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LAWSUIT AGAINST NATO AIMED AT INCREASING NUCLEAR SECURITY AND NUCLEAR DETERRENCE

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Abstract

This paper aims to point out the harmful effects of ammunition with depleted uranium (DU) at a global level, as it causes ecocide, mutagenic and carcinogenic effects. Due to its increasingly frequent use, DU has become the subject of conflict not only between opinions but also between the interests of those who use it and those who suffer its consequences. Throughout Europe, only the peoples of Serbia, Bosnia, and Herzegovina have had the opportunity to experience the impact of this nuclear waste. The author analyzes the consequences of the use of DU ammunition listed in the lawsuit filed by Colonel Dragan Stojic of the Serbian Armed Forces against the North Atlantic Treaty Organization (NATO). The legal basis of the lawsuit is then presented, based on scientific evidence of causal relationships and laboratory findings on the harmful effects of DU ammunition on the environment, life, and health of humans. NATO disputes all of this and claims that science is on their side and that they are legally protected by immunity. Nanoparticles contained in uranium oxide, which is formed at high temperatures above 3000°C after a DU penetrator bullet hits a solid target such as a tank, bunker, wall, etc., easily enter all parts of the environment, such as air, water, soil, and can cause not only regional contamination but also ecocide.

Keywords

NATO, Aggression 1999, Lawsuit, Depleted Uranium, Immunity, Malignancy.

Introduction

The consequences of NATO's aggression against the Federal Republic of Yugoslavia are not only reflected in the absolute derogation of provisions of international war, humanitarian and criminal law, but also in a serious impact on human health and the environment. Such consequences manifest themselves not only at the local level, but also at the regional and global levels. It is certain that harmful consequences have already occurred, and since systematic destruction of objects whose destruction leads to environmental pollution was carried out as a result of the aggression and bombing, it can be concluded with certainty that the elements of the criminal offense of war crimes against the civilian population have been acquired.

The spread of depleted uranium particles, used by NATO, cannot be controlled and prevented, thus endangering the civilian population. Therefore, ammunition with depleted uranium belongs to the category of non-selective mass destruction weapons. The particles contaminate the soil for thousands of years. This fact is well known to owners of this type of weapon, which clearly indicates that NATO deliberately caused significant long-term and dangerous radioactive pollution of the environment by using ammunition with depleted uranium. Based on the chemical activity of the oxide in the environment, contamination of the environment in neighboring countries can be expected with certainty.

From the above, it can be concluded that NATO forces used a special type of 30mm caliber ammunition during the bombing, which was launched from the aircraft cannons of the A-10 aircraft, and that the core of this ammunition was made of depleted uranium 238 and as such are radioactive. Due to the presence of radioactivity, depleted uranium ammunition can undoubtedly be classified as

a radiological weapon. The effects of their application and impacts on the environment and the civilian population are fatal because there are long-term genetic and cancerous changes caused by radioactive contamination.

According to relevant research, after the NATO aggression there was an increase in newly registered malignant tumors in Serbia by 7.8%; of newly registered malignant tumors increased by 74%, while mortality from leukemia - lymphoma increased by 139%. According to the report of the register of work, the Institute for Public Health of the RS, Dr. Milan Jovanović - Batut, in central Serbia, in the period from 2001 to 2005, there was a trend of increasing incidence rates, on average of 1% per year, and an increase in the mortality rate and an average of 1.4% per year. Already in the period from 2006 to 2009, the rate of incidence and mortality from malignant tumors of all localizations increased compared to the previous period by 6.6% and 7.8% on average per year. This growth tendency exists even today [1].

DU nanoparticles that easily enter the human body through inhalation, digestion, or through an open skin wound are carcinogenic with an incubation period of over 10 years. All these scientifically proven truths about DU are the strongest weapon in the fight against any further use of DU weapons. Behind the marketing propaganda and praise of the Anglo-Saxons for the use of DU ammunition, there remains a permanently contaminated living environment, dead soldiers, police officers, and civilians, as well as severe genetic damage, as the strongest warning of danger to all humanity.

