

Attacks Against Civilian Objects: An Analysis Under International Humanitarian Law

Salem Aessa Farhat¹, Rohaida Nurdin², Salawati Mat Basir³

¹ Faculty of Law, National University of Malaysia, Malaysia. E-mail: p10039@siswa.ukm.edu.my

² Faculty of Law, National University of Malaysia, Malaysia. E-mail: rohaidanordin@ukm.edu.my

³ Faculty of Law, National University of Malaysia, Malaysia. E-mail: salawati@ukm.edu.my

Abstract: Civilian airports in recent internal armed conflict are being affected by the military operations of state armed forces and non-state armed groups. A review of the recent internal armed conflict in the middle east shows increase attacks on airports, which often disrupts, altogether halts civilian navigation, and increase the risk of being affected despite the fact that international humanitarian law (IHL) does prohibit such civilian objects attack that violates humanitarian law except in certain situations when it became military objectives. Moreover, military use of airport, may not justify any attack and remains prohibited by other IHL principles. Despite the negative use of civilian airports by the military as a justification to legalize attacking airports, IHL framework restricts this practice. States did not enact national prohibitions or restrictions of military use or limit attacks against civilian airports. However, recent armed conflict indicates that states can counter violation of the protections provided to civilian objects while military use by prohibiting military use of civilian airport. This article argues that states should enact and implement the exceptional rules to attack civilian buildings and forbid military use of civilian airports.

Keywords: Dual Use; Lawful Objective; Military Use; Protections

1. Introduction

Attracted by airports strategic role, location or facilities, parties to any armed conflict may convert a civilian airport into a military airbase or use it partially with continued civilian use to hide their military operation of the airport and as shields as civilian airports are protected under IHL. Some of the airports are controlled completely by armed forces and convert the entire civilian airport into military airbase, which impacts civilian navigation locally and internationally for long period of time that may reach years.

This article examines the legality of the attacks on certain airports in Libyan internal armed conflict, as well as the use of airports under IHL by military. This study was conducted based on field investigations carried out by United Nations Support Mission in Libya (UNISMIL), inspiration by the authors in recent Libyan armed conflict, as well as a comprehensive desk study of Law cases under Ad hoc and ICC tribunals which examined Non-international Armed Conflicts (NIAC) that witnessed attacks and use of civilian objects for military purposes during armed conflicts. There are no direct and explicit prohibitions with respect to the use of airport for military use by the combatants under regulations of NIAC. The law only provides protections to indispensable objects for civilian

survival under the second additional protocol of GCs (IIP) and prohibits attack on airport as long as there are civilians – passengers use of it as civilian object which is protected under the Law. However, partial military use or occupation of the airport by armed forces where passengers continue the use of their ordinary use to travel alongside military use, may convert any attack on the airport into legitimate object to target due to its military use. At the same time, it may become unlawful object to target due to the excessive damage that may cause to civilians and lack of military advantage from the attack, thus violate IHL. While some use of airport may convert it into a military object taking into consideration principles of IHL and become a legitimate target.¹

Moreover, similar to attacks or military use of schools and educational institutions which are protected under IHL, which may affect entire generation of students and civilians' properties, as they are robbed of their right to education and result into civilians casualties and death.² Attacks on airports not only directly affect civilians lives and navigation, but it may disrupt other civilian necessary needs in poor states when being used or attacked. This article argues that it is better for NIAC states and armed group forces to comply with international humanitarian principles and obligations; should not use exceptional circumstance as justification of their attacks on airports, and should implement national legislation and military laws to restrict and prohibit military use of civilian airport.

These type of legislation practices demonstrate the application of IHL treaty law as an alternative to enhance protections of civilian lives and civilian objects. In addition, although protection of civilian object is recognised as international customary rule and airport as an indispensable facility, many states recognise the prohibition to attack civilian airport in national legislation. Some states still do not expressly prohibit the use of it in their military manuals. For better protections to civilians, all states should enact national legislation compatible with IHL rules and ensure the freedom of movements during armed conflict.

Bede Sheppard and Kennji examined the military use of schools and the legality of the military use of civilian objects under both international humanitarian and human rights laws, they discussed and investigated military use of schools only in India, Thailand, and the Philippines during armed conflicts. They argue that international humanitarian law does not prohibit the military use of schools by armed conflict parties as long as civilians evacuated from occupied schools, and any attacks against schools, where students continue their studies alongside military use by combatants, violate international humanitarian law.³ However, it discussed military use of schools only and did not touch on the use of civilian airports and its legality in case of full and partial military use of civilian objects, specifically in recent Libyan NIAC.

¹ As such, this article uses term of lawful object to refer to legitimate object attack on object adhering principles of IHL, and fulfilment of definitions of military object requirements.

² Joshua, Samson Ayobami, "Boko Haram terrorism and a threat to right to education", *Hasanuddin Law Review* 6 no. 2 (2020): 149-164. doi: <http://dx.doi.org/10.20956/halrev.v6i2.2019>

³ Bede Sheppard and Kennji Kizuka, "Taking Armed Conflict Out of the Classroom: International and Domestic Legal Protections for Students When Combatants Use Schools", *Journal of International Humanitarian Legal Studies*, 2 no. 2 (2011): 282. <https://doi.org/10.1163/18781527-00202001>

Aminath Minna discussed the issue of violation of Human rights and Humanitarian law and did not adequately address specific type of Humanitarian law violation, further she discussed the responsibility of states for the violations⁴. She mostly discussed attacks against civilians properties in Libya such as schools and houses , but did not specifically analysis attacks against civilian airport, the study did not involve discussion about different types of airports and civilians objects, which this article intend to fill the gap to go more than discussing military use of hospital, schools, houses, and discuss both full and partial military use of airports, and analysis the legality of military use and attacks of forces against these objects, under IHL principles. Another study where reviewed conducted by Jalali Farahani, Gholamreza Hosnavi, RezaAtaee, Mohamad Hasan Ghanbary Nasab, Ali, to determine types of threats that facing civilian airports, as it's important infrastructures and concluded that "Air and missile strikes." Along with additional 15 threats endangering the civilian airports, the study did not discuss relevant humanitarian laws or the threats in times of armed conflicts.⁵

2. Military Use of Airports Motivations and Types

The recent NIAC witnessed combatants' use of airport and threatened the civilian safety and access to humanitarian aid, medical supplies, and rescue missions that coming from international organisation to reduce civilian struggle from horror of war. The UNSMIL in its report to the Security Council on the attacks on Mitiga airport in Tripoli, considered the attack on the airport as a direct threat to civilian and to the passengers and UNSMIL called for an immediate cessation of attacks against the airport which considered as vital property to civilians.⁶

Since 2011, UNSMIL reported several attacks on airports to the Security Council, including civilians and military airbases in Libya. The military use of airport is the most common justification to attacks such airport under IHL as that may convert it into legitimate object. It is not a recent phenomenon in NIAC as it can be found in international armed conflict as well. However, due to the increased in internal armed conflict that was brought to ad hoc tribunal and open debate for military use of a civilian object, the ICTY drafted a guideline on the military use when a civilian object become a legitimate target in the case of Mostar bridge⁷.

