa are counted in the Human Rights Watch total of 500: the seventy-six at Dobrava prison

IN ONE CASE, INVOLVING THE USE OF CLUSTER BOMBS IN NIS (INCIDENT NO. 49), THE WEAPON EMPLOYED WAS A DECISIVE FACTOR IN THE CIVILIAN DEATHS. NIS IS ONE OF SEVEN CONFIRMED AND FIVE LIKELY INCIDENTS INVOLVING CIVILIAN DEATHS FROM CLUSTER BOMB USE. Altogether, some ninety to 150 civilians died from cluster bomb use by the United States and Britain. In the case of the attack on the Nis airfield on May 7, the technical malfunction of the weapon points to the fact that cluster bombs should not be used in attacks in populated areas, let alone on urban targets, given the risks. After the Nis incident, there was a U.S. executive prohibition on further cluster bomb use.⁵⁰ Nevertheless, British planes continued to drop cluster bombs, indicating the need for universal, not national, norms regarding cluster bomb use.

In three cases—the bombing of Serb Radio and Television headquarters in Belgrade (incident no. 30), the bombing of the “Marshal Tito” Petrovaradin (Varadinski) Bridge in Novi Sad (incident no. 2), and the bombing of the Belgrade Heating Plant (incident no. 7)—Human Rights Watch questions the legitimacy of the target. REGARDLESS OF NATO’S LEGAL DETERMINATION THAT CIVILIAN RADIO AND TELEVISION WERE LEGITIMATE MILITARY OBJECTIVES BECAUSE OF THEIR ROLE IN INTERNAL AND EXTERNAL PROPAGANDA,⁵¹ NATO DID NOT TAKE ADEQUATE PRECAUTIONS IN WARNING CIVILIANS IN THE ATTACK ON THE MEDIA HEADQUARTERS, NOR DID THE ATTACK SATISFY THE LEGAL REQUIREMENT IN TERMS OF PROPORTIONALITY, GIVEN THAT THE CENTER WAS LOCATED IN A DENSELY POPULATED URBAN NEIGHBORHOOD AND WAS STAFFED TWENTY-FOUR HOURS. After strikes on the Belgrade headquarters, moreover, Yugoslav state broadcasters were easily able to move operations to private and makeshift facilities.⁵² Similarly, in the case of the 04:35 a.m. attack on the New Belgrade Heating Plant on April 4, in which one civilian (the night watchman) was killed, NATO issued no warning and attacked a target located in an urban area.⁵³ The risks involved to civilians in undertaking the two Belgrade urban attacks were grossly disproportionate to any perceived military benefit.

The attacks on the Novi Sad bridge and six other bridges in which civilian deaths occurred (Ostruznica, incident no. 37; Trstenik, incident no. 39; Nis, incident no. 51; Vladicin Han, incident no. 55; Pertate, incident no. 71; and Varvarin, incident no. 81) also were of questionable military effect. All are road bridges. Most are urban or town bridges that are not major routes of communications. Human Rights Watch questions individual target selection in the case of these bridges. U.S. military sources have told Human Rights Watch that bridges were often selected for attack for reasons other than their role in transportation (for example, they were conduits for communications cables, or because they were symbolic and psychologically lucrative, such as in the case of the bridge over the Danube in Novi Sad). The destruction of bridges that are not central to transportation arteries or have a purely psychological importance does not satisfy the criterion of making an “effective contribution to military action” or offering a “definite military advantage,” the baseline tests for legitimate military targets codified in Protocol I, art. 52. Moreover, the risk in terms of civilian casualties in attacking urban bridges, or in attacking during daylight hours, is “excessive in relation to the concrete and direct military advantage anticipated,” the standard of proportionality codified in Protocol I, art. 57.

⁵⁰ Human Rights Watch discussions with U.S. Air Force and Joint Chiefs of Staff officers, October 1999.

⁵¹ This issue will be discussed in greater detail in Human Rights Watch’s upcoming report on targeting in Operation Allied Force.

⁵² The second largest broadcast center in Yugoslavia, in Novi Sad, was hit the next day but there were no civilian casualties. Officials told Human Rights Watch that after the attack on Belgrade, RTS evacuated the facility.

⁵³ Human Rights Watch. Serb tanks were damaged in the attack, as were the pump house and February 2000, Vol. 9, No. 1. (D)

IN ONE FINAL INCIDENT, A PILOT TARGETED A LARGE SANATORIUM COMPLEX IN SURDULICA IN SOUTHEASTERN SERBIA (INCIDENT NO. 79) IN WHAT WAS SUGGESTED TO BE AN ERROR, THE COMPLEX APPARENTLY BEING MISTAKEN FOR A MILITARY INSTALLATION LOCATED IN THE SAME TOWN. OTHER THAN THE CHINESE EMBASSY BOMBING IN BELGRADE (INCIDENT NO. 49), WHICH NATO CLAIMED IT HAD MISTAKENLY IDENTIFIED AS THE YUGOSLAV DIRECTORATE FOR SUPPLY AND PROCUREMENT, THIS APPEARS TO BE THE ONLY TARGET ATTACKED IN ERROR. U.S. OFFICIALS HAVE ELLIPTICALLY ADMITTED TO WHAT HAPPENED AT SURDULICA, BUT HAVE NOT MENTIONED THE PLACE NAME.⁵⁴ IN ANOTHER INCIDENT OF CIVILIAN DEATHS, AT TORNIK PEAK IN THE ZLATIBOR MOUNTAINS (INCIDENT NO. 12), HUMAN RIGHTS WATCH HAS BEEN UNABLE TO IDENTIFY THE INTENDED TARGET.

WHAT FOLLOWS IS A DISCUSSION OF THE MAJOR LEGAL AND POLICY ISSUES RAISED IN SELECTED INCIDENTS (OTHERS ARE DISCUSSED IN APPENDIX A).

Refugees on the Djakovica-Decane Road, Kosovo

On April 14, during daylight hours, NATO aircraft repeatedly bombed refugee movements over a twelve-mile stretch of road between Djakovica and Decane in western Kosovo, killing seventy-three civilians and injuring thirty-six—deaths Human Rights Watch could document. The attack began at 1:30 p.m. and persisted for about two hours, causing civilian deaths in numerous locations on the convoy route near the villages of Bistrazin, Gradis, Madanaj, and Meja. NATO and U.S. spokespersons initially claimed the target was an exclusively military convoy and that Serb forces may have been responsible for the attacks on civilians. Pentagon spokesman Ken Bacon said that NATO commander Gen. Wesley Clark had received reports that “after the convoy was hit, military people got out and attacked civilians.” “The pilots state they attacked only military vehicles,” NATO said, adding that the “reported incident will be fully investigated once all mission details have been reviewed.” There are also various NATO reports of Serbian deception in placing dead civilians at the site of the bombing. German Defense Minister Rudolf Scharping, in particular, put the blame for civilian casualties on Yugoslav forces.⁵⁵

On April 15 NATO began to backtrack. It said one plane had “apparently” dropped a bomb on a civilian vehicle traveling with a military convoy. The reference to a strictly military convoy was modified: “Serbian police or army vehicles might have been in or near the convoy.” NATO acknowledged that it had bombed civilian vehicles by mistake: “Following a preliminary investigation, NATO confirmed that apparently one of its planes dropped a bomb on a civilian vehicle traveling with a convoy yesterday,” alliance spokespersons said.

Reporters from U.S. media went to the scene on April 15. They interviewed refugee survivors and observed shattered farm tractors, burned bodies identified as refugees, bomb craters, shrapnel, and bomb remnants with U.S. markings. The refugee column had apparently been divided in two main groups. Over the next few days, NATO wavered from insisting its forces attacked only military vehicles to an explanation that two convoys had been targeted, that the refugees had been at the rear of military columns, and that the civilian death toll was limited. On April 16, NATO spokesman Jamie Shea and Gen. Giuseppe Marini declared that “in one case and one only, we have proof of civilian loss of life. Otherwise, we are sure that we targeted military vehicles.”

NATO finally admitted that the pilot of a U.S. F-16 mistakenly fired on what he believed to be military trucks, and expressed “deep regret.” Later, on April 19, NATO modified its account of a single pilot’s error, declaring that about a dozen planes had been involved in numerous attacks on the two convoys, dropping a total of nine bombs. Convoluted explanations continued for a number of days after the incident; NATO and the United States seemed incapable of reconstructing what had occurred. There were widespread press reports of the use of cluster bombs, which the United States denied.⁵⁶

⁵⁴ U.S. Congress, House Permanent Select Committee on Intelligence, Hearing on the Bombing of the Chinese Embassy, July 21, 1999.

⁵⁵ NATO, SHAPE News Morning Update, April 15, 1999; Reuters, 150059 GMT April 15, 1999.

⁵⁶ Joie Chen and Jamie McIntyre, “As Serb Force Grows, Limits of Air Attacks Become Apparent,” CNN The World Today Broadcast, April 19, 1999; Sarah Chayes, “General Daniel Leaf Explains the Refugee Bombings,” National Public Radio, All Things Considered Broadcast, April 19, 1999.

In addition to the press reporting of this incident and the endless damage control by NATO and U.S. spokespersons, Human Rights Watch obtained extensive forensic details of the incident from the Yugoslav government.⁵⁷ No evidence whatsoever was ever produced to indicate Serb responsibility for any of the deaths, though Tanjug reported the deaths of three Serbian “policemen” in the bombings who it said “were securing the safe passage for the convoy.”⁵⁸ This tends to suggest that military or police were present in the refugee vehicles, but Human Rights Watch found no basis to support the claim that the convoys themselves were composed of military vehicles.⁵⁹

General Clark stated in September that NATO consistently observed Yugoslav military vehicles moving on roads “intermixed with civilian convoys.” After the Djakovica-Decane incident, General Clark says, “we got to be very, very cautious about striking objects moving on the roads.”⁶⁰ Another NATO officer, Col. Ed Boyle, says: “Because we were so concerned with collateral damage, the CFAC [Combined Forces Air Component Commander] at the time, General [Michael] Short, put out the guidance that if military vehicles were intermingled with civilian vehicles, they were not to be attacked, due to the collateral damage.”⁶¹ When this directive was actually issued, and why it may not have served to avoid the subsequent three incidents, remains an important question. Nevertheless, the change in NATO rules of engagement indicates that the alliance recognized that it had taken insufficient precautions in mounting this attack, in not identifying civilians present, and in assuming that the intended targets were legitimate military objectives rather than in positively identifying them.

Displaced Civilians in the Korisa Woods, Kosovo

On May 13, almost a month after the Djakovica-Decane incidents, as many as eighty-seven displaced Kosovar civilians were killed and sixty wounded when bombs were dropped during the night on a refugee camp in a wooded area on the Prizren-Suva Reka road, near the village of Korisa in Kosovo (incident no. 57). There have been various conflicting reports of the number of dead, from 48 to 87.⁶² The Yugoslav government claimed the attackers used cluster bombs, and the *White Book* published by the Ministry of Foreign Affairs includes photographs of the remains of tactical munitions dispensers (TMDs) it says are from the site. NATO spokespersons vociferously denied the use of cluster bombs,⁶³ and Human Rights Watch has been unable to independently confirm that cluster bombs were indeed used in this attack.

In an official statement on May 15, NATO spokesman Maj. Gen. Walter Jertz acknowledged the attack, deeply regretting any “accidental civilian casualties.” He insisted, nonetheless, that the attack was against Yugoslav army forces in the field:

⁵⁷ FRY Ministry of Foreign Affairs, *NATO Crimes in Yugoslavia*, vol. 1, pp. 1, 21-26, 32-37; FRY Ministry of Housing, “Photo Documentation of Civilians Who Were Killed By NATO Attacks, from 24.03 until 20.05.1999.”

⁵⁸ Tanjug, Pristina, April 15, 1999.

⁵⁹ At least two eyewitnesses told Human Rights Watch that the convoy was interspersed with military vehicles. Interviews with Kole Hasanaj, Meja, July 25, 1999, and with Safet Shalaj, Djakovica, July 25, 1999.

⁶⁰ Special U.S. Department of Defense Press Briefing with Gen. Wesley Clark, Supreme Allied Commander, Europe, Topic: Kosovo Strike Assessment; Also Participating: Airmen and Analysts from Operation Allied Force and Post-Strike Assessment Work, Brussels, Belgium, September 16, 1999.

⁶¹ Ibid.

⁶² FRY Ministry of Foreign Affairs, *NATO Crimes in Yugoslavia*, vol. II, pp. 1-17. Though the *White Book* states that there were “only” forty-eight victims in Korisa, Yugoslav and Western press, as well as the U.S. State Department and the U.N. report figures of eighty to eighty-seven victims. Based upon Human Rights Watch investigations and discussions with Western journalists who attempted to reconstruct the incident, it appears that more than forty-eight people definitely died in the Korisa attack. The range of deaths is thus used.

⁶³ Human Rights Watch background paper given by Peter Daniel and Major General Walter Jertz, Brussels, May 15, 1999. 1 (D)

This was a legitimate military target. The Serb claims of an attack involving cluster bombs against a non-military target are both false. NATO identified Korisa as a military camp and command post. Military equipment including an armored personnel carrier and more than ten pieces of artillery were observed at this location. The aircraft observed dug-in military positions at the target before executing the attack. NATO cannot confirm the casualty figures given by the Serbian authorities, nor the reasons why civilians were at this location at the time of the attack.⁶⁴

The NATO statement further stressed that military positions had been positively identified and that the bombs employed included laser-guided PGMs and non-guided gravity bombs:

Immediately prior to the attack at 23.30 - 11.30 pm - local time Thursday night an airborne forward air controller confirmed the target, so the identification and attack system of his aircraft, having positively identified the target as what looked like dug in military reveted positions, he dropped two laser guided bombs. Following his attack, he cleared his wingman to also attack the same target using two more laser guided bombs. Approximately 10 minutes later, the third aircraft engaged the target with...six gravity bombs. A total of 10 bombs were dropped on the target.⁶⁵

The same day, Pentagon spokesman Kenneth Bacon said at a news briefing that the incident would be reviewed, but that major changes in operations should not be expected:

This accident at Korisa did not shake NATO's resolve in any way....NATO deeply regrets civilian casualties....We try very hard to avoid these casualties, but combat is inherently dangerous and accidents cannot be avoided...this mission, like every other, will be reviewed, and the airmen and their commanders will learn what they can from it and continue. But I don't anticipate that there will be a sweeping change. We can't cross legitimate military targets off the list, and we won't.⁶⁶

On May 16, a Kosovar refugee who witnessed the NATO strike on Korisa reported to Deutsche Welle that FRY police forced some 600 displaced Kosovars to serve as human shields there before the attack. "We were told something bad would happen to us if we left the place," said the eyewitness, interviewed by the station's Albanian service. He said Serbian police hinted at what was about to happen. "Now you'll see what a NATO attack looks like," the refugee quoted one policeman as saying. The refugee said he finally went to sleep underneath a tractor only to be woken up by explosions and the cries of children and adults. He said he and others managed to scale a two-meter wall surrounding the plot and fled in the direction of the village as Serbian paramilitaries fired bullets around them.⁶⁷

ON THE BASIS OF AVAILABLE EVIDENCE IT IS NOT POSSIBLE TO DETERMINE POSITIVELY THAT YUGOSLAV POLICE OR ARMY TROOPS DELIBERATELY FORCED CIVILIANS TO GROUP NEAR THEM, NOR TO ESTABLISH THE MOTIVE FOR SUCH ACTION. IT IS NOT CLEAR, FOR EXAMPLE, HOW POTENTIAL ATTACKERS COULD BE EXPECTED TO HAVE BEEN AWARE OF THE REFUGEE CONCENTRATION IN ORDER TO BE DETERRED FROM ATTACKING.

THE LAWS OF WAR EXPRESSLY FORBID SHIELDING. ARTICLE 28 OF THE GENEVA CONVENTION IV STIPULATES THAT "THE PRESENCE OF A PROTECTED PERSON MAY NOT BE USED TO RENDER CERTAIN POINTS OR AREAS IMMUNE FROM MILITARY OPERATIONS." (GENEVA PROTOCOL I, ARTICLE 51(7), ELABORATES:

THE PRESENCE OR MOVEMENTS OF THE CIVILIAN POPULATION OR INDIVIDUAL CIVILIANS SHALL NOT BE USED TO RENDER CERTAIN POINTS OR AREAS IMMUNE FROM MILITARY OPERATIONS, IN PARTICULAR IN ATTEMPTS TO SHIELD MILITARY OBJECTIVES FROM ATTACKS OR TO SHIELD, FAVOUR OR IMPEDE MILITARY OPERATIONS. THE PARTIES TO THE CONFLICT SHALL NOT DIRECT THE MOVEMENT OF THE CIVILIAN POPULATION OR INDIVIDUAL CIVILIANS IN ORDER TO ATTEMPT TO SHIELD MILITARY OBJECTIVES FROM ATTACKS OR TO SHIELD MILITARY OPERATIONS.

⁶⁴ NATO, Subject: Press Release (99) 079, Statement by the NATO Spokesman on the Korisa Incident, May 15, 1999.

⁶⁵ Transcript of Backgrounder, May 15, 1999.

⁶⁶ Transcript, U.S. Department of Defense News Briefing, May 15, 1999.

⁶⁷ Reuters 152249 GMT, May 15, 1999; Kosovo Chronology, Timeline of events 1989-1999 relating to the crisis in Kosovo.

THE PROTOCOL STRESSES, HOWEVER, IN ART. 51(8), THAT SUCH VIOLATIONS OF THE LAWS OF WAR DO NOT IN ANY ACCOUNT RELEASE AN ADVERSARY FROM OBLIGATIONS TO RESPECT CIVILIAN IMMUNITY. AN AUTHORITATIVE NEW COMMENTARY ON HUMANITARIAN LAW STATES: "IF ONE PARTY TO A CONFLICT BREAKS THIS RULE, THIS DOES NOT EXEMPT THE OTHER SIDE FROM THE REGULATIONS APPLICABLE IN MILITARY ATTACKS....THE MILITARY COMMANDER MUST THEREFORE TAKE INTO ACCOUNT THE COLUMN OF REFUGEES USED BY THE ADVERSARY AS A SHIELD."⁶⁸

FOR NATO, THEN, THE QUESTION IS WHETHER ITS TARGET DESIGNATION WAS MADE WITH THE KNOWLEDGE THAT HUNDREDS OF DISPLACED CIVILIANS WERE PRESENT IN THIS WOODED AREA—THERE IS NO EVIDENCE TO THIS EFFECT—AND SECONDLY, WHETHER SUFFICIENT MEASURES WERE TAKEN TO VERIFY THAT THE TARGET HAD NO SUCH CONCENTRATIONS OF CIVILIANS. ON THIS SCORE, THE EXCESSIVE CIVILIAN DEATH TOLL IN WHAT NATO HAS ITSELF DESCRIBED AS A LAMENTABLE ACCIDENT SUGGESTS THAT VERIFICATION WAS INADEQUATE.

BOMBING OF THE DUBRAVA PENITENTIARY, KOSOVO

ANOTHER CASE OF YUGOSLAV DECEPTION INVOLVES CIVILIAN DEATHS AND NATO BOMBING THAT DAMAGED THE LARGE DUBRAVA PENITENTIARY COMPLEX NEAR ISTOK IN KOSOVO. ACCORDING TO NATO AND FORMER DUBRAVA PRISONERS INTERVIEWED BY HUMAN RIGHTS WATCH, YUGOSLAV ARMY AND POLICE FORCES WERE BASED ADJACENT TO THE PENITENTIARY, WHICH WAS FULLY OPERATIONAL WELL INTO THE NATO AIR CAMPAIGN, HOUSING COMMON AND POLITICAL CRIMINALS SERVING OUT THEIR TERMS.

THE PENITENTIARY INSTITUTE ISTOK, AS IT WAS OFFICIALLY CALLED, WAS HIT TWICE, CAUSING CIVILIAN DEATHS AMONG BOTH PRISONERS AND GUARDS. IN THE FIRST ATTACK, AT 1:15 P.M. ON MAY 19 (INCIDENT NO. 60), THREE PRISONERS AND A GUARD WERE REPORTED KILLED. THE SECOND ATTACK OCCURRED ON MAY 21 (INCIDENT NO. 65), IN WHICH AT LEAST NINETEEN PRISONERS WERE KILLED. ACCORDING TO A SEPARATE INVESTIGATION UNDERTAKEN BY HUMAN RIGHTS WATCH IN KOSOVO, BASED UPON EXTENSIVE EYEWITNESS TESTIMONY, PRISONERS WERE HUNTED DOWN BY SERB POLICE INSIDE THE PENITENTIARY WALLS AFTER THE MAY 21 ATTACK, AND SOME EIGHTY OR SO PRISONERS WERE KILLED.

THE YUGOSLAV GOVERNMENT INITIALLY REPORTED NINETEEN PEOPLE KILLED IN THE DUBRAVA PENITENTIARY AS A RESULT OF THE MAY 21 ATTACK.⁶⁹ HOWEVER, FOUR DAYS LATER, THE YUGOSLAV PRESS REPORTED FROM THE OFFICIAL TANJUG AGENCY THAT "IN DAYS LONG BOMBARDMENT OF THE PENITENTIARY INSTITUTE ISTOK, SOME 100 PRISONERS DIED, AND SOME 200 WERE WOUNDED." ON MAY 27, TANJUG QUOTED VLADAN BOJIC, JUDGE IN PEC'S DISTRICT COURT, SAYING THAT NINETY-SIX CORPSES HAD BEEN PULLED FROM THE RUINS. ON MAY 29, THE YUGOSLAV GOVERNMENT STATED THAT "THE NUMBER OF CASUALTIES IN THE CORRECTIONAL INSTITUTION IN ISTOK IS INCREASING."⁷⁰ ON MAY 30, TANJUG REPORTED A TOTAL OF NINETY-THREE KILLED.⁷¹ IN JULY, THE YUGOSLAV GOVERNMENT CLAIMED THAT NATO BOMBS KILLED NINETY-FIVE INMATES AND INJURED 196.⁷²

⁶⁸ Hans-Peter Gasser, "Protection of the Civilian Population," in Dieter Fleck (ed.), *The Handbook of Humanitarian Law in Armed Conflicts* (Oxford: Oxford University Press, 1995), p. 505, para. 506. Hans-Peter Gasser is a Senior Legal Adviser of the ICRC.

⁶⁹ Information provided by Yugoslav civil defense authorities; FRY MFA, NATO raids on manufacturing and civilian facilities on May 21st and in the night between May 21st and 22nd 1999.

⁷⁰ FRY Ministry of Foreign Affairs, NATO Raids on Manufacturing and Civilian Facilities on May 29th and in the Night Between May 29th and 30th 1999.

⁷¹ Yugoslav press reports: "Identifikovano 86 mrtvih," *DAN*, May 27, 1999, p. 2; "Jos sedam leseva," *DAN*, May 30, 1999, p. 2. Human Rights Watch of Foreign Affairs, *NATO Crimes in Yugoslavia*, vol. II, p. 319. February 2000, Vol. 12, No. 1 (D)

While NATO readily acknowledged the air strikes at Istok and justified the attacks on the grounds that it had targeted military objectives “in the vicinity of a prison,”⁷³ Human Rights Watch has determined that Yugoslav forces were likely responsible for the majority of deaths which occurred after the bombing. On May 22, according to eyewitnesses, prison officials ordered the approximately 1,000 prisoners to line up in the prison yard. After a few minutes, they were fired upon, and grenades were thrown at them from the prison walls and guard towers, killing at least seventy people. Over the next twenty-four hours, prison guards, special police, and possibly paramilitaries attacked prisoners who were hiding in the prison’s undestroyed buildings, basements, and sewers, killing at least another twelve people.

