

Department of Defense

Annual Report on Civilian Casualties in Connection With United States Military Operations in 2022

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

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Section 1057 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91), as amended and codified as a note to 10 U.S.C. § 113, provides:

**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 resulted in civilian casualties that have been confirmed or are reasonably suspected to have occurred.

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

(A) The date.

(B) The location, including to the extent practicable, the closest town, city, or identifiable place.

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

(D) The type of operation, including the specific justification or use of authority for each strike conducted.

(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, including how the Department incorporates information from interviews with witnesses, civilian survivors of United States operations, and public reports or other nongovernmental sources.

(4) A description of –

(A) Steps taken by the Department to mitigate harm to civilians in conducting such operations; and

(B) In the case of harm caused by such an operation to a civilian, any *ex gratia* payment or other assistance provided to the civilian or the family of the civilian.

(5) A description of any allegations of civilian casualties made by public or non-governmental sources formally investigated by the Department of Defense.

(6) A description of the general reasons for any discrepancies between the assessments of the United States and reporting from nongovernmental organizations regarding non-combatant deaths resulting from strikes and operations undertaken by the United States.

(7) The definitions of 'combatant' and 'noncombatant' used in the preparation of the report, which shall be consistent with the laws of armed conflict.

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

(9) 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 seven years after the date of the enactment of this Act.

**Department of Defense Report on Civilian Casualties in
Connection With United States Military Operations in 2022**

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 and codified as a note to 10 U.S.C. § 113 (“Section 1057”).

This report primarily provides information about U.S. military operations in 2022. This report also contains updates to information DoD previously reported to the congressional defense committees pursuant to Section 1057.

Some of the information provided in prior reports about U.S. military operations in 2017-2021 has been repeated in this report because the information was relevant to U.S. military operations in 2022.

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

As noted in Section 1 of Executive Order 13732 of July 1, 2016, *United States Policy on Pre- and Post-Strike Measures To Address Civilian Casualties in U.S. Operations Involving the Use of Force*, and as Secretary Austin stated in his January 27, 2022, memorandum, “Improving Civilian Harm Mitigation and Response,” the protection of civilians is fundamentally consistent with the effective, efficient, and decisive use of force in pursuit of U.S. national interests. DoD’s efforts to mitigate and respond to civilian harm are a direct reflection of U.S. values; these efforts respond to strategic and moral imperatives. 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.

On August 25, 2022, DoD released the Civilian Harm Mitigation and Response Action Plan (CHMR-AP) through which the Secretary of Defense directed a series of major actions DoD will implement to ensure that the U.S. military is prepared to mitigate and respond to civilian harm in future conflicts. On December 21, 2023, DoD released the Department of Defense Instruction on CHMR.

The U.S. military is steadfastly committed to limiting harm to civilians, and DoD has built a strong foundation of compliance with the law of war. As a matter of policy, U.S. forces routinely conduct operations under policy standards that are more protective of civilians than is required by the law of war, and we are committed to continuing to improve our approach to civilian harm mitigation and response. This commitment is reflected in DoD’s consistent efforts to maintain and promote best practices that reduce the likelihood of civilian harm, take appropriate steps when harm occurs, and draw lessons from DoD operations to enhance further the protection of civilians. Section 2 of Executive Order 13732 catalogues certain best practices DoD has implemented to protect civilians during armed conflict, and directs those measures be continued in present and future operations. During 2022, all operations were conducted consistent with the best practices identified in Section 2 of Executive Order 13732.

I. U.S. MILITARY OPERATIONS DURING 2022 CONFIRMED, OR REASONABLY SUSPECTED, TO HAVE RESULTED IN CIVILIAN CASUALTIES

During 2022, U.S. forces remained engaged in a number of military operations, but DoD has assessed that U.S. military operations in 2022 resulted in no civilian casualties. This report contains updates to information submitted to Congress in previous year's annual Section 1057 reports, based on reports of civilian casualties from U.S. military operations in 2018-2021 that have since been received and assessed.