Reports by UNSMIL and organisations reveals that post Arab spring in NIAC confirmed the increase of attacks by state and armed groups forces on civilian airports in several NIAC, including Afghanistan, Syria, Libya.⁸ Most of these airports have been subjected to a different level of military use from the combating parties. Combatants may occupy whole airport and stop civilian navigation. In other cases, combatants use the airport partially for military purposes and continue the civilian ordinary use.

⁴ Aminath Minna, " Responding to mass violation of human rights: the UN and humanitarian military intervention after R2P unanimous adoption: case study of Libya and Syria", Hacettepe University Graduate School of Social Sciences Department of International Relations, (2018), p13. <http://hdl.handle.net/11655/6017>

⁵ Jalali Farahani, Gholamreza, Hosnavi, Reza, Ataee, Mohamad Hasan, Ghanbary Nasab, Ali, Ataee, Mohammad Ali, "Determining and prioritizing man-made threats in critical infrastructures: Case study – civilian airports" *Property Management*, 37 no. 1 (2019). <http://doi10.1108/PM-10-2016-0056>

⁶ Libya, OCHA, September 2019, <https://reliefweb.int/report/libya/unsmil-latest-attacks-mitiga-airport-direct-threat-lives-civilian-passengers>

⁷ ICTY, *The Prosecutor v. Prlić et al.*, IT-04-74-T, Trial Chamber, 29 May 2013

⁸ UNSMIL, 2019

Justification to attack airports is usually one, which is as conversion to military object under IHL; but the motives in using airport for military purposes certainly vary. However, airports attractive to combatants and some other terrorists because any attack on airports would be visible across the globe, and could affect citizens of several countries, as well as, make a powerful statement to other parties to the conflict on military use of the airport. Furthermore, airports resources often motivate armed forces to use airport in internal armed conflict to benefit from their facilities, locations, solid structures, and use it as a hidden tactics in smuggling fighters and arsenals⁹. For instance, Libyan National Army (LNA) justified the attack on Mitiga Airport as due to its use to transport foreign fighter, who supports Government of National Accord (GNA) and able to bring weapons as there is an arm embargo number 2578 that prohibits Libyans to export weapons and obliged UN state in preventing direct or indirect supply of all weaponry to Libya.¹⁰ Another reason for military use might be due to limited resources by state governments or armed groups and necessity to utilise the available sources.

For an example, the Republic of Korea uses 8 airports for military use out of its 15 airports.¹¹ The other motive of airport use is determined for transporting fighters, as the spokesmen of LNA, claimed that GNA did used commercial flights to bring Turkish fighters to Tripoli.¹² Another example for the same motive was discovered when British military used the commercial cargo aircraft of the Falklands in 1982 in order to transport their troops during India and Pakistan war¹³.

Some other airbases were used only for military uses based on their purpose and an attack on. Different types of military use of airports result in different conclusion as it may consider the legitimate object to attack in armed conflict, taking into consideration all principle of IHL; an example is the attack on Al-Watiya Airbase in the Western side of Libya in the Libyan armed conflict, which were only used for jet fighters, other military aircraft and vehicles, as well as other military use in the offensive against Tripoli.¹⁴

Part 5 of this manuscript examines the attacks on some Libyan airports using the relevant laws governing NIAC to see whether the attacks were legitimate or illegal under the IHL. However, the following paragraphs will first discuss the relevant laws and principles.

3. Effect of Airports Attacks on Civilians

The UNSMIL is concerned about the escalation of systematic attacks on airports in Libya, as it could threaten the civilian lives and travellers, including those with special protections under NIAC humanitarian workers and UN staff ¹⁵. Attacks on airports during armed conflicts will affect civilians' safety as some would seek for other safe

⁹ Kelly, Luke, "Threats to civilian aviation since 1975," University of Manchester 5, (2021): 21. <http://doi.org/10.19088/K4D.2021.019>

¹⁰ Security Council S/RES/2578 June 2021.

¹¹ Ruwabtissa Abeyratne, "Law and regulation of aerodromes," 4th edition (2014): 223.

¹² Aljazeera, (2019) Haftar ban flights, boats from Turkey. <https://www.aljazeera.com/news/2019/6/29/libya-haftar-bans-flights-boats-from-turkey>

¹³ Ruwabtissa Abeyratne, p. 231

¹⁴ Arab Centre Washington, (2020), Libya after the fall of Watiya, <https://arabcenterdc.org/resource/libya-after-the-fall-of-al-watiya>

¹⁵ United Nations Office for the Coordination of Humanitarian affairs August (2019).

places by travelling for an instance. This may disturb the delivery of humanitarian assistance and distrust imports medical supplies and other necessary needs coming from other states which are necessary for civilians and for those who work in humanitarian sectors. Attacks on airports in Libya for example have affected the COVID-19 vaccination shipments as well as humanitarian aids to Libyans, which indirectly increased the threats posed by the COVID-19 pandemic to the civilians.

Attacking airports lead to the closure of airports for long periods of time and possibly spanning for many years. The attack on Tripoli Airport for an instance has resulted in its closure since 2014 until to date, and that has made it more difficult for civilians to travel, thus forcing them to displace from their homes, and some could not return home when the armed clashes ceased due to complete destruction of their homes and properties. The Human Rights Watch reported the war crimes that happened when the armed groups had seized and looted civilian properties, burned, destroyed almost everything,¹⁶. For instance, attacks on airports in Tripoli had raised civilian death toll, and the military use of airport had caused significant damage to civilian buildings and infrastructure in Tripoli specially in Qasr bi Ghashir, where civilian homes, factories, mosques and shops severely has been damaged or destroyed. Further indispensable objects protected under IIP for civilians' survival like farms and livestock have also been affected.¹⁷

Even if the attack on airport is lawful due to the military use with observing other principles of IHL, it may result in suspicion of other civilian airports by the enemy to the point of causing destruction or targeting other civilian airports that are not used for any military use. In Libya, not all airports in Tripoli are used for military purposes, and were targeted, especially those forces with poor intelligence and lack of technology.

