



## Libya: End Indiscriminate Attacks in Western Mountain Towns [1]

Civilians Killed, Homes, Mosques, and a School Damaged

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(Beirut) - Libyan government forces have launched what appear to be repeated indiscriminate attacks on mountain towns in western Libya, Human Rights Watch said today.

Accounts from refugees who fled the conflict say the attacks are killing and injuring civilians and damaging civilian objects, including homes, mosques, and a school. Human Rights Watch called on Libyan forces to cease their indiscriminate attacks on civilian areas.

Human Rights Watch interviewed more than 50 refugees from Libya's western Nafusa mountains in Tunisia from April 26 to May 1, 2011, as well as doctors and aid workers assisting those in need. The refugees gave consistent and credible accounts of indiscriminate shelling and possible rocket attacks in residential areas of the rebel-controlled towns of Nalut, Takut, and Zintan. Human Rights Watch could not confirm the refugees' accounts due to government restrictions on travel in western Libya but, taken together, they describe a pattern of attacks that would violate the laws of war.

"Accounts from refugees paint a consistent picture: Libyan government forces are firing indiscriminately into towns and villages of the Nafusa mountains," said Nadya Khalife, Human Rights Watch researcher, who interviewed Libyan refugees in Tunisian hospitals and refugee camps. "The scale of the attacks, which have damaged mosques, homes, and landed near hospitals, suggests the government has made little or no attempt to focus on military targets."

The refugees said that government attacks from the outskirts of Nalut, Takut, and Zintan had damaged mosques, water facilities, homes, and a school, as well as landed outside two hospitals. The refugees said they had not seen rebel fighter activity or other military targets in the areas that were attacked.

According to the United Nations, by May 4 more than 44,000 Libyan refugees had crossed into Tunisia through the Dehiba crossing since April 7. More than 149,000 people had fled to Tunisia in total.

One Libyan refugee in Tunisia, Abdel Wahed T. (not his real name), 32, told Human Rights Watch how a government attack on his home in Zintan killed four relatives.

Abdel Wahed said that at the time of evening prayer on April 24, what he called a "rocket" landed next to his house in the residential neighborhood of Fra'een, which he said had not been used by rebel fighters. "I was at home, and we were listening to the 'Grads,'" he said, using the term most refugees used for government-fired munitions. "My relatives were sitting on the floor in the house, and four of them died [when the munition hit]." The victims were Mohamad Ahmad 'abd al-Salam, 76, Fajir al-Ma'aloul, in her 50s, Abd al-Rahman Mohamad al-Mehdi, 90, and Marwan abu Bakar Rmadi, 88.

Abdel Wahed said that he rushed to help after the munition struck and, at that moment, a secondary explosion scorched his face and caused other injuries. He was taken to the Zintan hospital where he stayed for several days, he said, but was forced to leave at 6:30 a.m. on April 27 after government-fired munitions landed outside the hospital. "Two rockets landed right in front of the hospital... and one of the nurses injured her hand," he said. "My brother then took the car and brought me here to Tunisia."

Human Rights Watch interviewed Abdel Wahed at the Tataouine hospital in Tunisia, where he was being treated for shrapnel in his left foot and both hands, two wounds on his chest, and first-degree burns on his face. Abdel Wahed said that the blast also injured an elderly male relative and a two-year-old girl, both of whom came with him to Tunisia for treatment.

Dr. Derza Moncef, director for emergency services at Tataouine Hospital in Tunisia, about 100 kilometers from Dehiba, said the hospital had treated at least five Libyan refugees every day since April 7, including for burns, shrapnel wounds, and broken bones. The hospital had seen Libyan children and some elderly who were malnourished and dehydrated, he said.

Under international humanitarian law applicable in Libya, all sides to the conflict are prohibited from targeting civilians and civilian objects or conducting attacks that do not discriminate between civilians and combatants, Human Rights Watch said. Forces must take all feasible precautions to minimize the harm to the civilian population, including avoiding deploying in populated areas and ensuring all targets are military objectives.

Armed opposition forces in Libya are also obliged to respect the laws of war, including by avoiding to the extent feasible locating military objectives in densely populated areas and endeavoring to remove civilians from the vicinity of military objectives, Human Rights Watch said.

As in other conflicts, Human Rights Watch monitors compliance with the laws of war by all parties to the conflict - here the Libyan government, armed opposition groups, and international military forces.

"All persons responsible for attacks that amount to war crimes, including those who give the orders, are subject to prosecution," Khalife said. "And soldiers should refuse to follow unlawful orders."

## **Background**

Tensions in the Nafusa Mountains, inhabited by Arabs and ethnic Amazigh (or Berber), began on February 18, 2011, when residents of some towns staged peaceful protests against the Gaddafi government. The government responded by deploying security forces to reassert control, which provoked more protests and unrest, the refugees said. Pro-Gaddafi forces surrounded towns such as Zintan, Nalut, Takut, and Ruways al Hawamid, and blocked residents' access to their farms and olive groves outside the towns, bringing most work and commerce to a halt. Some farmers who made it to Tunisia said that government forces killed or ate their livestock, or that the animals died from lack of water because farmers were unable to reach them. By late March rebel forces had control of at least these four towns and the government was shelling Zintan from its outskirts.

