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Department of Defense

Annual Report on Civilian Casualties in Connection with United States Military Operations in 2023

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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Department of Defense Report on Civilian Casualties in Connection with United States Military Operations in 2023

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 (“Section 1057”). Section 1057 provides that “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.”

This report primarily provides information about U.S. military operations in 2023. 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 2017-2022 has been repeated in this report because the information was relevant to U.S. military operations in 2023.

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 (CHMR),” 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.

The U.S. military is steadfastly committed to limiting harm to civilians, and DoD has a strong record 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. 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 2023, all operations were conducted consistent with the best practices identified in Section 2 of Executive Order 13732.

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I. U.S. MILITARY OPERATIONS DURING 2023 CONFIRMED, OR REASONABLY SUSPECTED, TO HAVE RESULTED IN CIVILIAN CASUALTIES

During 2023, U.S. forces remained engaged in several military operations, and DoD has assessed that U.S. military operations in 2023 resulted in one civilian killed and one civilian injured. 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 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 Iraq and Syria in 2023 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 a declared theater of active armed conflict.

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, other persons, and objects that may not be made the object of an attack.

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 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 one or more 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 improve its ability 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-Action Plan (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 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.

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

U.S. Central Command (USCENTCOM) primarily conducted operations in 2023 in Iraq and Syria under Combined Joint Task Force–Operation INHERENT RESOLVE (CJTF-OIR). As the strategic landscape in the USCENTCOM area of responsibility is constantly changing, the methodology applied and lessons learned in Iraq and Syria are applicable to any region where the possibility of civilian casualties (CIVCAS) can occur.

The CJTF-OIR coalition continues maintaining 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 working by, 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 is to support 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 CIVCAS 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 CIVCAS, regardless of their source.

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 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 does not separately report civilian casualties as they may be attributed to a single nation.

As of February 1, 2024, CJTF-OIR assessed in two 2023 incidents civilian casualties more likely than not resulted from U.S. military operations in Syria. These resulted in one civilian killed and one civilian injured.

The following table and information below summarize the determinations of the relevant completed civilian casualty assessments, providing additional details about the instances assessed to have resulted in a civilian casualty.

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	Date of Incident	Location	Operation Type	Civilians Injured	Civilians Killed
1	21-22 JAN 23	Shuhayl, Syria	Ground	1	0
2	3 MAY 23	Qurqanya, Syria	Air	0	1
TOTAL				1	1

Incident #1 occurred January 21-22, 2023 during period of darkness in Shuhayl, Syria. Mayadin is the closest major city.

Incident #1 resulted in one child being injured. The type of operation conducted was a ground raid, under the authority of the 2001 Authorization for the Use of Military Force [“2001 AUMF”]. During this raid, it is more likely than not that the child’s injuries were a result of shattered glass from a non-lethal breaching munition used by Coalition forces. These injuries were treated on site then moved to a medical facility. Coalition forces who were on site for the entire duration of the operation self-reported this incident. Because U.S. forces were present at the site, no witnesses were interviewed. DoD received no reports from the public or NGO sources for this incident.

Incident #2 occurred on May 3, 2023 in Qurqanya, Syria, resulting in one male adult killed. Idlib is the closest major city in Syria to Qurqanya. The type of operation conducted was an air strike under the authority of the 2001 AUMF. Based on the findings of the investigation, it is more likely than not that the Target Engagement Authority misidentified the intended target and killed an adult male civilian. Based on the threat environment in Northwest Syria and the advice of the unit responsible for that area, the investigating officer assessed travel to the strike site was unfeasible. However, the investigation team had a significant amount of reliable information regarding the strike site including airborne sensors. DoD used information from multiple NGOs in its investigation. Some approved recommendations of the investigation include reviewing and expanding current cognitive bias training and developing and presenting additional training to Target Engagement Authorities and staffs to facilitate improved intelligence discipline and understanding.

CJTF-OIR routinely receives new reports of civilian casualties related to U.S. military operations from prior years, assesses reports that were not completed in previous years, and re-considers previous assessments if new relevant information is discovered. The following table provides updates to information reported in previous Section 1057 reports, based upon additional assessments that were completed since the 2022 report.

	Date of Incident	Location	Operation Type	Civilians Injured	Civilians Killed
A	28 JUN 21	Al Qaem, Iraq	Air	3	1
TOTAL				3	1

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Incident A occurred on June 28, 2021, in Al Qaem, Iraq in which U.S. military operations resulted in one civilian killed and three injured. The type of operation conducted was an air strike, under the authority of the 2001 AUMF. Structures adjacent to targeted buildings were mistakenly assessed to be empty, but civilians were inside. NGOs are credited for providing additional information regarding this incident that resulted in an assessment that civilian casualties were “more likely than not to have occurred.”

