



Afghan Airstrikes: Good Practices and Challenges to Protect Civilians

About CIVIC

Center for Civilians in Conflict (CIVIC) is an international organization dedicated to promoting the protection of civilians caught in conflict. CIVIC's mission is to work with armed actors and civilians in conflict to develop and implement solutions to prevent, mitigate, and respond to civilian harm. Our vision is a world where parties to armed conflict recognize the dignity and rights of civilians, prevent civilian harm, protect civilians caught in conflict, and amend harm.

CIVIC was established in 2003 by Marla Ruzicka, a young humanitarian who advocated on behalf of civilian war victims and their families in Iraq and Afghanistan. Building on her extraordinary legacy, CIVIC now operates in conflict zones throughout the Middle East, Africa, Europe, and South Asia to advance a higher standard of protection for civilians.

At CIVIC, we believe that parties to armed conflict have a responsibility to prevent and address civilian harm. To accomplish this, we assess the causes of civilian harm in particular conflicts, craft practical solutions to address that harm, and advocate for the adoption of new policies and practices that lead to the improved well-being of civilians caught in conflict. Recognizing the power of collaboration, we engage with civilians, governments, militaries, and international and regional institutions to identify and institutionalize strengthened protections for civilians in conflict.

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CIVIC thanks the Afghan officers who shared their concerns with the hope that reforms can be made.

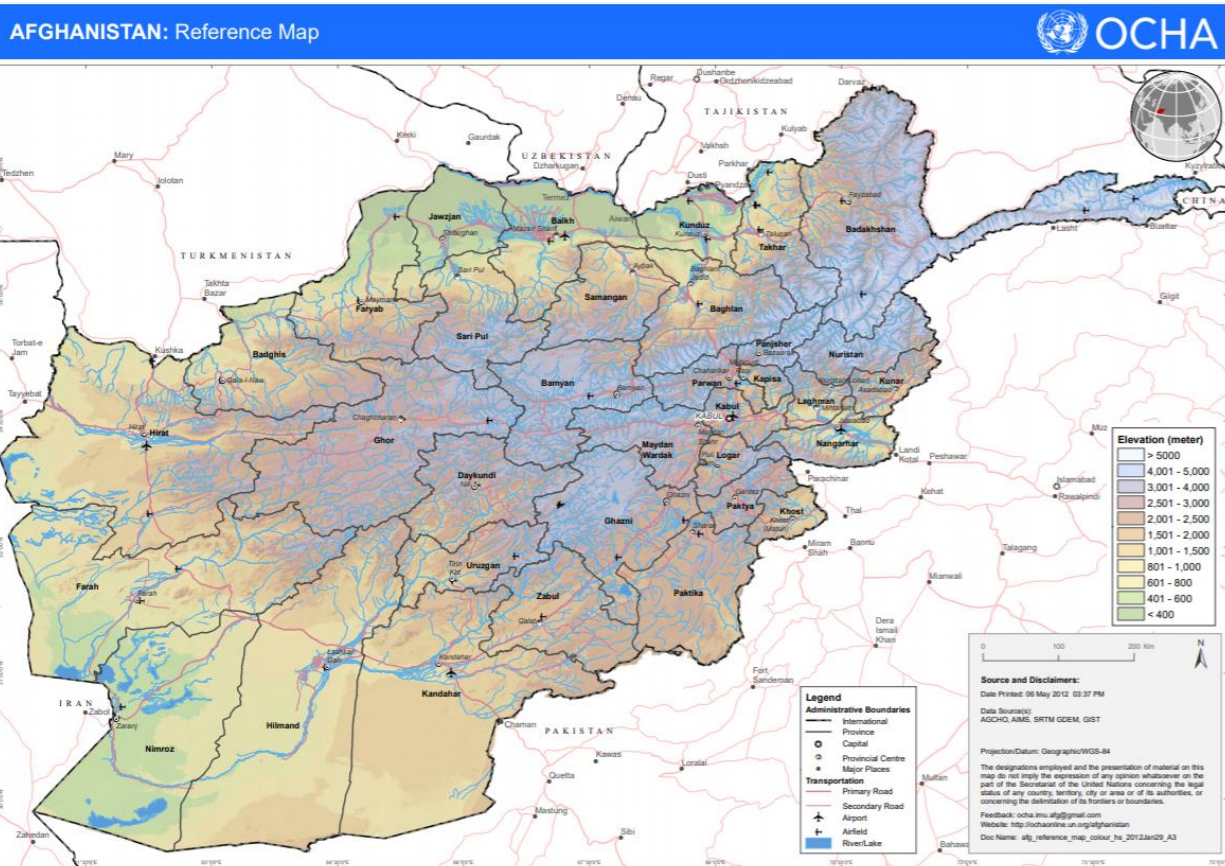
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Cover Photo: *Local residents are gathering in destroyed house targeted by an airstrike in Imam Saheb, Kunduz Province. March 23, 2020. Photo shared by local resident with CIVIC.*



Source: https://reliefweb.int/sites/reliefweb.int/files/resources/map_2347.pdf

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Acronyms

AAF	Afghan Air Force
AAFC	Afghan Air Force Corps
AAR	After Action Review
AIHRC	Afghanistan Independent Human Rights Commission
ALO	Air Liaison Officer
ANA	Afghan National Army
ANDSF	Afghan National Defense and Security Forces
ANP	Afghan National Police
AOG	Armed Opposition Group
ATAC	Afghan Technical Air Coordinator
CAMB	Civilian Casualty Mitigation Assessment Board
CAS	Close Air Support
CDE	Collateral Damage Estimate
CHM	Civilian Harm Mitigation
CIVIC	Center for Civilians in Conflict
DOD	Department of Defense
GPS	Global Positioning System
IHL	International Humanitarian Law
IHRL	International Human Rights Law
IMF	International Military Forces
IS-K	Islamic State of Khorasan
ISR	Intelligence Reconnaissance and Surveillance
LOAC	Law of Armed Conflict
LOW	Law of War
MOD	Ministry of Defense

