



~~SECRET//REL USA, FVEY~~

REQUEST #9

DEPARTMENT OF DEFENSE  
COMBINED JOINT LAND FORCES COMPONENT COMMAND  
OPERATION INHERENT RESOLVE  
BAGHDAD, IRAQ  
APO AE 09348

IRIZ-JA

16 November 2016

MEMORANDUM FOR Commander, Combined Joint Forces Land Component  
Command-Operation Inherent Resolve (CJFLCC-OIR), Baghdad, Iraq, APO AE 09348

SUBJECT: Legal Review of CIVCAS Credibility Assessment Report (6 November  
2016, Shahid-Yunis As Sab, Iraq) (~~S//REL USA, FVEY~~)

1. **References.**

a. (~~U//FOUO~~) U.S. Central Command (USCENTCOM) Guidance for Reporting and Investigation Civilian Casualties (CIVCAS) Allegations for Ongoing Operations in Iraq and Syria, 4 October 2014.

b. (~~S//REL TO USA, FVEY~~) First Impression Report (FIR) 06 Nov 16 – Potential CIVCAS IVO Shahid-Yunis As Sab, Iraq.

c. (~~S//REL TO USA, FVEY~~) USCENTCOM Night Orders, 13 November 16.

2. (~~S//REL TO USA, FVEY~~) **Opinion.** (b)(1)1.4a, (b)(5)

(b)(1)1.4a, (b)(5), (b)(6)

3. (~~S//REL TO USA, FVEY~~) **Background.** On 13 November 16, Combined Joint Task Force – Operation Inherent Resolve (CJTF-OIR) issued night orders to conduct a credibility assessment into a possible CIVCAS alleged to have occurred in Shahid-Yunis As Sab, Iraq, on 6 November 2016. This followed the submission of an FIR by the CJFLCC-OIR to CJTF-OIR on 11 November 2016 outlining the allegation. The CIVCAS allegation stems from a self-report by the CJOC-E TEA at the time, BG Isler.

4. (~~S//REL TO USA, FVEY~~) **Legal Analysis.** (b)(1)1.4a, (b)(5)

(b)(1)1.4a, (b)(5)

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(b)(1)1.4a, (b)(5)

7. (U) **Discussion.**

(b)(1)1.4a, (b)(5)

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(b)(1)1.4a, (b)(5)

9. (U) The POC for this memorandum is the CJFLCC-OIR SJA, ~~(b)(3) 10 USC 130b, (b)(6)~~mil@mail.smil.mil.

~~(b)(3) 10 USC 130b, (b)(6)~~

Encl(s)

CIVCAS First Impression Report (06 Nov 2016, Badush, Iraq) dated 10 November 2016

~~(b)(3) 10 USC 130b, (b)(6)~~

COL, JA  
Staff Judge Advocate



## FIRST IMPRESSION REPORT (FIR)

<b>Event #</b>	06 NOV 16 – Potential CIVCAS IVO Shahid-Yunis As Sab, Iraq				
<b>Component</b>	CJOC-E	<b>Unit</b>	CJFLCC-OIR	<b>Closest Host-Nation Unit (If applicable)</b>	N/A
<b>DTG</b>	06 (b)(1)1.4a NOV 16				
<b>Report Approved by:</b>	Brig Gen Matthew C. Isler, TEA, CJOC-E				
<b>When</b>	06 (b)(1)1.4a NOV 16				
<b>Where</b>	Shahid-Yunis As Sab (Southeastern Mosul), IZ; (b)(1)1.4a				
<b>What</b>	<p>On 06 (b)(1)1.4a NOV 16, CJOC-Erbil prosecuted strike (b)(1)1.4a under ROE (b)(1)1.4a on a moving vehicle with four enemy fighters, IVO Shahid-Yunis As Sab, IZ. The engagement report is as follows:</p> <p>Strike #: Eng. #: Time: Location: Shooter: Munition: BDA:  (b)(1)1.4a, (b)(6) // Enemy Vehicle Destroyed, 6x EKIA, unknown civilian casualties (CIVCAS)</p> <p>While providing force protection to the Iraqi Security Force (ISF) within Mosul, (b)(1)1.4a, (b)(6) observed the area where the ISF was conducting their clearance mission from a distance of approximately (b)(1)1.4a. At (b)(1)1.4a, (b)(1)1.4a, (b)(6) observed five adult males on the street, next to a building, approximately (b)(1)1.4a away from the nearest ISF position. The anticipated ISF movement, which to that point had been relatively rapid, was directly toward the armed men. Based on the presence of adult males in such close proximity to the ISF position and the anticipated ISF route of advance, the CJOC-E TEA assessed the five adult males could potentially become valid military targets once positively identified as Da'esh, and could pose a threat to the ISF movement. The TEA directed (b)(1)1.4a, (b)(6) aircraft to move to the location in anticipation of establishing positive identification and striking the adult males, as well as to provide suitable weapon options from each aircraft.</p> <p>At 1000c, (b)(1)1.4a, (b)(6) called out in mIRC that the five adult males were equipped with weapons. Based on discovering the five-armed males, their close proximity to the closest ISF position (b)(1)1.4a and the anticipated scheme of maneuver by the ISF in southeastern Mosul, the CJOC-E TEA assessed with reasonable certainty that the adult males were valid military targets and approved the engagement under ROE (b)(1)1.4a. The Strike Cell Judge Advocate agreed with the TEA's assessment that the adult males presented an imminent threat under ROE (b)(1)1.4a.</p>				