The indiscriminate attacks against civilian airport as reported by UN organisation in many occasions in the Libyan conflict, violate the fundamental protections of civilian's lives that may amount to grave breaches. IHL obliges parties to armed conflict to refrain from attacks that do not distinguish between civilian and harm civilian disproportionately, as it did in the case of unlawful attacks onto Tripoli and Mitiga airports.¹⁸

4. Principles and Relevant Laws on Attacks in NIAC

4.1. Principles of law

Such use and attacks on the airports may amount to grave violations of IHL. When attacks take place during NIAC, IHL law is applied. Other laws, such as IHRL may be applicable in the case of NIAC to determine whether an military use to civilian airport converts it into legitimate military object to attack or vice versa. The Second Additional Protocol do not expressly provide protections to civilian properties as it only provides protection to specific civilian objects such as indispensable to the survival of the civilian population foodstuffs, agricultural and provide protection to cultural properties.¹⁹

¹⁶ Human Rights Watch, September 2014.

¹⁷ Amnesty International August 2014.

¹⁸ Ibid.

¹⁹ Art 14 second additional protocol 1977.

IHL principles set a specific rule that must be respected in order to distinguish between civilian and military object. Applying one principle only might be not enough to classify an object or individual as lawful target in the armed conflict since these set of rules complement each other. For the purpose of this research, the focus will be on the principle of distinction in a way of examining the legality of airport attacks during Libyan armed conflict as a case study documented, by referring to other related principles.

4.1.1 Principle of Distinction and NIAC

The principal of distinction is a fundamental principle under IHL and applicable to NIAC. The principle requires armed conflict parties to distinguish between civilians and combatants and prohibit any attack against civilians and civilian objects. At its most basic, the principle of distinction considers combatants and their objects as lawful target and it is legitimate to kill and injure combatants and to damage and destroy the military objects²⁰.

Another aspect of the principle that allows in exceptional circumstances is to direct attacks on civilians who take an active part in the hostile activities and forbid attacks on combatants who are hors de combat²¹. The violations of the principle of distinction and any non-compliance to the principle may be considered as war crime. Principle of distinctions which provide protections in the time of armed conflicts prohibit attacks on civilian objects to minimise the suffering of civilian during armed conflicts. These protections involve human being protections and non-human objectives which are necessary to the civilians to survive.²²

The principle does not prohibit all attacks on everything during armed conflict but allows attacks that considered lawful and necessary for the conduct of effective of warfare. It does not allow everything that contribute to the victory instead limit it by this principle under IHL; it would not succeed in minimising the horror of war if permitted attacks on everything to get the victory. In this paper, the lawful non-human target will be covered as part of the airports, discussing the attacks on airport in recent Libyan conflict and related issue to reach a better understanding to what airport attack considered as a legitimate target in NIAC under the principle of distinction²³.

4.1.2 Principle of Precaution

IHL principles regulate armed conflicts to achieve the aim of minimising the suffering of civilians and horror of armed conflicts. In order to reach that aim sources of IHL, such treaty, customary and principle must be respected and applied all together because it completes each other, especially with regard to NIAC as it is not regulated in details by treaty law. Applying other principles jointly with the principle of distinction provide better protections. This is because, applying only principle of distinction will not achieve the aim,

²⁰ Koplrow, David A. "Reverse Distinction: A US Violation of the Law of Armed Conflict in Space." *Harvard National Security Journal*, 13 (2022): 25.

²¹ *Ibid.*

²² Buchan, Russell. "The Rule of Surrender in International Humanitarian Law." *Israel Law Review* 51, no. 1 (2018): 3-27. <https://doi.org/10.1017/S0021223717000279>

²³ Shue, Henry, and David Wippman. "Limiting attacks on dual-use facilities performing indispensable civilian functions." *Cornell International Law Journal* 35, (2001): 559.

and abiding one of the principles only does not mean that a target or an attack on an object is legitimate.

Principle of precaution must be respected when planning an attack, in which all parties to the armed conflict must take all feasible precautions measures when attacking military object. In case of attacking a military object, which is expected to cause excessive civilians losses, principle binds the attacker to terminate the attack if it is expected and apparent that it would result in excessive losses.²⁴ Further, it requires the attacker to give advance warning to the civilians on the attack that may affect civilians²⁵, and it requires fighter to choose weapons that has less effect on civilians when they decide to target a legitimate military object.²⁶

Principle of precaution is applicable to both international and NIAC armed conflicts, as it is considered as international customary norm. It is expressly set under article 57 of the first protocol, but it is not found under the second additional protocol explicitly. However, under Article 13(1) of the additional protocol, it states that "the civilian population and individual civilians shall enjoy general protection against the dangers arising from military operations". In other words, it means taking precautions before the attacks. In addition, the principle of precautions is included in the recent treaty laws applicable to NIAC such as treaty of Second Protocol to the Hague Convention for the Protection of Cultural Property.²⁷ The legitimate attack based on this signifies the only legitimate target that causes the least damage and danger to the civilians or civilian objects. Attacker must be in the planning to verify the target and choose apparent weapons to avoid unnecessary suffering.²⁸

First additional protocol obliges parties to conflict in order to spare civilians and civilian objects. An attack must be cancelled, if it becomes apparent that it would be of the type that is prohibited. If circumstances permit, an advance warning must be given to the civilians.

4.1.3 Principle of proportionality

Similar to the principle of precaution, the norm of proportionality is not found in the IIP but it can be considered as international customary rule applicable to NIAC, and the recent treaty law applicable to NIAC to be included in the norm of proportionality²⁹ like the Amended Protocol II to the Convention on Certain Conventional Weapons. It is also found in Article 51(5)(b) of Additional Protocol I, which applicable to IAC.³⁰ In applying rules of distinction to only target a legitimate military objective, it may result into incidental damage to civilian objects or civilians. Hence, the rule of principle of

²⁴ Qureshi, Waseem Ahmad. "The crisis in Yemen: Armed conflict and international law." *North Carolina Journal of International Law*, 45 (2019): 227.

²⁵ Koplow, David A. "Reverse Distinction: A US Violation of the Law of Armed Conflict in Space." *Harvard National Security Journal* 13 (2022): 25. <https://ssrn.com/abstract=3810975>

²⁶ Sassòli, Marco, and Lindsey Cameron. *The protection of civilian objects: current state of the law and issues de lege ferenda*. Eleven International, 2006, p. 68-69

²⁷ ICRC, Customary IHL, https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule22

²⁸ Sassoli, Marco, *Op.cit*, p 71

²⁹ ICRC, https://ihl-databases.icrc.org/customary-ihl/eng/docindex/v1_cha_chapter4_rule14

³⁰ Fenrick, William J. "Applying IHL Targeting Rules to Practical Situations: Proportionality and Military Objectives." *Windsor YB Access Just.* 27 (2009): 271.

proportionality is vital to provide better protection to civilians from incidental effect by prohibiting attacks even on military objectives if it is expected that their destruction or damage may be expected to result in incidental loss of civilians or injuries or civilian objectives, which would be excessive in relation to the military advantage gained by the attack.³¹

The ICTY Tribunal in applying the principle of proportionality stated that “In determining whether an attack was proportionate, it is necessary to examine whether a reasonably well-informed person in the circumstances of the actual perpetrator, making attack was proportionate, making reasonable use of the information available to him or her”. The principle of proportionality places a duty on the fighters to the impact of attack on civilians, and to avoid attacking if the proportionality may be coalited. It balances and considers the civilians protections under IHL against the effects of the attacks, if the effect excessive on civilians it must be avoided.

