

# EXHIBIT G

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April 17, 2017

VIA EMAIL

**RE: Freedom of Information Act Appeal for Request #17-0345**

Dear Ms. Chung,

This letter constitutes an administrative appeal under the federal Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”). It is submitted on behalf of Azmat Khan, an award-winning journalist, to the Office of the Secretary of Defense concerning the United States Central Command’s (“CENTCOM”) denial of expedited processing by for a FOIA request submitted by Ms. Khan on March 28, 2017. CENTCOM has unlawfully denied Ms. Khan’s request for expedited processing for records concerning credibility assessment records on 38 airstrikes in Iraq that took place between April, 2015, and March 2017. Because Ms. Khan is a full-time journalist primarily engaged in disseminating information and there is an urgency to inform the public about actual or alleged activities of the federal government, 5 U.S.C. § 552(a)(6)(E)(v)(II), this matter should be remanded to

CENTCOM with instructions to process Ms. Khan's request on an expedited basis.

**I. Procedural History**

On March 28, 2017, Ms. Khan submitted a FOIA request to CENTCOM via email. A true and correct copy of that request (hereinafter, the "Request"), is attached hereto as Exhibit 1. The request asked for copies of credibility assessments for 38 specified airstrikes that took place in Iraq over the last two years, and included press releases and reports from the Department of Defense identifying each of the airstrikes to facilitate the location of the records. *See* Ex. 1. Ms. Khan asked for a fee benefit as a representative of the news media, a fee waiver, and expedited processing. The Request complied with all applicable regulations, including "a statement, certified to be true and correct, explaining in detail the basis for making the request for expedited processing." 32 C.F.R. § 286.8(e)(3).

On March 31, 2017, the CENTCOM FOIA Requester Service Center wrote to Ms. Khan via email to request additional information on one of the requested records. She responded via email the same day and provided the requested information.

On April 4, 2017, CENTCOM sent a letter to Ms. Khan via email regarding the Request. A true and correct copy of that letter (hereinafter, the "Denial"), is attached hereto as Exhibit 2. In the Denial, CENTCOM granted Ms. Khan's request for a fee waiver but denied expedited processing. Ex. 2. With respect to the latter, the Denial set forth three circumstances under which expedited processing is granted, and stated that "Your request does not satisfy either [sic] requirement for compelling need. Therefore, I cannot approve your request for expedited processing." Ex. 2.

This administrative appeal is timely pursuant to Section 2 of the FOIA Improvement Act of 2016, Pub. L. No. 114-185, and 32 C.F.R. § 286.11.

## II. Argument

**Because Ms. Khan is primarily engaged in disseminating information and there is an urgency to inform the public about the airstrikes in Iraq, the Request is entitled to expedited processing.**

FOIA requires agencies to process requests on an expedited basis where there is a “compelling need[.]” 5 U.S.C. § 552(a)(6)(E). Compelling need is defined, in part, as “with respect to a request made by a person primarily engaged in disseminating information, urgency to inform the public concerning actual or alleged Federal Government activity.” *Id.* at § 552(a)(6)(E)(v)(II). The Request at issue here satisfies both elements of this test, and thus is entitled to expedited processing by CENTCOM.

### A. Ms. Khan is a person primarily engaged in disseminating information.

As a full-time reporter, and currently the “Future of War Fellow” at New America, Ms. Khan is primarily engaged in disseminating information. 5 U.S.C. § 552(a)(6)(E)(v)(II). Samples of her reporting with PBS Frontline, BuzzFeed News, and Al Jazeera America are available at <http://azmatzahra.com/projects/>. Ms. Khan has previously received numerous awards for her reporting, including 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. As noted in the Request, Ms. Khan is seeking information here in connection with her ongoing journalistic work. *See* Ex. 1. Therefore, she satisfies the first prong of the expedited processing test. *See* 5 U.S.C. § 552(a)(6)(E)(v)(II).

B. There is an urgency to inform the public concerning actual or alleged federal government activity with respect to the airstrikes.

To qualify for expedited processing there must also be an “urgency to inform the public concerning actual or alleged Federal Government activity.” 5 U.S.C. § 552(a)(6)(E)(v)(II). The Court of Appeals for the District of Columbia has identified three primary factors in evaluating this prong of the expedited processing test:

(1) whether the request concerns a matter of current exigency to the American public; (2) whether the consequences of delaying a response would compromise a significant recognized interest; and (3) whether the request concerns federal government activity.

*Al-Fayed v. C.I.A.*, 254 F.3d 300, 310 (D.C. Cir. 2001). The Department of Defense’s FOIA regulations give additional guidance on satisfying the test, stating that “[t]he existence of numerous articles published on a given subject can be helpful in establishing the requirement that there be an ‘urgency to inform’ the public on the topic.” 32 C.F.R. § 286.8(e)(ii)(B)(3).

As an initial matter, it is important to understand the context of the records Ms. Khan has requested here. In 2014, the United States announced the formation of an international coalition to provide a military response to the Islamic State of Iraq and Syria (“ISIS”) (a.k.a Islamic State of Iraq and the Levant (“ISIL”), a.k.a. Daesh). *See Combined Joint Task Force - Operation Inherent Resolve (CJTF-OIR)*, U.S. Central Command, <http://www.centcom.mil/OPERATIONS-AND-EXERCISES/OPERATION-INHERENT-RESOLVE/>. According to President Obama, the goal of the joint task force, termed “Operation Inherent Resolve,” was to “degrade, and ultimately destroy, ISIL through a comprehensive and sustained counterterrorism strategy.” *Id.*

Airstrikes are a primary tool used by the coalition in carrying out its operations. *See* Barbara Starr, *Estimate: More than 26,000 ISIS fighters killed by coalition*, CNN (Feb. 17, 2016), <http://www.cnn.com/2016/02/17/politics/isis-fighters-killed-iraq-syria/>. As of April 13, 2017, the United States has conducted 7,869 airstrikes in Iraq. *See Operation Inherent Resolve*,

Department of Defense, [https://www.defense.gov/News/Special-Reports/0814\\_Inherent-Resolve/](https://www.defense.gov/News/Special-Reports/0814_Inherent-Resolve/) (last accessed April 15, 2017). However, numerous civilians have been killed or alleged to have been killed by US airstrikes in addition to ISIS fighters. *See* Request, Exhs. A–J. CENTCOM collects reports of civilian casualties that stem from airstrikes, and after reviewing the facts and circumstances for each allegation, produces assessments of the reports. *See id.* While the conclusions of those assessments are released to the public, the assessments themselves are generally not. Indeed, no credibility assessments have been made public from any airstrikes in 2016 or 2017.

Here, Ms. Khan’s request for CENTCOM’s assessments satisfies the first prong of the *Al-Fayed* test, 254 F.3d at 310, because the ongoing airstrikes in Iraq and the United States’ investigations of connected civilian deaths are a matter of current exigency to the American public. Public interest in these airstrikes, while existing for some time, *see* Missy Ryan, *U.S. military announces that civilian casualties in Iraq and Syria are more than double previous estimate*, The Washington Post (Nov. 9, 2016), <http://wapo.st/2oKPzV4>, has reached an all-time high in recent weeks when it emerged that American airstrikes in Mosul may have killed hundreds of civilians. *See* Tim Arango & Helene Cooper, *U.S. Investigating Mosul Strikes Said to Have Killed Up to 200 Civilians*, The N.Y. Times (Mar. 24, 2017), <https://nyti.ms/2nNxkhC>. News of those airstrikes and deaths has captivated public discussions across the nation, leading to debate on how the United States conducts its operations against ISIS. *See, e.g., id.*; Andrew O’Reilly, *Pentagon investigating report that US-led airstrike killed more than 100 civilians in Iraq*, Fox News (Mar. 24, 2017), <http://www.foxnews.com/world/2017/03/24/pentagon-investigating-report-that-us-led-airstrike-killed-more-than-100-civilians-in-iraq.html>; Missy Ryan & Loveday Morris, *U.S. military acknowledges strike on Mosul site where more than 100 were allegedly killed*, The Washington Post (Mar. 25, 2017),

<https://www.washingtonpost.com/news/checkpoint/wp/2017/03/25/u-s-military-acknowledges-strike-on-mosul-site-where-over-100-were-allegedly-killed/>; Laurel Wamsley, *U.S. Says Its Mosul Airstrikes Hit Area Where Civilian Casualties Are Reported*, NPR (Mar. 25, 2017), <http://www.npr.org/sections/thetwo-way/2017/03/25/521489530/u-s-investigating-whether-its-mosul-airstrikes-caused-mass-civilian-casualties>; Ghazi Balkiz, Muwafaq Mohammad, & Arwa Damon, *Mosul: 112 civilian bodies pulled from site of coalition airstrike*, CNN (Mar. 28, 2017), <http://www.cnn.com/2017/03/27/middleeast/mosul-civilian-deaths/>; Molly Hennessy-Fiske, *Nearly 300 died in Mosul airstrike, making it one of the deadliest attacks on civilians in recent memory*, the L.A. Times (Apr. 5, 2017), <http://www.latimes.com/world/middleeast/la-fg-iraq-mosul-casualties-20170405-story.html>; Courtney Kube & Saphora Smith, *CENTCOM Investigates Whether U.S. Airstrikes Killed 200 Civilians in Mosul*, NBC News (Mar. 25, 2017), <http://www.nbcnews.com/news/us-news/centcom-investigates-whether-u-s-airstrikes-killed-200-civilians-mosul-n738481>. And, importantly for the purposes of the Request at issue here, the recent bombings in Mosul have sparked intense public debate on the broader history and context of US airstrikes in Iraq and civilian deaths that have resulted from them. *See, e.g.*, Zeeshan Aleem, *US airstrikes are killing a lot more civilians. And no one is sure why*, Vox (Mar. 28, 2017), <http://www.vox.com/world/2017/3/28/15074216/iraq-syria-civilian-death-increasing>; Molly Hennessy-Fiske, *Nearly 300 died in Mosul airstrike, making it one of the deadliest attacks on civilians in recent memory*, *supra*; Paul McLeary, *As U.S. Airstrikes Rise, So Do Allegations of Civilian Deaths*, Foreign Policy (Mar. 27, 2017), <http://foreignpolicy.com/2017/03/27/as-u-s-airstrikes-rise-so-do-allegations-of-civilian-deaths/>; Editorial Board, *A U.S. airstrike may have killed hundreds in Mosul. That's no way to win a war.*, The Washington Post (Mar. 27, 2017), <https://www.washingtonpost.com/opinions/global-opinions/a-us-airstrike-may-have-killed-hundreds-in-mosul-thats-no-way-to-win-a-war/2017/03/27/c3415b8e-131a-11e7-ada0->

1489b735b3a3\_story.html. The Request at issue here asks for copies of CENTCOM's assessments of this and other civilian deaths and allegations thereof, which are needed to inform the public on "a currently unfolding story." *Al-Fayed*, 254 F.3d at 310. Unlike the purely historical records at issue in *Al-Fayed*, for which there were no "news reports on the subject[.]" *id.* at 311, it is abundantly clear that the topic of civilian deaths resulting from U.S. airstrikes in Iraq is at the forefront of public debate. *Cf.* 32 C.F.R. § 286.8(e)(ii)(B)(3) ("[t]he existence of numerous articles published on a given subject can be helpful in establishing the requirement that there be an 'urgency to inform' the public on the topic."). Accordingly, the records at issue here "concern[] a matter of current exigency to the American public[.]" *Al-Fayed*, 254 F.3d at 310.

The second factor of the *Al-Fayed* test, 254 F.3d at 310, is met here because there is an urgency to disseminate information contained in these records to the public, the value of which will diminish over time. *Cf., e.g., Am. Civil Liberties Union v. U.S. Dep't of Justice*, 321 F. Supp. 2d 24, 30 (D.D.C. 2004) (finding request was entitled to expedited processing because, *inter alia*, it was a matter of "ongoing national debate" in light of pending legislation). Specifically, these records concern an ongoing military operation of the United States that is the subject of intense scrutiny by the public. *See* Michael R. Gordon, *U.S.-Led Coalition Counts 229 Civilian Deaths Before Mosul Strike*, *The N.Y. Times* (Apr. 1, 2017), <https://nyti.ms/2onfZwr> (noting that in a recent week of operations "the United States-led coalition carried out attacks with 700 bombs and rockets and 400 more strikes with satellite-guided Himars missiles, according to military officials."). There is widespread concern over the rising number of civilian deaths in Iraq and whether the United States is taking appropriate steps to minimize civilian casualties. *See, e.g.,* Tim Hume, "*A lot more civilians are dying*", *Vice News* (Mar. 30, 2017), <https://news.vice.com/story/us-airstrikes-have-killed-more-and-more-civilians-in-iraq-and-syria-since-trump-took-office>. Recently, Representative Ted Lieu sent a letter to Defense Secretary



Jim Mattis, stating that “The substantial increases in civilian deaths caused by U.S. military force in Syria and Iraq brings into question whether the Trump administration is violating the Law of War, [ . . . ] The large number of civilian casualties also suggests a possible breakdown in target selection, intelligence gathering, and operational execution.” Missy Ryan, *In letter to Mattis, lawmaker and former JAG demands answers on civilian casualties*, The Washington Post (Mar. 30, 2017), <https://www.washingtonpost.com/news/checkpoint/wp/2017/03/30/in-letter-to-mattis-lawmaker-and-former-jag-demands-answers-on-civilian-casualties/>. Information contained in the records responsive to this Request is needed now to inform the public on how the United States military evaluates and addresses allegations of civilian casualties in Iraq, including how such deaths and their evaluations have changed over the last two years and whether any changes are being made in response. Indeed, CENTCOM Colonel John J. Thomas himself has emphasized how important it is to be “fully transparent” on these issues. Michael R. Gordon, *U.S.-Led Coalition Counts 229 Civilian Deaths Before Mosul Strike*, *supra*. It is imperative that the records responsive to the Request be urgently processed because Operation Inherent Resolve is ongoing and likely to expand in the coming months, raising the specter of additional civilian casualties. *See id.* Accordingly, the “consequences of delaying a response” here, *Al-Fayed v. C.I.A.*, 254 F.3d at 310, could have tremendous consequences for the United States and its citizens who need this information to evaluate the United States’ military actions and compliance with international law. The value of these records will be significantly diminished if they are not released at this point in Operation Inherent Resolve, while it is still progressing.

