

# Impeding Humanitarian Aid Convoys as a Violation of International Law – the “White Road” Convoy Case Study

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## Summary

*For decades, the humanitarian actors have been facing a challenge of secure access to those in need of humanitarian aid. There is a variety of modalities of impeding, from administrative to deterrence and physical violence, while those who impede realization of convoys usually hide their real intentions. Several well-known modalities had arisen during the realization of the Croatian convoy named „White Road for Nova Bila and Silver Bosnia” at the end of 1993, too. The research starts from the strategic context of the armed conflict which had caused the necessity for the Convoy, as well as from general international legal framework for the delivery of humanitarian aid. Thus, the content of numerous testimonies of direct participants of the Convoy is analyzed across the (dis)obedience of existing obligations provided for by international law. Furthermore, the research provides the insight into the relevant practice of the International Criminal Tribunal for the former Yugoslavia (ICTY) regarding Bosnia and Hercegovina, into selected documents and actions of United Nations bodies, as well as into the opinions of legal authors. The author concludes that the “White Road” convoy had correct and licit purpose, was prepared and approved on adequate decision-making levels, while carried out impartially and without any kind of discrimination. The series of events to the detriment of the Convoy cannot be attributed to mere coincidence, juncture of circumstances, spontaneity in acting or to the element of war, but rather to the intent and the plan of the Muslim (Bosniak) side. Despite of wide practice of attacks on humanitarian aid convoys, the international criminal judiciary regularly gives priority to war crimes of larger scale and those*

*originating from comprehensive political agendas and plans. Due to such reality the author advocates for a greater engagement of national judiciary systems. Finally, no matter of the time lapse since the „White Road“ convoy, the experience gathered on that occasion can still be beneficial in critical assessment of the role of peacekeeping forces in protection of such convoys.*

## **Keywords**

*humanitarian aid, convoy, Central Bosnia, White Road, UNPROFOR, Geneva Conventions*

## **Introduction**

Without the intention to extensively analyze the political and military ambitions of the Muslim (Bosniak) side in the armed conflicts in Bosnia and Herzegovina, it is necessary to highlight the key features of the broader strategic context that necessitated the humanitarian aid convoy “White Road.” This convoy’s purpose and the circumstances surrounding it are essential for understanding its realization.

On September 28-29, 1993, the 1st Bosniak Assembly in Sarajevo decided to change the ethnic designation, reflecting the strategic objectives of the Muslim leadership. Above all, it is crucial to state clearly and unequivocally that the Muslim side aimed to ethnically cleanse the Croats from Central Bosnia (Domazet-Lošo, 2010). The Army of Bosnia and Herzegovina conducted military operations to achieve this objective, although it did not receive directives from the Presidency of Bosnia and Herzegovina, which included a representative of the Croatian people (Tuđman, 2017).

Although nominally the President of the Presidency of Bosnia and Herzegovina, Alija Izetbegović played a key role in directing the Army. As the political leader of the Muslim forces, Izetbegović openly declared that he would pursue his policies through negotiations, but if necessary, by military means. Regarding Central Bosnia, he stated at the end of 1993 that “Central Bosnia is not agreed upon” and that “the Army has the freedom of action because nothing has been agreed upon yet” (Tuđman, 2017, p. 365).

This context must be considered when examining the initiative, preparations, and course of the convoy for Nova Bila, the largest Croatian enclave in Central Bosnia. Essentially, there was a siege of strategic significance in direct support of the Muslim political goal to seize control of Central Bosnia and ethnically cleanse it of the Croatian population. By the end of 1993, the fall of Central Bosnia seemed imminent (Granić, 2022).

Due to the months-long siege and intensive attacks by Muslim forces, the supply of essential items for the survival of the civilian population, including medical care, was severely disrupted. There was a shortage of all types of food, basic necessities, electricity, fuel, and drinking water. Attempts to obtain water and firewood from the suburbs were made difficult by sniper fire from Muslim forces, often with fatal consequences. The number of sick individuals, especially the elderly and children, was increasing due to the cold, and the risk of spreading infections was high.

The only institution caring for the civilian population, the wounded, and the sick was the improvised Franciscan hospital located in the Church of the Holy Spirit in Nova Bila. This hospital itself was often targeted, suffering damage and occasional injuries to its staff. The number of physicians and other medical personnel was generally insufficient, and the use and maintenance of many medical devices were not possible. As a result, it was impossible to provide adequate medical care to many of the wounded, as helicopter evacuations were extremely complicated, dangerous, and irregular.

“If any war hospital can be compared with the Vukovar hospital in terms of its role and sacrificial attitude in healing people under the most difficult conditions, then it is the hospital in Nova Bila” (Lučić, 2018, p. 305).

In summary, it became clear that a humanitarian aid convoy was the only way to mitigate the situation and avoid a humanitarian catastrophe. Strategically, it was indispensable for the survival of the Croatian people in Central Bosnia. When preparations for the convoy began, the central effort focused on collecting food, medical supplies, and clothing to alleviate the hardships faced by the civilian population.

International law governing armed conflicts, both treaty and customary, has long prohibited the starvation of civilian populations as a method of warfare.

The International Committee of the Red Cross (ICRC) views the prohibition of civilian starvation as „a rule from which no derogation may be made“, meaning it allows no exceptions for military necessity (ICRC, 1987c, p. 1456).

In recent years, significant advancements have been made in international criminal law, particularly with the establishment of the International Criminal Court (ICC) under the Rome Statute. The Rome Statute categorizes the starvation of civilian populations as a war crime in international armed conflicts and, since 2019, in non-international armed conflicts as well. This includes conflicts between state armed forces and various organized armed groups, or between such groups themselves (ICC Statute, 1998).

According to Article 8 of the Rome Statute, it is a war crime to intentionally use starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including willfully impeding relief supplies as provided for under the Geneva Conventions (ICC Statute, 1998). The ICC has jurisdiction over war crimes „in particular when committed as part of a plan or policy or as part of a large-scale commission of such crimes“ (ICC Statute, 1998).

When it comes to humanitarian aid convoys, the key problem that humanitarian actors have faced for decades is how to securely reach those in need and how to overcome intentional human actions aimed at preventing their arrival. Experience shows that those who obstruct or impede the movement of humanitarian aid convoys often conceal their true intentions. Common methods of hindering convoys include various border crossing restrictions, prohibitions on movement during the journey, imposing duties and taxes, claims that the security of the convoy cannot be guaranteed, withholding goods (sometimes regardless of actual need), robberies, unnecessarily prolonged but legally justified searches of convoys, creating physical obstacles on roads (including laying mines), open intimidation of convoy participants, and direct attacks (often involving sniper fire), as well as initiating military operations shortly before the convoy's arrival.

Many of these tactics were employed during the “White Road” convoy. Some of these actions were immediately condemned on political and moral grounds, though unfortunately not yet on criminal legal grounds. Given that

such tactics continue to be used worldwide today, we find it beneficial to highlight the experiences of the “White Road” convoy based on numerous records made by its immediate participants and to present these experiences in the context of international law rules.

