

EXHIBIT 2

RE: FREEDOM OF INFORMATION ACT REQUEST

UNITED STATES CENTRAL COMMAND CCJ6-RDF (FOIA)
7115 SOUTH BOUNDARY BOULEVARD
MACDILL AFB, FL 33621-5101

December 5, 2019

Dear USCENTCOM FOIA Coordinator,

This is an urgent request under the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), with a request for expedited processing, for three reasons.

This request seeks copies of USCENTCOM records from June 2, 2015 to the date of search for any credibility assessments, closure reports, and AR15-6 commander-directed investigations into an allegation of civilian casualties resulting from CJTF-OIR airstrikes in Hawija, Iraq on June 2-3, 2015.

In order to facilitate the location of responsive records, I have included links to USCENTCOM statements identifying the allegation in question and confirming that it was assessed.

I. REQUESTED RECORDS

Pursuant to the FOIA I hereby request copies of the credibility assessment, closure report and AR15-6 commander-directed investigation records regarding the civilian casualty allegations stemming from CJTF-OIR airstrikes in Hawija, Iraq between June 2-3, 2015.

The time period for the requested records is between June 2, 2015 and the time of search.

Please provide all responsive records in electronic format.

As the FOIA requires, please release all reasonably segregable, nonexempt portions of responsive records. If you choose to deny any portion of my request, please provide a written explanation for the denial, including a reference to the specific statutory exemption(s) authorizing the withholding of all or part of the record, as well as an explanation of why USCENTCOM “reasonably foresees that disclosure would harm an interest” protected by that exemption or why “disclosure is prohibited by law[.]” 5 U.S.C. § 552 (a)(8).

INFORMATION TO HELP YOU LOCATE RECORDS SWIFTLY: In order to help you in identifying, locating, and processing these records, I am providing additional information below from USCENTCOM that identifies the incident in question, its case number and location, and confirms that assessments or investigations were conducted into it. This information below and in the attached exhibits should make this request more simple and expedient to process, which is

critical given the urgency of this request:

- [During a Department of Defense Press Briefing](#) on June 5, 2019, Lt. Gen. Hesterman confirmed that he was familiar with the Hawija civilian casualty allegation in question, and that the U.S. would “look into it as we do every allegation.” For the Department of Defense transcript of this press briefing, I am providing it to you in **EXHIBIT A**.
- In a U.S. military e-mail from a CJTF-OIR spokesperson to Dutch news outlet NRC Handelsblad’s Kees Versteegh on December 11, 2018, CJTF-OIR confirmed the incident had resulted in civilian casualties, and that “the strike to the VBIED factory caused secondary explosions that unfortunately killed 70 civilians despite the precautions the Coalition took to mitigate civilian casualties.” For a record of this e-mail, please see **EXHIBIT B**.
- In a U.S. military e-mail from CJTF-OIR to me on November 21, 2019, the coalition confirmed that an “investigation” had been conducted into this allegation, writing the following: “Open-source reporting regarding an airstrike on an ISIS VBIED (Vehicle-borne Improvised Explosive Device) factory on June 2, 2015, in Al Hawijah, Iraq, claimed that there were approximately 70 CIVCAS (civilian casualties). Upon receipt of this information, the Combined Joint Task Force-Operation INHERENT RESOLVE (CJTF-OIR) conducted an investigation of the CIVCAS allegations.” For a copy of this e-mail, please see **EXHIBIT C**.
- In the official CJTF-OIR Monthly Civilian Casualty Report dated December 5, 2019, the coalition provides details about this allegation, including its case numbers and location as follows: “June 2, 2015, in Hawijah, Iraq, via media report. Coalition aircraft conducted an airstrike against a Daesh facility. Regrettably an unknown number of civilians were unintentionally killed as a result of the strike. Case # 49 Location: 38SLE894093” I am providing a copy of this press release to you in **EXHIBIT D**.

II. FEE CATEGORIZATION AND REQUEST FOR FEE WAIVER

In order to help you determine my status to assess fees, you should know that I am a reporter and this request is made in connection with my ongoing journalistic work, not for commercial use.

I am a Contributing Writer for the New York Times Magazine (see <http://www.nytimes.com/interactive/magazine/masthead.html>) and have previously received numerous awards for my reporting, including the 2018 National Magazine Award for Reporting, the 2018 Overseas Press Club Award for Best Magazine Reporting, the 2016 Daniel Pearl Award for Outstanding Reporting on South Asia, the 2016 Deadline Club Award for Independent Digital Reporting, a 2016 Livingston Award nomination in International Reporting, a 2014 Emmy nomination in New Approaches to Documentary Film, and other honors. For samples of

my previous reporting with the New York Times Magazine, PBS Frontline, and BuzzFeed News, see <http://azmatzahra.com/projects/>. Accordingly, as a representative of the news media, I am only required to pay for document duplication charges after the first 100 pages.

In addition, I am requesting a waiver of all fees associated with this request per 5 U.S.C. § 552(a)(4)(A)(iii) and 32 C.F.R. § 286.12. As noted above I am a reporter seeking these records for dissemination to the general public through my reporting, not for a commercial use. *See* OMB Uniform Freedom of Information Act Fee Schedule and Guidelines, 52 Fed. Reg. 10019 (“a request for records supporting the news dissemination of the requester shall not be considered to be a request that is for the commercial use.”). Additionally, disclosure of this information is likely to contribute significantly to public understanding of the operations or activities of the federal government, specifically CENTCOM’s overall efforts to investigate allegations of civilian casualties resulting from its operations in Iraq and Syria.

This civilian casualty allegation in question and the USCENTCOM records that relate to it have been the subject of widespread public attention, as demonstrated in **EXHIBITS E-F**. It has been the subject of numerous media reports, and the controversy regarding an alleged lack of transparency surrounding this incident has resulted in widespread debate and public attention. Please see **EXHIBITS E-F** for more than two dozen published news articles about this incident, as well as calls for transparency regarding the USCENTCOM assessment of this civilian casualty allegation, including that “CENTCOM must urgently publish its own investigation into Hawijah”

As such, disclosure here will significantly contribute to the public’s understanding of federal government operations, specifically how it assesses civilian casualty allegations.

If my request for a fee waiver is denied, I am willing to pay up to a maximum of \$100 for duplication fees associated with this request. If you estimate that fees will exceed this limit, please inform me before proceeding.

III. REQUEST FOR EXPEDITED PROCESSING:

Per 5 U.S.C. § 552(A)(6)(E)(v) and 32 C.F.R. § 286.8(e)(3), I certify that this statement of compelling need for expedited processing is true and correct to the best of my knowledge and belief.

There is a compelling need for expedited processing of this request, for the following three reasons:

1. **I am a person “primarily engaged in disseminating information,” and there is an “urgency to inform the public concerning actual or alleged Federal Government activity.” 5 U.S.C. § 552(a)(6)(E)(v)(II).** Specifically, in the face of widespread and well-documented public interest in this specific civilian casualty incident, as well as public concern about the lack of transparency about this specific incident and how it was

assessed, as detailed below and documented in **EXHIBITS E-F**, there is an urgency to release these records.

2. A “failure to obtain requested records on an expedited basis . . . could reasonably be expected to pose an imminent threat to the life or physical safety of an individual[.]” 5 U.S.C. § 552(a)(6)(E)(v)(I). Specifically, the civilians who were injured in this civilian casualty incident for which I am requesting records. I have visited the site of this airstrike in Iraq and have met civilian survivors of this airstrike who lost family members in it, as demonstrated in **EXHIBIT G**, and who face the very real possibility of reprisal violence, as detailed below and documented in **EXHIBIT H**.
3. “[F]ailure to obtain the requested information on an expedited basis could reasonably be expected to harm substantial humanitarian interests.” 32 C.F.R. 286.8(e)(1)(ii)(B). For the reasons described below and documented in **EXHIBITS G-H**, expedited processing is also warranted under this standard.

1. Urgent Need To Inform The Public & Widespread Public Interest

First, as noted above, I am a journalist “primarily engaged in disseminating information[.]” 5 U.S.C. § 552(a)(6)(E)(v)(II), and a “full-time member of the news media[.]” 32 C.F.R. 286.8(e)(3). Second, there is an “urgency to inform the public concerning actual or alleged Federal Government activity[.]” 5 U.S.C. § 552(a)(6)(E)(v)(II), because this specific civilian casualty allegation in question and the USCENTCOM records that relate to it have recently been the subject of widespread public attention, as demonstrated in **EXHIBITS E-F**.

In the last month alone, the incident that is the subject of the records I am requesting has been the subject of DOZENS of media reports, and the controversy regarding an alleged lack of transparency surrounding this incident has resulted in widespread debate and public attention. Please see **EXHIBITS E-F** for more than two dozen published news articles about this incident, as well as calls for transparency regarding the USCENTCOM assessment of this civilian casualty allegation. This is information that is only obtainable through these records I am requesting, and is not available through any other means.

Additionally, based on the response to “The Uncounted” and its findings civilian casualty allegations, there is clearly widespread interest in how the federal government assesses civilian casualty allegations, as expressed by U.S. officials, human rights organizations, transparency advocates, media outlets, and the general public, documented in **EXHIBIT J**. Citing “The Uncounted,” Congressional leaders, the New York Times Editorial Board, civilian casualty protection organizations and even former members of the U.S. administration involved in the airstrike campaign all published statements calling for greater transparency of civilian casualty assessments, and dozens of news organizations published or broadcast stories about the

investigation, including: NPR, CBS News, the PBS Newshour, the Washington Post, Esquire, Foreign Policy Magazine, PoLitico, The Atlantic, The Guardian, WNYC and dozens of others. Unfortunately, none of the documents I have requested into this incident have ever been made public, despite widespread interest in this incident, including organizations that have explicitly called on CENTCOM to release to the public the records that are the subject of this request.

As such, disclosure here will significantly contribute to the public's understanding of federal government operations, specifically how it has assessed an allegation of a civilian casualty incident that according to open-source reporting has led to such a large number of civilian casualties—information that is critical to preventing civilian casualties.

Additionally, according to the U.S. military's own statements, records such as those that I have requested provide critical information that is **“unique and may provide insights unavailable to NGOs,”** as stated in a letter from the Assistant Secretary of Defense to Senator Patrick Leahy (EXHIBIT K), which also identifies the centralized process for conducting these assessments and retaining records of them, as excerpted below:

“The process for civilian casualty accounting and the centralized reporting procedure is as follows. When the Coalition receives an allegation, all the information from the report goes into a database. The Coalition assesses the credibility of each allegation, regardless of the source. Assessments may include a number of forms of review, including interviewing pilots and other personnel involved in the targeting process, reviewing available strike and surveillance video, and analyzing information provided by U.S. and partner governments, non-governmental organizations (NGOs), partner forces, and open-source reporting. U.S. civilian casualty assessments are based on available classified and unclassified intelligence information. DoD acknowledges that there are differences between U.S. military assessments of the number of civilian casualties in Iraq and Syria and reporting from NGOs. **The preceding information illustrates that the combination of sources available to the U.S. military is unique and may provide insights unavailable to NGOs.”**

Because I am primarily engaged in disseminating information and there is an “urgency to inform the public concerning actual or alleged Federal Government activity[,]” 5 U.S.C. § 552(a)(6)(E)(v)(II), as detailed above, this request is entitled to expedited processing.

2. Reasonable Expectation Of Imminent Threat To The Life Or Physical Safety Of Civilians Injured In The Incident That Is Subject Of Requested Records

The response to this request has a direct and immediate impact on the physical safety of the

civilian survivors injured in this civilian casualty incident in Hawija and family members of civilians killed in this incident. I have visited the site of this airstrike in Hawija and met some of its survivors—such as survivor Khadijah Yaseen, who lost three grandchildren in the airstrike, according to my reporting cited in **EXHIBIT G**. As a result of this airstrike, these civilian survivors like Khadija Yaseen may be seen by some local authorities and rogue militias as suspected ISIS members, as demonstrated in **EXHIBITS H-I**. Without expedited processing of this request, so that I may publish news stories based on them, these survivors and surviving family members may reasonably face imminent threats to their safety and life.

As detailed extensively in my previous New York Times Magazine report, “The Uncounted” (**EXHIBIT H**), civilians who have survived Coalition airstrikes can often as a result be perceived to be ISIS sympathizers and face the threat of reprisal violence from rogue militias or security forces. With no discernible path for these civilians to clear their names on their own, it often falls to the news media to do so, as detailed in excerpts from my story below:

“Those who survive the strikes, people like Basim Razzo, remain marked as possible ISIS sympathizers, with no discernible path to clear their names. . . . Because there was no established mechanism for Iraqi victims to meet American officials, his appointment was at the American Citizen Services section. He pressed against the window and showed the consular officer his dossier. One page contained satellite imagery of the Razzo houses, and others contained before-and-after photos of the destruction. Between them were photos of each victim: Mayada sipping tea, Tuqa in the back yard, Najib in a black-and-white self-portrait and a head shot of Mohannad, an engineering professor, his academic credentials filling the rest of the page. The most important issue, Basim had written, was that his family was now “looked at as members of ISIS” by the Iraqi authorities. This threatened to be a problem, especially after the city’s liberation.”

Given reports of reprisal violence, there is an urgent, compelling need for this information, which has a particular value that would be lost if not processed on an expedited basis. As local security forces and militias have moved into territory recaptured from ISIS, other members of the news media and human rights organizations — such as The Guardian, Newsweek, and Human Rights Watch — have also documented reprisal killings, extrajudicial violence, arbitrary detention, and enforced disappearances against individuals suspected to be ISIS (**EXHIBIT I**). It is therefore urgent that I obtain the requested credibility assessment and closure report records.

3. Harm of Substantial Humanitarian Interests

For the reasons stated in the same section above, expedited processing of this request is also warranted because “failure to obtain the requested information on an expedited basis could reasonably be expected to harm substantial humanitarian interests.” 32 C.F.R. 286.8(e)(1)(ii)(B)

IV. DESCRIPTIONS OF ATTACHED EXHIBITS

EXHIBIT A: DoD Transcript Of June 5, 2019 Press Briefing Mentioning Allegation

EXHIBIT B: Text Of Dec. 11, 2018 CJTF-OIR E-mail To NRC Confirming Allegation

EXHIBIT C: Nov. 21, 2019 CJTF-OIR E-mail Confirming “Investigation” Was Conducted Into This Hawija Allegation

EXHIBIT D: CentCom Dec. 5, 2019 Press Release Confirming Credible Assessment Of This Incident

EXHIBIT E: Evidence Of Demands For Release Of Requested Records

EXHIBIT F: Evidence Of Widespread Public Interest In And News Reports On Subject Of Requested Records

EXHIBIT G: Evidence I Have Visited Site Of Airstrike Incident And Interviewed Survivors

EXHIBIT H: My New York Times Magazine Investigation “The Uncounted” - Demonstrating Civilian Survivors’ Fears Of Reprisal Violence

EXHIBIT I: Other News Stories Regarding Reprisal Violence

EXHIBIT J: Evidence Of Widespread Public Interest In Civilian Casualty Assessments And Greater Transparency Of These Assessments

EXHIBIT K: DoD Letter Stating Records Like Those Requested “May Provide insights Unavailable” To The Public

V. CONCLUSION

Because of several previous delays with the postmarked dates of physical mailings, please provide electronic copies of any responsive records to me at my e-mail address, Azmat.Khan@nytimes.com.

If you have any questions regarding this request, please contact me by email or by phone at (347) 852-2585.

I look forward to receiving your determination with respect to my request for expedited processing within 10 calendar days, as required by FOIA. Thank you in advance for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Azmat Khan", followed by a long horizontal line extending to the right.

Azmat Khan

Investigative Reporter, New York Times Magazine Contributing Writer
219 West 40th Street, New York, NY 10018

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EXHIBIT A:

**DoD Transcript Of June 5, 2019 Press
Briefing Mentioning Allegation**

Transcript

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Department of Defense Press Briefing by Lt. Gen. Hesterman Via Telephone from the Combined Air and Space Operations Center, Southwest Asia in the Pentagon Press Briefing room

JUNE 5, 2015

Lieutenant General John W. Hesterman III, Combined Forces Air Component
Commander



Q: General, this is Bob Burns.

Following up on your point about minimizing civilian casualties, could you provide any information about the strike this week near Hawijah on the IED factory that has reportedly caused Iraqis -- (inaudible) -- dozens of civilian casualties?

And also, could you comment on the assertion made by a number of people recently that something like 75 percent of combat sorties returned without dropping bombs? Is that -- is that accurate, and could you explain how that works?

Thank you.

LT. GEN. HESTERMAN: Sure, Bob.

The al-Hawijah -- (inaudible) -- factory, I am familiar with the strike, and I've seen the video. You guys know that going after IED factories is not new; we've done it at an increasing pace as Daesh has turned to this terrorist tactic that they're using.

In this case, after a very disciplined targeting process, we dropped a fairly small weapon on a known IED building in an industrial area. The secondary explosion, which was caused from a massive amount of Daesh high explosives, was very large, and it destroyed much of that industrial area.

So we haven't seen any evidence of civilian casualties so far, but we'll conscientiously look into it as we do every allegation.

Let's be clear. What did the damage was a huge amount of high explosives that Daesh intended to turn into murderous weapons to kill Iraqi forces and innocent civilians. If there're unintended injuries, that responsibility rests squarely on Daesh.

To your second question, Bob, the -- 75 -- (inaudible) -- you know, again, we're talking about - that's been true for about the last 10 years, by the way, you know, based on the way we do conflict.

We've provided 24/7 presence over the battlefield to get after this enemy whenever we have the opportunity, whenever they show themselves. You know, sometimes they don't, and we bring those weapons back. But that's not because we're seeing them and not killing them; it's because they manifested themselves in those -- (inaudible).

Transcript

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Department of Defense Press Briefing by Lt. Gen. Hesterman Via Telephone from the Combined Air and Space Operations Center, Southwest Asia in the Pentagon Press Briefing room

JUNE 5, 2015

Lieutenant General John W. Hesterman III, Combined Forces Air Component Commander

COLONEL STEVE WARREN: Good afternoon. This is the best part of the Pentagon right here. (Laughter.)

Yeah. Good afternoon, members of the Pentagon press corps. It's great to see you here on Friday. I see we've got a full house. I just spoke with General Hesterman and he is all set.

So without any further introduction, today here in the Pentagon we will hear from Lieutenant General John W. Hesterman, III, who is the U.S. Central Command, Combined Forces Air Component commander.

And without any additional introduction, General Hesterman over to you for opening remarks.

LIEUTENANT GENERAL JOHN HESTERMAN: Okay. Thanks, Steve. And thanks for the opportunity to talk about our coalition air power. I'll open up with some comments and I'll be happy to answer your questions.

Let me start off by saying that I'm very proud of our multi-nation air coalition. This coalition came together very quickly, which demonstrates the international commitment to defeat this terrorist enemy that we refer to as Daesh. Interoperability between our nations' airmen validates years of combined training and multilateral exercises between our coalition partners.