Finally, the Request concerns actual or alleged federal government activity. 5 U.S.C. § 552(a)(6)(E)(v)(II). As noted above and in the request, Ms. Khan’s request concerns both airstrikes conducted by the United States military in Iraq and the United States’ investigation of allegations of civilian deaths resulting from those airstrikes. These airstrikes and the US

investigations thereof are instances of “actual or alleged” federal government activity within the meaning of FOIA. *Id.*

Because Ms. Khan’s Request satisfies the factors required to show 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), it is entitled to expedited processing. *See id.*; *Al-Fayed v. C.I.A.*, 254 F.3d at 310; 32 C.F.R. § 286.8(e)(ii)(B)(3).

**III. Conclusion**

For all the reasons stated herein, Ms. Khan’s Request is entitled to expedited processing, and CENTCOM’s refusal to grant such processing violates its obligations under FOIA.

Accordingly, I request that this matter be remanded to CENTCOM with instructions to process Request #17-0345 on an expedited basis. If you need additional information, or would like to discuss this matter further, please contact me directly at [amarshall@rcfp.org](mailto:amarshall@rcfp.org).

Sincerely,



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# Exhibit 1

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

RE: FREEDOM OF INFORMATION ACT REQUEST

Via E-Mail To: centcom.macdill.centcom-hq.mbx.freedom-of-information-act@mail.mil

March 28, 2017

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. This request seeks credibility assessment records completed for 38 airstrikes in Iraq, specified below, that took place between April, 2015, and March 2017. In order to facilitate the location of responsive records, I have attached press releases and reports from the Department of Defense identifying these airstrikes.

**I. REQUESTED RECORDS**

Pursuant to the FOIA I hereby request copies of the credibility assessment records regarding the following:

1. "Nov. 14, 2016, near Tal Afar, Iraq, via self-report: During a strike on an ISIS checkpoint it was assessed that one civilian was unintentionally injured when the vehicle he was driving approached the checkpoint just prior to the munition's impact." (EXHIBIT A)
2. "Jan. 4, 2017, near Mosul, Iraq, via media report: During a strike on ISIS fighters in a house it was assessed that one civilian was unintentionally injured in the house." (EXHIBIT A)
3. "Jan. 4, 2017, near Mosul, Iraq, via media report: During a strike on ISIS fighters in a moving vehicle it was assessed that one civilian pedestrian was unintentionally killed near when the vehicle was struck." (EXHIBIT A)
4. "Jan. 13, 2017, near Mosul, Iraq, via self-report: During a strike on ISIS fighters in a house it was assessed that eight civilians were unintentionally killed. During post-strike video analysis civilians were identified near the house who were not evident prior to the strike." (EXHIBIT A)
5. "Jan. 14, 2017, near Mosul, Iraq, via self-report: During a counter-fire strike on an ISIS mortar team it was assessed that one civilian was unintentionally killed when he entered the target area after weapon was fired." (EXHIBIT A)
6. "Oct. 25, 2016, near Mosul, Iraq, via self-report: During a strike on ISIL fighters in a moving vehicle it is assessed that one civilian was unintentionally killed when the target vehicle passed his location at the time of the munition's impact." (EXHIBIT B)

7. "Dec. 3, 2016, near Mosul, Iraq, via self-report: During a strike on ISIL fighters firing a mortar on partnered forces it is assessed that one civilian was unintentionally killed." (EXHIBIT B)
8. "Dec. 9, 2016, near Mosul, Iraq, via self-report: During a strike on ISIL construction equipment in the process of repairing cratered roads it is assessed that two civilians were unintentionally killed by the munition's strike blast when they entered the target area just prior to the munition's impact." (EXHIBIT B)
9. "Nov. 6, 2016, near Shahid-Yunis As Sab, Iraq: During a strike on ISIL fighters in a moving vehicle it is assessed that seven civilians were unintentionally killed when the targeted vehicle came into close proximity to two stationary vehicles just prior to the munition's impact." (EXHIBIT C)
10. "Nov. 26, 2016, near Mosul, Iraq: During a strike on ISIL fighters and a technical vehicle it is assessed that two civilians were unintentionally killed by the munition's strike blast." (EXHIBIT C)
11. "Nov. 29, 2016, near Mosul, Iraq: During a strike on ISIL fighters it is assessed that three civilians were unintentionally killed when they entered the target area just prior to the munition's impact." (EXHIBIT C)
12. "Oct. 22, 2016, near Fasitiyah, Iraq: During a strike on a building from which ISIL fighters were firing on partnered Iraqi forces, eight civilians were inadvertently killed." (EXHIBIT D)
13. "In a March 5, 2016, strike against an ISIL weapons production facility near Mosul, Iraq, it is assessed that 10 civilians were killed." (EXHIBIT E)
14. "In a March 24, 2016, strike against an ISIL target near Qayyarah, Iraq, it is assessed that one civilian was killed." (EXHIBIT E)
15. "In an April 9, 2016, strike against an ISIL tactical unit near Mosul, it is assessed that one civilian was killed after entering the target area after the aircraft released its weapon." (EXHIBIT E)
16. "In an April 30, 2016, strike against ISIL military leadership near Mosul, it is assessed that five civilians were killed after entering the target area after the aircraft released its weapon." (EXHIBIT E)
17. "In a May 25, 2016, strike against an ISIL tactical unit near Mosul, it is assessed that one civilian was killed." (EXHIBIT E)
18. "In a May 26, 2016, strike against ISIL fighters near Mosul, it is assessed that one

civilian was killed after entering the target area after the aircraft released its weapon." (EXHIBIT E)

19. "In a May 29, 2016, strike against an ISIL weapons system near Mosul, it is assessed that six civilians were killed." (EXHIBIT E)
20. "In a June 15, 2016, strike against an ISIL weapons storage facility near Kisik, Iraq, it is assessed that six civilians were killed. (EXHIBIT E)
21. "In a June 15, 2016, strike against ISIL targets near Mosul, it is assessed that two individuals were injured after entering the target area after the aircraft released its weapon." (EXHIBIT E)
22. "In a July 14, 2016, strike on an ISIL-held building near Qayyarah, it is assessed that one civilian was killed." (EXHIBIT E)
23. "In an Aug. 31, 2016, strike against an ISIL target near Ramadi, Iraq, it is assessed that two civilians were killed." (EXHIBIT E)
24. "On February 15, 2016, near Al Qaim, Iraq, during a strike on an ISIL staging area, it is assessed that three civilians were killed." (EXHIBIT F)
25. "On February 16, 2016, in Ar Rayhaniyah, Iraq near Mosul, during a strike on an ISIL vehicle, it is assessed that one person was injured along the side of the road." (EXHIBIT F)
26. "On April 5, 2016, in Mosul, Iraq, during a strike on an ISIL financial storage facility, it is assessed that three civilians were killed." (EXHIBIT F)
27. "On April 26, 2016, in Sharqat, Iraq, near Qayyarah, during a strike on an ISIL checkpoint, it is assessed that one civilian was killed when a motorcycle unexpectedly appeared in the target area after the U.S. aircraft had already released its weapon." (EXHIBIT F)
28. "On April 29, 2016, in Mosul, Iraq, during a strike targeting Neil Prakash, an ISIL external operations facilitator, it is assessed that four civilians were killed when the weapon struck three civilians on the road and one civilian located on an adjacent compound." (EXHIBIT F)
29. "Sept. 10, 2015: in Kubaysah, Iraq, near Hit, during a strike on an ISIL checkpoint, it was assessed that two civilians were killed and four were injured when their vehicle appeared in the target area when weapons were already in flight;" (EXHIBIT G)
30. "Oct. 5, 2015: in Atshanah, Iraq, near Hurwayjah, during a strike on ISIL personnel, it was assessed that eight civilians were killed during a strike on a mortar fire position used

by enemy fighters" (EXHIBIT G)

31. "Nov. 4, 2015: in Hurwayjah, Iraq, during a strike on an ISIL vehicle, it was assessed two civilians were injured. The incident occurred when, after weapons were already in flight, the ISIL vehicle unexpectedly pulled off the side of the road near a building where two civilians were standing;" (EXHIBIT G)
32. "Nov. 12, 2015: in Ramadi, Iraq, during a strike targeting ISIL fighters, it was assessed that one civilian was killed"
33. "Dec. 12, 2015: in Ramadi, Iraq, during a strike on ISIL personnel at a suspected ISIL checkpoint, it was assessed that five civilians were killed after they unexpectedly moved into the target location when weapons were already in flight;" (EXHIBIT G)
34. "Jan. 11, 2016: near Mosul, Iraq, during a strike on five ISIL individuals guarding an ISIL cash distribution station, it was assessed that one civilian was killed and five were injured" (EXHIBIT G)
35. "On July 17, 2015, near Mosul, Iraq, during strikes against ISIL fighters traveling in a vehicle, it was assessed one civilian was injured." (EXHIBIT H)
36. "On April 12, 2015, near al Huwayjah, Iraq, during a strike on an ISIL tactical unit, it was assessed that two unidentified civilians were killed." (EXHIBIT I)
37. "On June 29, 2015, near Haditha, Iraq, during strikes against one ISIL tactical unit and two ISIL vehicles, it is assessed that two civilians were injured. After the U.S. aircraft engaged the target and two seconds prior to impact, a car slowed in front of the ISIL vehicles while a motorcycle simultaneously passed by. The target vehicle was destroyed in the strike but there was insufficient evidence to determine the level of injuries to the civilians operating the passing car and motorcycle." (EXHIBIT I)
38. "An initial review of strike data from March 16-23 indicates that, at the request of the Iraqi Security Forces, the Coalition struck ISIS fighters and equipment, March 17, in West Mosul at the location corresponding to allegations of civilian casualties." (EXHIBIT J)

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 [agency] "reasonably foresees that disclosure would harm an interest protected by [that exemption][.]" 5 U.S.C. § 552 (a)(8).

## **II. REQUEST FOR A FEE BENEFIT AND 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 currently the "Future of War Fellow" at New America, and have previously received numerous awards for my reporting, including 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 PBS Frontline, BuzzFeed News, and Al Jazeera America, 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. In the wake of recent allegations of civilian casualties resulting from airstrikes in Mosul (**EXHIBIT J**), there is widespread public interest in how the U.S. government investigates these allegations and in their findings (**EXHIBIT K**). But because the government has not made a single credibility assessment from 2016 or 2017 public, disclosure here will significantly contribute to the public's understanding of how these incidents are assessed overall and the results of the government's investigations.

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 fees will exceed this limit, please inform me before proceeding.

## **III. REQUEST FOR EXPEDITED PROCESSING:**

Per 5 U.S.C. § 552(a)(6)(E) and 32 C.F.R. § 286.8, there is a compelling need for expedited processing of this request. As noted above I am a full-time journalist primarily engaged in disseminating information. Additionally, there is an urgency to inform the public about activities of the federal government. Specifically, there is a compelling and pressing need for the public to understand how and why government operations in the war against ISIS may have resulted in the deaths of civilians, as well as in the manner in which the government investigates these allegations. These incidents have been the subject of widespread reporting and public concern. See news reports cited in **EXHIBIT K**, including: "U.N. Urges Iraq And Allies To Rethink Tactics As Airstrikes Kill Civilians" (*The New York Times*, March 28, 2017); "A U.S. Airstrike May Have Killed Hundreds In Mosul. That's No Way To Win A War" (*The Washington Post*



Editorial Board, March 27, 2017); and "Iraq, U.S. Must Avoid Civilian Deaths In Mosul: U.N." (Reuters, March 28, 2017).

The government has acknowledged in its own press releases that it assessed the incidents cited above to have resulted in civilian casualties, *see* **EXHIBITS A-J**, and that it shares "this information with the public as part of our commitment to transparency," but it has not made any of its investigations or credibility assessment records into these incidents public. In fact, in 2016 and 2017, the U.S. government has not made a single credibility assessment resulting from an airstrike in Iraq public. Without this information, the American public has no means to understand why these civilian casualties have occurred and how their government investigates them.

News reports have repeatedly cited this lack of transparency. For example, an Associated Press article titled "Report Criticizes Lack Of Transparency In Is Fight" from December 12, 2016 stated that "the coalition has been repeatedly criticized for the slow pace of investigations into civilian casualties in the fight against IS" and cited a rights organization that described the coalition's assessments as "opaque, ad hoc, and significantly biased towards internal military reporting." (**EXHIBIT K**) But without these assessments being made public, the public has no way to evaluate them.

There is a particularly urgent need for this information ahead of air operations planned in Mosul, Hawayjah, and elsewhere in Iraq in 2017, so that the public can understand how past events may inform the government's future efforts to reduce and mitigate civilian casualties. For example, a *Washington Post* editorial on March 27, 2017 titled "A U.S. Airstrike May Have Killed Hundreds In Mosul. That's No Way To Win A War" noted the "confusion" that surrounds such allegations of civilian casualties and stated that it is "vital that U.S. authorities determine as quickly as possible whether an American or coalition bomb caused the civilian deaths, and, if so, accept responsibility." Additionally, as widely reported, on March 28, 2017, the United Nations High Commissioner for Human Rights, Zeid Ra'ad al-Hussein, urged the coalition to "undertake an urgent review of tactics to ensure that the impact on civilians is reduced to an absolute minimum." (**EXHIBIT K**)

In the attached exhibits you will find references to these assessments cited above, which have a particular value that would be lost if not processed on an expedited basis.

