



## Civilians at Greater Risk from Pro-government Forces: While peace seems more elusive?

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After a Ramadan stained with violence, peace seems remote. Both sides have intensified the tempo of the conflict, with civilians paying a heavy price. While the Taliban appear to be exercising more care with some tactics that protect civilians, they continue to unlawfully target civilians with others, as recent attacks demonstrate. The US and Afghan forces have increased their military pressure on the Taliban to try to force them to the negotiation table, but, as a consequence, civilian casualties from airstrikes and search operations have soared. Pro-government forces are now responsible for more civilian harm than the Taliban and other non-state groups. The latest data may also point to fewer measures to protect civilians under the Trump administration. AAN's Rachel Reid and Jelena Bjelica look at the changing dynamics of the Afghan war through the lens of the SIGAR's regular quarterly report and UNAMA's first quarterly civilian casualties report for 2019 and ask what it might mean for ongoing peace negotiations.

*A bloody Ramadan*

This Ramadan was a time of mourning for too many families, with the Eid ceasefire of a year ago a distant memory. Over 100 civilians were killed in Kabul over Ramadan, according to UNAMA's latest numbers. Nationwide there were almost 200 civilians killed, according to the Turkish news outlet, [Anadolu Agency](#). On the Monday before Eid, a bus carrying staff to the



Civil Service Commission was blown up in an attack claimed by Islamic State-Khorasan Province (ISKP -Daesh), killing five and injuring [ten others](#). This followed four bombings on Sunday, including one attack targeting a bus carrying students, which was again [claimed](#) by ISKP, killing one and wounding ten. This followed suicide attacks on May 30 and 31 aimed at military targets, both of which killed [civilians](#). UNAMA is investigating another recent attack during Friday prayers at a mosque in Kabul on [May 24](#), where explosives were reportedly planted in the microphone used by the prayer leader, Mawlawi Samiullah Raihan, who was killed by the explosion ([here](#) and [here](#)).

## *A decrease in Taliban-caused civilian casualties*

These attacks cut against a more positive trend. This was evident in the latest United Nations Assistance Mission in Afghanistan (UNAMA) [quarterly report](#). It reported that the overall number of civilians killed by Taliban forces had dropped in the first quarter of the year. This was associated with a reduction in killings from suicide improvised explosive devices (IEDs) by 76 per cent. UNAMA noted a long, cold winter could have been a factor in this drop, but refrained from crediting improved protection measures. However, some observers have noted a multi-year trend towards greater mitigation efforts by the Taliban. That is certainly the claim from the Taliban, who said in a statement released on 22 May 2019:

*as the Islamic Emirate considers this country its own homeland and these people its own nation, it continually takes all necessary steps for drastically reducing civilian losses and continues to reevaluate and improve these measures put into practice.*

*If we glance over the years of our current Jihad, a lot of tactics that have proven effective against enemy forces but also had a high chance of inflicting civilian losses have been abandoned by the Mujahideen.*

However, this claim – to be taking “all necessary steps” to reduce civilian casualties – is directly contradicted by the increase by 21 per cent in targeted killings by anti-government elements; figures also shown in the UNAMA quarterly report. While some of these attacks have been claimed by ISKP, it is not clear-cut whether such claims always reflect reality. The Taliban did claim responsibility for the attack on 8 May 2019 on the Kabul office of a non-governmental organisation, [Counterpart International](#), in which six civilians were killed and a further 28 injured. So, while the trend away from using suicide bombers is welcome, nevertheless, the deliberate targeting of civilians by the Taliban and other groups continues and this is a potential war crime.

The drop in suicide bombings belies an overall uptick in the operational tempo of non-state groups. The Resolute Support “enemy-initiated attacks” count shows that the number of attacks rose considerably, Special Inspector General for Afghanistan Reconstruction (SIGAR) [reported](#). (1) The impact of this increase has been born by the Afghan National Defence and Security Forces (ANDSF), which continue to suffer catastrophic losses. Between December 2018 and February 2019, the number of ANDSF casualties was approximately 31 per cent



higher than the same period one year prior, according to SIGAR:

*The number of casualties incurred from defensive operations has increased by 45 per cent while ANDSF casualties from offensive operations have increased by 21 per cent. USFOR-A also added that almost half of the ANDSF casualties this reporting period occurred during checkpoint security operations.*

Although the exact number of the ANDSF casualties remains classified, according to a report by the Afghanistan Times from 2 [June 2019](#), around 50 government armed forces were estimated killed every day. This is higher than a previously reported estimate of around 25 a day as calculated by the New York Times in [November 2018](#). (2)

### *Increase in the US and Afghan forces caused civilian harm*

UNAMA's reporting had a particularly damning finding for US and Afghan forces: "civilian deaths attributed to Pro-Government Forces surpassed those attributed to Anti-Government Elements during the first quarter of 2019." This significant increase in casualties was driven by airstrikes and search operations. On 23 May, UNAMA tweeted that the "civilian casualty toll from airstrikes in Afghanistan continues to rise" [after](#) releasing preliminary findings about two air attacks that killed 14 civilians, including five women and seven children in incidents in Gereshk district, Helmand, on 20 May; and Chawki district, Kunar province on [22 May](#). Air operations "were the leading cause of civilian deaths" in the first quarter of 2019, the vast majority of which were carried out by the [US](#). The quarterly report said:

