



DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY FORCES COMMAND
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AFCG

11 May 2022

MEMORANDUM FOR SECRETARY OF DEFENSE

SUBJECT: (U) Executive Summary: Review of the Civilian Casualty Incident that Occurred on 18 March 2019 in Baghuz, Syria

1. (U) Task and Purpose. On 29 November 2021, you appointed me to conduct an independent review of the civilian casualty (CIVCAS) incident that occurred on 18 March 2019 in the vicinity of Baghuz, Syria.
2. (U) Methodology. To accomplish the tasking, I established a joint review committee consisting of 20 personnel, including four general officers and 16 additional personnel, all with various subject matter expertise. Between 04 December 2021 and 25 February 2022, we examined all relevant reports of investigation and associated documents, and sought additional information when necessary from all relevant operating units. Overall, we reviewed 124 documents, 25 reports, and 29 hours of video feed. I submitted my initial findings and recommendations on 25 February 2022. On 09 March 2022, you directed me to conduct further inquiry into the decision-making following the CIVCAS incident, and whether all reporting properly followed Department of Defense (DOD) CIVCAS policies. I submitted my addendum report on 04 April 2022.
3. (U) Findings. On 18 March 2019 in Baghuz, Syria, the Islamic State of Iraq and Syria (ISIS) launched a successful counterattack against the Syrian Democratic Forces (SDF). In response, SDF requested defensive Coalition air support. The U.S. Ground Force Commander (GFC) responsible for support validated ISIS' hostile act/intent, repeatedly received confirmation that no civilians were in the strike areas, and authorized supporting aerial strikes. Unbeknownst to the GFC, civilians were within the blast radius resulting in CIVCAS.
 - a. (U) No Rules of Engagement (ROE) or Law of War (LOW) Violations Occurred. In authorizing those strikes, the GFC acted within Presidentially-authorized defensive ROE, did not deliberately or with wanton disregard cause civilian casualties, and did not violate the LOW. The GFC's decision to engage the ISIS fighters was necessary to defend SDF partner forces, multiple efforts to distinguish civilians from ISIS were made, and the engagements were proportional.
 - i. (U) My review was thorough. Without revealing sources and methods, I can state that I subjected all available information to close scrutiny and compared it to statements made at the time of the strikes and during the post-strike review process.
 - ii. (U) My review included the information that was available to the GFC. Based on that information, the GFC acted reasonably and within the bounds of the ROE and LOW. I found clear evidence that the GFC demonstrated awareness and concern for CIVCAS and took steps to mitigate harm. My review also included information that was not available to the GFC at the time. That additional information shows that, through no fault of his own, the GFC relied on data that was not fully accurate. In accordance with the LOW, the GFC's actions cannot be judged based on what we know now in hindsight, but only on the reasonableness of his decisions given the information known at the time.

iii. (U) My conclusion that there were no ROE or LOW violations also included thorough examination of the evidence cited as the basis for the concerns and allegations made to the Department of Defense Office of Inspector General and to the media.

b. (U) Policy Compliance Deficiencies Occurred.

i. (U) Numerous policy compliance deficiencies at multiple levels of command led directly to numerous delays in reporting this CIVCAS incident, which currently remains open. I find that the administrative deficiencies contributed to the impression that the DOD was not treating this CIVCAS incident seriously, was not being transparent, and was not following its own protocols and procedures regarding CIVCAS incidents.

ii. (U) Specifically, the original review of the incident to determine whether the allegations of CIVCAS were credible and the AR 15-6 investigation report were both submitted after their respective deadlines. In addition, although the incident was reviewed and investigated, administrative steps to close the incident and thereby cause it to be included in reports to Congress did not occur.

c. (U) No Malicious or Wrongful Intent. Though I found policy compliance deficiencies, I found no evidence to support the allegation that these deficiencies were malicious or made to conceal decisions or actions. An allegation of potential CIVCAS was made immediately following the strikes, and the CIVCAS investigations process was initiated. All decisions throughout the process were made by the individual with the authority to do so, and decisions were made within their scope of authority. The primary basis for concerns is a DoD Inspector General Hotline Complaint filed on 05 August 2019. This complaint was later closed as unsubstantiated. Based on my extensive review of the facts and circumstances, I agree it was unsubstantiated and I found a number of assertions made that are not supported by evidence and/or are based on inaccurate or false information. I do not agree that there is an inherent conflict in the way CIVCAS is investigated. However, I do agree CIVCAS guidance should be clearer, and I support the publication of DoD-level guidance on CIVCAS. A secondary basis for the allegations of concealment and wrongdoing was a series of three articles published by the New York Times. A thorough analysis of all available information indicates there is no evidence to support these allegations as they relate to the strikes on 18 March 2019 examined by this review.

4. (U) Recommendations. I recommend improvements to CIVCAS policy to establish training and procedures common to all Services; review of Command Relationships (COMREL) to create common understanding and practice across organizations; and increased situational awareness and reduction of incidents of CIVCAS through the adoption of refined processes and improvement to Mission Command Systems. I humbly submit these recommendations, discussed in detail in my report, as a contribution for consideration to inform the forthcoming Department of Defense Directive addressing Civilian Harm and the Civilian Harm Mitigation and Response Action Plan (CHMRAP).



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General, USA
Commanding