



HUMAN
RIGHTS
WATCH

Unacknowledged Deaths

Civilian Casualties in NATO's Air Campaign in Libya

Summary and Recommendations



UNACKNOWLEDGED DEATHS

Civilian Casualties in NATO's Air Campaign in Libya



NATO AIR STRIKES INVESTIGATED BY HUMAN RIGHTS WATCH

TRIPOLI

An air strike hit the al-Gherari family home on June 19, 2011, killing five people. NATO conceded a “weapons system failure.”

SORMAN

Multiple air strikes hit the large, walled farm of the el-Hamed family, headed by a former member of Gaddafi’s Revolutionary Council, on June 20, 2011. The strikes killed eight family members and five staff.

ZLITEN

An air strike hit the home of Mustafa al-Morabit on August 4, 2011, killing his wife and two of their children.

MAJER

Multiple air strikes hit the compounds of the Gafez and al-Jarud families on August 8, 2011, killing 34 people.

BANI WALID

Air strikes hit two houses owned by the Jfara family, on the night of August 29 or early morning of August 30, 2011, killing five members of the family, including a nine-year-old girl.

SIRTE

A series of air strikes hit the seven-story Imarat al-Tameen apartment building on September 16, 2011. Many of the apartments were abandoned but one man and one woman were killed.

AL-GURDABIYA

An air strike hit the Gidwar family home on September 23, 2011, killing one man and two girls, and wounding at least four people.

SIRTE

An air strike struck the home of the Dyab family on September 25, 2011, killing three women and four children, and possibly Brig. Gen. Musbah Dyab.

EGYPT

*"I just need an answer from NATO:
Why did you destroy my home
and kill my family?"*

FAIZ FATHI JFARA, BANI WALID, JANUARY 23, 2012

This report documents civilian casualties in the air campaign by the North Atlantic Treaty Organization (NATO) in Libya in 2011. NATO says it took extensive measures to minimize civilian harm, and those measures seem to have had a positive effect: the number of civilian deaths in Libya from NATO strikes was low given the extent of the bombing and duration of the campaign. Nevertheless, NATO air strikes killed at least 72 civilians, one-third of them children under age 18. To date, NATO has failed to acknowledge these casualties or to examine how and why they occurred.

International humanitarian law, also known as the laws of war, requires that all attacks be directed at military targets. Civilians are immune from deliberate attack. While not all civilian casualties indicate a violation of the laws of war, attacks cannot be indiscriminate or cause disproportionate civilian loss.



In some cases, the presence of a lawful military target at NATO bombing sites where civilians died is in doubt. Extensive field investigations by Human Rights Watch uncovered no or only possible indications of Libyan government forces, such as military weaponry, hardware or personnel, or communications equipment, at seven of eight



(above) A NATO air strike hit the Gidwar family home in al-Gurdabiya, east of Sirte, on September 23, 2011, killing an elderly man and two girls aged 8 and 10.

(right) Abdulhamid Gidwar, 15, lost his left leg below the knee when the NATO air strike hit his family's house.

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NATO air strikes struck the Imarat al-Tameen apartment complex in downtown Sirte multiple times on September 16, 2011, killing one man and one pregnant woman.

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sites. The circumstances raise serious questions about whether these areas struck were valid military targets at the time of attack.

NATO contends that all of its targets were military objectives, and thus subject to attack, but it has not provided adequate information to support those claims, despite repeated requests from Human Rights Watch, a United Nations Commission of Inquiry, and others.

International humanitarian law obligates a party to an armed conflict to investigate credible allegations of serious laws-of-war violations. Such an investigation would entail a determination as to whether the target was a valid military objective and whether the attacking force took all feasible precautions to minimize civilian casualties. NATO should make the results of its investigations public. Where NATO believes it has conducted an attack resulting in civilian casualties in accordance with the laws of war but evidence of

a military objective is in doubt, it should make public information on the target.

As required under international law, in the event of wrongdoing, NATO should provide prompt and suitable compensation to families for civilian deaths and injuries and loss of property. Where possible, NATO should also investigate incidents resulting in high civilian casualties as part of efforts to minimize harm to civilians in future campaigns.

For this report Human Rights Watch investigated eight NATO air strikes hitting residential homes in which 28 men, 24 children, and 20 women lost their lives. Dozens of other civilians were wounded.

