

LIBYA

THE FORGOTTEN VICTIMS
OF NATO STRIKES

AMNESTY
INTERNATIONAL



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INTRODUCTION



Survivor of NATO airstrikes in Majer on 8 August 2011, which killed 34 civilians © Amnesty International

On 19 March 2011 several member states of the North Atlantic Treaty Organization (NATO), including the USA, the UK and France, launched a military campaign with air and naval strikes against Colonel Mu'ammar al-Gaddafi's forces.¹ The strikes were launched pursuant to UN Security Council (UNSC) resolution 1973 (2011) of 17 March 2011, which authorized member states "to take all necessary measures (...) to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya" and introduced a "no fly zone" above Libya.² The National Transitional Council (NTC), the emerging new authority which by then controlled eastern Libya, had called for and fully supported the imposition of a no-fly-zone and international military action against al-Gaddafi's forces.

On 23 March 2011 allied forces announced they were in control of Libyan air space, after having disabled Libya's air force.³ Also on 23 March 2011 NATO decided to enforce the no fly zone and on 31 March 2011 it assumed control of all military operations conducted by its member states inside and around Libya under the name "Operation Unified Protector".⁴ According to NATO, the seven-month air and sea military campaign comprised more than 9,700 strike sorties and destroyed over 5,900 military targets.⁵

In the pursuit of its military objectives NATO appears to have made significant efforts to minimize the risk of causing civilian casualties, including by its use of precision guided

munitions, and in some cases by conducting strikes at night and issuing prior warnings to inhabitants of the areas targeted. NATO officials have repeatedly stated their commitment to making efforts to avoid harming civilians in the context of “Operation Unified Protector”.⁶

However, scores of Libyan civilians who did not directly participate in hostilities were killed and many more injured as a result of NATO strikes. Regrettably more than four months since the end of the military campaign, NATO has yet to address these incidents appropriately, including by establishing contact and providing information to the victims and their relatives about any investigation which might have been initiated.⁷

In January and February 2012 Amnesty International delegates visited several locations of NATO airstrikes in or near Tripoli, Zlitan, Sirte and Brega where civilian casualties had been reported. They inspected the damage and remains of munitions, interviewed survivors and other witnesses and obtained copies of death certificates of victims. Amnesty International has documented a total of 55 named civilians, including 16 children and 14 women, who were killed in airstrikes in Tripoli (5), Zlitan (3), Majer (34) Sirte (9) and Brega (4)⁸. Twenty other civilians were reportedly killed in NATO strikes in Brega (2), Surman (13) and Bani Walid (5) according to UN experts, international NGOs and journalists who also carried out on-site investigations.⁹ Additional incidents of civilian casualties have been reported to have occurred in circumstances where it has been difficult to distinguish between combatants and civilians. For example, Amnesty International was told by residents in Sirte that on 15 September 2011, NATO strikes killed several members of al-Gaddafi forces in their two vehicles, as well as more than 40 civilians, most of whom had rushed to the scene after the first vehicle was struck.¹⁰



Ruins of the home of Ali Ali Hamed Gafez in Majer, struck on 8 August 2011 © Amnesty International

AIRSTRIKES ON HOMES

Dozens of civilians have been killed in NATO airstrikes on private homes in residential and rural areas where Amnesty International, UN experts, other international NGOs and journalists found no evidence of military objectives at the strike locations at the time of the strikes. In one incident, in Majer (Near Zlitan, west of Misratah), NATO claimed that the site was deliberately struck as a legitimate target, but failed to provide evidence that the site was being used for any military purpose at the time it was targeted, in an attack that cost the lives of 34 civilians, including eight children and eight women. Amnesty International's investigations into this and other incidents indicate that private homes may have been struck by mistake - possibly due to wrong intelligence, erroneous GPS coordinates or weapons system malfunction. In another incident, in Sirte, relatives of an army officer, three women and four children, were killed in their home in an attack which seemingly targeted their visiting relative.

Amnesty International is concerned that insufficient precautions were taken in attacks that targeted possible combatants staying at civilian homes. When planning an attack against a combatant, knowledge of the presence of several civilians inside the targeted house should rule out proceeding, as such circumstances are likely to result in an attack that is disproportionate. NATO should have applied particular high standards of precautionary measures when targeting civilian homes.

