

UNCLASSIFIED



UNITED STATES CENTRAL COMMAND  
OFFICE OF THE CHIEF OF STAFF  
7115 SOUTH BOUNDARY BOULEVARD  
MACDILL AIR FORCE BASE, FLORIDA 33621-5101

CCDC-COS

OCT 08 2015

MEMORANDUM FOR RECORD

SUBJECT: Classification Determination – Report of Investigation into the Civilian Casualty Near Al Hatra, Iraq, 13 March 2015

1. Pursuant to Executive Order 13526 and the May 5, 2011 memorandum from the Deputy Secretary of Defense, SUBJECT: *Delegation of Top Secret Original Classification Authority*, I am a TOP SECRET original classification authority for all documents that originate within or are classified by Headquarters USCENTCOM and/or our subordinate units.
2. United States Air Force Central Command, submitted a report of investigation, with exhibits, of the civilian casualty (CIVCAS) investigation after execution of an air strike near Al Hatra, Iraq, on 13 March 2015. The report of investigation, as originally submitted, included a number of documents and photographs that bore various Information Security classification markings. In order to ensure that all markings are appropriate and correctly annotated, I directed that a team of subject matter experts from across this Headquarters review the full report of investigation for anticipated public release.
3. In my capacity as a TOP SECRET Original Classification Authority, I have now thoroughly reviewed the team's complete proposal and personally adopt their various classification and annotation recommendations in their entirety as well as approve a publicly releasable version of the Investigating Officer's report that fully redacts all classified material, in addition to other appropriate redactions of information, as authorized by the Freedom of Information Act.
4. A copy of this memorandum will be appended at or near the beginning of each version of the report that is kept on file within this Headquarters or that may be shared with others outside of this command. Points of contact for this matter are the Special Security Office (CCJ2-ADD-SSO) and the Staff Judge Advocate's Office.

  
TERRY FERRELL  
Major General, U.S. Army

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MEMORANDUM FOR Commander, U.S. Air Forces Central Command, Shaw Air Force Base, South Carolina

SUBJECT: Executive Summary of Allegations of Civilian Casualties (CIVCAS) Resulting from March 13, 2015 Airstrike in the vicinity of (IVO) Al Hatra, Iraq

1. On March 13, 2015, coalition aircraft conducted a dynamic airstrike on a manned ISIL checkpoint near Al Hatra, Iraq. The ISIL checkpoint was successfully destroyed as a result of the airstrike. Unfortunately, the airstrike is assessed as likely resulting in the deaths of four civilians.
2. In mid-March 2015, the Combined Air Operations Center (CAOC), U.S. Air Forces Central Command (AFCENT), received a report made by an Iraqi citizen that a coalition airstrike destroyed her vehicle on 13 March 2015, and resulted in the deaths of five civilians whom she stated were passengers in her vehicle. The description in the report of an airstrike near Al Hatra, Iraq was consistent with the dynamic airstrike on the ISIL checkpoint referenced above.
3. In April 2015, CAOC personnel completed a civilian casualty Credibility Assessment, finding the information in the Iraqi citizen's report correlated with the coalition airstrike on the manned ISIL checkpoint near Al Hatra, Iraq. After receiving the Credibility Assessment, the Commander, United States Air Forces Central Command, appointed a Commander-Directed Investigation (CDI) to inquire into the civilian casualty claim.
4. The Investigating Officer (IO) interviewed U.S. and coalition personnel involved in the coordination and execution of the March 13 airstrike, and reviewed the initial civilian casualty Credibility Assessment, intelligence information reports, imagery of the strike area, and tactical guidance applicable to the airstrike, as well as the targeting process in place at the time of the airstrike.
5. The IO determined by a preponderance of the evidence that the strike likely resulted in the deaths of four civilians at the targeted location, based on a review of the available evidence. The approved target for the March 13, 2015 airstrike consisted of ISIL personnel and the checkpoint. However, before coalition air forces could complete the airstrike, two vehicles arrived at the checkpoint and parked within the target area. The drivers of the two vehicles exited and interacted with the checkpoint personnel for approximately 40 minutes, while several other vehicles passed through the checkpoint after a brief stop. The aircrew executing the airstrike relayed the arrival of the two vehicles and described the actions taken by the drivers to the CAOC strike cell. Based upon the actions on the ground by the personnel at the check point, the aircrew and CAOC personnel assessed that the drivers and vehicles, as well as the checkpoint, were ISIL and therefore lawful targets. The strike on the checkpoint and the additional vehicles

was authorized. The aircrew completed the approved strike, resulting in the destruction of the ISIL checkpoint, two vehicles, and all associated personnel within the target area.

6. The identification of the two vehicles and the drivers interacting with the checkpoint personnel as valid military targets was consistent with previous coalition analysis of ISIL TTPs based upon the information available to command personnel and the aircrew at the time the aircrew released weapons on the target area. Post-strike imagery analysis of onboard weapons system video footage indicated that four additional personnel whose status was unknown, and previously undetected, exited the two vehicles after the aircrews had released weapons on the target and immediately before the weapons impacted the target area. Video footage review indicates the aircrew had no opportunity to detect the presence of the likely civilians in the target area prior to weapons impact.

7. Due to the presence of unknown individuals in the immediate target area moments before weapons impact, the investigating officer concluded that, more likely than not, those individuals were civilians. The investigating officer determined the proper status of those four unknown personnel was that of civilians/non-combatants because CAOC targeting personnel, previously unaware of their presence inside the vehicles within the targeting area, did not execute procedures to positively identify those individuals. The investigating officer's conclusion is consistent with the operational presumption that unidentified individuals are civilians/non-combatants unless an analysis of the facts and circumstances shows they meet the definition of a "hostile force." That presumption, coupled with the initial Iraqi citizen's report that five civilian passengers were killed by coalition airstrikes that destroyed her vehicles on 13 March 2015, led the investigating officer to conclude those individuals were, more likely than not, civilians.



DEPARTMENT OF THE AIR FORCE  
UNITED STATES AIR FORCES CENTRAL COMMAND  
AL UDEID AIR BASE QATAR

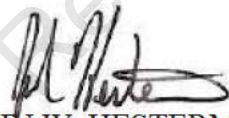
JUN 28 2015

MEMORANDUM FOR RECORD

FROM: USAFCENT/CC

SUBJECT: Appointing Authority Approval – Possible CIVCAS IVO Al Hatra Checkpoint, Iraq,  
13 Mar 15

I have reviewed the commander-directed investigation completed by Investigating Officer (IO) (b)(3), (b)(6) and the subsequent legal review of the investigation. I concur with the findings and conclusions of the IO, who substantiated by a preponderance of the evidence that civilian casualties had occurred, and also noted an apparent communication error during the target approval process. I believe the strike was lawful, and the target approval process error, now addressed, did not affect the final outcome.

  
JOHN W. HESTERMAN III  
Lieutenant General, USAF  
Commander

Approved for Release



~~SECRET//REL USA, FVEY~~

DEPARTMENT OF THE AIR FORCE  
UNITED STATES AIR FORCES CENTRAL COMMAND  
AL UDEID AIR BASE QATAR

20 April 2015

MEMORANDUM FOR [redacted] (b)(3), (b)(6)

FROM: USAFCENT/CC

SUBJECT: Commander-Directed Investigation (CDI) into Civilian Casualties (CIVCAS) Alleged to Have Occurred on 13 March 2015 at an ISIL Checkpoint in Hatra District, Iraq

1. ~~(S//REL USA, FVEY)~~ You are hereby appointed as CDI Investigating Officer (IO) to assess the veracity of a CIVCAS claim. On 2 Apr 15, CFLCC-I/JA received a claim alleging that a 13 Mar 15 Coalition airstrike on an ISIL checkpoint in Hatra District, Iraq, resulted in the deaths of five non-combatant civilians, two women and three children. On 14 Apr 15, an Initial CIVCAS Credibility Assessment concluded the claim was credible based on an initial correlation of details in the CIVCAS allegation related to [redacted] (b)(1)1 4a strike on a Hatra ISIL Checkpoint (13 Mar 15, ATO DQ).
2. (U) This appointment has been coordinated with your commander, Brig Gen Darren Hartford, 379 AEW/CC. This is your primary duty until you have submitted your final report and it has been approved by me. Until then, you should not go TDY, unless necessary to facilitate your investigation, or take leave until I have accepted your final report. I authorize you to interview personnel, take sworn statements or testimony, and examine /copy all relevant Air Force records, files, and correspondence pertinent to this CDI.
3. (U) In conducting the CDI, follow the guidance in the *Commander-Directed Investigation Guide*. Prepare and submit to me a report of investigation in the format described in the *Guide*. You must submit your report to me no later than 30 days from the date of this appointment memo unless you request, and I grant, an extension. Include in your report any recommendations that you deem appropriate.
4. (U) Prior to beginning your investigation, you will meet with [redacted] (b)(3), (b)(6), who will be your designated legal advisor for purposes of conducting this CDI. You may reach him via phone at DSN [redacted] (b)(6) or via email at [redacted] (b)(3), (b)(6) or [redacted] (b)(3), (b)(6).
5. (U) You may not release any information related to this CDI without my prior approval. Based on the information contained herein, this appointment letter is classified and should be treated appropriately.