The consequences of the use of depleted uranium munitions

Due to its increasing use, with its ecocidal, mutagenic, teratogenic, and carcinogenic effects, depleted uranium has become the subject of conflicts not only of opinion, but also of interests of those who use it and those who suffer from its consequences. Throughout Europe, only the peoples of Serbia, Bosnia and Herzegovina were given the opportunity by the US/NATO to experience the full impact of this nuclear waste, although the neighboring countries were not spared either, even though they are NATO members. The fact that the truth about DU was silenced and hidden for so long speaks volumes about it.

Contrary to Western propaganda (BBC Serbian, Radio Free Europe) that the bombing of Serbia in 1999 without a UN Security Council decision was justified for "humanitarian" reasons, that DU is not harmful because there is no scientific evidence to support it, that Serbs are a disruptive factor in the Balkans because they are susceptible to the "malign" influence of Russia, etc. Serbs experienced the greatest calamity during the period 1991-2000, which was a prelude to other evils in Europe. As in any country, there are also NATO lobbyists in Serbia who claim that depleted uranium (DU) is not harmful and that it is a political invention that causes a cancer epidemic, because allegedly there is no "scientific" evidence and that it belongs to group 3, which is not carcinogenic according to the International Agency for Research on Cancer IARC [3]. Thus, at the session of the National Assembly of Serbia held on 02.02.2023, dedicated to the discussion of the difficult situation of Serbs in Kosovo, People's Deputy Marina Ragush presented a so far hidden secret report under number Doc. 8925 of January 10, 2001, of the Council of Europe on the consequences of the US/NATO bombing of Yugoslavia in 1999 [4]. In that report, which was adopted by the Parliamentary Assembly of the Council of Europe on January 24, 2001, it is claimed that all those things that NATO lobbyists have denied in Serbia so far are true. It is stated that the military operations with DU ammunition, graphite and cluster bombs on industrial, petrochemical and electro-energy facilities have caused very serious environmental consequences not only in Serbia and Montenegro but also in NATO member countries Albania, Bulgaria, Greece, Hungary, Romania, North Macedonia, and even Ukraine, which does not border Serbia but wants to become a NATO member. The report also states that UN experts who compiled their own well-documented report, which was not widely available to the public for a long time, arrived at similar data. According to relevant research, after the NATO aggression, there was an increase of 7.8% in newly registered malignant tumors in Serbia, and the number of newly registered malignant tumors increased by 74%, while mortality from leukemia-lymphomas increased by 139%. According to the report of the Central Serbia Institute of Public Health Dr. Milan Jovanović -

Batut, during the period from 2001 to 2005, a trend of increasing incidence rate was observed on average by 1% annually, and an increase in mortality rate of 1.4% annually. The incidence and mortality rate of malignant tumors of all localizations have already increased by an average of 6.6% and 7.8% per year during the period from 2006 to 2009 compared to the previous period. This trend of increase still exists today [5].

Natural uranium is a radioactive and toxic element consisting of three isotopes: ^{234}U , ^{235}U and ^{238}U . Depleted uranium containing the isotope ^{235}U is nuclear waste. Its radioactivity is reduced by about 40% compared to natural uranium, which is taken as the most common argument in the thesis that its use for military purposes does not lead to the development of cancer. However, the fact is ignored that from a chemical point of view, natural and depleted uranium behave the same, and their chemical toxicity is the same. Since uranium is a pyrophoric metal, after the explosion of an OU projectile, it burns and creates toxic uranium oxide, which can be blown up to a distance of 40 kilometers by means of an aerosol. At the same time, plutonium is added to such missiles, which is highly radioactive, several thousand times more toxic and carcinogenic. Inhalation of these particles, as well as their introduction into the body through the skin, through food and/or water (due to environmental contamination), leads to numerous health consequences as well as the occurrence of malignant diseases. After 1999 and the NATO aggression against the Federal Republic of Yugoslavia and the use of depleted uranium ammunition, the world public is shaken by a new syndrome - the Balkan syndrome. Illness and mortality from cancer of Italian soldiers, who participated in the cleaning of contaminated areas in the Balkans as part of peace contingents, led to the development of this syndrome.

All research on cancer in Serbia indicates that the number of newly diagnosed cases, as well as the number of deaths, is increasing from year to year. The mortality rate from malignant tumors increased from 238.8 in 2001 to 305.9 per 100,000 inhabitants in 2017. Depleted uranium, released carcinogenic and toxic materials, destruction of infrastructure (hospitals, schools, roads), with particular damage to general living conditions and the environment, undoubtedly leads to endangering the health of the population of the bombed areas, and twenty-three years after the NATO aggression, the Republic of Serbia is facing a trend of increasing new cases of malignant diseases.

