

Cluster Bombing of Misrata Committed by US Naval Forces, Not Qadhafi

By [Human Rights Investigations \(HRI\)](#)

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The ongoing HRI investigation of the cluster bombing of Misrata in April 2011 has found convincing evidence the bombing was committed by US naval forces.

The bombing of Misrata

On the 15th April 2011, during the day, sub-munitions of a MAT-120 cluster bomb were shown to Human Rights Watch (HRW) and C.J. Chivers, a journalist for the New York Times, in Misrata. On that evening, during ongoing clashes between rebel and loyalist forces, [Human Rights Watch workers](#) witnessed 3 or 4 cluster munitions landing in residential areas of Misrata. HRW attest to further subsequent such bombings.

Civilians were killed in these attacks and the UN High Commissioner for Human Rights, Navi Pillay, condemned:

“The reported repeated use of cluster munitions and heavy weaponry by Libyan government forces in their attempt to regain control of the besieged city of Misrata.”

She noted that one cluster bomb had reportedly exploded a few hundred metres from a hospital in Misrata while another two clinics were apparently hit by mortar or sniper fire.

“Using imprecise weaponry such as cluster munitions, multiple rocket launchers and mortars, and other forms of heavy weaponry, in crowded urban areas will inevitably lead to civilian casualties.”

The rush to judgement

Both HRW and C.J. Chivers immediately blamed these attacks on the Gaddafi regime and the news has been a front page and first item on the television news around the world.

Here are the relevant HRW and NYT reports:

[The Human Rights Watch Report of 15th April on which the Ghaddafi forces fired cluster munitions story has been based.](#)

[CJ Chiver's report on 15th April, 'Qaddafi Troops Fire Cluster Bombs Into Civilian Areas'](#)

[Fred Abrahams on BBC Radio 4 Today Program 16 April 2011](#)

In response to the question of why he assumed the munitions, which form part of NATO's arsenal, were fired by Libyan rather than NATO forces, Fred Abrahams said,

"Because the MAT-120 is mortar-fired and NATO has no troops on the ground." [Link](#)

When initially confronted with the information that cluster bombs had been found in Misrata, Hillary Clinton's reaction was:

"That is worrying information. And it is one of the reasons the fight in Misrata is so difficult, because it's at close quarters, it's in amongst urban areas and it poses a lot of challenges to both NATO and to the opposition."

The MAT-120 cluster bomb can be fired by naval forces



The MAT-120 ammunition is indeed mortar-fired, but it is a heavy weapon of a specific type which can be used in specific weapons systems, mounted in a turret.

Here is the AMOS system on a CB-90 in action:

Weapon of choice for Special Operations

The combination of the MAT-120 ammunition and the Combat Boat 90H has been described as ideal for fire support in urban environments and is one of the only weapons systems in the coalition armoury that can be used for this task.

As Captain Evin H. Thompson, Commander of US Naval Special Warfare Group Four, [said in June 2007](#), in relation to a specific question about US Navy use of the CB90-H and AMOS system (which fires the MAT-120):

"The Amos or something like that - tied into my reduced signature boat gives special operation and our Navy the ability to clandestinely be someplace with the capability to act if circumstances allow."

US Naval Special Group [Special Warfare Combatant-craft Crewmen](#) are specifically trained in night-time raids and close support of SEALs units in coastal waters and have possession of a flotilla of CB-90s.

NATO admit bombing inside Misrata

During the period that these munitions were used there was fierce fighting between rebel and loyalist forces with coalition forces providing firing support and special services support to the rebels in order to prevent loyalist forces retaking the town, which would have seen an end to the rebel's last foothold in western Libya.

Our [update on the bombing of Misrata](#) shows that NATO admit to bombing using "certain weapons" within the city of Misrata.

The incorrect reports that Spain sold the MAT-120 to Libya.

We have found the reports that Instalaza, the Spanish manufacturer of the MAT-120, has admitted selling these weapons to Libya turn out to be baseless. In fact [Instalaza have denied selling these weapons to Libya](#).

The munitions found in Misrata were dated 2007 (batches 02/07 and 03/07) and the Spanish government ceased issuing any export licences on 11 June 2008.