  
JOHN W. HESTERMAN III  
Lieutenant General, USAF  
Commander

Attachment:  
CDI Guide

~~SECRET//REL USA, FVEY~~

**REPORT OF INVESTIGATION**

**COMMANDER DIRECTED**

**REPORT OF INVESTIGATION**

**PREPARED BY**

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

**INVESTIGATING OFFICER**

**CONCERNING**

**POSSIBLE CIVCAS**

**IN VICINITY OF AL HATRA CHECKPOINT**

**13 MAR 15**

~~SECRET//REL USA, FVEY~~

Approved for Release

~~SECRET//REL USA, FVEY~~

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**Authority and Scope(U):**

~~(S//REL USA, FVEY)~~ Commanders have the inherent authority to conduct a Commander-Directed Investigation (CDI) to investigate matters under their command, unless preempted by higher authority. Pursuant to this authority, the Combined Forces Air Component Commander (CFACC), Lieutenant General Hesterman, appointed (b)(3), (b)(6) on 20 April 2015 to conduct an Investigation to assess the veracity of a civilian casualty (CIVCAS) claim alleging a 13 March Coalition airstrike on ISIL resulted in the deaths of five non-combatant civilians. This CDI was conducted from 22 April 2015 to 1 June 2015.

The Investigation Officer (IO) investigated the following allegations:

**Allegation(U):** none. However, investigating officer was tasked to determine the veracity of the CIVCAS claim. Additionally, with a stated intent of non-combat victims (NCV) =0, the investigating officer was tasked to examine the targeting process to determine whether this objective was met. If not, the IO was to conduct a thorough review of the JTM targeting and tasking cycle to determine if any errors occurred or process changes are required.

**Background(U):**

(U) On or around 5 April 2015, CAOC/JA received a forwarded email reporting the loss of a civilian owned vehicle and the death of two women and three children in a Coalition airstrike on 13 March 2015 at an ISIL checkpoint in Hatra District, Iraq.

~~(S//REL USA, FVEY)~~ This claim has five points of correlation with a strike conducted under Joint Target Message (JTM) JTM (b)(1)1.4a completed by (b)(1)1.4a flight, a two-ship of (b)(1)1.4a. No open source reporting could be located that corroborates the CIVCAS claim.

~~(S//REL USA, FVEY)~~ The initial TARGET JTM identified enemy personnel (EPAX) and an ISIL checkpoint structure as the two valid targets for this strike. However, during the time while the JTM was being briefed to the target engagement authority (TEA), two vehicles arrived and pulled off the side of the road next to the checkpoint structure within the target area outline (TAO).

~~(S//REL USA, FVEY)~~ After dialogue with the Dynamic Targeting (DT) cell, callsign (b)(1)1.4a flight received verbal clearance to include the two vehicles and the associated passengers (pax) in the JTM strike. The vehicles struck match the description of those described in the original email claim. However, this change to the JTM was neither briefed to the TEA nor was it logged in any documentation medium other than (b)(1)1.4a recorded audio and their filed mission report (MISREP). (b)(1)1.4a flight successfully struck all EPAX, vehicles, and checkpoint building.

~~(S//REL USA, FVEY)~~ Subsequent weapons system video (WSV) review by an Intelligence, Surveillance, and Reconnaissance Division (ISRD) imagery analyst confirmed at least 4 personnel associated with the two vehicles, with the possibility of one being a child. However, based on approximately one second of WSV prior to rounds impact, it is not possible to positively assess the makeup of the personnel. Furthermore, based on extensive tape review, there is no evidence that the aircrew had any opportunity to detect civilians prior to their strike.

**Findings, Analysis and Conclusions(U):**

~~Tasking(S//REL USA, FVEY):~~ Determine the veracity of a CIVCAS claim that a 13 March 2015 Coalition airstrike on an ISIL checkpoint in Hatra District, Iraq, resulted in the deaths of five non-combatant civilians: two women and three children.

**Findings(U):**

(U) On 2 April 2015, CFLCC-I/JA received an email from a person named (b)(6) reported the loss of a civilian owned vehicle and the death of two women and three children in a Coalition airstrike on 13 March 2015 at an ISIL checkpoint in Hatra District, Iraq. The email sought reimbursement for the loss of property (tab F-1, pg 1-2). The email describes two vehicles, a GMC suburban and a black KIA sedan, that were stopped at the "ISIL's checkpoint of Hatra district." The letter claims that these two vehicles were struck by a missile of the International Air Forces and that both cars burned up. It further asserts that the families inside burned to death. The person authoring this email purported to be the owner of the black sedan and appears to not have been at the location of the strike but is requesting remuneration for the loss of the vehicle only. No financial claim in reference to the alleged civilian deaths is made.

~~(S//REL USA, FVEY)~~ Both the IO and the 609 AOC attempted to verify the identity of the claimant and searched for corroborating open source reporting of civilian casualties that match the time, location, and description of the this claim. No corroboration on the persons involved or further communication from the claimant has been found. However, Coalition forces did conduct a strike on an ISIL checkpoint on the date and location as described in the letter.

~~(S//REL USA, FVEY)~~ At 1218z on 13 March 2015, (b)(1)1.4a flight struck an ISIL checkpoint that included personnel (PAX), a structure, and two vehicles. The strike was executed as a Dynamic Targeting mission under the control of CFACC TEA with Joint Targeting Message (JTM) (b)(1)1.4a issued by (b)(1)1.4a (the Dynamic Targeting Chief) at

approximately 1210Z on 13 March 2015. The original JTM Line 3 (Track #/DMPI/Description) only included EPAX and Structure at active checkpoint. (b)(1)1.4a flight observed two vehicles on the side of the road and reported these to (b)(1)1.4a after receipt of the initial JTM. At 1215z, after dialogue with (b)(1)1.4a flight was verbally approved to include the two vehicles in the JTM (b)(1)1.4a strike.

(b)(1)1.4a

(b)(1)1.4a

(b)(1)1.4a Post-strike, it appears there are two adult-sized PAX who have exited the suburban vehicle.

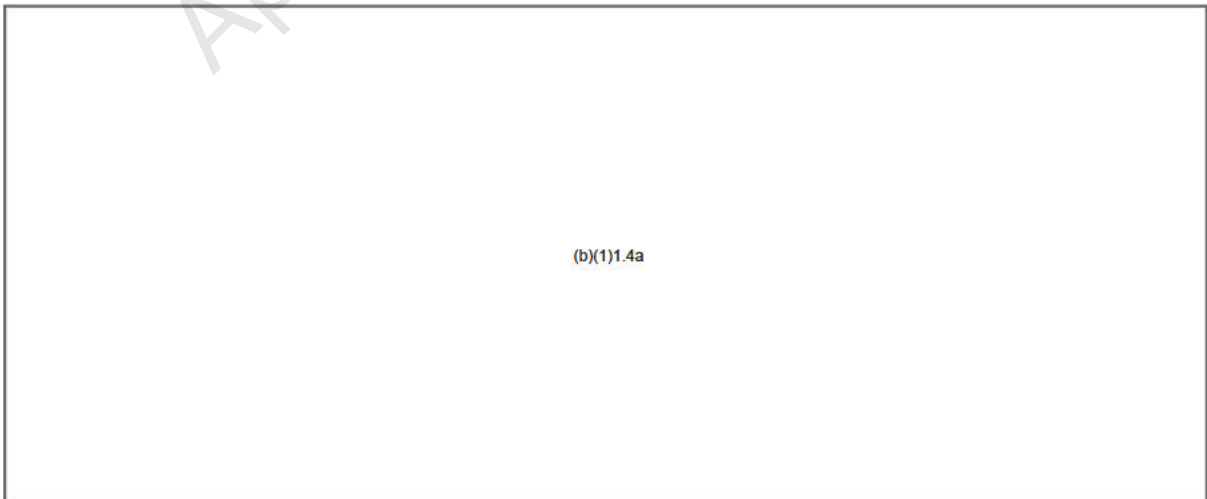
(b)(1)1.4a  
(b)(1)1.4a

(b)(1)1.4a In the 60 seconds prior to second pass commencement, little movement is seen at the target area. At 6 seconds prior to rounds impact, 4 PAX are seen emerging from both vehicles. Three originate from the SUV (larger) vehicle and one originates from the sedan (smaller) vehicle. One of the persons observed exiting the SUV presents a signature smaller than the other persons. This signature was assessed by an ISRD imagery analyst and AFFOR A3T (tab F-1, pg 8) as a possible child. The small signature is only visible for approximately one second before rounds impact – meaning the (b)(1)1.4a pilot had completed firing before the small signature became visible. It is important to note that the 4 PAX seen, the last of which appears as a possible child, are only seen in (b)(1)1.4a targeting sensor WSV. The sizing assessment is only made

by pausing this tape on a large debriefing screen and measuring shadow height. There is no reasonable expectation that (b)(1)1.4a could have seen, assessed, and called for ABORT on the strike through real-time viewing of his targeting pod display inflight. Additionally, at his weapons employment envelope, (b)(1)1.4a would not have been able to discriminate between combatant and non-combatant personnel within the TAO at weapons release. Finally, based on the normal time of flight of the (b)(1)1.4a (3-4 seconds), it is assessed that rounds were already in the air before the possible child signature is visible. Post-strike, both vehicles are on fire and it appears like there is one person still moving at the rear of the sedan.

~~(S//REL USA, FVEY)~~ At 1220z, (b)(1)1.4a releases a single GBU-38 on the guard shack. Weapon successfully guides and goes high order at desired point of impact. Guard shack / structure is destroyed and a crater typical of a 500lb munition with short delay is readily apparent. Prior to weapon impact, but after weapon release a single adult-sized PAX is seen slowly moving to the north. This person is knocked down by the weapon impact and is not seen moving again.

~~(S//REL USA, FVEY)~~ At 1230z (b)(1)1.4a flight checks off-station. Their inflight report passes a battle damage assessment (BDA) of 4 EKIA, 2 vehicles destroyed, and 1 structure destroyed. WSV review confirms this assessment to be accurate. Investing officer found no discrepancies with the 609 AOC CIVCAS credibility report strike assessment as follows:



## Analysis(U)

(U) Based on this information and the initial email claim, the following facts corroborate the CIVCAS claim.

