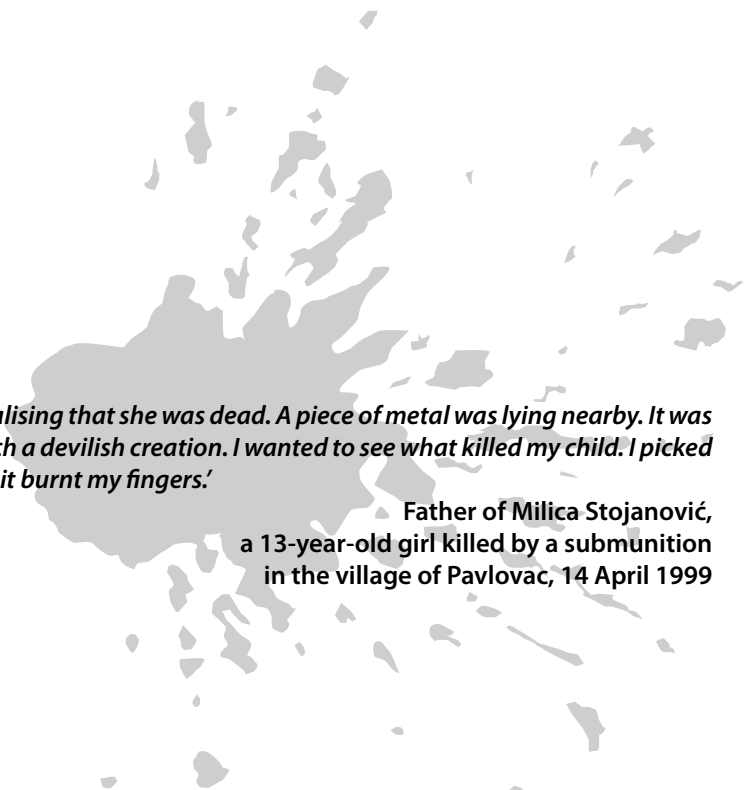


YELLOW KILLERS

The impact of cluster munitions in Serbia and Montenegro



'I held her in my arms, realising that she was dead. A piece of metal was lying nearby. It was all twisted and sharp, such a devilish creation. I wanted to see what killed my child. I picked it up; I realised later that it burnt my fingers.'

Father of Milica Stojanović,
a 13-year-old girl killed by a submunition
in the village of Pavlovac, 14 April 1999

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Photo credits

Front cover: Niš, 7 May 1999 ©Kostadin Kamenov/1999; photo on back cover: one of the "yellow killers", an unexploded BLU-97 submunition found in Samaila village ©Ministry of Defence, Civil Protection Unit, 18 November 2005

Abbreviations, acronyms and technical terms

AGM-154/A	Baseline JSOW, containing 145 BLU-97 submunitions
Belouga	French-produced cluster bomb containing 151 BLG 66 submunitions
BL 755	UK-produced cluster bomb containing 147 submunitions
BLG 66	Belouga submunition
BLU-97	US-produced submunition
CBU	Cluster bomb unit
CBU-87/B	US-produced cluster bomb containing 202 BLU-97 submunitions
CBU-99/CBU-100	Cluster bomb a.k.a. Rockeye II, containing 247 Mk-118 submunitions
CEM	Combined effect munitions: anti-personnel, anti-tank/vehicle, and incendiary
Cluster munition	A cluster munition consists of a container (bomb, rocket, grenade, dispenser) which is either dropped from the air or fired from ground, and which contains from a few to several hundred submunitions. The container opens in the air and disperses the submunitions over a large area
CROMAC	Croatian Mine Action Centre
DoD	US Department of Defense
dud	Submunition that fails to detonate upon impact and remains dormant on or under the surface of the ground, but which can be easily activated when touched, moved or trodden on
EOD	Explosive ordnance disposal
ERW	Explosive remnants of war (defined under international law as including abandoned explosive ordnance and unexploded ordnance)
Failure rate	The percentage of submunitions in a cluster munition that do not explode as intended when hitting the target/ground and consequently become duds.
General Survey	In the case of cluster munitions, a formal assessment – without the use of technical survey methods – of the residual threat from submunitions, including the size, shape and characteristics of the suspected areas at local, regional or national level.
GPS	Global Positioning System
ICRC	International Committee of the Red Cross
ITF	International Trust Fund for Demining and Mine Victims Assistance
JSOW	Joint Standoff Weapon: air-to-surface glide weapon
KB-1/KB-2	Submunitions produced in the Socialist Federal Republic of Yugoslavia
Mk-118	US-produced Rockeye submunition
MoD	UK Ministry of Defence
NPA	Norwegian People's Aid
NGO	Non-governmental organisation
RBL 755	UK-produced cluster bomb containing 147 submunitions; a later version of the BL 755
RCUD	Regional Centre for Underwater Demining (Montenegro)
SEEMACC	South Eastern Europe Mine Action Coordination Council
SMAC	Serbian Mine Action Centre
Technical Survey	In the case of cluster munitions, an entry into the suspected area using a technical clearance method in order to confirm or eliminate the suspicion of the presence of submunitions, determine topographical details, establish and mark the perimeters of the contaminated area, and obtain other information necessary for clearance operations to take place
TLAM-D	Tomahawk Land Attack Missile, variant-D: long-range cruise missile dispensing 166 BLU-97 submunitions
UXO	unexploded ordnance

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INTRODUCTION

At 11.15 on the morning of 7 May 1999, Slavko Miljković, a 69-year-old inhabitant of Niš, was at the market in the town centre buying rice when air-raid sirens began to wail. *'We were already used to the sound, so people were finishing up their business and beginning to leave for home without a lot of fuss. We didn't expect planes to come so soon after the sirens, but they arrived very quickly. Two minutes later, we heard the detonations. It was the airport. It was targeted so frequently, we recognised the direction of the planes and the sound of the detonations. But then this other group of planes arrived; the sound was completely different, strange and loud. They must have been flying at a much lower altitude, that's the only explanation I can think of. The small umbrellas covered the sky. There was no wind. They were falling in all directions.'*

'There was this man standing close to me, carrying eggs he bought at the market. He said: 'Run, the bombs are falling!', and we started running together, looking for shelter. We tried to slip between two parked cars. We couldn't do it; there was not enough space. The bomb exploded some seven or eight metres away from where we were standing. I was hit in the left hip and right foot. I fell. This other man was wounded all over his stomach and chest. He managed to crawl to the wall on his hands, and then he stayed there.'



Figure 1. The death of Saša Miljković in Niš on 7 May 1999

'When the detonations stopped, I felt pain in my foot and I was trying to stop the bleeding with my hands. The other man was leant against the wall, dead. A stream of blood was running from his chest all the way down to the pavement into a pool of gasoline that leaked out of one of the cars that had been hit. The volunteers drove me to the hospital. I had to wait until six o'clock in the evening for my turn in surgery. I understood why, the doctors were trying to save lives. They had to cut my heel and big toe off. The rest of the foot remained stiff, paralysed. Some small fragments are still there, in the flesh.'

Slavko sums up his feelings in just a few words. *'Anxiety; fear; uncertainty; from that day on. Sometimes I think that my wife has suffered even more than me. She's had a heart attack as a result of all this.'* After a short pause he goes on: *'But it is still so difficult to comprehend that those weapons were used on us. I know about Geneva and all these other conventions, why weren't they applicable in this case?'*

Cluster munitions in Serbia and Montenegro: a problem largely neglected

Serbia (formerly part of the Federal Republic of Yugoslavia and later Serbia and Montenegro) is one of the very few countries that have produced, stockpiled, exported, imported¹ and used cluster munitions. But as

¹ Primarily from the UK. See Section 4.5.

Slavko and dozens of other civilian victims can attest, Serbia is also an affected nation, the legacy of NATO's use of these weapons as part of its air campaign against the Federal Republic of Yugoslavia between 24 March and 10 June 1999.

NATO resorted widely to cluster munitions in its 78-day bombing campaign, dispersing hundreds of thousands of submunitions to force an end to repression of ethnic Albanians in the province of Kosovo. As the attacks continued, the public was regularly warned by Serbian media about the particular threat from submunitions. And with the increased frequency of the cluster-munition attacks and the death and destruction they wrought, the people of Serbia gave the most common submunition type – BLU-97 – a special name: they called them the 'yellow killers' (žute ubice in Serbian).

This report assesses the human toll of the cluster munition attacks as well as the subsequent and ongoing impact of unexploded submunitions in the territory of Serbia proper and Montenegro. It supplements research presented in earlier reports on the use by NATO of cluster munitions,² and offers new data and findings on the situation today, more than seven years after the end of the aerial bombing campaign.

The use of cluster munitions in the province of Kosovo and their subsequent impact have been carefully documented. As the United Nations, the International Committee of the Red Cross (ICRC) and international non-governmental organisations (NGOs) had unhindered access to the province, they were in a position to acquire and produce reliable documentation on the submunition threat. In the period between July 1999 and the end of 2005, 164 casualties of unexploded submunitions were recorded there.³ Albeit after significant delay, NATO provided extensive data on the numbers and types of cluster munitions used in Kosovo, as well as their intended strike locations. Shortly after the ceasefire agreement between NATO and the government of the Federal Republic of Yugoslavia in June 1999, funding and clearance organisations poured into the province, helping to clear the bulk of the mine and unexploded ordnance (UXO) threat within three years.

The UXO problem in Serbia and Montenegro, on the other hand, has never received anything like the same level of attention or support, either from the international community or the national authorities. At the time, the regime in Serbia exploited the victims of the bombing campaign for propaganda purposes, but failed to address the threat systematically. Subsequent proposals by several NGOs conducting clearance in Kosovo to extend their demining operations to the territory of Serbia proper were disregarded, for political and security reasons.⁴ Even the transformation of the country into an open democracy in 2000 has not resulted in a comprehensive humanitarian response.

Given the intensity of the air campaign, the surprising fact is that, now, more than seven years afterwards, with but a fraction of the affected territory cleared, there is almost no awareness, no information at all about the threat. This is clearly illustrated whenever a group of tourists or weekend berry-pickers hiking on the mountain paths let out a scream upon discovering that they have wandered into a *de facto* minefield.

One of the cluster munitions survivors interviewed for this study provided the best description of the current treatment of the issue: *'Addressing the problem of the victims? Affected areas? Which of the political blocs could do it without losing some political points? The ones that have the power now hesitate or are too afraid to do it; they are trying to move forward, into Europe, into NATO. They don't want to arouse any animosity towards the Western world by addressing those sensitive issues. And on the other side, the former power-holders – they would preferably avoid the issue, too, since another question would have to be asked the same instant: whose political decisions led to the bombing in the first place?'*

Lack of interest and resolve to solve the problems resulting from submunition contamination still persists. It is hoped that this report can contribute to a renewed commitment at both national and international level, as well as a positive change in the situation of those whose lives have been blighted by the 'yellow killers'.

² Human Rights Watch (1999); Amnesty International (2000).

³ See for example Handicap International (2006).

⁴ Interviews with Zarko Ležaja, ICRC Belgrade, 15 May 2006; and with Ali Aslani, Bujanovac Section, Ministry of Defence, 29 June 2006.

Study methodology

Research for this study was conducted by Jelena Vićentić of Norwegian People's Aid (NPA) South East Europe in both Serbia proper and Montenegro during the period 15 April through 1 November 2006. A preparatory phase gathered available technical data on cluster munitions and details of their use. It also included a review of news archives and relevant literature from 1999 to 2006 on the NATO air campaign against the Federal Republic of Yugoslavia and the resultant UXO problem in Serbia and Montenegro. Relevant state institutions were contacted, notably the Serbian Mine Action Centre, the Regional Centre for Underwater Demining in Montenegro, the Federal Ministry of Defence, and the Serbian Ministries of Health, Interior, and Labour, Employment and Social Policy, as well as the Civilian War Victims Association in Niš.⁵

In the second phase of the research, between May and October, visits were conducted to 27 sites in Serbia and five in Montenegro, all of which had been identified as areas targeted or affected by cluster munitions. As part of these visits, interviews were conducted with eyewitnesses, survivors, victims' families and personnel and volunteers engaged in detecting and clearing submunition duds immediately after the attacks.

During the course of the research, an advertisement was placed in *Narodne novine*, the local daily newspaper in Niš, calling on all those who had suffered from the use of cluster munitions or who lost a family member to them, to come forward and be interviewed by NPA. The aim of the research was also explained on two local TV channels in Bujanovac (a private Albanian TV station and another state-supported multi-ethnic TV station) and one TV station in Preševo, urging viewers to contact NPA personnel or the local Civil Protection Departments if they wished to place on record their statement on the effects of the cluster munitions used.

Field research was not conducted in Kosovo so data on Kosovo are included only where relevant for the sake of comparison. Most data on casualties and affected areas presented here refer only to the situation in Serbia proper and in Montenegro.

1. USE AND MISUSE OF CLUSTER MUNITIONS IN THE 1999 NATO BOMBING CAMPAIGN

'There is no specific treaty provision which prohibits or restricts the use of cluster bombs although, of course, cluster bombs must be used in compliance with the general principles applicable to the use of all weapons.'

Committee established by the Office of the Prosecutor of the International Criminal Tribunal for the Former Yugoslavia to review the NATO bombing campaign against the Federal Republic of Yugoslavia in May 1999⁶

'I thought that was the end. I thought that they were firing from machine guns; you could see "bullets" flying in all directions, piercing the walls, the fences, everything. I had no idea that bombs could do that, I had never heard of cluster bombs before that day. Later on, we saw that six bombs had exploded in the front yard.'

Sladana Dokmanović, one of the victims of the NATO attack on Niš, 7 May 1999⁷

On 24 March 1999, NATO launched Operation Allied Force, an aerial bombing campaign against the Federal Republic of Yugoslavia designed to put an end to the repression and displacement of the ethnic Albanian population of Kosovo. Cluster munitions were one of the most commonly employed munition types of the NATO bombing campaign. The Netherlands, UK and the USA all dropped cluster munitions during the conflict. The bombings lasted until 10 June 1999, when a ceasefire was signed in Kumanovo in the Former Yugoslav Republic of Macedonia.

Both the US Department of Defense (DoD) and UK Ministry of Defence (MoD) have claimed that, in the use of weapons during the 78-day-long Allied Force bombing campaign, preference was given to munitions that were precision-guided (laser-guided and 'standoff' weapons), which 'put the stockpiles of these weapons under some pressure'.⁸ But in terms of the quantities deployed during the campaign, most of the bombs actually dropped were traditional gravity ordnance, including a significant number of cluster bombs. Figure 2 shows the locations of cluster munition strikes in Serbia proper and Montenegro.

Indeed, the DoD's report to the US Congress on the conduct of military operations explained that precision-guided munitions 'only exist in limited numbers and they are typically more expensive than unguided or "dumb" bombs'. For its part, the MoD has released a list of the bombs dropped by British aircraft, of which cluster bombs alone (specifically Britain's (R)BL 755 – see below) made up 52.5 per cent of all munitions deployed by the UK during the conflict. Thus, the UK has reported that it aerially delivered a total of 1,011 munitions over the territory of the Federal Republic of Yugoslavia, of which 531 were the (R)BL 755 cluster bomb.⁹

⁵ This quasi-NGO was founded by municipal authorities, but each association is independent, being registered as an 'organised group of citizens'.

⁶ Final Report to the Prosecutor by the Committee Established to Review the NATO Bombing Campaign Against the Federal Republic of Yugoslavia.

⁷ Sladana's 15-year-old daughter, Milena, was also injured in the attack. Today, Milena still has two steel fragments in her body, one in her skull and the other in her right leg. Surgeons have determined that it is too dangerous to operate because of the risk of damage to surrounding tissue and nerves. Future complications from her injuries can not be predicted.

⁸ See for example DoD (2000) and UK MoD (2000).

⁹ Ministry of Defence (2000).



Based on UN Cartographic Section map of Serbia No.4268

Figure 2. Cluster munition strikes in Serbia proper and Montenegro. The figure is based on documentation provided by the Ministries of Defence and Interior, as well as on interviews with explosive ordnance disposal operatives, victims and eyewitnesses.

1.1 Types and quantities of cluster munitions used

1.1.1 Types and characteristics

From the available evidence, it is believed that aerially delivered cluster munitions with the following submunitions were used in Serbia proper and Montenegro:

- BLU-97 (produced by the USA – see Figure 3);¹⁰
- (R)BL755 (produced by the UK – see Figure 4);
- Mk-118 ‘Rockeye’ (produced by the USA – see Figure 5); and
- BLG 66 ‘Belouga’ (produced by France – see Figure 6).

Figure 3. BLU-97 submunition found on Mount Kopaonik



Courtesy of Serbian Ministry of Defence
Civil Protection Unit, 1999

Figure 4. (R)BL 755 submunition found in Bogdanovac village in south-eastern Serbia



Jelena Vilenic©NPA, 2006

Figure 5. Mk-118 ‘Rockeye’ submunition found in Golubovci, Podgorica



©RTS, 1999

¹⁰ There are two types of the BLU-97: the A/B and the B. The AGM-154/A contains only BLU-97/B submunitions. The difference between the BLU-97 A/B and the B submunition is in the fuze: the former has a mechanical fuze, while the latter has a piezo-electric fuze.



Figure 6. BLG 66 submunitions

BLU-97

According to documentation provided to NPA by the Serbian Ministry of Defence¹¹ as well as interviews with army EOD personnel, eyewitnesses and victims, most of the submunitions used in Serbia proper and Montenegro were BLU-97 submunitions. The BLU-97 submunition comprises a shaped metal charge that melts upon detonation, and which can penetrate armoured vehicles and tanks. The body of the submunition, made of dented metal, splits into approximately 300 metal fragments to kill personnel, disable vehicles and causing material damage over several dozen square metres. Also incorporated into the body of the submunition is a zirconium ring, which has an incendiary effect intended to cause fire upon impact with, for example, fuel tanks or vehicles.

The US 'After-Action Report' on the bombing campaign acknowledges use of the following three airframes to dispense the BLU-97 submunitions: the Tomahawk Land Attack Missile, variant-D (TLAM-D – see Figure 7), a long-range cruise missile dispensing 166 BLU-97s; the AGM-154/A JSOW from medium standoff range, a precision-guided, air-to-ground glide weapon, containing 145 BLU-97s; and the CBU-87/B, which contains 202 BLU-97s, for direct attack.¹²



Figure 7. TLAM-D used against Lađevci airfield in central Serbia

While the CBU-87/B was the type of container most frequently employed, use of the AGM-154/A (see Figure 8) has been documented in at least six locations affected by BLU-97/B submunitions.¹³

¹¹ Serbian Ministry of Defense, 'Evidencija lica stradalih u NATO bombardovanju' ('Evidence on the persons killed/injured in NATO air campaign'), based on reports provided by County/Municipal MoD offices.