And each nation brings capabilities like command and control, intelligence, airlift, fires and aero-refueling to a very complex operational environment, creating a coalition greater than the sum of its parts.

Our planning is a true coalition effort in the Combined Air Operations Center here, when we're flying side by side across the region in this fight against Daesh. And make no mistake, our coalition team is having a profound effect on the enemy. Our coalition airstrikes are the most precise and disciplined in the history of aerial warfare. We've been able to impact the enemy in a significant way and we do it in a way that minimizes civilian casualties, which our coalition nations rightly are very proud of.

The targeting is challenging, perhaps more so than ever before, and we do out of our way to protect innocent civilians because it's the right thing to do and it's one of the things that separates us from the terrorists we're fighting, who kill anyone who isn't them.

Daesh can be targeted while still protecting civilians, and so far, we can and are doing both.

Coalition air power's not only been effective, it's enabled virtually every victory on the battlefield. It's helped ground forces regain territory, remove more than 1,000 enemy fighters a month from the battlefield, eliminated the majority of Daesh oil-refining capability.

More important, coalition air power is what is giving the Iraqi government and security forces the time they need to prepare and execute sustained counter-Daesh offensives.

And coalition air power is giving all of our coalition nations the space and time to execute the international lines of effort for countering the flow of foreign fighters, countering Daesh financing, providing humanitarian assistance, countering Daesh's messaging and stabilizing liberated areas, all of which will be necessary to finish Daesh.

So I'm currently very proud of the coalition team here and what they're accomplishing. We and many have said this will be a long fight, and there'll be tactical setbacks that we should not give Daesh strategic victory credit for. And be sure, we and the coalition are fully committed to a strategic defeat of the Daesh terrorists.

Thanks again for the opportunity, and I will be happy to take your questions.

COL. WARREN: Sir, we'll start traditionally with Bob Burns from the Associated Press.

Bob, I've already announced you, but everyone else will ask -- state your -- remember to state your name and who you're with.

Go ahead, Bob.

Q: General, this is Bob Burns.

Following up on your point about minimizing civilian casualties, could you provide any information about the strike this week near Hawijah on the IED factory that has reportedly caused Iraqis -- (inaudible) -- dozens of civilian casualties?

And also, could you comment on the assertion made by a number of people recently that something like 75 percent of combat sorties returned without dropping bombs? Is that -- is that accurate, and could you explain how that works?

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Q: Sir, hi. Tony Capaccio with Bloomberg News.

When you started answering the 75-percent question, it bleeped out, like you were being censored. Can you repeat your answer on that? Is 75 percent an accurate figure?

And then I had a couple of my own questions.

LT. GEN. HESTERMAN: The -- what I said was -- is that's probably right. And then I said that we've been doing, you know, air warfare that way for about the last 10 years.

So, you know, the fact that we go after this enemy and we kill them wherever we find them -- but we're there 24/7, which is different than a lot of the previous air campaigns that people like to talk about.

Q: Well, my question is that running -- one of the running debates in Washington is whether the U.S. should employ JTACS with Iraqi security forces. Would JTACS exponentially increase the accuracy of your airstrikes? Or can they perform pretty precise strikes without specially trained JTACs embedded with Iraqi units?

LT. GEN. HESTERMAN: Well, you know, Tony, U.S. and coalition JTACS are always value added. And we use them all the time, by the way, and they've adapted in this fight to be able to get after this enemy with the ISR and comm capability we have.

So, you know, would it be helpful? Probably. Is it necessary? Not so far.

friendly nations the time they need to execute all the lines of efforts that are going to be necessary to finish this.

Q: Hey, general, it's Tom Bowman with NPR.

Some of the pilots flying under your command are complaining that they're being micro-managed, that they're not -- they have to take too much time to get approval for a target. There's one e-mail making the rounds, a pilot who says, "In my 10-plus years, I've never been more frustrated. We let targets go because we have to wait so long for approval."

And then, General Deptula, who you know, retired General Deptula, complained that this air campaign is basically "drizzle, when it should be thunder and lightning."

And these guys are Air Force professionals. What are they seeing that you're not seeing?

LT. GEN. HESTERMAN: Well, first of all, you know, I'm a big fan of air power advocates. And I appreciate their confidence and I think it's well-placed.

I will also tell you, as I stated, that they're not fighting the war that we're fighting right now, and I'm a little bit closer to the facts on this one.

As far as the guys that are a little bit -- (inaudible), yeah, absolutely. I'll tell you, some of his friends talked to him about, and they're not certain he feels that way now.

But I expect guys to feel that way. When I was a captain -- (inaudible) -- that, too.

But let me clear up some misconceptions on the approval process. If Daesh is firing at coalition aircraft or friendly forces and we see it, they dive very quickly. And the pilot or operator doesn't need to ask permission from anybody. We call that self-defense.

You know, for a planned strike, the pilot has permission before he takes off. And only in rare circumstances, when something has changed in the target area, might the pilot delay or seek some sort of clarification. So, you know, anecdotally it might be a bus pulls up, you know, if a bunch of noncombatants get off of it, that guy probably is going to save that target for the next night. If all those guys are wearing body armor and carrying weapons, he might not wait very long before he strikes that target.

So, the kind of targeting that people are talking about, something that we're really good at and haven't done a whole heck of a lot of until this conflict, is dynamic targeting. Now, let me be real

<https://www.defense.gov/Newsroom/Transcripts/Transcript/Article/607056/>

And General Austin and Chairman Dempsey have been pretty clear that if they determine it is necessary, they'll ask for it.

But, yeah, they're -- what we need is precise information about where the enemy is. I'm a little agnostic as to who gives it to us. Well-trained forces can do that.

Q: You're very bullish about the effectiveness of air power, yet, again, the narrative in Washington and in many places around the world is they're bombing them heavy, but ISIS is still making major advances around the country.

Can you square that circle, please?

LT. GEN. HESTERMAN: Yeah, well, I don't think they're making major advances around the country. I think every now and again, they make a tactical advance and then we play it like a strategic, you know, victory, and it's not.

So the fact of the matter is, this enemy was outparading itself around. They took over a large part of Iraq in just a couple of days.

But, let's be clear about something here. Let me talk about the comparisons that are being made, because I think, frankly, that's one of the reasons I'm talking to you.

The comparisons being made to conflicts against fielded armies in nation states don't apply in this case. And the folks making them, frankly, haven't been in a fight like the one we're in now.

This enemy wrapped itself around a friendly population before we even started. There is no, and never has been, a well-developed target set for that, which is necessary to do what we've done in the past. And I can say that with a little bit of authority, because I either participated in or was well-familiar with this for about the last 32 years.

With this enemy, we have to be available 24/7 with coalition airpower, differentiate them from the population and go after them every time we find them.

It's an order of magnitude more difficult than what we've done before, but we're doing it. And Daesh's leadership and their lines of communication and their equipment are all at an increasing risk.

And I will tell you, the young men and women risking their lives each day from many nations and every service are superb, and they're very effective. And they're giving Iraq the time they need and

<https://www.defense.gov/Newsroom/Transcripts/Transcript/Article/607056/>

you, I'm wildly proud of. These kids are incredibly good and they are far better than all the rest of us that have been doing this for a long time.

Q: (inaudible) -- is in the fight, and he says in his e-mail that again many of us have seen, that he's very frustrated. He said it's not a one-time thing. He said it happens repeatedly. He talks about a convoy of oil trucks around ISIS-held area in Syria that he's not allowed to hit. It takes hours for him to get approval. Is he misinformed? Is he wrong? Walk me through this.

LT. GEN. HESTERMAN: (inaudible) -- those oil trucks. And again, you guys are taking what one or two guys have said. You know, I've that in print, you know, 15 times. And there are a lot of -- the vast majority of these aviators are wildly proud about the fact that they're taking this to the enemy. They're the most effective force on the battlefield, and they're going after these guys in a fairly significant way.

You know -- (inaudible) -- you know, was -- it was some time ago there were a bunch of trucks in Syria. All the drivers of those trucks, by the way, were local villagers, you know. Nobody was real excited about disenfranchising those communities for the next couple of generations by killing those guys.

The other part of that is we were blowing up their oil infrastructure at a fairly great rate, and they were sucking that oil off the desert floor and putting in those trucks and fouling the engines -- (inaudible) -- faster than we could blow it up.

So there were reasons that we didn't let them go after that. Bad on me for not communicating better to that young guy. But I'm telling you, when he found that out, he kind of went, "Oh, okay. That makes more sense.

And as far as waiting around, the thought that guys are waiting around or whatever, watching the enemies do damage and we're not doing anything about it, that is patently false.

COL. WARREN: Hey, sir. Steve here.

For some reason, it sounds like somebody's pushing a button on the phone over there. In the middle of your sentences, we're getting a beep. Just FYI. I'm not sure if it's on your end or our end, but wanted you to know.

Over to Jim.

clear about this. The vast majorities are well away from friendly troops in contact. And we use a multitude of sources to initially ID the enemy and communicate what we see. Then JTACS in operations centers do a collateral damage estimate and then we de-conflict friendlies. And when that's done, a senior officer clears the sortie.

You know, the average time for those strikes, by the way, is measured in minutes, not hours or even halves of hours. Now, in rare cases, it takes longer because sometimes we ID the enemy and they're standing next to a mosque or a school or a residential area.

And it is not, you know, there have been cases where a pilot was there for a couple of hours waiting for those guys to move away, ran out of crew duty day, and had to go home. And no doubt, that guy is frustrated. But most of the time, the guy that shows up as he's leaving kills that enemy when they move away from the target area, and he's not frustrated at all, and the enemy is just as dead. And that's usually what happens.

So the thought that we're observing large numbers of Daesh terrorists and not killing them anywhere is fiction. And the relatively few targets we have not prosecuted in total wouldn't have changed the strategic or probably even the tactical situation in the battle.

So, let me get after one other thing here, because some of those guys -- and again, you know, a lot of them, you know, are advocating for air power. But this thought that we don't trust our pilots is just wrong. We trust these superb men and women to prosecute the most complex aerial battle I've seen in about 32 years. And it's never been more difficult to identify friends from foe as it is right now in Iraq.

You know, this foe is hiding in the midst of the population. It's not a matter of trust. It's a matter of ID-ing friendly forces, you know, which are exceptionally difficult to do by observation alone. And, you know, you should be aware that the initial IDs of the enemy that have turned out to be -- (inaudible) -- happened near 100 times so far.

That's not an indictment on aviators. It's near-impossible to tell them apart when they dress roughly the same and are using the same equipment. So imagine if those strikes had been made, even a fraction of them, what we call "blue-on-green fratricide," you know, my opinion is the coalition would have unwound, you know, some time ago.

But we're managing to do it, and we're talking to our Iraqi brothers. We do it reasonably quickly, and we're taking the enemy off the battlefield in a significant numbers. And we're doing it -- (inaudible) -- people that we don't mean to in a historically low way, which, you know, I've got to tell

LT. GEN. HESTERMAN: Steve, it's -- it's an old phone in -- in the middle of Doha, Qatar, but that's about the only excuse I can give you. Nobody's touching anything here.

Q: General, Jim Miklaszewski with NBC News.

That detailed explanation you gave us about this most complex area of battle you've seen in 32 years just screams for JTACs, does it not?

LT. GEN. HESTERMAN: Well, I don't see it that way, Jim. I mean, I think that we're using JTACs and we're using them in a -- in a significant way.

But, you know, also, we need to be clear, and I know you guys understand this, but about the only thing air power doesn't do is take hold and govern territory. The Iraqis are going to have to do that, and this air power campaign is giving them the time and space they need to do that.

Q: Hi. Phil Stewart from Reuters.

Just a quick clarifier. How are you using JTACs exactly?

And -- and you tell us -- you mentioned before about the risk of blue-on-green fratricide. Have there been any cases like that, and if so, what could you tell us?

And lastly, what are the limitations of air power in preventing places like Ramadi from falling?

LT. GEN. HESTERMAN: You're -- you're better than me. I'll try to remember all three of those. But can you tell me your name again, please?

Q: Phil Stewart with Reuters.

LT. GEN. HESTERMAN: Okay, Phil. I'm just going to -- (inaudible) -- question one again?

Q: Question one was just following up on the question of JTACs. You said they're being used extensively. Our understanding is that there aren't any American JTACs forward.

LT. GEN. HESTERMAN: I'm with you, Phil.

There's -- we have American JTACs here in the -- (inaudible). We have them in all the different places, you know, the air operations centers throughout Iraq.

And -- and they're watching the fight, you know, with the ISR capability that we have and communicating with the aviators and doing the collateral-damage estimates and -- and making sure that we're getting after this enemy.

So it's very much the job that they do when they're standing there watching, except for in some cases, they actually have better situational awareness because they have, you know, more input that comes into it.

So we're using them, they're world-class, and -- and we'll take every one we can get.

The blue-on-green, there have been, you know, probably -- I'll have to defer to CENTCOM. There's probably been a case or two, you know. Nobody's perfect at this. We're just historically better than we've ever been before.

And then in Ramadi, you know, if -- if the enemy had massed at Ramadi, they would be dead. I wish they had.

But like I said, air power doesn't hold and govern territory. Iraq will have to do that. And we'll be with them. And when they go back in, you know, we'll be as much help as we can possibly be.

Q: Sir, this is Joe Tabet with Al-Hurra.

Since you have said that ISIS is not achieving any advances, how do you explain what ISIS has achieved in Ramadi and in Palmyra in Syria? And do you still believe that ISIS is still on the defensive?

LT. GEN. HESTERMAN: I didn't actually say that they hadn't achieved any tactical advances. What I said was they have achieved tactical advances. That's frustrating. What I said is let's not give them credit for a strategic victory. That's not what's happening.

So, you know, are they able to move around the battlefield in small numbers? Are they able to show up and -- and wreak terror and havoc in the places they go? They are. And that's why some competent ground force is going to have to go peel them out of the mosques and schools and innocent people's homes where they're hiding.

But I didn't say that they haven't made tactical advances. I said they haven't made strategic victories.

Q: This is Nancy Yousseff from the Daily Beast.

and we know how to do that. And yes, we can get after the enemy in urban areas. We have weapons that allow us to do that. And we will be right with them when they go.

And can you repeat your question on Syria? I'm not sure I caught the gist of it.

Q: So, the Islamic state is making a play for the city of Aleppo and the areas around Aleppo in Syria. Will U.S. and coalition aircraft conduct, you know, more strikes than they have in the past around Aleppo, you know, taking advantage of the ISIS offensive there? And given the fact that Assad planes have been striking around Aleppo, how will you deconflict coalition aircraft with the, you know, Syrian government aircraft?

LT. GEN. HESTERMAN: So, what I will tell you is, you know, we're going to go after Daesh in all the places we can in Syria. The question about what we're going to do specifically exactly around Aleppo, frankly, I wouldn't talk about in this meeting anyway, but it's also a question for the JTF and how we're going to get after this. And there's policy questions involved as well, since, you know, we're happy to just kill Daesh in Syria. You know, so far, we haven't moved over to Assad to deconflict with the regime, because we're not talking to them at all.

Q: General, this is Dion Nissenbaum with the Wall Street Journal.

One of the other questions that's come up here deals with the rules of engagement and whether they are too restricted.

You talked about preventing civilian casualties early on. I'm wondering if you are comfortable now with the rules of engagement, or if you think there might be a need to broaden a bit.

LT. GEN. HESTERMAN: I'm sorry, can you tell me your first name again?

Q: Dion.

LT. GEN. HESTERMAN: Thank you, Dion.

I am comfortable with the rules of engagement. As I've described, I mean, nothing stops us from self-defense. If we see the enemy shooting at friendly forces or us, we kill them right away, and nobody has to ask. And that's, you know, true in every conflict that we're in.

So, you know, I think we are able to get after this enemy in a fairly significant way, you know. And Iraqi ground forces are going to have to move in and take this territory and hold it, and we'll help them do that.

I was wondering if you could clarify a point you made earlier about a thousand fighters a month are being removed from the battlefield. Do you mean killed? And is that only in Iraq?

LT. GEN. HESTERMAN: Is it Nancy? Is that right?

Q: That's right.

LT. GEN. HESTERMAN: Okay, Nancy, so that number if writ large. I said, you know, more than 1,000 a month. And the number is significant, but it's also only a single indicator, you know, albeit an important one. You know, in my opinion it's probably not the most important indicator. Governance and arresting foreign fighter flows and crushing Daesh financing may be more important.

You know, every one of them is going to be necessary to defeat Daesh. But we're taking the enemy off the battlefield at a great rate. You can count on that.

Q: (Inaudible) -- number. And how many, then, have been wounded?

LT. GEN. HESTERMAN: I don't have that information, Nancy. Sorry.

Q: (Inaudible) -- how you're determining the figure?

LT. GEN. HESTERMAN: Conservatively.

Q: Hi, General. Missy Ryan from The Washington Post.

Two questions. Can you talk to us a little bit about how you're thinking about the use of air power in the eventual offensive to reclaim the city of Ramadi? Will you be able to conduct airstrikes in the urban area? How will you do that?

And the second question is regarding Syria. As ISIS makes a play for the city of Aleppo, will U.S. and coalition planes conduct additional strikes, or perhaps more intensified strikes around Aleppo? And how will you de-conflict with the Assad forces if that happens?

Thank you.

LT. GEN. HESTERMAN: Missy, the -- as far as going back into Ramadi, absolutely. I mean, we've been in front of and around every offensive in Iraq so far, and all the ones in northern Syria. So --

As far as the social media thing, I'm an operational commander. We will use -- (inaudible) -- that we can verify to target the enemy.

Q: General, it's Michael Maloof with World Net Daily.

On 25 May, the Turkish foreign minister at a news conference said that the United States has agreed in principle to back up Turkey -- to back up Syrian opposition forces in the event that they are -- they go after regime -- Assad regime forces.

Is that true? And -- and do you agree with that? And is there -- does this represent a potential shift in U.S. policy in providing air support if they're going after the Assad regime forces?

LT. GEN. HESTERMAN: Mike, and I apologize. The short answer is I don't know. And I'm not, you know, the -- I have a lot of interest in American (inaudible), but I am not, you know, in the middle of the decision-making process there. I'm afraid I can't help you on that one.

Q: Hi, general. This is Kristina Wong from The Hill.

I was wondering if you could talk about the difficulty of telling friendly forces apart from enemy forces in regards to the different targets such as, you know, vehicles versus buildings? And then also, could you talk about the difficulty of telling the Shia militia that are under the command and control of the Iraqi government, versus those that aren't, in terms of telling the difference between those practically on the ground?

LT. GEN. HESTERMAN: Sure. Kristina, the -- the biggest trick about, you know, is knowing where friendly forces are. If you know where the friendly forces are, then, you know, everybody else that looks like they're military, you know, is targetable. So, you know, what's difficult is making sure that we know, you know, where the Iraqi forces are.

That's, you know, that's not always easy, but they work really hard at letting us know and we take the time to make sure we do know. As I've stated, you know, even the very best aviators on the planet can look down and say, "those look like military guys," and not be able to discern the difference between Iraqi forces and Daesh forces. These guys aren't, you know, waving their flag around anymore. They're not (inaudible). They very much are trying to look like, you know, Iraqi forces.