Principle of proportionality is closely connected to the principle of military necessity, as it considers an attack that resulted in damage or loss on civilians or civilian properties as legitimate and lawful if the military necessity demands.³² In other words, any attack that causes incidental damage to protected civilians or civilian properties can be justified when the damage is a proportionate to the military advantage gained from the attack, so it balanced between the advantage anticipated by attacking a military objective and civilians damage³³. However, that does not mean to justify any direct attack against civilian, which prohibited by the principle of distinction, so it may be justified only in the case of incidental damage to civilians. Thus, to be considered as legitimate target, the principal mandates fighter, or commanders to abide by of the principle of distinction, assuring its attack directed against legitimate military targets; and assess proportionality, by making sure that a well-planned attacks on the objects will not result in an unreasonable damage to civilians.³⁴

4.1.4 Principle of Necessity

The “principle of military necessity” permits measures which are necessary to accomplish a legitimate military purpose and are not otherwise prohibited by international humanitarian law. In the case of an armed conflict, the only legitimate military purpose is to weaken the military capacity of the other parties to the conflict³⁵. Principle of distinction and principle of necessity have an intimate relationship and complement each other to reach IHL aim. Principle of distinction by its role prohibits attacks against civilians and civilian objects; however, it did not forbid or describe the protections offered to combatants and military objects³⁶.

³¹ Sassoli, Marco, *Op.cit*, p 63

³² International Committee of the Red Cross, “The Principle of Proportionality in the Rules Governing the Conduct of Hostilities Under International Humanitarian Law”, Université Laval, June (2018), p. 9

³³ Smith, Tara. "Critical perspectives on environmental protection in non-international armed conflict: Developing the principles of distinction, proportionality and necessity." *Leiden Journal of International Law* 32, no. 4 (2019): 759-779.

³⁴ Jonathan Crowe, “Principles of International Humanitarian Law” 1, (2013), p 55-56

³⁵ ICRC, “Military necessity” [HTTps://casebook.icrc.org/glossary/military-necessity](https://casebook.icrc.org/glossary/military-necessity)

³⁶ Onishi, Kosuke. "Rethinking the permissive function of military necessity in internal non-international armed conflict." *Israel Law Review* 51, no. 2 (2018): 235-259.

Principle of necessity justifies lawful measures by IHL which are indispensable to secure a complete submission of the other party to the armed conflict as soon as possible³⁷. The principle justifies only the use of force to accomplish the military missions, and do not authorise other acts prohibited under other principles, as it must be applied in conjunction with other LOAC principles. With regard to IAC, the principle is explicitly mentioned in Hague regulations under 4 Article 23. Its mandate requires that attacking an object must be imperatively demanded by the necessity of war. Additionally, it is mentioned in Article 6 of the 1945 International Military Tribunal at Nuremberg and Articles 26 and Article 54 of the First Additional Protocol³⁸. However, under NIAC, regulations treaty limited law are not specifically mentioned the principle, but the principle of necessity has gained status of international customary rule under IHL and become applicable to NIAC.³⁹ Based on this principle, party to an armed conflict is only allowed to attack and use force in order to achieve anticipated military objective and to avoid unnecessary suffering from the attack. Party to the armed conflict may only do whatever necessary to achieve the objects and no more.

These key principles of LOAC form the essential guideposts for targeting in armed conflict, whether against persons or objects. Regarding the targeting of objects, only objects that meet the definition of military objective constitute a legitimate object to target.

4.2. Relevant Laws

4.2.1 Chicago Convention on Civil Navigation

The Convention of Chicago 1944 deals with civil navigations and asserts that it applies only to civil aircraft. Libya is a signatory member the convention will be referred to in this analysis. However, there is no specific mention about use of civil airport for military purposes during armed conflict, but it distinguishes between civil and military airports.⁴⁰ It establishes an evolutionary framework for aviation and it defines civil and military aircraft as well, which is crucial in determining the legality of aircraft attacks that existed in the airports⁴¹. A sovereign state can build, run and operate airports as it wishes, and that is recognised under the Chicago Convention. However, it does not regulate define airport during armed conflict.⁴² The use of airport for military purposes and passengers as human shields may result in damage or loss to civilians' lives. Hence, IHL will regulate and determine when an airport can be attacked or not from the worrying parties.

4.2.2 Libyan Military Law

Law number 37 of 1974, a military criminal law did not show what constitute military object. However, article 44 criminalize the act of destruction of airports only if it was with

³⁷ Cotter, Maurice, "Military necessity, proportionality and dual-use objects at the ICTY: A close reading of the Plić et al. Proceedings on the destruction of the old bridge of mostar", *Journal of Conflict and Security Law*, 23 no. 2, (2018): 287. <https://doi.org/10.1093/jcsl/kry015>

³⁸ Jonathan Crowe, "Principles of International Humanitarian Law", 2014, p52,53

³⁹ Onishi, Kosuke. Loc.cit.

⁴⁰ Ruwantissa Abeyratne, (2014) p223.

⁴¹ Duchesneau, Jacques, and Maxime Langlois. "Airport attacks: The critical role airports can play in combatting terrorism." *Journal of Airport Management* 11, no. 4 (2017): 342-354.

⁴² Ruwantissa Abeyratne, (2014), p. 47.

intention of support the enemy; but it did not define what airport constitute military object, as it only mentioned few examples of specific object such as military vehicles that are considered as military object.

In additions, the definition of military objectives will be discussed in the analysis of attacks on the airports in the Libyan case. The definition of military objective under Article 52(2) of the IP as it is customary rule applicable to NIAC is, "In so far as objects are concerned, military objectives are limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose total or partial destruction, capture or neutralisation, in the circumstances ruling at the time, offers a definite military advantage."