Journalists who visited the Dubrava prison on May 21, just after the morning bombing, reported seeing deaths on the order of ten or twenty.⁷⁴ Serb authorities again opened the prison for journalists on May 24. Reporting for the BBC, Jacky Rowland said it was unclear how the victims in the prison had died:

Walking around the prison we counted forty-four bodies; about half of these appeared to be the victims of the first bombing raid on Friday [May 19], still lying under blankets on the grass. Then we were taken to a room in a damaged cell block where there were twenty-five corpses. The men appeared to be ethnic Albanians, some of them had shaved heads, others had longer hair. A couple of the corpses had their trousers pulled down around their knees. We were told they had died between Friday and Sunday although it was not clear how all of them had met their deaths, nor why they were all in one relatively undamaged room.⁷⁵

The *Washington Post*, wrote:

This time, the official version—that bombs again were to blame—did not match what reporters saw at the scene, where twenty-five more ethnic Albanian corpses were on display. The corpses were piled in the foyer of a clinic. Except for a ruined dining hall, however, no new bomb damage was visible inside the prison, and none of the newly dead had been crushed, or touched by the concrete dust that covered the dining hall floor.⁷⁶

Post-war visits to the prison by journalists confirmed that prisoners had been killed after the bombing.⁷⁷

In the two attacks on the Dubrava prison, NATO did not apply adequate precautions in executing its airstrikes on nearby military objectives, and therefore must be held accountable for the civilian deaths that occurred as a direct result of those attacks. But Yugoslav forces must be held fully responsible for seventy-six of the claimed ninety-five deaths at Dubrava, as these were prisoners who were executed extrajudicially well after the NATO strikes.

Serb Radio and Television Headquarters

One of the worst incidents of civilian deaths, and certainly the worst in Belgrade, was the bombing of state Serb Radio and Television (RTS) headquarters in Belgrade on April 23 (incident No. 30). According to military sources, there was considerable disagreement between the United States and French governments regarding the legality and legitimacy of the target, and there was a lively public debate regarding the selection of Yugoslav civilian radio and television as a target group.

⁷³ NATO, Operation Allied Force Update, May 22, 1999, 0930 CET. See also Transcript of Press Conference given by Mr. Jamie Shea and Col. Konrad Freytag in Brussels on Saturday, May 22, 1999.

⁷⁴ Jacky Rowland, “Bombs, Blood and Dark Despair,” *Scotland on Sunday*, May 23, 1999; Paul Watson, “NATO Bombs Ignite Prison Chaos—KLA Officers Reported to be Among Inmates,” *Toronto Star*, May 22, 1999; Associated Press, “NATO Hits Kosovo Jail Again Friday Night,” May 21, 1999.

⁷⁵ Jacky Rowland, “Istok Prison’s Unanswered Questions,” BBC World News, May 25, 1999.

⁷⁶ Daniel Williams, “Kosovo Revisited: At War’s End, Old Places Seen in New Light,” *Washington Post*, June 26, 1999.
⁷⁷ Human Rights Watch, “Stench of Horror Lingers in a Prison in Kosovo,” *New York Times*, February 20, 1999, 12, No. 1 (D).

The NATO attack was originally scheduled for April 12, but due to French disapproval of the target, it was postponed. According to military, media, and Yugoslav sources, Western news organizations, who were using the facility to forward material from Yugoslavia, were alerted by NATO government authorities that the headquarters would be attacked. Attacks also had to be rescheduled because of rumors that foreign journalists ignored warnings to leave the buildings.⁷⁸ When the initial warnings were given to Western media, the Yugoslav government also found out about the intended attack. When the target was finally hit in the middle of the night on April 23, according to RTS and Yugoslav government officials, authorities were no longer taking the threats seriously, given the time that had transpired since the initial warnings. As a consequence, sixteen RTS civilian technicians and workers were killed and sixteen were wounded.

Paragraph 7 of the 1956 ICRC guidelines describing lists of targets that are legitimate military objectives includes "installations of broadcasting and television stations; [and] telephone and telegraph exchanges of fundamental military importance."⁷⁹ In a May 13 letter to NATO Secretary-General Javier Solana, Human Rights Watch questioned the legitimacy of the target group in the Yugoslav war. The reasoning was that the system was not "... being used to incite violence (akin to Radio Milles Collines during the Rwandan genocide), which might have justified their destruction. At worst, as far as we know, the Yugoslav government was using them to issue propaganda supportive of its war effort. And, in fact, NATO has stated that it bombed the television facilities because they were being used as a propaganda tool of the Milosevic government." As a consequence, Human Rights Watch believes that "While stopping such propaganda may serve to demoralize the Yugoslav population and undermine the government's political support, neither purpose offers the 'concrete and direct' military advantage necessary to make them a legitimate military target."⁸⁰

Even if one could justify legal attacks on civilian radio and television, there does not appear to be any justification for attacking urban studios, as opposed to transmitters. After strikes on the Belgrade and Novi Sad headquarters, Yugoslav state broadcasters were able to easily move operations to other facilities. In this case, target selection was done more for psychological harassment of the civilian population than for direct military effect. The risks involved to the civilian population in undertaking the urban attack thus grossly outweighed any perceived military benefit. What is more, NATO failed to provide clear advance warning of the attacks "whenever possible," as required by Protocol I, art. 57(2).

CLUSTER BOMBS AND CIVILIAN DEATHS

One of the issues of most intense public interest that has emerged from Operation Allied Force is NATO's use of cluster bombs. As noted, there are seven confirmed and five likely incidents involving civilian deaths from cluster bomb use by the United States and Britain. Altogether, some ninety to 150 civilians died from cluster bomb use. The first confirmed incident was on April 10 (incident no. 14) and the last was on May 13 (incident no. 57).

The most serious incident involving civilian deaths and the use of cluster bombs occurred on May 7 in Nis (incident no. 48). The mid-day attack on Nis airfield, which is located inside the urban zone, killed fourteen civilians and injured twenty-eight. Cluster bomb submunitions fell in three widely separated areas: near the Pathology building of the Nis Medical Center in southeast Nis; in the town center near the Nis University Rector's Office, including the area of the central city market place, the bus station near the Nis Fortress, and the "12 February" Health Center; and near a car dealership and the "Nis Express" parking lot across the river from the fortress.

⁷⁸ Human Rights Watch interviews with Air Force and Joint Staff planners. See also Dana Priest, "Bombing by Committee: France Balked at NATO Targets," *Washington Post*, September 20, 1999, p. A1.

⁷⁹ ICRC, *Commentary on the Additional Protocols*, p. 632, para. 2002, note 3.

⁸⁰ Human Rights Watch letter to Javier Solana, May 13, 1999.

NATO confirmed the attack on Nis airfield,⁸¹ and **on May 8, NATO Secretary General Solana confirmed NATO responsibility for the attack, stating that** "NATO has confirmed that the damage to the market and clinic was caused by a NATO weapon which missed its target."⁸² According to U.S. Air Force sources, the CBU-87 cluster bomb container failed to open over the airfield but opened right after release from the attacking airplane, projecting submunitions at a great distance into the city.⁸³

After the incident in Nis, the White House quietly issued a directive to the Pentagon to restrict cluster bomb use (at least by U.S. forces).⁸⁴ Human Rights Watch considers this to have been the right move, but is concerned, given these risks, that cluster bombs were being used in attacks on urban targets in the first place. The mid-May prohibition against the further use of cluster bombs clearly had an impact on the level of civilian deaths as the war continued, particularly as bombing with unguided weapons (which would otherwise include cluster bombs) significantly intensified towards the end of the month. Nevertheless, the British air force continued to drop cluster bombs (official chronologies show use at least on May 17, May 31, June 3, and June 4),⁸⁵ indicating the need for universal, not national, norms regarding cluster bomb use.

⁸¹ NATO (SHAPE), ACE News Release - Press Release 99-05-02, May 8, 1999.

⁸² Transcript of Press Conference given by the NATO Secretary General, Mr. Javier Solana, in Brussels, on Saturday, May 8, 1999 (including Maj. Gen. Jertz).

⁸³ Human Rights Watch correspondence with a U.S. Air Force officer, November 1999.

⁸⁴ Human Rights Watch discussions with U.S. Air Force and Joint Chiefs of Staff officers, October 1999.

⁸⁵ U.K. Ministry of Defense. Royal Air Force. Operation Allied Force News and Downloadable Images (<http://www.humanrights.org/news/kosovonews.html>).

Appendix A: Incidents Involving Civilian Deaths in Operation Allied Force

March 25

1. In a 5:10 p.m. attack on an unidentified target in the **Rozaje** area of Montenegro, near the Kosovo border between Besnika and Njegus villages, Senad Dacic (16) is killed. The Yugoslav government provides forensic detail (such as photographs, investigator's reports, autopsy reports) of the incident in its *White Book*.⁸⁶

April 1

2. In a 4:55-5:30 a.m. attack on the "Marshal Tito" Petrovaradin (Varadinski) Bridge (the so-called "old bridge") across the Danube in **Novi Sad** in Vojvodina, one civilian is fatally injured. Oleg Nasov (29) dies in late May as a result of injuries sustained in the April 1 attack. A building of the University of Novi Sad is also damaged⁸⁷ and the Yugoslav government claims "severe damage" to the roof structure of the Fortress of Petrovaradin and to the Petrovaradin Monastery of the Church of St. Juraj (built in 1714).⁸⁸

Human Rights Watch visited the site (N4515242/E01951302)⁸⁹ on August 15, and inspected the damage. Though initial reports stated that there were no casualties in the attack,⁹⁰ a posted death notice for Nasov located on the bridge announced that his funeral took place on May 28. The attack, according to U.S. Air Force sources, was undertaken by a B-2 bomber, firing satellite guided Joint Direct Attack Munitions (JDAMs).

April 2

3. In a 1:30-2:00 a.m. attack on an unidentified target in the area of **Orahovac** in Nogavac (Negavac in Albanian) village in Kosovo, four civilians are killed and twelve are injured. Hysni Elsani (20), Hysen Ziniqi (29), Qazim Krasniqi (30), and Mahmut Krasniqi (age unknown) are identified as killed.⁹¹ The Yugoslav government claims another seven are killed and five injured. Tanjug and the Yugoslav press reports that two ethnic Albanians from Negavac (Nogavac) village are killed and sixteen are wounded. Tanjug states that six are injured by cluster bomb fragments, including two children, according to a local doctor.⁹² Another report states that the village near Orahovac was bombed and that six Albanian civilians were wounded. After being hospitalized in the Pristina medical center, one dies.⁹³

The Yugoslav government provides forensic detail of the incident in its *White Book*. Human Rights Watch also received photo documentation of the incident from the Ministry of Health.⁹⁴ There is no corroboration of the use of cluster bombs in this attack.

⁸⁶ Federal Republic of Yugoslavia (FRY), Ministry of Foreign Affairs (MFA), *NATO Crimes in Yugoslavia*, vol. I, p.39.

⁸⁷ Tanjug, "Chronology of Crimes and Dishonor of NATO," June 5, 1999.

⁸⁸ Information provided by the Yugoslav Ministry of Information.

⁸⁹ Human Rights Watch used a Global Positioning System (GPS) receiver to locate precisely targets and areas of civilian damage. These coordinates are derived from on-the-scene readings.

⁹⁰ Tanjug, "NATO aircraft destroy bridge linking Novi Sad and Petrovaradin," April 1, 1999.

⁹¹ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. I, p. 39. Page 39 mentions Mahmut (not Mehmet) and states the age as twenty-four. The picture on p. 42 uses the name Mehmet, and the man is obviously much older than twenty-four.

⁹² Yugoslav press reports (see note about sources); AFP, "NATO Air Strike Kills Two Albanians, Injures Six: Tanjug," April 2, 1999.

⁹³ Tanjug News Headlines, April 2, 1999; Serbian Unity Congress NewsBits, April 3, 1999.

⁹⁴ FRY, Ministry of Health (MOH), "Photo Documentation of Civilians Who Were Killed By NATO Attacks, from 24.03 until 20.05.1999." In all of these cases in this series, photo documentation consisted of portfolios of injured and killed Yugoslavs

4. In a 2:00 a.m. attack on an unidentified target in the **Kursumlija** area in southern Serbia, one civilian is killed and another is wounded. The house of the brothers Stepanovic in Samokovo village (Mt. Samokovo) is hit, killing Vucina Stepanovic (44) and wounding another Stepanovic brother.⁹⁵ Bombs also land NEAR THE ST. BOGORODICA MONASTERY (AT THE MOUTH OF THE RIVERS KOSANICA AND TOPLICA), IN PEPELJEVAC VILLAGE, AND NEAR THE ST. NIKOLA MONASTERY.⁹⁶

Human Rights Watch received photo documentation of the death from the Ministry of Health.⁹⁷

April 4

5. In a 3:17 a.m. attack on the Sloboda factory in **Cacak** in central Serbia, one civilian is killed and seven are wounded. Mileva Kuveljic (73) dies in her house at 99 Ratka Mitrovica street. A number of other houses situated near the town's roundabout are also damaged in the attack. The kindergarten "Bosko Buha" is also reported damaged.⁹⁸

The Yugoslav government provides forensic detail of the incident in its *White Book*. Human Rights Watch also received photo documentation of the death from the Ministry of Health.⁹⁹

6. In a 4:29 a.m. attack on the **Pancevo** oil refinery in Vojvodina, just north of Belgrade, three civilians are killed and three are wounded. Mirko Dmitrovic (39) and Dusko Bogosavljev (50), factory workers, are instantly killed.¹⁰⁰ A third civilian who was seriously injured in the April 4 attack dies six days later, according to refinery officials.

The attack is the first on the refinery. The "Energana" (energy plant or electrical transformer) at the refinery is the specific target of attack. It is hit with two weapons.¹⁰¹

Human Rights Watch visited the NIS-Petrol and Oil Company Pancevo (N4449719/E02041436) on August 17, inspected the damage from this initial attack and other attacks, and verified the casualties with authorities at the refinery.¹⁰² The Yugoslav government provides forensic detail of the incident in its *White Book*. Human Rights Watch also received photo documentation of the deaths from the Ministry of Health.¹⁰³ Human Rights Watch concludes, based upon the target and the extent of damage at the refinery, that a precision-guided munition (PGM) was used in the attack on April 4 and in subsequent attacks.

7. In a 4:35 a.m. attack on the **New Belgrade** Heating Plant, one civilian is killed. Night watchman Slobodan Trisic (53) is killed while making his rounds. Six oil storage tanks are hit and a seventh is damaged, and the pump house and pouring station on the Sava river are also destroyed.¹⁰⁴

⁹⁵ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. I, p. 39; Tanjug News Headlines, 2 April 1999; Yugoslav press reports; Serbian Unity Congress, NewsBits, April 2-3, 1999; Tanjug, Kursumlija, April 2, 1999.

⁹⁶ Yugoslav press reports.

⁹⁷ FRY, MOH, "Photo Documentation of Civilians Who Were Killed By NATO Attacks, from 24.03 until 20.05.1999."

⁹⁸ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. I, p. 45; Yugoslav press reports; War Against Yugoslavia: Cacak (www.inet.co.yu/rat/gradovi/cacak/index.html); Tanjug, Cacak, April 4, 1999; Information provided by Yugoslav civil defense authorities.

⁹⁹ FRY, MOH, "Photo Documentation of Civilians Who Were Killed By NATO Attacks, from 24.03 until 20.05.1999."

¹⁰⁰ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. I, pp. 387, 389.

¹⁰¹ REPUBLIC OF SERBIA, MINISTRY FOR THE PROTECTION OF THE HUMAN ENVIRONMENT, SOUTH BANAT DISTRICT, "DAY TO DAY REPORT ABOUT THE SIDE-EFFECTS OF BOMBARDMENT ON HUMAN ENVIRONMENT AND PANCEVO CITIZENS' HEALTH," JUNE 16, 1999; FRY MFA, *NATO Crimes in Yugoslavia*, vol. I, p. 387; Tanjug, Belgrade, April 4, 1999; Tanjug, Pancevo, 4 April 1999; information provided by Yugoslav civil defense authorities; Yugoslav press reports.

¹⁰² See also "Day-to-day report about the side-effects of bombardment on human environment and Pancevo citizen's health," prepared by Republic of Serbia Ministry of the Protection of Human Environment, South Banat district, June 16, 1999, p. 1.

¹⁰³ FRY, MOH, "Photo Documentation of Civilians Who Were Killed By NATO Attacks, from 24.03 until 20.05.1999."

¹⁰⁴ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. I, pp. 355-365; Tanjug, Belgrade, April 4, 1999; Yugoslav press reports; Human Rights Watch received photo documentation of the death from the Ministry of Health. 33 February 2000, Vol. 12, No. 1 (D)

Human Rights Watch visited the site ("Beogradske elektrane" on 11 Savski nasip street, N4447904/E02024721) on August 5, inspected the damage, and verified the casualties with authorities at the plant. Authorities provided details relating to the attack and the civilian death. Remains of cruise missiles reportedly used to attack the plant were on display. The Yugoslav government provides forensic detail of the incident in its *White Book*. Human Rights Watch also received photo documentation of the death from the Ministry of Health.¹⁰⁵

April 5

8. In a 9:35-9:40 a.m. attack on the **Aleksinac** "Deligrad" military barracks in southeastern Serbia, ten civilians are killed and another thirty are wounded.¹⁰⁶ Immediately killed are: Snezana Miladinovic (40), Velimir Stankovic (52), Ljubica Miladinovic (63), Dragomir Miladinovic (67), Bogomir Arsic (69), Jovan Radojicic (75), Sofija Radojicic (80), Radojka Jovanovic (86), Vojislav Jovanovic (92), and Gvozden Milivojevic (93).¹⁰⁷ Two civilians subsequently die from injuries sustained: Marina Paovic (26) and Dragica Miladinovic (age unknown).¹⁰⁸

A weapon or weapons fall about 600m from the barracks. Damage is reported in Dusan Trivunca street (house numbers 56-62), between the Angrokolonijal commercial enterprise and the EMPA illumination and electrical products enterprise, and at Vuka Karadzica street, where four buildings were destroyed (house numbers 23-27). A crater was also caused on Petra Zeca street, and on a lot between "Betonjerka" enterprise and the "Sumatovac" driving school. Damage was caused on Vojske Jugoslavije and Kneza Milosa streets. Window panes on buildings in the center of Aleksinac were shattered, and tiles were blown off of several buildings near where the missiles fell.¹⁰⁹ Yugoslav authorities also report two explosions inside the Deligrad barracks and a third twenty-five meters from the barracks fence.¹¹⁰

On April 6, Tanjug reported that sixteen private houses and more than 400 apartments, including three buildings with eighty apartments, were damaged or destroyed. Civilian defense headquarters commander Zoran Babovic said seven bombs fell in the center of the town. One bomb also fell near the Belgrade-Nis highway, he said. He reported twenty injured civilians, including thirteen in hospitals in Nis and Aleksinac.¹¹¹

NATO expressed regret for the loss of life and called the incident an "accident of war." Commenting on the incident, Air Commodore David Wilby said: "It is possible that one of our weapons fell short of the target. Despite our meticulous and careful pre-attack planning, the law of statistics will, at some stage, go against us and we will be exposed to technical defect." NATO further says that the intended target was a military barracks and artillery unit nearby.¹¹² Testifying before Congress on April 14, 1999, Gen. Henry Shelton described this incident, which the United States labels the "first" incident of civilian deaths: "When I was in Aviano last week, we had just had what was at that point the first incident, I think, of a bomb missing the intended target. Actually three bombs went in, two hit dead center, one fell a little bit short."¹¹³

¹⁰⁵ FRY, MOH, "Photo Documentation of Civilians Who Were Killed By NATO Attacks, from 24.03 until 20.05.1999."

¹⁰⁶ Human Rights Watch issued a statement on April 7 calling on NATO to conduct an investigation into the incident. See Kosovo Human Rights Flash no. 21, "NATO Urged to Respect Humanitarian Law," April 7, 1999.

¹⁰⁷ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. I, pp. 49-128; *Politika*, April 8, 1999, p. 17, also reports Marina Paovic (26) as killed, but she is not included in the White Book.

¹⁰⁸ *Politika*, April 8, 1999, p. 17; *Politika*, April 9, 1999, p. 17.

¹⁰⁹ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. I, pp. 56-57, 62-63; Tanjug, NATO aggressor attacks civilian targets in Aleksinac, Aleksinac, 5 April 1999; Tanjug, "Chronology of Crimes and Dishonor of NATO," June 5, 1999; Permanent Mission of the FRY to the UN, "Provisional Assessment," July 3, 1999.

¹¹⁰ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. I, p. 63.

¹¹¹ Tanjug, "Aleksinac razed in NATO bombing," Aleksinac, April 6, 1999.

¹¹² Tim Butcher, "Conflict in the Balkans: Harriers Go in with Cluster Bomb Raids: Civilians Are Killed as Allies Raise Stakes," *Daily Telegraph*, April 7, 1999, p. 2.

¹¹³ Human Rights Watch, Gen. Henry Shelton, to the HASC, April 14, 1999.

Human Rights Watch visited the site (N4332375/E02142482) on August 11, inspected the damage, and took eyewitness testimony. The Yugoslav government provides forensic detail of the incident in its *White Book*. Human Rights Watch also received photo documentation of the deaths from the Ministry of Health.¹¹⁴

9. In an 11:00 p.m. attack on the “1300 Corporals” and “Simo Pogacerevic” military barracks in **Vranje** in southeastern Serbia, two civilians are killed and twenty-three injured. Taxi driver Goran Eminovic (33) and Milica Grujic (68) are killed when a weapon intended for the 1300 Corporals barracks falls near the Vranje bus station, not far from the barracks.¹¹⁵ Doctors say that six people have been seriously wounded but that their wounds are not life threatening. Slightly wounded are seventeen people, of which eleven will receive further hospital treatment.¹¹⁶ A number of civilian facilities are damaged in this and a previous attack on April 2, including the DIV cigarette factory, the printing house Nova Jugoslavija, and the Jedinstvo bus station.¹¹⁷

Human Rights Watch visited the site (N4233135/E0215455) on August 12, inspected the damage and took eyewitness testimony. The civilian objects reported as being damaged are all near the 1300 Corporals barracks, which appeared to have been extensively attacked. The Yugoslav government provides forensic detail of the incident in its *White Book*. Human Rights Watch also received photo documentation of the deaths from the Ministry of Health.¹¹⁸

April 7

10. In 12:30 a.m. attacks on targets in and around **Pristina** in Kosovo, nine civilians are killed and eight are seriously wounded.¹¹⁹ Adem Berisha, Radovan Aleksic, Dejan Vitkovic, and an unidentified woman die in the vicinity of the Pristina Post Office and telephone exchange. Five members of the Gashi family (father Mesud, mother Dijana, and children Dea, Rea, and Demis) are killed in their home on Kosovska street.¹²⁰ Dejan Vitkovic is killed in front of his house at 12 Meta Barjaktarija street.

Two weapons land in residential areas, 200-300 meters away from the telephone exchange, at the Dardanija apartment building, on Zanatska street, Meta Barjaktarija street, and Kosovska street.¹²¹ There is also damage to the former Provincial Assembly building, the Republic Pension and Disability Fund building (the provincial and municipal insurance company), the National Bank, and the “Grmija” department store, the latter of which was observed by Human Rights Watch. One weapon also reportedly explodes near an Orthodox Christian cemetery.¹²² Tanjug reports rescue efforts were hampered by unexploded cluster bombs,¹²³ but there is no evidence presented in the *White Book* of the use of cluster bombs, and it is highly unlikely that cluster bombs were employed to attack the urban telephone exchange.

Reported targets in Pristina on April 7 include the Slatina airfield; a Beopetrol depot in the Devet Jugovica suburb (ten kilometers from Pristina); the downtown Pristina telephone exchange; and the Grmija hill transmitter (three kilometers from Pristina).¹²⁴

¹¹⁴ FRY, MOH, “Photo Documentation of Civilians Who Were Killed By NATO Attacks, from 24.03 until 20.05.1999.”

¹¹⁵ FRY, MFA, *NATO Crimes in Yugoslavia*, volume. I, pp. 46-48; Yugoslav press reports.

¹¹⁶ Tanjug, Vranje, April 5, 1999.

¹¹⁷ Tanjug, Vranje, April 5, 1999; Permanent Mission of the FRY to the UN, “Provisional Assessment,” July 3, 1999.

¹¹⁸ FRY, MOH, “Photo Documentation of Civilians Who Were Killed By NATO Attacks, from 24.03 until 20.05.1999.”

¹¹⁹ Yugoslav press reports; Information provided by Yugoslav civil defense authorities.

¹²⁰ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. I, pp. 130-135.

¹²¹ Ibid., pp. 132-135.

¹²² Ibid., pp. 130-135; information provided by the Yugoslav Ministry of Information and Yugoslav civil defense authorities.

¹²³ “10 Killed in Pristina,” *Irish Times*, April 8, 1999, p. 13.

¹²⁴ Human Rights Watch, “NATO Crimes Against Civilians,” May 30, 1999; Tanjug, Pristina, April 7, 1999; Yugoslav press reports.