B. U.S. military actions in Africa

The United States is one of several countries providing support to the Federal Government of Somalia, including humanitarian aid, stabilization efforts, economic development, and military assistance. U.S. Africa Command’s (USAFRICOM) overarching strategic goals in Somalia are to disrupt al-Shabaab’s ability to conduct attacks outside of Somalia and to increase regional stability. USAFRICOM’s approach to achieving these goals includes training and advising Somalia’s Danab Advanced Infantry Brigade in coordination and cooperation with Department of States. USAFRICOM contributes to multi-national efforts against violent extremist organizations (VEOs) while conducting direct action to disrupt VEOs that threaten U.S. persons, the U.S. homeland, and U.S. interests.

In 2023, USAFRICOM oversaw the delivery of equipment to the 700 Danab soldiers trained by the Department of State, increasing the Danab’s capacity to conduct longer duration offensive operations. USAFRICOM support to the Somalia National Army (SNA) and Federal Government of Somalia (FGS) enabled the Somalis to take control of five strategic towns in central Somalia, which are critical to future phases of offensive operations. Finally, USAFRICOM’s support to Somali-led offensive operations bought time for the FGS to increase the total strength of the SNA by more than 10,000 Soldiers.

During the reporting period, USAFRICOM assessed or investigated all reports of civilian casualties, regardless of the source of the report, in accordance with the procedures outlined in the Africa Command Instruction (ACI) for reporting and responding to civilian casualty allegations and incidents. USAFRICOM assessed that there were no civilian casualties resulting from U.S. military operations in their area of responsibility in 2023.

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.

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On December 21, 2023, the Department released the DoD Instruction (DoDI) 3000.17 on CHMR, which directed commands to use standardized processes for conducting civilian harm assessments and investigations. The DoDI states that the Department conducts, documents, and archives timely and thorough assessments of civilian harm that may have resulted from U.S. military operations, at a scale appropriate to the operational environment; that such assessments are conducted regardless of sensitivity or security protections; and, to facilitate such assessments, the Department collects and archives accurate data regarding U.S. military operations to the greatest extent practicable and collects relevant information regarding civilian harm from external sources, including public sources. The DoDI lays out six purposes for civilian harm assessments: (1) assess whether civilian harm resulted from U.S. military operations; (2) identify and document the causes of civilian harm; (3) enable learning that improves DoD operational and institutional capability, capacity, and readiness to mitigate and respond to civilian harm; (4) support information requirements of military and civilian leadership, including to inform planning and decision-making in ongoing operations and to fulfill external reporting requirements; (5) enable acknowledgements and other appropriate responses to civilians harmed by U.S. military operations; and (6) enable timely responses to reports from outside the DoD that civilian harm may have resulted from U.S. military operations. The DoDI further allows for command investigations of civilian harm to be conducted in addition or in place of a civilian harm assessment, and identifies the following circumstances for which a command investigation of civilian harm may be appropriate: (1) to answer questions not sufficiently addressed by, or outside the scope of, a civilian harm assessment; (2) to inquire into potential misconduct not within the purview of a Military Criminal Investigative Organization, or related matters that may have contributed to civilian harm; or (3) to facilitate a more detailed inquiry into matters that a relevant authority deems to be sufficiently complex or significant as to warrant the use of command investigative mechanisms.

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. For example, DoDI 3000.17, defines “civilian casualty” as “Death or physical injury of civilians who are protected as such, but excluding harm to DoD personnel or contractor personnel supporting U.S. military operations.” Further 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>.

DoDI 3000.17 provides procedures for conducting civilian harm assessments. In addition, in preparation for and throughout the duration of crisis or conflict, it requires CCMDs to establish or maintain civilian harm assessment cells (CHACs) and to have a Civilian Harm Assessment and Investigation Coordinator in place at the CCMD-level, or, as appropriate, at subordinate operational commands.

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CHACs receive and compile information related to civilian harm, including information from combat assessments and information from other DoD and non-DoD sources, that is relevant and necessary for conducting assessments as soon as the operational environment permits. In assessing reports of civilian harm, 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 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 resulted from U.S. military operations. The “more likely than not standard” reflects the command’s best understanding based on the information available at the time of the assessment, as well as the reality that information during military operations is often lacking or incomplete. If there is reason to believe that civilians were injured or killed—or when the scope of a civilian harm assessment includes damage or destruction of civilian objects, that civilian objects were damaged or destroyed—and that such harm resulted from U.S. military operations, and if other available information does not provide greater reason to believe that civilians were not killed or injured as a result of U.S. military operations, then the “more likely than not” standard would be met.

