

AMNESTY INTERNATIONAL PUBLIC STATEMENT

AI Index: MDE 24/9238/2018
15 October 2018

Syria: A year on from the end of battle for Raqqa, the US-led Coalition remains in denial about the true scale of civilian deaths it caused

One year ago, the US-led Coalition's battle to wrest the Syrian city and governorate of Raqqa from the armed group calling itself Islamic State (IS) came to an end, as did IS's brutal diktat and control of what it had hitherto called its "capital".

The Coalition used massive fire power in its drive to push IS out of Raqqa, causing what could be the most extensive destruction of a city in modern times – close to 80% of the city is in ruins, mostly from Coalition strikes; each advance on the ground by the Syrian Democratic Forces (SDF), the Kurdish-led Coalition partners, was made possible by Coalition air and artillery strikes which killed hundreds of IS fighters and also hundreds of civilians. In just over four months, Coalition aircrafts dropped thousands of bombs on the city, and US soldiers stationed tens of kilometres away rained down some 30,000 artillery shells on Raqqa, boasting it was *"more than than any other Marine artillery battalion, or any Marine or Army battalion, since the Vietnam War"*.

The cost for the civilian residents trapped in the city has been devastating.

A year on, two crucial questions remain: did the Coalition do all that it could and should have done to minimize civilian casualties and destruction? And, since the end of the military operation, has the Coalition done all that it could and should do to investigate civilian deaths and injuries and destruction of civilian objects, so that lessons can be learned and the same mistakes not repeated?

The answer to both questions is no.

The Coalition accepts that civilian residents were also among the victims of its strikes on Raqqa, but remains unwilling to acknowledge the true scale of the suffering inflicted on the civilian population – both in terms of the number of deaths and injuries caused by its strikes and the devastating impact of the mass destruction of civilian homes, businesses and infrastructure.

Amnesty International's findings from multiple field investigations in Raqqa indicate that the number of civilians killed in Coalition strikes in Raqqa was far higher than the Coalition has so far been prepared to admit. These deaths cannot be dismissed as "isolated cases". The recurrence of the same type of strikes in every neighbourhood throughout the entire operation indicates a deadly pattern.

Ultimately, most civilians killed during the military operation died in Coalition bombardments and most homes and property were destroyed by Coalition strikes. The Coalition puts all the blame on IS, which used civilians as human shields in addition to committing other war crimes. But many cases of civilian casualties, including those documented by Amnesty International, did not result from the Coalition striking military targets being illegally shielded by civilians. Choice of weapons and munition was a significant factor in mass casualty incidents – most air-delivered munitions had a wide-area effect and most artillery shells used were unguided, with a margin of error of over 100 metres for each shell. Equally important was the quality of the intelligence and efforts made to verify the targets before launching the strikes.

Last week, Amnesty International's researchers returned from another field investigation in Raqqa (the fourth in the past year), where they carried out visits to additional strike sites and interviewed many more survivors and witnesses of Coalition strikes.

Among the cases recently investigated by Amnesty International is a Coalition strike on 5 September 2017 which killed 10 members of the al-Tadfi family – Lattuf al-Tadfi, his wife Samiha, and their six children (four girls and two boys) aged from one to 13 years, Lattuf al-Tadfi's 62-year-old mother and his 14-year-old niece. His brother explained to Amnesty International how the family came to be trapped in the city:

My mother had a severe case of diabetes and between us we had more than 10 children; we were too afraid to attempt a perilous escape; we didn't have the means to pay the smugglers. So we took shelter wherever we could. My brother and his family and my mother were staying in the basement of a building in the city centre, near the Nawawi mosque. The strike happened at around midday. I had visited my brother and my mum only an hour or two before the strike, to bring some insulin I had managed to find for my mum. I was going to bring my family to stay with them because by then the SDF were very near and we thought the area was going to be freed very quickly.

The Coalition has promised to carry out field investigations, but has so far failed to do so.

The Coalition's failure to investigate the impact of its strikes on the ground is one reason why its own civilian casualty count is implausibly low. Prior to Amnesty International's report "[War of Annihilation: Devastating Toll upon Civilians in Raqqa - Syria](#)" in June 2018 the Coalition had admitted to causing just 23 civilian deaths in its entire Raqqa campaign.

Following Amnesty International's report – and a round of blustery denials from Coalition officials and politicians – the Coalition [quietly admitted](#) it had caused a further 77 civilian deaths, that is all but two of the cases documented in the Amnesty International's report.

However, despite its admission of responsibility in these cases – an increase of more than 300% on previously acknowledged cases – the Coalition persists in its refusal to engage on the real issues: What went wrong in the cases where its strikes killed civilians? Was it weapon/munition malfunction, or poor intelligence, or human error, or negligence – such as failure to adequately verify the targets, check for the presence of civilians, or poor choice of munition? These are crucial details, both to establish the facts and so that lessons can be learned and repetition of the same mistakes avoided.

The US Department of Defense (DoD), whose forces carried out almost all the air strikes and all the artillery strikes in Raqqa, has written to Amnesty International about the deaths. Its response is disappointing: it accepts no liability for them. It has no plans to provide compensation to survivors and relatives of those it killed. Crucially, it also refuses to provide further information about the circumstances in which these civilians were killed. It seemingly does not even feel bound to offer an apology.

Wherever they turn, civilian victims of Coalition's strikes in Raqqa find the path to justice blocked. For most, it is barred by the Coalition's refusal to acknowledge responsibility for causing their injuries or the deaths of their loved ones. Even with respect to the cases that the Coalition admits, it accepts no obligation towards its victims.