### **The General International Legal Framework for the Provision of Humanitarian Aid in the Armed Conflicts**

The Convention relative to the Protection of Civilian Persons in Time of War, 1949 (Fourth Geneva Convention), contains provisions (Articles 17 and 23) aimed at alleviating the plight of civilian populations under siege in the context of international armed conflicts (ICRC, 1958). A siege occurs when attacking forces encircle defending forces at a specific location or area with the intent to capture it. To achieve this, the attacking forces employ weapon fire against the defenders and disrupt their supply lines to create a scarcity of critical goods, primarily food and drinking water, thereby coercing the defending forces to surrender or abandon the location.

On the other hand, if the defending forces are unable to improve their conditions through military means, they might seek ways to protect their civilian population. This can be done either by evacuating civilians from the besieged area or by mitigating their suffering through humanitarian aid. Considering the risk that evacuated civilians might not be able to return for years, or perhaps ever, obtaining humanitarian aid seems to be a far better solution. Despite the risks of casualties due to prolonged stay under siege, this approach helps prevent the ethnic cleansing of the besieged location or area.

Article 17 of the Fourth Geneva Convention addresses the “removal from besieged or encircled areas” and the passage into such zones, urging the parties of the conflict to conclude “local agreements.” Removal pertains to “wounded, sick, infirm, and aged persons, children and maternity cases,” while passage refers to “ministers of all religions, medical personnel, and medical equipment” en route to besieged or encircled zones (ICRC, 1958).

Article 23 requires the parties to the Convention to allow the free passage of “all consignments of medical and hospital stores and objects necessary for

religious worship intended only for civilians of another High Contracting Party, even if the latter is its adversary." This requirement also extends to "all consignments of essential foodstuffs, clothing, and tonics intended for children under fifteen, expectant mothers, and maternity cases" (ICRC, 1958).

In addition to these requirements, the Fourth Convention respects the position of the party expected to allow the passage. It stipulates that such a party should be convinced that "there are no serious reasons for fearing" that the consignment would be diverted from its destination, that effective control may not be possible, or that the enemy could benefit from these consignments in terms of its military efforts or economy. Consequently, the Convention allows for the possibility of making permission conditional, such that the distribution of goods is conducted "under the local supervision of the Protecting Powers" (ICRC, 1958).

In addition to the provisions of the Fourth Geneva Convention, the Protocol Additional to the Geneva Conventions of 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), dated 8 June 1977, further elaborates on humanitarian relief actions. Article 70, within Section II entitled "Relief in favour of the civilian population" stipulates that relief actions should benefit the civilian population "of any territory under the control of a Party to the conflict, other than occupied territory" (ICRC, 1987a). When such a population is insufficiently provided with essential supplies, relief actions should be undertaken. These actions must be humanitarian and impartial in character and conducted without any adverse distinction, subject to the agreement of the Parties concerned (ICRC, 1987a).

The relief actions should primarily include the provision of food and medical supplies, as well as clothing, bedding, means of shelter, and other supplies essential to survival, along with objects necessary for religious worship. The party expected to allow the free passage of aid consignments is obliged to do so and to facilitate their speedy and unimpeded passage. However, this party is entitled to prescribe the technical conditions for the realization of passage, including the right to conduct searches. It can also make its permission conditional on the requirement that the distribution of aid is conducted under the local supervision of the Protecting Powers.

Importantly, the party allowing passage may not divert the consignments from their intended destination or delay their delivery (ICRC, 1987a).

Regarding the personnel involved in relief actions, Article 71 of Protocol I allows for the inclusion of relief personnel as part of the assistance, particularly for the transportation and distribution of relief consignments. This inclusion is subject to the approval of the party in whose territory the personnel will carry out their duties. Protocol I also requires that such personnel be respected and protected. However, these personnel must strictly adhere to the terms of their mission and respect the security requirements of the party controlling the territory. Failure to comply with these obligations and requirements may result in the termination of their mission.

Similarly, the Protocol Additional to the Geneva Conventions of 1949, relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), dated 8 June 1977, also addresses “Relief actions” in Article 18. It states: “If the civilian population is suffering undue hardship owing to a lack of supplies essential for its survival, such as foodstuffs and medical supplies, relief actions for the civilian population which are of an exclusively humanitarian and impartial nature and which are conducted without any adverse distinction shall be undertaken subject to the consent of the High Contracting Party concerned.” (ICRC, 1987b).

However, it is essential to recognize the significantly different attitudes toward the provision of humanitarian aid in non-international armed conflicts. While there is a general understanding that unnecessary suffering of the civilian population must be prevented, there is also an opinion that humanitarian aid constitutes a form of external intervention with ambitions to meddle in internal affairs (Fabijanić Gagro, 2008). Nonetheless, the provision of humanitarian aid in non-international armed conflicts has expanded significantly over time, becoming an important means of protecting the civilian population within the principles and rules of international humanitarian law (Fabijanić Gagro, 2008).

Given these disputes and difficulties, Fabijanić Gagro emphasizes that the realization of such humanitarian efforts often requires comprehensive political, diplomatic, economic, and social endeavors (Fabijanić Gagro, 2008).



As an illustration, Dr. Mate Granić, then Vice-President of the Government and Minister of Foreign Affairs of Croatia, commented on the preparations of the “White Road” convoy: “During the past couple of weeks, we have been conducting particularly intensive political, diplomatic, and humanitarian activities to alleviate the life of the civilian population during wintertime, in order to avoid an imminent humanitarian catastrophe. In our estimation, the situation is particularly difficult for the Croats in Central Bosnia, a population that has been cut off from the rest of the world for months due to the merciless offensive of the Muslim forces” (Prosoli, 1994, p. 3).

A particularly important step forward in international law, building on the adoption of the Geneva Conventions of 1949 and the Additional Protocols of 1977, was the adoption of the Statute of the International Criminal Tribunal (the Rome Statute) in 1998, which entered into force in 2002. The Republic of Croatia is among the original parties to the Rome Statute. This development significantly contributed to the protection of the civilian population in armed conflicts. Based on this international treaty, the International Criminal Court (ICC) was established (Škorić & Fabijanić Gagro, 2008). Amendments adopted in 2019 extended the scope of the Rome Statute to include non-international armed conflicts, encompassing both conflicts between state forces and organized armed groups, as well as conflicts between such groups themselves.

As mentioned in the introductory remarks, the Rome Statute emphasizes war crimes committed „as part of a plan or policy or as part of a large-scale commission of such crimes“. In this context, the term “war crimes” includes “Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law ...” (Article 8). Among these “other serious violations” is the specific crime of “Intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including willfully impeding relief supplies as provided for under the Geneva Conventions” (ICC, 1998).

