Caring for Their Own:
A Stronger Afghan Response to Civilian Harm
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Executive Summary

As responsibility for security in Afghanistan transitions from international to Afghan forces, civilian casualties remain alarmingly high. In recent years, international forces have taken positive steps to minimize civilian suffering, including offering ex gratia (“out of kindness”) or condolence payments to civilians they harm during combat operations. The Afghan government has also developed programs to provide such payments to civilians suffering from the war. While laudable, this Afghan assistance is plagued by challenges that counteract efforts to ease civilian suffering. More broadly, the capacity of the Afghan government and security forces to prevent and respond appropriately to civilian casualties is woefully underdeveloped. As Afghan forces prepare to take over security operations from international forces, urgent steps must be taken to bolster Afghan systems for responding appropriately to civilian harm.

This report documents and analyzes Afghan policies and practices for addressing civilian harm, focusing on existing mechanisms for investigating civilian casualty incidents and systems for offering condolence monetary payments. It evaluates how and whether these policies and programs work for those they intend to serve—the thousands of Afghan civilians harmed every year as a result of the current conflict. We show that urgent reforms are needed in the Afghan government’s response to civilian harm caused by any warring party, but especially that which is caused by its own security forces. Gaps in the Afghan government’s response are identified, and reforms are proposed.

The impetus for this report is the security transition in Afghanistan. The Afghan National Security Forces (ANSF) have already begun to take the lead in combat operations, and are expected to be fully responsible for securing their country by the end of 2013. While international forces still cause civilian casualties, several reports have examined their policies for responding to the civilian harm they cause; engagement with international forces on this continues. Less attention has focused on the Afghan government and security forces; such research and analysis is needed as the ANSF increasingly do more of the fighting.

1 In this report, the Afghan National Security Forces (ANSF) encompasses: the Afghan National Army (ANA), the Afghan National Police (ANP), the National Directorate of Security (NDS), and state-backed local defense forces, such as the Afghan Local Police (ALP).
Ordinary Afghans have suffered immensely from the conflict that began in October 2001 with 2011 the deadliest year for civilians on record. The Taliban and other armed groups—which have taken few meaningful steps to protect civilians—are responsible for the overwhelming majority of these casualties. International forces still account for numerous instances of civilian harm, but have significantly reduced the number of civilian casualties they cause in recent years. The United Nations Assistance Mission in Afghanistan (UNAMA) reports that the ANSF have thus far caused fewer civilian casualties than other warring parties. However, there are indications this is changing. Further, unless civilian protection measures are prioritized within the ANSF, Afghan forces will likely cause increased civilian casualties as they conduct more combat operations on their own.

There are ethical, strategic and cultural reasons for the Afghan government to strengthen its response to civilian harm caused by its security forces. Basic principles of humanity alone provide sufficient rationale. Even when civilian casualties are accidental, warring parties should take responsibility for their actions. Offering apologies, explanations and some form of assistance, such as monetary payments, demonstrates regret and helps civilians cope with their loss or injury. Beyond ethical reasons, a warring party’s failure to respond appropriately to civilian harm may have negative strategic ramifications, fueling resentment and undermining the legitimacy of the government. Monetary payments offered by international forces and the Afghan government have proved to reduce such resentment, particularly when combined with apologies and some explanation to victims for the harm. Such amends are also consistent with cultural traditions of offering monetary payments for deaths and injuries in Afghanistan.

The Afghan government has already made some commendable efforts to address civilian harm, creating three programs to assist civilians suffering the loss of a loved one or who are injured themselves as a result of the conflict. Monetary payments offered through the President’s “Code 99” fund are the most prominent form of assistance. Single payments are offered to civilians through this fund, including 100,000 Afghans (AFN) (2,000 USD) for war-related deaths and 50,000 AFN (1,000 USD) for injuries. The Ministry of Labor, Social Affairs, Martyrs and Disabled (MoLSAMD) coordinates two other funds that also provide assistance to civilians caught in the conflict. Payments of 1,500 Afghani (30 USD) per month are provided to dependents of civilians killed while those suffering war-related injuries may receive between 750 Afghani (15 USD) and 1,500 Afghani (30 USD) per month. Payments issued through any of these programs will be referred to as “monetary payments” in this report.

Any civilian suffering conflict-related harm caused by any warring party is eligible for help from these assistance programs. As a result, this report analyzes the process by which payments from these programs are distributed to civilians harmed by any warring party in Afghanistan. However, significant attention is devoted to how and whether civilians harmed by the ANSF receive such assistance, as the Afghan government’s responsibility to offer such payments should be greatest when harm is caused by its own forces. While the creation of these programs is commendable, numerous flaws limit the Afghan government’s ability to ease the suffering of its population and garner popular support. The problems begin immediately following a civilian casualty incident, as the ANSF infrequently investigates what happened and who was harmed, leaving many civilians who would otherwise be eligible for monetary payments overlooked. Any investigations that do occur are largely ad hoc. Infrequent reporting of civilian casualties by Afghan forces, poor access in territory controlled by armed groups, as well as the reluctance of some Afghan officials to acknowledge civilian harm caused by the ANSF, all impede investigations.