TRIPOLI, 19 JUNE 2011



"I just want to know why my home was struck. NATO should be honest and tell the truth. I lost my son, my daughter and her husband and their two children and I want to know why this happened. Three families in our extended family lived in the house and now we are all stranded with nothing and nowhere to go. My brother has found somewhere to stay in another part of town and I am staying in an insalubrious house near here where we are sleeping on the bare floor in the cold and my little boy is getting sick from this".
Mukhtar al-Gharari to Amnesty International, 8 February 2012

Mukhtar al-Gharari in his destroyed home © Amnesty International



Home of Mukhtar al-Gharari, in the Souq al-Juma'a district of Tripoli, struck on 19 June 2011 © Amnesty International

On 19 June 2011 at about 1.30 am the home¹¹ of Mukhtar al-Gharari, located in a densely built-up area of the Souq al-Juma'a district of Tripoli, was struck, killing five family members and injuring eight others. Those killed are Mukhtar al-Gharari's 48-year-old son Faraj; his 38-year-old daughter Karima; her 44-year-old husband 'Abdallah Nimr Shihab; and their two children, Jomana and Khaled, aged two years and seven months respectively. Surviving members of the family told Amnesty International that 18 family members were sleeping in the house at the time of the attack and that those who were killed had been sleeping on the upper floor.

In a letter to the UN International Commission of Inquiry on Libya (ICIL) of 23 January 2012, NATO referred to the above incident and acknowledged the possibility that "an errant weapon had caused such casualties".¹²

ZLITAN, 4 AUGUST 2011



Mustafa Naji al-Morabit by the ruins of his home in Zlitan, struck on 4 August 2011 © Amnesty International

“My family has been destroyed; I lost my two little boys and my wife, Ibtisam, who was also my best friend. It is really difficult to go on, to get up every day and face life; I tell myself that I must find the strength for my son, the only child I have left. He can't forget the horror of that day, when his mum and his little brothers were blown to bits. How can I help him to overcome this trauma? I myself can't cope and there is no one to turn to. No one from NATO or from the authorities has got in touch to ask what happened or to offer any explanation or even one word of apology. We are living a miserable life; we have nothing left, our home and everything in it were destroyed”. Mustafa Naji al-Morabit to Amnesty International, 30 January 2012

On 4 August 2011 at about 6.30am the home¹³ of Mustafa Naji al-Morabit, in Zlitan west of Misratah, was struck, killing his 37-year-old wife, Ibtisam, and two of his three children, three-year-old Mo'taz and six-year-old Mohammed, as well as injuring his 60-year-old mother, Fatima 'Omar Mansur. According to information provided by Mustafa Naji al-Morabit to Amnesty International, a nearby house (approximately 50 meters away) had been used, until 1 August 2011, for meetings by military officers. Because they feared that the nearby house may be attacked by NATO, Mustafa Naji al-Morabit and his family had not been sleeping in

their own home. They remained in the house during the day as it was common belief that NATO strikes were carried out at night. As opposition fighters were closing in on the area, the owner of the nearby house and others who had been meeting there fled by 2 August 2011, leaving the front gate wide open – a sign that they were not going to return. The al-Morabit family decided that it was therefore safe to return to their home and slept in their home for the first time on the night between 2 and 3 August 2011. The night passed without incident and the nearby house remained abandoned and the al-Morabit family again slept in their home the following night (between 3 and 4 August 2011), but the house was struck in the early hours of that morning.



Ibtisam al-Morabit and her two children, Mohammed and Mo'taz © Amnesty International

In its 15 February 2012 letter to the ICIL, NATO referred to the above incident stating that the site was in fact struck on 4 August 2011, because it had been identified as “a senior regime commander’s command and control node located within a residential property”.¹⁴ Based on its examination of the site, interviews with witnesses and satellite images the ICIL found that “evidence suggests NATO hit the wrong building (and) that those killed were civilians”.¹⁵ Amnesty International reached the same conclusions.

MAJER, 8 AUGUST 2011



Ali Ali Hamed Gafez by the ruins of his home in Majer, struck on 8 August 2011 © Amnesty International

"I can't understand why they bombed my home. We are civilians and had nothing to do with the war, politics or any such things. I lost my daughter Hanan, who was due to get married after Ramadhan [after the end of August]; and my nephew's little girl, Arwa, who was always laughing and running around; and my brother's daughter, Salima, and her three little children, and her sister-in-law, Mansiya, and her little twin girls had come to visit from Benghazi and got stuck here because of the war; They were all killed together with other relatives, and my wife, Fathiya sustained a serious head injury and her left leg had to be amputated. She is in Germany for medical care. Maybe the injuries can heal eventually but the heart can't. My home became a graveyard for my family and until today neither NATO nor the NTC have even contacted us, not even to say sorry or to ask about the victims. We have been forgotten". Ali Ali Hamed Gafez to Amnesty International, 25 January 2012:

On the evening of 8 August 2011 two houses were struck in Majer (near Zlitan, west of Misratah). Munitions remnants found at the site contain the marking: "for MK82 bomb", an air-delivered munition which, according to Amnesty International's information, was used by participating forces in Operation Unified Protector in numerous other strikes. According to members of the family who survived the attack, 34 civilians, including eight children and eight women, were killed and several were injured in three separate attacks.

