



HEADQUARTERS
UNITED STATES AFRICA COMMAND
UNIT 29951
APO AE 09751-9951

June 1, 2020

Human Rights Watch
Laetitia Bader
350 Fifth Avenue, 34th Floor
New York, NY 10118-3299

Dear Ms. Bader,

This correspondence replies to your letter dated May 15, 2020, concerning U.S. Africa Command's (USAFRICOM) recent publication of the quarterly report on allegations and assessments of civilian casualties resulting from United States military operations in the USAFRICOM Area of Responsibility.

Thank you for recognizing our dedicated commitment to increasing transparency and reducing civilian harm as we continue to work closely with the Federal Government of Somalia and U.S. Embassy in Mogadishu to introduce new initiatives. We have made it a priority to be as transparent as possible about all USAFRICOM actions and operations in support of our allies and partners in Somalia and other African nations. We are committed to continue to provide as much information as operationally possible. We take this responsibility very seriously.

- For ease of understanding, I have answered your questions in order below:

1. Under what legal framework(s) does the US use lethal force in Somalia? Do different frameworks apply to different parts of Somalia?

In 2017, the President approved a Department of Defense proposal to provide additional precision fires in support of African Union Mission in Somalia (AMISOM) and Somali security forces operations. The approval provided authority to conduct airstrikes. All USAFRICOM airstrikes in Somalia are conducted in coordination with the Federal Government of Somalia and are conducted in accordance with U.S. and international law.

2. In its public statements, USAFRICOM has used the terms "militants," "member" and "affiliated" with respect to Al-Shabab in Somalia. What specific criteria are used for each of those terms?

Command public statements use these terms to demonstrate the connection between al-Shabaab and the individuals in question. The command regularly gathers intelligence from a multitude of sources and establishes pattern of life data and insights to ensure that the individuals targeted by our kinetic activities are legitimate military targets who have demonstrated functional membership of the terrorist network.

3. The initial USAFRICOM Civilian Casualty Assessment Quarterly Report references an USAFRICOM website contact link that individuals can use to report allegations and provide feedback on suspected civilian casualties. What actions have you taken so that witnesses to attacks or relatives of victims will be aware of the new online civilian casualty platform, including in the two cases documented above?

The command is always looking for ways to increase civilian casualty reporting options. The command's website and social media accounts are available for reporting civilian casualty allegations. The command has made that publicly known and we continue to communicate that option more broadly in coordination with the Federal Government of Somalia and the Department of State. In addition, the USAFRICOM website now uses translation software that will allow for submitting reports in other languages including Arabic and Somali.

4. Does USAFRICOM plan to establish a physical office or other procedure in Somalia for people to safely report a civilian death or injury, including people who do not have access to internet?

At this time, there are no plans to establish a physical office operated by the command in Somalia to handle civilian casualty claims. That said, the command will continue to work closely with the Federal Government of Somalia and our Department of State partners in Somalia.

5. In how many cases in Somalia since 2017 have you offered compensation or condolence payments to relatives of civilian casualties? Are any such payments ex gratia or have an involved finding or US wrongdoing?

Ex gratia payments are not required by U.S. law and are not an admission of wrongdoing or for the purpose of compensating the victim or victim's family for their loss. Since 2017, USAFRICOM acknowledged two highly regrettable incidents of civilian harm; no payments were made in either case. We continue to work closely with the Federal Government of Somalia and the Department of State on appropriate measures to address unfortunate instances of civilian casualties.

• Additionally, you asked questions about two specific strikes, on February 2, 2020 and March 10, 2020. Please see those responses below.

1. Before and during these airstrikes, what precautions did US forces take to minimize civilian casualties? What measures did US forces take to ensure that the individuals attacked were lawful targets?

The command rigorously assesses potential targets to ensure only legitimate al-Shabaab and ISIS militants are targeted in Somalia. U.S. Africa Command complies with the Law of Armed Conflict and takes all feasible precautions to minimize civilian casualties and other collateral damage.

The command has processes in place to ensure the safety and protection of the local population remains a top priority. These procedures, combined with precision strike capabilities, to the maximum extent possible, safeguard civilians and infrastructure. Al-Shabaab, like other terrorist groups, has a history of placing its forces and facilities in and around civilian locations to conceal and shield its activities. Therefore, the command rigorously assesses potential targets to ensure only legitimate members of the terrorist network are targeted.

Prior to any airstrike, commanders consider weapon effects, delivery parameters, the target and alternatives. Following an airstrike, U.S. Africa Command conducts additional analysis to ensure the military objectives were met and confirm that the strike did not result in civilian harm.

2. To what extent were civilian casualties considered a possibility?

U.S. Africa Command protects civilians because it is the lawful, moral, and ethical thing to do. The command rigorously assesses potential targets to ensure only legitimate al-Shabaab and ISIS militants are targeted, exercising restraint as a matter of policy that is more protective of civilians than required under the Law of Armed Conflict. The command does everything possible to reduce the risk to civilians while minimizing collateral damage to civilian facilities and property. Any loss of civilian life is truly regrettable. The command will continue to conduct its operations in this manner as it is the moral and ethical thing to do.

3. Who was the intended target of each of these attacks? Was the target hit? What was the known composition of combatants and civilians at the target location at the time of the attack?

Airstrikes are conducted against al-Shabaab and ISIS militants in an effort to degrade their capability to operate and offer increased opportunity for economic development and Federal Government of Somalia governance. The command issued press releases shortly after each of these airstrikes that contain the command's initial strike assessments. The releases, which are available on the command's website, provide these details. For convenience, the releases can be found at:

<https://www.africom.mil/media-room/pressrelease/32626/federal-government-of-somalia-aficom-target-al-shabaab>

<https://www.africom.mil/media-room/pressrelease/32564/federal-government-of-somalia-u-s-conduct-airstrike-against-al-shabaab-terrorist>

4. What was the munition used in the attack? Was the choice of munitions a feasible precaution taken when planning or executing the mission?

As a matter of policy, the command does not discuss the specific munitions or platforms used in airstrikes. In any airstrike the command takes precautions in choosing munitions

to ensure precision effects and to minimize collateral damage to the greatest extent possible.

5. *Were measures taken to assess whether the intended target could have been captured prior to using an airstrike?*

As a matter of policy, the command does not discuss its targeting tactics and procedures in order to preserve operational security and intelligence sources. The removal of known terrorists helps ensure the success of ground operations and affects the terrorist group's ability to carry out future operations.

6. *What is the status of your reviews into the civilian casualty allegations in both these incidents? Please describe how you are assessing civilian casualty allegations in these two incidents?*

U.S. Africa Command takes all allegations seriously and conducts thorough assessments using all reasonably available information that may factor into findings. In many cases, the command's information collection efforts are based on multiple, layered and reliable intelligence sources that are not available to the public to preserve operations security. This may ultimately lead to disparity between the command's findings and those of others.

Specific to the February 2, 2020 airstrike: As noted in our April 2020 Civilian Casualty Assessment Quarterly Report, we continue to assess this incident.

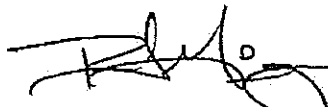
Specific to the March 10, 2020 airstrike: Since the April 2020 Civilian Casualty Assessment Quarterly Report, we continue to assess this incident.

7. *What are the findings of the investigations?*

- The assessments remain under review.

In closing, thank you again for your work and for reaching out to the command. It is important that our partners and the public understand our commitment to minimizing civilian harm while conducting military operations in support of our partners.

Sincerely,



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Director of Operations, J3