So, the only way to do that is to talk to the Iraqis themselves and figure out where these folks are, which we're doing very successfully. It's just something we have to do time and time again.

Q: (inaudible) -- with Voice of America.

You had mentioned that this is a difficult -- more difficult than you've seen before. You talked about how the enemy has wrapped around a friendly population.

But, just to focus on the point that there are so many fewer airstrikes in this war than in other wars that the U.S. and coalition forces have been involved in, can you elaborate a little more about the complexity? Is it mainly being proximity to the friendly populations? Is it because they're using more stealth when they're -- when we're -- when the U.S. is targeting them for airstrikes?

And then, a follow-up, really quickly, there's been reporting that the U.S. and coalition forces have used social media posts from the enemy to conduct some of the airstrikes. Can you confirm that?

LT. GEN. HESTERMAN: -- (inaudible) -- I didn't hear your name. I'm sorry?

Q: Carla Babb with Voice of America.

LT. GEN. HESTERMAN: Okay, Carla, the first thing -- and I -- you know, I can't be more clear about this, are the comparisons that are being made don't apply.

You know, I flew in those conflicts. We had incredible numbers of well-developed target sets to go after. You know, targeting a nation -- or targeting a fielded army is relatively easy. The folks I have here can do that easily. That's not what we're doing.

You know, there's never been a target, you know, that is easily available for a terrorist enemy wrapped around a population. You have to unwind them from the population and kill them where you can.

The more they try to act like an army, you know, take Kobani, for instance, they just reinforce failure and we kill them at a very great rate.

But the comparison is not valid.

Now, are we able to get after that targeting? Is it a growth industry?

You bet it is. If you're Daesh leadership, you better be looking over your shoulder. And there is a whole bunch of targeting that is opening up here, as we gain and learn more about this enemy. I think it's a growth industry. I'm reasonably optimistic about being able to get (inaudible).

One, it's a little confusing to outsiders why you can give us numbers about estimated killed enemy fighters, but civilian casualties, statistics, figures, estimates are not forthcoming. If you could just speak to that.

And then I have a second question about Syria's air defenses. Has there been any change in how Syria -- the Syrian regime's air defense systems have been operating or not, and has there been any -- any change from -- from earlier when they seem not to be locking onto coalition aircraft?

LT. GEN. HESTERMAN: Let me address your first question.

I think the assumption is wrong, frankly. We conscientiously look into every allegation, and we investigate Twitter hits. I mean, we haven't done that, you know, in history either, and it is very conscientious.

And the reason that you're not seeing big numbers is because there aren't big numbers, you know. -- (inaudible) -- historically different than what we've been able to do in the past, because these kids are really good at it.

But, you know -- but nobody's being dishonest here. If we -- we are very clear. If we think that we did some damage to something that we intend to, we say that. So again, the thought that we're not talking about that is -- is patently incorrect.

As far as Syria's concerned, you know, I pay really close attention to what they're looking at and how they're reacting, you know. So far, they have chosen not to engage coalition aircraft, which I think is very wise of them.

(AUDIO GAP)

COL. WARREN: He might not be able to hear me.

General Hesterman, we really appreciate your time that you've given us, and we know you an air war to get back to.

We'll close out the questions here, although many others have questions. But do you have any closing comments, sir?

LT. GEN. HESTERMAN: Just one. Truly, thanks, all of you. I mean, you know, I realize your job is to search out the truth, and my last 32 years has been to defend your ability to do that.

As far as the Shia militia thing, it's a very complex subject. You know -- you know that. But it's not particularly complex for me. When our nation decides that any group is under the legitimate control of the Iraqi government, you know, we help it. If they're not, we don't. It's that simple. It's not that hard to tell because the Iraqis tell us where they are and where they're fighting.

Q: About the targets, can you talk about the ease of targeting certain ones versus others?

LT. GEN. HESTERMAN: We're not targeting an Shia militia right now. So, I may just not have understood your question.

And oh, by the way, I didn't really mean to say "right now" either. We don't have any plans targeting Shia militias.

Q: Jim Michaels at USA Today.

General, just a quick question on the -- the ISIS-Daesh has been dispersing more around the battlefield. How has the coalition reacted to that? And has that created sort of a decrease in -- in targets of opportunity?

LT. GEN. HESTERMAN: Well, the short answer to the last part of your question, Jim, is it hasn't. You know, we're -- we're taking the enemy off the battlefield at, you know, a fairly consistent rate, you know.

They are very adaptive. You know, they run and hide, you know. We know from our -- our intel, they're terrified of -- of coalition air power, and frankly, they ought to be.

But we adapt, too. So when they do different things and when they -- when they hide differently, when they make berms, when they cover their -- their equipment, you know, we pay really close attention to that from a multitude of intelligent sources, and we get after that.

So literally every time they change their tactics, you know, it's new for us, but it provides opportunities as well. And so far, we have still been able to get after them.

Q: Dan De Luce, AFP.

Just two things.

So I really -- the reason I'm here is to clear up some of these misconceptions that have been out there a lot. You know, I grew up in a house where, you know, my father told me over and over again that if you're really good at something, you don't have to talk about it. That's, you know, clearly not true. So, you know, I want you to understand, you know, what's going on here.

The young men and women of the coalition, who are risking their lives everyday to go after these Daesh terrorists and give the world the time it needs to galvanize the multiple lines of effort that will ultimately finish Daesh, they're exceptionally proud of what they're doing and their impact on the enemy.

And I will tell you, their superb ability to do it and the exceptionally limited civilian casualties is historic, and it deserves the deep respect of -- of every one of us.

Thanks for spending some time with me, and thanks very much.

COL. WARREN: Thanks a lot, sir. Out here.

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**EXHIBIT B: Text Of Dec. 11, 2018
CJTF-OIR E-mail To NRC Confirming
Allegation**

CLASSIFICATION: UNCLASSIFIED

Hello,

Sorry for the delay and I hope these answer your questions,

Q. Can someone confirm or deny the CIVCAS from this particular incident from 2015?

A. Yes. See the attached Strike Releases.

Q. Can you confirm that the Coalition carried out air strikes in the night of 2-3 June 2015 on an alleged IED-production facility in Hawija, Kirkuk, Iraq?

A. Yes. See above.

5 June 2015, in a press briefing, LtGen Hesterman said "after a very disciplined targeting process, we dropped a fairly small weapon on a known IED building in an industrial area. The secondary explosion, which was caused from a massive amount of Daesh high explosives, was very large, and it destroyed much of that industrial area.... "Let's be clear. What did the damage was the huge amount of high explosives that Daesh intended to turn into murderous weapons to kill Iraqi forces and innocent civilians. If there're unintended injuries, that responsibility rests squarely on Daesh."

<https://dod.defense.gov/News/Transcripts/Transcript-View/Article/607056/>

Q. Can you confirm that the above mentioned airstrike has led to civilian casualties?

A. Yes.

Q. What is the number of civilian casualties in the incident, as assessed or estimated by the Coalition?

A. The strike to the VBIED factory caused secondary explosions that unfortunately killed 70 civilians despite the precautions the Coalition took to mitigate civilian casualties.

Q. What is the outcome of the formal inquiry the Coalition has launched into this incident?

A. The investigation found that the strike was in accordance with the Law of Armed Conflict and the applicable Rules of Engagement.

VR Col Ryan

CLASSIFICATION: UNCLASSIFIED

**EXHIBIT C: Nov. 21, 2019 CJTF-OIR
E-mail Confirming “Investigation” Was
Conducted Into This Hawija Allegation**



Khan, Azmat <azmat.khan@nytimes.com>

**RE: [Non-DoD Source] NYT Magazine Inquiry Regarding Mosul Airstrike
(UNCLASSIFIED)**

CENTCOM GLOBAL CJTF OIR Mailbox CJTF OIR Media Ops <centcom.global.cjtf-oir.mbx.cjtf-oir-
media-ops@mail.mil>
To: "Khan, Azmat" <azmat.khan@nytimes.com>

Thu, Nov 21, 2019 at
5:45 PM

CLASSIFICATION: UNCLASSIFIED

Azmat,

Please see our responses in blue listed below and in the attached document.

...

7. Before the Dutch Government's recent admission, as early as May 2019, Col. Ryan had confirmed that the Coalition had assessed that the June 2-3, 2015 Coalition airstrike on a VBIED factory in Hawija had "caused secondary explosions that unfortunately killed 70 civilians despite the precautions the Coalition took to mitigate civilian casualties." I have visited the site of this strike and interviewed affected families. None of those I have interviewed have said they have been made payment offers. In the time since that assessment was completed, has the Coalition made a payment offer to any of the families of the 70 civilians who were killed?

Open-source reporting regarding an airstrike on an ISIS VBIED (Vehicle-borne Improvised Explosive Device) factory on June 2, 2015, in Al Hawijah, Iraq, claimed that there were approximately 70 CIVCAS (civilian casualties). Upon receipt of this information, the Combined Joint Task Force-Operation INHERENT RESOLVE (CJTF-OIR) conducted an investigation of the CIVCAS allegations.

The investigation found that non-combatant deaths were likely a result of large secondary explosions caused by VBIED materials stored at the ISIS factory. However, the investigation was unable to confirm the specific number of CIVCAS.

Coalition forces follow a rigorous targeting process for all strikes that helps ensure strict adherence to the Law of Armed Conflict while attempting to avoid collateral damage. Any loss of innocent life is tragic, and CTJF-OIR continues to take all feasible precautions to avoid putting civilians in danger in our pursuit of a ruthless enemy.

The U.S. Department of Defense (DOD) administers a program that provides compensation under the Foreign Claims Act to inhabitants of foreign countries for death, injury, or property damage caused by noncombat activities of U.S. military personnel overseas. Furthermore, the DOD may provide monetary assistance in the form of solatia and condolence payments to local nationals who are killed, injured, or incur property damage as a result of U.S. or coalition forces' actions during combat. These solatia payments are expressions of sympathy or remorse based on local culture and customs, but not an admission of legal liability or fault. Solatia payments are directly funded from unit operations and maintenance accounts.

Commanders exercise broad discretion for determining whether a payment should be made and the appropriate payment amount. While policy does not require commanders to make payments, commanders may do so if they choose. When determining whether to make payments and payment amounts, commanders consider the severity of injury, type of damage, and property values based on the local economy as well as any other applicable cultural considerations. Our records indicate that no solatia payments were made for this incident.

**EXHIBIT D: CentCom Dec. 5, 2019
Press Release Confirming Credible
Assessment Of This Incident**



Azmat Khan <azmatzahra@gmail.com>

CJTF-OIR Press Release-20191205-01-Monthly CIVCAS - Report (UNCLASSIFIED)

CENTCOM GLOBAL CJTF OIR Mailbox CJTF OIR Media Ops <centcom.global.cjtf-oir.mbx.cjtf-oir-media-ops@mail.mil>

Thu, Dec 5, 2019 at 7:27 AM

CLASSIFICATION: UNCLASSIFIED

December 5, 2019

Release # 20191205-01

FOR IMMEDIATE RELEASE

Combined Joint Task Force - Operation Inherent Resolve Monthly Civilian Casualty Report

SOUTHWEST ASIA-- Since the beginning of operations in 2014, the Coalition and partner forces have liberated nearly 110,000 square kilometers (42,471 square miles) from Daesh, eliminating their self-proclaimed territorial caliphate and freeing 7.7 million people from Daesh oppression. The Coalition will continue to work with partner forces to deny Daesh any physical space and influence in the region as well as deny Daesh the resources they need to resurge.

The Coalition conducted 34,706 strikes between August 2014 and the end of October 2019. During this period, based on information available, CJTF-OIR assesses at least 1,347 civilians have been unintentionally killed by Coalition actions since the beginning of Operation Inherent Resolve. This number was reassessed in November 2019 to correct administrative errors and to accurately reflect the total number of credibly assessed civilian casualties.

We follow a rigid targeting process for all of our strikes to ensure strict adherence to the Law of Armed Conflict while attempting to avoid collateral damage. Every accidental loss of life is tragic, and it will remain our goal to take all feasible precautions to avoid putting civilians in danger in our pursuit of a ruthless enemy.

In the month of October, CJTF-OIR carried over 73 open reports from previous months and received 63 new reports. CJTF-OIR completed 49 civilian-casualty allegation assessment reports. Out of the 49 completed casualty allegation reports, one report was determined to be credible and resulted in one unintentional civilian death. CJTF-OIR assessed the remaining 46 reports as non-credible and two were duplicates of previous reports. Additionally, there are two reports that had not previously been published that are addressed in this report. Eighty-seven reports are still open, including one that CJTF-OIR had previously closed but reopened due to the availability of new information.

The results of each investigation of an allegation will fall into one of two categories, either "credible" or "non-credible." An assessment of "credible" means that our team investigated the allegation and determined that, based on available evidence, more likely than not, the death was the result of Coalition action. A "non-credible" evaluation means that the information we have to assess the allegation, using our available resources, cannot determine, to the standard of "more likely than not", that the death was the result of Coalition action. There could be a number of reasons for this, to include no corroborating strikes at that time or that location, there was insufficient evidence to support the allegation, or there is simply insufficient or overly vague data in the allegation itself.

It is important to note that while the Coalition has a substantial quantity of data at its disposal to investigate every claim, we welcome any information from any source that will enable us to determine the truth. Furthermore, we routinely reopen closed investigations based on new information that might help us attain more accurate results.

Credible Reports: in the one incident assessed as credible in October, the investigation assessed that the CJTF-OIR took all feasible precautions, and the decision to strike complied with the law of armed conflict. Coalition forces work diligently to be precise during the planning and execution of strikes to reduce the risk of harm to civilians.

1. October 30, 2015, in Qayyarah, Iraq, via New York Times report. Coalition aircraft conducted an airstrike against a Daesh facility. Regrettably, one civilian was unintentionally killed as a result of the strike. Case # 2349 Location: 38SLE454619

Previously Assessed Credible Report: As part of our CIVCAS process in order to maintain transparency and accuracy, we constantly review our tracker to ensure proper release of information. We saw this case had not been previously listed so it is being listed now.

1. June 2, 2015, in Hawijah, Iraq, via media report. Coalition aircraft conducted an airstrike against a Daesh facility. Regrettably an unknown number of civilians were unintentionally killed as a result of the strike. Case # 49 Location: 38SLE894093 CJTF-OIR cannot confirm the number of casualties through our assessment process.

Non-Credible Reports: after a thorough review of the facts and circumstances of each civilian casualty report, CJTF-OIR assessed the following 46 reports as non-credible. At this time there is insufficient information to assess that, more likely than not, a Coalition action resulted in civilian casualties.

1. September 28, 2014, on the road between Manbij and Jarabulus, Syria, via Airwars report. After a review of all available records it was assessed that no Coalition actions were conducted in the geographical area that corresponds to the report of civilian casualties. 2790/CS008 37SDA048539
2. November 25, 2014, in Binnish, Syria, via Airwars report. After a review of all available records it was assessed that no Coalition actions were conducted in the geographical area that corresponds to the report of civilian casualties. 2791/CS031 37SBV936818
3. January 25, 2015, in Aleppo, Syria, via Airwars report. The allegation provided insufficient detail to identify a specific date, time, or location to search for corroborating Coalition action. 2793/CS047 37SCA351075
4. January 29, 2015, in Tayyani, Syria, via Airwars report. The allegation provided insufficient detail to identify a specific date, time, or location to search for corroborating Coalition action. 2794/CS048 37SFU413734
5. February 3, 2015, in Humaidat, Iraq, via Airwars report. After a review of all available records it was assessed that no Coalition actions were conducted in the geographical area that corresponds to the report of civilian casualties. 2781/CI037 38SLF188306
6. February 11, 2015, in Kbeibah, Syria, via Airwars report. After a review of all available records it was assessed that no Coalition actions were conducted in the geographical area that corresponds to the report of civilian casualties. 2795/CS054 37SGA121881
7. July 1, 2015, in Safra, Iraq, via Airwars report. After a review of all available records it was assessed that no Coalition actions were conducted in the geographical area that corresponds to the report of civilian casualties. 2783/CI081 38SLD902956
8. July 1, 2015, in Mosul, Iraq, via Airwars report. After a review of all available records it was assessed that no Coalition actions were conducted in the geographical area that corresponds to the report of civilian casualties. 2782/CI080

EXHIBIT E: Evidence Of Demands For Release Of Requested Records

Airwars

@airwars



AVAILABLE AT: <https://twitter.com/airwars/status/1202641526137995269>



6 hours ago, 8 tweets, 11 min read

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In latest monthly report, US-led Coalition admits 1 new civilian harm event - and rejects 46 cases.

@CJTFOIR also abandons its previous estimate of 70 civilians killed at Hawijah in 2015 - and now claims it "cannot confirm the number of casualties through our assessment process"

Credible Reports: in the one incident assessed as credible in October, the investigation assessed that the CJTF-OIR took all feasible precautions, and the decision to strike complied with the law of armed conflict. Coalition forces work diligently to be precise during the planning and execution of strikes to reduce the risk of harm to civilians.

1. October 30, 2015, in Qayyarah, Iraq, via New York Times report. Coalition aircraft conducted an airstrike against a Daesh facility. Regrettably, one civilian was unintentionally killed as a result of the strike. Case # 2349 Location: 38SLE454619

Previously Assessed Credible Report: As part of our CIVCAS process in order to maintain transparency and accuracy, we constantly review our tracker to ensure proper release of information. We saw this case had not been previously listed so it is being listed now.

1. June 2, 2015, in Hawijah, Iraq, via media report. Coalition aircraft conducted an airstrike against a Daesh facility. Regrettably an unknown number of civilians were unintentionally killed as a result of the strike. Case # 49 Location: 38SLE894093 CJTF-OIR cannot confirm the number of casualties through our assessment process.

mentions

Decision by @CJTFOIR & @CENTCOM to 'unrecognise' previous official estimates for Hawijah is highly problematic.

Former [@OIRSpox](#) Col. Ryan for example stated to Dutch journalists a year ago that the Hawija strike "caused secondary explosions that unfortunately killed 70 civilians

CLASSIFICATION: UNCLASSIFIED

Hello,
Sorry for the delay and I hope these answer your questions.

Q. Can someone confirm or deny the CIVCAS from this particular incident from 2015?
A. Yes. See the attached Strike Releases.

Q. Can you confirm that the Coalition carried out air strikes in the night of 2-3 June 2015 on an alleged IED-production facility in Hawija, Kirkuk, Iraq?
A. Yes. See above.
5 June 2015, in a press briefing, LtGen Hesterman said "after a very disciplined targeting process, we dropped a fairly small weapon on a known IED building in an industrial area. The secondary explosion, which was caused from a massive amount of Daesh high explosives, was very large, and it destroyed much of that industrial area.... "Let's be clear. What did the damage was the huge amount of high explosives that Daesh intended to turn into murderous weapons to kill Iraqi forces and innocent civilians. If there're unintended injuries, that responsibility rests squarely on Daesh."
<https://dod.defense.gov/News/Transcripts/Transcript-View/Article/607056/>

Q. Can you confirm that the above mentioned airstrike has led to civilian casualties?
A. Yes.

Q. What is the number of civilian casualties in the incident, as assessed or estimated by the Coalition?
A. The strike to the VBIED factory caused secondary explosions that unfortunately killed 70 civilians despite the precautions the Coalition took to mitigate civilian casualties.