MPC	Mission Planning Cell
NAP	National Action Plan
NATO	North Atlantic Treaty Organization
NDS	National Directorate of Security
NSC	National Security Council
PID	Positive Identification
POC	Protection of Civilians
ROE	Rules of Engagement
RS	Resolute Support
SIGAR	Special Inspector General for Afghanistan Reconstruction
SOE	School of Excellence
SOP	Standard Operating Procedures
UNAMA	United Nations Assistance Mission in Afghanistan
US	United States
USFOR-A	United States Forces-Afghanistan

Executive Summary

International and Afghan forces increased kinetic operations against armed opposition groups (AOGs) in 2019, resulting in a significant rise in civilian casualties. In 2019, the United Nations Assistance Mission in Afghanistan (UNAMA) recorded 700 civilian deaths and 345 injuries from airstrikes.¹ Likewise, UNAMA's 2020 mid-year report noted that Afghan airstrikes tripled in the first six months of 2020 compared to the same time period in 2019.² Though roughly 72 percent of the airstrike casualties in 2019 were caused by international military forces (IMF), the remainder—around 22 percent (113 deaths and 118 injuries)—were attributed to the Afghan Air Force (AAF).³ In light of these worrisome trends, the Afghan government must ensure that the AAF understands the unique challenges associated with airstrikes and takes immediate steps to mitigate civilian harm arising from aerial operations.

Center for Civilians in Conflict (CIVIC) interviewed Afghan National Army (ANA) ground commanders, AAF personnel, and Afghan Tactical Air Coordinators (ATACs) to better understand targeting practices and policies, and air to ground coordination during operations. CIVIC realizes that most civilian deaths and injuries are caused by AOGs. The Afghan government, however, has publicly committed to and enacted the 2017 Civilian Casualties Prevention and Mitigation Policy (hereinafter “POC policy”) to reduce civilian harm caused by its security forces. CIVIC is also aware that the Ministry of Defense (MOD) is currently reviewing its airstrikes policy. This policy brief offers recommendations to strengthen Afghan policy, practices, and trainings to better prepare forces to achieve their desired goals of protecting Afghan civilians and adhere to international humanitarian law (IHL) and human rights (IHL) obligations.

CIVIC's interviews with ANA officers highlighted good practices undertaken to mitigate civilian harm and operational challenges that contributed to civilian casualties during aerial operations. AAF has a targeting process that takes into account IHL rules on proportionality and distinction as well as methods for assessing collateral damage and rules of engagement (ROE).⁴ ATACs have also been trained and forward deployed to better integrate risks to civilians in the targeting processes. These measures are positive and, when properly implemented, can reduce civilian harm.

Despite these good practices, there are challenges from aerial operations that have led to civilian harm. First, CIVIC found that the vast majority of ANA officers are unaware of the national POC policy or do not have sufficient training to implement it. Second, poor coordination between ground and air forces and an insufficient number of ATACs trained from the lens of civilian protection contributes to civilian harm. Third, many ANA officers use outdated physical maps to give Global Positioning System (GPS) coordinate targets to AAF pilots, which has resulted in civilian harm and fratricide incidents.

Fourth, CIVIC interviews reveal that Afghan National Defense and Security Forces (ANDSF) rely heavily on human intelligence and agents' information to ensure that civilians are not targeted or unduly affected by airstrikes. Nearly every military officer CIVIC interviewed indicated that speaking to community informants is their most commonly used tactic to ensure civilians are not in target areas. While all lawful methods of information gathering should be utilized, an over-reliance

¹ United Nations Assistance Mission in Afghanistan, “Afghanistan Annual Report on Protection of Civilians in Armed Conflict,” (February 2020) (hereinafter “2019 Annual Report”), https://unama.unmissions.org/sites/default/files/afghanistan_protection_of_civilians_annual_report_2019_-_22_february.pdf.

² UNAMA, “Afghanistan Mid-Year Report on Protection of Civilians in Armed Conflict,” (July 2020) (“2020 Mid-Year Report”), https://unama.unmissions.org/sites/default/files/unama_poc_midyear_report_2020_-_27_july.pdf.

³ NATO's Resolute Support (RS) Mission trains, advises, and assists the Afghan National Defense Security Forces, the Ministry of Defense (MOD), and the Ministry of Interior (MOI). US-FORces Afghanistan (USFOR-A) conducts counterterrorism missions against al-Qaeda, the Islamic State of Khorasan (IS-K) and supports the RS Mission.

⁴ Afghan ROE restrict attacks on cultural and historic buildings, religious places, and health care facilities.

on informants is problematic due to potential source biases. The need to cross-check the information with different sources to ensure fidelity of data is often overlooked. CIVIC understands that North Atlantic Treaty Organization's (NATO) Resolute Support (RS) Mission and United States Forces-Afghanistan (USFOR-A) Intelligence Reconnaissance and Surveillance (ISR) assets may not always be available to the ANDSF due to resource limitations. However, frequent use of off-the-shelf surveillance drones to determine patterns of life and support forward observers should be considered.

Fifth, some ANA officers question the air platforms used such as the MD-530 *Jengi* helicopters, saying they are too light for Afghanistan's mountainous terrain and may contribute to civilian casualties.

Finally, there is insufficient learning from prior mistakes during aerial operations that have contributed to civilian casualties. While after action reviews (AAR) contain information on civilian harm, there is a lack of comprehensive assessments of incidents to support analysis of root causes and identify remedial measures to prevent harm.

The Afghan government has enacted good civilian harm mitigation (CHM) practices and the POC policy exhibits the will to mitigate civilian harm. However, more can be done to address the challenges to reduce harm from aerial operations. Below are a set of practical measures, which we hope the Afghan government and ANDSF can enact to reduce civilian harm. We urge NATO's RS Mission to review its trainings and mentoring to the AAF to account for the challenges identified in this brief.

