

2024

2025 ▲

R

Regressive

U

Uncommitted

E

Engaged

EL

Emerging Leader

L

Leader

## EMERGING LEADER

▼ 1. National policy

▶ EL

▼ 2. Civilian harm tracking

▶ E

▼ 3. Investigations

▲ EL

▼ 4. Public reporting & transparency

▶ EL

▼ 5. Post-harm response

▶ E



# COUNTRY SUMMARY

**In 2025, the Netherlands' CPM score went from 'Engaged' to 'Emerging Leader'.**

Over the last six years, the Netherlands has significantly improved its approach to civilian harm mitigation and response (CHMR), undertaking reform of its internal systems in consultation with civil society and taking on leadership internationally.

Strong elements of national policies that reflect a commitment to civilian protection must now be institutionalised through doctrine and operational practice to ensure these remain resilient to shifts in personnel and political climate. In 2025, the Netherlands announced that it is working towards such institutionalisation through the creation of a comprehensive policy on the theme of civilian casualties – to be finalised in 2026. Until now, composite policies have largely been presented as separate letters to Parliament.

Beyond policy, the MoD has come to consistently conduct assessments and investigations into allegations of harm to civilians, when these have been reported by media outlets and independent monitors. There is a need to standardise public reporting on the allegations that have been investigated, as well as a need for clarity on the criteria for when an allegation is 'credible' enough for the MoD to initiate an assessment.

The MoD has responded to harm caused by Dutch military action on several occasions, including in response to harm caused during Operation Inherent Resolve (OIR) when many of the Netherlands' allies abandoned similar response mechanisms. Throughout 2025, the Dutch response mechanisms remained ad hoc and required a stronger focus on survivors' needs and preferences.

The biggest need for continued improvement lies in the MoD's approach to proactively tracking civilian harm: In the past, the Netherlands has relied on coalition-based or partner-owned tracking mechanisms, rather than developing its own, standardised system to proactively seek evidence from open sources, such as testimonies from affected civilians, to independently detect when its operations may have caused harm. The reporting mechanism on the MoD website provides an important avenue for civilians and third-party actors to report evidence directly to the MoD, but this does not negate the need for the MoD to proactively and efficiently seek evidence on the possibility of civilian harm.

## **Textbox 1**

### **Key changes 2025**

- In January, a Commission of Inquiry (hereafter referred to as 'Sorgdrager Commission' after its chairwoman) released a detailed report on its investigation into the 2015 Dutch airstrike

on Hawija. The report was highly critical of gaps within MoD practices on reporting harm, failures within the MoD to follow existing guidelines, the quality and timeliness of reporting to Parliament and the public, MoD data storage practices, and of the response that was eventually provided to the airstrike's survivors. The report issued eight detailed recommendations to the MoD (for further information see the 'Sorgdrager report' textbox).

- In March, the MoD provided its detailed response to the Sorgdrager report. The MoD announced several further updates to existing CHMR policies and practices, apologised to the victims of the Hawija airstrike and the Mayor of Hawija through a phone call to the latter, and launched several new internal and external investigations into events related to the airstrike and to overall archiving practices within the MoD.
- In March, the MoD demonstrated increased transparency and a willingness to engage with external reports on civilian harm by publicly reporting on the outcome of 61 allegations of harm from Operation Inherent Resolve (OIR), following extensive engagement with civil society. In 39 cases, Dutch involvement in incidents of harm were excluded because of operational details (e.g. no Dutch airstrike took place near the allegation in question), while in 22 cases, it was deemed that the Dutch MoD could not assess its involvement based on the details given.
- In April, the Netherlands' Public Prosecution Service (PPS) published the outcome of its independent factual investigation into a 2016 Dutch airstrike on Mosul, initially reported on by media. The PPS concluded that Dutch military operations had "in all likelihood" resulted in seven civilian deaths. The MoD's internal investigation into the same allegation was ongoing as of December 2025.
- In May, during a parliamentary debate, the Minister of Defence conveyed his intention to visit Hawija to offer his apology and condolences to survivors in person, and announced that the MoD would look into additional options for community-level projects to address the harm caused by the 2015 airstrike.

### **Ongoing processes**

- During 2025, the MoD did not report on its own investigation of a 2016 allegation of harm to civilians in Mosul. The PPS concluded in April 2025 that this had caused several civilian casualties. In March, the MoD published an interim update, describing the investigative means that had been used up until then. These encompassed travel to Iraq to meet with witnesses and possible victims. \*A final report was published on this in April 2026, in which the MoD acknowledged the death of seven civilians; for further analysis, see the footnote <sup>1</sup>.
- The MoD is yet to report on the additional projects it will fund in Hawija, and how relevant local stakeholders and survivors have been or will be consulted in related decision-making and implementation processes.
- Various investigations were launched in response to the Sorgdrager report that were ongoing as of December 2025. These include, for instance, an investigation led by the independent Brouwer Commission to determine what happened with Dutch F16 footage taken shortly after the 2015 Hawija airstrike, which was assumed lost for many years before being found at the Leeuwarden airbase in March 2025 (for further information see the 'Hawija F16 footage' text box).

- In 2023, 25 survivors of the Hawija airstrike initiated a court case against the Dutch state, arguing that the Netherlands had taken excessive risks in striking the VBIED factory and demanding individual financial reparations. The case is ongoing.
  - The MoD has previously reported working on a Defense-wide baseline study ('nulmeting') on CHMR to identify areas for improvements. This study or resulting action points have not yet been made public, and it is unclear whether the study has been finalised.
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# 1. NATIONAL POLICY EL

*The national policy or system of policies, strategies, and guidance adopted by the executive branch of government and its organs (including security institutions) that establishes clear authorities, responsibilities, and guidance for the prevention, mitigation, and response to civilian harm. A national policy framework, when combined with effective implementation of its provisions and formalised engagement with civil society actors can be helpful for communicating a government's commitment to mitigate harm to civilians.*

In recent years, the Netherlands has signalled an increased commitment to civilian protection from its own military operations through the policies it has announced through letters to parliament. The MoD also initiated a Defence-wide baseline study on its CHMR strengths and gaps.

Its policies on transparency on possible or confirmed civilian casualties resulting from Dutch arms deployment are particularly strong, including commitments to publish reports on its website on all conducted assessments, whether these were found to be credible or not.<sup>2</sup>

Some areas of further improvement remain: existing policies have not publicly institutionalised standards for Dutch operational approaches to civilian harm tracking, investigation, or response, resulting in mostly ad hoc practices. This leaves the Netherlands' valuable progress on CHMR vulnerable to changes in personnel, political climate, and operational context.

## Textbox 1

### Key changes 2025

- The MoD shared more details on how it processes external reports of civilian harm, describing how such reports first give rise to an assessment, which may trigger a formal investigation if there is reason to believe Dutch military operations may have caused civilian casualties.<sup>3</sup>
- The MoD committed itself to reporting on all conducted assessments through its annual 'Status of Defense' ('Stand van Defensie') publication. In addition to this report, the MoD posts a running update on its website of allegations of harm it has received, as soon after receiving the allegations as possible, and clarifies whether they are at the assessment, investigation, or determined stage of the process. This is a gold standard, setting best practice for public reporting on civilian harm allegations.
- The MoD has expressed an intention to add knowledge of CHMR as a qualification to subject-specific military education, such as training for targeteers.
- The MoD has expressed an ambition to develop a 'Letter of Intent' between various states with which the Netherlands regularly engages in military action, outlining CHMR-related aspects these states wish to have agreements on prior to participation in missions and operations, such as agreements on reporting civilian casualties. This is particularly important

to maintain and further develop global cooperation on CHMR in light of recent changes in the US (see the 2025 'United States CPM' page for further information).

## Recommendations

### Develop and publish a comprehensive CHMR policy

- The MoD should develop a central guiding policy document to effectively consolidate all aspects of CHMR aspects, including by integrating existing guidance, codifying ad hoc good practices (such as the Netherlands' most recent civilian casualty investigation), and addressing gaps such as the MoD's commitments to civilian harm tracking. In 2025, the MoD announced working on a central, thematic policy document regarding civilian casualties, which should be finalised by summer 2026.
- At a minimum, the policy should define 'civilian harm' and specify procedures for the systematic tracking, recording, and investigation of allegations of civilian harm, including evidentiary standards and analytic methodologies for determining whether it is more likely than not that harm occurred. It should clarify the mechanisms for identifying trends and patterns of harm, ensuring that operational lessons are captured and translated into adaptive operational mitigation measures. Finally, it should provide clear direction on response measures where harm has occurred, including acknowledgement, reporting, and other appropriate remedial or accountability actions.

