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LIBYA'S RELENTLESS MILITIA WAR

CIVILIANS HARMED IN THE BATTLE FOR TRIPOLI, APRIL-AUGUST 2019

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Cover photo: A machine gun mounted on a militia pick up truck destroyed by an LNA strike on a militia base adjacent to a field hospital.

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1. INTRODUCTION

Civilians continue to be harmed and endangered by the conflict in Libya. On 4 April 2019, renewed fighting broke out in and around the capital, Tripoli, between forces and militias loyal to the Tripoli-based internationally recognized and UN-backed Government of National Accord (GNA) of Prime Minister Fayez al-Sarraj, and the self-proclaimed Libyan National Army (LNA) (or Libyan Arab Armed Forces, LAAF) of General Khalifa Haftar, loyal to the rival House of Representatives (HoR) and interim government based in the east of the country.

The fighting has killed and wounded more than 100 civilians, including dozens of detained migrants and refugees, caught in air strikes, artillery barrages, and the shelling of civilian infrastructure, including Mitiga airport, and displaced over 100,000 civilians living in the southern and eastern suburbs of the city. Militias on both sides continue to launch indiscriminate strikes, often using inherently inaccurate weapons, which they know are likely to harm civilians and damage civilian property. Both sides have shown utter disregard for the fundamental principles of international humanitarian law (the laws of war), which forbid such attacks.

Most of the weapons used by the warring parties have been decades-old ground-launched and air-delivered munitions, likely obtained from pre-2011 stocks. However, both sides have also increasingly resorted to deploying new drones equipped with air-launched guided missiles, striking both military and civilian targets. The GNA drones are provided and operated by Turkey, while the LNA uses Chinese drones operated by the United Arab Emirates (UAE).

The deployment and use of these weapons constitute a violation of a UN arms embargo, which has been in place since 2011, and all states should abide by their obligations and enforce the embargo. As for the Libyan parties to the conflict, they should immediately cease indiscriminate and disproportionate attacks which continue to harm civilians. Notably they should put an end to the use of explosive weapons with wide-area effects in populated urban areas.

2. BACKGROUND

Hundreds of armed militias formed in 2011, during the eight-month armed uprising which, with help from NATO's military operation,¹ ended Colonel Mu'ammar al-Gaddafi's 42-year rule. In the eight years since, armed militias have continued to proliferate and to extend the scope of their influence over the lives and livelihoods of the civilian population. They have been operating both in cooperation with and independently of the central government and its security forces, exercising effective control over territory, from city neighbourhoods to large rural regions of the country.

Initially composed of newly armed civilians – with little or no military experience and armed with weapons they had looted from the regime's vast arsenal – militias now count within their ranks many combatants battle-hardened by years of fighting. They have also obtained a range of weapons from multiple countries in violation of an arms embargo, which has been in place since 2011 but repeatedly violated in the past eight years.²

Militias' shifting alliances have added fluidity to battle lines and an overall complexity to the conflict, with each group fighting alongside and against each other at different times. Over the past eight years, armed clashes of varying intensity between rival militias have been a regular feature in and around the capital and in other parts of the country, with disastrous consequences for the civilian population.

Clashes increased sharply in 2014,³ as the General National Congress (GNC), the first elected parliament, refused to disband after its mandate expired. At the same time, General Khalifa Haftar's self-proclaimed LNA launched military operation "Dignity" against radical Islamist groups in the eastern city of Benghazi. A House of Representatives (HoR) replaced the GNC following contested elections, and in response a coalition of predominantly Islamist militias, from Misrata, Zawya and Tripoli, launched military operation "Libya Dawn" against rivals affiliated to the HoR dominant parties, which they accused of supporting the LNA's operation "Dignity". The "Libya Dawn" militias took control of the capital, while the armed group calling itself "Islamic State" (IS) established itself in Libya and took control of territory in other parts of the country.

A peace agreement signed by the warring sides in 2015⁴ has never been implemented. The Tripoli-based GNA, established in 2016 pursuant to the agreement, is the only internationally recognized government, but to date has been unable to exert its control or authority over much of the country.

The GNA ousted IS and allied groups from their strongholds of Sirte in 2016, and the LNA similarly won their campaign against IS-affiliated groups in Benghazi in 2017 and in Derna in 2018 – with assistance from US air strikes. However, IS groups remain in the far south of the country. They have continued to carry out

¹ North Atlantic Treaty Organisation, *Operation Unified Protector* last updated 27 March 2012, <https://www.nato.int/cps/en/natolive/71679.htm>

² The arms embargo imposed by UN Security Council Resolution 1970 of 26 February 2011 was promptly violated by several countries, including Qatar and Canada. United Nations Security Council. *Final report of the Panel of Experts* established pursuant to resolution 1973 (2011) concerning Libya, 9 March 2013, https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2013_99.pdf. In addition, in June 2011 France admitted sending weapons to Libyan armed groups. Reuters, *France defends arms airlift to Libyan rebels*. 29 June 2011. <https://www.reuters.com/article/us-libya/france-defends-arms-airlift-to-libyan-rebels-idUSTRE7270JP20110629>

³ Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights*, p 229-234, <https://www.amnesty.org/download/Documents/POL1000012015ENGLISH.PDF>

⁴ United National Support Mission in Libya, *Libyan Political Agreement*, 17 December 2015, <https://unsmil.unmissions.org/sites/default/files/Libyan%20Political%20Agreement%20-%20ENG%20.pdf>

sporadic attacks,⁵ and in turn have been targeted by US air strikes, in coordination with Libya's Government.⁶

In addition to the current fighting around Tripoli, between the GNA and LNA and their affiliated militias, clashes for control of territory and resources continue in the east and south of the country, among Tebu, Tuareg and Arab armed groups.⁷



Houses in Qasr Bin Ghashir destroyed by GNA airstrikes on 23 June 2019. ©Amnesty International

⁵ Europol, *Assessing the Islamic State in Libya: The current situation in Libya and its implications for the terrorism threat in Europe*, 13 August 2019, <https://www.europol.europa.eu/publications-documents/assessing-islamic-state-in-libya>

⁶ See for example: AFRICOM, *U.S. Africa Command airstrike targets ISIS-Libya*, 27 September 2019, <https://www.africom.mil/media-room/pressrelease/32237/u-s-africa-command-airstrike-targets-isis-libya>; and, AFRICOM, *U.S. Africa Command targets terrorist fighters with airstrike*, 20 September 2019 <https://www.africom.mil/media-room/pressrelease/32226/u-s-africa-command-targets-terrorist-fighters-with-airstrike>; and, Voice of America, *Third US strike in Libya targets Islamic State terror group*, 27 September 2019, <https://www.voanews.com/africa/third-us-strike-libya-targets-islamic-state-terror-group>

⁷ AlAraby, *A quiet conflict is raging in Libya's desertic south*, 16 July 2019, <https://www.alaraby.co.uk/english/indepth/2019/7/16/a-quiet-conflict-is-raging-in-libyas-desertic-south>

3. METHODOLOGY

This report is primarily based on field research carried out by two Amnesty International investigators between 1 and 14 August 2019 in and around Tripoli, Tajoura, Ain Zara, Qasr Bin Ghashir and Tarhouna. Amnesty International visited 33 sites of air and ground strikes, launched by both sides, which killed and injured civilians between 4 April and 14 August 2019.

Amnesty International investigators interviewed 156 residents, including survivors, witnesses and relatives of victims, as well as local officials, medical workers and members of armed groups. Most of the interviews were carried out in Libya in Arabic, and some were carried out remotely through translation. All interviews were conducted by Amnesty International staff, in private, without the presence of any authorities or other parties. Most of those interviewed did not agree to be filmed for fear of future repercussions. The names of some of the witnesses cited in this report have been withheld or changed for their safety.

