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# Department of Defense

## Annual Report on Civilian Casualties in Connection With United States Military Operations

Submitted pursuant to section 1057 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91)

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Section 1057 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91), as amended, states the following:

**Annual Report on Civilian Casualties in Connection With  
United States Military Operations**

(a) **ANNUAL REPORT REQUIRED.**—Not later than May 1 each year, the Secretary of Defense shall submit to the congressional defense committees a report on civilian casualties caused as a result of United States military operations during the preceding year.

(b) **ELEMENTS.**—Each report under subsection (a) shall set forth the following:

(1) A list of all the United States military operations, including each specific mission, strike, engagement, raid, or incident, during the year covered by such report that were confirmed, or reasonably suspected, to have resulted in civilian casualties.

(2) For each military operation listed pursuant to paragraph (1), each of the following:

(A) The date.

(B) The location.

(C) An identification of whether the operation occurred inside or outside of a declared theater of active armed conflict.

(D) The type of operation.

(E) An assessment of the number of civilian and enemy combatant casualties, including a differentiation between those killed and those injured.

(3) A description of the process by which the Department of Defense investigates allegations of civilian casualties resulting from United States military operations, and, when appropriate, makes ex gratia payments to the victims or their families.

(4) A description of steps taken by the Department to mitigate harm to civilians in conducting such operations.

(5) Any update or modification to any report under this section during a previous year.

(6) Any other matters the Secretary of Defense determines are relevant.

(c) **USE OF SOURCES.**—In preparing a report under this section, the Secretary of Defense shall take into account relevant and credible all-source reporting, including information from public reports and nongovernmental sources.

(d) **FORM.**—Each report under subsection (a) shall be submitted in unclassified form, but may include a classified annex. The unclassified form of each report shall, at a minimum, be responsive to each element under subsection (b) of a report under subsection (a), and shall be made available to the public at the same time it is submitted to Congress (unless the Secretary certifies in writing that the publication of such information poses a threat to the national security interests of the United States).

(e) **SUNSET.**—The requirement to submit a report under subsection (a) shall expire on the date that is five years after the date of the enactment of this Act.

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### **Department of Defense Report on Civilian Casualties in Connection With United States Military Operations in 2018**

This report is submitted pursuant to section 1057 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2018 (Public Law 115-91), as amended.

This report provides information primarily about U.S. military operations in 2018 that were assessed to have resulted in civilian casualties. This report, however, also contains updates to information Department of Defense (DoD) provided in the report submitted to Congress last year pursuant to Section 1057 of the NDAA for FY 2018.

Some of the information provided in last year's report about U.S. military operations in 2017 has been repeated in this report because the information was relevant to U.S. military operations in 2018.

This report is publicly available at [Defense.gov](https://www.defense.gov).

As noted in Section 1 of Executive Order 13732, *United States Policy on Pre- and Post-Strike Measures To Address Civilian Casualties in U.S. Operations Involving the Use of Force*, of July 1, 2016, the protection of civilians is fundamentally consistent with the effective, efficient, and decisive use of force in pursuit of U.S. national interests. Minimizing civilian casualties can further mission objectives; help maintain the support of partner governments and vulnerable populations, especially during counterterrorism and counterinsurgency operations; and enhance the legitimacy and sustainability of U.S. operations critical to U.S. national security. As a matter of policy, U.S. forces therefore routinely conduct operations under policy standards that are more protective of civilians than is required by the law of war.

U.S. forces also protect civilians because it is the moral and ethical thing to do. Although civilian casualties are a tragic and unavoidable part of war, no force in history has been more committed to limiting harm to civilians than the U.S. military. This commitment is reflected in DoD's consistent efforts to maintain and promote best practices that reduce the likelihood of civilian casualties, take appropriate steps when such casualties occur, and draw lessons from DoD operations to further enhance the protection of civilians. Section 2 of Executive Order 13732 catalogues the best practices DoD has implemented to protect civilians during armed conflict, and it directs those measures be sustained in present and future operations. During 2018, all operations listed below were conducted consistent with the best practices identified in Section 2 of Executive Order 13732.

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### **I. UNITED STATES MILITARY OPERATIONS DURING 2018 CONFIRMED, OR REASONABLY SUSPECTED, TO HAVE RESULTED IN CIVILIAN CASUALTIES**

During 2018, U.S. forces continued to be engaged in a number of military operations, some of which were assessed to have resulted in civilian casualties. This section provides information regarding: a) Operation INHERENT RESOLVE and other military actions related to Iraq and Syria; b) Operation FREEDOM'S SENTINEL, including support to the North Atlantic Treaty Organization (NATO)-led RESOLUTE SUPPORT Mission; c) U.S. military actions in Yemen against al-Qa'ida in the Arabian Peninsula (AQAP) and the Islamic State of Iraq and Syria (ISIS); d) U.S. military actions in Somalia against ISIS and al-Shabaab; and e) U.S. military actions in Libya against ISIS and al-Qa'ida in the Lands of the Islamic Maghreb (AQIM).

This section provides information about each operation, as well as a list of each specific mission, strike, engagement, raid, or incident during 2018 that was assessed to have resulted in civilian casualties. Each instance that was assessed to have resulted in civilian casualties identifies the date, location, the type of operation, and DoD's assessment of the number of civilians injured and killed in that instance. Last year's report used the term "a declared theater of active armed conflict," as that term was understood in the context of Title 10 U.S.C. § 130f. Title 10 U.S.C. § 130f has since been amended and no longer includes the term "a declared theater of active armed conflict." The term "a declared theater of active armed conflict" is also not defined in relevant DoD doctrine. For the purposes of this report, the term "a declared theater of active armed conflict" will be considered to mean, for calendar year 2018, Afghanistan, Iraq, Libya, Somalia, Syria, and Yemen. Thus, all U.S. military operations and particular instances listed below that resulted in civilian casualties occurred in a declared theater of active armed conflict, in the context of the ongoing armed conflict against al-Qa'ida, the Taliban, and associated forces, including ISIS.

