



DEPARTMENT OF DEFENSE
COMBINED JOINT TASK FORCE - OPERATION INHERENT RESOLVE
CAMP ARIFJAN, KUWAIT
APO AE 09306

IRDC-O

13 February 2017

MEMORANDUM FOR RECORD

SUBJECT: CIVCAS Allegation Closure Report

1. (U) **BLUF.** On 21 September 2015, a Combined Joint Task Force – Operation Inherent Resolve (CJTF-OIR) airstrike in Mosul, Iraq resulted in the death of four civilians. Although CJTF-OIR properly validated the target based on information available at the time and conducted the strike in accordance with applicable Rules of Engagement (ROE) and the Law of Armed Conflict (LOAC), the outcome was both unintended and tragic. I direct CJTF-OIR personnel to take appropriate steps to express sympathy to the survivors and to draw lessons from the incident to reduce the risk of civilian casualties (CIVCAS) in future operations.

2. (U) **Background.** I considered the following information in making my findings:

a. ~~(S//REL TO USA, FVEY)~~ On 21 September 2015 at 0145L hours, CJTF-OIR conducted a deliberate strike on Mosul ISIL Headquarters 002 in Mosul, Iraq (hereinafter “the Target”). The Target was developed by CJTF-OIR and was validated on 9 September 2015.

b. (U) A 4 October 2015 *New York Times* article stated that on 21 September 2015, a Coalition air strike destroyed two homes in “Mosul Woods,” killing four civilians and injuring two others (b)(6)

c. ~~(S//REL TO USA, FVEY)~~ Following this article, the Combined Air Operations Center (CAOC) initiated a CIVCAS credibility assessment. On 30 October 2015, the Deputy Combined Forces Air Component Commander (DCFACC) approved the assessment, finding the allegation to be credible, *i.e.*, more likely than not that CIVCAS was caused by Coalition personnel. The CAOC recommended that CJTF-OIR conduct further inquiry into intelligence supporting validation of the Target, specifically, the credibility and accuracy of the reports, and whether CJTF-OIR used adequate resources to validate the intelligence.

d. (U) CJTF-OIR conducted no further inquiry, and as a result, the CENTCOM CIVCAS team did not formally close the allegation, and the CENTCOM Public Affairs Office (PAO) did not release a credibility assessment finding. The CJTF-OIR CIVCAS policy now requires these actions, but as noted below, the policy was not in effect at the time of the strike.

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e. (U) On 8 November 2016, investigative journalist (b)(6) contacted the CJTF-OIR PAO regarding CIVCAS and solatia procedures, and to learn the status of (b)(6) case. Because CENTCOM did not close the CIVCAS allegation, CJTF-OIR personnel were unable to locate any record of it. (b)(6) referred CJTF-OIR PAO to a CJTF-OIR video of the strike posted on YouTube. As a result, the PAO and CIVCAS Team located the CAOC credibility assessment. (b)(6) informed CJTF-OIR PAO that he reported this CIVCAS multiple times and provided corroborating documentation (Encl. 1). I find no information to dispute his claims.

f. (U) Based on the CAOC's credibility assessment and (b)(6) and (b)(6) (b)(6) queries, I directed further inquiry into the intelligence used to validate the Target (Encl. 2), as well as the CJTF-OIR CIVCAS response in this case. This report documents the results of these inquiries, directs further action, and formally closes the CIVCAS allegation.

3. (U) Findings.

a. (U) Targeting Process.

(1) (U) I concur with CAOC's finding that the CIVCAS allegation is credible. I find no evidence suggesting that (b)(6) or his family were members or supporters of ISIL, or that such information served as a justification for the strike. The strike was based on the characterization of the Target facility, not of (b)(6) or his family.

(2) (U) I concur with the CAOC's finding that there was no human error or equipment or weapon malfunction in the actual strike. Weapons assigned to the Target functioned properly and impacted at the identified location.

(3) (U) At the time CJTF-OIR validated the Target, substantial, multi-source intelligence supported the conclusion that ISIL controlled the facility, and it no longer served as a civilian residence. Multiple U.S. agencies concurred with this functional characterization. The grid coordinates provided by the intelligence sources plotted on the Target facility, and the CJTF-OIR assessed the intelligence to be reliable and valid. CJTF-OIR followed proper procedures to strike the target: the Government of Iraq approved the strike, and a Judge Advocate completed a legal review for compliance with ROE and LOAC (Encl. 3). Finally, the appropriate target engagement authority, an officer with extensive experience in deliberate targeting, approved the strike.