Q. What is the outcome of the formal inquiry the Coalition has launched into this incident?
A. The investigation found that the strike was in accordance with the Law of Armed Conflict and the applicable Rules of Engagement.

VR Col Ryan

mentions Those 70 deaths are also highly likely to have been among 80 non-US deaths from Coalition actions in Iraq and Syria officially admitted by [@CENTCOM](#) in spring 2017 - which to this day no allies have publicly claimed.





EXCLUSIVE: US officials confirm their Coalition allies have killed 80 civilians – but none will accept...

Monitoring and assessing civilian harm from airpower-dominated international military actions. Seeking transparency and accountability from belligerents, and advocating on behalf of affected non-comb...

<https://airwars.org/news-and-investigations/80-coalition-ally-deaths/>

mentions

As far as Airwars can tell, those 80 non-US deaths remain included in the @Coalition's overall estimate of civilian deaths from its actions [now at least 1,347].

So while @CJTFOIR says it can no longer estimate harm at Hawijah, those 70 deaths may still be officially included.



mentions Meanwhile, Dutch journalists, politicians and lawyers are themselves compiling lists of the dead at Hawijah.

@SadetKarabulut was recently told eg of 62 dead, including 36 children and 13 women, 822 wounded, and 70 houses and 375 cars destroyed.





De slachtoffers van Hawija zoeken zelf naar de waarheid

Irak: Iedereen in Hawija herinnert zich de aanval en wil achterhalen hoeveel doden er vielen. In de praktijk blijkt dat allesbehalve eenvoudig.

<https://www.nrc.nl/nieuws/2019/11/28/de-slachtoffers-van-hawija-zoeken-zelf-naar-de-waarheid-a3982086>

mentions

Remarkably, more than four and a half years after this strike neither the Dutch defence ministry nor [@CJTFOIR](#) has ever conducted its own investigations into casualty

numbers at Hawijah.

There has however been been consensus - until today - that supported credible local reports.



mentions Concern must be that under pressure from an ally, the Coalition has now discarded its original estimate of 70 civilians killed as a result of a Dutch strike in 2015.

The solution? [@CENTCOM](#) must urgently publish its own investigation into Hawijah, which concluded January 2016.

Based on the information about possible civilian casualties in the initial report of 15 June 2015, CENTCOM decided that additional research was needed into the targeting process. In the following months, the Ministry of Defense asked CENTCOM several times (August and September 2015) whether this additional investigation was still ongoing. The Ministry of Defense finally received the additional investigation on 22 January 2016.

**EXHIBIT F: Evidence Of Widespread
Public Interest In And News Reports On
Subject Of Requested Records**

Date	URL	Publisher	Title
11/4/19	https://www.bbc.com/news/world-europe-50286829	BBC	IS conflict: Dutch air strike killed about 70 people in Iraq in 2015
11/4/19	https://www.reuters.com/article/us-netherlands-iraq-airstrike/dutch-airstrike-killed-dozens-of-civilians-is-fighters-in-2015-government-idUSKBN1XE17V	Reuters	Dutch air strike killed dozens of civilians, IS fighters in 2015: government
11/6/19	https://warisboring.com/dutch-admit-killing-civilians-during-air-strike-targeting-isis-in-2015/	War Is Boring	Dutch admit killing civilians during airstrike targeting ISIS in 2015
10/18/19	https://dutchreview.com/news/international/dutch-airstrike-in-iraq-killed-at-least-seventy-iraqi-people/	Dutch Review	Dutch airstrike in Iraq in 2015 killed at least seventy Iraqi people
10/18/19	https://www.nrc.nl/nieuws/2019/10/18/dutch-bomb-killed-seventy-in-iraq-a3977301	NRC	Dutch bomb killed seventy in Iraq
10/18/19	https://www.dutchnews.nl/news/2019/10/dutch-bomb-killed-70-people-in-iraq-in-2015-dutch-media-claims/	Dutch News	Dutch bomb killed 70 people in Iraq in 2015, Dutch media claims
10/18/19	https://nltimes.nl/2019/10/18/leest-70-citizens-killed-2015-dutch-airstrike-iraq-report	NL Times	AT LEAST 70 CITIZENS KILLED IN 2015 DUTCH AIRSTRIKE IN IRAQ: REPORT
10/18/19	https://nos.nl/artikel/2306652-nederlandse-luchtaanval-in-irak-veroorzaakte-zeker-zeventig-burgerdoden.html	NOS	Nederlandse luchtaanval in Irak veroorzaakte zeker zeventig burgerdoden
10/22/19	https://airwars.org/news-and-investigations/investigation-accuses-dutch-military-of-involvement-in-2015-iraq-airstrike-which-led-to-deaths-of-70-civilians/	Airwars	Investigation accuses Dutch military of involvement in 2015 Iraq airstrike which led to deaths of 70 civilians

11/4/19	https://thedefensepost.com/2019/11/04/netherlands-iraq-airstrike-civilian-casualties-isis-hawija/	Defense Post	Dutch government admits killing Iraqi civilians in anti-ISIS airstrike
11/4/19	https://www.dutchnews.nl/news/2019/11/minister-confirms-a-dutch-bomb-led-to-70-deaths-in-iraq-in-2015/	Dutch News	Minister confirms a Dutch bomb led to 70 deaths in Iraq in 2015
11/4/19	https://www.dw.com/en/netherlands-admits-killing-up-to-70-civilians-in-botched-airstrike-in-iraq/a-51109053	DW	Netherlands admits killing up to 70 civilians in botched airstrike in Iraq
11/4/19	https://nltimes.nl/2019/11/04/government-confirms-involvement-two-air-strikes-killing-70-civilians-total	NL Times	GOVERNMENT CONFIRMS INVOLVEMENT IN TWO AIR STRIKES KILLING OVER 70 CIVILIANS IN TOTAL
11/5/19	https://www.trtworld.com/europe/minister-confirms-dutch-air-strikes-killed-about-70-civilians-in-iraq-31113	TRT World	Minister confirms Dutch air strikes killed about 70 civilians in Iraq
11/5/19	https://www.tamilguardian.com/content/netherlands-admits-air-strike-killed-civilians-2015	Tamil Guardian	Netherlands admits air strike killed civilians in 2015
11/6/19	https://nltimes.nl/2019/11/06/defense-minister-survives-debate-civilian-casualties-iraq-airstrikes	NL Times	DEFENSE MINISTER SURVIVES DEBATE ON CIVILIAN CASUALTIES IN IRAQ AIRSTRIKES
11/6/19	https://www.dutchnews.nl/news/2019/11/minister-survives-no-confidence-vote-over-iraq-bombing-deaths/	Dutch News	Minister survives no confidence vote over Iraq bombing deaths
11/7/19	https://wnl.tv/2019/11/07/heerma-verbaast-zich-over-kritiek-vd-op-bijleveld-herken-ik-totaal-niet/	WNL	Heerma (CDA) is surprised by VVD criticism of Bijleveld: 'I don't recognize at all'

11/7/19	https://nltimes.nl/2019/11/07/soldiers-accuse-mp-inciting-hatred-by-calling-civilian-casualties-iraq-airstrikes-murder	NL Times	SOLDIERS ACCUSE MP OF INCITING HATRED BY CALLING CIVILIAN CASUALTIES IN IRAQ AIRSTRIKES 'MURDER'
11/7/19	https://www.nrc.nl/nieuws/2019/11/07/bijlevelds-probleem-is-nu-ook-ruttes-probleem-a3979593	NRC	Bijlevelds probleem is nu ook Ruttes probleem
11/9/19	https://www.rtlnieuws.nl/nieuws/politiek/artikel/4914526/rutte-over-de-burgerdoden-irak-bij-aanval-f16	RTL News	Rutte remains silent about civilian deaths in Iraq, does not fear position
11/25/19	https://www.nrc.nl/nieuws/2019/11/25/rutte-vermoedelijk-ingelicht-over-aanval-hawija-a3981630	NRC	Rutte 'vermoedelijk' ingelicht over aanval Hawija
11/26/19	https://nltimes.nl/2019/11/26/fmr-defense-min-may-have-informed-dutch-pm-about-civilian-casualties-iraq-bombings	NL Times	FMR. DEFENSE MIN. MAY HAVE INFORMED DUTCH PM ABOUT CIVILIAN CASUALTIES IN IRAQ BOMBINGS
11/26/19	https://www.nrc.nl/nieuws/2019/11/26/niemand-vroeg-door-na-de-bom-op-hawija-a3981659	NRC	Niemand vroeg door na de bom op Hawija
11/28/19	https://www.nrc.nl/nieuws/2019/11/28/al-vier-jaar-berichten-over-zeventig-doden-a3982087	NRC	Al vier jaar berichten over zeventig doden
11/29/19	https://airwars.org/news-and-investigations/61891/	Airwars	Dutch Ministry of Defence promises significant transparency changes
12/3/19	https://www.nrc.nl/nieuws/2019/12/03/veel-bronnen-voor-hawija-onderzoek-maar-die-zijn-wel-gebrekkig-a3982514	NRC	Veel bronnen voor Hawija-onderzoek maar die zijn wel gebrekkig

**EXHIBIT G: Evidence I Have Visited
Site Of Airstrike Incident And
Interviewed Survivors**

January 25, 2018

<https://twitter.com/AzmatZahra/status/956615562033016832>



Azmat Khan ✓
@AzmatZahra

Follow

I asked for directions. “What industrial district?” he responded. “We don’t have one anymore.” In June 2015, an airstrike hit Hawija’s industrial district—where ISIS manufactured car bombs—& where particularly impoverished IDPs found free space. Still counting...

#PrecisionStrike



11:51 AM - 25 Jan 2018



Azmat Khan ✓ @AzmatZahra · 25 Jan 2018

2. As ISIS made its way into Yathrib, Khadijah Yaseen and her family fled north, trying to make it to Kurdish areas. They couldn't go any further than Hawija, where they, along with other IDPs, found refuge in abandoned homes in the industrial district.

1 2 5



Azmat Khan ✓ @AzmatZahra · 25 Jan 2018

3. On June 2, 2015, she awoke to a collapsed roof. Three of her grandchildren died that night: Mohamed, who was 13, Ahmed, 12, and Zahra, just 3. I met Khadijah at the Dibaga refugee camp in October 2016, right after they escaped Hawija.

1 2 6



Azmat Khan ✓ @AzmatZahra · 25 Jan 2018

4. “My son is diabetic. He’s being kept behind the fence. But he needs injections,” she told me. “We have 7 family members. Should I put some soil on top of my head? Wha should I do? They asking me for a sponsor to get my son out. I don’t even have a penny in my pocket.”

1 4 6



Azmat Khan ✓ @AzmatZahra · 25 Jan 2018

5. The IDPs staying in & around Hawija’s industrial district were some of the most vulnerable. They were too poor to make it north. They got stuck in Hawija, and the only place they could stay for free was rigged with explosives. Even after escaping Hawija, their hell continued.

3 3 5

EXHIBIT I: Other News Stories Regarding Reprisal Violence



Stream of floating bodies near Mosul raises fears of reprisals by Iraqi militias

Unidentified corpses are being fished out of the Tigris river, with human rights observers suggesting government forces are behind the deaths

Fazel Hawramy in Qayyarah

Sat 15 Jul '17 04.00 EDT



2,604

The bodies washed up with grim regularity on the banks of the Tigris downstream from Mosul, a daily reminder of the vicious fight against [Islamic State](#) that played out a few dozen miles away.

All were heavily decomposed, most bound and blindfolded, some mutilated. The corpses began arriving last spring, but as the mission to oust Isis fighters from the once-thriving city intensified, so too did the number of dead floating towards the west bank town of Qayyarah.

“I see dead bodies in the water daily,” said Ahmed Mohammed, a driver, speaking earlier this year. “The number has increased since early April. There were five bodies floating in the river recently in one single day. They are young men with their hands tied behind their back and are blindfolded.”

Iraqi prime minister Haider al-Abadi this week declared victory after nearly nine months of fierce fighting to displace the extremist group from the city where it proclaimed its “caliphate” in 2014. But as Mosul lies in ruins – and [the last women and children emerge from the rubble](#) – a bloody picture of the [campaign](#)’s impact is emerging.

Local people who spotted corpses midstream would try to catch them and then call the army, Mohammed said. Soldiers then take them to a makeshift morgue at the city’s general hospital, run by

Mansour Maroof Mansour.



Qayyarah hospital. Photograph: Fazel Hawramy

Most of the dead found in the river with some identifiable features intact were young men who appeared to be in their late 20s, said Mansour, but he has learned little else about who they were.

“We can’t identify the bodies in the river. They are very decomposed and there is nothing on them to use for identification,” he said, standing in a room filled with dozens of bodybags. None had been claimed, and even that toll of the unknown dead is not exhaustive; some bodies are lost.

“(Once) the body of a boy also floated by but we could not catch it as it was too small and went through the gaps in the barrier,” said the driver Mohammed, who is haunted by guilt at letting the young boy drift away.

Human rights organisations had raised alarm about the number of unsolved killings in and around [Mosul](#) city and in particular the corpses washing up along the Tigris river. Human Rights Watch (HRW) said evidence points to government forces, killing suspected Isis members or collaborators without trial or due process.

Advertisement

Warning of the killings in April, [Lama Fakih](#), deputy Middle East director for HRW said: “The bodies of bound and blindfolded men are being found one after the other in and around Mosul and in the Tigris

river, raising serious concerns about extrajudicial killings by government forces. The lack of any apparent government action to investigate these deaths undermines the government's statements on protecting detainee rights."

Little has been done to investigate the killings, however. "The horrors that the people of Mosul have witnessed and the disregard for human life by all parties to this conflict must not go unpunished," Lynn Maalouf, research director for [Amnesty International](#) in the Middle East, said.

The violence upstream casts a long shadow in Qayyarah, which was freed from Isis rule at the start of the nine-month Mosul campaign. Most residents are reluctant even to talk about the bodies in the river. "I don't know anything about that subject," said one fishmonger in the newly re-opened market, buzzing with soldiers and militia fighters.

Isis exploited Iraq's sectarian tensions to facilitate its rise to power. Many Sunnis who felt disenfranchised by the Shia majority government or feared becoming targets of security forces welcomed or at least tolerated the group's arrival in 2014. As the extremism and violence of Isis world view became clearer, many Sunnis left or privately turned against the group, but suspicions of collaboration linger and in some Sunni areas a sense of apprehension remains.

"Blood for blood," reads graffiti on a wall of a house in Qayyarah that locals say belonged to Ali Khether, a well-known Isis commander who had lived in the town. He is described by one as "The child of adultery, Ali Khether, the Daeshi" – a name that refers to Daesh, a pejorative name for Isis.

Close by stands the town's small stadium where Isis, with the aid of local people, killed dozens, with the most cursory of trials, on charges ranging from spying for the security services to homosexuality

Now as Isis retreats to the Syrian city of Raqqa and desert areas of western [Iraq](#), those who were on the receiving end of their brutality for over two years have set up their own militia groups. Loosely attached to the Popular Mobilisation Units (PMU), they are taking the law into their own hands.

"PMU militias have carried out a systematic pattern of violations, including enforced disappearance, [extrajudicial executions](#) and other unlawful killings and torture of Sunni Arab men and boys, seemingly in revenge for IS attacks," said Amnesty International in a report earlier this year.

Security forces who retook the town found the bodies of many Isis victims that had been dumped in the river, said Walid Khaled an officer at Qayyarah police station, but he had no idea who the more recent waves of dead might be. "We don't know where they come from, they are unidentified," he said.

Some in the town say the bodies are more Isis victims killed by the last fighters holed up in Mosul, but the Iraqi security forces had blocked the river around 20km outside the city with a floating boom designed to stop fighters sneaking out or reinforcements getting in by water. Territory further down river towards Qayyarah has been in the control of Iraqi security forces for months.

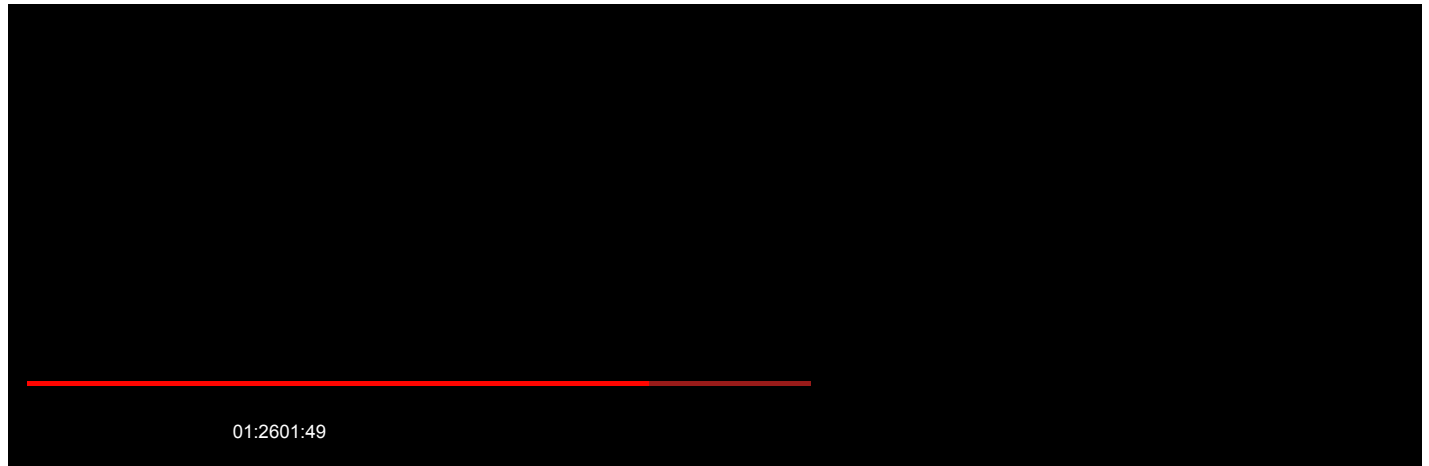
A soldier guarding a floating bridge connecting Munirah village, around 20km south of Mosul on the western bank, refused to give his name, but appeared to confirm that extrajudicial killings were taking place beside the river.

He showed the Guardian a video of himself and other soldiers, dragging a limp body with a bloody face along the edge of the water. "He was Daesh hiding in the reeds and we killed him," the soldier said with satisfaction.

Newsweek®

REVENGE: YAZIDIS ACCUSED OF EXECUTING IRAQI CITIZENS, INCLUDING CHILDREN, OVER ISIS GENOCIDE

BY CALLUM PATON ON 12/28/17 AT 8:29 AM



01:2601:49

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Militiamen from Iraq's persecuted Yazidi community have been accused of executing 52 civilians by the international NGO Human Rights Watch, which said it believed they were revenge killings.