### Expand CHMR-related policy to apply to all military operations

- Current CHMR-related policies only apply to military missions carried out under Article 100 of the Dutch Constitution, and does not (automatically) cover other types of military operations such as those that may be conducted under a NATO Article 5 scenario. Given increased emphasis on preparedness for large-scale, peer-to-peer conflict, the MoD should prepare by ensuring CHMR standards are adapted, applied, and approached as key factors across the full spectrum of operations.

### Publish (parts of) the CHMR baseline study

- The MoD should publicly clarify what steps it intends to take based on the internal study it has conducted to improve current strengths and limitations in the Dutch approach to, and knowledge of CHMR. Publication would ensure accountability, while transparency on the methodology and key conclusions could at the same time inspire military allies and partners towards similar undertakings, while providing civil society and the Dutch public with an insight

into the ways in which the Dutch MoD is able to effectively acknowledge – and address – challenges.

### Clarify roles and responsibilities at all levels

- To ensure effective implementation of CHMR-related policy, the MoD should clearly define roles and responsibilities not only at the Ministry level but also across the defence organisation itself. This will ensure greater accountability and ensure policies are properly communicated and enacted throughout the armed forces.

## 1.1 National policy framework EL

*The government has adopted a comprehensive national policy framework on mitigating and responding to civilian harm resulting from its own military operations, including clear definitions of key terminology such as 'civilian harm'.*

The Netherlands' main CHMR-related policies are based in letters to Parliament. These include the transparency policy (2020) and the 'step-by-step approach' (2022); important commitments were also announced in the government's response to the Sorgdrager report (2025).<sup>4</sup> As of 2025, the MoD will report on all conducted civilian harm assessments – whether these trigger an investigation or not – in its annual 'Status of Defense' ('Stand van Defensie') publication and on its website.<sup>5</sup> Combined, these policies ensure transparency on civilian casualties through clear public reporting procedures.

Over the last several years, the MoD reported working on a Defense-wide baseline study ('nulmeting') on CHMR to identify areas for improvements.<sup>6</sup> This study or resulting action points have not yet been made public.

The Netherlands' endorsement of the EWIPA Political Declaration is another demonstration of its commitment to civilian protection.<sup>7</sup>

As stated, further CHMR commitments were made in 2025 following the publication of a critical report by the Sorgdrager Commission about the 2015 airstrike on Hawija (see the 'Sorgdrager report' textbox): The Minister of Defence said he acknowledged and accepted all recommendations by the Commission. Among other important commitments made in the Cabinet response to the Commission, the MoD announced its aim to develop a 'Letter of Intent' with the states that it often operates with in coalitions. The letter should outline CHMR-related aspects on which states want to have agreement *prior* to missions or operations, thereby ensuring coalition-wide standards.<sup>8</sup>

Several limitations remain. While there is a clear transparency policy, other aspects of CHMR, such as tracking and response, have not been incorporated in policy or have only been integrated in an ad hoc manner. For example, the step-by-step approach requires the MoD to inform Parliament about the CHMR processes that will be present in a particular mission, but does not set any overarching

standards or procedures for these. Consequently, matters like civilian harm responses will be determined on a case-by-case basis. The Dutch CHMR framework would be strengthened by a central guiding policy document, encompassing existing guidance and codifying good practices that are currently happening ad hoc. The MoD in 2025 announced plans to develop such a policy, to be finalised by summer 2026. <sup>9</sup>

Another important caveat is that current policy formally applies only to military operations conducted under Article 100 of the Dutch Constitution (see 'Article 100' text box) and would not, for example, cover military operations conducted under a NATO Article 5 scenario.

### Textbox 3

#### Article 100

Article 100 of the Dutch Constitution regulates military engagements to maintain or promote the international legal order, and for the purpose of providing assistance in the event of armed conflict. This Article stipulates that the government must inform the legislative branch – its permission is not required – prior to this type of deployment via a so-called Article 100 letter.

The MoD's step-by-step approach (2022) introduced notable additions to the Article 100 letter, relevant to transparency on civilian harm mitigation. For example, Article 100 letters are now required to include a paragraph on the risk of civilian casualties, how these will be mitigated, and where it may not be possible to avoid civilian harm. Most current Dutch CHMR policies are focused on Article 100 deployments. Recent examples of such operations include Operation Inherent Resolve (OIR) in Iraq and Syria, airdrops with relief goods over Gaza, and Operation Prosperity Guardian in the Red Sea.

## 1.2 Clear policy language EL

*The policy contains clear and actionable language and commitment to civilian harm mitigation and response.*

Existing policies on CHMR are generally clearly formulated and descriptions of some processes, such as the transparency policy, are helpfully visualised through the use of graphics. <sup>10</sup> Various documents make note of CHMR and the protection of civilians (PoC) not only in terms of legal necessity, but also as a moral responsibility. [[[Ministerie van Defensie. “Nederlandse Defensie Doctrine 2019.”

Defensie.nl,

<https://www.defensie.nl/onderwerpen/doctrines/downloads/publicaties/2019/06/19/herziene-nederlandse-defensie-doctrine-ndd-2019.>]]] Even though CHMR-related policy is often introduced

through separate letters to Parliament, complicating oversight and navigability, the Dutch MoD improved accessibility in 2024 by introducing a dedicated webpage where all current policies and

updates can be found in one place.<sup>11</sup> In line with government-wide guidance, this webpage is written in clear and easily understandable language.

In 2025, the MoD clarified its procedures for receiving and assessing reports on possible civilian harm caused by Dutch arms deployment. In its response to the Sorgdrager report, the MoD clarified that such reports first lead to an assessment ('vooronderzoek'), which may in turn lead to an investigation ('intern onderzoek'). When an assessment does not lead to an investigation, this will now be reported directly on the MoD civilian casualties webpage. This is complemented by annual reporting on all assessments through the MoD's 'Status of Defense' ('Stand van Defensie') publication.<sup>12</sup> Finally, the MoD published a flowchart of this process, including the moments when Parliament will be informed.<sup>13</sup> This sets best practice when it comes to public reporting on allegations of harm received by the MoD.

Some ambiguity remains in Dutch CHMR-related policies. Often, the MoD has communicated *intent* rather than setting forth standardised practices or procedures; while the 'step-by-step approach' (2022), for instance, includes a commitment that the MoD will outline the response process it will aim for within a coalition prior to every military mission under Article 100, it does not set out a mandatory baseline for what will always be included as a minimum.<sup>14</sup> Nor do many of these documents include clear timelines on when certain progress is expected or will be reported on.

## 1.3 Clear implementation guidance E

*Policy and implementation guidance is clear and includes defined roles and responsibilities.*

The MoD has a dedicated team in place for CHMR policy development.<sup>15</sup> Existing policies – most notably the transparency policy (2020) and the step-by-step approach (2022) – outline clear responsibilities for the Dutch Ministry of Defence at the ministry level.<sup>16</sup> Further shape to these commitments and guidance on how to implement them may come from a Defence-wide baseline study ('nulmeting') on CHMR, created to identify good practices and areas for improvements.<sup>17</sup> The study itself has not yet been published, and it is unclear what the implementation process will be for its recommendations.

In 2025, the MoD announced that it wants to add knowledge of CHMR practices as a qualification to certain military education trajectories, such as those of a targeteer.<sup>15</sup> This would be an important means of disseminating CHMR knowledge and capabilities throughout the military apparatus.

Policy documents typically do not mention roles and responsibilities for CHMR tasks or policy implementation on a sub-institutional level; i.e., at the level of directorates or even lower at a team level. This can make it unclear where responsibility for implementation of these tasks lies. The 2025 report by the Sorgdrager Commission further found that, related to the 2015 Dutch airstrike on Hawija, there were several procedures in place during OIR that were not widely known among service members or insufficiently adhered to.<sup>19</sup> It is important not only that certain procedures are in place, but also that these are proactively disseminated and trained within the broader organisation. A dedicated, overarching CHMR policy – 'owned' by a dedicated CHMR-focused team – could mitigate this risk by providing a clear overview of all CHMR tasks and responsibilities, assigning a team with

the responsibility to disseminate knowledge of the policy throughout the armed forces, and enhancing oversight. The MoD committed in 2025 to create such a policy.