DoD's practice for many years has been not to tally systematically the number of enemy combatants killed or wounded during operations. Although the number of enemy combatants killed in action is often assessed after combat, a running "body count" would not necessarily provide a meaningful measure of the military success of an operation and could even be misleading. For example, the use of such metrics in the Vietnam War has been heavily criticized. We have therefore provided other information that is intended to help give context, such as information regarding the objectives, scale, and effects of these operations.

A longstanding DoD policy is to comply with the law of war in all military operations, however characterized. All DoD operations in 2018 were conducted in accordance with law of war requirements, including law of war protections for civilians, such as the fundamental principles of distinction and proportionality and the requirement to take feasible precautions in planning

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and conducting attacks to reduce the risk of harm to civilians and other persons and objects protected from being made the object of an attack.

DoD assesses that there are credible reports of approximately 120 civilians killed and approximately 65 civilians injured during 2018 as a result of U.S. military operations in Iraq, Syria, Afghanistan, and Somalia. DoD has no credible reports of civilian casualties from U.S. military operations in Yemen or Libya in 2018. Sub-sections A through E below provide additional information.

As stated above, this report also contains updates to information submitted to Congress in last year's Section 1057 report. Last year's report noted that, as of February 26, 2018, more than 450 reports of civilian casualties from 2017 remained to be assessed due to the number of such reports received during 2017 and the resources required to review each report. Since that time, many more reports of civilian casualties from U.S. military operations in 2017 have been assessed. More reports of civilian casualties from 2017 have also been received, and DoD continues to assess new reports after they are received and updates previous assessments if DoD receives additional information on any previous report of civilian casualties.

The assessments of civilian casualties listed below are based on reports that DoD has been able to assess as "credible." DoD components conducting assessments deem a report as "credible" if, based on the available information, it is assessed to be more likely than not that civilian casualties occurred. Section II of this report describes in more detail the processes for conducting these assessments.

### **A. Operation INHERENT RESOLVE and other military actions related to Iraq and Syria**

*Operation INHERENT RESOLVE.* In 2018, the Defeat-ISIS Coalition – Combined Joint Task Force – Operation INHERENT RESOLVE (CJTF-OIR) – and partner forces liberated additional territory from ISIS and severely degraded ISIS's capabilities, allowing more than 4 million internally displaced civilians to return to their home areas free from ISIS domination. During the past year, ISIS's control of territory was reduced to less than half of one percent of the territory it once controlled. During 2018, the Defeat-ISIS Coalition and partner forces killed thousands of ISIS fighters and destroyed media sites, weapons caches, command and control centers, and other facilities ISIS was using to conduct its operations. These actions have further degraded ISIS's capabilities and access to funding, recruiting, arms, and training.

As of the end of 2018, the Defeat-ISIS Coalition and its partner forces were still conducting operations to eliminate pockets of ISIS fighters. The Defeat-ISIS Coalition also began to emphasize providing partners with assistance, including support to sustainment activities

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designed to help reconstitute and stabilize necessary local functions to allow the civilian population in these areas to rebuild their communities and lives.

DoD assessed that there were credible reports of civilian casualties caused by U.S. military actions in Iraq and Syria during 2018. As of January 24, 2019, DoD assessed that 13 reports of civilian casualties during 2018 were credible, with approximately 42 civilians killed and approximately 7 civilians injured as a result of U.S. military actions. The following table contains additional details about each instance during 2018 that was assessed to have resulted in civilian casualties. As of January 24, 2019, 28 reports of civilian casualties from 2018 remained to be assessed.

	Date	Location	Operation Type	Civilians Injured	Civilians Killed
1	9-Jan-18	Abu Kamal	Air	0	5
2	18-Jan-18	Abu Kamal	Air	0	1
3	20-Jan-18	Al Kashmah	Air	0	4
4	2-Apr-18	Qanus Island	Ground	1	1
5	11-May-18	Al Hamadi Village	Air	0	4
6	14-May-18	Mishraq Village	Air	0	13
7	15-May-18	Al Susah	Air	0	4
8	23-May-18	Hajin	Air	0	4
9	31-May-18	Al Baghouz	Air	0	2
10	13-Jun-18	Abu Kamal	Air	1	0
11	25-Aug-18	Hajin	Air	1	3
12	30-Sep-18	As Shusah	Air	0	1
13	31-Oct-18	Hajin	Air	4	0
			TOTAL	7	42

Additionally, as of March 22, 2019, DoD assessed that 170 reports of civilian casualties during 2017 were credible, with approximately 793 civilians killed and approximately 206 civilians injured as result of U.S. military actions. The following table contains additional details about each instance during 2017 that was assessed to have resulted in civilian casualties. As of March 22, 2019, 69 reports of civilian casualties from 2017 remained to be assessed. Generally, the number of civilian casualties during Operation INHERENT RESOLVE were higher during 2017 than during 2018 because of the significant military action needed in 2017 to help liberate Mosul and Raqqa – the former capitals of ISIS’s self-proclaimed “caliphate.”