5. Analysis and Findings

5.1. Full Military Use of Civilian Airport

Alwatiya is a military airbase located in a town of 100km western side of Tripoli. It was used by LNA as their military operation base to launch airstrikes carried out in their offensive attacks against Tripoli in 2019. The GNA response by attacking back to regain the base, due to its impact on the armed conflict. The airbase of Al-watiya played its vital role in Tripoli offensive, by using the airport to march their ground and air attack against the forces of the GNA. The GNA repeatedly launched military attack to recapture the base but failed until 2020 when it succeeds to capture it on 5 May 2020 after many failed offensives.

To determine the legality of the attack on the airbase of Al-Watiya, the definition of military objects under GC Article 52(2) of the IP must be determined. The definition of military objects requires the object to have an effective contribution to military actions by their nature, location, purpose or use and whose total or partial destruction, capture or neutralisation to provide the definite military advantages. The nature, purpose and use of Watiya airbase, are exclusively military, and built in an open area far from residential home, and only used for military navigation and storage of arsenal during the armed conflict and before.

Thus, the attacks on Al-Watiya by the Government of National Accord (GNA) forces arguably fulfilled the requirement of definite military advantage under Article 52(2) of IIP. The GNA attack resulted in the destruction and seize of the base and weakening Libyan National Army (LNA) ability. Al-Watiya served as a strategic air base for LNA played in the attack against Tripoli, which led to loss of control to Al-Watiya , and enabled the GNA to control the whole Western area and resulted in the withdrawal of LNA from all Western side of Libyan cities⁴³ It did impact and changed the balance of power, and was a main reason for the major setback of LNA as it is the last stronghold for LNA in the Western side. In addition, it appears that its capture by GNA resulted to cut off of supplies to LNA and made military pressure and military equipment losses due to the deprivation of the airbase.⁴⁴

⁴³ Aljazeera, Libya GNA Recapture strategic Alwatiya airbase, <https://www.aljazeera.com/news/2020/5/18/libyas-gna-recaptures-strategic-al-watiya-airbase>

⁴⁴ *Ibid.*

Classifying Al-Watiya Airbase as military object is not enough for an attack to be legitimate as other principles of IHL must be observed in order to consider the attack on Al-Watiya Base as a lawful object. The principle of distinction fulfilled the requirements of military object as defined under Article 52 of IP. Furthermore, principle of precautions, proportionality respected, Al-Watiya airbase location that far from residential area and the attack on the base did not cause, or destruct civilians and civilian properties, as the bases only designed for military use. It also did not result in severe damage and death in the forces of LNA due to their withdrawal from the base following the heavy attack from GNA airstrikes and ground missile. Evidently, a video shows the destruction of some military vehicles and a captured Russian-made Pantsir air defence system together with other types of militaries, as well as an operating Manno. Further, some other combat fighter jets were found in the air military base, but not civilians properties appeared to be affected by the attack⁴⁵. The airbase by its nature and location is far away from any residential areas, which was built specifically for military purposes and its location make it easier for armed forces to avoid any incidental loss to civilians.⁴⁶Civilians never use the Al-watiya Airbase to travel, as they only used Mitiga Airport following International Tripoli destruction.

By taking into consideration the purpose of military use of Al-watiya Airbase, and the nature, location, both meet the requirements of military objects under article 52(2) IP; thus, the airbase can be considered as military object. Furthermore, there was no impact resulted from the attack on the airbase on the civilians, and it can be clearly concluded that the attacks on Al-watiya airbase is legitimate due to its status as a military object.

5.2. Partial Military Use of Civilian Airport

Another Libyan airport was affected by the Libyan armed conflict, which was used for both civilian and partial military use, making the classification of the airport as military or civilian object more complicated. There are some objects that can be used for both military and civilian purposes at the same time, and that may raise a difficulty to determine its status. These objects known as "dual-use object". It simply refers to objects that can be used for two kinds of uses, civilians and military use. Dual use objects term is not found in armed conflict regulations and there are no specific provisions under both IIP and IP.

The examples of dual use objects can be found through electric power grids, transportations, radio, railways, and bridges. It is the case when a civilian facility continuously provides a civilian service and military service at the same time - sometimes serves civilian purposes and sometimes serves military purposes. One of the examples is a bridge, which at the same time a civilian vehicle's uses the to cross to the other side to get their necessary needs and military vehicles such as tanks uses the same bridge to cross the to the other side. Other examples are electricity-generating and airports. For the case of the Mitiga Airport, as there is no prohibit use of civilian airport as military airbase under Chicago Convention, this has allowed the joint use of the airport by many

⁴⁵ The Guardian, Libya, (2020), <https://www.theguardian.com/world/2020/may/18/forces-allied-to-libyan-government-retake-key-al-watiya-airbase>

countries as well such as Iran uses many airports for both civilians and military uses⁴⁷, and international law does not prohibit the use of airport for military purpose as it is a matter of state's sovereignty.⁴⁸

These types of objects which can be both civilian and military objects under certain circumstances raise a difficulty of how long and when can be considered as legitimate military target, and the term under Article 52"2' would be not enough to know whether its legitimate to target or not, as such objects should rather apply other principles such as principle of necessity and proportionality to reach the right answer. However, under the definition, this type of objects may meet the first requirements under the definition of article 52"2" which offer a military contribution to military actions.⁴⁹

The Trial Chamber of the ICTY endorsed such a view in the case of Price et al⁵⁰. In analysing the destruction of old bridge of Mostar, it was constructed to span the Neretva River, and link the east and west of the Mostar, linking the east and west banks of the town of Mostar. The court deemed Mostar Old Bridge as a military object, because it was used for the ABiH⁵¹ for some military operations.⁵² However, the trial chamber considered the destruction disproportion and not justifiable, because it made it impossible to civilians to get food and medical supplies from the other side of the town which caused in a serious harm to civilians⁵³. The court found that the bridge was a military objective because of the HVO's military⁵⁴ benefits from the bridge and held that destruction of the Old Bridge had an excessive impact on civilians. After making these finding, the trial chamber held that may have been justified by military necessity', the impact of its destruction on the Muslim civilian population was disproportionate to the concrete and direct military advantage anticipated from that destruction.⁵⁵

In summary, to determine whether an object is a military objective or not, an attacker must ensure that an object provide an 'effective contribution to military action' and the attack will offer a definite military advantage' to the attackers. Moreover, attacker must always bear in mind that there are other principles that have to be fulfilled separately, and for a lawful attack of a military objects, other principles are important along with distinction, such as military necessity, proportionality, and humanity. These principles of IHL must be taking into consideration by the attackers to make sure that an object is lawful target by applying principle of precautions and proportionality.⁵⁶

⁴⁷ Farahani, Gholamreza Jalali, Reza Hosnavi, Mohamad Hasan Ataee, Ali Ghanbary Nasab, and Mohammad Ali Ataee. "Determining and prioritizing man-made threats in critical infrastructures: Case study—civilian airports." *Property Management*, 37 no. 1 (2018).