Based on extensive field investigations throughout Libya from August 2011 to April 2012, the report looks at all sites known to Human Rights Watch in which NATO strikes killed civilians. Strikes that resulted in no civilian fatalities—though civilians were wounded or property destroyed—were not included. Altogether, NATO conducted roughly 9,700 strike sorties and dropped over 7,700 precision-guided bombs during the seven-month campaign.

To research these eight cases, Human Rights Watch visited the sites, in some cases multiple times, inspected weapons



(above) Omar Emhamid Suwaysi lost his son, Ali Omar Suwaysi, in a NATO air strike on the Imarat al-Tameen apartment complex in Sirte on September 16, 2011. The writing says “The grave of the martyr, Ali Omar Suwaysi.”

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(right) Dyab Omran, 15 months old, was killed with three other children and three women when a NATO air strike struck the Dyab family home in Sirte on September 25, 2011.

Photo courtesy of the Dyab family



debris, interviewed witnesses, examined medical reports and death certificates, reviewed satellite imagery, and collected photographs of the wounded and dead. Detailed questions were submitted to NATO and its member states who participated in the campaign, including in a meeting with senior NATO officials involved in targeting.

In two of the eight incidents, Human Rights Watch was unable to find any evidence of a valid military target. That is, in one or more visits to each of these bombing sites Human Rights Watch found no remains of weapons, military hardware, or communications equipment to suggest military



A NATO air strike hit the Dyab family home in Sirte on September 25, 2011, killing three women and four children. A military officer may have also been killed.
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(above) A NATO air strike hit the al-Morabit house in Zliten on August 4, 2011, killing Ibtesam Ali al-Barbar, 37, and her children Moatez and Mohamed.

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(right) Mustafa al-Morabit and his two children, Moatez, 3, and Mohamed, 5.

Photo courtesy of the al-Morabit family



deployment or activity at the site. At five of the sites, Human Rights Watch found only possible signs of a military presence, such as a military-style shirt or coat amidst the rubble. In the eighth incident, a person believed to be a high-ranking military commander may have been killed along with seven civilians.

In all of these incidents, separate interviews with survivors and other witnesses provided details of the situation at the time of the strike, but no indication of nearby military activity. Satellite imagery taken before the strikes at five of the sites revealed no signs of military presence that would have rendered the areas struck as lawful military targets.

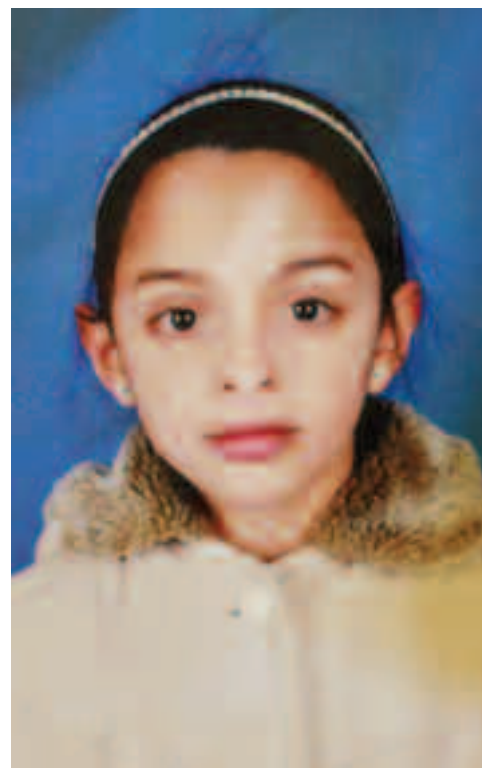


(above) Farid Fathi Jfara pointing to where family members found the body of Farah Jfara, 9, killed with four relatives in a NATO air strike on August 29 or 30, 2011 in Bani Walid.

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(right) Fadwa Fathi Jfara, 30, and Farah Jfara, 9 (far right), were killed when a NATO air strike struck their home in Bani Walid on August 29 or 30, 2011.

Photo courtesy of the Jfara family





A tail fin from a 500 pound laser-guided bomb (GBU-12) found in Majer, where NATO air strikes killed 34 civilians and wounded more than 30 on August 8, 2011.

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Human Rights Watch recognizes that places bombed could have been cleaned up by Gaddafi forces and local residents, who would have an interest in denying the military nature of a bombing site. While fighting was ongoing, the Gaddafi government did use several sites for propaganda purposes, adding “evidence” of civilian life and possibly removing military material. One incident investigated by Human Rights Watch but not included below was clearly a valid military target, and the victims were combatants. However, the incidents in the report raise sufficient questions about the lawfulness of the strikes that Human Rights Watch believes NATO should provide more information on the alleged targets or conduct an investigation into the lawfulness of the attack.