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	Date	Location	Operation Type	Civilians Injured	Civilians Killed
1	4-Jan-17	Mosul	Air	1	0
2	7-Jan-17	Raqqa	Air	1	1
3	7-Jan-17	Al Kasrah	Air	0	2
4	7-Jan-17	Tabiyah	Air	0	1
5	13-Jan-17	Mosul	Air	0	8
6	13-Jan-17	Mosul	Air	0	3
7	14-Jan-17	Mosul	Ground	0	1
8	16-Jan-17	Raqqah	Air	0	1
9	17-Jan-17	Idlib	Air	3	0
10	21-Jan-17	Rashidiya	Air	0	15
11	26-Jan-17	Al Dawasah	Air	15	2
12	30-Jan-17	Mosul	Air	0	1
13	31-Jan-17	Omar Gosp	Air	0	1
14	4-Feb-17	Raqqah	Air	2	4
15	6-Feb-17	Mosul	Air	3	0
16	9-Feb-17	Al Qaim	Air	2	0
17	12-Feb-17	Mosul	Air	0	2
18	16-Feb-17	Mosul	Air	0	2
19	17-Feb-17	Raqqah	Air	0	3
20	18-Feb-17	Mosul	Air	6	4
21	18-Feb-17	Mosul	Air	2	0
22	19-Feb-17	Mosul	Air	0	10
23	19-Feb-17	Mosul	Air	0	1
24	20-Feb-17	Raqqah	Air	0	3
25	22-Feb-17	Mosul	Air	1	0
26	23-Feb-17	Mosul	Air	0	5
27	25-Feb-17	Mosul	Air	0	5
28	25-Feb-17	Kheurbet	Air	0	1
29	28-Feb-17	Mosul	Air	0	2
30	28-Feb-17	Al Qaim	Air	1	1
31	1-Mar-17	Mosul	Air	0	14
32	3-Mar-17	Mosul	Air	0	10
33	3-Mar-17	Mosul	Air	0	5
34	3-Mar-17	Raqqah	Air	0	5
35	9-Mar-17	Mosul	Air	0	2
36	9-Mar-17	Mosul	Air	0	1
37	13-Mar-17	Al-Mahatta	Air	0	11

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	Date	Location	Operation Type	Civilians Injured	Civilians Killed
38	14-Mar-17	Mosul	Air	0	27
39	17-Mar-17	Mosul	Air	0	105
40	20-Mar-17	Al-Tabaqah	Air	0	10
41	20-Mar-17	Raqqah	Air	0	40
42	20-Mar-17	Al-Thawrah	Air	0	1
43	21-Mar-17	Tabaqah	Air	0	10
44	21-Mar-17	Mosul	Air	3	1
45	21-Mar-17	Tabaqah	Air	2	0
46	21-Mar-17	Al Thawrah	Air	1	1
47	22-Mar-17	Al Thani	Air	0	7
48	25-Mar-17	Raqqah	Air	1	0
49	27-Mar-17	Idlib	Air	1	3
50	28-Mar-17	Mosul	Air	0	1
51	30-Mar-17	Mosul	Air	0	2
52	30-Mar-17	Anah	Air	0	2
53	30-Mar-17	Mosul	Air	0	7
54	30-Mar-17	Mosul	Air	0	12
55	4-Apr-17	Mosul	Air	0	1
56	4-Apr-17	Mosul	Air	0	1
57	5-Apr-17	Mosul	Air	0	1
58	8-Apr-17	Tal Afar	Air	0	3
59	10-Apr-17	Sekak	Air	0	3
60	13-Apr-17	Mosul	Air	0	6
61	17-Apr-17	Albu Kamal	Air	40	25
62	18-Apr-17	Mosul	Air	0	1
63	22-Apr-17	Mosul	Air	0	1
64	26-Apr-17	Tabaqah	Air	0	16
65	27-Apr-17	Rumaila	Air	0	11
66	4-May-17	Raqqah	Air	7	4
67	8-May-17	Mosul	Air	0	1
68	8-May-17	Tabaqah	Air	1	0
69	9-May-17	Mansura	Air	1	0
70	10-May-17	Deir Ezzor	Air	0	1
71	11-May-17	Raqqah	Air	1	0
72	12-May-17	Raqqah	Air	0	2
73	12-May-17	Quriya	Air	1	0
74	15-May-17	Al Makef	Air	0	2



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	Date	Location	Operation Type	Civilians Injured	Civilians Killed
75	16-May-17	Mosul	Air	0	3
76	16-May-17	Mosul	Air	0	20
77	16-May-17	Mosul	Air	0	2
78	19-May-17	Mosul	Air	0	1
79	19-May-17	Mosul	Air	0	3
80	21-May-17	Kdeiran	Air	0	9
81	23-May-17	Mosul	Air	0	6
82	23-May-17	Al Duweir	Air	0	1
83	25-May-17	Raqqah	Air	0	10
84	25-May-17	Al Mayadin	Air	0	15
85	27-May-17	Raqqah	Air	0	3
86	29-May-17	Raqqah	Air	1	0
87	29-May-17	Raqqah	Air	0	1
88	4-Jun-17	Raqqah	Air	0	4
89	6-Jun-17	Raqqah	Air	1	0
90	7-Jun-17	Mahkan	Air	0	1
91	8-Jun-17	Zanjili	Air	0	10
92	10-Jun-17	Raqqah	Air	0	2
93	12-Jun-17	Raqqah	Ground	24	8
94	15-Jun-17	Raqqah	Air	0	2
95	15-Jun-17	Mosul	Air	0	4
96	15-Jun-17	Raqqah	Air	0	4
97	15-Jun-17	Raqqah	Air	0	25
98	21-Jun-17	Mosul	Air	0	7
99	21-Jun-17	Mosul	Air	0	1
100	23-Jun-17	Mosul	Air	0	2
101	23-Jun-17	Mosul	Air	0	2
102	24-Jun-17	Mosul	Air	0	1
103	25-Jun-17	Deir Ezzor	Air	0	12
104	25-Jun-17	Qurayya	Air	0	1
105	25-Jun-17	Bokrus Tahtani	Air	0	2
106	26-Jun-17	Raqqah	Air	2	0
107	26-Jun-17	Mayadin	Air	2	0
108	26-Jun-17	Mayadin	Air	0	8
109	26-Jun-17	Raqqah	Air	2	0
110	28-Jun-17	Maleh	Air	0	1