Amnesty International also reviewed and verified written and audio-visual material from a variety of sources, including content provided by the warring parties, and obtained and conducted analysis of satellite images of several of the concerned locations taken on different dates since the beginning of the conflict. The open-source investigation was undertaken by Amnesty International staff experts in remote sensing, weapons and ordnance, photographic and video verification, and members of Amnesty International's Digital Verification Corps.⁸

Amnesty International investigators visited the location of each strike covered in this report and others, in order to examine the pattern of damage, interview witnesses and collect physical evidence, including remnants of the munitions used in the attacks. This combination of evidence in most cases enabled Amnesty International to establish which side carried out each air or ground-launched strike and which specific munition was used.

Prior to publication of this report, a set of questions were sent to GNA and LNA officials, requesting details of specific strikes carried out by their forces. As of publication, Amnesty International has not received a substantive response to either query.

⁸ The Digital Verification Corps is a network of volunteers trained in discovering and verifying audio-visual content sourced from social media.

4. LNA AIRSTRIKE ON DETENTION CENTRE

By far the deadliest air strike to occur during the current fighting in Tripoli hit a **detention centre housing migrants and refugees**, killing and injuring dozens of detainees, on 2 July 2019 at about 11.40 pm.⁹ The detention centre belongs to the Directorate for Combating Illegal Migration (DCIM) and is located in Tajoura, on the eastern outskirts of Tripoli, inside a large military base which also houses various militias and security forces. At the time of the strike, hundreds of migrants and refugees, most of them from sub-Saharan African countries, were held in disused warehouses. Shortly before the strike on the migrant detention facility, a militia's vehicle repair workshop, approximately 100 metres away across an empty space, was also bombed, apparently causing no casualties.

On 7 May 2019, this same workshop was hit by an airstrike, throwing a large piece of metal debris into the air which fell through the roof of the detention centre. At the time, Amnesty International called on all parties to put an end to actions which could endanger civilians in general and detained migrants and refugees in particular, specifically calling for the release of detained migrants and refugees and for measures to ensure their safety, including moving them to another facility away from military targets.¹⁰

One of the detainees who survived the 2 July 2019 strike, having sustained a serious head wound and other injuries, told Amnesty International:

“When we heard the first strike nearby we did not know what had been struck but we could tell from the noise that it was near and so we started banging on the door of our warehouse asking to be let out, because we were scared. But nobody came, so some African detainees climbed up to the metal roof and managed to break it and got out. I think about 10 got out that way and then we heard some shooting and nobody went out from the roof anymore. Very quickly, maybe 10 minutes or so after the first, there was a second strike and it hit our warehouse. The wall and door collapsed as a result of the strike and the detainees fled outside. I was badly injured and could not go far; was not even able to get out of the compound, so after walking in circle for an hour I went to the guards and they called the police and the police called an ambulance and I was taken to hospital where I received the medical care I needed”.¹¹

The following day, an LNA spokesman confirmed that the LNA had carried out the strikes on the Tajoura compound, insisting that it had targeted a military objective and blaming the DCIM for endangering the migrants by detaining them in a military camp. However, the LNA did not explain why it had specifically

⁹ In the days immediately after the strike, it was widely reported that upwards of 53 people died in the strike, and another 130 injured. See, for example: Reuters, *Bombed Tripoli migrant detention center being emptied: U.N.*, 10 July 2019.

<https://www.reuters.com/article/us-libya-security-migrants/bombed-tripoli-migrant-detention-center-being-emptied-un-idUSKCN1U5110>. However, Amnesty International has been unable to verify these numbers, and has not been able to find a list of names of the dead, photos of victims, photos of body bags or other materials to confirm the death toll.

¹⁰ Amnesty International, *Libya: Evidence of possible war crimes underscores need for international investigation*, 16 May 2019, https://www.amnesty.org/en/latest/news/2019/05/libya-evidence-of-possible-war-crimes-underscores-need-for-international-investigation/?utm_source=TWITTER-IS&utm_medium=social&utm_content=2312753948&utm_campaign=Amnesty&utm_term=News

¹¹ In-person interview in Tripoli, 12 August 2019.

targeted the DCIM detention centre.¹² The facility has been used as a DCIM migrants detention centre for several years,¹³ so its civilian status was clear. The LNA's spokesman did not clarify whether the LNA knew that this target was a DCIM detention centre or whether they only learned this after the strike. If the former were true, and the detention centre was the target, this would make the strike a deliberate attack on civilians and as such a war crime. If the latter is true, the LNA must explain on what basis it attacked the DCIM centre and what measures it took to verify that target before launching the strike.

According to a remote investigation by the *New York Times*,¹⁴ the nearby workshop, which was targeted in the May strike as well, was used by militias and security forces as a weapons depot, where (according to research by both the *New York Times* and Amnesty International) detained migrants were at times made to work maintaining military vehicles and weapons. Amnesty International delegates visited the bombed DCIM detention centre in early August 2019 but were not able to uncover any fragments of the weapon that destroyed the facility, and were not allowed access to the nearby bombed workshop. Open source photos and videos of the scene immediately after the strike do not show any secondary explosions, indicating that if any weapons or ammunition were stored at the facility, they must have been of small calibre and not containing bulk high explosives. Private photographs obtained by Amnesty International of the site immediately before the May air strike show the area being used to park military vehicles with mounted heavy machine guns.

DCIM officials at the site told Amnesty International that their migrants detention centre is located in a military compound because they rely on the military to secure it. One such official told Amnesty International: *"We don't have weapons or the necessary force to protect the facility. That is why we are having the centre in this compound, in order to ensure its security. This is a civilian facility; it should not be targeted"*.¹⁵

While LNA forces should not target civilian infrastructure, including migrant detention centres, the GNA has an obligation to not place such centres near military objectives, and to not use detained migrants to work in military facilities.

Parties to a conflict have a duty to take all feasible precautions to protect civilians under their control against the effects of attacks.¹⁶ By holding detainees next to military objectives – migrants and asylum seekers who should not have been detained in the first place – and forcing them to work in military facilities, GNA forces have violated their obligations under international humanitarian law.¹⁷

At the same time, this violation does not relieve the LNA of its obligation to take all feasible precautions to spare civilians. This includes the duty to verify targets are military objectives; to choose means and methods of attack to minimize harm to civilians; to cancel an attack if it becomes apparent that the target is not a military objective or would be disproportionate; and to give effective warning of an attack which may affect civilians, unless circumstances do not permit.¹⁸ It is evident that the LNA have abjectly failed to take such necessary precautions in the planning and execution of this attack.

¹² <https://twitter.com/AlmanaraMedia/status/1146491600589197316>, Video verified by Amnesty International, retrieved 9 October 2019.

¹³ Verified video from February 2018 shows a party at the detention centre organized by the DCIM and attended by diplomats from various countries <https://www.youtube.com/watch?v=tQbLgvZVIOg>

¹⁴ The New York Times, *How the Times Analyzed the Migrant Center Airstrike*, 17 July 2019. <https://www.nytimes.com/2019/07/17/reader-center/libya-migrant-center-airstrike-reporting.html>

¹⁵ In-person interview in Tripoli, 4 August 2019.

¹⁶ ICRC, Customary IHL Study, Rule 22.

¹⁷ ICRC, Customary IHL Study, Rules 23 and 24.

¹⁸ ICRC, Customary IHL Study, Rules 15-20.

5. INDISCRIMINATE ATTACKS ON RESIDENTIAL AREAS

Amnesty International investigators visited neighbourhoods in residential areas where civilian homes, apartment blocks, and civilian infrastructure – including schools, business, and warehouses supporting the oil industry – were destroyed or damaged by ground-launched rockets, artillery barrages, and air strikes carried out by both sides, killing and injuring dozens.