NATO told Human Rights Watch that it “did everything possible to minimize risks to civilians,” including the exclusive use of precision-guided munitions. The alliance’s strikes were on legitimate military targets, NATO said, and “no

target was approved or struck if we had any reason to believe that civilians would be at risk.”

The most serious incident in this report occurred in the rural village of Majer, south of the town of Zliten, 160 kilometers east of Tripoli, on the night of August 8, 2011, killing 34 people and wounding more than 30. NATO bombs hit two family compounds, one of them hosting dozens of displaced persons. This attack was followed by another bomb that struck outside one of the compounds as neighbors and relatives were retrieving the wounded and dead. NATO says the compounds were a “staging base and military accommodation” for Gaddafi forces but it has not provided specific information to evaluate that claim. During four visits to Majer, including one the day after the attack, Human Rights Watch found no evidence of military activity at either of the compounds. A single military-style shirt was in the rubble of one of the three houses that were struck.

Of particular concern is the second attack outside one of the compounds while people were searching for victims, which killed 18 men. At the site Human Rights Watch found remnants of GBU-12 laser-guided bombs, which have an infrared system to guide the bomb to its target. As such, the pilot may have seen people around the wreckage of the house as they were



trying to rescue survivors. If the pilot could not determine that those people were valid military targets, then all feasible steps should have been taken to cancel or suspend the attack.

In the town of Zliten on August 4, 2011 NATO ordnance struck the home of Mustafa al-Morabit, killing his wife and two of their three children. Human Rights Watch found no signs of military activity at the house one week after the attack, and al-Morabit and his neighbors said the home had served no military purpose. Al-Morabit believed the intended target was his neighbor's home, which he said Gaddafi forces had used and vacated two days before the attack. NATO said it had hit a "command and control node" but provided no details.

On June 19 a NATO bomb hit a family home in a residential neighborhood of Tripoli, killing five civilians and wounding at least eight. This is the only case in which NATO admitted a mistake, saying it missed its intended target due to a "weapons system failure which may have caused a number of civilian casualties." NATO has not explained the cause of the failure, beyond "laser guidance problems," or taken action on behalf of the victims.

On August 29 or 30 in Bani Walid, 170 kilometers southeast of Tripoli, a NATO strike hit two homes and killed five members

(above) The funeral in Majer for 34 victims of a NATO air strike on two rural compounds on August 8, 2011.

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of the Jfara family—two men, two women, and a nine-year-old girl. Family members and witnesses said there was no military activity in the vicinity at the time. At the site, Human Rights Watch found remnants of a GBU-12 laser-guided bomb and a single military-style winter coat. NATO has not provided details of the strike but said that on August 29 it struck a "major command and control node which was reliant on non-traditional/informal methods to carry out that function."

On September 25, 2011, NATO struck the home in Sirte, 450 kilometers east of Tripoli, of the brother of a senior military officer, Brig. Gen. Musbah Ahmed Dyab, who some family members say was killed in the attack. Three women and four children from the family lost their lives in the strike. While General Dyab was a legitimate military target, NATO has not provided information on the intended target of the attack. NATO said it had a policy of not targeting individuals. At the site Human Rights Watch found several empty ammunition boxes for small arms, which the family said had not been there at the time of the strike.



(above) A NATO air strike on the al-Gherari house in Tripoli on June 19, 2011 killed five members of the family. NATO said the strike was due to a “weapons system failure.”

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Human Rights Watch’s findings are consistent with the reporting of others who have examined civilian deaths in Libya resulting from NATO’s air campaign, namely the Commission of Inquiry appointed by the United Nations Human Rights Council and the nongovernmental organizations Amnesty International and the Campaign for Innocent Victims in Conflict (CIVIC). The New York Times published a lengthy investigative article that included six sites with civilian deaths, all of which are covered in this report.

In its March 2012 report, the UN Commission of Inquiry documented 60 civilian deaths and 55 injuries at five sites where the commission found no evidence of military activity. The commission called on NATO to conduct an investigation to determine the number of civilian casualties and to review its procedures.

Human Rights Watch, along with the UN Commission of Inquiry and others, repeatedly sought information from NATO

about the precautions the alliance took to protect civilians and specific incidents where civilian deaths occurred. NATO was forthcoming on the former, explaining its strict target selection and review process and its exclusive use of precision-guided munitions. However, NATO has not provided sufficient information on the intended targets in individual cases to demonstrate that the strikes documented in this report were legally justified.

