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Al – Amnesty International

US military shows appalling disregard for civilians killed in Somalia air strike

- New evidence that three men targeted were civilian farmers, not "terrorists"
- · US military ignores plight of grieving families
- Amnesty International has now documented more than two dozen civilian casualties in US government's secretive war

An investigation by Amnesty International has revealed that three men killed in a US military air strike in March after being targeted as "Al-Shabaab terrorists" were in fact civilian farmers with no evidence of links to the armed group.

Disturbingly, the organization has also learned that, despite being informed in May of its flawed assessment of at least one of the men (https://eur02.safelinks.protection.outlook.com/?url=https% 3A%2F%2Fforeignpolicy.com%2F2019%2F05%2F07%2Fdoes-america-know-who-its-airstrike-victims-are-somalia-africom%2F&data=02%7C01%7Cconor.fortune%40amnesty.org% 7C5bb7327c869a4f255b3f08d7434d44ea%7Cc2dbf829378d44c1b47a1c043924ddf3%7C0%7C1% 7C637051871455653501&sdata=uXRaFnczkvWQC8P00%2B0Ej%2Bv5bulJ5TJcdsixlv5nh0o% 3D&reserved=0) as a fighter, the US military's Africa Command (AFRICOM) failed to contact his relatives to investigate further. Between them, the men left behind 19 children.

"It's bad enough that the US Africa Command appears not to know who its air strikes are actually killing and maiming in its secretive war in Somalia. But it's reprehensible that AFRICOM offers no way for those affected to contact it and has failed to reach out to the families of victims after its version of events was called into question in this case," said Abdullahi Hassan, Amnesty International's Somalia Researcher.

"This is just one of many cases of the US military wantonly tarnishing large parts of the Somali population with the 'terrorist' label. No thought is given to the civilian victims or the plight of their grieving families left behind."

Air strike in Abdow Dibile

[SOURCE] [SOURCE] [IMG | SOURCE: | ALT: This image shows a partial panorama of the air strike scene, overlaid on a satellite image showing the same location on 9 April, 2019, several weeks after the air strike.] [IMG | SOURCE: https://www.amnesty.org/remote.axd/aineupstrmediaprd.blob.core.windows.net/media/21718/266129.jpg? center=0.5%2c0.5&preset=proportional_639 | ALT: This image shows a partial panorama of the air strike scene, overlaid on a satellite image showing the same location on 9 April, 2019, several weeks after the air strike.] [IMG | SOURCE: https://www.amnesty.org/remote.axd/aineupstrmediaprd.blob.core.windows.net/media/21718/266129.jpg? center=0.5%2c0.5&preset=proportional_639 | ALT: This image shows a partial panorama of the air strike scene, overlaid on a satellite image showing the same location on 9 April, 2019, several weeks after the air strike.]

This image shows a partial panorama of the air strike scene, overlaid on a satellite image showing the same location on 9 April, 2019, several weeks after the air strike. © Amnesty International. Source Image: © 2019 DigitalGlobe, a Maxar Company.

Between 3pm and 4pm on 18 March 2019, a US air strike hit a Toyota Surf SUV near the hamlet of Abdow Dibile, around 5km from Afgoye in Somalia's Lower Shabelle region. The three men traveling in the vehicle were farmers returning from their farms to their homes in Mogadishu and Leego and Yaaq Bariwayne in Lower Shabelle.

The impact destroyed the vehicle, instantly killing the driver, Abdiqadir Nur Ibrahim (46), and one passenger, Ibrahim Mohamed Hirey (30).

A man who was a close friend of Abdiqadir Nur Ibrahim visited the scene the next morning and described the aftermath: "Abdiqadir's body was completely destroyed but I recognized... his face that was burnt...I also recognized his watch which was hanging from the front side of the car." A woman who visited the scene told Amnesty International that Abdiqadir Nur Ibrahim and Ibrahim Mohamed Hirey "were both burnt beyond recognition and cut into pieces."