The first strike was launched shortly after 11pm and killed five women and seven children in the home¹⁶ of Ali Ali Hamed Gafez, where his immediate family and other relatives displaced by the conflict were staying. Those killed were: Hanan Ali Ali Hamed Gafez; Salima Mohammed and her three young children, Aballah Mohammed al-Raqiq, Ahmed Mohammed al-Raqiq and Hana Mohammed al-Raqiq; Mansiya Khalif Hiblu (who was nine-months pregnant with twins) and her two young twin daughters, Hiyam and Riham Ali Ali al-Raqiq; Su'ad Salim Sultan, a mother of five young children; Salima Ahmed al-Raqiq and her seven-year-old grandson Abdel Muhimen Fathi al-Jarushi; and two-year-old Arwa 'Atiya Jweily.

A second strike, shortly after, against a nearby house,¹⁷ belonging to Mu'ammam 'Aquil Salah al-Ja'arud killed his wife, Hanan al-Ferjani, their nine-month old baby girl, Salma, his mother, Salma Mohammed Abu Hasina al-Ja'arud, and his sister Fatima 'Aquil Salah al-Ja'arud.



Munitions remnants found at the home of Ali Ali Hamed Gafez bearing the marking: "for use on MK82 bomb" © Amnesty International

A subsequent strike, shortly after, killed 18 men, including several family members, who rushed to the house of Mu'ammam 'Aquil Salah al-Ja'arud to rescue the victims. Surviving members of the Gafez and al-Ja'arud families told Amnesty International that they had not been aware of the presence of any persons or of any activities near their homes which might have explained the attacks.

According to NATO's Operational Media Update one military facility and one communication system were hit in the vicinity of Zlitan on 8 August 2011.¹⁸ In a media interview several days after the incident, the commander of the NATO operation was quoted as justifying the strikes on allegedly legitimate targets "that contained mercenaries, a command centre and 4x4 vehicles modified with automatic weapons, rocket launchers or mortars". He further denied claims of the Libyan authorities that 85 civilians were killed in the incident, but acknowledged that he could not rule out that the strikes caused civilian casualties.¹⁹

In a 15 February 2012 letter to the ICIL, NATO referred to the above incident stating that "these buildings had been identified as being used as staging area for regime forces".²⁰ Based on its examination of the site as well as satellite images of the area during the period of attack, the ICIL found "no evidence (...) that the site had a military purpose."²¹ Amnesty International reached the same conclusions.

SIRTE, 16 SEPTEMBER 2011



Apartment building struck on 16 September in Sirte © Amnesty International

On 16 September 2011, at about 6pm several strikes were carried out on a large apartment building, comprising some 90 apartments, in Sirte.²² At least two residents were killed in two

apartments in different parts of the building. 'Aisha Abdul Jalil al-Mazughi, a mother of two, was killed as she, her husband, Mahmoud Zarruq Masa'ud, and their two young daughters were in their apartment on the fifth floor of the building. The two girls and their father sustained light injuries. Another resident, 27-year-old 'Ali 'Omar Mohammed Suleiman,



Apartment building struck on 16 September in Sirte © Amnesty International

whose family lived in an apartment on the third floor, was killed in the strikes. His father, 'Omar Mohammed Suleiman, told Amnesty International that it is not clear whether other residents were killed in the strike, as it has not been possible to establish how many residents were in the building at the time of the strikes. Many residents had fled the building in the days prior to the strike and the others, as well as many of the city's inhabitants, fled after the attack (the city remained under siege until the capture and killing of Colonel al-Gaddafi in the town's outskirts on 20 October 2011). Most residents had still not returned by February 2012, when Amnesty International visited the area. The bodies of the two victims were only recovered in mid-January 2012.