- a. ~~(S//REL)~~ The claimants date matches (b)(1)1.4a strike.
- b. ~~(S//REL)~~ The claimant's description of a black Kia Sorrento and a GMC Suburban matches the WSV of a dark colored sedan and an SUV
- c. ~~(S//REL)~~ The claimant confirms the general location (Hatra) and the fact that the vehicle was stopped at an ISIL checkpoint.
- d. ~~(S//REL)~~ The claimant's description of burning vehicles is consistent with the WSV.

~~(S//REL USA, FVEY)~~ Additionally, the 609 AOC assessed the claimant's description of vehicle occupants as follows: "the driver, two women and three children" roughly matches the imagery analyst's assessment of women and children. The "driver" may have been counted as one of the guards if they were outside of the vehicle/interacting with the guards.

## Conclusion(U)

~~(S//REL USA, FVEY)~~ Corroborating evidence confirms that two vehicles matching type and description were struck at the place and location described in the email claim. These vehicles did not display characteristics typical of transient vehicles at checkpoints; instead, they were on the side of the road and static and appeared to be functionally and geospatially tied to the ISIL checkpoint and personnel authorized for strike under JTM (b)(1)1.4a

~~(S//REL USA, FVEY)~~ While there exists the possibility that the PAX seen in the WSV may have included women and/or children, no positive identification can be made with reasonable certainty as to the person's gender or age without further forensics or

on the ground investigation. However, based on the specificity and accuracy of the email claim on all other aspects that can be confirmed, and the evidence of pax associated with these vehicles being struck as a part of JTM (b)(1)1.4a the preponderance of the evidence supports the veracity of the CIVCAS claim. Therefore, the CIVCAS is **SUBSTANTIATED**.

**Tasking(U):** Examine the targeting process to determine whether the NCV=0 objective was met. If not, conduct a thorough review of the JTM targeting and tasking cycle to determine if any errors occurred or process changes are required.

**Findings(U):**

(U) Based on the substantiated finding for tasking 1, above, the preponderance of the evidence supports that the NCV=0 objective was not met. Therefore, the JTM targeting and tasking cycle were examined as follows:

~~(S//REL USA, FVEY)~~ Target development for the Al Hatra ISIL Checkpoint was conducted by the 609th AOC in support of the Dynamic Targeting Cell. This target was developed from (b)(1)1.4a Since as early as October 2014, multi-source reporting has indicated that ISIL had been using the Al-Hatra ruins area (b)(1)1.4a as a training camp for newly recruited members who join from the area southwest of Ninewa Province, Iraq (tab F-3).

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



Page 16 redacted for the following reason:

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(b)(1)1 4a, (b)(1)1 4c

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~~(S//REL USA, FVEY)~~ On 13 Mar 15, this target was validated by the CFACC TEA. The area was a functionally and geospatially defined object of attack and considered a legitimate military target in accordance with LOAC and ROE. (b)(1)1.4a, (b)(1)1.4c



~~(S//REL USA, FVEY)~~ In total, approximately 40 minutes pass where the DT cell is coordinating and briefing the TEA. During this time, the two vehicles in question drive up to the checkpoint, pull to the side of the road within the TEA, and their occupants begin to interact with the checkpoint personnel. Additionally seven different

vehicles pass through the checkpoint as transients. These transients slow to stop briefly as checkpoint personnel interact with them and they drive on. (b)(1)1.4a

(b)(1)1.4a

~~(S//REL USA, FVEY)~~ On or about 1200z, the CAOC Director, serving as TEA, directs JTM (b)(1)1.4a as follows:

(b)(1)1.4a DIRECTS JTM (b)(1)1.4a ~~S//REL USA, FVEY,~~  
(b)(1)1.4a

THIS JTM (b)(1)1.4a IS VALID UNTIL RETASKED BY (b)(1)1.4a

This JTM is relayed verbally to (b)(1)1.4a over (b)(1)1.4a coordination frequency as Joint Targeting Message (JTM) (b)(1)1.4a issued by (b)(1)1.4a the Dynamic Targeting Chief) at approximately 1210Z on 13 March 2015. After full receipt of the JTM, (b)(1)1.4a (b)(1)1.4a informs (b)(1)1.4a of the two vehicles that have been parked at the checkpoint for the past 40 minutes. Through comms back a forth between the DT cell and (b)(1)1.4a it is relayed that there are 5 total PAX with the vehicles and they appear to be working the checkpoint.

(b)(1)1.4a

(b)(1)1.4a

~~(S//REL USA, FVEY)~~ According to the best recollection of the DT cell chief, in that eighty seconds he talked with [redacted (b)(6)], the Battle Director, for approval from the TEA. Shortly after his communication with the Battle Director he receives approval passed by [redacted (b)(6)] on behalf of the TEA to proceed on JTM [redacted (b)(1)1.4a] including vehicles and all associated PAX. The DT cell chief was not present when [redacted (b)(6)] sought approval from the TEA authority on this amendment.

~~(S//REL USA, FVEY)~~ Within the next three minutes [redacted (b)(1)1.4a] conducts all strikes as previously described earlier in this report. In their MISREP, [redacted (b)(1)1.4a] reports the following:

[redacted (b)(1)1.4a]

However, in the DT Cell [redacted (b)(1)1.4a] authorization to strike vehicles is not mentioned. Legal Review does not include the struck vehicles in its sufficiency analysis. The TEA specifically does not recall being rebriefed and asked for clearance to include striking vehicles as a JTM [redacted (b)(1)1.4a]

**Analysis(U):**

~~(S//REL USA, FVEY)~~ PID is established with reasonable certainty on the checkpoint and associated EPAX for the Al-Hatra ISIL checkpoint that is issued through

JTM [redacted] (b)(1)1.4a

[redacted] (b)(1)1.4a

[redacted] (b)(1)1.4a The information that is passed to the TEA meets legal sufficiency. The DT cell team briefs, and the TEA directs, JTM [redacted] (b)(1)1.4a fully in accordance with LOAC and ROE.

~~(S//REL USA, FVEY)~~ However, when the vehicles in the TAO are relayed to the DT cell, the JTM authorization no longer fully covers the target area situation. With the inclusion of the vehicles there is not a different target set requiring re-evaluation and rebrief to the TEA. In order to fully understand the situation, [redacted] (b)(1)1.4a have dialogue to describe the new situation within the TAO, [redacted] (b)(1)1.4a

[redacted] (b)(1)1.4a

[redacted] (b)(1)1.4a

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(b)(1)1.4a

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

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**Conclusion(U):**

(b)(1)1.4a



~~(S//REL USA, FVEY)~~ The NCV= 0 objective **was not met**. There were no problems noted with the established JTM cycle, and no changes are recommended to the process required for JTM execution. However, there were three execution errors leading to this objective not being met. (b)(1)1.4a

(b)(1)1.4a

(b)(1)1.4a

6/23/2015

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

Investigating Officer

Approved for Release



**SUMMARIZED TESTIMONY OF** (b)(6)  
(b)(6)

On 3 May 2015, at 1300z, (b)(6) appeared at the investigation, was informed of (b)(6) privacy act rights, and testified substantially as follows:

(b)(6) has held (b)(6) current position as Dynamic Targeting (DT) Cell Chief for the Combat Operations Division, since (b)(6) and a DT Chief since (b)(6) arrival in (b)(6). In ( ) day to day activities, (b)(6) fulfills the role of (b)(1)1.4a leading a (b)(1)1.4a on call (b)(1)1.4c within the CFACC's target engagement area. This (b)(1)1.4a (b)(1)1.4a (b)(6) was on station in the CAOC during the issuance of JTM (b)(1)1.4a the Al Hatra ISIS checkpoint strike under investigation.

For JTM (b)(1)1.4a had been assigned (b)(1)1.4a flight, a two-ship of (b)(1)1.4a tasked to perform (b)(1)1.4c (b)(1)1.4a subsequently tasked (b)(1)1.4a flight to observe (b)(1)1.4a was an ISIS checkpoint in (b)(1)1.4a IVO of the Al Hatra Ruins. As (b)(6) recalls, ISIS had been operating in and around these ruins for many months, and multiple strikes had occurred in this vicinity. (b)(1)1.4a

(b)(1)1.4a From the information provided by (b)(6) in the (b)(1)1.4a, more specificity on the exact checkpoint informed the DT PID decision:

(b)(1)1.4a

(b)(6) explained that (b)(1)1.4a flight received its initial tasking to look at this POI based on this prior information and information from the target duty officer that showed that between (b)(1)1.4a was erected at the strike location. The initial observation passed from (b)(1)1.4a flight was personnel in the open and one structure. (b)(1)1.4a relayed these pax appeared to be operating a checkpoint, as cars were slowed down, interacted with the personnel and then continued on. (b)(6) stated that with these confirmers, (b)(6) had positive identification (PID) of the specific targets - (b)(1)1.4a

(b)(1)1.4a

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

The investigator reviewed the transcript of communication between (b)(1)1.4a with (b)(6). After approximately four minutes of JTM passage, readback and some weaponizing discussion, (b)(6) states it is the first time (b)(6) is informed by (b)(1)1.4a that there are two vehicles and additional PAX stopped at the JTM location. (b)(6) asked for some amplifying information on the additional PAX and vehicles. (b)(6) states that (b)(1)1.4a relayed that there were two vehicles at the checkpoint with up to five pax, and that all appeared to be associated with the checkpoint. (b)(6) asked (b)(1)1.4a for an (b)(1)1.4a

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

Following this communication with (b)(1)1.4a, (b)(6) seeks approval to target the vehicles and all associated PAX. (b)(6) states that (b)(6) talked with (b)(6), the Battle Director, for approval from the TEA. Shortly after (b)(6) communication with the Battle Director (b)(6) receives approval passed by (b)(6) on behalf of the TEA to proceed on JTM (b)(1)1.4a including vehicles and all associated PAX. (b)(6) was not present when (b)(6) sought approval from the TEA authority on this amendment. (b)(6) verbally relays to (b)(1)1.4a they are cleared to execute JTM (b)(1)1.4a including vehicle and all associated PAX with PID.