A third man traveling in the vehicle, Abdiqadir's half-brother, Mahad Nur Ibrahim (46), was very badly burnt and died in a hospital in Mogadishu almost three weeks later. Medical records seen by Amnesty International listed his cause of death as cardiac arrest after suffering sepsis and burns over more than 50% of his body. There is no evidence that AFRICOM attempted to engage with him before he died.

An AFRICOM press release (https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F% 2Fwww.africom.mil%2Fmedia-room%2Fpressrelease%2F31645%2Ffederal-government-of-somalia-u-s-target-al-shabaab-terrorists&data=02%7C01%7Cconor.fortune%40amnesty.org% 7C5bb7327c869a4f255b3f08d7434d44ea%7Cc2dbf829378d44c1b47a1c043924ddf3%7C0%7C1% 7C637051871455663494&sdata=kWW%2BrJ0MKkmq9R3K%2FWywE0buYF1jrH3oDiF53CCcNe8% 3D&reserved=0) on 19 March alleged the victims were "three terrorists," without citing any evidence. It also stated AFRICOM "was aware of reports alleging civilian casualties," and would review any relevant information about the incident.

However, in May, a journalist writing for *Foreign Policy* (https://foreignpolicy.com/2019/05/07/does-america-know-who-its-airstrike-victims-are-somalia-africom/) provided AFRICOM with evidence that Ibrahim Mohamed Hirey was a civilian and passed on contact information for his relatives. But to date AFRICOM has not reached out to them.

Amnesty International shared further information about the case with AFRICOM in August, but AFRICOM has refused to back down on its claim that the three men were "terrorists", stating: "This airstrike was conducted against lower level al-Shabaab members to decrease morale ahead of Somali Army operations... Specifically, information gathered before and after the strike indicated that all individuals injured or killed were members or affiliates of al-Shabaab". AFRICOM did not provide any evidence for its claim or indicate that it will be investigating further. It has not changed its position on any cases in Somalia that Amnesty International has brought to its attention to date.

Amnesty International interviewed 11 people – in person and remotely – about the 18 March strike, including family members, those who visited the scene, and staff at Hormuud Telecom, a company where one of the men also worked.

The organization also assessed media reports, US government statements, vehicle purchase records, official IDs, medical records and videos and photographic evidence of the scene of the attack and injuries sustained by the victims.

Everyone the organization spoke to was adamant that none of the men was a member of Al-Shabaab. Also, Al-Shabaab did not prevent the relatives of those killed from collecting and burying their

remains, which the armed group generally does when its own fighters are killed.

AFRICOM's reporting on the strike and correspondence with Amnesty International raise serious questions about its intelligence-gathering and its targeting of what it claimed were "affiliates" of Al-Shabaab, which may have violated international humanitarian law.

At least two dozen civilians killed or injured

To date, Amnesty International has documented six cases where US air strikes are believed to have resulted in civilian casualties – killing a total of 17 people and wounding eight.

On 20 March this year, the organization's ground-breaking report, *The Hidden US War in Somalia* (https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.amnesty.org%2Fen%2Fdocuments%2Fafr52%2F9952%2F2019%2Fen%2F&data=02%7C01%7Cconor.fortune%40amnesty.org%7C5bb7327c869a4f255b3f08d7434d44ea%

7Cc2dbf829378d44c1b47a1c043924ddf3%7C0%7C1%7C637051871455663494&sdata=zkmtk% 2B3pfGCYd6AwkxOWnFEDSDBN1NYLoRBhK3MR8ml%3D&reserved=0) , published reams of evidence to counter AFRICOM's repeated claims until then that its operations in Somalia had resulted in "zero civilian casualties". Just over two weeks later, on 5 April, AFRICOM admitted to its first-ever civilian casualties in Somalia (https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F% 2Fwww.africom.mil%2Fmedia-room%2Fpressrelease%2F31697%2Fu-s-africa-command-commander-directed-review-reveals-civilian-casualties&data=02%7C01%7Cconor.fortune%40amnesty.org% 7C5bb7327c869a4f255b3f08d7434d44ea%7Cc2dbf829378d44c1b47a1c043924ddf3%7C0%7C1% 7C637051871455673489&sdata=BT4AqcZ95rl9DRUSxXEhPlwamRf5m5%2FSU6qS4esj2hE% 3D&reserved=0) , stating that Amnesty International's work had prompted it to review its records. Six months later, AFRICOM has not shared any update on the status or outcome of that review.