*Pro-Government Forces carried out 43 aerial operations in the first quarter of 2019 that resulted in 228 civilian casualties (145 deaths, 83 injured), with international military forces responsible for 39 of these operations resulting in 219 civilian casualties (140 deaths, 79 injured).*

This was the highest number of civilian casualties from airstrikes in the first quarter of any year since the UNAMA began systematically documenting civilian casualties in 2009 and is a continuation of the trend in 2018. In 2018, as [UNAMA reported](#) ([AAN analysis here](#)) 1,015 civilians were killed (536) or injured (479) in aerial operations; mostly by international military forces (632 civilian casualties – 393 deaths and 239 injured). (2) This represented a 61 per cent increase in casualties from this type of operation. US Central Command also confirmed that 2018 was a record for US aerial attacks, with more airstrikes than the previous three years combined, according to the US Air Force's airpower statistics [summary](#). In 2018, the US used 70 per cent more air ordnance than in 2017 (7,362 compared to 4,361; itself a significant increase on the 1,337 in 2016). In the first three months of 2019, the US Air Force reported that they released 1,463 ordnances in air operations (as opposed to 1,186 in the [first quarter](#) of 2018 and 457 in 2017).

### *An American reversal on civilian protection?*

It is significant that the US and Afghan forces are killing more civilians than the Taliban and



ISKP. In asymmetric warfare between non-state groups and states, insurgent groups are often responsible for more civilian harm, since they typically do not have precision weapons, and usually are less concerned with observing international law. The US, in particular, prides itself on its commitment to avoiding civilian harm, as it states in its [Annual Report on Civilian Casualties in Connection With United States Military Operations](#):

*the protection of civilians is fundamentally consistent with the effective, efficient, and decisive use of force in pursuit of U.S. national interests... U.S. forces also protect civilians because it is the moral and ethical thing to do. Although civilian casualties are a tragic and unavoidable part of the war, **no force in history has been more committed to limiting harm to civilians than the U.S. military** [emphasis added].*

The last time international forces were responsible for such high civilian casualties, relative to the Taliban, was in 2008 when civilian harm caused by US and ISAF airstrikes and search operations (including “night raids”) was 40 per cent of the civilian harm delivered by all perpetrators. This killed 828 civilians, with 64 per cent that resulted from [airstrikes](#).

The commander of US and ISAF forces at the time, General Stanley McChrystal, responded robustly to the mounting critiques about civilian casualties by strengthening civilian protection with a host of measures. This included restricting air strikes on residential homes and encouraging commanders to delay strikes with a likelihood of civilian harm, in favour of the next opportunity. These changes contributed to a significant reduction in civilian harm leading to, roughly, a 60 per cent decrease between 2008 and 2013 in civilian casualties attributable to the US and other pro-government forces, despite a “surge” in US troops and operations (see [here](#)). This emphasis on civilian protection received support from the highest levels of the US government. It culminates in an Executive Order on civilian protection from [President Barack Obama](#). The reforms were driven primarily by a belief that civilian harm was undermining the strategic interests of the United States, rather than concerns about the moral or legal impact of the strikes. As General McChrystal wrote in his book *My Share of the Task: A Memoir* (2013): “We’re going to lose this fucking war if we don’t stop killing civilians.” This policy was continued by subsequent US commanders, including David Petraeus, John R Allen and Joseph F Dunford. While General Petraeus is remembered by some for emphasising the right of US personnel to act in self-defence, he also strengthened civilian protection measures by requiring verification of “no civilians present” prior to approving strikes.

The most significant learning of this period is that the US demonstrated an ability to decrease civilian harm, while simultaneously increasing the operational tempo. At the peak of the “surge”, in 2011, there were 187 civilian deaths in the whole year from [airstrikes](#). Today, with 140 civilian deaths from airstrikes already recorded from just the first three months of this year, the 2019 death toll from US air strikes seems bound to exceed that.

Under President Donald Trump, some of this protective pre- and post-strike commitments have been relaxed. He has declared “total authorization” for operations in Afghanistan, Iraq and Syria in [spring 2017](#). Former Secretary of Defense, Jim Mattis, unpacked this in October 2017,



by announcing that two key Obama-era restrictions on airpower that were designed to protect civilians had been [removed](#). First, the 'proximity requirement' that restricted strikes to situations where Afghan or the US supported Special Forces were at immediate (proximity-based) threat from the Taliban or other armed groups, thus widening targeting opportunities. Second, it paved the way to put more American advisors at the brigade or battalion level with Afghan units – it is the commanders on the ground who call in the strikes.