Per 5 U.S.C. § 552(A)(6)(E)(iv) 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.

#### **IV. DESCRIPTIONS OF ATTACHED EXHIBITS**

**EXHIBIT A:** March 4, 2017: Combined Joint Task Force – Operation Inherent Resolve Monthly Civilian Casualty Report

**EXHIBIT B:** February 2, 2017: Combined Joint Task Force – Operation Inherent Resolve Monthly Civilian Casualty Report

**EXHIBIT C:** January 2, 2017: Combined Joint Task Force – Operation Inherent Resolve Monthly Civilian Casualty Report  
**EXHIBIT D:** December 1, 2016: Combined Joint Task Force – Operation Inherent Resolve Monthly Civilian Casualty Report  
**EXHIBIT E:** November 9, 2016: Centcom Officials Release Iraq, Syria Civilian Casualty Assessments  
**EXHIBIT F:** July 28, 2016: U.S. Central Command releases Iraq and Syria civilian casualty assessments  
**EXHIBIT G:** April 22, 2016: CENTCOM releases Iraq and Syria civilian casualty assessments  
**EXHIBIT H:** January 22, 2016: U.S. Central Command Releases Results of Iraq and Syria Civilian Casualty Assessments  
**EXHIBIT I:** January 15, 2016: U.S. Central Command releases results of Iraq and Syria civilian casualty assessments  
**EXHIBIT J:** March 25, 2017 USCENTCOM Release: Allegation of civilian casualties in West Mosul  
**EXHIBIT K:** News Reports Demonstrating Widespread Reporting and Public Concern Regarding Civilian Casualty Allegations And Government Assessments

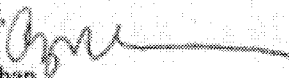
**Y. CONCLUSION**

Because of previous delays with physical mailings, please provide electronic copies of any responsive records to me at my e-mail address, [KhanA@NewAmerica.org](mailto:KhanA@NewAmerica.org), including any links for download. When sending any e-mails to me at [KhanA@NewAmerica.org](mailto:KhanA@NewAmerica.org) regarding this request, please also include my counsel at Reporters Committee for Freedom of the Press at [amarshall@rcfp.org](mailto:amarshall@rcfp.org) and [AzmatZahra@gmail.com](mailto:AzmatZahra@gmail.com).

If you have any questions regarding this request, please contact me by email or by phone at (616) 706-6157.

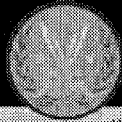
I look forward to receiving your determination with respect to my request for expedited processing within 10 calendar days, as required by FOIA. Thank you in advance for your assistance.

Sincerely,



Azmat Khan  
Investigative Reporter  
18 West 21st Street, Suite 900, New York, NY 10010

cc: Adam A. Marshall, Esq.  
Reporters Committee for Freedom of the Press  
1156 15th St. NW, Suite 1250  
Washington, DC 20005  
[amarshall@rcfp.org](mailto:amarshall@rcfp.org)



**OPERATION INHERENT RESOLVE**  
ONE MISSION. MANY BATTLES.

**EXHIBIT A**

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## Combined Joint Task Force – Operation Inherent Resolve Monthly Civilian Casualty Report

By | March 04, 2017

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**SOUTHWEST ASIA-** During the month of January 2017, CJTF-OIR carried over 10 open reports of possible civilian casualties from previous months, received 27 new reports, and completed the assessment on 19 reports resulting from Coalition strikes in Iraq and Syria in the fight to defeat ISIS. Ten of these reports were assessed to be non-credible and nine were assessed to be credible. A total of 19 reports are still open and being assessed at the end of the month. Coalition strikes are defined as ground artillery or air strikes conducted as part of the Coalition Air Tasking Order.

CJTF-OIR takes all reports of civilian casualties seriously and assesses all reports as thoroughly as possible. Although we are unable to investigate all reports of possible civilian casualties using traditional investigative methods, such as by interviewing witnesses and examining the site, the Coalition interviews pilots and other personnel involved in the targeting process, reviews strike and surveillance video if available, and analyzes information provided by government agencies, non-governmental organizations, partner forces and traditional and social media. In addition, the Coalition considers new information when it becomes available in order to promote a thorough and continuous review process.

After a thorough review of the facts and circumstances of each civilian casualty report, CJTF-OIR assessed that the following 10 reports are non-credible. Non-credible means that at this time there is not sufficient information available to assess that, more likely than not, a Coalition strike resulted in civilian casualties.

1. Nov. 2, 2016, near Mosul, Iraq, via social media report: After a review of available information and/or strike video it was assessed that no Coalition strikes were conducted in this geographic area that correspond to the report of civilian casualties.
2. Nov. 19, 2016, near Ar Raqqa, Syria, via media report: After a review of available information and/or strike video it was assessed that no Coalition strikes were conducted in this geographic area that correspond to the report of civilian casualties.
3. Dec. 22, 2016, near Ar Raqqa, Syria, via media report: After a review of available information and/or strike video it was assessed that no civilians were harmed in the strikes conducted in this area on that day.
4. Dec. 30, 2016, near Mosul, Iraq, via NGO report: After a review of available information and/or strike video it was assessed that no Coalition strikes were conducted that correspond to the report of civilian casualties.
5. Dec. 30, 2016, near Mosul, Iraq, via social media report: After a review of available information and/or strike video it was assessed that no civilians were harmed in the strikes conducted in this area on that day.
6. Jan. 3, 2017, Sarmada, Syria, via social media report: The report contained insufficient information on the time, location and details of strike to assess its credibility.
7. Jan. 10, 2017, near Mosul, Iraq, via self-report: After a review of available information and strike video it was assessed that no civilians were harmed in this strike.
8. Jan. 10, 2017, near Mosul, Iraq, via self-report: After a review of available information and strike video there was insufficient information to assess that any civilians were harmed in this strike.
9. Jan. 12, 2017, near Raqqa, Syria, via NGO report: After a review of available information it was assessed that no Coalition strikes were conducted on that day in the geographic area of the reported civilian casualties.
10. Jan. 17, 2017 near Mosul, Iraq, via social media report: After a review of available information and/or strike video it was assessed that no Coalition strikes were conducted in this geographic area that correspond to the report of civilian casualties.

Although the Coalition takes extraordinary efforts to strike military targets in a manner that minimizes the risk of civilian casualties, in some incidents casualties are unavoidable. Nine reports were assessed to be credible resulting in the unintended death of 21 and injury to two civilians.

A credible assessment means it is more likely than not a Coalition strike resulted in a civilian casualty. In each of the incidents below, the investigation assessed that although all feasible precautions were taken and the decision to strike complied with the Law of Armed Conflict, unintended civilian casualties unfortunately occurred.

**EXHIBIT A**

REPORT CURRENT, UNDETERMINED OTHER CASUALTIES OR UNIDENTIFIED CASUALTIES.

- EXHIBIT A**
1. Nov. 14, 2016, near Tal Afar, Iraq, via self-report: During a strike on an ISIS checkpoint it was assessed that one civilian was unintentionally injured when the vehicle he was driving approached the checkpoint just prior to the mission.
  2. Nov. 27, 2016, near Dayr Az Zayr, Syria, via self-report: During a strike on ISIS oil tanker trucks it was assessed that three civilians were killed. After warning shots were fired to dislodge drivers from the vehicles a number of the trucks scattered. Three of the trucks were subsequently engaged, destroyed, and their drivers presumed killed. The other vehicles in the area were abandoned after the warning shots were fired and subsequently destroyed with no assessed civilian casualties.
  3. Dec. 11, 2016, near Dayr Az Zayr, Syria, via self-report: During a strike on an ISIS oil tanker trucks it is assessed that five civilians were unintentionally killed. After warning shots were fired truck drivers vacated their vehicles and moved a safe distance away. Aircraft engaged targets and following munition release five of the drivers returned to their vehicles and were killed by munition's impact.
  4. Jan. 4, 2017, near Mosul, Iraq, via media report: During a strike on ISIS fighters in a house it was assessed that one civilian was unintentionally injured in the house.
  5. Jan. 4, 2017, near Mosul, Iraq, via media report: During a strike on ISIS fighters in a moving vehicle it was assessed that one civilian pedestrian was unintentionally killed near when the vehicle was struck.
  6. Jan. 7, 2017, near As Sawa, Syria, via self-report: During a strike on ISIS oil tanker trucks it is assessed that two civilians were killed. After warning shots were fired to dislodge drivers from the vehicles a number of the trucks scattered. Two of the trucks were subsequently engaged, destroyed, and their drivers presumed killed. The other vehicles in the area were abandoned after the warning shots were fired and subsequently destroyed with no assessed civilian casualties.
  7. Jan. 7, 2017, near Dayr Az Zayr, Syria, via self-report: During a strike on ISIS oil tanker trucks it is assessed that one civilian driver was unintentionally killed. After warning shots were fired to dislodge drivers from the vehicles, aircraft engaged the targets. After munitions' impact a driver exited a vehicle and attempted to flee when he was killed by a secondary explosion from one of the oil tanker trucks.
  8. Jan. 13, 2017, near Mosul, Iraq, via self-report: During a strike on ISIS fighters in a house it was assessed that eight civilians were unintentionally killed. During post-strike video analysis civilians were identified near the house who were not evident prior to the strike.
  9. Jan. 14, 2017, near Mosul, Iraq, via self-report: During a counter-fire strike on an ISIS mortar team it was assessed that one civilian was unintentionally killed when he entered the target area after weapon was fired.

Currently, 19 reports of civilian casualties are still being assessed:

1. Sept. 20, 2015, near Mosul, Iraq, via media report.
2. Sept. 17, 2016, near Al Tabqah, Syria, via self-report.
3. Dec. 20, 2016, near Al Tabqah, Syria, via media report.
4. Dec. 20, 2016, near Mosul, Iraq, via self-report.
5. Jan. 2, 2017, near Mosul, Iraq, via social media report.
6. Jan. 2, 2017, near Mosul, Iraq, via social media report.
7. Jan. 6, 2017, near Mosul, Iraq, via social media report.
8. Jan. 13, 2017, near Mosul, Iraq, via social media report.
9. Jan. 15, 2017, near Raqqah, Syria, via social media report.
10. Jan. 16, 2017, near Raqqah, Syria, via self-report.
11. Jan. 17, 2017, near Mosul, Iraq, via social media report.
12. Jan. 19, 2017, near Mosul, Iraq, via social media report.
13. Jan. 22, 2017, near Al-Tabqah, Syria, via social media report.
14. Jan. 22, 2017, near Naytab, Syria, via social media report.
15. Jan. 25, 2017, near Abu Jadi, Syria, via social media report.
16. Jan. 26, 2017, near Mosul, Iraq, via social media report.
17. Jan. 30, 2017, near Mosul, Iraq, via self-report.

**EXHIBIT A**

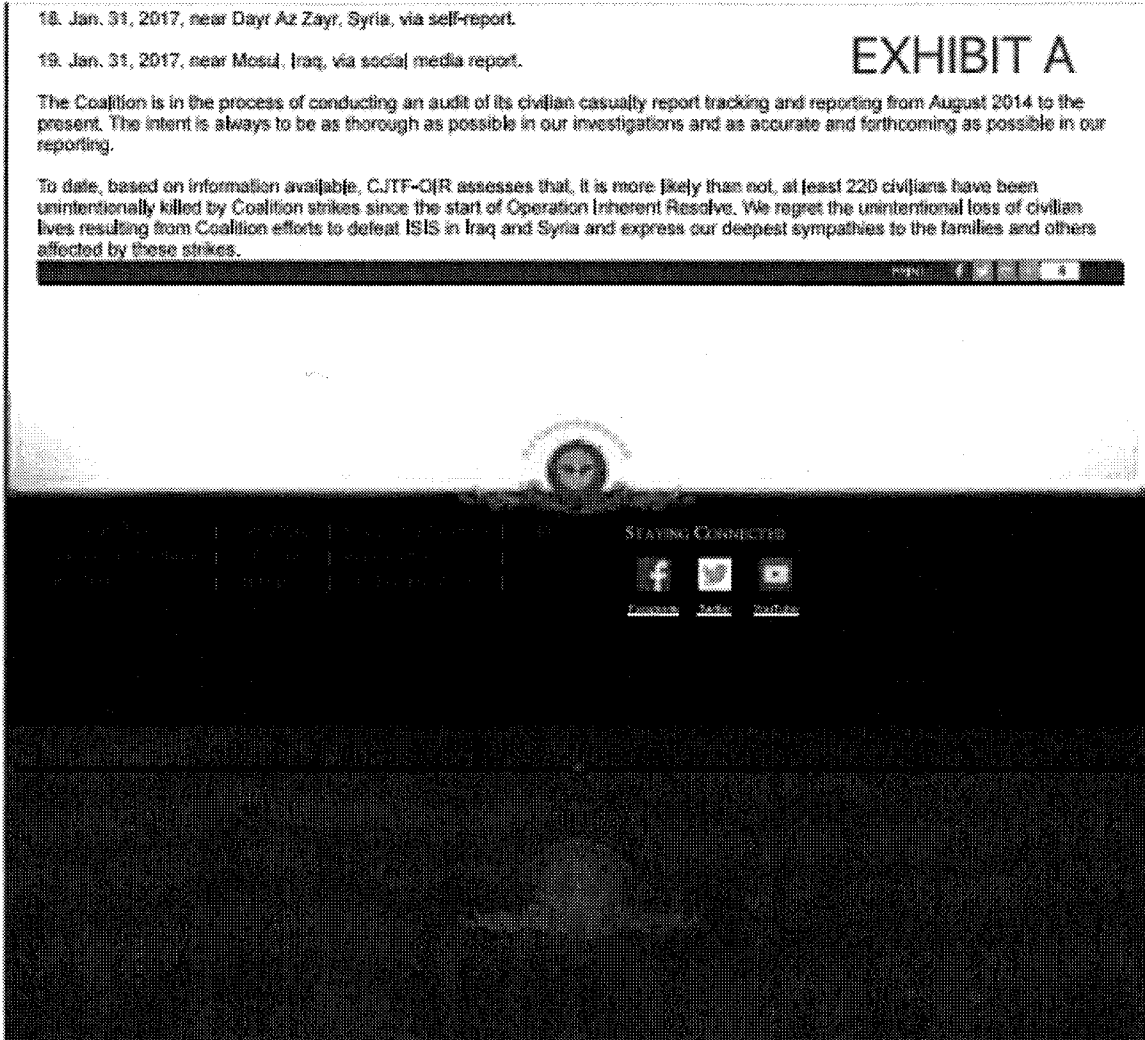


EXHIBIT A



## Combined Joint Task Force EXHIBIT B Operation Inherent Resolve

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February 2, 2017  
Release # 20170202-02  
FOR IMMEDIATE RELEASE

### Combined Joint Task Force – Operation Inherent Resolve Monthly Civilian Casualty Report

**SOUTHWEST ASIA-** During the month of December 2016, CJTF-OIR received 12 new reports and assessed 11 reports of possible civilian casualties resulting from Coalition strikes in Iraq and Syria in the fight to defeat ISIL. Coalition strikes are defined as ground artillery or air strikes conducted as part of the Coalition Air Tasking Order.