By April 7, the first refugees made it into Tunisia across the Dehiba crossing, according to the United Nations High Commissioner for Refugees (UNHCR). Over the next two weeks, 18,853 refugees crossed into Dehiba.

On April 21, rebel forces seized control of the town of Wazin, about four kilometers from Tunisia, and the Libyan territory leading to the Dehiba border crossing, opening a supply route into the mountains. Since then, control of this border area has changed hands between Libyan government forces and rebels, with frequent armed clashes, sometimes spilling into Tunisia. Starting on April 29, the Tunisian army also has clashed with Libyan government forces as they pursued rebels into Dehiba, sometimes forcing the border crossing to

close.

According to the UNHCR, another 24,016 refugees from Libya officially entered Tunisia through the Dehiba crossing between April 22 and May 4. On April 30 alone 4,568 refugees fled to Tunisia through the Dehiba crossing, followed by another 3,500 on May 1. On average 2,500 refugees from Libya are also crossing into Tunisia every day using informal routes, UNHCR said.

### **Indiscriminate Attacks**

Refugees interviewed in Tunisia said that government forces started attacking rebel-held towns in the Nafusa Mountains in late March. Almost all of the refugees said that government forces had fired "Grads," possibly meant as a generic term for mortar and artillery fire, as none claimed to have weapons expertise. Human Rights Watch was unable to confirm the type of munitions fired by government forces into civilian areas because such confirmation requires access to and inspection of the impact sites.

Government forces might have fired Grad rockets, Human Rights Watch said, as they have repeatedly fired these rockets [4] into civilian areas in Misrata, a coastal city in western Libya, over the past month. In addition, photos taken of weapon remains by a foreign photographer in Nalut on April 26, which rebels claim were fired by government forces, show the signature twisted metal of a fired Grad rocket, as well as intact Grad rockets that rebels in Nalut claim to have captured after a clash with government forces.

The Soviet-designed Grad rocket, with a range of four to 40 kilometers, is inherently indiscriminate when fired in civilian areas because it lacks a guidance system. But firing artillery shells and mortar rounds into civilian areas can also be indiscriminate, and therefore unlawful, when used in a manner that does not distinguish between military targets and civilians, Human Rights Watch said.

Most of the refugees interviewed by Human Rights Watch in Tunisia asked not to publish their names due to fear of harassment and potential reprisal by the Libyan government.

### **Zintan**

According to more than a dozen witnesses, rebel forces took control of the predominantly-Arab inhabited town of Zintan (population approximately 40,000) in mid-March after a few days of fighting with government forces. Zintan then came under heavy assault by government forces starting on about April 25, including attacks in densely populated neighbourhoods.

Hassan F. (not his real name), a 55-year-old retired teacher from the Belhita neighborhood of Zintan, said he also fled Libya on April 27 after extensive attacks in residential areas, including at least three attacks that hit at our near the town's hospital. He said:

The bombing forced us to leave. It started the day before yesterday [April 26]. My children were asleep and woke up and heard it... Some houses were destroyed, some mosques, even the Zintan hospital grounds were hit by three or four rockets. They hit some schools, but they were mostly focusing on the houses.... The mosque, school, and hospital were all in the center [of town].

Toward the beginning of the attack on Zintan on April 25, Hassan learned that a government-fired munition had struck the compound of a family with the last name of Knifou on the edge of town. He went to the compound, he said, and saw seven people killed and ten injured, one of them his uncle, whose name Hassan did not want to give out of concern for his security. Hassan told Human Rights Watch:

There was a house and, in front of it, a tent. In the tent there were two little girls, four boys in their 20s, and an old woman of almost 80. The house was in a mountain area. A Grad hit the tent, or maybe it was another kind of rocket.... The shrapnel killed the family [in the tent].... We saw the crater from where the rocket hit the ground. It made a crater smaller than this tent [in the refugee camp].... Of the

injured people, one got his leg cut off.... I left him in Zintan, but there was no equipment in the hospital.

Hassan said that to his knowledge, and based on what he had seen when moving through Zintan for his daily business throughout April, rebels had not used any of the buildings attacked by government forces. Nor to his knowledge were there any other military targets in the vicinity. He and other refugees from Zintan said the rebels were operating on the outskirts of town, defending against a potential incursion by government or loyalist forces. "The rebels were not using the mosque, school, or hospital; just normal people were using them," he said.

Amr F. (not his real name), also from Zintan, showed Human Rights Watch a cell phone-video that he said he took of the Al Khalil school in the town. The video showed the pockmarked walls of the school, which Amr said resulted from a government attack in the morning hours of April 27. Amr and his family said that to their knowledge, and based on their observation of the school building as they moved about town, rebels had not used the school.

