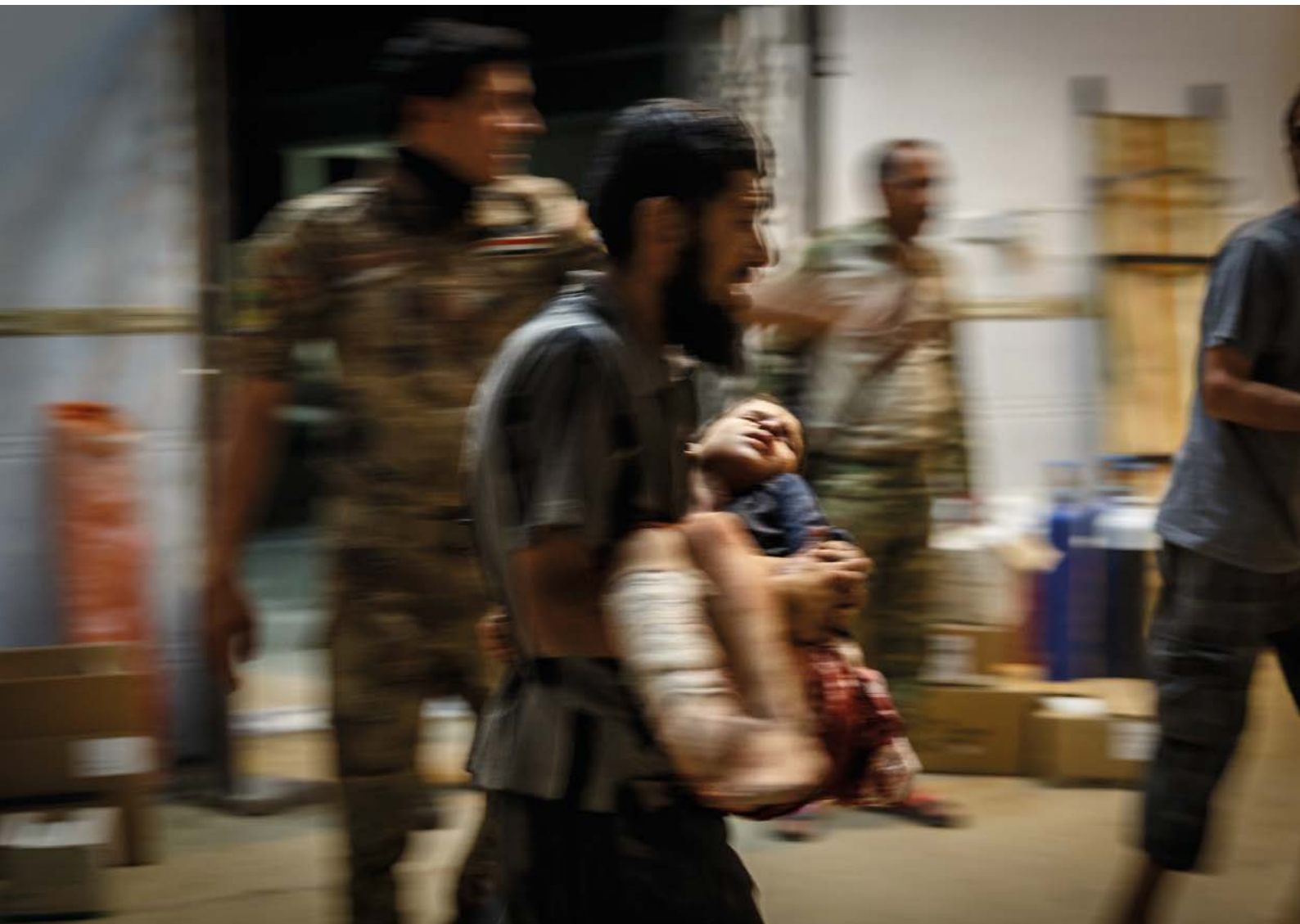


**Airwars**

Interim better  
practice recommendations

## **US Military assessments of civilian harm**

Lessons learned from the  
international fight against ISIS



Airwars is a UK-headquartered not for profit which monitors and assesses local and hyperlocal reports of battlefield civilian harm allegedly resulting from international military actions – with a present focus on Iraq, Syria and Libya. Over the duration of the war against so-called Islamic State (ISIS) our researchers tracked more than 2,750 alleged Coalition civilian harm events in Iraq and Syria, with locally claimed fatalities as high as 28,000.