With the bombing of the Federal Republic of Yugoslavia in 1999 by NATO forces, international law and elementary human rights were repeatedly violated. A war was fought on the territory of the Federal Republic of Yugoslavia, which in terms of its effects belongs to chemical and radiological wars. By using depleted uranium ammunition, NATO forces contributed to the effects of a radiological accident. By using the most modern means of combat, using the greatest intellectual achievements of mankind in the development of science and technology, NATO misused them for war purposes. Using these funds, NATO carried out over 25,000 attacks with the most modern fighter planes equipped with the most lethal weaponry, using them to kill the civilian population; for the destruction of military and civilian targets; destruction of means of work and survival of the population; for the destruction of economic potentials; destruction of objects protected by international law. Special mention should be made of the destruction of buildings whose damage caused long-term environmental pollution on a large scale, which further produces far-reaching consequences. Reckless warfare, conducted with the aim of inflicting as much damage as possible, is without a doubt contrary to international treaties and generally accepted rules of international law.

I lawsuit against NATO

In order to examine the prominent immunity of the North Atlantic Treaty Organization (NATO) in a case for compensation for damages resulting from the aggression of NATO against the Federal Republic of Yugoslavia, which is currently being heard by the Higher Court in Belgrade, we must first briefly analyze the events that preceded the mention of such immunity. According to the Charter of the United Nations, an armed attack by one state against another is strictly prohibited and constitutes the most serious crime under international law, a crime against peace, also known as aggression. The leaders of Nazi Germany were held accountable before the Nuremberg Tribunal for the aforementioned crime against peace, among other things. Perhaps for this very reason, NATO did not

declare war on the Federal Republic of Yugoslavia in 1999, but instead began to bombard the entire territory of the former Federal Republic of Yugoslavia without the authorization of the United Nations Security Council, the only body authorized to sanction an armed attack on another state, under the guise of fighting for the protection of Albanian rights in the southern Serbian province. Therefore, the Higher Court in Belgrade is currently hearing a lawsuit for compensation for damages filed by the late Dragan Stojčić against the North Atlantic Treaty Organization (NATO).

In their verbal note, or in their response to the lawsuit, it is stated that NATO, as well as the Military Liaison Office with NATO in Belgrade, enjoy full immunity from jurisdiction and execution in the Republic of Serbia, citing the Agreement between Serbia and Montenegro and the North Atlantic Treaty Organization (NATO) on Transit Arrangements to Support Peace Operations [1] (hereinafter referred to as the Agreement) from 2005 and agreements from December 1st and 7th, 2006, establishing the Military Liaison Office in Belgrade. Therefore, an analysis of the aforementioned agreements must be undertaken, as well as a detailed explanation of the institute of immunity that the defendant invokes in this dispute. It is essential to emphasize at the outset that none of the aforementioned agreements provides immunity to NATO as an organization, nor is it possible to use immunity retroactively.

It is concluded that the immunity invoked by the NATO mission in the Republic of Serbia cannot be subject to enjoyment under the United Nations Convention on Privileges and Immunities [2], primarily because immunity under the Convention is granted solely in the interest of the United Nations Organization, and the crime against peace and crime against humanity committed by NATO in 1999 by bombing the Federal Republic of Yugoslavia certainly does not represent the interest of the United Nations Organization. It is particularly important to emphasize that in the specific case, the defendant is not a NATO official, but the lawsuit is directed directly against NATO as an international organization, and in that context, invoking any immunity in the specific case has no legal basis. It should be pointed out that if the competent court were to find that NATO could invoke immunity in the specific case, which would be contrary to basic legal principles, such a decision would create a dangerous precedent in both domestic and international law. Namely, NATO violated and derogated the norms of international law, international humanitarian law, and international law of war by aggression against the Federal Republic of Yugoslavia, inter alia, a serious breach of the 1949 Geneva Convention, a violation of Article 8 of the Rome Statute of the International Criminal Court, a violation of the IV Hague Convention on land warfare, specifically a violation of the Martens clause in the IV Hague Convention on land warfare, whose essence lies in protecting participants in war from all possible prohibited means of warfare that are not explicitly listed in existing conventions³, acting contrary to the Charter of the United Nations.