After this assessment, at 1002c, the TEA directed the ISR Tactical Controller (ITC) to request (b)(1)1.4a, (b)(6) to zoom out to conduct a civilian pattern of life (CIVPOL) scan IVO the anticipated engagement area. (b)(1)1.4a, (b)(6) zoomed out to a field of view (FOV) radius of approximately (b)(1)1.4a. The ITC advised that (b)(1)1.4a, (b)(6) may lose the capacity to maintain positive identification of the five adult males if it were to zoom out further. The scan revealed no identified civilian movement in the scan area.

Since (b)(1)1.4a, (b)(6) had already used three of its (b)(1)1.4a s with (b)(1)1.4a hours remaining on-station, and based on (b)(1)1.4a near the anticipated engagement area, the TEA approved a (b)(1)1.4a the lowest collateral ammunition (b)(1)1.4a, (b)(6) carried at the time.

At 1003c, a white sedan arrived IVO the five-armed adult males, and three adult males exited the sedan. The three adult males entered the building near where the five adult males were gathered. The group of adult males continued to enter and exit the building and walk in and out of (b)(1)1.4a, (b)(6) s FOV. As a result, (b)(1)1.4a, (b)(6) made a number of different call outs concerning the number of adult males.


At 1006c, (b)(1)1.4a, (b)(6) called out the slant of "six adult males" at the corner of the building and stated that two of those six adult males were armed. Based on observing the unarmed adult males continuously interact with the armed adult males, the TEA positively identified all six adult males in (b)(1)1.4a, (b)(6) s field of view as valid military targets, and assessed the males posed an imminent threat to the nearby ISF. Additionally, the CJOC-E had no ability to (b)(1)1.4a, (b)(6). Based on the continuous observation of the anticipated engagement area with no reported or observed changes to CIVPOL, the TEA instructed the JTAC that (b)(1)1.4a, (b)(6) was clear to execute the strike.

At 1007c, immediately after (b)(1)1.4a, (b)(6) was declared "CLEARED HOT," one adult male opened up the trunk of the white sedan while the other adult males looked inside the vehicle and gathered around the trunk. The TEA then directed (b)(1)1.4a, (b)(6) to continue to observe and (b)(1)1.4a, (b)(6) continue with the engagement on the six adult males. Soon after, one adult male closed the trunk, entered the vehicle on the driver's side, and backed the sedan out into the street. The TEA directed (b)(1)1.4a, (b)(6) to continue to engage the three adult males that were outside the white sedan.

When the white sedan stopped in the street, the JTAC relayed, "WEAPONS AWAY," which meant (b)(1)1.4a, (b)(6) released (b)(1)1.4a on the target. At that time, the target was still the three adult males out in the street. While the vehicle was stopped, the three adult males in the FOV enter the sedan. Since the targeted males entered the vehicle, the CJOC-E TEA's intention changed to strike the vehicle while it was stopped in the street, in order to prevent it from becoming mobile; it was also impossible to abort the weapon's impacts as the ammunition was already released. The vehicle moved forward to the adjacent intersection and turned right onto the adjacent roadway. Given the sedan's mobility, the TEA assessed it posed a threat to the nearby ISF, and he directed (b)(1)1.4a, (b)(6) to continue the engagement with the (b)(1)1.4a already in flight. (b)(1)1.4a was reported or observed IVO the anticipated engagement area.