(4) ~~(S//REL TO USA, FVEY)~~ A retrospective review of post-strike information, including materials provided by (b)(6) and (b)(6) however, suggests that the process may have identified the wrong facility as the Target. In hindsight, it appears that some of the intelligence attributed to the Target may have actually indicated an adjacent compound. Moreover, additional observation of the Target may have revealed a pattern of activity consistent with a non-ISIL, civilian presence. I use "may," as these conclusions are somewhat speculative and benefit from both hindsight and information

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from (b)(6) neither of which was available to the target engagement authority at the time of the strike.

(5) (U) From my review of the credibility assessment and my subsequent inquiry, I find no evidence indicating carelessness or bad faith on the part of Coalition personnel. I also find that the CJTF-OIR targeting process remains sound. We validate each target after review by multiple subject-matter experts in intelligence and weapons systems who do their best to eliminate errors and minimize risk to non-combatants. It is never our intention to kill or injure innocent civilians. As this incident shows, however, the margin for error is slim, and the result of a potential mistake may be tragic, despite our best efforts to avoid them.

b. (U) Reporting and Response.

(1) (U) Post-Strike Actions. Although the DCFACC recommended further investigation in October 2015, none was completed in the months that followed. Although I find no satisfactory reason for this failure, there are several contributing causes.

(a) (U) Multiple, geographically separate headquarters handled the underlying strike and CIVCAS response. CJTF-OIR validated the target, CAOC assessed the credibility of the allegation, and CENTCOM managed the CIVAS response process. Because no investigation occurred, CENTCOM never closed the CIVCAS allegation, and CENTCOM PAO never released the credibility determination to the public. It is clear to me that communication between these HQs was not optimal in tracking this CIVCAS allegation.

(b) (U) The units and nearly all of the personnel involved in this incident have re-deployed. Although such rotations create challenges in continuity, they do not excuse losing track of individual actions, which apparently happened in this case. That said, I find no evidence of bad faith in the handling of this incident or systemic problems in our CIVCAS response procedures.

(c) (U) Since October 2015, CENTCOM and CJTF-OIR personnel have assessed many other CIVCAS allegations, found them to be credible, closed them, and released the results to the public. In October 2016, CJTF-OIR assumed responsibility for CIVCAS response and reporting from CENTCOM. The CJTF-OIR CIVCAS policy provides a more robust, centralized tracking process to provide oversight of individual CIVCAS allegations, especially during periods of individual and unit transition.

(2) (U) YouTube Video. Shortly after the Target was struck, CJTF-OIR PAO posted a video of the strike on YouTube—a standard practice to counter ISIL's social medial presence. On the video, the Target was labeled as a Vehicle Borne Improvised Explosive Device (VBIED) Facility, which was incorrect, as the Target was assessed as an ISIL Headquarters. I find that this mistake likely stemmed from the fact that CJTF-OIR also struck a VBIED facility in Mosul on the same night. After recognizing this error

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and that the strike corresponded to a CIVCAS allegation, CJTF-OIR PAO removed the video from YouTube. CJTF-OIR PAO no longer publishes strike videos on YouTube.

4. (U) **Action.**

a. (U) I direct closure of this CIVCAS incident and that CJTF-OIR PAO publish the credible CIVCAS finding in a press release as soon as practicable.

b. (U) As an expression of sympathy, I approve payment of solatia to (b)(6) (b)(6) IAW Encl. 4.

c. (U) I direct the CJTF-OIR CIVCAS Team, CJ2, and PAO to compile lessons learned and any recommended changes to policy and procedure and submit them to the Chief of Staff NLT 3 March 2017. Nothing I have seen indicates that those involved in validating this target gave less than their full effort to minimize the risk to non-combatants while accomplishing the mission. Likewise, I find no indication that those involved in the response and reporting of this incident acted in bad faith. That said, we must continually work to improve our operations and procedures.