US air strikes in Somalia surged in early 2017, after President Trump signed an executive order declaring the south of the country an "area of active hostilities". Since then, AFRICOM has used drones and manned aircraft to carry out at least 131 strikes in the country.

The attack in Abdow Dibile is one of 50 strikes the US military has admitted to in Somalia so far this year (up to mid-September). This outstrips the 47 strikes in 2018, and the 34 strikes carried out in the last nine months of 2017.

"This is yet another crushing injustice – three civilian men died agonizing deaths while their families are left questioning why the US military targeted and killed them. It is also potentially unlawful and raises questions about how seriously AFRICOM takes its obligations under international law," said Brian Castner, Amnesty International's Senior Crisis Advisor on Arms and Military Operations.

"The US government must ensure thorough, impartial investigations into all credible allegations of civilian casualties are carried out, with accountability for those responsible for violations and reparation made to the victims and survivors. It can start by establishing an accessible mechanism for Somalis to safely report civilian casualties of US military operations."

ADDITIONAL BACKGROUND AND ANALYSIS ABDOW DIBILE. 18 MARCH 2019

In the middle of the afternoon on 18 March 2019, a US air strike hit a vehicle carrying three civilian men near the hamlet of Abdow Dibile, approximately 5km southwest of Afgoye, Lower Shabelle. The vehicle was carrying three men – Ibrahim Mohamed Hirey (30), a farmer; Abdiqadir Nur Ibrahim (46), a farmer and employee of Hormuud Telecom (Hormuud), a telecomunications company; and his half-

brother Mahad Nur Ibrahim (46), also a farmer. The vehicle was destroyed and Abdiqadir Nur Ibrahim and Ibrahim Mohamed Hirey were killed instantly. Mahad Nur Ibrahim was badly burnt and taken to a hospital in Mogadishu, where he later died. US Africa Command (AFRICOM) acknowledged responsibility for the strike and referred to the deceased as being "terrorists" and "lower level members of Al-Shabaab".

Testimonies and other evidence gathered by Amnesty International indicate that the three men in the vehicle were civilians and none were members of Al-Shabaab.

In researching this strike, Amnesty International interviewed 11 people, including family members, Hormuud Telecom staff, and three individuals who visited the scene after the attack. Amnesty International also analyzed media reports, US government statements, medical records, vehicle purchase records, official ID, satellite imagery, and videos and photographs of the scene of the attack and of injuries sustained by the victims.

Al-Shabaab controls much of Lower Shabelle, including the area around Abdow Dibile, although in recent months Somalia government forces have regained control over several key towns in the region, including Sabiid, Barire and Awdheegle. According to residents interviewed by Amnesty International, while Al-Shabaab members come and go in the area around Abdow Dibile, they do not have a permanent presence in the hamlet.

On 18 March 2019, Abdiqadir and Mahad Nur Ibrahim and Ibrahim Mohamed Hirey were travelling towards the hamlet of Abdow Dibile from the village of Muuri, Lower Shabelle, in a white Toyota Surf SUV. They had been visiting their farms near Muuri that day, as they often would, and were returning from the farms to their respective homes in Mogadishu, Leego and Yaaq Bariwayne. Between 3 and 4pm, when the vehicle was approximately 750m north of Abdow Dibile, it was hit and destroyed by a munition launched by a US aircraft.