Recommendations

To the Office of National Security Council

Implementation of the Civilian Casualties Prevention and Mitigation Policy

- Develop a concrete and detailed national action plan (NAP) with specific measures, including roles and responsibilities, to prioritize and accelerate the implementation of the POC policy;
- Seek input from key international and national organizations to develop the NAP;
- Disseminate the POC policy and NAP across ministries, ANDSF personnel, local government officials, and stakeholders to build awareness and commitment to preventing civilian harm;
- Write an annual report reflecting on progress implementing the POC policy and NAP and make public the key findings and recommendations.

To the Ministry of Defense

Air to Ground Operations

- Conduct training for ground troops on proper usage of paper maps (including ensuring that updated maps are available and always in use) to provide air to ground GPS coordination to improve targeting;
- Issue a Tactical Directive on aerial operations providing guidance on the commander's intent for the use of force, the POC policy, expectations for mitigating and identifying

instances of civilian harm, and specific considerations for certain target sets and types of engagement. This guidance would also synchronize tactics and procedures between training and operations. Considerations for this guidance should assume the presence of civilians. Observing a building for a period of time and not seeing activity should not automatically provide assurance that civilians are not present. Coordinate with local forces and civilians who have fled the area to ensure no civilian presence to the maximum extent possible.

- Review ROE to reduce civilian harm, clarifying enemy targets and hostile actions that warrant the use of force for offensive and defensive operations;
- Require Positive Identification (PID) for all targets in the ROE. Participants in the fire process, including the ground force controller, the tactical air controller, indirect fire forward observers, and any supporting ISR, should consistently work to confirm the accuracy of PID before the attack to ensure distinction and minimize incidental harm;
- Improve pattern of life capabilities through RS ISR or use of off-the-shelf surveillance drones to better understand the operating environment and the target in order to minimize incidental harm;
- Thoroughly vet intelligence to identify targets and threats. Cross-checking information collected with multiple sources improves the accuracy of target information, guards against biased information from sources, and enables better understanding of civilian patterns of movement. Such information should include details on civilians in proximity to the target to support decision-makers—both Afghan and IMF—on whether or not to engage the target. A targeting committee should ensure proper procedures to question information before authorizing attacks;
- Deploy trained ATACs and effectively use them for all operations, including close air support (CAS) and offensive operations in support of AAF or IMF. Ensure that ATACs' AARs are sufficiently reviewed by command to improve targeting to minimize civilian harm;
- Examine data from dynamic strikes to evaluate what more could have been done to minimize civilian harm, given the higher likelihood of harm from such strikes than pre-planned operations.

To the Office of National Security Council and the Ministry of Defense

Post-strike Assessments and Identifying Lessons

- Instruct all members of the ANDSF to report every death, injury, or incident of property damage during operations up their chain of command for analysis at the Tawheed Center;
- Adopt dedicated templates on reporting civilian casualties and appoint and train personnel to write first impression reports within each unit of ANA, Afghan National Directorate of Security (NDS), and Afghan National Police (ANP). At present, the generic AAR does not sufficiently capture information for CHM analysis;
- Develop standard operating procedures (SOPs) for reporting civilian casualty incidents up the chain of command across the ANDSF;
- Develop SOPs and require that lessons identified from incidents feed into new guidance and/or training to respective units of the ANDSF. Failure to undertake and act on lessons identified undermines the effectiveness of the Tawheed Center's tracking of civilian harm.

To NATO's Resolute Support

- Continue to train and mentor the AAF (including ATACs and ground commanders) on best practices on targeting and air to ground coordination to reduce civilian harm.

Methodology

This report draws mainly on in-depth and semi-structured interviews conducted in Herat, Kandahar, Nangarhar, Kabul, and Balkh provinces with ANA officers, ANA Special Operations Forces (ANASOC), civil society activists, local elders, and family members of victims from Kunduz, Baghlan, and Nangarhar provinces. CIVIC conducted 29 in-person interviews and one phone interview from November to December 2019. For the security and privacy of interviewees, CIVIC has used pseudonyms or withheld the names of those who contributed to this study.

CIVIC's interviews aimed to understand how ground forces coordinate airstrikes, how they observe the POC policy during operations, and what are the AAF's main challenges in protecting civilians. CIVIC also interviewed the AAF in Balkh to understand how they coordinate with ground forces and ensure the safety of civilians during their operations. CIVIC asked civilian interviewees about their experiences with civilian casualties as a result of airstrikes and the effectiveness of aerial operations.

CIVIC reviewed and incorporated data from UNAMA and Afghanistan Independent Human Rights Commission (AIHRC) reports to better understand trends of civilian harm and incident types. CIVIC has not independently corroborated this information, however each organization's methodology is publicly available. CIVIC also reviewed research papers, newspaper articles, and other sources on civilian casualties caused by airstrikes to understand evolving patterns of harm and explanations for the increase in civilian casualties.

Data on Civilian Harm from Airstrikes

UNAMA recorded 308 civilian casualties from airstrikes during the first six months of 2020, of which 61 percent were caused by the AAF and 34 percent by IMF.⁵ In 2019, UNAMA⁶ recorded 1,045 civilian casualties (700 deaths and 345 injuries) from airstrikes, representing a three percent increase compared to 2018 and making 2019 the fifth year in a row that civilian casualties from airstrikes increased.⁷ UNAMA attributed 72 percent of casualties to IMF, which conducted the majority of the operations in CAS of Afghan forces. The AAF was responsible for 22 percent of the casualties.⁸ Notably, UNAMA's mid-year report recorded a tripling of airstrikes attributed to the AAF in the first six months of 2020 compared to same time period in 2019 that resulted in 189 death and injuries.⁹