(b)(6) confirms that this JTM amendment was verbally passed to (b)(1)1.4a and that the addition of PAX and two vehicles did not make it into the written OneNote log. (b)(6) did not recall if the TDO or LEGAD were consulted regarding the amendment, but stated (b)(6)

(b)(1)1.4a

(b)(6) has not attended a (b)(1)1.4a (b)(6) stated that usually a LEGAD representative would attend and provide any salient feedback to the DT cell. (b)(6) was asked about how (b)(6) considered vehicles at a checkpoint. (b)(1)1.4a

(b)(1)1.4a

I declare under penalty of perjury that the foregoing is a true and correct summary of the testimony given by the witness. Executed at Al Udeid Air Base, Qatar, on 9 May 2015.

(b)(6)

I declare under penalty that the foregoing is a true and correct summary of the testimony given by the witness. Executed at Al Udeid Air Base, Qatar, on 9 May 2015

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

Investigating Officer

**SUMMARIZED TESTIMONY OF**

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

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

On 3 May 2015, at 1030z, (b)(3), (b)(6) appeared at the investigation, was informed of (b)(3), (b)(6) Privacy Act rights, and testified substantially as follows:

(b)(3), (b)(6) has held (b)(6) current position as deputy legal advisor to the Combat Operations Division, since (b)(6). In (b)(6) day to day activities, (b)(6) has provided legal support almost exclusively to the Dynamic Targeting (DT) Cell, but provides training, guidance and support throughout the COD, as needed. (b)(6) has been trained on, and is fully informed of the applicable Special Instructions (SPINS), Rules of Engagement (ROE), and Law of Armed Conflict (LOAC) that must be applied on all DT strikes. (b)(6) has the ability to funnel information to the Combat Plans Division (CPD) for recommended changes or updates to the SPINS, but has no direct role in their creation or modification.

(b)(3), (b)(6) states that a Judge Advocate (JA) legal advisor (LEGAD) that is involved in all DT strikes. As (b)(6) explains it, the DT Chief and the Targets Duty Officer (TDO) "work" the target to establish Positive Identification (PID). As they do so, they may bring the legal advisor at various times throughout the DT process. During this, the LEGAD provides input and/or recommendations on the PID determination. This advice is based on current operational guidance (e.g., ROE and SPINS), as well as the target engagement authorities' (TEAs') intent and interest items. The LEGAD also gives advice on military necessity, proportionality, distinction, and humanity in accordance with LOAC and stated ROE. Additionally, the LEGAD also aids the DT team by reviewing the Joint Targeting Message (JTM), and providing a second set of eyes to ensure coordinates within match information on the TDO's target coordinates. Once this is done and a draft JTM is authored, the LEGAD is part of the team that briefs the TEA on the proposed DT strike. It is the role of LEGAD to provide legal recommendations on the strike to the TEA and to inform the TEA on any concerns the LEGAD has with the strike, including ROE/SPINS, PID, and LOAC.

(b)(3), (b)(6) states that prior to learning of this CIVCAS allegation, following TEA approval, (b)(3), (b)(6) would typically return to (b)(6) desk to handle post-TEA brief administrative duties. After learning of the allegation, (b)(3), (b)(6) amended (b)(6) practice to observing the passing of the JTM and monitor the strike by remaining close to the DT Cell until completion of the strike. According to (b)(3), (b)(6) this allows the LEGAD one more chance to ensure that the TEA's intent is properly executed. Once complete, the LEGAD will fill out a dynamic target legal review for all strikes. The legal review for the JTM (b)(1)1.4a strike was provided by (b)(3), (b)(6) and is attached to this report. Finally the LEGAD will include any relevant pass down information in the JA Duty Log, but (b)(3), (b)(6) relays that this information tends to be very generic if there are no abnormalities during the DT process. If there are abnormalities or lessons learned about the TEAs' intent, that is included in the duty log.

(b)(3), (b)(6) was asked (b)(6) opinion and understanding of PID as it pertained to the JTM (b)(1)1.4a strike. (b)(3), (b)(6) explained that the TEA must have reasonable certainty of PID in order to approve a strike. While the PID authority rests with the TEA, anyone in the chain or DT cell has the responsibility to call an abort on the strike if conditions change. In order to satisfy the SPINS requirement for multi-source intelligence for PID, the DT cell team will talk to the TEA about information beyond the direct line of sight sensors, such as previous activity, previous strikes, traffic density, SIGINT, HUMINT, and enemy Tactics Techniques and Procedures (TTPs) observed.

For the JTM (b)(1)1.4a, (b)(3), (b)(6) relayed that (b)(6) does not remember the specifics based on the time and number of other similar strikes (b)(6) has been involved in since. However, in reviewing (b)(6) DT legal review (b)(6) recalled that (b)(1)1.4a, (b)(5)

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

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

Finally, we discussed procedures by which the DT cell would be appraised on SPINS changes or information passed via (b)(1)1.4a (b)(3), (b)(6) stated that the LEGAD attendance to these briefs was limited to whichever LEGAD was on duty and that a representative from the DT cell rarely attended due to their inability to leave their posts for an extended time during their shifts. (b)(6) is CC'ed on the distro of these slides, but (b)(6) does not now if the DT cell is on the distro list. Additionally, there is no requirement or sign off for LEGADs to read these slides. When a LEGAD becomes aware of a change to the SPINs or AOD is annotated in the JA duty log to notify the other LEGADs to read the updated document; however, there is no requirement or sign off log for these changes.

I declare under penalty of perjury that the foregoing is true and correct. Executed at Al Udeid Air Base, Qatar, on <sup>(b)(3), (b)(6)</sup> 7 May 2015.

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

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

I declare under penalty that the foregoing is a true and correct summary of the testimony given by the witness. Executed at Al Udeid Air Base, Qatar on 3 May 2015

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

Investigating Officer

Approved for Release

**SUMMARIZED TESTIMONY OF** [redacted] (b)(3), (b)(6)  
[redacted] (b)(3), (b)(6)

On 5 May 2015, at 1000z, [redacted] (b)(3), (b)(6) appeared at the investigation, was informed of (b)(6) Privacy Act rights, and testified substantially as follows:

[redacted] (b)(3), (b)(6) has been present at [redacted] (b)(6) current duty location in CAOC/ISR/DTGTS since [redacted] (b)(6) [redacted] (b)(6) As a part of [redacted] (b)(6) normal duties, [redacted] (b)(6) is assigned to be a Target Duty Officer (TDO), working with the Dynamic Targeting (CT) Cell in the Combat Operations Division (COD). [redacted] (b)(6) typical work week will be 6 days on, one day off. In a typical day [redacted] (b)(6) will spend 6 hours on the "floor" working with [redacted] (b)(6) DT cell team, and 6 hours in the ISR/DTGTS working [redacted] (b)(6) target job. [redacted] (b)(3), (b)(6) has had no real exposure to the SPINS; there is nothing that mandates [redacted] (b)(6) reading or awareness of these instructions. As a TDO, [redacted] (b)(6) focuses on target development and collateral damage concern estimates (CDE). While in the ISR/DTGTS [redacted] (b)(6) focus is on BDA and data mining of collected intelligence for target development. [redacted] (b)(3), (b)(6) relays that usually there is a dedicated position to support the TDO in the COD. However, [redacted] (b)(1)1.4a

[redacted] (b)(1)1.4a

[redacted] (b)(3), (b)(6) was asked about how [redacted] (b)(1)1.4a developed. [redacted] (b)(3), (b)(6) provided the investigator multiple documents to [redacted] (b)(1)1.4a [redacted] (b)(1)1.4a

[redacted] (b)(1)1.4a For [redacted] (b)(1)1.4a [redacted] (b)(1)1.4a was queued up to [redacted] (b)(1)1.4a to look at. [redacted] (b)(3), (b)(6) related that once [redacted] (b)(1)1.4a was told that the checkpoint was active, and that there were individuals manning the structure, stopping vehicles, [redacted] (b)(6) began [redacted] (b)(6) CDE process. [redacted] (b)(1)1.4a, (b)(3), (b)(6)

[redacted] (b)(1)1.4a, (b)(3), (b)(6)

(b)(1)1.4a, (b)(3), (b)(6)

(b)(3), (b)(6) was asked if any vehicles were included in the briefing to the TEA, and (b)(6) responded that no. (b)(3), (b)(6) stated that they only vehicles (b)(6) knew about had departed to the second possible checkpoint location, and were not included in this JTM request. As far as (b)(3), (b)(6) recalls, the TEA only approved strike onto EPAX and the structure at active checkpoint. (b)(3), (b)(6) (b)(3), (b)(6) does recall that there was comm about additional vehicles now at the checkpoint as relayed by (b)(1)1.4a (b)(3), (b)(6) did not hear all of the comm between (b)(1)1.4a (b)(6) does remember that (b)(1)1.4a made a phone call to the Battle Director seeking approval to strike on the newly arrived vehicles. (b)(3), (b)(6) stated that this coordination was all verbal, and was accomplished in 80 seconds in line with transcript of communication between (b)(1)1.4a

Post-strike, (b)(3), (b)(6) relayed there was nothing significant to report (NSTR) other than the BDA passed of 4 EKIA, 2 vehicles destroyed, and 1 guard shack destroyed. The second checkpoint was still active after first strike was accomplished, and (b)(1)1.4a flight checked off soon after due to fuel.