Engaging initially with CENTCOM and then with CJTF-OIR, Airwars has sought to improve US military and ally understanding of publicly reported civilian harm claims. Over time, Airwars has become the primary source of conflict casualty event claims for OIR – and is also responsible for more Credible assessments than any source, other than military self-reporting. Airwars has also shared extensive data analysis, assessments and geotemporal findings with CENTCOM/ OIR since 2016. The alliance has reciprocated, submitting over 100 Requests For Information (RFI) to of our military advocacy team, providing Military Grid Reference System (MGRS) coordinates for assessed events and responding to numerous granular queries from the Airwars team.

Our interim better practice recommendations are based on years of direct engagement with both the CENTCOM and CJTF-OIR CIVCAS Teams, as well as associated personnel. The findings presented here are relevant to all US military commands, coalitions and future military engagements. Implemented systematically, we believe these practical recommendations can help improve US military engagement on – and public accountability for – civilian casualty mitigation.<sup>1</sup>

Cover image: An Iraqi man rushes his son for medical treatment during the Battle of Mosul. (Maranie R. Staab)

1 These interim recommendations are informed by a number of key recent studies, including: Center for Civilians in Conflict, *The Sum Of All Parts: Reducing Civilian Harm in Multinational Coalition Operations*, 2019. [www.civiliansinconflict.org/wp-content/uploads/2019/02/SumofAllParts\\_CIVICReport-2.pdf](http://www.civiliansinconflict.org/wp-content/uploads/2019/02/SumofAllParts_CIVICReport-2.pdf); the Department of Defense Congressional Report on Civilian Harm Policy, 2019 [www.media.defense.gov/2019/Feb/08/2002088175/-1/-1/1/DOD-REPORT-ON-CIVILIAN-CASUALTY-POLICY.PDF](http://www.media.defense.gov/2019/Feb/08/2002088175/-1/-1/1/DOD-REPORT-ON-CIVILIAN-CASUALTY-POLICY.PDF); and a declassified version of the Department of Defense Joint Chiefs-commissioned Civilian Casualty (CIVCAS) Review, 2018. [www.washingtonpost.com/u.s.-military%27s-2018-study-on-civilian-casualties/e39c5889-6489-4373-bd8e-ac2ca012e03d\\_note.html](http://www.washingtonpost.com/u.s.-military%27s-2018-study-on-civilian-casualties/e39c5889-6489-4373-bd8e-ac2ca012e03d_note.html)

## 1 Civilian Casualty Teams

### **Recommendation 1.1 Constitute a Civilian Casualty (CIVCAS) Team within a military or coalition command prior to or at the commencement of a conflict.**

Civilian harm claims against the anti-ISIS Coalition averaged almost two events (or 16 deaths) per day over the duration of the war, yet it would be several years before a properly constituted CIVCAS assessment process emerged.<sup>2</sup> The CIVCAS Team should be established and properly staffed at the commencement of a conflict, and be maintained for its duration. We also recommend a minimum six month post-conflict legacy period to process outstanding assessments.

In addition, we advise the appointment of a suitably senior officer to command the Team; the ensuring of low churn rates among Team members to improve efficacy; and the assignment of a designated point of contact for external reporting agencies.

### **Recommendation 1.2 Position the protection of civilians, inclusive of the CIVCAS Team and its point of contact for external agencies, outside the Public Affairs Office**

For several years of the anti-ISIS conflict, engagement by Airwars on civilian harm claims was funnelled via senior public affairs officials at both CENTCOM and CJTF-OIR. While such officials were often helpful, at times their position proved counter-productive. Subsequently, having a point of contact in an operational role within the OIR CIVCAS Team, allowed for the building of understanding with Airwars own military advocacy team, enabling better engagement on CIVCAS reports at a granular level. In the experience of Airwars, having a point of contact in an operational role within the CIVCAS Team insulates routine communications from political events on both sides.