¹² DoD (2000), pp. 90 and 92.

¹³ Information and photos provided by Fadil Neziri, Šabac Department, Serbian Ministry of Defence, Šabac, August 2006; photos provided by Serbian Ministry of Interior on 27 November 2006.



Figure 8. AGM-154/A JSOW glide weapon, which dispenses BLU-97 submunitions

Jelena Vičentić/NPA, 2006

(R)BL 755

The BL 755 and RBL 755 cluster bomb (the latter is an 'improved' version) both contain 147 submunitions, which in this report are referred to as (R)BL755 submunitions. (R)BL 755 submunitions are capable of penetrating 20 to 25 centimetres of armour-plating, and the bomblet casing, consisting of tessellated steel wire, shatters into some 2,200 anti-personnel fragments dispersed over a radius of 30 to 40 metres.¹⁴

The basic type of the cluster bomb (BL 755) was built in the 1960s and was designed for low-altitude delivery. The newer, improved version (RBL 755 – see Figure 9) was developed for medium-altitude delivery (above 10,000 feet). (R)BL 755 submunitions have been found in large numbers in the southern parts of Serbia: on Mount Kopaonik and the administrative border area in Kuršumljija municipality, and in Bujanovac and Preševo municipalities in the southeast of the country.



Figure 9. RBL 755 cluster bomb used by the UK during the NATO bombing campaign

©Boban Kuronđić, 1999

Mk-118

Descriptions from army personnel and a report by one international NGO suggest also that Mk-118 (Rockeye) submunitions were used in the administrative areas bordering Kosovo.¹⁵ The Rockeye II or CBU-99 cluster bomb contains 247 Mk-118 submunitions.

BLG 66

Previous international reports about the use of cluster munitions in the Federal Republic of Yugoslavia have not mentioned the French-produced Belouga cluster bomb, which contains 151 BLG 66 submunitions.

¹⁴ There are two different types of (R)BL 755 submunitions, designated GP (General Purpose) and AAA (Advanced Anti-Armour). The AAA is equipped with a parachute, which is the only significant difference between the two types. For the purposes of this report, both types are referred to as (R)BL 755 submunitions.

¹⁵ INTERSOS, Mine/UXO threat assessment in the Federal Republic of Yugoslavia, Rome, 2001.

During the research for this report, however, NPA interviewed several eyewitnesses and volunteers engaged in clearance operations in Serbia proper – specifically on Mt. Kopaonik and in Kuršumlija area – who described a ‘violet/blue’ submunition, which seems to have made a particularly strong impression. When shown a picture of various kinds of submunitions, a number of eyewitnesses identified it as the BLG 66.¹⁶ The BLG 66 is also mentioned in the Ministry of Interior report on NATO cluster munition use in 1999.¹⁷

The BLG 66 submunitions come in three types: with fragmentation/anti-personnel (EC type); anti-armour (AC type); and interdiction/area denial characteristics (IZ type). The submunition type designed for area denial may detonate up to four hours after deployment. Many interviewees have remarked that this submunition type was especially explosive and sensitive, tending ‘to explode upon the stronger vibrations produced by passing aircraft or even jeeps’. People claimed that in some cases, this type ‘blew up for no reason, by itself, a couple of days after the strikes’.

It is not known which NATO member (or members) deployed the BLG 66 during the conflict and their use has never been officially acknowledged.

1.1.2 Quantities used

More than seven years after the bombing campaign it is still not known exactly how many cluster munitions and how many tens of thousands of submunitions were dispersed over the territory of Serbia proper and Montenegro.

Ten months after the end of the campaign, and after repeated requests, NATO provided point target data on cluster-bomb use to the UN Mission in Kosovo (UNMIK). In contrast, in the context of Serbia proper and Montenegro, as of 1 January 2007 – with one specific exception – no data had been provided by NATO to the authorities on its use of cluster munitions, whether on the point target data of cluster munition strikes or the number of cluster munitions dropped.¹⁸ This is despite two separate requests having been made for this data: one by the Federal Ministry of Foreign Affairs to NATO headquarters and a second, also to NATO headquarters, by the Mayor of Belgrade.¹⁹

As recently as November 2006, the USA claimed it ‘has strict rules of engagement and targeting methods to lessen post-conflict threats, and supports the sharing of munitions strike data with humanitarian organizations.’²⁰ On 9 January 2007, the Norwegian Minister of Foreign Affairs, Jonas Gahr Støre, declared while on a visit to Serbia that Norway, on the basis of ‘positive signals’ from NATO about the release of Global Positioning by Satellite (GPS) data, would finance a survey to lay the foundations for clearing of submunitions.²¹

The sole exception to a general failure to hand over relevant information to Serbia proper and Montenegro on the bombing campaign is that, during the rebuilding of Niš airport in 2002, NATO provided Norway, which was funding the reconstruction, with a complete list of the numbers and types of munitions used in the air strikes against the airport. The data, which Norway handed on to the airport authorities in 2002,²² showed that BLU-97 submunitions were dropped on four separate occasions: on 7 and 8 May and again

on 11 and 12 May 1999. In total, 76 CBU-87/B cluster bombs were reported to have been dropped on the airport, amounting to a total of 15,352 submunitions. It is not known whether this total includes cluster bombs that apparently missed their targets and hit the town centre instead.

16 Colonel Martin Martinović, interviewed in Prokuplje on 16 July 2006 stated that he encountered an unopened Belouga container in the vicinity of a village within Kuršumlija municipality; also interviews with Milosav Maksimović and Milen Dišić at Kopaonik National Park on 18 August 2006 and Boban Kurandić in Raška on 19 August 2006.

17 Information provided by Ministry of Interior on 27 November 2006, including a report on the use of cluster munitions in the air campaign, issued in Belgrade on 14 June 1999.

18 It has been found that some of the data supplied to the United Nations Mission in Kosovo to support clearance in that province covered some of the strike sites inside Serbia proper and Montenegro.

19 Interview with Petar Mihajlović, Director, Serbian Mine Action Centre, Belgrade, 17 April 2006; see also ‘Pomoć stručnjaka NATO’ (‘Assistance by NATO experts’), Blic (Belgrade daily newspaper), 7 September 2002.

20 ‘Review Conference on the Convention on Certain Conventional Weapons – Media Note’, Office of the Spokesman, US Department of State, Washington DC, 3 November 2006.

21 E-mail from Annette Abelsen, Norwegian MFA, Oslo, 17 January 2007.

22 Interview with Radosav Radojković, Acting Director, Niš airport, 19 April 2006.

In the context of Kosovo, NATO initially acknowledged the use of a total of 1,392 cluster bombs containing 289,536 submunitions targeted against 333 strike sites.²³ This first list of munitions handed over to the United Nations only referred to the use of CBU-87/B and (R)BL 755 cluster bombs.²⁴ However, explosive ordnance disposal (EOD) personnel from several demining agencies and organisations also confirmed the presence of unexploded Mk-118 ‘Rockeye’ submunitions, similarly documented in news reports at the time of the bombing campaign. Subsequently, NATO provided additional information, acknowledging the use of Rockeyes,²⁵ as well as clarifying some of the data first provided to the UN.²⁶

A recent analysis of open sources by Landmine Action indicates that a total of more than 1,660 cluster munitions were dropped during the NATO campaign over the territory of the Federal Republic of Yugoslavia as a whole, whilst secondary sources suggest that at least 347,000 submunitions were used in total.²⁷ These figures may even be higher, since they might not include the use of BLU-97 submunitions from the TLAM-D and AGM-154/A JSOW.

Although the precise figures remain subject to final verification, it appears certain that the USA was the biggest single user of cluster munitions during the conflict, having alone dispersed a minimum of 269,858 submunitions (235,525 BLU-97s and 34,333 Mk-118s).²⁸ The UK reported dropping 531 (R)BL cluster bombs containing 78,057 submunitions on the Federal Republic of Yugoslavia, and, according to a report by Human Rights Watch,²⁹ the Netherlands dropped a total of 33,330 BLU-97 submunitions.³⁰

It is unclear what proportion of the total of at least 347,000 submunitions and of the country figures above were dropped on Kosovo and on Serbia proper and Montenegro respectively.

It is also not possible to estimate the total number of cluster munitions used on Serbia proper and Montenegro on the basis of the number of cleared duds, since there is no centralised database of the clearance activities underway sporadically between 1999 and 2003 (for further details, see Chapter 4). Surface clearance was performed by the army, police and Federal Ministry of Defence (Civil Protection) EOD teams in the course of the bombing campaign and afterwards, but without coordination between the services involved, and, in some cases, without any record-keeping.³¹

1.1.3 Estimated failure rates

In addition to their anti-armour, anti-personnel and incendiary effects, submunitions have a fourth characteristic – they can (and often do) fail to detonate on impact. Although this is a fault and not the result of design, they may remain unexploded on the ground or under the surface, covered by layers of soil and dirt raised by the detonations of other submunitions or other ordnance, debris from the damaged buildings or surrounding vegetation, thereby transforming the area into a *de facto* minefield.

According to information reported by the ICRC, NATO estimated that 10 per cent of the cluster munitions dropped in Kosovo did not explode.³² Experience among EOD operatives working in Kosovo and in Serbia proper indicates that the figure was actually much higher.³³ One EOD specialist in Kosovo declared that the average failure rate went up to 15 per cent (varying between 3 and 26 per cent). SMAC claims that the results of the clearance projects in Kopaonik and Niš have shown that the average dud rate was as much as 20 per cent;³⁴ this is supported by NPA’s analysis of clearance data for Niš airport.

23 ICRC, ‘Cluster Bombs and Landmines in Kosovo: Explosive Remnants of War’, Geneva, August 2000 (Revised June 2001), p. 6.

24 International Committee of the Red Cross (2001).

25 E-mail from John Flanagan, Chief (Programme Support), UN Mine Action Service, 15 December 2006.

26 Information provided by Richard Moyes, Landmine Action, in e-mail of 15 January 2007.

27 See Handicap International (2006), p. 23, based on information provided by Landmine Action.

28 It is unclear whether the cluster munitions dropped by the Netherlands are contained within the US data.

29 MoD (2000), Annex F.

30 See ‘Human Rights Watch Cluster Bomb Memorandum to Delegates to the April Prepcom for 2001 Review Conference for the Convention on Conventional Weapons (CCW)’, Geneva, 2 April 2001.

31 Interview with Selim Hukić, Sjenica Department, Ministry of Defence, 7 June 2006; and interviews with Lieutenant Branislav Kapetanović, 13 June 2006, and with Sergeant Slađan Vučković, 20 June 2006, both former members of EOD teams in the Yugoslav Army.

32 International Committee of the Red Cross (2001).

33 Interviews with Lieutenant Branislav Kapetanović in Belgrade on 13 June 2006; and with Sergeant Slađan Vučković in Niš on 20 June 2006; with Colonel Martin Martinović in Prokuplje on 10 July 2006 with Lieutenant-Colonel Srećko Gavrilović in Belgrade on 9 December 2006.

34 Letter from Stoja Pejić, Public Relations Officer, SMAC, Belgrade, 4 April 2006.

Niš airport authorities and clearance experts³⁵ report that during and following the conflict they found and disposed of some 3,000 duds at Niš airport. According to information from NATO released to Norway more than 15,000 submunitions were delivered on the airport (see Section 1.1.2 above). If these figures are accurate, this already represents a failure rate of some 20 per cent. Clearance operations, however, have so far covered only around 60 per cent of the airport area suspected to be contaminated. Thus, it is likely that the true rate will ultimately prove to be higher when clearance of the airport is completed.

Although an estimate, Yugoslav Army EOD personnel interviewed for the report believe that the failure rate in both Kosovo and Serbia proper was sometimes as high as 40 per cent, depending on the characteristics of the ground surface. This claim is important, as many of the affected locations in Kosovo and Serbia proper were surface-cleared by army personnel before the arrival of Kosovo Protection Force EOD teams and organised clearance projects.

Apart from some urban zones, such as Niš town centre, Duvanište (a suburb of Niš), the town of Sjenica or the surroundings of military airfields, most sites targeted for cluster munition strikes in Serbia proper and Montenegro were rural areas covered with rich vegetation and farmland. This type of ground typically increases the failure rate. Experience from various conflicts has shown that failure rates increase considerably with certain surface conditions, including soft ground, dense vegetation or water.

It can also be assumed that the expiry of the warranty period of the containers adds to the failure rate. Various interviewees came across parts of containers with a warranty expiry date of up to ten years prior to their use (see Figure 10 for an example).³⁶

In addition, several interviewees mentioned partly opened or entirely unopened cluster bombs of three different types – the CBU-87/B, the (R)BL 755, and the Belouga – still containing large numbers of unexploded submunitions.³⁷



Figure 10. A CBU-87/B container exhibited in the Museum of Aeronautics in Belgrade

The manufacturer's estimated and acknowledged failure rate for the BL 755 submunition is five per cent.³⁸ In contrast, two interviewees who had been involved in munition maintenance and disposal in Serbia since 1983 claimed that achieving an 85 per cent success rate for the Federal Republic of Yugoslavia's own stockpile of BL 755 submunitions in controlled conditions on military training fields was deemed a 'major success.'

Finally, although precision-guided glide weapons like the AGM-154/A were used on occasion, their greater accuracy in hitting their intended targets did not prevent them leaving behind a significant number of submunition duds. For example, in the attack on the village of Jalovik in Vladimirci municipality, two AGM-154/As were used, each containing 145 submunitions.³⁹ Clearance operations by the police EOD team and local volunteers after the attack recorded in situ destruction of exactly 45 BLU-97 duds, without any sub-surface detection being conducted, yielding a dud rate of at least 15.5 per cent on that particular occasion.⁴⁰

35 Colonel Martin Martinović, in charge of EOD at the airport at the time of the bombings, stated that more than 2,000 cluster duds were destroyed during the almost daily clearance of the airport grounds and surroundings in the course of the war. According to information from airport officials, in all 877 unexploded BLU-97 submunitions were disposed of during clearance by the army after the war. In 2003, the airport became a civilian facility. Two clearance projects were then undertaken in accordance with international mine action standards, leaving 60 per cent of the airport area free of explosive ordnance; during clearance operations, another 100 BLU-97 were found on land previously cleared by the military.

36 Milosav Maksimović, Slavko and Cedomir Savić; Museum of Aeronautics, Belgrade.

37 Interviews with Lieutenant Kapetanović in Belgrade on 13 June 2006; with Colonel Martinović in Prokuplje on 10 July 2006; with Boban Kurandić in Raška on 19 August 2006; and with Lieutenant Colonel Gavrilović in Belgrade on 9 December 2006.

38 UK Ministry of Defence (2000), paragraph 7.46.

39 Documentation provided by Fadil Neziri, Šabac Department, Serbian Ministry of Defence, Šabac, 26 August 2006 and photographic evidence provided by Ministry of Interior on 27 November 2006.

40 Interview and documentation provided by Fadil Neziri, Šabac Department, Serbian Ministry of Defence, Šabac, 26 August 2006.

1.2 The indiscriminate effects of cluster-munition attacks

'Throughout the air operation against the Serbs, NATO made every effort to minimise collateral damage. Of the 38 sites visited after the war, only one had sustained any significant collateral damage from NATO weapons falling on areas other than their intended target. At the other 37 sites, collateral damage was limited to broken windows, blown-off roof tiles and detached ceiling tiles.'

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Research conducted for this report directly contradicts the misplaced optimism of the DoD report to the US Congress. Sadly, the experiences in Serbia and Montenegro, in particular with respect to the attacks in Serbia on the city of Niš and Mount Kopaonik, and the airfield at Golubovci in Montenegro, again confirm that cluster munitions are weapons that expose civilians to unacceptable risk.

Too often, cluster munitions have indiscriminate effects – because of their inaccuracy and wide area impact, including the intense and wide fragmentation effect of the submunitions upon detonation.⁴¹ Serbia is a tragic example of what happens when cluster munitions are employed near concentrations of civilians. In the following sections, some examples are highlighted of cluster munition use in Serbia proper and Montenegro that illustrate the indiscriminate effects of the weapon.

1.2.1 Attacks on Niš

Niš, the third largest city in Serbia and one of the most heavily affected by the bombings, suffered almost daily strikes in the course of the 78-day-long air campaign. In addition to numerous bombings of the industrial zone, the city's airport – 'Constantine the Great', a military installation at the time – was bombed repeatedly.⁴² An array of weapons were released against the airport – which is located more than three kilometres away from the city centre – including many thousands of submunitions.



Figure 11. A map of Niš showing the areas of the city centre struck by cluster munitions in the 7th May bombing and the airport, more than three kilometres away

41 The BLU-97 has a potentially lethal radius of 8–10 metres, whereas the (R)BL 755 can kill people 15 or even 20 metres away. The radius within which there is a potential for 'incapacitating' injuries is 50% larger than the lethal radius. E-mail from Ove Dullum, Norwegian Defence Research Establishment, Norway, 18 January 2007.

42 The first bombing was on 25 March 1999, the second day of the campaign, and the last was on 30 May 1999, according to a book by a local university professor who was keeping track of all the attacks. Novica Randelović, Niš u ratnom plamenu, (Novica Randelović, Niš in the flames of war), Institute of City Planning/SKC, Niš, 2000. This contrasts with the data provided by NATO, which reports the first bombing as 6 April and the last bombing as 26 May 1999.

But in addition to the persistent strikes against the airport and the town's industrial zone, people in Niš all remember two infamous cluster strikes, which hit the town centre and the residential suburb of Duvanište respectively. The first attack fell on Friday, 7 May 1999. At 11.20am, an unknown number of cluster bombs opened over two of the town's most important and most frequented sites – the market place and the city hospital (see Figures 11 and 12). Until then, Niš's inhabitants had been dealing with the trauma of war as best they could – following their daily routines, trying to continue with 'business as usual' and keep fear and uncertainty away from their homes and families. But the events of 7 May changed all that.