The rockets and artillery used in the attacks were decades old, inherently inaccurate, and therefore inappropriate for use in urban areas. In the case of the deliberate air strikes, in the absence of any evidence indicating that the concerned civilians were involved in the conduct of hostilities, or that the houses and other civilian targets were used for military purposes, it is not clear why they were targeted. In some of the strikes, aircraft dropped older Gaddafi-era bombs that lack precision guidance systems, meaning the weapons may have simply missed their intended targets. In other cases, however, the munitions used were identified as new precision weapons, raising questions about whether the strikes deliberately targeted civilians or were launched on the basis of faulty intelligence.

It is imperative that the warring parties investigate these strikes, provide answers as to why civilians were harmed, and take immediate corrective steps to avoid recurrence of the same pattern.

LNA ROCKET ATTACK ON ABU SALIM

In the **Abu Salim** neighbourhood, south-west of the city centre, just before 11pm on 16 April 2019, a salvo of six ground-launched 122mm 9M22U “Grad” rockets,¹⁹ launched from LNA-controlled areas, landed on and around several civilian homes and cars in a densely populated two-square kilometre area, killing eight civilians and injuring at least four others.

One of the rockets struck the entrance of a three-storey building in Hay al-Intissar, killing a 68-year-old woman, Aziza Omar Ghuma, and her two daughters, Karima Abu Qse’aa, 51, and Mufida Abu Qse’aa, 54. Her son told Amnesty International:

“My mother and Karima were in the street hurrying to go into the house, because of the incoming rockets, Karima was opening the front door and our mother was just next to her. Mufida was inside the house, by the front door, with her daughter Mays, 21. Mufida wrapped her arms around her daughters and saved her. Mays sustained some injuries but it was Mufida who took all the impact of the blast. She had shrapnel injuries all over her head and body”.²⁰

¹⁹ Colloquially, the term “Grad” is used to describe rocket-artillery designed to be launched in large salvos and hit targets in a large area. In this case, the weapons used were Russian-manufactured 122mm 9M22U rocket artillery, likely legally acquired by the Gaddafi government.

²⁰ In-person interview in Tripoli, 8 August 2019.

The same rocket also killed Zeina al-Saqar, 57, in her home across the street. Zeina al-Saqar's son told Amnesty International:

“My mother was at home with my father, my wife and my two children and two aunts. I was at a neighbour's house. My mother was the nearest one to the front door and she was badly injured at the back of her head and her back. She was killed instantly. As soon as the attack happened I rushed home and tried to rescue my mother but there was nothing that I could do. She had been fatally wounded. There was blood everywhere. My children are small and were left very traumatized; they don't want to go back to the house. My father suffered hearing loss as a result of the strike and he hardly speaks and does not sleep. In truth we were all traumatized, the whole family. If families get killed in their own homes, that means that there is no safety for anyone anywhere. How can we sleep?”²¹

Ali Mohammed Mabrouk, 22, and his neighbour Mohammed Ahmad Zenati, also in his early 20s, were killed as they stood in the same street. Ali's father told Amnesty International that the two were urging people in the street to go indoors for more protection.

“When the first rocket landed my son Ali and our neighbour Mohammed lingered outside to urge neighbours to go inside, because when one rocket hits others will likely hit nearby. It was a good thing to do but it cost them their lives”.²²

At the same time, a block away, another rocket struck the home of the Ben Mansour family, killing Nouredine Ahmad Ben Mansour, a 49-year-old civil servant father of three young children. His brother told Amnesty International:

“We were 13 people in the house when the rocket struck. Nouredine was upstairs with his wife and their three children and I was downstairs with my family and my parents and siblings. My brother was hit directly; his head and abdomen were split open and had other injuries in his arms and legs. He died instantly. I was only a few meters away from him but was not injured. It could have been me in his place, or anyone else from the family. There is no way of knowing where these rockets will strike and so there is nothing one can do to protect himself and his family. It is terrifying every time we hear shelling and we live with that fear all the time”.²³



A child in his home damaged by a Grad rockets fired by the LNA into the Abu Salim neighbourhood of Tripoli, killing Nouredine Ahmad Ben Mansour on 16 April 2019. ©Amnesty International

²¹ In-person interview in Tripoli, 5 August 2019.

²² In-person interview in Tripoli, 5 August 2019.

²³ In-person interview in Tripoli, 5 August 2019.

Two other neighbours were injured in the same strike nearby, Abdelmutalib al-Idrissi, a 45-year-old father of five who lost a leg, and an eight-year-old girl, Altaf Ahmad, who was sheltering in the area with her family after having been forced to flee their home in Ain Zara (southeast of Tripoli) by the fighting. Her uncle told Amnesty International: *“My relatives left their home to get away from the fighting there and came here looking for safety, but even here they could not find safety. So what can we do to be safe?”*.²⁴

Several streets away, yet another rocket slammed into one of the bedrooms of the Karkar family, killing Salem Ibrahim Karkar, a 56-year-old father of six. His wife told Amnesty International:

“He had just come back from playing football. He washed and prayed and then asked for a sandwich. I went to the kitchen to prepare a sandwich and at that moment the house was struck. Me and children rushed to his room but could not get in because the blast had pushed the wardrobe against the door. We called out to him from outside the room. He recited the Shehada (prayer). When we manage to push the door open we found him critically injured, especially in the abdomen. The rocket had landed on the bed where he was laying. We rushed him to hospital but he died half an hour later. What kind of war is this, killing civilians, families, in their homes. What can we do? May God help us”.

The rockets used in this strike on the Abu Salim neighbourhood are notoriously inaccurate. They cannot be aimed precisely at specific targets and should therefore never be used in populated residential areas. Those who launched these strikes would have known that the likelihood of harming civilians was very high. International humanitarian law prohibits indiscriminate attacks (attacks which are not directed at a specific military objective), as well as attacks which employ a method or means of combat which cannot be directed at a specific military objective.²⁵ Launching an indiscriminate attack resulting in death or injury to civilians constitutes a war crime.²⁶



Some of the victims of the strike on the Abu Salim neighbourhood. ©Amnesty International

²⁴ In-person interview in Tripoli, 5 August 2019.

²⁵ International Committee of the Red Cross, Customary International Humanitarian Law (Vol I: Rules), Rules 11 and 12.

²⁶ ICRC, Customary IHL Study, Rule 156.

GNA ARTILLERY ATTACK ON QASR BIN GHASHIR

In a built up residential neighbourhood of **Qasr bin Ghashir**, at about 12.15pm on 14 May 2019, two artillery projectiles, launched from GNA controlled areas, struck a three-storey residential building, killing at least five civilians and injuring more than a dozen residents and bystanders in and around the building. Several vehicles were destroyed, and a large fire began in the first floor of the home. Among the victims was 19-year-old Ahmad Fathi al-Muzughi. His brother told Amnesty International:

“I was at home and my brother was standing outside on the street. The strike was massive; it sent a vehicle flying on top of another vehicle and for a moment everything was black. I rushed outside and there were many neighbours dead and injured on the ground; there were severed body parts. It was a shocking sight. Then we found my brother; he had injuries everywhere; he died. I couldn’t believe it”.²⁷



A building in Qasr Bin Ghashir damaged by a GNA artillery strike which killed at least five civilians and injured more than a dozen residents and bystanders in and around the building on 14 May 2019. ©Amnesty International

Fifty-seven-year-old Fawziya Ma’atoug was seriously injured in the strike. She had shrapnel wounds in her neck, back and arms and her right arm was left paralysed. She told Amnesty international:

“I had gone to pay my respects to the family of one of our neighbours who had passed away, an old man, and I was on my way back home. As I was walking on the street there was a big noise and everything shook around me and it was like the end of the world and then I was taken to hospital. They took out several metal fragments from my back but there are more in my left hand and elsewhere. I am in a lot of pain; it has been three months but the pain has not gone away. And I can’t move my right arm any more. Many neighbours were killed and injured. It was a massacre. Among them were Mona, Dr Faraj’s wife, and her niece, a little girl of about six years. They were both killed”.²⁸

²⁷ In-person interview in Qasr Bin Ghashir, 10 August 2019.