A friend of Abdiqadir Nur Ibrahim, living in Mogadishu, told Amnesty International that he learned on the night of the attack of his death from a relative of Abdiqadir Nur Ibrahim. Early the following morning, the friend left Mogadishu and travelled to Abdow Dibile. At around 8am he arrived in the hamlet where he found Mahad Nur Ibrahim, badly burnt but alive, inside a vehicle bound for hospital. Amnesty International also viewed photographs of these injuries. Mahad Nur Ibrahim told his friend that the three men had been travelling from their farms near Muuri, when their car was struck. Shortly after they spoke, Mahad Nur Ibrahim was driven to Digfeer hospital in Mogadishu, approximately 30km away. "Mahad later succumbed to his injuries and died in a Mogadishu hospital," the friend told Amnesty International. According to hospital records viewed by Amnesty International, Mahad Nur Ibrahim died on 6 April 2019. The records state that the cause of death was cardiac arrest, after suffering from sepsis and burns on more than 50% of his body.

The friend described to Amnesty International what the scene of the attack looked like when he arrived, and how he identified the two victims whose bodies remained at the scene. On arrival, he found Ibrahim Mohamed Hirey's body cut into pieces and lying near the wreckage, after local people had removed him from the back of the vehicle. Amnesty International reviewed photographs that appear to show Ibrahim's burnt head and torso.

The friend and relatives of Abdiqadir Nur Ibrahim and Ibrahim Mohamed Hirey buried the two men in Abdow Dibile on Tuesday 19 March.

An elder in the Wadalaan Gorgaate clan and distant cousin of Abdiqadir and Mahad Nur Ibrahim explained that the families of the men received no support from the Somalia or US government after losing their loved ones.

"No one apologized or even asked us about their death. We came together as a family after their death, but we just could not give them any support. We left it to God. We don't know what actually happened and why they were killed, maybe it was a mistake. We would like justice to be served and the families of the deceased supported."

Abdiqadir Nur Ibrahim was a father of eight. He owned electric generators supplying the village of Leego in Wanlaweyn district, Lower Shabelle, and farmed land near Muuri, in Afgoye district. He was also the head of Hormuud's Leego office. Mahad Nur Ibrahim was a father of four. Ibrahim Mohamed Hirey was a father of seven. In addition to farming, he leased out farm equipment and ran a business transporting foodstuff between Mogadishu and Muuri. Ibrahim Mohamed Hirey previously lived with his family in Muuri, but they fled to Mogadishu five years ago due to the conflict between Biyamal and Habargidir clans.

Amnesty International interviewed family members, neighbours, and colleagues of the victims, all of whom unequivocally stated that the men were not members of Al-Shabaab.

All 11 people Amnesty International spoke to were adamant that the three men were civilians. "He was not Al-Shabaab" a relative of Mahad Nur Ibrahim explained. "He owned a truck and he transported charcoal to Mogadishu. Al-Shabaab banned charcoal business in Leego and Lower Shabelle so he was not doing much in the past two years. He wanted to invest in the farms with the help of his brother, but both were killed while coming back from the farms."

A Habargidir clan elder and relative of Ibrahim Mohamed Hirey was also clear on this point: "I can confirm before anyone that Ibrahim was a civilian and not an Al-Shabaab guy". Another relative concurred: "He was a civilian, he was not member of Al-Shabaab. If he were Al-Shabaab we would not have run away from the Biyamal-Habargidir conflict. We were basically IDPs in Mogadishu with Ibrahim supporting us. I don't know why he was targeted. It was a clear aggression."

According to a fellow employee at Hormuud who Amnesty International interviewed, as well as relatives, Abdiqadir Nur Ibrahim had worked for Hormuud for over a decade and was also not an Al-Shabaab member. Those who knew the men questioned why they had been killed. "I don't know why [Abdiqadir's] car was targeted but I think it was a mistake," a friend said. "The three people who were killed in that car were farmers and not members of Al-Shabaab".

In addition to the testimonies, there is additional circumstantial evidence which indicates that the deceased were civilians. Al-Shabaab did not treat the three men as if they were members of the armed group. Families of the victims were not prevented from recovering the bodies and taking the injured to hospital. Testimony gathered throughout Amnesty International's research in Somalia has consistently shown that Al-Shabaab will collect and bury their dead themselves, often before they permit civilians back into the area. Additionally, Mahad Nur Ibrahim was transported from Abdow Dibile to government-controlled Mogadishu, where he was treated at Digfeer hospital, a civilian facility, where it would have been relatively easy for Somalia government forces to question or arrest him.