Immediately before the ammunition impact, the vehicle slowed as it approached two other vehicles moving toward it from the opposite direction. The two other vehicles had not come into (b)(1)1.4a, (b)(6) s view until immediately before the weapon's impact. As all



	<p>three vehicles converged on the narrow street, the weapon struck the target, affecting all three vehicles.</p> <p>Upon review, Distributed Common Ground System (DCGS) confirmed (b)(1)1.4a was present IVO the engagement area at the time of the strike and assessed two adult females, one young child, and one adolescent exited the eastern most vehicle and ran off into the distance. Neither the DCGS review nor the ISR recording indicate any attempts to evacuate additional people from the struck vehicles or any other civilian presence IVO the engagement area after the strike. There are no means to determine how many people may have been in the engagement area and affected by the strike.</p>
Next Step	<p>A preponderance of the evidence supports a Coalition air strike, on 6 November 2016, resulted in an unknown number of civilian casualties.</p> <p><b>Future action planned:</b> No further action is recommended.</p> <p><b>Actions taken by unit after event:</b></p> <ol style="list-style-type: none"> <li>1. Immediately following the incident, CJOC-E reported this incident to CJFLCC-OIR as a possible CIVCAS incident and sent up a 5W report.</li> <li>2. CJOC-E conducted a review and assessment of the imagery of the strike and pre- and post-strike ISR, and requested the DCGS analysis.</li> <li>3. The evidence indicates all targeting procedures were followed with no anomalies.</li> <li>4. The strike complied with the law, extant policy, guidelines, and procedures.</li> <li>5. Based on this review, and a totality of the circumstances, no means exists to determine whether all civilians safely exited the impacted vehicles post-strike or any other civilians were inside the non-target vehicles.</li> <li>6. No further probative information would be gained through further investigation of this incident to assist in determining how many civilians, if any, were injured.</li> </ol>
Additional Information	<p>There have been no media reports identified relating to this strike.</p> <p>This was a self-reported CIVCAS allegation.</p>
Casualty Estimate	Unknown.
Next Step CDR'S Comment	Consistent with USCENTCOM and Government of Iraq strategic objectives, I direct TEAs to employ munitions that cause less collateral damage when such weapons are available and can still achieve the desired effect. TEAs will, when practicable, direct secondary ISR assets to conduct transient scans forward of a mobile target before engagement.
CDR's Signature	 GARY J. VOLESKY Major General, U.S. Army Commanding

## CIVCAS Tracker

CLASSIFICATION: ~~SECRET~~

RELEASABILITY: ~~REL TO USA, FVEY~~

## Allegation

CLASSIFICATION: ~~SECRET~~

RELEASABILITY: ~~REL TO USA, IRKS~~

ALLEGATION NUMBER: 260

ALLEGATION STATUS: Closed

INCIDENT DATE: 06-Nov-2016  
00:00

COUNTRY: IRAQ

OPENED DATE: 06-Nov-2016  
00:00

LOCATION OF INCIDENT: (MGRS: (b)(1)1.4a  
IVO Shahid-Yunis  
As Sab, Mosul

MGRS: (b)(1)1.4a

NEAREST MAJOR CITY: Mosul

COORDS UNKNOWN: No

CLASSIFICATION: ~~SECRET~~

RELEASABILITY: ~~REL TO USA, FVEY~~

ALLEGATION DATE: 06-Nov-2016 00:00

SOURCE: CJFLCC

SOURCE TYPE: Self-Report

BLUF: POSSIBLE CIVCAS self-reported IVO Mosul, IZ with (b)(1)1.4a, (b)(6)  
(b)(1)1.4a, (b)(6)

WHO: (b)(1)1.4a, (b)(6)