In our understanding, it is unlawful conduct when attacking forces in a certain armed conflict, aware of the context in which they operate, intentionally seek



to deprive the civilian population of goods indispensable for their survival. Through deliberate actions, these forces create conditions of scarcity for food, drinking water, medications and other medical supplies, objects necessary for religious worship, and essential items like clothing and tonics intended for children under fifteen, expectant mothers, and maternity cases. The goal is often to accelerate the conquest of a specific area or location under siege, and possibly to include ethnic cleansing of the territory (Rottensteiner, 1999). Such actions cause malnutrition, the spread of diseases, and even the death of the civilian population. Therefore, prosecuting and punishing the perpetrators is a desirable course of action to prevent such conduct in future situations.

However, to qualify the deprivation of humanitarian aid as a crime against humanity, it must be conducted as a systematic and widespread practice inspired by and based on political objectives. This interpretation would exclude cases of obstruction that are not part of a broader plan or political agenda, such as spontaneous attacks on convoys by a group of drunk soldiers or random pillages of storage facilities. It is important to note, however, that what may appear to be spontaneous acts can often result from careful planning by the perpetrators (Rottensteiner, 1999).

For these reasons, when deliberating cases of obstructing humanitarian aid convoys, proving the commission of war crimes may be more productive than proving crimes against humanity. Furthermore, Rottensteiner acknowledges that prosecutorial priority is generally given to crimes of larger scale, especially those committed as part of a wider, politically motivated plan (Rottensteiner, 1999).

## **The Preparations for the Establishment and Work of the International Criminal Tribunal for the Former Yugoslavia (ICTY) with Respect to Starvation of the Civilian Population**

One of the key foundations for the establishment of the International Criminal Tribunal for the former Yugoslavia (ICTY) was the Final Report of the Commission of Experts established pursuant to Security Council Resolution 780 (1992), also known as The Bassiouni Report (UN-Final Report, 1994). Among other issues, the Commission addressed the legal qualification of the armed conflicts on the territory of the former Yugoslavia to provide a basis for the application of appropriate rules of international law: "...the character and complexity of the armed conflicts concerned, combined with the web of agreements on humanitarian law that the parties have concluded among themselves, justifies the Commission's approach in applying the law applicable in international armed conflicts to the entirety of the armed conflicts in the territory of the former Yugoslavia." (UN-Final Report, 1994, para. 42).

The Commission further analyzed numerous violations of international law during military operations, focusing on attacks on protected objects and the use of forbidden means and methods of warfare. Regarding the practice of starving the civilian population, the most significant issue in the Report was the siege of Sarajevo. However, the Report did not provide sufficient findings for indictments for violations of the prohibition of starvation as a method of warfare (UN-Final Report, 1994). The Commission explained that all parties in the conflicts controlled food, water, and electricity supplies "for publicity purposes." Additionally, the military forces and civilian populations predominantly lived together in the same areas, and "no one appears to have died during the siege from starvation, dehydration or freezing" (UN-Final Report, 1994, para. 204). The Commission concluded that while the behavior of the parties was deplorable, its criminality was debatable (UN-Final Report, 1994).

In our view, the Commission's assessment that "no one appears to have died" unduly ignored the physical and mental torment experienced by the civilian population due to the intentional actions of the attacking forces, which resulted in a shortage of water and food. International law prohibits

starvation as a method of warfare, irrespective of fatal consequences, because the deprivation of food and water inherently causes physical and mental suffering to the civilian population. If the consequences had been more severe, resulting in illness or death, it would have further justified more severe criminal liability. From this perspective, we believe that the Commission reached its conclusion too lightly, thus diminishing an important opportunity for the international judiciary to achieve stronger specific and general prevention of starvation as a prohibited method of warfare in a significant historical and legal context.

However, by highlighting the illegality of impeding humanitarian aid convoys, the Commission made a valuable contribution to understanding this specific modality of starvation of the civilian population in armed conflicts (UN-Final Report, 1994).

As far as impeding humanitarian aid convoys is concerned, the Commission found that all parties in the conflicts in the territory of the former Yugoslavia resorted to such practices (UN-Final Report, 1994). The Commission emphasized that “the safe and expeditious passage of these convoys is essential to the well-being of the civilian population” (UN-Final Report, 1994, para. 71). However, in relation to the practice of ethnic cleansing, the Commission did not recognize starvation as one of the modalities, nor did it place the impeding of humanitarian aid convoys within this context.

Among the modalities of ethnic cleansing, the Commission identified various forms of violence and intimidation against the civilian population, including the destruction of villages, with only one mention of attacks on hospitals and medical staff (UN-Final Report, 1994, para. 134). Regarding the behavior of the Muslim forces in the armed conflicts in Bosnia and Herzegovina, the Commission noted that while these forces also committed grave violations of the Geneva Conventions of 1949 against the Serbs and Croats, they did not do so to the same extent as the other two parties, nor did they do so as part of a policy of ethnic cleansing (UN-Final Report, 1994, para. 148). Simultaneously, the Commission made no remarks regarding the role of the UN peacekeeping forces in the protection of convoys.

As a result of all the points elaborated above, the Statute of the ICTY did not include the starvation of the civilian population as a separate crime, neither among the violations of the laws or customs of war nor among the crimes against humanity. Thus, the practice of starvation, including the misuse of supplies provided by the UNHCR and various non-governmental organizations, remained the object of public condemnations only. Consequently, in the trials before the ICTY, there were only a few examples of the treatment of starvation of the civilian population. None of those examples pertained to the situation of the Croats in Central Bosnia.

For instance, in the case against Dragomir Milošević (case number: IT-98-29/1-T), concerning the siege of Sarajevo, sniper fire against civilians while collecting food and water was mentioned. This act was legally qualified as a violation of the laws or customs of war, specifically the crime of terror, in accordance with Article 3 of the Statute of the ICTY (UN-Final Report, 1994, para. 95). In the trial against Radislav Krstić (case number: IT-98-33-T), there was a discussion about the prevention of humanitarian aid convoys from reaching the Muslim enclave in Srebrenica. It was established that at the beginning of July 1995, a few people died due to starvation (Global Compliance, 2023). The legal grounds for criminal responsibility were found under Article 3 of the Statute of the ICTY, citing violations of the laws or customs of war, specifically cruel or inhuman treatment, including the crimes of murder and persecution.

As will be presented later in this article, similar illegal conduct was present on the Muslim side against the Croatian civilian population in Central Bosnia, including the impeding of humanitarian aid deliveries by the “White Road” convoy. Particularly serious violations included the murder of one and the wounding of several other participants of the convoy by Muslim forces. However, neither Bassiouni’s Commission nor the ICTY Prosecutor addressed these issues. Not even the UN Security Council addressed the attack on the convoy, unlike their response to the murder of the Danish driver from the humanitarian aid convoy in Central Bosnia at the end of October 1993.

## **The Situation in Central Bosnia, the Needs of the Civilian Population and the Preparations of the „White Road“ Convoy**

In addition to other general factors that led to the outbreak of armed conflict between Muslims and Croats in Bosnia and Herzegovina, the main reason was Izetbegović’s vision of establishing a Muslim state (Nazor, 2020). The American military historian Charles R. Shrader believes that as early as the autumn of 1992, Muslim leadership had strategically decided to start a war against the Croats in Bosnia and Herzegovina, mainly because the Croats were weaker than the Serbs in the region (Nazor, 2020). In addition to eliminating Croats from Central Bosnia, the Muslim objective included reaching the Adriatic coast (Nazor, 2020).