In a press release (https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F% 2Fwww.africom.mil%2Fmedia-room%2Fpressrelease%2F31645%2Ffederal-government-of-somalia-u-s-target-al-shabaab-terrorists&data=02%7C01%7Cconor.fortune%40amnesty.org% 7C5bb7327c869a4f255b3f08d7434d44ea%7Cc2dbf829378d44c1b47a1c043924ddf3%7C0%7C1% 7C637051871455683485&sdata=vJkg7KTjComyB53ys2S6rrJD3apkaJjl2Ef8SImhOU8%3D&reserved=0) published on 19 March 2019, US Africa Command (AFRICOM) stated that the previous day, 18 March 2019, US forces conducted an airstrike "in coordination with the Federal Government of Somalia's continued efforts to weaken al-Shabaab" in the "vicinity of Awdheegle," Lower Shabelle. AFRICOM claimed it assessed that three "terrorists" were killed in the strike. It went on to confirm however, "we are aware of reports alleging civilian casualties resulting from this airstrike. As with any allegation of civilian casualties we receive, U.S. Africa Command will review any information it has about the

incident, including any relevant information provided by third parties."

According to media reports (https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F% 2Fforeignpolicy.com%2F2019%2F05%2F07%2Fdoes-america-know-who-its-airstrike-victims-are-somalia-africom%2F&data=02%7C01%7Cconor.fortune%40amnesty.org% 7C5bb7327c869a4f255b3f08d7434d44ea%7Cc2dbf829378d44c1b47a1c043924ddf3%7C0%7C1% 7C637051871455693480&sdata=x7EBTCtBRSXOmJaW8ZVisTJm4FNOmUFi0BCm6idlSps% 3D&reserved=0) , AFRICOM was presented with the contact details of Ibrahim Mohamed Hirey's family in May 2019. Amnesty International understands that the family have not been contacted by US authorities in relation to the attack that killed their relative.

Amnesty International wrote to AFRICOM on 29 August 2019 presenting details of the allegation that the three victims of the attack were civilians, and seeking its response. AFRICOM replied on 18 September 2019, stating:

"In coordination with the Federal Government of Somalia, U.S. Africa Command did conduct a precision-guided airstrike that corresponds to the time and location of this allegation. This airstrike was conducted against lower level al-Shabaab members to decrease morale ahead of Somali Army operations.

Pursuant to our thorough assessment procedures, we determined that U.S. Africa Command is not likely to have caused the civilian casualties alleged on 18 March 2019. Specifically, information gathered before and after the strike indicated that all individuals injured or killed were members or affiliates of al-Shabaab. We have not received any new or additional information that contradicts this information."

Further, AFRICOM stated:

"To date, U.S. Africa Command has only received an allegation of a civilian casualty with respect to the driver of the vehicle – there have been no other allegations that the additional two passengers were civilian. Based on detailed methods and a body of multi-intelligence reporting, to include the actions observed from the vehicle, U.S. Africa Command arrived at reasonable certainty the vehicle and its occupants were al-Shabaab and actively supporting al-Shabaab operational activity."

Amnesty International also wrote to the Somalia government on 20 September, presenting the details of the allegations. At the time of publishing, the government had not replied.

Amnesty International's evidence above indicates that, regardless of its intention, US forces failed to undertake necessary measures to ensure that they were targeting fighters directly participating in hostilities and not civilians. Contrary to AFRICOM's assessment, there is significant evidence that the deceased are civilians and were killed unlawfully. Failure to take feasible precautions that are necessary to verify that a target is a military objective is in itself a violation of international humanitarian law and can result in indiscriminate attacks. Indiscriminate attacks in which civilians are killed or injured can constitute war crimes.