⁴⁸ Gaggioli, Gloria, "Military Objectives," issue (2020) p1

⁴⁹ Harutyunyan, Angelina. "Dilemma of Targeting: Dual-Use Objects in Military Operations." *Law of Armed Conflict* (2019).

⁵⁰ Jadranko Prlic Minister of Defence of BiH and of the Federation of BiH

⁵¹ Army of Bosnia-Herzegovina (ABiH)

⁵² Cotter, Maurice. "Military Necessity, Proportionality and Dual-Use Objects at the ICTY: A Close Reading of the Prlić et al. Proceedings on the Destruction of the Old Bridge of Mostar." *Journal of Conflict and Security Law* 23, no. 2 (2018): 283-305.

⁵³ *Ibid.*

⁵⁴ Croat Defense Council

⁵⁵ Prlić et al Trial Judgement (n 4) Vol 3, para 1584.

⁵⁶ Harutyunyan, Angelina, (2014)

An attacker must evaluate the situation before attacking on Dual-Use Facilities and terminate the attack if the object is considered as a necessary for the civilians' life and more important to civilian survival. Dual use objects are being used deliberately by armed conflict parties to create ambiguity to get immune from attacks. However, the consideration of the changing character of dual use objects that can be legitimate and can be unlawful object to target is depending on the circumstance of the battlefield, and the case assessment is looking into principle of IHL, the principle of proportionality, balancing between the impact on civilian and the advantage from attacking the object. Thus, it can be only legitimate if the attacks adhered IHL principles, and the targeting must be based on evidence and adhere other principles along to of distinction, the military necessity, proportionality, and the humanity principles.

5.2.1 Mitiga Airbase

On 1st of March 2019, Mitiga Airport building was attacked, and the departure hall was affected. Many civilian and airport staff vehicles and properties were affected by the attack. The UNSMIL confirmed that attack, which was targeted by air strikes, with four projectiles that struck the civilian part of Mitiga Airport, in the parking area and runway, which resulted in damage of an airplane that used to carry civilians to perform pilgrims Hajj, and injury of two passengers⁵⁷. The attack was part of several attacks on the airport. The special envoy and head of the UNSMIL, Ghassan Salame, condemned and assured that Mitiga Airport was not used for military purposes as LNA spokesmen claimed, hence there is no excuse to attack the airport⁵⁸.

On the other hand, the LNA spokesmen claimed that the airport was used to transport fighters, import weapons from other states, and used to operate Turkish Combat drones.⁵⁹ Mitiga Airport has become the only functioning international airport in Tripoli that replaced Tripoli International airport since its closure due the attacks in 2014. The LNA spokesman, General Imesmari additionally claimed that and threatened to attack the airport several times in statement, by claiming it been used to bring mercenaries to support the GNA60. However, the airport is used for civilians' passengers as well because it is the only international airport available in Tripoli.

The attack on Mitiga Airport is argumentative in the Libyan armed conflict as the GNA claimed the attack to be unlawful and a war crime because it is used for a civilian navigation. Meanwhile, the LNA claimed that the attack was legitimate because it was use for military purposes. Definitions of military object and principles of distinction, proportionality and precaution will be used to reach a conclusion whether it is a lawful military object to attack or not. Mitiga Airport is the only international airport in Tripoli and is used for a civilian purpose following the destruction of Tripoli international airport.

⁵⁷ United Nations Office for the Coordination of Humanitarian affairs August (2019).

⁵⁸ Aljazeera, Tripoli Mitiga airport set to reopen after attack (2019). <https://www.aljazeera.com/news/2019/10/30/libya-tripolis-mitiga-airport-set-to-reopen-after-attacks>

⁵⁹ Hernandez Navarro, Luls. "The escalation of the war in Chiapas." *NACLA Report on the Americas* 31, no. 5 (1998): 7-10.

The airport located quite far from battlefield and situated nearby residential area. However, it is used to be as military air base, but during armed conflict, it is used for civilian navigation as the only operational international airport being used in Tripoli after the destruction of the international airport of Tripoli in 2014. It received passengers and all UN and international diplomatic missions.

The attacks on the airport did not make an effective contribution to the armed conflict, as the case of Al-Watiya did. However, it did not change the course of the battlefield, and the attacks on Mitiga affected more civilian navigation or use of the airport. It also did not offer a military advantage to the LNA. Looking at the effect on civilians and damage resulted from the closure and delay of flights and damage to other civilian properties, it is excessive to the military advantages from attack, and there are no clear advantages that LNA gained from their airstrikes against the airport. In additions, the attack may violate the principle of precaution as it must be abided by both Libyan armed conflict parties. The Attack on the airport is prohibited by this principle if the attacks expected to cause more incidental loss of civilians' lives or damage to their properties if it exceeded the military advantage that LNA gained from the attack.

With respect to Migita Airport, there is no clear evidence to show that the attack offered a definite military advantage. The UNSMIL reported indiscriminate attacks against civilian targets, which caused damage of the civilian objects⁶¹, killed an airport staffer, wounded another, and resulted into closure of the airport for several hours, an indiscriminate attack against civilian object means a violation of IHL principle, thus an unlawful attack of Mitiga Airport. Even if the airport was used for military purpose as the LNA spokesmen claimed, the airport was also being used by civilians, looking at the military advantage gained from the attacks compared to impact on civilians' excessiveness which make it as an unlawful object to attack.

The partial use of Mitiga Airport for military purposes, with the use for civilian navigation made an effective contribution to LNA military operation of whether its attacks offered a definite military advantage excessive to damage and civilian loss?⁶² ICRC characterises civilian objects used for military purposes entirely as a military object, as it argues that there is no intermediate category of objects that classifies an object as either civilian or military. However, ICRC suggested that in the case of minor military use of a civilian object which converts into military object and fulfil requirements of military objectives, the assessment of the impact and damage caused to civilian part of the object or on the simultaneous civilian use of the facility must also be taken into consideration to apply the rule of proportionality principle.

Regarding the requirements of "effective contribution" of military objective in definition under Article 52 and following several attacks on Mitiga Airport, there was no a clear sign of weakening the forces of GNA and in few months after the attacks, the GNA forces could force LNA to withdrew from the south of Tripoli. Thus, it did not really affect the ability of GNA to conclude its military operations.

⁶¹ United Nations Office for the Coordination of Humanitarian affairs August (2019).