One year after the battle ended, the obstacles to justice for victims and their families remain insurmountably high.

End of the matter?

Regarding the 77 civilian deaths for which the Coalition has recently admitted responsibility, the US DoD has indicated that such admission should be the end of the matter. In its letter of 10 September 2018 to Amnesty International, the US DoD stated that its "final response" on the matter is that it does not consider itself bound to answer further questions about the circumstances and reasons in

which it launched the strikes which killed civilians. It rejects Amnesty International's assertion that the fatal strikes raise a prima facie case that Coalition forces violated international humanitarian law (IHL, also referred to as the law of armed conflict or the laws of war).

In its letter, the DoD points out, correctly, that under the rules of international humanitarian law, evidence of civilian casualties caused by a state are not necessarily evidence of violations by that state. But it goes on to suggest, incorrectly, that Amnesty International draws the inference that evidence of civilian casualties from a strike is in itself evidence of a violation of the law of war.

Amnesty International is well aware that civilian casualties per se do not necessarily amount to violations of IHL. The organization's contention that the Coalition has a prima facie case to answer regarding these strikes is not based on the existence of civilian casualties alone. It is based on the information collected in the course of its field investigations into each of the cases, indicating that IS fighters or other military objectives were not present in the vicinity at the time of these strikes which killed and injured civilians.

The DoD failed to address this key element of the prima facie case, resorting instead to spuriously suggesting that experienced Amnesty International researchers, military and legal advisers do not understand the basic rules of IHL.

The fact that IS fighters or other military objectives were not present at the targeted locations at the time of the strikes which killed civilians was a key factor in each of the cases contained in Amnesty International's report. During their field investigations, Amnesty International researchers examined other cases in which civilians had been killed and injured by strikes which also killed IS fighters. Amnesty International has never alleged that *all* Coalition strikes were unlawful. However, all the evidence indicates that some Coalition strikes were unlawful, and the Coalition has so far failed to provide the necessary information to demonstrate how Amnesty International's assessments of these cases are incorrect.

The civilian casualties the Coalition has admitted responsibility for came amid attacks in which *only* civilians were killed and injured. These specific strikes did not kill IS fighters; nor are they known to have destroyed IS military assets. If the Coalition has evidence to the contrary, it has not made it available, but there is no reason not to.

The crucial questions raised by Amnesty International's research are about whether the Coalition took the necessary precautions to minimize as much as possible any potential harm to civilians. Only the Coalition can provide this information. It should do so now.

Denial of wider patterns

The DoD also fails to consider the cases in which the Coalition admits causing civilian casualties as part of a wider pattern. Dealt with in isolation, strikes fatal to civilians appear less likely to have violated the laws of war. They could be attributed to weapon malfunctions, for instance, or simple miscalculations, despite sound principles and practice.

When considered as part of a wider pattern, however, it becomes increasingly likely that the strikes which killed or injured civilians were the result of flawed procedures. IHL requires parties to a conflict to amend procedures causing undue harm to civilians. Continued reliance on them would place the party in breach of IHL.

The deaths so far admitted and upon which the DoD's letter is based represent just the tip of the iceberg. Amnesty International recently returned to Raqqa and conducted two further rounds of field investigations. The results indicate that Coalition strikes caused a much larger number of civilian deaths than currently acknowledged. These are not isolated cases. There is a disturbing pattern which needs to be addressed, mirroring Amnesty International's documentation of the US-led coalition's conduct of hostilities elsewhere, [including in Mosul, Iraq](#).

Newly discovered cases

Among the cases newly uncovered by Amnesty International's latest field investigations is a strike in the early evening of 21 June 2017 which killed 10 members of the Merbad family as they were leaving their homes following an air strike on a nearby house. Isra'a Merbad told Amnesty International how her father, two brothers, two uncles, a cousin and three neighbours were killed:

"First an air strike hit a house in the street behind our house and killed 10 members of the Dueihi family, so we ran away from our home. My mother and I and our female relatives run away to a neighbour's house, whereas my father and my uncles and cousin went to take shelter at my brother's house nearby. Three neighbours also came to help them carry some belongings. They were all killed by an air strike just as they were by the door."

Amnesty International also conducted further investigations into the last of a series of Coalition strikes which killed 39 members of the Badran family – including baby Tulip, just months old – as they fled from place to place within besieged neighbourhoods. The Coalition admitted killing all the Badran family members except Osama and Mohamed Badran, who were killed along with two neighbours and a visitor, in the last strike. It seemingly discounted this final

incident because witnesses and survivors that Amnesty International interviewed earlier this year could not be sure about the exact time and date of the strike. Further research has shown that Osama and Mohamed Badran were killed on 10 September 2017 along with two neighbours and a 70-year-old man, the city's former attorney general, who was visiting them at the time.

Full details of these cases, along with the many other cases Amnesty International recently investigated, will be submitted to the Coalition and released publicly in due course.

'Protecting civilians is a moral imperative, reflecting American values'

In its letter to Amnesty International the US DoD wrote that, "protecting civilians from unnecessary suffering is one of the main purposes of the law of war", and "for the DoD protecting civilians is also a moral imperative, reflecting American values". Yet protecting civilians and abiding by the laws of war is about more than words.

Protecting civilians requires pro-active investigation into civilian casualty events, including the highest possible degree of transparency. It requires a willingness to learn lessons and amend procedures which do not do enough to minimize the risk of harm to civilians. It also requires acknowledging the full scale of the harm caused to civilians and affording victims the possibility of justice, accountability and reparation.

One year on, Raqqa's civilian victims are still denied that right.

/ENDS