On April 9, NATO admits damage to civilian homes in the strike on the telephone exchange, regretting "unintended damage or loss of civilian life." Air commodore David Wilby said that one of three bombs which targeted the Main Postal Office hit a residential area. "Careful investigation of the picture showed that bomb exploded some 200 to 300 meters from the target, on something that looks like a small residential area," Wilby says.¹²⁵

The Yugoslav government provides forensic detail of the incident in its *White Book*. Human Rights Watch also received photo documentation of the deaths from the Ministry of Health.¹²⁶

11. In an attack on the **Nis** airfield, one civilian is killed and twenty are injured. Miroslav Stojkovic is killed at the MIN industry complex. The civilian is reported as "the first civilian victim in Nis since NATO started attacks."¹²⁷

Human Rights Watch visited the site on August 13, inspected the damage, collected documentation, met with civil defense officials, and took eyewitness testimony. The MIN complex is located at 12. Februara Boulevard; its rear is some 300 meters from the airfield perimeter. Nis civil defense officials reported that eleven weapons were fired against Nis on April 7, including four "missiles" and six "guided bombs." One additional unexploded bomb was reportedly recovered.

April 8

12. In an 4:00-4:10 a.m. attack on telecommunications and/or air defense facilities on Tornik peak in the **Zlatibor** mountains in central Serbia, three civilians are killed. They are forest ranger Milenko Savic (25) and guards Nedjo Urosevic (31) and Radoje Marjanovic (34).¹²⁸ The "Tornik" ski resort and a training facility of the Medical Institute "Cigota" incorporating a children's recreation center and an outpatient clinic are hit. The site is visited shortly afterwards by Judge Momcilo Krivokapic and Deputy Attorney-General Stevan Zrnic.¹²⁹ A government report at the time said, "Almost all objects on 2,000 square meters surface are completely destroyed."¹³⁰

Human Rights Watch visited the site on August 7, inspected the damage and interviewed eyewitnesses. Eyewitnesses said that army soldiers were occupying homes and hotels in the area, but that the local population knew little about the functions and activities of the army in the area during the war. The site of the civilian deaths (N4340272/E01938755), a ski lodge at the bottom of the lifts, is more than 2,000 meters from the telecommunications tower on Tornik peak, which was also bombed. The Yugoslav government provides forensic detail of the incident in its *White Book*. Human Rights Watch also received photo documentation of the deaths from the Ministry of Health.¹³¹

13. In a 12:42-12:50 p.m. attack on the Kursulina street Army barracks in the Serbian town of **Cuprija**, one woman is killed and five civilians are injured. Zlatka Lukic (54) is killed. Houses are destroyed and damaged on Kursulina street, Milana Toplice street, Vojske Jugoslavije Boulevard, as well as surrounding areas. There is also damage to schools, stores, and a sports hall.¹³²

Human Rights Watch visited the site (N4356008/E02122130) on August 14, inspected the damaged and interviewed eyewitnesses. The barracks are located on the Morava river, right outside the center of town and about 800 meters from the locations where the civilian deaths occurred. Damage to the sports hall, office of the electrical distribution board, and residences was observed. The Yugoslav government provides forensic detail of the incident in its *White Book*.

April 10

¹²⁵ AFP (Brussels), "Lengthening List of NATO Errors," May 4, 1999.

¹²⁶ FRY, MOH, "Photo Documentation of Civilians Who Were Killed By NATO Attacks, from 24.03 until 20.05.1999."

¹²⁷ "War Against Yugoslavia: Nis" (www.inet.co.yu/rat/gradovi/nis/index.html).

¹²⁸ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. I, pp. 411-414; Yugoslav press reports; information provided by the Yugoslav Ministry of Information and Yugoslav civil defense authorities during Operation Allied Force via Email.

¹²⁹ Information provided by the Yugoslav Ministry of Information and Yugoslav civil defense authorities during Operation Allied Force via Email.

¹³⁰ "War Against Yugoslavia: Uzice" (www.inet.co.yu/rat/gradovi/uzice/index.html).

¹³¹ FRY, MOH, "Photo Documentation of Civilians Who Were Killed By NATO Attacks, from 24.03 until 20.05.1999."

¹³² Human Rights Watch, *NATO Crimes in Yugoslavia*, vol. I, pp. 136-139.

14. In an 11:55 p.m. attack on unidentified targets in the area between Podujevo and Kursumlija on the Serbian-Kosovo border, five are killed and some three are injured near the villages of **Merdare** and **Mirovac**. Killed were Bozina Tosovic (30) and his one-year-old daughter Bojana, while Marija Tosovic, his wife, was seriously wounded. Dragan Bubalo (31) from Podujevo, Goran Djukic from Ploce, and Srdjan Cvetkovic are also killed.¹³³ *Politika* names five killed: Bojana Tosovic (eleven months), Bozina Tosovic, Dragan Bubalo, Goran Djukic, and Srdjan Cvetkovic.¹³⁴ According to the chief of orthopedic surgery at the Djakovica hospital, forty-three people injured at Bistrzin and Meja were admitted to the hospital on April 14.¹³⁵

Yugoslav press accounts state that cluster bombs are responsible for the killings.¹³⁶ Cluster bomb submunitions are later observed near the road from Podujevo to Kursumlija, near the village Merdare.¹³⁷ According to a *New York Times* report, "in Merdare, NATO bombs and anti-personnel cluster bombs demolished four houses early Sunday morning, killing five....A number of pigs and cows were killed and injured....In the fields, there were hundreds of small holes in the earth from detonations, and small green nylon parachutes from what appeared to be NATO anti-personnel cluster bombs, covering an area of about 300 square yards. Large pieces of green painted metal, with yellow stripes, perfectly broken open as if on a seam, lay about the yard. There were large pieces of formed yellow plastic foam and light aluminum containers, with fans like whirligigs, that appeared to have held the small parachutes, with explosives attached...."¹³⁸

The Yugoslav government provides forensic detail of the incident in its *White Book*. This is the first confirmed instance of civilian deaths resulting from cluster bomb use. Human Rights Watch also received photo documentation of the deaths from the Ministry of Health.¹³⁹

April 12

15. In the evening, a four carriage civilian passenger train (No. 393) traveling the Belgrade to Ristovac line (on the Macedonian border) is hit as it crosses over the **Grdelica Klisura** gorge (Bistrica) bridge on the Juzna Morava river near Leskovac in southeastern Serbia, killing twenty. Killed are: Branimir Stanijanovic (6), Ivan Markovic (26), Ana Markovic (26), Jasmina Veljkovic (28), Simeon Todorov (31), Zoran Jovanovic (35), Petar Mladenovic (37), Verka Mladenovic (37), Divna Stanijanovic (41), Vidosav Stanijanovic (45), Radomir Jovanovic (45), and Svetomir Petkovic (65). Five others' remains are unidentified, and three persons are reported missing.¹⁴⁰ Tanjug reports that about fifty civilian passengers are killed in the attack.¹⁴¹

¹³³ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. I, p. 141; information provided by Yugoslav civil defense authorities.

¹³⁴ *Politika*, April 13, 1999, p. 17.

¹³⁵ Human Rights Watch interview with Dr. Burim Sahatqija, Djakovica, August 4, 1999.

¹³⁶ Yugoslav press reports.

¹³⁷ Information provided by Yugoslav civil defense authorities; FRY MFA, "Aide-Memoire on the Use of Inhumane Weapons in the Aggression of the North Atlantic Treaty Organization Against the Federal Republic of Yugoslavia," May 15, 1999.

¹³⁸ Steven Erlanger, "NATO Bombs Slam Passenger Train," *Seattle Post-Intelligencer*, April 13, 1999, p. A1.

¹³⁹ FRY, MOH, "Photo Documentation of Civilians Who Were Killed By NATO Attacks, from 24.03 until 20.05.1999."

¹⁴⁰ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. I, pp. 257-312; Yugoslav press reports. Committee for Compiling Data on Crimes Against Humanity and International Law (http://www.gov.yu/cwc/fejmel_nato.htm) says thirteen killed and sixteen injured.

¹⁴¹ Human Rights Watch, "Technology of Crimes and Dishonor of NATO," June 5, 1999.

February 2000, Vol. 12, No. 1 (D)

An AGM-130 electro-optically guided precision-guided munition (PGM) was used in the F-15E Strike Eagle attack. NATO apologizes for an “uncanny accident” and says that it had targeted the bridge because it was an important supply route into Kosovo.¹⁴² Showing video footage of the attack, Gen. Clark says: “You can see if you were focusing right on your job as a pilot how suddenly that train appeared. It was really unfortunate.” Later Deputy Defense Secretary John Hamre states that “one of our electro-optically guided bombs homed in on a railroad bridge just when a passenger train raced to the aim point. We never wanted to destroy that train or kill its occupants. We did want to destroy the bridge and we regret this accident.”¹⁴³

Human Rights Watch visited the site (N4252594/E02205255) on August 12, inspected the damage and interviewed eyewitnesses. The Yugoslav government provides forensic detail of the incident in its *White Book*. It also received photo documentation of the deaths from the Ministry of Health.¹⁴⁴

16. A “Ford Escort” civilian car traveling on the **Pristina-Kosovo Polje road** is hit at 2:25 p.m. local time near the Agricultural School, killing two. A third civilian dies in the Pristina Hospital.¹⁴⁵

17. The Yugoslav government reports that the **Djakovica-Klina road** in Kosovo is struck with cluster bombs at 6:30 p.m. and that “several people were killed and wounded.”¹⁴⁶ Human Rights Watch could find no authoritative source identifying the dead. Civil defense officials stated that five civilians died.¹⁴⁷

April 13

18. One civilian is reported killed in the **Kicma** settlement near **Pristina** in Kosovo: Sefcet Trnova (22). There are reports of attacks at the same time on the Slatina airfield, the Pristina bus station, as well as targets in the Ajvalija and Gracanica suburbs of Pristina.¹⁴⁸

April 14

19. Between 1:30-3:30 p.m., a refugee convoy is bombed along a twelve mile stretch of road between **Djakovica** and **Decane** in Kosovo, killing seventy-three individuals and injuring thirty-six. The bombing incidents occur near the villages of Bistrazin, Gradis, Madanaj and Meja in numerous different locations. On April 14, Yugoslav authorities claimed fifty-six dead and thirty-six wounded. On April 15, four additional bodies were discovered. Later the total was increased even more; Yugoslav authorities in the *White Book* state that seventy-three were killed and thirty-six were wounded. The Committee for Compiling Data on Crimes Against Humanity and International Law says eighty-two dead and fifty injured.¹⁴⁹

¹⁴² AFP (Brussels), “Lengthening List of NATO Errors,” May 4, 1999.

¹⁴³ Statement of the Honorable John J. Hamre Deputy Secretary of Defense Before the House Permanent Select Committee on Intelligence, July 22, 1999.

¹⁴⁴ FRY MOH, “Photo Documentation of Civilians Who Were Killed By NATO Attacks, from 24.03 until 20.05.1999.”

¹⁴⁵ Yugoslav press reports; Information provided by Yugoslav civil defense authorities; Tanjug, “Chronology of Crimes and Dishonor of NATO,” June 5, 1999.

¹⁴⁶ FRY, MFA, “Aide-Memoire on the Use of Inhumane Weapons in the Aggression of the North Atlantic Treaty Organization Against the Federal Republic of Yugoslavia,” May 15, 1999.

¹⁴⁷ Information provided by Yugoslav civil defense authorities during Operation Allied Force via Email.

¹⁴⁸ Yugoslav press reports.

¹⁴⁹ Committee for Compiling Data on Crimes Against Humanity and International Law (http://www.gov.yu/cwc/fejmel_nato.htm). Human Rights Watch believes that the *White Book* figures are accurate, and seventy-three deaths corresponds to Human Rights Watch independent press reporting on the incident. 38 February 2000, Vol. 12, No. 1 (D)

The identified dead are: Ferat Bajrami, Imer Cela, Sali Gjokaj, Skendi Gjokaj, Martin Hasanaj, Lek Hasanaj, Ram Maloku, Arton Maloku, Tazija Pajaziti, Vjollca Pajaziti (18), Violeta Pajaziti (16), Nevrija Pajaziti, Hasan Pajaziti, Flora Pajaziti, Adem Seljmani, Besarde Smajli, Fikrije Sulja, Nerdjivane Zeqiri, eight members of the Ali Ibraj family, four members of the Spend Nuraj family, four members of the Fatmir Nuraj family, and three members of the Sejdi Nuraj family.¹⁵⁰ Tanjug reports three Serbian "policemen who were securing the safe passage for the convoy" were also killed.¹⁵¹

The incident ignites a major controversy about NATO bombings. The Pentagon suggests Serb security forces might have attacked civilians after a NATO strike on military vehicles in the convoy. Pentagon spokesman Ken Bacon says NATO commander Gen. Wesley Clark had received reports that "after the convoy was hit, military people got out and attacked civilians." "The pilots state they attacked only military vehicles," NATO says, adding that the "reported incident will be fully investigated once all mission details have been reviewed." There are also various reports emanating from NATO spokesman and militaries of Serbian deception in placing dead civilians at the site of the bombing. German Defense Minister Rudolf Scharping is among those who put the blame on Yugoslav forces.¹⁵²

On April 15, NATO acknowledges that it bombed civilian vehicles by mistake: "Following a preliminary investigation, NATO confirms that apparently one of its planes dropped a bomb on a civilian vehicle traveling with a convoy yesterday." NATO says the attack was made because military vehicles were identified in the area. "Serbian police or army vehicles might have been in or near the convoy," NATO spokesmen state.

On the same day, the AFP correspondent in Kosovo, Aleksandar Mitic, *Los Angeles Times* correspondent Paul Watson, and two Greek television crew are allowed to go to the scene of the bombing. They find, according to the AFP dispatch, "bodies charred or blown to pieces, tractors reduced to twisted wreckage and houses in ruins." According to Mitic's report, two convoys, one to the north and one to the south of Djakovica, were hit. He quotes one refugee as saying the groups had been bombed three or four times, "the planes circling overhead as if they were following us." The *Los Angeles Times* reports small craters and bomb remnants found at the scene with U.S. markings, and reports eyewitness accounts of explosions in the air (which the newspaper says indicates the use of cluster bomblets), extensive shrapnel dispersion, and the burned bodies of refugees. Tractors pulling the refugees on wagons were destroyed, suggesting, the *Times* says, that the infrared heat-seeking "sensors" on the bomblets (sic) mistook the tractors for tanks. Cluster bomb remnants, small craters and destroyed tractors are reportedly found at Meja, about three miles west of Djakovica, and also about nine miles away, east of Djakovica.¹⁵³

Human Rights Watch spoke with two witnesses to the April 14 bombing in Meja, one of whom was seriously injured. Safet Shalaj from Junik had a large scar on his back and leg due to his injuries from the NATO bombing. He said:

It was April 14, around 12:45 p.m. There were seven or eight tractors and some cars. NATO bombed us.

It was a civilian convoy with two or three pitzgowers in front and the [Yugoslav] army behind us burning houses. After the bombing they took us into a house with Serbian police. In my tractor, fourteen people died.

I'm not angry with NATO. Only that they can now help me find my children.¹⁵⁴

Kole Hasanaj from Meja told Human Rights Watch:

NATO bombed the convoy on Wednesday, April 14, around 2:00 p.m. It was a convoy from Junik. When the aircraft were in the sky then the military vehicles mixed with the column. I counted twenty-three killed people from the tractors. There were others around, maybe twenty-seven or twenty-eight. NATO bombed five times. No military vehicles were damaged. After the bombing, they [Serb forces] went into the hills. The Albanians stayed in my house for about three hours.¹⁵⁵

On April 16, NATO spokesman Jamie Shea and Brig. Gen. Giuseppe Marini state that "in one case and one only, we have proof of civilian loss of life. Otherwise, we are sure that we targeted military vehicles." NATO admits that the

¹⁵⁰ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. I, pp. 1, 21-26, 32-37.

¹⁵¹ Tanjug, Pristina, April 15, 1999.

¹⁵² NATO, SHAPE News Morning Update, April 15, 1999; Reuters, 150059 GMT April 1999.

¹⁵³ Paul Watson, "Cluster Bombs May Be What Killed Refugees," *Los Angeles Times*, April 17, 1999, p. A1.

¹⁵⁴ Human Rights Watch interview with Safet Shalaj, Djakovica, July 25, 1999.

¹⁵⁵ Human Rights Watch interview with Kole Hasanaj, Meja, July 25, 1999.

pilot of a U.S. F-16 fired on what he believed to be military trucks, and expresses “deep regret.” There is confirmation that fragments of Mk 82 500 lb. unguided bombs found at the scene were indeed used.¹⁵⁶

On April 19, a new version of events emerges. NATO admits that about a dozen planes were involved in attacks on more than one convoy, dropping a total of nine bombs. NATO makes public a voice recording of one of the pilots responsible for bombing the first convoy, who says the vehicles in question are “of a military type.” As for a second convoy, NATO claims it had been targeted because its “pace and formation were of a typically military nature.”

"This is a very complicated scenario and we will never be able to establish all the exact details," says U.S. Brig. Gen. Daniel Leaf, commander of the 31st Wing at Aviano, Italy, where the F-16s originated. Leaf suggests that after NATO aircraft attacked military vehicles, Serb forces attacked refugees in the rear with cluster bombs and grenades. He denies that NATO used cluster bombs in an attacks in the area.¹⁵⁷

The news media later reveals that one of the U.S. pilots responsible for the bombings had been warned by a British pilot that the convoy included civilians. NATO later admits that the recording made public on April 19 had no connection with the bombing of the convoys, but was just an example of pilot "chatter."

The Yugoslav government provides forensic detail of the incident in its *White Book*. Human Rights Watch also received photo documentation of the deaths from the Ministry of Health.¹⁵⁸

20. In 2:25-3:30 p.m. attacks on an unidentified bridge or on a military convoy near the suburban quarter of **Pavlovac** south of **Vranje** in southeastern Serbia, two civilians are killed and at least one is wounded. Milica Stojanovic (12) and Mijalko Trajkovic (65) are killed.

According to the Yugoslav government, they are killed by cluster bombs.¹⁵⁹ It says that Pavlovac houses are hit by cluster bombs. "Several people were killed and gravely wounded," the Yugoslav government says. Damage is reported to a bridge on the Presevo-Vranje motorway, with civilian facilities along the motorway also damaged.¹⁶⁰ Another report says that the Vranje-Bujanovac road was targeted.¹⁶¹

Human Rights Watch visited the site (N4229656/E02151770) on August 12, inspected the damage and interviewed eyewitnesses. Eyewitnesses said that four weapons exploded next to the E-75 highway at about 3:00 and 4:00 p.m. on April 14. They speculated that a military convoy on the highway was the target. A highway bridge some one kilometer south of the site was also bombed at about the same time. There is no particular evidence of the use of cluster bombs, though it remains a possibility. The Yugoslav government provides forensic detail of the incident in its *White Book*. Human Rights Watch also received photo documentation of the deaths from the Ministry of Health.¹⁶²

April 15

21. The Yugoslav government reports that two "raids" are carried out with cluster bombs against targets in the village of **Raljan**, Presevo municipality in southern Serbia, and that eight "people" are killed in these attacks.¹⁶³ It reports attacks between 11:00 a.m.-12:10 p.m. in the area of Vranje, Bijelo Polje, Presevo, Bujanovac, and Prohor Pcinjski.¹⁶⁴

¹⁵⁷ Joie Chen and Jamie McIntyre, "As Serb Force Grows, Limits of Air Attacks Become Apparent," CNN, *The World Today* broadcast, April 19, 1999; Sarah Chayes, "General Daniel Leaf Explains the Refugee Bombings," NPR, *All Things Considered* broadcast, April 19, 1999.

¹⁵⁸ FRY, MOH, "Photo Documentation of Civilians Who Were Killed By NATO Attacks, from 24.03 until 20.05.1999."

¹⁵⁹ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. I, pp. 148-150; Yugoslav press reports; Information Provided by the FRY MOD; Information provided by Yugoslav civil defense authorities.

¹⁶⁰ FRY, MFA, "Aide-Memoire on the Use of Inhumane Weapons in the Aggression of the North Atlantic Treaty Organization Against the Federal Republic of Yugoslavia," May 15, 1999.

¹⁶¹ Information provided by the FRY MOD.

¹⁶² FRY, MOH, "Photo Documentation of Civilians Who Were Killed By NATO Attacks, from 24.03 until 20.05.1999."

¹⁶³ FRY, MFA, "Aide-Memoire on the Use of Inhumane Weapons in the Aggression of the North Atlantic Treaty Organization Against the Federal Republic of Yugoslavia," May 15, 1999.

¹⁶⁴ Human Rights Watch, "NATO raids on civilian and industrial facilities in the night between February 2006, Vol. 12, No. 1 (D)

22. One civilian is killed at 2:20 p.m. near the Hotel "Baciste" in the **Kopaonik** mountains in southern Serbian during the collection and clearing of cluster bombs.¹⁶⁵ Mladen Stanojevic is killed during the clearing process. The cluster bomb attack occurred at 12:40 a.m. on April 13.¹⁶⁶

Human Rights Watch received photo documentation of the cluster bomb clearing and the death from the Ministry of Health.¹⁶⁷

April 16

23. In an attack on an unidentified target, one civilian is killed and two are injured in **Ribnice** village near **Vranje** in southeastern Serbia. Irena Mitic (16) died on April 17 from wounds received on April 16.¹⁶⁸

April 17

24. In a 2:15 a.m. attack on the **Valjevo** "Krusik" factory, one civilian is wounded and dies several days later. Milisav Micic (37) died several days after he was wounded in front of his house during "the second attack on Krusik," according to neighbors and eyewitnesses interviewed by Human Rights Watch. According to the Yugoslav government, five "highly destructive missiles" hit the plant. One of the production lines was completely destroyed. Damage was also registered in the "Kolubara 2" residential quarter.¹⁶⁹

Human Rights Watch visited the site on August 7, inspected the damage and interviewed eyewitnesses of the death.

25. In a 9:30-10:00 p.m. attack on the **Batajnica** airfield or airfield related air defenses west of Belgrade, Milica Rakic (3) is killed and another civilian is wounded.¹⁷⁰ The girl was killed by shrapnel while in the bathroom on the second floor of her apartment (Flat no. 2) at 8 Dimitrije Lazareva-Rase street.¹⁷¹

Human Rights Watch visited the site (N4453977/E02017362) on August 7, inspected the damage and interviewed eyewitnesses. Evidence indicated that a weapon—possibly a cluster bomb submunition—exploded near the apartment building window. There have also been Yugoslav rumors that a cruise missile shot down by Yugoslav air defenses exploded in this neighborhood. The Yugoslav government provides forensic detail of the incident in its *White Book*. Human Rights Watch also received photo documentation of the death from the Ministry of Health.¹⁷²

26. After a reported cluster bomb attack in the vicinity of the village of **Kamena Glava**, Urosevac municipality, in Kosovo at 3:30 p.m. on April 17, three civilians are injured. Two civilians subsequently die on April 18.¹⁷³

April 19

¹⁶⁵ FRY, MFA, "Aide-Memoire on the Use of Inhumane Weapons in the Aggression of the North Atlantic Treaty Organization Against the Federal Republic of Yugoslavia," May 15, 1999; FRY, MFA, *NATO Crimes in Yugoslavia*, vol. I, p. 414 mentions only "minor bodily injuries" suffered by Miodrag Maksimovic.

¹⁶⁶ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. I, pp. 414-416.

¹⁶⁷ FRY, MOH, "Photo Documentation of Civilians Who Were Killed By NATO Attacks, from 24.03 until 20.05.1999."

¹⁶⁸ Yugoslav press reports.

¹⁶⁹ Information Provided by the FRY MOD.

¹⁷⁰ FRY, MFA, NATO attacks on civilian and industrial plants in the night between April 17 and 18 1999; "War Against Yugoslavia: Beograd" (www.inet.co.yu/rat/gradovi/beograd/index.html).

¹⁷¹ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. I, pp. 152-163.

¹⁷² FRY, MOH, "Photo Documentation of Civilians Who Were Killed By NATO Attacks, from 24.03 until 20.05.1999."