CJTF-OIR takes all reports of civilian casualties seriously and assesses reports as thoroughly as possible. Although we are unable to investigate all reports of possible civilian casualties using traditional investigative methods, such as by interviewing witnesses and examining the site, we do interview pilots and other personnel involved in targeting decisions, review aircraft video if available, and analyze information provided by government agencies, non-governmental organizations, partner forces and traditional and social media. In addition, we consider new information when it becomes available in order to promote a thorough and continuous review process.

After a thorough review of the facts and circumstances of each report, CJTF-OIR assessed that the following seven reports are non-credible at this time. An assessment that a report is non-credible means that there is not sufficient evidence available to determine whether, more likely than not, a Coalition strike resulted in the reported civilian casualties.

1. Feb. 15, 2016, Hama Province, Syria, via social media report: Date correction. This report was previously incorrectly released as Feb. 2, 2016 in the Jan. 2, 2016 monthly report. No Coalition strikes were conducted on that day in the geographic area of the reported civilian casualties.
2. July 20, 2016, near Manbij, Syria, via social media report: This report of civilian casualties was assessed to be a duplicate of a previous report released as July 18, 2016, near Manbij, Syria, in the Dec. 1, 2016, monthly report.
3. Oct. 6, 2016, near Al Shadadi, Syria, via self-report: After a review of available information and strike video it was assessed that no civilians were harmed in this strike.

**-MORE-**

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COM: U.S. 1-813-529-4636 or in Southwest Asia

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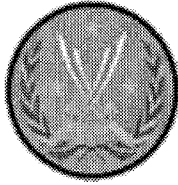
[www.inherentresolve.mil](http://www.inherentresolve.mil)

[twitter.com/CJTFOIR](https://twitter.com/CJTFOIR)

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**EXHIBIT B**



## Combined Joint Task Force **EXHIBIT B** Operation Inherent Resolve

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4. Nov. 25, 2016, near Ar Raqqa, Syria, via self-report: After a review of available information and strike video it was assessed that no civilians were harmed in this strike.
5. Dec. 1, 2016, near Al Qa'im, Iraq, via social media report: After a review of available information it was assessed that no Coalition strikes were conducted in this geographic area that correspond to the report of civilian casualties.
6. Dec. 7, 2016, near Al Qa'im, Iraq, via social media report: After a review of available information it was assessed that no Coalition strikes were conducted in this geographic area that correspond to the report of civilian casualties.
7. Dec. 25, 2016, near al-Ba'aj, Iraq, via media report: No Coalition strikes were conducted on that day in the geographic area of the reported civilian casualties.
8. Dec. 29, 2016, near Mosul, Iraq, via self-report: After a review of available information and strike video it was assessed that no civilians were harmed in this strike.

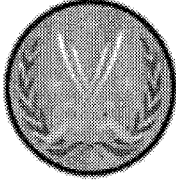
Although the Coalition takes extraordinary efforts to strike military targets in a manner that minimizes the risk to civilian casualties, in some incidents casualties are unavoidable. Four reports were assessed to be credible resulting in the unintended death of 11 civilians. A credible assessment means that, it is more likely than not, a Coalition strike resulted in a civilian casualty. In each of the reports below, it was assessed that even though feasible precautions were taken and the decision to strike complied with the Law of Armed Conflict, unintended civilian casualties unfortunately occurred.

1. Oct. 25, 2016, near Mosul, Iraq, via self-report: During a strike on ISIL fighters in a moving vehicle it is assessed that one civilian was unintentionally killed when the target vehicle passed his location at the time of the munition's impact.
2. Dec. 3, 2016, near Mosul, Iraq, via self-report: During a strike on ISIL fighters firing a mortar on partnered forces it is assessed that one civilian was unintentionally killed.
3. Dec. 7, 2016, near Ar Raqqa, Syria, via social media report: During a strike on a compound occupied by ISIL fighters, it is assessed that seven civilians in the buildings were unintentionally killed.

**-MORE-**

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**EXHIBIT B**



## Combined Joint Task Force **EXHIBIT B** Operation Inherent Resolve

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4. Dec. 9, 2016, near Mosul, Iraq, via self-report: During a strike on ISIL construction equipment in the process of repairing cratered roads it is assessed that two civilians were unintentionally killed by the munition's strike blast when they entered the target area just prior to the munition's impact.

Currently, 10 reports of civilian casualties are still being assessed:

1. Sept. 20, 2015, near Mosul, Iraq, via media report.
2. Sept. 17, 2016, near Al Tabqah, Syria, via self-report.
3. Nov. 14, 2016, near Tal Afar, Iraq, via self-report.
4. Nov. 19, 2016, near Ar Raqqa, Syria, via media report.
5. Nov. 27, 2016, near Dayr Az Zawr, Syria, via self-report: Date and location correction. This report was previously released as Nov. 24, 2016, near Omar Gosp, Syria in the Jan. 2, 2016, monthly report.
6. Dec. 11, 2016, near Dayr Az Zawr, Syria, via self-report.
7. Dec. 20, 2016, near Al Tabqah, Syria, via media report.
8. Dec. 22, 2016, near Ar Raqqa, Syria, via media report.
9. Dec. 29, 2016, near Mosul, Iraq, via self-report.
10. Dec. 30, 2016, near Mosul, Iraq, via social media report.

To date, based on information available, CJTF-OIR assesses that, it is more likely than not, at least 199 civilians have been unintentionally killed by Coalition strikes since the start of Operation Inherent Resolve. We regret the unintentional loss of civilian lives resulting from Coalition efforts to defeat ISIL in Iraq and Syria and express our deepest sympathies to the families and others affected by these strikes.

-30-

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**EXHIBIT B**





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EXHIBIT C <sup>Q</sup>

## Combined Joint Task Force – Operation Inherent Resolve Monthly Civilian Casualty Report

Release No: 17-006 Jan. 2, 2017

January 2, 2017

Release # [20170102-02](#)

FOR IMMEDIATE RELEASE

**SOUTHWEST ASIA** — During the month of November 2016, CJTF-OIR received 16 new reports and assessed seven previously received reports of possible civilian casualties resulting from Coalition strikes in Iraq and Syria in the fight to defeat ISIL. Thirteen of these reports were assessed to be non-credible, five were assessed to be credible, and five reports are still being assessed. Coalition strikes are defined as strikes conducted by ground artillery or air strikes conducted as part of the Coalition Air Tasking Order.

CJTF-OIR takes all reports of civilian casualties seriously and assesses all reports as thoroughly as possible. Although we are unable to investigate all reports of possible civilian casualties using traditional investigative methods, such as by interviewing witnesses and examining the site, the Coalition interviews pilots and other personnel involved in the targeting process, reviews strike and surveillance video if available, and analyzes information provided by government agencies, non-governmental organizations, partner forces and traditional and social media. In addition, the Coalition considers new information when it becomes available in order to promote a thorough and continuous review process.

After a thorough review of the facts and circumstances of each civilian casualty report, CJTF-OIR assessed that the following 13 reports are non-credible. Non-credible means that at this time there is not sufficient information available to assess that, more likely than not, a Coalition strike resulted in civilian casualties.

1. Feb. 2, 2016, Hama Province, Syria: No Coalition strikes were conducted on that day in the geographic area of the reported civilian casualties.
2. Oct. 5, 2016, near al-Qayyarah, Iraq: After a review of available information and strike video it was assessed that no civilians were harmed in this strike.
3. Oct. 6, 2016, near al Shaddadi, Syria: After a review of available information and strike video it was assessed that no civilians were harmed in this strike.
4. Oct. 22, 2016, near Qaraqosh and Hasana, Iraq: No Coalition strikes were conducted on structures in the geographic area that correspond to the report of civilian casualties.
5. Oct. 23, 2016, near Qaraqosh and Hasana, Iraq: Insufficient information provided or available to assess the credibility of the reported civilian casualties.
6. Nov. 2, 2016, near Mosul, Iraq: No Coalition strikes were conducted on structures in the geographic area that correspond to the report of civilian casualties.
7. Nov. 7, 2016, near Mosul, Iraq: After a review of available information and strike video it was assessed that no civilians were harmed in this strike.

EXHIBIT C

8. Nov. 8, 2016, near Al Heisha or Ayn Issa, Syria: Insufficient information provided or available to assess the credibility of the reported civilian casualties.

## EXHIBIT C

9. Nov. 15, 2016, near Mosul, Iraq: After a review of available information and strike video it was assessed that no civilians were harmed in this strike.

10. Nov. 22, 2016, near Tal Afar, Iraq: No Coalition strikes were conducted on structures in the geographic area that correspond to the report of civilian casualties.

11. Nov. 22, 2016, near Mosul, Iraq: After a review of available information and strike video it was assessed that no civilians were harmed in this strike.

12. Nov. 24, 2016, near Mosul, Iraq: After a review of available information and strike video it was assessed that no civilians were harmed in this strike.

13. Nov. 28, 2016, near Mosul, Iraq: No Coalition strikes were conducted on structures in the geographic area that correspond to the report of civilian casualties.

Although the Coalition takes extraordinary efforts to strike military targets in a manner that minimizes the risk of civilian casualties, in some incidents casualties are unavoidable. Five reports were assessed to be credible resulting in the unintended death of 15 civilians.

A credible assessment means that, it is more likely than not, a Coalition strike resulted in a civilian casualty. In each of the incidents below, the investigation assessed that although all feasible precautions were taken and the decision to strike complied with the Law of Armed Conflict, unintended civilian casualties unfortunately occurred.

1. Nov. 6, 2016, near Shahid-Yunis As Seb, Iraq: During a strike on ISIL fighters in a moving vehicle it is assessed that seven civilians were unintentionally killed when the targeted vehicle came into close proximity to two stationary vehicles just prior to the munition's impact.

2. Nov. 21, 2016, near Al-Salahiyah, Syria: During a strike on ISIL-held buildings it is assessed that two civilians were unintentionally killed.

3. Nov. 28, 2016, near Mosul, Iraq: During a strike on ISIL fighters and a technical vehicle it is assessed that two civilians were unintentionally killed by the munition's strike blast.

4. Nov. 28, 2016, near Ar Raqqa, Syria: During a strike on ISIL fighters in a moving vehicle it is assessed that one civilian pedestrian was unintentionally killed by the munition's strike blast.

5. Nov. 29, 2016, near Mosul, Iraq: During a strike on ISIL fighters it is assessed that three civilians were unintentionally killed when they entered the target area just prior to the munition's impact.

Currently, five reports of civilian casualties received in November are still being assessed:

1. Sept. 20, 2015, near Mosul, Iraq.

2. July 20, 2016, near Manbij, Syria.

3. Nov. 14, 2016, near Tal Afar, Iraq.

4. Nov. 19, 2016, near Ar Raqqa, Syria.

## EXHIBIT C



HOME > MEDIA > PRESS RELEASES > PRESS RELEASE VIEW

EXHIBIT D <sup>Q</sup>

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

Release No: 16-177 Dec. 1, 2016

December 1, 2016

Release # 20161201-02

FOR IMMEDIATE RELEASE

**SOUTHWEST ASIA** — During the month of October, CJTF-OIR received 18 reports of possible civilian casualties resulting from Coalition strikes in Iraq and Syria in the fight to defeat ISIL. Twelve of these reports were determined to be non-credible, three were determined to be credible, and three reports are still being assessed. Coalition strikes are defined as strikes conducted by ground artillery or air strikes authorized as part of the Coalition Air Tasking Order.

CJTF-OIR takes all reports of civilian casualties seriously and assesses all incidents as thoroughly as possible. Although we are unable to fully investigate all reports of possible civilian casualties using traditional investigative methods, such as interviewing witnesses and examining the site, the Coalition interviews pilots, reviews strike video when available, and analyzes information provided by government agencies, non-governmental organizations, partner forces and traditional and social media. In addition, we consider new information when it becomes available in order to promote a thorough and continuous review process.