### **Recommendation 1.3 Foster a culture in which CIVCAS allegations are seen not as an attack on the military, but as opportunities to better understand the experiences of affected communities**

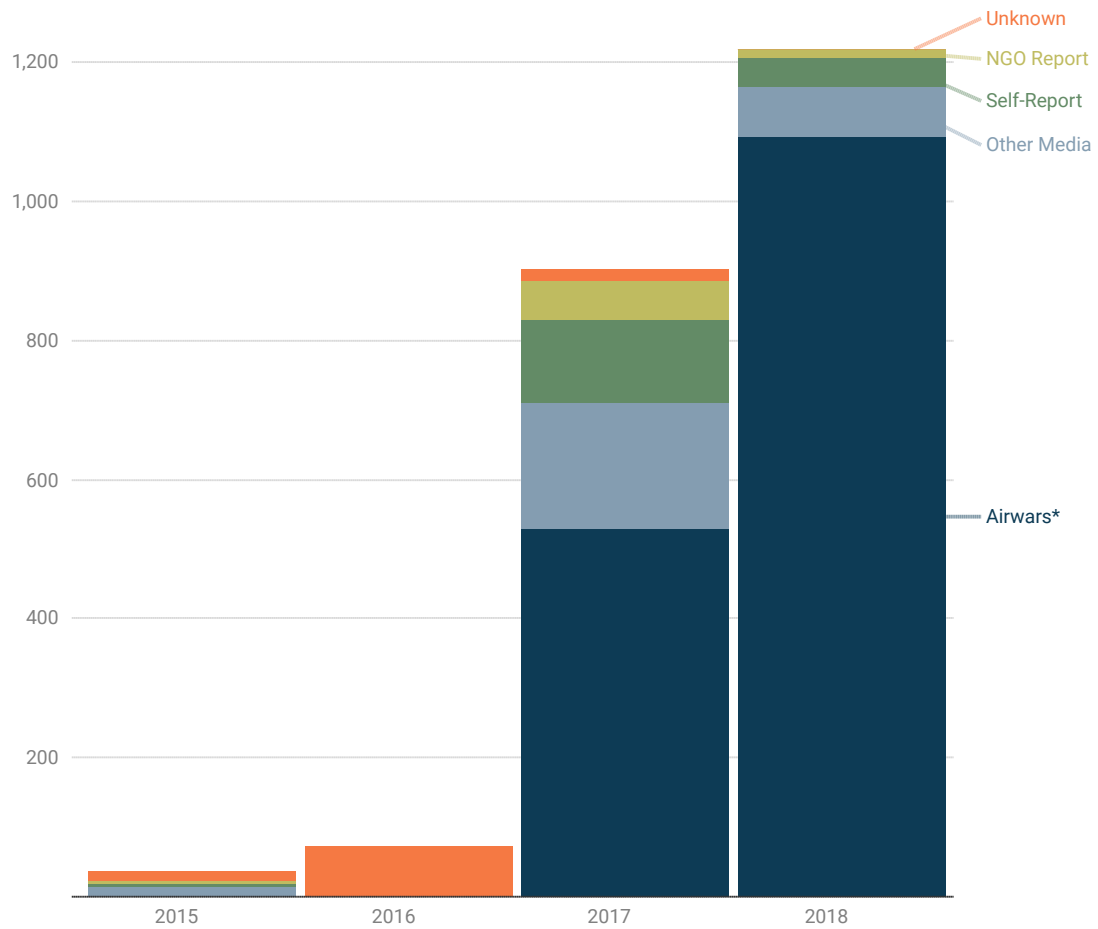
Coalition commanders at times responded robustly to external claims of civilian harm.<sup>3</sup> On other occasions, officials played down or denied major civilian harm events – only to concede them months later. This indicated a culture in which CIVCAS allegations from external sources were seen as an attack on the military's reputation and integrity. Allegations of civilian casualties should instead be viewed as potential opportunities to improve understanding and mitigation of harm and, when possible, to engage with affected communities to build local credibility.