The description by AFRICOM of those killed in this attack as "members **or affiliates** of Al-Shabaab" [emphasis added] is concerning. As Amnesty International explains in-depth in its March 2019 report, The Hidden US War in Somalia: Civilian casualties of US air strikes in Lower Shabelle (https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.amnesty.org%2Fen% 2Fdocuments%2Fafr52%2F9952%2F2019%2Fen%2F&data=02%7C01%7Cconor.fortune% 40amnesty.org%7C5bb7327c869a4f255b3f08d7434d44ea%

7Cc2dbf829378d44c1b47a1c043924ddf3%7C0%7C1%7C637051871455703473&sdata=bDimSXbw0% 2FPvLbbxh4uPs1AaaBG4da7GuCN14wvPHil%3D&reserved=0), the US military appears to be applying an overly broad concept of who is targetable. According to the International Committee of the Red Cross (https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.icrc.org%2Fen% 2Fdoc%2Fassets%2Ffiles%2Fother%2Ficrc-002-0990.pdf&data=02%7C01%7Cconor.fortune% 40amnesty.org%7C5bb7327c869a4f255b3f08d7434d44ea%

7Cc2dbf829378d44c1b47a1c043924ddf3%7C0%7C1%7C637051871455703473&sdata=dLplcbW%2B% 2BMauR1AkEl75n8Zq%2BLQuBXEd44u8nRDFAps%3D&reserved=0) , individuals suspected of membership in armed groups must not be targeted on the basis of "abstract affiliation, family ties, or other criteria prone to error, arbitrariness or abuse." AFRICOM's response to Amnesty International suggests that US forces may have targeted these men on the basis of criteria that do not conform to the requirements of international humanitarian law. Amnesty International's concern about the arbitrary nature of targeting based on supposed Al-Shabaab membership is compounded by the reference to targeting on the basis of the vague notion of "affiliation." In response to a request by Amnesty International, the US Department of Defense previously refused to explain how it determines affiliation to Al-Shabaab, stating that this would "jeopardize the intelligence process which we gather that information [sic]". Based on Amnesty International's findings in this and previous cases, we fear that the term "affiliates of al-Shabaab" may be used by the US military to describe any military-aged male who is unfortunate enough to be in the vicinity of a suspected Al-Shabaab fighter at the time of a US strike. This would be an unlawful practice that could amount to targeting civilians who are not directly participating in hostilities.

In the context of a non-international armed conflict, only individuals who are directly participating in hostilities may lawfully be targeted. Direct attacks against the civilian population and individual civilians not directly participating in hostilities are prohibited and constitute war crimes. Further legal analysis, including regarding what constitutes direct participation in hostilities, can be found in chapter four of *The Hidden US War in Somalia*.

(https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.amnesty.org%2Fen%2Fdocuments%2Fafr52%2F9952%2F2019%2Fen%2F&data=02%7C01%7Cconor.fortune%40amnesty.org%7C5bb7327c869a4f255b3f08d7434d44ea%

7Cc2dbf829378d44c1b47a1c043924ddf3%7C0%7C1%7C637051871455713472&sdata=e% 2BjB4DQEo8ACBuJHs3mBKDNaIKDV70hM4OQ2HC6f3JU%3D&reserved=0) Further, there is strong evidence to call into question the "detailed methods" and "body of multi-intelligence reporting" that the US military used in this strike. In its press release the day after the attack, AFRICOM claimed to have killed three people. But at that time only two were dead, the third still alive and would soon be in Digfeer hospital. The US has not corrected this error in further statements. Additionally, if the US was confident Mahad Nur Ibrahim was an Al-Shabaab operative, then there was also ample opportunity to arrest him in hospital after the strike. That the US post-strike intelligence assessment was not sufficient to correctly note the number killed, nor the location of the third victim of the strike, speaks to the quality of the US intelligence and the degree to which it should be trusted to correctly identify and categorize members of Al-Shabaab.

US and Somalia authorities must ensure an independent, impartial, and thorough investigation is conducted into this attack. They should also ensure that anyone responsible for violating international humanitarian law is held accountable, compensate the victims' families, and implement an effective mechanism to ensure a safe and accessible means for people to self-report civilian casualties from military operations.

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ecoi.net summary:

Evidence shows that all 3 men killed in an air strike conducted by US forces in March 2019 were civilians



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