5. (U) Point of contact is (b)(3), (b)(6) at (b)(6)

4 Encls

- 1. (b)(6) Email Documentation
- 2. Intelligence Inquiry
- 3. Legal Review
- 4. Solatia Assessment Report

SCOTT A. KINDSVATER
Major General, USAF
Deputy Commander

Approved for Release

Commander's Inquiry – CIVCAS Incident for BE0340RS1799, 21 Sep 2015

FINDINGS

- No issues identified in the process; the full deliberate process was followed
- The intelligence assessment in September 2015 was sound and indicated a good target:
 - (b)(1)1.4c reporting highlighted the building targeted, references to the target being a (b)(1)1.4c or (b)(1)1.4c with the most recent one in August giving a detailed description of the target building. Some reports indicated the target was a "Joint Coordination Centre", which was located adjacent to the targeted villas; however given there is a one road access to these facilities it was possibly assessed that they were connected and both used by ISIL. Only the villas (b)(1)1.4c
 - FMV of 1hr 35min over different days did not identify domestic activity however it did identify evidence of access control and a presence of up to 7 adult males outside the villa. Whilst this may not have provided confirmed evidence of ISIL, (b)(1)1.4c (b)(1)1.4c What was observed in the small amount of FMV provided a level of confidence that (b)(1)1.4c was accurate.
 - GEOINT observed NSTR; identified one access road to compound and a sedan in the driveway
 - (b)(1)1.4c was associated in the area, but not on the target (b)(1)1.4c, (b)(1)1.4g (b)(1)1.4c, (b)(1)1.4g
- Retrospective analysis of the intelligence identified:
 - (b)(1)1.4c, performs headquarters and operational planning functions.
 - FMV: Potentially more FMV may have identified the presence of women and domestic activity; however what was observed provided confidence that the facility was not occupied by a family. Due to equipment error there is no recording of the FMV that can be reviewed.
- The Electronic Targeting Folder has the target as DUAL USE
- The JIPTL was a CDE 4 LOW, NOT DUAL USE
- The intelligence supports that the target would have been considered NOT DUAL USE

TAGRETING PROCESS COMPLETED IN FULL – NOT EXPEDITED AND WITH IC CONCURS

- Developed by TF 4.1
- Presented at TDWG on 24 Aug 2015 and CTDWG on 27 Aug 2015
- IC Vetting was returned prior to JTCB with three agencies concurring and one agency abstaining
- Approved at JTCB on 9 Sep 2015

INTELLIGENCE

- [Redacted]

(b)(1)1.4a, (b)(1)1.4c,

[Redacted] 1.4c

- FMV: A MAX SLANT of 7/0/0, with ADMs opening and closing the gate for arriving vehicles, indicating some access control. No ADF or children observed or other evidence of domestic activities.
- (b)(1)1.4c, Reporting within 500m of target facility, no reporting directly linked to the target or adjacent former government facility.