¹⁷³ FRY, MFA, "Aide-Memoire on the Use of Inhumane Weapons in the Aggression of the North Atlantic Treaty Organization Against the Federal Republic of Yugoslavia," May 15, 1999. February 2000, Vol. 12, No. 1 (D)

27. In an 11:07 p.m. attack on the **Nis** airfield and Stefan Sindjelic military barracks in the southeastern Serbian city, one civilian is killed and between nine and eleven are reported wounded. Milen Milojkovic is killed at 5/17 Koste Vujinovica street.¹⁷⁴ Tanjug reports that the “industrial area” of Nis to the east of the airfield is hit, killing one and injuring nine.¹⁷⁵ The Yugoslav government reports damage to several houses in a Roma quarter, damage to the Duvanska Industrija Nis (DIN) tobacco production plant, the “Kopaonik” trade company (a general merchandise depot), a “cattle fodder silo,” and the “Crveni krst” railway station, all east of the airfield.¹⁷⁶ Other reports state damage is caused in the Sljaka (Saka) neighborhood just to the southeast of the airfield, and on Bujmirska, Lipovacka, and Sarajevska streets. A “huge” crater is left on Bujmirska street.¹⁷⁷

Human Rights Watch visited the sites on August 13, inspected the damage, collected documentation, met with civil defense and DIN company officials, and took eyewitness testimony. The Stefan Sindjelic barracks is located at 12. Februara Boulevard, directly adjacent (to the southeast) of the DIN tobacco production plant. “Kopaonik” trade company is across the street from the tobacco plant and between the barracks and the railway station. The railway station is between the Kopaonik company and the Nis airfield.

Nis civil defense officials stated that five weapons—four “missiles” and one “guided bomb”—were dropped in Nis on April 19. The Yugoslav government provides forensic detail of the incident in its *White Book*. DIN also provided documentation of damage to the factory from a single weapon which landed some 100 meters outside the perimeters of the military barracks.¹⁷⁸

April 21

28. In a 12:00 p.m. attack on an unidentified target near **Djakovica** in Kosovo, five civilians are killed and between sixteen and nineteen are wounded. Killed are: Ivan Ivancevic (7), brothers Davor (29) and Radivoje (27) Ularovic, Marko Ivanovic (4), and Gordana Ilic (75). Predrag Ilkic (5) is reported sent to the Pristina Hospital in critical condition. The “Majino (Majno) naselje” (Maja) refugee camp in the southern part of the town is hit in the attack. Nineteen other Serb refugees from Republika Srpska are in the Djakovica hospital, according to the Yugoslav government.¹⁷⁹ According to the Yugoslav government, ten civilians are killed and sixteen are wounded.¹⁸⁰ Tanjug reports five killed and sixteen wounded.¹⁸¹ A doctor at the Djakovica hospital told Human Rights Watch that nineteen civilians were admitted to the hospital after the attack on Majno naselje, which he said he thought was an agricultural company.¹⁸²

The Yugoslav government provides forensic detail of the incident in its *White Book*.

April 22

¹⁷⁴ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. I, p. 168.

¹⁷⁵ Tanjug, “Chronology of Crimes and Dishonor of NATO,” June 5, 1999; “War Against Yugoslavia: Nis” (www.inet.co.yu/rat/gradovi/nis/index.html).

¹⁷⁶ FRY, MFA, “NATO raids on civilian and industrial facilities in the night between April 19 and 20, 1999;” Permanent Mission of the FRY to the UN, “Provisional Assessment,” July 3, 1999.

¹⁷⁷ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. I, p. 166; Yugoslav press reports.

¹⁷⁸ DIN, “Estimation of a Direct (Immediate) Damage in DP DIN ‘Tobacco Factory’ Nis caused by NATO Alliance Bombing.”

¹⁷⁹ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. I, pp. 170-172; Information provided by Yugoslav civil defense authorities.

¹⁸⁰ FRY, MFA, “NATO raids on industrial and civilian facilities in the night between April 21 and 22 1999.”

¹⁸¹ Tanjug, “Chronology of Crimes and Dishonor of NATO,” June 5, 1999.

¹⁸² Human Rights Watch interview with Dr. Burim Sahatçija, Djakovica, August 4, 1999; Human Rights Watch, February 2000, Vol. 12, No. 1 (D).

29. In an afternoon attack on an unidentified target in the southern or southeastern suburban area of **Vranje**, one civilian is killed. Dalibor Tasic (17) is killed.¹⁸³

April 23

30. In a 2:06-2:20 a.m. attack on the Radio Televizija Srbija (RTS) Studio on 1 Aberdareva street in central **Belgrade**, sixteen are killed and another sixteen are wounded. Killed are: technician Darko Stoimenovski (26), technician Nebojsa Stojanovic (27), security guard Dragorad Dragojevic (27), video mixer Ksenija Bankovic (28), make-up artist Jelica Munitlak (28), security guard Dejan Markovic (30), cameraman Aleksandar Deletic (31), technician Dragan Tasic (31), producer Slavisa Stevanovic (32), program designer Sinisa Medic (33), foreign programming specialist Ivan Stukalo (34), security officer Milan Joksimovic (47), program operator Branislav Jovanovic (50), set decorator Slobodan Jontic (54), mechanic Milovan Jankovic (59), and program director Tomislav Mitrovic (61).¹⁸⁴ The RTS initially reported that more persons may still be missing who were known to have been inside the building during the bombing,¹⁸⁵ but it is now believed that all bodies have been recovered.

About one hundred journalists and technicians were reported working in the complex when the bombing occurred.¹⁸⁶ Producing and directing rooms and equipment were completely destroyed. There was damage to neighboring buildings, including the "Dusko Radovic" Theater next door.¹⁸⁷

Human Rights Watch visited the site (N4448615/E02028195) on August 5, inspected the damage to RTS and surrounding buildings and took eyewitness testimony. The damage to the St. Trinity Russian Orthodox and the St. Marco Serbian Orthodox churches consisted on broken windows and other minor effects from the nearby blast. The theater, across a courtyard from the RTS building, received major damage. The Yugoslav government provides forensic detail of the incident in its *White Book*. Human Rights Watch also received photo documentation of the deaths from the Ministry of Health.¹⁸⁸

At least one JDAM precision-guided munition (PGM) dropped by a B-2 bomber was used in the attack, according to Air Force sources.

April 24

31. In an 11:30 a.m. attack on an unidentified target, the Yugoslav government reports that five civilians are killed and two "gravely" injured when cluster bomblets fall in **Doganovic** village in Kacanik municipality south of Urosevac on the Macedonian border in Kosovo.¹⁸⁹ Five Albanian boys from the Kodza family are reported killed when they pick up an unexploded bomblet: Edan (3), Fisnik (9), Osman (13), Burim (14), and Valjdet (15).¹⁹⁰

¹⁸³ Yugoslav press reports; FRY, MFA, "NATO raids on civilian and industrial facilities in the night between April 22 and 23 1999."

¹⁸⁴ FRY, MFA, *NATO Crimes in Yugoslavia*, vol I, pp. 343-350; FRY, MFA, "Overview of Civilian Destruction in the Territory of the FR of Yugoslavia as a consequence of Barbaric and Criminal NATO Aggression," Belgrade, April 26, 1999; FRY, MFA, "NATO Crimes Against Civilians," May 10, 1999.

¹⁸⁵ Yugoslav press reports; *Vecernje Novosti*, April 25, 1999, p. 3; *Politika*, April 28, 1999, p. 16; *Nedeljni Telegraph*, July 21, 1999, p. 7; Information provided by Yugoslav civil defense authorities.

¹⁸⁶ Tanjug, "Chronology of Crimes and Dishonor of NATO," June 5, 1999.

¹⁸⁷ FRY, MFA, "NATO raids on civilian and industrial facilities in the night between April 22 and 23 1999"; information provided by the Yugoslav Ministry of Information.

¹⁸⁸ FRY, MOH, "Photo Documentation of Civilians Who Were Killed By NATO Attacks, from 24.03 until 20.05.1999."

¹⁸⁹ FRY, MFA, "Aide-Memoire on the Use of Inhumane Weapons in the Aggression of the North Atlantic Treaty Organization Against the Federal Republic of Yugoslavia," May 15, 1999.

¹⁹⁰ Human Rights Watch reports; information provided by Yugoslav civil defense authorities, February 2000, Vol. 12, No. 1 (D).

32. In a 3:00 p.m. attack on an unidentified target in the village of **Velika Dobrinja**, Lipljan municipality, in Kosovo, one civilian is killed and five are wounded. Arta Lugici (6) is killed, while her brothers Egzon (8) and Neron (7) and sister Arijeta (7) are wounded. Their parents, Gentijana and Arif Lugici, receive light injuries. The wounded boys are placed in the surgical ward of the Pristina hospital.¹⁹¹

April 27

33. In a 12:15-12:30 p.m. attack on the Jovana Jovanovica Zmaja street army barracks in **Surdulica** in southeastern Serbia, eleven civilians are killed and as many as one hundred are wounded. Killed are Vladimir Milic (12), Miljana Milic (15), Miomir Miovanovic (17), Stanisa Djordjevic (22), Vesna Milic (37), Aleksandar Milic (37), Dragan Ivanovic (39), Stana Rasic (47), Stamenka Milic (66). Two corpses could not be positively identified.

Weapons landed outside the barracks perimeter and cause damage and casualties in the nearby residential areas of J.J. Zmaja (Nos. 1-28), Miroljuba Stanojevica (Nos. 4-8), Jugoslovenska (Nos. 51-112), Stojana Stamenkovica (Nos. 1-40), and Drinske Divizije (No. 8-63) streets, with lesser damage on Beogradska, Branislava Nusica, and 5 Septembra streets.¹⁹² There are widespread reports of sixteen dead, twelve of them being children aged five to twelve.¹⁹³ Other reports stated some twenty dead, including twelve children, and over one hundred are wounded, including twenty-four seriously.¹⁹⁴

Serbian Vice Premier Dragan Tomic escorted more than eighty domestic and foreign correspondents to view the damage in Surdulica. He states that the youngest victim was barely three years old, and that the attack killed "at least" twenty people, sixteen of whom have been identified so far, six of them children. Spokesman for the Yugoslav Foreign Ministry Nebojsa Vujovic told the correspondents in Surdulica that the town has been hit by 175 "missiles" since April 6.¹⁹⁵

On April 28, NATO admitted hitting the residential area of Surdulica, when a weapon intended to hit the army barracks overshot its target.¹⁹⁶ Speaking at NATO in Brussels, Brig. Gen. Giuseppe Marani said: "After more than 4,000 attack sorties, one bomb went astray. We put all our effort in avoiding collateral damage. Things like this can happen and in fact they happened."

Human Rights Watch visited the site (N4241297/E02210787) on August 12, inspected the damage and took eyewitness testimony. According to eyewitness reports, the civilians killed were in the house belonging to Aleksandar Milic on J.J. Zmaja street. Neighbors took shelter in the Milic house because it was a new house built of strong materials, and had a basement. Eyewitnesses said that eleven corpses were recovered. Stojance Petkovic, a neighbor who was in the Milic house when it was hit, says that there were ten people inside (and all but him died). Another eyewitness said, "Eleven people died in that house, and nobody else was killed" in the neighborhood.¹⁹⁷ The Yugoslav government provides forensic detail of the incident in its *White Book*. Human Rights Watch also received photo documentation of the death from the Ministry of Health.¹⁹⁸

April 28

¹⁹¹ Yugoslav press reports; FRY, MFA, "Overview of Civilian Destruction in the Territory of the FR of Yugoslavia as a consequence of Barbaric and Criminal NATO Aggression, Belgrade, April 26, 1999."

¹⁹² FRY, MFA, *NATO Crimes in Yugoslavia*, vol. II, pp. 19-82.

¹⁹³ Yugoslav press reports; FRY, MFA, "NATO raids on industrial and civilian facilities on April 27 and in the night between April 27 and 28 1999."

¹⁹⁴ Tanjug, "Chronology of Crimes and Dishonor of NATO," 5 June 1999; FRY MFA, "NATO Crimes Against Civilians," May 10, 1999; Permanent Mission of the FRY to the U.N., "Provisional Assessment," July 3, 1999; Yugoslav press reports.

¹⁹⁵ Tanjug, Surdulica, April 28, 1999.

¹⁹⁶ AFP (Brussels), "Lengthening List of NATO Errors," May 4, 1999.

¹⁹⁷ See also *NATO Crimes in Yugoslavia*, vol. II, pp. 80-82.

¹⁹⁸ Human Rights Watch photo documentation of civilians who were killed by NATO attacks, February 2000, Vol. II, pp. 199-200.

34. In 12:30-3:00 p.m. attacks on **Golubovac** airfield south of **Podgorica** in Montenegro, one civilian is killed and three are wounded. Paska Prenkovo Juncaj (61), an Albanian, is killed, and three civilians are wounded in **Sipcanik** village. Attacks are reported on the Golubovac airfield near Podgorica, as well as on Montenegrin targets at Bar and Bijelo Polje. Cluster bomblets land in the villages of Gosici and Mataguzi, just to the east of the airfield.¹⁹⁹ The Yugoslav government provides forensic detail of the incident in its *White Book*.

35. In an 11:35 p.m. attack on an unidentified target in **Prizren** in Kosovo, four civilians are killed and some twenty are wounded. The names of the dead are reported as two-and-a-half-year-old Kasandra, Becir (14), Maksun (22), and Djulja Zuljuri (25), all from the Roma settlement on Podrimska street. Djulja Zuljuri was pregnant at the time of her death. About fifty houses in the Roma settlement, are damaged or destroyed.²⁰⁰ The Yugoslav government provides forensic detail of the incident in its *White Book*.

April 29

36. In an attack on Slatina airfield near **Pristina**, three civilians are killed. Berisha Braim (age unknown) and two sons, Daut and Basri, are killed in **Ariljaca** village (near Goles) (15 km west of Pristina).²⁰¹

37. In 12:58-4:35 a.m. attacks on the **Ostruznica** highway bridge over the Sava river south of Belgrade, one civilian is killed. Nebojsa Arsic (35) died on the bridge in his car.²⁰² Both the highway and railroad bridges in Ostruznica were bombed.²⁰³

Human Rights Watch visited the site (N4444436/02019342) on August 5 and inspected the damage. It also received photo documentation of the death from the Ministry of Health.²⁰⁴ The Yugoslav government provides forensic detail of the incident in its *White Book*. A precision-guided munition (PGM) was used in the attack.

April 30

¹⁹⁹ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. II, pp. 92-94; FRY, MFA, "NATO raids on industrial and civilian facilities on April 28 and in the night between April 28 and 29 1999"; "War Against Yugoslavia: Podgorica" (www.inet.co.yu/rat/gradovi/podgorica/index.html); Yugoslav press reports.

²⁰⁰ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. II, pp. 83-85; Yugoslav press reports; *Politika*, 30 April 1999, p. 17; FRY, MFA, "NATO raids on industrial and civilian facilities on April 28 and in the night between April 28 and 29 1999"; Tanjug, "Chronology of Crimes and Dishonor of NATO," June 5, 1999.

²⁰¹ Yugoslav press reports; *Pobjeda*, May 1, 1999, p. 2.

²⁰² FRY, MFA, *NATO Crimes in Yugoslavia*, vol. II, pp. 334-335.

²⁰³ FRY, MFA, "NATO raids on industrial and civilian facilities on April 28 and in the night between April 28 and 29 1999"; "War Against Yugoslavia: Beograd" (www.inet.co.yu/rat/gradovi/beograd/index.html).

²⁰⁴ Human Rights Watch photo documentation of civilians who were killed by NATO attacks on April 29, 1999, Vol. II, p. 199 (D).

38. In a 2:20-2:30 a.m. attack on the Yugoslav Army/Ministry of Defense headquarters on Kneza Milosa street in downtown **Belgrade**, one civilian is killed and four are seriously wounded. Another two dozen civilians are lightly wounded. Sofija Jovanovic (23), who sustained injuries, dies on May 2.²⁰⁵ A security guard (policeman), Nenad Nikolic, at his Ministry of Foreign Affairs post across the street from the Ministry of Defense, is also killed.²⁰⁶ The Yugoslav Army/Ministry of Defense headquarters building and the Federal and Serbian Ministries of Internal Affairs, all on Kneza Milosa street, are bombed.²⁰⁷

Human Rights Watch visited the site on August 4, inspected the damage and took eyewitness testimony. Jovanovic was killed at 7 Vardarska street (N4447714/E02028904), about 1,400 meters from the ministry headquarters. There was also a direct hit on 57 Maksima Gorkog street (N4447666/E02028719) and the adjacent "Zlatni ovan" restaurant, and a weapon or shrapnel landed in the street at the corner of Vardarska and Maruliceva streets creating a ten foot crater (N4447698/E02028834). Damage was also observed to surrounding apartments, stores and businesses. The Yugoslav government provides forensic detail of the incident in its *White Book*. Either a JDAM precision-guided munition (PGM) delivered by a B-2 bomber or a cruise missile was used in the attack.

39. In a 3:15 p.m. attack on the "old bridge" over the Zapadna Morava river in the center of **Trstenik** in central Serbia, two civilians are killed and fifteen are wounded, one seriously.²⁰⁸ Dejan Djordjevic (40) and Nadezda Petrickovic (44), both of Grabovac village, are killed on the bridge.²⁰⁹

The Yugoslav government provides forensic detail of the incident in its *White Book*. Human Rights Watch received photo documentation of the deaths from the Ministry of Health.²¹⁰ A precision-guided munition (PGM) was used in the attack.

40. In a 10:10 p.m. attack on the bridge over the Lim river in **Murino**, Montenegro (near the Albanian border), six civilians are killed and seven are wounded. The dead are reported as Julija Brudar (10), Olivera Maksimovic (12), Miroslav Knezevic (13), Vukic Vuletic (45), Manojlo Komantina (age unknown), and Milka Kocanovic (possibly Kovacevic) (age unknown).²¹¹ The Yugoslav government initially reports one person killed and two wounded.²¹² The next day it reports four people killed and eight wounded.²¹³ Still later it reports five civilians killed and eight children wounded.²¹⁴

The Yugoslav government provides forensic detail of the incident in its *White Book*. A precision-guided munition (PGM) was used in the attack.

May 1

²⁰⁵ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. II, 100-109.

²⁰⁶ FRY, MOH, "Photo Documentation of Civilians Who Were Killed By NATO Attacks, from 24.03 until 20.05.1999."

²⁰⁷ Tanjug, "Chronology of Crimes and Dishonor of NATO," June 5, 1999; Information provided by Yugoslav civil defense authorities; "War Against Yugoslavia: Beograd" (www.inet.co.yu/rat/gradovi/beograd/index.html).

²⁰⁸ FRY, MFA, "NATO raids on industrial and civilian facilities on April 30th and in the night between April 30 and May 1, 1999"; information provided by Yugoslav civil defense authorities; Tanjug, "Chronology of Crimes and Dishonor of NATO," June 5, 1999.

²⁰⁹ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. II, p. 340; Yugoslav press reports.

²¹⁰ FRY, MOH, "Photo Documentation of Civilians Who Were Killed By NATO Attacks, from 24.03 until 20.05.1999."

²¹¹ Yugoslav press reports; FRY, MFA, *NATO Crimes in Yugoslavia*, vol. II, p. 110.

²¹² FRY, MFA, "NATO raids on industrial and civilian facilities on April 30 and in the night between April 30 and May 1, 1999."

²¹³ FRY, MFA, "NATO raids on civilian and industrial facilities on May 1, and in the night between May 1 and 2, 1999." Human Rights Watch, *NATO Crimes Against Civilians*, May 40, 1999. February 2000, Vol. 12, No. 1 (D)

41. In a 1:40 p.m. attack on a bridge over the Lab river near the village of **Luzane**, twelve miles north of Pristina in Kosovo, a bus is hit, killing thirty-nine and injuring thirteen.²¹⁵ The "Nis Express" passenger bus is hit on a bridge and plunges into the river.²¹⁶ The Yugoslav press reports, quoting Leposava Milicevic (the Serbian Health Minister), that forty-seven passengers are killed and sixteen are heavily wounded.²¹⁷ The Yugoslav government reports that "aircraft also bombed the ambulance which came to help the victims when one doctor was injured."²¹⁸

NATO admits destroying a civilian bus, saying that the bus appeared after an attacking aircraft released its weapon against the bridge, which it described as a key military route.²¹⁹ NATO's Col. Konrad Freytag said: "Unfortunately, after the weapon's release, a bus crossed on the bridge but was not seen by the pilot whose attention was focused on his aim point during weapon trajectory."

The Yugoslav government provides forensic detail of the incident in its *White Book*. Human Rights Watch received photo documentation of the deaths from the Ministry of Health.²²⁰ A precision-guided munition (PGM) was used in the attack.

42. In an attack on unidentified targets near the village of **Jablanica** south of Prizren in Kosovo, two civilians are killed and sixteen are wounded. Killed are Azemina Murati (38) and Ahmet Murati (88). Some twenty homes are destroyed and another fifty are damaged.²²¹ The Yugoslav government reports that three children and two adults are killed by a cluster bomb.²²² The Yugoslav government provides forensic detail of the incident in its *White Book*.

43. In an attack on unidentified targets in the suburb of Kule in **Prizren** in Kosovo, seven are killed and fifteen are wounded. Four members of the Berisha family are killed and seven are wounded. A weapons crater is caused on Alji Tarambabe street.²²³ The Yugoslav government provides forensic detail of the incident in its *White Book*.

May 2

44. In a 6:15 p.m. attack on the military barracks in the northern part of the city of **Sremska Mitrovica** in Vojvodina, one civilian is killed. Ljiljana Veliki (39) is killed in her house at No. 123 Milosa Obilica street, 800 meters away from the barracks.²²⁴ The Yugoslav government provides forensic detail of the incident in its *White Book*.

45. In a 9:40 a.m. attack on Serbian MUP buildings in **Kosovska Mitrovica** in Kosovo, two civilians are killed. Milomir Aksentijevic (age unknown) and Hashima Meshehrani (age unknown) are killed when a weapon lands on the "Kosmetput" asphalt factory.²²⁵

May 3

²¹⁵ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. II, pp. 341-346.

²¹⁶ Yugoslav press reports; FRY, MFA, "NATO raids on civilian and industrial facilities on May 1, and in the night between May 1 and 2, 1999."

²¹⁷ *Pobjeda*, May 3, 1999, p. 2; Tanjug, "Chronology of Crimes and Dishonor of NATO," June 5, 1999.

²¹⁸ FRY, MFA, "NATO Crimes Against Civilians," May 10, 1999.

²¹⁹ AFP (Brussels), "Lengthening List of NATO Errors," May 4, 1999.

²²⁰ FRY, MOH, "Photo Documentation of Civilians Who Were Killed By NATO Attacks, from 24.03 until 20.05.1999."

²²¹ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. II, pp. 83-87.

²²² FRY, MFA, "NATO Crimes Against Civilians," May 10, 1999.

²²³ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. II, pp. 88-91.

²²⁴ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. II, p. 112; Yugoslav press reports.

²²⁵ Human Rights Watch reports.

46. In an attack between 11:45 a.m. and 13:30 p.m. in the area of **Savine Vode** in northwestern Kosovo, a bus and car are hit, killing seventeen and injuring forty-four civilians. Aircraft hit the "Djakovica Prevoz" bus on its regular Pec-Rozaje route and a VW Golf Jetta car.²²⁶ After being hit by two weapons, the bus burst in flames. Forty-three casualties from the bus and the adjacent automobiles were reported admitted to the Pec hospital.²²⁷ Cluster bomb use is reported.²²⁸

NATO denied its planes were responsible for the attack, saying that it could find "no evidence" linking it with the incident.²²⁹

The Yugoslav government provides forensic detail of the incident in its *White Book*. Human Rights Watch also received photo documentation of cluster bomb remains and of the deaths from the Ministry of Health.²³⁰

May 4

47. At 3:00 p.m., a Ford Escort civilian passenger car is destroyed by the delayed explosion of a cluster bomb submunition on the **Pec-Rozaje highway** near the site at which the civilian bus had been hit on May 3. Jovan Otasevic (22) from Plav municipality is killed and one person is reported to be wounded.²³¹

May 7

48. In an 11:20-11:40 a.m. cluster bomb attack on the **Nis** airfield in southeast Serbia, fourteen civilians are killed and twenty-eight are wounded. Those killed are Ljiljana Spasic (26), Gordana Sekulic (29), Sasa Miljkovic (33), Dragisa Vucic (35), Bozidar Veljkovic (38), Ljubisa Stancic (48), Aleksandar Deljanin (50), Bozidar Djordjevic (57), Slobodan Stoilkovic (61), Vera Ilic (65), Zivorad Ilic (71), Gerasim Jovanovski (84), and Trifun Vuckovic (86). Ljiljana Spasic, killed on the corner of Jelene Dimitrijevic and Sumatovacka streets, is nine months pregnant. A fourteenth victim, Milutin Zivkovic (74), dies on May 8.²³²

Cluster bomblets fall in three areas: near the Pathology building of the Nis Medical Center in southeast Nis; in the town center near the Nis University Rector's Office, including the area of the central city market place, the bus station near the Nis Fortress, and the "12 February" Health Center; and near a car dealership and the "Nis Express" parking lot across the river from the fortress. Unexploded bomblets are reported on Ljube Nenadovica St., Sumatovacka St., Franca Rozmana St., and Anete Andrejevic St. It is reported that "there are several hundred unexploded cluster bombs in the city center."²³³

Initial Yugoslav government reports state that fifteen civilians are killed and more than sixty are wounded.²³⁴ Later reports state thirteen civilians are killed and twenty-nine are wounded, eighteen gravely and eleven lightly. The Yugoslav government also reports that 120 housing units are damaged and forty-seven destroyed, and that fifteen passenger cars are also destroyed.²³⁵

²²⁶ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. II, pp. 349-353; FRY, MFA, "Aide-Memoire on the Use of Inhumane Weapons in the Aggression of the North Atlantic Treaty Organization Against the Federal Republic of Yugoslavia," May 15, 1999.