(b)(3), (b)(6) provided some very good insight to the DT process and how they consider positive identification (PID), CDE, and potential for civilian casualty (CIVCAS). (b)(1)1.4a

(b)(1)1.4a



(b)(1)1.4a, (b)(3), (b)(6)

(b)(3), (b)(6) relayed that if there were WSV onstation for this strike then there would have been DGS capability to perform pre-emptive scans, have better fidelity on the PAX, and provide CDE of the vehicles themselves.

I declare under penalty of perjury that the foregoing is true and correct. Executed at Al Udeid Air Base, Qatar, on 9 May 2015.

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

I declare under penalty that the foregoing is a true and correct summary of the testimony given by the witness. Executed at Al Udeid Air Base, Qatar, on 9 May 2015.

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

Investigating Officer

**SUMMARIZED TESTIMONY OF** [redacted] (b)(6)  
[redacted] (b)(6)

On 3 May 2015, at 1030z, [redacted] (b)(6) appeared at the investigation, was informed of [redacted] (b)(6) privacy act rights, and testified substantially as follows:

[redacted] (b)(6)  
[redacted] (b)(6) In [redacted] (b)(6) day to day role [redacted] (b)(6) position is fairly separated from the specific actions of the Dynamic Targeting (DT) Cell. Instead, [redacted] (b)(6) duties require [redacted] (b)(6) to a broad view execution of the whole Air Tasking Order (ATO). As [redacted] (b)(6) day to day duties pertain to DT, [redacted] (b)(6) may have awareness of their action, but ultimately [redacted] (b)(1)1.4a goes direct to the Target Engagement Authority (TEA) for JTM approval. The COD/CCO is not in the target engagement chain for DT. [redacted] (b)(6) explained that there are four DT cell chiefs that rotate in a cycle to provide 24 hour manning. [redacted] (b)(1)1.4a

[redacted] (b)(1)1.4a

[redacted] (b)(1)1.4a

[redacted] (b)(1)1.4a [redacted] (b)(3), (b)(6) explained that it is the DT chief who writes the 5Ws (WHO/WHAT/WHEN/WHERE/WHY) for any DT strike. This 3 May interview was the first time [redacted] (b)(6) was made aware of a potential Civilian Casualty (CIVCAS) incident at the Al Hatra Checkpoint on 13 Mar 15 (JTM [redacted] (b)(1)1.4a [redacted] (b)(6) was asked if [redacted] (b)(6) had ever attended a [redacted] (b)(1)1.4a [redacted] (b)(6) replied that [redacted] (b)(6) had not, but perhaps [redacted] (b)(6) deputy or the DT cell chiefs had.

I declare under penalty of perjury that the foregoing is true and correct. Executed at Al Udeid Air Base, Qatar, on 3 May 2015.

[redacted] (b)(3), (b)(6)

I declare under penalty that the foregoing is a true and correct summary of the testimony given by the witness. Executed at Al Udeid Air Base, Qatar, on 3 May 2015

[redacted] (b)(3), (b)(6)

Investigating Officer

**SUMMARIZED TESTIMONY OF**

(b)(6)

(b)(6)

On 8 May 2015, at 1030z, (b)(6) appeared at the investigation, was informed of (b)(6) privacy act rights, and testified substantially as follows:

Since (b)(6) has served as the CAOC director here at Al Udeid Air Base. As a part of his normal duties, (b)(6) serves as the Target Engagement Authority (TEA) for lethal strikes against ISIL and KG in Syria and in designated areas of western Iraq, as delegated by CDR CJTF-OIR.

(b)(6) is familiar with the strike associated with JTM (b)(1)1.4a in the vicinity of (IVO) the Al Hatra ruins in Iraq. (b)(6) recalls that this strike was intended to employ weapons against enemy personnel (EPAX) and a guard shack associated with an ISIL checkpoint. (b)(6) succinctly described the information provided to (b)(6) by the DT Cell team (DT Chief, TDO, LEGAD) in order to seek (b)(6) authorization for engagement. (b)(6) was briefed that the target was in Iraq, (b)(1)1.4a IVO Al Hatra, in and around a known ISIL location where multiple previous strikes had been conducted. (b)(6) was briefed that the intended target was EPAX and a recently constructed guard shack. (b)(6) was provided imagery analysis showing the location, the ISIL checkpoint, and the new structure. (b)(6) confirmed that this checkpoint had a single use purpose, and that throughput was limited. (b)(6) was briefed a gameplan of (b)(1)1.4a strafe from (b)(1)1.4a ft (b)(1)1.4a and a single GBU-38 on the structure. At no point was there any discussion of vehicles in association with this strike. (b)(6) gave authorization for JTM (b)(1)1.4a "DIRECTS TARGET" of the EPAX and guard shack, and included in remarks for aircrew to clear for transients prior to weapons release. Until the (b)(6) email surfaced alleging vehicles and collateral persons struck, (b)(6) heard or saw no further information on this strike.

Investigator showed timeline and audio transcript from (b)(1)1.4a WSV to (b)(6). In it, (b)(6) was shown that the JTM was verbally amended in its transmission from (b)(1)1.4a to include the following language: (b)(1)1.4a "you're cleared to execute JTM (b)(1)1.4a including vehicles and all associated PAX with PID." (b)(6) stated that (b)(6) was not briefed on this change to the target environment, nor did (b)(6) grant the authority to strike any vehicles in conjunction with this JTM.

(b)(6) explained to the investigator that based on the (b)(1)1.4a even if the aviators could identify the vehicles as hostile, (b)(1)1.4a there was still no authority to strike without requesting authorization for a JTM change from the TEA. (b)(6)

(b)(6) relayed that this dialogue did not happen.

As clarified by [redacted (b)(6)] the DT chief should have understood clearly what the limit of the authority was, and when there was a change in the target environment should have recognized it and rebriefed the TEA. Investigator informed [redacted (b)(6)] that the DT Chief's statement stated that the DT Cell Chief relayed the requested JTM change to the Battle Director, and at some point was granted verbal authority to the change to include vehicles. [redacted (b)(6)] again affirmed that the request was never presented to [redacted (b)(6)], nor was authorization given.

I declare under penalty of perjury that the foregoing is true and correct. Executed at Al Udeid Air Base, Qatar, on 8 May 2015.

[redacted (b)(6)]

I declare under penalty that the foregoing is a true and correct summary of the testimony given by the witness. Executed at Al Udeid Air Base, Qatar, on 3 May 2015.

[redacted (b)(3), (b)(6)]

Investigating Officer

**SUMMARIZED TESTIMONY OF** [redacted] (b)(3), (b)(6)

On 27 May 2015, at 1800z, [redacted] (b)(3), (b)(6) appeared at the investigation via video teleconference between Al Udeid Air Base and [redacted] (b)(3), (b)(6) was informed of [redacted] (b)(6) privacy act rights, and testified substantially as follows:

From [redacted] (b)(3), (b)(6) served as a Combat Mission Ready [redacted] (b)(1)1.4a [redacted] (b)(3), (b)(6) [redacted] (b)(6) as the Flight Lead of [redacted] (b)(1)1.4a flight on 13 March 2015, [redacted] (b)(1)1.4a

[redacted] (b)(3), (b)(6) was familiar with the strike associated with JTM [redacted] (b)(1)1.4a that was passed and successfully struck by [redacted] (b)(6) formation. To the best of [redacted] (b)(6) recollection, [redacted] (b)(6) was passed the known location of the Al Hatra checkpoint area inflight. On the way to air refueling [redacted] (b)(1)1.4a flight noticed that this checkpoint was manned after surveying the area with their targeting pods. The checkpoint was manned with ISIS associated vehicles for 45 minutes to an hour, and [redacted] (b)(1)1.4a flight relayed what they were seeing to [redacted] (b)(1)1.4a At some point, two vehicles left multiple pax at the primary checkpoint location and drove to a southern location to set up another checkpoint. [redacted] (b)(3), (b)(6) assigned [redacted] (b)(6) wingman to keep eyes on this second southern checkpoint.

While [redacted] (b)(1)1.4a was working up a Joint Targeting Message (JTM) for the primary checkpoint, two additional vehicles show up at the primary checkpoint location. [redacted] (b)(3), (b)(6) continues to monitor these two vehicles and the primary checkpoint. The vehicles pull off to the side of the road at the checkpoint and interact with the personnel at the checkpoint for 10-15 minutes. When [redacted] (b)(1)1.4a returns to the radio, they pass a full JTM to [redacted] (b)(1)1.4a that only authorizes TARGET against epax and the guard shack. As the JTM is passed, [redacted] (b)(3), (b)(6) directs [redacted] (b)(6) wingman to the target area, and has [redacted] (b)(1)1.4a After receipt of the JTM, [redacted] (b)(3), (b)(6) informs [redacted] (b)(1)1.4a of the two vehicles at the checkpoint.

[redacted] (b)(1)1.4a  
[redacted] (b)(1)1.4a

then let go. However, the two vehicles in question continue to remain parked off the side of the road and the personnel continue to interact and act like they are associated with the ISIS checkpoint personnel. [redacted] (b)(1)1.4a asks [redacted] (b)(3), (b)(6) to be an [redacted] (b)(1)1.4a on the vehicles, and is asked to PID them. [redacted] (b)(3), (b)(6) states that these two vehicles appeared to be a part of the checkpoint. [redacted] (b)(3), (b)(6) relays exactly what [redacted] (b)(6) sees and gives [redacted] (b)(6) "opinion" (per tape script), but does not ever assume responsibility for PID. When [redacted] (b)(1)1.4a states that [redacted] (b)(6) will "seek additional authority" [redacted] (b)(3), (b)(6) believes that PID responsibility still rests with [redacted] (b)(1)1.4a Since the JTM is updated verbally over the radio, and [redacted] (b)(1)1.4a flight is cleared onto the vehicles as well as the pax and structure, [redacted] (b)(3), (b)(6) states that [redacted] (b)(6) expectation was that ROE, PID, and commander's guidance have been satisfied by the TEA directing the JTM. Per the spins, [redacted] (b)(3), (b)(6) uses both [redacted] (b)(6) sensors, and [redacted] (b)(1)1.4a

[redacted] (b)(1)1.4a No other collateral concerns or transients enter the target operation area (TOA).