ASSESSMENT FROM 9 SEP 2015

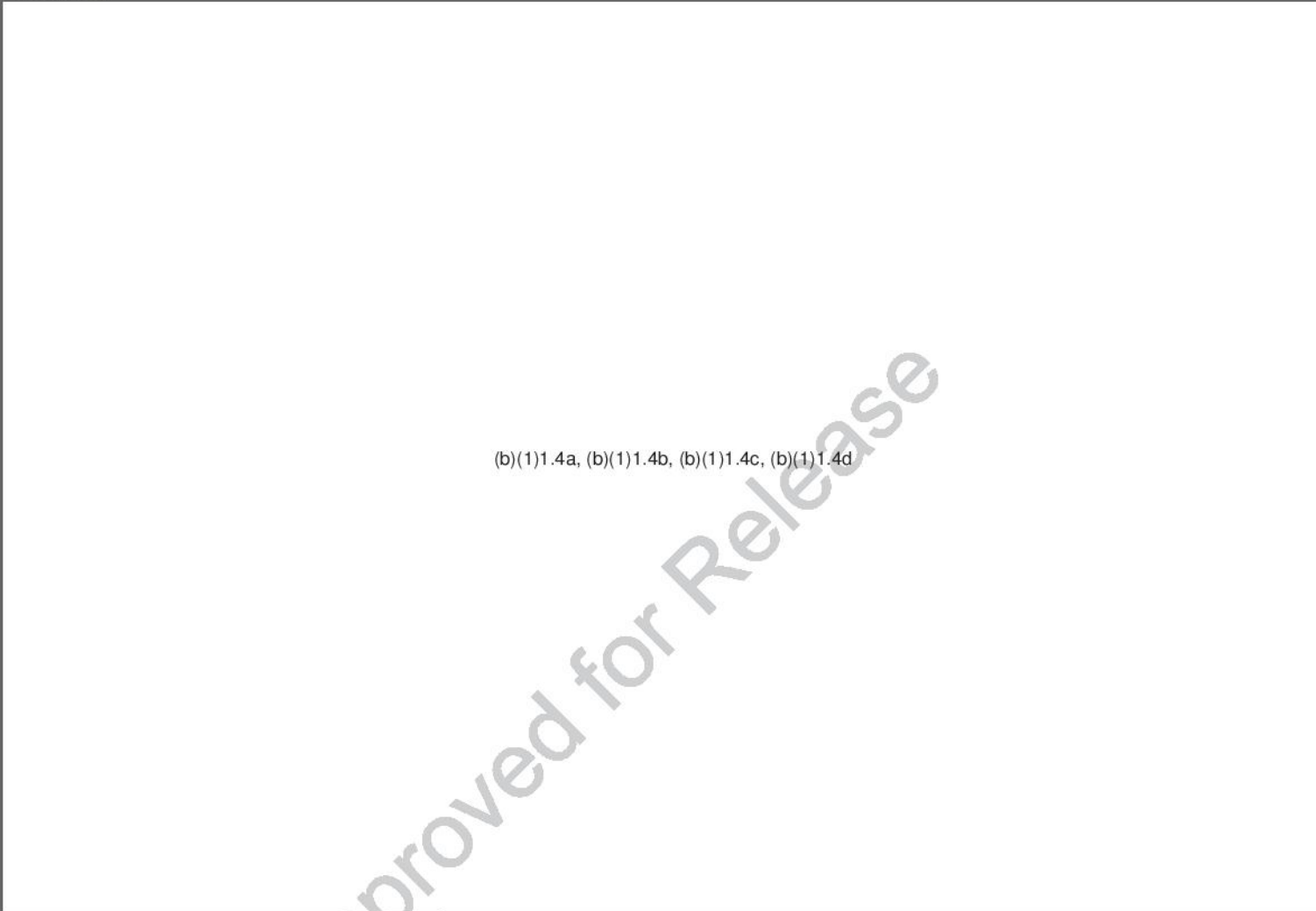
[Redacted]

(b)(1)1.4c,

[Redacted] (b)(1)1.4c, It is common for ISIL to use regular target was a home did not discount it as a valid military target due to the body of reporting suggesting ISIL had taken control of the facility.

[Redacted] (b)(1)1.4c, FMV and GEOINT supported ISIL use due to evidence of access control, security measures and no evidence of domestic activity. A MAX SLANT of 7/0/0 included one ADM opening the gate for an approaching vehicle. Whilst no overtly nefarious activity was observed, what was observed did fit with the target characterization due to evidence of access control and the expectation that groups of ADM would be observed at the target. Particularly at headquarter and safehouse locations, ISIL does not obviously brandish weapons to remain from being detected, so the fact weapons were not observed would not have been considered unusual.

**ASSESSMENT NOW
HUMINT**



(b)(1)1.4a, (b)(1)1.4b, (b)(1)1.4c, (b)(1)1.4d

GEOINT / FMV

Only 1hr 35mins of FMV was collected over 3 different days in 15 – 30min windows predominantly in the late afternoon / evening (15mins was collected around lunchtime). More collect may have provided a clearer picture of the civilians at the compound, with claims that two families were living at the facility (2 x ADM, 1 x 17 year old male, and 3 x ADF). In the collect, only ADM were identified, none of the 3 x ADF reported to live at the target were observed.

OTHER COMMENTS

(b)(1)1.4a, (b)(1)1.4c

It remains possible that the family in question may have been actively supporting ISIL, passively supporting ISIL (given the risk of not providing support) or potentially coerced or forced.

(b)(1)1.4c

(b)(1)1.4c Given that there is nothing to tie the family to ISIL, it appears more likely that this is the case.

Finally, the facility was not actually characterized as a "weapons storage facility". (b)(1)1.4c

(b)(1)1.4c When the video was released on You Tube, its description as a weapons storage / VBIED facility was incorrect and not the reported function of the target.