#### **Textbox 4**

##### **The Sorgdrager Report**

Following reporting by Dutch media in 2019 that the Netherlands had been responsible for an airstrike in 2015 that caused at least 85 civilian casualties – carried out as part of Dutch military deployment under Operation Inherent Resolve (OIR) – the MoD came under much scrutiny.<sup>20</sup> After the government admitted Dutch responsibility for the airstrike in late 2019, a 2020 parliamentary motion called for an independent investigation into the airstrike. The Commission of Inquiry under Winnie Sorgdrager (“Sorgdrager Commission”) was tasked to investigate how the airstrike could have resulted in civilian casualties, and what the Netherlands could learn from this towards the future.

The final report was released in January 2025 and was critical of MoD processes on multiple fronts: from adherence to internal protocols and guidelines, data management, the quality and timeliness of MoD reporting to Parliament, to the character and impact of Dutch efforts to make amends for the airstrike’s impact. The report issued eight detailed recommendations. Among other things, these require enhanced transparency from the MoD, a better intelligence position in future operations, better information-sharing with the Public Prosecution Service (PPS) regarding the possible occurrence of civilian casualties, mission-specific arrangements for civilian harm response, and improvements to declassification and archiving practices.<sup>21</sup> In March, the government came with its official response, announcing various policy and practice updates.<sup>15</sup> These are discussed throughout this 2025 country report.

## **1.4 Budget and resources** EL

*Funding, personnel and time are given toward implementation of CHMR policies.*

The MoD has established a dedicated Protection of Civilians (PoC) team within its Directorate of International Affairs, responsible for the development of CHMR policies. This team was most recently expanded in 2025 to include a policy officer, who is responsible for overseeing the civilian harm reporting portal launched by the MoD in 2024 (see 2.1).<sup>23</sup> This team’s existence and continued funding demonstrates an important commitment to CHMR.

The announcement in 2025 that the MoD seeks to add CHMR knowledge as a qualification to certain military training trajectories (see 1.3) would be another important step in dedicating resources to CHMR.

Nor do policy documents mention specific funds that will be set aside for CHMR efforts or knowledge development. This is likely due to the MoD not having formulated specific long-term CHMR-focused goals, which would require accompanying budgets.

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## 2. CIVILIAN HARM TRACKING E

*An internal (military or security force) process by which an armed actor gathers and analyses data about civilian harm incidents in order to better prevent, mitigate, and address harm in the future.*

In past military missions – most notably OIR in Iraq and Syria and the International Security Assistance Force in Afghanistan (ISAF) – the Netherlands has typically chosen to rely on coalition-wide tracking systems (seen in ISAF) or systems by its military partners (seen in OIR), instead of developing its own tracking procedures and methodologies. There is no public evidence of the Netherlands having in place its own, proactive military-operational tracking system, nor is there information on whether or how information on civilian harm caused by Dutch military deployments is archived and used for institutional and operational learning to prevent future harm.

Positively, the Netherlands has created a civilian harm reporting portal, where external parties can report harm possibly caused by Dutch arms deployment directly to the MoD. The reporting portal is an example of important best practice, easing the submission of evidence of harm to civilians by those affected and third-party actors. It does not, however, negate the need for the MoD to develop a methodology for how it will independently seek evidence of harm from its own actions, for instance by reviewing open source testimonies by affected civilians, photos and videos.

In 2025, the MoD showed its willingness to engage with external allegations when submitted, reviewing 61 incidents where independent monitoring NGO Airwars had raised some concern about Dutch involvement. Through a thorough and constructive process, the MoD reviewed all allegations, developing systems in the process; it eventually rejected all allegations, clarifying publicly on its website why each was found unconfirmed.

### **Textbox 5**

#### **Key changes 2025**

- The MoD has clarified its preference for establishing coalition-wide civilian harm reporting mechanisms in future deployments, but in an important example of good practice, it has guaranteed that there will always be a Dutch one when there is insufficient will or organisational capacity in a coalition for the former.
- The MoD has acknowledged that current information-sharing capabilities between missions and the MoD's Directorate of Operations are insufficient. It will seek to remedy this through the development of a robust IT system, which may also be used to share and store more relevant information related to arms deployments.
- The MoD has indicated that it will revise the After Action Review (AAR) format to be more informative about Dutch arms deployment and the potential occurrence of civilian casualties

towards core departments within the MoD and towards the Public Prosecution Service (PPS). If implemented, this could also contribute to tracking capabilities during deployments.

## Recommendations

### Establish a standardised civilian harm tracking mechanism

- The MoD should implement a standardised tracking mechanism for civilian harm that can be deployed during missions, and that extends beyond data management and coordination. While the MoD has committed to monitoring cases of civilian casualties reported to the Netherlands, there does not seem to be a system for proactively tracking and analysing harm during operations, using means such as monitoring open source information via social media and local media to the extent legally possible. An operational tracking mechanism has been in place in some past operations (mostly coalition-wide) but standardising this as a national practice would also ensure continuous monitoring and analysis of harm during specific missions. This could inform institutional and operational learning on main causes of civilian harm and, consequently, on means to reduce harm in future operations. Additionally, it could be linked to a (standardised) response process.

### Use tracking mechanisms for operational learning

- The MoD should ensure that the primary purpose of tracking mechanisms is to reduce harm and improve tactics, as well as reporting on casualties. This will align tracking efforts with the overarching goal of preventing civilian harm through operational and institutional changes.

### Coordinate tracking and investigation systems

- The MoD should establish formalised coordination between civilian harm tracking systems and investigative mechanisms to ensure a consistent and reliable process. Standardising evidence collection and creating clear, public criteria for what constitutes 'credible' harm allegations would enhance the reliability of investigations and foster transparency.

## 2.1 Tracking mechanism E

*The government has or plans for the capabilities, resources, personnel, and systems needed to track civilian harm, i.e., to systematically collect and analyse information on harm.*

While the Netherlands has taken an important step in establishing a civilian harm reporting mechanism, it does not appear that the Netherlands has its own standardised and proactive tracking

mechanism which is able to independently and consistently identify civilian harm from airstrikes. The MoD continues to rely on BDAs to estimate harm from military operations, yet these are primarily intended to assess the impact of the use of force, and are not designed to track civilian harm.

## Textbox 6

### Battle Damage Assessments

A Battle Damage Assessment (BDA) is a framework developed to evaluate the impact of the use of force, primarily focused on whether the munition used functioned as expected, whether the intended target was struck, and what the impact was on enemy combatants. If harm to civilians is observed in the immediate aftermath of the use of military force, this may also be included in a BDA, but they are not tools that are meant to give an insight into harm to civilians – especially as such harm often only becomes apparent in the hours, days and weeks following military action, when a BDA will already have been completed. <sup>24</sup> BDAs also often rely solely on visual evidence from fighter jets or high-altitude drones, which cannot hope to capture evidence of civilians caught under structures or rubble.

In one US-based study, it was found that BDAs missed harm to civilians that was later discovered by other investigative means in 19 out of 21 cases (over 90%). <sup>25</sup>

An over-reliance on BDAs to understand civilian harm has characterised the approach of several major militaries, some of whom have recognised its limitation and developed separate (but interoperable) civilian harm tracking methodologies.