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	Date	Location	Operation Type	Civilians Injured	Civilians Killed
111	28-Jun-17	Raqqah	Air	0	8
112	29-Jun-17	Deir Ezzor	Air	2	1
113	29-Jun-17	Bab Lakash	Air	0	6
114	30-Jun-17	Raqqah	Air	0	1
115	4-Jul-17	Raqqah	Air	0	1
116	6-Jul-17	Raqqah	Air	0	2
117	10-Jul-17	Mosul	Air	0	1
118	11-Jul-17	Mosul	Air	3	0
119	13-Jul-17	Raqqah	Air	2	2
120	14-Jul-17	Mosul	Air	0	10
121	15-Jul-17	Raqqah	Air	8	13
122	16-Jul-17	Deir Ezzor	Air	1	0
123	18-Jul-17	Raqqah	Air	1	11
124	22-Jul-17	Bajari	Air	3	1
125	26-Jul-17	Albu Kamal	Air	0	1
126	26-Jul-17	Deir Ezzor	Air	0	2
127	29-Jul-17	Raqqah	Air	0	1
128	29-Jul-17	Raqqah	Air	0	1
129	29-Jul-17	Albu Kamal	Air	9	3
130	1-Aug-17	Qadiya	Air	2	2
131	2-Aug-17	Raqqah	Air	0	3
132	3-Aug-17	Raqqah	Air	0	1
133	5-Aug-17	Karabilah	Air	1	0
134	6-Aug-17	Shadadi	Air	0	1
135	6-Aug-17	Raqqah	Air	2	4
136	7-Aug-17	Raqqah	Air	0	2
137	10-Aug-17	Tal Afar	Air	0	5
138	13-Aug-17	Raqqah	Air	1	3
139	13-Aug-17	Raqqah	Air	0	2
140	15-Aug-17	Raqqah	Air	2	0
141	17-Aug-17	Raqqah	Air	0	3
142	19-Aug-17	Tal Afar	Air	0	5
143	20-Aug-17	Tal Afar	Air	0	2
144	20-Aug-17	Raqqah	Air	0	1
145	20-Aug-17	Raqqah	Air	0	9
146	20-Aug-17	Raqqah	Air	0	33
147	7-Sep-17	Anah	Air	7	0

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	Date	Location	Operation Type	Civilians Injured	Civilians Killed
148	9-Sep-17	Abu Kamal	Air	3	1
149	13-Sep-17	Rawah	Air	2	0
150	22-Sep-17	As Safiyah	Air	1	1
151	25-Sep-17	Abu Kamal	Air	0	1
152	25-Sep-17	Al Jamahir	Air	1	0
153	2-Oct-17	Al Asharah	Air	1	0
154	3-Oct-17	Al Hadin	Air	1	0
155	5-Oct-17	Al Qaim	Air	0	1
156	10-Oct-17	Al Qaim	Air	1	0
157	12-Oct-17	Raqqah	Air	0	16
158	12-Oct-17	Al Badu	Air	0	3
159	17-Oct-17	Al Qaim	Air	0	1
160	31-Oct-17	Al Qaim	Air	2	0
161	1-Nov-17	Al Qaim	Air	0	1
162	1-Nov-17	Al Hiri	Air	2	3
163	2-Nov-17	Al Baghouz	Air	0	5
164	2-Nov-17	Barhouz	Air	0	3
165	16-Nov-17	Al Shadadi	Air	2	0
166	30-Nov-17	Darnaj	Air	14	5
167	1-Dec-17	Al Burham	Air	0	1
168	13-Dec-17	Hajin	Air	1	0
169	13-Dec-17	Hajin	Air	1	1
170	28-Dec-17	Rayhaniyah	Air	2	3
			<b>TOTAL</b>	<b>206</b>	<b>793</b>

It should be noted that CJTF-OIR, the U.S.-led Coalition to Defeat ISIS, as a matter of strategy and policy, considers all civilian casualties to be the combined result of “Coalition” action and jointly attributable to Coalition members. It is rarely the case that a single civilian casualty occurs solely from the actions of one nation’s military activities. Coalition personnel from multiple countries take part in every strike in some manner, from initial collection and analysis of intelligence, to the Coalition’s deliberate targeting process, and finally, in conducting the strikes themselves. In DoD’s view, this is the most appropriate way to view civilian casualty incidents related to Defeat-ISIS Coalition action in Iraq and Syria. Public reports released by U.S. Central Command (USCENTCOM) about civilian casualties reflect this approach.

For Operation INHERENT RESOLVE, USCENTCOM publishes a monthly report that: (1) catalogues reports of civilian casualties that have been received, including the date and location in which the civilian casualties reportedly occurred and the source of the report (*e.g.*, a military

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unit's own after-action reporting, media report, non-governmental organization (NGO) report, or a posting on social media); and (2) whether the reports of civilian casualties have been assessed to be "credible" or not, and if not, the general reasons why such reports were assessed to be "not credible" (e.g., no Coalition strikes were conducted in the geographic area that corresponds to the report of civilian casualties or the report contained insufficient information regarding the time, location, or details needed to assess it).

If a report is assessed to be "credible," the assessment often lists what persons or objects were being targeted (e.g., an ISIS sniper position, armed ISIS fighters in a vehicle, an ISIS weapons cache, or an ISIS command and control facility) and describes how civilian casualties occurred (e.g., vehicle with civilians entered target area after weapons were released to hit multiple ISIS vehicle shooting at friendly ground forces; civilians were in the proximity of ISIS fighters and ISIS weapon systems or launch sites for ISIS attacks during the strike). The monthly report also identifies the reports of civilian casualties that still remain to be assessed.