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4 USD = US Dollars; Currency conversions are also approximations.
Due in part to weak investigation mechanisms, civilians harmed by the ANSF may not receive any help. Among civilians we interviewed for this report, the overwhelming majority that suffered harm caused by the ANSF, or during an armed clash involving Afghan forces, did not receive any assistance from the Afghan government. Complaints to Afghan security officials or provincial authorities by civilians also did not appear to trigger investigations or accountability mechanisms when it occurred. If investigations were initiated, affected civilians we interviewed were not consulted by investigators or informed of the results.

Civilians harmed by other warring parties—eligible for monetary payments under these Afghan Government programs—also face numerous challenges in securing assistance. Many civilians that submit an application do not receive any help. Individuals may file claims only to never hear from Afghan officials managing assistance programs again. Others may not apply because of the unwieldy application process, fears of retaliation from armed groups, or a lack of awareness of Afghan assistance mechanisms.

Few of those who do receive monetary payments are satisfied, owing to frustrations with the process for receiving payments, significant delays in the disbursement of funds, insufficient levels of assistance, or extortion that may occur while trying to get officials to verify claims. Further, little to no coordination between investigation teams and technocrats managing these assistance programs prevents timely payments and meaningful financial support for civilians suffering conflict-related harm.

Urgent reforms are needed to ensure a more effective and comprehensive Afghan response to civilian harm, especially that caused by Afghan security forces. This report is largely addressed to the Afghan Government, though international donors and allies also have a duty and interest to ensure Afghan forces—which they fund and train—avoid civilians and properly respond to the harm they may cause.

Center for Civilians in Conflict makes the following key recommendations, which are explained in more detail at the end of this report:

**To the Government of Afghanistan**

*Develop a comprehensive response to civilian harm, including:*

- Develop procedures with step-by-step instructions detailing how the ANSF should report and respond to civilian casualty incidents, and ensure all forces are trained on this procedure;
- Create professional investigation teams to identify civilians harmed by Afghan forces, contribute to the development of best practices to help the ANSF prevent civilian casualties, and make recommendations regarding specific claims for monetary payments to officials overseeing these programs;
- Create an Afghan Civilian Casualty Mitigation Team responsible for tracking and analyzing civilian casualties, coordinating investigation teams, and managing the response to civilian harm caused by Afghan forces.5

*Improve the efficacy of Afghan government monetary payments, including:*

- Reform the application process and guidelines for monetary payments, ensuring it is simple, transparent, easily accessible to all, including women, and includes a process for notifying applicants of the status of their claims;
- Distribute national payment guidelines to provincial governments, ensure relevant provincial officials are trained on procedures for offering monetary payments, and eventually devolve responsibility for approving payments to a provincial review committee that can meet as needed to approve claims in a timely manner;

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5 In September 2012, Center for Civilians in Conflict provided Afghan officials with a framework that offers guidance for creating an Afghan Civilian Casualty Mitigation Team. Copies are available in English and Dari. See “The Transition to Afghan Security: Civilian Casualty Tracking Framework for the Afghan National Security Forces,” Center for Civilians in Conflict, Internal Policy Memo, September 2012.
• Institute a public awareness campaign to ensure all civilians, but especially more vulnerable segments of the population (i.e. displaced persons and women) are aware of assistance programs, eligibility criteria, and application processes;
• Enhance oversight of payments through regular audits and report allegations of extortion or corruption to Afghanistan’s Office of Oversight for Anti-Corruption;
• Develop a scaled assistance framework for MoLSAMD’s assistance programs to better meet the needs of civilians suffering losses;
• Solicit an independent review of MoLSAMD’s vocational training programs that will offer recommendations towards expanding these programs and ensuring that skills offered better reflect local labor market demands;
• Amend eligibility criteria for monetary payments to enable some recognition and assistance for civilians experiencing war-related property damage or less severe injuries (i.e. not death or permanent injuries).

To the US, other ISAF nations, and donors to the ANSF
Prioritize civilian protection and response measures within the ANSF, including:

• Fund an Afghan Civilian Casualty Mitigation Team for up to five years;
• Establish a formal process for civil society organizations to feed into working groups with ANSF officials on civilian protection and harm mitigation issues;
• Ensure that training for all elements of the ANSF emphasizes the importance of civilian protection and practical steps to take in responding to civilian harm.