At the same time, the MoD faces some restrictions in proactively monitoring *external* sources, such as social media for reports of potential harm, due to strict privacy laws. <sup>26</sup>

In previous mission contexts, such as ISAF in Afghanistan and OIR in Iraq and Syria, the Netherlands typically relied on tracking mechanisms by the coalition or a coalition partner like the US. <sup>27</sup> Since establishing its reporting portal in 2024, the MoD has indicated it would prefer to organise such reporting mechanisms at the coalition level in future deployments, which could enhance their accessibility to external parties. However, if a coalition is unable or unwilling to do so, the Netherlands shall retain its own reporting portal. <sup>12</sup>

The Netherlands has endorsed the EWIPA political declaration, committing itself to collecting data on the (in)direct civilian harm impacts of the use of explosive weapons in populated areas. <sup>7</sup>

## 2.2 Tracking to reduce harm through analysis E

*The tracking mechanism is effectively designed to produce meaningful analysis and insights that are used by military leaders to change tactics or procedures. The express and stated purpose of the*

*tracking mechanism in policy and practice is to prevent, mitigate, and address harm and promote institutional and operational learning.*

Spread over various policy documents and updates to Parliament, the Netherlands often emphasises the importance of continuous improvements in civilian harm mitigation. The step-by-step approach (2022), for instance, mentions the importance of always looking for further ways to reduce civilian casualties. <sup>30</sup> At present, the MoD often refers to civilian harm tracking in the context of ensuring domestic transparency, i.e., as a means to enable reporting to Parliament; however, in its response to the Sorgdrager report, the MoD committed itself to establishing a “robust IT system” that can play a role in decision-making on weapons deployment, based on past experiences. The MoD emphasised that such a database already exists containing an overview of weapons deployed kinetically, yet admitted that this is an outdated tool that is not up to the required standard. This new IT system has the potential to allow the MoD to integrate lessons on civilian harm in an iterative manner, adjusting as they go; yet its effectiveness depends on what information is included in the system and it cannot capture all necessary lessons unless the MoD established the ability to proactively track civilian harm beyond BDAs. <sup>31</sup>

## **Textbox 7**

### **Recording, tracking, assessing, and investigating**

The process of tracking and assessing civilian harm begins with comprehensive reviews of incidents, where reports from various sources are gathered to document potential civilian harm. Accurate recording forms the foundation for later assessments and helps in identifying patterns of harm over time.

During tracking, collected data is systematically and proactively gathered by the military in question; it is then organised and analysed to identify specific incidents that may require deeper investigation and to enable the identification of patterns of harm. Evidence submitted by civilians and third-party actors through the Dutch reporting portal can contribute to military tracking, but does not in itself negate the need for the military to independently seek evidence.

Tracking involves cataloging details on the individuals harmed and the event itself, including (but not limited to) the names, sex, and ages of those harmed, and the location, date, and weapons used in the strike. The final steps, assessments and investigations, focus on evaluating the incidents’ credibility and conducting in-depth examinations of selected cases. During assessments, incidents are reviewed to determine if they meet criteria for further scrutiny, often involving corroborative evidence from multiple sources. Investigations are more comprehensive, and may include – as a gold standard – forensic analysis, interviews, and site visits to establish accountability, and identify operational mistakes or violations of law.

## 2.3 Coordination with investigation mechanisms E

*Tracking mechanisms interact effectively with civilian harm investigations.*

As described above, the Netherlands does not appear to have a system in place to independently track and gather evidence of harm to civilians, beyond routine BDAs (see 2.1). Over the last two years, it has however created a process for investigating allegations provided by external actors. It has also offered public clarity about how such a report can lead to an assessment ('vooronderzoek') which, in turn, may trigger an investigation ('intern onderzoek'), and the timeframe between each step during which the MoD will report its progress to Parliament (see 3.1). <sup>32</sup>

From the MoD process with Airwars to review 61 possible allegations of harm from OIR, 22 cases were deemed 'unassessable' because they were not perceived to contain enough information about the victims affected, or the time/place of the airstrike in question. To remedy this, the MoD should publicly clarify the thresholds of information needed to determine whether an allegation merits an assessment and, in turn, when an assessment can trigger a much more expansive, formal investigation. in the first place (see 2.1). This would bring needed clarity and standardisation.

At the same time, the MoD should strengthen its information-gathering tools even at the assessment stage to ensure it does not simply abandon allegations which are perceived to contain too little information; while civilians and third-party actors may not be able to provide the necessary information based on the resources available to them, the Dutch military may be able to secure more information. Consideration for how this will be done in the Netherlands is particularly important in light of constraints on social media monitoring – due to Dutch privacy laws.

## 2.4 Data management U

*Tracking mechanisms have reliable access to accurate information and sufficiently detailed records about military operations (e.g., troop movements, airstrikes, incident reports). Incidents and analyses are properly archived and retrievable years later.*

In 2025, the MoD launched a section of its website that contains an overview of all allegations of harm that have been submitted externally, whether they were found credible or not, demonstrating that this information is now collated centrally.

During 2025, the MoD also announced a commitment to improve information-sharing capabilities between missions and the Directorate of Operations – currently acknowledged as being insufficient – through the development of an IT system that stores information related to arms deployments like decision-making processes, weapon selection decisions, and operational outcomes. <sup>33</sup> In 2025, the MoD announced it wants to revise the AAR format to be more informative about Dutch arms deployments and the potential occurrence of civilian casualties in its communication with the PPS. <sup>12</sup>

In 2023, the MoD followed best practice set by its allies and retroactively published its dataset of all OIR operations, giving important insight into the records that are kept on military operations, and allowing independent monitors to cross-reference this data set with archives of civilian harm. <sup>35</sup> This

should be institutionalised and released on a weekly basis during future operations, as has been done by others in the past.

These improvements build on stark criticism in recent years for shortcomings in the MoD's archiving- and data management practices. In their 2025 report, the Sorgdrager commission concluded that the MoD's data management practices are inadequate, with unclear policies regarding the classification and retention of state secrets, as well as careless storage practices, which was demonstrated when critical BDA footage of the 2015 Hawija airstrike was assumed lost, only to be found years later in early 2025 at a military airbase (for more information, see the textbox 'Lost and found: Hawija F16 footage').<sup>36</sup> The commission further found that the Netherlands did not systematically analyse or archive lessons on its experiences striking specific targets.<sup>37</sup> Important commitments made on this in 2025 are promising, especially in terms of a new IT system to manage data; it will only be possible to make an evaluation of this once it has been created and implemented.

The Sorgdrager commission also described how the squadron commander responsible for the Hawija airstrike simply reported 'NO' instead of 'UNK' (unknown) for possible collateral damage or civilian casualties in records like AARs, which meant there was no further investigation. When questioned, the commander was unable to specify under what circumstances 'UNK' would be appropriate.<sup>38</sup> This practice does not comply with Dutch formal procedures. An internal investigation regarding his performance has since been launched, but this report will not be made public.<sup>39</sup>

## **Textbox 8**

### **Lost and found: Hawija F16 footage**

The report by the Sorgdrager Commission, published in January 2025, contained a remarkable fact. It described how Dutch F16 footage, taken the morning after the 2015 strike on Hawija, was lost and likely "overwritten" because its contents were considered irrelevant.<sup>40</sup> In March 2025, Dutch newspaper *De Volkskrant* published a reconstruction of how the footage could have gotten lost, also describing – based on witness interviews – how the video showed the destruction to the targeted area and surrounding residential neighbourhoods.<sup>41</sup> Soon after the newspaper publication, the MoD found the footage at its Leeuwarden airbase, and the images have since been shown to Parliament and have become public.<sup>42</sup>

A new Commission of Inquiry, led by Harm Brouwer, has been launched to investigate how this could have happened; its findings are expected in 2026.<sup>43</sup> The Sorgdrager Commission meanwhile reported it was "unpleasantly surprised" by this discovery, which it interprets as withholding a crucial source.<sup>44</sup> Having seen the footage, it felt compelled to adapt some of its initial findings in the January 2025 report, concluding that the AAR should have mentioned the risk of civilian casualties and that the PPS should have been informed of this suspicion immediately, so that it could launch its own investigation. It further stated that it considered the MoD's collaboration with the commission towards 'finding the truth' to be insufficient.



## 3. INVESTIGATIONS EL

*Formal inquiries (often in the form of administrative or criminal investigations) that can be used to elucidate facts, to understand the cause of harm, to identify relevant state and/or individual responsibilities, to facilitate the appropriate response and/or remedy, and even to exonerate.*

The Netherlands' approach to civilian harm investigations reveals a strong commitment to investigating reports that are submitted to the MoD which are found plausible at the assessment stage. The MoD's most recent and ongoing investigation into a possible civilian casualty incident related to Dutch military operations shows a strengthened methodological approach, and a willingness and ability to conduct fieldwork and engage with external (non-military) sources of information, which sets it above its peers. The MoD reports both completed assessments, and the start of an investigation and its outcome to Parliament and on its website.

However, Dutch investigation procedures are not public, making it difficult to assess their quality and the level of their standardisation. Additionally, the government could be more transparent regarding the (threshold) criteria it employs to determine whether an assessment or investigation is found to be 'more likely than not'.