2 Over 1,670 days of conflict (From Aug. 8, 2015 to Mar. 5, 2019) Airwars identified 2,790 alleged US-led Coalition casualty events in Iraq and Syria, corresponding to maximum of 28,000 non combatant fatalities – an average of 1.7 alleged incidents (or 16 alleged non combatant fatalities) per day.

3 See for example Lt General Townsend's bullish response to Airwars claims of significant civilian harm over the course of the war: 'Reports of Civilian Casualties in the War Against ISIS are Vastly Inflated', *Foreign Policy*, Sep. 15, 2017. [www.foreignpolicy.com/2017/09/15/reports-of-civilian-casualties-from-coalition-strikes-on-isis-are-vastly-inflated-lt-gen-townsend-cjtf-oir/](http://www.foreignpolicy.com/2017/09/15/reports-of-civilian-casualties-from-coalition-strikes-on-isis-are-vastly-inflated-lt-gen-townsend-cjtf-oir/)

## US-led Coalition Civilian Casualty Assessments

Assessments published from 2015 to 2018 by CJTF-OIR, via CENTCOM and Monthly Civilian Casualty Reports



\*For 2017 only, Airwars was named along with at least one other source, in 101 assessments.

Chart: Airwars Source: CJTF-OIR

## 2 Engagement with external sources and the reconciliation of reports

### *Recommendation 2.1* **Recognise the value of external sources**

The Pentagon's recent Civilian Casualty Review found that external sources represented "58 percent of the total number of dead and wounded civilians" assessed as Credible by OIR. This finding demonstrates that external sources are integral to civilian harm monitoring. While self-reported events played a major role in Coalition declarations of civilian harm, dependence on this metric alone by militaries is likely to miss the majority of civilian harm cases, Airwars assessments indicate. Moreover, the value of listening to and engaging with local communities to better understand their experience of a conflict cannot be overstated.

### *Recommendation 2.2* **Support granular, confidential and sustained engagement with external parties, such as monitoring NGOs**

Airwars found that two-way, confidential, granular engagement on civilian casualty allegations and OIR assessments aided data reconciliation. This led in turn to the detection and correction of errors on both sides. Airwars has maintained communications with the OIR CIVCAS Team since December 2016 – and with CENTCOM for 18 months prior. A typical exchange between Airwars and the OIR team might consist of: coordinates or clarifications from the CIVCAS Team; enhanced geolocations from Airwars (analysis of open source materials to assert time and location of incidents, to the best possible accuracy); and requests for clarification on OIR reports which Airwars was unable to reconcile.

### *Recommendation 2.3* **Issue guidelines on the minimum information required from external civilian harm claims to better facilitate assessments**

Clear and accessible written guidelines are needed for external sources (e.g. NGOs, reporters) on the minimum information sought by a CIVCAS Team in order to better facilitate assessments – for example time of day; street location and coordinates; survivor testimony; and photos of munition remnants.

### *Recommendation 2.4* **Develop a standardised procedure for the proactive submission of civilian harm allegations**

Used in combination with submission guidelines, a standard procedure for the submission of allegations by external sources – such as an online portal or dedicated email – would widen access and aid report reconciliation. This would also support the recommendation to "systematically seek out additional sources of information on potential civilian casualties".<sup>4</sup> All instructions should be in both English and appropriate regional language(s).