After a thorough review of the facts and circumstances of each alleged civilian casualty report, CJTF-OIR assessed that the following 12 reports received in October are non-credible. Non-credible means that at this time there is not sufficient evidence available to determine that, more likely than not, a Coalition strike resulted in alleged civilian casualties.

1. Sept. 20, 2015, near Ramadi, Iraq: Insufficient evidence available to determine credibility.
2. Oct. 9, 2015, near Kabaisa, Iraq: Insufficient evidence available to determine credibility.
3. Feb. 15, 2016, near Hama, Iraq: No Coalition strikes were conducted on that day in the geographical area.
4. May 5, 2016, near Aleppo, Syria: No Coalition strikes were conducted on that day in the geographical area.
5. June 12, 2016, near Dayr az Zawr, Syria: No Coalition strikes were conducted on that day in the geographical area.
6. July 19, 2016, near Aleppo, Syria: No Coalition strikes were conducted on that day in the geographical area.
7. Sept. 19, 2016, near Kabaisa, Iraq: Report indicated civilians in a house were killed, but the only strike in the area that day was on a moving vehicle in a remote area.
8. Oct. 1, 2016, near Ghaytun, Syria: No Coalition strikes were conducted on that day in the geographical area.
9. Oct. 1, 2016, near Dayr az Zawr, Syria: No Coalition strikes were conducted on that day in the geographical area.
10. Oct. 3, 2016, near Mar'a, Syria: Further examination affirms that only Da'esh fighters were killed in the strike.

EXHIBIT D

11. Oct. 5, 2016, near Aleppo, Syria: No Coalition strikes were conducted on that day in the geographical area.
12. Oct. 6, 2016, near Aleppo, Syria: No Coalition strikes were conducted on that day in the geographical area.

Although the Coalition makes extraordinary efforts to strike military targets in a manner that minimizes the risk of civilian casualties, in some cases casualties are unavoidable. Four past reports of possible civilian casualties and three of the reports received in October were determined to be credible resulting in the unintended death of 54 civilians.

- MORE -

A credible assessment means that it is more likely than not a Coalition strike resulted in a civilian casualty. In each of the cases below, the investigation determined that although all precautions were taken and the strikes complied with the Law of Armed Conflict, civilian casualties unfortunately occurred.

1. March 31, 2016, near Sala Heya, Syria: During a strike on an ISIL mortar system, it was assessed that three civilians were inadvertently killed by Coalition counter-battery artillery near the point of origin of an ISIL mortar strike on friendly forces.
2. May 16, 2016, near As Shaddadi, Syria: During a strike on seven ISIL fighters in a moving vehicle, it was assessed that two civilians were inadvertently killed. One civilian passenger in the vehicle was killed and one civilian riding a motorcycle was killed when he came into proximity of the ISIL vehicle after the munition was released.
3. July 18, 2016, near Manbij, Syria: 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. Reports indicated that approximately 100 ISIL fighters were preparing for a large counterattack against partnered Syrian Arab Coalition/Syrian Democratic Forces and, unknown to Coalition planners, civilians were moving around within the military staging area, even as other civilians in the nearby village had departed over the previous days.
4. July 26, 2016, near Arghanndorh, Syria: During a strike on a moving ISIL vehicle, 15 civilians were inadvertently killed when the munition struck the vehicle after it slowed in a populated area after the munition was released.
5. Oct. 4, 2016, near Taltanah, Syria: During a strike targeting ISIL fighters it is assessed that one civilian was inadvertently killed as a result of the blast following the strike.
6. Oct. 17, 2016, near Idlib, Syria: During a strike on ISIL fighters it is assessed that one civilian was inadvertently killed when he entered the target area after the munition was released.

- MORE -

7. Oct. 22, 2016, near Fasitiyah, Iraq: During a strike on a building from which ISIL fighters were firing on partnered Iraqi forces, eight civilians were inadvertently killed.

Currently, three reports received in October are still being assessed:

1. Oct. 6, 2016, near As Shaddadi, Syria.
2. Oct. 22, 2016, near Qaraqoosh and Hasana, Iraq.

EXHIBIT D



DEPARTMENT OF DEFENSE

EXHIBIT E

HOME &gt; NEWS &gt; ARTICLE

## Centcom Officials Release Iraq, Syria Civilian Casualty Assessments

From a U.S. Central Command News Release

TAMPA, Fla., Nov. 9, 2016 — After months of reviewing reports and databases to resolve cases in which coalition airstrikes may have resulted in civilian casualties, U.S. Central Command officials have determined that over the past year, 24 U.S. airstrikes targeting the Islamic State of Iraq and the Levant may have killed as many as 64 civilians and injured eight others in Iraq and Syria.

"We have teams who work full-time to prevent unintended civilian casualties," Centcom spokesman Air Force Col. John J. Thomas said.

A key tenet of the counter-ISIL air campaign is to avoid adding to the tragedy of the situation by inflicting additional suffering, the colonel said.

"Sometimes civilians bear the brunt of military action," he added, "but we do all we can to minimize those occurrences, even at the cost of sometimes missing the chance to strike valid targets in real time."

### Thorough Review

Centcom thoroughly reviewed the facts and circumstances surrounding each report, officials said.

"The assessments determined that in each of these strikes, the right processes were followed," Thomas said. "Each complied with Law of Armed Conflict, and significant precautions were taken, despite the unfortunate outcome."

Centcom officials said the investigations were informed by the military's own records, combined with an exhaustive review of reports from outside sources from news media reports, nongovernmental organizations and other U.S. government departments and agencies.

Thomas said the numbers of casualties associated with each individual airstrike reflect the highest possible total possible, according to the assessment.

"In most every case, when we determined there may have been civilian casualties from one of our airstrikes, we are choosing to list the largest number of possible civilian casualties," he said. "In cases where we just don't have the investigative resources or evidence to determine precisely how many people may have died, we went with the worst-case number to ensure a full accounting."

### List of Reviewed Airstrikes

Here are the 24 airstrikes officials reviewed, along with the casualty assessments:

- In a Nov. 20, 2015, strike against an ISIL tactical unit near Dayr Az Zawr, Syria, officials assessed that five civilians were killed and three individuals were injured after the civilians entered the target area after the aircraft released its weapon.
- In a March 5, 2016, strike against an ISIL weapons production facility near Mosul, Iraq, it is assessed that 10 civilians were killed.
- In a March 24, 2016, strike against an ISIL target near Qayyarah, Iraq, it is assessed that one civilian was killed.
- In an April 1, 2016, strike against ISIL tactical unit near Raqqah, Syria, it is assessed that three civilians were killed after entering the target area after the aircraft released its weapon.
- In an April 9, 2016, strike against an ISIL tactical unit near Mosul, it is assessed that one civilian was killed after entering the target area after the aircraft released its weapon.



EXHIBIT E

-- In an April 30, 2016, strike against ISIL military leadership near Mosul, it is assessed that five civilians were killed after entering the target area after the aircraft released its weapon.

## EXHIBIT E

-- In a May 25, 2016, strike against an ISIL tactical unit near Mosul, it is assessed that one civilian was killed.

-- In a May 26, 2016, strike against ISIL fighters near Mosul, it is assessed that one civilian was killed after entering the target area after the aircraft released its weapon.

-- In a May 29, 2016, strike against an ISIL weapons system near Mosul, it is assessed that six civilians were killed.

-- In a June 15, 2016, strike against an ISIL weapons storage facility near Kisik, Iraq, it is assessed that six civilians were killed.

-- In a June 15, 2016, strike against ISIL targets near Mosul, it is assessed that two individuals were injured after entering the target area after the aircraft released its weapon.

-- In a June 21, 2016, strike targeting an ISIL headquarters building near Raqqah, it is assessed that three individuals were killed after entering the target area after the aircraft released its weapon.

-- In a June 23, 2016, strike against an ISIL-held building near Raqqah, it is assessed that four civilians were killed after entering the target area after the aircraft released its weapon.

-- In a June 26, 2016, strike against an ISIL target near Mosul, it is assessed that one individual was injured after entering the target area after the aircraft released its weapon.

-- In a June 26, 2016, strike against an ISIL target near Mosul, it is assessed that one individual was injured after entering the target area after the aircraft released its weapon.

-- In a July 3, 2016, strike against an ISIL fighting position near Manbij, Syria, it is assessed that four civilians were killed.

-- In a July 10, 2016, strike against an ISIL target near Manbij, it is assessed that two civilians were killed.

-- In a July 14, 2016, strike on an ISIL-held building near Gayyarah, it is assessed that one civilian was killed.

-- In a July 31, 2016, strike against ISIL fighters near Manbij, it is assessed that one civilian was injured after entering the target area after the aircraft released its weapon.

-- In an Aug. 17, 2016, strike against an ISIL target near Raqqah, it is assessed that two civilians were killed.

-- In an Aug. 20, 2016, strike against an ISIL artillery firing position near Manbij, it is assessed that one civilian was killed after entering the target area after the aircraft released its weapon.

-- In an Aug. 31, 2016, strike against an ISIL target near Ramadi, Iraq, it is assessed that two civilians were killed.

-- In a Sept. 7, 2016, strike against an ISIL oil collection point near Dayz Az Zawr, it is assessed that one civilian was killed after entering the target area after the aircraft released its weapon.

-- In a Sept. 10, 2016, strike against an ISIL target near Raqqah, it is assessed that five civilians were killed.

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**Special Report: Operation Inherent Resolve**

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 NEWS PRODUCTS

## EXHIBIT E

## July 28: U.S. Central Command releases Iraq and Syria civilian casualty assessments

Release No: 16-033 July 28, 2016

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July 28, 2016

Release Number 20160728-18

FOR IMMEDIATE RELEASE

**TAMPA, Fla. —** U.S. Central Command announced the results of several civilian casualty assessments today. After a thorough review of the facts and circumstances for each allegation, the evidence indicates six separate U.S. airstrikes in Iraq and Syria from July 28, 2015 to April 29, 2016, have unfortunately resulted in the death of 14 civilians and injuries to an additional civilian. We deeply regret the unintentional loss of life and injuries resulting from our airstrikes and express our sympathies to those affected.

The Coalition takes all reasonable measures to avoid non-combatant casualties during the course of military operations. In each of the cases released today, the assessment determined that although all precautions were taken and the strikes complied with laws of armed conflict, civilian casualties unfortunately did occur.

As a part of our commitment to transparency, here is a description of six U.S. airstrikes alleged to have resulted in civilian casualties and determined to be credible:

1. On July 28, 2015, near Idlib, Syria, during a strike on a senior Khorasan Group advisor, it is assessed that three civilians were killed and one vehicle destroyed when their vehicle appeared in the target area after the Coalition aircraft released its weapon.
  2. On February 15, 2016, near Al Qaim, Iraq, during a strike on an ISIL staging area, it is assessed that three civilians were killed.
  3. On February 16, 2016, in Ar Rayhaniyah, Iraq near Mosul, during a strike on an ISIL vehicle, it is assessed that one person was injured along the side of the road.
  4. On April 5, 2016, in Mosul, Iraq, during a strike on an ISIL financial storage facility, it is assessed that three civilians were killed.
  5. On April 26, 2016, in Sharqat, Iraq, near Qayyarah, during a strike on an ISIL checkpoint, it is assessed that one civilian was killed when a motorcycle unexpectedly appeared in the target area after the U.S. aircraft had already released its weapon.
  6. On April 29, 2016, in Mosul, Iraq, during a strike targeting Neil Prakash, an ISIL external operations facilitator, it is assessed that four civilians were killed when the weapon struck three civilians on the road and one civilian located on an adjacent compound.
-

EXHIBIT G



## Media Release

HEADQUARTERS UNITED STATES CENTRAL COMMAND  
7115 South Boundary Boulevard  
MacDill AFB, Fla. 33621-5101  
Phone: (813) 529-0220

April 22, 2016  
Release Number 20160422-09  
FOR IMMEDIATE RELEASE

### **U.S. Central Command Releases Iraq and Syria Civilian Casualty Assessments**

TAMPA, Fla. – U.S. Central Command announced the results of several civilian casualty assessments today. After a thorough review of the facts and circumstances for each allegation, the preponderance of evidence indicates nine separate U.S. airstrikes in Iraq and Syria, between Sept. 10, 2015 and Feb. 2, 2016, have likely resulted in the death of 20 civilians and injuries to an additional 11 civilians. We deeply regret the unintentional loss of life and injuries resulting from those strikes and express our deepest sympathies to the victims' families and those affected.

The Coalition takes all feasible precautions to avoid civilian casualties during the course of military operations. In all of the cases released today, assessments determined that although the strikes complied with the law of armed conflict and all appropriate precautions were taken, civilian casualties unfortunately did occur.

We are sharing this information with the public as part of our commitment to transparency. We continue to review additional claims of civilian casualties and will provide additional information in the future.

Here is a description of the nine U.S. strikes alleged to have resulted in civilian casualties and determined to be credible:

1. On Sept. 10, 2015, in Kubaysah, Iraq, near Hit, during a strike on an ISIL checkpoint, it is assessed that two civilians were killed and four were injured when their vehicle appeared in the target area after weapons were already in flight.
2. On Oct. 5, 2015, in Atshanah, Iraq, near Al Huwayjah, during a strike on ISIL personnel, it is assessed that eight civilians were killed during a strike on a mortar fire position used by enemy fighters.
3. On Nov. 4, 2015, in Al Huwayjah, Iraq, during a strike on an ISIL vehicle, it is assessed that two civilians were injured. The incident occurred when, after weapons were already in flight, the ISIL vehicle unexpectedly pulled off the side of the road near a building where two civilians were standing.