Hussein G. (not his real name), a 61-year-old volunteer nurse from Zintan, said he also witnessed destruction from attacks in civilian areas, including an ambulance that was damaged outside the Zintan hospital by a government-fired munition between 7 and 8 a.m. on April 27. "We heard the blast," he said. "I came to the hospital to see if anyone needed help. It was an empty ambulance that was destroyed. It was in front of the hospital." Hussein was regularly at the hospital to serve as a volunteer until he fled from Zintan, and he said he never observed a rebel presence at the hospital.

Ali J. (not his real name), also from Zintan, said that before he fled Libya on April 27, he saw damage from what he called "rockets" to a power generator and the electric pumps on the town's main water well. "Troops hit the generators ... and the pumps used for the water well," he said. According to Ali, Libyan government forces hit the power generator and water well in the first half of April, but he did not know the exact date. Zintan has many water wells, Ali said, so the attacks did not cause a water shortage. Ali said he also saw damage to civilian buildings when at least one "rocket" hit approximately 20 meters from his home in the Soug neighborhood in central Zintan around 7 a.m. on April 26. No rebels were active in his neighborhood at the time, he said.

Another refugee from the Belhita neighborhood of Zintan, Aisha B., said that government munitions had hit schools, mosques, and homes not used by rebels in her residential neighbourhood, and that the attacks had killed four civilians several days before she fled on April 27. Aisha did not know the names of the killed civilians, and they may be the relatives of Abdel Wahed T. (mentioned above), who were killed on the evening of April 24. Aisha said that government attacks since about April 21 had hit four mosques - the Al-Khalil, Ali Hdibah, Al-Aswad, and Rahmah mosques - as well as the Al-Khalil school, which Amr F. said was depicted in his cell phone video.

Youssef N. (not his real name) said he lived in central Zintan, and fled the town on April 30 due to the ongoing attacks. He said he saw three houses in residential areas that were damaged by government attacks. The first was a one-story home in the Saig neighborhood, near Zintan's hospital, he said, but the family had fled the day before the attack. According to Youssef, a wall collapsed and crushed the main entrance of the home. The second was another one-story house in the same neighborhood with damage to its garage. The third was a two-story house in the Jihat Soug neighborhood, in which a "rocket" had apparently entered through a second-story window. Youssef did not know if people were in either of the last two houses at the time of the attacks. He did not see the houses at the time of the attack, so could not say whether rebels had been there at the time; however, he said that he never saw rebels fighting from the center of the town, but rather only on the outskirts, defending against possible government advances.

Saad A. (not his real name) said he lived in the Maharig neighborhood of Zintan, and fled to Tunisia on April 28. He said he heard about 20 rockets being launched into his town on April 27, one of which landed approximately 50 meters from his house, hitting an empty

house near a dentistry school. Based on observations from walking around his neighborhood in the preceding days, no rebel fighters were in the area of his home at the time of the attack, he said.

### **Nalut**

More than 20 refugees from the mostly Amazigh-inhabited town of Nalut (population 93,000) told Human Rights Watch that government forces began their attacks to seize control of the town from rebels around April 21 or 22. Since then, several refugees said that government attacks from the outskirts of the town had damaged a mosque and landed in the hospital compound (*Mistashfa Nalut al-Markazi*), neither of which were being used by rebel forces.

Khaled B. (not his real name) said that in the late afternoon of April 29 he saw several "Grads" fly overhead. He went to see the damage from munitions that hit a water reserve for the Rahma mosque. He said to his knowledge the rebels had never used nor been present in the mosque or the neighborhood.

Leila P. (not her real name), also from Nalut, told Human Rights Watch, "On Sunday [April 24], at 10:14 p.m., a Grad rocket hit the homes in our neighbourhood (Belhita). The children were horrified, we were shaken up, and the next day early in the morning we left for Tunisia."

### **Takut**

Refugees from the mostly Amazigh town of Takut (population approximately 10,000) reported a range of damage to civilian buildings and farms in that town when government forces began to attack rebel forces on April 11 or 12.

Amal N. from Takut, for example, told Human Rights Watch that on April 21 her husband had gone to the Ghasrou mosque with some friends to pray. As they were leaving, rockets hit the mosque, her husband told her. The family fled Takut, she said, when government-fired munitions started landing in her residential neighborhood in mid-April, but her husband stayed behind. Amal had no knowledge of rebels operating in her neighborhood.

### **International Law**

Indiscriminate attacks include those where the attacker does not take all feasible steps to avoid or minimize hitting non-military objectives. Examples of indiscriminate attacks are those that are not directed at a specific military objective or that use weapons that cannot be directed at a specific military objective, such as the Grad rocket. Prohibited indiscriminate attacks include attacks, including by artillery or other means, that treat as a single military objective a number of clearly separate and distinct military objectives located in an area with a concentration of civilians and civilian objects.

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