NATO has also not conducted field inquiries into any civilian casualties that resulted from its strikes or included civilian casualties in an internal lessons learned report. NATO says it has no mandate to conduct investigations in Libya after the conflict, but it will “cooperate fully” with efforts by the Libyan authorities to review incidents.

The Libyan government has taken initial steps by forming an inter-ministerial task force to investigate civilian deaths caused by NATO. Given that NATO played a critical role in the defeat of the Gaddafi government, however, the task force is likely to avoid serious criticism of NATO’s air campaign. As of late April, the task force had apparently not begun its work.

International humanitarian law holds a state responsible for attacks carried out by its forces or by forces acting under its instructions, directions, or control. Fifteen countries partic-



Posters outside the large el-Hamedi family farm in Sorman in early August 2011. NATO air strikes on the farm on June 20, 2011 killed eight family members and five staff. A guard walks in the background.

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ipated in the NATO air campaign, with eight of them reportedly dropping ordnance: Belgium, Canada, Denmark, France, Italy, Norway, the United Kingdom, and the United States. Any particular attack likely would have involved personnel and possible command authority from militaries beyond those of the aircraft used in the attack. To date, NATO has been unwilling to provide information on the nationality of the aircraft involved in specific operations, including the incidents in this report.

Human Rights Watch also sought information about the incidents in this report from the governments of the eight countries that dropped ordnance. Seven of them replied with an identical letter, referring questions to NATO. Italy did not respond.

NATO had a mandate from the UN Security Council to protect civilians in Libya and the relatively few civilian casualties during a seven-month campaign attests to the care

NATO took in minimizing civilian harm. However, the low number of civilian casualties does not obviate the need to provide information that would demonstrate a legitimate military target in circumstances where there have been civilian casualties and to make that information public. NATO is also obligated to investigate credible allegations of laws-of-war violations, appropriately punish those responsible, and provide compensation to victims of unlawful attacks.

At the same time, some governments that have been critical of NATO's air campaign in Libya have exaggerated claims of civilian deaths in NATO air strikes. Such claims have no basis in fact and serve to politicize the issue of civilian casualties, rather than encourage prompt and impartial investigations, and bring about changes to improve civilian protection.

RECOMMENDATIONS

TO NATO

- Conduct transparent and impartial investigations into credible allegations of laws-of-war violations during NATO's air war in Libya. Make public the findings and include recommendations for disciplinary measures or criminal prosecutions where violations are found;
- Make public information on intended military targets in air strikes in which civilians were wounded or killed;
- Conduct field investigations into air strikes in which there were high numbers of civilian casualties even where there was no evidence suggesting violations of the laws of war;
- Provide prompt and appropriate compensation to families suffering deaths, injuries, and property damage resulting from wrongful NATO strikes;
- Consider providing assistance to families in Libya that have suffered harm from NATO air strikes in accordance with NATO's "Non-Binding Guidelines for Payments in Combat-Related Cases of Civilian Casualties or Damage to Civilian Property";
- Conduct a general investigation into NATO strikes that resulted in civilian casualties with the aim of minimizing civilian casualties in future armed conflicts.
- Brief the UN Security Council, which provided the mandate for NATO's military operation in Libya through resolution 1973, on the findings of the investigation into civilian casualties caused by NATO air strikes.

TO PARTICIPATING STATES OF NATO'S LIBYA OPERATION

- Conduct transparent and impartial investigations into credible allegations of laws-of-war violations in Libya involving your national forces. Make public the findings and include recommendations for disciplinary measures or criminal prosecutions where violations are found;
- Provide prompt and appropriate compensation to families suffering deaths, injuries, and property damage resulting from wrongful strikes committed by your national forces;
- Consider providing assistance to families in Libya that have suffered harm from air strikes committed by your national forces in accordance with NATO's "Non-Binding Guidelines for Payments in Combat-Related Cases of Civilian Casualties or Damage to Civilian Property."

TO THE LIBYAN TRANSITIONAL GOVERNMENT

- Request that NATO and countries that participated in NATO's Libya operations provide detailed information about intended military targets of air strikes in which civilians died. Make that information publicly available and press for compensation where there is a finding of wrongdoing.

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Civilian Casualties in NATO's Air Campaign in Libya

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Relatives and neighbors search for survivors in the rubble of the Gafez family home in Majer on August 9, 2011, one day after NATO strikes on this and another compound killed 34 people and wounded more than 30.

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