EXHIBIT G



## EXHIBIT G

4. On Nov. 12, 2015, in Ramadi, Iraq, during a strike targeting ISIL fighters, it is assessed that one civilian was killed.
5. On Dec. 10, 2015, near Ar Raqqa, Syria, during strikes against Siful Sujan, an ISIL external operations planner, it was assessed that one civilian was killed.
6. On Dec. 12, 2015, in Ramadi, Iraq, during a strike on ISIL personnel at a suspected ISIL checkpoint, it is assessed that five civilians were killed after they unexpectedly moved into the target location after weapons were already in flight.
7. On Dec. 24, 2015, in Tishreen, Syria, near Manbij, during a strike on two ISIL fighters in a vehicle, it is assessed that one civilian on a motorcycle was killed riding up to the target area after weapons were already in flight.
8. On Jan. 11, 2016, near Mosul, Iraq, during a strike on five ISIL individuals guarding an ISIL cash distribution station, it is assessed that one civilian was killed and five were injured.
9. On Feb. 2, 2016, in Al Ghazili, Syria, near Ayn Isa, during a strike on an ISIL vehicle, it is assessed that one civilian was killed after unexpectedly driving into the target area after weapons were already in flight.

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## EXHIBIT G

EXHIBIT H



## News Release

HEADQUARTERS UNITED STATES CENTRAL COMMAND

7115 South Boundary Boulevard

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Phone: (813) 529-0220

January 22, 2016  
Release Number 20160122-04  
FOR IMMEDIATE RELEASE

### **U.S. Central Command Releases Results of Iraq and Syria Civilian Casualty Assessments**

TAMPA, Fla. — U.S. Central Command announced the results of five more civilian casualty assessments today. After a thorough review of the facts and circumstances for each allegation, the preponderance of evidence indicates five separate U.S. strikes in Iraq and Syria, between July 4 and July 17, 2015, have likely resulted in the death of two civilians and injuries to an additional four civilians. We deeply regret the unintentional loss of life and injuries resulting from those strikes and express our deepest sympathies to the victims' families and those affected.

The Coalition takes all feasible precautions to avoid civilian casualties during the course of military operations. In all of the cases released today, assessments determined that although the strikes complied with the law of armed conflict and all appropriate precautions were taken, civilian casualties unfortunately did occur.

We are sharing this information with the public as part of our commitment to transparency. We continue to review additional claims of civilian casualties and will provide additional information in the future.

Here is a description of the five U.S. strikes alleged to have resulted in civilian casualties and determined to be credible:

1. On July 4, 2015, near Ar Raqqa, Syria, during strikes against 16 ISIL bridges, it was assessed one civilian in a truck with a trailer was likely killed.
2. On July 7, 2015, near Ar Raqqa, Syria, during strikes against ISIL fighters, it was assessed that a civilian was injured by a secondary explosion and flying debris from the initial strike.
3. On July 8, 2015, near Sarmada, Syria, during a strike against a vehicle carrying Khorasan Group Leader Muhsin al-Fadhli, it was assessed two civilians on a motorcycle were likely injured.

— MORE —

EXHIBIT H

## EXHIBIT H

4. On July 11, 2015, near Ar Raqqa, Syria, during counter-ISIL strikes it was assessed one civilian was killed. A post-strike review revealed a secondary explosion from a vehicle crossing a bridge nearby the intended target; this explosion resulted in one civilian likely killed.
5. On July 17, 2015, near Mosul, Iraq, during strikes against ISIL fighters traveling in a vehicle, it was assessed one civilian was injured.

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EXHIBIT H

3/28/2017

Jan. 15: U.S. Central Command releases results of Iraq and Syria civilian casualty assessments > U.S. Central Command > Press Release View

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U.S. CENTRAL COMMAND

## Jan. 15: U.S. Central Command releases results of Iraq and Syria civilian casualty assessments

Release No: UNRELEASED Jan. 15, 2016

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January 15, 2016

Release Number 20160115-02  
FOR IMMEDIATE RELEASE

**TAMPA, Fla.** — U.S. Central Command announced the results of several civilian casualty assessments today. After a thorough review of the facts and circumstances for each allegation, the preponderance of evidence indicates five separate U.S. airstrikes in Iraq and Syria, between April 12 and July 4, have likely resulted in the death of eight civilians and injuries to an additional three civilians. We deeply regret the unintentional loss of life and injuries resulting from those airstrikes and express our deepest sympathies to the victims' families and those affected.

The Coalition takes all feasible precautions to avoid civilian casualties during the course of military operations. In all of the cases released today, assessments determined that although the air strikes complied with the law of armed conflict and all appropriate precautions were taken, civilian casualties unfortunately did occur.

We are sharing this information with the public as part of

**EXHIBIT I**

3/28/2017

Jan. 15: U.S. Central Command releases results of Iraq and Syria civilian casualty assessments > U.S. Central Command > Press Release View

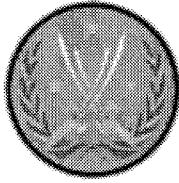
our commitment to transparency. We continue to review additional claims of civilian casualties and will provide additional information in the future.

EXHIBIT I

Here is a description of the five U.S. strikes alleged to have resulted in civilian casualties and determined to be credible:

1. On April 12, 2015, near al Huwayjah, Iraq, during a strike on an ISIL tactical unit, it was assessed that two unidentified civilians were killed.
2. On June 11, 2015, near Soluk, Syria, during strikes against an ISIL tactical unit, it is assessed that three unidentified civilians were killed.
3. On June 19, 2015, near Tall al Adwaniyah, Syria, during a strike against two ISIL vehicles, it is assessed that one civilian was injured when appearing in the target area after the U.S. aircraft released its weapon.
4. On June 29, 2015, near Haditha, Iraq, during strikes against one ISIL tactical unit and two ISIL vehicles, it is assessed that two civilians were injured. After the U.S. aircraft engaged the target and two seconds prior to impact, a car slowed in front of the ISIL vehicles while a motorcycle simultaneously passed by. The target vehicle was destroyed in the strike but there was insufficient evidence to determine the level of injuries to the civilians operating the passing car and motorcycle.
5. On July 4, 2015, near Ar Raqqa, Syria, during a strike against an ISIL High Value Individual, a car and a motorcycle entered the target area after the weapon was released. It is assessed that three unidentified civilians were likely killed.

EXHIBIT I



## Combined Joint Task Force **EXHIBIT J** Operation Inherent Resolve

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March 25, 2017  
Release # 20170325-02  
FOR IMMEDIATE RELEASE:

### **Allegation of civilian casualties in West Mosul**

**SOUTHWEST ASIA-** An initial review of strike data from March 16-23 indicates that, at the request of the Iraqi Security Forces, the Coalition struck ISIS fighters and equipment, March 17, in West Mosul at the location corresponding to allegations of civilian casualties.

CJTF-OIR takes all allegations of civilian casualties seriously and a formal Civilian Casualty Credibility Assessment has been opened to determine the facts surrounding this strike and the validity of the allegation of civilian casualties.

The Coalition respects human life, which is why we are assisting our Iraqi partner forces in their effort to liberate their lands from ISIS brutality. Our goal has always been for zero civilian casualties, but the Coalition will not abandon our commitment to our Iraqi partners because of ISIS's inhuman tactics terrorizing civilians, using human shields, and fighting from protected sites such as schools, hospitals, religious sites and civilian neighborhoods.

The Coalition issues a monthly civilian casualty report press release with results of credible and non-credible allegations, and those still pending assessment. Coalition forces work diligently and deliberately to be precise in our airstrikes. Coalition forces comply with the Law of Armed Conflict and take all reasonable precautions during the planning and execution of airstrikes to reduce the risk of harm to civilians.

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**EXHIBIT J**

3/28/2017

U.N. Urges Iraq and Allies to Rethink Tactics as Airstrikes Kill Civilians - The New York Times

## EXHIBIT K

**The New York Times** | <https://nyti.ms/2ouLGQD>

## MIDDLE EAST

## U.N. Urges Iraq and Allies to Rethink Tactics as Airstrikes Kill Civilians

By NICK CUMMING-BRUCE MARCH 28, 2017

GENEVA — Airstrikes against Islamic State fighters are killing so many civilians that Iraq and its American-led coalition of allies should reconsider their tactics, the top human rights official at the United Nations said on Tuesday.

Zeid Ra'ad al-Hussein, the United Nations high commissioner for human rights, said he did not underestimate the difficulty of rooting out the Islamic State forces from their remaining strongholds in Mosul, Iraq's second-largest city. But he urged Iraq and the coalition to "undertake an urgent review of tactics to ensure that the impact on civilians is reduced to an absolute minimum."

There were clear indications that the militants were using large numbers of civilians as human shields, he said, and under those conditions, airstrikes on densely populated areas can have "a lethal and disproportionate impact on civilians."

The United Nations reported that as of March 22, at least 307 people had been killed and an additional 273 had been wounded in Mosul in a little more than a month, as Iraqi troops pressed their attack on Islamic State forces entrenched in the city.

In one especially deadly incident, a strike against Islamic State snipers by Iraqi or coalition aircraft on March 17 hit a house where the militants had forced 140 civilians to gather as human shields, the United Nations reported.

The organization said at least 61 people were killed in the strike. Amnesty International gave a higher estimate on Tuesday, saying that as many as 150 people

## EXHIBIT K

3/28/2017

U.N. Urges Iraq and Allies to Rethink Tactics as Airstrikes Kill Civilians - The New York Times

## EXHIBIT K

may have died in the attack.

“The fact that Iraqi authorities repeatedly advised civilians to remain at home, instead of fleeing the area, indicates that coalition forces should have known that these strikes were likely to result in a significant number of civilian casualties,” Donatella Rovera of Amnesty International said in a statement.

She said the mounting number of civilian casualties suggested that Iraqi and coalition operations “failed to take adequate precautions to prevent civilian deaths, in flagrant violation of international humanitarian law.”

In another incident, the United Nations said aircraft struck a house where Islamic State fighters were firing rocket-propelled grenades at Iraqi security forces. The militants had filled the house with civilians, including children, from the surrounding neighborhood, the United Nations said; a 7-year-old girl was killed and eight more children were trapped in rubble.

Airstrikes are not the only way civilians are being killed in the Mosul fighting. The United Nations reported that shelling, sniper fire and bombs planted in vehicles and elsewhere had killed at least 95 civilians in several west Mosul neighborhoods between March 23 and March 26.

The United Nations said it had received reports in the past week that Islamic State fighters had forced scores of civilian families to move to strategic locations in west Mosul to serve as human shields, while in other areas the militants forced families to stay in houses on the battle lines as Iraqi troops advanced.

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## EXHIBIT K



The Washington Post

The Post's View • Opinion

EXHIBIT K

# A U.S. airstrike may have killed hundreds in Mosul. That's no way to win a war.

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By Editorial Board March 27 at 7:35 PM

UNTIL NOW there has been a stark contrast between the tactics of the U.S.-backed military campaign to recapture Mosul, Iraq, from the Islamic State and those of Russian and Syrian government forces attacking rebels in neighboring Syria. The latter has featured deliberate bombing of civilian targets, including hospitals, food stores and aid convoys, at the cost of thousands of lives. In Mosul, meanwhile, Iraqi counterterrorism forces have sustained heavy casualties in street fighting while limiting the use of artillery and airstrikes to avoid civilian deaths, winning praise from humanitarian groups.

A U.S. airstrike that may have killed scores or even hundreds of people in Mosul on March 17 may now tarnish that record. Iraqi civil defense officials are saying the attack targeted a building in Mosul's al-Jadida neighborhood where many people were crowded in a basement; the remains of more than 100 had been recovered by Sunday. On Saturday, the Pentagon confirmed that the coalition had targeted Islamic State fighters "at the location corresponding to the allegations of civilian casualties" and said a formal inquiry was underway.

Confusion still surrounds the incident: Iraqi military authorities are saying the casualties were caused by booby traps the Islamic State had planted in the house, or by a suicide car bomb that detonated nearby. There's no question that the jihadists are using civilians as shields, forcing them to stay in homes that are used as firing positions. It is nevertheless vital that U.S. authorities determine as quickly as possible whether an American or coalition bomb caused the civilian deaths, and, if so, accept responsibility.

It's equally important that U.S. and Iraqi forces minimize further civilian casualties as they reclaim the remaining, densely populated areas of Mosul still held by the Islamic State. Once the fight is over, the Shiite-led Iraqi government will face the stiff political challenge of stabilizing a multiethnic city that includes hundreds of thousands of Sunnis; that will be all the more difficult if the pro-government forces have inflicted heavy casualties.

U.S. commanders appear to understand the stakes. Gen. Joseph Votel, leader of U.S. Central Command, issued a statement saying "the death of innocent civilians in Mosul is a terrible tragedy" and that the coalition "will continue to take extraordinary

EXHIBIT K

measures to avoid harming civilians.” U.S. spokesmen say the rules of engagement governing airstrikes, which are tailored to avoid civilian deaths, have not changed.

## EXHIBIT K

Outside observers nevertheless are speculating that the advent of the Trump administration has loosened restraints on U.S. attacks in the Middle East. A controversial Jan. 29 raid in Yemen, approved by President Trump, killed up to a dozen civilians, according to Mr. Votel. A U.S. airstrike in Syria’s Aleppo province on March 16 is under investigation amid allegations that it killed scores of civilians gathered in a mosque; the Pentagon described the target as an al-Qaeda gathering.