²⁸ In-person interview in Qasr Bin Ghashir, 10 August 2019.

Another neighbour, Fathiya Mohammed, 37, was also injured in the strike. She told Amnesty International:

“The strike killed and wounded many people because the place was busy, as many people were going to the funeral of a well-known neighbour. Can you imagine, bombing people going to a funeral? I was also going to the funeral. It was total chaos, so frightening; dead and injured everywhere. Men, women and children. A woman who lived across the road was also killed, Rafiaa Omar Sassi; she was in her fifties. I was lucky, but I was badly injured and almost lost my arm. I have had a bone graft but I don’t know if it will improve”.²⁹

Fragments recovered at the scene confirm that heavy artillery projectiles were used in this attack. As even modern artillery has a circular error probable (CEP) of at least 100 meters at the weapon’s typically employed range, this weapon is not appropriate for use in dense urban environments.³⁰ The site of the strike was over two kilometres behind the front line, and no military target was visible on satellite imagery of the time. Direct attacks targeting civilians may constitute war crimes.

LNA AIR STRIKES ON CIVILIAN HOMES AND INFRASTRUCTURE

In Tripoli, LNA air strikes on civilian homes likewise have caused civilian casualties. Amnesty International investigators documented three strikes that killed one and wounded four civilians.

In Tajoura, near the outer perimeter of a military camp, an LNA air strike on the morning of 15 June 2019 damaged two nearby houses and injured two young women from the Msallem family, Marwa, 24, and Dhikra, 21.³¹ The apparent target was a GNA militia’s weapons depot in an adjacent compound, which was hit by another airstrike, causing a number of secondary explosions and a large fire. Fragments recovered by Amnesty International investigators at the scene of the strike on the civilian home confirm that the weapon was an unguided French SAMP 250kg bomb. This is a large explosive weapon, with a blast radius of over 600m,³² and therefore not an appropriate weapon to use in populated urban areas.

Another LNA air strike on 12 June 2019 targeted a very large house – owned by the Qreira family, in the final stages of being built, and located near a military camp – injuring a woman and a man in two adjacent homes. The woman, Hawa Jibril, told Amnesty International:

“I was at home alone with my two daughters, aged 10 and 11. At about 6.30 or 7pm an air strike hit a field behind our house which is being built next to our home where we are living. I got scared and took my girls and run to the gate, to go out, but just as we got to the gate there was another massive strike on our house, the one which is being built, and the force of the blast threw us against the gate. Luckily my girls were not injured as I had wrapped myself around them. I smashed my face against the gate and broke my front teeth and sustained injuries all over my face and the eye, and all over my body, my back, my legs and arms. Now I have not yet recovered and my girls are still very traumatised, especially the younger one. Our neighbour was also injured but luckily less seriously”.³³

Fragments recovered by Amnesty International investigators at the scene of the strike on the civilian home confirm that the weapon was an unguided French SAMP 250kg bomb.

²⁹ In-person interview in Qasr Bin Ghashir, 10 August 2019.

³⁰ Circular Error Probable indicates the radius of a circle within which one can expect that half the rounds fired from a weapon would land. For example, per Dullum, at a range of 15 kilometres, the CEP for average 105mm artillery is 120 meters, meaning half the rounds fired would fall within 120 meters of the aimed target, and half outside. Dullum, Ove S. *ARES indirect fire: A technical analysis of the employment, accuracy, and effects of indirect-fire artillery weapons*, International Committee of the Red Cross, January 2017, p. 61.

³¹ In-person interview in Tajoura, 5 August 2019.

³² The blast radius is calculated based upon the net explosive weight of the munition and a k-factor of 328, the “absolute safe distance” standard used by the US Department of Defense, available at <https://www.dau.mil/cop/ammo/DAU%20Sponsored%20Documents/K%20Factor.pptx>

³³ In-person interview in Tripoli, 5 August 2019.



The intact baseplate of an unguided French 250kg SAMP aircraft bomb, recovered by Amnesty International investigators from the crater left by the strike on the home of the Qreira family. ©Amnesty International

On 15 July 2019, at about 11 pm, an LNA air strike targeted a vehicle parked in the courtyard of a house full of civilians, killing Karim Kashout, 21, a member of the family, as he was parking his vehicle in the courtyard. His brother told Amnesty International,

“We are five families living in this house, my parents and siblings, including four married brothers and their families; 25 people in all. Only a few moments before the bombing my brother and his wife and children had arrived. If the strike had happened a few minutes earlier they would have all been killed. Then Karim arrived and parked the car and just then the car strike happened. It targeted the car. We don’t know why. We keep asking ourselves why. It burned everything in the courtyard, including the other two cars which were parked there”.³⁴

Fragments examined at the scene by Amnesty International investigators confirm the weapon was a Chinese Blue Arrow 7 guided missile, launched from a Wing Loong drone that was operated by pilots from the UAE on behalf of the LNA³⁵. This was a precision strike which, in the absence of any evidence to the contrary, targeted a civilian by his home in an attack which could have endangered other civilian members of his family. Direct attacks against civilians may constitute war crimes.

Medical rescuers operating in the area told Amnesty International that around the time of the attack which killed Karim Kashout there had been fighting to the south, approximately one kilometre from the Kashout family home, and injured fighters were moving in the area trying to seek safe shelter.³⁶ According to the information obtained by Amnesty International, there is no evidence that Karim Kashout was personally involved in that fighting, or with the GNA fighters, and he appears that to have been erroneously targeted. The LNA has not responded to Amnesty International’s request for information on this case.

³⁴ In-person interview in Tripoli, 4 August 2019.

³⁵ The Guardian, *Libya drone strike heightens fears of air war and risk of civilian deaths*, 11 August 2019. <https://www.theguardian.com/world/2019/aug/11/libya-drone-strike-heightens-fears-of-air-war-and-risk-of-civilian-deaths>

³⁶ In-person interviews in Tripoli, 4 August 2019.



Karim Kashout, 21, was killed in a LNA air strike as he was parking his car in the courtyard of his family home on 15 July 2019. ©Amnesty International

GNA AIR STRIKES ON CIVILIAN HOMES

In Tarhouna and the suburbs south of Tripoli, GNA air strikes on civilian homes have also caused civilian casualties. Amnesty International investigators documented strikes at five sites that killed nine and wounded five civilians.

On 27 April 2019, a GNA aircraft dropped a bomb on Tarhouna, in the courtyard of the al-Hbashi family, injuring two women and damaging the house. Umm Seif told Amnesty International:

“I was at home alone with my daughters and my 13-year-old son. My husband had gone to Malaysia to bring home our oldest son who had been studying there for the past five years. My youngest boy had just left to go for private lessons when the bomb struck at the exact place where he had been playing just half an hour earlier. The whole house shook and fragments flew right through the inner rooms. My daughter Amani was injured in the face, throat and legs, and my other daughter fainted from the shock”.³⁷

In the adjacent house, 40-year-old Aafia Salah showed Amnesty International the injuries she had sustained to the chest and limbs. She too was inside her home when the strike happened and was injured by fragments of masonry from the wall destroyed by the strike. Fragments recovered at the scene by Amnesty International investigators confirm the bomb was a FAB-500ShL, a 500kg unguided bomb called a “parachute bomb” by local residents because of the large white parachute that deploys out the back to slow and align the ordnance’s descent. This is a large explosive weapon, with a blast radius of over 800m, and therefore not an appropriate weapon to use in populated urban areas.