(b)(1)1.4a conducts (b)(1)1.4a passes on target for the epax and vehicles, and (b)(1)1.4a follows up with a single GBU-38 on the guard shack. (b)(3), (b)(6) estimates that time of flight of the (b)(1)1.4a rounds is 3-4 seconds, from trigger squeeze to impact. At weapons release there are no apparent civilian or other collateral concerns. (b)(1)1.4a provides inflight report of 4 EKIA, 2 vehicles destroyed, and 1 guard shack destroyed.

This concludes the narrative of the video teleconference conducted between (b)(3), (b)(6) (b)(3), (b)(6), investigating officer, and (b)(3), (b)(6), witness.

I declare under penalty of perjury that the foregoing is true and correct. (b)(6) (b)(6) on 27 May 2015.

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

I declare under penalty that the foregoing is a true and correct summary of the testimony given by the witness. Executed at Al Udeid Air Base, Qatar, on 27 May 2015.

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

Investigating Officer

**SUMMARIZED TESTIMONY OF** [redacted] (b)(3), (b)(6), (b)(1)1.4a

On 27 May 2015, at 1900z, [redacted] (b)(3), (b)(6) appeared at the investigation via video teleconference between Al Udeid Air Base and [redacted] (b)(6) was informed of [redacted] (b)(6) privacy act rights, and testified substantially as follows:

From [redacted] (b)(3), (b)(6) served as a Combat Mission Ready (CMR)  
[redacted] (b)(6)

[redacted] (b)(3), (b)(6) states that [redacted] (b)(6) has a pretty good recollection of the strike associated with JTM [redacted] (b)(1)1.4a that was passed and successfully struck by their formation. [redacted] (b)(6) recalls being passed the known location of the Al Hatra checkpoint area inflight. [redacted] (b)(1)1.4a

[redacted] (b)(1)1.4a The formation continues to monitor for 45 minutes to an hour as they wait for [redacted] (b)(1)1.4a to pass the JTM. At some point, two vehicles leave multiple pax at the primary checkpoint location and drive to a southern location to set up another checkpoint. [redacted] (b)(3), (b)(6) is assigned to keep [redacted] (b)(6) sensors on this second southern checkpoint by the flight lead.

As the JTM is passed, the flight lead directs [redacted] (b)(3), (b)(6) to the target area, and [redacted] (b)(1)1.4a [redacted] (b)(1)1.4a. After receipt of the JTM, [redacted] (b)(3), (b)(6) informs [redacted] (b)(1)1.4a of the two vehicles at the checkpoint. During the JTM transmission, there are about 4 vehicles that are stopped at the checkpoint and then let go. [redacted] (b)(3), (b)(6), (b)(1)1.4a

[redacted] (b)(1)1.4a However, the two vehicles in question continue to remain parked off the side of the road and the personnel continue to interact and act like they are associated with the ISIS checkpoint personnel. To [redacted] (b)(3), (b)(6) they do not appear to be transients.

[redacted] (b)(3), (b)(6) sensor remains padlocked on these vehicles within the target operation area (TOA), but does not see any collateral concerns. In [redacted] (b)(3), (b)(6) estimation, conversation between [redacted] (b)(1)1.4a and [redacted] (b)(3), (b)(6) is accurate and precise in describing this situation. When the JTM is updated verbally over the radio, and [redacted] (b)(1)1.4a flight is cleared onto the vehicles as well as the pax and structure, [redacted] (b)(3), (b)(6) understood that this meant that ROE, PID, and commander's guidance have been satisfied by the TEA directing the JTM.

Per the spins and flight lead direction, [redacted] (b)(1)1.4a [redacted] (b)(1)1.4a [redacted] (b)(3), (b)(6) sees no other collateral concerns or transients enter the TAO. [redacted] (b)(3), (b)(6) [redacted] (b)(3), (b)(6) observes [redacted] (b)(1)1.4a conducting [redacted] (b)(1)1.4a passes on target for the epax and vehicles, with

good effects seen. (b)(3), (b)(6) follows up with a single GBU-38 on the guard shack. (b)(1)1.4a flight provides inflight report of 4 EKIA, 2 vehicles destroyed, and 1 guard shack destroyed.

This concludes the narrative of the video teleconference conducted between (b)(3), (b)(6) (b)(3), (b)(6), investigating officer, and (b)(3), (b)(6), witness.

I declare under penalty of perjury that the foregoing is true and correct. (b)(6)

(b)(6)

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

I declare under penalty that the foregoing is a true and correct summary of the testimony given by the witness. Executed at Al Udeid Air Base, Qatar, on 27 May 2015.

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

Investigating Officer

Approved for Release



## SUMMARIZED TESTIMONY OF

(b)(6)

(b)(6)

On 23 June 2015, at 1230z, (b)(3), (b)(6) appeared telephonically at the investigation, and testified substantially as follows:

(b)(6) on 13 Mar 2015, though (b)(6) doesn't recall if (b)(6) was on call during this event. (b)(6) has no specific recollection of the event. Relaying of unclassified information surrounding the event did not stir any further information on the actual occurrence of JTM (b)(1)1.4a. However, (b)(6) did have vague recollection of some similar situations. (b)(6) relayed that many times there would be changes in the dynamic environment. (b)(6) felt that (b)(6) had a close working relationship with (b)(1)1.4a (Dynamic Targeting Cell), and that they would "ring up" to the Battle Cab if there ever was any substantive change to a JTM. (b)(6) also relayed that (b)(6) would expect to be briefed on any and all changes proposed for any JTM. Based on proximity to (b)(6), (b)(3), (b)(6) found it very easy to brief any and all changes. Additionally, (b)(6) shared that if the strike was at 1500 local time, (b)(6) would usually have had up to three Generals available to act as TEA, and approve any changes. The idea that (b)(6) would be asked about a change from (b)(1)1.4a and (b)(6) would not relay it to the TEA is not reasonable or accurate.

(b)(6) further stated that (b)(1)1.4a did not hesitate to converse with the battlecab or TEA as required in these instances. I asked (b)(6) about the 80 second timeline between radio calls from (b)(1)1.4a flight where approval for the change was sought after. (b)(6) said that while it was possible, 80 seconds would have to be very, very quick for (b)(6) to take a call, gather the information, relay it to the TEA, get approval, and then relay it back down to (b)(1)1.4a

Due to (b)(6) location and the nature of the phonecall, investigator is unable to get witness signature.

I declare under penalty that the foregoing is a true and correct summary of the testimony given by the witness. (b)(6) on 23 June 2015

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

Investigating Officer

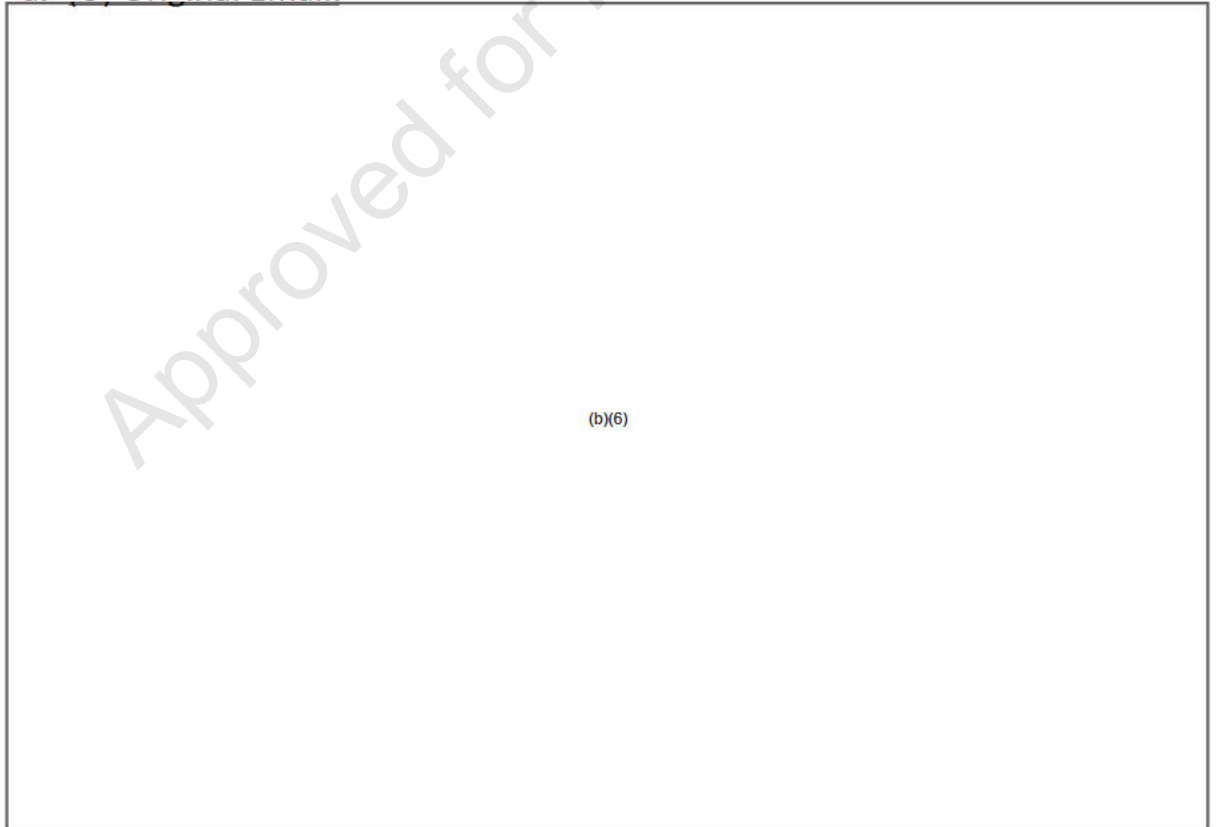
**CAOC CIVCAS Credibility Inquiry 19 Mar 2015 (U)**

~~(S//REL USA, MESP)~~ BLUF: The 609<sup>th</sup> AOC can correlate a civilian Casualty (CIVCAS) claim received on 2 April by CFLCC-I/JA and processed by ARCENT Claims Service to an attack conducted by (b)(1)1.4a on 13 March 2015 at an ISIL Checkpoint in Hatra District, Iraq. In addition, analysis of strike footage shows the probable presence of women and children at the strike location. Based upon the Weapon System Video (WSV) review and the claim, the 609<sup>th</sup> AOC assesses that this strike likely represents credible information of a potential CIVCAS incident and recommends a CDI.