President Barack Obama was frequently criticized, with some reason, for micromanaging military strike decisions and exercising excessive caution. Mr. Trump, on the other hand, has talked loosely about heavily bombing Islamic State-held areas and has stepped up direct U.S. involvement in the fighting. Defeating the Islamic State more quickly through the greater use of U.S. force is a worthy goal. But doing so at the cost of higher civilian casualties would be a serious mistake.

### **Read more:**

John Tirman: Why do we ignore the civilians killed in American wars?

Rachel E. VanLandingham and Geoffrey S. Corn: The emphasis on counting civilian casualties ends up helping the Islamic State

David Ignatius: Fears of an Islamic State breakout fuel Trump’s strategy

Robert Malley: Trump can’t do it all: Fight the Islamic State, counter Iran and put America first

Jackson Diehl: There’s good news in Mosul — for now

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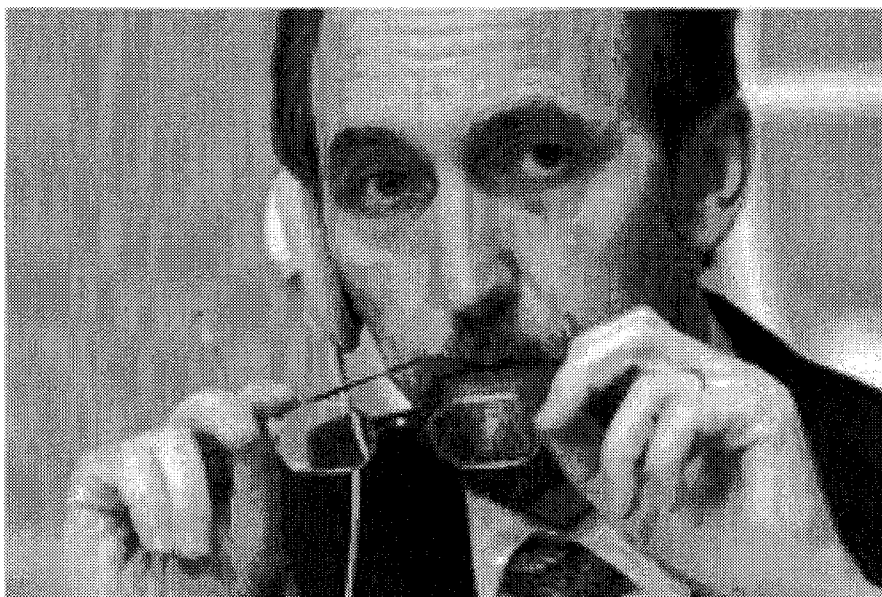
3/28/2017

Iraq, U.S. Must Avoid Civilian Deaths in Mosul: U.N. | World News | US News

## EXHIBIT K Iraq, U.S. Must Avoid Civilian Deaths in Mosul: U.N.

March 28, 2017, at 5:56 a.m.

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Jordan's Prince Zeid Ra'ad Zeid al-Hussein, U.N. High Commissioner for Human Rights listens during a news conference at the United Nations European headquarters in Geneva October 16, 2014. REUTERS/Denis Balibouse REUTERS



By <sup>REUTERS</sup>Stephanie Nebehay

GENEVA (Reuters) - The United Nations human rights chief urged the Iraqi government and U.S.-led coalition on Tuesday to review tactics in Mosul to spare civilians he said were being deliberately put at risk by Islamic State.

EXHIBIT K

3/28/2017

Iraq: U.S. Must Avoid Civilian Deaths in Mosul: U.N. | World News | US News

At least 307 civilians have been killed and 273 wounded in western Mosul between Feb. 17 and March 22 as Islamic State fighters herded people into booby-trapped buildings as human shields and fires on those who flee, according to U.N. figures.

"This is an enemy that ruthlessly exploits civilians to serve its own ends, and clearly has not even the faintest qualm about deliberately placing them in danger," U.N. High Commissioner for Human Rights Zeid Ra'ad al-Hussein said.

"It is vital that the Iraqi Security Forces and their coalition partners avoid this trap," he said in a statement.

"The conduct of air strikes on ISIL (Islamic State) locations in such an environment, particularly given the clear indications that ISIL is using large numbers of civilians as human shields at such locations, may potentially have a lethal and disproportionate impact on civilians," Zeid said.

The rules of war, as set out in the Geneva Conventions, require respecting the principles of precaution, proportionality and distinguishing between combatants and civilians.

Zeid also called on Iraqi and coalition forces to conduct transparent investigations into deadly incidents.

Investigators are in Mosul to determine whether a U.S.-led coalition strike or Islamic State-rigged explosives caused a huge blast in al-Jadida district on March 17 that destroyed buildings, a U.S. military commander said.

Official figures indicate that at least 61 people were killed in that incident, "but the actual figure may be much higher," Zeid's spokesman Rupert Colville told a news briefing. A municipal official had said on Saturday that 240 bodies had been pulled from the rubble.

On March 22, an air strike hit a residential building in Rajm Hadid neighborhood. "ISIL reportedly filled the house with people from the surrounding neighborhood including children and then used the house to launch rocket-propelled grenades against the Iraqi security forces," he said, quoting survivors.

"In terms of the air strikes that have caused casualties... that is also complicated by the fact that ISIL reportedly actually placed explosive devices in these same buildings which they had herded civilians into. So that will of course have compounded the devastation," Colville said.

It is "essential the coalition and the Iraqi forces really try hard to minimize the impact on the civilians", he said.

"Clearly not easy. We're not saying it is," Colville said. "But they do have obligations under international humanitarian law."

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(Reporting by Stephanie Nebehay; Editing by Tom Miles and Janet Lawrence)

3/28/2017

Mosul battle: Coalition urged to review tactics after civilian deaths - BBC News

## Mosul battle: Coalition urged to review tactics after civilian deaths

EXHIBIT K

38 minutes ago | Middle East

The UN's human rights chief has called on Iraqi and US-led coalition forces to review their tactics in the battle for the city of Mosul to protect civilians.

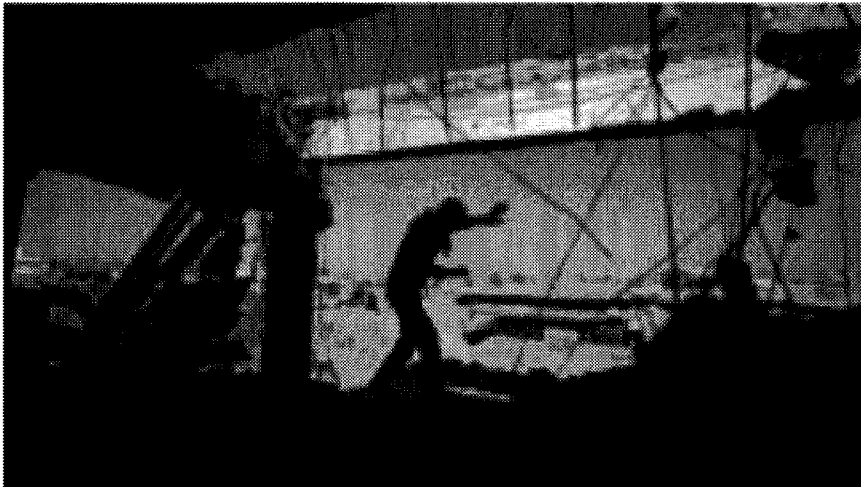
Zeid Raad Al Hussein **said** bodies were being found in buildings where IS had reportedly held people as human shields and were later targeted in air strikes.

He urged the coalition to avoid such "traps" and abide by international law.

Amnesty International has accused the coalition of failing to take adequate precautions to prevent civilian deaths.

The human rights group **reported** earlier on Tuesday that it had found evidence on the ground in Mosul pointing to an "alarming pattern" of air strikes that had "destroyed whole houses with entire families inside".

Coalition officials have so far not commented on the Amnesty report, but they have previously insisted they take **all** reasonable precautions to reduce the risk of harm to civilians.



REUTERS

Iraqi pro-government forces launched an offensive to recapture the city - the last major IS urban stronghold in the country - five months ago.

The coalition has supported the assault by carrying out hundreds of air strikes and by deploying military advisers and special forces personnel.

Although more than 286,000 civilians living in the city have fled their homes during the fighting, many more have followed the Iraqi government's repeated instructions to stay put until they are reached by troops.

Amnesty said the fact that residents were being told to remain at home meant the coalition had to know that air strikes were likely to result in civilian casualties.

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3/28/2017

Mosul battle: Coalition urged to review tactics after civilian deaths - BBC News



EXHIBIT K

REUTERS

Any failure to take precautions to prevent civilian casualties would be "in flagrant violation of international humanitarian law", it warned.

According to information verified by the UN, at least 307 people were killed and another 273 injured between 17 February, when the government launched an assault on the western half of Mosul, and 22 March.

- Mosul's Sunnis fear post-IS future
- Battle for Mosul: The story so far

The deadliest incident occurred on 17 March, when an air strike - reportedly targeting IS snipers and equipment - hit a house in Jadida district.

Witnesses reported that IS had previously forced at least 140 civilians into the house to be used as human shields. They also said IS had booby-trapped the house with improvised explosive devices (IEDs).

Mr Zeid said that official figures so far indicated that at least 61 people were killed in the incident, but the actual figure may be much higher.

The coalition has launched an investigation, and the US military has said an initial review of data indicated that an air strike was carried out in the vicinity on that day.

On Tuesday, the top US commander in Iraq acknowledged that the coalition "probably had a role" in the incident but still had some assessments to carry out.

"My initial impression is the enemy had a hand in this. And there's also a fair chance that our strike had some role in it," he told a Pentagon briefing.

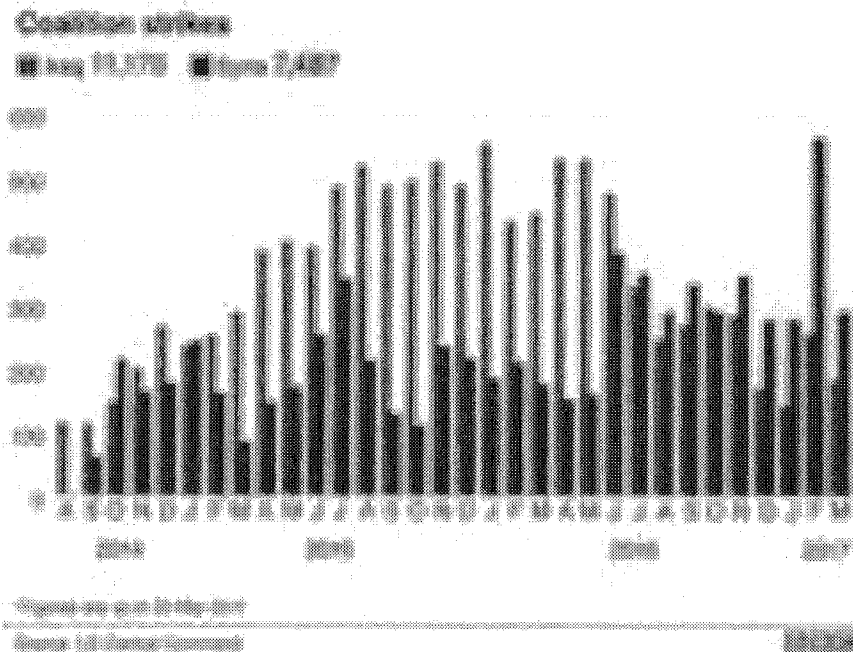
However, the Iraqi military has said its experts inspected the site and found no evidence of an air strike. Instead, they saw the remains of a "huge, detonated booby-trapped vehicle".

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Mosul battle: Coalition urged to review tactics after civilian deaths - BBC News

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The UN has also received numerous reports of IS snipers shooting at, and in some cases killing or wounding, civilians attempting to flee towards advancing troops, and also of IS shelling civilians in areas retaken by the government.

"[IS]'s strategy of using children, men and women to shield themselves from attack is cowardly and disgraceful. It breaches the most basic standards of human dignity and morality," said Mr Zeid.

"And shooting civilians in the back as they flee for their lives is an act of monstrous depravity."

But he stressed that conducting air strikes on IS locations in densely-populated areas, particularly given the clear indications that IS was using large numbers of civilians as human shields, might "potentially have a lethal and disproportionate impact on civilians".

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3/28/2017

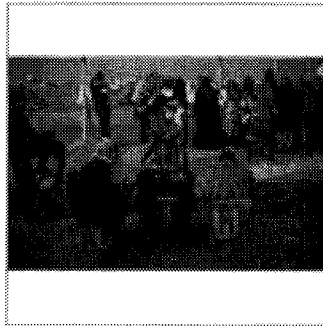
Report criticizes lack of transparency in IS fight

# REPORT CRITICIZES LACK OF EXHIBIT K TRANSPARENCY IN IS FIGHT

By SINAN SALAHEDDIN, Associated Press

Dec. 12, 2016 10:08 AM ET

BAGHDAD (AP) — A report released Monday by Airwars, a London-based project aimed at tracking the U.S.-led coalition's air strikes targeting the Islamic State group, criticized the coalition's lack of transparency when assessing civilian casualties. Coalition airstrikes have been critical in the fight against IS in Iraq where Iraqi forces are currently trying to push the militant group out of Mosul.



Steve Brabe

*Iraqi youth sit in a schoolbus in Khazir camp for the displaced, Iraqi Kurdistan, Iraq, Monday, Dec. 12, 2016. A new report criticizes the U.S.-led coalition against IS for their lack of transparency when assessing civilian casualties. (AP Photo/Steve Brabe)*

[APImages.com](#) [More photos](#)

While U.S. officials have acknowledged that 173 civilians have died in coalition airstrikes since the launch of the campaign against IS in the summer of 2014, the Airwars group says the number of civilian casualties is much greater: at least 1,500.