### Textbox 9

#### Key changes 2025

- The MoD has publicly confirmed the existence of a Secretary-General instruction concerning the investigation of possible civilian casualties as a result of use of force. The contents of this instruction are classified. [45](#)
- In March, the MoD provided an update of its (at the time still ongoing) investigation into a potential civilian casualty incident caused by Dutch arms deployment in Mosul in 2016. In an important example of best practice, the MoD reported that a visit to Iraq and witness interviews had been a part of its approach. \*This investigation was concluded in 2026, more information can be found here. (LINK)
- In parallel to the MoD investigation, the Public Prosecution Service (PPS) conducted its own, independent investigation into the 2016 Mosul incident. In April, the PPS published its findings, concluding that Dutch military action had "in all likelihood" caused seven civilian fatalities.
- In March, the MoD reported on the outcomes of the assessments it had conducted for 61 allegations of possible civilian harm brought forward by Airwars, none of which triggered an investigation. 39 cases were excluded because they did not match Dutch airstrikes, 22 were deemed 'unassessable' because they were perceived to contain too little information.
- The MoD has indicated that it will revise the After Action Review (AAR) format to be more informative about Dutch arms deployment and the potential occurrence of civilian casualties,

to better inform the PPS as it determines whether it wants to undertake additional actions, such as an investigation. [46](#)

## **Recommendations**

### **Establish clear standards for assessments**

- The MoD should publish its methodology for assessing the credibility of civilian harm reports. This will ensure consistent criteria for initiating investigations and enhance public understanding. This framework should be standardised across operations and include criteria for evaluating external reports from NGOs, media and other open sources.
- The MoD should develop and institutionalise a methodology for securing more information and ensuring that all possible sources are taken into account, in allegations that are initially deemed too vague to assess. This can be through geolocation of available documentation, witness interviews of those reporting harm, etc.

### **Publish key elements of the investigation methodology**

- The MoD should publish key elements of its investigative methodology for transparency and accountability purposes. These should include under what circumstances site visits and witness interviews will be pursued, how and when open-source information can be consulted, and how the MoD plans engagement with third party actors. It is also recommended that the MoD publishes its system for determining the credibility of reports, including threshold criteria and the terminology used on whether an allegation is 'confirmed'/'unconfirmed'.

### **Further increase transparency and standardisation in public reporting**

- The MoD should set standard requirements on its investigations. As a rule, these should include an overview of the investigation process, evidence consulted, legal and factual findings, and recommendations for preventing future harm as well as a detailed consideration of the possible provision of amends. The MoD's interim update on its Mosul (2016) investigation can be used as a template. Such standardised public reporting will ensure that lessons are learned and incorporated into future operations and that victims have access to facts.

### **Improve interaction between investigations and response mechanisms**

- The MoD should develop a formal, transparent process to ensure that investigation findings are directly linked to response mechanisms, including ex-gratia payments and operational

changes.

### 3.1 Investigates all credible reports EL

*Promptly investigates all credible reports of civilian harm, whether or not it is immediately clear that a violation of international law has occurred. Obtains relevant information from all internal, and, to the extent feasible, all external sources.*

The MoD is committed to investigating allegations of harm reported to the ministry that it finds plausible. When an allegation is made, the MoD first conducts an assessment ('vooronderzoek') to determine whether the incident occurred at a time and location that corresponds with Dutch military operations, and whether there is indeed a possibility of civilian harm. If so, the assessment triggers a more elaborate investigation ('intern onderzoek').<sup>47</sup> In 2025, the MoD reported on its investigation procedure through a letter to Parliament. The accompanying flowchart demonstrates that a formal investigation will, as standard practice, lead to a letter to Parliament and a mention of the investigation on the MoD's civilian casualties webpage. The PPS carries out its own, independent investigations.<sup>48</sup>

In 2025, the MoD provided an update of its investigation into a possible civilian casualty incident in Mosul in 2016, reporting visiting Iraq in 2024 – alongside the PPS – for witness interviews, and the consultation of open-source information and coalition materials.<sup>49</sup> The PPS has since concluded that Dutch military action "in all likelihood" caused seven civilian deaths.<sup>50</sup>

As described above, in 2025, the MoD also reported the assessment outcomes for 61 civilian harm allegations raised by Airwars. These did not trigger investigations: Often, Dutch involvement could be ruled out definitively. In other cases, the MoD did not believe it had sufficient information to come to a determination; when this was the case, the MoD did not independently seek more information, e.g. through open-source analysis.<sup>51</sup>

Despite progress, some limitations remain. While the MoD confirmed the existence of a 2023 Secretary-General instruction concerning civilian casualty investigations, this remains classified, complicating external oversight of the quality of MoD investigations.<sup>12</sup> During the assessment stage, the MoD further faces restrictions in proactively consulting open-source information like social media due to stringent privacy laws. In the past, the MoD is known to have used an unrealistically high standard of proof regarding possible civilian casualties, sometimes obstructing the occurrence of an investigation, such as in the case of Hawija, according to the Sorgdrager Commission.<sup>53</sup>

Where the Netherlands has to rely on internal information like BDAs and AARs, this has limitations because these formats contain limited information and are not designed for tracking civilian harm (see 2.1). Finally, there are concerns over Dutch access to information gathered by military allies, demonstrated by the US' refusal to share certain information regarding the Hawija airstrike both before and after the airstrike which caused significant harm.<sup>54</sup>

## 3.2 Conducts witness interviews and site visits L

*Investigating officers conduct site visits and/or conduct witness interviews or provide reasons why doing so is infeasible. If this is infeasible, there is clarity on how evidentiary gaps will be addressed.*

The Netherlands has a mixed track record of conducting witness interviews and/or site visits. This was relatively common practice during ISAF in Afghanistan, where Dutch troops were deployed on the ground; it then disappeared almost entirely with the shift to air-based campaigns like OIR in Iraq and Syria. However, in 2025, the MoD reported that its most recent investigation into a possible civilian harm incident in Mosul in 2016 encompassed sending a team of investigators to Iraq in 2024 to speak with witnesses, potential survivors and relatives, and local authorities. <sup>49</sup> This hopefully signals a return to what are internationally regarded as best practices for civilian harm investigations. A PPS investigation into this same incident has, in April 2025, concluded that Dutch military operations “in all likelihood” caused seven civilian deaths. <sup>56</sup>

Without a publicly available investigations framework or policy, it is unclear whether such thorough investigation techniques are now institutionalised, trained, standardised, and adapted to different types of operations. In communications to Parliament regarding the Hawija case, the MoD repeatedly raised factors that it perceived as hindering on-the-ground investigations, such as “the fact that the dead are buried very quickly in Muslim communities, incompletely maintained population registers and in some cases difficulties in distinguishing afterwards between civilian victims and ISIS fighters”. <sup>57</sup> Yet, no information was provided on how to systematically and consistently overcome such challenges, for instance through consulting independent monitors and local trusted actors to facilitate verification and address some of these evidentiary gaps.

## 3.3 Reports of investigation EL

*Reports of investigations include a description of the process followed, the evidence consulted and included (including witness statements), information about its factual and legal findings, and recommendations for preventing a recurrence of civilian harm.*

The Netherlands has a strong procedure in place to report on the start and end of civilian harm investigations, both towards Parliament and by publishing information on a dedicated webpage. The website contains an overview of all investigations, both those carried out by the MoD and by independent Commissions of Inquiry like the one led by Winnie Sorgdrager (see the ‘Sorgdrager report’ textbox). <sup>58</sup>

In March 2025, the MoD provided an update on its – at the time ongoing – investigation into a possible civilian harm incident in Mosul in 2016. This update offered an uncommonly detailed insight into the investigative means that are being used. It mentioned a 2024 MoD visit to Iraq to speak to witnesses and local authorities, as well as the MoD consulting open-source and coalition materials. It further mentioned that the MoD is keeping all Iraqi parties informed of its progress. <sup>49</sup> Additionally, the MoD reported about its progress with 61 assessments of possible civilian harm incidents related to Dutch military action, raised by Airwars. The assessments’ outcomes are reported on the MoD’s webpage, along with few other details. These assessments have been conducted by a team of

operational experts from the Royal Netherlands Air Force, and reviewed by MoD legal, operational and policy experts. <sup>60</sup>

The Mosul progress update may be indicative of new, stronger Dutch reporting standards on investigations, which should be codified in a central CHMR policy to ensure it remains the practice in the future (see 3.2). In the past, reports generally contained minimal information, often leaving out key details like the evidence that was consulted or the investigative methods that were used. Without having in place public standardised guidelines or a policy, there is a risk that reporting practices remain uneven or deteriorate in the future.