According to the Vance-Owen Plan, which was presented in January 1993, Central Bosnia and the Neretva River valley were supposed to belong to the Croatian province in Bosnia and Herzegovina (Nazor, 2020). This made the plan unacceptable to the Muslim leadership (Nazor, 2020). The Muslim-Croatian conflict, which began somewhat earlier in Gornji Vakuf (Uskoplje), started to spread into Central Bosnia precisely in January 1993 (Marijan, 2020). By April 1993, the Croatian political and military leadership in Bosnia and Herzegovina concluded that the Third Corps of the Army of Bosnia and Herzegovina was completing its preparations for a large-scale armed conflict against the forces of the Croatian Defense Council (Hrvatsko vijeće obrane – HVO) (Marijan, 2020). Militarily, the proportion of forces of the Army to the HVO in Central Bosnia varied between 6:1 and 9:1 in favor of the Army (Praljak, 2007).

On the other hand, according to numerous sources, the objective of Croatian politics within Bosnia and Herzegovina was to protect the Croatian people without questioning the internationally recognized borders of Bosnia and Herzegovina. According to these sources, Croatian politics was conducted in line with the political and territorial framework imposed by the international community (Nazor, 2020).

According to the book "Pružena ruka", by the end of 1993, there were approximately 160,000 Croats living in six Croatian enclaves in Central Bosnia, including about 80,000 displaced persons. Nova Bila was the largest of these enclaves, housing over 60,000 Croats. Central Bosnia was also home to 12,500 children, approximately 600 of whom were under one year of age (Lang & Ivanović, 2006). The care for all these people, not just the wounded and sick, was provided by the improvised Franciscan hospital "Dr. fra Mato Nikolić," situated in the Church of the Holy Spirit in Nova Bila (Lučić, 2018).

During this time, the conditions of encirclement and intense attacks by Muslim forces in Central Bosnia, which had persisted for several months, severely hampered and effectively disabled the provision of critical survival goods and medical care. The only support came from an HVO humanitarian helicopter, which flew only occasionally and was subject to UN requirements and procedures. Evacuation of the wounded was subjected to triage conducted by UN and HVO physicians (Lang & Čulo, 2014). The hospital itself was occasionally hit and damaged, and its staff were wounded or injured (Prosoli, 1994). Fra Franjo Grebenar, the hospital's principal, described the warfare, primarily conducted through exhaustion, as "medieval" (Prosoli, 1994, p. 81).

There was a severe shortage of essential supplies such as flour, oil, sugar, soap, toothpaste, various medications including vaccines for newborns, vitamins, and more (Prosoli, 1994). The lack of electricity and fuel disrupted regular bread production, while the scarcity of livestock resulted in a meat shortage (Prosoli, 1994). Ongoing combat operations hindered timber harvesting and firewood transportation. Low temperatures led to an increase in illnesses, especially among the elderly and children, and the rate of stillbirths also rose (Prosoli, 1994).

Overcrowded lodgings due to displaced people adversely affected general and personal hygiene conditions (Prosoli, 1994). The fuel shortage restrained public utility services in waste management, increasing the risk of contagious diseases. The water system frequently failed, forcing people to seek drinking water in outer settlements where Muslim forces often opened sniper fire, resulting in fatalities (Prosoli, 1994).

In the hospital, there was an insufficient number of physicians and medical staff, and many medical devices were inoperable. This situation made it impossible to provide adequate medical care to the wounded, creating a dependency on rare and occasional evacuations. Shortly before the arrival of the Convoy, the hospital had over a hundred seriously wounded patients, with around fifty needing evacuation, including about ten children (Prosoli, 1994).

Simultaneously, it was evident that the Muslim side was receiving significantly more humanitarian aid, and more frequently, including by air (Prosoli, 1994). Additionally, fuel supplies to Sarajevo and Zenica, often organized by international organizations and UNPROFOR, were taking place on a more regular basis (Prosoli, 1994). Given these circumstances, the primary effort during the preparation for the convoy to Nova Bila was focused on gathering food, clothing, and medical supplies to improve the living conditions of civilians during the winter and prevent a humanitarian catastrophe. At the same time, the Croatian side was constantly worried about the possibility of events similar to those that happened in Vukovar and Ovčara in November 1991 (Prosoli, 1994).

In summary, from a strategic standpoint, the convoy was considered indispensable for “supporting the survival of the Croatian people in Central Bosnia” (Prosoli, 1994, p. 140). The organizers of the convoy also promised to extend aid to Muslims in Mahala, Kruščica, and Zenica, as well as to the Jewish community in Zenica (Lang & Čulo, 2014). From the beginning, it was clear that much of the realization of this plan would depend on UNPROFOR and, definitively, on the opposing side in the conflict. Both gave assurances for the free passage of the convoy. Important actors also included the ICRC and the UNHCR.

Finally, after forty days of preparations, the convoy, which stretched 20 kilometers long, included 102 participants: five in leadership roles, 13 physicians and other medical staff, 10 journalists and cameramen, three priests, one member of parliament, 56 drivers, one mechanic, and 13 volunteers (Prosoli, 1994).



## **Realization of the Convoy and the Modalities and Consequences of its Impeding**

According to the research conducted by Mark Cutts, which was published in 1999, the UN Security Council adopted 46 resolutions regarding the situation in Bosnia and Herzegovina between May 1992 and November 1995. Although most of these resolutions addressed measures to mitigate the suffering of the civilian population, 16 resolutions directly called on the parties in the conflict to allow unimpeded delivery of humanitarian aid. International humanitarian organizations were also called upon to collect information regarding violations of international humanitarian law (Cutts, 1999). Following Resolution 770 of 13 August 1992, Resolution 776 of 14 September 1992 noted the offers of member states to provide military personnel to facilitate the delivery of humanitarian aid. Subsequent resolutions primarily focused on the situations in Sarajevo, Tuzla, Žepa, Gorazde, Bihać, and Srebrenica (UN-SC Resolution 776, 1992). Resolution 776 also expressed support for the Statement of Principles adopted under the auspices of the International Conference on the Former Yugoslavia, wherein the parties to the conflict agreed to cooperate in the delivery of humanitarian relief and to adhere to their obligations under international humanitarian law. They also agreed that those “who commit or order grave breaches of the (Geneva) Conventions” would be held personally responsible (London Conference, 1992, para. vii). Hence, all the aforementioned resolutions and statements were amending the legal framework provided by the Geneva Conventions and Additional Protocols, as previously discussed in this article.

During the armed conflicts in Bosnia and Herzegovina, the UN Security Council consistently demanded that all parties take necessary measures to ensure the safe delivery of humanitarian aid and the safety of personnel involved in such activities. The Security Council regularly condemned attacks on convoys and other forms of obstruction. However, as stated earlier in this article, the Bassiouni Commission found that all parties to the conflict were widely engaged in impeding convoys. In practice, serious violations of international humanitarian law would prompt investigations, but formal reactions from the Security Council did not follow every incident.