The false reports that these munitions were sold to Libya rest on a misreading of the Spanish Government's National Reports export data for arms exports – and this is a misreading which has been contained in media reports since a 15 September 2008 article in [Solidaridad](#). It seems likely that the organisers of the bombing of Misrata read these reports and assumed that Libya possessed the MAT-120.

The Spanish government reports show licenses were issued by Spain for exports to Libya in category 4, which includes bombs and missiles, in 2007 and an export was made in 2008 in this category. The amounts were for 3 licenses in 2007 valued at a total of 3,823,500 Euros and actual exports under 2 licences of 3,839,21 Euros in 2008. There is no detail in the reports on these shipments and what they consisted of or who the companies were (although detail is separately given on dual-use equipment in 2008 – radars and lab equipment).

Of the countries to whom Spain sold category 4 munitions in 2007 and 2008 only three countries are involved in the Libyan conflict and have not signed up to the cluster munitions treaty – and those countries are Libya, Qatar and the USA. But everyone has rushed to blame Libya based on a misreading of this report.

However, analysis of official Spanish government documents shows Spanish company Instalaza didn't export cluster weapons to Libya in 2007/08.

In fact the MAT-120, as a mortar round, is a category 3 munition (ammunition), not a category 4 one (bomb), and Spain didn't export any category 3 munitions to Libya in 2007 or 2008. So the bombs Spain exported to Libya in 2008 were not the MAT-120 but something else. Spain did export category 3 munitions to the USA.

Below is an extract from the [Spanish National Report](#) on Exports of 2007 showing the way different items are categorised:

DESCRIPTION OF THE 22 ARTICLES FIGURING ON THE LIST OF DEFENCE MATERIAL (ROYAL DECREE 1782/2004 OF 30 JULY)

2 Smooth-bore weapons with a calibre of 20 mm or more:

Firearms (including pieces of artillery), rifles, howitzers, cannons, mortars, anti-tank weapons, projectile launchers, flame throwers, recoilless rifles, signature reduction devices, military smoke, gas and pyrotechnic projectors or generators and weapons sights.

3 Ammunition, devices and components

Ammunition for the weapons subject to control by articles 1, 2 or 12. Fusesetting devices including cases, links, bands, power supplies with high operational output, sensors, submunitions

4 Bombs, torpedoes, rockets, missiles

Bombs, torpedoes, grenades, smoke canisters, rockets, mines, missiles, depth charges, demolition charges, "pyrotechnic" devices, cartridges and simulators, smoke grenades, incendiary bombs, missile rocket nozzles and re-entry vehicle nosetips.

These categories, used in the Spanish Report, are in line with those of the [Common Military List](#) of the European Union.

This means that the contention that the MAT-120, the mortar fired ammunition was exported to Libya from Spain is based on a misreading of the report. In fact, according to the Report, Libya could not have been supplied with the MAT-120.

Of the countries to which category 3 exports were actually made in 2007 and 2008 (after the date of manufacture of the bombs found in Misrata and before the the Spanish government banned their export) only the following country has not signed the Convention against Cluster Munitions and is involved in the conflict in Libya: The USA

The weapons systems trail.

A limited number of weapons systems can be used to fire the MAT-120 and these include the USA-built Combat Boat 90H (CB-90) with the AMOS system on board which is manufactured under licence in the USA by AAI Corp.

The United States leadership fully approve of cluster munitions

The USA has refused to sign the Convention against Cluster Munitions and these weapons are normal parts of their arsenal with the USA possessing a very large stockpile of cluster munitions.

US Defence Secretary Robert Gates has said cluster munitions are regarded by the US as:

"Legitimate weapons with clear military utility."

In fact, Secretary Gates signed the policy on July 9 2008 that all cluster bombs in the US armoury should be of a similar type to the M-120 by 2018.

As Richard Kidd, Director of the Office of Weapons Removal and Abatement, U.S. Department of State, [wrote](#) in "Is There a Strategy for Responsible U.S. Engagement on Cluster Munitions?" April 28, 2008:

"Cluster munitions are available for use by every combat aircraft in the U.S. inventory, they are integral to every Army or Marine maneuver element and in some cases constitute up to 50 percent of tactical indirect fire support."