### 3.4 Interaction with response mechanisms E

*Investigations connect meaningfully to response mechanisms. Civilians who report incidents are informed of the possible response they can expect from the state. Acknowledgements of harm following the conclusion of an investigation address the next steps in terms of amends.*

In both the incidents of civilian harm that the Netherlands had acknowledged by 2025 (the 2015 airstrike in Hawija and the 2015 airstrike in Mosul) it had pursued some form of response in the form of acknowledgement, apologies, and funding granted to INGOs. A third case remained under investigation throughout 2025 (a 2016 airstrike in Mosul) (see 3.1, 3.2 and 3.3). In both the instances where a response was given, this came many years after the original incident and under some pressure from those affected, media outlets, civil society, and Parliament. <sup>61</sup>

In the case of Hawija, over 4 million Euros were granted by the Netherlands to INGOs operating in Iraq. However, media reporting and research by NGOs found that this response was not aligned with survivors' needs or expectations (see 5.1, 5.3, and the Hawija reconstruction textbox). In its response to the Sorgdrager Commission, which found the response in Hawija “too little, too late”, the MoD acknowledged this gap and committed to a second response more aligned with the wishes of those affected. This is promising, especially as the commitment on the new payment included commitments to review lessons from the first response in Hawija; the second response has yet to be implemented.

Beyond these specific incidents, the MoD reported on its investigation procedure through a letter to Parliament in 2025. [[[Ministerie van Defensie. “Stand van zaken intern onderzoek Nederlandse wapeninzet in Mosul, Irak (2016) en rapportage meldingen Operation Inherent Resolve,” March 14, 2025.

<https://open.overheid.nl/documenten/d97bf803-0bb7-47f4-9ee6-cb82e77750d8/file>]]] The accompanying flowchart demonstrates that compensation or redress could – but does not have to – be an outcome of an investigation that determines Dutch responsibility for civilian harm. [[[Ministerie van Defensie. “Bestrijding internationaal terrorisme,” [27925, nr. 984], March 14, 2025.

<https://zoek.officielebekendmakingen.nl/kst-27925-984.html>; Ministerie van Defensie. “Meldingen burgerslachtoffers Irak en Syrië uit 2023: geen aanleiding tot verder onderzoek,” Defensie.nl, March 14, 2025.

## 3.5 Criminal investigations E

*Incidents of a suspected criminal nature are referred to an independent, impartial investigative authority for investigating criminal violations.*

Policy dictates that the PPS is immediately informed of incidents where possible civilian harm occurred because of Dutch arms deployment, and can then decide on a criminal and/or factual investigation. <sup>62</sup> The Royal Netherlands Marechaussee (KMar), the Dutch gendarmerie force, further has liaisons embedded within units to report to the PPS on every weapon deployment, sharing all AARs for an independent review of the legality of military use of force. In 2025, the PPS published the findings of its investigation into a 2016 Dutch strike in Mosul, brought to public attention by Dutch media in 2023, concluding that Dutch military action had indeed “in all likelihood” resulted in the deaths of seven civilians. <sup>63</sup>

Earlier in 2025, the Sorgdrager report had exposed gaps in past MoD-PPS interactions (see the ‘Sorgdrager report’ textbox): During OIR, KMar officers embedded in the air force squads lacked training in video analysis, undermining their role as independent assessors. Further, while AARs are the primary trigger for PPS investigations, in the case of Hawija, the Commission Sorgdrager concluded that the MoD failed to follow its guidelines by not including suspected civilian casualties in the AAR, thereby preventing a timely PPS investigation. During its later investigation, KMar officers could not do a field investigation, nor did they have full access to Five Eyes intelligence. <sup>64</sup>

The MoD has indicated, in response to the Sorgdrager report, that it will revise the AAR format to be more informative about Dutch arms deployments and the potential occurrence of civilian casualties towards the PPS. This should enable the PPS to determine whether additional actions, such as an investigation, are necessary. The MoD and PPS are further collaborating on a protocol regarding internal MoD investigations and their confluence with PPS investigations, specifying in which circumstances the PPS investigation will take precedence. <sup>12</sup>

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## 4. PUBLIC REPORTING & TRANSPARENCY EL

*Systems and procedures to ensure that the public and institutions of public oversight are made sufficiently aware of civilian harm, and to protect the right of victims to pursue remedy. Information may be limited or redacted due to privacy concerns for affected civilians, to safeguard other ongoing investigations or for national security reasons, but these reasons should be subject to review.*

The MoD has put clear procedures in place to ensure standardised public reporting on civilian casualties resulting from Dutch military operations, as well as allegations of harm submitted to the MoD that are found to not have been caused by Dutch military action.

To safeguard transparency during and following missions, the MoD has introduced periodic transparency checks to ensure it is as candid about its operations and their possible impact on civilians as it considers possible with regards to personnel, operational and national security. In this regard, the Netherlands is progressive compared to partners and allies.

In 2023, the Dutch MoD released an overview of all airstrikes conducted during OIR against ISIS in Iraq and Syria. This is a vital step towards a more transparent system; it should be standardised and institutionalised to ensure that such reporting occurs on a weekly basis in future operations. Further improvements could be made by also reporting on possible non-physical and reverberating civilian harm, and by being transparent on the criteria the MoD employs when conducting assessments and investigations.

### **Textbox 10**

#### **Key changes 2025**

- After the publication of the Sorgdrager report, the MoD repeated its apology for having previously misinformed Parliament.
- The MoD announced that, for future missions, it will communicate more clearly in Article 100 letters about the nature of the Dutch intelligence position within a coalition, focusing explicitly on any related risks.
- The MoD has committed to always carrying out a transparency test – to check whether more information about its military deployment can be made public – one year after a mission has ended, to ensure transparency is safeguarded post-mission.
- In March, the MoD reported on the outcomes of its assessments of 61 reports of possible civilian harm brought forward by Airwars. None of these triggered an investigation for a combination of reasons; some were found to not have been caused by Dutch military operations, others were perceived too little detail for the Dutch MoD to be able to determine Dutch involvement.
- In March, the MoD reported on its then ongoing investigation into a possible civilian incident related to Dutch military activity in Mosul in 2016. The progress report included detailed information on the employed investigative means.

- In May, the MoD reported to parliament on assessments that had not led to an investigation on the annual so-called 'Accountability Day'.

## Recommendations

### Codify and publish recent good investigative practices

- The MoD's interim update on its investigation of a possible civilian casualty incident in Mosul in 2016 demonstrates best practice in terms of conducting a field visit, speaking to relatives and survivors, and interviewing eyewitnesses. The MoD should publish – to the extent possible – its internal guidance for investigations, to ensure public accountability and monitoring of the level of standards that exist, and their degree of institutionalisation. Recent investigative best practices should become part of this guidance if this is not the case already. The MoD should further require and organise appropriate training for involved staff to ensure do-no-harm- and trauma-sensitive practices.

### Ensure comprehensive civilian harm reporting

- Current reports typically include descriptions of incidents and the general location, which are helpful details. This should be expanded beyond direct casualties, to include the broader effects of warfare on civilians.

### Publicly disclose processes and records

- The MoD has shared some information about targeting procedures and civilian harm mitigation with Parliament. However, it lacks a publicly available definition of civilian harm and detailed transparency regarding its investigative methodologies. Most documents that do include this information are only available through FOI requests, which limits public access. To improve transparency, the MoD should proactively publish its criteria for what constitutes a credible allegation.

### Prepare to implement existing transparency policies in high-intensity conflict

- Although the MoD has introduced policies aimed at improving transparency, these have not been tested in high-intensity conflict situations. Past missions like OIR revealed gaps in communication, particularly in providing public information on (possible) civilian harm. Moving forward, the MoD should ensure that these transparency policies are actively applied in future operations, particularly as the military prepares for more complex and large-scale conflicts.

This would demonstrate a commitment to institutional learning and help mitigate harm in future engagements.

## 4.1 Discloses time and location of operations EL

*Makes public information, to include time and location, of operations including airstrikes, except in circumstances when doing so would place civilians or security personnel at risk.*

In March 2023, the MoD showed willingness to provide transparency by retroactively publishing all its strike data from OIR in March 2023, including the time and approximate location.<sup>35</sup> The MoD then engaged in a detailed review of the evidence of harm related to this strike data submitted by Airwars.