The Petrograd Declaration on the Prohibition of the Use of Certain Missiles in War of November 29, 1868 indicates that the only legitimate goal that states should have before themselves during war is the weakening of the enemy's military forces, and that goal would be exceeded by the use of weapons that would unnecessarily increase suffering people put out of combat or would make their death inevitable. Without any doubt, it is a fact that the use of ammunition with depleted uranium more than exceeds the only legal and legitimate goal of warfare. Due to their characteristics, weapons with depleted uranium do not only affect the military forces of the "enemy", but with their subsequent effect, such weapons inevitably affect the rest of the population as well as the environment. As such weapons cannot be directed only at a predetermined target, the use of such weapons must be interpreted as prohibited.

In addition, combat means of this type are prohibited by Additional Protocol I to the Geneva Conventions of August 12, 1949 on the Protection of Victims of International Armed Conflicts. Article 35 of the Protocol clearly stipulates that in any armed conflict the right of the parties to the conflict to choose the methods and means of warfare is not unlimited, and that it is prohibited to use weapons, missiles and materials and methods of warfare that cause unnecessary injuries or unnecessary suffering, as well as that it is prohibited to apply methods or means of warfare that are intended or can be expected to cause extensive, long-term and serious damage to the natural environment. According to the data that NATO gave to the United Nations, about 30,000 missiles with depleted

uranium were fired in the area of Kosovo and Metohija, 2,500 missiles in Serbia proper and about 300 missiles in Montenegro, which violated the entire international law, explicit norms of international war in the most crude way and humanitarian law.

As a result of all of the above, it can undoubtedly be concluded that depleted uranium ammunition represents such a means of combat, the use of which must be viewed as prohibited in accordance with the provisions of international law, due to its chemical effect, causing excessive and unnecessary suffering, as well as causing serious, long-term and extensive damage to the natural environment.

Conclusion

This is not a question of politics, this is a question of rights, and specifically the first and most fundamental right from which all other rights are derived, and that is the right to life. In the NATO bombing of the sovereign state of the Federal Republic of Yugoslavia, not only did they fail to protect the right to life of the inhabitants, but they also violated international law and the most fundamental principles of warfare in the worst possible way. We are asking the Court to at least give us the opportunity to try to correct the injustice that has been done, and thereby activate the mechanisms of law that are more than necessary in today's world. This includes making it known that no one is above international law, and that legal institutions exist to protect smaller and weaker states from powerful forces.

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ИСК ПРОТИВ НАТО, НАПРАВЛЕННЫЙ НА ПОВЫШЕНИЕ ЯДЕРНОЙ БЕЗОПАСНОСТИ И ЯДЕРНОГО СДЕРЖИВАНИЯ

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Аннотация

Цель данной статьи – напомнить о вредном воздействии боеприпасов с обедненным ураном (ОУ) на глобальном уровне, поскольку они вызывают экоцид, мутагенные и канцерогенные эффекты. Из-за все более частого использования, обедненный уран стал предметом конфликта не только между мнениями, но и между интересами тех, кто его использует, и тех, кто страдает

от его последствий. Во всей Европе только народы Сербии, Боснии и Герцеговины имели возможность испытать на себе воздействие этих ядерных отходов. Автор анализирует последствия применения боеприпасов с обедненным ураном, перечисленные в иске, поданном полковником сербских вооруженных сил Драганом Стойичем против Организации Североатлантического договора (НАТО). Затем представлена правовая база иска, основанная на научных доказательствах причинно-следственных связей и результатах лабораторных исследований о вредном воздействии боеприпасов с обедненным ураном на окружающую среду, жизнь и здоровье людей. НАТО оспаривает все это и утверждает, что наука на их стороне и, что они юридически защищены иммунитетом. Наночастицы, содержащиеся в оксиде урана, который образуется при высоких температурах свыше 3000 °С после попадания пули ОУ в твердую цель, такую как танк, бункер, стена и т. д., легко проникают во все части окружающей среды, такие как воздух, вода, почва, и могут вызвать не только региональное загрязнение, но и экоцид.

Ключевые слова

НАТО, агрессия 1999 г., судебный иск, обедненный уран, иммунитет, вредоносность.