Figure 12. The immediate aftermath of the 7th May bombing of Niš in a street adjacent to the city's central market

©Vladimir Zaharjasević, 1999

Gita Jović, a 47-year-old former nurse at the health centre in the centre of Niš, describes the ordeal of that day calmly, as if she finds relief in recalling the events that made her, in her words, 'useless'.⁴³

'I was on my way to work that day – all medical workers were on duty every day, working extra hours. I was standing right across the street from the health centre, waiting to cross when the bombs fell. At first, there was this noise, something I've never heard before. And then it hit me in the leg. And then the other leg, too. I felt severe pain in my right leg, but I didn't look at it. I was still standing, didn't know what to do.'

'There were detonations everywhere, cars were getting hit. I managed to cross to the other side of the street and to lie down behind a car. A car nearby was burning. I was in a state of shock, but I was also aware of everything that was happening. A woman fell down a couple of metres away from me, hit in the stomach by several fragments. My colleagues started coming out of the building, they were running around, looking for the injured. I was yelling, calling them, but they couldn't see me. I started hitting the car in front of me with both of my hands.'

'I tried to stand up; I was wearing trousers, I tried to pull them up a bit, to ease my way up. It was then that I saw it for the first time. I remember thinking clearly: so strange, a bare bone, no muscle tissue at all. It was my right leg. The other one didn't react at all. There were many small bomb fragments in it. A green van stopped by. They told me later that it was a volunteer who collected the dead and the injured in the streets during the attacks. He tied up my leg and carried me into the van. He took me to the hospital, to the department of surgery.'

'Then the burning sensation came, it was not just the leg, my whole body was burning. It was unbearable. I was hitting the doctor, asking him to spare me the pain, to kill me. 'Throw me out the window!' I remember repeating that many, many times. They sedated me. When I woke up the next day, my right leg was amputated. They saved the left leg. They had to patch it up; some of the fragments couldn't be taken out.' Gita shows her amputation without hesitation. 'I would show it to everyone, as many times as necessary, if only that could be a guarantee that something like this would never happen to anyone again.' Gita is now a member of the local Civilian War Victims Association.

43 Interview by NPA researcher in Niš, 19 April 2006.

In total, the 7th May cluster strikes on Niš left 14 civilians dead - seven in the vicinity of the market place, and another seven in two streets near the hospital.⁴⁴ A further 27 people were seriously injured, while there are records of 30 others who were released from the hospital after receiving some treatment, due to the need to treat new patients. There are also strong indications, based on contemporaneous interviews reported in various newspapers with health personnel working at the hospital at the time, that as many as 70 other people received some sort of first aid, but were sent home without any medical record being kept. In some cases, people had their injuries/fragment wounds cleaned without a thorough check-up, discovering the remaining submunition fragments in the muscle tissue only at a later date.



Figure 13. Gita Jović in the street outside the health clinic where she was seriously injured in a cluster-munition attack, resulting in one of her legs having to be amputated just below the hip. Photo from interview on Norwegian Broadcasting, 25 May 2006

Torodd Strand/NRK, 2006

The 7 May attacks were confirmed by Javier Solana, NATO's Secretary General, in a press conference the following day: *'Damage to the market and clinic was caused by a NATO weapon which missed its target. The strike was directed against the Niš airfield utilising cluster munitions... Civilian casualties were never intended and NATO regrets the loss of life and injuries inflicted.'*⁴⁵ Major General Jertz, Spokesperson for the Supreme Headquarters Allied Powers, Europe, acknowledged that 'some of the clusters obviously did go astray' and speculated that this was 'maybe because of a technical malfunction or they could have been inadvertently released'.⁴⁶

44 Statement by Dr Miodrag Lazić, Head of Surgery at Niš City Clinic, 8 May 1999; and interview with Dr Jovan Stojanović, Director of the Institute of Forensic Medicine, Niš, 30 August 2006.

45 Transcript of press conference convened by Javier Solana, NATO Secretary General, Brussels, 8 May 1999, accessed at www.nato.int/kosovo/press/p990508b.htm.

46 Press Conference given by NATO Secretary General, Javier Solana, NATO Spokesman, Jamie Shea and SHAPE Spokesman, Major General Walter Jertz, NATO HQ, 8 May 1999.



Figure 14. Cars parked in front of the hospital in Niš city centre were wrecked by cluster munitions; this was the hospital where the victims of the attacks were treated

©Vladimir Zaharjasević, 1999

Human Rights Watch reported that US Air Force sources claimed that a single cluster bomb had failed to open over the intended target, the airfield, and opened right after release, dispersing submunitions over a wide area of the town.⁴⁷ The probability of one cluster bomb container opening and spreading submunitions over two separate areas of the town at least two kilometres apart is low, considering the space affected in both of the locations. Accordingly, at least two containers must have been used, and possibly more.

It was also stated that US forces ceased to use cluster bombs soon after the Niš incident as the White House issued a directive to restrict further cluster-bomb use.⁴⁸ This, however, has never been confirmed, and any restrictions must have been for only a few short days, according to NATO data on cluster bomb use (unless the Netherlands was striking the airport using its BLU-97s). Indeed, the UK MoD observed that: *'We have been criticised for continuing to use cluster bombs after the US have ceased to use them for safety reasons. The type of cluster bomb used by the US was discovered to have a fault and was temporarily withdrawn from service, being returned to service shortly thereafter for use until the end of the conflict. The UK uses a different type, which continued to function normally, and there was thus no reason for it to be withdrawn.'*⁴⁹

On 8 May, the same day that Javier Solana was regretting the previous day's errors, a new cluster strike hit the city, this time in its suburbs of Ratko Jović and Novi Komren. Fortunately, there was no civilian loss of life. After the attacks, the area was closed off and cleared within 48 hours by the army and police.

But four days later, on 12 May, a residential area of Niš was hit with BLU-97 submunitions, with victims once more among the civilian population. At 2.55pm – the local rush-hour – Duvanište, a densely populated suburb, was hit with the contents of an unknown number of cluster bombs. Submunitions fell along Mayakovski and Sreten Mladenović streets and the river Nišava, detonating upon impact with cars, concrete, buses and buildings. The police and civil protection units estimate that an area of at least two square kilometres must have been affected by the attack, since duds have been found in neighbouring suburbs of Krivi vir and Krive livade, as well as in Lenin Boulevard, United Nations Park and the archaeological site of Medijana.⁵⁰

The material damage was immense. Dozens of buses, thirty cars and an unknown number of houses and buildings were damaged (see Figure 15, which shows one of the buses destroyed by cluster munitions). Three schools were heavily damaged, but fortunately, since this was after the end of the school year, no children or teachers were present. A fourth, Čele Kula primary school, escaped damage as the four submunitions that fell right in front of the school entrance did not detonate upon impact with the concrete.

47 Human Rights Watch (2000).

48 Human Rights Watch (2000).

49 UK Ministry of Defence (2000).

50 Mirčetić (1999); also interviews with Dejan Dikić, Niš, 21 June 2006; and with Aca Bogajčević, Niš Department, Ministry of Defence, 4 November 2006.



Figure 15. A bus destroyed in the 12th May bombing of Duvanište

©Vladimir Zaharjasević, 1999

Even though many people were out in the streets, no one was killed in these attacks. But three people were seriously injured and some ten others wounded, all of whom were treated at the surgical ward of the City Clinic.⁵¹ These casualties did not even warrant a mention in the NATO daily brief for 12 May 1999, which referred only to successful strikes on Niš airfield, situated approximately seven kilometres from the suburb of Duvanište.



Figure 16. A map of Niš showing the suburb of Duvanište, which was hit by cluster munitions, and the airport, approximately seven kilometres away.

Based on Plan Plus map of Niš; courtesy of Contrast d.o.o

51 Mirčetić (1999).

1.2.2 Attacks on Mount Kopaonik

Mount Kopaonik, the largest ski resort in Serbia, was bombed on several occasions during Operation Allied Force. At least four different types of cluster munitions were used. The spot on the mountain most frequently targeted was Pančićev Vrh (Pančić Peak), the highest peak in Kopaonik.

Bačište, a well-known hotel resort on the mountain was bombed only once, on 13 April 1999. The presumed targets were two civilian buses and two trucks parked at the hotel, which could have resembled military vehicles.⁵² The hotel complex was destroyed and a group of Kosovo refugees who had found temporary shelter on its premises barely managed to escape the ensuing fire (see Box 1).

Box 1. The bombing of Bačište

'The bombing of Bačište was the worst event of my life,' says Boban Kurandić, a former member of the Yugoslav Army engaged in clearance operations. 'I saw two projectiles hit the hotel from some distance. We were informed by our commander that there could be some civilians down there, so we called the Ambulance and the Fire Department and went there to help the people. We tried to extinguish the fire at the reception building, but then we heard the screams. People were jumping out of the windows and running into the woods in the back of the hotel, which turned out to be the best they could do. I and my colleague went inside and we walked through a corridor filled with smoke.'

'We heard screams, entered a room, a girl was sitting on a bed waving her arms and pulling out her hair in turn. She was in a state of panic; we couldn't get a hold of her. My colleague managed to pick her up and carry her out of the building. The first aid team was waiting on the road above, so we left the girl with them and went back to the hotel to check if anyone else remained there. And then the planes came again. We jumped into a ditch in front of the new power station that had been built for the hotel. Detonations were everywhere, explosions, fire, everything around us burning. I realised it had to be cluster bombs.'

'I sought cover as best as I could and prayed to God not to have one landing next to me. I had my radio with me, it was turned on all the time, I was yelling, trying to inform the rescue team that they should stay away. I was too scared to come out of the ditch, the yellow bombs were lying everywhere. And then the noise occurred again, and then the clusters fell, but this time in a larger number. I cannot remember anything that happened from that moment on, I have no idea how me and my colleague got separated. They told me that I appeared in the crossroads above the hotel at 8.30 the next morning, all lost and burnt. My family had been informed that I was already dead.'



Figure 17. The remains of the hotel in Bačište after the NATO bombing

⁵² Federal Ministry of Foreign Affairs (1999). The White Book II claims that there were no military objects/vehicles/personnel nearby, and eyewitnesses were unanimous in their claim that the cars at the hotel were not military vehicles. The only military target in Kopaonik was the radar system (used for both military and civilian airlines purposes) on the top of Pančićev Peak and the Gobelja relay (on neighbouring Gobelja peak) belonging to RTS (national TV station), but the radar system was destroyed on the first night of the bombing, and the relay some days later.

1.2.3 Attacks on Golubovci airfield

On 28 April 1999, the airfield in Golubovci in Montenegro was attacked twice – once at 1pm and then again some time after 5pm. The first strike missed its intended target, and several CBU-87/B cluster bombs opened a few kilometres away from the airfield, scattering BLU-97 submunitions over the nearby villages of Golubovci, Mataguži and Gošići. Three persons were injured inside their homes in Golubovci and Gošići.

Sheer chance spared the villagers of Golubovci. At the moment of the attack, most were attending the funeral of a neighbour, a short distance away from the area that was struck. The material damage was huge – a village road was wrecked, the electricity was cut, all the houses and some other buildings in the village were damaged, and some were burnt in fires caused by submunitions exploding on cars parked inside private garages. Many cattle were killed by the bombs; hay and orchards were also burnt.

2. HUMAN IMPACT

'We didn't hear the plane. It was just this missile, containing cluster bombs. Detonations and the smoke came almost out of nowhere. We were running without turning back. I remember falling down in the field of wheat. I saw blood spraying on everything around me, but I didn't know how badly injured I was. I waved my hand to my husband, showing him that he should keep on running; I didn't want him to get hurt too, I was thinking what would happen to our two children if they lost both their parents. I saw the yellow bombs around me. I remember that I was worried about people who would come to get me; I was concerned about them stepping on those yellow bombs. Then everything turned white in front of me; after that, all turned black and I passed out.'

Mirjana Todorović, a 39-year-old woman seriously injured along with her husband in their village of Bumbarevo Brdo, 3 May 1999⁵³

It is not known exactly how many casualties were caused by NATO's use of cluster munitions in Serbia proper and Montenegro, although research conducted by NPA has identified a confirmed minimum of 95 civilians killed or injured during and since the attacks (see Figure 18). In addition, one deminer has been killed and three injured.⁵⁴ Of the 95 confirmed civilian casualties, 28 were killed and 67 were injured. There are also unconfirmed reports of several dozen other civilians who were less severely wounded, notably in the attacks on Niš.

Twenty-three of the 28 civilian deaths occurred during the cluster attacks, with the remaining five occurring after attacks because of accidents with unexploded submunitions. Of the 67 injured civilians, 58 were hurt during an attack, with the remaining nine after attack.

Among combatants there is only one confirmed case of loss of human life during cluster attacks, where seven members of the army of the Federal Republic of Yugoslavia were killed in a single attack. Comprehensive data on the numbers of combatant victims during cluster attacks, however, is not available.

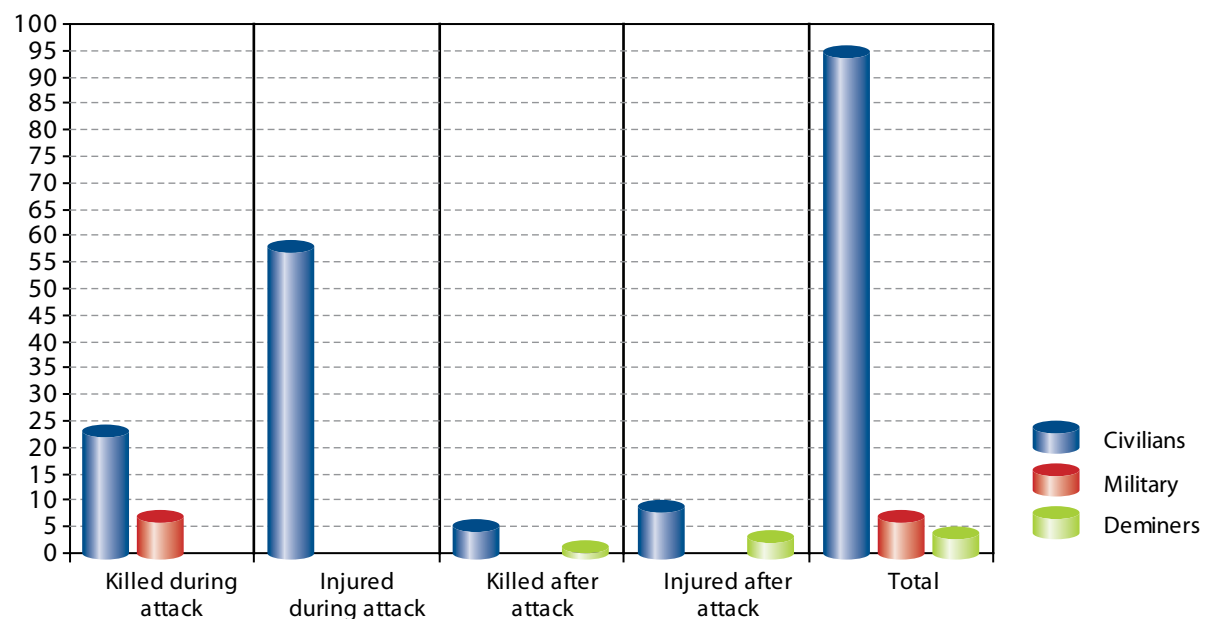


Figure 18. Casualties in Serbia proper and Montenegro as a result of cluster munitions, 1999–2006

⁵³ One of Mirjana's kidneys was literally cut off from the rest of her organs by a submunition fragment, which came to rest inside her pancreas. A two centimetre-long piece of metal is still inside her body. After the attacks, she had a seemingly endless number of stays and check-ups in hospital over the following four years. Her health is stabilised now, but she is concerned about the metal object still inside her.

⁵⁴ In connection with clearance of submunition duds after cluster attacks, one police EOD specialist was killed and one army EOD specialist injured during the conflict, and after the conflict one army EOD specialist and one professional deminer working for a private demining company were injured.



Figure 19. The death of Vladimir Jovanović in April 2000

©Narodne novine, Niš, 1999

Cluster munitions expose civilians to unacceptable risk first during attack, and then because of the deadly ability of submunition 'duds' to continue to kill civilians months and years afterwards – which means that for many, the war is never really over. This dual risk is tragically illustrated by the case of Vladimir Jovanović, who was first wounded during a cluster attack in 1999, and then killed a year later by a submunition dud left by the same attack (see Box 2).

Box 2. The consequences of the bombing of Niš for the Jovanović family

One of those wounded during the cluster bomb attack on Niš on 12 May 1999, was 70-year-old Vladimir Jovanović, a retired glass factory worker. He was working in a small orchard opposite a building block when the BLU-97s hit. A submunition fragment penetrated his hip. The wound was treated, although the fragment could not be taken out.

Vladimir and his family were so grateful that he and his son, who was also present during the attack, had both survived that they decided to celebrate 12th May every year as the day they had received the gift of life once again. But the following year, on 3 April 2000, one month short of the first anniversary of the event, Vladimir went to the same orchard to milk his goats and pull out the weeds. He stuck a mattock into the ground, and was killed by an exploding BLU-97 cluster dud. The submunition had lain hidden in the ground undetected by surface clearance performed by the army and the police.

Vladimir's death has had serious consequences for his family – both psychological and practical. Vladimir's widow is terminally ill with cancer and his son is unable to work due to a serious heart condition. Although in his seventies, Vladimir was the sole breadwinner in the family and his work was their sole source of income, apart from his pension.



2.1 Casualties during cluster munition attacks

According to Human Rights Watch, between 90 and 150 civilians were killed in cluster munition strikes during the war on the territory of the Federal Republic of Yugoslavia (including Kosovo).⁵⁵ These figures are confirmed by the report presented by the committee established by the International Criminal Tribunal for the Former Yugoslavia.⁵⁶ The exact number of civilian casualties from cluster munitions during the war has not been established.

The two volumes of the 'White Book', published in 1999 by the Federal Ministry of Foreign Affairs, record civilian victims of the bombing campaign in general. In addition, reports from the local/municipal offices of the Ministry of Defence deal with the direct consequences of attacks.⁵⁷ But neither source is comprehensive, which means that there are no complete records of cluster munition victims during attacks.⁵⁸



Figure 20. Marija Tošović sitting in front of photographs of her husband and daughter, who were both killed in a cluster bomb attack on 11 April 1999

⁵⁵ Human Rights Watch (2000).

⁵⁶ Final Report to the Prosecutor by the Committee Established to Review the NATO Bombing Campaign Against the Federal Republic of Yugoslavia, ICTY, 13 June 2000.