Previous reports used the term "a declared theater of active armed conflict," in the way that term was understood at the time in the context of 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, U.S. military operations in Afghanistan, Iraq, Somalia, and Syria in 2022 and relevant prior years are considered to have occurred in "a declared theater of active armed conflict." Thus, all U.S. military operations and particular instances listed below occurred in what previous reports would describe as a declared theater of active armed conflict.

For each mission, strike, engagement, raid, or incident during previous years that was assessed to result in civilian casualties, DoD has provided in a classified annex to this report the assessed numbers of enemy combatant casualties. The number of enemy combatant casualties does not necessarily indicate the effectiveness of the strike itself.

DoD's longstanding policy is to comply with the law of war in all armed conflicts, however characterized. DoD conducts its operations 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 and conducting attacks to reduce the risk of harm to civilians and other persons and objects that may not be made the object of an attack.

As noted above, DoD has assessed that there were no civilians killed and no civilians injured as a result of U.S. military operations in 2022.

This report addresses only civilian casualties attributed to the use of U.S.-operated weapons. For example, if a munition fired from a U.S. aircraft resulted in civilian casualties, the civilian casualties would be included in this report even if the particular airstrike was planned by a staff composed of personnel from multiple nations participating in coalition efforts and was guided to the target by a foreign Joint Terminal Attack Controller.

The numbers of civilian casualties provided below are based on assessments of civilian casualties in which DoD has been able to conclude that, based on the available information, it is more likely than not that civilian casualties occurred. Section II of this report describes in more detail the processes for conducting these assessments.

It is also important to note DoD's efforts to prevent and respond to civilian harm resulting from U.S. military operations. On January 27, 2022, the Secretary of Defense directed several elements of the Department to develop the CHMR-AP. The CHMR-AP, which was released on August 25, 2022, outlines the steps the Department will take, and the resources that will be required, to implement appropriate recommendations from recently-completed studies of civilian harm sponsored by DoD, DoD Office of the Inspector General evaluations, and independent reviews directed into strikes that resulted in civilian casualties. The CHMR-AP makes critical contributions to the Department's efforts to protect innocent civilians. Notably, through the CHMR-AP, DoD will ensure that the U.S. military is prepared to mitigate and respond to civilian harm in future conflicts, including by integrating civilian protection into mission objectives from the start; prioritizing the protection and restoration of the civilian environment as much as the situation allows; ensuring that operational commanders are fully supported with institutional resources, tools, and capabilities; aligning information collection priorities to best achieve mission success; assessing and learning from our operations; and appropriately responding to civilians harmed as a result of our operations.

A. Operation INHERENT RESOLVE and other U.S. military actions related to Iraq and Syria.

Combined Joint Task Force–Operation INHERENT RESOLVE (CJTF-OIR) has maintained pressure on the Islamic State of Iraq and Syria (ISIS), also known as “Daesh,” to ensure the group's enduring defeat in Iraq and Syria by working with and through local partner forces. CJTF-OIR advises, assists, and enables partnered forces until they can independently defeat Daesh in designated areas of Iraq and Syria.

The mission of the Coalition has shifted from a mission of combat to one of support for our partner forces through advising, assisting, and enabling at the operational and strategic level. CJTF-OIR works closely with local, regional, and international actors in Iraq, and designated areas of Syria, to help bring stability to conflict affected areas and to work towards enduring security partnerships.

CJTF-OIR receives reports of civilian casualties from military ground units and aircrews, as well as from a variety of sources, such as traditional media organizations, social media, private individuals, and non-governmental organizations (NGOs). CJTF-OIR carefully reviews reports of civilian casualties, regardless of their source.

In 2022, CJTF-OIR received 14 reports of potential civilian casualty incidents occurring in 2022, including 13 reports from non-governmental sources (12 from AirWars and 1 from Sabereen). All 14 of those reports have been assessed, and, based on the available information, CJTF-OIR has concluded that it is more likely than not that civilian casualties did not result from U.S. military operations in the reported incident. For example, this would be the case if U.S. military operations were not conducted at the reported time or place or if the reported casualties related to the incident were assessed to be enemy combatants rather than civilians.