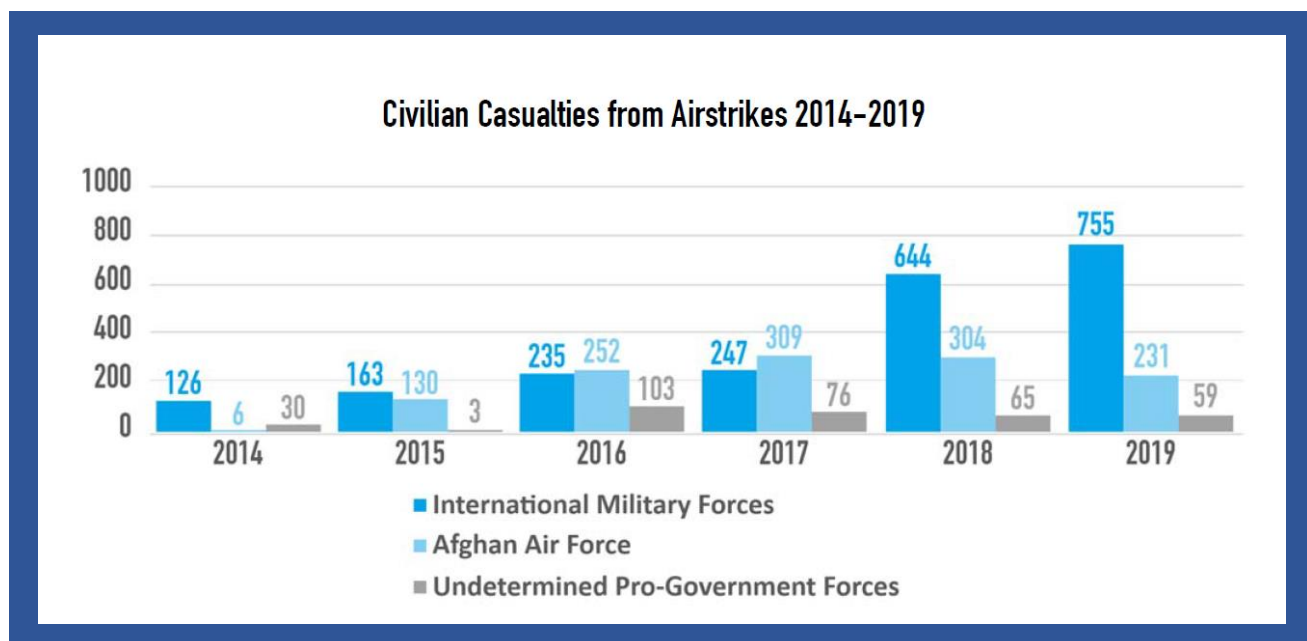
⁵ UNAMA, 2020 Mid-Year Report, p. 16.

⁶ UNAMA has raised concerns about increasing incidents of human rights violations and abuse by pro-government forces. Human Rights Watch published a report documenting Afghan paramilitary forces, supported by the CIA, implicated in extrajudicial executions and enforced disappearances, indiscriminate airstrikes, attacks on medical facilities, and other violations of international humanitarian law. See Human Rights Watch, "They've Shot Many Like This' Abusive Night Raids by CIA-Backed Afghan Strike Forces," October 2019, <https://www.hrw.org/news/2019/10/31/afghanistan-cia-backed-forces-commit-atrocities>.

⁷ UNAMA, 2019 Annual Report, p. 7.

⁸ Ibid.

⁹ UNAMA, 2020 Mid-Year Report, p. 16.



Source: UNAMA 2019 Annual Report

AIHRC reported 750 civilian casualties (485 killed and 265 injured) from airstrikes in 2019 by Afghan and IMF combined.¹⁰ AIHRC attributed 2.8 percent of civilian casualties to IMF, 11 percent to Afghan forces, 71.7 percent to the Taliban, 14 percent to Islamic State of Khorasan (IS-K), and 9 percent to unknown AOGs.¹¹ However, RS, which attributes civilian casualties to the source or perpetrator but does not breakdown incidents by type, attributed only two percent of civilian casualties to IMF, three percent to Afghan forces, 35 percent to the Taliban, seven percent to IS-K, and 48 percent to unknown AOGs.¹² Despite the inconsistency in these numbers, it is clear there has been a steady increase in civilian casualties. The Afghan public, outraged by the rise in civilian harm, has engaged in protests against airstrikes throughout the country.¹³

¹⁰ Afghanistan Independent Human Rights Commission, "Annual Report on Civilian Casualties in 2019" (February 2020), <https://www.aihrc.org.af/home/annual-reports/8759>. AIHRC did not disaggregate these figures by international forces and Afghan forces.

¹¹ AIHRC, "Annual Report on Civilian Casualties in 2019."

¹² Sahr Muhammedally and Marc Garlasco, "Reduction of Civilian Harm in Afghanistan: A Way Forward," *Just Security*, February 25, 2020, <https://www.justsecurity.org/68810/reduction-of-civilian-harm-in-afghanistan-a-way-forward/>.

¹³ See: Tamim Hamid, "Baghlan Residents Rally Against Civilian Casualties," *TOL Onews*, July 9, 2019, <https://tolonews.com/afghanistan/baghlan-residents-rally-against-civilian-casualties>; Ayaz Gul, "Afghans Rally Protests Killing of Civilians in Airstrike," *Voice of America*, January 26, 2020, <https://www.voanews.com/south-central-asia/afghan-rally-protests-killing-civilians-airstrike>; Shadi Khan Saif, "Afghanistan: Protests over civilian deaths turn violent," *Anadolu Agency*, September 29, 2019, <https://www.aa.com.tr/en/asia-pacific/afghanistan-protests-over-civilian-deaths-turn-violent/1597123>; Murtaza Hussain, "More Than 70 Children Killed In Just 10 Airstrikes In Afghanistan, Report Finds," *The Intercept*, June 3, 2020, <https://theintercept.com/2020/06/03/children-killed-airstrikes-afghanistan-tbj-report/>; "Eight Afghan Civilians Killed In Air Strike," *Radio Free Afghanistan*, February 16, 2020, <https://gandhara.rferl.org/a/eight-afghan-civilians-killed-in-air-strike/30436815.html>.

As parties to the conflict tried to obtain leverage for US-Taliban talks, kinetic activity increased.¹⁴ Airstrikes intensified overall, particularly after a pause in the negotiations between the US and the Taliban due to a Taliban attack in September 2019, which killed a dozen people, including an American soldier. A few days later, US President Donald Trump tweeted that the US military was hitting the Taliban “harder than” ever,¹⁵ aiming to pressure the Taliban to engage in the peace talks.