4 Declassified version of the Pentagon *Civilian Casualty (CIVCAS) Review*, 2018

### 3 Investigations and assessments

#### **Recommendation 3.1 Widen the geographic area of investigations, and their timeframe**

According to a New York Times investigation, CJTF-OIR placed the physical assessment range for an allegation at just 50 metres.<sup>5</sup> In the view of Airwars this radius should be significantly expanded, and informed by the weaponry in use. For example, the absolute safe distance from a Paveway IV 500lb bomb is given as 584 metres.<sup>6</sup>

In addition, we recommend that the US military increases where necessary beyond 72 hours the timeframe of investigations and assessments. Public reporting of civilian harm from the battlefield is often chaotic – particularly during intense assaults. Claims for the same incident might therefore be spread across a wide timeframe.

#### **Recommendation 3.2 Conduct on the ground investigations whenever possible, particularly for major events**

As far as Airwars is aware, CJTF-OIR conducted only one on the ground investigation during the war against ISIS – the Al Jadida, Mosul event of March 2017, which led to at least 105 civilian fatalities. A second event in Syria 48 hours later, which killed more than 150 non combatants according to the UN Commission of Inquiry for Syria, did not trigger a similar field investigation. This was despite the site being accessible to US and allied forces from early summer 2017 onwards. In light of the ongoing challenges of remote estimations of civilian harm from US military actions, Airwars recommends the implementation of field investigations by suitably qualified teams wherever possible, with particular emphasis on claimed mass casualty events.

#### **Recommendation 3.3 Interview when feasible event survivors, victim families, and eyewitnesses**

Even where physical access to a site is not feasible, a CIVCAS Team should make every effort remotely to interview reported survivors, victim families and eyewitnesses of events. While such actions may not be feasible during active hostilities, scope for follow-up should be built into conflict planning.

#### **Recommendation 3.4 Avoid systemic over reliance on the militarily observable when determining harm**

As Airwars noted in its recommendations to the UK parliamentary inquiry into RAF actions at Mosul and Raqqa, there is a tendency among militaries “to concede only those events which are ‘observable’ – most often via imagery captured by aircraft, and showing civilians visibly present at or near the target area.” Yet most civilian harm in Mosul and Raqqa occurred in unobservable spaces, when buildings collapsed upon those sheltering inside. Over-dependence upon Intelligence, Surveillance and Reconnaissance (ISR) when determining a civilian presence prior to an action –

5 Khan A. and Gopal A. ‘The Uncounted’, *New York Times Magazine*, Nov. 16, 2017. [www.nytimes.com/interactive/2017/11/16/magazine/uncounted-civilian-casualties-iraq-airstrikes.html](http://www.nytimes.com/interactive/2017/11/16/magazine/uncounted-civilian-casualties-iraq-airstrikes.html)

6 Minimum safe distances calculated based upon the net explosive weight of the munition and a k-factor of 328, the “absolute safe distance” standard used by the US Department of Defense. [www.dau.mil/cop/ammo/DAU%20Sponsored%20Documents/K%20Factor.pptx](http://www.dau.mil/cop/ammo/DAU%20Sponsored%20Documents/K%20Factor.pptx)

and in determining civilian harm as a consequence – must be avoided. Local reporting; eyewitness and survivor accounts; and post-strike investigations, can all help compensate for an over-reliance upon the directly observable when assessing harm.

***Recommendation 3.5 Properly calibrate Collateral Damage Estimates (CDE) to test if they are fit for purpose***

In the absence of on the ground or other credible sources, militaries may rely upon CDEs in order to determine approximate civilian harm. According to a co-author of the recent Pentagon Civilian Casualty Review, CDEs have never been properly calibrated against actual harm caused.<sup>7</sup> This may be a significant contributor to military undercounts of non combatant casualties. Airwars urges the Department of Defense to commission a study properly assessing the accuracy of CDEs.

***Recommendation 3.6 Incorporate lessons learned from near real-time civilian harm monitoring into strategic and tactical decisions***

The approach of both CJTF-OIR and CENTCOM to civilian harm claims was often reactive – with assessments made months or even years after a reported event. Yet near real time external and military monitoring of civilian harm can quickly identify emerging battlefield challenges – allowing commanders to vary tactics and strategy in order to minimise civilian harm. During the Battle of West Mosul for example, extensive reporting of high civilian harm in March 2017 led to a 30% reduction in Coalition munitions released – and a similarly sharp fall in locally reported non combatant casualties.