⁵⁷ Federal Ministry of Foreign Affairs (1999); and 'Evidencija lica stradalih u NATO bombardovanju' ('Evidence on the persons killed/injured in NATO air campaign'), based on reports provided by County/Municipal MoD offices.

⁵⁸ Many of the reports made at the time were put together immediately after the attacks, meaning that some of those who were taken to hospital and who died after arrival were not included in the lists of the persons killed.

Jelena Vukentić/NPA, 2006

Box 3. The Tošović family

In the middle of the night of 11 April 1999, the Tošović family awoke to the sound of detonations in their village Merdare in the municipality of Kuršumljia. Božina, a 30-year-old man, and his 21-year-old wife Marija, then six months pregnant, took their baby girl Bojana and ran outside and towards the usual shelter, some 100 metres away from their home. Only steps away from the doorway, they were hit by the 'cluster rain', as Marija remembers it. Božina was holding Bojana in his arms, trying to shelter her. They were both killed.

Marija was seriously traumatised and suffered several superficial injuries from submunition fragments. She spent the following three months in hospital, finally giving birth – more happily – to a healthy baby girl on 18 June 1999. She now lives in the same village with daughter Angela, now 7. Marija says that every day when she wakes up and every night before she falls asleep, she thinks about her daughter and husband and everything that happened, and that the news of the further and more extensive use of cluster munitions that she hears on TV 'brings back the whole trauma, anger and the fear of that night, since it's impossible to distance yourself from all those other mothers that are or will be losing their babies.'

Three other persons were killed in the attack and several more were injured. Dozens of village houses were completely destroyed, and the entire population of the village fled, apart from a few older villagers who refused to leave their homes. After the attack, Marija remembers that submunitions 'were everywhere, on the road, on the plains. Some were half-dug into the ground, and some were just lying on the surface.' The area was presumably considered an important strategic point, as the village is positioned directly on the administrative border between Serbia proper and Kosovo. According to the local population, there were no military objects or personnel in the area at the time of attack; the only object of importance in the vicinity of human settlements was the Podujevo–Kuršumljia road itself.

On the basis of available data and interviews conducted by NPA in May to September 2006, the following can be established for the territory of Serbia and Montenegro, excluding Kosovo (see Annex for a list of all confirmed dead and injured):

- A total of 23 civilians were killed by cluster munitions in the attacks, including three children and one pregnant woman. 22 of these deaths occurred in Serbia proper, and one in Montenegro.
- During an attack on a television antenna in Reljan village, near Preševo, seven army personnel were killed instantly. This is the sole confirmed case of loss of human life during attacks with cluster munitions among combatants on the territory of Serbia proper. Thus, it appears that more than three times as many civilians as combatants were killed in attacks with cluster munitions in Serbia proper.
- There are records of 58 civilians being injured in the cluster attacks (55 in Serbia proper and 3 in Montenegro), of whom at least ten suffered amputation of one or more of their limbs. Most of those injured still have submunition fragments in their bodies, due in part to the conditions under which local health facilities were operating during the war. Moreover, many cases of lighter injuries were released from hospitals without medical records being made of treatment: unofficial estimates by health personnel and city officials in Niš go as high as 120 victims with perforating or penetrating injuries to soft tissue.

Information on the numbers of military personnel injured in cluster attacks is not available.

Box 4. The death of Milica Rakić

Three-year-old Milica Rakić was killed on 17 April 1999 by fragments from a stray submunition that exploded outside her family's house in the suburb Batajnica in Zemun municipality. The house is located three kilometres from the military airfield in Batajnica, which was the target of the bombing. Milica was getting ready to go to bed, and was sitting on a potty in the bathroom, when the submunition suddenly fell down and detonated outside. The fragments came through the window, fatally injuring the little girl.

Her father, Zarko Rakić, remembers running into the bathroom, taking his lifeless daughter in his arms and crying out to his wife: 'We have lost Milica'. Milica died on the way to the hospital. She was buried on 19 April 1999, her mother's birthday. Milica had been planning to make a cake as a present for her mother, says her father.

There are still pockmarks from fragments on the wall around the window of the Rakić family's bathroom. A neighbour across the street was also injured in this explosion. A basketball field in the backyard and the windows on the elementary school, some twenty metres away from the Rakić family home, were also damaged by several detonations.

2.2 Casualties since the attacks

Our experience in Operation Allied Force also demonstrated the importance of Combined Effects Munitions (CEM). CEM is an effective weapon against such targets as air defense radars, armor, artillery, and personnel. However, because the bomblets are dispensed over a relatively large area and a small percentage of them typically fail to detonate, there is an unexploded-ordnance hazard associated with this weapon. These submunitions are not mines, are acceptable under the laws of armed conflict, and are not timed to go off as anti-personnel devices. However, if the submunitions are disturbed or disassembled, they may explode, thus, the need for early and aggressive unexploded ordnance clearing efforts. Combined effects munitions remain an appropriate and militarily effective weapon when properly targeted and employed. However, the risk of collateral damage, as with any weapon, must be considered when employing these weapons.

US Department of Defense, 'After-Action' Report to Congress

'During the Second World War, I was on the frontline in the Balkans. I've seen all kinds of weapons and bombs. This did not look like a bomb!'

Čedomir Dinić (77), survivor and inhabitant of Niš, 28 May 1999⁵⁹

According to Handicap International, submunition duds have claimed 164 victims in Kosovo after the end of the air campaign, most of them children. Based on the available evidence, NPA has established that there have been 18 post-attack casualties on the territory of Serbia proper and Montenegro:

- Five civilians have been killed in explosions of submunition duds, including three children. In addition, one police EOD specialist was killed during clearance operations.
- A further 12 people were injured by the explosion of cluster duds, including seven children, one professional deminer working for a private demining company, and two Army EOD specialists who both suffered amputations.

Of the total of 18 registered post-attack casualties, 10 – equivalent to 55 per cent – were children. This sad reality fits a pattern seen in many other countries where cluster munitions have been used, as children are particularly exposed to risk because of the presence of submunition duds. The colour, shape and small size of the submunitions make them particularly attractive for children to touch or play with.

⁵⁹ Čedomir threw away a bomblet he found while working in his garden in Pantelej, a suburb of Niš, causing it to detonate. He was injured on the face, hands and torso, and his hearing was seriously damaged by the explosion, but the worst was the injury to his leg. The fragments caused massive tissue and bone damage. The leg was not amputated, at his request, which led to further complications, including septic trauma. He has spent about four months a year in hospital since 1999.

There is reason to believe that the available evidence of post-attack casualties in Serbia proper and Montenegro is incomplete. Whereas one death and three injuries have been recorded in Preševo area, military personnel who conducted clearance after the bombing claimed that they talked with villagers in the area who had been injured or who had witnessed dud-related incidents not included in the official statistics. The most recent recorded accident involving cluster duds occurred in July 2001 in the Bujanovac area in South Serbia. The possibility of other, unreported incidents cannot be excluded, especially in South Serbia, as members of the ethnic Albanian population in the region are reluctant to talk about the submunition problem and resultant casualties.

Furthermore, as the Serbian state does not have a database of mine/UXO victims and none of the institutions involved in victim assistance records the specific type of munition that caused injury, official records may not be comprehensive.

One of those killed after the attacks was Miroslav Maksić, a 13-year-old boy. On 6 August 1999, some time after 1pm, Miroslav (depicted in Figure 21 a few months before his death), stumbled upon (R)BL 755 submunitions in the village of Bogdanovac, while playing and herding cattle with his 11-year-old friend, Nikola Stojanović. He picked one of those up, intrigued by its shape. When he threw it away, it exploded, killing him instantly and causing severe injuries to Nikola. The detonation was heard by the people in the village, but they were used to the sound of the explosions by that time, so nobody reacted immediately.



Courtesy of Maksić family

Figure 21. A photo of Miroslav Maksić, taken a few months before his death

The boys would not have been discovered and Nikola would probably have bled to death, if one of the goats grazing nearby had not also been wounded in the explosion. The goat managed to make it back to the village, where it was spotted by one of the locals, who instantly realised what kind of incident had occurred. Nikola was immediately transported to hospital, unconscious. Miroslav was already dead when the emergency team arrived. The Maksić family is still traumatised by the event and terrified by the fact that even today submunitions are lying on the surface of the ground at the place where Miroslav was killed (see Figure 22).



Figure 22. A memorial to Miroslav Maksić in the place where he was killed

Jelena Vukentić@NPA, 2006

Two years later, on 18 July 2001, only 100 metres from where Miroslav was killed, 30-year-old Goran Milanović, also from Bogdanovac, was killed while driving a bicycle on the village road. The submunition had probably come up from under the surface of the driveway, as it must have penetrated the earth upon impact and lain there until rain and erosion brought it up. Another villager, Ljubiša Tašković, was picking mushrooms some 20 metres away. He suffered injuries to his upper body.

2.3 Assistance to survivors

The existing law on the protection of the rights of the civilian victims of war and families of the deceased civilian victims of war has been in force since 1996.⁶⁰ Civilian war victims are accorded a status similar to that of disabled war veterans – it is stipulated that 50 per cent bodily damage to civilian victims of war (disability category 1–7) or 20 per cent bodily damage to the members of the army qualifies for a disability pension. The families of deceased civilian war victims are entitled to a pension only in case of total lack of any other income.⁶¹

In the 1990s, as a result of continuous inflation and the critical economic situation in the country, several amendments were made to guarantee additional amounts to the beneficiaries to cover the financial loss caused by inflation. These provisions remained until 2006, when a new law on the rights of the disabled and war veterans was formally adopted, which stopped all further payments of the disability addition. Several provisions of the new law enraged the many groups of disabled veterans and civilian war victims and led to extensive demonstrations in Belgrade in March 2006. Further legislative procedures have been postponed indefinitely.

Current social security regulations allow for new orthoses or prostheses to be provided free of charge every third year, and a so-called 'orthopaedic addition' provides the possibility of reimbursement for certain, limited medical expenses of up to €150 on top of the level of the disability pension. The prosthetics provided are manufactured in the country; social security does not cover the expenses of importing of more technologically advanced devices from outside.

Civilian victims of war (which covers both direct war victims and those injured by explosive remnants of war) are organised in municipal/town/county or provincial associations under the coordination of the national civilian war victims' organisation. The state-run organisation provides annual funding for the

⁶⁰ Zakon o pravima civilnih invalida rata ('Law on rights of civilian victims of war'), 17 December 1996.

⁶¹ Some families of deceased cluster submunitions victims received a questionnaire from local authorities soon after the conflict was over, asking about the damage caused and providing for the possibility of compensation, but only a few were offered a symbolic sum.

basic costs of running the associations from the state budget of the Sector for Persons with Special Needs within the Ministry of Labour, Employment and Social Policy. It does not provide the same level of support and services as it had under the Socialist Federal Republic of Yugoslavia.

No complete database of persons with disability exists in Serbia; official estimates of the total number vary between 350,000 (the number registered at state level) and 760,000, of whom some 3,500 are amputees. Only 3,451 beneficiaries are currently registered as 'civilian victims of war',⁶² although this understates the true number as many, for various reasons, do not pursue their rights.⁶³ A special committee on mine/UXO victims within the Ministry of Health was officially formed in 2004, but apart from delegating some mandates, the committee has undertaken no activities since.⁶⁴

In April 2006, a law preventing discrimination of persons with disability came into force, providing for greater possibilities for employment.⁶⁵ In reality, however, the intended beneficiaries of these new provisions have not seen any revolutionary change. Some potential employers even believe that a registered person with a disability should be considered lucky to have that status and receive a state pension, given the high rate of unemployment in the country.⁶⁶ Of the state-recorded number of disabled of some 350,000 persons, only 13 per cent have paid employment.⁶⁷

In October 1999, a group of citizens led by legal experts formed a citizens' association, ULONA (*Udruženje građana oštećenih u NATO bombardovanju*). The intention was to pursue their rights to financial compensation through a court of law by filing a complaint against one of the NATO member states. The association compiled about 1,500 individual statements by the all citizens of Niš who had suffered the loss of family member, severe bodily harm or significant material damage due to bombing; a large number of the complaints were made by cluster munition survivors or the families of people killed by cluster munitions, as well as people living in the most severely contaminated areas. This initiative came to an end in 2003 due to the lack of financial support.⁶⁸

62 Civilian victims of war who fulfil the requirement of 50% disability which resulted from the bodily injury (wound, contusion, other type of injury) which leaves obvious health consequences on the victim, caused by torture or being deprived of freedom by enemy troops in the course of the war, during war operations, or by explosive remnants of war or enemy/terrorist diversions. Article 2, Law on Civilian Victims of War.

63 Information provided by Ljubiša Veličković, Head of the Sector for the rights of the veterans of war, Ministry of Labour, Employment and Social Policy, Belgrade, 9 May 2006.

64 Interviews with Dr Goran Ilić, Ministry of Health, 18 May 2006; and with Dr Zvezdana Marković, Institute for Rehabilitation and Prosthetics, Belgrade, 15 May 2006.

65 Zakon o sprečavanju diskriminacije osoba sa invaliditetom ('Law 33/06 on prevention of discrimination of the persons with disability'), 17 April 2006.

66 Interview with Dr Zvezdana Marković, Institute for Rehabilitation and Prosthetics, Belgrade, 15 May 2006.

67 Government of Serbia, Poverty Reduction Strategy 2005, Belgrade.

68 Interview with Novica Radelović, Niš, 4 September 2006.

3. AFFECTED AREAS AND SOCIO-ECONOMIC IMPACT

'It was only in the car, while we were taking Mira to the hospital, that I realised that I was bleeding. I had some metal splinters cut into the chest, but they were stuck in the rib bones, they didn't reach deeper than that. It was a sad time for the whole village; everybody was scared to death after that – on the day of the village's patron Saint day, [normally the scene of extensive celebration,] the whole village was desolate, everybody had fled. And that was not the end of it. Two years later, even though the land was cleared by the army, our neighbour Života Radonjić stumbled upon a bomblet while cutting hay. It didn't explode, but it was enough to scare him off. It took years for the people to start ploughing there again.'

Tomislav Todorović, Bumbarevo Brdo village, Knić municipality

3.1 Affected areas

Duds from cluster munitions constitute the biggest threat from explosive remnants of war in Serbia proper. According to official data provided by the Serbian Mine Action Centre in 2006, up to 23 square kilometres of the territory of Serbia proper may still be contaminated by submunitions. This estimate is based on a general survey performed by INTERSOS in 2001, which mentions six affected areas: Kopaonik, Kraljevo, Kuršumlja, Niš, Sjenica and Vladimirci.

In addition, NPA has identified several further locations as affected on the basis of field visits, interviews with eyewitnesses and reports provided by the Serbian ministries of defence and interior:

- Ravnište village, Brus municipality,
- Bumbarevo Brdo and Guncati villages, Knić municipality,
- Bresnica village, Čačak municipality,
- Mirosaljci village, Lazarevac municipality,
- Gare village, Gadžin Han municipality, and
- Vojka and Petrović Salaš villages, Stara Pazova municipality.

All of these locations were attacked with cluster munitions at least once, leaving a significant number of BLU-97 duds in particular. There may be other locations where strikes took place on only one occasion and which are as yet unknown, possibly leaving a problem of remaining cluster duds undetected or unattended.

In addition, due to the earlier crisis in south-eastern Serbia (the region on the eastern administrative border to Kosovo where a 'Ground Safety Zone'⁶⁹ was established in 1999) the suspected areas in Bujanovac and Preševo municipalities have not been considered in any surveys of submunition contamination conducted to date. The area has been under direct control of a special coordinating body, with all security-related questions being dealt with by special police forces. During her visits to the area,⁷⁰ the NPA researcher found numerous traces of cluster-munition use still evident in the two municipalities (in the form of duds, metal fragments, pieces of containers) affecting several villages. There have also been post-conflict victims as a result of cluster duds, although the exact number is not known.⁷¹

The Montenegrin Regional Centre for Underwater Demining (RCUD) has indicated that two areas are contaminated with unexploded submunitions in Montenegro.⁷² One is in Rožaje municipality, in the border area with Kosovo; it includes two separate locations, the villages of Besnik and Njeguši. A survey jointly

69 KZB – Kopnena zona bezbednosti in Serbian.

70 On 29 June – 1 July; 10-12 July; and 9-10 September 2006.

71 Letter from Redžep Redžepi, Ministry of Defence, Preševo Section, 13 June, and 25 October 2006.

72 RCUD report on mine/UXO situation in Montenegro for 2006, provided by the director, Veselin Mijajlović, on 1 November 2006.

managed by the Croatian Mine Action Centre (CROMAC) and RCUD in July 2006 established that an area of 394,700 square metres is affected by (R)BL 755 submunitions. The other suspected area is located on and around airfield grounds in Golubovci, Podgorica, with several affected villages surrounding the airport Golubovci, Šipcanik, Gošici and Mataguži. A survey of the area has been planned for 2007 (see Section 4.2 below).⁷³

Finally, several other locations were also targeted with cluster munitions, but as they are still military installations or areas, they have not been included in any estimates of the affected areas. This might change in the future, if ever they are turned over to civilian authorities, as has been the case with Niš and Sjenica airfields.

More than seven years after the conflict, most of areas contaminated by submunition duds after cluster attacks are neither marked nor fenced, and the landowners or the local population living in the vicinity of the affected grounds are left to deal with the problem by themselves, relying solely on their common sense and bits and pieces of information.

3.2 Socio-economic impact

The air campaign against the Federal Republic of Yugoslavia lasted for only 78 days. The fear and the uncertainty of the people in the affected areas have lasted for seven years now, but the limitations imposed by submunition contamination are not restricted to psychological consequences alone. Unexploded submunitions continue to affect pastures, gardens, orchards, woods and agricultural land in Serbia proper and Montenegro, particularly in already impoverished rural communities. They also have a broader socio-economic impact, with the presence of submunitions on some of the country's ski resorts, and an environmental impact, with consequences for Serbia's national park and its wildlife.

Apart from urban areas, such as the city of Niš, most of the affected areas are rural, and their inhabitants are highly dependent on arable land and livestock. Today, Serbia is striving to put some life into its battered economy, in which more than one in ten of the population live under the poverty line. Average monthly income is around €250 and unemployment, which already stands at almost 30 per cent, is increasing.⁷⁴ The population in the rural areas is, typically, poorer than urban dwellers and the largest number of those living in poverty are in the south-east of Serbia proper (where almost one in four of the country's poor are living).⁷⁵ In a situation as dire as this, being deprived of arable fields, pastures and forests means only one thing – being deprived of the basic sources of livelihood.