As the number of airstrikes by US forces and the AAF increased, the potential for civilian harm also increased significantly. This is shown in UNAMA’s records of the first nine months of 2019, which attributed 74 percent of civilian casualties from aerial operations to IMF and 19 percent to the AAF.¹⁶

On March 21, 2020, 11 civilians, including one man, seven children, and three women, were reportedly injured in an airstrike on Yakatut village in Imam Sahib district, Kunduz province. Local residents told CIVIC that a nearby Taliban judge’s house was probably the target. The judge was not at his home during the strike, which mistakenly hit his brother’s house.¹⁷

The MOD spokesperson denied this strike, asserting that they had not received a report of a strike or civilian casualties from Imam Saheb on the mentioned date.¹⁸ However, AIHRC released a statement confirming civilian casualties by an airstrike without specifying who carried out the strike.¹⁹ UNAMA’s 2020 first quarter report also confirmed the incident and number of casualties, indicating that the strike was conducted by the AAF.²⁰

CIVIC urges the MOD to review the AAR from AAF and ANA ground forces operating in Kunduz during this time given conflicting reports from UNAMA and AIHRC. The Afghan government should conduct an investigation to identify what happened, whether policies were followed, and what lessons can be learned. The government should also ensure impacted families receive assistance as required by the POC policy.

Identifying Lessons Learned from the 2018 Kunduz Incident

On April 2, 2018 around 12:30 pm, AAF helicopters fired rockets and machine guns at a gathering of approximately 1,500 people in Dasht-e Archi District of Kunduz province. The local community had gathered in an open-air ceremony to celebrate nine madrassa who completed the memorization of the Quran. The Afghan government claimed that the strike targeted senior Taliban commanders in the area. UNAMA investigated and found at least 107 casualties (36 killed and 71 injured), including at least 87 children. The Afghan government acknowledged that civilians had been killed, and President Ashraf Ghani apologized. However, government officials claimed that 25 Taliban leaders, including members of the ‘Red Unit’ and Quetta Shura, were killed and another 31 Taliban members were injured. The government established a commission to investigate the incident, but as of May 2020, no report of the commission’s findings has been made public.

In 2020, the MOD told CIVIC that the 2018 Airstrike Policy had been revised and awaits the minister’s signature. CIVIC has not been informed of the content of the policy. Neither this policy nor the commission’s report on the Kunduz incident have been made public. It is unclear what important lessons have been learned, what remedial actions have taken place, and what reforms have been made to prevent future incidents.

¹⁴ Muhammedally and Garlasco, “Reduction of Civilian Harm in Afghanistan: A Way Forward.”

¹⁵ Donald Trump (@realDonaldTrump), “The Taliban has never been hit harder than it is being hit right now. Killing 12 people, including one great American soldier, was not a good idea. There are much better ways to set up a negotiation. The Taliban knows they made a big mistake, and they have no idea how to recover!” Twitter, September 14, 2019, 3:02 p.m., <https://twitter.com/realdonaldtrump/status/117294882227595266?lang=en>.

¹⁶ UNAMA, 2019 Annual Report, p. 8.

¹⁷ CIVIC phone interviews with local residents in Yakatut, Imam Saheb district, Kunduz, April 8, 2020.

¹⁸ CIVIC phone interview with Fawad Aman, spokesman for MOD, April 16, 2020.

¹⁹ AIHRC, “درباره حمله هوایی در قریه یکهتوت ولسوالی حضرت امام صاحب ولایت کنډز,” (On the Airstrike on Yakatut Village, Hazrat Imam Sahib District, Kunduz Province) March 23, 2020, https://www.aihrc.org.af/home/press_release/8804.

²⁰ UNAMA, “Protection of Civilians in Armed Conflict First Quarter Report 2020” (April 2020), https://unama.unmissions.org/sites/default/files/unama_protection_of_civilians_in_armed_conflict_-_2020_first_quarter_report_english.pdf.

Targeting Processes

Afghan ground forces call in air support from the US or AAF when they are under attack, conducting operations against a high-value target, or traveling in large caravans that require operational or logistical assistance. According to the ANA and AAF officers interviewed, the targeting approval process for calling in Afghan airstrikes in a deliberate or planned strike is as follows:

Step 1: Ground commander identifies the mission need for air support and submits a request to the brigade commander.

Step 2: Brigade commander or ATAC (if assigned) locates the target's coordinate points and requests approval from the corps commander.

Step 3: ATACs share the request with Air Liaison Officers (ALO) based in the corps or at the MOD.²¹

Step 4: ALOs input the information to the flight plan and, after the Chief of General Staff at the MOD approves the request, pass it to the AAF for action.

Step 5: The AAF prioritizes and then processes the requests and provides AAF pilots with an approved target package. They conduct the mission in coordination with ATACs on the ground.

However, the process for requesting A29 planes²² is slightly different:

Step 1: G2 (intelligence) prepares the list of targets and requests approval from the Chief of General Staff at MOD.

Step 2: The Mission Planning Cell (MPC) gives pilots the approved targets.

The process for calling dynamic strikes (targets of opportunity) takes place in a compressed time period (between one to two hours) and is as follows:

Step 1: The ground commander calls the relevant corps commander.

Step 2: The corps commander calls the AAF's commander or ALO.

Step 3: The AAF's commander provides the requested planes based on the level of urgency of the request and availability of planes.²³

²¹ There are key differences between ATACS and ALOs. ATACs accompany ground forces, and identify enemy targets and strike requirements. ALOs are based at corps and MOD and develop target packages and submit them to MOD, which prioritizes targets and analyzes them for compliance with policies and for risk of civilian casualties. Moreover, while AAF has ALOs, the Afghan Special Security Forces has Afghan air targeting officers who also undertake ALO roles.

²² CIVIC's understanding is that as there are limited number of A29s and they are used for high-value targets, therefore all of their operations have to be planned at MOD.