The U.S.-based rights group [said in a report](#) Wednesday that on June 4, Yazidi fighters from Iraq's popular mobilization forces detained and then killed dozens of civilians, including children, from a tribe as they fled clashes between Islamic State militant group (ISIS) and Iraqi government forces.

[Related: After ISIS defeat, millions of Shiite Muslims make world's largest pilgrimage in Iraq](#)

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The Yazidis, who suffered some of the worst violence visited on ethnic minorities by ISIS as it overran towns and villages in northern Iraq in 2014, reportedly [viewed the tribe](#) as having been complicit in the extremists' atrocities.

One legal advisor for the Ezidkhan Brigade, which is accused of carrying out the killings, said the local tribe were "dogs who deserved to die."



Kurdish Peshmerga show what they say is a mass grave of more than 50 Yazidis killed by ISIL on November 15, 2015 in Sinjar, Iraq. Kurdish forces, with the aid of massive U.S.-led coalition airstrikes, liberated Sinjar from ISIL extremists.

JOHN MOORE/GETTY IMAGES

The United Nations has said the systematic killing and subjugation of the Yazidis carried out by ISIS amount to acts of genocide. The militant group killed thousands from the Kurdish-speaking minority who they deemed to be heretics for their adherence to a non-Muslim faith.

ISIS also abducted thousands of women and girls who they kept as sex slaves, sending orphaned Yazidi boys to military training camps.

However, Human Rights Watch has accused fighters from the group, working alongside Iraqi government forces in fighting ISIS in the north of the country over the course of the last year, of carrying out a series of reprisal killings. As well as the June executions, Yazidi fighters are implicated in two other incidents of enforced disappearance.

“As the ground fighting against [ISIS] winds down in Iraq, state security forces need to turn their focus to preventing retaliation and upholding the rule of law,” said Lama Fakih, deputy Middle East director at Human Rights Watch.

“Past atrocities against the Yazidis don’t give its armed forces a free pass to commit abuses against other groups, whatever their past.”

The Iraqi government has declared victory against ISIS, after the militants were driven out of their de facto capital in the nation’s second largest city of Mosul in July. Since then Iraqi federal anti-terror forces, the army and popular militias have expunged the extremists from their last enclaves on the country’s eastern border with Syria.

Despite the massive territorial gains Iraqi Kurdish officials have said around 3,200 Yazidi women and girls abducted by ISIS remain missing.



July 11, 2014 12:00AM EDT

Available in العربية English Français

Iraq: Campaign of Mass Murders of Sunni Prisoners

Set International Inquiry Into Massacres by Security Forces, Allied Militias



Members of the Iraqi security forces patrol an area near the borders between Karbala Province and Anbar Province on June 16, 2014. © 2014 Reuters.

(Baghdad) – Iraqi security forces and militias affiliated with the government appear to have unlawfully executed at least 255 prisoners in six Iraqi cities and villages since

Email address

Count Me In x

forces and government officials indicate that Iraqi soldiers or police, pro-government Shia militias, or combinations of the three extrajudicially executed the prisoners, in nearly all cases by shooting them. In one case the killers also set dozens of prisoners on fire, and in two cases they threw grenades into cells.

More than a dozen residents and activists in the attack areas told Human Rights Watch they believed that as ISIS began freeing Sunni prisoners elsewhere as it advanced south, Iraqi security forces and militia killed the prisoners to prevent them from joining the rebellion, as well as to avenge ISIS killings of captive government troops. The murder of detainees during armed conflict is a war crime and, if carried out on a large scale or in a systematic manner, as a state policy, would be a crime against humanity.

Iraq's government has in the past **denied** allegations that it summarily executed prisoners. The Defense and Interior Ministries did not reply to requests for comment from Human Rights Watch on the five cases it documented.

Human Rights Watch interviewed more than 35 people in person or by telephone about the five attacks. They included witnesses and relatives of those killed, security and other government officials, and local activists. Many had fled their homes and spoke on condition of anonymity, fearing reprisals by government forces. Human Rights Watch also reviewed video footage, still photos and media reports of the killings.

Reuters news agency, quoting police sources, reported that in a sixth attack, on June 23 in central Babil province,

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security forces and militias are Shia, while the murdered prisoners were Sunni. At least eight of those killed were boys under age 18.

The mass extrajudicial killings may be evidence of war crimes or crimes against humanity, and appear to be revenge killings for atrocities by ISIS, a Sunni extremist group that in the past month has captured large areas from the Shia-led central government. ISIS, which on June 30 changed its name to Islamic State, summarily executed scores of captured soldiers, Shia militiamen, and Shia religious minorities in areas it controls.

“Gunning down prisoners is an outrageous violation of international law,” said Joe Stork, deputy Middle East director at Human Rights Watch. “While the world rightly denounces the atrocious acts of ISIS, it should not turn a blind eye to sectarian killing sprees by government and pro-government forces.”

An international commission of inquiry or a similar mechanism should investigate serious violations of the laws of war and international human rights law by all sides in the Iraq conflict, including by government forces, pro-government militias, and ISIS and associated forces, Human Rights Watch said. The inquiry should be mandated to establish the facts, and identify those responsible for serious violations with a view to ensuring that they are held accountable. The inquiry should collect and conserve information related to abuses for future use by judicial institutions.

Human Rights Watch documented five massacres of prisoners between June 9 and 21 – in Mosul and Tal Afar in

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The government has been fighting Sunni armed groups in Anbar since January 1. ISIS and other Sunni armed groups captured Mosul, Iraq's second-largest city and capital of Nineveh province, on June 10, then moved through other areas across Iraq.

The majority of prisoners killed in the five attacks had been rounded up under article 4 of Iraq's anti-terrorism law, but had not been charged with any crime. Some had been imprisoned for months, while others were detained shortly after ISIS began its takeover of Mosul on June 9.

In the first attack, on the night of June 9, prison guards removed 15 Sunni prisoners from their cells at the Counterterrorism and Organized Crime prison, in the heart of Mosul, a former prisoner told **CNN**. The prisoner later told Human Rights Watch that the men were Sunnis from the minority Turkmen community. **Amnesty International** quoted a second prisoner as saying the guards removed 13 prisoners and that he then heard gunfire. A short time later, both prisoners said, a prison guard threw a hand grenade into one cell. The prisoner who spoke with Amnesty said six prisoners were killed in the grenade attack.

Two days later, Mosul residents discovered 15 decomposing bodies of men who had been shot, and in some cases handcuffed or blindfolded, near an abandoned potato warehouse in Mosul, two residents and the prisoner who spoke with Human Rights Watch said. That prisoner said he went to the site and recognized two fellow prisoners who had been among the 15 men led away by the prison guards.

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assault rifles and other weapons in four cells of that city's Counterterrorism and Organized Crime prison. Witnesses, local government officials, and local civil society activists told Human Rights Watch that the attack killed at least 51 prisoners. The attack took place before dawn, as ISIS was poised to capture Tal Afar, and the dead included three teenage boys, they said.

The counterterrorism prison in Tal Afar is a branch of the counterterrorism prison in Mosul, a local government official said. Both were under the control of the Interior Ministry, whose acting head is Prime Minister Nuri al-Maliki.

That same night, according to police and government sources, 43 detainees were killed inside the al-Wahda police station, near Baaquba, the capital of Diyala province, 50 kilometers northeast of Baghdad. Police sources told Human Rights Watch that the prisoners died in crossfire during an ISIS attack on the prison, but other local civil government officials said that prison guards and Shia militiamen killed the prisoners.

A medical worker at Baaquba general hospital, where first responders took the dead prisoners, told Human Rights Watch that he saw the 43 bodies. All were shot in the head execution-style and their limbs were broken, he said. Another detainee, Ahmed Zeidan, the only known survivor, died the next day an hour after police took him from the hospital where he was being treated.

The medical worker said the police came for Zeidan shortly after he told the Diyala governor, Amer al-Mujamaii, from his hospital bed that prison guards and

Email address

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Tal Afar and Jumarkhe, and that Asa'ib Ahl al-Haq, a powerful pro-government Shia militia active in Baghdad, areas around the capitol, and Diyala, also carried out the killings in Jumarkhe and facilitated the police in the prisoner killings in Baaquba.

An international inquiry into violations of the laws of war and international human rights law by all sides in the Iraq conflict investigation should include examining whether security forces, working with pro-government militias, have pre-emptively killed prisoners. The United States and other countries engaged in Iraq should halt military assistance to the Maliki government until it takes concrete steps to halt crimes like killing prisoners, Human Rights Watch said.

Maliki also needs to remove and prosecute all commanders involved in these slaughters, Human Rights Watch said. Killing prisoners, even those who were combatants, is a war crime.

"In each case that Human Rights Watch investigated, the accounts we heard point directly to Iraqi security forces and pro-government militia slaughtering captive men in large numbers as ISIS and allied fighters were poised to seize the area," Stork said. "This isn't one rogue commander on the loose - this seems to be a widespread campaign of killing Sunni prisoners in cold blood."

For additional details on the cases Human Rights Watch documented, please see below.

Mosul: Prison Attack and Bodies Outside Potato Warehouse

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The medical worker said he saw bullet wounds in Zeidan's stomach and legs, which had not been there before he had been taken away from the hospital.

On the morning of June 17, pro-government Shia militiamen killed at least 43 male prisoners inside an army base in the village of Jumarkhe, also in Diyala. At least three were boys, said a man who saw the bodies and a soldier from the base. All were Sunnis whom Iraqi forces had rounded up a week to 10 days earlier from Jumarkhe and surrounding villages, and all had been burned to death or shot, they said.

In Rawa, on June 21, soldiers from the al-Jazeera and Badiyya operations command, which oversees the Iraqi government's military operations in Anbar province, killed 25 prisoners and injured three others whom they were holding in their military base, according to a Rawa resident who found the bodies in the prison a short while later and spoke to the three survivors. The survivors told him police killed the prisoners, he said, and two were boys ages 12 and 16.

Two days later, on June 23, 69 prisoners were killed in Hilla, according to figures police sources gave to Reuters. Hilla's governor told Reuters that the prisoners were killed as police were transporting them from a prison in Hilla to another prison in Baghdad when armed opposition militants attacked the convoy. But police sources told Reuters that police extrajudicially executed the men in their Hilla prison cells.

Human Rights Watch spoke to 16 residents, two local human rights activists and 10 local government officials.

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appear to have executed 15 prisoners, then dumped them in a ravine, according to interviews with three people who saw the bodies, and three government officials who said they were briefed on the killings. A former prisoner said one guard also threw a grenade into a cell, and a second prisoner told Amnesty International that the grenade attack killed at least six prisoners.

ISIS fighters entered the outskirts of Mosul on June 8. By the time they captured the city the morning of June 10, Iraqi forces had abandoned their posts. Three witnesses told Human Rights Watch that after fighting ended, and residents emerged from their homes on June 11 and 12, they saw about 15 decomposing bodies off the side of the road in an area that had been under army control.

The bodies lay in a ravine next to the Al-Karama industrial zone in eastern Mosul, about 100 meters from a base for the Iraqi army's 2nd division and near an abandoned potato warehouse, according to four local and regional officials as well as four local residents. A former prisoner first featured in a CNN report told Human Rights Watch that at least two of the bodies were of 15 fellow detainees he knew from the Counterterrorism and Organized Crime prison, whom he saw guards take away in handcuffs on January 9. The prison is in the Hayy al-Tayaran neighborhood, near the airport and across the city from the industrial zone.

Two of the Mosul residents said they saw the bodies in the ravine on the afternoon of June 12. One of them, a lawyer, gave Human Rights Watch video footage and photos of the site. He said he was driving by the potato warehouse on the way back from checking on a relative and stopped when he saw a large crowd gathered off the side of the

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The crowd was filming something. I got out of my car and took a look. Down in a crevice by the side of the road I saw a pile of bodies. Some of them were handcuffed. Some of them were blindfolded. Some appeared burned. Some of them appeared to be in pieces. They were not in uniforms.

The lawyer said he did not know who killed them.

The video clips and photos taken by the lawyer show men lying in contorted positions in the gravel of a ravine, with crowds of onlookers, including children, filming their corpses and stepping over the bodies. Many of their faces were blackened because of decomposition. Human Rights Watch counted 15 bodies in the video and photos, including at least one with handcuffs and one with a blindfold.

Local and regional officials who fled Mosul after it fell to ISIS confirmed the presence of the bodies in the ravine and told Human Rights Watch they had been informed by local government security sources that they were most likely prisoners killed by Iraqi forces. They said they did not have additional information because of their inability to investigate incidents since the city's fall.

Amnesty International and CNN, each citing a different former prisoner, reported on June 27 and June 28, respectively, that the bodies in the ravine were those of prisoners in Mosul's counterterrorism prison. The former prisoner who spoke with Amnesty said he saw guards take away 13 prisoners on June 9, not 15 as the other prisoner told CNN and Human Rights Watch.

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Human Rights Watch interviewed four prisoners who survived, the father of one of the slain prisoners, seven regional and local political and security officials, two local journalists, and two local activists who had investigated the attacks.

Most said the pro-Maliki Badr Brigades were de-facto commanders of the counterterrorism base and prison at the Castle. The survivors provided first names of the gunmen, whom they said they heard calling out to each other during the attack. The gunmen could not have been with ISIS because ISIS did not enter the city until dawn, they said.

Human Rights Watch viewed videos of four interviews of prisoners by an Iraqi journalist in Mosul's main hospital hours after the attack, and reviewed photos and video of the slain prisoners, including a video that was aired by CNN on June 28.

Officials and former prisoners gave varying estimates of the number of prisoners inside the prison but all agreed there were at least 60, most Sunni farmers and laborers from Tal Afar and surrounding areas who had been rounded up in the preceding weeks and months under article 4. The surviving prisoners, local officials and activists told Human Rights Watch that the attack took place a few hours before ISIS entered Tal Afar, as Iraqi security forces fled the city. For the three preceding days, the prisoners said, ISIS had been shelling the castle. But before dawn that day, they awoke to what they said was the sound of heavy vehicles pulling into the castle compound and then gunfire inside the prison cells.

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six prisoners and injured several others.

The prisoner first interviewed by CNN told Human Rights Watch that all 15 prisoners taken by the guards were Sunnis from the minority Turkmen community in Tal Afar. Later that night, he said, ISIS entered the prison and freed the remaining inmates. The former prisoner said that when he heard about the bodies near the potato warehouse, he went to see them on July 11. He said he recognized two friends among the 15 whom he saw guards lead out of the prison.

Local and regional officials told Human Rights Watch that the counterterrorism prison at the time was under the direct control of Prime Minister Maliki, who is also acting interior minister. One regional official said a security source who was in the prison at the time told him that an officer with the counterterrorism unit of Iraq's National Investigation and Information Directorate, which ran the prison, carried out the grenade attack, throwing three grenades and killing as many as 15 prisoners.

Tal Afar: Massacre at Castle Prison

At about 2 a.m. on June 16 in Tal Afar, 50 kilometers west of Mosul, at a second Counterterrorism and Organized Crime Prison inside a historic hilltop fortress known as the Castle, three gunmen killed at least 51 prisoners, at least three of them boys ages 15 to 17, according to a local government official and four former prisoners who witnessed the attack.

The counterterrorism prison in Tal Afar is a sub-section of the Counterterrorism and Organized Crime prison in Mosul, local and regional officials said, and is also under

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heard the gunmen shout "Corner! Corner," a routine command for inmates to gather in the corner opposite the door, before storming one cell. They also said they heard the sound of three weapons – two assault rifles and a weapon firing faster rounds that one of them believed to be a machinegun.

One of those survivors, a 52-year-old laborer, said the gunmen moved "very fast."

I heard a lot of noises and shooting in the other cell rooms. I heard the prisoners crying "Ya Rab Sa'edna!" [God Help us] and "Allahu Akbar!" [God is Greatest] over the sound of the gunfire. I ran into the bathroom to hide. Then I heard the noise of Kalashnikovs and of a machine gun in my cell ... It lasted not more than two minutes. I acted like a dead man, I didn't move for about 5 to 10 minutes.

A 14-year-old survivor who was imprisoned with his 15-year-old brother described the gunmen entering their cell, containing between 16 and 19 inmates:

We heard something strange just outside the door. Then the gunmen opened the small windows in the doors and the doors themselves, and right away they began shooting. I hid behind another prisoner but I was still shot in my upper arm and thigh. I can't describe to you those next three to four hours. I just lay there with those dead bodies around me. One of those dead bodies was my brother.

The survivors in the bathroom said that they could hear the voices of four men, one of whom appeared to be a

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Two survivors said they recognized one of the gunmen's voices and one of the names as those of men who were frequently in the prison but were not regular guards. One prisoner who heard but did not see the gunmen said that the regular guards would have known to search for prisoners in the bathroom.

Once the shooting stopped, the survivors in the bathroom said they heard the sound of vehicles leaving the compound. They waited several more minutes before creeping out. The laborer said he was the first to emerge and had no way out except to pass through the largest cell:

I saw the bodies of my fellow prisoners, their limbs limp, their blood on the bedding on the floor. I only saw two who were still alive, but they were badly injured. They said, "Please help us." I took one of them out to the courtyard of the building, but I couldn't bring myself to go back into the cell. I saw that the gate to the prison was open. Without being able to control myself, I ran away.

But when the sun rose and I saw townspeople heading up to the prison, I decided to go back to help. I saw a lot of my friends were killed in the other rooms as well. In the first room I saw four dead people. In the second room, seven dead people. In the next room, 16 people.

Another prisoner who said he followed the laborer out of the bathroom said the injured prisoners were "crying out for help, shouting things like, 'Oh God, what has happened!'"

Human Rights Watch obtained video and still photos of

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"They launched mortars and hand grenades at the police station and an emergency unit from nearby houses," he said, "and exploded two car bombs, one in front of the police station and one in front of the emergency unit." Al-Shimmari said the attack lasted about five hours, and that about 100 ISIS fighters were able to enter the police station with AK-47s. In their ensuing fight with police and a team of Special Weapons and Tactics (SWAT) reinforcements, he said, 44 prisoners and one policeman were killed in crossfire.

Al-Shimmari told Human Rights Watch that nine ISIS fighters also died but none were arrested, and said he could not identify the prisoners or the ISIS fighters who died by name. He identified the policeman who he said was killed in the crossfire as Wissam Kudhair Abbas.

Al-Shimmari's account differs from that of a military spokesman, Lt. Gen. Qassim al-Moussawi. The Associated Press reported that al-Moussawi said at a news conference on June 17 that 52 inmates were killed by mortar shells when ISIS fighters attacked the police station.

Despite these accounts, two government officials, one an employee at the hospital where the prisoners' bodies were taken and the other a relative of one of the prisoners killed, said the prisoners were all shot, most of them "execution style" in the head, and not killed randomly in crossfire or by mortar strikes.

