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The civilian death toll from a series of apparent Iraqi Security Force or United States-led coalition attacks between February and April 2017 suggests that the forces took inadequate precautions to avoid civilian casualties and that further investigation is needed, Human Rights Watch said today. Human Rights Watch documented seven attacks that resulted in at least 44 civilian deaths in five populated neighborhoods of west Mosul controlled by the Islamic State (also known as ISIS).

Human Rights Watch analysis of satellite imagery of western Mosul identified over 380 distinct impact sites in the Tanak neighborhood, where three of the seven attacks occurred, consistent with the detonation of large, air-dropped munitions between March 8 and April 26, when Iraqi forces declared they had regained control of the area. Munitions of this size can pose an excessive risk to civilians when used in populated areas, given their large blast and fragmentation radius. All warring parties should cease using explosive weapons with wide area effects in densely populated west Mosul.

"Residents and displaced people have sheltered for months in crowded houses, with ISIS sometimes using them as human shields, so any strikes - including the choice of weapons - should take these conditions into account," said Priyanka Motaparthy, senior emergencies researcher at Human Rights Watch. "As Iraqi and coalition forces press forward with the west Mosul offensive, they should make sure that civilian casualties are kept to a minimum."

A US airstrike in Mosul on March 17 that killed up to 200 people, previously documented by Human Rights Watch, used a 500-pound bomb to target two ISIS fighters on a roof, according to a military investigation of the incident.

Anti-ISIS forces should take all feasible precautions in the choice of means and methods of warfare to minimize incidental loss of civilian life, injury to civilians, and damage to civilian objects, including in their choice of weaponry in heavily populated areas, Human Rights Watch said.

Human Rights Watch also documented six incidents in which ISIS fighters shot at and killed or wounded civilians fleeing ISIS-held areas or in which the people fleeing detonated improvised landmines laid by ISIS.

In mid-February, Iraqi Security Forces (ISF) supported by the US-led coalition, known as the Combined Joint Task Force - Operation Inherent Resolve (CJTF-OIR), began the offensive to retake west Mosul, a densely populated set of urban neighborhoods <u>still home to around 200,000 civilians</u>. <u>At least 614,524 people have fled</u> the area since February 19, 2017, according to Iraqi authorities, but thousands more remain trapped under deadly conditions, risking ISIS sniper fire and improvised landmines when they attempt to flee.

Human Rights Watch could not independently confirm whether the seven Iraqi forces or coalition attacks it documented were air or ground-launched, or identify the munitions. The locations were under ISIS control. ISIS fighters were present in or next to the homes destroyed right before or at the same time in three of the attacks, within 50 meters in two incidents, and were not in close proximity in two others, survivors and witnesses said.

At least two incidents with no clear military target in the vicinity that killed at least 13 civilians may have been unlawful. The remaining attacks may have caused disproportionate civilian harm in comparison to the military advantage gained, in violation of international humanitarian law.

Civilians living in each of the homes hit by the seven attacks said they had tried to leave the neighborhood, sometimes repeatedly, as fighting grew close to the area, but that ISIS fighters threatened to kill them or attacked them when they tried to leave.

All parties to the conflict are prohibited under the laws of war from conducting deliberate, indiscriminate, or disproportionate attacks against civilians or civilian objects. Indiscriminate attacks strike military objectives and civilians or civilian objects without distinction. An attack is disproportionate if it may be expected to cause incidental loss of civilian life or damage to civilian objects that would be excessive in relation to the concrete and direct military advantage anticipated from the attack.

Human Rights Watch contacted CJTF-OIR regarding the seven attacks. The coalition confirmed its forces most likely carried out one of the attacks, on the Mosul Railway Station neighborhood, killing 10 civilians, but did not respond definitively on the remaining incidents.

Human Rights Watch has <u>previously raised concerns</u> about individual coalition members' targeting procedures. As a result of procedural changes made in December 2016, media reported the US, which leads the coalition, removed the requirement that the "strike cell" in Baghdad approve certain strikes. The rule change means that the US is now carrying out some strikes without the benefit of the strike cell's information and targeting recommendations. The US should reinstate these procedures, or equivalent ones.

Human Rights Watch also remains concerned that the coalition reporting mechanism has failed to adequately reflect the extent of civilian casualties caused by members. On June 2, 2017, CJTF-OIR published its monthly civilian casualty report. The report found that, "To date, based on information available, CJTF-OIR assesses that, it is more likely than not, at least 484 civilians have been unintentionally killed by coalition strikes since the start of Operation Inherent Resolve." During the same period, Airwars, a United Kingdom-based nongovernmental organization that monitors airstrikes, estimated that the minimum number of civilian casualties from US-led coalition strikes was over 3,800, approximately eight times the number reported by the coalition. US military officials have Said that non-US coalition members are responsible for at least 80 of the 484 fatalities, but none of the coalition members have publicly admitted responsibility.

In addition to coalition reporting, each member country has an individual responsibility under international law to conduct thorough, prompt, and impartial investigations of alleged serious violations of international humanitarian law for strikes in which it has been involved. Coalition members vary in their documentation and investigation of civilian casualties.

Although the <u>coalition now jointly conducts preliminary assessments</u> of alleged civilian casualties, coalition members should not rely on other coalition members, or broader coalition reporting, to collect information or to assess whether a strike they have conducted complies with the law.

The coalition, member countries operating in the area, and Iraqi authorities should investigate their role in attacks reported to cause serious violations of international humanitarian law, including by interviewing survivors, and not just rely on self-reporting and/or battle damage assessments, Human Rights Watch said. Should there be evidence of war crimes - including serious violations of the laws of war committed with criminal intent - any perpetrator of the crime should be prosecuted, including any commander responsible under the principle of command responsibility.

The apparent lack of compensation to victims of coalition operations also remains a critical concern. A coalition spokesperson told Human Rights Watch that the coalition has only received two compensation requests, and has made two condolence payments since the beginning of Operation Inherent Resolve. Members of the coalition involved in military operations should take appropriate steps to verify civilian casualties, identify the victims, and deliver appropriate compensation in the case of violations of international law. Human Rights Watch also recommends appropriate "condolence" or *ex gratia* payments - those made without legal obligation - for civilian harm.

"Individual countries shouldn't hide behind the coalition and wash their hands of responsibility," Motaparthy said. "Coalition members should take responsibility for the strikes they carry out by investigating those that may have been serious violations, particularly given how inadequate coalition investigations have been."

The Satellite Imagery

Human Rights Watch analyzed satellite imagery of the Tanak neighborhood, where three of the attacks documented took place, and identified over 380 distinct impact sites consistent with the detonation of large, air-dropped munitions between March 8 and April 26, 2017. A review of damaged locations showed that a majority of these airstrikes most likely targeted mixed residential and commercial buildings, with a substantial minority targeting main streets and intersections. Human Rights Watch has no information as to whether there were any military targets in or near the sites.

Although this apparently accurate targeting pattern of the street network is consistent with the use of guided munitions, Human Rights Watch found that the majority of impact craters in Tanak measured 10 or more meters in diameter, consistent with the use of conventional air-dropped bombs weighing between 500 and 1,000 pounds.

The use of explosive weapons with wide-area effects such as air-dropped bombs of this size on probable military targets in densely populated civilian areas of western Mosul may be resulting in civilian casualties and damage to civilian objects that is excessive considering the anticipated military objectives of the strikes. Such disproportionate military attacks are prohibited under international humanitarian law. In all cases, commanders and targeting officers should select weapons and specific munitions to minimize civilian casualties to the maximum extent possible.

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