

*Bar Association
of Athens*

*Marangopoulos Foundation
for Human Rights*

*Union of Greek Judges
and Prosecutors for
Democracy and
Civil Liberties*

PRESS RELEASE

INITIATIVE FOR BRINGING TO JUSTICE THOSE RESPONSIBLE FOR THE USE OF DEPLETED URANIUM MISSILES DURING THE NATO BOMBING CAMPAIGN IN THE TERRITORY OF THE FORMER YUGOSLAVIA

It is a well-established fact that NATO used depleted uranium missiles during its bombing campaign in the territory of the former Yugoslavia. It is also a well-established fact, in spite of official reassurances, that such use has extremely serious and long-term effects on human health. Indeed, the Bar Association of Athens, the Marangopoulos Foundation for Human Rights and the Union of Greek Judges and Prosecutors for Democracy and Civil Liberties have sought and obtained the views of internationally renowned experts on this matter. They have further gathered information concerning the health situation of individuals who have been exposed to the effects of depleted uranium.

Uranium is toxic as a heavy metal and causes, in particular, damage to the renal function. As dust produced upon impact and explosion of a projectile, depleted uranium creates a radiation hazard in an extended area due to the dispersion of the aerosol; the consequences of exposure to even the most negligible level of radiation, namely cancer and genetic malformations, may manifest themselves after a number of years, even decades.

The toxicity of depleted uranium and its deleterious effects on health were known to those who ordered the use of depleted uranium missiles during the NATO bombing campaign. Why else would the US Army require the drafting of safety instructions for the handling of depleted uranium? Why else would UN demining teams have been warned to avoid contact with tanks damaged by the bombings? Why else did the representatives of the US Department of Defense – the most powerful voice within NATO – promise during a meeting of the White House Special Presidential Commission at which experts pointed out the deleterious effects of the use of depleted uranium missiles, that such missiles would not be used during the NATO bombing campaign in Yugoslavia? – which, unfortunately, did not prevent them from breaking their promise a few weeks later.

In view of the above, the Marangopoulos Foundation for Human Rights, the Bar Association of Athens and the Union of Greek Judges and Prosecutors for Democracy and Civil Liberties have decided to bring to the attention of Ms. Carla del Ponte, Prosecutor of the International Criminal Tribunal for the Former Yugoslavia (ICTY), information regarding the individual criminal responsibility of

the political and military leaders of NATO responsible for ordering the use of depleted uranium during the NATO bombing campaign in Yugoslavia. In the application submitted by these organizations in accordance with article 18, paragraph 1, of the ICTY Statute, they provide ample evidence leading to the conclusion that these individuals have committed the following crimes:

1. A violation of the laws or customs of war under article 3(a) of the ICTY Statute concerning "the employment of poisonous weapons or other weapons calculated to cause *unnecessary suffering*". As regards the effects of the use of depleted uranium on the victims as such, contracting leukemia or other forms of cancer which lead to death after long suffering or having serious congenital abnormalities surely qualifies as "unnecessary suffering". It is, moreover, clear that the suffering caused to persons and the damage to the environment are far too excessive as compared to the military advantage gained by NATO and obviously unnecessary to defeat Yugoslavia.
2. Since the use of depleted uranium missiles has affected not only members of the armed forces, but also – and to a considerable extent – the civilian population, those who gave the relevant orders have also committed grave breaches of the Geneva Conventions of 1949 under article 2(a) and (c) of the ICTY Statute, specifically willful killing and willfully causing great suffering or serious injury to body or health.

Moreover, it can be said that, given the above-mentioned devastating and very long-term effects on the health of the population living in the area affected by the bombings, as it will be constantly contaminated by the radioactivity which has penetrated the ground, the water and the food-chain, the use of depleted uranium missiles borders on a genocidal act under article 4 of the ICTY Statute.

The three aforementioned organizations have submitted an application to the ICTY Prosecutor to assess the attached evidential material and other information on the issue in order to proceed with an investigation, and to prepare indictments under article 18, paragraph 4, of the Statute.

Athens, 14 June 2001