This report lists only reports of civilian casualties attributed to U.S. forces. Information in this report may not match publicly available information released by U.S. Central Command (USCENTCOM) and CJTF-OIR. This is because CJTF-OIR, as a matter of strategy and policy, considers all civilian casualties to be the combined result of “Coalition” action and not of a single nation.

CJTF-OIR routinely receives new reports of civilian casualties related to U.S. combat operations from prior years, assesses reports that were not completed in the previous years, and re-considers previous assessments if new relevant information is discovered. The following table provides information on additional civilian casualties to supplement what was reported in previous Section 1057 reports. This table is based upon additional assessments that were completed since last year’s report:

	Date of Incident	Location	Operation Type	Civilians Injured	Civilians Killed
1	03 DEC 21	Idlib, Idlib Province, Syria	Air	6	0
2	28 JUN 21	Al Qa’im, Dayr az Zawr Province, Syria	Air	0	1
3	10 JAN 19	Ash Shajilah, Dayr az Zawr Province, Syria	Air	2-3*	1
4	04 JUN 18	Al Helo, Al-Hasakah Province, Syria	Air	0	12
5	27 MAY 18	Al Soussa, Dayr az Zawr Province, Syria	Air	2	2
6	06 FEB 18	Al Sha’afa, Dayr az Zawr Province, Syria	Air	0	2
TOTAL				11*	18

* Indicates upper bound estimate of civilian casualties

B. U.S. military actions in Africa

The United States is one of several countries providing whole of government support – including humanitarian aid, stabilization efforts, economic development, and military assistance – to the Federal Government of Somalia. U.S. Africa Command’s (USAFRICOM) overarching strategic goal in Somalia is to train, advise, and assist our partner forces to give them the tools they need to defeat al-Shabaab, thereby increasing regional stability. USAFRICOM contributes to multi-national efforts to disrupt violent extremist organizations (VEOs) while conducting direct actions to disrupt VEOs that threaten U.S. persons, the U.S. Homeland and U.S. facilities. In East Africa, USAFRICOM capabilities support and enable the African Union Transition Mission in Somalia (ATMIS) and the multi-national effort to defeat al-Shabaab and build sustainable security in Somalia as outlined in the 2017 London Security Pact.

USAFRICOM assesses or investigates all reports of civilian casualties, regardless of their source, in accordance with the procedures outlined in the Africa Command Instruction (ACI) for civilian

casualty assessments. USAFRICOM assessed that there were no civilian casualties resulting from U.S. military operations in their area of responsibility in 2022.

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 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.

When assessing reports of civilian casualties, DoD considers whether any members of the civilian population were injured or killed as a direct result of U.S. military operations. For the purposes of such assessments, DoD does not include members of the civilian population who have forfeited the protections of civilian status by engaging in hostilities. Information about different classes of persons under the law of war, including “civilians” and “combatants,” can be found in Chapter IV of the DoD Law of War Manual (June 2015, Updated July 2023), which is available at <https://ogc.osd.mil/Portals/99/Law%20of%20War%202023/DOD-LAW-OF-WAR-MANUAL-JUNE-2015-UPDATED-JULY%202023.pdf?ver=Qbxamfouw4znu1I7DVMcsw%3d%3d>.

Over the past several years, DoD has continued to refine its practices and procedures for reviewing reports of civilian casualties. Under current practices and procedures, the relevant command or another entity identified by the command (such as a special board or team) seeks to assess all reports of civilian casualties that may have resulted from the command’s operations once reports become known. The command or entity considers reports available from any source, including after-action reporting of military units, and information provided by external sources, such as NGOs, the news media, social media, and individuals who were present during the operation, including military personnel and local civilians. In assessing the report, the command or entity seeks to review all readily available information from a variety of sources and may seek additional information that is not readily available, for example by searching social media and conducting interviews. Sources of information may include, but are not limited to, operational planning data and reporting, 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 reviewing the report, the command or entity seeks to assess whether civilian casualties more likely than not occurred.