The following sections detail examples of the continuing socio-economic impact of cluster munitions in several affected municipalities and regions across Serbia.

3.2.1 Impact in Kuršumlija municipality

Kuršumlija, the second least economically developed municipality in Serbia, is situated along the administrative border with Kosovo. It was bombed on 33 occasions during the air campaign. In at least three of the attacks, cluster munitions were used. As a result, a large borderline territory of some three square kilometres of previously productive land is suspected of contamination with unexploded submunitions. To date, only visual detection and clearance by the army has been performed, on three separate occasions during and immediately following the bombing.

The local economy is in ruins, with few if any employment opportunities: all the industrial plants in the municipality are closed, and the only functional sector with any – albeit still limited – need for human resources is tertiary: schools, municipal offices and the police. The local people are therefore forced to resume their ordinary agricultural activities or leave, despite the potential hazard from submunition duds.

⁷³ RCUD report on mine/UXO situation in Montenegro for 2006, provided by the director, Veselin Mijajlović, on 1 November 2006.

⁷⁴ Government of Republic of Serbia (2005a).

⁷⁵ Government of the Republic of Serbia (2005b).

Duds have emerged on a regular basis for the past seven years in Merdare, Mirnica and Tijovac villages – during ploughing and cutting hay, hunting in the Merdare woods and mushroom-picking. According to one of the villagers interviewed, 'many' submunitions were visible in the woods for several years after the war, and he learnt to avoid those places when hunting there. Now, he noted, the submunitions can no longer be seen in some of the places where they had lain on the surface, as they have been covered with grass, earth and leaves.

There have been several accidents with livestock in the vicinity of the village homes in Merdare and two accidents involving tractors, with minor injuries to the drivers. None of the accidents were reported to the police and no medical assistance was sought, since most people believe that any action would only complicate their difficult situation.⁷⁶ Still, none of the villagers of Merdare feel safe; they say that they prefer to believe that the areas closest to their homes have been cleared 'properly' by the army. None of them have actually seen the clearance operations or can with any certainty show any surface that is confirmed to be clear.



Figure 23. Brković Ognjan and Marina from Merdare survived the cluster attack to the railroad in Merdare, but their house was completely destroyed. A year after the bombings, their cow was killed by a submunition while grazing in front of the house

Jelena Vitenić/NPA, 2006

The general perception among the population is that the authorities are aware of the UXO problem, but lack the resources to deal with it. Indeed, for the local authorities, the cluster problem is but one of many that they are forced to confront.

3.2.2 Impact in Sjenica municipality

Sjenica is the second largest town in Sandžak region, an area situated on the border of three states – Serbia, Montenegro, and Bosnia and Herzegovina. The region has a long tradition of livestock farming and dairy production. Apart from a few people working in the city/municipal administration, the schools and the police, the majority of Sjenica's population is in some way dependent on livestock-rearing.

Sjenica municipality was bombed on several occasions, due to the fact that a military airfield, Dubinje, is located in the northern part of the town. At the time of the attacks, there was reportedly no activity in the airport, as it had been abandoned soon after the bombing campaign started – all the vehicles and planes had previously been removed, so the only objects that could be damaged were the runway itself and several empty hangars.

Unfortunately, the installation is in the vicinity of the urban area of Sjenica and in the immediate neighbourhood of some of the most important facilities of the town, such as the town's main water source and the water plant, two large factories employing the majority of the town's population, and vast areas of farmland bordering the airport grounds.

The town's civil protection staff recorded seven occasions when cluster munitions were used affecting civilians. Dubinje airport was presumably the main target in all the aerial attacks, but a much larger area

⁷⁶ Interview with Dragan Milačić, head of the Merdare local community, 8 June 2006.

was affected, turning approximately 15 square kilometres of land into territory suspected of submunition contamination:⁷⁷

- On 6 April 1999, the vast area surrounding an agricultural compound and the dairy plant, Pester, was covered with submunitions, causing significant material damage to several factory buildings
- On 12 April, during a routine check of Zarudina, an area outside the town centre which was suspected of having been bombed earlier in the day, 17 unexploded submunitions were found
- On 15 May, eyewitnesses confirmed that two cluster bombs were dropped in the vicinity of Borići – the town's main public area where people go for walks and picnics, and also for lunch as the town's only hotel and a restaurant are located there
- On 17 May, during an attack six submunitions fell on the town sports stadium, Vrela
- On 19 May, an unexploded submunition was spotted in front of a family home in the village of Krče
- On 24 May, 13-year-old Amel Papić was injured by a submunition in front of his home in Sjenica during bombing of the Dubinje airfield
- On 25 May, three submunitions detonated upon impact with a bridge in the village of Boguti.⁷⁸

During the bombings and immediately thereafter, clearance was officially recorded as having been performed on at least 10 occasions by army EOD specialists from Lađevci, upon request from landowners and town officials. Other submunition disposal operations conducted at the airport and surrounding grounds were not recorded.

During 1999 and 2000, 15 farmers requested clearance of unexploded submunitions from their agricultural land, which was subsequently carried out by the army. No detection devices were used and the land remained unsearched for sub-surface duds. Submunitions were also spotted and destroyed on the grounds of the town mill and water plant, the football stadium and in the vicinity of Borići woods. Two residential areas are still identified as significantly cluster-suspected: the airport grounds and surrounding fields in Dubinje and the village of Donja Vapa, with four locations with visible duds.

The agricultural company, Pešter, formerly a state-owned company, was the main channel for sale of local products, and with the privatisation of the firm, the prosperity of the town and its surroundings depend solely on its success. When Dubinje airport was returned to civilian authorities after 2000, all the local community wanted to see it in use again, to improve transportation and hopefully promote development of the area and the Sandžak region more generally.

With its long traditions in food production in an ecologically clean environment and the beautiful scenery of Pešter uplands, the area also has a considerable potential for tourism. Unfortunately, the local community is not in a position to finance clearance of the area, meaning that the sole remaining option is to wait until the area is put on the priority list for demining. According to Esad Zornić, mayor of Sjenica, *'We've managed to do so much here in the past couple of years – the municipality is debt-free now, we have had such good results in fighting all negative remains of the former regime – corruption and embezzlement. But the economy is still bad enough. People of this region are hard-working and able. But without this airport, all economic development will be postponed for an indefinite period.'*

3.2.3 Overview of impact in south-east Serbia

South-east Serbia, which covers Vranje, Bujanovac and Preševo municipalities, was one of the most seriously affected by the air campaign. The region was under regular attack due to its juxtaposition to the administrative border with Kosovo. Daily transfers and transports of Serbian troops and materiel led to an increased rate of bombings. There are no clear records on the time of the attacks, but the traces of frequent and devastating bombings are still evident across the region.

NATO used various types of munitions in the region, including CBU-87/B and both (R)BL 755 cluster bombs.⁷⁹ Submunition disposal in the course of the bombing campaign was reported by local authorities

⁷⁷ Cluster munitions were also used in combination with other large ordnance on other military airfields (Niš, Batajnica, Ponikve, Lađevci, and the former airport ground in Samaila, among others) with the intent of destroying the runways to prevent them being used for military operations.

⁷⁸ Report on UXO by Deputy Head of Fire Unit and UXO Disposal Sjenica, 2 June 1999; and interview with Selim Hukić, Ministry of Defence, Sjenica Department on 7 June 2006.

⁷⁹ Research Paper 99/48, Kosovo: Operation 'Allied Force', 29 April 1999, Appendix 4 – RAF Strike Missions.

in 14 different locations in the region (in Bujanovac and Preševo municipalities), while there are indications that the army also cleared submunitions in several other locations without keeping records, as it was done in the course of other military activities.⁸⁰

A local network of Red Cross volunteers provided reports on the UXO situation in each of the affected communities, with the army carrying out disposal operations afterwards. The submunition problem, although pervasive in certain communities, did not receive any special treatment in comparison with other types of UXO. Army EOD teams would come to a reported site of contamination and dispose of any submunitions that were seen, marked or recorded on surface by eyewitnesses or volunteers.

The ICRC was also responsible for mine risk education in local schools. The programme, an integral part of school curriculum until 2004, was not replaced by other, state-run mine risk education programmes. In interviews for this report, Red Cross volunteers, local officials and residents unanimously expressed the wish for risk education to be carried out again, since the UXO threat had not significantly diminished and they feared that new generations of schoolchildren would not have the information and guidance needed to minimise the risk to themselves.

Overall, the region is contaminated with a wide variety of ordnance, including mines and improvised explosive devices. The population has a particular fear of ground contaminated with depleted uranium, as there were 11 locations where traces of munitions containing depleted uranium were confirmed to have been found,⁸¹ only three of which have since been cleared and/or decontaminated.⁸² There are almost daily encounters with unexploded submunitions, which remain in former corn fields, woods and pastures around the villages. This explosive threat combines with intentional risk-taking, especially among adult males who undertake hunting and mushroom-picking as additional income-generating activities in the difficult economic situation.

3.2.4 Impact in Preševo municipality

There are no reliable records available on cluster attacks in this area, as some of the locations were bombed on several occasions with different types of munitions. One such location is Reljan, a village near Preševo where a radio antenna used by the military was positioned. The antenna and the improvised military camp close to it were targeted on 15 April 1999, killing all seven military personnel there. Eyewitnesses claim that the valley several hundred metres beneath the relay where military units were positioned was showered with cluster munitions.

An army EOD team visited Preševo area on three occasions to dispose of submunitions in five villages.⁸³ Only visual detection methods were used but 243 submunitions were destroyed as a result. A large portion of the Buštranje area was not searched, where six submunitions are reported to lie on the surface of a field belonging to a local farmer.⁸⁴ The actual number must be much higher, since many of the fields have been largely abandoned by their owners since 1999 (see Figure 24).



Figure 24. Abandoned fields covered with weeds in the Preševo valley, well known for its tobacco production

Jelena Vukentić/NPA, 2006

⁸⁰ Interviews with Colonel Martin Martinović, Prokuplje, 16 July 2006; and with Lieutenant-Colonel Srećko Gavrilović, Belgrade, 9 December 2006.

⁸¹ Report provided by Ali Aslani, Serbian Ministry of Defence Bujanovac Section; 'Overview of DU-contaminated locations in Pčinjski county confirmed by NATO data', 29 June 2006.

⁸² Clearance was carried out in 2003, 2004 and 2005 in Pljačkovica, and one location in Borovac and Bratoselce. Decontamination activities in Reljan village, Preševo municipality began in October 2006 and 123 DU rounds have been found in the area since the beginning of the clearance activities. 'News in brief', Blic, 10 November 2006.

⁸³ Information on UXO disposal in the Preševo area, provided by Civil Protection Department Preševo, 3 March 2000.

⁸⁴ NPA's researcher for this report took pictures of two of the submunitions; the six reported submunitions were seen by the owner of the land. The first time she was there, the owner took her through deep grass to see the submunitions, 'guaranteeing that the edge of the area was safe' so she could take a picture. The next time she visited, the grass was burnt, so she went to the same place to see if the same bomblet was still there. As she was walking along the same path on the edge of the field, she saw another dud, right in the middle of the 'safe path' that they had walked on the previous visit. She realised then that all the stories – to which she had been rather sceptical – about 'almost stepping' on a submunition, or finding one in a place that was frequently checked visually, can indeed be true.



Figure 25: BLU-97 submunition, damaged by frequent burning of the grass

Ivan Petrović/NPA, 2006

It has become usual practice among several landowners over the past seven years to burn grass on their land, since they believed that such action would activate the remaining duds. Unfortunately, experience has shown that BLU-97 submunitions, the presence of which is evident in Buštranje area, are fairly resistant to heat, as Box 5 illustrates.

Box 5. Contamination in Bresnica village

'It's four hectares of trees. We were using them for heating before. But they were of no use to anyone because of these bombs. I hoped that burning the whole thing down would finish them off. I'm an old man, I could die any day now, but I was so worried that the bombs would remain there for future generations, maybe someone who wouldn't know how dangerous they are. But the fire didn't do the work and the bombs are still there.'

Hranislav Petrović, an 86-year-old from Bresnica village, Čačak municipality

Talks with representatives of the local communities and civil protection personnel have revealed the great perceived need for mine risk education at schools and for youth, especially during the summer, when many expatriates otherwise working in Western Europe – estimated to be around 30 per cent of registered inhabitants in the municipality of Preševo – return home for holidays.⁸⁵ The lack of information has already led to casualties in the area, as seen in Box 6. Driton and Ardian Aliu, two of the victims, were home on a visit from Switzerland, spending their summer holidays in the town where they used to live, when they were caught in the explosion of a submunition.

Box 6. Submunition victims in Buštranje village, Preševo municipality

On 29 July 1999, Mentor Mehmeti, a 15-year-old boy, was on his way home with three friends, Ridvan Haziri, Driton Aliu and Ardian Aliu, to the village of Strezovce. They had been swimming in nearby Lake Buštranje that day. While passing through the village of Buštranje some time after 3pm, Mentor saw several yellow objects resembling beer cans lying on the ground. He was curious to find out what they were. He picked up two and slammed them into each other. The bombs exploded simultaneously, decapitating Mentor and dismembering his body; a piece of his skull was discovered by one of his brothers three months following his death. His three friends were all injured in the explosion.

People from Strezovce still remember Mentor as a good-natured, intelligent boy and they struggle to hide their disbelief that such a tragedy could have befallen him. Not only was he well informed about the dangers of UXO, he was also concerned for the safety of other children. They all remember that only days before the tragic event, Mentor had brought an ICRC risk education poster to the village, which showed most of the types of UXO that could be found in the region. But not submunitions.

Figure 26. Mentor's brother Mohamed at the scene of the accident in 2006; this was his first visit to the place, since the accident. While showing the position of his brother's body when he found him, Mohamed found one of Mentor's shoes, still lying in the grass



Jelena Vukentić/NPA, 2006

⁸⁵ Information provided by Redžep Redžepi, Ministry of Defence, Preševo section, 1 July 2006.

3.2.5 Impact in Bujanovac municipality

Nine villages in Bujanovac municipality were affected by cluster-munition strikes. Some clearance was performed in all nine,⁸⁶ though after three successive operations there are still visible (R)BL 755 duds in two locations.

The population of Bogdanovac, a village just outside Bujanovac, is mainly reliant on livestock farming, orchard-based horticulture, mushroom-gathering and hunting. Areas covered with visible (R)BL 755 submunitions are pastures, orchards and woods (see Figure 27). As one of the villagers stated: *'When the weather turns cold, we pray to God, and then enter the woods. We can not afford to buy wood for heating, and after all, why would we do it when we own four hectares of trees?'* The local people try to keep an eye on all visible submunitions, but they have noticed that some of them seem to be 'disappearing' year upon year, as the ground is rather porous and damp.



Figure 27. (R)BL 755 submunition barely visible in Bogdanovac woods

3.2.6 Impact on Mount Kopaonik

The spot most frequently targeted for bombings on Mount Kopaonik, still the largest ski resort in Serbia despite the residual threat, was Pančićev Vrh ('Pančić Peak'), the highest peak. The area surrounding the peak, including the plateau at the top, several ski slopes, the forest and the neighbouring peak Neveske Stolice ('Seat of Heaven'), remains contaminated with duds, mainly BLU-97 and (R)BL 755 submunitions. Eyewitnesses also claim to have seen the BLG 66 submunition and an unidentified metallic white submunition.

There have been at least seven clearance operations in Kopaonik over the past seven years, performed mainly by the police and army EOD units. The first clearance project on the mountain conducted according to international mine action standards was completed in 2005 at Bačište, a former hotel resort on the mountain; operations were managed by the Serbian Mine Action Centre (SMAC) and financed through the International Trust Fund for Demining and Mine Victims Assistance (ITF), headquartered in Slovenia. On 10 August 2006, a new clearance project was initiated to clear two ski slopes (Duboka and Krčmar 1) as well as an area slated for the construction of a new ski lift (Krčmar 2).

'I cannot see how that area can be cleared; I would like to see the person who could guarantee that this type of ground, with so much erosion, ground movement and ground water, can be 100 per cent cleared,' says Milosav Maksimović, former director of the National Park at Kopaonik. 'Of course, I would do anything to have the mountain become safe again. I have spent my whole life here; I've dedicated my life to this mountain. But you see, I will never again be able to watch children play on the slopes and in the woods without being concerned for their safety. This fear has become an integral part of my being by now.'

In the days after the bombings, National Park crew repeatedly visited the locations that were hit, to record damage and mark the areas where necessary. On several occasions, casualties were avoided by sheer chance – once, a park patrol found a boy who was picking berries at Krčmar slope carrying two BLU-97 submunitions in his backpack. On another occasion, a man gathering mushrooms activated a submunition but was sheltered from the blast by a rock.

⁸⁶ Bogdanovac, Borovac, Božinjevac, Karadnik, Ljiljance, Novo Selo, Smoljnica, Zbevac and Zuželjnica.

There have been five recorded incidents involving cattle and many others involving the wildlife of Kopaonik – foxes and other forest animals. In September 1999, a group of scientists, both national and from a UNEP Commission, visited Kopaonik to establish the extent of the damage inflicted on the mountain's biodiversity. Only a few hours later, eight submunitions were found less than a metre away from a path the group had been following.

In October 2000, as the Kosovo Protection Force was performing disposal of cluster duds on the southern slopes of Pančić Peak, one of the explosions caused a small fire. National Park patrol did not discover the fire until after it had already spread, burning down 70 hectares of the mountain forest, including several protected species of trees. The fire was finally extinguished by local volunteers who worked throughout the night. As the sun rose, volunteers noticed that they had been running between unexploded submunitions all night – they counted a total of 25.⁸⁷

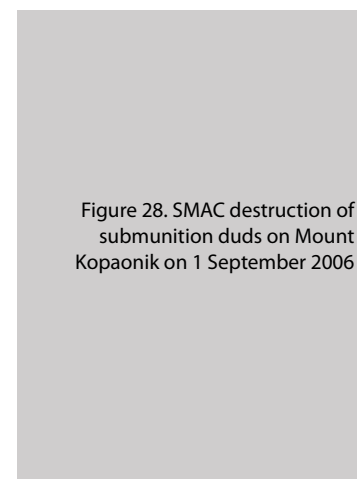


Figure 28. SMAC destruction of submunition duds on Mount Kopaonik on 1 September 2006

3.2.7 Impact on the villages of Besnik and Njeguši in Montenegro

Two small villages in the secluded hills of north-eastern Montenegro have both had to suffer the consequences from submunition contamination for the past seven years. On 24 March 1999, an airplane flying over Besnik and Njeguši dropped an undisclosed number of (R)BL 755 cluster bombs while leaving Kosovo. The submunitions hit the village road and some of the pastures and houses in Njegusi, the woods between the villages as well as the pastures beside the houses in Besnik.