²³ CIVIC interviews with AAF officer, Kabul, Interview no. 1, December 22, 2019; CIVIC interviews with ANA and commando officers, 201 Corps, Laghman, Interview no. 1, 2, and 3, December 12, 2019.

Good Policies and Practices

Collateral Assessments and Rules of Engagement

According to interviewees, CHM measures—including collateral damage estimates (CDE)²⁴ and choice of appropriate weapons for the terrain, mission, and population—are considered when planning deliberate airstrikes.²⁵ During the operation, the pilots are responsible for identifying civilians, and if there is even “one civilian” within range of the strike, the pilots are not permitted to strike.²⁶

AAF pilots have the authority to not engage the target if there is a concern about civilian casualties. According to the US Department of Defense (DOD), 249 of the 1,053 AAF missions reviewed by the Special Inspector General for Afghanistan Reconstruction (SIGAR) were canceled because the pilots observed civilian presence or had concerns about the likelihood of civilian casualties.²⁷

Operational Planning Officers at the Operations Directorate in the MOD conduct CDEs and “pattern of life” analyses to identify civilians in the area in the hours or days prior to planned attacks. These assessments rely on ground intelligence and RS-supported ISR, when available. Officers told CIVIC that even during CAS, they watch for civilian presence and follow the ROE.²⁸

For dynamic strikes, the ground commander must ensure civilians will not be harmed before requesting the strike. The pilots are also responsible for assessing potential civilian casualties and seeking final approval from the ground commander before the strike. Dynamic targeting generally takes place over a one- to two-hour period, during which identification, intelligence vetting, and risk assessment to civilians must happen in real-time, which increases the likelihood of mistakes.

The AAF has adopted ROE for all military forces operating in Afghanistan, requiring compliance with the Law of Armed Conflict (LOAC) and PID of a target prior to engagement. Afghan ROE restrict attacks on cultural buildings, nonmilitary structures, religious places, and health care facilities, except when being misused for military purposes, which requires higher command approval and evaluation from a proportionality lens.²⁹

Use of ATACs

Properly trained ATACs are critical to directing air to ground operations. They can identify civilian presence, the location of civilian objects and infrastructure, and the location of friendly and enemy forces. As of January 2019, the AAF increased its ATAC support to all six ANA Corps.³⁰

NATO started training and equipping ATACs in 2013, totaling 400 as of August 2019.³¹ ATACs were initially under ANA regional corps command. However, after an October 2018 fratricide incident in

²⁴ This includes estimating distances of civilian houses, mosques and public institutions from targets and assessing potential civilian presence.

²⁵ CIVIC interviews with ANA and commando officers, 201 Corps, Laghman, Interview no. 1, 2, and 3, December 12, 2019.

²⁶ CIVIC phone interviews with AAF officer, Kabul, Interview no. 1, December 22, 2019.

²⁷ US Department of Defense, “Evaluation of U.S. and Coalition Efforts to Train, Advise, Assist, and Equip Afghan Tactical Air Coordinators, Air Liaison Officers, and Afghan Air Targeting Officers” (August 2019), <https://media.defense.gov/2019/Aug/12/2002170083/-1/-1/1/DODIG-2019-110.PDF>.

²⁸ Group discussion with ANASOC’s School of Excellence’s officials, Kabul city, Kabul, December 23, 2019.

²⁹ CIVIC interviews with AAF officials. Do you need dates, locations, and interview numbers here?

³⁰ US Department of Defense, “Report on Enhancing Security and Stability in Afghanistan” (June 2019), <https://media.defense.gov/2019/Jul/12/2002156816/-1/-1/1/ENHANCING-SECURITY-AND-STABILITY-IN-AFGHANISTAN.PDF>.

³¹ US Department of Defense, “Evaluation of U.S. and Coalition Efforts to Train, Advise, Assist and Equip.”

Helmand province that killed 10 Afghan police, ATACs were moved to AAF's command and control with a new training program to develop their baseline qualifications.³²

The training of qualified, experienced, and correctly placed ATACs has been a key mission for NATO's Train Advise Assist Command-Air. Based on a DOD report from June 2019, the nine-week training had to produce between 30 to 40 ATACs per year.³³ However, a subsequent DOD report claimed that "Afghan forces trained by the US and coalition advisers aren't capable of coordinating airdrops and may not receive adequate training to prevent them from killing civilians and friendly forces during airstrikes."³⁴

Moreover, the use of ATACs to support aerial operations remains limited. According to the DOD Lead Inspector General report, only between 2.5 and 7.5 percent of AAF strikes from MD-530s and A-29s involve an ATAC.³⁵

Challenges

Lack of Implementation of the 2017 Civilian Casualties Prevention and Mitigation Policy

CIVIC has found that 13 out of 16 ANA officers interviewed from Herat, Kandahar, Laghman, and Kabul did not have any knowledge of the 2017 POC policy or its implementation.

An ANA officer told CIVIC in Herat province that they heard about the policy through statements from their leadership but did not know any of the policy's details. He stated that officers should have a comprehensive understanding of the policy and should be included in the planning because their core duty is to protect civilians.³⁶ Another ANA officer from Herat told CIVIC that lower rank commanders should be trained on the policy because they are involved in the fighting, further noting that there should be practical written guidance on the policy's implementation.³⁷ An ANA officer in Kandahar told CIVIC that the policy should be shared at every level, and paired with training on implementation.³⁸ ANA officers in Laghman province shared the same concerns while telling CIVIC that they were unaware of the policy and had no training on its implementation.³⁹

Dissemination of the policy and steps for implementation are essential to influencing the behavior and mindset of forces on civilian protection. If commanders have the policy on hand, they can refer to it during trainings and meetings, use it for operational planning, contribute to the quarterly National Security Council (NSC)-led Civilian Casualty Mitigation Assessment Board (CAMB) meetings, and have a common platform for exchanging good practices on CHM, challenges, and lessons learned.

