
**ADDRESSING CIVILIAN CASUALTIES:
AN IMPLEMENTATION PLAN FOR A CIVILIAN CASUALTY
MITIGATION TEAM AND RECOMMENDATIONS FOR THE
GOVERNMENT OF AFGHANISTAN**
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This study was submitted to the Government of the Islamic Republic of Afghanistan and NATO's Resolute Support Mission. The full report is not public.

I. EXECUTIVE SUMMARY

The Government of the Islamic Republic of Afghanistan (GIROA) is fighting armed opposition groups (AOGs) that threaten the stability and peace of the nation. Since the Afghan National Defense and Security Forces (ANDSF) assumed full responsibility for security after NATO's International Security Assistance Force (ISAF) mission ended in December 2014, these AOG have engaged in an unprecedented volume of attacks. ANDSF have sustained high casualties, up more than 50% in the first half of 2015 compared to 2014.¹

The ongoing fighting has caused large numbers of civilian casualties. AOG are responsible for the majority of these. Nonetheless, ANDSF operations have also led to civilian casualties. According to the United Nations Assistance Mission in Afghanistan (UNAMA), around 15% of civilian harm in the first six months of 2015 was attributable to the ANDSF, whereas 70% was caused by AOG.²

Of course determined efforts must be directed at reducing the high number of civilian casualties caused by AOG. Yet it is at least equally important to establish effective procedures and response mechanisms within the ANDSF to minimize civilian harm. This is necessary for moral, legal, practical, and strategic reasons. The moral imperative to protect its own population has been repeatedly emphasized by GIROA at all levels. Legally, such measures allow ANDSF to strengthen adherence to international humanitarian and human rights law as well as ensuring compliance with domestic legal obligations. Practically, it is easier for the ANDSF to reduce civilian casualties resulting from its own operations than to influence enemy behavior. Strategically, the legitimacy and sustainability of GIROA will often depend on the ANDSF's ability to (i) minimize harm to the civilian population resulting from its operations, (ii) respond appropriately in the event of such harm, and (iii) make credible efforts to proactively protect the population.

The Afghan leadership has made clear that addressing the issue of civilian harm is a key priority and has identified a clear strategic duty to protect civilians and prevent civilian casualties. In March 2015, the President of Afghanistan Ashraf Ghani said, "To defend and protect this country, there is need for legitimate use of force. Using illegitimate force, harming civilians and violating the rights of people weaken the legitimacy of our state."³ In August 2015, the Presidential Palace announced that the government was considering a comprehensive plan to review current operational procedures to prevent civilian casualties and assist conflict victims.⁴ The Office of National Security Council (ONSC) and the Ministry of Defense (MOD) are working on a

¹ Joseph Goldstein, "Afghan Security Forces Struggle Just to Maintain Stalemate," *New York Times*, July 22, 2015.

² UNAMA, *Afghanistan: Mid-Year Report 2015 Protection of Civilians in Armed Conflict*, August 2015.

³ Remarks by President Ashraf Ghani at Marshal Fahim National Defense University, March 18, 2015.

⁴ Remarks of the President of Afghanistan to the National Security Council, August 28, 2015 cited in "Ghani Issues New Combat Orders to Curb Civilian Casualties," *Tolo News*, August 28, 2015, <http://www.tolonews.com/en/afghanistan/21128->

dedicated “Civilian Casualty Prevention Policy” in order “protect civilians and prevent civilian casualties during combat activities.”⁵

In order to better translate this commitment into practice, the GIRoA, together with its international partners from NATO’s Resolute Support Mission (RS), requested the Center for Civilians in Conflict (CIVIC)⁶ undertake the present study in order to identify concrete measures which would assist it in minimizing civilian harm and operating effective response mechanisms. GIRoA is also working with UNAMA in trying to address the concerns about the high civilian death toll raised in the annual UNAMA report on the protection of civilians in armed conflict.

At present, there remain significant gaps in GIRoA’s ability (both at the national and at the local level) to track civilian harm, conduct analysis, investigate allegations, manage incidents, and provide assistance to victims of harm.

Underreporting is a real issue, with officials acknowledging that ANDSF-caused harm is often reported either inaccurately or not at all. Nor are many of the reports sufficiently detailed to allow for reliable attribution of incidents or proper analysis of the causes in order to identify mitigation strategies in the future. There is only limited “reach-back” and initial reports are often not subjected to sufficient further inquiry or scrutiny before becoming part of the record. Further, while at present there is some analysis of the data gathered, there is considerable potential to develop the range, depth, and quality of outputs.

Similarly, there is a need to strengthen the existing mechanisms for dealing with allegations of civilian harm and assisting civilian victims of the conflict. Investigation and response procedures need to be standardized and implemented consistently across different ANDSF units around country. All allegations against ANDSF should be addressed by either dispelling false claims or properly responding to genuine ones. Existing financial assistance programs for conflict victims need overhaul in order to become more streamlined and effective.

None of these issues are insurmountable. Before security responsibility transitioned to the Afghan authorities, ISAF underwent a similar process. Early initiatives to minimize civilian casualties in Afghanistan, such as the “Karzai 12” rules for approving operations

⁵ Draft Ministry of Defense, Civilian Casualty Prevention Policy (August 2015) on file with CIVIC (original in Dari).

