

EXHIBIT 11



UNITED STATES CENTRAL COMMAND
7115 SOUTH BOUNDARY BOULEVARD
MACDILL AIR FORCE BASE, FLORIDA 33621-5101

12 November 2020

Ms. Azmat Khan
Investigative Reporter, New York
Times Magazine Contributing Writer
250 Ashland Place
Brooklyn, NY 11217

Dear Ms. Khan,

We received your Freedom of Information Act (FOIA) request on 28 October 2020 seeking copies of all credibility assessment, closure report, Commander-Directed Investigation, or AR15-6 investigations regarding the three civilian casualty reports that were assessed to be credible: (1) 20 April 2015, during a strike on Daesh IED factory, 18 civilians were unintentionally killed near Aden neighborhood, Mosul, Iraq; (2) 18 July 2016, during a strike that killed nearly 100 ISIL fighters, and destroyed 13 fighting positions, seven ISIL vehicles, two VBIEDs, a tactical vehicle, and a mortar system, it is assessed that up to 24 civilians who had been interspersed with combatants were inadvertently killed in a known ISIL staging area where no civilians had been seen in the 24 hours prior to the attack near Manbij, Syria; and, (3) 5 March 2016, strike against an ISIL weapons production facility near Mosul, Iraq, it is assessed that 10 civilians were killed. In addition, you requests all enclosures, exhibits and attachments within or referenced in the records, including but not limited to the following: (1) mIRC logs or other chat and internet relaying message logs; (2) Full Motion Video or other video referenced; (3) solatia assessments; (4) emails; and, (5) photos, post-strike imagery, screenshots, still image captures, and other images. Your request is being processed in accordance with Title 5 U.S.C. § 552 Freedom of Information Act and Privacy Act, and Executive Order 13526. The actual processing time for these documents will depend upon consultation with other DoD components, both stateside and overseas, other agencies, and the current COVID-19 pandemic.

In your request, you asked for expedited processing. In order to qualify for expedited processing, your request must demonstrate a compelling need for that information. Under the FOIA, compelling need means that: (1) failure to obtain records on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or, (2) the information is currently newsworthy, such as information urgently needed by an individual primarily engaged in disseminating information in order to inform the public concerning federal government involvement; (3) failure to obtain records on an expedited basis would create an imminent loss of due process rights; or (4) failure to obtain records could reasonably be expected to harm substantial humanitarian interests. Your request does not satisfy the requirement for compelling need. Therefore, I cannot approve your request for expedited processing. Additionally, your request for a fee waiver is granted.

On 31 January 2020, Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the United States to aid the nation's healthcare community in responding to COVID-19. On 11 March 2020, the World Health Organization publicly characterized COVID-

19 as a pandemic.¹ Then on 17 March 2020, Office of Management and Budget offered more stringent guidance stating, “[i]n order to achieve this posture [social distancing], consistent with The President's Coronavirus Guidelines for America, the Government must immediately adjust operations and services to minimize face-to-face interactions....”² USCENTCOM has implemented these guidelines to protect its employees and their communities, and to ensure that it can continue to protect the United States during this national emergency. Specifically, USCENTCOM leadership issued guidance requiring any employees who can telework must do so. Telework is not available for FOIA employees, therefore the processing of your FOIA request may be delayed.

For any further assistance and to discuss any aspect of your request, you have the right to contact the Office of the Chief Management Officer, Directorate for Oversight and Compliance, Defense Privacy, Civil Liberties, and Transparency Division, FOIA Public Liaison (Mr. Darrell Williams) at OSD.FOIALiaison@mail.mil; telephone (571) 372-0462. Additionally, you have the right to contact the Office of Government Information Services (OGIS) to inquire about the FOIA mediation services they offer. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, MD 20740-6001, e-mail at ogis@nara.gov; telephone at (202) 741-5770; toll free at (877) 684-6448; or facsimile at (202) 741-5769.

If you are not satisfied with this response, you have the right to appeal to the appellate authority, Ms. Joo Chung, Director of Oversight and Compliance, Office of the Secretary of Defense. The appellate address is OCMO Directorate for Oversight and Compliance, 4800 Mark Center Drive, ATTN: DPCLTD, FOIA Appeals, Mailbox# 24, Alexandria, VA 22350-1700. As an alternative, you may use the Office of the Secretary of Defense FOIA request portal at <https://pal.whs.mil/> to submit your appeal electronically, or you can email your appeal to OSD.FOIA-APPEAL@mail.mil, and state “FOIA Appeal” in the subject of the email. Your appeal must be postmarked or submitted electronically within 90 calendar days from the date of this letter, cite USCENTCOM’s case #21-0023, and clearly mark “Freedom of Information Act Appeal” in your correspondence.

The USCENTCOM FOIA Requester Service Center receives numerous FOIA requests and has a substantial number of pending FOIA cases; therefore, we process requests in a multi-track processing system based on the date of receipt and complexity of the request. The FOIA does not require agencies to respond to questions, to do research, compile or analyze data, summarize, or conduct surveys for members of the public. You should be aware that the FOIA only provides the means by which the public can request specific documents from USCENTCOM. The requested documents should be described to the extent that they may be located with a reasonable amount of effort. Your FOIA is currently #2788 in our queue. You can view your status on our website at www.centcom.mil/Home/FOIA.

¹ Centers for Disease Control and Prevention. “Coronavirus Disease 2019 (COVID-19): Situation Summary.” www.cdc.gov, accessed March 18, 2020.

² Memorandum from the Acting Director of The Office of Management and Budget to the Heads of Departments and Agencies “Federal Agency Operational Alignment to Slow the Spread of Coronavirus COVID-19” (March 17, 2020), <https://www.whitehouse.gov/wp-content/uploads/2020/03/M-20-16.pdf> (last accessed Mar. 18, 2020).

If you have any questions regarding your inquiry, please contact the FOIA Requester Service Center at (813) 529-6285, centcom.macdill.centcom-hq.mbx.freedom-of-information-act@mail.mil, and refer to case #21-0023.

Sincerely,

Raymond C. Schultz
Major, U.S. Army
Chief, Command Records Branch