Yet, the alleged war crime of bombing Misrata is also being used by [US Secretary of State Hillary Clinton](#) and other authorities to justify an escalation of the conflict in Libya.

The coalition operation in Misrata

On the 14th of April, NATO Secretary-General Rasmussen confirmed that [Admiral Stavridis](#) had briefed foreign ministers that Gadaffi's forces were now in populated areas and that "to avoid civilian casualties we need very sophisticated equipment."

The US Combat Boat 90 or similar can be transported using a US transport aircraft to anywhere in the world in short order or transported to the immediate region using a naval support vessel.

The main ships involved from the United States Navy - ie "supporting Operation Unified Protector, off the coast of Libya" on the 14th and 15th April are attached to the Kearsarge Amphibious Group - Kearsarge (LHD-3) itself was in port in Augusta Bay, Sicily during the nights on which Misrata was cluster bombed.

The first ship is the USS Barry (DG-52) which is a destroyer and probably the destroyer spotted by CJ Chivers off the coast of Misrata.

Here is USS Barry earlier in the Libyan operation firing Tomahawk missiles into Libya:

Interestingly, the commanding Officer of USS Barry used to be [Admiral James G Stavridis](#), the Admiral who is particularly keen on information wars and controlling the internet.

USS Barry participated in an exercise (FLEETEX 2-94) which involved covert SEAL team extraction in shallow water off the Carolina coast. USS Barry is based at Naval Station Norfolk, Virginia, also the base of Eva H. Thompson - the commander of Special Warfare Unit Four, who we have quoted before, praising the usefulness of the Combat Boat 90 and AMOS system.



The second ship of interest is the USS Ponce (LPD-15), an Austin-class amphibious transport dock. An [amphibious transport dock](#) is a warship that embarks, transports and lands elements of a landing force for expeditionary warfare missions. This ship had something of the order of 851 enlisted servicemen and 72 officers on board.

Interestingly shortly after the Misrata operation, both the skipper and executive officer of USS Ponce, Commander Etta Jones and Lt. Cmdr. Kurt Boenisch, were relieved of their commands.



The third ship, of interest, is the USS Carter Hall (LSD-50) which is a dock landing ship and travelled through the Suez canal to join the others on April 13th, the day before the cluster bombing of Misrata. A dock landing ship is a form of amphibious warship designed to support amphibious operations. These amphibious assault ships transport and launch amphibious craft and vehicles with their crews and embarked personnel. usually these forces would be marines and/or special forces.

Embarked on these ships were certain units, including the 26th Marine Expeditionary Unit (Special Operations Capable) (26MEU) and Naval Beach Group Two (NBG2), TACRON 21, Four and Helicopter Sea Combat Squadron TWO TWO (HSC-22).

The commander of the task force was Captain Dan Shaffer – who doubled up as Commander Task Force 65 (CTF-65) and Commander Destroyer Squadron 60 (DESRON60). He is under the command of [Admiral Stavridis](#).

Operating from an amphibious transport dock ship, the forces involved, operating at night, could have been confident that they would not be discovered using these weapons.

The forces would also have been confident the use of these weapons would be blamed on the Gaddafi regime, as the operation organiser's research would have shown (wrongly) that the MAT-120 was a a weapon possessed by Libya.

Human Rights Investigations calls for:

- 1). A full investigation into the possession and use of cluster munitions by all forces in the Libyan conflict with no impunity.
- 2). The suspension of military personnel found to be involved pending investigation and prosecution for war crimes.
- 3). A full investigation by the US authorities.
- 4). There should be investigations by the United Nations and by each of the nations participating in the coalition as the use of these munitions in a residential area is a clear violation of [UN Resolution 1973](#), and

“those responsible for or complicit in attacks targeting the civilian population, including aerial and naval attacks, must be held to account.”

- 5). All members of the coalition, including the USA, Qatar and the United Arab Emirates to declare their use of cluster munitions and to sign the Convention on Cluster Munitions.

6). An end to the '[information war](#)' and military distortion of the public debate.

7). An end to the ongoing bombing of Libya which is against the spirit and intent of UN Resolution 1973 which was intended to protect civilians, not justify bombing of civilian areas, never mind justify war crimes and the cluster bombing of Libyan cities.

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