The release of data from OIR showed a need to formalise the reporting of time and location by operational staff, to ensure a consistent terminology is used by all on the areas in which they are operating and the individuals who may have been harmed. Further information should also be included in regular disclosures of information, including relevant details, such as the type of munition that had been used.<sup>67</sup>

The regular release of strike information should be standardised during operations to ensure that such releases do not become personality dependent and that this information is released in a timely manner in the future. It is currently unclear whether the time and location of all future airstrikes will be made public.

The Netherlands has put policies in place that commit it to communicating its expected level of transparency for separate military operations before they commence. During missions, obligatory transparency checks will be used to reassess – at specific intervals – whether this level of transparency can be increased. In 2025, the MoD strengthened this approach by specifically committing to an additional check one year after a mission's finalisation, to ensure it will be as transparent as it considers possible both during and after missions.<sup>33</sup>

In May 2025, during a parliamentary debate, the Minister of Defence reiterated that personnel, operational and national security considerations could potentially impede transparency about future operations.<sup>69</sup> Such reasoning has previously come under criticism from civil society because the cited reasons often remain vague and are not tested by an independent third party, making it unclear whether the maximum level of possible transparency has indeed been reached.

## 4.2 Civilian harm reporting L

*Regularly issues and disseminates reports on civilian harm resulting from military operations that includes an estimate of casualties, the source of harm, the type of harm experienced, and the*

location of the incident(s) and any reasons for discrepancies with estimates or accounts from other sources such as NGOs or the media.

The MoD has committed to reporting on the outcomes of all assessments ('vooronderzoek') into civilian harm on its website, upon completion of the assessment in question. The MoD also reports on allegations received annually by sending an overview – public by default, confidential when necessary – to Parliament.<sup>70</sup> The MoD issued the first such report in May 2025 on 'Accountability Day' ('Verantwoordingsdag'). In March, the MoD reported specifically on the outcomes of 61 OIR-related assessments and its investigation into a possible civilian harm incident in Mosul in 2016 which was ongoing throughout 2025 (see 3.3).

The step-by-step approach (2022) requires the MoD to include specific civilian casualty risks and related mitigation measures it seeks to take *prior* to military missions in Article 100 letters. This policy also ensures that transparency *during* and *after* missions is checked periodically (see 4.1). Through the EWIPA political declaration, the Netherlands has further committed itself to publishing certain data on civilian harm effects.<sup>71</sup>

The Sorgdrager Commission's report on the Hawija airstrike criticised the MoD for misinforming Parliament about the strike's impact and misrepresenting its subsequent investigation as more formal than it was. [[[Commissie van Onderzoek Wapeninzet Hawija, January 2025.

<https://www.rijksoverheid.nl/documenten/rapporten/2025/01/28/rapport-commissie-van-onderzoek-wapeninzet-hawija>.]]] In March 2025, the MoD formally apologised for having misinformed Parliament. It further conveyed its ambition to develop a Letter of Intent (LoI) with preferred military allies (see 1.1), which could potentially contain agreements regarding (joint) civilian harm reporting practices.<sup>72</sup>

Some caveats remain. The Netherlands does not report on forms of civilian harm other than casualties or on harm caused by coalition partners, and its transparency policies are limited to Article 100 missions. The Netherlands continues to refer to personnel, national and operational security risks as possible reasons to be less transparent, without always making clear what these risks are. Nor do reporting policies specify standards for the information and level of detail that should be included in civilian casualty reports.

## **Textbox 11**

### **Acknowledged civilian casualties during operation Inherent Resolve**

The Dutch contribution to OIR mostly consisted of air support. The MoD has acknowledged civilian harm from two airstrikes to date, with a third incident under investigation throughout 2025.

In 2015, Dutch forces targeted a known ISIS bomb factory in Hawija, Iraq, but were unaware of the amount of explosives stored there, and the airstrike therefore caused a large secondary explosion. According to a report by Utrecht University and NGOs PAX and Al-Ghad League –

based on on-the-ground research in Hawija – the airstrike led to the estimated loss of at least 85 civilian lives.<sup>73</sup> Following reporting by Dutch media in 2019, the case received widespread attention because the Netherlands had long denied being responsible for the airstrike, and the Minister of Defence had on at least one occasion misinformed Parliament about the number of casualties during the Dutch deployment.<sup>74</sup> The fallout from the revelation of Dutch responsibility and the cover-up that had followed led to the so-called Roadmap Process: a series of extensive engagements between the MoD and a consortium of academic and civil society organisations to exchange knowledge and support the development of improved CHMR practices. In the time since, a specific Protection of Civilians team was established in the MoD and important steps have been taken to integrate best practices on CHMR, for instance through the 2020 and 2022 policies (see 1.1).

The Netherlands has also acknowledged causing civilian casualties through a 2015 military operation in Mosul when the army launched an airstrike against an alleged ISIS headquarters, which later turned out to be civilian residences, killing four civilians. One of the few survivors, Mr. Basim Razzo, initiated a search for the truth and public recognition that his killed family members were civilians.<sup>75</sup> It took several years before Dutch responsibility for the airstrike became public knowledge. In 2020, the MoD provided Mr. Razzo with a voluntary payment. His case is a rare instance of compensation offered for civilian harm caused by Coalition airstrikes during OIR.<sup>76</sup>

### 4.3 Public disclosure of process and records EL

*Releases information about mitigation tactics, investigative processes and records to the public whenever possible. Shares criteria used for the 'credibility' assessment and investigation of harm allegations.*

The MoD has strong policies to facilitate operational transparency. The MoD informs Parliament of the start and outcome of investigations and, in 2025, started publishing assessment outcomes. These outcomes specify whether the MoD considers it possible that the assessed incident has indeed resulted in civilian harm caused by Dutch operations and, thus, whether an internal investigation will be launched or not (see 3.3).

Article 100 letters must include mission-specific information about the transparency, investigation and compensation regime used by the Netherlands and/or the coalition.<sup>77</sup> Following Hawija, the MoD further informed Parliament in some detail about targeting procedures, the Red Card Holder's (RCH) role, and BDA and AAR practices.<sup>78</sup>

In 2025, the MoD expressed that its framing of Dutch military deployment under OIR could, mistakenly, have created the image of a “clean war”, downplaying civilian harm risks and realities. The MoD has stated that for future deployments it will communicate more clearly about the Dutch information/intelligence position within a coalition in Article 100 letters, focusing explicitly on risks, for instance when the Netherlands lacks access to the intelligence of coalition partners. The MoD will

also be clearer about what response(s) civilians harmed by Dutch operations may expect, though specific determinations will be made on a case-by-case basis. <sup>46</sup> In March 2025, the MoD provided a detailed update on its investigation of a possible civilian casualty incident in Mosul in 2016 , and on the outcomes of 61 OIR-related assessments (see 3.3).

The level of information included in civilian casualty reports varies: in the past, reports often omitted key details such as the methodology used to determine the likelihood of civilian harm from a Dutch airstrike. The MoD's latest update regarding its Mosul investigation set an important new standard; if not the case already, this should be institutionalised to ensure it is not lost to changes in personnel or political will.

The MoD can improve its transparency by publishing its definitions of key terminology like 'civilian harm', and by publishing the (threshold) criteria used to determine whether assessments and investigations are 'credible' or not.

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## 5. POST-HARM RESPONSE E

*Efforts to acknowledge and express condolence for harm, to include offers of monetary and non-monetary forms of post-harm assistance.*

The Netherlands has a history of providing amends for harm caused by Dutch arms deployment, including through ad hoc ex-gratia payments and community-level response efforts. Compensation on a voluntary basis is included as a possible outcome of Dutch investigations into civilian harm incidents.

However, there is no standardised response policy or framework. Whether a response will be provided, and if so in what form, remains determined on a case-by-case basis. Recent responses to harm caused during OIR took place many years after the original incident and, in the case of Hawija, the response was insufficiently aligned with victims' needs or expectations. To address this, the MoD has committed to a second community-level response.