No one was killed in the actual attack, but the first casualties occurred the very next day from the submunition duds (see Box 7). The death and the injuries that occurred that day were the only 'UXO awareness programme' the children of two villages received. And yet, for the next seven years, children from the two villages had to pass through the cluster contaminated woods every day on their way to school.

'We were using the path through the woods every day,' said 12-year-old Amela Hadžić from Njeguši, 'and then this summer, some people came and marked the area saying that we cannot use the path any more. They say it's dangerous because of the bombs.'

'Of course, we knew that the bombs were there, but we were being very, very careful not to come near them. Some of the children were tempted by the berries, but we always go together, you know, so we never let them go into the woods to pick them. But you know, as if out of some spite, the berries are always so much bigger in those bushes.' Fortunately, accidents were avoided, although, as Amela observes, some old women from the village go into the woods to pick the mushrooms, saying that 'food on the table is worth more than their old and miserable lives.'

'Senad's death was a warning for all the villagers,' says Ismet Dacić, his father. 'When the attack occurred, people saw the explosions, but they didn't know what the bombs looked like or what kind of bombs they were. One of

⁸⁷ Interview with Milosav Maksimović and Milen Dišić at the National Park of Kopaonik, 18 August 2006.

the neighbours took one home as he thought it was just some part of the bombs or God knows what. He placed it on his TV, in the living room. Another gathered a whole pile and took them in his car to town, to Rožaje. The policemen were terrified when they saw him holding those bombs. They drove them to a place outside of the town and threw them in the canyon. But after Senad was killed, no one dared touch them anymore.'

Unfortunately, Rožaje municipality, the centre of Bosniak community in Montenegro and the area connecting Montenegro with Kosovo, is one of the least economically developed in the country, and survival pressures forced people to start using the forest after a while. Firewood collection and lumber trade are the main sources of income for the inhabitants of the two villages. 'A couple of years after the tragedy, we wanted to cut the trees on the edge of those woods in order to sell them in town. We felled a few and then when we tried to cut them, we realised that the metal "pieces" inside the wood make it almost impossible to use axes or saws, they damage our tools,' says Mahmudin Dacić, a local lumberjack.



Figure 29. Amela Hadžić from Njeguši in front of a newly installed warning sign

Every year since 1999, villagers have been finding new submunitions in the woods and reporting them to the police. Police EOD personnel have disposed of the submunitions on several occasions but without further search of the terrain. A general survey of the area, managed by CROMAC and RCUD, was completed in July 2006.⁸⁸ Clearance is finally expected to start as soon as funds are received.

Box 7. The death of Senad Dacić

On 25 March 1999, the second day of the air campaign, at 5.10pm, 17-year-old Senad Dacić from the village of Besnik went out with his friends to the field that had been bombed the previous night. The boys did not know that cluster bombs had been used in the attack, but they were curious to see the results of the bombing. They were walking through the woods between the villages Besnik and Njeguši when Senad found a BL 755 submunition. He was killed instantly by the explosion and three of his friends – Senad Murić, Asmir Dacić and Mensur Dacić – all suffered serious injuries.

Senad's parents, Ismet and Fatima, have sued the army and the police department in Montenegro, as they believe that the incident would not have occurred if either had provided a warning about the dangers or secured the area. The suit is still going through the courts.

'The pain remains,' says Ismet. 'We make ourselves believe that we've learnt to cope with our loss, and then something happens – somebody finds another bomb or we hear another story of the bombing – and the pain is back, even stronger than before. The year after Senad was killed, all of his friends and their families were celebrating their coming of age – they were turning 18. This is a small community, we are all very close, so we could not just ignore it. We almost died of grief, as we could not help thinking that there also would have been a celebration in our home, if only...'

⁸⁸ RCUD report on mine/UXO situation in Montenegro for 2006; and interview with the RCUD director, Veselin Mijajlović, on 1 November 2006.

4. MINE ACTION IN SERBIA AND MONTENEGRO

'We were destroying them on site, one by one, and we had been doing that from early morning that day. At about 2.30pm, we were invited to lunch at another hotel nearby. We started walking towards the hotel and then Mlađa said that he had to go back. He saw a couple of yellow ones near the road and he said that he would not be able to eat in peace if he didn't get them out of the way. Refugees were driving by all the time, that's why he was so concerned. So he went back.

The rest of us kept walking for another five minutes and then we heard a terrible detonation. Somehow, we knew what it was. The sound was different, much louder; sinister, if I can put it that way. We knew that it was Mlađa. We ran back and the only thing we could see was one blood-stained boot hanging from a tree. And then we realised that he had been blown to pieces. We had to pick each of the pieces up by ourselves; there was nobody else who could do it. The only part of his body that kept some of the human form was upper part of a leg. I will never forget that for as long as I live.'

Mladen Stanojević, police EOD specialist, 45 years old, killed on 15 April 1999 (story told by Boban Kurandić)

4.1 Clearance of unexploded submunitions

During the bombing campaign, clearance of visible submunition duds was usually carried out within 24 to 48 hours after an attack, but in cases of urban areas, such as Niš, clearance had to be done far more quickly. Indeed, despite the problems outlined below, the rapid removal or destruction of duds was a very important reason why the number of victims after the attacks has remained relatively low in Serbia proper and Montenegro.

Each of the responsible institutions operated with limited human resources and an overwhelming lack of equipment. All available trained personnel were mobilised during the bombing, as well as army volunteers and the police and even civilians, who received rapid training in detection and identification of submunitions.⁸⁹ Clearance teams operated on a hectic schedule, moving from one location to the other. Inter-team coordination was symbolic: teams would appear at a recently bombed location or react to a call from local authorities almost randomly, despite the attempt to give priority to locations with high civilian density or a higher level of hazard. All these factors led to inconsistency in clearance procedures and infrequent record-keeping. In some cases, locations were visited on several occasions in the course of few months (both during and after the campaign). On each visit by an EOD team, a certain number of submunitions visible on the surface were destroyed, leaving the area with dozens of undetected ones, which were uncovered following a change of season or the burning of grass.

Moreover, clearance personnel generally had no clear understanding of the specific characteristics of submunitions during the bombing campaign. The first encounter most of them had with cluster munitions was during the actual air strikes, first in Kosovo, then within the territory of Serbia proper. Some army specialists were acquainted with the BL 755 submunition, which had previously been imported from the UK, but they had never carried out disposal of submunitions in wartime. This lack of experience, when combined with precious little equipment and the rapid movement of teams from one affected location to another between air strikes, led to the development of special operating procedures. Typically, this meant clearance procedures involved visual detection of ordnance only and the collection/piling up of submunitions prior to disposal (see Figure 30), which exposed the clearance personnel to considerable risk. During the conflict, one deminer was killed and another injured, while two more have been injured after the conflict (for further details, see Chapter 2 and Box 8).

⁸⁹ According to Dušanka Kovačević, a 53-year-old florist and a civilian volunteer in cluster search: 'It was a choice between sitting inside being afraid for yourself and your children or going out and fighting your fear, knowing at least that what you do could make your and other people's children safer.'

The new aspects of BLU-97 submunitions were particularly frightening for clearance personnel.⁹⁰ For even though some had received special training in submunition disposal two months prior to the start of the campaign, technical information on NATO weaponry was insufficient and myths about the number and sensitivity of the fuzing mechanisms quickly grew up, especially regarding the BLU-97 submunitions. Even

clearance experts were extremely fearful of the threat – Srećko Gavrilović, a military EOD specialist based at Priština airport, admits to having made the sign of a cross when first confronted with a ‘field of yellow’ – an area carpeted with BLU-97 submunitions

Courtesy of Serbian Ministry of Interior, 1999



Figure 30. EOD teams often piled up BLU-97s by hand prior to destruction; this is contrary to international procedures for submunition clearance

In the months following the end of the campaign, army and police teams continued to visit contaminated sites, but only on call or after an item of UXO had been seen on the surface and reported. In none of the occasions were any of the affected areas thoroughly searched, and no general or technical survey was performed until the INTERSOS general survey in 2001. Cluster duds found were treated as spot-tasks.

Courtesy of Serbian Ministry of Defence, 2004



Figure 31. Demining procedures in Samaila using tyres to limit the area affected by the destruction of submunitions

⁹⁰ Interviews with Lieutenant Branislav Kapetanović in Belgrade on 13 June 2006; Sergeant Slađan Vučković in Niš on 20 June 2006; Colonel Martin Martinović in Prokuplje on 10 July 2006; and with Lieutenant-Colonel Srećko Gavrilović in Belgrade on 9 December 2006.

A good illustration of one of the problems is an incident that occurred as late as 3 November 2006, when a group of workers started the reconstruction of Čele Kula primary school in Niš (see Section 1.2.1 above). It was well documented that the area around the school had been hit in the cluster attack on 12 May 1999.

Surface clearance was performed on the streets and around the school in the days following the attack. But the roof was not searched, as was also the case with many other buildings in Niš. When reconstruction was started more than seven years later, one of the workers suddenly realised that he had caught a BLU-97 submunition in his hands. He managed to get it safely down, and it was disposed of by an EOD team the next day, but the people in the area were considerably alarmed by the event.

Since 2003, the SMAC has been responsible for organising, planning and supervising unexploded submunition clearance projects in Serbia proper (see Section 4.3). As Table 1 shows, a total of almost 2.5 square kilometres have been cleared of submunitions in 2003 through October 2006, and according to SMAC an additional 3.5 square kilometres have been reduced through technical survey.⁹¹

Table 1. Submunition clearance projects completed in the period 2003–2006

General location	Specific location	Square metres	Donor	Project start and completion dates	Demining agency	UXO found
Niš	Airport	533,200	USA/Slovak Republic	10.03.2003/23.05.2003	NGO STOP MINES	77
Niš	Airport	300,000	USA/Slovak Republic	26.06.2003/12.08.2003	NGO STOP MINES	14
Niš	Tobacco Factory	164,908	Tobacco Factory Niš	19.07.2004/13.08.2004	Azimuth/MEDECOM	0
Kopaonik	Bačiste	170,000	USA	04.08.2005/20.09.2005	MEDECOM	23
Niš	Industrial Zone	84,360	USA	05.08.2005/26.09.2005	MEDECOM	1
Niš	City hospital ground	91,960	USA	06.08.2005/26.08.2005	DOK-ING	1
Niš	Duvanište	187,300	USA	17.08.2005/30.09.2005	DOK-ING	2
Kopaonik	Krčmar 1	311,000	USA	11.08.2006/26.09.2006	DOK-ING	28
Kopaonik	Krčmar 2	236,600	USA/Govt. of Serbia	09.08.2006/21.09.2006	UXB Balkans	33
Kopaonik	Duboka 1	335,800	Government of Serbia	10.08.2006/06.10.2006	PMC Inženjering	9
Total:		2,415,128				188

As the estimates of contaminated area based on the 2001 INTERSOS general survey have been proven inaccurate by clearance activities in Kopaonik and Niš, SMAC has indicated that technical survey of all suspected areas will be accorded priority in any further mine action operations. The aim is to reduce the area suspected of submunition contamination and help to provide a clearer picture of future clearance priorities.

⁹¹ Information provided by Petar Mihajlović, SMAC director, in letter of 30 November 2006.



Ivan Petrović/NPA, 2006

Figure 32. Branislav Kapetanović who lost both his arms and legs while clearing BLU-97 submunitions in Sjenica

Box 8. The risk to deminers: the case of Branislav Kapetanović

Branislav Kapetanović (see Figure 28), born in 1965, was a deminer/EOD operative working for the army during the 1999 conflict. He received special training in cluster-bomb disposal two months prior to the NATO air campaign. During the campaign and for one year after he was working on submunition clearance in almost all the affected areas in the country – Kuršumljija, Kraljevo, Sjenica and Niš.

On 9 November 2000, Branislav was accompanying a group of engineers during a routine visit to Dubinje airport in Sjenica. Their job was to assess the damage to airport facilities. Six new submunitions had been reported, having been seen lying on the ground. Not wanting to put off disposal of the duds, Branislav went to the marked location. The first one he approached exploded with terrible force after he 'barely' touched it.

He suffered cardiac arrest upon arrival at hospital. Both his arms and legs had to be amputated; he has had more than 20 operations in total. His eyes were damaged by the explosion, leaving him completely blind for five months after the event. He spent four years at a medical facility in rehabilitation. One of his eyes is still seriously damaged and his left ear is not functional.

Today, Branislav Kapetanović lives in Belgrade, where he must cope on his own. He was given the status of a civilian war victim, since the accident took place after the war and the current provisions within the army did not provide for him to be awarded the status of war veteran. He says that his greatest wish is to see cluster munitions banned forever.

4.2 Programme coordination and management

Even before 1999, responsibility for disposal of explosive ordnance was allocated to several bodies in the Federal Republic of Yugoslavia. The army's EOD teams were authorised to dispose of UXO on all military installations and, in special circumstances where it endangered the civilian population, also in civilian areas. Specialist units operated in coordination with the police, which was primarily tasked with securing UXO-suspected areas and disposing of improvised explosive ordnance. In addition to these two institutions, a special UXO clearance team had been established within the Ministry of Defence's Civil Protection Unit. The basic division of clearance tasks was maintained until 2003, when the Serbian Mine Action Centre (SMAC)⁹² became operational following Serbia and Montenegro's adherence to the Anti-Personnel Mine Ban Convention.⁹³ Area clearance of minefields and UXO-contaminated areas became the responsibility of the Centre. In 2005, new provisions were agreed among the various institutions, setting out a revised division of tasks:

- Minefields and UXO-contaminated areas came under the responsibility of the SMAC;
- Explosive remnants of war from the earlier conflicts in the Balkans, as well as munitions dispersed from military stockpiles as a result of bombings (from World Wars I and II as well as the 1999 NATO air campaign) are the responsibility of the Civil Protection UXO Unit in the Ministry of Defence;
- Improvised explosive devices are the responsibility of the police under the aegis of the Ministry of Interior; and
- All UXO and ordnance on military installations are the responsibility of the Army.

The division of responsibilities for clearance in Montenegro differs from that in Serbia. When the federal institution for demining activities was founded in 2002, SMAC had a mandate to cover the whole territory of the federal state. But when the federal state became the State Union of Serbia and Montenegro in 2003, the SMAC mandate became applicable only to the territory of Serbia proper. In Montenegro, a new institution, the Regional Centre for Underwater Demining (RCUD), was set up in 2002 with support from the ITF and the South Eastern Europe Mine Action Coordination Council (SEEMACC).

⁹² Founded in 2002 by the Federal Ministry of Foreign Affairs as a federal institution, the centre resumed its duties as an independent institution under the Serbian Government in 2003. SMAC was given authority to carry out humanitarian demining under Article 28 (v) of the Serbian law on ministries, which was adopted as legislation in 2004.

⁹³ Following its accession in September 2003, Serbia and Montenegro became a State Party to the Convention on 1 March 2004. Montenegro succeeded to the treaty on 23 October 2006.

In 2002, an agreement was reached with CROMAC on general survey in the mine-contaminated border area between Croatia and Montenegro.⁹⁴ In July 2006, another general survey project was conducted jointly by CROMAC and the RUCD in the mine-suspected border area between Montenegro and Albania (Plav area). A general survey was also conducted of the villages of Njeguši and Besnik in Rožaje municipality, which were bombed in 1999 with (R)BL 755 cluster bombs. The contaminated area was defined and estimated at 394,700 square metres. A general survey of the Golubovci airfield area, along with several nearby affected villages (Golubovci, Mataguži, Gošići, and Šipčanik), is planned for 2007.

4.3 Funding of mine action in Serbia and Montenegro

4.3.1 Funding for clearance of unexploded submunitions

'The biggest obstacle to cluster bomb clearance is lack of funding. It is evident that Serbia cannot alone secure the funding which is needed to clear all the territory that is contaminated. We cannot do that without help from the international community. My greatest fear is that the donors and the public will soon move their interest to other crisis areas and that Serbia will be forgotten.'

Petar Mihajlović, Director, Serbian Mine Action Centre

The process of submunition clearance since 1999 and through 2006 has been slow, with only ten clearance projects formally carried out over the past seven years.⁹⁵ A total of €1,790,000 was provided for these projects through the ITF, with the main donor being the USA, which alone provided €1,250,000 (see Table 2). According to information provided by SMAC, clearance of cluster-contaminated territory costs from €0.5 to €1.2 per square metre.

The Government of Serbia did not itself provide any funding for minefield or submunition clearance until 2006, when €500,000 was allocated for two clearance projects in Kopaonik (*Duboka 1 and Krčmar 2 sites – see Section 3.2.6 above and Figure 33*). There are no indications whether government funding for clearance will increase or even continue in the future. And with the persistent and more extensive use of cluster munitions in other conflict zones around the world, some both local authorities and the SMAC in Serbia are concerned about the risk of being completely 'forgotten' by donors, as their problem is getting 'older' day by day.

Table 2. Overview of submunition clearance project funding

Location	Project	Donor	Amount in Euro
Niš	Airport F1	US, Slovak Republic	255,936
Niš	Airport F2A	US, Slovak Republic	144,000
Niš	Tobacco Factory Grounds	Tobacco Factory Niš	130,000
Kopaonik	Bačište	USA	166,073
Niš	Industrial zone	USA	84,196
Niš	Hospital grounds	USA	91,183
Niš	Duvaniste	USA	185,694
Kopaonik	Krčmar 1	USA	276,972
Kopaonik	Krčmar 2	USA/Gov. of Serbia	178,276
Kopaonik	Duboka 1	Government of Serbia	307,069
			= €1,819,399

⁹⁴ Table of completed clearance projects organised and conducted under supervision of SMAC, provided by SMAC on 30 November 2006.
⁹⁵ In reality, these have taken place only since 2003, following the establishment of SMAC.