For instance, after two convoys were attacked on 25 October 1993 in Central Bosnia near Novi Travnik, resulting in the death of a Danish driver of a humanitarian convoy, the United Nations temporarily halted all humanitarian aid deliveries to Central Bosnia. Following consultations among Security Council members, the Council issued Presidential Statement S/26661 on 28 October 1993 (UN-SC Presidential Statement, 1993). The Secretary-General was requested to report on the responsibility for these attacks (UN-SC Presidential Statement, 1993).

One convoy, operated by the Danish Refugee Council under the auspices of the UNHCR, consisted of ten trucks and a lead vehicle, with all drivers being civilians. The other convoy, part of a Dutch military transportation unit within UNPROFOR, also consisted of ten vehicles (trucks, jeeps, and an ambulance), with all drivers being military personnel (UN-SG Letter, 1993). The attack occurred near the village of Trenica, south of Novi Travnik, close to the confrontation line between Muslim and Croatian forces.

The UN Board of Inquiry found that the convoys were unaware of the battle that had just begun in the area between the Bosnian Army and the HVO. After considering the terrain, angles of penetration, and the preponderance of hits on the cabins, the Board determined that the cabins of the vehicles were the principal targets, thereby excluding the possibility of crossfire. It concluded with high probability that the attacks were carried out deliberately by a few soldiers of the Bosnian Army.

In his response to the Security Council, the Secretary-General expressed admiration for all personnel involved in the delivery of humanitarian assistance in Bosnia and Herzegovina “for their courage and determination in pursuing this difficult and dangerous task” (UN-SG Letter, 1993, p. 1). He reported to the Security Council that the attack on both convoys was deliberate and concluded with high probability that the responsibility for the attack lay with “soldiers of the Bosnian government forces” (UN-SG Report, 1993, para. 5).

Prior to this report, based on initial knowledge of the attack, the Commander of UNPROFOR in Bosnia and Herzegovina sent a letter to the Commander of the Army, stating that “the attack ... must be considered as deliberate and

unprovoked” and requested an investigation (UN-SG Report, 1993, para. 7). The Special Representative of the Secretary-General, upon receiving the initial report on the investigation, sent a letter on 2 November 1993 to President of the Presidency of Bosnia and Herzegovina Alija Izetbegović and to Mr. Mate Boban (then President of the Croatian Republic of Herzeg-Bosnia; however, addressed in the letter as „Mr.“), requesting them to complete their investigations and forward the results by 5 November 1993.

Izetbegović responded on 4 November 1993 to the Special Representative of the Secretary-General of the UN, Thorvald Stoltenberg, stating that the convoys were “caught in crossfire” and “unaimed bullets hit the driver”, which he interpreted as “accidental” (UN-SG Report, 1993, para. 7).

In his letter, Boban conveyed “assurances and the firm determination of the Croat side to facilitate ... unconditional and completely free activity on the territory of the Croatian Republic of Herzeg-Bosnia and unhindered and secure movement on the roads under HVO control in accordance with agreed principles” (UN-SG Report, 1993, para. 7). The extent to which the UN bodies paid attention to the incidents is further evidenced by the meetings that Thorvald Stoltenberg held with the Prime Minister of Bosnia and Herzegovina, Haris Silajdžić, in Sarajevo on 9 November 1993, as well as with Mate Boban in Split. These meetings were arranged to discuss the findings of the investigation and to seek credible assurances from both sides for the safe passage of humanitarian convoys. Stoltenberg particularly demanded that those responsible for the attacks be arrested and brought to justice (UN-SG Report, 1993).

Both the Muslim and Croatian sides expressed their deep regret to Stoltenberg over the death of the Danish driver and the injuries of other individuals. They also proposed pursuing additional measures for cooperation and improving the safety of humanitarian convoys, while pledging their own support.

Hence, both the Muslim and Croatian sides considered UNPROFOR to be an indispensable actor in improving the safety of humanitarian aid convoys (UN-SG Report, 1993). However, UNPROFOR continued to act passively, as it had before, which became evident with the Croatian convoy for Nova Bila. When examining UNPROFOR’s role in protecting humanitarian aid deliveries, it is

clear that, instead of establishing safe routes and corridors and improving the safety of humanitarian personnel, only “passive protection” was in place (Cutts, 1999). This passive protection involved armored personnel carriers escorting humanitarian aid convoys through dangerous areas. The protection provided was essentially limited to sheltering humanitarian personnel in the carriers when they came under fire (Cutts, 1999).

In general, both UNPROFOR and UNHCR were dependent on the approvals of forces controlling specific areas, which was particularly true with the Serbian forces. Under such circumstances, the issuance of these approvals was often conditional on the requirement of the approving party to receive part of the humanitarian aid, regardless of their actual needs for those goods (Cutts, 1999).

When signing the Sarajevo Joint Declaration on 12 November 1993, the ministers of foreign affairs of Bosnia and Herzegovina and Croatia, Haris Silajdžić and Mate Granić, also agreed that the Croatian side would organize a humanitarian aid convoy for Nova Bila, while the Muslim side would do the same for Maglaj. The Croatian side was aware of numerous obstacles and blockades, as well as various units in the field, including local forces, a very demanding route, and difficult weather conditions (Lang & Čulo, 2014). According to the agreement, both sides were to support the organization and execution of the convoys in the field (Granić, 2022).

With winter approaching, the UNHCR organized a meeting on 18 November 1993 with political leaders of all parties to the conflict, requesting freedom of movement and safety for humanitarian aid convoys. The leadership of the convoy to Nova Bila first received assurances from the Army of Bosnia and Herzegovina for free passage through areas under their control (Prosoli, 1994). On behalf of the General Staff of the Army, General Rasim Delić signed the order (Prosoli, 1994). The order included provisions for the convoy’s free passage and minimized delays at checkpoints (Prosoli, 1994). Thus, the approval from the Muslim side was obtained well before the convoy’s departure, on 8 December 1993 (Lučić, 2018).

Both Minister Silajdžić and UNPROFOR’s Commander, General Briquemont, along with the British contingent within UNPROFOR, assured that everything

would proceed smoothly (Prosoli, 1994). However, these assurances were not fulfilled in the end. After the murder and injuries of some participants of the convoy, the British contingent post festum, i.e., after the fact, relativized the assurances it had previously given.

It was on 13 December 1993, upon the arrival of the convoy in Tomislavgrad, that the British contingent of UNPROFOR operating in Central Bosnia informed the convoy's leadership that without the approval of General Delić, no passage across the Muslim-controlled area would be possible (Lučić, 2018). When the convoy reached Rama on 14 December 1993, it was held there for almost four days (Prosoli, 1994). The Muslim military forces demanded additional negotiations, effectively "buying time" for the organization of the parallel convoy for Maglaj, under the auspices of the Embassy of Bosnia and Herzegovina in Zagreb, aimed for the Muslim side (Marušić, Marušić & Lang, 1994).