⁶² ICRC, "Eritrea /Ethiopia Awards on Military objectives" <https://casebook.icrc.org/case-study/eritreathio-awards-military-objectives>

The ICRC confirmed ICTY opinion regarding the destruction of the old bridge in Mostar in which the tribunal found that the destruction of the bridge as illegal. It classifies the bridge as military objects due to its military use. This has led to the impact on the civilians, which made impossible for them to get their necessary and resulted in a serious damage to them. As a matter of fact, ICTY classified the bridge's destruction as disproportionate.

So, it is necessary to consider the damage caused to civilian in the airport compared to the solely military advantages to the LNA. Thus, the ICTY addressed reverberating effects in the proportionality. In the Mitiga Airport, its closure and delay has caused damage to civilian passengers which isolated Libyans and make it more difficult to travel. By taking into consideration the principle of precautions rules and balancing to the military advantage that LNA gained, it is likely to cause a greater impact on civilians than the military advantage through LNA military operation in the battlefield. Furthermore, military necessity also prohibits destruction which includes attacking military targets of no value in the armed conflict. So, it is not lawful to attack Mitiga Airport because it did not pave the way to the LNA towards achieving a military victory.

Civilian airports could be considered as lawful targets during armed conflicts if they are fully used for military purposes. However, their destruction has to bring military advantages and contribute effectively in the military operations, beside respecting other principles of IHL⁶³. In the case of Mitiga Airport, it was not fully use for military purposes as the UNSMIL confirmed and denied allegations of military use. Thus, Mitiga Airport is an unlawful and illegitimate object to be attacked by LNA.

5.2.2 Tripoli International Airport

According to the report of UNSMIL regarding the attacks on Tripoli International Airport on mid-May 2014, the attack took place during the armed conflict between the alliance of armed groups from Misrata and other towns armed groups based in Tripoli under the operation of Dawn which came in response to LNA dignity operation. They are considered as coup by General Haftar against the government in Tripoli supported by Zintan-affiliated al-Qa'qa' and al-Sawai'q armed groups and other armed groups from Warshafana tribe based in Tripoli.⁶⁴

The armed clashes affected severely the airport as the armed groups used the airport as their military base. On 24 August 2014, Operation Dawn fighters seized control of airport and the surrounding areas. The allied armed group to LNA from Zintan took the airport and battled other armed groups several weeks before losing the airport⁶⁵ following the clashes around and in the airport. Footage and videos showed severe damage to civilian aircraft and vehicles on fire in the parking area, which to the closure of the airport till the date of writing this paper. The fighting also damaged the control of the airport and civilians' object as well as destructed many civilian aircraft, which forced all flights to be suspended and canceled.⁶⁶

⁶³ Harutyunyan, Angelina, (2014) p7

⁶⁴ Human Rights Watch, (2014).

⁶⁵ The Guardian, (2014), Tripoli airport hit by sever attacks from Islamic militia <https://www.theguardian.com/world/2014/jul/13/tripoli-airport-libya-severe-attack-islamist-militia>

⁶⁶ United Nations Support Mission September (2014).

Both conflict parties appeared to damage civilian objects in the airport and surrounding of the airport as the Tripoli airport is located nearby residential areas, and the use of indiscriminate firing against the airport has caused to this severe damage.⁶⁷

Unlike Mitiga Airbase, Tripoli International Airport was designed only for civilian use, as it was the only international airport in the capital city of Libya. Thus, based on the definition under Article 52 IP, the nature of the airport before the armed groups from Zintan used it as their military base is civilians due to its designed for civilian purposes only, and during the armed conflict, the non-state armed groups from Zintan have converted the airport into their military base, and used the airport facilities for military purposes and for weapons transportation. Their action gained support from LNA that is based in the city of Benghazi due to their allied forces in the offensive against the government and other armed groups in Tripoli.

In order to assess any advantage gained from attacking the airport by armed groups, the way in which the attack impacts the course of the conflict has to be examined. Following the seizure of airport from Zintan forces, they lost control over the whole area surrounding Tripoli, and Zintan withdrew back to Zintan town. As such, the advantage and requirements of the military's object definition are met. However, looking to other principle of IHL, the first violation of the principle of distinction of arbitrary attack that affects both military objects and at the same time results in severe destruction to whole airport, civilian aircraft government spokesman Ahmed Lamine estimates that 90% of the aircraft stationed at the airport were damaged or affected⁶⁸. Apart from that, the destruction of the residential houses surrounding airport especially the Qasr Binghasir residential area, also affected many civilian houses and public properties.

Violation to the principle of proportionality as analysed by ICTY regarding the destruction of the old bridge in Mostar has found the destruction of the bridge and classified it as military object based on its usage. In the case of Tripoli International Airport, which is used for military purposes and provides military advantage, the impact on the civilians resulted in severe damage to civilian loss of lives and damage to properties due to disproportionate airport attack that can be considered as unlawful object to attack.

5.2.3 Zwara Airport

Zwara Airport is another domestic airport that was attacked several times by LNA, which caused severe damage to its facilities. The airport was not used for military purposes as the UNSMIL confirmed. It was targeted by the LNA as they claimed, in which the airport is used by Turkish military expert who support the GNA in Tripoli to operate their combat drones and reported the attack aimed to the hanger where the drones are stored. The UNSMIL confirmed the attack and visited the attacked airport, then reported that there is no clue of military use or assets at the location of attack.⁶⁹

⁶⁷ Human Rights Watch, September (2014).

⁶⁸ BBC, July (2014) <https://www.bbc.com/news/world-africa-28306932>

⁶⁹ Reuters, "Eastern Libyan forces damaged civilian airport in western Libya: U.N." 2019, <https://www.reuters.com/article/us-libya-security-idUSKCN1V70LP>

6. Conclusion

Not all attacks on airports are considered unlawful under IHL because military use of airports is not completely prohibited. However, some attacks do violate IHL, such as when the attack caused excessive losses to civilian, when the airports are fully used for civilian purposes, and when attacks violate other principles of IHL. The distinction between civilian and military airports is blurred in internal armed conflict, as law do not prohibit the joint use of airports for civil and military use, and Lack of clear direct prohibitions of military use to civilian airports in both international and national laws, result into the continuation of military use of civilian airports in NIAC, and that would result into more suffering to civilians lives and affect their necessary needs. Similar to the prohibition of attack on hospital and cultural property, states must comply to the prohibition of using civilian airport as shields and cover for their military use. State is also obliged to separate the civilian and military airports. Civilian would get better protection when state adopts laws prohibit military use of the civilian airport in their national laws or provide more restrictions on the military purposes. Enacting laws to explicitly prohibit the use and attack against civilian airport would also reduce the injuries and casualties among civilian and soldiers and leaders must adopt all necessary precautionary measures to avoid attacks on airports.