²²⁷ FRY, MFA, "NATO raids on industrial and civilian facilities on May 3 and in the night between May 3 and 4, 1999."

²²⁸ FRY, MFA, "Aide-Memoire on the Use of Inhumane Weapons in the Aggression of the North Atlantic Treaty Organization Against the Federal Republic of Yugoslavia," May 15, 1999.

²²⁹ AFP (Brussels), "Lengthening List of NATO Errors," May 4, 1999.

²³⁰ FRY, MOH, "Photo Documentation of Civilians Who Were Killed By NATO Attacks, from 24.03 until 20.05.1999."

²³¹ FRY, MFA, "Aide-Memoire on the Use of Inhumane Weapons in the Aggression of the North Atlantic Treaty Organization Against the Federal Republic of Yugoslavia," May 15, 1999; Yugoslav press reports.

²³² FRY, MFA, *NATO Crimes in Yugoslavia*, vol. II, pp. 118-121; Yugoslav press reports; *Vijesti*, May 4, 1999, p. 4; *BLIC*, May 10, 1999, p. 9; *Vreme*, May 15, 1999, p. 5. Committee for Compiling Data on Crimes Against Humanity and International Law (http://www.gov.yu/cwc/fejmel_nato.htm) says fourteen killed and thirty injured.

²³³ Yugoslav press reports; "War Against Yugoslavia: Nis" (www.inet.co.yu/rat/gradovi/nis/index.html).

²³⁴ FRY, MFA, "NATO Crimes Against Civilians," May 10, 1999; Information Provided by the FRY, MOD.

²³⁵ FRY, MFA, "Aide-Memoire on the Use of Inhumane Weapons in the Aggression of the North Atlantic Treaty Organization Against the Federal Republic of Yugoslavia," May 15, 1999. February 2000, Vol. 12, No. 1 (D)

NATO confirms that it attacked the Nis airfield on May 7.²³⁶ There are other reports that the Jugopetrol fuel storage depot in northwest Nis is also targeted.²³⁷ **On May 8, NATO Secretary General Solana states that it** "NATO has confirmed that the damage to the market and clinic was caused by a NATO weapon which missed its target. This strike was directed against the Nis airfield utilizing cluster munitions. The attack was aimed at destroying Serbian aircraft which were parked on the airfield, air defence systems and support vehicles, targets to which cluster munitions are appropriately suited. Once again of course civilian casualties were never intended and NATO regrets the loss of life and injuries inflicted."

NATO states that U.S. aircraft dropped CBU-87 cluster bombs in the airfield attack. According to NATO Maj. Gen. Walter Jertz says: "I can tell you that we did not target—repeat we did not target—civilian hospitals and we do not target any civilian targets whatsoever." He further states: "We were using cluster bombs on the Nis target because, as I already mentioned, cluster bombs are used in aerial targets where we know that collateral damage could not occur, and it would be speculation if I would continue on the reason why some of the clusters obviously did go astray, maybe because of a technical malfunction or they could have been inadvertently released."²³⁸ **According to U.S. Air Force sources,** the intended target was the airfield and the cluster bomb container failed to open over the airfield, but opened right after release, projecting submunitions to a great distance.

Human Rights Watch visited the sites on August 11, inspected the damage and interviewed eyewitnesses. There were two areas where civilians were killed: near the town marketplace on Anete Andrejevic, Sumatovacka, and Jelene Dimitrijevic streets near the Nisava river; and near the Clinical Center on Ljube Nenadovica street. The closest to the airfield is more than 1.5 kilometers from the base perimeter; the Clinical Center is close to six kilometers from the airfield. Eyewitnesses also said that several people were injured at the "12 February" Health Center on Jelene Dimitrijevic street.

Human Rights Watch also observed a small military barracks on the banks of the Nisava river to the west of the October Revolution bridge, and the 3rd Army Headquarters building in downtown Nis at "Yugoslav Army" square in the downtown. Though NATO did not report attacks on these installations, both were extensively bombed, and could have been the objects of attack on May 7 (see also May 8). Nis civil defense officials stated that eight weapons—four "guided bombs," two cluster bombs, and two unexploded bombs—were dropped in Nis on May 7. The Yugoslav government provides forensic detail of the incident in its *White Book*. Human Rights Watch also received photo documentation of the deaths from the Ministry of Health.²³⁹

49. In an 11:50 p.m. to midnight attack on what was wrongly identified as the Yugoslav Federal Directorate for Supply and Procurement (Yugoimport FDSP) at 2 Umetnosti Boulevard in New Belgrade, the Chinese Embassy compound is mistakenly hit, killing three and injuring twenty Embassy staff members.²⁴⁰ The three Chinese nationals killed include Hi Hinhu (31), Zhu Jing (29), and Shao-Jin Juan (48).²⁴¹ At the moment of the attack, fifty people were reported in the Embassy buildings.²⁴²

²³⁶ NATO (SHAPE), ACE News Release - Press Release 99-05-02, May 8, 1999.

²³⁷ "War Against Yugoslavia: Nis" (www.inet.co.yu/rat/gradovi/nis/index.html).

²³⁸ Transcript of Press Conference given by the NATO Secretary General, Mr. Javier Solana, in Brussels, on Saturday, May 8, 1999 (including Maj. Gen. Jertz).

²³⁹ FRY, MOH, "Photo Documentation of Civilians Who Were Killed By NATO Attacks, from 24.03 until 20.05.1999."

²⁴⁰ Oral Presentation by Under Secretary of State Thomas Pickering on June 17 to the Chinese government regarding the Accidental Bombing of the PRC Embassy in Belgrade, released July 6, 1999.

²⁴¹ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. II, pp. 122-136; FRY, MFA, "NATO Crimes Against Civilians," May 10, 1999.

²⁴² Human Rights Watch provided by the FRY, MOD.

According to the U.S. government, at 2146 Zulu time (GMT) (about midnight local time in Belgrade) on May 7, 1999, a B-2 dropped five Joint Direct Attack Munitions (JDAM) 2000 lb. GPS-guided bombs on the target designated as the FDSP building but which was, in fact, the Chinese Embassy.²⁴³ According to U.S. government sources, the street address of the FDSP headquarters (the intended target) was known as Bulevar Umetnosti 2 in New Belgrade. During a mid-April "work-up" of the target to prepare a mission folder for the B-2 bomber crew, three maps were used in an attempt to physically locate this address within the neighborhood: two local commercial maps from 1989 and 1996, and one U.S. government (National Imagery and Mapping Agency or NIMA) map produced in 1997. None accurately identified the current location of the Chinese Embassy. CIA Director George Tenet says that there were people at the CIA and at the Department of Defense who had an intimate understanding of the Belgrade environment, but they were not consulted in this process.²⁴⁴

Human Rights Watch visited the Chinese Embassy site (N4449493/E02025147) located at Tresnjin cvet Street No. 3 on August 4, and inspected the damage and the surrounding area. It also located the location of the FDSP headquarters at Bulevar Umetnosti 2, some 300 meters away from the Chinese Embassy. The Yugoslav government provides forensic detail of the incident in its *White Book*. Human Rights Watch also received photo documentation of the deaths from the Ministry of Health.²⁴⁵

50. In an 11:50 p.m. attack on the Hotel Yugoslavia, on No. 3 Bulevar Nikole Tesle in New Belgrade, one civilian is killed and three are wounded. Andjelko Nincic (age unknown) is killed. The Yugoslav *White Book* identifies him as "a refugee residing in the hotel."²⁴⁶ Other reports say he is a member of the board of the Socialist Party of the Republika Srpska.²⁴⁷

A precision-guided munition (PGM) was used in the attack. NATO confirms that it attack the "Hotel Yugoslavia," which it calls "a location being used as a barracks for Arkan's Tigers in Belgrade and as an alternate MUP Headquarters. The hotel has long been under Arkan's control. He owned the casino as well as the sport club. Since the air campaign began, his forces took over the whole building and have used it as a Command Center for operations in Kosovo."²⁴⁸

Human Rights Watch visited the site (N4449267/E02024976) on August 4, inspected the damage and interviewed eyewitnesses. Human Rights Watch was able to confirm that the casino area of the hotel was being used by paramilitary groups. The hotel itself was occupied, eyewitnesses said, mostly by government officials and guests of the government. The Yugoslav government provides forensic detail of the incident in its *White Book*. Human Rights Watch also received photo documentation of the death from the Ministry of Health.²⁴⁹

May 8

²⁴³ Oral Presentation by Under Secretary of State Thomas Pickering on June 17 to the Chinese government regarding the Accidental Bombing of the PRC Embassy in Belgrade, released July 6, 1999.

²⁴⁴ U.S. Congress, House Permanent Select Committee on Intelligence, Hearing on the Bombing of the Chinese Embassy, July 21, 1999.

²⁴⁵ FRY, MOH, "Photo Documentation of Civilians Who Were Killed By NATO Attacks, from 24.03 until 20.05.1999."

²⁴⁶ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. II, p. 543.

²⁴⁷ Yugoslav press reports.

²⁴⁸ NATO (SHAPE), ACE News Release - Press Release 99-05-02, May 8, 1999.

²⁴⁹ Human Rights Watch photo documentation of civilians who were killed by NATO attacks, February 2000, Vol. II, p. 199(D).

51. In a 4:03-4:25 p.m. attack on the concrete “12 February” bridge over the Nisava river in downtown **Nis** between, two civilians are killed. Initially, it is reported that one person is seriously and ten people are lightly wounded, and damage is caused to the Greek consulate, a car dealership, and the Nis Express parking lot. A city bus on Stanka Paunovica street is also reported hit.²⁵⁰ Later press reports state that two persons are killed.²⁵¹

A precision-guided munition (PGM) was used in the attack. NATO confirms that it attacked Nis airfield, a “highway bridge” in Nis, and the Nis petroleum storage site on May 8.²⁵²

Human Rights Watch visited the site (N4319395/E02153439) on August 11, inspected the damage and interviewed eyewitnesses. The bridge is located on Oktobarske Revolucije street, an extension of 12. Februara Boulevard. The Greek consulate is on the north bank of the river, on Kej Mike Paligorica street. The bridge was hit with one weapon, which did damage to the west side of the roadway (the bridge was not further damaged). Another crater from an errant weapon was observed further west on the bank of the Nisava river across from the “Rudo” factory. This crater was close to a small military barracks on the banks of the Nisava river (see comments on May 7). The 3rd Army Headquarters building in downtown Nis at “Yugoslav Army” square is also only a few hundred meters away. It seems possible that the bridge was not the object of the attack (the “highway” bridge reported attacked by NATO is assumed not to be this downtown road bridge). Nis civil defense officials stated that ten weapons—five “missiles” and five “guided bombs”—were dropped in Nis on May 8.

May 10

52. In an attack on an unidentified target near the **Lipljan** suburb of **Staro Gacko** (Gradsko) in Kosovo, three civilians are killed and four are wounded. Dragana Dimic (4), Rosa Jankovic (age unknown) and Bosko Jankovic (age unknown) are killed.²⁵³ The Yugoslav government says that three civilians are killed and four are “gravely” wounded while several family houses are damaged.²⁵⁴ The incident is reported as occurring both at 1:15 a.m. and at 10:30 a.m.

53. In a 3:11 p.m. attack believed to be on the “Sloboda” factory/ordnance repair facility in **Cacak** in central Serbia, four are killed and twelve to thirteen wounded. Killed are Dragan Obrenic (29) and Velija Dzemailovic (44) on Kulinovacko Polje III street. Milos Jovicic (46) and Nasko Ristic (50) are killed in a truck on the same street.²⁵⁵ The attack occurs in the Cacak eastern industrial zone less than a kilometer from the town center. The “Cer” Appliances factory and the “Hidrogradnja” Construction Company are damaged to the north of the area where civilian casualties occurred.²⁵⁶ Many houses are also reported “leveled to the ground” during the attack on the industrial area.²⁵⁷ The clothing factory “1. Oktobar” is reported damaged.²⁵⁸ Some reports place this attack at 11:05 a.m. on May 11, but they are incorrect.

²⁵⁰ FRY, MFA, “Aide-Memoire on the Use of Inhumane Weapons in the Aggression of the North Atlantic Treaty Organization Against the Federal Republic of Yugoslavia,” May 15, 1999; “War Against Yugoslavia: Nis” (www.inet.co.yu/rat/gradovi/nis/index.html).

²⁵¹ Yugoslav press reports; “Dva pesaka poginula na mostu,” (Two Pedestrians Died on the Bridge), *BLIC*, May 10, 1999, p. 9.

²⁵² NATO, Operation Allied Force Update, May 9, 1999.

²⁵³ *Vijesti*, May 12, 1999, p. 4; FRY, MFA, “NATO raids on civilian and industrial facilities on may 11 and in the night between may 11 and 12 1999.”

²⁵⁴ FRY, MFA, “Aide-Memoire on the Use of Inhumane Weapons in the Aggression of the North Atlantic Treaty Organization Against the Federal Republic of Yugoslavia,” May 15, 1999.

²⁵⁵ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. II, pp. 137-162, 365-366.

²⁵⁶ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. II, pp. 155; Yugoslav press reports; FRY MFA, “NATO raids on civilian and industrial facilities on may 10 and in the night between may 10 and 11, 1999.”

²⁵⁷ Tanjug, “Chronology of Crimes and Dishonor of NATO,” June 5, 1999.

²⁵⁸ “War Against Yugoslavia: Cacak” (www.inet.co.yu/rat/gradovi/cacak/index.html); Permanent Mission of the FRY to the United Nations, “Human Rights Statement,” July 3, 1999.

The Yugoslav government provides forensic detail of the incident in its *White Book*. Human Rights Watch also received photo documentation of the deaths from the Ministry of Health.²⁵⁹

May 11

54. In 11:20 a.m. attacks on the **Nis** airfield and the Jugopetrol storage site, two civilian are killed and four are wounded. Zoran Nikolic (possibly Nikovic) (40) is killed immediately and security guard Goran Aleksic dies several days later at the VMA (Military Medical Academy) hospital in Belgrade.²⁶⁰ The Yugoslav government reports that the “Energogas” storage facility in northwestern Nis is attacked during a visit of a Serbian Parliament delegation. It stated at the time that one person was killed, and five were wounded. The Yugoslav government also reported that the Nis Airport was targeted.²⁶¹ Tanjug reports that the Vice President of the Socialist party of Serbia Dusan Matkovic and the Vice President of the Yugoslav Assembly Republic Council Gorica Gajevic, who were part of a delegation visiting the Jugopetrol complex, were wounded in the attacks.²⁶² Cluster bombs are reported as having been used, but this was disputed by Nis officials.²⁶³

NATO confirms attacks on both the airfield and the Nis “petroleum storage site” on May 11.²⁶⁴

Human Rights Watch visited the Jugopetrol site on August 13, inspected the damage and interviewed eyewitnesses. Officials at the site stated that security guard Milorad Cukic was also gravely injured, and at the time of the Human Rights Watch visit, was still rehabilitating. Nis civil defense officials stated that eleven weapons—ten “missiles” and one unexploded weapon—were dropped in Nis on May 11. The Yugoslav government provides forensic detail of the incident in its *White Book*. Human Rights Watch also received photo documentation of the deaths from the Ministry of Health.²⁶⁵

55. In a 9:30 p.m. attack on the **Vladicin Han** road bridge over the Juzna Morava river in southeast Serbia, two civilians are killed and three are wounded. Gordana Nikolic (18) and Milan Ignjatovic (19) are killed.²⁶⁶ The bridge in the center of the town, as well as a nearby department store, are destroyed.²⁶⁷

A precision-guided munition (PGM) was used in the attack. NATO confirms attacking the Vladicin Han bridge on May 11.²⁶⁸

Human Rights Watch visited the site (N4242353/E02203747) on August 12, inspected the damage and interviewed eyewitnesses. Eyewitnesses stated that the bridge was attacked four times on different occasions. The fourth attack was the one which ultimately destroyed the bridge, they said. Milan Ignjatovic and Gordana Nikolic were killed during the first attack. They were some 500 meters away and were knocked down by the blast created by the explosion. Townspeople said that they thought another town bridge was more likely to be attacked (the main one leading to Surdulica). The bridge that was actually attacked was not on the main highway nor was it the access route to the older secondary north-south road in Yugoslavia; it only connects the town center over the banks of the river.

The Yugoslav government provides forensic detail of the incident in its *White Book*.

²⁵⁹ FRY, MOH, “Photo Documentation of Civilians Who Were Killed By NATO Attacks, from 24.03 until 20.05.1999.”

²⁶⁰ Human Rights Watch interviews and inspections at the site, 13 August 1999; See also FRY, MFA, *NATO Crimes in Yugoslavia*, vol.II, p. 516; Yugoslav press reports.

²⁶¹ FRY, MFA, “NATO raids on civilian and industrial facilities on May 11 and in the night between may 11 and 12 1999.”

²⁶² Tanjug, “Chronology of Crimes and Dishonor of NATO,” June 5, 1999.

²⁶³ FRY, MFA, “Aide-Memoire on the Use of Inhumane Weapons in the Aggression of the North Atlantic Treaty Organization Against the Federal Republic of Yugoslavia,” May 15, 1999.

²⁶⁴ NATO, Operation Allied Force Update, May 12, 1999, 0900.

²⁶⁵ FRY, MOH, “Photo Documentation of Civilians Who Were Killed By NATO Attacks, from 24.03 until 20.05.1999.”

²⁶⁶ Yugoslav press reports; FRY, MFA, *NATO Crimes in Yugoslavia*, vol. II, pp. 375-377, incorrectly reports this incident as occurring on May 18.

²⁶⁷ FRY, MFA, “NATO raids on civilian and industrial facilities on may 11 and in the night between May 11 and 12 1999.”

²⁶⁸ Human Rights Watch, Operation Allied Force Update, May 12, 1999, 0900.

February 2000, Vol. 12, No. 1 (D)

56. In an attack on an unidentified target south of Nis, one civilian is killed in **Orlane** village, near Doljevac in Serbia. Jagoda Mladenovic (63) is killed by a weapons explosion while working in a field.²⁶⁹

The Yugoslav government provides forensic detail of the incident in its *White Book*. Human Rights Watch also received photo documentation of the death from the Ministry of Health.²⁷⁰

May 13

57. In an 11:50 p.m. attack on Yugoslav Army forces in the field, a refugee camp on the Prizren-Suva Reka primary road, near the village of **Korisa** in Kosovo, is bombed, killing at least forty-eight and as many as eighty-seven, and injuring as many as sixty.²⁷¹

The Yugoslav government initially reports "at least seventy-nine civilians were killed, and more than fifty wounded," when aircraft attacked a convoy of about 500 ethnic Albanians hiding in the near-by woods.²⁷² Another Yugoslav government report stated that initial and still incomplete data indicates that eighty-four people were killed and over one hundred were wounded ("Yugoslav citizens of Albanian nationality, mainly women, children and the elderly").²⁷³ Yugoslav and western press reports ultimately put the death toll at eighty-seven, a number repeated by the U.S. State Department.²⁷⁴ The UN Kosovo High Commissioner for Human Rights also quotes eighty civilians killed.²⁷⁵

The Yugoslav government also claimed the use of cluster bombs, and the *White Book, Volume II*, contains photographic evidence of remains of tactical munitions dispensers (TMDs) from the site.²⁷⁶ Tanjug also reports that NATO used "thermo-vision bombs that develop high temperature of up to 2000 degrees Celsius so that they burn even the stone."²⁷⁷

In an official statement on May 15, NATO says:

²⁶⁹ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. II, p. 163; Yugoslav press reports.

²⁷⁰ FRY, MOH, "Photo Documentation of Civilians Who Were Killed By NATO Attacks, from 24.03 until 20.05.1999."

²⁷¹ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. II, pp. 1-17. Though the *White Book* states that there were "only" forty-eight victims in Korisa, the Yugoslav and western press cite eighty-seven victims. The Committee for Compiling Data on Crimes Against Humanity and International Law (http://www.gov.yu/cwc/fejmel_nato.htm) says eighty-one killed and seventy injured. Based upon Human Rights Watch investigations, it was clear that the overall impression in Yugoslavia was that more than forty-eight people died in the Korisa attack, nevertheless forty-eight is the latest official figure.

²⁷² FRY, MFA, "NATO raids on manufacturing and civilian facilities on may 14 and in the night between may 14 and 15 1999."

²⁷³ FRY, MFA, "Aide-Memoire on the Use of Inhumane Weapons in the Aggression of the North Atlantic Treaty Organization Against the Federal Republic of Yugoslavia," May 15, 1999; FRY, MFA, *NATO Crimes in Yugoslavia*, vol. II, p. 17.

²⁷⁴ Yugoslav press reports; *DAN*, May 20, 1999, p. 2; Kosovo Chronology, Timeline of events 1989-1999 relating to the crisis in Kosovo, released by the Department of State, Washington, DC, June 18, 1999.

²⁷⁵ Report by the High Commissioner for Human Rights on the Situation of Human Rights in Kosovo, Report by the High Commissioner for Human Rights on the Situation of Human Rights in Kosovo, May 31, 1999.

²⁷⁶ FRY, MFA, "Aide-Memoire on the Use of Inhumane Weapons in the Aggression of the North Atlantic Treaty Organization Against the Federal Republic of Yugoslavia," May 15, 1999; FRY, MFA, *NATO Crimes in Yugoslavia*, vol. II, p. 17.

²⁷⁷ Human Rights Watch, "Chronology of Crimes and Dishonor of NATO," June 5, 1999; Yugoslav press reports, February 2000, Vol. 12, No. 1 (D).

This was a legitimate military target. The Serb claims of an attack involving cluster bombs against a non-military target are both false. NATO identified Korisa as a military camp and command post. Military equipment including an armoured personnel carrier and more than ten pieces of artillery were observed at this location. The aircraft observed dug-in military positions at the target before executing the attack. NATO cannot confirm the casualty figures given by the Serbian authorities, nor the reasons why civilians were at this location at the time of the attack. NATO deeply regrets accidental civilian casualties that were caused by this attack.²⁷⁸

Maj. Gen. Jertz states further that

Immediately prior to the attack at 23.30–11.30 p.m.—local time Thursday night an airborne forward air controller confirmed the target, so the identification and attack system of his aircraft, having positively identified the target as what looked like dug in military reveted positions, he dropped two laser guided bombs. Following his attack, he cleared his wingman to also attack the same target using two more laser guided bombs. Approximately 10 minutes later, the third aircraft engaged the target with gravity bombs, with six gravity bombs. A total of 10 bombs were dropped on the target. Contrary to Serbian reports, I want to be very clear that cluster munitions were not used against these targets.²⁷⁹

On May 14, the first rumors emerge that suggest that Serb troops were using civilians as human shields in Korisa. Amnesty International says that Korisa had been under attack by VJ and MUP forces prior to the bombing. On May 15, AFP quotes a spokesman for SHAPE as saying: “The possibility of human shields is one that always exist....But we are not on the ground so we have no way of confirming civilian casualties, their number or why they were there in the first place.”²⁸⁰ Visiting Albania the next day, General Clark said: “We know there is a real threat of human shields all the way through Kosovo.”²⁸¹ On May 16, a Kosovar refugee who witnessed the NATO strike on Korisa also reported to Deutsche Welle that FRY police forced some 600 displaced Kosovars to serve as human shields there before the attack.²⁸²

On May 15, Assistant Secretary of Defense Kenneth Bacon also says at the DOD News Briefing that This accident at Korisa did not shake NATO's resolve in any way. The air campaign will continue with increasing force, particularly against Serb ground forces and police units in Kosovo.... NATO deeply regrets civilian casualties.... We try very hard to avoid these casualties, but combat is inherently dangerous and accidents cannot be avoided. ... This mission, like every other, will be reviewed, and the airmen and their commanders will learn what they can from it and continue. But I don't anticipate that there will be a sweeping change. We can't cross legitimate military targets off the list, and we won't.