On the morning of 22 July 2019, four GNA air strikes, on the outskirts of Qasr Bin Ghashir and more than five kilometres from the front lines, completely destroyed one house and damaged another one nearby which belonged to the members of the same family, without causing any casualties among the members of the family, but reportedly killing four civilians in a passing car. However, analysis of satellite imagery shows military vehicles near the civilian homes, and three LNA artillery cannons 100 metres to the south, across the road and behind a school. Combatants should not place legitimate military targets in populated residential areas as these endanger civilians. Fragments recovered at the scene by Amnesty International investigators confirm that at least two of the weapons were unguided FAB-style 250kg bombs. One of the craters was significantly larger than the others, ten meters across and more than three meters deep, which

³⁷ In-person interview in vicinity of Tarhouna, 10 August 2019.

may indicate one weapon was much heavier. However, the FAB-250 itself is also a large explosive weapon, with a blast radius of over 600m, and therefore should not be used in populated urban areas.

According to eye witnesses, two GNA air-delivered rockets struck several vehicles near a fuel station in the Sidi Sayah area on 3 July 2019 at about 1 pm, killing five civilians. Mohammed al-Sayah, who lives nearby, told Amnesty International that three of his relatives, Wajdi Othman al-Sayah, 26, Mosbah, Khalifa al-Sayah, 29, and Ayad Mosbah Abu Saif, 51, were killed in the strike, together with a woman and her child, whose names are not known.³⁸ An elderly local resident who witnessed the strike, told Amnesty International:

“There was a big bang and the missiles set some vehicles which were around the corner from the petrol station on fire, it was like end of the world. I was on the other side of the road. I crouched to the ground and could not move; I was so scared”.

Nearby, three weeks later, on 22 July 2019 at about 10pm, Widad Abdelsalam Dahmani and her three-year-old son Asil, were injured when a GNA air strike hit the family home. Amnesty International investigators identified two craters from air-delivered ordnance, and using fragments uncovered at the scene, confirmed at least one of the weapons was a FAB-500ShL “parachute” bomb.

In a residential area of Qasr Bin Ghashir, two consecutive air strikes destroyed two one-storey houses in the same area in the afternoon of 23 June 2019. One house was empty, but the other was occupied by the al-Dubi family. Twenty-eight-year-old Iman Ramadhan was severely injured and lost her foot. Her uncle told Amnesty International:

“We were at home, the family, including my 96-year-old mother; we were in the kitchen, which opened into a small internal courtyard. I looked up and saw the plane travelling from west to east; I thought it was going to bomb somewhere far away but at that moment the strike happened. The bomb hit our home. I could not see anything or breathe, there was thick dust or smoke, like a curtain. My mother fainted and never recovered from the shock and died 25 days later, and my sister’s daughter sustained horrific injuries and lost her foot. In addition our home is completely destroyed; we have lost everything. Why are they bombing families in their homes? What reason can there be to do to such a thing? Who will help us now?”³⁹



The home of the Dahmani family, damaged in a GNA airstrike which injured Widad Dahmani and her three-year-old son on 22 July 2019 in Sidi Sayah. ©Amnesty International

³⁸ In-person interview in Sidi al-Sayah, 10 August 2019.

³⁹ In-person interview in Qasr Bin Ghashir, 10 August 2019.



Remnants of the tail section of a FAB-500ShL "parachute" bomb that injured two women in Tarhouna. ©Amnesty International



A member of the al-Dubi family whose home in Qasr Bin Ghashir was destroyed in a GNA airstrike, which injured 18-year-old Iman Ramadhan, on 23 June 2019. ©Amnesty International



On the morning of 22 July 2019, four GNA air strikes on the outskirts of Qasr Bin Ghashir completely destroyed one house and damaged another one nearby killing four civilians in a passing car. Analysis of satellite imagery shows military vehicles near the civilian homes, and three LNA artillery cannons 100 metres to the south, across the road and behind a school. Combatants should not place legitimate military targets in populated residential areas as these endanger civilians.
©2019 DigitalGlobe, A Maxar Company, Source: Google Earth

6. CIVILIANS CAUGHT IN RECKLESS STRIKES TARGETING MITIGA AIRPORT

One of the key targets for the LNA in the capital has been **Mitiga Airport**, located to the east of the city centre. Mitiga is Tripoli's only functioning airport,⁴⁰ and is used for both civilian and military purposes, including receiving shipments of weapons and supplies,⁴¹ serving as a base for armed drones,⁴² and hosting militia-operated jails.⁴³ Mitiga has been regularly shelled by the LNA with rockets and artillery, forcing it to close temporarily several times. One of these attacks, on 1 September 2019, damaged a civilian plane as it landed full of pilgrims returning from Haj, injuring at least two crew members.⁴⁴ The airport was closed soon after and remains shut down. Due to the inherent inaccuracy of unguided rockets and the reckless use of artillery, residential areas around Mitiga have also been frequently hit, causing civilian casualties. Amnesty International investigated five such strikes, which killed one civilian and wounded another ten.

Anwar Mabrouk Mlitan, a 50-year-old carpenter father of six, was killed on the evening of 29 July 2019, when an artillery shell struck outside his home in the Souq a-Joumaa neighbourhood outside Mitiga. His brother told Amnesty International:

"We were together with some neighbours and had gone to see what happened nearby where we heard shelling. Then we came home and I went into my house and Anwar before going into his house went to check on a neighbour, an elderly Syrian man who has lived here for many years. Anwar used to look after him because he was old and sick. It was then that the shell struck and killed Anwar. Six or seven shells struck around here, a few minutes apart. The one which killed Anwar was the last one".⁴⁵

⁴⁰ Tripoli international airport, located south of the capital, has not been functioning in years. The nearest functioning airport is in Misrata, 200km to the east.

⁴¹ <https://twitter.com/BabakTaghvaei/status/1147455606120419328>, Images verified by Amnesty International, retrieved 9 October 2019.

⁴² Al Jazeera, *Ankara warns Haftar over seized Turks as LNA "hits Turkish drone"*, 30 June 2019, <https://www.aljazeera.com/news/2019/06/ankara-warns-haftar-arrests-lna-hit-turkish-drone-190630192450014.html>

⁴³ Several militias have had bases, in the Mitiga airport since 2011, some of which have been used as jails. Amnesty International, *Militias threaten hopes for new Libya*, February 2012, p. 14 <https://www.amnesty.org/en/documents/MDE19/002/2012/en/>. According to a report by the UN Office of the High Commissioner for Human Rights (OHCHR) "...the detention facility at Mitiga airbase in Tripoli holds an estimated 2,600 men, women and children, most without access to judicial authorities...": UHCHR, *Abuse Behind Bars: Arbitrary and unlawful detention in Libya*, April 2018, https://www.ohchr.org/Documents/Countries/LY/AbuseBehindBarsArbitraryUnlawful_EN.pdf

⁴⁴ United Nations Support Mission in Libya, *Latest Attacks on Mitiga Airport, a Direct Threat to the Lives of Civilian Passengers; Perpetrators Will Face Accountability*, 1 September 2019. <https://unsmil.unmissions.org/unsmil-latest-attacks-mitiga-airport-direct-threat-lives-civilian-passengers-perpetrators-will-face>

⁴⁵ In-person interview in Tripoli, 7 August 2019.

Fragments analysed by Amnesty International investigators confirm that the ordnance used in the attack was an OF-412 100mm projectile, almost certainly fired from a BS-3 artillery piece with a 20-kilometre range.

Five children were injured on 22 July 2019, when two rockets landed near where they were playing, along the outer wall of the Dahim family home, south of Mitiga airport. The uncle of three of the children told Amnesty International:

“Ramadhan, who is two, was injured in the face and hands, his sister Asil, who is 12, sustained internal injuries in the lungs and kidneys and a piece of shrapnel was lodged by the spinal cord; a very dangerous injury. And Rinad, who is 4, was injured in the head. Also two children from two neighbouring families were injured, Hedeya, and Minna, both 12 years old. It was about 8.30 pm and the children were playing by the wall. First one shell landed on the outer side of the wall and the children moved and then another shell landed exactly where the children had been playing only a few minutes before. If they had not moved, they would have been killed”.⁴⁶

Fragments recovered at the scene by Amnesty International investigators confirm that the weapon was a large rocket, most likely a 122mm 9M22U “Grad” rocket.