(U) CIVCAS Allegation:

1. (U) Source: An email from a person named (b)(6) reported the loss of a civilian owned vehicle, and the death of two women and three children, in a Coalition airstrike on 13 March 2015 at an ISIL checkpoint in Hatra District, Iraq. The email sought reimbursement for the loss of property.

a. U. Original Email:



(b)(6)

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

b. (U) Translated Email:  
"Greetings,

(b)(6)

On Friday the 13th of March 2015 I sent my car [type Kia Sorrento, black, (b)(6) model 2011] from Mosul to go to Baghdad in order not to be confiscated by ISIL, because I'm wanted for ISIL, and there were a family in the car that consisted of the Driver, two women and three children. There was another car, GMC Suburban, was traveling together with the family in my car and they both stopped at the ISIL's Checkpoint of Hatra district a Missile of International Air Forces stroke the Checkpoint and both cars with the families inside them were burned to death.

I wish if you would agree to compensate me for my car because I have already lost my house that is confiscated by ISIL and I had hidden my car in a safe place in Mosul but ISIL learned were it was hidden and that is why I wanted to send it to Baghdad. I have lost all my money and this car was all I have.

Thank you for concern"

(b)(6)

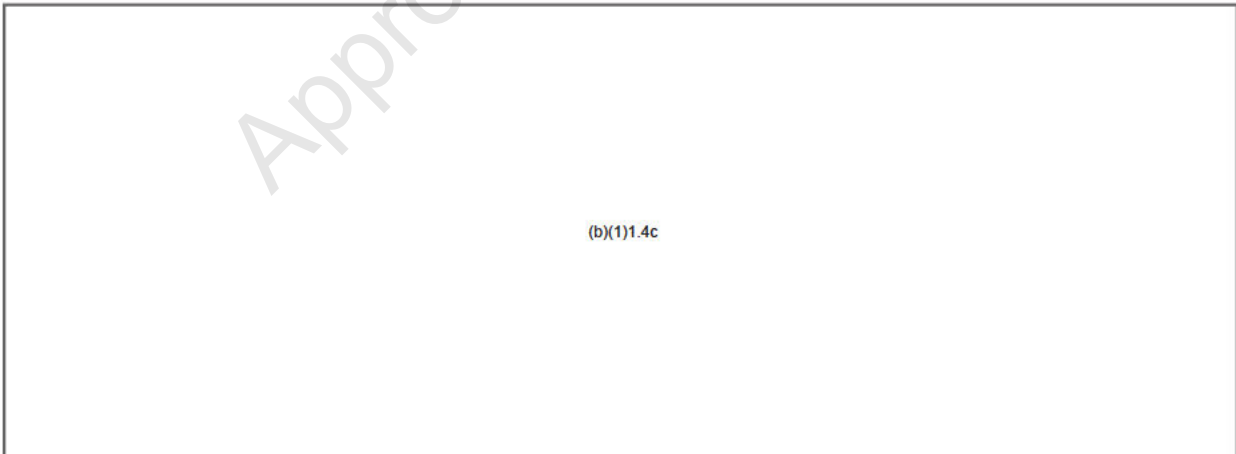
(b)(6)

c. (U) Translation attributed to (b)(6)

From: (b)(3), (b)(6)  
(b)(6)  
Sent: Sunday, March 29, 2015 9:41 AM  
To: (b)(3), (b)(6)

[inserted text machine translated by AFFOR A3T]

- d. (U) The 609<sup>th</sup> AOC cannot verify the identity and/or associations of the claimant.
2. (U) The 609<sup>th</sup> AOC has not received a corroborating open source report of civilian casualties matching this strike location/time.
- a. (U) Location search criteria:
    - i. Hatra, Iraq
    - ii. Al Ḥaḍr, Iraq
  - b. (U) Sources searched
    - i. Reuters
    - ii. Ibodycount.org / IraqBodyCount.org
3. (U) Coalition Strike Activity
- a. ~~(S//REL IRKS)~~ (b)(1)1.4a struck an ISIL checkpoint (PAX, Vehicles and a structure) in Hatra Province, Iraq, at 1218Z on 13 March.
  - b. ~~(S//REL IRKS)~~ The strike was executed as a Dynamic Targeting mission under the control of CFACC TEA with Joint Targeting Message (JTM) (b)(1)1.4a issued by (b)(1)1.4a (the Dynamic Targeting Chief) at approximately 1210Z on 13 March 2015.
  - c. ~~(S//REL IRKS)~~ JTM (b)(1)1.4a authorized (b)(1)1.4a to TARGET an ISIL Checkpoint with a single structure (guard shack) and a target area outline (TAO) to allow engagement of associated ISIL EPAX.
    - i. A "TARGET" tasking authorizes aircrew to strike an already PID'd target if they can ensure CDE restrictions are met.



~~(S//REL IRKS)~~ Figure 1, JTM (b)(1)1.4a AO (yellow) and Checkpoint structure. Close up on the TAO (left) and wider area to show surroundings. Note that the Checkpoint is bounded to the South East by the town of Hatra (Arabic "Al Ḥaḍr" or □□□) and to the North West by the ancient Ruins of Hatra.

- d. ~~(S//REL IRKS)~~ While receiving JTM (b)(1)1.4a observed and reported two vehicles stopped at the checkpoint, with between 2-5 people standing near the vehicles, moving back and forth from the vehicles to the guard shack and stepping into the road which caused other traffic to slow/stop.

(b)(1)1.4a

- g. ~~(S//REL IRKS)~~ (b)(1)1.4a relayed that additional information to \_\_\_\_\_ and received a modified authorization to strike.
- h. ~~(S//REL IRKS)~~ At approximately 1215Z, (b)(1)1.4a mended JTM (b)(1)1.4a o “including vehicle and all associated PAX with PID.”
- i. ~~(S//REL IRKS)~~ Full Strike Transcript with WSV review notes:

(b)(1)1.4a

Pages 45 through 47 redacted for the following reasons:

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(b)(1)1 4a

(b)(1)1 4a, (b)(1)1 4c

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

- c. ~~(S//REL IRKS)~~ Four total PAX are apparent in the second strike footage. Three originate from the SUV (larger) vehicle and one originates from the sedan (smaller) vehicle. One of the persons observed exiting the SUV presents a signature smaller than the other persons. This signature is assessed by AFFOR A3T as a possible child. The small signature is only visible for approximately one second before rounds impact – meaning the (b)(1)1.4a pilot had completed firing before the small signature became visible.

- d. ~~(S//REL FVEY)~~ (b)(1)1.4a  
it is not possible to assess with certainty that the small signature is a child. There is low-likelihood that a pilot could have assessed this signature in flight without the benefit of slow-speed review/playback.

- e. ~~(S//REL FVEY)~~ This video was reviewed an AOC imagery analyst who reported a probable CIVCAS:

~~(S//REL FVEY)~~ (b)(1)1.4a  
 (b)(1)1.4a  
 (b)(1)1.4a This assessment is due to the small size of shadow length compared to the woman that came over from the SUV.

~~(S//REL FVEY)~~ It is likely that there were additional casualties before the second strafe run. Considering the only person to get out of the sedan was in the rear passenger side there would likely be at least one more adult in both vehicles.”

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

- f. ~~(S//REL IRKS)~~ (b)(1)1.4a GBU-38 attack against the guard shack at 1220Z. One person is visible in the strike footage (circled in yellow in Figure 4).
- g. ~~(S//REL IRKS)~~ All Strikes were confined within the approved TAO with approved ordnance. No transient concerns from outside the TAO are observed to be (b)(1)1.4a

Strike Plan Overview (U):

1. ~~(S//REL USA, IRKS)~~ (b)(1)1.4a was the only strike formation.
2. ~~(S//REL USA, IRKS)~~ (b)(1)1.4a conducted all strikes in accordance with the JTM (b)(1)1.4a directed restrictions for type of target, TAO, fuse delays, and weaponeering.

JTM (b)(1)1.4a Target Information (U):

1. (U) Target Development for the Al Hatra ISIL Checkpoint was conducted by the 609<sup>th</sup> AOC in support of the Dynamic Targeting Cell.



- a. ~~(S//REL IRKS)~~ This target was developed from DT Workbook Point of Interest # 1420.

Intelligence reports (U):

Redacted due to overall document classification.



3. (U) Target Identification.