Communication and Coordination Gaps in Air to Ground Operations

CIVIC's research suggests that ineffective air to ground coordination contributes to civilian harm from aerial operations. ATACs are at the brigade level, but not deployed at battalion and company levels, where frontline fighting typically occurs. In practice, the lack of trained ATACs at the

³² Ibid.

³³ US Department of Defense, "Report on Enhancing Security and Stability in Afghanistan."

³⁴ Phillip Walter Wellman, "Afghans Lack Training for Airdrops and Accurate Airstrikes, IG Reports," *Stars and Stripes*, August 13, 2019, <https://www.stripes.com/news/middle-east/afghans-lack-training-for-airdrops-and-accurate-airstrikes-ig-reports-1.594184>. The report also indicated the ATAC training program did not achieve its objectives as NATO advisers decided not to train the Afghans on coordinating airdrops even though it was in the curriculum.

³⁵ US Department of Defense, Lead Inspector General, "Operation Freedom's Sentinel: Lead Inspector General Report To The United States Congress" (2019), https://www.stateoig.gov/system/files/q4fy2019_leadig_ofs_report.pdf.

³⁶ CIVIC interview with ANA Officer, Herat, Interview no. 1, October 23, 2019.

³⁷ CIVIC interview with ANA Officer, Herat, Interview no. 3, October 23, 2019.

³⁸ CIVIC interview with ANA Officer, Kandahar, Interview no. 2, November 6, 2019.

³⁹ CIVIC interview with ANA Officers, Laghman, Interviews no. 1, 2, and 3, October 23, 2019.

battalion and company levels means that they cannot communicate directly with pilots in real-time. As a result, the pilot may hit the wrong target or ground forces may not receive urgent CAS. For example, during an engagement between the government and the Taliban in Qala-e Zal district of Kunduz province in 2016, an AAF helicopter mistakenly bombed a civilian house while the Taliban was positioned hundreds of meters away.⁴⁰

Furthermore, according to the DOD Lead Inspector General, “ANA is often unwilling to integrate ATACs into their planning and mission execution. Commanders often reassign ATACs to other duties where their ATAC skills are unutilized. In the absence of ATACs, ANA tactical-level leaders talk directly with the AAF aircrew over radio.”⁴¹ Direct communication between the ground commander and the pilot is critical when the target is mobile, does not wear uniforms, and operates in areas where civilians are present. This concern is also addressed in UNAMA’s 2019 annual report, which noted that “the lack of trained ATACs on the ground to assist with targeting will continue to affect the accuracy and precautionary measures, and will, therefore, continue to cause civilian casualties.”⁴²

“Poor communication among the units is one of our basic challenges.”

- ANA officer in Herat

An ANA officer in Herat told CIVIC, “there is no communication at the company level (and lower) and between the ground and air while aerial attacks are conducted.”⁴³ This lack of communication between those closest to the fight impacts the ability of ANDSF for PID of a target and movement of civilians. Interviewees also cited concerns about the lack of radios for communicating with officials, reporting that there are roughly two per battalion. The ANA officer from Herat province stated, “there are no RS radio devices at the company, squad and infantry’s level, which would be capable of communicating directly with the pilot. The

lack of such devices is a serious problem for us.” He added, “poor communication among the units is one of our basic challenges.”⁴⁴

ANA officers in Kandahar raised the same concerns with CIVIC, stating that they are not aware when most airstrikes are conducted by IMF or AAF. An ANA officer said that they have requested that ATACs be deployed at the brigade level without any response.⁴⁵ Another officer requested a modern radio system because the current one is not equipped for direct communication with the air force.⁴⁶

Some ground commanders prefer direct contact between ground forces and pilots, rather than through the ATAC, which they say is “time-consuming” and results in the enemy moving and rapidly changing coordinates, contributing to possible civilian harm. An ATAC officer offered another perspective, saying that the ground commanders prioritize force protection and hitting the target, whereas the ATAC’s role is to consider the safety of civilians. The ATAC recalled different cases where a ground force commander requested an airstrike and overlooked the possibility of

⁴⁰ CIVIC interview with community elders from Kunduz, Mazar, Interview no. 1 December 2, 2019.

⁴¹ Lead Inspector General, “Operation Freedom’s Sentinel: Lead Inspector General Report To The United States Congress.”

⁴² UNAMA, 2019 Annual Report, pg. 61.

⁴³ CIVIC interview with ANA Officer, Herat, Interview no. 3, October 23, 2019.

⁴⁴ CIVIC interview with ANA Officer, Herat, Interview no. 3, October 23, 2019.

⁴⁵ CIVIC interview with ANA Officer, Kandahar, Interview no. 1, November 6, 2019.

⁴⁶ CIVIC interview with ANA Officer, Kandahar, Interview no. 2, November 6, 2019.

civilian casualties, demanding a strike on a home that may have had a civilian presence or civilian family members of enemy fighters.⁴⁷

There are reports that the government may dismantle the ATAC structure and hand over their responsibilities to ground forces.⁴⁸ This would pose a higher risk to civilians as ground forces are insufficiently trained on CHM practices, conducting CDEs, and properly using maps to identify target locations.

Difficulties in Using Maps to Provide Target Coordination

CIVIC's interviews demonstrate that ANA officers have difficulties using the paper map system—or what they call *kharita*—to give accurate coordinates to the air forces. The majority of the ANA officers interviewed in Herat and Kandahar said that they did not know how to use the paper map system and consequently have provided the wrong GPS location for targets, which contributed to civilian casualties from airstrikes. An ANA officer in Kandahar admitted that the ANA officers who give the coordinate points are not professionals, which leads to civilian casualties.⁴⁹ An ANA officer in Herat stated, “we are unable to learn the map system and its guidance in just a six-month training. This lack of understanding of the map leads us in the wrong direction and to the wrong target.”⁵⁰ Moreover, troops in Herat complained that the maps are outdated, noting that they are from the 1980s.⁵¹

In contrast, CIVIC's ANA interviewees in Kabul and Nangarhar were well trained in using different systems (such as Offline Maps and GPS). For example, ANASOC's School of Excellence (SOE) trains its recruits on air to ground coordination and usage of more than one system to provide coordinates to the AAF.⁵² SOE trainers believe a paper map system is useful. It allows them to cross-check coordinates from digital GPS systems against paper maps which contain geographic details of a location rather than just numbers produced by GPS.⁵³

Another problem identified is the difference between the maps used by the ANA and RS. IMF-trained ANA officers use updated maps, but when forward-deployed, they use different maps, which presents challenges about the accuracy of locations for targeting.