After the convoy finally left Rama for Uskoplje (also known as Gornji Vakuf, under Muslim control) on 18 December 1993 and safely passed through the town, a robbery occurred shortly after. "People were stealing jewelry, cameras, money, and personal documents from the trucks" (Lang & Čulo, 2014, p. 280). There was maltreatment of drivers and even journalists, including threats with firearms and cold weapons (Lang & Čulo, 2014). The perpetrators were members of the Army of Bosnia and Herzegovina, and UNPROFOR did nothing to stop them, merely taking notes of what happened.

Shortly after, two trucks were hijacked, but the Muslim military police, who had joined the convoy after the first attack, accompanied by British peacekeepers, intervened and promptly returned the trucks along with the unharmed drivers. However, the cargo was not returned, spreading fear among the participants of the convoy (Lang & Čulo, 2014).

After the convoy continued its journey and reached the mountain pass at Pavlovica (between Uskoplje and Novi Travnik), the Muslim soldiers subjected it to a thorough search. The immediate commander of the search was Džemal Merdan, the Deputy Commander of the Third Corps of the Army of Bosnia and Herzegovina (Lang & Čulo, 2014). In an open area, under

extremely harsh winter weather conditions, the convoy was held for a total of 51 hours. During the night, vehicles, drivers, and some other participants of the convoy were robbed again (Lučić, 2018). The soldiers were “resolutely demanding food and cigarettes” and the search of the convoy was conducted “with protraction and casually” (Lang & Čulo, 2014, p. 25).

Additionally, a ban was issued on the delivery of humanitarian aid to the Jewish community in Zenica (Lučić, 2018). The Muslim soldiers staged the discovery of a few boxes of “military materiel”, while oxygen bottles intended for the hospital were declared as military materiel and confiscated (Prosoli, 1994, p. 106). In an effort to compromise the convoy, Muslim radio stations promptly spread the news about the “allegedly humanitarian”, but in fact “military” convoy (Prosoli, 1994, p. 23). This significantly aggravated the already tense relationship between the soldiers conducting the search and the participants of the convoy, while increasing fear and restlessness among the convoy members (Lang & Čulo, 2014).

It has never been reliably established what exactly was found during the search, as apart from detonators and optical devices, explosive materials and ammunition were also mentioned (Lang & Čulo, 2014). According to the report of Lieutenant Colonel Williams to General Briquemont, “5000 explosive capsules, 10000 universal detonators, 4 sniper telescopes, 9 military radios, and 2 radio chargers” were found and confiscated by the Muslim side as “military materiel” (Lang & Čulo, 2014, p. 280). Some cargo from another truck was confiscated too, including oxygen bottles and batteries of 1.5, 4.5, and 9 volts, “all considered by the Muslim side as material for making bombs” (Lang & Čulo, 2014, p. 280).

It was never established who exactly infiltrated the “military materiel” into the convoy. From the beginning of the convoy, its chief, Herman Vukušić, had been “insisting with police-like scrutiny that every single item should be inspected to prevent discreditation of the whole idea and avoid danger for the lives of the people in the convoy” (Lang & Čulo, 2014, p. 26). In his testimony about the convoy, within the defense of General Slobodan Praljak before the ICTY in January 2006, Dr. Lang stated that it was an imputation (Lang & Čulo, 2014).

It was mostly suspected that the disputed materiel was infiltrated in the privately-owned truck in Split, when various people came very early in the morning before the convoy's departure, bringing additional packages and loading them onto the trucks themselves, which someone maliciously took advantage of (Lang & Čulo, 2014). The suspicion that everything was pre-arranged was only increased by the behavior of the Bosnian Army officer who led the search at Pavlovica and spoke in a theatrical manner about his unusual dream in which he heard a voice telling him about the hidden military materiel (sic!) (Lang & Čulo, 2014).

Only after the Muslim side was certain that the parallel convoy aimed for their population in Maglaj had crossed the area under the control of Croatian forces and reached Bugojno, did they allow the further movement of the Croatian convoy to Nova Bila (Lučić, 2018). However, even more coal and flour were taken away. An additional condition was imposed: upon arrival in Nova Bila, the convoy had to unload all cargo and leave within 24 hours, with all its personnel (Lučić, 2018). Moreover, one of the drivers was taken hostage, and 40 tons of humanitarian aid were withheld as assurance that a broken-down truck from the convoy for Maglaj would be released from the area under Croatian control (Lučić, 2018).

Furthermore, physicians and other medical staff who planned to stay and work in the hospital were forbidden to enter Nova Bila and were returned to Rama (Marušić, Marušić & Lang, 1994). Media reporters were also turned back, and the media accreditations of some of them were seized (Prosoli, 1994). "The condition for approval to get into Lašva Valley was that everyone who comes with the convoy must leave with the convoy" (Lang & Čulo, 2014, p. 16). In the end, only two physicians and a few journalists were allowed to enter, but under the obligation to leave with the convoy. When the convoy, despite all obstructions, suspicions, disinformation, and imputations, finally reached Nova Bila, the Muslim forces started with shelling, infantry fire, and menacing propaganda, while the electricity system was disabled (Lučić, 2018). The start of the attack coincided exactly with the arrival of the first trucks in Nova Bila. According to Croatian historian Lučić, the Muslim forces expected that Croatian defenders would relax and be less vigilant upon the arrival of the convoy (Lučić, 2018).



In comparison, the previously mentioned convoy for the Muslim side had unimpeded movement under the protection of the HVO and reached Maglaj safely, which was commended by the UNPROFOR’s leadership (Lučić, 2018).

However, the Croatian convoy faced serious problems and difficulties even on its way back from Nova Bila. The convoy’s leadership was acutely aware of the bad experiences from the journey to Nova Bila, primarily related to ineffective protection from both the Army of Bosnia and Herzegovina and UNPROFOR, despite all assurances pledged by their civilian and military authorities at the highest levels of leadership. Despite these issues, the convoy was originally requested to leave Nova Bila within 24 hours, by 21 December 1993. Ultimately, it was demanded by ultimatum that the convoy leave on the morning of 22 December 1993 (Lang & Čulo, 2014).

The British contingent of UNPROFOR was continuously hurrying the convoy’s departure, citing ongoing Muslim offensive operations along the HVO’s defense lines across Bosnia and Herzegovina (Lang & Čulo, 2014). Even UNPROFOR’s head of civilian affairs came from Kiseljak to Nova Bila to insist on the convoy’s immediate departure (Lang & Čulo, 2014).

Being aware of the risks of returning across territory controlled by Muslim forces, especially amid ongoing combat operations, the convoy’s leadership insisted on adequate security assurances and measures from both the Army of Bosnia and Herzegovina and UNPROFOR. No one in the convoy was interested in staying in Nova Bila for too long. The ongoing combat operations required local defenders to focus fully on their military tasks, and the convoy participants were eager to return. They had limited food, which they had brought for the needy population, and many participants had family members in Nova Bila, making prolonged stays emotionally challenging.