When receiving information indicating civilian harm may have occurred, CHACs review the information and, if the necessary baseline information to conduct a civilian harm assessment is not provided, seek additional information by, as appropriate and practicable, communicating with the source of the original information. Necessary baseline information includes information that indicates: (1) the date, time, and specific location of the incident; (2) whether injuries, deaths, damage, or destruction may have occurred; and (3) whether such injuries, deaths, damage, or destruction may have resulted from U.S. military operations. To the extent reasonably practicable, CHACs pursue other sources of information necessary to inform civilian harm assessments (e.g., information available from intelligence reports, interviews with witnesses or information documented from on-site, traditional, and social media, and publicly available reports). When reviewing reports of civilian harm, CHACs consider the reliability of information, including to mitigate risks associated with adversarial or otherwise malicious use of disinformation, and, under the guidance of the commander, take appropriate actions should evidence of adversarial or otherwise malicious use of disinformation emerge.

When there is a report of civilian harm, the first step is to submit an initial review. A commander’s CHAC may conduct this initial review, or a commander or their designee may direct that an appropriate subordinate command to conduct or support this initial review in coordination with the CHAC. The intent of the initial review is to correlate information related to the reported civilian harm with other information related to civilian harm that may provide further details and with information on U.S. military operations. In doing so, CHACs will ensure appropriately sized location and time windows are considered to ensure all U.S. military operations that may have resulted in the reported civilian harm are considered as part of the review process. If the unit conducting the review is unable to identify any U.S. military

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operations that may have resulted in the reported civilian harm in question, then the unit may recommend that the command not proceed with the civilian harm assessment.

Following the initial review, a commander's CHAC may conduct the civilian harm assessment, or a commander or the commander's designee may direct that an appropriate subordinate or supporting command conduct or support the civilian harm assessment in coordination with the CHAC. Any unit tasked to conduct a civilian harm assessment, including any individual that supports a civilian harm assessment, must not have been directly involved in the event(s) being assessed, must be objective, and must be able to complete a thorough assessment as soon as practicable and in accordance with any directed timelines (or seek an extension). The unit that conducts the civilian harm assessment will consider all reasonably available information to inform the assessment, including from U.S. military, other USG, and external sources, and compile a thorough report detailing the civilian harm assessment in a timely manner. Approved reports from civilian harm assessments will be retained by the CHAC or forwarded by the CHAC to the appropriate office for retention, as determined by the commander or their designee. Reports of civilian harm assessments that are not approved will be returned to the CHAC or unit that conducted the assessment with additional guidance from the commander or their designee. Alternatively, the commander or their designee may direct another subordinate command to conduct the civilian harm assessment, request that a different non-subordinate command conduct the civilian harm assessment or initiate an investigation.

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 guidance (e.g., Army Regulation 15-6, Navy Judge Advocate General Instruction 5800.7G, or Department of the Air Force Manual 1-101). As directed by the CHMR-AP, a multi-service issuance is currently under development which 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. This issuance may additionally include templates and example appointment orders.

In some cases, DoD has not been able to assess a report of civilian casualty due to insufficient information provided or because related reports are still pending review. However, DoD continues to consider relevant information on civilian harm that may lead to initiation of an assessment. Additionally, existing civilian harm assessments are re-opened or an investigation initiated if previously unassessed relevant information becomes available and a review of the new information indicates it could change the previously approved results, or if other issues emerge that cast significant doubts on the accuracy of the results of the previously approved assessment.

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DoD acknowledges that there are differences between DoD assessments of civilian harm 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, at both working 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 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.

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, provision of 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 injured civilian or the civilian'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, 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 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 two *ex gratia* payments in Calendar Year 2023.

IV. NEW AND UPDATED POLICIES

On December 21, 2023, Secretary Austin approved Department of Defense Instruction 3000.17, Civilian Harm Mitigation and Response, some of which Section II of this report covers. The DoDI is fully consistent with the CHMR-AP, and these documents will improve DoD's approach to mitigating and responding to civilian harm. The DoDI represents a significant step toward achieving the objectives set forth in the CHMR-AP. Where the action plan laid out a series of major steps to improve DoD's approach to CHMR, the DoDI sets out Department-wide policies, responsibilities and procedures, and will serve as an enduring framework for Department-wide efforts for many years to come. The issuance of the DoDI will ensure that ongoing CHMR efforts endure by formally establishing appropriate policies and responsibilities within DoD associated with civilian harm mitigation and response. In addition to the process and procedural updates discussed above, a principal element of DoD's CHMR policy, as articulated in the DoDI, "is to support commanders with institutional resources, tools, and capabilities to effectively implement law of war protections of civilians and civilian objects, and to enable further steps to protect civilians and civilian objects and to respond appropriately when civilian harm occurs."

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 DoD Instruction on CHMR, the Department continues to improve its approach to civilian harm mitigation and response.