Specific processes for reviewing or investigating incidents have varied over the years. DoD has, at times, used 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 may have

occurred. Commands also work to improve their processes over time and adapt to the ever-changing fog and friction of war.

While assessment and investigation processes may remain tailorable by Combatant Command (CCMD) and by operation, in accordance with the CHMR-AP, DoD is in the process of establishing standardized Department-wide procedures for assessing and investigating civilian harm resulting from operations, and will expand the sources of information used in assessments and investigations. The CHMR-AP further directs establishment of Civilian Harm Assessment and Investigation Coordinators at CCMDs and other appropriate operational commands, the creation of Civilian Harm Assessment Cells, and the incorporation of standardized procedures into applicable doctrine, training, and exercises.

Under current practices and procedures, after reviewing the available information, a responsible official assesses whether it is more likely than not that civilians were injured or killed as a result of U.S. military operations. Commands use terms such as “substantiated” and “unsubstantiated” or “credible” and “not credible” to describe the report of civilian casualties, but all assessments apply the “more likely than not” standard.

When civilian casualties are assessed to have more likely than not occurred, the assessment further estimates the number of civilian casualties that occurred and differentiates whether they were injured or killed. On the other hand, a report of civilian casualties would not result in assessment that civilian casualties more likely than not occurred 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) the report provides insufficient information to identify a location or date of the incident; or (3) a review of all reasonably available information, including operational data and reporting, video surveillance, other data from ISR assets, information derived through multiple sources of intelligence, publicly available information, and any information provided in the report, leads to the assessment that it is more likely than not that civilian casualties did not occur as a result of U.S. military operations. As directed by the CHMR-AP, the recently released DoD Instruction on CHMR includes a standardized process for civilian harm assessments, adaptable and scalable to different types of operations, and defines the responsibilities of civilian harm assessment cells.

If warranted, a commander or other responsible official may direct a more extensive review or investigation to find additional facts about the incident and to make relevant 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 or procedures for an Air Force Commander-Directed Investigation. As directed by the CHMR-AP, a multi-service issuance will be developed in the near term that will include: (1) qualification requirements for investigating officers; (2) procedures for developing investigative plans; (3) procedures for conducting investigations - including methods and capabilities for conducting remote investigations, including in non-permissive environments; (4) templated, minimum-required investigation questions; (5) categories of information sources to be considered, including non-U.S. sources, open sources, information obtained from interviews, and information obtained from site visits;

(6) records management processes; and (7) reporting processes in support of CHMR. Guidance may additionally include templates and example appointment orders.

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

DoD acknowledges that there are differences between DoD assessments of civilian casualties and reports from other organizations, including NGOs. DoD personnel engage with representatives from NGOs and international organizations (IOs) regularly to discuss reports and assessments of civilian casualties, including at both action officer and leadership levels. These differences result from a variety of factors. For example, NGOs and media outlets often use different types of information and methodologies than DoD to assess whether civilian casualties have occurred. Some organizations conduct on-the-ground assessments and interviews, while others rely heavily on media reporting. Although such information can be valuable, this information alone can be incomplete or inaccurate. DoD assessments seek to incorporate all available information, including information provided by NGOs and IOs, as well as additional information and tools that are not available to other organizations – such as operational planning data and intelligence sources. As noted above, DoD reconsiders existing assessments if new relevant information becomes available, such as new information received from NGOs or other external sources. In accordance with the CHMR-AP, DoD will further expand the sources of information used in assessments and investigations so that DoD has access to more information and is more capable of assessing and investigating the results of military operations.