The Airwars project said the discrepancy in the numbers of acknowledged civilian casualties is partially due to how civilian deaths are investigated, assessments carried out by the coalition are "opaque, ad hoc, and significantly biased towards internal military reporting," the group said.

The coalition has been repeatedly criticized for the slow pace of investigations into civilian casualties in the fight against IS. The coalition has carried out more than 16,300 airstrikes in Iraq and Syria against IS targets since the fight against the militant group was launched more than two years ago.

In Mosul, Iraqi forces continue a slow advance on the city's eastern front. During meetings with Iraqi military commanders south of Mosul Monday, Iraqi Prime Minister Haider al-Abadi emphasized the operation is being waged in an effort to reduce casualties among Iraqi troops and civilians, according to a written statement released by his office.

Iraqi forces inside Mosul were more optimistic about the pace of the fight.

"Within days we will be advancing toward the six remaining districts and reach the left bank of the Tigris (River), meaning we will have liberated the whole of the east side of Mosul," said Iraqi special forces Maj. Gen. Maan al-Saadi in Mosul's eastern Nour neighborhood on Sunday.

In Fallujah, two suicide car bombings targeting security checkpoints in the city of Fallujah have

killed at least two people on Sunday, according to Interior Ministry spokesman Brig. Gen. Soad Mann. He said the attacks killed a civilian and a policeman, and wounded seven.

A local police officer and a medical official put the casualty toll at three killed and 11 wounded. They spoke on condition of anonymity because they're not authorized to talk to reporters. The Islamic State group claimed responsibility for the attacks in a statement. The authenticity of the claim couldn't be confirmed but it was posted on a militant website commonly used by the extremists.

Last month, IS launched three separate suicide attacks in and near Fallujah, killing at least 16 people. Fallujah was recaptured from IS in June.

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The Washington Post

Checkpoint

EXHIBIT K

# Rights group calls Pentagon's Syrian civilian casualty probes inadequate, incomplete

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By Missy Ryan October 25, 2016

Airstrikes by the U.S.-led coalition appear to have killed hundreds of civilians in Syria, a leading rights group said on Tuesday, urging the Pentagon to share more information about alleged civilian casualty incidents.

Following a detailed study, Amnesty International concluded that a series of attacks from September 2014 to July 2016 killed at least 300 people. Some of the raids by the United States and its allies, the group said, may have violated international humanitarian law.

"Our understanding is that there have been far greater civilian deaths than have been accounted for," said Neil Sammonds, a Syria researcher with Amnesty. "For the most part it doesn't look as if they've done adequate, thorough investigations, so we would like to be assured that they would be done."

Amnesty provided the findings to the Pentagon in a memo in September but has received no response, the group said. U.S. Central Command (CENTCOM), which oversees operations in Syria and is responsible for examining civilian casualty allegations, said it was examining the allegations linked to the 11 purported incidents, which Amnesty selected because they were seen to be particularly clear-cut instances of civilian deaths.

"The coalition takes great care — from analysis of available intelligence to selection of the appropriate weapon to meet mission requirements — in order to minimize the risk of harm to noncombatants," Maj. Josh Jacques, a Centcom spokesman, said in an email.

The findings from Amnesty come as the United States intensifies its air campaign against Islamic State targets, especially around the Iraqi city of Mosul, amid what U.S. officials hope will be a decisive victory against the militant group. But more than two years after air operations began against the group, the Obama administration is forced to contend with a growing roster of reported civilian casualties.

EXHIBIT K

While human rights groups say that Russian and Syrian air attacks are responsible for the vast majority of deaths in Syria, Centcom has received around 250 allegations of civilian casualties in Iraq and Syria since 2014. Centcom has completed 62 investigations, concluding that 55 civilians were killed across the two countries.

EXHIBIT K

"Amnesty International is concerned that CENTCOM appears to be significantly underestimating the extent to which the operations it directs have caused harm to civilians and damage to civilian objects," the group said in its memo.

Amnesty said it conducted its own investigations into the 11 incidents, sifting through social media and activist reports and, when possible, interviewing eyewitnesses or relatives of the alleged victims. "We think this was pretty robust under the circumstances," Sammonds said.

The group has also asked for details about what information Centcom has used and has disregarded when looking into allegations. Officials sometimes use local reporting and social media images and video when conducting official investigations, but sometimes rely mainly on military and intelligence information.

Amnesty is also urging the Obama administration to overhaul its investigation process, which has not provided full details to the public. Several completed investigations have been made public in a redacted form, but most have not beyond a summary of their conclusions.

Jacques said the command is committed to transparency. "We are working to release the assessment findings of the remaining closed allegations as soon as possible," he said.

Missy Ryan writes about the Pentagon, military issues, and national security for The Washington Post.

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EXHIBIT K

# Exhibit 2



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

4 April 2017

Ms. Azmat Khan  
18 West 21st Street  
Suite 900  
New York, NY 10010

Dear Ms. Khan,

We received your Freedom of Information Act (FOIA) request on 29 March 2017, seeking the Credibility Assessment records pertaining to the following airstrikes on civilians in Iraq between April 2015 - March 2017: (1) 14 Nov 2016, near Tal Afar, Iraq, via self-report during a strike on an ISIS checkpoint, it was assessed that one civilian was unintentionally injured when the vehicle he was driving approached the checkpoint just prior to the munitions impact; (2) 4 Jan 2017, near Mosul, Iraq, via media report during a strike on ISIS fighters in a house, it was assessed that one civilian was unintentionally injured in the house; (3) Jan 2017, near Mosul Iraq, via media report during a strike on ISIS fighters in a moving vehicle, it was assessed that one civilian pedestrian was unintentionally killed when the vehicle was struck; (4) 13 Jan 2017, near Mosul, Iraq, via self-report during a strike on ISIS fighters in a house, it was assessed that eight civilians were unintentionally killed. During post-strike video analysis, civilians were identified near the house that was not evident prior to the strike; (5) 14 Jan 2017, near Mosul, Iraq, via self-report during a counter –fire strike on an ISIS mortar team, it was assessed that one civilian was unintentionally killed when he entered the target area after weapon was fired; (6) 25 Oct 2016, near Mosul, Iraq, via self-report during a strike on ISIL fighters in a moving vehicle, it was assessed that one civilian was unintentionally killed when the targeted vehicle passed his location at the time of the munitions impact; (7) 3 Dec 2016, near Mosul, Iraq, via self-report during a strike on ISIL fighters firing a mortar on partnered forces, it was assessed that one civilian was unintentionally killed; (8) 9 Dec 2016, near Mosul, Iraq, via self-report during a strike on ISIL construction equipment in the process of repairing cratered roads, it was assessed that two civilians were unintentionally killed by the munitions strike blast when they entered the targeted area just prior to the munitions impact; (9) 6 Nov 2016, near Shahid-Yunis As Sab, Iraq, during a strike on ISIL fighters in a moving vehicle, it was assessed that seven civilians were unintentionally killed when the targeted vehicle came into close proximity to two stationary vehicles just prior to the munitions impact; (10) 26 Nov 2016, near Mosul, Iraq, during a strike on ISIS fighters and a technical vehicle, it was assessed that two civilians were unintentionally killed by the munitions strike blast; (11) 29 Nov 2016, near Mosul, Iraq, during a strike on ISIL fighters, it was assessed that three civilians were unintentionally killed when they entered the targeted area just prior to the munitions impact; (12) 22 Oct 2016, near Fasitiah, Iraq, during a strike on a building from which ISIL fighters were firing on partnered Iraqi forces, eight civilians were inadvertently killed; (13) in a 5 March 2016 strike against an ISIL weapons production facility near Mosul, Iraq, it was assessed that 10 civilians were killed; (14) in a 24 Mar 2016, strike against an ISIL target Qayyarah, Iraq, it was assessed that one civilian was

killed; (15) in a 9 Apr 2016 strike against an ISIL tactical unit near Mosul, it was assessed that one civilian was killed after entering the targeted area after an aircraft released its weapon; (16) in a 30 Apr 2016 strike against ISIL military leadership near Mosul, it was assessed that five civilians were killed after entering the targeted area after an aircraft released its weapon; (17) in a 25 May 2016 strike against an ISIL tactical unit near Mosul, it was assessed that one civilian was killed; (18) in a 26 May 2016 strike against ISIL fighters near Mosul, it was assessed that one civilian was killed after entering the targeted area after an aircraft released its weapon; (19) in a 29 May 2016 strike against an ISIL weapons system near Mosul, it was assessed that six civilians were killed; (20) in a 15 June 2016 strike against an ISIL weapons storage facility near Kisik, Iraq, it was assessed that six civilians were killed; (21) in a 15 June 2016, strike against ISIL targets near Mosul, it is assessed that two individuals were injured after entering the targeted area after the aircraft released its weapon; (22) in a 14 July 2016 strike on an ISIL-held building near Qayyarah, it was assessed that one civilian was killed; (23) in a 31 Aug 2016 strike against an ISIL target near Ramadi, Iraq, it was assessed that two civilians were killed; (24) on 15 February 2016 near Al Qaim, Iraq, during a strike on an ISIL staging area, it was assessed that three civilians were killed; (25) on 16 February 2016 in Ar Rayhaniyah, Iraq, near Mosul, during a strike on an ISIL vehicle, it was assessed that one person was injured along the side of the road; (26) on 5 April 2016 in Mosul, Iraq, during a strike on an ISIL financial storage facility, it was assessed that three civilians were killed; (27) on 26 April 2016 in Sharqat, Iraq, near Qayyarah, during a strike on an ISIL checkpoint, it was assessed that one civilian was killed when a motorcycle unexpectedly appeared in the target area after the U.S. aircraft had already released its weapon; (28) on 29 April 2016 in Mosul, Iraq, during a strike targeting Neil Prakash, an ISIL external operations facilitator, it was assessed that four civilians were killed when the weapon struck three civilians on the road and one civilian located on an adjacent compound; (29) 10 Sept 2015 in Kubaysah, Iraq, near Hit, during a strike on an ISIL checkpoint, it was assessed that two civilians were killed and four were injured when their vehicle appeared in the targeted area when weapons were already in flight; (30) 5 Oct 2015 in Atshanah, Iraq, near Huwayjah, during a strike on ISIL personnel, it was assessed that eight civilians were killed during a strike on a mortar fire position used by enemy fighters; (31) 4 Nov 2015 in Huwayjah, Iraq, during a strike on a vehicle, it was assessed two civilians were injured. The incident occurred when weapons were already in flight. The ISIL vehicle unexpectedly pulled off the side of the road near a building where two civilians were standing; (32) 12 Nov 2015 in Ramadi, Iraq, during a strike targeting ISIL fighters, it was assessed that one civilian was killed; (33) 12 Dec 2015 in Ramadi, Iraq, during a strike on ISIL personnel at a suspected ISIL checkpoint, it was assessed that five civilians were killed after they unexpectedly moved into the targeted location when weapons were already in flight; (34) 11 Jan 2016 near Mosul, Iraq, during a strike on five ISIL individuals guarding an ISIL cash distribution station, it was assessed that one civilian was killed and five were injured; (35) on 17 July 2015 near Mosul, Iraq, during strikes against ISIL fighters traveling in a vehicle, it was assessed one civilian was injured; (36) on 12 Apr 2015 near al Huwayjah, Iraq, during a strike on an ISIL tactical unit, it was assessed that two unidentified civilians were killed; (37) on 29 Jun 2015, near Hadith, Iraq, during strikes against one ISIL tactical unit and two ISIL vehicles, it was assessed that two civilians were injured. After the U.S. aircraft engaged the target and two seconds prior to impact, a car slowed in front of the ISIL vehicles while a motorcycle simultaneously passed by, the target vehicle was destroyed in the strike but there was insufficient evidence to determine the level of injuries to the civilians

operating the passing car and motorcycle; and, (38) an initial review of strike data from March 16-23, 2017 indicates that at the request of the Iraqi Security Forces, the Coalition struck ISIS fighters, and equipment in West Mosul at the location corresponding to allegations of civilian casualties. 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, or other agencies.

In your request, you asked for a fee waiver, your request is granted. Additionally, you requested expedited processing. In order to qualify for expedited processing, the requester 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; or, (3) failure to obtain records on an expedited basis would create an imminent loss of due process rights. Your request does not satisfy either requirement for compelling need. Therefore, I cannot approve your request for expedited processing.

For any further assistance and to discuss any aspect of your request, you have the right to contact the Office of the Deputy Chief Management Officer, Directorate for Oversight and Compliance, The Transparency Office, FOIA Public Liaison (Mr. James Hogan) at [OSD.FOIA-APPEAL@mail.mil](mailto:OSD.FOIA-APPEAL@mail.mil). 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](mailto: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 ODCMO 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 <http://pal.whs.mil/palMain.aspx> to submit your appeal electronically, or you can email your appeal to [OSD.FOIA-APPEAL@mail.mil](mailto: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 USCENCOM's case #17-0345, and clearly mark "Freedom of Information Act Appeal" in your correspondence.

The USCENCOM 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 USCENCOM. The

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 #384 in our queue. You can view your status on our website at [www.centcom.mil/Home/FOIA](http://www.centcom.mil/Home/FOIA).

If you have any questions regarding your inquiry, please contact my FOIA Requester Service Center at (813) 529-6285, [centcom.macdill.centcom-hq.mbx.freedom-of-information-act@mail.mil](mailto:centcom.macdill.centcom-hq.mbx.freedom-of-information-act@mail.mil), and refer to case #17-0345.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Landwehr', with a long horizontal stroke extending to the right.

Christopher M. Landwehr  
Lieutenant Colonel, U.S. Air Force  
Chief, Command Records