<sup>7</sup> Dr Larry Lewis, speaking at an All Party parliamentary Group on Drones event at the UK Parliament, February 26th 2019.

## 4 Reporting out of actions and assessments

### **Recommendation 4.1 Publish the date, near location and targets of all strikes – broken down by partner ally where possible – to assist corroboration by external agencies**

Public strike reports are an invaluable tool for the corroboration of locally alleged CIVCAS. For the majority of its campaign OIR routinely published the date, nearest large population centre and target of all air and artillery strikes. Frequency of reporting from OIR and partners did not of itself affect accountability, Airwars found. However in mid December 2018, OIR stopped releasing the date and location of strikes, bringing to an end 52 months of relative transparency and making the reconciliation of civilian harm claims with Coalition actions far harder.

### **Recommendation 4.2 Publish all relevant reports in affected region language(s)**

Civilian Casualty Reports, Strike Releases and related material should always be published in the language(s) of affected populations, as well as in English. Airwars welcomed the decision by CENTCOM and OIR consistently to publish critical reports in both Arabic and English, for example.

### **Recommendation 4.3 Release regular (monthly) public civilian casualty updates from the commencement of a conflict, including unique reference codes**

Monthly public reports on civilian harm from US military or coalition actions should be issued from the early stages of a conflict. Sources should be properly identified where able. When civilian harm claims are assessed, as much geotemporal information as possible should be made public, to enable affected populations and external monitors to better understand the events under review. Unique reference codes should be created and cited by CIVCAS Teams to ensure events are not confused – and additional reference made to any markers employed by external agencies, such as Airwars codes. CIVCAS Teams should consider archiving all assessments, including those that are Open, in one place online to aid searchability and accessibility.

### **Recommendation 4.4 Move away from binary terminology such as Credible and Non Credible when assessing and reporting on CIVCAS allegations**

In its public reporting, OIR categorised assessed claims as Credible, Non Credible, Duplicate and Open. While Airwars supports a move away from the binary categories of Credible and Non Credible, we do not support Recommendation 7 of the Pentagon Civilian Casualty Review (2018) to transition to Confirmed, Disputed and Rejected. In our experience, Disputed does not sufficiently recognise the significant proportion of underreported allegations where there is not enough information on the location and/or time for OIR to reach a credibility assessment – while Rejected implies a final assessment which would not be re-opened.<sup>8</sup> Airwars therefore endorses CIVIC's recent category recommendation

<sup>8</sup> Just under a third (27%) of all allegations assessed Non Credible by OIR were dismissed on grounds of "Insufficient information on the time and location". OIR data analysed by Airwars, March 4th 2019



of Confirmed, Non Credible and Unconfirmed, with the addition of a fourth category, Open, to reflect military assessments in progress.<sup>9</sup>

**Recommendation 4.5 Provide a casualty range where possible**

While Airwars understands that the OIR CIVCAS Team at times expressed casualty claims as ranges internally, only a minimum casualty number was publicly declared in events deemed Credible. Public expressions by militaries of casualty ranges better reflect the ambivalent reality of many assessments, including multiple and sometimes contradictory sources. The use of ranges also chimes with Recommendation 7 of the Pentagon Civilian Casualty Review.

**Recommendation 4.6 Define all terms and standard phrases used in assessments and reports, and be consistent in their use.**

The use of well defined and standardised language in public reports and assessments aids clarity, while allowing for more consistent quantitative analysis. While OIR properly defined its use of the terms Non Credible and Credible, for example, it did not provide definitions for standardised responses in assessments such as “not active in the geographical area”, thus creating ambiguity.<sup>10</sup> Similarly, because of changing language by the military in the public description of declared military targets, Airwars could not know if the terms “ISIS HQ” and “ISIS command node” were interchangeable or distinct.