The Yugoslav government provides forensic detail of the incident documenting civilian deaths in its *White Book*. Human Rights Watch also received photo documentation of the deaths from the Ministry of Health.²⁸³

May 17

58. In a 3:30 p.m. attack on the “Jugopetrol” oil depot in **Bor** in central eastern Serbia, one civilian is killed and four are wounded. A tractor on the Bor-Slatina-Zajecar road is hit and Dragoslav Grujic (49) is killed and four other persons are wounded.²⁸⁴ Houses in the “Elektrolstok” neighborhood are also reported to be damaged.²⁸⁵

²⁷⁸ NATO, Subject: Press Release (99) 079, Statement by the NATO Spokesman on the Korisa Incident, May 15, 1999.

²⁷⁹ Transcript of Backgrounder given by Peter Daniel and Major General Walter Jertz, in Brussels, May 15, 1999.

²⁸⁰ SHAPE News Summary and Analysis, May 15, 1999.

²⁸¹ SHAPE News Morning Update, May 16, 1999.

²⁸² Kosovo Chronology, Timeline of events 1989-1999 relating to the crisis in Kosovo, released by the Department of State, Washington, DC, June 18, 1999.

²⁸³ FRY, MOH, “Photo Documentation of Civilians Who Were Killed By NATO Attacks, from 24.03 until 20.05.1999.”

²⁸⁴ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. II, pp. 518-532.

²⁸⁵ FRY, MFA, “NATO raids on civilian and industrial facilities on May 17, and in the night between May 17 and 18, 1999”; Tanjug, “Chronology of Crimes and Dishonor of NATO,” June 5, 1999.

The Yugoslav government provides forensic detail of the incident in its *White Book*.

May 18

59. In a 12:30-12:40 p.m. attack on the Krusik factory in **Valjevo** in central Serbia, one civilian is killed and eighteen are wounded. Mileva Kronic (72) is killed in the village (suburb) of **Jasenica**, when her home was hit. The home is located some three kilometers from the Krusik factory.²⁸⁶ Tanjug reports that one person is killed and thirteen are wounded.²⁸⁷ The Yugoslav government reports one person killed and twelve "severely wounded." The government reports damage to the "Oslobodioci Valjeva," "Novo Naselje" and "Kolubara 2" residential areas, as well as the Valjevo hospital. The nearby villages (suburbs) of Donja Grabovica and Jasenica (particularly the small village of Krunici) receive damage, and a local blackout was reported.²⁸⁸

NATO states that it attacked the ammunition plant in Valjevo on May 18, the same day as the Krusik plant.²⁸⁹

Human Rights Watch visited the site (N4418058/E01955215) on August 7, inspected the damage and interviewed eyewitnesses. The Yugoslav government provides forensic detail of the incident in its *White Book*.

May 19

60. In a 1:15 p.m. attack on what NATO claimed were Yugoslav army and police forces near the Dubrava penitentiary near **Istok** in Kosovo, four civilians are killed and two are injured (see also May 21). Three weapons reportedly hit the penitentiary. Three prisoners and a guard are killed and two prisoners are wounded. The penitentiary administration building and two wings are hit.²⁹⁰ Tanjug reports "There are fears that the casualty toll will rise, as it is difficult to approach the site, where ruins are being cleared. Material damage is tremendous." PROVINCIAL SECRETARY FOR ADMINISTRATION AND REGULATIONS JOVICA JOVANOVIĆ SAID THAT ONE OF THE WOUNDED PRISONERS IS IN CRITICAL CONDITION. THREE PENITENTIARY EMPLOYEES WERE LIGHTLY WOUNDED, HE ADDED.²⁹¹

The Vujindol village on the Istok-Zubin Potok road is also reported hit.²⁹²

NATO states that it attacked an "army facility" in Istok on May 19.²⁹³ NATO SPOKESMAN MAJ. GEN. WALTER JERTZ SAYS THAT THE FACILITY WAS "a militarily significant target...a military security complex." He says that precision-guided munitions were used in the attack.²⁹⁴

Among those believed killed by NATO bombing are: Enver Topalli, Abdullah Tahiri, and Gjon Ndrecaj.

61. In a 5:30 p.m. attack on an Army facility in **Gnjilane** in Kosovo, five civilians are killed and sixteen are "slightly injured."²⁹⁵ Killed are Djijan Sabija (25), Vesna Cvetanovic (31), Djurdja Savic (34), Dzevat Ademi (39), and Gorica Cuprijanovic (46).²⁹⁶ Sabija and Ademi are killed at the "Binacka Morava" construction enterprise. The others are killed at the PIP "Mladost" company cafeteria.²⁹⁷

²⁸⁶ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. II, pp. 174-190; Yugoslav press reports.

²⁸⁷ Tanjug, "Chronology of Crimes and Dishonor of NATO," June 5, 1999.

²⁸⁸ FRY, MFA, "NATO Raids on Manufacturing and Civilian Facilities on May 18 and in the Night Between May 18 and 19 1999."

²⁸⁹ NATO, Operation Allied Force Update, May 19, 1999, 0930 CET.

²⁹⁰ Human Rights Watch has conducted a separate investigation into the deaths at the Dubrava prison (report forthcoming). In the May 19 attack, according to eyewitnesses, three prisoners were killed. FRY, MFA, "NATO Raids on Manufacturing and Civilian Facilities on May 19th and in the Night Between May 19 and 20, 1999," says two prisoners and a guard were killed.

²⁹¹ Tanjug, "NATO Kills Two, Wounds several in attack on Istok Wednesday," May 20, 1999.

²⁹² Yugoslav press reports.

²⁹³ NATO, Operation Allied Force Update, May 20, 1999, 0930 CET.

²⁹⁴ Transcript of NATO Press Conference, May 20, 1999.

²⁹⁵ Tanjug, "Chronology of Crimes and Dishonor of NATO," June 5, 1999.

²⁹⁶ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. II, pp. 484-487.

²⁹⁷ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. II, pp. 484-490. See also FRY, MFA, "NATO raids on manufacturing and civilian facilities on May 20 and in the night between May 20 and 21, 1999"; Yugoslav press reports, February 2000, Vol. 12, No. 1 (D).

NATO states that it attacked an army facility in Gnjilane on May 19.²⁹⁸

The Yugoslav government provides forensic detail of the incident in its *White Book*.

May 20

62. In a 1:00-2:05 a.m. attack on the headquarters and barracks of the State Security Service (Sluzba Drzavene Bezbednosti (SDB), also known as the "Office of State Security") on Bulevar Mira in the Dedinje/Topcider section of **Belgrade**, four civilians are killed at the "Dragisa Misovic" Clinical and Hospital Center (KBC) at no. 64 Bulevar mira. Radoslav Novakovic (47), Branka Boskovic (75), Bosko Vrebalov (82), and Zora Brkic (82) are killed and numerous patients are wounded.²⁹⁹

Two women in the process of giving birth and one new born baby are reported wounded. The Clinic of Neurology was reported "devastated" and buildings of the center for children lung diseases and tuberculosis and the gynecological clinic and maternity house were reported "demolished."³⁰⁰ Serbia state television reports that emergency services evacuated infants and pregnant women. One woman was in labor when the bombs hit, the report said. Serbian Deputy Premier Milovan Bojic said that NATO's actions had been "something history and mankind would never forget." Two women who just gave birth, three babies, one child and a number of medical staff were also injured.³⁰¹

There are various unofficial reports regarding the intended target. The Yugoslav government incorrectly reports that a nearby gas station on the "Rakovicki put" in the Topcider sector was hit.³⁰² Tanjug reports attacks on nearby military barracks (without further specification).³⁰³ There are also reports of an attack on the "Jugopetrol" fuel depot in Cukarica quarter (Radnicka street), about 2.5kilometers away on May 20.³⁰⁴ There is also damage to the Swedish and Swiss Embassy buildings in the Dedinje neighborhood as a result of the attacks.

NATO states that it attacked "a surface to air missile support facility in Belgrade" and fuel stores "on the outskirts of" Belgrade on May 20, but makes no mention of attacks on the State Security or the adjacent Topcider "White House" compound, where the offices of President Milosevic are located, in its daily list of targets.³⁰⁵ Responding to press questions, NATO spokesman Jamie Shea says "NATO aircraft targeted yesterday evening and struck a Belgrade army barracks—I insist an army barracks—at about 1 a.m. this morning; 7 laser-guided bombs hit the target, one laser-guided bomb failed to guide correctly and we can confirm that it struck the base of a building about 1,500 feet from the centre of the target area...."³⁰⁶

Human Rights Watch visited the site (N4446580/E02027348) on August 17 and inspected the damage. The Yugoslav government provides forensic detail of the incident in its *White Book*. Human Rights Watch also received photo documentation of the deaths from the Ministry of Health.³⁰⁷

²⁹⁸ NATO, Operation Allied Force Update, May 20, 1999, 0930 CET.

²⁹⁹ FRY, MFA, *NATO Crimes in Yugoslavia*, vol II, pp. 246-251. FRY, MFA, "NATO raids on manufacturing and civilian facilities on May 20 and in the night between May 20 and 21 1999"; and Yugoslav press reports state that three patients and a hospital worker were killed but these reports seem to be in error.

³⁰⁰ Tanjug, "Chronology of Crimes and Dishonor of NATO," June 5, 1999.

³⁰¹ FRY, MFA, "NATO raids on manufacturing and civilian facilities on May 20 and in the night between May 20 and 21, 1999."

³⁰² FRY, MFA, "NATO Raids on Manufacturing and Civilian Facilities on May 19 and in the Night Between May 19 and 20, 1999."

³⁰³ Tanjug, "Chronology of Crimes and Dishonor of NATO," June 5, 1999.

³⁰⁴ FRY, MFA, "NATO raids on manufacturing and civilian facilities on May 20 and in the night between May 20 and 21, 1999"; Tanjug, "Chronology of Crimes and Dishonor of NATO," June 5, 1999.

³⁰⁵ NATO, Operation Allied Force Update, May 21, 1999, 0900 CET.

³⁰⁶ Transcript of Backgrounder given by Jamie Shea in Brussels on Thursday, May 20, 1999.

³⁰⁷ Human Rights Watch photo Documentation of Civilians Who Were Killed By NATO Aircraft on May 20, 1999. February 2000, Vol. 12, No. 199(D)

63. In a midnight attack on the northern Vojvodina **Sombor** “Naftagas-promet” depot, one civilian is killed and others are wounded. Nikola Hinic (59) is killed in his home at no. 60 Vuka Karadzica street and the Knezevic and Velimirovic homes are destroyed. Other wounded civilians are taken to the local hospital.³⁰⁸

NATO confirms attacking fuel stores in Sombor on May 20.³⁰⁹

The Yugoslav government provides forensic detail of the incident in its *White Book*.

May 21

64. In a 5:30 p.m. attack on a MUP police station in central **Djakovica** in Kosovo, one civilian is killed and four are “lightly wounded.” Ibrahim Gjosi (age unknown) is killed in his home.³¹⁰ Yugoslav authorities report that the town’s center is targeted with “six missiles.” “The civilian that was killed was in his house located in this part of the town,” the civil defense authorities say, “while the four wounded persons were in a car at the time of the attack.”³¹¹ Human Rights Watch observed damage only to the Djakovica MUP building. According to a doctor at the Djakovica hospital, twenty-eight people were injured from the attack.³¹²

NATO states that it attacked a militia station supporting the MUP at Djakovica on May 21.³¹³

The Yugoslav government provides forensic detail of the incident in its *White Book*.

65. In an 8:10-10:25 a.m. attack on believed military barracks and assembly areas at Dubrava Penitentiary near **Istok** in Kosovo, at least nineteen prisoners are killed and more are wounded (see also May 19). The Yugoslav government initially reports nineteen people were killed in the Dubrava Penitentiary, and more than ten were “severely or lightly” wounded. It said that twenty-four missiles were launched causing “huge damage to most of the buildings in the penitentiary perimeter.”³¹⁴

On May 25, the Yugoslav press reported from Tanjug that “in days long bombardment of the Penitentiary Institute Istok, some 100 prisoners died, and some 200 were wounded.” On May 27, Tanjug quoted Vladan Bojic, judge in Pec’s District Court, saying that ninety-six corpses had been pulled from the ruins and that forty wounded are in critical condition. On May 29, the Yugoslav government stated that “The number of casualties in the Correctional Institution in Istok is increasing. Out of 196 people wounded in the vandal bombing of this institution another three persons died, and seven more were taken out from under the rubble, while the search for the dead continues.”³¹⁵ On May 30, Tanjug reports seven more bodies found, bringing the total to ninety-three killed.³¹⁶ The *White Book* eventually states that ninety-five prisoners are killed and over one hundred are wounded at the Dubrava Penitentiary.³¹⁷

³⁰⁸ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. II, pp. 191-194; FRY, MFA, “NATO raids on manufacturing and civilian facilities on May 20 and in the night between May 20 and 21, 1999.”

³⁰⁹ NATO, Operation Allied Force Update, 21 May 99, 0900 CET.

³¹⁰ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. II, p. 194.

³¹¹ Information provided by Yugoslav civil defense authorities.

³¹² Human Rights Watch interview with Dr. Burim Sahatqija, Djakovica, August 4, 1999.

³¹³ NATO, Operation Allied Force Update, May 22, 1999, 0930 CET.

³¹⁴ Information provided by Yugoslav civil defense authorities; FRY, MFA, “NATO raids on manufacturing and civilian facilities on May 21 and in the night between May 21 and 22, 1999.”

³¹⁵ FRY, MFA, “NATO Raids on Manufacturing and Civilian Facilities on May 29 and in the Night Between May 29 and 30 1999.”

³¹⁶ Yugoslav press reports; “Identifikovano 86 mrtvih,” (Eighty-six Bodies Identified), *DAN*, May 27, 1999, p. 2; “Jos sedam leseva,” (Seven More Bodies), *DAN*, May 30, 1999.

³¹⁷ Human Rights Watch, *NATO Crimes in Yugoslavia*, vol. II, p. 358.

NATO declares that “a barracks and assembly area for the VJ and MUP forces that conduct ethnic cleansing operations in Kosovo, in the vicinity of a prison, were struck at Istok” on May 21.³¹⁸ On May 22, NATO Spokesman Col. Freytag states that the prison was on the target list as “an unused prison with an airfield with a large military facility used by the military forces, Serbian ground forces and special police.” He says that NATO had bombed the “very large complex” twice before and “caused a lot of damage.”³¹⁹

HUMAN RIGHTS WATCH HAS DETERMINED THAT YUGOSLAV FORCES WERE LIKELY RESPONSIBLE FOR THE MAJORITY OF DEATHS WHICH OCCURRED AFTER THE BOMBING (THIS ACCOUNTS FOR THE SEEMING DISCREPANCY BETWEEN THE ESTIMATE OF AT LEAST 19 QUOTED HERE AND THE YUGOSLAV CLAIMS OF NINETY-FIVE DEAD). ACCORDING TO A SEPARATE INVESTIGATION UNDERTAKEN BY HUMAN RIGHTS WATCH IN KOSOVO, BASED UPON EXTENSIVE EYEWITNESS TESTIMONY, PRISONERS WERE HUNTED DOWN INSIDE THE PENITENTIARY WALLS AFTER THE MAY 21 ATTACK, eventually killing another eighty or so prisoners. The bombing on May 21 caused chaos in the facility. The Yugoslav government states that some prisoners tried to escape during this time, and the guards were struggling to maintain order. On May 22, according to eyewitnesses, prison officials ordered the approximately 1,000 prisoners to line up in the prison yard. After a few minutes, they were fired upon, and grenades were thrown at them from the prison walls and guard towers, killing at least seventy people. Over the next twenty-four hours, prison guards, special police, and possibly paramilitaries attacked prisoners who were hiding in the prison’s undestroyed buildings, basements, and sewers, killing at least another twelve people. There has been extensive press reporting to substantiate this conclusion in addition to the Human Rights Watch investigation.³²⁰

AMONG THOSE BELIEVED KILLED BY NATO BOMBING ARE: MEHDI DALLOSI, AHMET HOXHA, AND ALI KERMENDI.

May 23

66. Tanjug reports that one person is killed and twenty-nine are wounded in **Djakovica** in Kosovo.³²¹

May 25

67. In a 1:35 p.m. attack on the “Mika Mitrovic” Army barracks in the center of **Sabac** in central Serbia, one civilian is killed and five are wounded. Zivorad Nenadovic (69) from no. 6 Stanimira Josipovica street was fatally wounded and later died in the hospital.³²² The barracks were targeted with six weapons, according to the Yugoslav government. Damage was reported to the “Laza Lazarevic” elementary school, “Macva” sports stadium, and the “Trkaliste” residential area.³²³ Electric power supply was also cut to Sabac.³²⁴

NATO confirms the bombing of the Sabac army barracks on May 25.³²⁵

Human Rights Watch visited the site on August 7, inspected the damage and interviewed eyewitnesses. Neighbors said Nenadovic died in front of his house (N4445178/E01940848) while repairing his car. The barracks were located at N4445027/E01941017, some 1500 meters from the house. This was reportedly the last of three attacks on the Mika Mitrovic barracks (the previous two were on May 11 and May 18). All of the attacks took place in the afternoon, according to eyewitnesses.

The Yugoslav government provides forensic detail of the incident in its *White Book*.

May 26

³¹⁸ NATO, Operation Allied Force Update, May 22, 1999, 0930 CET.

³¹⁹ Transcript of Press Conference given by Mr. Jamie Shea and Colonel Konrad Freytag in Brussels on Saturday, May 22, 1999.

³²⁰ Jacky Rowland, “Bombs, Blood and Dark Despair,” *Scotland on Sunday*, 23 May 1999; Paul Watson, “NATO Bombs Ignite Prison Chaos—KLA Officers Reported to be Among Inmates,” *Toronto Star*, May 22, 1999; AP, “NATO Hits Kosovo Jail Again Friday Night,” May 21, 1999; Jacky Rowland, “Istok Prison’s Unanswered Questions,” BBC World News, May 25, 1999; Daniel Williams, “Kosovo Revisited: At War’s End, Old Places Seen in New Light,” *Washington Post*, June 26, 1999; Carlotta Gall, “Stench of Horror Lingers in a Prison in Kosovo,” *New York Times*, November 9, 1999.

³²¹ Tanjug, “Chronology of Crimes and Dishonor of NATO,” June 5, 1999.

³²² FRY, MFA, *NATO Crimes in Yugoslavia*, vol. II, p. 195; Yugoslav press reports.

³²³ FRY, MFA, “NATO raids on manufacturing and civilian facilities on May 25 and in the night between May 25 and 26, 1999.”

³²⁴ Information provided by Yugoslav civil defense authorities.

³²⁵ NATO, Operation Allied Force Update, 26 May 1999, 09:30 CET.

68. In a 10:45 p.m. attack on unidentified targets near the village of **Kosovska Vitina**, south of **Gnjilane** in Kosovo, three civilians are killed and two are wounded.³²⁶ Yugoslav press reports state that Djelekare and Gornja Budriga villages with no army or police in vicinity are bombed.³²⁷

NATO declares that it bombed the nearby Kacanik television and radio transmission and relay site on May 26.³²⁸

69. In an 8:30 a.m. attack on unidentified targets in the Kosovo village of **Radoste**, west of Orahovac, two are killed and one is "severely wounded." Kujtim Kastrati (11) and Beg Krasniqi (31) are killed.³²⁹ The Yugoslav government provides forensic detail of the incident in its *White Book*.

70. In an 11:15 to 11:30 p.m. attack on the **Ralja** logistic support depot south of Belgrade (Sopot municipality), three civilians are killed and three are wounded. Children Dejana (5) and Stefan (8) Pavlovic are killed, as well as Biljana Momcilovic (29). The home of the Pavlovic family at No. 6 Save Kovacevica street and the Momcilovic home at no. 4 are directly hit.³³⁰ According to Yugoslav civil defense authorities, one "missile" hit a block of houses, injuring one child, and another is listed as missing. Authorities also report damage to a private house in the village of Begaljica southeast of Belgrade at 11.30 p.m., with one injury, and an attack on nearby Bubanj Potok.³³¹

NATO states that it bombed the logistic supply depot at Ralja on May 26.³³²

Human Rights Watch visited the site (N4433785/E02033806) on August 14 and inspected the damage. The Yugoslav government provides forensic detail of the incident in its *White Book*.

May 27

71. In a 1:25 p.m. attack on the Cekavicki bridge over the Jablanica river near **Pertate** between Leskovac and Lebane in southeastern Serbia, two civilians are killed and one is wounded. Branka Stankovic (55) and Veselka Spasic (59) are killed near the bridge.³³³ The bridge is reported hit with three "missiles." The "Grmija" trading company storage facility is also reported targeted with two "missiles."³³⁴ Later, the Yugoslav government reports a 2:20 p.m. attack on the Cenovacki Bridge on the road to Lebane that kills two civilians, undoubtedly the same incident.³³⁵

A precision-guided munition (PGM) was used in the attack. NATO confirms attacking the Pertate bridge on May 27.³³⁶

Human Rights Watch visited the site (N4258001/E02151265) on August 12, inspected the damage and interviewed eyewitnesses. The Yugoslav government provides forensic detail of the incident in its *White Book*.

³²⁶ Tanjug, "Chronology of Crimes and Dishonor of NATO," June 5, 1999.

³²⁷ Yugoslav press reports.

³²⁸ NATO, Operation Allied Force Update, May 27, 1999, 09:00 CET.

³²⁹ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. II, pp. 196-197; FRY, MFA, "NATO raids on the civilian and manufacturing facilities on May 26 and in the night between May 26 and 27, 1999."

³³⁰ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. II, pp. 198-201; Yugoslav press reports; FRY, MFA, "NATO raids on the civilian and manufacturing facilities on May 26 and in the night between May 26 and 27, 1999."

³³¹ Information provided by Yugoslav civil defense authorities.

³³² NATO, Operation Allied Force Update, May 27, 1999, 09:00 CET.

³³³ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. II, pp. 385-388.

³³⁴ FRY, MFA, "NATO Raids on the Civilian and Manufacturing Facilities on May 27 and in the Night Between May 27 and 28, 1999."

³³⁵ FRY, MFA, "NATO Raids on Manufacturing and Civilian Facilities on May 30 and in the Night Between May 30 and 31, 1999."

³³⁶ Human Rights Watch, Operation Allied Force Update, May 28, 1999, 09:30 CET.

72. In a 4:30-4:35 p.m. attack on the **Palic** meteorological station in Vojvodina near Subotica, one civilian is killed and three are wounded. Jeka Alavanja (70), a refugee from Croatia, is killed in a nearby refugee camp.³³⁷ The meteorological station is located at no. 12 Lajos Vermesz Quay.³³⁸ The Yugoslav government reports that four “missiles” are fired at the Palic tourist resort and that four people are severely wounded. It reports that the refugee camp housing refugees from Croatia suffered severe “damage.”³³⁹ It later reports three people killed at the Palic tourist resort.³⁴⁰

NATO declares it attacked the Subotica AM Broadcast station on May 27, but does not report attacking anything in Palic nearby.³⁴¹

Human Rights Watch visited the site on August 2, inspected the damage and interviewed eyewitnesses. A Croatian refugee camp (N4605585/E01946001) was hit with two weapons, eyewitnesses said, at about 4:30 p.m. on May 27, killing one woman.

The Yugoslav government provides forensic detail of the incident in its *White Book*.

May 28

73. In a 12:30-12:45 a.m. attack on an unidentified target in **Aleksinac** in southeastern Serbia, three civilians are killed and ten are wounded. Killed are Predrag Nedeljkovic (37), Dusanka Savic (48), and Branislav Mitrovic (79). A single weapon lands in the area of nos. 23 and 25 Niska street in the Svrljig neighborhood.³⁴² The Yugoslav government says “more than ten missiles” hit Aleksinac, destroying ten houses.³⁴³ Tanjug reports at least two civilians killed and ten are wounded. It reports “seven missiles” being fired.³⁴⁴

NATO does not report attacks on any Aleksinac targets on May 27 or May 28.³⁴⁵

Human Rights Watch visited the site (N4331817/E02142964) on August 11, inspected the damage, and took eyewitness testimony. The area is some distance from the Deligrad barracks downtown, which was the target of attack in an earlier incident (see April 5).³⁴⁶

The Yugoslav government provides forensic detail of the incident in its *White Book*.