Intensive negotiations with Muslim military authorities and UNPROFOR aimed to secure the convoy’s prompt return. However, it became clear that UNPROFOR would not transport the convoy participants in armored carriers. It was exactly a measure they finally took after an armed attack on the convoy occurred (sic!). Faced with no real alternative, the convoy started its journey back. Groups of ten vehicles were formed, each escorted by one

UNPROFOR armored carrier. “The participants of the convoy set out fully aware of the risks to their lives, with the objective of defending the dignity of Croatian politics and fully clarifying who the victim was in Central Bosnia” (Lang & Čulo, 2014, p. 278).

Lieutenant Colonel Williams, Commander of the British contingent, later claimed that Lieutenant Colonel Tihomir Blaškić, Commander of the HVO’s Operational Zone in Vitez, accepted the Muslim side’s request for the convoy’s departure from the Lašva Valley on 21 December 1993 (Lang & Čulo, 2014). However, Williams himself admitted that there were several different interpretations of the deadline (Lang & Čulo, 2014). Despite this, he later criticized Dr. Lang for holding a press conference in Nova Bila at noon on 21 December, rather than moving south with his convoy (Lang & Čulo, 2014). Williams also claimed he visited Nova Bila with a UN civilian representative to warn Dr. Lang and the convoy’s leadership that they had not met the departure deadline, exposing themselves to a possible prolonged stay in the Lašva Valley (Lang & Čulo, 2014). He admitted, however, that he had withdrawn the escort vehicles for the convoy in the meantime (Lang & Čulo, 2014).

When the convoy finally departed from Nova Bila on 22 December 1993, using the same route as its arrival, the Muslim forces’ attack on the Lašva Valley was still ongoing (Lučić, 2018). The first group of ten vehicles was attacked at the same location where the convoy had been robbed with impunity a few days earlier (Lang & Čulo, 2014). The driver Ante Vlaić was murdered, and several other convoy participants, including a foreign media reporter, were wounded (Lučić, 2018). The attack was carried out “under the guise of uncontrolled gangs” that the Army of Bosnia and Herzegovina allegedly could not control (Prosoli, 1994, p. 27). During the attack, more than twenty trucks were seized, although their drivers were later transferred to a secure location by the British contingent of UNPROFOR (Lučić, 2018). Additionally, Muslim civilians stoned the convoy (Lang & Čulo, 2014). Dr. Lang asserted that UNPROFOR merely recorded the events instead of taking adequate measures to protect the convoy and mitigate the danger. UNPROFOR did not assist the convoy during the robbery on 18 December

1993, so it was not surprising that they did not do more during the physical attack on 22 December 1993.

From the perspective of the Commander of UNPROFOR in Bosnia and Herzegovina, Belgian Lieutenant General Francis Briquemont, after direct coordination between General Rasim Delić and General Ante Roso had been established, UNPROFOR did everything within its responsibilities to guarantee the safety of “Dr. Lang’s convoy” (Lang & Čulo, 2014, p. 282). Much more detail about the critical events was provided by British Lieutenant Colonel P.G. Williams, the Commander of the British contingent of UNPROFOR, who had to submit a report to General Briquemont. Briquemont then forwarded this report to the Vice-President of the Government of the Republic of Croatia and the Minister of Foreign Affairs, Mate Granić, attaching it to his own letter to the Minister (Lang & Čulo, 2014).

One of the key participants of the Convoy, the Croatian patriot, defender, and humanist Ante Damjanović, described Lieutenant Colonel Williams as follows: “Lieutenant Colonel Williams, unpleasant, callous, and arrogant man. I am explaining to him that we have been attacked, that our and some other trucks have just been shot at, that I am sure there must be some wounded or dead, as we were in the lead vehicle in the column only. He is ignoring me. He does not react, like I am not even there.” (Lang & Čulo, 2014, p. 27).

In his report, Williams pointed out that he never promised to ensure the complete safety of the participants of the Convoy. He emphasized that UNPROFOR exceeded its technical mandate and that, without BRITBAT’s involvement, neither convoy would have achieved even a fraction of their actual accomplishments, which both Dr. Lang and Commander Merdan admitted (Lang & Čulo, 2014). Williams also stated that he was fully committed to the success of both convoys. He personally visited local commanders in the week preceding the convoys, while his liaison officers and the ECMM tirelessly worked at the local levels to support the mission (Lang & Čulo, 2014). The immediate, concrete engagement of his forces for the protection of the convoys was described as close protection by BRITBAT’s armed vehicles (Lang & Čulo, 2014).

Williams attributed the critical event of the attack on the Convoy and the death of the driver Vlaić to a “cowardly” sniper who took the life of a “brave man” (Lang & Čulo, 2014, p. 282). He also mentioned that all parties agreed the shooting was not connected to the general tactical situation in Uskoplje at the time of the attack (Lang & Čulo, 2014). This leads to the conclusion that, from UNPROFOR’s perspective, despite ongoing combat operations, no one from the Convoy was hurt collaterally but rather as a result of an intentional attack.

It was only after the attack that UNPROFOR undertook strengthened security measures along the road, established an armed vehicle escort, and transported all participants of the Convoy through Gornji Vakuf to Sičaje in UNPROFOR vehicles (Lang & Čulo, 2014). Williams also stated that he offered the last group from the Convoy the option to stay overnight in UNPROFOR’s base to provide the drivers with the same security and living conditions as his soldiers (Lang & Čulo, 2014). This indicates that much more could have been done before the attack if UNPROFOR had chosen to act more proactively.

Regarding the legal classification of the armed conflict between Croatian and Muslim forces in Central Bosnia, the ICTY’s chambers in cases against Dario Kordić and Mario Čerkez, as well as Tihomir Blaškić, established that it was an international armed conflict (ICTY-Trial Chamber, 2001, paras. 109 and 145; ICTY-Appeals Chamber, 2004a, para. 342; ICTY-Trial Chamber, 2000, para. 77; ICTY-Appeals Chamber, 2004b, para. 187). Although the defenses in both cases argued that it was a non-international armed conflict, the establishment that it was an international armed conflict created grounds for responsibility for the disrespect and violation of the relevant rules of international law provided by the Fourth Geneva Convention and Protocol I.

However, it is important to note that even the rules provided by Protocol II, which covers non-international armed conflicts, also regulate relief actions in favor of the civilian population under conditions of scarcity of foodstuffs and medical supplies. Protocol II stipulates the humanitarian and impartial character of such actions, prohibits any adverse distinction, and requires the consent of the High Contracting Parties. Therefore, regardless of the legal

classification of the armed conflict in Central Bosnia, the Croatian side had the right to organize the “White Road” humanitarian convoy, while the Muslim side was obliged to facilitate it.

## **Conclusion**

In relation to the framework of international law, the humanitarian aid convoy for Nova Bila had both a correct and licit purpose. It was prepared and approved at appropriate decision-making levels, including “local agreements”, and the content of the humanitarian aid was admissible. The unclear situation regarding the discovery of “military materiel” demonstrates the potential for moral damage and physical danger to the convoy participants in such instances. It also highlighted that items such as oxygen bottles or batteries, although intended for medical use and hospital functioning, could be interpreted differently than “medical equipment”, especially due to their potential dual-use for military purposes.