### Textbox 12

#### Key changes 2025

- In March, the Minister of Defence formally apologised for the impact of the 2015 airstrike on Hawija, and conveyed these apologies in a call to the mayor of Hawija as a representative of the affected community.
- In March, during a parliamentary debate, the Minister of Defence announced that he would look into additional community-level response projects in Hawija, and expressed his intention to travel there in person if and when the security situation would allow for this. In April, NGOs PAX and Ashor Foundation published their research on Dutch-funded community-level projects that took place in Hawija between 2021-23. Based on interviews with survivors and local stakeholders, they found that the projects had generally not met the needs of most survivors and were not regarded by them as a meaningful form of compensation.
- In the same statement, the MoD announced its aim to develop a Letter of Intent (LoI) between countries with which the Netherlands regularly engages in military missions. The LoI should set out several CHMR-related aspects on which the countries want to have agreements *prior* to a military mission; the MoD wants to make civilian harm response an explicit topic within the LoI.

### Recommendations

**Enable access to amends through standardised policy**

- A comprehensive civilian harm amends policy should be established to enable the effective processing of claims and requests, across different types of operations. This can remain broad to ensure flexibility for both the Dutch MoD and those affected, but the options available to civilians should be clarified. When there is no ground presence, the MoD should allow requests to be processed through embassies, bases, and local intermediaries – in addition to its current online portal – in line with best practice. These processes must be inclusive to various types of harm. Amend schemes should be actively brought to the attention of civilians who report.

### **Implement a comprehensive view of response**

- Future compensation efforts should, as a standard, be informed by the needs and preferences of victims as much as possible. The MoD should always consult affected individuals and communities before implementing compensation projects, ensuring that both monetary and non-monetary forms of compensation are appropriate and culturally sensitive. The MoD's official policies should expand beyond physical casualties to recognise a broader range of harms, such as psychological, social, economic and environmental impacts. This more comprehensive definition of harm would allow for continuous meaningful and effective responses to civilian harm.

### **Emphasise moral responsibility in amends policy**

- While strategic arguments for response can help create buy-in for a progressive amends policy within the military, future policies on amends should include an emphasis on the inherent moral responsibility of recognising and addressing civilian harm across different types of operations, incorporating a full spectrum of responses, including public acknowledgments and formal apologies.

## **5.1 Process for amends** E

*The government implements a functional, timely, and adequately resourced process to receive and process requests and proactively provides monetary and non-monetary amends for harm caused by operations.*

In practice, the MoD has provided compensation in various cases. During ISAF, Dutch troops regularly made ex-gratia payments and expressed in-person condolences to Afghans harmed by their actions. <sup>80</sup> The MoD has further responded to two OIR-related civilian casualty incidents: providing an individual payment to Mr Basim Razzo, who lost several family members because of a Dutch strike, and initiating community-level response projects in Hawija to reconstruct infrastructure and rehabilitate livelihoods. <sup>81</sup>

The MoD has not established a policy clarifying its process or criteria for providing a response, but instead considers voluntary compensation a possible outcome of civilian harm investigations. <sup>47</sup> The step-by-step approach (2022) sets out that Article 100 letters must include an assessment of the compensation mechanism employed by a coalition and/or the Netherlands. <sup>83</sup>

Research by PAX and the Ashor foundation in 2025 found that the projects in Hawija did little to address the needs and expectations of the airstrike victims, and the Sorgdrager report characterised them as “too little, too late” (see 5.3). <sup>84</sup> In response, the government described that it will not consider individual ex-gratia payments, but that it would look into options for additional community-level projects, promising better consultation with local stakeholders and community representatives. The value of this second response will rely on the government’s ability to learn from the limitations identified for its previous efforts. The MoD has also stressed the importance of better agreements with partners on how to respond to civilian harm, specifying that it wants to include it as an explicit topic in the Letter of Intent it is striving for with several military allies (see 1.1). <sup>46</sup>

The MoD thus has some practice of providing amends for civilian harm caused by its operations but lacks a standardised framework or approach. Consequently, Dutch amends practices are determined on a case-by-case basis, which risks leaving civilians in the dark on what they can expect, or disappointed with the outcome, as has been the case for many survivors of the Hawija airstrike.

### **Textbox 13**

#### **Hawija reconstruction projects**

In response to the 2015 airstrike in Hawija, Iraq, the Netherlands initiated community reconstruction efforts in 2020, spending over four million euros. IOM and UNDP implemented the projects to restore essential services like the electrical grid, and to rebuild damaged storefronts. <sup>86</sup> The projects are a rare example of a state seeking to amend for other forms of harm than direct civilian casualties. However, they have not been well received by many of the airstrike’s survivors, for a number of reasons. There was, for instance, only limited overlap – some survivors and local stakeholders estimate no more than 15 percent – in the projects’ beneficiaries and those impacted by the airstrike. <sup>87</sup> Many also felt that the projects did not address the severe harm that the airstrike had caused, such as losing loved ones, sustaining permanent and life-altering injuries, or losing their houses and all of their belongings.

Furthermore, while the MoD initiated the projects in response to the airstrike, this was not directly communicated to the airstrike’s survivors in Iraq, many of whom remained unaware of this connection. As such, survivors interviewed by NGOs PAX and Ashor Foundation have indicated they do not regard the projects as a meaningful form of making amends. <sup>87</sup> Many, instead, indicate their need for individual compensation. <sup>89</sup> Finally, the project implementers – Iraqi departments of IOM and UNDP – enjoy little legitimacy in this area of Iraq and some of their programmes have been accused of corruption. <sup>90</sup> Combined, all this has led to

perceptions that the projects are top-down in nature, lacking the community-driven focus essential for genuine recovery and resilience.

## 5.2 Acknowledgement EL

*The government publicly acknowledges responsibility for harm.*

The Netherlands typically acknowledges responsibility for civilian casualty incidents through letters to Parliament, but such reports have mostly come after revelations in the media rather than through internal reporting or monitoring processes. Such letters may also contain language expressing sympathy and condolences to the victims of Dutch operations. The Netherlands does not have a framework or consistent practice in place of offering acknowledgements, including condolences, directly to harmed civilians. Acknowledgements may also be provided years after the incident's occurrence, as was the case in the Hawija and Mosul cases, which both happened in 2015 but were publicly acknowledged only in 2019 and following reporting by media. <sup>91</sup>

Promisingly, in 2025, the Dutch Minister of Defence issued a public apology for the harm that was inflicted through the 2015 Hawija airstrike, and also conveyed this apology directly to the mayor of Hawija as a representative of his community. <sup>15</sup> In a Parliamentary debate in May 2025, the minister further expressed an intention to visit Hawija himself if and when the security situation would allow for this. <sup>93</sup>

## 5.3 Comprehensive, victim-centred condolence E

*Policies governing the offer and provision of condolences should be broadly defined, culturally appropriate and sensitive to local needs as defined by those affected.*

The MoD has responded to civilian harm in various ways, sometimes addressing direct forms of harm, at other times addressing reverberating forms. In ISAF, for instance, the military made some ex-gratia payments to compensate for loss of livelihood caused indirectly by Dutch operations; <sup>94</sup> and the Hawija reconstruction projects were intended to address some reverberating impacts of the 2015 airstrike by restoring shops and electricity infrastructure. While these projects were developed and implemented, the MoD promised this would occur “in close consultation with the community” <sup>95</sup>

In 2025, NGOs PAX and Ashor Foundation published the findings of a research into the perceptions of the community-level projects in Hawija, based on interviews with survivors and local stakeholders. It exposed how those affected by the airstrike generally were not consulted in the projects' design or implementation, were by and large not among the project beneficiaries, and were mostly unaware of the connection between the projects and the airstrike, undermining any potential reparative aspect of these initiatives from the outset. <sup>87</sup> Dutch media and the Sorgdrager Commission reported similar findings, with the latter describing the Dutch response to Hawija as “too little, too late”. <sup>97</sup> In response, the MoD announced it will look into additional projects for the Hawija community, worth circa 10

million euros. The MoD continues to dismiss calls by survivors for individual amends, stating that these are too difficult to carry out so many years after the incident took place. <sup>46</sup>

While the Netherlands thus shows willingness to engage in response practices, it does not always do so in a manner that aligns with victims' needs and expectations. In the absence of a comprehensive response policy or framework, Dutch response practices further remain ad hoc and may therefore vary considerably across contexts.

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## AUTHOR

This analysis was authored by Erin Bijl (PAX, Airwars volunteer), with contributions from Megan Karlshoej-Pedersen (Airwars). Lucca de Ruiter (Radboud University) co-authored the 2024 version of this report, which forms the foundation of the current report. We extend our sincere gratitude to the academics, practitioners, officials, and members of civil society who provided peer reviews and valuable feedback.

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