An official close to the Diyala governorate told Human Rights Watch that he saw the prisoners' bodies on June 17 and that most had bullet wounds in the head. He said that Diyala's governor, Amer al-Mujamaili, visited the sole

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their bodies and the cell walls. A human rights activist in Tal Afar said the photos were of the victims.

One relative of a prisoner who was killed told Human Rights Watch that as soon as word spread the night of June 15 that ISIS was poised to enter Tal Afar, he had "begged" local Shia sheikhs to ensure that the police and militiamen did not carry out reprisal attacks:

They told me, "Don't worry, nothing will happen." But when I got to the prison the next morning I really cannot describe what I saw. They were killed so brutally. These were the acts of barbarians.

Baaquba: Killings in al-Wahda Police Station

On June 16, at least 43 detainees were shot to death in the al-Wahda police station near Baaquba, the capital of Diyala province east of Baghdad. Another detainee was severely injured, and died the following day after police took him from the hospital where he was recovering from bullet wounds, and where paramedics took the survivor and bodies of the prisoners. Diyala's police chief told Human Rights Watch that the detainees died in crossfire when armed men attacked the police station, but based on accounts from three government officials and a surviving prisoner, Human Rights Watch concluded that police deliberately killed the detainees.

Diyala's police chief, Brig. Gen. Jamil al-Shimmari, who said he did not witness the attack, told Human Rights Watch that he was in contact with police at the al-Wahda police station via telephone when ISIS fighters attacked the police station at 8 p.m. At the same time, he said,

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him and returned his body one hour later. The governor's spokesman later told Reuters that the survivor told the governor that police had attacked the prisoners.

A member of the medical staff at the Baaquba General Hospital, where first responders took the bodies of the murdered prisoners, told Human Rights Watch that he saw ambulance drivers bring 44 bodies to the hospital morgue. He said employees in the morgue told him that, in addition to multiple gunshot wounds, most of the prisoners had broken arms and legs, suggesting that the men were tortured before they were killed.

The medical staff member told Human Rights Watch that the lone surviving prisoner, Ahmed Zeidan, arrived at the hospital alive about 9 a.m. the day after the attack.

"Ambulance drivers at first brought Zeidan to the morgue in a body bag with all the others," he said. "When the doctors at the morgue opened the bag, they realized he was alive and sent him back to the hospital."

That was when the governor spoke with Zeidan, the medical staff member said. The medical staff member said he overheard Zeidan telling the governor that no armed group attacked the al-Wahda police station and that police threw two grenades into the cell holding the 44 prisoners, then opened fire on them. Zeidan also told the governor that the men who killed the prisoners broke their arms and legs before throwing the grenades and shooting them so they could not run away, the medical staff member said.

Shortly after the governor's visit, police arrived at the hospital and removed Zeidan, the medic said. "He could

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he was conscious. When they returned his body an hour later, he was dead. He had additional gunshot wounds in his legs and stomach.”

The medical staff member said he could not identify the police unit that took Zeidan from the hospital.

The official close to the Diyala governorate said that he and the governor tried to visit the prison the day after the attack to look for evidence of mortar shelling that would support the Diyala police account, but they were unable to enter the prison and did not see any signs of a fight outside the police station.

“Prison guards and other men wearing civilian clothes – we think they’re from the [pro-government] militias – prevented us from entering the police station,” the official told Human Rights Watch. “They aimed their guns at us and threatened to kill us if we didn’t leave.”

The official questioned security officials’ accounts of how the prisoners died. “Whether mortars were launched or they were killed in crossfire, how is it that so many prisoners died while only one policeman was killed?” he asked. “They came up with a good story, but it raises questions that need to be answered.”

On June 19, Reuters **reported** that the mayor of Baaquba, Abdullah al-Hyali, said he visited the local morgue and saw that most of the prisoners had bullet wounds in their heads, including his nephew. The mayor also told Reuters that his nephew had been “severely tortured and his nails were extracted.” Human Rights Watch could not reach the mayor for confirmation.

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The Baaquba hospital medical staff member told Human Rights Watch that he and other employees wanted to stop police from taking Zeidan, the wounded survivor, but that the presence of Asa’ib Ahl al-Haqq and other militias in the area made them afraid to do so:

The hospital is protected by a private security company, and we also have a company of local policemen who are supposed to protect the hospital. But they can’t really do anything. These are militias we’re talking about. Asa’ib could come and put me in a truck and take me to Baghdad whenever they want and there is nothing I can do about it.

The official close to Diyala’s government and residents Reuters **interviewed** said most of the prisoners were being held for petty crimes rather than terrorism-related charges. Some of the prisoners had judicial orders of release, the official said, but the prison continued to hold them because they wanted money from the families to release them.

Jumarkhe: Security forces, Militia Blamed for Killing at Least 45 Local Prisoners

On June 17, the morning after the killings in Baaquba, fleeing pro-government forces set fire to an Iraqi army base outside Jumarkhe, a village about 25 kilometers northeast of Baaquba. Local residents who rushed to the base after the pro-government forces fled found 43 or 44 dead prisoners inside the base, shot execution-style or burned, according to five villagers who saw the bodies, as well as a soldier from the base, a provincial government official, and a provincial human rights activist who interviewed several other residents about the attack.

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The governor has a conflict with other parties, and this political pressure made him distort the truth. I explained the facts to the governor but he apparently has political gains to be made by lying.

Police Chief al-Shimmari similarly dismissed the mayor’s statements that he saw bullet wounds in the prisoners and that the mayor’s nephew was tortured.

Abu Ahmed, a relative of one of victims of the attack, said some of the prisoners killed had been detained for petty crimes but that most had not been charged. He told Human Rights Watch that police arrested his 18-year-old cousin, whose name he asked be kept confidential, two hours before the attack because “someone overheard him mocking Colonel Hooby [the police chief of al-Wahda police station]” earlier that day:

The next morning we were told that all the prisoners in al-Wahda police station were dead. People at the police station told us that the bodies were at the Baaquba Hospital. We went there, and the morgue employees told us that a lot of people died by bullet wounds and some died of fragments from grenades. I saw bullet wounds in [my cousin’s] head and chest.

Abu Ahmed attributed the killings to the pro-government Shia militia Asa’ib Ahl al-Haqq, which at least 10 Diyala residents told Human Rights Watch had been “in control of security” in Baaquba and surrounding areas. He said that the police station is in his neighborhood, Beni Zeid, and that, “Many policemen in that police station ran away after this attack. “I have seen Asa’ib is in the police

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All the prisoners were Sunnis from nearby villages whom the pro-government forces had rounded up about a week to 10 days earlier, around the time Mosul fell, they said. At least three of those killed were boys about 15 or 16 years old, a villager and the soldier said, while a second villager said he recognized two boys and had heard that a third boy had been killed.

The pro-government forces took two other prisoners with them as they fled the base that morning and killed them on their way out of the village, the soldier said.

The eight sources blamed a combination of Iraqi soldiers, SWAT members, and the pro-government Asa’ib Ahl al-Haqq and Badr Brigades militias for the attack. Local residents told Human Rights Watch that the Badr Brigades had arrived in the area several days before the attack to bolster beleaguered Iraqi army troops during fighting with ISIS.

The government official and the soldier said that all three groups had been controlling the base. The government official added that he was “certain” that the pro-government forces killed the prisoners because “the insurgents did not take over the army base – they just passed through the area.”

The morning of June 17, the second day of heavy fighting in Diyala province, villagers noticed smoke and flames coming from the base, one local man told Human Rights Watch. Shortly afterward, two villagers said, Iraq troops and militia fled in military vehicles with white flags, a sign of surrender. But the pro-government forces were shooting as they went, three villagers said. “They were

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Local men rushed to the army base, about one kilometer outside of Jumarke, hoping to free the prisoners, all those interviewed said.

Human Rights Watch interviewed four men who said they were among the first to enter the prison inside the army base, while part of it was still in flames. Three of them said they were relatives of those killed. The men said they found four prisoners shot in the back of the head and the rest so badly charred that they only recognized them by the few remaining fragments of their clothes. Many of the bodies had been covered with blankets that were also burned, they said. One of the relatives said he saw a barrel of gasoline in one of the areas that had not caught fire.

One of the villagers said of the dead:

Some of them were burned 100 percent. Others of them were still burning and we tried to stop the flames. Some of them were so badly burned that they only weighed about 20 to 40 kilos. We used blankets and planks of wood to carry the bodies out. The bodies were so small from the burning that in some blankets we put two or three bodies.

Three villagers said many of the prisoners had been part of the so-called Awakening Movement, US-funded Sunni coalitions formed in 2006 to protect their neighborhoods, whom Malliki had promised to integrate into the Iraqi security forces but failed to do so. Most had been seized under article 4 of the anti-terrorism law, they said.

One of the villagers who helped carry out the dead told Human Rights Watch that, "Many were ordinary citizens -

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died on their way to the hospital ... Some of the survivors were beneath the dead; their executioners clearly thought they were all dead.

When I saw the bodies I called back the officer and asked him what happened, why the soldiers killed them. He told me, "All those are terrorists and they deserved it."

The Rawa resident said one of the dead was the driver of Saba `awy Hussein, the brother of the toppled Iraqi leader Saddam Hussein and the former head of general security and police intelligence. "He was initially still alive, but his body was so riddled with bullets. ... We couldn't even do a tourniquet. He died on the way to the hospital."

The man said that one survivor, a 25-year-old Syrian man, told him police killed his five brothers in the attack, including one who was 16.

The Rawa resident said he and the other men who went to the prisoners also identified a 12-year-old boy from Baghdad among the survivors. He said he knew of at least 10 Sunni armed groups fighting in Rawa but that he had not seen the ISIS flag in the city.

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None of those interviewed knew if the burned men had been shot before being set on fire. They said relatives did not bring the prisoners to medical examiners but instead buried them in their villages.

Rawa: Killings of Prisoners at the al-Jazeera and Badiyya Operations Command Base

On the morning of June 21 in Rawa, a city in Anbar province, Iraqi soldiers killed 25 prisoners before fleeing an attack on their base by armed Sunni militants. Human Rights Watch spoke with one resident of Rawa who said he saw the bodies of the slain detainees inside the prison shortly after they were killed.

The man was fearful for his security and hesitant to speak at length about the case. He said the attack on the prisoners was carried out by members of the al-Jazeera and Badiyya Operations Command, which oversees the Iraqi government's military operations in Anbar. He said the attack took place around 10:30 a.m., shortly before ISIS and other Sunni fighters reportedly took over Rawa. He told Human Rights Watch that after he heard reports from other villagers of an attack by Sunni armed groups on the base, he called an officer he knew at the base who told him that the Iraqi army evacuated the base after "negotiating" their departure with "the armed men."

He said that he and several other men went to the base around 3 p.m. to check on the wellbeing of the prisoners:

When we entered we started hearing moaning and screaming. We followed the sounds of these voices. We reached a cell where we found a pile of dead bodies on the floor. At the beginning we counted 21 dead and seven injured. Another four

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world.

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\$250	\$500
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Public Interest In Civilian Casualty
Assessments And Greater
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Date	Org/Publisher	Title	URL
12/16/17	The Atlantic (Obama Admin Officials)	An Accounting for the Uncounted	theatlantic.com/international/archive/2017/12/isis-obama-civilian-casualties/548501/
11/23/17	NYT Editorial Board	Telling The Truth About The Cost Of War	nytimes.com/2017/11/23/opinion/america-war-casualties-soldiers.html
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11/27/17	Congressman Ted Lieu Release	Rep. Lieu Urges Pentagon To Explain Reports of Underreported Civilian Casualties From Airstrikes Against ISIS	lieu.house.gov/media-center/press-releases/rep-lieu-urges-pentagon-explain-reports-underreported-civilian
12/21/17	American Civil Liberties Union	Trump's Secret Rules for Killings Abroad	aclu.org/blog/national-security/targeted-killing/trumps-secret-rules-killings-abroad
11/16/17	Center for Civilians In Conflict	NYT Civilian Casualties Story Should Be a 'Wake Up Call' for US Military	civiliansinconflict.org/press-releases/nyt-response-civilian-casualties/
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11/22/17	Project On Government Oversight	The American People Need to Know More About the Costs of Our Wars	pogo.org/straus/issues/military-reform/2017/the-american-people-need-to-know-more-about-the-costs-of-our-wars.html
2/2/18	Lead Inspector General for Overseas Contingency Operations	LEAD INSPECTOR GENERAL I REPORT TO THE UNITED STATES CONGRESS	media.defense.gov/2018/Feb/02/2001872555/-1/-1/1/FY2018_LIG_OCO_OIR_Q1_12222017_2.PDF

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11/19/17	MSNBC, Kasie DC	Civilian casualties in Iraq go under reported	msnbc.com/kasie-dc/watch/civilian-casualties-in-iraq-go-under-reported-1099601475557
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1/10/18	Longform	Longform Podcast #276: Azmat Khan	longform.org/posts/longform-podcast-276-azmat-khan
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11/21/17	The Independent	America has no idea how many innocent people it's killing in the Middle East	independent.co.uk/voices/us-isis-air-strikes-civilian-deaths-syria-iraq-america-no-idea-how-many-dead-the-uncounted-a8066266.html
11/17/17	Axios	Report: War on ISIS killing 31 times more civilians than claimed	axios.com/isis-how-many-civilians-killed-2510381490.html

11/17/17	Stars & Stripes	Report: 1 in 5 US airstrikes resulted in Iraqi civilian casualties	stripes.com/news/report-1-in-5-us-airstrikes-resulted-in-iraqi-civilian-casualties-1.498329
12/12/17	Just Security		justsecurity.org/49133/fix-militarys-broken-targeting-system/
11/17/17	The National Interest	Killing More Innocents Than We Admit	nationalinterest.org/blog/paul-pillar/killing-more-innocents-we-admit-23266
11/17/17	Daily Kos	US military has been covering up civilian death counts from its bombing raids.	dailykos.com/stories/1716563
11/21/17	CBC	The toll of U.S. airstrikes on Iraqi civilians should make everyone angry: Neil Macdonald	cbc.ca/news/opinion/american-airstrikes-1.4411176
11/28/17	Democracy Now	Rep. Ted Lieu Demands Pentagon Investigate NYT Exposé on Civilian Casualties	democracynow.org/2017/11/28/headlines/report_ted_lieu_demand_pentagon_investigate_nyt_expose_on_civilian_casualties
11/17/17	Business Insider	The US recorded civilians as ISIS members in what may be 'the least transparent war in recent American history'	businessinsider.com/iraqi-civilians-are-being-killed-new-york-times-2017-11?r=UK&IR=T
11/17/17	The Week	US-led coalition has killed Iraqi civilians at rate 31 times higher than reported	theweek.co.uk/89789/us-led-coalition-has-killed-iraqi-civilians-at-rate-31-times-higher-than-reported

Opinion | EDITORIAL

Telling the Truth About the Cost of War

By THE EDITORIAL BOARD NOV. 23, 2017

A half-century ago, the Pentagon's misleading claims about civilian deaths in Vietnam eroded public trust and, ultimately, support for the war. The United States military today claims to have learned the hard lessons of that and subsequent wars. It's put in place an elaborate system intended to minimize civilian casualties, including an Obama-era requirement that forces have "near certainty" that no civilian will be harmed before launching an attack. Intelligence analysts select targets, "targeteers" study models to calculate the most precise angles to strike, teams of lawyers evaluate plans and the Pentagon later discloses the few civilians who still, inevitably and tragically, wind up getting killed.

It turns out this is all, at least partly, an illusion. The Pentagon is killing far more civilians than it acknowledges, according to a recent report in The New York Times and other findings. A system intended to ensure transparency and accountability appears, instead, to be enabling the Pentagon to fool itself as well as the rest of us about the true cost of its strikes. It is often feeding bad intelligence into its intricate targeting system in the first place and then failing to thoroughly investigate civilians deaths after an attack.

The American-led military coalition has claimed, for instance, that the ratio of civilian deaths to airstrikes in the operation against the Islamic State in Iraq is one for every 157 strikes. The New York Times Sunday Magazine's account found a ratio of one civilian death for every five airstrikes — more than 31 times the Pentagon's claim. The true number, wrote the authors, Azmat Khan and Anand Gopal, "is at

such a distance from official claims that, in terms of civilian deaths, this may be the least transparent war in recent American history.”

Ms. Khan’s and Mr. Gopal’s reporting provided the first systematic, ground-based sample of airstrikes in Iraq since the operation began in 2014. They visited the sites of nearly 150 airstrikes in northern Iraq after ISIS was expelled, and they interviewed hundreds of witnesses, survivors and others. They photographed bomb fragments and mapped the destruction with satellite imagery, and they took the data to experts at the United States base in Qatar.

The article’s organizing narrative was the tragic story of Bassim Razzo, whose wife, daughter, nephew and brother were killed in 2015 in coalition airstrikes on their side-by-side homes in Mosul, the main ISIS stronghold in Iraq. Video and written records showed that the coalition misidentified the two compounds as an ISIS car-bomb factory or command center. Before the writers took up the case, coalition officials had not included the Razzo family in its accounting of civilian victims. When Mr. Razzo asked for compensation, the military eventually offered the insulting sum of \$15,000.

The Costs of War project at Brown University estimates over 200,000 civilians have been killed in Afghanistan, Iraq and Pakistan since 2001. Most experts attribute a majority of the civilian deaths to extremists.

Although international law obligates combatants to minimize harm to civilians, it is unrealistic to think that all civilian deaths can be prevented. Yet the reporting by Ms. Khan and Mr. Gopal suggests that America could be doing far more to protect civilians. They said they found a “consistent failure” by the American-led coalition to investigate claims carefully and to keep proper records. Some deaths occurred because civilians were close to ISIS targets. Many others, however, appear to have been recorded wrongly by “flawed or outdated intelligence that conflated civilians with combatants.” The article said the military seldom recognized its failures or made changes to prevent civilian deaths.

To some extent, the American people may be blind to this carnage, having been lulled by their military and political leaders into believing that advanced technology and precision strikes kill the bad guys while sparing the innocent. This seductive

targetable so that those standards can be fully discussed and debated. It could appoint and empower individuals within the Defense Department, on both the civilian and military sides, whose sole responsibility would be to reduce civilian casualties, make the assessment process more transparent, and facilitate prompt and adequate reparations whenever possible. And it could open up the post-strike assessment to outside eyes. This last idea is likely to be received as heresy inside the U.S. government. But it's at least worth pondering whether someone from outside the chain of command—possibly from outside the executive branch altogether—should be able to check the Pentagon's work, bringing the kind of perspective that only comes with distance. The media and civil society play a critical role—the *Times* story is a clear example—but the U.S. government should be able to perform this sort of check on itself.