References

- Aljazeera. "Haftar ban flights, boats from Turkey," (2019). <https://www.aljazeera.com/news/2019/6/29/libya-haftar-bans-flights-boats-from-turkey>
- Aljazeera. "Libya GNA Recapture strategic Alwatiya airbase," (2020). <https://www.aljazeera.com/news/2020/5/18/libyas-gna-recaptures-strategic-al-watiya-airbase>
- Aljazeera. "Tripoli Mitiga airport set to reopen after attack," (2019). <https://www.aljazeera.com/news/2019/10/30/libya-tripolis-mitiga-airport-set-to-reopen-after-attacks>
- Aminath Minna," Responding to mass violation of human rights: the UN and humanitarian military intervention after R2P unanimous adoption: case study of Libya and Syria", Hacettepe University Graduate School of Social Sciences Department of International Relations, (2018), p13. <http://hdl.handle.net/11655/6017>
- Arab Centre Washington. "Libya after the fall of Watyia," (2020). <https://arabcenterdc.org/resource/libya-after-the-fall-of-al-watiya>
- Bede Sheppard and Kennji Kizuka,"Taking Armed Conflict Out of the Classroom: International and Domestic Legal Protections for Students When Combatants Use Schools", *Journal of International Humanitarian Legal Studies*, 2 no. 2 (2011): 282. <https://doi.org/10.1163/18781527-00202001>
- Buchan, Russell. "The Rule of Surrender in International Humanitarian Law." *Israel Law Review* 51, no. 1 (2018): 3-27. <https://doi.org/10.1017/S0021223717000279>

- Cotter, Maurice, "Military necessity, proportionality and dual-use objects at the ICTY: A close reading of the Prlić et al. Proceedings on the destruction of the old bridge of mostar", *Journal of Conflict and Security Law*, 23 no. 2, (2018): 287. <https://doi.org/10.1093/jcsl/kry015>
- Cotter, Maurice. "Military Necessity, Proportionality and Dual-Use Objects at the ICTY: A Close Reading of the Prlić et al. Proceedings on the Destruction of the Old Bridge of Mostar." *Journal of Conflict and Security Law* 23, no. 2 (2018): 283-305.
- Duchesneau, Jacques, and Maxime Langlois. "Airport attacks: The critical role airports can play in combatting terrorism." *Journal of Airport Management* 11, no. 4 (2017): 342-354.
- Farahani, Gholamreza Jalali, Reza Hosnavi, Mohamad Hasan Ataee, Ali Ghanbary Nasab, and Mohammad Ali Ataee. "Determining and prioritizing man-made threats in critical infrastructures: Case study—civilian airports." *Property Management*, 37 no. 1 (2018).
- Fenrick, William J. "Applying IHL Targeting Rules to Practical Situations: Proportionality and Military Objectives." *Windsor YB Access Just.* 27 (2009): 271.
- Harutyunyan, Angelina. "Dilemma of Targeting: Dual-Use Objects in Military Operations." *Law of Armed Conflict* (2019).
- Hernandez Navarro, Luls. "The escalation of the war in Chiapas." *NACLA Report on the Americas* 31, no. 5 (1998): 7-10.
- ICRC, "Eritrea /Ethiopia Awards on Military objectives" <https://casebook.icrc.org/case-study/eritreathiopia-awards-military-objectives>
- International Committee of the Red Cross, "The Principle of Proportionality in the Rules Governing the Conduct of Hostilities Under International Humanitarian Law", Université Laval, June (2018), p. 9
- Jalali Farahani, Gholamreza, Hosnavi, Reza, Ataee, Mohamad Hasan, Ghanbary Nasab, Ali, Ataee, Mohammad Ali, "Determining and prioritizing man-made threats in critical infrastructures: Case study – civilian airports" *Property Management*, 37 no. 1 (2019). <http://doi10.1108/PM-10-2016-0056>
- Jonathan Crowe, "Principles of International Humanitarian Law" 1, (2013), p 55-56
- Joshua, Samson Ayobami, "Boko Haram terrorism and a threat to right to education", *Hasanuddin Law Review* 6 no. 2 (2020): 149-164. doi: <http://dx.doi.org/10.20956/halrev.v6i2.2019>
- Kelly, Luke, "Threats to civilian aviation since 1975," University of Manchester 5, (2021): 21. <http://doi.10.19088/K4D.2021.019>
- Koplow, David A. "Reverse Distinction: A US Violation of the Law of Armed Conflict in Space." *Harvard National Security Journal*, 13 (2022): 25.
- Libya, OCHA, September 2019, <https://reliefweb.int/report/libya/unsmil-latest-attacks-mitiga-airport-direct-threat-lives-civilian-passengers>
- Onishi, Kosuke. "Rethinking the permissive function of military necessity in internal non-international armed conflict." *Israel Law Review* 51, no. 2 (2018): 235-259.

- Qureshi, Waseem Ahmad. "The crisis in Yemen: Armed conflict and international law." *North Carolina Journal of International Law*, 45 (2019): 227.
- Reuters, "Eastern Libyan forces damaged civilian airport in western Libya: U.N." 2019, <https://www.reuters.com/article/us-libya-security-idUSKCN1V70LP>
- Ruwabtissa Abeyratne, "Law and regulation of aerodromes," 4th edition (2014): 223.
- Sassòli, Marco, and Lindsey Cameron. *The protection of civilian objects: current state of the law and issues de lege ferenda*. Eleven International, 2006, p. 68-69
- Shue, Henry, and David Wippman. "Limiting attacks on dual-use facilities performing indispensable civilian functions." *Cornell International Law Journal* 35, (2001): 559.
- Smith, Tara. "Critical perspectives on environmental protection in non-international armed conflict: Developing the principles of distinction, proportionality and necessity." *Leiden Journal of International Law* 32, no. 4 (2019): 759-779.
- The Guardian, (2014), Tripoli airport hit by sever attacks from Islamic militia <https://www.theguardian.com/world/2014/jul/13/tripoli-airport-libya-severe-attack-islamist-militia>
- The Guardian, Libya, (2020), <https://www.theguardian.com/world/2020/may/18/forces-allied-to-libyan-government-retake-key-al-watiya-airbase>
- United Nations Office for the Coordination of Humanitarian affairs August (2019).

Conflict of Interest Statement: The author(s) declares that the research was conducted in the absence of any commercial or financial relationship that could be construed as a potential conflict of interest.

Copyright: © HALREV. This is an open access article distributed under the terms of the Creative Commons Attribution 4.0 International License (CC-BY 4.0), which permits unrestricted use, distribution, and reproduction in any medium, provided the original author and source are credited.

Hasanuddin Law Review (Hasanuddin Law Rev. – HALREV) is an open access and peer-reviewed journal published by Faculty of Law, Hasanuddin University, Indonesia.

Open Access 