A specific issue in the execution of the convoy was the prohibition of medical staff from staying in Nova Bila, despite their intention to work there. There was a fully justified and legitimate humanitarian need for their presence in Nova Bila, particularly because the Muslim side had previously not allowed the evacuation of the wounded and sick from Nova Bila, a duty mandated by international humanitarian law. Allowing mere passage of medical staff without permission for them to stay in Nova Bila is not only absurd from a humanitarian standpoint but also an example of malicious circumvention of the principles and rules of international humanitarian law.

Regarding the obligations of impartiality and non-discrimination in the execution of relief actions, the Croatian side demonstrated full respect for these principles. From the beginning, they pledged to transport aid to Kruščica, Mahala, and Zenica, addressing the needs of both Muslim and Jewish communities. However, the Muslim side prohibited the delivery of aid to the Jewish community, which constitutes an example of adverse distinction prohibited by international humanitarian law.

The Muslim side exercised its right to search the contents of the convoy. However, their approach was extremely malicious, characterized by

unnecessary delays of the convoy en route to Nova Bila, hurried demands for its return from Nova Bila accompanied by vague and unclear ultimatums, repeated searches of the cargo, prolonged detention of convoy participants in harsh winter conditions, robbery of some participants and vehicles, and intimidation and maltreatment of others. These actions are clear violations of international humanitarian law, which mandates that the passage of relief convoys be rapid, unimpeded, and without unnecessary delays.

In contrast, the Croatian side in Bosnia and Herzegovina fully respected the international legal framework and all its obligations concerning the convoy that traveled simultaneously to meet the needs of the Muslim civilian population. This adherence to international law underscores the disparity in how the two sides managed their respective humanitarian responsibilities.

Based on numerous factual findings and the variety of features and circumstances of the presented case, it is reasonable to conclude that the treatment of the convoy for Nova Bila was calculated to deter any future Croatian attempts to send humanitarian aid convoys to the civilian population in Central Bosnia. After extensive and comprehensive efforts to prepare the convoy for Nova Bila on diplomatic, social, economic, military, and other grounds, the series of unfavorable events during its execution can hardly be attributed to mere coincidence, a juncture of circumstances, spontaneity in actions, or the general chaos of war.

While it is understandable that humanitarian organizations should not impede military operations during wartime, initiating a large-scale military operation precisely at the time of the arrival of a carefully and consensually agreed-upon humanitarian aid convoy suggests a deliberate and strategic decision by the highest levels of Muslim political and military leadership. This calculated behavior highlights an intent to discourage any future Croatian humanitarian efforts, reflecting a broader strategy beyond the immediate tactical situation.

In our opinion, considering the material damage caused, the inflicted mental pain and suffering, as well as the murder and wounding of the participants of the Convoy, a war crime has been committed. By its nature, it must be investigated and prosecuted in accordance with both individual and

command responsibility criteria. It is a fact that international criminal justice prioritizes crimes of larger scale and those committed intentionally as part of wider plans and political agendas. However, to prevent the impunity of the still widespread practice of both massive and individual attacks on humanitarian aid convoys, states whose citizens fall victim to such crimes should also rely on their own judicial systems. This approach not only seeks justice within their national framework but also practically reaffirms their commitment to the principles that once inspired states and international organizations to establish the international legal framework discussed in this article.

When deliberating the role of peacekeeping forces, the case of the convoy for Nova Bila revealed a discrepancy between the potential for protection and the protection that was actually provided. Furthermore, the reaction from both peacekeeping forces and the UN Security Council, as well as the UN Secretary-General, was notably less robust compared to a similar incident that occurred only a few weeks earlier. Regardless of the complexities involved in the mandates and practices of peacekeeping forces concerning the protection of humanitarian aid convoys, accompanied by various views and interpretations in the international arena, the fact remains that the participants of the convoy for Nova Bila ultimately received the protection they had demanded from the beginning. However, this protection was not provided in a timely manner, and the assistance extended after the attack on the convoy, which resulted in death and injury to participants, came too late. Considering everything presented in this article, mostly based on the experiences of the immediate participants of the convoy, it is still hoped that the “White Road for Nova Bila and Silver Bosnia” convoy case study will contribute, among other things, to a comprehensive review of the duties and tasks of UN peacekeeping forces regarding humanitarian aid convoys, despite the three decades that have passed since its occurrence.



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## Ometanje konvoja humanitarne pomoći kao povreda međunarodnog prava – studija slučaja konvoja za Novu Bilu

### Sažetak

Humanitarni subjekti desetljećima se širom svijeta suočavaju s izazovom sigurnog dolaska do onih kojima je humanitarna pomoć namijenjena. Razni su modaliteti ometanja, od administrativnih do zastrašivanja i fizičkog nasilja, dok oni koji ometaju realizaciju konvoja redovito prikrivaju svoje prave namjere. Niz prepoznatljivih modaliteta ometanja pokazao se i prilikom realizacije hrvatskog konvoja „Bijeli put za Novu Bilu i Bosnu Srebrenu” potkraj 1993. Polazeći od strategijskog konteksta oružanog sukoba, iz kojega je proistekla potreba za tim konvojem, te općeg međunarodnopravnog okvira za pružanje humanitarne pomoći, u članku se sadržaj brojnih svjedočanstava neposrednih sudionika konvoja „Bijeli put” promatra kroz prizmu (ne)poštivanja preuzetih međunarodnopravnih obveza. Članak također daje uvid u relevantnu praksu Međunarodnog kaznenog suda za bivšu Jugoslaviju (MKSJ) vezano uz Bosnu i Hercegovinu (BiH), kao i u neke dokumente i postupanja pojedinih tijela Ujedinjenih naroda (UN) te mišljenja nekih pravnih pisaca. Zaključak je kako je konvoj „Bijeli put” imao pravilnu i dopuštenu sorhu, bio pripremljen i odobren na adekvatnim razinama, a proveden bez pristranosti i nepovoljnog razlikovanja. Niz događaja na štetu konvoja nije moguće pripisati slučaju, stjecaju okolnosti, spontanosti u postupanju ili ratnoj stihiji, već namjeri i planu muslimanske (bošnjačke) strane. Kako u međunarodnom pravosuđu prednost u procesuiranju redovito imaju ratni zločini većih razmjera i oni koji izviru iz širih planova, odnosno političkih ciljeva, u uvjetima raširenosti prakse napada na konvoje humanitarne pomoći u članku se zagovara veće angažiranje nacionalnih pravosudnih sustava. Naposljetku, bez obzira na vremenski odmak, iskustva konvoja „Bijeli put” još uvijek mogu poslužiti za kritičko sagledavanje uloge mirovnih snaga u zaštiti konvoja.

### Ključne riječi

humanitarna pomoć, konvoj, Srednja Bosna, Bijeli put, UNPROFOR, Ženevske konvencije