4.3.2 The landmine problem and clearance: a comparison

In addition to the risk of being 'forgotten', submunition clearance must also compete with priorities and funding for landmine clearance, which has, to date, received considerably more resources even though the landmine problem in Serbia proper is much less significant than the problem of unexploded submunitions. As mentioned above, the State Union of Serbia and Montenegro became a State Party to the Anti-Personnel Mine Ban Convention on 1 March 2004. The former Socialist Federal Republic of Yugoslavia was one of the largest mine producers in the world, but production and the export ceased in 1992. In January 2005, an agreement was reached between Serbia and Montenegro and NATO's agency, NAMSA, for support in anti-personnel mine stockpile destruction. The process of destroying 1,320,200 anti-personnel mines began in August 2005. Almost three quarters of the planned activities have been completed, and destruction is scheduled to be finished by May 2007.

Both Serbia and Montenegro are in the group of countries with a 'relatively small' mine problem. Clearance of minefields is supposed to be completed by 2014 in accordance with the provisions of the Convention. In the course of the past three years, 2.5 square kilometres of land were cleared of mines in Šid Municipality, the border area to Croatia. A total of more than €3 million was secured for the clearance projects through ITF, while the Serbian Directorate for Reconstruction invested €250,000 to demine the border crossing area in Batrovci.⁹⁶ Another four square kilometres of minefields in the Šid area remain to be cleared.

4.3.3 Comparison with resource allocation to Kosovo

The comparison with funding for clearance operations in Kosovo is stark. For the period from 1999 through end 2005, Landmine Monitor estimates that some US\$92 million was allocated for mine action – most of this for clearance – and more than 20 agencies were engaged in demining activities. A total area of about 45 square kilometres of contaminated land had been cleared by 2006. This is despite the fact that most (though by no means all) of the contamination in Kosovo was also caused by the NATO bombing campaign in 1999 that affected Serbia and Montenegro.

4.4 The position of Serbia on cluster munitions

Despite supporting a proposal to prohibit anti-personnel cluster munitions in the 1970s,⁹⁷ the former Yugoslavia was a major producer of cluster munitions (KB-1 and KB-2), which it also exported to Iraq. These weapons had been stored in various places on the territory of the former state, which led to extensive use of KB-1 submunitions during the wars in Croatia and in Bosnia and Herzegovina.⁹⁸

The Yugoslav Army used large numbers of Orkan rockets, each of which carries 288 KB-1 or KB-2 submunitions, on the territory of northern Albania during the Kosovo crisis in 1999. The affected areas include the districts of Kukes, Tropoje and Has in the Kukes region of Albania. The Yugoslav strikes occurred in April and May 1999, although the exact number is difficult to determine. But whereas the submunition contamination on the Albanian territory originates also from six NATO air strikes, the lion's share was caused by KB-1/KB-2s.⁹⁹

The Yugoslav KB-1/KB-2 has a reported failure rate of between 30 and 35 per cent, leaving up to 100 unexploded submunitions per Orkan rocket.¹⁰⁰ The total number of casualties caused by cluster duds by September 2005 in Northern Albania amounted to 54, although this figure includes 20 casualties from a single incident that occurred during a demining training session in May 2004.

⁹⁶ Information provided by Petar Mihajlović, Director, SMAC, 30 November 2006.

⁹⁷ The proposal is contained in "ICRC, Conference of Governmental Experts on the Use of Certain Conventional Weapons, Second Session – Lugano, 28.1-26.2.1976, pp. 198-199" and was tabled by Algeria, Austria, Egypt, Lebanon, Mali, Mauritania, Mexico, Norway, Sudan, Sweden, Switzerland, Venezuela and Yugoslavia.

⁹⁸ Wiebe and Peachey (1997).

⁹⁹ Interview with Dušan Vuković, former deminer in the Army of Republic of Srpska Krajina, Belgrade. 19 May 2006.

¹⁰⁰ Cave et al. (2006); International Committee of the Red Cross (2001).

¹⁰⁰ Cave et al. (2006).

In addition to its own production, Yugoslavia has imported cluster munitions, primarily from the UK (the BL 755) from the late 1970s (the first known import is dated 1978 according to army personnel tasked with dealing with Yugoslav munition stocks). There are indications that Yugoslav forces used a small number of BL 755 cluster bombs in the air strikes against KLA forces in Kosovo in the course of the conflict, but this has never been confirmed.¹⁰¹ There have also been reliable reports of use in Bosnia and Herzegovina and Croatia during the wars there. In Bosnia and Herzegovina, there were cluster-munition attacks on Jajce, on 12 and 23 April 1992, and on Tuzla on 9 October 1995; as well as use of cluster munitions in Zadar county in Croatia.

In 2006, Serbia together with 24 other countries supported the negotiation of an international legal instrument to restrict the use of cluster munitions, in a declaration delivered at the Review Conference for the Convention on Certain Conventional Weapons (CCW).¹⁰² Serbia has not yet, however, ratified CCW Protocol V on explosive remnants of war, which addresses the post-conflict consequences of abandoned and unexploded ordnance, including cluster munitions.

¹⁰¹ International Committee of the Red Cross (2001).

¹⁰² "Declaration on cluster munitions", CCW/CONF.III/WP.18, 20 November 2006. Presented at the Review Conference of the Convention on Conventional Weapons by Austria, Belgium, Bosnia-Herzegovina, Croatia, Costa Rica, Czech Republic, Denmark, Germany, Holy See, Hungary, Ireland, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, New Zealand, Norway, Peru, Portugal, Serbia, Slovakia, Slovenia, Sweden And Switzerland

STUDY CONCLUSIONS AND FINDINGS

Cluster munitions present a greater danger for the civilian population than for the army or 'enemy' installation; they affect wide areas and continue to affect them for many, many years. I don't expect anybody to be surprised by what happened to me – it was my duty, my job – but the majority of the people in the world being injured by these bombs are innocent civilians, a large percentage of them unsuspecting children.'

Branislav Kapetanović, former army deminer

The use of cluster munitions in the NATO bombing campaign

On 24 March 1999, NATO launched Operation Allied Force, an air campaign against the Federal Republic of Yugoslavia designed to put an end to the repression and displacement of the ethnic Albanian population of Kosovo. The campaign lasted until 10 June 1999, when a ceasefire was signed between the warring parties. But the disparities in addressing explosive remnants of the war in Kosovo (which fell under UN control), and the rest of Serbia and Montenegro have been stark.

For Kosovo, albeit after many months of delay, NATO provided considerable data on its use of cluster munitions in the province to assist with the clean-up effort. In contrast, in the context of Serbia proper and Montenegro, **in only one instance has any data been provided to the authorities on NATO's use of cluster munitions** – this despite claims made by the USA as recently as November 2006 as to willingness to share relevant data with humanitarian organisations. This sole exception to the general failure to provide strike data occurred during the rebuilding of Niš airport after the war, which was being funded by Norway. In 2002, NATO provided the Norwegian Government with a complete list of the numbers and types of munitions used in the air strikes against the airport, which Norway in turn handed over to the airport authorities.

On 28 April 1999, the airfield in Golubovci in Montenegro was attacked twice – once at 1pm and then again some time after 5pm. The first strike missed its intended target, with the result that at least two CBU-87/B cluster bombs opened a few kilometres away from the airfield, scattering submunitions over the nearby villages of Golubovci, Mataguži and Gošići. During the attacks, three civilians were injured inside their homes.

Niš was the target of many attacks, both against the airport and the town's industrial zone. The tragedy of the attacks of Friday, 7 May 1999 is well known. At 11.20am, at least two cluster bombs dispersed deadly submunitions over two of the city's most important and most frequented sites – the market place and the city hospital. **The strikes on Niš left seven people dead in the vicinity of the market place, and a further seven were killed in two of the streets near the hospital. In all, 27 people were seriously injured, and there are records of a further 30 people who were released from the hospital after receiving some treatment.** There are also firm indications that dozens of others received some sort of first aid, although no medical records were kept. The attacks on Niš and other apparently civilian areas led to an investigation by the International Criminal Tribunal for the Former Yugoslavia for possible war crimes.

But only a few days later, on 12 May, a residential area of Niš was again hit with submunitions, once more with victims among the civilian population. At 2.55pm – the local rush-hour – Duvanište, a densely populated suburb of the town, was hit with the contents of an unknown number of cluster bombs. Submunitions fell over an estimated area of at least two square kilometres. During the attacks, three people were seriously injured and some ten others were less severely hurt. These casualties did not even warrant a mention in the NATO daily brief for 12 May 1999, which referred only to successful strikes on Niš airfield, situated approximately seven kilometres from Duvanište.

On Mount Kopaonik, the ski resort hotel of Bačište was bombed using a variety of different ordnance, including cluster munitions, on 13 April 1999. The presumed targets were two civilian buses and two trucks parked at the hotel, which might have resembled military vehicles. As a result of this action, the hotel complex was destroyed, and a group of Kosovo refugees who had found temporary shelter on its premises barely managed to escape the ensuing fire.

The Netherlands, UK and the USA all used cluster munitions during the conflict. Although figures remain subject to final verification, it appears that the USA was the biggest user, having dispersed 269,858 submunitions alone during the conflict. The UK dropped 78,057 submunitions from (R)BL 755 cluster bombs on the Federal Republic of Yugoslavia, including up to 14,700 in the Federal Republic of Yugoslavia outside Kosovo; and the Netherlands dropped a total of 33,330 BLU-97 submunitions.

It is not known exactly how many tens of thousands of submunitions were dispersed over the territory of Serbia proper and Montenegro. From the available evidence, however, this study believes that the following submunition types were used in the air campaign: the US-produced BLU-97 (the most common type deployed in combat); the UK-produced (R)BL 755; the US-produced Mk-118 ('Rockeyes'); and the French-produced BLG 66. It is not known which NATO member deployed the BLG 66s and their use has never been officially acknowledged by any NATO member state.

The indiscriminate effects of cluster munitions

NATO has publicly admitted only that it made a tiny number of targeting errors during its bombing campaign. This study has serious questions concerning the legitimacy of considerably more attacks. Sadly, the experiences in Serbia and Montenegro, in particular with respect to the attacks in Serbia on the city of Niš and Mount Kopaonik, and the airfield at Golubovci in Montenegro, again confirm that cluster munitions are weapons that too often have indiscriminate effects – because of their inaccuracy and wide area impact, including the submunitions' intense and wide fragmentation effect upon detonation. Serbia is a tragic example of what happens when cluster munitions are used near concentrations of civilians. Furthermore, the deadly ability of submunition 'duds' to continue to kill civilians and blight the lives of others months and years afterwards means that, for many, the war is never really over.

The human cost

Research by NPA has confirmed a minimum of 95 civilians killed or injured during and since the NATO attacks in Serbia proper and Montenegro. In addition, one deminer has been killed and three injured. Of the 95 confirmed civilian casualties, 28 were killed and 67 were injured. There are also unconfirmed reports of several dozen other civilians who were less severely wounded, notably in the attacks on Niš.

Overall, a total of 22 civilians were killed by cluster munitions in the attacks in Serbia proper, including three children and one pregnant woman. There is only one recorded instance of military personnel being killed by these weapons – during an attack on a TV relay station, seven soldiers were killed instantly. Thus, available evidence indicates that three times as many civilians as army personnel were killed by cluster munitions in Serbia proper.

A further 55 civilians were also injured in the numerous attacks, many having to undergo amputation of one or more of their limbs. Most of those injured by cluster munitions still have submunition fragments in their bodies, due in part to the conditions under which local health facilities were operating during the war. Moreover, many cases of light injuries were released from hospitals without medical records being made of treatment: unofficial estimates by health personnel and city officials in Niš go as high as 120 additional victims with perforating or penetrating injuries to soft tissue. Information on the numbers of military personnel injured is not available.

In Montenegro, four casualties, including one fatality, were recorded during two attacks on Golubovci airfield close to Podgorica when cluster munitions missed their targets and hit neighbouring villages. One person was killed while running for shelter in the village of Šipčanik, and three persons were wounded in Gošići and Golubovci, both villages in the vicinity of the airfield.

Overall, the clean-up operations have proven sadly inadequate, and casualties have been suffered after the conflict ended from submunitions that had failed to detonate on impact – an all-too-common occurrence. NPA has documented that in total, five civilians were killed by unexploded submunitions after attacks, three of them children. In addition, one police explosive ordnance disposal (EOD) specialist was killed during clearance operations. A further ten civilians were injured by the explosion of cluster duds, including six children, as well as one professional deminer working for a private demining company, who was hurt in 2005. Two army EOD specialists have been seriously injured, both suffering amputations. Yet, despite the significant threat to the safety of the deminers, the rapid removal or destruction of duds during the conflict helps to explain why the number of victims after the attacks remained relatively low.

Of the 15 confirmed post-conflict victims, one death and three injuries have been officially recorded in the Preševo area. However, military personnel who conducted clearance after the bombing claimed that they talked with villagers in the area who had been injured or who witnessed cluster dud-related incidents not included in the official statistics. Furthermore, as the Serbian state does not have a database of mine/UXO victims, and none of the institutions involved in victim assistance record the specific type of munition that causes injury, official records may not be comprehensive.

The legacy of cluster-munition use

According to official data provided by the Serbian Mine Action Centre in 2006, up to 23 square kilometres in six areas on the territory of Serbia proper is suspected to be contaminated by submunitions. A comprehensive survey has still not been conducted, and a 2001 general survey has proven unreliable. From its own research, NPA concludes that in addition to the six affected areas generally known to be contaminated – Kopaonik, Kraljevo, Kuršumlija, Niš, Sjenica and Vladimirci – several other locations may contain unexploded submunitions:

- Ravnište village, Brus municipality,
- Bumbarevo Brdo and Guncati villages, Knić municipality,
- Bresnica village, Čačak municipality,
- Mirosaljci village, Lazarevac municipality,
- Gare village, Gadžin Han municipality, and
- Vojka and Petrović Salaš villages, Stara Pazova municipality.

In addition, due to the troubles in south-eastern Serbia bordering Kosovo where a Ground Safety Zone was established in 1999, suspected areas in Bujanovac and Preševo municipalities have not been considered in any formal surveys of submunition contamination. Many traces of cluster-munition use are still evident in the two municipalities (in the form of duds, metal fragments, and pieces of containers); this residual threat affects several villages. There have also been post-conflict victims as a result of cluster duds, although the exact number is not known.

The Montenegrin Regional Centre for Underwater Demining (RCUD) has indicated that there are two areas with cluster contamination in Montenegro. One is in Rožaje municipality, in the border area with Kosovo, where two separate locations – the villages of Besnik and Njeguši – are contaminated. A survey jointly managed by the Croatian Mine Action Centre (CROMAC) and RCUD in July 2006 established that an area of 394,700 square metres is affected by (R)BL 755 submunitions. The other suspected area is located on and around airfield grounds in Golubovci, Podgorica, with several affected villages surrounding the airport – Golubovci, Šipčanik, Gošići and Mataguži. A survey of the area is planned for 2007.

The continued presence of unexploded submunitions in Serbia and Montenegro is not only a direct threat to life and limb. As most of the affected areas are rural with a population highly dependent on arable land and livestock, the effects are also social and economic. The average monthly income of the country is around €250 and unemployment, which already stands at almost 30 per cent, is rising. The population in the rural areas is, typically, poorer than urban dwellers. The largest concentrations of those living in poverty are found in the south-east of Serbia proper, which is home to almost one in four of the country's poor. In a situation as dire as this, being deprived of arable fields, pastures and forests means only one thing – being deprived of the basic sources of livelihood.

There is also an environmental impact. The National Park on Mount Kopaonik is still contaminated with cluster duds, mainly BLU-97 and (R)BL 755 submunitions. There were five recorded incidents involving cattle and many others involving wildlife of Kopaonik – foxes and other forest animals. In September 1999, a group of scientists, both national and from a UNEP Commission, visited Kopaonik to establish the extent of the damage inflicted on the mountain's biodiversity. They visited some of the affected locations and only a few hours later, eight submunitions were found less than one metre from a path the group had taken.

In the days after the bombings, National Park crew kept visiting the locations that were hit and recording damage and marking the areas when necessary. On several occasions, casualties were avoided by sheer chance – once, a park patrol found a boy who was picking berries at Krčmar slope carrying two BLU-97 submunitions in his backpack. On another occasion, a man collecting mushrooms activated a submunition, but was sheltered from the blast by a rock.

In October 2000, as the Kosovo Protection Force was performing disposal of cluster duds on the southern slopes of Pančić Peak of Mount Kopaonik, one of the explosions caused a small fire. National Park patrol did not discover the fire until after it had spread, burning down 70 hectares of the mountain forest, including several protected species of trees. The fire was finally extinguished by local volunteers the following morning. As the sun rose, volunteers noticed that they had been running between unexploded submunitions all night – they counted a total of 25.

Demining operations: too little, too late

In stark contrast with Kosovo, where more than US\$90 million has been provided for the clean-up, clearance operations in Serbia proper and Montenegro have been both slow and inadequate. Only about seven per cent of that sum has been provided by international donors for post-conflict clearance operations outside Kosovo, and until 2006 the government of Serbia itself had not provided specific funding for submunition clearance.

During the conflict, unprepared volunteers were used in tandem with specialist teams to dispose of submunitions – all of whom lacked the necessary equipment. Indeed, the first encounter most had with cluster munitions was literally during the air strikes, first in Kosovo, then within the territory of Serbia proper. Even clearance experts were extremely fearful of the threat – Srećko Gavrilović, a military EOD specialist based at Priština airport, admits to having made the sign of a cross when first confronted with a 'field of yellow' – an area carpeted with BLU-97 submunitions. Realities in the country, though, meant that clearance procedures typically involved the collection and piling up by hand of submunitions prior to disposal, and only visual methods of detection of unexploded ordnance.

Since 2003, the Serbian Mine Action Centre has been responsible for organising, planning and supervising unexploded submunition clearance projects in Serbia proper. Despite its efforts, less than 2.5 square kilometres of land have been cleared of submunitions and a further 3.5 square kilometres released through technical survey. This compares unfavourably with the total area of about 45 square kilometres of contaminated land cleared by 2006 in the province of Kosovo.