The impact of these changes is visible from UNAMA's data and local media reports on civilian casualties. In January 2019, for example, Pajhwok reported that at least six bird hunters were killed and one wounded in a US forces airstrike in Jalrez district of central Maidan Wardak [province](#). In one incident on 23 March in Kunduz city, international military forces conducted an airstrike in support of Afghan forces on the ground, killing 13 civilians, including ten children and two women, and injured three more civilians, including one child and one woman. In March 2019, Azadi radio reported as many as six civilians were killed in an air operation in Sayedabad district of Maidan Wardak [province](#). This incident led to an anti-government [protest demonstration](#) by locals who temporarily blocked the Kabul-Kandahar highway. ([Another protest](#) against civilian casualties caused in the area had taken part only a month before in front of the local office of the Afghanistan Independent Human Rights Commission.)

### *Search operations by Afghan forces*

During the first quarter of 2019, civilian casualties caused by pro-government search operations (often known as night raids) increased by 85 per cent. UNAMA points the finger squarely at the National Directorate of Security and the Khost Protection Force who were involved in 80 per cent of search operations which resulted in civilian harm. The Khost Protection Force is an irregular militia supported by the CIA, which AAN reported on in January of this [year](#).

*UNAMA reiterates its concern that these forces appear to act with impunity, outside of the governmental chain of command. UNAMA continues to call for more transparency and accountability for these operations, and for the Government of Afghanistan to either disband the Khost Protection Force or formally incorporate members into its armed forces, following a robust vetting procedure.*

The New York Times (NYT) recently published an investigation into CIA-backed forces. This focused on the Khost Protection Force and 02 strike force in Nangrahar; both of which operate with very little oversight by the Afghan government. The Bureau of Investigative Journalism also reported on civilian harm and the impunity of these two forces with a special report into two incidents resulting in multiple civilian casualties in September and [October 2018](#).

A recent search operation in Khogyani district in Nangrahar resulted in a family being shot to death in their car as they tried to leave the area, as they were apparently mistaken for Taliban. The family included a woman and two children. The incident, which took place on May 24, triggered a protest march carrying with the bodies of the dead to [Jalalabad](#).



In March, also in Nangrahar, a local BBC journalist reported on his [Facebook page](#) that the special forces conducted an operation in Hesarak district and killed 12 members of a family, including women and children. The NYT reported local officials saying 13 civilians were killed, quoting US officials blaming civilian shielding. The use of civilian shields, if true, contravenes International Humanitarian Law, but does not negate other obligations of proportionality, distinction and military necessity (NYT report summarised in [BIJ database](#)).

By the end of March 2019, civilian harm was triggering so much public outrage that president Ghani announced on Twitter: “I have ordered ANDSF to either abort or to wait-out a potential target even if a single civilian is present” (see [here](#)). His remarks followed a meeting with his senior security officials and NATO’s [Resolute Support mission](#).

This could be an important shift. It is reminiscent of the spirit of the McChrystal era commitment to exercise “strategic patience” in order to protect civilian life. However, it will be important to see if it is operationalised with new rules of engagement for the ministries of defence and interior as well as the National Directorate of Security.

## *Conclusion*

Operational tempo and civilian harm caused by Afghan and US forces have ebbed and flowed over the last 18 years. (Civilian casualty figures in general have risen almost every year, and the number of civilians killed reached a new record high in 2018.) However, what is significant in the current period is that pro-government forces speak openly about a desire to hit the Taliban hard in order to force their hand in the negotiations, despite the cost in civilian life that this currently entails. The current negotiations are looking far less promising than some had hoped at the start of the year. There has been little to show from the recent meetings in Moscow or Doha (see [here](#) and [here](#)). It remains to be seen if reduced optimism about negotiations, combined with the higher civilian cost, will give the US and Afghan commanders good cause to rethink their strategic assumption and the current operational intensity.

While the Taliban do seem to have reduced the use of direct attacks on civilians through suicide IEDs, they continue to intentionally kill civilians; an egregious crime under international law. The problem on the US and Afghan government side is a dramatic increase in tactics that result in unintended loss of civilian life – airstrikes and search operations. But, even if not intended, civilian harm can often be anticipated and can be avoided. The announcement by President Ghani to prioritise civilian protection is a crucial statement, but it is too soon to detect any change in the behaviour of Afghan forces. As noted above, if part of the problem involves the CIA and covert Afghan forces, this could be a real test of the president’s authority.

(1) According to the SIGAR quarterly report, Afghanistan experienced heightened insecurity over the winter months. This, SIGAR said, was based on “the few remaining publicly available measures of the security situation in Afghanistan,” adding that “the Resolute Support formally



notified SIGAR that it is no longer producing its district-level stability assessment of Afghan government and insurgent control and influence, expressed in a count of the districts, the total estimated population of the district, and the total estimated area of the districts.”

(2) The New York Times (NYT) drew on admission from President Ghani in November 2018 that more than 28,000 Afghan police officers and soldiers have been killed [since 2015](#), and previously released government data that confirmed 5,000 deaths in 2015 and nearly 7,000 in 2016 (while the data were still public and not classified). This means that 16,529 casualties occurred between January 2017 and November 2018. This brought the NYT to the figure of “25 a day or 175 a week — far more than Afghan government officials are usually willing to confirm.”