89th ATK SDN IN SUPPORT OF CJFLCC

### DESCRIPTION:

WHAT: 2x POSS CIV Vehicles struck, unknown number KIA/WIA  
in vehicles

WHERE: IVO Mosul, IZ (b)(1)1.4a

WHEN: 06 (b)(1)1.4a NOV 16. Strike number (b)(1)1.4a

WHY: 2x vehicles entered FOV just before weapons impact

NARRATIVE: This possible CIVCAS was self-reported post-impact  
upon review of the strike. (b)(1)1.4a, (b)(6) was conducting a vehicle



follow of a hatchback sedan in Mosul. After ~~(b)(1)1.4a, (b)(8)~~ ~~(b)(1)1.4a~~  
~~(b)(1)1.4a~~ stationary POSS CIV vehicles came into FOV just before  
 impact. Unknown number of occupants in vehicles. After impact, 2x  
 adult females, 1x adolescent male, and 2x young children ran from  
 impact site.

## Initial Assessment

**CLASSIFICATION:** ~~SECRET~~

**RELEASABILITY:** ~~REL TO USA, FVEY~~

**INITIAL DATE:** Not Reported

**INITIAL ASSESSMENT:** Not Reported

## Assessment Details

### Assessment

**CLASSIFICATION:** ~~SECRET~~

**RELEASABILITY:** ~~REL TO USA, FVEY~~

**ASSESSMENT UNIT:** CIFLCC-  
OIR

**ASSESSMENT TASK  
DATE:** 13-Nov-2016 14:28

**NON-US COALITION NATION:** Not Reported

### ASSESSMENT RESPONSE:

MINIMUM OF 7, (the two killed were the drivers of the  
 two vehicles. The Injured are those who got out of the  
 vehicle, and walked away.)

TOTAL UNKNOWN CIVCAS

b. ~~(S//REL TO USA, FVEY)~~ The ISR conducted prior to the  
 engagement was sufficient to establish positive  
 identification of the targets. The conduct of a collateral



damage estimate was not required due to the operative Rule of Engagement being (b)(1)1.4a. Despite the absence of this requirement, (b)(1)1.4a scans were conducted prior to the strike. However, the (b)(1)1.4a scans conducted were insufficient. While strict compliance with policy rules and regulations had occurred better and additional (b)(1)1.4a scans were warranted in this instance due to the changing nature of the strike conditions.

c. (~~S//REL TO USA, FVEY~~) The selection of munitions was made having regard to the possibility that low collateral weapons would be required for future strikes during the period the ISR asset was on station. While this approach did not fall foul of any legal requirement, or issued policy or procedures, this should not properly be the predominant factor weighed by the commander when making their assessment of proportionality for the strike. The recommendation by the CG, CJFLCC-OIR to direct TEAs to utilize lower collateral weapons when available is appropriate.

8. (~~S//REL TO USA, FVEY~~) Recommendations.

a. (~~S//REL TO USA, FVEY~~) The enclosed Assessment of 'CREDIBLE' is supported by the information contained in the FIR/CCAR.

b. (~~S//REL TO USA, FVEY~~) The directions for next steps issued by the CG, CJFLCC-OIR were appropriate, and addressed the two main procedural concerns stemming from this CIVCAS incident.

**ASSESSMENT CIVCAS:** Yes

**FURTHER ACTIONS DIRECTED:** Not Reported

**LESSON LEARNED/ROOT CAUSE:** Not Reported

**ASSESSMENT KILLED:** 2

**ASSESSMENT INJURED:** 5

Status

**CLASSIFICATION:** UNCLASSIFIED

**RELEASABILITY:** ~~FOR OFFICIAL USE ONLY~~

**INVESTIGATION STATUS:** NONE

**CLOSED DATE:** 16-Nov-2016 00:00

**US INVESTIGATION  
REPORT DATE:**

Not Reported

**CLOSED AT:** CCAR

**EX GRATIA:** No

**CIVCAS:** YES

**COMMENTS:**

"-CCAR tasked to CJFLCC on 13 NOV 2016  
-Closed 16 NOV 2016"

**KILLED:** 2

**INJURED:** 5

**PAO RELEASE DATE:** 02-Jan-2017 00:00

**NA:** No

**REASON FOR NO  
RELEASE:**

Not Reported

Approved for Release

Approved for Release