Airwars therefore recommends that where standardised responses (key words or phrases) are used, these should be accompanied by a definition, unless the meaning is explicit. Any change in standardised language should be noted and explained. We also advise that where possible, CIVCAS Teams publish not only what happened but why it happened – leading to greater transparency and public accountability.

**Recommendation 4.7 Routinely publish Military Grid Reference System (MGRS) for all assessments to a maximum of 10 m**

There is critical value for affected communities of accurate locational information, particularly with regard to restitution and reconciliation. Airwars achieved a significant breakthrough in 2016 when MGRS coordinates were first routinely shared with our assessors by both the CENTCOM and OIR CIVCAS teams. In total, 917 MGRS coordinates have been provided to Airwars in relation to both Credible and Non Credible events. These accurate geolocations in turn enabled Airwars to cross-check the public record. This had particular value for dates where we had monitored multiple civilian casualty incidents in the same vicinity.

MGRS accuracy varied from one to one hundred metres squared. In built up areas in particular, Airwars found 100 m grids to be too imprecise, since they include multiple buildings. We therefore recommend a 10 m maximum grid size for all MGRS coordinates.

9 CIVIC, *The Sum Of All Parts: Reducing Civilian Harm in Multinational Coalition Operations*, 2018: 30

10 See, for example, “The Uncounted” by Khan A. and Gopal A.

**Recommendation 4.8 Make public as a matter of course all AR 15-6s for those incidents where full investigations have occurred**

In the great majority of civilian harm allegations examined by OIR in the war against ISIS, events were assessed rather than investigated. Where investigations did occur, there was an inconsistent record of associated AR 15-6s being made public – as well as the levels of redaction within those reports. Airwars recommends that all AR 15-6s relating to civilian harm issues are published as fully and promptly as possible.

**US-led Coalition Civilian Casualty Assessments: Credible only**

Credible assessments published from 2015 to 2018 by CJTF-OIR, via CENTCOM and Monthly Civilian Casualty Reports

