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Special Representative of the Chairperson of the African
Union Commission for Somalia (SRCC)

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Re: Preliminary Findings of Wardinle Incident

Dear Ambassador Madeira,

Please accept my greetings on behalf of Human Rights Watch.

In light of our ongoing discussion regarding AMISOM and troop-contributing countries' accountability for abuses against civilians in Somalia, we are writing to share the preliminary findings of research carried out by Human Rights Watch into the alleged unlawful killings of 14 people by Ethiopian forces on July 17, 2016, and to inquire about AMISOM's investigations into these cases going forward.

We commend your public commitment made on July 19 to investigate this incident.

Human Rights Watch interviewed 15 people, including seven survivors and witnesses present at the scene of the killings in the village of Wardinle, Bay region, Somalia on July 17, 2016. We also interviewed a number of individuals who had travelled to Wardinle shortly after the incident.

According to witnesses, on the afternoon of July 17, at least 17 people had gathered in a home in Wardinle to read the Quran over an elderly man who was ill. They included village elders, at least four *sheikhs* (religious leaders), five current or former *duski* (Islamic

school) teachers, as well as relatives of the sick man. The home was on the outskirts of the village, near the main road.

Witnesses said that during the ceremony, at least three Ethiopian National Defense Forces (ENDF) and Somali soldiers approached the home and asked about the ongoing activities and the presence of any Al-Shabab fighters in the vicinity.

Witnesses said that shortly thereafter, Ethiopian soldiers repeatedly fired into the home, killing 14 men and wounding 3 others seriously. Those killed were:

1. Adan Barire, elder
2. Mohamed Ali Hassan (also known as 'Kolay')
3. Sheikh Ali Hassan Mohamed Nur (also known as 'Manuur')
4. Sheikh Mohamed Ibrahim Sheqow, brother of the ill man
5. Maalim Adan Ibrahim Sheqow, the ill man
6. Ali Keyr Abdi Ibrahim
7. Siyad Abdi Abdulle
8. Sheikh Nishow Meyshen
9. Ibrahim Maalim Ali Suleiman, *duksi* teacher
10. Moalim Isgowe Ibrahim Isaq Warabow, *duksi* teacher
11. Isaak Ibrahim Isaak Warabow
12. Abdirahman Sheikh Mohamed Ibrahim, *duksi* teacher, nephew of the ill man
13. Ali Hassan Ibrahim (also known as 'Boodboode')
14. Hassan Maalim Omar

The three men who survived the shooting were badly injured; one has had his arm amputated. A medical source said that the wounds were all caused by gunshots.

The soldiers allegedly involved in this incident were reportedly new to the area. Several witnesses told Human Rights Watch that, before this incident, the community had had good relations with the previous ENDF forces based in nearby Awdinle. Those forces often came to Wardinle and asked community members if Al-Shabab fighters had gone through the area.

In your July 19 statement you said AMISOM troops were "ambushed" after coming to the village because "credible intelligence information" reported that "an Al-Shabaab's radicalization exercise" was ongoing. In its investigations thus far,

Human Rights Watch has found no evidence that those nearby or gathered inside the home were armed. No other deaths or injuries – of civilians or Al-Shabaab fighters – were reported on that day in Wardinle village more generally. The context in which these killings occurred should be a critical aspect of investigations into these killings.

We have on several occasions found significant limitations to AMISOM and troop-contributing country responses to allegations of abuses against civilians. These include that investigations are one-sided, rely heavily on AMISOM soldiers alone, and do little to protect witnesses – which deters them from coming forward. In this case, to date, none of the survivors or witnesses interviewed by Human Rights Watch have been contacted either by Ethiopian or African Union investigators since the killings, though several voiced a willingness to explain what they experienced that day.

Given both the gravity of these allegations and the limitations on previous investigations carried out into civilian casualties, we are writing to urge you to ensure that your stated commitments result in thorough and safe investigations that lead to prompt and adequate redress for the victims and their families.

We believe that your stated commitments and apparent desire to establish the truth and provide redress offer AMISOM an opportunity to take an initial step toward justice and obtain a measure of accountability of AMISOM forces for the local community.

We will continue to investigate the circumstances of these killings.

We would also greatly appreciate responses to the following questions by September 19, 2016, so they can be reflected in any future public reporting:

1. What is the envisioned timeframe of the AMISOM investigation?
2. How do you plan to ensure that the local community is regularly updated about progress of investigations and proceedings?
3. How will you ensure that the composition of the board of inquiry and military investigation teams guarantees effective, safe and appropriate investigations?

4. What measures will AMISOM take in order to protect witnesses – including maintaining confidentiality of witnesses, and to monitor incidents of reprisals against those involved in the investigations?
5. How do you plan to share timely and adequate information with key stakeholders, including the local community, the Civilian Casualty Tracking Analysis and Response Cell (CCTARC), and the UN as per UN Security Council Resolution 2232 (2015)?
6. What measures will you take to ensure coordination with the Ethiopian forces in the course of any forthcoming board of inquiries?
7. What steps is AMISOM taking to urge Ethiopia's leadership to carry out transparent investigations into the incident, and, if criminal responsibility is established, to urge transparent and fair prosecutions with access for survivors and witnesses?

The UN Security Council Resolution 2297 (2016) explicitly called on AMISOM forces to improve their relations with local communities. Given the gravity of this incident, as well as the commitments made by AMISOM to investigate the allegations of abuses against civilians, and the community's stated desire to see justice done, proper investigations into the events in Wardinle and concrete actions on behalf of the victims and their families would send an important message that the commitment to justice of the AMISOM leadership and troop-contributing countries is genuine.

We look forward to your response and to staying in touch regarding AMISOM and ENDF investigations into this incident. I can be reached via email at

[redacted] or on my phone number [redacted]

Yours Sincerely,

Laetitia C
Bader

Laetitia Bader
Somalia Researcher

CC: Mr Kareem Adebayo, Head of Human Rights, Protection and Gender Cluster of
AMISOM,!