Some of the children injured by two rockets landed near where they were playing, along the outer wall of the Dahim family home, south of Mitiga airport. ©Amnesty International

A week earlier, on 17 July 2019, at about 9.40 in the evening, a “Grad” rocket landed in the courtyard of the al-Zorqani family, injuring a 10-year-old child, Abdelaziz Abdelmola al-Zorqani. His uncle told Amnesty International:

⁴⁶ In-person interview in Tripoli, 7 August 2019.

“The boy was here in the courtyard when a rocket landed and he was injured in the abdomen, the forehead, the left shoulder and the right leg. They were bad injuries. Now he is hospital in Tunis. It was a powerful strike, you can see the damage all around, on the wall of the house and the car. Several sheep were also killed by the shrapnel. What are we supposed to do if we can’t keep safe even in our homes?”⁴⁷

Fragments recovered at the scene by Amnesty International investigators confirm that the weapon was a 122mm 9M22U “Grad” rocket.

At about 9am on 11 August 2019 an artillery shell struck a house in the Souq al-Joumaa neighbourhood of Tripoli, west of Mitiga airport, injuring three civilians: Mahmoud Bashir Abu Obeid, the owner of the house, his 12-year-old nephew Rawad, and his elderly neighbour Mahfoudh Ben Ali. The shell struck a part of the house which was being used to slaughter sheep at a particularly busy time, on Eid al-Kabir (Feast of Sacrifice), the main religious holiday in the Muslim calendar, which is celebrated by slaughtering a sheep. A witness told Amnesty International:

“There were several people around, it was busy. The shell which landed here was one of several which landed in the area. Some hit the airport. The airport is being shelled all the time, so one doesn’t really pay so much attention any more. But then suddenly, one of the shell struck right here in the middle of the people. It makes one realise how dangerous this is” .⁴⁸

Fragments recovered at the scene by Amnesty International investigators confirm that the weapon was an OF-412 100m artillery projectile.

A 22-year-old man, Abdelrahman Adel Abi al-Ashhar, was injured when a rocket struck a school located near the eastern perimeters of Mitiga airport, on the evening of 29 July 2019. He told Amnesty International:

“I was standing in front of the supermarket opposite the school, it was about 8pm. A rocket hit the school and I was hit by shrapnel all over my back and legs. We heard two other rockets striking nearby just before the one which hit the school and injured me” .⁴⁹

Fragments recovered at the scene by Amnesty International investigators confirm that the weapon was a 122mm 9M22U “Grad” rocket.



Remain of a Grad rocket fired by the LNA into a residential neighbourhood of Tripoli near Mitiga airport. ©Amnesty International

⁴⁷ In-person interview in Tripoli, 7 August 2019.

⁴⁸ In-person interview in Tripoli, 12 August 2019.

⁴⁹ In-person interview in Tripoli, 2 August 2019.



Fragments of an OF-412 100mm artillery projectile, recovered by Amnesty International investigators at the scene of the strike that killed Anwar Mabrouk Mlihan, a 50-year-old carpenter father of six, on the evening of 29 July 2019. ©Amnesty International



A house in the Souq al-Jumaa neighbourhood of Tripoli damaged by an artillery strike which injured three civilians on 11 August 2019. ©Amnesty International

7. STRIKES ON MEDICAL FACILITIES

Several buildings which served as temporary field hospitals to treat wounded fighters, as well as several ambulances, have been targeted in LNA air strikes. The most devastating took place in the evening of 27 July 2019, when five medics and rescuers were killed and eight were injured in a missile strike which struck the porch of the house where the men were sitting. Those who were killed included two doctors, Aws Nusrat and Fathi Belqaid, and three drivers and rescuers, Mu'adh Nusrat, Mohammed Salah, and Ibrahim ben Salah. The house, near the disused Tripoli international airport south of the city, was one of several in a compound often referred to as "US embassy", because it housed US security personnel in 2013 and 2014.⁵⁰ Amnesty International investigators found fragments of a Chinese Blue Arrow 7 guided missile in the crater at the site of the strike. In Libya, that missile is only fired by Chinese Wing Loong drones, which the UAE has been operating on behalf of the LNA. Dr Haytham, a surgeon, told Amnesty International:

"That day we received some wounded fighters in the morning and we stabilised them and sent them on to a main hospital. We then received a few more later in the day and likewise sent them after stabilising them. At the end of the day we had no patients and we were sitting together, relaxing, drinking tea and coffee and cleaning and preparing for the next day. I saw a drone in the sky before the strike but did not think it would strike. But it did. It was about 8pm. After the strike we quickly took the injured to Abu Salim hospital and then came back to retrieve the bodies of the dead. It was a terrible sight; the bodies were in shreds. I found Ibrahim's torso. There was a drone in the sky coming and going and so we kept scattering when the drone came closer and then getting back together to keep looking for body parts of our colleagues when the drone moved away".⁵¹

Another medic, who was injured in the strike, told Amnesty International:

"When we saw the drone we debated whether it was a surveillance drone or one which strikes. Then before 8pm, before the strike there was no noise and no visible drone. I was feeling satisfied that I had been able to assist some wounded people that day and I was drinking tea. Then the strike happened. I was injured, a broken leg, but others were more seriously wounded".⁵²

The field hospital had been operating in that particular house for over a month, but it is not clear the extent to which the LNA knew that it was a field hospital. The roof is not marked with a red crescent, and Amnesty International observed no specific external markings indicating it was a hospital. At the same time, according to consistent testimonial evidence and satellite imagery, in addition to receiving wounded fighters, some of whom were brought from the frontlines in weaponised military vehicles, militia members also used the compound as a base and central kitchen for distributing meals. At the time of the strike two ambulances were parked outside the field hospital, although one was covered in dust, making it potentially difficult to distinguish it as an ambulance from a distance. Without knowing the LNA's exact intelligence about the site, and taking into account the above information, it is not possible to determine

⁵⁰ Satellite imagery analysed by Amnesty International.

⁵¹ In-person interview in Tripoli, 2 August 2019.

⁵² In-person interview in Tripoli, 12 August 2019.

whether the LNA sought to deliberately target a health facility, or whether it might have presumed that the site was a military position, albeit with medics present to tend to the wounded fighters.

Amnesty International also examined other LNA attacks that struck field hospitals and ambulances, but was unable to conclude whether these had been intentionally targeted and whether these attacks violated international humanitarian law.⁵³ For example, Amnesty International visited two other field hospitals in the Wadi al-Rabe'a area, south of Tripoli, one in the same compound as a military base which had been attacked by at least two Blue Arrow 7 missiles, and another which was located in the same building as a military command position, which had not been subject to attack. At a third location, in the al-Swani area south of Tripoli, three medics were injured in a 6 June 2019 air strike;⁵⁴ fragments recovered at the scene by Amnesty International confirmed that the weapon was a French SAMP 250kg bomb. However, military vehicles with mounted heavy machine guns were observed in satellite imagery near the site prior to the strike. At least two strikes on ambulances examined by Amnesty International, one in the Wadi al-Rabea area and one east of the Airport Highway, are likewise ambiguous, in that fighters in military vehicles were being chased by LNA forces and were very close to the ambulances when these were struck.



A machine gun mounted on a militia pick up truck destroyed by an LNA strike on a militia base adjacent to a field hospital. ©Amnesty International

On one occasion, on 6 August 2019, a hospital in Ain Zara was struck in an indiscriminate ground attack. A French 68mm SNEB rocket hit the roof of the hospital without causing any casualties. Amnesty International investigators on the scene found that the rocket had not detonated, and based on the angle of impact, had likely been launched by LNA forces on the front lines approximately five kilometres away.