SIRTE, 25 SEPTEMBER 2011



Home of Salem Diyab in Sirte, where four children and three women were killed on 25 September 2011 © Amnesty International

On 25 September 2011 at about 4am, an airstrike against the home²³ of Salem Diyab, in Sirte, killed four children and three women: one-year-old Diyab 'Amrane and his 27-year-old mother Hanan 'Abdel Majid 'Amrane; two-year-old Ghurfran and her 75-year-old grandmother Marjuha Salem Zarruq; nine-year-old Ahmed 'Ali Diyab; 12-year-old Heba Mosbah Diyab; and 32-year old Intissar Ahmed Diyab. It is not clear whether another relative, Mosbah Ahmed Diyab, a Brigadier-General in al-Gaddafi's forces who lived in another area of the city, was in the house at the time of the attack. According to surviving relatives he had visited earlier that evening and may or may not have been in the house at the time of the NATO attack. If this civilian house was targeted because it was believed that Mosbah Ahmed Diyab was present,²⁴ NATO should have made sure it had information on the presence of any civilians there. The fact that at least seven civilians were in the home should have been reason enough to cancel or delay the attack out of concern that it would have been disproportionate.

APPLICABLE LAW

NATO's military actions in Libya had to comply with the rules of international humanitarian law (IHL) applicable in international armed conflict.²⁵ IHL contains the rules and principles that seek to protect anyone who is not directly participating in hostilities: notably civilians and anyone, including those who were previously participating in hostilities, who are wounded, have surrendered or been captured, or otherwise incapacitated. It sets out standards of humane conduct and limits the means and methods of conducting military operations. Its central purpose is to limit, to the extent feasible, human suffering in times of armed conflict.

The four Geneva Conventions of 1949 and their two Additional Protocols of 1977 are among the principal IHL instruments. Many of the specific rules included in these treaties form part of customary IHL and are thus binding on all parties to any type of armed conflict, including on armed groups. Violations of many of these rules can constitute war crimes. All of the principles and rules cited in this briefing are part of customary international law and are binding on all parties to an armed conflict.

The following fundamental principles of IHL (which have been codified in Protocol I of 1977 as specific rules governing the conduct of hostilities) appear particularly relevant for assessing the civilian casualties caused by NATO strikes, namely:

(1) The *principle of distinction* requires that the parties to a conflict “shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives” (Article 48, Protocol I). Article 51(2) spells out unambiguously that the “civilian population as such as well as individual civilians, shall not be the object of attack.” In addition to direct attacks on civilians, IHL also prohibits indiscriminate attacks, which are those “of a nature to strike military objectives and civilians or civilian objects without distinctions,” (Article 51(4), Protocol I).

(2) The *principle of proportionality* 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” (Article 51(5), Protocol I).

(3) The *principle of precaution* requires that “constant care must be taken to spare the civilian population, civilians and civilian objects” (Article 57(1), Protocol I); and that “all feasible precautions must be taken to avoid, and in any event to minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects” (Rule 15, Customary IHL Study, Vol I; Rules, ICRC).

Article 57(2) of Protocol I specifies necessary precautions including that: everything feasible must be done to verify that targets are military objectives; means and methods of attack must be selected with a view to minimizing harm to civilians and civilian objects;²⁶ the proportionality of a planned attack must be assessed; an attack must be cancelled or

suspended if it becomes apparent it is wrongly-directed or disproportionate; and effective advance warning must be given of attacks which may affect the civilian population, unless circumstances do not permit. Where it is unclear whether an object is used for military purposes, "it shall be presumed not to be so used." (Article 52(3), Protocol I).

Carrying out direct attacks on civilians, indiscriminate attacks resulting in death or injury to civilians, or damage to civilian objects, or a disproportionate attacks (i.e. knowing that the attack will cause excessive incidental civilian loss, injury or damage in relation to the concrete and direct military advantage anticipated) constitute war crimes. (Rule 156, Customary International Humanitarian Law, Volume I: Rules, ICRC).

CONCLUSION

NATO must be transparent about investigations and provide adequate reparations.

Amnesty International is concerned that no information has been made available to the families of civilians killed and those injured in NATO strikes about any investigations which may have been carried out into the incidents which resulted in death and injury.

On 5 March 2012 Amnesty International wrote to NATO requesting information on any steps taken to investigate the incidents documented above and any other reports where it appears that NATO attacks resulted in the death of, and injury to, civilians. Further the organization called on NATO, if these investigations have not yet taken place, to take all necessary measures to ensure that independent, impartial and thorough investigations are conducted without further delay, that the findings be publicly disclosed, and that adequate reparation be afforded to all victims of any violations and their families.

