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## *Case study: Grdelica train bombing*

12 April 1999, Serbia





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# *Grdelica train bombing*

## Strike Two







## According to ICTY Committee:

- 1140 first strike, second strike momentarily after
- At least 10 killed, 15 injured (estimates vary)
- Railway bridge was designated target (re-supply route)
- Pilot noticed train too late to dump bomb
- Undertook second strike as bridge was still intact (i.e. mission incomplete), aiming for other end of bridge
- ICTY Committee formed to review, in particular to establish if IHL had been violated (and if incident needed to be prosecuted)





- 1. What IHL principles are relevant?**
- 2. Were any IHL principles violated?**
- 3. What could have been done to prevent this?**



## ICTY finding

*The pilot would have been travelling in a high speed aircraft and likely performing several tasks simultaneously, including **endeavouring to keep the aircraft in the air and safe from surrounding threats** in a combat environment. If the committee accepts Mr. Wenz's estimate of the reaction time available, the person controlling the bombs still had a very short period of time, less than **7 or 8 seconds in all probability**, to react. Although Mr Wenz is of the view that the WSO (Weapons Systems Officer) intentionally targeted the train, the committee's review of the frames used in the report indicates another interpretation is equally available. The cross hairs remain fixed on the bridge throughout, and it is clear from this footage that the train can be seen moving toward the bridge only as the bomb is in flight: **it is only in the course of the bomb's trajectory that the image of the train becomes visible**. At a point where the bomb is within a few seconds of impact, **a very slight change to the bomb aiming point can be observed, in that it drops a couple of feet**. This sequence regarding the bomb sights indicates that it is unlikely that the WSO was targeting the train, but instead suggests that the target was a point on the span of the bridge before the train appeared.*

*It is the opinion of the committee that the **bridge was a legitimate military objective**. The **passenger train was not deliberately targeted**. The person controlling the bombs, pilot or WSO, targeted the bridge and, over a very short period of time, **failed to recognize** the arrival of the train while the first bomb was in flight. The train was on the bridge when the bridge was targeted a second time and the bridge length has been estimated at 50 meters (Wenz study para 6 g above at p.25). It is the opinion of the committee that the information in relation to the attack with the first bomb does not provide a sufficient basis to initiate an investigation. The committee has divided views concerning the attack with the second bomb in relation to whether there was an element of recklessness in the conduct of the pilot or WSO. Despite this, the committee is in agreement that, based on the **criteria for initiating an investigation**, this incident should not be investigated.*