May 29

³³⁷ Yugoslav press reports.

³³⁸ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. II, p. 315.

³³⁹ FRY, MFA, “NATO Raids on the Civilian and Manufacturing Facilities on May 27 and in the Night Between May 27 and 28, 1999.”

³⁴⁰ FRY, MFA, “NATO Raids on Manufacturing and Civilian Facilities on May 30 and in the Night Between May 30 and 31, 1999.”

³⁴¹ NATO, Operation Allied Force Update, May 28, 1999, 09:30 CET.

³⁴² FRY, MFA, *NATO Crimes in Yugoslavia*, vol. II, pp. 201-205; “Aleksinac drugi put broji zrtve,” (Aleksinac Counts Dead For the Second Time), *Politika*, May 29, 1999, p. 15; FRY, MFA, “Nato Raids on Manufacturing and Civilian Facilities on May 28 and in the Night Between May 28 and 29, 1999”; Information provided by Yugoslav civil defense authorities.

³⁴³ FRY, MFA, “NATO Raids on the Civilian and Manufacturing Facilities on May 27 and in the Night Between May 27 and 28, 1999.”

³⁴⁴ Tanjug, “Chronology of Crimes and Dishonor of NATO,” June 5, 1999.

³⁴⁵ NATO, Operation Allied Force Update, May 28, 1999, 09:30 CET; NATO, Operation Allied Force Update, May 29, 1999, 09:30 CET.

³⁴⁶ Human Rights Watch Photo Documentation of Civilians Who Were Killed By NATO Attacks in February 2000, Vol. II, p. 199 (D).

74. In a 3:15 p.m. attack on the ammunition depot in northwestern **Nis**, two civilians are killed and three are wounded in the village of **Camurlija**. Husband and wife Dusan (64) and Vukosava (61) Mancic died, and their grandchildren Aleksandra (10), Dejan (13), and Daliborka (16) were hospitalized with shrapnel wounds. Two houses in Camurlija are completely destroyed.³⁴⁷

NATO confirms bombing the Nis ammunition depot, "a military vehicle storage area at Nis," as well as TV/FM relay and AM radio broadcasting stations in Nis on May 29.³⁴⁸ The Nis ammunition depot and airfield are also reported bombed on May 30.³⁴⁹ On May 30, NATO spokesman Maj. Gen. Walter Jertz discusses the attack on Camurlija:

First of all let me tell you once again that of course we do only attack military targets. Full stop.... I have a report...that north-west of Nis, Kamrolija (sic), we did attack military barracks. Indeed two bombs, the pilots did guide off intentionally because the target was covered so they couldn't identify the target well enough, so they intentionally discarded these two bombs which fell into a river called Nisavar (sic, Nisava), I hope it is spelt correctly. ... in this incident where they realized that they would not hit the target, they just guided them into a river, which was fortunate enough they did.³⁵⁰

Human Rights Watch visited the site (N4321851/E02150758) on August 14, inspected the damage and interviewed eyewitnesses. NATO discussions of special precautions taken by pilots notwithstanding, there were civilian deaths and damage in the village. Villagers stated that the military "depot" is some 500 meters away. A neighbor told Human Rights Watch that the Mancics were in the house when the explosion occurred. The bomb did not hit their house directly, but the house next to theirs; a wall in their house, however, collapsed, and killed them inside. Another weapon fell some 200 meters away, on the same road, and destroyed a garage. The next day, in the afternoon during the funeral, the "depot" was again bombed. The second incident is reported as having taken place at 5:30 p.m. on May 30.³⁵¹ Nis civil defense officials stated that four "missiles" were dropped in Nis on May 29. The Yugoslav government provides forensic detail of the incident in its *White Book*.

75. In an afternoon attack on a tunnel near the village of **Krk Bunar/Gornje Selo** between Prizren and Brezovica in southern Kosovo, one civilian is killed and three are wounded.³⁵² Nebojsa Radojevic (38), a chauffeur, is killed.³⁵³

The killed and injured are in a convoy of Western journalists who had snuck into southern Kosovo. There are various reports of the number of civilians wounded: press reports and the Yugoslav civil defense authorities state six are wounded.³⁵⁴ Human Rights Watch could confirm that the three injured were a correspondent for the London *Times*, Eve-Ann Prentice, a journalist with Portuguese national television, Elsa Marujo, and French philosopher Daniel Schiffer. The wounded receive treatment at a nearby field hospital.

Tanjug reported that there were no military or police facilities or units near the scene.³⁵⁵ Yet NATO claimed an attack on "a VJ tunnel staging area in southern Kosovo" on May 29.³⁵⁶ Later on May 31 NATO officials state that despite checks they had "no information" about the possible attacks on the journalist group. Spokesman Jamie Shea commented: "Of course, we cannot guarantee the safety of journalists or individual vehicles in Kosovo."

The Yugoslav government provides forensic detail of the incident in its *White Book*.

³⁴⁷ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. II, p. 207; Yugoslav press reports; Information provided by Yugoslav civil defense authorities.

³⁴⁸ NATO, Operation Allied Force Update, May 30, 1999.

³⁴⁹ NATO, Operation Allied Force Update, May 31, 1999, 09:30 CET.

³⁵⁰ Transcript of Press Conference given by Mr. Jamie Shea and Major General Walter Jertz in Brussels on Sunday, May 30, 1999.

³⁵¹ FRY, MFA, "NATO Raids on Manufacturing and Civilian Facilities on May 29 and in the Night Between May 29 and 30, 1999."

³⁵² Yugoslav press reports time this incident at 6:10 p.m. on May 29, while FRY, MFA, *NATO Crimes in Yugoslavia*, vol. II, pp. 393-399, says it occurred at 4:30 p.m. on May 30.

³⁵³ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. II, pp. 393-399; Yugoslav press reports.

³⁵⁴ FRY, MFA, "NATO Raids on Manufacturing and Civilian Facilities on May 29 and in the Night Between May 29 and 30, 1999"; Information provided by Yugoslav civil defense authorities.

³⁵⁵ Tanjug, "NATO aircraft target convoy of reporters, kill one, wound two," May 31, 1999.

³⁵⁶ Human Rights Watch, Operation Allied Force Update, May 30, 1999.

76. In a 3:25 p.m. attack on a Jablanica river bridge between Leskovac and **Lebane** in southern Serbia, two civilians are killed and one is wounded. Goran Stojmenovic (32) and Stanoje Stojmenovic (58) are killed, and one person is "seriously wounded." Stanoje Stojmenovic is killed while working nearby in a field.³⁵⁷ The Yugoslav government reports the incident as occurring at 7:10 p.m.³⁵⁸

A precision-guided munition (PGM) was used in the attack. NATO confirms an attack on the "Donje Trnjance" bridge on May 29 (presumed to be the **Donje Trnjane** bridge on the secondary road over the Jablanica river).³⁵⁹

The Yugoslav government provides forensic detail of the incident in its *White Book*.

77. In an 8:00 p.m. attack on an unidentified target in the area of **Kosovska Vitina** in southern Kosovo, five civilians are killed and two are reported as "seriously injured." The deaths and injuries occur in the village of **Gornja Budriga**, and fifteen "missiles" are reported fired.³⁶⁰ The Orthodox cemetery in Kosovska Vitina is also reported hit, as is the area of the village of Drobles.³⁶¹

NATO does not report hitting any fixed targets in the area on May 29,³⁶² though the attacks could have been directed against Yugoslav forces in the field.

78. The Yugoslav press reports that three civilians are killed in **Brezna** village near the Albanian border southwest of Prizren in Kosovo.³⁶³

May 30

79. In a midnight attack intended for an ammunition depot in **Surdulica** in southeastern Serbia, a sanatorium is bombed, and twenty-three civilians are killed and thirty-six are wounded. Milenko Malobabic (16), Rada Malobabic (19), Milena Malobabic (20), Djordje Pavkovic (45), Rada Zigic (52), Bosiljka Malobabic (53), Slavko Popovic (60), Petar Budisavljevic (60), Bogdanka Janjanin (60), Stamen Rangelov (61), Milanka Vuckovic (65), Stana Rasic (66), Desanka Velickovic (67), Bosa Miladinovic (68), Danica Malesevic (68), Nepijal Dragic (70), Dragic Napijalo (70), Dusan Manojlovic (72), Bogdanka Janjanin (74), and Mile Slijepcevic (90) are killed.³⁶⁴ On June 7, Boris Eremijev (60) from Klisura dies in a hospital in Bosilegrad.³⁶⁵ The bodies of two more victims, names and ages unknown, were reportedly recovered on August 11.

³⁵⁷ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. II, pp. 385-388.

³⁵⁸ Yugoslav press reports; FRY, MFA, "NATO Raids on Manufacturing and Civilian Facilities on May 29 and in the Night Between May 29 and 30, 1999."

³⁵⁹ NATO, Operation Allied Force Update, May 30, 1999.

³⁶⁰ FRY, MFA, "NATO Raids on Manufacturing and Civilian Facilities on May 29 and in the Night Between May 29 and 30, 1999."

³⁶¹ Information provided by Yugoslav civil defense authorities.

³⁶² NATO, Operation Allied Force Update, May 30, 1999.

³⁶³ Yugoslav press reports.

³⁶⁴ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. II, pp. 252-294.

³⁶⁵ FRY, MFA, "NATO Raids on Manufacturing and Civilian Facilities on June 7 and in the Night Between June 7 and 8,

The Special Hospital for Lung Diseases "Sanatorium" in southeastern Surdulica is hit. The complex includes an home for the aged and a refugee center. Directly hit were three widely separated buildings.³⁶⁶ Tanjug reports "at least 17 children and helpless old people lost their lives."³⁶⁷ In all, the Yugoslav government states, twenty civilians are killed and eighty-eight wounded.³⁶⁸

NATO reports the bombing of the Surdulica ammunition storage site on May 30.³⁶⁹ NATO spokesman Col. Konrad Freitag says that aircraft struck an ammunition storage depot and military barracks. "NATO cannot confirm any Serb claims of casualties or collateral damage," he said. On June 1, NATO spokesman Jamie Shea further addresses the Surdulica incident:

when we looked at this incident we clearly saw that the 4 missiles, precision guided missiles, which were fired at the facilities in Surdulica, all hit the target, the military target, the legitimate military target, accurately. There were no errant weapons in this situation.³⁷⁰

In July, while testifying before Congress, Deputy Secretary of Defense John Hamre and CIA Director George Tenet address the Surdulica incident. Hamre says: "We did have an instance where we hit a hospital. It was totally an accident. In this case, that was human error that led in this instance where we hit a hospital." Tenet says: "We hit a hospital. We didn't want to do that. That was the case of the pilot got confused and he was off by about a mile and what he thought was his coordinates."³⁷¹

Human Rights Watch visited the site (N4240929/E02209910) on August 12, inspected the damage and interviewed eyewitnesses. Guards at the sanatorium said that they observed NATO aircraft flying at a low altitude, and that there was no air defenses active in the area. On August 11, one day before the Human Rights Watch team visited the site, the guards stated that two more corpses were found on the roof of a sanatorium building. Human Rights Watch also inspected a large crater in a field some 400 meters from the sanatorium facility. The Yugoslav government provides forensic detail of the incident in its *White Book*.

80. In a 7:05-7:21 a.m. attack on an army barracks in **Vranje**, one civilian is killed and one is wounded. Mane Andjelkovic (60) is killed and his wife is wounded, and houses on Kraljevica Marka and Nemanjina streets in the town center are damaged.³⁷² Vranje is reportedly attacked for the sixth time: this time the barracks in a densely populated northeast area is said to be the target. Civil defense authorities say that "The missiles dropped on the town this morning rocked the buildings and stirred dense clouds of smoke, which obscured the sun and plunged the area into semi-darkness."³⁷³ The villages (suburbs) of Katun and Meredovac are also reported attacked.³⁷⁴

NATO states that it bombed a Vranje Army barracks on May 30.³⁷⁵

Human Rights Watch visited the site on August 12, inspected the damage and took eyewitness testimony. The intended target was the "Simo Pogacerevic" military barracks, which was also hit.

³⁶⁶ FRY, MFA, *NATO Crimes in Yugoslavia*, vol.II, pp. 252-294; FRY, MFA, "NATO Raids on Manufacturing and Civilian Facilities on May 31 and in the Night Between May 31 and June 1, 1999."

³⁶⁷ Tanjug, "Chronology of Crimes and Dishonor of NATO," June 5, 1999.

³⁶⁸ Permanent Mission of the FRY to the UN, "Provisional Assessment," July 3, 1999.

³⁶⁹ NATO, Operation Allied Force Update, May 31, 1999, 09:30 CET.

³⁷⁰ Transcript of Press Conference given by Mr. Jamie Shea and Major General Walter Jertz in Brussels on Tuesday, June 1, 1999.

³⁷¹ U.S. Congress, House Permanent Select Committee on Intelligence, Hearing on the Bombing of the Chinese Embassy, July 21, 1999.

³⁷² Yugoslav press reports; Serbian Unity Congress, NewsBits, May 30, 1999; FRY, MFA, "NATO Raids on Manufacturing and Civilian Facilities on May 30 and in the Night Between May 30 and 31, 1999."

³⁷³ Information provided by Yugoslav civil defense authorities.

³⁷⁴ FRY, MFA, "NATO Raids on Manufacturing and Civilian Facilities on May 30 and in the Night Between May 30 and 31, 1999."

³⁷⁵ Human Rights Watch, Operation Allied Force Update, May 31, 1999, 09:30 CET.

81. In a 1:00-1:25 p.m. attack on the **Varvarin** bridge over the Velika Morava river in central Serbia, nine civilians are killed and some forty are wounded. Reported killed are: Sanja Milenkovic (17), Milan Savic (24), Vojkan Stankovic (31), Zoran Marinkovic (33), Stojan Ristic (56), Ruzica Simonovic (60), priest Milivoje Ciric (66), Dragoslav Terzic (68), and Tola Apostolovic (74).³⁷⁶ Tanjug says local people were attending the town's market on the holiday Svete Trojice when the daylight attack happened at 1 p.m. local time. Witnesses said four cars fell into the river. Rescuers who went to aid of the wounded were hit in a second attack. Tanjug and the Yugoslav government reports eleven killed and at least forty wounded.³⁷⁷ There is damage to the "Plaza" hotel, the St. Bogordica church, and the municipal assembly building.

On June 2, Tanjug reported that six persons have been listed as missing since the NATO attack. It again reported eleven killed and "about forty" wounded. It states that nine victims had so far been identified.³⁷⁸

NATO confirms the attack and states that a precision-guided munition (PGM) was used. Spokesman Jamie Shea said the alliance had bombed a "legitimate designated military target" and stated that "we take the same precautions at midday as we do at midnight." "There is always a cost to defeat an evil," he says. "It never comes free, unfortunately. But the cost of failure to defeat a great evil is far higher."³⁷⁹

Human Rights Watch visited the site (N4343444/E02122405) on August 11, inspected the damage and interviewed eyewitnesses. The attack took place in the afternoon on Sunday, the market day. During the first explosion, no one was killed. In the second explosion, some seven minutes later, according to eyewitnesses, people were killed on and around the bridge. Among them was the priest Milivoje Ciric, who, after the first blast, interrupted the service in the nearby St. Bogorodica church, to go to the bridge. Varvarin is located on a secondary road between the main E-75 Nis-Belgrade highway and Krusevac. The bridge that was destroyed was not the main link to the north (which was not bombed); it was only a local bridge.

The Yugoslav government provides forensic detail of the incident in its *White Book*.

82. In an 8:05-9:15 a.m. attack on targets in the area of Mt. Avala, one civilian is killed and five are wounded in the village of **Ripanj**, fifteen kilometers south of Belgrade.³⁸⁰ Slavica Stojiljkovic (60) is killed in Ripanj village at no. 48 Put za Ivanovice street.³⁸¹ Three or four weapons reportedly land in the village near the route leading to Ivanovice.³⁸² Tanjug reports that the entire Avala area is bombed.³⁸³

NATO states that it attacked the nearby command bunker at Mt. Avala, Belgrade army barracks (possibly at Zuce on the foothills of Avala), a Belgrade military storage area, and a Belgrade AM radio broadcast station on May 30.³⁸⁴

Human Rights Watch visited the area on August 3, inspected the damage and interviewed eyewitnesses. The Stojiljkovic home was located at N4439595/E02031274. The "Suplja stena" (hollow rock) barracks (N4439841/E02032412), which appears to be an entrance and/or support base for underground bunkers, is located some 400 meters from the house. According to local residents, Suplja stena is an ex-coalmine, and now functions as an "ammunition depot." According to eyewitnesses, another weapon made a crater near Ripanj village homes in the woods,

³⁷⁶ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. II, pp. 400-413; FRY, MFA, "NATO Raids on Manufacturing and Civilian Facilities on May 31 and in the Night Between May 31 and June 1, 1999." Committee for Compiling Data on Crimes Against Humanity and International Law (http://www.gov.yu/cwc/fejmel_nato.htm) says ten killed and sixteen injured

³⁷⁷ Yugoslav press reports; Tanjug, "Chronology of Crimes and Dishonor of NATO," June 5, 1999; FRY, MFA, "NATO Raids on Manufacturing and Civilian Facilities on May 30 and in the Night Between May 30 and 31, 1999."

³⁷⁸ Tanjug, "Six persons listed as missing after NATO attack on bridge in Vavarin," June 2, 1999.

³⁷⁹ Transcript of Press Conference given by Mr. Jamie Shea and Major General Walter Jertz in Brussels on Tuesday, June 1, 1999.

³⁸⁰ Tanjug, "Eight persons wounded in NATO's overnight raid on Belgrade area," May 31, 1999; FRY, MFA, "NATO Raids on Manufacturing and Civilian Facilities on May 31 and in the Night Between May 31 and June 1, 1999"; FRY, MFA, "NATO Raids on Manufacturing and Civilian Facilities on May 30 and in the Night Between May 30 and 31, 1999."

³⁸¹ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. II, pp. 214-215, report this incident as taking place on May 31. See also Serbian Unity Congress, NewsBits, May 31, 1999; Yugoslav press reports; *Danas*, June 1, 1999, p. 3.

³⁸² Tanjug, "Chronology of Crimes and Dishonor of NATO," June 5, 1999; Information provided by Yugoslav civil defense authorities.

³⁸³ Tanjug, "Chronology of Crimes and Dishonor of NATO," June 5, 1999.

³⁸⁴ Human Rights Watch, "NATO Allied Force Update, May 31, 1999," 09:30 CET.

though the area was inaccessible to Human Rights Watch. Villagers from Ripanj told Human Rights Watch the mountainside military installations were attacked “every other night.”

The Yugoslav government provides forensic detail of the incident in its *White Book*.

May 31

83. In an 8:00-8:40 a.m. attack on the **Vranje** TV/radio transmitter in southeastern Serbia, one civilian is killed in **Neradovac** village to the south of the city: Leposava Ristic (75).³⁸⁵ Yugoslav civil defense authorities state that the intended target was the radio and television transmitter on Mt. Plackovica overlooking Vranje. The transmitter was already damaged in earlier raids, the authorities said.³⁸⁶

NATO confirms attacking a TV/FM relay station in Vranje on May 31.³⁸⁷

84. In a 1:30 p.m. attack on the military barracks in **Novi Pazar** in southern Serbia, eleven civilians are killed and twenty-three are wounded.³⁸⁸ Killed are: Marko Simic (2), Marko Roglic (16), Djordje Pantovic (24), Dejan Milosevic (27), Miodrag Nikic (29), Vladan Simic (30), Golub Ratkovic (32), Zvezdan Jajic (37), Dragomirka Biorac (38), Dragan Simovic (46), and Radun (“Raco”) Vranic (47). The Yugoslav government initially reports ten people killed and more than twenty wounded when an apartment building in the vicinity of the bus station in the town center was hit. The “Jedinstvo” publishing/media company building housing the local Radio Novi Pazar and RTS office was also hit³⁸⁹ as was the “TK Raska” textile factory building near the city bus station.³⁹⁰ Tanjug said that twenty missiles fell on various targets in Novi Pazar with the apartment taking a direct hit. More bodies were believed buried in the rubble. The news agency also reported that the target included the Jedinstvo complex.

NATO confirms attacking a Novi Pazar radio relay site and the Novi Pazar army barracks on May 31.³⁹¹ NATO states that a weapon went astray during an attack on the army barracks. Spokesman Jamie Shea said that five out of six munitions hit the target but one overshot by about 60 meters.

Human Rights Watch visited the site on August 10, inspected the damage and interviewed eyewitnesses. Eyewitnesses said that there were three “groups” of people who died: some were leaving the Jedinstvo offices; some were waiting for the bus at the bus stop adjacent to an apartment building at No. 74 Stevana Nemanje street (or were passing by) (N4308815/E02031202); and some were in the stores located on the ground floor of No. 74 or at a butcher’s shop belonging to Djordje Pantovic nextdoor to the building. The bus stop services a route to Novopazarska Banja and to Izbice, villages inhabited mostly by Serbs. This may explain the strange coincidence that all killed were ethnic Serbs, even though the city of Novi Pazar is primarily made up of Muslims. A house on Miodraga Jovanovica street is also reported as destroyed.³⁹²

The Yugoslav government provides forensic detail of the incident in its *White Book*.

³⁸⁵ Yugoslav press reports.

³⁸⁶ Information provided by Yugoslav civil defense authorities.

³⁸⁷ NATO, Operation Allied Force Update, June 1, 1999, 09:30 CET.

³⁸⁸ Committee for Compiling Data on Crimes Against Humanity and International Law (http://www.gov.yu/cwc/fejmel_nato.htm) says eleven killed and twelve injured

³⁸⁹ FRY, MFA, “NATO Raids on Manufacturing and Civilian Facilities on May 31 and in the Night Between May 31 and June 1, 1999”; Tanjug, “Chronology of Crimes and Dishonor of NATO,” June 5, 1999.

³⁹⁰ “War Against Yugoslavia” (www.inet.co.yu).

³⁹¹ NATO, Operation Allied Force Update, June 1, 1999, 09:30 CET.

³⁹² FRY, MFA, *NATO Crimes in Yugoslavia*, vol.II, pp. 217-227; Yugoslav press reports; *DAN*, June 3, 1999, p. 2; “War Against Yugoslavia” (www.inet.co.yu). The area of civilian deaths was much greater than sixty meters from the barracks; the bus Human Rights Watch about 1,000 meters from the target.

85. In a 2:00 p.m. attack on the **Raska** highway bridge in southern Serbia, one civilian is killed in the village of **Brvenik**. Sasa Knezevic (31) is killed.³⁹³ Telephone lines are reported down with Novi Pazar, Raska, Sjenica and Tutin.³⁹⁴

A precision-guided munition (PGM) was used in the attack. NATO confirms attacking the Raska highway bridge on May 31.³⁹⁵

86. In an attack on an unidentified target near the village of **Drazevac** near **Obrenovac** in central Serbia, one civilian is killed. Jovanka Arsenijevic (76) is killed in her home at no. 192 Baljevacki Put.³⁹⁶

NATO confirms attacking an electric power transmission tower near Obrenovac and the Obrenovac army barracks on May 31.³⁹⁷

The Yugoslav government provides forensic detail of the incident in its *White Book*.

June 6

87. In an attack on a radio relay site in in **Rudnik** near Kosovska Mitrovica in Kosovo, one civilian is killed and another is injured. Dragutin Todorovic (age unknown) from Krusevac dies of injuries caused in the bombing. Milenko Mihajlovic was slightly wounded in the same attack. They both were members of a Krusevac Union delegation carrying out humanitarian aid.³⁹⁸

NATO confirms attacking a radio relay site at Rudnik on June 6.³⁹⁹

88. In a 6:27 p.m. attack on unidentified targets in the **Gnjilane** area in Kosovo, one civilian is killed and one is wounded. Stojanka Aksic is killed and Stanislav Petrovic seriously wounded in the village of **Donja Budriga** near Gnjilane.⁴⁰⁰

June 7

89. In a 4:30 p.m. attack on the **Podgorac** military storage depot north of Boljevac in southeastern Serbia, three civilians are killed. Nebojsa Srbulovic (37), Milija Andrejevic (54), and Slavka Trikanovic (59) are killed at the "Ekohrana" livestock farm.⁴⁰¹ According to the Serbian civil defense command, two people were killed outright and the third died on the way to hospital.⁴⁰² Seven buildings at the farm, where 2,500 sheep were being kept, were reported destroyed.⁴⁰³

NATO states that it attacked a military storage depot at Podgorac on June 7.⁴⁰⁴

The Yugoslav government provides forensic detail of the incident in its *White Book*.