⁶ CIVIC is a non-profit organization registered in the United States and has been working on civilian protection and harm mitigation and advising militaries and armed actors since 2003. In Afghanistan, CIVIC has worked directly with ISAF on consequence management and civilian casualty mitigation, wrote NATO’s non-binding guidelines on Amends for Afghanistan, co-authored the US Army’s Civilian Casualty Mitigation Doctrine, contributed to the CALL Afghanistan Civilian Casualty Handbook, developed consequent management training modules for ANDSF used by NTM-A. CIVIC has worked with US Senator Leahy to create the Afghanistan Civilian Assistance Program (ACAP I, II, and III) (non-monetary assistance program to help conflict victims in Afghanistan). CIVIC has also undertaken comprehensive analysis of ISAF condolence payments program as well as GIRoA’s civilian harm assistance programs in various public reports. For the African Union Mission in Somalia (AMISOM), CIVIC undertook an assessment on causes of civilian harm, co-wrote AMISOM’s indirect fire policy, and wrote an implementation plan to set up a Civilian Casualty Tracking Analysis and Response Cell (CCTARC), and created the CCTARC which became operational in 2015.

in 2005 and the initial Tactical Directive issued by the Commander of ISAF (COMISAF) in 2007 were well intentioned but not successful in reducing casualty numbers. Several high-profile, high-casualty incidents between 2007 and mid-2009 highlighted ISAF's lack of progress in effectively addressing the issue of civilian casualties.

A number of high-profile incidents served as an impetus for further concerted efforts to reduce civilian casualties by ISAF and other international forces. ISAF leadership began to clearly and consistently emphasize the importance of reducing civilian casualties, and ISAF modified its policies and procedures to that end. This included implementing measures that gave its forces the capacity to track, investigate, analyze and respond to incidents of civilian harm more effectively. The reporting and tracking measures in particular set the foundation for an evidence-based approach to civilian harm mitigation, which resulted in reducing civilian harm from ISAF operations.

The protection of civilians during armed conflict in Afghanistan ultimately rests with GIRoA. By adopting recent operational best practices and drawing on lessons previously developed in Afghanistan, it can achieve concrete improvements to civilian protection. The present report outlines steps that can be implemented to effect this.

CIVIC advocates the adoption of a comprehensive approach to the reduction and mitigation of civilian harm. After discussing GIRoA's current processes and capacities in respect of civilian casualties, the report sets out recommendations to address the challenges identified. The recommendations are supplemented by several detailed Annexes.

In particular, the report focuses on the creation of a designated Civilian Casualties Mitigation Team (CCMT) to take the lead in order to provide the Afghan Government with an effective national-level capacity to:

- Track and record incidents and allegations of civilian harm, providing accurate data and civilian casualty trends.
- Analyze information to support ANDSF planning, operations, and training with evidence-based:
 - a. Input into military planning and decision making as well as training regimes; and
 - b. Tactical guidance (lessons identified) on minimizing civilian casualties.
- Oversee responses to individual incidents, ensuring that civilian victims of the conflict receive recognition and amends for their losses, while countering false allegations and propaganda.
- Better assess and support GIRoA's efforts for the proactive protection of civilians.

A similar centralized CCMT capacity proved critical to ISAF's efforts to reduce civilian casualties and is likely to be of comparable benefit to GIRoA. A basic civilian tracking unit already exists within the Presidential Information and Coordination Center (PICC),

now known as Tawhid (unity), the national security coordination cell within the Presidential Palace in Kabul. With the benefit of dedicated additional training and resources, and adoption of the measures described herein, the Tawhid civilian casualties unit could be built up to take on the more comprehensive role of a full CCMT.

The efficacy of any CCMT, however, will also depend on broader reforms to how the ANDSF investigates and reports civilian harm. As such, this report also contains further recommendations intended to provide a roadmap for implementing these recommendations and translate GIRoA's intent on prevention of civilian harm into action.

II. PURPOSE OF STUDY

This study was undertaken to (i) assess current civilian casualty tracking and mitigation capabilities within GIRoA and (ii) provide GIRoA and the ANDSF with an implementation plan for establishing an effective system to track, minimize and address civilian harm, including in particular the creation of a CCMT. The report also identifies certain operational recommendations⁷ in order to illustrate the role the CCMT might take in delivering an evidence-based approach to civilian harm mitigation.

It is important to note that AOG rather than ANDSF or international forces cause the majority of civilian casualties in the current conflict in Afghanistan. This study however, focuses specifically on improving GIRoA's capacity to track, minimize and address civilian harm caused by its own forces. This reflects the political imperative set by the Afghan leadership and its stated intention to protect its population from the impact of the conflict within the context of operational realities.

⁷ Based upon insights from study interviews and data-driven recommendations from past studies conducted for ISAF and U.S. forces.

About Center for Civilians in Conflict

Center for Civilians in Conflict (CIVIC) works to make parties to a conflict more responsible to civilians before, during, and after armed conflict. We are advocates who believe no civilian caught in conflict should be ignored, and advisors who provide practical solutions to prevent and respond to civilian harm.

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