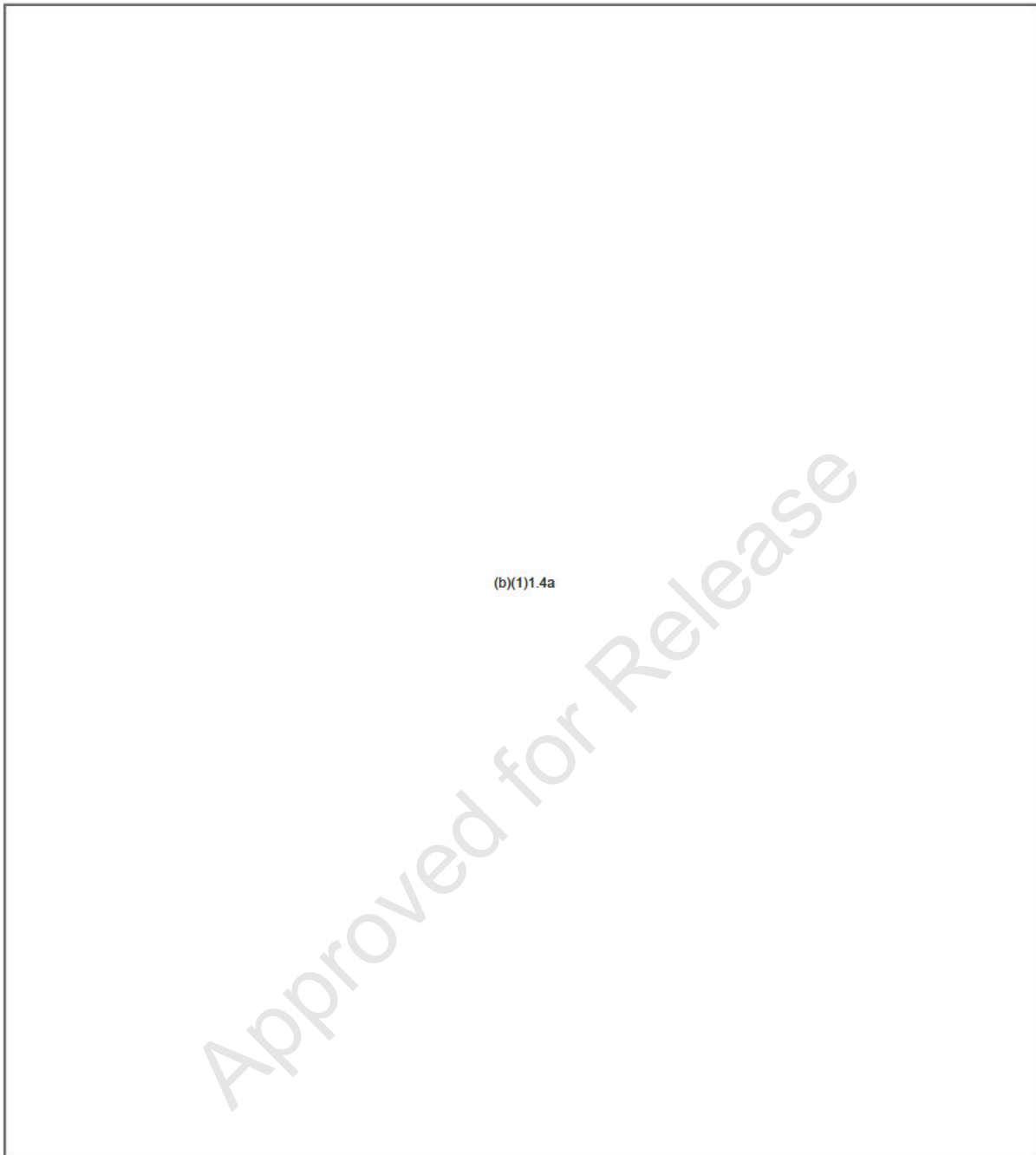
5. (~~S//REL USA, ACGU~~) Target validation: On 20150314, this target was validated by the CFACC TEA. The target was deemed a legitimate military target and lawful object of attack pursuant to LOAC.

Page 52 redacted for the following reason:

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(b)(1) 4a

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(b)(1)1.4a

b. ~~(S//REL IRKS)~~ The change in the JTM was authorized by

\_\_\_\_\_.

c. The decision to include the vehicles was based upon (awaiting DT Chief / Battle Director Statements)

9. Strike Assessment U :



Corroborating the CIVCAS Claim (U):

1. The claimants date matches (b)(1)1.4a strike.
2. The claimant's description of a black Kia Sorrento and a GMC Suburban matches the WSV of a dark colored sedan and an SUV
3. The claimant's description of vehicle occupants ("the driver, two women and three children") roughly matches the imagery analysts assessment of women and children. The "driver" may have been counted as one of the guards if they were outside of the vehicle/interacting with the guards.
4. The claimant confirms the general location (Hatra) and the fact that the vehicle was stopped at an ISIL checkpoint.
5. The claimant's description of burning vehicles is consistent with the WSV.

Recommendation (U):

~~(S//REL USA, MESH)~~ At this time, there is sufficient credible information of a possible CIVCAS incident to warrant further investigation.

Way Ahead (U):

~~(S//REL USA, MESH)~~ As appropriate, the Air Component should transmit this credibility assessment to HHQ IAW CENTCOM CIVCAS reporting policy and direct a CDI into this matter. A3T will document these records in support of a pursuant CIVCAS investigation.

Pages 55 through 72 redacted for the following reasons:

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- (b)(1)1 4a
- (b)(1)1 4a, (b)(1)1 4c
- (b)(1)1 4a, (b)(1)1 4c, (b)(3), (b)(6)
- (b)(1)1 4a, (b)(3), (b)(6)
- (b)(1)1 4c
- (b)(1)1 4c, (b)(6)

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

## 5.5 (U) DEFINITIONS

NOTE: These definitions apply to U.S. Forces only. Each coalition partner has their own understanding and application of the following terms. Questions regarding their definitions can be vetted through their respective LEGAD and RED CARD holder.

5.5.1 (U) Direct Participation in Hostilities. Direct Participation in Hostilities is activity aimed at attacking, or directly causing harm or destruction to armed forces or civilians (including police) or designated property: undertaking actions preparatory to an attack, such as deploying to a position to attack; immediately exfiltrating from an attack; transporting, manufacturing IEDs or other munitions in anticipation of an attack; and planning, directing, or approving adversary operations. Direct Participation in Hostilities also includes direct participation in activities that effectively and substantially contribute to an adversary's ability to conduct or sustain operations. This includes (but is not limited to) training, funding, and supplying an adversary with material (including homemade explosives material and drug precursor chemicals), provided each of these activities effectively and substantially contributes to an adversary's ability to conduct or sustain operations.

5.5.2 (U) Hostile Act. An attack or other use of force against the United States, U.S. forces or other designated persons or property. It also includes force used directly to preclude or impede the mission and/or duties of U.S. forces including the recovery of U.S. personnel or vital USG property.

5.5.3 (U) Hostile Intent. The threat of imminent use of force against the United States, U.S. forces or other designated persons or property. It also includes the threat of force to preclude or impede the mission and/or duties of U.S. forces including the recovery of U.S. personnel or vital USG property.

5.5.4 (U) Imminent Use of Force. The determination of whether the use of force against U.S. forces is imminent will be based on an assessment of all facts and circumstances known to US forces at the time and may be made at any level. Imminent does not necessarily mean immediate or instantaneous.

5.5.5 (U) Intrusive Intelligence, Surveillance, And Reconnaissance (IISR). IISR is encroachment by a directed ISR platform into another nation's territorial waters, internal waters, land mass, or airspace for

ISR purposes without that nation's consent. The consent applies to the encroachment, not the activity. ISR conducted without host nation consent to the activity is not considered IISR if personnel conducting ISR enter the country IAW host nation government entrance requirements.

5.5.6 (U) De-escalation. When time and circumstances permit, the forces committing hostile acts or demonstrating hostile intent should be warned and given the opportunity to withdraw or cease threatening actions (eg. via calls on Guard frequency to aircraft).

5.5.7 (U) Necessity. Necessity exists when a hostile act occurs or when a force demonstrates hostile intent. When such conditions exist, use of force in self-defense is authorized while the force continues to commit hostile acts or exhibit hostile intent.

5.5.8 (U) Proportionality. The use of force in self-defense should be sufficient to respond decisively to hostile acts or demonstrations of hostile intent. Such use of force may exceed the means and intensity of the hostile act or hostile intent, but the nature, duration and scope of force used should not exceed what is required. The concept of proportionality in self-defense should not be confused with attempts to minimize collateral damage during offensive operations.

5.5.9 (U) Pursuit. Self-defense includes the authority to pursue and engage forces that have committed a hostile act or demonstrated hostile intent, while those forces continue to commit hostile acts or demonstrate hostile intent.

## 5.6 (U) OPERATION



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



Pages 75 through 82 redacted for the following reasons:

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(b)(1)1 4a, (b)(1)1 4c  
(b)(1)1 4a, (b)(1)1 4c, (b)(3), (b)(5), (b)(6)

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# IRAQ/SYRIA FIRES

## Working Group VTC

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8 Dec – 29 Dec 14

31 Dec 14

OPR: AFCENT A3T

CHANGE 2 / FDO RELEASE #20141230-04

The Overall Classification of this Briefing is:

~~SECRET // REL TO USA, ARE, BEL, BHR, DNK, FRA, ITA, JOR, MAR, NLD, QAT, SAU, UAE, VET~~

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063-10/2/2015

Pages 84 through 126 redacted for the following reasons:

- (b)(1) 4a, (b)(1) 4c
- (b)(1) 4a, (b)(1) 4c, (b)(3), (b)(5), (b)(6)
- (b)(1) 4a, (b)(1) 4c, (b)(3), (b)(6)
- (b)(1) 4a, (b)(1) 4c, (b)(5)

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