June 8

³⁹³ Yugoslav press reports.

³⁹⁴ Information provided by Yugoslav civil defense authorities.

³⁹⁵ NATO, Operation Allied Force Update, June 1, 1999, 09:30 CET.

³⁹⁶ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. II, p. 216.

³⁹⁷ NATO, Operation Allied Force Update, June 1, 1999, 09:30 CET.

³⁹⁸ "War Against Yugoslavia" (www.inet.co.yu).

³⁹⁹ NATO, Operation Allied Force Update, June 7, 1999, 09:30 CET.

⁴⁰⁰ Yugoslav press reports; information provided by Yugoslav civil defense authorities; FRY, MFA, "NATO Raids on Manufacturing and Civilian Facilities on June 6 and in the Night Between June 6 and 7, 1999."

⁴⁰¹ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. II, pp. 504-507; Yugoslav press reports.

⁴⁰² Information provided by Yugoslav civil defense authorities.

⁴⁰³ FRY, MFA, "NATO Raids on Manufacturing and Civilian Facilities on June 7 and in the Night Between June 7 and 8, 1999."

⁴⁰⁴ NATO, Operation Allied Force Update, June 8, 1999, 09:00 CET.

90. In a 12:15 a.m. attack on the petroleum storage area at the **Novi Sad** refinery in Vojvodina, one civilian is killed and six are wounded. Milan Bajic (37) from 7th street in the nearby Sangaj ("Shangai") settlement is killed. One eleven-year-old boy reportedly suffers heavy injuries.⁴⁰⁵ Yugoslav civil defense authorities and the Yugoslav press report two detonations, "the biggest so far in the 75 days of bombing."⁴⁰⁶ The Yugoslav government reports that "The town was illuminated and thick smoke was rising from the oil refinery. A number of missiles have been fired at Mt. Fruska Gora zone."⁴⁰⁷ According to Dr. Djordje Janjic, director of the clinical center in Novi Sad, six persons who were wounded when a weapon landed in the Sangaj neighborhood were admitted to the center. One soon died of injuries.⁴⁰⁸

NATO confirms attacking the petroleum storage site at Novi Sad on June 7.⁴⁰⁹

Human Rights Watch visited the site (N4516822/E01951292) on August 15, inspected the damage and took eyewitness testimony. The Yugoslav government provides forensic detail of the incident in its *White Book*.

⁴⁰⁵ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. II, p. 228; Yugoslav press reports; "War Against Yugoslavia" (www.inet.co.yu).

⁴⁰⁶ Information Provided by Yugoslav civil defense authorities.

⁴⁰⁷ FRY, MFA, "NATO Raids on Manufacturing and Civilian Facilities on June 7 and in the Night Between June 7 and 8, 1999."

⁴⁰⁸ FRY, MFA, "NATO Raids on Manufacturing and Civilian Facilities on June 7 and in the Night Between June 7 and 8, 1999"; Serbian Unity Congress Newsbits, June 8, 1999.

⁴⁰⁹ Human Rights Watch, "NATO Raids on Manufacturing and Civilian Facilities on June 7 and in the Night Between June 7 and 8, 1999", Human Rights Watch, 68:00 CET.

Appendix B: Civilian Victims of NATO Bombing During Operation Allied Force

DATE

LOCATION

NAME (AGE)

March 25

Rozaje (Montenegro)
Senad Dacic (16)

April 1

Novi Sad (Vojvodina)
Oleg Nasov (29)

April 2

Orahovac (Kosovo)
Hysni Eljsani (20)
Hysen Zinici (29)
Qazim Krasniqi (30)
Mahmut Krasniqi (age unknown)
Kursumlija area (Serbia)
Vucina Stepanovic (44)

April 4

Cacak (Serbia)
Mileva Kuveljic (73)
Pancevo (Vojvodina)
Mirko Dmitrovic (39)
Dusko Bogosavljev (50)
one unidentified civilian
New Belgrade (Serbia)
Slobodan Trisic (53)

April 5

Aleksinac (Serbia)
Marina Paovic (26)
Snezana Miladinovic (40)
Velimir Stankovic (52)
Ljubica Miladinovic (63)
Dragomir Miladinovic (67)
Bogomir Arsic (69)
Jovan Radojicic (75)
Sofija Radojicic (80)
Radojka Jovanovic (86)
Vojislav Jovanovic (92)
Gvozden Milivojevic (93)
Dragica Miladinovic (age unknown)
Vranje (Serbia)
Goran Eminovic (33)
Milica Grujic (68)

April 7

Pristina (Kosovo)

Adem Berisha (age unknown)
Radovan Aleksic (age unknown)
Dejan Vitkovic (age unknown)
Mesud Gashi (age unknown)
Diana Gashi (age unknown)
Dea Gashi (age unknown)
Rea Gashi (age unknown)
Demis Gashi (age unknown)
One unidentified civilian woman

Nis (Serbia)

Miroslav Stojkovic (age unknown)

April 8

Tornik peak (Serbia)

Milenko Savic (25)
Nedjo Urosevic (31)
Radoje Marjanavic (34)

Cuprija (Serbia)

Zlatka Lukic (54)

April 10

Merdare near Kursumlija (Serbia)

Bojana Tosovic (1)
Bozina Tosovic (30)
Dragan Bubalo (31)
Goran Djukic (age unknown)
Srdjan Cvetkovic (age unknown)

April 12

Grdelica Klisura gorge (Serbia)

Branimir Stanijanovic (6)
Ivan Markovic (26)
Ana Markovic (26)
Jasmina Veljkovic (28)
Simeon Todorov (31)
Zoran Jovanovic (35)
Petar Mladenovic (37)
Verka Mladenovic (37)
Divna Stanijanovic (41)
Vidosav Stanijanovic (45)
Radomir Jovanovic (45)
Svetomir Petkovic (65)
five unidentified remains, three civilians missing

Pristina-Kosovo Polje road (Kosovo)

three unidentified civilians

Djakovica-Klina road (Kosovo)

“several” unidentified civilians

April 13

Pristina (Kosovo)
Sefcet Trnova (22)

April 14

area between Djakovica and Decani (Kosovo)

Violeta Pajaziti (16)
Vjolca Pajaziti (18)
Ferat Bajrami (age unknown)
Imer Celja (age unknown)
Sali Gjokaj (age unknown)
Skendi Gjokaj (age unknown)
Martin Hasanaj (age unknown)
Lek Hasanaj (age unknown)
Ram Maloku (age unknown)
Arton Maloku (age unknown)
Tazija Pajaziti (age unknown)
Nevrija Pajaziti (age unknown)
Hasan Pajaziti (age unknown)
Flora Pajaziti (age unknown)
Adem Seljmani (age unknown)
Besarde Smajlji (age unknown)
Fikrije Sulja (age unknown)
Nerdjivane Zeqiri (age unknown)
eight members of the Ali Ibraj family
four members of the Spend Nuraj family
four members of the Fatmir Nuraj family
three members of the Sejdi Nuraj family
36 unidentified persons

Pavlovac near Vranje (Serbia)
Milica Stojanovic (12)
Mijalko Trajkovic (65)

April 15

Raljan near Presevo (Serbia)
eight unidentified civilians
Kopaonik (Serbia)
Mladen Stanojevic (age unknown)

April 16

Ribnice near Vranje (Serbia)
Irena Mitic (16)

April 17

Valjevo (Serbia)
Milisav Micic (37)
Batajnica near Belgrade (Serbia)
Milica Rakic (3)
Kamena Glava near Urosevac (Kosovo)

two unidentified civilians

April 19

Nis (Serbia)

Milen Milojkovic (age unknown)

April 21

Djakovica (Kosovo)

Marko Ivanovic (4)

Ivan Ivancevic (7)

Radivoje Ularevic (27)

Davor Ularevic (29)

Gordana Ilic (75)

April 22

Vranje (Serbia)

Dalibor Tasic (17)

April 23

Belgrade (Serbia)

Darko Stoimenovski (26)

Nebojsa Stojanovic (27)

Dragorad Dragojevic (27)

Ksenija Bankovic (28)

Jelica Munitlak (28)

Dejan Markovic (30)

Aleksandar Deletic (31)

Dragan Tasic (31)

Slavisa Stevanovic (32)

Sinisa Medic (33)

Ivan Stukalo (34)

Milan Joksimovic (47)

Branislav Jovanovic (50)

Slobodan Jontic (54)

Milovan Jankovic (59)

Tomislav Mitrovic (61)

April 24

Doganovic near Kacanik (Kosovo)

Edan Koxha (3)

Fisnik Koxha(9)

Osman Koxha (13)

Burim Koxha (14)

Valjdet Koxha (15)

Velika Dobrinja near Lipljan (Kosovo)

Arta Lugiqi (6).

April 27

Surdulica (Serbia)

Vladimir Milic (12)

Miljana Milic (15)

Miomir Miovanovic (17)
Stanisa Djordjevic (22)
Vesna Milic (37)
Aleksandar Milic (37)
Dragan Ivanovic (39)
Stana Rasic (47)
Stamenka Milic (66)
two unidentified civilians

April 28

Golubovci near Podgorica (Montenegro)
Paska Prenkovo Juncaj (61)
Prizren (Kosovo)
Kasandra Zylfuri (2.5)
Beqir Zylfuri (14)
Maksun Zylfuri (22)
Gjulja Zylfuri (25)
Arljaca near Pristina (Kosovo)
Brahim Berisha (age unknown)
Daut Berisha (age unknown)
Basri Berisha (age unknown)

April 29

Ostruznica (near Belgrade)
Nebojsa Arsic (35)

April 30

Belgrade
Sofija Jovanovic (23)
Trstenik (Serbia)
Dejan Djordjevic (40)
Nadezda Petrickovic (44)
Murino (Montenegro)
Julija Brudar (10)
Olivera Maksimovic (12)
Miroslav Knezevic (13)
Vukic Vuletic (45)
Manojlo Komantina (age unknown)
Milka Kocanovic (possibly Kovacevic) (age unknown)

May 1

Luzane near Pristina (Kosovo)
39 unidentified civilians
Jablanica near Prizren (Kosovo)
Azemina Murati (38)
Ahmet Murati (88)
Prizren (Kosovo)
four members of the Berisha family
three unidentified civilians

May 2

Sremska Mitrovica (Vojvodina)
Ljiljana Veliki (39)
Kosovska Mitrovica (Kosovo)
Milomir Aksentijevic (age unknown)
Hashima Meshehrani (age unknown)

May 3

Savine Vode (Kosovo)
17 unidentified civilians

May 4

Savine Vode (Kosovo)
Jovan Otasevic (22)

May 7

Nis (Serbia)
Ljiljana Spasic (26)
Gordana Sekulic (29)
Sasa Miljkovic (33)
Dragisa Vucic (35)
Bozidar Veljkovic (38)
Ljubisa Stancic (48)
Aleksandar Deljanin (50)
Bozidar Djordjevic (58)
Slobodan Stoilkovic (61)
Vera Ilic (65)
Zivorad Ilic (71)
Milutun Zivkovic (74)
Gerasim Jovanovski (84)
Trifun Vuckovic (86)
New Belgrade (Serbia)
Zhu Jing (28)
Hi Hinhu (31)
Shao-Jin Juan (48)
New Belgrade (Serbia)
Andjelko Nincic (age unknown)

May 8

Nis (Serbia)
two unidentified civilians

May 10

Lipljan (Kosovo)
Dragana Dimic (4)
Rosa Jankovic (age unknown)
Bosko Jankovic (age unknown)
Cacak (Serbia)
Dragan Obrenic (29)
Velija Dzemailovic (44)

Milos Jovicic (46)
Nasko Ristic (50)

May 11

Nis (Serbia)
Zoran Nikolic (Nikovic?) (40)
Goran Aleksic (age unknown)
Vladicin Han (Serbia)
Gordana Nikolic (18)
Milan Ignjatovic (19)
Orlane near Doljevac (Serbia)
Jagoda Mladenovic (63)

May 13

Korisa near Prizren (Kosovo)
48-87 unidentified civilians

May 17

Bor (Serbia)
Dragoslav Grujic (49)

May 18

Jasenica near Valjevo (Serbia)
Mileva Krunic (72)

May 19

Dubrava penitentiary near Istok (Kosovo)
Enver Topalli (Greme/Grebno) (age unknown)
Abdullah Tahiri (Malishevo) (age unknown)
Gjon Ndrecaj (Djakovica) (age unknown)
one unidentified guard
Gnjilane (Kosovo)
Djijan Sabija (25)
Vesna Cvetanovic (31)
Djurdja Savic (34)
Dzevat Ademi (39)
Gorica Cuprijanovic (46)

May 20

Belgrade (Serbia)
Radoslav Novakovic (47)
Branka Boskovic (75)
Bosko Vrebalov (82)
Zora Brkic (82)
Sombor (Vojvodina)
Nikola Hinic (42)

May 21

Djakovica (Kosovo)
Ibrahim Gjosi (age unknown)

Dubrava penitentiary near Istok (Kosovo)
Mehdi Dallosi (Lipljan) (age unknown)
Ahmet Hoxha (Urosevac) (age unknown)
Ali Kelmendi (Pec) (age unknown)
at least 16 other prisoners and/or guards

May 23

Djakovica (Kosovo)
one unidentified civilian

May 25

Sabac (Serbia)
Zivorad Nenadovic (69)

May 26

Kosovska Vitina (Kosovo)
three unidentified civilians
Radoste near Orahovac (Kosovo)
Kujtim Kastrati (11)
Beg Krasniqi (31)
Ralja near Sopot (Serbia)
Dejana Pavlovic (5)
Stefan Pavlovic (8)
Biljana Momcilovic (29)

May 27

Pertate between Leskovac and Lebane (Serbia)
Branka Stankovic (55)
Veselka Spasic (59)
Palic near Subotica (Vojvodina)
Jeka Alavanja (70)

May 28

Aleksinac (Serbia)
Predrag Nedeljkovic (37)
Dusanka Savic (48)
Branislav Mitrovic (79)

May 29

Carmurlija near Nis (Serbia)
Vukosava Mancic (61)
Dusan Mancic (64)
Krk Bunar/Gornje Selo between Prizren and Brezovica, (Kosovo)
Nebojsa Radojevic (38)
bridge between Leskovac and Lebane (Serbia)
Goran Stojmenovic (32)
Stanoje Stojmenovic (58)
Gornja Budriga near Kosovska Vitina (Kosovo)
five unidentified civilians
Brezna near Prizren (Kosovo)

three unidentified civilians

May 30

Surdulica (Serbia)

Milenko Malobabic (16)
Rada Malobabic (19)
Milena Malobabic (20)
Djordje Pavkovic (45)
Rada Zigic (52)
Bosiljka Malobabic (53)
Slavko Popovic (60)
Petar Budisavljevic (60)
Bogdanka Janjanin (60)
Boris Eremijev (60)
Stamen Rangelov (61)
Milanka Vuckovic (65)
Stana Rasic (66)
Desanka Velickovic (67)
Bosa Miladinovic (68)
Danica Malesevic (68)
Nepijal Dragic (70)
Dragic Napijalo (70)
Dusan Manojlovic (72)
Bogdanka Janjanin (74)
Mile Slijepcevic (90)
two unidentified civilians

Vranje (Serbia)

Mane Andjelkovic (60)

Varvarin (Serbia)

Sanja Milenkovic (17)
Milan Savic (24)
Vojkan Stankovic (31)
Zoran Marinkovic (33)
Stojan Ristic (56)
Ruzica Simonovic (60)
Milivoje Ciric (66)
Dragoslav Terzic (68)
Tola Apostolovic (74)

Ripanj near Belgrade (Serbia)

Slavica Stojiljkovic (60)

May 31

Neradovac near Vranje (Serbia)

Leposava Ristic (75)

Novi Pazar (Serbia)

Marko Simic (2)
Marko Roglic (16)
Djordje Pantovic (24)
Dejan Milosevic (27)
Miodrag Nikic (29)

Vladan Simic (30)
Golub Ratkovic (32)
Zvezdan Jajic (37)
Dragomirka Biorac (38)
Dragan Simovic (46)
Radun Vranic (47)
Brvenik near Raska (Serbia)
Sasa Knezevic (31)
Drazevac near Obrenovac (Serbia)
Jovanka Arsenijevic (76)

June 6

Rudnik near Kosovska Mitrovica (Kosovo)
Dragutin Todorovic (age unknown)
Donja Budriga near Gnjilane (Kosovo)
Stojanka Aksic (age unknown)

June 7

Podgorac near Boljevac (Serbia)
Nebojsa Srbulovic (37)
Milija Andrejevic (54)
Slavka Trikanovic (59)

June 8

Novi Sad (Vojvodina)
Milan Bajic (37)

Appendix C: Incidents Involving Unsubstantiated Reports of Civilian Deaths

March 25

In an attack on a **Prizren** Ministry of Interior (MUP) building or headquarters in Kosovo, Dragan Barac and Dragan Renic are reported killed. Though the Ministry of Health provided photographs of the bodies,⁴¹⁰ they are mentioned nowhere else in the press or the Yugoslav government's *White Book* and it is doubted whether these two casualties were civilians.

The field (war) headquarters of the 3rd Army in **Kursumlija** in southern Serbia is hit "on the first night of the campaign and ... badly damaged." According to the British government, "This is the HQ from which the Yugoslav Army is controlling its Kosovo campaign and this will give the Yugoslavs key command and control problems. We know that their army has been badly rattled by this attack."⁴¹¹ The Yugoslav government initially reports that a refugee center was bombed, killing eleven "refugees" from Bosnia-Herzegovina and Croatia, and wounding twenty-four.⁴¹²

Human Rights Watch was unable to verify Yugoslav claims of civilian casualties in this incident, the bombing of a refugee center, and it suspects that those killed were not refugees but military or MUP personnel. The Kursumlija refugee center incident is not reported in the Yugoslav government *White Book*, nor does it figure in later Yugoslav compilations.⁴¹³ In the May 29, 1999 "espionage" verdict for three Care Australia workers (Steve Pratt, Peter Wallace, and Branko Jelen) handed down by the Military Court of the 1st Army command in Yugoslavia (No. I.K.14/99), the court stated that a March 29 report compiled by Pratt refers to the initial bombing of Kursumlija. In that report, according to the verdict, Pratt stated that "what was hit in Kursumlija and Pristina were not refugee camps, but Army depots and a paramilitary police headquarters."⁴¹⁴

March 29

Tanjug reports that refugee camps near **Nis** in southern Serbia and **Pristina** in Kosovo are "bombed," killing fifteen refugees.⁴¹⁵ The refugee camps are managed by CARE Australia on behalf of the U.N. High Commissioner for Refugees (UNHCR). Steve Pratt of CARE Australia is quoted by Australian ABC radio as saying that his staff could confirm that nine refugees died when NATO hit buildings in Pristina near the agency's refugee centers. Pratt is later arrested by Yugoslav authorities for espionage, and it is later learned that the attacks were actually on police facilities. The Ministry of Health reports that in an attack on the Pristina MUP building on March 29, Radoica Kovac is killed.⁴¹⁶ The death is not reported again in the press, is not mentioned in Yugoslav government compilations, nor in the *White Book*. Human Rights Watch accordingly concludes that Kovac was likely not a civilian.⁴¹⁷

April 6

⁴¹⁰ FRY, MOH, "Photo Documentation of Civilians Who Were Killed By NATO Attacks, from 24.03 until 20.05.1999."

⁴¹¹ Statement by Gen. Charles Guthrie. See Briefing By the Secretary of State for Defence, Mr. George Robertson, and the Chief of the Defence Staff, Gen Sir Charles Guthrie, London, March 27, 1999.

⁴¹² Yugoslav press reports; FRY, MFA, "Consequences of NATO aggression against the FRY," Belgrade, March 27, 1999.

⁴¹³ For instance, the incident is not listed on the compilation of the Committee for Compiling Data on Crimes Against Humanity and International Law (http://www.gov.yu/cwc/fejmel_nato.htm).

⁴¹⁴ Judgment of the Military Court of the 1st Army Command, I.K. No. 14/99, May 29, 1999.

⁴¹⁵ Tanjug, "Chronology of Crimes and Dishonor of NATO," June 5, 1999.

⁴¹⁶ FRY, MOH, "Photo Documentation of Civilians Who Were Killed By NATO Attacks, from 24.03 until 20.05.1999."

At 8:45 p.m., in an attack on the Sjenica airfield in eastern central Serbia, one person is killed in the village of **Stavaljska breza**.⁴¹⁸ Civilian buildings were reported struck with cluster bombs at Dubinje in the vicinity of Sjenica causing substantial damage to the management building of the agricultural complex "Pester," as well as to the dairy, workers' accommodation facilities, and a number of auxiliary buildings and motor vehicles. Telephone, power, and water supply lines are reported hit, cutting water and power supply and telephone service.⁴¹⁹

The Yugoslav *White Book* reports the bombing in Dubinje and Sjenica at 8:45 p.m. on April 6, but do not report any civilian casualties.⁴²⁰ The Yugoslav press states that a "person" was killed in the attack, not a "civilian."⁴²¹ Human Rights Watch concludes that it is likely that a member of the military or police was killed.

April 11

Yugoslav authorities claim that in a 5:00 a.m. attack on the village **Turekovac** near Leskovac in southeastern Serbia, "there were some damages on civilian objects and some civilians have been killed."⁴²² The Yugoslav *White Book* mentions the attack, which it says "heavily damaged a large number of family houses," but it does not include any further reports of civilian casualties.⁴²³ Human Rights Watch thus doubts that there were any civilian casualties.

April 26

Tanjug reports that civilians are killed in an attack on a bridge on the outskirt of **Kastrat** just east of Kursumlija. "The number of civilians killed in Kursumlija as a result of air strikes rose up to 17," Tanjug reports.⁴²⁴ The incident on April 26 is not mentioned in the Yugoslav government *White Book*, nor is there any further corroboration or reporting in the Yugoslav press. The Tanjug reference to "up to 17" killed in Kursumlija area likely refers to deaths from attacks on March 25, April 2, and April 10 (see above and Appendix A).

May 21

In an 11:00 a.m. attack on the **Smederevo** "Jugopetrol" depot in eastern Serbia, seven people are reported killed. The depot is reportedly targeted with three weapons for the sixth time. One weapon hit the grounds of "Trudbenik-Buducnost" factory and the other Godominsko Polje near the Smederevo medium wave (MW) radio transmitter.⁴²⁵

NATO reports attacking the petroleum storage facility in Smederevo on May 21,⁴²⁶ but the Yugoslav government *White Book* does not mention any civilian deaths in the attack, nor was there any reporting of the deaths in the Yugoslav press. Human Rights Watch visited Smederevo and was able to verify the attack, but could not verify any civilian deaths in this incident.

See also Appendix A, incident **65**.

⁴¹⁸ Yugoslav press reports.

⁴¹⁹ FRY, "Aide-Memoire," May 15, 1999.

⁴²⁰ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. I, p. 129.

⁴²¹ *Vecernje Novosti*, April 6, 1999, p. 4.

⁴²² Information provided by Yugoslav civil defense authorities.

⁴²³ FRY, MFA, *NATO Crimes in Yugoslavia*, vol. I, p. 141.

⁴²⁴ Tanjug, "Chronology of Crimes and Dishonor of NATO," June 5, 1999.

⁴²⁵ FRY, MFA, "NATO raids on manufacturing and civilian facilities on May 21 and in the night between May 21 and 22, 1999."

Table 1
Leading Incidents involving Civilian Deaths

<u>Date</u>	<u>Location</u>	<u>Civilians Killed</u>
May 13	Korisa, Kosovo	48-87
April 14	Djakovica-Decane, Kosovo	73
May 1	Luzane, Kosovo	39
May 30	Surdulica, Serbia	23
April 12	Grdelica Klisura, Serbia	20
May 21	Istok (Dubrava), Kosovo	at least 19
May 3	Savine Vode, Kosovo	17
April 23	Belgrade, Serbia	16
May 7	Nis, Serbia	14
April 27	Surdulica, Serbia	11
May 31	Novi Pazar, Serbia	11
April 5	Aleksinac, Serbia	10

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