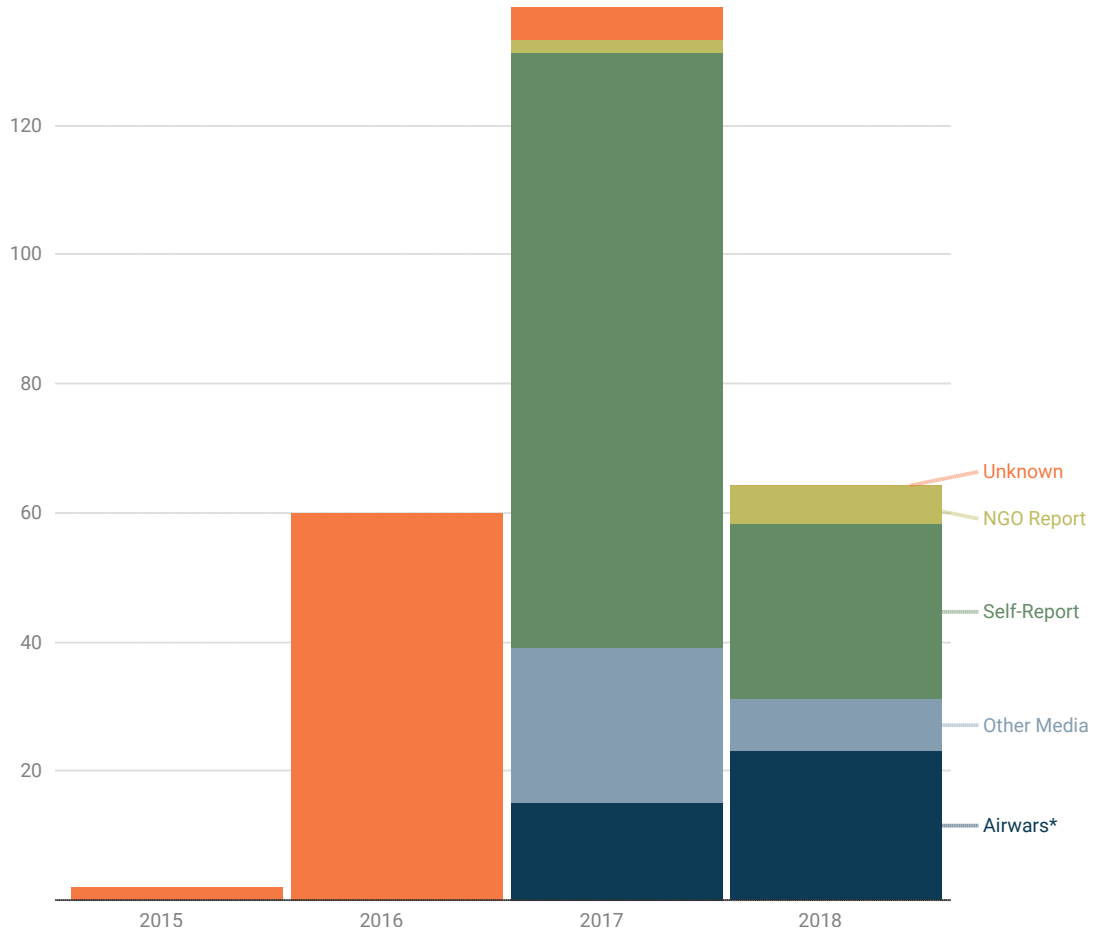


Chart: Airwars Source: CJTF-OIR

## 5 Institutional knowledge and improvements

### **Recommendation 5.1 Assign profession status and career development potential within the US military for civilian casualty assessment and Protection of Civilian (POC) roles**

As the US military better systematises its POC functions – including the assessment of civilian harm – there is significant value in our view in creating defined professional POC roles within the US military. In a similar manner to the deployment of JAGs to assist commanders with IHL, this would help to build and maintain standards on protection of civilians and casualty mitigation; and ensure consistency of approach across deployments, commands and coalitions.

### **Recommendation 5.2 Ensure consistency of best standards across commands and coalitions (e.g. OIR, CENTCOM, AFRICOM)**

While the majority of the war against ISIS was led by CENTCOM via CJTF-OIR in Iraq and Syria, the US also conducted a unilateral campaign against ISIS in Libya in 2016, which was led by AFRICOM. Airwars encountered significant variations between the commands on the issue of CIVCAS assessments, with few of the recent lessons learned at OIR apparently being applied by AFRICOM during its Sirte campaign. We agree with the Pentagon Civilian Casualty Review (2018) recommendation B.2.5 that DoD should consider “standardizing the CIVCAS review process across combatant commands.”

### **Recommendation 5.3 Incorporate Protection of Civilians into coalition frameworks, and work towards public accountability for non combatant harm from all members**

Protection of Civilians policies should be built into all future military coalitions which the US participates in. We also agree with CIVIC’s own recent recommendations, that “future coalitions should employ a centralized civilian harm mitigation cell that investigates reports of civilian harm from all participants. Nations should not have an option to opt-out of coalition investigation in favor of their own internal mechanisms.”

### **Recommendation 5.4 Agree solatia and other obligations for civilian harm from individual coalition allies at the start of a conflict – and ensure relevant mechanisms are made public**

During the anti-ISIS conflict, Airwars had contact with a number of families affected by confirmed Coalition civilian harm events. Surviving family members expressed frustration at the opacity of military processes for seeking information, and an official notice of remorse; and for pursuing no-fault compensation (solatia). Affected families rarely knew which Coalition member, including the United States, might be responsible for an event – even after it had been assessed as Credible. Airwars recommends that solatia payment mechanisms and broader obligations are agreed between allies at the start of a conflict – and that accountability mechanisms are made public. Near MGRS coordinates for all confirmed casualty events should also be made public, as a matter of course.

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Airwars is a collaborative, not-for-profit transparency project monitoring and assessing civilian harm from international military actions, which is presently focused on Iraq, Syria and Libya. We archive all open-source reports of civilian casualties alongside military claims by nations; and also seek transparency and accountability from belligerents – while advocating on behalf of affected non combatants.

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