Medics, medical transport and medical facilities, including those treating wounded or sick fighters, are specially protected under international humanitarian law. They only lose their protection if they commit, outside their humanitarian function, acts harmful to the enemy.⁵⁵ The fact that a medical unit is guarded, the presence of wounded or sick fighters and of small arms taken from those fighters does not deprive the facility of protection under international humanitarian law. If a medical facility is being used for military purposes, prior to an attack a warning must be given, allowing a reasonable time to evacuate the sick and wounded.⁵⁶ However, at the same time, the presence of combatants and military equipment can endanger civilian sites, including medical facilities, especially medical facilities which are not marked as such.

⁵³ Nearly every field hospital visited by Amnesty International investigators was operated by the Field Medical Support Center (FMSC) organization. These field hospitals are improvised, ad hoc, and occupy facilities of convenience rather than purpose-built health centres. Their purpose is to stabilise the injured and promptly discharge them or send them on to established hospitals.

⁵⁴ Remote interview conducted via interpreter on Whatsapp, 9 June 2019.

⁵⁵ ICRC, Customary IHL Study, Rules 25, 28 and 29.

⁵⁶ ICRC, Customary IHL Study, Rule 28.

8. VIOLATIONS OF THE ARMS EMBARGO

Since the outbreak of this conflict last April, both the GNA and LNA have both received arms shipments and resupply in violation of the UN arms embargo.

The GNA's primary sponsor is Turkey,⁵⁷ who prominently in mid-May 2019 provided Kirpi armoured fighting vehicles via a large "roll-on roll-off" ship at the port of Tripoli.⁵⁸ In addition, Turkey has provided Bayraktar TB2 armed drones, flying from airfields at Mitiga and Misrata.⁵⁹ The placement of military aircraft at a civilian airport has attracted LNA attacks, which have caused the civilian casualties documented above.

For their part, while the LNA have received support from both Egypt⁶⁰ and Jordan (the latter providing, for example, KADDB Al-Mared 8x8 armored vehicles⁶¹ and RPG-32s⁶²), their primary sponsor has been the United Arab Emirates.⁶³ Their Chinese-manufactured Wing Loong drones⁶⁴, which uniquely fire the Blue Arrow 7 missile, have been used in precision attacks against GNA medical facilities, as well as military targets.

The UN Security Council imposed a comprehensive embargo on arms supplies to and from Libya in February 2011.⁶⁵ The arms embargo covers not only weapons and ammunition, but also military vehicles and equipment, such as drones and armoured vehicles. Since the adoption of Resolution 2292 in June 2016, the Security Council has authorised member states to inspect vessels on the high seas off Libya's coast believed to be in violation of the arms embargo.

⁵⁷ Al Arabiya, *Turkey's Erdogan pledges support for Libya's GNA to 'ensure peace, stability,'* 6 July 2019, <http://english.alarabiya.net/en/News/north-africa/2019/07/06/Turkey-s-Erdogan-pledges-support-for-Libyan-govt-to-ensure-peace-stability-.html>

⁵⁸ https://twitter.com/Obs_IL/status/1144246817900486656 Images verified by Amnesty International, retrieved on 9 October 2019.

⁵⁹ <https://twitter.com/Mansourtalk/status/1137718306306215936> Images verified by Amnesty International, retrieved on 9 October 2019.

⁶⁰ Missile Threat: CSIS Missile Defense Project, *UN Panel Finds Chinese Missiles, UAVs in Libya*, 8 May 2019. <https://missilethreat.csis.org/un-panel-finds-chinese-missiles-uavs-in-libya/>; <https://www.reuters.com/article/us-libya-war-arms/forces-loyal-to-libyas-un-backed-government-receive-military-hardware-idUSKCN1S00KD> ;

⁶¹ <https://twitter.com/Mansourtalk/status/1130194240489885701>, Images verified by Amnesty International, retrieved on 9 October 2019. <https://twitter.com/mahmouedgamal44/status/1130355455140782080>; Images verified by Amnesty International, retrieved on 9 October 2019. <https://twitter.com/smmlibya/status/1166330051224309760> Images verified by Amnesty International, retrieved on 9 October 2019.

⁶² <https://twitter.com/Mansourtalk/status/1133996109448253440>; Images verified by Amnesty International, retrieved on 9 October 2019. <https://twitter.com/Mansourtalk/status/1135150485042864129>; Images verified by Amnesty International, retrieved on 9 October 2019. <https://twitter.com/Oded121351/status/1173207153294925824> Images verified by Amnesty International, retrieved on 9 October 2019.

⁶³ Bloomberg, *When the Sun Sets in Libya, Two U.S. Allies Get Down to War*, 23 August 2019, <https://www.bloomberg.com/news/articles/2019-08-23/when-the-sun-sets-in-libya-two-u-s-allies-get-down-to-war>

⁶⁴ South China Morning Post, *Chinese drones hunt Turkish drones in Libya air war*, 29 September 2019, <https://www.scmp.com/news/world/middle-east/article/3030823/chinese-drones-hunt-turkish-drones-libya-air-war>

⁶⁵ UN Security Council Resolution 1970 of 26 February 2011, and subsequent Resolutions (last renewed by [Resolution 2473](#) of 10 June 2019).



A China North Industries Group Corp. (Norinco) Blue Arrow 7 air-to-surface missile stands on display during the China International Aviation & Aerospace Exhibition in Zhuhai, Guangdong province, China, on Wednesday, Nov. 12, 2014. ©Brent Lewin/Bloomberg via Getty Images

9. LEGAL FRAMEWORK

International humanitarian law (IHL), or the laws of war, sets out legal rules that bind all parties to armed conflict, whether state armed forces or non-state armed groups. These rules, the most relevant of which to these cases are explained below, aim to minimise human suffering in war, and offer particular protection to civilians and those who are not directly participating in hostilities.

The fighting between GNA and allied militias and the LNA and allied militias is a non-international armed conflict. However attacks launched by other states without the consent of the Libyan government would constitute an international armed conflict.

Libya is a party to the four Geneva Conventions of 1949 and to their Additional Protocols I and II. In any event, most of the rules on the conduct of hostilities of IHL, including all those cited in this report, apply in both international and non-international armed conflict and are binding on all parties, state and non-state forces.⁶⁶

In situations of armed conflict, not all civilian casualties will be unlawful. However, deaths and injuries of civilians are an indication that something has gone wrong. This could be the result of a violation of the rules, even of criminal wrongdoing; or it could be the result of an accident, mistake or malfunction of a weapons system, or the incidental result of a lawful attack.

Investigation is necessary to make these determinations, ensure accountability and reparation in the case of violations, and learn lessons and take measures to avoid needless harm to civilians and civilian objects.

The cases presented in this report, based on the findings and analysis of Amnesty International, raise a very strong possibility that civilians were killed and injured (and civilian objects were destroyed or damaged) in violation of international humanitarian law. Amnesty International has written to both the GNA and the LNA seeking additional information about specific means and methods of attack, choice of targets, and precautions taken in planning and execution of attacks. Such information is necessary for a full assessment of the parties' compliance with international humanitarian law.

THE PRINCIPLE OF DISTINCTION

The principle of distinction is one of the cornerstones of international humanitarian law. This requires parties to conflict to at all times, “distinguish between civilians and combatants” and to ensure that “attacks may only be directed against combatants” and “must not be directed against civilians”.⁶⁷ Parties to conflict must also distinguish between “civilian objects” and “military objectives”. Anyone who is not a member of the armed forces of a party to the conflict is a civilian, and the civilian population comprises all persons who are not combatants.⁶⁸ Civilians are protected against attack unless and for such time as they take a direct part in hostilities.⁶⁹ In cases of doubt, individuals should be presumed to be civilians and immune from direct attack.⁷⁰ Making the civilian population, or individual civilians not taking a direct part in hostilities, the object of attack (direct attacks on civilians) is a war crime.⁷¹

⁶⁶ For an authoritative list of these rules see International Committee of the Red Cross (ICRC), Customary International Humanitarian Law: Volume 1: Rules, J-M Henckaerts and L Doswald-Beck, eds, 2005 (hereinafter: ICRC, Customary IHL Study).