All this matters and would help. But as long as the United States pursues counterterrorism through military means, civilian casualties inevitably will ensue. And so the discussion about how to reduce their number, while welcome, ought to involve a larger debate about the type of warfare America is waging and the technological advances that have allowed—even encouraged—it to be waged. Those advances have enabled more targeted airstrikes, often conducted by unmanned aircraft that are more precise and present fewer risks to U.S. personnel. Yet those same factors also lower the costs of warfare in the eyes of the U.S. public, and thus the threshold for military intervention in areas where we would be unwilling to deploy large numbers of ground troops. Consider this question: Had the fight against al-Qaeda or ISIS required the deployment of substantial U.S. ground troops, is it realistic to assume we would have been involved in so many theaters, for so many years, with so little prospect of bringing the conflict to a decisive end?

It's a treacherous trifecta: the promise of greater precision and certainty of fewer U.S. casualties; which leads to more frequent use of military force in more diverse theatres without a substantial U.S. ground presence; which entails diminished ability both to gather information about who is being targeted before a strike and assess what happened afterward. With the human costs of wars substantially

concept took hold with video of seemingly pinpoint strikes during the first Persian Gulf war and was reinforced since by widespread use of drone strikes by Presidents George W. Bush, Barack Obama and Donald Trump against faraway targets.

However precise the weapons, careful the planners and skilled the fighters, war inevitably includes mistakes that kill civilians. Leaders need to be honest that there is no such thing as antiseptic combat, while Americans need to understand the full cost and consequences of military actions undertaken in their names.

These are not idle concerns. The pace of attacks and civilian casualties seems to be rising, and with them the potential for alienating the very people America hopes to save. The anti-ISIS fight has quickened and moved into crowded cities, but the president has also given field commanders more authority to make battlefield decisions in an ill-defined hunt for terrorists.

Civilian deaths impose another penalty. They become a recruiting tool for terrorists and undermine counterterrorism operations. It's up to Congress to ensure true accountability and transparency, if the administration does not, by holding hearings and demanding answers.

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A version of this editorial appears in print on November 24, 2017, on Page A26 of the New York edition with the headline: The Truth About the Cost of War.

An Accounting for the Uncounted

The human cost of the war on ISIS has become too easy for Americans to ignore. We in the Obama administration helped shape that war.



A convoy of US forces armoured vehicles drives near the village of Yalanli, on the western outskirts of the northern Syrian city of Manbij, on March 5, 2017.

Delil Souleiman / AFP / Getty

ROBERT MALLEY AND STEPHEN POMPER

DEC 16, 2017 | **GLOBAL**

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Every now and again, an article is published about something you know you should know, but don't want to know.

“The Uncounted,” Azmat Khan and Anand Gopal’s groundbreaking [piece](#) about the civilians killed in the U.S. campaign against the Islamic State—and the considerable gap between their tally of such deaths and the numbers reported by the Pentagon—is one of them. We cannot speak to the precise data, but their *New York Times*

Magazine piece, and the verified tragedy of the Razzo family at its center, are emblematic of a bigger story that unfortunately rings true.

Basim Razzo was a member of one of the oldest families in Mosul, and the article recounts the night he woke up to find his roof collapsed and home destroyed—the result of an American bomb. Though Razzo himself survived, the attack took from him his wife and daughter, and the story chronicles his investigation into why it occurred. He finds, to his horror, that his house was deliberately targeted; American drones had monitored it for three days before striking, apparently acting on outdated reports that it was an ISIS command center. The drone footage failed to confirm those reports. It also failed to refute them. That, apparently, was sufficient for the U.S. military to proceed.

The *Times* story is one of faulty intelligence driving wrong-headed assumptions that decimate innocent lives and embitter survivors. It is a story about how a legal and bureaucratic fog can make it almost impossible for tragic mistakes to come to light, too often leaving instead a false sense of comfort that such mistakes never happened at all. And it is a story about a policy that warrants honest discussion, and change. We both worked with that policy up close. In the Obama White House, one of us was responsible for human rights, the other for coordinating the counter-ISIS campaign. In this respect, we were part of an administration that fell short.

At the outset, two points. First, painful lessons of the article aside, the U.S. military is staffed up and down its ranks with officers who care about and seek to protect innocent life. Likewise, President Obama and his senior National Security Council team were convinced of the moral and strategic importance of preserving civilian life in conflict, understood transparency as important to democratic accountability, and were committed to operating within the rule of law.

Second, the *Times* article carries the unmistakable implication that things will get worse. The Trump administration has celebrated a no-holds-barred approach to the fight against ISIS, given greater deference to ground commanders, loosened restrictions imposed by its predecessor, and expanded the fight to an ever-growing number of Middle Eastern and African theaters. This adds up to a quasi-automatic

recipe for greater civilian casualties. Independent monitoring organizations have tracked the numbers, and invariably they point to a serious uptick in civilian deaths in Iraq and Syria since January 2017. The explanation lies partly in the transition in Iraq and Syria toward the final, more urban phase of the conflict in the heavily populated cities of Mosul and Raqqa. But partly only. It also lies in policy guidance, as well as in matters such as tone, attitude, and priorities set at the very top—including by the commander in chief. These have a way of trickling down and affecting performance on the battlefield.

And yet. Those dead civilians that *The New York Times* found not to have been counted were not counted by the Obama administration. They were not counted by people who were intent on limiting civilian casualties and ensuring transparency. That those safeguards proved inadequate even in the hands of an administration that considered them a priority raises particularly vexing questions.

Some answers are relatively straightforward because they have to do with *them* rather than with us: ISIS hid among civilians, used them as human shields, and did what it needed to do either to deter coalition airstrikes or ensure they would come at high cost. Like al-Qaeda, ISIS presents the well-known but difficult dilemma of how to deal with non-uniformed combatants. Exposing innocents to harm is at the core of their tactics, and exaggerating those harms to generate public outrage is at the front of their playbook.

Yet those explanations go only so far. War by its very nature presents wrenching choices, but those choices—some at the policy level, others at the operational one—need to be made, and all can have momentous implications for civilians. In making the critical decision to use military force, a government crosses a threshold into a zone where imprecision and uncertainty, both bearing on innocent people's lives, will infect every level of decision making. How much tolerance is there for civilian casualties within legal limits? How does one identify a target? What standard of reliability should be applied to making such a determination? Once that decision is reached, what procedures are in place to verify it was correct, and to make amends and provide compensation if it was not?

What the *Times* story tells us is how in Iraq (but surely in other theaters as well) those imprecisions and uncertainties too often cost innocent people their lives, and then led their deaths to be unacknowledged. Broad criteria for who or what could be targeted were superimposed upon imperfect systems for identifying those targets, which were exacerbated by the opacity of after-action verification and reparation procedures. All of this was compounded by a natural tendency to give U.S. military operators the benefit of the doubt. So should a question arise about what actually happened, the Pentagon was unlikely to classify casualties as civilians absent a high level of certainty. Basim Razzo's family was doubly victimized by this process, which both led them to be wrongly targeted and then made their devastating losses too easy to ignore.

The issue was aggravated by the type of struggle the United States has chosen to conduct in Iraq and Syria and in which, one can reasonably predict, it will again be engaged in the foreseeable future. This is not the kind of counterterrorism effort that focuses on targeting individuals deemed to present a direct and imminent threat to the United States, which is where Obama tried to guide U.S. actions in theaters away from hot battlefields, such as Somalia or Yemen. Rather, the counter-ISIS campaign aims to degrade and defeat the organization as a whole, deeming its very existence a danger to America's security. There were civilian casualties and reports of undercounting in the former cases as well, of course. But the magnitude inevitably increased as the scope and goal of the battle expanded, and the strategic imperative of keeping civilian casualties to an absolute minimum receded.

Nor was this a typical counterinsurgency, for it didn't entail the sizeable U.S. ground presence that was a hallmark of operations in Afghanistan or, earlier on, Iraq itself. Those operations produced better knowledge of the terrain, allowed direct engagement with communities, and enabled efforts—sometimes successful, sometimes not—to avoid alienating the local population. In Afghanistan in particular, senior commanders saw civilian protection and reparations as integral to the core mission and directed their troops to act accordingly. In contrast, in the counter-ISIS campaign, the U.S. part of the fighting chiefly relied on airpower, and much of the territory where strikes occurred was under ISIS control. It was neither

fish nor fowl, but a hybrid: a counterinsurgency objective pursued by means of counterterrorism tactics.

That choice is understandable. The military campaign was a hybrid because ISIS was too—unlike al-Qaeda’s small, clandestine cells, it was part state, part insurgency, part terrorist organization. The Pentagon was engaging in a novel type of warfare against a far larger network than it had previously taken on, where pre- and post-strike intelligence collection was critical but the intelligence base relatively shallow, the expected pace of operations high, and the number of U.S. troops on the ground low. But that choice, and related choices, carried real consequences. It mattered that the military did not place the same strategic emphasis on civilian protection that it had come to apply in Afghanistan. It mattered that the administration didn’t apply to Iraq and Syria the more restrictive targeting safeguards it had developed for locations more remote from hot battlefields, like Somalia and Yemen, which—however imperfect—helped contain the scope of U.S. operations. The campaign against ISIS, in short, had the breadth and scope of a counterinsurgency effort, but without the built-in means and incentives that are supposed to restrain it.

Then, there is the issue of undercounting—documented not solely in the counter-ISIS campaign but in other theaters of operations as well. The Obama administration was not blind to the problem. It pressed for fuller and more regular casualty reporting, shared previously non-public statistics about its operations, probed press and NGO accounts, worked with field organizations to see if there might be creative mechanisms for paying amends in areas where the U.S. was absent, and helped craft a presidential order that memorialized what the government considered best practices when it came to review and amends procedures. One of us has [written](#) about the importance of these and related measures elsewhere, but both of us believe that these steps did not do enough.

What might an overall better approach to civilian casualties look like? For starters, it could set in place standards that ensure we err more often on the side of caution in identifying targets and establish more realistic thresholds for acknowledging error. It could make available more information about who and what the U.S. considers

shifted to the other side, it has become easier to initiate, perpetuate, and forget them.

And the debate about the number of civilian casualties also ought to involve the deeper question of why, some 17 years after 9/11, the United States remains as intensely engaged in a seemingly endless military campaign against ever-mutating affiliates of al-Qaeda and ISIS, with all its unintended, yet unavoidable, consequences. During George W. Bush's presidency, many of us on the other side of the partisan divide decried his early reference to a "war on terror," because terrorism defines a tactic, not an enemy; because military force is only a very partial way of addressing its root causes; and, yes, because the so-called collateral damage inflicted on civilians by the military campaign risked reproducing the very conditions on which terrorist groups thrive.

As critics, it turns out, we got it only half right. We stopped calling it a global war on terror. But in many respects we continued conducting the campaign as if it were one. We adjusted our methods but retained much of the substance, waging an ever-expanding war against an enemy whose affiliates kept proliferating. The paradox is that arguably no senior official in recent years has been as clear-eyed or as sober about the myths and realities of terrorism, its real and imaginary costs, and the dangers of overreacting to it, than was President Obama. That he too ultimately felt compelled to focus as he did on the military aspects of counterterrorism speaks to the threat posed by organizations that are at least partially engaged in plotting overseas operations, as well as to the difficult tradeoffs between taking greater care at the risk of moving more slowly, or being more aggressive at the risk of incurring higher human cost.

It speaks volumes, too, about the state of American politics. Had Obama persisted in making an eminently rational case about the perils of hyping the terrorist threat, and had a terrorist attack on U.S. soil succeeded, he risked forfeiting the American people's trust. Against a political backdrop that was partisan, polarized, demagogical, and prone to scapegoating outsiders, such an attack almost certainly would have prompted calls for retaliation of the most reckless and aggressive sort.

And so he leaned on the side of preempting that risk. He took decisions that expedited the destruction of ISIS's so-called caliphate. But, in so doing, he took another step toward becoming the commander in chief of an ill-defined battle against terrorists.

In an [article](#) one of us co-authored several months ago with Jon Finer, Secretary of State John Kerry's former chief of staff, we recognized that force at times would be needed to confront terrorist groups while lamenting our excessive focus on, and over-militarization of, the effort; described the often hidden costs of a national obsession to which the Obama administration itself had partly succumbed; feared how far President Trump might go; and hoped for a necessary, albeit improbable, honest conversation about the real magnitude of the terrorist threat and how to deal with it.

That all remains true—and, given the direction taken by the Trump administration, even more so today than at that time. It's also true that until this changes, an increasing number of innocent lives will suffer the consequence. Some will be counted. Others, not. All will have paid a terrible price.

ABOUT THE AUTHORS

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Opinion | OP-ED CONTRIBUTOR

What We Owe the Innocent Victims of America's Wars

By PATRICK LEAHY NOV. 22, 2017

WASHINGTON — In “The Uncounted,” their article in *The New York Times Magazine* last week, Azmat Khan and Anand Gopal laid bare a tragic reality of American military operations against the Islamic State: the untold harm inflicted on civilians.

That the Islamic State is guilty of horrific atrocities is common knowledge. But most Americans seem unaware of the human toll of our own actions, the consequences this has for our national security and our reputation, and that too often the civilian casualties we cause are the result of avoidable mistakes. This must change.

Since the Sept. 11 terrorist attacks, the number of violent extremist groups has grown across multiple continents. From Syria to Somalia to Pakistan, the United States is combating many of these groups — usually with bombs and missiles. Large numbers of innocent people are invariably caught in the middle.

There are practical ways that we can improve how we protect civilians as we fight violent extremists. These changes will improve our military operations and make our country safer in the long run.

Contrary to what some believe, taking all reasonable and feasible precautions to protect civilians, and mitigating the resulting anger when we harm them, does not need to impede military operations. In fact, the United States military has

recognized that doing so is critical to our success, and it has rules of engagement designed to avoid harming civilians. But while the accuracy of our weapons has steadily improved, too often they hit the wrong targets.

The Pentagon says that only 89 of approximately 14,000 airstrikes in the air war against the Islamic State have killed civilians. But The New York Times Magazine's reporters — conducting extensive on the ground and satellite research — found that one in five airstrikes resulted in civilian deaths. As shocking as this disparity is, the number is almost certainly a low estimate because it does not reflect the heavy bombing of Mosul and other densely populated areas that have taken place this year.

The truth is, the military is not doing all it can to avoid killing and wounding civilians. It relies on information that is too often flawed or incorrectly interpreted. Pentagon officials, who point to their extensive procedures for distinguishing military targets from civilians, too often rely on skimpy, outdated and inconclusive intelligence gleaned from informants of dubious reliability and surveillance conducted from high altitudes, or from video analyzed half a world away by people without expertise about the country or its culture. Even the Pentagon's logs of its actions are unreliable and incomplete.

These are solvable problems. It is incumbent on our military leaders to urgently address them. This should start with the secretary of defense immediately commissioning a team of experts, including military and intelligence officers and representatives of organizations like the Center for Civilians in Conflict, which has extensive experience in documenting civilian casualties. This team should conduct a comprehensive analysis of every aspect of the current procedures for identifying and verifying potential targets and make recommendations for improvement.

We can also do a lot more to assist innocent victims of our airstrikes.

Soon after the invasion of Afghanistan, in response to repeated instances of American bombs killing scores of civilians, Congress created the Afghan Civilian Assistance Program, a \$10 million annual appropriation implemented by the Agency for International Development.

Marla Ruzicka, a young activist from California who traveled to Afghanistan to call attention to civilian casualties, was the inspiration for that program. When the military shifted its focus to Iraq, Ms. Ruzicka followed the bombs. Based on information she collected, I worked with her as Congress created the Iraqi War Victims Fund. Ms. Ruzicka died in a car bombing in Iraq in 2005. The fund was renamed after her.

But after most American troops withdrew from Iraq, the Marla Ruzicka Iraqi War Victims Fund, a \$7.5 million program replenished annually to provide assistance to innocent victims of American military operations, was redirected to address other needs in Iraq.

Given the large number of Iraqi civilians who have been killed or wounded as a result of the United States' bombing, the Marla Fund, now implemented by the State Department, should be reactivated.

The Marla fund is not the only way we can assist innocent victims. During Operation Iraqi Freedom, military commanders recognized the need for a "condolence" program for the families of innocent victims of American combat operations. Although it was cobbled together hastily and not applied uniformly, it at least recognized and addressed civilian casualties in a tangible way.

In 2014, I wrote legislation providing clear authority and guidance for future condolence payments. While the Pentagon recently reaffirmed that such payments "are an important tool for DOD," the military says it has not made a single monetary payment to innocent victims of American military operations in Syria, and none in Iraq since 2011.

This is inexcusable and it is counterproductive. The Pentagon has explicit authority to provide amends to civilians harmed by our mistakes, as it did before 2011, in accordance with the new guidance that I negotiated with the Pentagon three years ago.

In order to identify eligible victims, the Pentagon needs to improve the accuracy of its own airstrike data and overhaul the often perfunctory way it investigates

reports of civilian casualties. Ideally, Pentagon investigators should obtain timely information from witnesses who were present or who live in the vicinity.

If that is not feasible, then the Pentagon needs to improve substantially its collaboration with nongovernmental organizations, investigative reporters and local authorities who have access to bombing sites, the wounded and witnesses. That collaboration could include specifying the type of information Pentagon investigators need and procedures for collecting and preserving evidence.

No one disputes that civilian casualties are inevitable in war. At the same time, it seems that the United States military will be fighting violent extremists for the foreseeable future. This means the lives of more civilians will be put at risk. The way we conduct our operations and how we react when mistakes are made will be critical to our success.

This is not only a moral imperative, it is in America's interest. If we harm civilians when it could reasonably have been avoided, and if we fail to fairly and promptly help the innocent victims, the local population will turn against us — and make the fight against violent extremists even more difficult.

As hard as the Pentagon already tries to avoid civilian casualties, it is clear that it can and must do better.

Correction: November 24, 2017

A previous version of this article misstated the findings of New York Times Magazine reporters. They found that one in five airstrikes resulted in civilian deaths, not necessarily that 2,700 airstrikes resulted in civilian deaths.

Patrick Leahy (@SenatorLeahy) is a Democratic senator from Vermont.

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United States Representative

Representing California's **33rd** District

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REP LIEU URGES PENTAGON TO EXPLAIN REPORTS OF UNDERREPORTED CIVILIAN CASUALTIES FROM AIRSTRIKES AGAINST ISIS

November 27, 2017 Press Release

WASHINGTON – Today, Congressman Ted W. Lieu (D – Los Angeles County) sent a letter to Secretary of Defense James Mattis urging the Department of Defense to respond to and take corrective actions following a New York Times story suggesting the Pentagon underreported civilian casualties resulting from airstrikes against ISIS. Rep. Lieu, who served on active duty as a JAG, asked for clarification on the steps the Pentagon is taking to mitigate civilian casualties during Operation Inherent Resolve.

In the letter, Mr. Lieu asked:

- In 2015, how many civilians were killed and how many were injured under Operation Inherent Resolve?
- In 2016, how many civilians were killed and how many were injured under Operation Inherent Resolve?
- In 2017 (up to November 1 of this year), how many civilians were killed and how many were injured under Operation Inherent Resolve?
- Were there any changes to the Rules of Engagement in 2017 for Operation Inherent Resolve? If so, what were the changes?
- Is a JAG or Department of Defense attorney involved in every targeting decision for Operation Inherent Resolve?