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Page 9 redacted for the following reason:

(b)(3), (b)(5), (b)(6)

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MEMORANDUM FOR Deputy Commander, Operations and Intelligence, Combined Joint Task Force – Operation Inherent Resolve (CJTF-OIR), APO AE 09306

SUBJECT: Solatia Assessment Report, Claim Number 2017-001

1. **BLUF.** It is my assessment that (b)(6) is entitled to a solatia payment in the amount of \$9,000 for his injuries, the loss of his wife and daughter, and damage to his home and car as a result of Coalition air strike on 21 September 2015. Although no amount can replace what (b)(6) lost, I recommend he be paid this amount, the maximum allowed by regulation, given the tremendous and tragic loss he has suffered.

2. **Background.** On 21 September 2015, CJTF-OIR conducted an airstrike on what was assessed to be an ISIL Headquarters in Mosul, Iraq. On 4 October 2015, an article was published in the New York Times alleging an instance of civilian casualties (CIVCAS) in Mosul as a result of Coalition airstrike (Enclosure 1). The Combined Air Operations Center (CAOC) conducted a CIVCAS Assessment Report (CCAR) and determined it is more likely than not four civilians were killed and two civilians were wounded as a result of the strike on 21 September 2015 (Enclosure 2).

3. **Summary.**

a. In November 2016, (b)(6) an investigative reporter, contacted CJTF-OIR regarding the 21 September 2015 strike. Part of the action she requested was solatia for (b)(6) one of the civilians wounded. (b)(6) also put CJTF-OIR in touch with (b)(6) by email, and he made a claim of CIVCAS (Enclosure 3). (b)(6) stated that his wife, (b)(6) and daughter, (b)(6) were killed in the strike. (b)(6) also stated that he has suffered physical harm, including a broken foot and broken hip. His hip has required surgery and hospitalization. (b)(6) (b)(6) stated that his home and car were destroyed as a result of the strike. Destruction of his home also resulted in loss of many personal belongings of financial and sentimental value.

b. (b)(6) and (b)(6) have provided significant documentation to support their claims. (b)(6) has submitted a written statement detailing his claim, and attached numerous photographs (Enclosure 4). The photographs detail the destruction of his home and car, including before and after photos. Close analysis of the photos, the target packet for this strike, and post-strike imagery confirm that the home pictured was the subject of Coalition airstrike. There is no information available that would

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undermine (b)(6) claim that he was the owner and resident of this home. These findings are consistent with the findings of the CCAR, which provided detailed analysis of the allegation of CIVCAS, lending further credence to (b)(6) claims.

c. In addition to (b)(6) and (b)(6) claims, open source media corroborates the allegations. The New York Times article published on 4 October 2015 substantiates the claim of CIVCAS and property damage (see Enclosure 1). The author, Zareena Grewal, is a Yale University professor and a widely published author. She alleges in the article that the (b)(6) family is related to her husband. Additionally, after the strike, CJTF-OIR published the post-strike video on YouTube. At the time, this was a common procedure in countering ISIL's social medial presence and providing transparency in our operations. At the time, CJTF-OIR was unaware that the strike resulted in CIVCAS. Multiple people commented on the YouTube video alleging CIVCAS from this strike, many of whom identified themselves as family members of the victims (Enclosure 5). Although we are unable to verify these comments, they corroborate the allegations and CCAR consistently and are additional evidence to support (b)(6) claim.

d. As required, CJTF-OIR CJ2X completed vetting of (b)(6) and confirmed that he does not have documented ties to any terrorist organization. Additionally, CJFLCC-OIR SJA completed a legal review and determined that (b)(6) claim qualifies him for solaita IAW the appropriate authorities (Enclosure 6).

4. **Assessment.** It is my assessment that (b)(6) claims of CIVCAS and property damage are credible. I recommend solatia be paid in the amount of \$9,000 to (b)(6) (b)(6) as an expression of sympathy for his loss. This amount is IAW the limits set forth by governing regulations. The U.S. was directly involved in the strikes in question. The target was developed and approved by CJTF-OIR, and the U.S. supplied airframes and munitions used in the strike. There are no additional restrictions which would prevent issuance of solatia in this case. Thus, (b)(6) claim qualifies him for solatia payment from CJTF-OIR.

5. Point of contact is the undersigned at (b)(3), (b)(6) mil@mail.mil, DSN at (b)(6)
(b)(6)

(b)(3), (b)(6)

- 6 Encls
- 1. New York Times Article
- 2. CCAR
- 3. Email Excerpts (b)(6)
- 4. Claim Documentation
- 5. YouTube Comments
- 6. Legal Review