⁶⁷ ICRC, Customary IHL Study, Rule 1. See also Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), Article 48, and Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), Article 12(2).

⁶⁸ ICRC, Customary IHL Study, Rule 5; see also Protocol I, Article 50.

⁶⁹ ICRC, Customary IHL Study, Rule 6; see also Protocol I, Article 51(3); Protocol II, Article 13(3).

⁷⁰ Protocol I, Article 50(1).

⁷¹ ICRC, Customary IHL, Rule 156, p. 591.

Indiscriminate attacks are prohibited.⁷² Indiscriminate attacks may strike military objectives and civilians or civilian objects without distinction, either because the attack is not directed at a specific military objective, or because it employs a method or means of combat that cannot be directed at a specific military objective or has effects that cannot be limited as required by IHL.⁷³ Launching an indiscriminate attack resulting in death or injury to civilians is a war crime.⁷⁴

Most of the cases examined in this report involved attacks that struck homes or other civilian objects killing and injuring civilians. Such attacks could be either direct attacks on civilians or civilian objects or indiscriminate attacks – notably the ground-launched strikes with imprecise explosive weapons, such as “Grad” rockets, which should never be used in the vicinity of civilian concentrations.

PROPORTIONALITY

International humanitarian law also prohibits disproportionate attacks, which are those “which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated”.⁷⁵ Intentionally launching a disproportionate attack (that is, knowing that the attack will cause excessive incidental civilian loss, injury or damage) constitutes a war crime.⁷⁶ The Commentary on the Additional Protocols makes clear that the fact that the proportionality calculus requires an anticipated “concrete and direct” military advantage indicates that such advantage must be “substantial and relatively close, and that advantages which are hardly perceptible and those which would only appear in the long term should be disregarded.”⁷⁷ The LNA’s comments on its air strike on the DCIM detention centre which killed and injured dozens of migrants and refugees indicates that it was at best a disproportionate attack.

⁷² ICRC, Customary IHL Study, Rule 11; Protocol I, Article 51(4).

⁷³ ICRC, Customary IHL Study, Rule 12; Protocol I, Article 51(4)(a).

⁷⁴ ICRC, Customary IHL, rule 156, p. 599.

⁷⁵ ICRC, Customary IHL Study, Rule 14; Protocol I, Articles 51(5)(b) and 57.

⁷⁶ ICRC, Customary IHL Study, Rule 156, pp. 599-601.

⁷⁷ Yves Sandoz, Christophe Swinarski, Bruno Zimmermann, Commentary on the Additional Protocols, ICRC, 1987, para. 2,209.

10. CONCLUSION AND RECOMMENDATIONS

The ongoing conflict continues to harm civilians and negatively impacts all aspects of civilian life. The ground and air strikes detailed in this report are either disproportionate or indiscriminate or both and as such unlawful and potential war crimes. The cases documented here, provide an example of wider patterns which must cease.

Amnesty International makes the following recommendations to all parties to the conflict:

- Immediately cease indiscriminate and disproportionate attacks;
- Fully comply with the rules of IHL in the planning and execution of air strikes and other attacks, including by cancelling attacks that risk being indiscriminate, disproportionate or otherwise unlawful;
- End the use of explosive weapons with wide-area effects, such as “Grad” rockets, artillery, mortars and large air-delivered bombs, in the vicinity of populated civilian areas, consistent with the prohibition on indiscriminate and disproportionate attacks;
- Make public information which is necessary to investigate the circumstances of and establishing responsibility for civilian losses during military operations, including dates, times, exact location, weapons used and intended target of the strikes carried out by its forces; measures taken to ascertain how many civilians were present in the vicinity of the target and the precautions taken to minimize harm to civilian and civilian objects;
- Investigate all reports of violations of international humanitarian law, remove from the ranks anyone responsible for violations;
- Cooperate with the International Criminal Court, including by handing over indicted suspects.

Amnesty International makes the following recommendations to the Directorate for Combating Illegal Migration (DCIM) and other relevant authorities:

- Ensure that detention centres – for migrants or others – are not placed near military targets;
- Release arbitrarily detained refugees and migrants and ensure their safety.

Amnesty International makes the following recommendations to all governments:

- Enforce the UN Security Council’s comprehensive arms embargo on arms supplies to and from Libya, which was unanimously adopted in 2011 (Res 1970);
- Use all measures to inspect vessels on the high seas off the coast of Libya believed to be in violation of the arms embargo, in accordance with UN Security Council Resolution 2292 of 2016;
- As members of the Human Rights Council, establish as a matter of urgency a Commission of Inquiry or similar mechanism for Libya to monitor, investigate and publicly report on violations of international human rights and humanitarian law in Libya; determine responsibility for violations;

collect and preserve evidence of crimes; and contribute to accountability efforts at the national and international levels.⁷⁸

- Cooperate to investigate and, where appropriate, prosecute individuals suspected of war crimes or other crimes under international law committed in Libya, including by exercising universal jurisdiction.

In addition to the above, Amnesty International makes the following recommendations to all EU governments:

- Cease the EU's shared policy with Libya of intercepting migrants and refugees and returning them to Libya, where they are arbitrarily detained and risk being tortured or killed in indiscriminate or targeted attacks, such as the 2 July attack on Tajoura migration detention centre;
- Open safe and legal routes into Europe, in particular by offering a meaningful number of places for resettlement and alternative pathways of protection for the thousands of people in need of protection in Libya.

⁷⁸ The High Commissioner for Human Rights Michele Bachelet, through her Deputy Kate Gilmore, has also expressed her strong support for an international accountability mechanism for Libya, and Ghassan Salamé, the UN Special Representative of the Secretary-General to Libya, has joined with the High Commissioner in supporting the Human Rights Council's establishment of an international accountability mechanism for Libya, such as a Commission of Inquiry.

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LIBYA'S RELENTLESS MILITIA WAR

CIVILIANS HARMED IN THE BATTLE FOR TRIPOLI, APRIL-AUGUST 2019

Civilians continue to be harmed and endangered by the conflict in Libya. On 4 April 2019, renewed fighting broke out in and around the capital, Tripoli, between forces and militias loyal to the Tripoli-based internationally recognized and UN-backed Government of National Accord (GNA) of Prime Minister Fayez al-Sarraj, and the self-proclaimed Libyan National Army (LNA) (or Libyan Arab Armed Forces, LAAF) of General Khalifa Haftar, loyal to the rival House of Representatives (HoR) and interim government based in the east of the country.

The fighting has killed and wounded more than 100 civilians, including dozens of detained migrants and refugees, caught in air strikes, artillery barrages and the shelling of civilian infrastructure, and displaced over 100,000 civilians living in the southern and eastern suburbs of the city. Militias on both sides continue to launch indiscriminate strikes often using inherently inaccurate and decades-old weapons, and showing utter disregard for fundamental principles of international humanitarian law that forbid such attacks. However, both sides have also increasingly resorted to deploying new drones equipped with air-launched guided missiles, striking both military and civilian targets. The GNA drones are provided and operated by Turkey, while the LNA uses Chinese drones operated by the United Arab Emirates (UAE).

The deployment and use of these weapons constitute a violation of a UN arms embargo, which has been in place since 2011, and all states should abide by their obligations and enforce the embargo. As for the Libyan parties to the conflict, they should immediately cease indiscriminate and disproportionate attacks that continue to harm civilians.