READ THE FULL TEXT OF THE LETTER [HERE](#)

Congress of the United States
Washington, DC 20515

November 20, 2017

The Honorable James Mattis
Secretary of Defense
1000 Defense Pentagon
Washington, D.C. 20301

Dear Secretary Mattis,

Thank you for your service to our nation. I support the Pentagon's mission of defeating ISIS and other terrorist networks. I write today, however, regarding a disturbing *New York Times* investigative report that details significant civilian casualties—and large discrepancies in Pentagon reporting on such casualties—resulting from coalition airstrikes under Operation Inherent Resolve. The report also found that many civilians, including women and children, were killed by coalition airstrikes nowhere near ISIS targets. If the findings are accurate, the coalition's conduct not only may violate the Law of Armed Conflict, it may also help ISIS in recruiting efforts and make cooperation with our partners more difficult. I request that the Department of Defense answer the questions set forth in this letter, and conduct an investigation into these serious allegations.

The *New York Times*, after an 18-month investigation, reported, “We found that one in five of the coalition strikes we identified resulted in civilian death, a rate more than 31 times that acknowledged by the coalition. It is at such a distance from official claims that, in terms of civilian deaths, this may be the least transparent war in recent American history.” The Times investigation found that many of the civilian deaths resulted not from proximity to legitimate ISIS targets but from flawed or outdated intelligence that misidentified civilians as enemy combatants. These airstrikes started under the Obama Administration and continue under the Trump Administration.

When I served on active duty, one of my duties was to teach the Law of Armed Conflict to military personnel. Striking civilians nowhere near enemy targets can violate the Law of Armed Conflict. I understand the Coalition goes through a step by step process to select targets and avoid civilian casualties. If the findings in this investigation are true, then the Coalition's targeting process is not adequate and needs to be improved.

Failure to limit civilian casualties not only can violate the Law of War, it also weakens our national security. On March 10, 2017, three dozen former U.S. national security officials wrote a letter to you warning that “even small numbers of unintentional civilian deaths or injuries—whether or not legally permitted—can cause significant strategic setbacks” by increasing violence from militant groups or prompting U.S. partners and allies to reduce collaboration.

In response to my March 28 letter to you on this very same topic, Acting Assistant Secretary Mark Mitchell wrote that, “protecting civilians is a fundamental part of U.S. and coalition objectives in defeating ISIS.” Unfortunately, the findings of the *New York Times* investigation suggest the coalition is not properly executing U.S. policy in terms of limiting

civilian casualties and is not accurately reporting civilian casualties. I urge the Department to investigate and take corrective action.

I also request the Pentagon answer the following questions:

1. In 2015, how many civilians were killed and how many were injured under Operation Inherent Resolve?
2. In 2016, how many civilians were killed and how many were injured under Operation Inherent Resolve?
3. In 2017 (up to November 1 of this year), how many civilians were killed and how many were injured under Operation Inherent Resolve?
4. Were there any changes to the Rules of Engagement in 2017 for Operation Inherent Resolve? If so, what were the changes?
5. Is a JAG or Department of Defense attorney involved in every targeting decision for Operation Inherent Resolve?
6. Does the Pentagon agree with the findings of the *New York Times* investigation? If not, what are the disagreements and the basis for the disagreements?

Thank you for your attention to this critical issue.

Sincerely,



Ted W. Lieu
Member of Congress

NYT Civilian Casualties Story Should Be a ‘Wake Up Call’ for US Military

November 16, 2017

In response to today’s story in The New York Times on civilian casualties in Iraq, Executive Director Federico Borello issued the following statement:

“Today’s New York Times report on civilian casualties in Iraq is extremely disturbing. With 20 percent of all air strikes resulting in civilian deaths but no deep on-the-ground investigations, no one knows what the actual human toll might be. It’s concerning that the US military’s logs are in such poor shape that they have no good way to understand the true impact of their operations on the civilian population. And it’s literally adding insult to injury that existing amends programs and funds are not being used to acknowledge and dignify victims’ loss. You can’t claim to be conducting the most precise air campaign in history and taking great care to avoid civilian casualties when you lack the data to back that up.

“So now is the time for the US military to acknowledge a simple reality: it is killing too many civilians and it needs to ask itself the hard question of why that is so. And what it’s going to do about it.

“The *Time’s* in-depth reporting should be a wake-up call for the commanders of Operation Inherent Resolve. Hopefully,

they will take this opportunity to use their authority and discretion to prioritize on-the-ground investigations of allegations of civilian harm, identify the problems and mistakes that led to the harm, and then fix them.

“This is not a partisan issue. We are as dismayed that the incidents reported by the *Times* happened on President Obama’s watch as much as we’re alarmed by the increase in the number and frequency of airstrikes under President Trump. We at CIVIC have worked with the US military and its partners in Iraq and Afghanistan for almost 15 years to better protect civilians and track civilian harm, and we will continue to do so. But if the US is really serious about decreasing the number of civilian casualties, it should show the sincerity of its words through actions to reduce them and make amends for civilian harm.”

Background:

- [The Uncounted \(NYT\)](#)
- [BuzzFeed News Investigation Leads To US Admission It Caused Civilian Deaths In Mosul](#)
- [“At 3 P.M. My Son Came Home. By 9 P.M. He Was Dead.”](#)(BuzzFeed)
- [Policy Brief on Civilian Protection in the Current Mosul Campaign](#) (CIVIC)
- [Protection Of Civilians In Mosul: Identifying Lessons For Contingency Planning](#) (CIVIC)
- [Civilian Harm Tracking: Analysis of ISAF Efforts in Afghanistan](#) (CIVIC)

The NYT Story on Civilian Casualties Should be Required Reading in Pentagon

November 16, 2017 By Christopher Allbritton



[Today's story by Azmat Khan and Anand Gopal in the *New York Times Magazine*](#) should be required reading for all those involved in Operation Inherent Resolve, which the Pentagon often refers to as the most precise air campaign in history.

It's the story of one Iraqi, Basim Razzo, who lost his family and home to a US air strike on the night of Sept 20, 2015. He was lying in bed next to his wife, Mayada, when an American aircraft dropped two munitions directly on his and his brother's house next door. His wife, daughter, nephew, and brother were all killed. Based on videos posted to its

YouTube channel, the American-led coalition said the strike “Destroys Daesh VBIED Facility Near Mosul, Iraq 20 Sept 2015,” and until Basim petitioned the US government for answers, it considered his family members legitimate kills in the war against ISIS.

But this article is also a story of thousands of Iraqi civilians killed and injured by air strikes. It’s a story about their families left grasping for answers in the face of US military bureaucracy. And it’s a story about how “the most precise air campaigns in military history,” as a Central Command spokesperson described it, isn’t.

Khan and Gopal were exhaustive in their research, and the US military could take some lessons in how to conduct on-the-ground investigations. They describe their reporting like this:

Our own reporting, conducted over 18 months, shows that the air war has been significantly less precise than the coalition claims. Between April 2016 and June 2017, we visited the sites of nearly 150 airstrikes across northern Iraq, not long after ISIS was evicted from them. We toured the wreckage; we interviewed hundreds of witnesses, survivors, family members, intelligence informants and local officials; we photographed bomb fragments, scoured local news sources, identified ISIS targets in the vicinity and mapped the destruction through satellite imagery. We also visited the American air base in Qatar where the coalition directs the air campaign. There, we were given access to the main operations floor and interviewed senior commanders, intelligence officials, legal advisers and civilian-casualty assessment experts. We provided their analysts with the coordinates and date ranges of every airstrike — 103 in all — in three ISIS-controlled areas and examined their responses. The result is the first systematic, ground-based sample of airstrikes in Iraq since this latest military action began in 2014.

We here at Center for Civilians in Conflict (CIVIC) are obviously dismayed by the findings of this report. We’ve spent a decade working with the US military to better understand how civilian harm occurs and to incorporate those lessons into various stages of planning operations so civilians are better protected—including through better investigations and record keeping. There has been some success in places like Afghanistan, but it is obvious much work remains. [We will continue to call on militaries and governments](#) to place civilian protection at the center of their planning.

Straus Military Reform Project

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The American People Need to Know More About the Costs of Our Wars

By: **Mandy Smithberger** | November 22, 2017



Photo: [USSOCOM](#) For most Americans, the wars being conducted on our behalf are something that receive little more than an occasional mention on the nightly news or make a fleeting appearance in our social media feeds. That gap becomes even larger when the Department of Defense (DoD) keeps from us accurate information about the real human costs of war (or lacks the information altogether).

Civilian Casualties Under-Reported



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or to keep records that make it possible to investigate the claims at all.

Not only are these civilian deaths deeply troubling from a humanitarian perspective, they also risk undermining our efforts in the region and increasing retaliation against our troops. Moreover, not knowing the real cost of these strikes also undermines the ability to make appropriate policy decisions about our objectives and tactics. The *New York Times Magazine* investigation found many of these civilian deaths were the result of “flawed or outdated intelligence that conflated civilians with combatants.”

Risks of retaliation may only be increasing due to two recent policy changes. The first, which the *Times* pointed out, is a change regarding condolence payments. In Iraq, Syria and Afghanistan, the U.S. makes payments to civilians for property damage and family members killed. Despite Congress authorizing funding for these condolence payments, the *Times* found “not a single person in Iraq or Syria has received a condolence payment for a civilian death since the war began in 2014.”

The second cause is the decision to loosen the **rules of engagement**. Rules of engagement specify how and when deadly force may be employed by the military in a particular zone of operations. They generally include restraints on disproportionate actions that would violate the law of war, such as guarding against harm to civilians or their property. Political leaders and military commanders **put these rules in place** to ensure the national policy objectives match the actions of the troops on the ground. They are meant to ensure the means used in war match the ends being sought and prevent the unintended consequences that may arise from an excessive use of force.

There have been myriad efforts to try to avert Americans’ gaze from the real human costs of war.

Secretary of Defense James Mattis told the Armed Services committees last month that pilots may now target suspected Taliban and Islamic State militants in Afghanistan, even if these individuals are not engaging U.S. troops. These expanded rules of engagement will increase the opportunity for error, especially when combat actions are based on bad intelligence.

The *Times* investigation makes clear there must be more oversight and transparency for how we count casualties in combat, and Congress should hold the military accountable for these numbers as they assess proposals to increase troops and spending for these wars.

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Afghanistan before 2015 on identifying, responding to, or reporting suspected instances of child sex abuse,” the IG wrote. This training was mandated by the **fiscal year 2015 National Defense Authorization Act**. The IG identified 16 allegations of child sexual abuse between 2010 and 2016, but could not confirm that no other allegations had been reported.

The investigation was sparked by the Army’s decision to **discharge Green Beret Sgt. 1st Class Charles Martland** for beating up an Afghan police commander who was sexually abusing a boy. Representative Duncan Hunter (R-CA) challenged the decision to discharge Martland. “[H]e and others felt they could no longer stand by and allow the [Afghan Local Police] to commit atrocities,” Hunter **wrote in a letter** to then-Secretary of Defense Ash Carter. “To intervene was a moral decision, and SFC Martland and his Special Forces team felt they had no choice but to respond.” The Army later **reversed the decision**, and **Hunter introduced legislation** to mandate reporting sexual abuse on U.S. bases.

More questions were raised after Lance Cpl. Gregory Buckley was murdered after he expressed concerns about an Afghan National Police Commander’s alleged sexual abuse of boys. “The reason we were here is because we heard the terrible things the Taliban were doing to people, how they were taking away human rights,” Dan Quinn, a former Special Forces captain **told the *New York Times*** in 2015. “But we were putting people into power who would do things that were worse than the Taliban did—that was something village elders voiced to me.”

Under the “**Leahy Law**” the U.S. government is prohibited from using funds for security forces who commit gross violations of human rights. DoD officials told DoD IG that child sexual abuse by Afghan National Defense and Security Forces could rise to that level. But the Leahy Law is rarely enforced. “DoD decisions to withhold funding or apply the notwithstanding authority for [Gross Violations of Human Rights], including instances of child abuse committed by [Afghan National Defense and Security Forces] ...only occur about once a year,” the DoD IG found.

“[D]espite the valiant efforts of whistleblowers like Buckley and Martland, Afghan child abuse appears to be an interminable feature of America’s forever war,” **Jared Keller noted in *Task and Purpose***.

Conclusion

There have been myriad efforts to try to avert Americans’ gaze from the real human costs of war. President George H.W. Bush banned photographs of military coffins, a policy left in place for 18 years and only **lifted in 2009**. Service members and their families have had to fight DoD to admit the health risks at places like **Area 51**, **Camp Lejeune**, and at **open-air burn pits** on U.S. bases in Iraq and Afghanistan.



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people need to have a full accounting of all of the consequences of those decisions.



By: **Mandy Smithberger**, Director, CDI Straus Military Reform Project

Mandy Smithberger is the Director of the Straus Military Reform Project at the Center for Defense Information at the Project On Government Oversight.

Topics: Military Reform, Other Items of Interest, Inspectors General, Iraq, Afghanistan and Terror

EXHIBIT K: DoD Letter Stating Records Like Those Requested “May Provide insights Unavailable” To The Public



SPECIAL OPERATIONS /
LOW INTENSITY CONFLICT

ASSISTANT SECRETARY OF DEFENSE
2500 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-2500

The Honorable Patrick J. Leahy
United States Senate
437 Russell Senate Office Building
Washington, DC 20510-4502

Dear Senator Leahy:

Thank you for your October 31, 2017, letter that follows the Department's initial correspondence concerning how the Department of Defense (DoD) addresses civilian casualties that occur in the course of U.S. or allied operations. I include below the additional information that you request. If you believe it would be helpful to discuss these responses in further detail, I am also happy to meet with you or your staff.

DoD takes extraordinary measures to reduce and mitigate civilian casualties because it is the legal, moral, and ethical thing to do and part of a sound military strategy. As stated in the July 2016 Executive Order related to civilian casualties and as consistent with long-standing DoD practices related to protecting civilians, minimizing civilian casualties can help maintain the support of partner governments and vulnerable populations and enhance the legitimacy and sustainability of U.S. operations critical to our national security.

As you know, the Islamic State of Iraq and Syria (ISIS) often entrenches itself in urban areas as part of military strategy, including to gain a defensive tactical advantage. As a result, this year, the Defeat-ISIS campaign operated primarily in densely-populated urban areas. Unfortunately, and despite our best efforts, the risk to civilians generally increases when we engage the enemy in an urban environment. The risk to the civilian population in such circumstances is made even more acute when the party in control of a populated area has failed to take reasonable steps to protect civilians from the effects of combat, including by separating the civilian population in the urban area from their forces and equipment; using distinctive and visible signs to identify protected persons and objects in the urban areas; and carrying their arms open and making their forces visually distinct from civilians. This risk to civilians is made particularly grave with regard to our efforts against ISIS, because ISIS also purposely uses civilians as human shields. With these risks in mind, U.S. military planning has carefully accounted for these civilian protection challenges associated with urban combat. Now that we have liberated the key ISIS strongholds of Raqqa and Mosul, the current fighting in Syria and Iraq has moved away from densely-populated areas, which will mitigate the impact on civilians.

Due to the importance of addressing civilian casualties, the Coalition has improved its visibility into, and accountability for, such allegations. From October through early November of 2017, the Coalition Civilian Casualty Assessment Team (CCCAT) traveled throughout the



region and reviewed procedures and processes to increase the efficiency of assessments. The team also trained approximately 30 members of Coalition components in the assessment process to ensure allegations of civilian casualties are addressed as quickly as possible. In addition, the number of personnel in the CCCAT has more than doubled since June 2017 to accelerate the assessment process. In Raqqa alone, we are working on hundreds of cases and the CCCAT will continue to work toward bringing these cases to resolution.

The process for civilian casualty accounting and the centralized reporting procedure is as follows. When the Coalition receives an allegation, all the information from the report goes into a database. The Coalition assesses the credibility of each allegation, regardless of the source. Assessments may include a number of forms of review, including interviewing pilots and other personnel involved in the targeting process, reviewing available strike and surveillance video, and analyzing information provided by U.S. and partner governments, non-governmental organizations (NGOs), partner forces, and open-source reporting. U.S. civilian casualty assessments are based on available classified and unclassified intelligence information. DoD acknowledges that there are differences between U.S. military assessments of the number of civilian casualties in Iraq and Syria and reporting from NGOs. The preceding information illustrates that the combination of sources available to the U.S. military is unique and may provide insights unavailable to NGOs.

The Coalition publishes a monthly, detailed report that lists the allegations that were found credible and non-credible, and allegations that are still under assessment. The U.S. military remains committed to considering any new, credible information regarding civilian deaths that may emerge after the initial review. We revise previous assessments as appropriate.

DoD recognizes the value of interagency and whole-of-society collaboration in these efforts. We are in constant communication with USAID, the Department of State, and NGOs concerning civilian casualty mitigation. Last week, Secretary Mattis hosted a roundtable discussion with members of the NGO community that focused on issues related to civilian casualties. We plan to make this part of an ongoing discussion with the NGO community.

Through a 2016 National Security Council-led interagency process, the Department of State and DoD formalized a civilian casualty information-sharing mechanism for Iraq and Syria. This information-sharing mechanism requires DoD to disseminate civilian casualty reports to the relevant combatant commands, the Coalition, the Joint Staff, and DoD regional and functional offices. The CCCAT then determines if the information is credible and whether further action is warranted.

As you note in your letter, further action may include using DoD authorities and funding to extend *ex gratia* payments and offer condolences to families of injured or killed civilian persons. To date, no *ex gratia* payments have been made in Iraq since 2011 under the Commanders' Emergency Response Program (CERP). However, two *ex gratia* payment offers have been made in Operation INHERENT RESOLVE since 2015. Numerous factors may be at issue in a commander's decision not to make such *ex gratia* payments. For example, the vast majority of airstrikes in Syria have been in areas controlled by ISIS. Unlike counterinsurgency operations in Iraq before 2011, U.S. forces do not currently have widespread, day-to-day

interaction with potential claimants on the ground in Syria or Iraq. When commanders identify a situation in which it is appropriate to extend an *ex gratia* payment, DoD has the authority and funds to do so, including from section 8107 of the 2017 Consolidated Appropriations Act.

I appreciate your continued attention to this critical issue. We have learned in recent conflicts, including in Afghanistan and Iraq, that civilian casualty incidents resulting from tactical actions can have strategic consequences. Mitigating civilian harm garners local support, preserves troop safety, and helps foster support for U.S. interests at the national and international levels. These factors highlight our moral imperative to protect civilians, and emphasize why our military leaders make it a priority to respond to civilian casualty allegations in a thorough and timely manner. Given the technology and resources available, civilian casualty mitigation measures have made a remarkable impact. With that said, I assure you that we always continue to learn, adapt, and improve civilian casualty mitigation measures during military operations wherever U.S. military forces are engaged.

Sincerely,

A handwritten signature in black ink, appearing to read "M. E. Mitchell". The signature is fluid and cursive, with a large, stylized initial "M".

Mark E. Mitchell
Acting