On 13 March 2012 NATO responded to Amnesty International stating that “While NATO did everything possible to minimize the risk to civilians, in a complex military operation that risk cannot be reduced to zero. NATO deeply regrets any harm that may have been caused by those air strikes”. The letter did not provide any information about the specific attacks raised by Amnesty International in its letters or details of any investigation into deaths of civilians. Furthermore, NATO appeared to suggest that it had limited means and responsibility to conduct investigations into reports of civilian casualties caused in NATO strikes. The letter states that NATO “has had no mandate to conduct any activities in Libya following OUP’s (Operation Unified Protector) termination on 31 October 2011”. However, NATO did not take any steps to conduct on site investigations into reports of death and injury of civilians resulting from its strikes in areas which had come under the control of the new Libyan authorities (the NTC) prior to 31 October 2011 and which were thus safely accessible. All the survivors and relatives of those killed in NATO strikes interviewed by Amnesty International said that they had never been contacted either by NATO or by the Libyan NTC.

Moreover, the end of its mandate to conduct operations in Libya does not prevent NATO from investigating the conduct of its own forces, notably the bases on which orders were given to launch specific attacks, the measures taken to verify the accuracy of the information it received about the targets and the precautions taken to minimize the potential risk to civilians.

In its letter, NATO also contends that the Libyan authorities “have the primary responsibility for responding to any possible local request for investigations and claims”. However, the responsibility of the Libyan authorities to conduct investigations into suspected violations that occurred in its jurisdiction does not absolve NATO members of their obligation to redress any violations of IHL that its forces have committed, including by paying compensation to the victims as required by Article 91 of Protocol I. NATO cannot fulfil this obligation without properly investigating attacks in which civilians were killed or injured.

NATO should clarify which measures it took to ensure adherence to the rules of IHL in carrying out these particular attacks, particularly with regard to distinction, proportionality and precaution. Wherever sufficient admissible evidence of any violations of IHL is found, those responsible should be brought to justice.

The NTC, for its part, should also promptly initiate its own investigation into all reported cases of killings and injury to civilians which resulted from NATO strike so as to ensure justice and reparation for victims and their families.

The stated purpose of NATO's military operations in Libya, which were carried out at the request of and with the full support of the NTC, was to protect the civilian population from grave human rights violations which were being perpetrated by the former regime with impunity. It is imperative that both NATO and the NTC take the necessary measures to ensure that there is no impunity for any violation of international humanitarian law which may have been perpetrated in the course of NATO's operations. To this end the necessary investigations must be carried out without further delay.

Amnesty International calls on NATO to:

- Ensure that prompt, independent, impartial and thorough investigations are conducted into any allegations of civilian casualties in NATO strikes, including in the cases mentioned in this briefing;
- Ensure that prompt, independent, impartial and thorough investigations are conducted into any allegations which may arise of serious violations of international law by participants in Operation Unified Protector and that the findings be publicly disclosed, and wherever there is sufficient admissible evidence, ensure that suspects are prosecuted in proceedings that fully comply with international fair trial standards;
- Ensure that victims of violations of international humanitarian law, and their families, receive full reparations.

Amnesty International calls on the NTC to:

- Ensure that prompt, independent, impartial and thorough investigations are conducted into any allegations of civilian casualties in NATO strikes, including in the cases mentioned in this briefing;
- Ensure that victims of violations of international humanitarian law, and their families, receive full reparations.