Reliance on Human Intelligence

The ANSDF relies on human intelligence through informants, as well as village mullahs and elders, to identify enemy and civilian locations during operations.⁵⁴ Vetting intelligence to mitigate tribal, familial, and other biases from informants is essential to ensuring the right military target is engaged and that civilians are not targeted. The use of local informants is understandable given ANA's lack of technical ISR capacity. However, they must cross-check this information with different sources before taking action. When conducting joint operations with the US, NATO ISR assets are used.

Pilot observation is also a targeting source. The ATACs ask pilots about their observations from the air, which an ALO admitted is different “most of the time” than the information from the ground.⁵⁵

⁴⁷ CIVIC interview with AAF Officer, Kabul, Interview no. 1, December 22, 2019.

⁴⁸ CIVIC interview with AAF Officer, Kabul, Interview no. 1, December 22, 2019.

⁴⁹ CIVIC interview with ANA Officer, Kandahar, Interview no. 2, November 6, 2019.

⁵⁰ CIVIC interview with ANA Officer, Herat, Interview no. 2, October 23, 2019.

⁵¹ CIVIC interview with ANA Officer, Herat, Interview no. 3, October 23, 2019.

⁵² US Department of Defense, “Report on Enhancing Security and Stability in Afghanistan,” and CIVIC focus group discussion with ANASOC's School of Excellence's officials, Kabul, December 23, 2019.

⁵³ CIVIC interview with ANASOC officer, Kabul, Interview no. 1, December 23, 2019.

⁵⁴ CIVIC interview with ANA officer, 201 Corps, Laghman, Interview No. 2, December 12, 2019.

⁵⁵ CIVIC focus group discussion with ANA and AAF, Kandahar, November 5, 2019.

CIVIC is concerned about the potential for error when targeting decisions are made with urgency and insufficient information regarding the presence of civilians (such as in a car or house) or the civilian status of individuals in a targeted location.

Effectiveness of Afghan Air Platforms

Some ANA officers have raised concerns about the MD-530 *Jengi* helicopter and its suitability for CAS. MD-530s are intended to help transition from Mi-17s, several of which crashed in 2018 from overuse.⁵⁶ ANA officers believe MD-530 helicopters are too light for Afghanistan's mountainous terrain and are not suitable for heavy weapons such as *DShKs* (machine guns).⁵⁷ Moreover, the officers believe that the MD-350 can cause civilian casualties because it is not equipped with laser-guided missiles.⁵⁸

During practice strikes from MD-530s by the 201st Corps in Laghman province, ANA officers told CIVIC that they observed that the MD-530s could not always hit targets accurately. Because of the light weight of the helicopter, it can move or shake during targeting with heavy machine guns or rockets. However, an AAF officer CIVIC interviewed disagreed with ANA officers saying that the MD-530 is well equipped and suitable for Afghanistan due to its cost and effectiveness.⁵⁹

The helicopters that were initially sent to Afghanistan in 2015 carried only two .50 caliber machine guns (400 round capacity for each).⁶⁰ The armament was later increased, adding two rocket pods carrying seven Hydra rockets each. The helicopters were widely criticized by the AAF as underpowered, undergunned, ill-equipped to operate in Afghanistan's high-altitude mountains, and of limited range and utility.⁶¹ The helicopters use unguided weapons that "bloom" as they descend on the target, resulting in damage spread over several dozen square meters. However, American officials have stressed that these helicopters are "a quick — and realistic — solution to Afghanistan's air force needs" as they are simple to fly, easy to repair, and can be put into action quickly.⁶²

Conclusion

This policy brief highlights the significant challenges the ANDSF faces during aerial operations, leading to the sharp rise in civilian harm. The Afghan government and its forces are obligated to take all feasible precautions to minimize civilian harm during military operations. CIVIC has found that lack of awareness and implementation of the Civilian Casualties Prevention and Mitigation Policy among ANA officers, reliance on outdated maps for targeting, insufficient coordination between the ground and air forces, use of potentially biased human intelligence, and insufficient learning from previous mistakes have contributed to civilian casualties. Many of the gaps identified can be improved if the Afghan government and ANDSF prioritize and commit to addressing them. The Afghan government, with support from its international allies, can and must address these gaps to preserve civilian life and ease the longstanding suffering of Afghan civilians.

⁵⁶ Special Inspector General for Afghanistan Reconstruction, "Quarterly Report to the United States Congress" (2018), <https://www.sigar.mil/pdf/quarterlyreports/2018-10-30qr.pdf>. The AAF's MD-530 helicopter has flown more hours than any other aircraft, averaging 1,049 hours per month and surpassing the Russian-made Mi-17 for the first time.

⁵⁷ CIVIC interview with ANA officer, 201 Corps, Laghman, Interview no. 2, December 12, 2019.

⁵⁸ CIVIC interview with ANA officer, 201 Corps, Laghman, Interview no. 2, December 12, 2019.

⁵⁹ CIVIC interview with AAF officer, Kabul, Interview no. 1, December 22, 2019.

⁶⁰ Airforce Technology, "MD 530F Cayuse Warrior Helicopter," 2020, <https://www.airforce-technology.com/projects/md-530f-cayuse-warrior-helicopter/>.

⁶¹ Rod Nordland, "U.S. Is Struggling in Its Effort to Build an Afghan Air Force," *The New York Times*, September 26, 2015,

https://www.nytimes.com/2015/09/27/world/asia/us-is-struggling-in-its-effort-to-build-an-afghan-air-force.html?_r=0.

⁶² Nordland.