*Additional military action in Syria.* Additionally, on April 13, 2018, U.S. forces, acting in concert with French and British military forces, struck Syrian military chemical weapons-related facilities in response to the Syrian government's continued and unlawful use of chemical weapons, including the horrific attack in Duma, Syria, on April 7, 2018, that injured or killed numerous innocent civilians. The purpose of this military action was to degrade the Syrian military's ability to conduct further chemical weapons attacks and to dissuade the Syrian government from using or proliferating chemical weapons. The targets of the combined operation were a scientific research center installation, a storage facility, and a bunker. DoD has no reports of civilian casualties resulting from this military action.

### **B. Operation FREEDOM'S SENTINEL, including support to the North Atlantic Treaty Organization (NATO)-led RESOLUTE SUPPORT Mission**

*Operation FREEDOM'S SENTINEL.* In 2018, U.S. military efforts in Afghanistan in support of the South Asia Strategy (SAS) were conditions-based and focused on two well-defined and complementary missions. First, U.S. forces conducted counter-terrorism missions against al-Qa'ida, ISIS-Khorasan (ISIS-K), and associated groups to prevent their resurgence and ability to plan and execute external attacks. Second, in partnership with NATO allies and operational partner nations in the RESOLUTE SUPPORT (RS) Mission, U.S. forces advise and assist the Afghan National Defense and Security Forces (ANDSF) in their fight against insurgents and terrorist groups. The ANDSF have maintained a proactive mindset and have demonstrated exceptional resilience through a difficult and sustained fight.

DoD assessed that there were credible reports of civilian casualties caused by U.S. military actions in Afghanistan during 2018. As of March 19, 2019, U.S. Forces - Afghanistan (USFOR-

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A) assessed that 37 reports of civilian casualties during 2018 were credible, with approximately 76 civilians killed and approximately 58 civilians injured as a result of U.S. military actions. The following table contains additional details about each instance during 2018 that was assessed to have resulted in civilian casualties.

	Date	Location	Operation Type	Civilians Injured	Civilians Killed
1	1-Jan-18	Nangarhar	Air	4	0
2	1-Jan-18	Nangarhar	Air	0	2
3	3-Jan-18	Helmand	Air	1	1
4	8-Feb-18	Jawzjan	Air	2	0
5	15-Feb-18	Helmand	Air	1	1
6	16-Feb-18	Helmand	Air	0	1
7	17-Feb-18	Laghman	Ground	0	1
8	25-Feb-18	Balkh	Air	2	0
9	11-Mar-18	Kandahar	Ground	2	0
10	14-Mar-18	Kunar	Air	1	3
11	31-Mar-18	Herat	Air	0	1
12	8-May-18	Wardak	Air	0	1
13	11-May-18	Kunar	Ground	0	1
14	21-May-18	Helmand	Air	1	0
15	1-Jun-18	Nangarhar	Air	2	1
16	2-Jun-18	Logar	Air	1	0
17	30-Jun-18	Farah	Air	0	1
18	19-Jul-18	Kunduz	Air	1	12
19	23-Jul-18	Helmand	Air	0	2
20	26-Jul-18	Uruzgan	Ground	1	1
21	16-Aug-18	Helmand	Air	0	3
22	26-Aug-18	Zabul	Air	0	2
23	6-Sep-18	Logar	Air	1	0
24	29-Sep-18	Helmand	Air	0	2
25	1-Oct-18	Kunar	Ground	0	3
26	2-Oct-18	Laghman	Air	4	5
27	2-Oct-18	Paktiya	Ground	1	0
28	7-Oct-18	Paktiya	Ground	1	0
29	10-Oct-18	Helmand	Air	0	1
30	20-Oct-18	Kunar	Air	0	3
31	10-Nov-18	Paktiya	Air	1	2
32	19-Nov-18	Laghman	Air	0	3
33	24-Nov-18	Helmand	Air	4	0
34	27-Nov-18	Helmand	Air	3	14

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	Date	Location	Operation Type	Civilians Injured	Civilians Killed
35	28-Nov-18	Helmand	Air	2	1
36	3-Dec-18	Farah	Ground	5	0
37	14-Dec-18	Kunar	Air	17	8
TOTAL				58	76

DoD continues to acknowledge differences between DoD assessments of civilian casualties and reports by the United Nations Assistance Mission in Afghanistan (UNAMA). As explained in last year's Section 1057 report and as noted in Section II below, UNAMA relies on different types of information and uses a different methodology to assess whether civilian casualties have occurred, and whether such casualties occurred as a result of U.S. military actions. For example, USFOR-A considers all available information in conducting assessments, including information furnished through UNAMA. Additionally, USFOR-A also considers information that is unavailable to UNAMA, such as classified intelligence information and operational data that can include full-motion video from surveillance and weapon platforms. USFOR-A assessments also consider information provided by subject-matter experts, reports of partner forces, and the operational command associated with the report of civilian casualties. It is not unusual for classified intelligence information, as well as subject-matter expert and partner-provided information, to make clear that what appeared to be U.S. military-caused civilian casualties, when viewed through the lens of unclassified sources, actually had other causes. Even though USFOR-A meets with UNAMA monthly to brief it on the results of USFOR-A's assessments, UNAMA has found itself unable to agree with those assessments because UNAMA simply lacks access to all the information relevant to assessing whether civilian casualties resulted from U.S. military actions in any particular instance.