ENDNOTES

- ¹ French Ministry of Defence: Libya: French air operations begin (<http://www.defense.gouv.fr/english/content/view/full/111943>).
- ² UNSC resolution 1973 (2011) of 17 March 2011 followed UNSC resolution 1970 (2011) of 26 January 2011; the latter referred the situation in Libya to the International Criminal Court (ICC) and imposed an asset freeze and travel ban on Colonel al-Gaddafi and his close associates as well as an arms embargo on the country.
- ³ BBC, "Libya crisis: Gaddafi's air force 'unable to fight'", 23 March 2011 (www.bbc.co.uk/news/world-africa-12837330).
- ⁴ NATO, NATO Secretary General's statement on no-fly zone over Libya, 23 March 2011 (http://www.nato.int/cps/en/natolive/news_71722.htm?mode=pressrelease); NATO, NATO takes command in Libya air operations (http://www.nato.int/cps/en/natolive/news_71867.htm?mode=pressrelease).
- ⁵ "Strike sorties are intended to identify and engage appropriate targets, but do not necessarily deploy munitions each time." See NATO, Operation Unified Protector, "Final Mission Stats", 2 November 2011 (www.nato.int/nato_static/assets/pdf/pdf_2011_11/20111108_111107-factsheet_up_factsfigures_en.pdf).
- ⁶ Lieutenant General Charles Bouchard, Commander of NATO Military Operations in Libya stated on 31 March 2011: "NATO aviators and controllers will do everything they can to deny any use of air power against civilians. They will do so with care and precision and to avoid harming the people of Libya." See NATO, "Press Briefing", 31 March 2011: www.nato.int/cps/en/natolive/opinions_71897.htm?selectedLocale=en
- ⁷ The NATO operation ended on 31 October 2011. See: NATO, NATO Secretary General statement on end of Libya mission, 28 October 2011 (http://www.nato.int/cps/en/natolive/news_80052.htm?mode=pressrelease).
- ⁸ A reported NATO strike on an ambulance on 1 April 2011 in Brega which caused the deaths of four civilians is not detailed in this report but the case has been raised with NATO.
- ⁹ UN Human Rights Council, *Report of the International Commission of Inquiry on Libya*, 2 March 2012, Annex I, pp167-168 (http://reliefweb.int/sites/reliefweb.int/files/resources/A_HRC_19_68_en%201.pdf); Chivers, C J and Schmitt, Eric, "In Strikes on Libya by NATO, an Unspoken Civilian Toll", *The New York Times*, 17 December 2011 (www.nytimes.com/2011/12/18/world/africa/scores-of-unintended-casualties-in-nato-war-in-libya.html?pagewanted=all); Campaign for Innocent Civilians in Conflict (CIVIC) "Libya: NATO's time drawing to a close, but protection work unfinished", 27 October 2011: www.civicworldwide.org/healing-the-wounds/libya
- ¹⁰ See also: Arab Organization for Human Rights, Palestinian Centre for Human Rights and International Legal Assistance Consortium, *Report of the Independent Civil Society Fact-Finding Mission to Libya*, January 2012, pp44-46: www.pchrgaza.org/files/2012/FFM_Libya-Report.pdf
- ¹¹ GPS coordinates: N 32° 49' 56" – E 013° 5' 7".

¹² UN Human Rights Council, *Report of the International Commission of Inquiry on Libya*, Annex II. Amnesty International wrote to NATO on 2 August 2011 and 5 March 2012 requesting information regarding the NATO airstrikes documented in this report. NATO's responses did not provide any further information on such incidents and in its response to Amnesty International of 13 March 2012 NATO referred to its answers given to the ICIL as published in Annex II of the *Report of the International Commission of Inquiry on Libya*.

¹³ GPS coordinates of location: N 32° 28' 22.75" – E 014° 29' 21.24".

¹⁴ *Report of the International Commission of Inquiry on Libya*, Annex II.

¹⁵ *Report of the International Commission of Inquiry on Libya*, Annex I, p167.

¹⁶ GPS coordinates of location: N 32° 22' 27.35" – E 014° 34' 30.03".

¹⁷ GPS coordinates of location: N 32° 22' 24.18" – E 014° 34' 42.94".

¹⁸ NATO, "Operational media update for 8 August", 8 August 2011 (www.nato.int/nato_static/assets/pdf/pdf_2011_08/20110809_110809-oup-update.pdf)

¹⁹ Agence France-Presse (AFP), "Gadhafi Unable to Launch Offensive: NATO commander", 11 August 2011 (www.defensenews.com/print/article/20110811/DEFSECT01/108110306/Gadhafi-Unable-Launch-Offensive-NATO)

²⁰ *Report of the International Commission of Inquiry on Libya*, Annex II.

²¹ *Report of the International Commission of Inquiry on Libya*, Annex I, p165.

²² GPS coordinates of location: N 31° 12' 25.64" – E 016° 34' 58.71"

²³ GPS coordinates of location: N 31° 22' 20.83" – E 016° 35' 39.28"

²⁴ NATO stated in a letter of 13 March 2012 to Amnesty International that "As explicitly directed by the North Atlantic Council, no civilians, and no specific individual, civilian or military, were ever intentionally targeted in our operation".

²⁵ For further details and referencing of applicable IHL rules see Amnesty International, *The Battle for Libya: Killings, Disappearances and Torture* (Index: MDE 19/025/2011), 13 September 2011, pp27-30 (www.amnesty.org/en/library/info/MDE19/025/2011/en)

²⁶ Article 52(1) of the 1977 Additional Protocol I (Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts -Protocol I, 8 June 1977) defines civilian objects as "all objects which are not military objectives".



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