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

An *ex gratia* payment may be one of several possible response options that might be appropriate for DoD to take when U.S. military operations injure or kill a civilian or damage or destroy civilian objects. 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. Such actions have historically been used to express condolences, sympathy, or goodwill, and to support mission objectives. Such actions are not required by law, not an admission of wrongdoing, and not 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. Section 1213 of the NDAA for FY 2020 (Public Law 116-22), as amended and codified as a note to 10 U.S.C. § 2731, specifies that it shall be construed as the sole authority to make *ex gratia* payments for property damage, personal injury, or death that is incident to the use of force by the U.S. Armed Forces. In June 2020, DoD published Department-wide interim regulations to implement the authority provided under Section 1213. Commanders rely on these regulations to evaluate incidents and to determine whether offering an *ex gratia* payment in a particular case would be appropriate and consistent with mission objectives and applicable law. The Department has begun updating these

regulations to implement the amendments to Section 1213 enacted in section 1331 of the NDAA for FY 2022 (Public Law 117-81).

Over the coming years, pursuant to the CHMR-AP, DoD will establish a holistic response framework through which DoD will ensure the availability of a diverse menu of response options to respond to individuals and communities affected by U.S. military operations — including public and private acknowledgements of harm, condolence payments, medical care, repairs to damaged structures and infrastructure, ordnance removal, and locally held commemorative events or symbols. These options will allow commanders to craft tailored responses, based on consultations with affected individuals and communities, which are contextually and culturally appropriate, can be offered whenever circumstances permit, and are aligned with U.S. strategy and values, and applicable law.

DoD made no *ex gratia* payments in Calendar Year 2022.

IV. STEPS DOD TAKES TO MITIGATE HARM AND RESPOND TO CIVILIANS

In conducting military operations, all commands and forces assigned to CCMDs adhere to the law of war, Secretary of Defense-approved rules of engagement, instructions promulgated by the Chairman of the Joint Chiefs 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 2022 to help protect civilians during military operations.

Policies, processes, and procedures: All CCMDs conducting military operations adhere to the guidance in Chairman of the Joint Chief of Staff Instructions (CJCSIs) to help protect civilians and minimize civilian casualties, including CJCSI 3160.01D, *No-Strike and the Collateral Damage Estimation Methodology*. Like other DoD issuances, CJCSI 3160.01D is routinely updated, including through lessons learned from U.S. military operations. As an example of how seriously the Joint Force takes the process of improving targeting procedures, a committee, established by the Chairman of the Joint Chiefs of Staff, of senior targeting representatives from the Joint Staff, the Military Services, the CCMDs, and DoD Combat Support Agencies, and representatives of participating partner nations, meets periodically to propose, review, debate, analyze, and prioritize targeting issues of mutual concern and, when appropriate, to decide on and implement common advancements.

CCMDs also usually have several boards, bureaus, centers, cells, and/or working groups that contribute to efforts to reduce the likelihood of civilian casualties. Much of the effort to reduce the likelihood of civilian casualties occurs during the targeting process. CCMDs employ groups focused on 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 these groups and board is to achieve an intended outcome against an enemy target, these entities also review and evaluate the targets to minimize the potential for civilian casualties. Additionally, proposed targets are reviewed for compliance with the law of war. For example, a judge advocate will review a proposed target to advise the command and 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 can 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 can help generate warnings for civilians to avoid military objectives or areas of active combat.

Furthermore, as mentioned earlier in the report, DoD components conduct U.S. military operations consistent with 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, which catalogues the best practices DoD implements to protect civilians during armed conflict.

During 2022, U.S. military operations were conducted consistent with Section 2 of Executive Order 13732. For example, pre-deployment training for U.S. military units during 2022 included instruction on the law of war, rules of engagement, and other policies related to protecting civilian populations. CCMDs conducting military operations also took feasible precautions to reduce the likelihood of civilian casualties, conducted assessments that assist in the reduction of civilian casualties, and acknowledged U.S. responsibility for civilian casualties.

V. CONCLUSION

The Department recognizes that our efforts to mitigate and respond to civilian harm respond to both strategic and moral imperatives. Through its implementation of the CHMR-AP, including the recent issuance of the DoD Instruction on CHMR, the Department continues to improve its approach to civilian harm mitigation and response.