**C. U.S. military action in Yemen against al-Qa'ida in the Arabian Peninsula (AQAP) and ISIS**

During 2018, U.S. forces deployed to Yemen continued to work towards disrupting and degrading the terrorist threat posed by AQAP and ISIS. U.S. forces conducted 36 airstrikes against AQAP and ISIS operatives and facilities in Yemen and supported United Arab Emirates- and Yemen-led efforts to clear AQAP from Shabwah Governorate.

DoD has no credible reports of civilian casualties resulting from U.S. military actions in Yemen during 2018.

**D. U.S. military actions in Somalia against ISIS and al-Shabaab**

Persistent pressure on terrorist networks by U.S. Africa Command (USAFRICOM) has been necessary to prevent destabilization of our African partner nations. The principal means for

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applying pressure has been to work by, with, and through our African and international partners, increasing their security capabilities, and, only when necessary, using U.S. military force. Ultimately, our use of military force in African States, for example, in Libya and Somalia, allows these governments to provide the security and economic growth required for long-term stability and prosperity.

U.S. military operations in Somalia were intended to support regional partners and to deny al-Shabaab and ISIS control of ungoverned spaces that could be used by terrorist organizations to plot and conduct attacks against the U.S. homeland.

During 2018, USAFRICOM conducted 47 strikes in Somalia. DoD assessed that there was a credible report of civilian casualties caused by U.S. military actions in Somalia during 2018. As of April 1, 2019, USAFRICOM assessed that one report of civilian casualties during 2018 was credible, with approximately two civilians killed as a result of U.S. military actions. The following table contains additional details about the instance during 2018 that was assessed to have resulted in civilian casualties.

	Date	Location	Operation Type	Civilians Injured	Civilians Killed
1	1-Apr-18	Galgadud	Air	0	2

The report of civilian casualties in Somalia from 2017 that was identified as under investigation in last year's report continues to be under investigation.

### **E. U.S. military actions in Libya against ISIS and AQIM**

During 2018, USAFRICOM conducted 6 strikes in Libya. These strikes were U.S. direct action operations against ISIS and AQIM. U.S. military action has degraded ISIS's and AQIM's operational coordination and logistical support.

DoD has no credible reports of civilian casualties resulting from U.S. military actions in Libya during 2018. The assessment of one report of civilian casualties in Libya from November 2018 remains to be completed.

## **II. DOD PROCESSES FOR ASSESSING REPORTS OF CIVILIAN CASUALTIES FROM U.S. MILITARY OPERATIONS**

As reflected in Section 2 of Executive Order 13732, *United States Policy on Pre- and Post-Strike Measures To Address Civilian Casualties in U.S. Operations Involving the Use of Force*, of July 1, 2016, the U.S. military, as appropriate and consistent with mission objectives and applicable law, including the law of war, has a practice of reviewing or investigating incidents involving

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civilian casualties, including by considering relevant information from all available sources, such as other agencies, partner governments, and NGOs, and taking measures to mitigate the likelihood of future incidents of civilian casualties.

Specific processes for reviewing or investigating incidents have varied over the years and may continue to vary by geographic combatant command and by operation. DoD has different processes due to host nation requests, different mission objectives, different operational designs, different available resources, and different organizational designs and command relationships within various areas of responsibility. As just one example, some commands do not have access to areas on the ground where civilian casualties are reported to have occurred. Commands also work to improve their processes over time and adapt to the ever-changing fog and friction of war.

Over the past few years, USAFRICOM and USCENTCOM have continued to refine their practices and procedures for reviewing reports of civilian casualties. Under current USAFRICOM and USCENTCOM practices and procedures, the command or another entity identified by USAFRICOM or USCENTCOM (such as a special board or team) seeks to assess the credibility of reports of civilian casualties resulting from the command's operations after reports become known. The command or entity considers reports from any source, including after-action reporting of military units or reports from external sources, such as NGOs, the news media, or social media. In assessing the report, the command or entity seeks to review all readily available information from a variety of sources. Sources may include, but are not limited to, operational planning data, video surveillance and other data from intelligence, surveillance, and reconnaissance (ISR) assets, witness observations (including those of partnered forces) where available, news reports, and information provided by NGOs and other sources, such as local officials or social media. In assessing the report, the command or entity seeks to determine if the report is credible.

Under current USAFRICOM and USCENTCOM practices and procedures, after reviewing the available information, a competent official determines whether the report of civilian casualties is "credible," meaning more likely than not that civilians were injured or killed. A report may be found to be "not credible," if, for example, (1) there was no U.S. military action within a reasonable distance and/or within a reasonable timeframe as that identified in the report; (2) a review of all available information, including information derived through intelligence sources, video from the weapon platform and/or ISR assets, and any information provided in the report, leads to the determination that it was more likely that civilians were not injured or killed; or (3) the report did not include enough information to assess it.

If warranted, a commander or other competent official could direct a more extensive administrative investigation to find additional facts about the incident and to make relevant



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recommendations, such as identifying process improvements to reduce the likelihood of future civilian casualty incidents. Command-directed investigations are conducted in accordance with applicable Military Department procedures, such as Army Regulation 15-6. A new DoD-level policy, currently under development, will establish additional guidance for assessing and investigating reports of civilian casualties.

In some cases, DoD has not been able to assess a report as credible due to insufficient information provided or because reports are still pending review. However, DoD continues its assessments, and existing assessments are updated if new information becomes available.

DoD acknowledges that there are differences between DoD assessments of civilian casualties and reports from other organizations, including NGOs. These differences result from a variety of factors. For example, NGOs and media outlets often use different types of information and different methodologies to assess whether civilian casualties have occurred. Some organizations conduct on-the-ground assessments and interviews, while others rely heavily on media reporting. DoD assessments seek to incorporate all available information, including tools and information that are not available to other organizations – such as operational planning data and intelligence sources. As noted above, DoD updates existing assessments if new information becomes available, including new information received from NGOs or other outside organizations.