Given the intensity of the air campaign, the surprising fact is that, now, more than seven years afterwards, with but a fraction of the affected territory cleared, there is almost no awareness, no information at all about the threat. This is clearly illustrated whenever a group of tourists or weekend berry-pickers hiking on the mountain paths let out a scream upon discovering that they have wandered into a de facto minefield. Most of the affected areas are neither marked nor fenced, and the landowners or the local population living in the vicinity of the affected grounds are left to deal with the problem by themselves, relying solely on their common sense and bits and pieces of information.

One of the cluster munitions survivors interviewed for this study provided the best description of the current treatment of the issue: *'Addressing the problem of the victims? Affected areas? Which of the political blocs could do it without losing some political points? The ones that have the power now hesitate or are too afraid to do it; they are trying to move forward, into Europe, into NATO. They don't want to arouse any animosity towards the Western world by addressing those sensitive issues. And on the other side, the former power-holders – they would preferably avoid the issue, too, since another question would have to be asked the same instant: whose political decisions led to the bombing in the first place?'*



Figure 33. A deminer searching for submunitions on Mount Kopaonik

Ivan Petrović/NPA, 2006

STUDY RECOMMENDATIONS

- On the basis of the research it has conducted for this study, Norwegian People's Aid makes the following recommendations.
- First, it calls on the government of Serbia to accept greater responsibility for the speedy identification, clearance and release of all areas suspected to be contaminated by unexploded submunitions.
- Second, it calls on NATO to provide the Serbian and Montenegrin authorities with precise coordinates of all locations targeted with cluster munitions as well as the numbers and types of submunitions used each time. If satellite imagery exists of actual strike data, this information should also be handed over.
- Third, it calls on the international community – and NATO member states in particular – to assist Serbia with financial and technical support in solving the problem of unexploded submunitions.
- Fourth, it calls on the government of Serbia and all other states to freeze all production, use and trade of cluster munitions and destroy their remaining stocks of cluster munitions.
- Fifth, it calls on Serbia and all other states that have not yet done so to adhere to Protocol V on explosive remnants of war annexed to the UN Convention on Certain Conventional Weapons.
- Finally, Norwegian People's Aid calls on all concerned states, individuals, politicians and NGOs to join forces to work towards an international ban on the production, use, trade and stockpiling of cluster munitions. For, as Branislav Kapetanović, a former army deminer and quadruple amputee so poignantly reminds us, the majority of the people in the world who are injured by cluster munitions are innocent civilians, and a large percentage of them are unsuspecting children.

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'Mala Milica Rakić novi srpski svetac' ('Little Milica Rakic: a new Serbian Saint'), Glas javnosti, 1 December 2004

'Ronioce iz Bijele čeka jos mnogo mina' ('Many mines await divers from Bijela'), Vijesti, 24 October 2004

'Mina ima i u okolini vazdušne luke i bolnice' ('Mines still present in airport and hospital grounds'), Glas javnosti, 25 September 2004

'Slalom preko bombi' ('Slalom over bombs'), Blic, 27 August 2004

'I sudije će da zaboli glava' ('Judges will get a headache, too'), Glas javnosti, 5 August 2004

'Predrag Marković je pogresna adresa' ('Predrag Marković is wrong address'), Danas, 28 July 2004

'Odgovornost za 'žute ubice'' ('Responsibility for "Yellow Killers"'), Glas javnosti, 27 January 2004

'Holandski sud razmatra da li je NATO činio zlocin' ('Dutch court to decide whether NATO committed a crime'), Vijesti, 26 January 2004

'Ski-safari na krovu Srbije' ('Ski-safari on the roof of Serbia'), Glas javnosti, 8 January 2004

'Uništena NATO bomba' ('NATO bomb destroyed'), Vijesti, 1 November 2003

'Ukročena poslednja krmača' ('The last big bomb tamed'), Glas javnosti, 5 April 2003

'Četiri godine od spektakularnog bombardovanja nedužnog naroda' ('Four years since the spectacular bombing of innocent people'), Ibarske novosti, 28 March 2003

'Kraljevo dva meseca pod razornim bombama najmoćnije vojne sile' ('Kraljevo two months under destructive bombs of the most powerful military force'), Ibarske novosti, 28 March 2003

'NATO bombe rasute na 40 lokacija širom Srbije' ('NATO bombs dispersed over 40 locations in Serbia'), Vijesti, 4 February 2003

'Još posla za pirotehnicare' ('More work for EOD operatives'), Dnevnik, 3 February 2003

'Srbija među minama' ('Serbia among mines'), NIN, 16 January 2003

'Krateri kao na mesecu' ('Craters as on the Moon'), Blic, 20 November 2002

'Ronioce od mina čiste modre dubine Jadrana' ('Divers clearing mines from the depths of the Adriatic Sea'), Vijesti, 25 September 2002

'Zaostale bombe još vise po drveću' ('Bombs still hanging from trees'), Blic, 7 September 2002

'Pronađena kasetna bomba' ('Cluster bomb discovered'), Glas javnosti, 20 March 2002

'Uništavace mine i po svetu' ('They will dispose of mines throughout the world'), Dnevnik, 2 March 2002

'Haški tribunal brani neodbranljivo' ('Hague Tribunal defending what cannot be defended'), Glas javnosti, 18 November 2001

'Malo posetilaca iz glavnog grada' ('Few visitors from the capital city'), Glas javnosti, 22 October 2001

'Uklanjanje kasetnih bombi' ('Clearing cluster bombs'), Glas javnosti, 2 September 2001

'Orden za hrabrost Branislavu Kapetanoviću' ('Branislav Kapetanovic decorated for courage'), Glas javnosti, 15 June 2001

'Uništena infrastruktura' ('Infrastructure destroyed'), Glas javnosti, 28 March 2001

'Uništavaju se kasetne bombe' ('Cluster bombs disposed'), Glas javnosti, 27 March 2001

'Sećanje na ubijene u NATO agresiji' ('Memory of those killed in NATO aggression'), www.srbija-info.yu, 23 March 2001

'Severno od Vranja' ('North of Vranje'), NIN, 11 January 2001

'Podmukli ubica čekao godinu dana' ('Vicious killer waited for one year'), Ilustrovana Politika, April 2000

'Poginuo u bašti od kasetne bombe' ('Killed by cluster bomb in his garden'), Glas javnosti, 5 April 2000

'Naš mali anđeo' ('Our little angel'), Ilustrovana Politika, 1 January 2000

'Beba vratila nadu' ('The baby brought back hope'), Ilustrovana Politika, 21 October 1999

'Volela bih da opet radim' ('I would like to work again'), Ilustrovana Politika, 21 September 1999

'Poseta prema planu ali i prema tradiciji' ('Visit according to plan and tradition'), Glas javnosti, 8 September 1999

'Izgubila snahu i unučće' ('She lost her daughter-in-law and grandson'), Ilustrovana Politika, 21 August 1999

'Cluster Bombs Leave Lasting Legacy', Rachel Stohl, Washington, DC: Center for Defense Information, 5 August 1999

'Seeds of carnage: Clearing the clusters', Christopher Dickey, Newsweek, p. 28, 2 August 1999

'The Mess NATO Left Behind – the environmental damages of the NATO-Yugoslavia Conflict, 1999', Bill Mesler, The Progressive, August 1999

'UK sweeping up stray bombs', Jon Leyne, BBC Online Network, 30 July 1999
War Archives 1999 – June 8, 1999, www.vojvodina.com

'Italian fishermen injured by unexploded bombs dumped by NATO in the Adriatic Sea', WSWS News and Analysis, 21 May 1999

'Anger grows over bombs found in nets', Frances Kennedy, Independent, 17 May 1999

'Dnevnik od 12. do 19. maja' ('Journal from 12–19 May 1999'), Ilustrovana Politika, 22 May 1999

'Ratne igračke' ('War toys'), NIN, 13 May 1999

'Kasetne bombe širom grada Niša – foto prica' ('Cluster bombs all over Niš – photo story'), www.nis.org.yu/aggression, 12 May 1999

'Ne mogu nas uništiti' ('They cannot destroy us'), www.nis.org.yu/aggression, 12 May 1999

'Niš 11.5.99. oko 11:25h' – foto prica ('Niš on May 11, 1999 around 11:25hrs – photo story'), www.nis.org.yu/aggression, 12 May 1999

'Ne mogu nas uništiti' ('They cannot destroy us'), www.nis.org.yu/aggression, 10 May 1999

'Ubijali bolesnike kasetnim bombama' ('Patients killed by cluster bombs'), Glas javnosti, 8 May 1999

'Stradali civilni objekti' ('Civilian property damaged'), Dan, 29 April 1999

'Gelere nalaze na sve strane' ('Finding bomb fragments all around'), Vijesti, 29 April 1999

'Crna Gora je juče, u vise navrata, bila meta zločinacke alijanse' ('Montenegro target for the criminal alliance several times yesterday'), Dan, 29 April 1999

'Raketiran aerodrom i selo Vukovci' ('Airport and village of Vukovci targeted'), Dan, 29 April 1999

'Za 15 minuta unisten aerodrom u Golubovcima' ('Golubovci Airport destroyed in 15 minutes'), Vijesti, 29 April 1999

'Smrt od gelera' ('Death by bomb fragment'), Vijesti, 29 April 1999

'Aerodrom u oblaku dima' ('Airport in cloud of smoke'), Vijesti, 29 April 1999

'Første drept i Montegro' ('First person killed in Montenegro'), Dagbladet (Oslo), 29 April 1999

'Raste broj žrtava kasetnih bombi NATO-a' ('Number of NATO cluster bomb victims increasing'), Dan, 24 April 1999

Srpsko ministarstvo za informacije: 'NATO kukavice ubile Milicu Rakić' (Serbian Ministry of Information: 'NATO cowards kill Milica Rakic'), 19 April 1999

'Padale kasetne bombe' ('Cluster bombs were falling'), Dan, 3 April 1999

'Rakete po seoskim dvorištima' ('Rockets in village yards'), Dan, 28 March 1999

'Siju smrt svuda' ('Spreading death everywhere'), Dan, 27 March 1999

'Projektil aktivirali djecaci, jedan poginuo, dvojica teško ranjena' ('Projectile activated by boys, one killed, two severely injured'), Vijesti, 27 March 1999

'Čuvajte se malih narandžastih mina' ('Beware of small, orange mines'), Vijesti, 27 March 1999

'Ne dirajte mine' ('Do not touch the mines'), Dan, 27 March 1999

'Kasetnim bombama na civile i školu' ('Cluster munitions used on civilians and school'), Glas javnosti, 27 March 1999

Annex: List of casualties from cluster munitions in Serbia and Montenegro

Killed by cluster munition attacks

Name	Year of birth	Location	Date of attack
Božina Tošović	1969	Merdare, Kuršumljija	11 April 1999
Bojana Tošović	1998	Merdare, Kuršumljija	11 April 1999
Dragan Bubalo	1958	Merdare, Kuršumljija	11 April 1999
Goran Đukić	1971	Merdare, Kuršumljija	11 April 1999
Srđan Cvetković	1966	Merdare, Kuršumljija	11 April 1999
Mijalko Trajković	1933	Pavlovac, Vranje	14 April 1999
Milica Stojanović	1986	Pavlovac, Vranje	14 April 1999
Milica Rakić	1996	Batajnica	17 April 1999
Paška Junčaj	1938	Šipčanik, Podgorica	28 April 1999
Ljiljana Spasić	1973	Niš	7 May 1999
Živorad Ilić	1928	Niš	7 May 1999
Vera Ilić	1934	Niš	7 May 1999
Saša Miljković	1966	Niš	7 May 1999
Gerasim Jovanovski	1915	Niš	7 May 1999
Aca Deljanin	1949	Niš	7 May 1999
Božidar Veljković	1961	Niš	7 May 1999
Ljubiša Stančić	1941	Niš	7 May 1999
Božidar Đorđević	1942	Niš	7 May 1999
Slobodanka Stojiljković	1937	Niš	7 May 1999
Dragiša Vučić	1941	Niš	7 May 1999
Trifun Vučković	1913	Niš	7 May 1999
Gordana Sekulić	1971	Niš	7 May 1999
Milutin Živković	1925	Niš	7 May 1999

Injured during cluster munition attacks

Name	Year of birth	Location	Date of attack
Marija Tošović	1974	Merdare, Kuršumljija	11 April 1999
Zagorka Paunović		Merdare, Kuršumljija	11 April 1999
Marjan Veličković	1969	Pavlovac, Vranje	14 April 1999
Dražen Janković	1977	Batajnica, Zemun	17 April 1999
Milanko Ćirica	1986	Bapsko Polje, Kraljevo	22 April 1999
Vladan Kojičić	1982	Gošići	28 April 1999
Milica Kukuličić	1947	Golubovci	28 April 1999
Vasko Kukuličić	1978	Golubovci	28 April 1999
Živojin Petrović	1940	Mirosaljci, Lazarevac	1 May 1999
Radivoje Petrović	1988	Mirosaljci, Lazarevac	1 May 1999
Mirjana Todorović	1967	Bumbarevo Brdo, Knić	3 May 1999
Miloš Živić		Niš	7 May 1999
Budimir Krstić		Niš	7 May 1999
Dragoje Purić		Niš	7 May 1999
Vladimir Gregović	1951	Niš	7 May 1999
Igor Petrović		Niš	7 May 1999
Gita Jović	1959	Niš	7 May 1999
Bogdan Bogdanović		Niš	7 May 1999
Agneza Marić		Niš	7 May 1999
Sulja Salijević		Niš	7 May 1999
Bojan Đorđević		Niš	7 May 1999
Čedomir Grujić		Niš	7 May 1999
Slavko Miljković	1931	Niš	7 May 1999
Oliver Živić		Niš	7 May 1999
Alit Makić	1958	Niš	7 May 1999
Samir Demirović		Niš	7 May 1999
Hasib Rizvanović		Niš	7 May 1999
Simeonka Spasić	1948	Niš	7 May 1999
Boban Ćirić		Niš	7 May 1999
Slobodanka Šević		Niš	7 May 1999
Zoran Andrejić		Niš	7 May 1999
Jorata Ajdarević		Niš	7 May 1999
Zorica Kostić		Niš	7 May 1999
Ljiljana Radosavljević		Niš	7 May 1999
Zoran Petrović		Niš	7 May 1999
Milan Arsić		Niš	7 May 1999
Mladen Đurović		Niš	7 May 1999
Božidar Stamenković		Niš	7 May 1999
Slađana Dokmanović		Niš	7 May 1999
Milena Dokmanović	1984	Niš	7 May 1999
Dragovan Vuković	1916	Samaila, Kraljevo	10 May 1999
Rade Risimović	1931	Samaila, Kraljevo	10 May 1999
Milan Janjić	1991	Samaila, Kraljevo	10 May 1999
Nikola Matijević		Samaila, Kraljevo	10 May 1999
Borivoje Đokić	1944	Duvanište, Niš	12 May 1999
Golub Perić	1957	Duvanište, Niš	12 May 1999
Dejan Dikić	1966	Duvanište, Niš	12 May 1999
Zoran Vidanović	1948	Duvanište, Niš	12 May 1999
Dušan Rukavina	1938	Duvanište, Niš	12 May 1999
Dobriša Rukavina	1941	Duvanište, Niš	12 May 1999
Predrag Jovanović	1948	Duvanište, Niš	12 May 1999
Sveta Usković	1963	Duvanište, Niš	12 May 1999
Zoran Bakić	1976	Duvanište, Niš	12 May 1999
Vladimir Jovanović	1930	Duvanište, Niš	12 May 1999
Predrag Igić		Duvanište, Niš	12 May 1999
Aleksandra Paskaš	1973	Duvanište, Niš	12 May 1999
Ivica Jumerović	1978	Duvanište, Niš	12 May 1999
Amel Papić	1986	Sjenica	24 May 1999

Post-attack deaths (due to cluster bomb duds)

Name	Year of birth	Location	Date
Senad Dacić	1982	Besnik, Rožaje	25 March 1999
Mladen Stanojević	1954	Bačište, Kopaonik, during submunition disposal	15 April 1999
Mentor Mehmeti	1984	Buštranje, Preševo	27 July 1999
Miroslav Maksić	1986	Bogdanovac, Bujanovac	6 August 1999
Vladimir Jovanović	1930	Duvanište, Niš	4 April 2000
Goran Milanović	1971	Bogdanovac, Bujanovac	18 July 2001

Post-attack injuries (due to cluster bomb duds)

Name	Year of birth	Location	Date
Senad Murić	1980	Besnik, Rožaje	25 March 1999
Asmir Dacić	1982	Besnik, Rožaje	25 March 1999
Mensur Dacić	1982	Besnik, Rožaje	25 March 1999
Sladjan Vučković	1966	Ravnište, Brus, during submunition disposal	25 April 1999
Čedomir Dinić	1922	Pantelej, Niš	28 May 1999
Driton Aliu	1985	Buštranje, Preševo	27 July 1999
Ardian Aliu	1987	Buštranje, Preševo	27 July 1999
Ridvan Haziri	1982	Buštranje, Preševo	27 July 1999
Nikola Stojanović	1988	Bogdanovac, Bujanovac	6 August 1999
Branislav Kapetanović	1967	Dubinje, Sjenica, during submunition disposal	8 November 2000
Ljubiša Tašković		Bogdanovac, Bujanovac	18 July 2001
Marko Simić	1966	Industrial zone, Niš, during submunition disposal	25 August 2005

FACTS ABOUT CLUSTER MUNITIONS

- A cluster munition consists of a container (bomb, rocket, missile, or projectile) which is either dropped from air or fired from ground, and which contains up to several hundred submunitions, or bomblets. The container opens in air and disperses the submunitions.
- The submunitions are spread over large areas and are difficult to target, and their use in or near areas with civilians is therefore particularly problematic.
- Cluster munitions also continue to kill and maim civilians for decades after an attack. The submunitions have a high failure rate, usually between 5 and 20 per cent and often even higher. This results in large numbers of sensitive duds, which may have the same effect as mines.
- Cluster munitions have been used in at least 23 countries. While the number of conflicts in which cluster munitions have been used is still relatively limited, the harm to the civilian population is almost always severe.
- Globally, 34 countries are known to have produced over 210 different types of cluster munitions.
- At least 73 countries have a total of several billions of submunitions for cluster munitions in stock. Even with very conservative estimates of their failure rates, use of these stocks will cause tens of millions of duds.
- An international ban on cluster munitions would be the most effective way to protect civilians from unacceptable risk.
- Accordingly, Norwegian People's Aid calls on all states to negotiate an international treaty to prohibit the use, production, stockpiling and transfer of cluster munitions.