Last year's Section 1057 report included an excerpt from a Fact Sheet published by the RS Mission in April 2018 that sought to explain differences between its assessments and those of UNAMA. The entire RS Mission Fact Sheet, titled "Civilian Casualties: Making Sense of the Numbers," can be found at <https://rs.nato.int/media-center/backgrounders/civilian-casualties-making-sense-of-the-numbers.aspx>.

### **III. DOD PROCESSES FOR CONSIDERING *EX GRATIA* PAYMENTS OR OTHER FORMS OF RESPONSE TO CIVILIAN HARM**

A DoD-level policy under development will provide guidance on the range of responses that might be appropriate for DoD to take when U.S. military operations injure or kill a civilian or damage or destroy civilian property. An "*ex gratia* payment" may be one of several possible response options that may be deemed appropriate under the circumstances. Other possible response options could include an acknowledgement of responsibility, medical care, or other appropriate measures that may be consistent with mission objectives and applicable law.

The U.S. Government may make "*ex gratia* payments" in appropriate circumstances in instances of property damage, personal injury, or death incident to the activities of U.S. forces. An offering of *ex gratia* seeks to convey feelings of condolence or sympathy toward the victim or the victim's family. Such payments are not: (1) required by law; (2) an admission of

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wrongdoing; or (3) for the purpose of compensating the victim or the victim's family for their loss.

When commanders identify a situation in which it is appropriate to extend an *ex gratia* payment, DoD has authority and funds to do so, including a global authority residing in the Combatant Commander Initiative Fund (CCIF). The Military Departments have regulations related to the proper payment of "solatia" and other forms of "*ex gratia* payments."

Commanders are responsible for evaluating and deciding whether or how much to pay, and generally *ex gratia* is only considered when requested by, or with the express consent of, those impacted by the activities of U.S. forces. When payments are appropriate, the amounts can vary. Commanders have significant discretion in deciding how much to pay. Multiple factors could impact a commander's decision, including advice from host nation officials, local economic realities, cultural norms, mission objectives, and other variables. Numerous factors can cause commanders to decline to extend *ex gratia* payments related to civilians harmed or killed by U.S. military operations.

For example, U.S. forces have been working "by, with, and through" partners in Iraq and Syria and providing those partners support in the effort to defeat ISIS and other hostile terrorist groups. The vast majority of airstrikes in Syria were in areas controlled by ISIS. Unlike counterinsurgency operations in Iraq before 2011 or in Afghanistan a few years ago, U.S. forces did not have widespread, day-to-day interaction with the local population in Syria and Iraq during those strikes, including those for whom an expression of sympathy or condolences would be appropriate. Moreover, in cases where a host nation government requests U.S. military support of local military forces, it may be more appropriate for the host nation or its military to respond to the needs and requests of the local civilian population by offering condolences themselves, including *ex gratia* payments, in appropriate circumstances. Often lasting peace is best ensured by the host nation and its own military helping to rebuild society from the tragic consequences of war.

#### **IV. STEPS DOD TAKES TO MITIGATE HARM TO CIVILIANS**

In carrying out their respective missions, all Commands and forces assigned to Combatant Commands adhere to the law of war, Secretary of Defense-approved rules of engagement, instructions promulgated by the Chairman of the Joint Chief of Staff, and joint doctrine that establish policies, processes, and procedures that help to protect civilians and minimize civilian casualties. Below are examples of steps, among other efforts, DoD has taken in 2018 to help protect civilians during military operations.

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*Policies, processes, and procedures:* All Combatant Commands conducting military operations adhere to Chairman of the Joint Chief of Staff Instructions (CJCSIs) that contain guidance to help protect civilians and minimize civilian casualties, including CJCSI 3160.01C, *No-Strike and the Collateral Damage Estimation Methodology*. Like other DoD issuances, CJCSI 3160.01C is routinely updated, including through lessons learned from U.S. military operations. Successive versions of CJCSI 3160.01 have incorporated lessons learned from Operations IRAQI FREEDOM, ENDURING FREEDOM, ODYSSEY DAWN, UNIFIED PROTECTOR, FREEDOM'S SENTINEL, and INHERENT RESOLVE. As an example of how seriously the Joint Force takes the process of improving targeting procedures, the Chairman of the Joint Chiefs of Staff has also established a committee of senior targeting representatives from the Joint Staff, the Military Services, the Combatant Commands, and DoD Combat Support Agencies, and representatives of participating partner nations, to propose, review, debate, analyze, and prioritize targeting issues of mutual concern, and, when appropriate, to decide on and implement common solutions.

Combatant Commands also usually have several boards, bureaus, centers, cells, and/or working groups that contribute to efforts to reduce the likelihood of civilian casualties. Because much of the relevant work occurs during the targeting process, these efforts are focused in groups that implement the targeting process, such as a Target Development Working Group, a Joint Targeting Working Group, and a Joint Targeting Coordination Board. Although the primary purpose of a Target Development Working Group, Joint Targeting Working Group, and Joint Targeting Coordination Board is to achieve an intended outcome against an enemy target, when components of the Combatant Commands identify potential targets for military operations, those working groups, boards, and other entities also review and evaluate targets to minimize the potential for civilian casualties. In addition, proposed targets are reviewed for compliance with the law of war. For example, a judge advocate would review a proposed target to advise the Target Engagement Authority whether the proposed target is a valid military objective under the law of war.

Other working groups that are not as directly involved in the targeting process could also contribute to efforts to minimize civilian casualties or to respond to reports that U.S. forces caused civilian casualties. For example, an Information Operations Working Group could help generate warnings for civilians to avoid military objectives or areas of active combat.

Furthermore, as mentioned earlier in the report, Section 2 of Executive Order 13732, *United States Policy on Pre- and Post-Strike Measures To Address Civilian Casualties in U.S. Operations Involving the Use of Force*, of July 1, 2016, catalogues the best practices DoD implements to protect civilians during armed conflict, and it directs that those measures be sustained in present and future operations. For ease of reference, Section 2 of Executive Order 13732 is reproduced as follows.

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“**Sec. 2. Policy.** In furtherance of U.S. Government efforts to protect civilians in U.S. operations involving the use of force in armed conflict or in the exercise of the Nation’s inherent right of self-defense, and with a view toward enhancing such efforts, relevant departments and agencies shall continue to take certain measures in present and future operations.

(a) In particular, relevant agencies shall, consistent with mission objectives and applicable law, including the law of armed conflict:

(i) train personnel, commensurate with their responsibilities, on compliance with legal obligations and policy guidance that address the protection of civilians and on implementation of best practices that reduce the likelihood of civilian casualties, including through exercises, pre-deployment training, and simulations of complex operational environments that include civilians;

(ii) develop, acquire, and field intelligence, surveillance, and reconnaissance systems that, by enabling more accurate battlespace awareness, contribute to the protection of civilians;

(iii) develop, acquire, and field weapon systems and other technological capabilities that further enable the discriminate use of force in different operational contexts;

(iv) take feasible precautions in conducting attacks to reduce the likelihood of civilian casualties, such as providing warnings to the civilian population (unless the circumstances do not permit), adjusting the timing of attacks, taking steps to ensure military objectives and civilians are clearly distinguished, and taking other measures appropriate to the circumstances; and

(v) conduct assessments that assist in the reduction of civilian casualties by identifying risks to civilians and evaluating efforts to reduce risks to civilians.

(b) In addition to the responsibilities above, relevant agencies shall also, as appropriate and consistent with mission objectives and applicable law, including the law of armed conflict:

(i) review or investigate incidents involving civilian casualties, including by considering relevant and credible information from all available sources, such as other agencies, partner governments, and NGOs, and take measures to mitigate the likelihood of future incidents of civilian casualties;

(ii) acknowledge U.S. Government responsibility for civilian casualties and offer condolences, including *ex gratia* payments, to civilians who are injured or to the families of civilians who are killed;

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(iii) engage with foreign partners to share and learn best practices for reducing the likelihood of and responding to civilian casualties, including through appropriate training and assistance; and

(iv) maintain channels for engagement with the International Committee of the Red Cross and other NGOs that operate in conflict zones and encourage such organizations to assist in efforts to distinguish between military objectives and civilians, including by appropriately marking protected facilities, vehicles, and personnel, and by providing updated information on the locations of such facilities and personnel.”

During 2018, all operations listed above were conducted consistent with Section 2 of Executive Order 13732. For example, pre-deployment training for U.S. military units during 2018 included instruction on the law of war, rules of engagement, and other policies related to protecting civilian populations.

*Civilian casualty cells:* Combatant Commands or subordinate commands also employ “civilian casualty cells” to address civilian casualty issues specifically, such as by responding to reports that U.S. or Coalition military operations caused civilian casualties.

*Technological advancements:* The prevention of civilian casualties during current operations is challenging. Our enemy’s proven willingness to use civilians as human shields coupled with the tight urban terrain adds increasing difficulty to an already complex situation. To meet this challenge, DoD pursues the latest advances in precision-guided weapons and ISR technology. The majority of strikes in 2018 used state-of-the-art weaponry and technology to characterize the target area as precisely as possible and to employ the weapons’ capabilities against the enemy while reducing effects on nearby collateral concerns. DoD Components with target engagement authority have also made process improvements to identify and eliminate contributing factors that have the potential to lead to civilian casualties, including through monthly reviews of weapons employment across various commands to identify additional areas of improvement and to disseminate best practices and lessons learned. Additionally, commanders are leveraging emerging technologies that enhance battlefield situational awareness, that reduce the probability of potential civilian casualties, and that enable better integration of fires. Lastly, mission planners seek to minimize risk to civilians by employing the most appropriate munition available, including, at times, non-lethal capabilities, to accomplish the mission.

*Operational pauses:* U.S. forces, working in coordination with Coalition members and partner forces, implemented, in appropriate circumstances, operational pauses to allow for the safe passage of civilians and other non-combatants from areas of hostilities.

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*Studies and lessons learned:* In December 2017, the Chairman of the Joint Chiefs of Staff directed an assessment of civilian casualties that resulted from U.S. air or artillery strikes in USCENTCOM's and USAFRICOM's respective areas of responsibility from 2015 to 2017. The study focused primarily on Operations INHERENT RESOLVE, FREEDOM'S SENTINEL, and ODYSSEY LIGHTNING. It made findings and provided recommendations related to policy, doctrine, operational planning, and technological investments. This effort is covered in more detail in the report submitted to Congress pursuant to Section 936 of the NDAA for FY 2019.

*Civilian Casualties Working Group:* DoD also established a Civilian Casualties Working Group to promote coordination within DoD on civilian casualty issues and to increase engagement with NGOs to understand better outside concerns on civilian casualty issues. This effort is covered in more detail in the report submitted to Congress pursuant to Section 936 of the NDAA for FY 2019.

### **Conclusion**

Moving forward, the measures DoD takes to reduce the risk to civilians and to assess and respond to reports of civilian casualties will be enhanced by DoD's ongoing efforts to draft a DoD-wide policy that will address the priority areas identified in Section 936 of the NDAA for FY 2019, as well as other issues identified during the drafting process. DoD has brought together representatives of various DoD components to help draft this DoD-level civilian casualty policy, which will reflect best practices across the Department and incorporate lessons learned from military operations.